

MANIFEST RELIGIOUS PARTISANSHIP: THE DRAMA OF POLITICAL LEGITIMATION IN A SECULAR ERA



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ABSTRACT

The article critically analyzes the phenomenon of religious partisanship in contemporary Brazil, with emphasis on the risks that this process represents for state secularism, institutional neutrality and the consolidation of plural democracy. The advance of religious power in the public space is observed, disguised as democratic representation, especially through the performance of the Evangelical Parliamentary Front, which influences public policies based on particular moral values. The research, of a qualitative nature, is based on a bibliographic review, analysis of parliamentary discourses and constitutional normative documents, as well as electoral lawsuits on abuse of religious power with an interdisciplinary approach, the study articulates references from Political Science, Constitutional Law, Sociology of Religion and Political Philosophy, arguing that Brazilian technodemocracy, instead of promoting inclusion, has reinforced exclusionary and authoritarian practices. It is argued that the instrumentalization of faith in the political game compromises republican values, hindering democratic consensus and promoting social setbacks, proposing the strengthening of institutional mechanisms to contain abuses, as well as public and educational policies that ensure religious diversity and democratic sustainability.

Keywords: Religious partisanship. State secularism. Democracy. Technodemocracy. Evangelical Parliamentary Front.

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INTRODUCTION

Because rights are, above all, a project of deontic freedom, what to do when these freedoms seem to fail in the face of the silent advance — and no less aggressive — of the abuse of religious power in political disputes? Institutions watch, almost as spectators of themselves, this upward movement, in which religion, which should occupy the space of intimacy and personal ethics, overflows into the public space with normative pretensions. It is no longer a question of faith, but of domination: a kind of veiled return to the theocratic state under the guise of democratic representation.

The jurisdictional response, however quick or repressive it may be, stumbles over its own limitation: it does not reach the cultural and symbolic root of the problem. And more: individual ethics, solitary and fragile, often serve only to mask or justify one's own deviations, in a game of self-deception where integrity is simulated while practicing abuse. In the midst of a hypermodernity mediated by algorithms and networks, the greatest challenge then arises: how to sustain a democratic, plural and environmentally sustainable culture, when faith becomes a tool of power and politics a field of indoctrination?

There are those who believe that a set of combined practices — individual, civic, judicial, preventive, and repressive — can contain, at least momentarily, the authoritarian impetus disguised as moral discourse. But the problem deepens when we observe the tensions between the Powers of the Republic, especially when the Evangelical Parliamentary Front acts as a link between the Legislative and the Executive, influencing public policies through platforms that are not very committed to secularism or democratic diversity.

It is in this scenario that the need to rethink democracy based on new technocratic tools is imposed: how to build minimum consensus that sustains a plural coexistence in a public environment shaped by digital technologies and influence algorithms? How to prevent the public space from becoming hostage to a colonizing faith disguised as legitimate representation? The provocation, therefore, is posed: what can technodemocracy do in the face of a religious power that is no longer content only to preach, but also wants to govern?

Thus, the central objective of the article is, therefore, to critically analyze the phenomenon of religious partisanship in contemporary Brazil, with emphasis on the risks that such a process represents for state secularism, for institutional neutrality and for the consolidation of a democratic culture based on respect for diversity and freedom of belief,

seeking to understand to what extent the parliamentary benches of religious orientation, notably, the Evangelical Parliamentary Front (FPE) has contributed to the deformation of the public arena and to the weakening of republican values.

The methodology adopted is qualitative, based on a bibliographic review, analysis of parliamentary speeches and constitutional normative documents, as well as examination of electoral lawsuits related to the abuse of religious power, whose approach is interdisciplinary, considering references from Political Science, Constitutional Law, Sociology of Religion and Political Philosophy, in that order. The study assumes a critical and reflective bias, aimed at understanding the symbolic and institutional dynamics that favor the strategic use of religion in the political field, with a view to maintaining exclusionary power projects.

The article is structured in three main parts, the first of which discusses the impact of the political instrumentalization of faith on democratic principles. It is argued that the actions of parliamentarians linked to religious confessions tend to produce a distortion of the representative system, either by the illegitimacy of access to the electoral process – marked by dissimulated discourses that manipulate collective faith – or by political opportunism that results in the adoption of exclusionary conservative agendas and, in many cases, in the corruption of original religious ideals.

The second part analyzes the articulation between technique, religion and institutional physiologism in the political decision-making process. It is argued that, in the current scenario, the technocratization of governance processes has been combined with institutionalized religious structures that operate behind the scenes of representative power. Techno-democratic hegemony, instead of expanding popular participation, reinforces an exclusionary logic that favors personalistic and segmented interests, to the detriment of the common good.

The third proposes a reflection on the need for institutional mechanisms that ensure parliamentary action compatible with fundamental rights and the democratic project outlined by the 1988 Constitution, avoiding the instrumentalization of faith for the purposes of moral colonization of the public space; In this context, the counter-majoritarian role of the executive and judicial functions in containing legislative abuses is emphasized, as well as the importance of educational policies that promote plural citizenship, tolerance and respect for religious diversity.

To this end, the article considers the religious neutrality of the State as a constitutive dimension of Brazilian constitutional democracy, since the instrumentalization of faith in the political game not only compromises the legitimacy of institutions, but also hinders the formation of democratic consensus in a plural society. In the face of the growing hegemony of religious parliamentary fronts and the weakening of traditional channels of deliberation, there is a need to rethink the mechanisms of control and regulation of political-religious action, under penalty of compromising the democratic project itself. In addition, it is imperative to reflect on more inclusive participatory alternatives, capable of promoting environmentally and culturally democratic governance, which does not submit to the opportunism of representatives with privatist or authoritarian agendas.

THE ADVENT OF RELIGIOUS PARTISANSHIP IN THE CONTEXT OF SECULARIZATION

The presence of institutionalized religious discourses in the political-electoral space, often disguised under the rhetoric of defense of universal moral values, has operated not as an instrument of pluralism, but as a mechanism of exclusion and symbolic manipulation of the public sphere, since this phenomenon, when moving from the spheres of faith to the domains of politics, imposes a challenge to secular democracies: to contain the abuse of religious power in the public space without compromising freedom of conscience and state neutrality.

In view of this, F. A. Hayek, in *Law, Legislation and Freedom*, stresses the importance of a Constitution that limits arbitrariness and prevents the misuse of the state apparatus for particular purposes, shedding light on the incompatibility between a truly free democracy and political domination by institutionalized confessional values. (Hayek, 2023). For this reason, the imposition of religious values by political means promoted by confessional discourses subverts the logic of the democratic order, by instrumentalizing faith as a tool for mobilizing power and sustaining personalist projects; to this extent, what is observed is a deviation from the political representative function, which is captured by the interests of homogeneous groups, to the detriment of plural public debate and the constitutive diversity of Brazilian society (Holanda; Souza, 2020).

In such a way that, reflecting on religious partisanship in the context of secularization is, above all, rethinking the limits of democratic representation in times of social fragmentation and the return of messianic discourses; The defense of secularism and

institutional neutrality is not only a constitutional clause, but a condition of possibility for a free, plural democracy that resists the temptations of religious authoritarianism, as Charles Taylor (2011, p.85) wants: "Modern freedom and autonomy center us on ourselves, and the ideal of authenticity requires that we discover and articulate our own identity."

To deal with a constitutional identity in order to ward off the abuse of electoral religious power, is first to know it in the light of democracy, article 1, I, assimilating to it that in the democratic game there is no room for illegitimacy, preferences, confessional institutional personalisms, such as that the institutional support of the State would do no harm to the religion that I profess, exclusively or preferentially, under an early naivety or bad intention for the promotion of proselytes, since the Constitution cannot prefer religions to the detriment of others, even minimally.

Article 19, I, means this to the constitutionalized, because one cannot see a secular State, but a pluralized one, with a constitutional religious feeling, without this or that preference. To this end, a contradiction is reproduced in the Brazilian political scenario and, for the most part, it is the voice of Parliament and its discrepancies to a higher degree. There are those who claim, for example, that Brazilian democracy is moving from a coalition presidentialism to a bench presidentialism, and in this sense, the Chief Executive must accept some demands from the benches, with their particular projects if the Government wants to approve its larger packages. (Bolle, 2019)

The case of the Evangelical Parliamentary Front (FPE), among many others, is one of these major nonsenses, as it would go through a crisis of legitimacy, in the defense of small individuals in the face of major national problems. One would even wonder if evangelical representatives are only elected as agendas by an excluding family, due to the traditional family, against the recognition of genders and sexual freedoms, due to standardized, if not monolithic, freedoms as a metaphor, petrified.

It is no coincidence that dozens of electoral court investigations have been filed in the last two decades, mostly by ministerial entities or even political party opponents, due to the disproportion of the electoral election and the representativeness in the country, the way in which these partisans enter power drew attention, with the intelligence of subterfuge of a theology of domination.³

³ In this sense, Raymundo Faoro (1973, p.161) states that the technocratic model seeks to empty democracy and states that technocratic thinking "seeks to show that sovereignty is restricted to pure manipulation".

In addition, census data reveal the growing affirmation of evangelicals in the Brazilian population, while statistical data from electoral courts indicate the increase of evangelical leaders in Brazilian parliaments, practically equal to the percentage of the Brazilian population that claims to be evangelical, while racial, gender, and other confessional populations even present expressive numbers in their representations. given the demographic amount, blacks, women, Indians.

This alone is enough to compromise the country's democratic project, but in what aspect. It is possible to imagine that Parliamentary Fronts can approve reforms, contingent government legislation, despite numerous consequences, without any confrontation with the platforms, or frankly tolerant with their government, in anti-democratic policies, just to assert segmented, if not particularized, interests, contrary even to the segments to which they are affiliated, that is, very personal political projects, of parliamentary professionals (Holanda; Souza, 2020).

In the case of the FPE, the case is even more serious, since two crises are presented: a) illegitimacy of access to the electoral process in parliamentary elections, due to the dissimulation of faith, capable of piling up believers by the symbology of confessional power in the State; b) and the electoral opportunism, which brings conservative platforms to parliament, and, in addition, the short-term interests of parliamentarians who betrayed their religious communities, embarked on the mud of corruption, crony policies and manifest intolerance to the social democratizing process.

If one takes into account the paradox of intolerance, that is, of party-political representatives who take advantage of a fragile solidarity discourse, as if they were tolerant, and move on to intolerance of freedoms, egalitarian justice, exclusionary reforms such as the Social Security: would the intolerant be tolerated? Unless it is not expressly a state of exception, what consensus can be expected from groups, especially dogmatized or from the privatist appropriation of the public sphere?⁴

⁴ Marcel Gauchet (2013, pp.26-27) states: "The eclipse of morality was, to a large extent, the product of this rise of ideologies towards a power of total explanation of man's social destiny. It is precisely the loss of this totalizing capacity that reactivates morals, that rehabilitates them in their distinct function. It is even possible to say that we are witnessing the consecration of the independence of morals. It is definitively emancipated from religious tutelage, with the disappearance of what could subsist as an encompassing vocation on the part of the hope of salvation and faith in the supernatural. This morality is deduced from the principle of the power of ideology – even supposing that an economically just society arises, the question of the conduct of existences and interpersonal relations would continue to exist. The rules that should prevail in that particular area should be defined among the parties concerned. The strength of the communicational problematic lies in its ability to give a tangible appearance to this autonomous consistency of the domain of the rules that commit us to each

It is easy to understand that it will be difficult to reach a consensus with such groups through parliamentary channels: a true distortion of the democratic space. In the case of the FPE, the secular proposal that State and Church should be separated, so that there would be no more clerical power, perks among other forms of confessional power, a lesson that had not been learned from the passage from monarchism to republicanism in the Brazilian style, became a setback; despite this, the principle of religious neutrality of the State, in a free and democratic constitutional order, is a constitutive dimension of the normative program of equal freedom of conscience and religion (Machado, 2013).

Consensus will not come, leaving the repressive-jurisdictional system with a plethora of manifestations, challenging candidacies with abuse of political and economic power, of advertising messages. On the other hand, a world scenario of economic governance, if not of economic nationalisms that need these parliamentary fronts to be governed and when they do not opt for coalition presidentialism, they end up favoring economically productive, fundamentalist, militarized groups to continue in the Public Administration. They are middlemen, who unscrupulously present themselves as defenders of viable political projects in times of hypermodernity.⁵

A democratically sustainable world will not be made by economically viable policies in the natural sphere, because it is men who choose sustainable natural goods, so it is necessary to legitimize the environment of cultures for an environmentally democratic project that has as political consequences that represent that do not survive at the expense of repressive jurisdictional models or bad democratic choices.

THE QUESTION OF TECHNO-DEMOCRATIC HEGEMONY UNDER THE PHYSIOLOGICAL RELIGIOUS APPARATUS

Contemporary political rationality has operated under the aegis of a double displacement: on the one hand, the technocratization of decision-making processes; on the other hand, the advance of institutional physiologism associated with belief systems, whose presence in parliamentary spaces challenges the limits of secularism and secularism, that is, articulation between technique, political representation and religion manifests a new techno-

other, indicating its deliberative and argumentative source. That which binds individuals can only be born of an agreement between individuals."

⁵ For Gilles Lipovetsky (1989, p.84): "[...] The ultra-modern epoch sees the development of technical mastery over space-time, but the inner forces of the individual decline. The less collective norms govern us in the details, the more the individual tends to be weak and destabilized. The more the individual is changing, the more manifestations of exhaustion and subjective "breakdowns" appear.

democratic hegemony, in which legitimacy, instead of being consolidated by effective popular participation, is diverted by mechanisms of institutional prestige, sedimented in personalized and opaque power structures.

In this area, the problem of the so-called sustainable technocracy in the public space emerges, a concept that aims to characterize forms of democratic governance mediated by technological and cultural apparatuses capable of legitimizing collective choices without the traditional intermediation of representatives, however, such a model not only coexists, but is permeated by networks of institutional favoritism – religious or associative – that operate behind the scenes of formal representation. In a word, the phenomenon under analysis here consists of the reconfiguration of decision-making spaces that, under the pretext of technical efficiency or public morality, end up reinforcing exclusionary hierarchical structures that are not very sensitive to the common interest. (Souza, 2019)

Indeed, taking into account the reduction of the difficulties for a general democratic process, would it be possible to change the configuration of parties and representatives to a sensibly participatory and selective democracy?

A sustainable political technocracy is one that would take into account a process of democratic participation through culturally legitimized technological processes without the participation of indirect representatives, with the exception of themes that would take into account the division of supporting tasks under the direct designation of the people over semi-direct representatives, by virtue of an environmentally cultural process. (Wanderley, Sousa, Holanda et. al., 2024)

Politics, as has already been said, is among men and not in men, so it is a cultural phenomenon, so if men are worthy of the world, they should do so through policies that emancipate them from themselves, that is, from their opportunism, from their subjectivations in favor of the common interest.

By way of analogy, the following metaphor is now presented, called: the complex of professionals in the sector. In one company, it was evidenced that a certain professional in the human resources sector was periodically reinstated to the staff of the Internal Commission for the Prevention of Accidents, which favored his permanence in the firm even after one year of leaving the Commission and the relevant prestige among the other employees of the company.

The head of the sector knew the charisma of the employee of the human resources sector, helpful and zealous, exercised in addition to his common office the special requests of all employees, as a result, the manager of the sector observed that there were more than

six reappointments to the aforementioned Commission and that the other employees of the human resources sector did not apply for the election, because they understood that there was already a representative of the sector or because they would not enjoy the same success in the election process.

For this reason, the human resources manager sought out the Commission employee and proposed a possible rotation so that the other employees would also have the same prerogatives conferred on him in the Commission, which was immediately accepted. In the other elections, a human resources official was always successful and ended up carrying out the requests of the officials with manifest charisma and solicitude.

Once, the company's Senior Management understood that the relationship between human resources professionals was always prestigious to the detriment of the other sectors due to the relationship of interest between the company's employees and the referred sector, so in a General Assembly the other partners pointed out a barrier clause that changed the suffrage process of the Internal Commission for the Prevention of Accidents so that professionals from the resources sector were not included.

Dissatisfied, the professionals in the human resources sector took their apprehensions of returning to the *status quo*, whose Assembly proved to be irreducible, so the professionals took the issue to the associative and union boards of human resources that, externally, achieved through judicial means, the end of the barrier clause and also expanded the possibility of participation of more than one human resources professional for the Commission, since then, two human resources professionals have always been present in the Commission.

It can be said that human resources professionals are in the situation of those who represent civil society within the institutions and that the Superior Board of Directors is the Executive function, while the General Assembly would demand the role of the legislative function. It can be said that the associative entities and the trade union classes play the role of organized civil society, the judicial institutions also participated in the emblematic situation because they were provoked by exercising here, the judicial function itself and the employees of the firm would clearly be the people.

In this event, contemporary solutions always fall on contingency or conventional solutions that do not advocate real metamorphoses, that is, the complex of professionals in the sector reveals a real world, with the difficulties of producing satisfactory changes for a

technocratic sustainability, were it not for technological changes that impel man to compulsory changes.

The metaphor reveals itself as complex, since it is engendered by a systemic thought relating the various categories internal and external to the firm. In short, it expresses the crisis that the contemporary model is going through. To this end, this subjectivized change that was present in primitive societies, and today seeks the apparatus of the most recent technologies for decision-making aid in *legal praxis*, such as statistical data, contributions of artificial intelligence, which in a certain way anticipate the reasons for prudence, demands from the subject, on the other hand, a certain *moral reflection*.

In the table presented, state absenteeism is exercised by the three functions of power, the Executive, Legislative and Judiciary. Starting with the Executive function, which observing the ostensible phenomenon in the department sector as a social phenomenon, must weigh what is or is not the intervention of the public interest in a given social segment, and despite the prevalence of the secondary public interest, it must be ensured, above all, by the primary public interest of the people, holder of sovereignty.

At first, nothing prevents professionals from the human resources sector from being prevented from joining the Internal Commission for the Prevention of Accidents, after all, they are part of the core of the company. The form of regulation was perhaps the best guideline to legitimize the exclusive permanence of one of its employees on the Commission's staff and on the very personal way in which they provided care to the other employees.

It must be considered that the manager of the sector himself resolved the issue by suggesting the opportunity for rotation among the other employees of the sector; In the second case, the company should deal with means that would disfavor the self-interests of employees who would work beyond their duties for opportunistic benefits, this is the case of technological implementation that would evidence the access of the employee who went beyond the domain of his competences. The implementation of such resources makes management more impersonal and weakens arbitrariness that is usually apparent charisma, and the use of personal advantages outside the staff.

Technology, in turn, in the post-modern condition wants to modify this scenario, the emergence of reflections, do not deserve to be collectivized, to an individual protagonism that looms large, the good side of the monocratic judge follows the uniform decisions of the Courts, and implies that the judge motivates facts that differentiate from the great

arguments developed by the collegiates. Institutionally, traditional theses, in the postmodern condition, fall to the ground, because the world is going through a moment of transition. The relativized values are absorbed by technologies and this can be a problem.

The Assembly, in turn, seems to have taken into account the coalition executive when endorsing the Executive's initiative and, still meeting the implicit interests of other sectors, legislated the barrier clause that prohibited the participation of human resources professionals in the positions of the Commission, something that compromises the democratic space, since the phenomenon of the ostensible participation of only one employee could not be interpreted by its effects. but for its causes, and it is what often leads the Legislative Branch to act inadvertently by sanctioning responsibilities that do not resolve the causal relations. The constructive measure of prohibition of reappointment and the regulation of technological contributions to improve the impersonality in the administrative framework was enough for any success to be achieved in the matter. The Assembly did not play the absenteeist role of dealing only with the primary public interest, which was the role of authentic interpretation in the most august yearnings of representative democracy.

And also the jurisdictional crisis that we are experiencing today, when the jurisdictional activity meets the demands of the queues of the unified health system, drug protections and the beds of the Intensive Treatment Units without the proper inspection of the other unfortunate people who suffer from the same difficulties or more vehement urgencies, but who did not have the proper access to the fair legal order. In the emblematic case, the common claim of the members of the firm should be met in an equitable manner, and not privileged in relation to the other employees, that is, refraining from meeting extraordinary requests is also a way of designating justice.

The whole issue of the abuse of faith remains analogous due to the way in which religious institutions can influence people negatively, the abuse of rights in a moral form can ascend to the political spheres, distorting justice and opening the illicit in the institutions of law. Etymologically, the word abuse comes from misuse or contrary to use, and, in the case of abuse, this ethical dissimulation is the predominance of political heteronomy over the ethical autonomy of the individual, due to the dissimulation of which Cornelius Castoriadis (2002, p.249) speaks of the lack of individual autonomy over politics, due to the disconfiguration of the representative role in: "[...] in this world one cannot speak of duplicity, instituted or not: relationships are dominated by brutal frankness" – and he exhorts

– "The supreme virtues of man are civic or political. And even the religious virtues, or virtues of piety, are subordinate to it."

Castoriadis means that an emancipatory attitude is difficult due to the apparent dissimulating subordination involved, such as the complex of personnel department professionals, because their voters to the CIPA always honored them for some subordinate aspect, perhaps because they took into account some degree of influence over the employers, or that they held some privileged information in the company. The same happens with the abusive fact of the church: it is difficult to get rid of the subordination of faith, because the argument of authority of the religious leader leads to fear or even to give meaning to the words of the Scriptures that one wants to attribute. (Weber, 2004).

The issue seems to be the old historical event of the regimentation of the faithful to political institutions, in the light of the post-modern condition, when the church was customized to the dictates of business, political power and grace with the primary faith, that is, the good faith of primitive Christianity, a nonsense. Elias Canetti, even before postmodern secularization, already thought of his Mass and Power in the way in which men subjugate themselves to power, which now seems clearer, especially when it comes to the abuse of religious power. (Canetti, 2013)

The complex of professionals in the personnel department, opportunistic proselytism in the faith and the abuse of power in the political process simulate this *modus faciendi*, as well as the habit of the human animal to feed, capture and incorporate, as described by Elias Canetti (2013, p.201):

Man does not lie in wait and surrender to persecution with impunity. Everything that he actively undertakes in this direction he experiences passively, and in exactly the same way, in his own skin; he experiences it, however, with greater intensity, because his greater intelligence perceives more dangerous, making being persecuted a greater torment.

The interaction of the phenomenon of dissimulation by faith in moral and political relations is the core of this object of study, and with this, premeditatedly, a *hard case* to give meaning to the understanding of constitutional alterity in the proposed attitudinal turnaround, that is, a constitutionally that makes sense from the moral intersubjective relations to the political-jurisdictional plane; the faith that incarcerates the subject in political affairs is the bureaucratic grid of which Max Weber spoke. (Weber, 2004). However, in the post-modern condition, in a word, this Brazilian way, transplanted from the confessional prosperity and the domination of the American faith, the cause of normative jabuticabas to reject abuses in politics.

It now remains to point out which models could face technocratic sustainability in the face of hypermodernity, since it is necessary, therefore, to rethink the decision-making models that guide hypermodern democracies, combining technique with public ethics and

substantive inclusion, under penalty of perpetuating a cycle of pseudo-legitimacy, covered by religious and technocratic discourses that do not represent, in fact, the moral complexity of contemporary societies.

SUSTAINABLE INFODEMOCRATIC PARADIGMS TO CONSENSUALLY LEGITIMIZE MINIMUM CONTENT OF FUNDAMENTAL RIGHTS IN THE PUBLIC SPACE

Culturally sustainable politics will be subject to ethical metamorphoses as Ulrich Beck (2018) wants, but, if it will only be possible in hypermodernity with technology for the common good, a kind of *longa manus* for a democratic pretension, despite not being radical, should lead to at least three problems of confrontation: I) a project of electoral re-education, II) active and passive electoral ethical conditions, III) limitations on the themes of certain economic, confessional and oppressive interest groups, under the pretext of a democracy of the majority, if not see, regarding these three deontic challenges:

I) Electoral re-education: in hypermodern technocracy, a political-electoral awareness project becomes more than possible. At this time, J. J. Gomes Canotilho's proposal to exalt a new constitutional program is opportune, that any and all discussion of fundamental political rights should no longer pass through programmatic Constitutions, but through a morally reflexive Constitutionalism. (Canotilho, 2008)

In summary, any discussion that takes into account an acceptable political project of fundamental rights should lead to the discussion of awareness of the problems, arguments and counter-arguments that elucidate the weighing of interests. If plebiscites/referenda on issues brought to popular competition had gone through more qualified discussions with the technological possibilities that we have today, it may be that topics such as government systems, domestic disarmament, would have other decisions in the Brazilian political scenario.⁶

In times of post-truth, it is a fact that a great challenge will be the eradication of apocryphal information, when not concealed, of course, that censorship nuclei and not censorship, would be better provided by commissions of technological experts that would contain the diffusion of harmful algorithms or controls of subjects already inhibited, but not of freedom of expression, at the risk of contradicting democratic expectations. On the other hand, content that is manifestly

⁶ Rogério Souza (2022, p.295) thinks about this life: "There is a fallacious alignment of ecclesiastical ideologies, as they are not homogeneous in the spirit of democratic republicanism. It is meant that contemporary churches, especially those of the Reformed faith, have a diversity of reflections on certain points of view, that each of them begins a new ministry. It has been observed in the Pentecostal churches a growing number of denominations that make use of oppositions in dealing with politics, those that think differently from political-party support and, not infrequently, refuse any manifestation in this sense."

harmful, intentional, subliminal or even culpable must be taken into account as liabilities in any sphere of jurisdictional protection.

II) Active and passive electoral ethical conditions. Technocracy has the ability to optimize information about candidates, so the electoral demands have passed to the control of *clean records* more efficient and, perhaps, consistent with a consequential ethical mission in the public space. It is not possible to say for sure the technological influence on the human experience, to the point that such information would make the control of machines over man in the short or long term, hence the care with the use of this information, because only the smoothness of data that does not compromise people's privacy and intimacy will be sustainable.

Can it be seen, however, that in the future only morally capable active subjects will be able to participate in the electoral process? Or what could sustainable technocracy collaborate in this regard? In a certain way, this happens with the information of data of electoral subjects with lost and/or suspended rights, however, this is not enough, because, eventually, leaders who have had their electoral rights revoked continue to influence associations of other active subjects, this is the case if active electoral subjects co-opted in the sale of votes.

Therefore, if advanced technologies could size passive electoral subjects identified as ethically immoral for the electoral process, with due care not to harm their fundamental rights of honor, privacy, image, intimacy, it is possible that intermediary representations or democratic participations would be more consistent with democratic sustainability. (Bahena, 2012)

III) Limitations on themes of certain self-interested groups. In the latter, the problem is exasperated by technocratic sustainability, because the arrangement of themes selected as conventionally majoritarian, but of manifest interest to segmented groups, can jeopardize the common democratic project, while taking into account a real wear and tear in the polarization of social debates. It remains to be seen whether technocracy would be able to identify issues that could suffer from barrier clauses, given the conventionalism of opportunistic currents.

Issues such as financial institutions, abortion, the regime of the armed forces, would deserve better attention from intermediate representatives, as long as these representatives were not part of self-interested parliamentary policies, leaving the sustainable technocracy to identify them as well, because as for direct participation in these themes, it can suffer the interference of ideological fundamentalisms, for example, that of religious leaders who participated in electoral campaigns and were convicted in electoral processes of abuse of electoral power and continue to influence sectarians on issues contrary to minimum fundamental rights.

To this end, António Enrique Pérez Luño, that these different eras have the attribute of defining and conducting the formation of legal thought. Luño states that, at each historical stage, the formation of law follows a vocation, transforming itself at each moment, integrating and developing "a legal culture" imperative to present answers to the demands of society. (Luño, 2012).⁷ In this sense, regulation is today a democratic phenomenon, to the extent that the third sector can develop forms of social control, even if informal, over the various segments.

The role of regulation goes beyond state nomogenesis to stand out in the institutional behavior of the deliberative society. In spite of a new neo-ecclesiastical movement in which liturgical practices are more similar to market activities, even if compelled to faith, they point to typical market activities, therefore competitive and anti-competitive and whose excesses can be controlled.⁸

Any taxation on donations to religious institutions does not seem to fulfill the role of an aconfessional State, whose mission is the separation between the State and Religion, so that the former does not intervene in the religious office. In addition, in relation to the large collection of some religious institutions, it would encompass many others that do not live on the tithe tax base, and therefore it is better to safeguard the nature of a civil association, that is, they live at the expense of small donations, often from the small membership that maintains them.

From the perspective of a contemporary Democratic State of Law, taxing any and all religious institutions is to violate the principle of religious freedom in the secular State, or even a *constitutional super-rule* of secularism, such as that provided for in article 19, I, of the Constitution, while the purpose of collection discourages religious institutional content, if not it fails to fulfill the State's collection purposes. Nothing justifies, however, what has been conventionally called the electric tithe, whose proposal of the Executive Government would give rise to subsidies to large religious institutions for the payment of energy bills, a true

⁷ Antonio Enrique Pérez Luño (2012, p.9) attributes to every "legal culture the imperative of responding to and developing these challenges that inform collective existence. Based on these premises, it does not seem daring to identify that the sensitivity of the present moment lies in contributing with answers to the great provocations of a society in constant and accelerated mutation. For this, it seems necessary to have methods of analysis that clarify the meaning and function of the constitutional rule of law".

⁸ For Calixto Salomão Filho (2008, p.62): "[...] It seems quite evident that there is a need to reconcile the protection of legal certainty and the health of the market with the fight against monopolistic and oligopolistic structures. Such compatibility is necessary, because, as seen, the very guarantees of the system's health require the existence of competition. It needs to be carried out on several different fronts."

privilege to certain churches to the detriment of the secularity of the State, which is expressly unconstitutional.

It is possible to see in this a certain fundamentality in the free exercise of religious freedom consigned to the hard core of the Constitution, to the extent that the tax immunity of religious institutions promotes a qualification intrinsically associated with individual and social confessionality. The argument that religious leaders provide opportunities for any deviation of purpose produces a duty for the administrative State to sanction distortions and, as the case may be, remove the immunity of those who are not religious institutions.

The possible dialogues should result from the regulatory manifestation between the State and the third sector, but it happens that a deliberative democratic project between the religious institutions themselves can lead to the absence of inter-religious consensus. In fact, what is intended is the search for a common ethical sense for the socioeconomic matrices of religious institutions.⁹

In the field of regulation, proposals that minimize possible deviations may be demanded, namely: a) identification and publicity of the expenses indicated by the institution and the purposes it promotes; b) diligence of the membership and, if necessary, demand a complaint to the ministerial body, in the case of economic arbitration; c) indication of the sources of revenue and the breakdown of institutions, as well as the *quantum* declared by the tax agency; d) inhibition of amounts destined to institutions outside the country and of investments in markets. It is these safeguarding emergencies against possible economic deviations that must be safeguarded for the time being, but another question is whether it would be possible to have a regulatory body among these pluralist institutions that would not affect the institutional role of the State and would not restrict the freedom of action of these religious institutions.

It should be noted, however, that the coreligionists of the administrative staff and even the faithful do not agree or ignore the discretion of those who direct the religious entity, and would thus have to hold the leader accountable, disregarding the legal personality of the religious institution in order to return to the creed, regardless of the consequences, the patrimonial order of the entities.

⁹ Jónatas E. M. Machado (2013, p.337) asserts: "Society is no longer understood as a hierarchical and stratified order, but rather as a space open to the movements, individual and collective, that spiritual, economic and scientific energies can provoke. Political and religious powers are increasingly understood as a socially constructed reality lacking rational justification and critical analysis."

The understanding that is made is that a regulatory object would often escape a specialized body, to the extent that crimes are committed when the source of collection or the way in which the offerings are provided is not known for sure. Nor does it mean that regulation indicates the best alternative. The consortium between religion and economy has demanded from some religious entities, such as oligopolies, the character of a company, which in due course must undergo regulation and legalities conditioned to the constitutional order without the deviations that may occur.

Stephen Platt, in his criminal capitalism, will deal with the relationship between donations and regulation, in such a way that a charitable institution in Great Britain, namely the Cup Trust, used this purpose to build the largest empire in this segment, whose counterpart was not quite what was expected, with a manifest scheme of tax avoidance. In fact, the case was taken to the Charity Commission, which would function as a regulatory object, which said it was incompetent to intervene in that entity, given that it was legally constituted, which led to the aforementioned Commission being accused of its regulatory ineffectiveness. (Platt, 2017)¹⁰

In view of this, Stephen Platt calls into question the role of legislation and regulation when promoted by lobbyists or people linked to the sector of offending interest, under penalty of the ineffectiveness of these legislative-regulatory guidelines; in the words of Stephen Platt (217, p.285): "The result, therefore, is a paralysis, a *status quo* that shows how much the regulatory bodies have been taken hostage by the very sector they regulate."

With this in mind, regulatory commissions in the religious field deserve the best possible care, since there should be no predominance of a certain religious segment, even if a certain institution becomes more numerous in a given place, while the participation of members with direction of power over these institutions should be excluded, the

¹⁰ For Stephen Platt (2017, p.242): "A widely explored method of avoiding taxation involves tax relief through charitable donations. A controversial and recent example of such a scheme came to light in the UK in early 2013 and concerned the Cup Trust, a charity with the purpose of raising funds for children and young people, whose sole corporate administrator was registered in the British Virgin Islands. There is no public profile, but it raised £176 million in 2010-2011, which made it one of the most successful (if not the most successful) charities in Britain. However, as of May 31, 2013, the charity had donated only £152,292 to charitable causes. It is alleged that the Cup Trust, registered in 2009, is a tax avoidance scheme that has enabled its members to submit £46 million worth of discounts to HMRC as "donations" by using a loan from an *offshore* bank to buy well-backed bonds, which are sold to members at a much lower price. The Cup Trust therefore donated a small sum to charitable causes, and the members sold the bonds on the common market at considerable and relative value. This money was then 'donated' to the Trust by its members, which enabled them to apply for tax exemption on it, and the amount was then used to repay the loan. The Cup Trust therefore allowed tax exemption on the full amount of the sum 'donated' to charity, even though the members of the scheme spent only a small sum."

participation of secondary members would be better, such as attendees chosen by the religious community and with a temporary mandate, without remuneration, so that any deviations of power do not prevail.

It is possible that other legislative changes will activate the power to legitimize the limits of action of faith in politics. This is what can be expected from some of them, not in relation to the typification of abuse of religious power, but to improve the disguised inclinations of opportunists of faith that taint the process of legitimizing constitutional legitimacy.

FINAL CONSIDERATIONS

Faith became a slogan, the pulpit became a platform and the vote, indulgence, a kind of new tale of the vicar, and those who questioned were labeled enemies, in such a way that the real social dramas — poverty, inequality, racism, violence — are seconded by cultural wars and legislated moralisms, because everything is very sacred, everything is very dangerous. Parliament has become fertile ground for those who, in the name of faith, have renounced the very principles it teaches: welcoming, empathy, justice; there were those who transformed the temple into a springboard, and prayer into marketing, and, finally, the State, the one that should belong to everyone, began to flirt with the confessional.

The Constitution and constitutional neutrality must be the parameter in a plural society and not a religious class, or some individual ideology about the common interest.

For those who believe, it is right that they allow the space for spiritual reflection that is pertinent to them, but they must impose, abuse the public space with the appearance of divine zeal, or with a certain influence on their faithful to the point of lacking constitutional identity or even lacking respect for the Constitution. The particular contempt for the constitutional order promotes relegations to a certain religious institution that is not good for democracy, nor for the constitutional spirit.

First of all, it is necessary to work on awareness that does not exempt those who have faith, from political participation or dialogue about state politics, but it is prudent that the believer does not impute his religious confession in the public space of power with the distortions of an unequal electoral race, ministering the secrets of faith and mixing the conceptions of dispute in the fairness of the electoral process.

The law has no way of predicting abusive moral behavior, but it can hold them accountable. The abuse suffered the civil contours, admittedly, as an abuse of rights and invaded the public sphere to the expression of the abuse of power. When a religious leader or even a sectarian has institutional support from the church for a political-party project, no matter how intentional it may appear, it is taking with it a flagrant illegitimacy in access to public institutions of power.

Now, it is certain that it will not be possible, at all, to overcome the intersubjective abuse in the relations between religious institutions and civil society, whose social influence is difficult to control, in view of the strong influence that the most diverse beliefs already rooted in the country have. On the one hand, the tradition of legal institutions insufficient to explain contemporary phenomena, on the other hand, the existence of these phenomena with the theoretical characteristics enunciated in the post-modern condition, that is, the social metamorphoses that always emerge, consigned, however, to the advent of technologies and globalization, advancing meteorically in paths that are not easy to explain, since they are complex.

Law, as a rule, should refrain from subjectively interfering in private relations, but the watchword, in the current conjuncture in which legal theory finds itself, demands a salutary evolution, and the thought that has worked so hard to conquer things in its own way, today has as an ally, vast technology, the expertise of artificial intelligence and external control systems that can and do advance in the best administration of the justice scenario.

There would be no problem for the secular order, if not to put society itself at risk, as it has been done to reach the society of risk. It is necessary to move forward, since alongside immense technology there is a wealth of consequences inherent to planetary life, to the extent that such an arsenal of information and misused techniques can lead to irreparable damage, if not to the destruction of the common good. To this end, the society of risk emerges a society of environmental and sustainable culture, free from omissions regarding the future of planetary life and/or reactionary movements to inclusive development, in this sense, it is necessary to have a synthesis in which the environmental State and the technical State are dialogued with a view to the joint responsibility of the common good.

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