

ELEMENTOS NÃO-ECONÔMICOS NA CONSTRUÇÃO DO MERCADO DO FUTEBOL: MITO DO HERÓI E FLEXIBILIZAÇÃO NA LEGISLAÇÃO

ELEMENTOS NO ECONÓMICOS EN LA CONSTRUCCIÓN DEL MERCADO DE FÚTBOL: MITO DEL HÉROE Y FLEXIBILIZACIÓN EN LA LEGISLACIÓN

NON-ECONOMIC ELEMENTS IN THE CONSTRUCTION OF THE FOOTBALL MARKET: MYTH OF THE HERO AND FLEXIBILIZATION IN LEGISLATION

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RESUMO: O artigo trata da construção social do mercado do futebol no Brasil, buscando identificar elementos não-econômicos que ajudam a fundamentar este mercado. Com inspiração na sociologia econômica, argumenta que variáveis culturais (mito do jogador como herói) e variáveis sociais (flexibilização na legislação), ajudam a explicar a alta movimentação econômica desse mercado, sobretudo após os anos 2000. Teve como metodologia, pesquisa de campo na Ferroviária de Araraquara e pesquisa na *internet*.

PALAVRAS-CHAVE: Mercado do futebol. Sociologia econômica. Mito do herói. Transferências de atletas.

RESUMEN: *El artículo trata de la construcción social del mercado del fútbol en Brasil, buscando identificar elementos no económicos que ayuden a basar este mercado. Con inspiración en la sociología económica, argumenta que las variables culturales (mito del jugador como un héroe) y las variables sociales (flexibilidad en la legislación), ayuda a explicar el alto dinamismo económico de este mercado, sobre todo después de la década de 2000. Tuvo como metodología, el trabajo de campo en la Ferroviária de Araraquara y la investigación en internet.*

PALABRAS CLAVE: Mercado de fútbol. Sociología económica. Mito del héroe. Ttraslado de deportistas.

ABSTRACT: *The article deals with the social construction of the football market in Brazil, seeking to identify non-economic elements that help to support this Market. Inspired by economic sociology, we argue that cultural variables (myth of the player as a hero) and social variables (flexibility in legislation), help to explain the high economic movement of this market, especially after the 2000s. It had as methodology the research of field in the Ferroviária of Araraquara and research on the internet.*

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Introduction

Football is the most practiced sport in the country; there are about 30 million people interested in this sport and 500 professional teams competing in championships under the legislation of the Brazilian Football Confederation (CBF) (ZANVIANI, 2017).

As part of the process, the market produced by world football is, year after year, in constant movement, and is increasingly relevant in terms of monetary values. This market consists of several sources of profits, such as the advertising market, sale of games to television networks, investment in the stock exchange and streaming and pay-per-view.

This without forgetting the real estate market for the construction of stadiums and infrastructure for the realization of games and major events, which was evident in Brazil, during the construction and renovation of stadiums for the 2016 Olympics and the World Cup, 2014. The works were carried out by the Brazilian State, based on the Growth Acceleration Program (PAC) (JARDIM, 2015).

In addition, the sale of sporting goods, such as uniforms and football boots, is also a great source of income for clubs and sponsors. Finally, we cannot forget the profits resulting from the transfer of players around the world, especially in Europe, equivalent to 31 billion reais³.

In Brazil, the numbers are less expressive than those of the European market; however, we cannot say that there is a low amount of money in the country, even when referring only to player transfers. A survey by CBF and the International Football Federation (FIFA), in 2016, indicates a movement of R \$ 311,421,250.00 received by Brazilian clubs, resulting from 614 transfers of athletes. And these numbers increased considerably after the 2000s, with the regulation of laws that make the football market more flexible. In 2019, FIFA counted the total of 984 athletes who left Brazil, which places the country as the first in the ranking of player exports, generating a market that, only in transfers, reaches figures close to U \$ 371 million⁴.

³ Transferências internacionais em 2019 chegam a quase R\$31 bilhões, aponta relatório da FIFA. **Globo Esporte**, 2019. Available at: <https://globoesporte.globo.com/futebol/futebol-internacional/noticia/gastos-com-transferencias-em-2019-quegam-a-quase-r-31-bilhoes-aponta-relatorio-da-fifa.ghtml>. Access: 08 abr. 2020.

⁴ SIQUEIRA, I. Fifa: Brasil é o mais ativo no mercado de transferências internacionais em 2019. **O Globo**, 2020. Available at: <https://oglobo.globo.com/esportes/fifa-brasil-o-mais-ativo-no-mercado-de-transferencias-internacionais-em-2019-24205203>. Access: 26 mar. 2020

Considering football as an object of sociological study, the article aims to identify non-economic elements that help to support this market. Our argument is that the myth of the player, as a hero, allows romanticizing this sport, generating a high offer of players; and that the relaxation of the legislation that deals with transfers of athletes, leads to the dynamization of this market. The two variables together help to explain the functioning of this market. Inspired by economic sociology and had as methodology, field research at the *Ferroviária de Araraquara*⁵ and research on the internet.

In addition to this Introduction and the Conclusion, the article is divided into three sections; in the next, we present the theoretical framework that inspires this research; then, we present football as a sociological phenomenon; finally, in the third section, we present the non-economic elements identified in the research - myth of the hero and relaxation of the legal framework with regard to player transfers.

Theoretical-methodological framework

The guiding thread of our reflection is economic sociology, especially that which deals with the social construction of markets. This field of science, which has been claimed since the 1970s (JARDIM; CANDIDO, 2019, p. 1) by the so-called “sociologists of economics”, managed to unite and manage the literature produced in the economic sciences and the social sciences, mainly the sociology. According to Abramovay (2004, p. 10), “economics is the science that explains how individuals make choices, while sociology is dedicated to showing that they have no choice to make”⁶, since their choices would be conditioned by cultural variables, political, social, symbolic. Therefore, the economy would be rooted in non-economic elements.

For this argument, sociologists of economics are inspired by the classic thesis of Polanyi (1980), for whom the economic is rooted in social life, in order to demonstrate that the separation between the social and the economic is a utopian project propagated by liberals and utilitarian.

⁵ Ferroviária, as it is popularly known, is a sports association in the city of Araraquara, located in the interior of the State of São Paulo. It was founded on April 12, 1950 by a group of railway employees. Since its debut in the 1956 São Paulo championship, Ferroviária has frequently participated in the elite of São Paulo football - between descents and accesses - standing out among teams from the interior of the state. In 2018, the team competed in the D series with a view to accessing the top divisions of national football, like the feat of the 1980s.

⁶ “economia é a ciência que explica como os indivíduos fazem escolhas, enquanto a sociologia se dedica a mostrar que eles não têm escolha nenhuma a fazer”

For the author, economic liberalism misinterpreted the phenomena caused by the Industrial Revolution. Liberal philosophy, for the author, made a big mistake in analyzing and understanding the problem of change. The author argues that the economic production and distribution process are linked to interests of a social nature. In a market economy, as theorized by utilitarian and liberal intellectuals in the 19th century, the social system as a whole has to organize itself to live under the aegis of the fundamental concepts of the self-regulating market, a phenomenon that, according to Polanyi (1980), never occurred in the history of mankind. Therefore, considering the historical experience of the late 19th and early 20th centuries, Polanyi states that the project of an uprooted market economy is an impossible project to achieve:

Our thesis is that the idea of a self-regulating market, implied a complete utopia. Such an institution could not exist at any time without annihilating the human and natural substance of society; it would have physically destroyed man and turned his environment into a desert (POLANYI, 1980, p. 16).⁷

Inspired by Polanyi, Granovetter (2007) radicalized the concept of rooting, placing greater emphasis than Polanyi on rooting the economic to the social. For the author, if in pre-market societies economic behavior was rooted in social relations, in modern societies the economy becomes a differentiated sphere: economic exchanges are no longer defined by social obligations, but by rational calculation, focused on to maximize the gain. Still, the author understands that economic agents also guide their conduct towards objectives that are not only purely economic, but social, such as sociability, recognition, status and power. Thus, Granovetter (2007) affirms - from the concept taken from Polanyi's work and from his empirical study on the labor market in the United States - that the actions of the economic agent are always rooted in social networks.

In this sense, for the author, it is not possible to create a self-regulating market completely disconnected from other human relationships, since the market relationship is completely rooted in networks of interpersonal relationships (GRANOVETTER, 2007).

From Polanyi, a group of authors claim the existence of non-economic elements in the construction of a market. This leads to a relative consensus in economic sociology, namely, that "economic facts do not occur in a vacuum, but within a social framework, composed of varied

⁷ Nossa tese é que a ideia de um mercado autorregulável, implicava uma rematada utopia. Uma tal instituição não poderia existir em qualquer tempo sem aniquilar a substancia humana e natural da sociedade; ela teria destruído fisicamente o homem e transformado seu ambiente num deserto (POLANYI, 1980, p. 16).

social relations"⁸ (GRANOVETTER, 2007), which in turn involve culture (ZELIZER, 2011), *habitus* and capitals (BOURDIEU, 2002), social rooting (POLANYI, 1980), reciprocity (MAUSS, 2008), cognitive conventions (DOUGLAS, 1986), politics (FLIGSTEIN, 2001) and performance, (CALLON, 1988; STEINER, 2016).

Considering the assumptions of economic sociology, that every market is rooted in the social, we defend the argument that the football market in Brazil does not consolidate itself in a social vacuum, cultural and social variables helped to explain its functioning. As a cultural variable, we consider the myth of the player as a hero; as a social variable, we consider the legal apparatus, especially in the case of transferring athletes.

Football in Brazil: genesis and constitution of a sociological phenomenon

Football was introduced in Brazil at the end of the 19th century, as a result of English tradition. There are doubts about who brought the sport to the country, if it would be Charles Muller, who after studying in England would have brought the sport to Brazilian lands, or if it was previously practiced in schools and workers' unions of English origin (PIMENTA, 1997).

In the beginning, the football tradition was practiced only by members of the Brazilian elite, predominantly white and of foreign origin, mainly English, returning to the English origins of the sport. Football was subsequently linked to the hygienic ideological policies of the 1920s and 1930s, as a positive activity of the body, healthy and hygienic, capable of placing it at the service of the country and the future (ANTUNES, 2004). As said by one of the pillars of the modernization movement in Brazil, Olavo Bilac, sport would also be necessary and fundamental for the 'social hygiene' aimed at 'cleaning up the mestizo race' in Brazil (ANTUNES, 2004).

According to Pimenta (1997), the popularity of football increased with the passage of time, and the sport started to stop being practiced only by the elite and became popularized by the lower classes, like foreign immigrants who came to the country and mainly by the population of black and worker origin. Regarding the popularization of football, Rodrigues Filho (1964) states that we can only talk about its popularization, starting from the insertion of the black in the fight, an argument shared by Pimenta (1997).

At first, the Brazilian reaction to the practice of football was ambiguous (PIMENTA, 1997), since sport brought a set of rules - dated and signified by a process of industrial

⁸ "os fatos econômicos não ocorrem em um vazio, mas dentro de um marco social, composto por relações sociais variadas"

revolution, in which bourgeois and capitalist values were represented in the competitive spirit -, completely different from the Brazilian reality, in which clientelist politics, the practice of favor, the formation of hierarchies, not only social, but ethical, moral and cultural, were predominant.

Due to these characteristics, the search for the professionalization of football was surrounded by difficulties, becoming possible, thanks to the performance of industrial work, which took the sport to the urban layers. More specifically, the administration of the clubs by dealers and industrialists created the possibility for the athlete to work in the industry and obtain extra gains with the so-called “*bichos*”; and, above all, acquire prestige. (ANTUNES, 2004). Thus, the black, together with the working class, saw football as a possibility of social ascension, which may explain, to some extent, the adhesion of these social groups to the sport.

Parallel to the practice of football, there were movements against the adhesion of sport as a national character, in which intellectuals such as Lima Barreto and Graciliano Ramos led the idea that football, being a sport of English origin, should not be practiced in the country, because it would be foreign, without expressing national values; on the other hand, national sports practice should refer to sports of national origin, such as punching, bludgeon and cutting edge, as argued by Graciliano Ramos, who did not believe in the future of football in Brazil (ANTUNES, 2004) .

According to Antunes (2004), football managed to overcome nationalist criticism and became a national practice, in all corners of the country, conquering the Brazilian population, from the elite to the lower classes; the same author informs, that football caught the attention of journalists and politicians, who started to link sport with the written press and radio broadcasts, leveraging the popularization of football.

In the Vargas Government, with the creation of the CND (National Sports Council), the first state intervention related to football took place and there were others in the following decades: the Brazilian tradition of civil law, allowed Vargas to establish not only laws related to civil, political and social rights, but also placed the State in the function of regulating the moral and ethical values of society - unlike the traditions of common law, in which society forms the State and implements traditions linked to society. Vargas saw football - then a socially acclaimed sport in Brazil - as a highly popular political instrument and began to interfere directly in the administrations of clubs through the CND.

Therefore, during the Vargas government, football was used as national propaganda (ANTUNES, 2004). In the same way, investments were made in the construction of stadiums, such as Pacaembu, in São Paulo, and Maracanã, in Rio de Janeiro, investments that affected

state economies, boosting job generation. The peak of these Vargas actions was the 1950 World Cup, held in Brazil, which finally put Brazil on the football map (ANTUNES, 2004).

State interference in football was also very present in the military governments, gaining strength in the late 1960s and establishing itself once and for all in the 1970s, with the triple world championship of the Brazilian team. In this context, there was an important agent present in the military actions, the then president of CBF, João Havelange, who was responsible for taking football to the whole country, with the creation of the Brazilian Football Championship, in 1971 (FRANCISCHINI, 2009).

The organization of the 1971 Brazilian Championship brought unprecedented innovations in the administrative manner in which sport was conducted in Brazil. There was a process of modernization of investment in infrastructure to host the championship, such as the construction of stadiums across the country, which would guarantee the participation of clubs in the championship. Therefore, clubs and states invested heavily in the construction of stadiums, moving local economies and propagating the military regime, with the idea of modernization and job creation.

Finally, we remember that Brazil also hosted the 2014 World Cup and the 2016 Olympics, when it also made considerable economic investments in infrastructure in the area of sports, generating jobs and moving the economy (JARDIM, 2015).

Considering the brief excerpt from the history of Brazilian football presented, we saw that since its genesis football has been a complex sociological phenomenon, permeated by several variables: economic (large financial movements, generation of jobs and income), political (the State as an agent internal or external to sport), sociocultural (football as part of the daily life of all social classes). In the next section, we will highlight the cultural and social variables that we identified in our field research. As a cultural variable, we understand the myth of the player as a hero; as a social variable, we understand the legal framework of the sector, especially the one that facilitates transfers of athletes.

Player as Hero: cultural variable

We assume in this article that the football market is sustained in a discourse that is in opposition to that of economic rationality: the player as a hero. We found this speech during our field research, carried out at the *Ferrovária de Araraquara*, and it is present in professional and amateur athletes. Our argument is that this discourse helps in the functioning of the market,

since there would be, in Brazil, a cultural pre-disposition that relates player and hero, causing a great offer of athletes.

With regard to our fieldwork, we inform that the second author of this article visited the *Ferroviária de Araraquara* on training days, observing and talking informally with the players. In addition, he talked to former athletes from the city. On these occasions, a Field Diary was prepared, in which the experiences of ten players in this club and others they had been through were reported. These reports help to elaborate the discussion that we now present in this item.

During the field research, we observed that stories of overcoming were common among players; the more resilience an athlete shows, the more he is valued by the sports community. It is as if overcoming, the positive way of facing challenges, is a symbolic marker, an ethic that allows acceptance by the group.

Some of the overcoming stories shared among the players, refer to “delayed wages”, “precarious housing”, “trips on damaged bus”, “second-rate sports equipment”, “fields with adequate conditions for training”, “unsatisfactory food”, “training on an empty stomach” and accidents during training and games.

Take, for example, the case of Alessandro, 43, who was a professional athlete from eighteen to twenty-six and whose career was interrupted due to an injury to his right foot. Despite the sadness of having to abandon football “at the height of his career”, the former athlete speaks with joy about the period he traveled the country with football: “*it was the best time of my life; I didn't look at the difficulties or the salary, I wanted to play football; give joy to the fans*”⁹. About abandoning football, he speaks with resignation: “*this is how things are and we must overcome them*”¹⁰.

Talking about suffering with joy and honor, that is, the romanticization of suffering is present not only in Alessandro, but in all the players with whom we spoke. Thus, we hear cases about the “*economic sacrifices of the family to get the first boot*”¹¹; about “*sleeping in the stands, on the eve of a test, for not having money for a hotel*”¹²; about “*taking the test hungry, for lack of money*”¹³. We heard many cases of exaltation of difficulties and overcoming in the face of precarious situations; therefore, players approach, without even realizing it, the player's myth, like a hero.

⁹ “foi a melhor época da minha vida; não olhava as dificuldades e nem o salário, eu queria era jogar futebol; dar alegria para o torcedor”

¹⁰ “são assim que são as coisas e devemos superá-las”

¹¹ “sacrifícios econômicos da família para conseguir a primeira chuteira”

¹² “dormir nas arquibancadas, nas vésperas de um teste, por não ter dinheiro para um hotel”

¹³ “realizar o teste com fome, por falta de dinheiro”

According to Rubio (2008), heroic qualities have their values defined in war conflicts and war, in Ancient Greece:

[...] similarly correspond to the virtues necessary to triumph from chaos. [...] We have, then, that the victory over himself is the great propellant of the hero of all times. Given this perspective, the hero can be seen beyond a character, but as a form that structures an attitude pattern (RUBIO, 2008, p. 221).¹⁴

Despite stressing that “*the pleasure is to give joy to the fans*”¹⁵, the athletes refer to the stories of successful athletes and aim to receive salaries above the national average. Despite less than 1% of athletes receiving over R \$ 500 thousand a month, according to CBF, the players produce a romanticized speech about the profession. These athletes show us, through their stories of overcoming, that “*the sacrifices are worthwhile, as they will be rewarded in the future*”¹⁶.

Nevertheless, the speeches of difficulty and overcoming, are also found in successful athletes, who start to influence the players of small clubs. As an illustrative example, we collected material written by Daniel Alves, to show this performance process.

In the text **The Secret**¹⁷, written by the athlete on The Players Tribune website makes the following statement: “*My father is a fighter. I have to be a fighter, too*”¹⁸. In this material, the right side of São Paulo and the Brazilian team, goes back to its history since the age of ten, defending a trajectory of difficulty and overcoming. He tells the routine of his father, a farm worker and how he and his brothers helped in the harvest - “*This is the way we eat [...] survive*”¹⁹. According to Daniel, “*my father was a great player when he was young, but he didn't have the money to go to the big city*”²⁰ - the athlete is from Juazeiro, in the interior of Bahia - to be noticed by the scouts of the big clubs. Because of this, the father gave every opportunity for his son to be an athlete “*even if it cost him his life*”²¹.

Daniel also reports that at the age of thirteen, he went to train at a soccer academy for young athletes in the big city, living far from his family. In a small room with 100 players, Daniel felt like he was in a prison. *I had my training uniform stolen and starved in the*

¹⁴ [...]correspondem analogamente às virtudes necessárias para triunfar do caos. [...] Temos, então, que a vitória sobre si próprio é a grande propulsora do herói de todos os tempos. Diante dessa perspectiva o herói pode ser visto para além de um personagem, mas como uma forma que estrutura um padrão de atitude (RUBIO, 2008, p. 221).

¹⁵ o prazer é dar alegria ao torcedor

¹⁶ os sacrifícios valem a pena, pois serão futuramente, recompensados

¹⁷ ALVES, D. O Segredo. **The Players Tribune**, 2017. Available at: <https://www.theplayertribune.com/en-us/articles/dani-alves-juventus-o-segredo>. Access: 18 nov. 2019.

¹⁸ “Meu pai é um lutador. Eu tenho de ser um lutador, também”

¹⁹ “Esta é a nossa forma de comer [...] sobreviver”

²⁰ “meu pai foi um grande jogador quando jovem, mas não teve dinheiro para ir até a grande cidade”

²¹ “mesmo que isso custasse a vida dele”

accommodation, as there wasn't enough food for all athletes. A passage from the text shows similarity in the speech of Daniel Alves, a successful athlete, with the speech we observed in the field research at Ferroviária:

I say to myself, "You are not going back to the farm until you make your father proud. You can be number 51 in skill. But you will be number 1 or 2 in willpower. You will be a fighter. You won't be coming home, no matter what."²²

Daniel not only sees himself as a hero, but mirrors himself in another that he considers a hero, his father. Ahead, the athlete shows how he became an athlete who besides being the most victorious in history²³ also worked with those he considers the best of his generation, such as Argentine striker Lionel Messi and Spanish coach Pep Guardiola.

Daniel clearly expresses what we understand in this text as the hero's myth, corroborating what was written by Rubio (2008), namely, that the training and games routine transforms the athlete into an isolated individual, who suffers from absence of family; and the idea of the hero turns him into someone unable to expose his weaknesses, anxieties and uncertainties to the public. So, the athlete becomes at the same time a showman, an individual capable of entertaining and taking leisure and moving crowds towards stadiums and gyms (RUBIO, 2008) and also a lonely and fragile person, carrying the myth of the hero; as Rubio (2008) points out, the athlete ends up playing a paradoxical role: at the same time that he earns a lot of money, he lives in intense loneliness.

Daniel's narrative is very common in the football environment; it is possible to find it in the speech of other athletes, like Zé Roberto. The athlete's successful career, marked by victorious passages in major clubs in Brazil and Europe, started with great difficulty. Zé Roberto reports that "*I only became an athlete thanks to my mother, who insisted that I take the admission tests to the clubs*"²⁴; in addition, he also reports the lack of materials, such as football boots, which made it impossible to train. However, he likes to emphasize that, despite the difficulties, "*I went on to be successful in my career*"²⁵. In our perspective, Zé Roberto, current sports director at Sociedade Esportiva Palmeiras, became a spokesman for the player's speech

²² *Eu digo a mim mesmo: "Você não vai voltar para a fazenda até você deixar seu pai orgulhoso. Você pode ser o número 51 em habilidade. Mas você será o número 1 ou 2 em força de vontade. Você será um lutador. Você não vai voltar para casa, não importa o que aconteça.*

²³ BATISTA, D. Daniel Alves chega ao 40º título e amplia vantagem sobre Pelé. **Estadão**, 2019. Available at: <https://esportes.estadao.com.br/noticias/futebol,daniel-alves-maior-campeao,70002910579>. Access: 18 nov. de 2019.

²⁴ "só me tornei atleta graças a minha mãe, que insistiu para que eu fizesse os testes de admissão nos clubes"

²⁵ "segui firme para ter sucesso na carreira"

as a hero - albeit not consciously: he is currently an evangelical church pastor and gives motivational lectures, in which he tells how his career became a success story.

These narratives focused on individual success, very common in the sport environment, are part of a contemporary doxa, which places individual trajectories as a collective reference. It is a strategy widely used in the individual and corporate self-help literature (GAIAD, 2019), which argues that the success and failure of an agent are explained in isolation, disregarding social references.

Social consequences of the myth of the player as a hero

The romanticization of socioeconomic difficulties in the football environment has, in macrosociological terms, consequences, such as the absence of public policies for this professional, as well as work accidents related to football.

Take for example the tragedy that occurred at Ninho do Urubu, training center of the Clube de Regatas do Flamengo (CRF), on February 8, 2019, when ten boys, aged between 14 and 16 years, were found dead in Ninho do Urubu, Flamengo. According to the media, there was an explosion in an air conditioning unit, causing the fire²⁶.

CRF is one of the richest football clubs in Brazil. The club's financial balance in 2018 reached R\$ 543 million, after a peak of R\$ 655 million in 2017²⁷. Flamengo's prestige attracts many athletes and makes the club a power player in grassroots football.

However, after the accident, deep neglect was revealed with the athletes of the red-black base: the young athletes lived in precarious conditions in the accommodations, made in containers. According to the G1 website²⁸, CT Ninho do Urubu did not have a business license issued by the City of Rio de Janeiro, which fined Flamengo and decided to ban the space, which, even so, continued to function.

The deaths of the Flamengo Boys still generate legal disputes between the club and the victims' relatives. The indemnity amounts created a stir: Flamengo was willing to pay between R\$ 300 to R\$ 400 thousand per family, negotiated individually and not collectively. The Public

²⁶VEJA. O que se sabe sobre o incêndio do CT do Flamengo. **Veja**, 2019. Available at: <https://veja.abril.com.br/brasil/o-que-se-sabe-sobre-o-incendio-no-ct-do-flamengo/>. Access: 10 jun. 2019.

²⁷ CAPELO, R.O Flamengo não investiu mais de R\$ 100 milhões em jogadores por acaso. Eis os números de 2018. **Globo Esporte**, 2019. Available at: <https://globoesporte.globo.com/blogs/blog-do-rodrigo-capelo/post/2019/04/02/o-flamengo-nao-investiu-mais-de-r-100-milhoes-em-jogadores-por-acaso-eis-os-numeros-de-2018.ghtml>. Access: 10 jun. 2019.

²⁸ G1. Ninho do Urubu não tinha alvará de funcionamento, diz prefeitura do Rio. **G1**, 2019. Available at: <https://g1.globo.com/jornal-nacional/noticia/2019/02/08/ninho-do-urubu-nao-tinha-alvara-de-funcionamento-diz-prefeitura-do-rio.ghtml>. Access: 10 jun. 2019.

Ministry of Labor of Rio de Janeiro (MPT-RJ) suggested an amount of R\$ 2 million per family²⁹.

On October 10, 2019, Flamengo won a lawsuit and avoided the attachment of the amount of R\$ 100 million to the victims' families. The sentence published by the labor judge, Ricardo Georges Affonso Miguel, argues that grassroots football cannot be treated as a theme of labor justice, stating that this category has a recreational character:

Therefore, the activity of youth in the grassroots category of football clubs is included in item IV, of art. 3, of the General Sports Law, characterized by training and with a recreational or leisure character, which totally removes any learning characteristic from its legal nature. Having said that, I declare the material incompetence of the Labor Court to judge the matter related to young people undergoing sports training at the premises of the defendant sports organization^{30 31}.

The episode reinforces our argument that football players are seen as heroes; and if heroes are immortal, that would explain, to some extent, the lack of attention to their working conditions. In fact, it is time to affirm that there is no social security and specific labor legislation for soccer players in Brazil, as shown in Varela (2019).

Finally, the item showed a soccer player's cultural predisposition to overcome limits, having his successful athletes as a reference. The romanticized quest for success brings you closer to the hero's myth; as a consequence, it takes him away from labor and social security policies, since there is no public policy for this professional category. In our perspective, the culture of heroism would help explain the functioning of the football market, since the supply of athletes is significant in the Brazilian market.

Bosman Law and Pelé Law: making the transfer of athletes law more flexible

²⁹NEDER, V. Flamengo quer indenizar famílias de vítimas de incêndio com o dobro da jurisprudência. **ESTADÃO**, 2019. Disponível em: <https://esportes.estadao.com.br/noticias/futebol,flamengo-quer-indenizar-familias-de-vitimas-de-incendio-com-o-dobro-do-valor-da-lei,70002734211>. Acesso em: 10 jun. 2019.

³⁰ *Sendo assim, a atividade dos jovens de categoria de base de clubes de futebol está inserida no inciso IV, do art. 3º, da Lei Geral do Desporto, caracterizada por formação e com caráter recreacional ou recreativo, o que retira totalmente da natureza jurídica desta qualquer característica de aprendizagem. Posto isso, declaro a incompetência material da Justiça do Trabalho para julgar a matéria relacionada aos jovens em formação desportiva vitimados nas instalações da entidade de prática desportiva ré*

³¹ DANTAS, D. Flamengo ganha ação e evita penhora de R\$ 100 milhões para famílias vítimas de incêndio no Ninho. **O Globo**, 2019. Disponível em: <https://oglobo.globo.com/esportes/flamengo-ganha-acao-evita-penhora-de-100-milhoes-para-familias-de-vitimas-de-incendio-no-ninho-24032390>. Acesso em: 1 out. 2019.

Since 2017, the transfer of athletes between the clubs has an important milestone in the construction of the market: the departure of Neymar from Barcelona to Paris Saint-Germain for the amount of 222 million euros, referring to a five-year contract with the French club³².

Since then, this transfer amount has never been reached, which makes this transaction the most expensive in the history of football. The effect of the transfer of Neymar triggered an inflationary process in the transfer market of athletes: of the ten largest purchases and sales in history, in absolute values, seven occurred after the transfer of Neymar³³. That is, the movement of values caused by a single financial movement between two clubs, produced an inflationary cascade effect across the European transfer market, which culminated, in 2019, with the largest market in the history of football, with estimated numbers R\$ 31,8 billion, 75% of which refers to English, Italian, Spanish, German and French clubs.³⁴

Therefore, the athlete transfer market moves fortunes; to that end, it was necessary to modify its regulatory framework over the years, the most important of which was the Bosman Act of 1995. It is a law inspired by Jean-Marie Bosman, a former professional soccer player. The Bosman Act modifies two traditional principles in the rules for transferring athletes:

[...] a transfer fee was paid when a player had his contract ended and if he wanted to change clubs. In this case, it was the traditional sale of the athlete's registration or pass from one club to another; (2) football leagues operate under a rigid system, with protectionist control over the number of foreign players who could play in a single team, there was a quota system for foreign athletes who could play in a single match (SIMMONS *apud* RODRIGUES, 2007, p. 91).³⁵

For Rodrigues (2007), Bosman argued that the rules for transferring athletes violated Article 48 of the Treaty of Rome³⁶, which guarantees the free movement of all European workers belonging to the European Union. The transfer rule then went through a significant change: if before the athlete had his registry linked exclusively to the club, and could only be

³² EL PAÍS. PSG anuncia contratação de Neymar e fecha acordo por cinco anos. **EL PAÍS**, 2017. Available at: https://brasil.elpais.com/brasil/2017/08/03/deportes/1501793043_883823.html. Access: 30 set. 2019.

³³ Available at: <https://www.transfermarkt.pt/statistik/transferrekorde>. Access: set. 2019.

³⁴ REIS, R. Maior da história, Mercado da Bola fecha em 31,8 bi; veja tudo que rolou. **Blog do Rafael Reis**, 2019. Disponível em: <https://blogdorafaelreis.blogosfera.uol.com.br/2019/09/03/maior-da-historia-mercado-da-bola-fecha-em-r-314-bi-veja-tudo-que-rolou/>. Acesso em: 30 set. 2019.

³⁵ [...] pagava-se uma taxa de transferência quando um jogador tivesse seu contrato terminado e se quisesse mudar de clubes. Neste caso, tratava-se da tradicional venda do registro ou do passe do atleta de um clube para outro; (2) as ligas de futebol operam sob um sistema rígido, com o controle protecionista sobre o número de jogadores estrangeiros que poderiam jogar em um único time, tinha-se o sistema de cotas para atletas estrangeiros que poderiam atuar em uma única partida (SIMMONS *apud* RODRIGUES, 2007, p. 91).

³⁶ **ARTICLE 48. 1 – Freedom of movement for workers shall be secured within the Community by the end of the transitional period at the latest. THE TREATY OF ROME, 25 March 1957.** Available at: https://ec.europa.eu/romania/sites/romania/files/tratatul_de_la_roma.pdf. Access: 30 set. 2019.

terminated or have his contract broken at the contractor's will, with the Bosman Law, the athlete passes to have direct control of his registry. So, to transfer from a club, just have your contractual fine paid by the contractor.

Thus, the Law allowed a significant change in the movement of capital and labor rights for European football athletes, in which freedom of contract and individual choices came to be respected. According to Rodrigues (2007), after the Bosman Law, there was an increase in salary inequalities, with the increase in the salaries of some athletes. The author adds that the inequality produced by the athletes' salary difference is a problem that needs to be considered, since football is a team sport; Thus, it is not possible to objectively measure how an athlete contributes individually to the performance of a team on the field, even though the athlete is considered above the average of his teammates.

In Brazil, the same process of liberalization of athletes' contracts happened in 1998, with the Pelé Law, of the same year. The so-called *Passe* - reference to the club-athlete bond - was replaced by the contract. In the same way, the general rules of labor legislation and social security were guaranteed by the Pelé law, as ensured by the Consolidation of Labor Laws (CLT); also started to be guaranteed by the Pelé Law, that the athlete manages his own career, while guaranteeing financial remuneration to the clubs:

§ 5 The athlete's sporting relationship with the contracting sporting entity is constituted with the registration of the special sporting employment contract with the sport administration entity, having an accessory nature to the respective employment bond, dissolving, for all purposes legal: I - upon expiration of the contract or its termination; II - with the payment of the sports indemnity clause or the sports compensatory clause; III - with the termination resulting from the salary default, which is the responsibility of the employing sporting entity, under the terms of this Law; IV - with indirect termination, in the other cases provided for in the labor legislation; and V - with the athlete's unmotivated dismissal (LEI PELÉ, p. 19, 2013).³⁷

The Pelé Law radically modifies the relationship between club and athlete in Brazil and guarantees a system of capitalization of football, making football a practice that is, in the first instance, economical (ARAÚJO *apud* RUGGI, 2008). This characteristic of the Pelé Law allowed the enthusiasm of sectors that defend freedom of contract in the country. In this sense,

³⁷ § 5º O vínculo desportivo do atleta com a entidade de prática desportiva contratante constitui-se com o registro do contrato especial de trabalho desportivo na entidade de administração do desporto, tendo natureza acessória ao respectivo vínculo empregatício, dissolvendo-se, para todos os efeitos legais: I – com o término da vigência do contrato ou o seu distrato; II – com o pagamento da cláusula indenizatória desportiva ou da cláusula compensatória desportiva; III – com a rescisão decorrente do inadimplemento salarial, de responsabilidade da entidade de prática desportiva empregadora, nos termos desta Lei; IV – com a rescisão indireta, nas demais hipóteses previstas na legislação trabalhista; e V – com a dispensa imotivada do atleta (LEI PELÉ, p. 19, 2013).

Luiz Fernando Bindi compared, in 2001, the Pelé Law with the Aurea Law, as it frees players from the spurious orders of leaders and the cruel game of businessmen (RUGGI, 2008).

According to Ouriques (1999), the Pelé Law, created under the management of the minister at the time Edson Arantes do Nascimento, Pelé, represents the expansion of a marketing boom in football, which had begun in the late 1970s. Pelé Law brings to its core the demands of businessmen in the football market.

That said, what we defend in this item is that both the Bosman law, 1995, and the Pelé law, 1998, made the football market more flexible and marked a profound change in the way it was managed; Taken together, the two laws helped to boost this market after the 2000s, especially with regard to transfers of athletes.

Final considerations

The article dealt with the football market, identifying non-economic elements that help to build this market. As a cultural element, we consider the player to be part of the hero's myth; as a social element, the flexibility in the legislation regarding the transfer of athletes, which led to the high financial movement in this market, starting in the 2000s.

Therefore, in opposition to a discourse of economic theory, which claims that every market is based on economic rationality, we demonstrate that the football market is not built in a social vacuum. In addition to economic rationality, there would be social and cultural elements in the foundation of this market and we selected two variables (among the countless others that exist) for this article.

With regard to the cultural variable, we identified a cultural predisposition in amateur or professional players to romanticize the difficulties of the profession, bringing them closer to a hero. However, when treated only as a cultural, leisure and recreation activity, the soccer market, made up of workers (athletes) and company (club), gives the false impression of being uprooted from the economic; on the contrary, what we argue is that it is precisely this euphemism - football as recreation - that leads to a certain naturalization of the difficulties faced by athletes, from salary issues to working conditions. The individualizing search for success and the denial of difficulties, brings the athlete closer to the hero; as a consequence, it distances it from labor and social security policies, since there is still no public policy in Brazil for this professional category. In our perspective, this culture of heroism would help in the functioning of this market, since it would offer a large (cheap) labor force for this market.

With regard to the social variable, expressed in this article in the relaxation of legislation, we point out that the Bosman laws of 1995 and the Pelé law of 1998, marked an important change in this market, especially in the way of managing football. This change would lead to a dynamism in this market, with a high financial movement, especially after the 2000s.

The study of these two laws shows that the football market gave greater freedom to the individual athlete, who starts to decide for his own career. In dialogue with economic sociology, what we seek to demonstrate is that, even when the so-called “invisible hand” of the market seems to work very well, it does not do it in isolation; it was from the States and the regulation of that legislation that the free market was made. This goes in the direction of what Polanyi taught us, namely, that the self-regulating market itself is a utopia, since, in order to exist, it needs to take root in existing social and cultural institutions; in the case studied, the self-regulating market needed the commitment of the States involved.

Finally, in dialogue with the main arguments of economic sociology, we argue that these two variables together - myth of the player as a hero, who romanticizes this sport and the relaxation of the legislation that deals with transfers of athletes - certainly helps to better understand the economic power of this especially from the 2000s.

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