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The Price of Secularist Activism: Organised Unbelief before the State in Brazil

Introduction

This chapter analyses the strategies that the two main associations of non-believers in Brazil – the *Associação Brasileira de Ateus e Agnósticos* (Brazilian Association of Atheists and Agnostics – ATEA) and the *Liga Humanista Secular do Brasil* (Secular Humanist League of Brazil – LiHS) – put into practice in defence of state secularism.¹ The aim is to reflect on the commitments these associations' course of action entails, and the implications it has for the status of unbelievers in the public realm. We maintain that both the strategies of action chosen by atheist associations and the conditions they encounter from the institutional and legal order are elucidative of the forms and possibilities available for the social existence of unbelievers in Brazil. The analysis presented here is based on multisite ethnographic fieldwork conducted within Brazilian atheist networks between 2016 and 2018, dedicated to studying the collective articulation of an atheist movement in the country *vis-à-vis* the local religious field. The reflections are further supported by research into legal activism carried out by ATEA and LiHS between 2016 and 2021, through the analysis of court case documentation.²

The argument presented here draws from these diverse materials to highlight the dilemmas faced by organised unbelief in its struggle for state secularism in Brazil. It presents a description of the contrast between activists' self-understanding of their status and their cause, and the conditions imposed by the Brazilian state for the pursuit of this very activism. It is stated that the institutional and legal framework that enables organised unbelievers to enter into dialogue with public power

¹ This study was financed in part by the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior – Brasil (CAPES) – Finance Code 001.

² The first period of research led to my PhD dissertation in Social Anthropology: Sabrina Testa, “Oposição e parte: O movimento ateísta e o campo religioso brasileiro” (PhD dissertation, Federal University of Santa Catarina, 2020). The second period of research was an extension of the first and was developed during a post-doctoral project carried out at the GSRL (CNRS-EPHE) in 2022. This postdoc was part of a CAPES-COFECUB cooperation project named “Transformations of secularism: new relations between State, society and religion”, which brings together researchers from Brazil and France. The main results of this second research were published in an edited volume: Emerson Giumbelli and Marcelo Camurça, ed., *Transformações da laicidade: Estado, religião e sociedade em relação* (Brasília: ABA Publicações, 2024).

forces the framing of unbelief as a religion and the equating of organised unbelief with a church or a confession. This framing is accepted by activists as a price to be paid to qualify as valid collective actors before the state, even when it runs counter to their self-understanding and is filled with implications for their place and status in public space. That only groups defined as religious can question the state on religious matters (therefore on matters of state secularism) is elucidative both of the difficulties non-believers face in having themselves acknowledged by public powers and of the all-encompassing nature of religion in Brazilian society.

Organised Unbelief and the Religious Landscape in Brazil

Although unbelief is not a novelty in Brazil, the emergence of a collective mobilisation in its name is relatively recent. It was only in the first decade of the new millennium that the first attempts were made to make unbelief the central concern of a so-called collective project. In other words, we are referring here to a set of initiatives in which unbelief is not just an ingredient in a broader political and philosophical programme – as in socialism, anarchism or positivism, all of which have a long history in the country –, but becomes the main slogan and rallying point for mobilisation. Furthermore, we do not refer to unbelievers as such, nor to unbelief as a purely philosophical stance, but to a series of attempts to turn this unbelief into something more than an individual and private conviction or a purely philosophical principle. What is new in a country known for its religious vitality is the emergence of an atheist ‘movement’, which seeks to bring together all those who, in such a context, are willing to affirm their disbelief regarding religious truths and institutions: in a broad way, atheists, agnostics, secular humanists, freethinkers, rationalists and sceptics.

While the emergence of this mobilisation follows the explosion of so-called new atheism worldwide chronologically, in Brazil this happened within a particular context. The Brazilian religious landscape has been undergoing significant changes since the 1980s, marked by a breakdown of catholic hegemony and the diversification of religious affiliation.³ While in 1980, catholics represented 90 percent of the population, in 2010, this percentage dropped to 65, declining to approximately 50 percent by 2019. This decline was partly offset by an increase in the

³ Ricardo Mariano, “Mudanças no campo religioso brasileiro no Censo 2010,” *Debates do NER* 24 (2013): 119–137.

proportion of evangelicals, which in the same period rose from seven to 23 percent and then to 31 percent of the population respectively. A second expanding category was the ‘nones’, which went from just 1 percent of the population in 1980, to 8 percent in 2010, to reach 11 percent in 2019. The picture is completed by an increase in the relative share of other religions – especially spiritism and Afro-Brazilian religions such as *umbanda* and *candomblé* but also jews and muslims, among many others – which went from two percent of the population in 1980, to 4 percent in 2010, and 8 percent in 2019.⁴

Proportionally, the ‘nones’ were the segment with the most notable growth, increasing more than tenfold over the period considered. In this respect, Brazilian researchers, as well as their colleagues in the Euro-American area, draw attention to the imprecise and heterogeneous nature of the category.⁵ It includes not only declared atheists and unbelievers but also the indifferent and, in particular, those who retain their faith in God but do not have a stable affiliation to a particular church or cult or a regular religious practice. Among Brazilian researchers, there is a consensus that the ‘nones’ are, for the most part, neither unbelievers nor indifferent but “unchurched”, that is, individuals who maintain their beliefs and even their religious practices but do so outside any defined institutional framework.⁶ In this context, it is clear that what Philippe Portier qualifies as “sécularistes d'affirmation” constitute a minority within this minority:⁷ atheists themselves represent around 1 percent of the population, a percentage that remained stable between 1980 and 2019. We should note here, however, that in all cases what is measured is the self-declaration of the respondents. So it is not clear to what extent agnostics,

4 The figures for 1980 and 2010 correspond to the demographic census carried out by the Brazilian Institute of Geography and Statistics (IBGE). This is an official body that makes the results of its surveys available in its official website: “Censo 2010 – Resultados”, accessed 21 December 2023, <https://censo2010.ibge.gov.br/resultados.html>. The 2020 census was postponed due to the COVID pandemic and the results have not yet been released. The figures for 2019 come from a survey conducted by the private institute Datafolha, widely reported in the country’s media. The source used here is: “As religiões no Brasil,” Plataforma Religião e Poder, accessed 21 December 2023, <https://religiaoepoder.org.br/artigo/a-influencia-das-religioes-no-brasil/>.

5 Pierre Bréchon and Anne-Laure Zwilling, “Introduction,” in *Indifférence religieuse ou athéisme militante ? Penser l'irréligion aujourd’hui*, edited by Pierre Bréchon and Anne-Laure Zwilling (Grenoble: Presses universitaires, 2020), 9–17.

6 Regina Novaes, “Os jovens “sem religião”: ventos secularizantes, “espírito de época” e novos sincrétismos. Notas preliminares,” *Estudos Avançados* 52 (2004): 321–330; Clara Mafra, “Números e narrativas,” *Debates do NER* 24 (2013): 13–25; Carlos Alberto Steil, “Mapas e hologramas como metáforas para pensar os dados sobre religião no Censo IBGE de 2010: Comentários ao texto Números de Narrativas de Clara Mafra,” *Debates do NER* 24 (2013): 29–37; Faustino Teixeira, “Os dados sobre religiões no Brasil em debate,” *Debates do NER* 14 (2013): 77–84.

7 Philippe Portier, “Conclusion,” in *Indifférence religieuse ou athéisme militante?*, 168–186.

humanists, sceptics or simple non-believers without a defined label chose to define themselves explicitly as atheists or preferred the broader label of ‘no religion’.⁸

If in such a context secularist activism generically adopts the label of atheism, it does so by keeping this definition as broad as possible, so as also to appeal to those situated in the grey zone between avowed atheism and mere indifference.⁹ In this sense, there is a consensus among Brazilian activists that atheism, as they understand it, can only be defined negatively, as the ‘absence’ of belief in god(s), whatever form that absence takes. Beyond that definition – which itself involves a strategy of action – the activism in question is dedicated to the affirmation of religious unbelief as a valid and legitimate position in a context where it is far from evident, much less frequent. According to the 2019 Global Attitudes Survey (Pew Research), in Brazil, 98 percent of the respondents say that god plays an important role in their lives and 84 percent think it is necessary to believe in god to be moral and have good values.¹⁰ In a similar context, the affirmation of unbelief is inseparable from religious criticism. This is not directed at religion in general but at the religions that actually exist and are socially relevant in their own environment. Clearly, it aims at catholicism and the expanding evangelicalism, particularly its pentecostal strands.

Aimed at a minority and articulated by a minority within that minority, the Brazilian atheist movement is loosely articulated in the form of a network and operates mainly through the internet and social networks.¹¹ Despite the obvious difficulties of transcending the virtual world, this mobilisation enabled a few events dedicated to bringing together non-believers, a series of small-scale local groups scattered in different parts of the territory, along with a handful of more or less structured initiatives with limited organisational resources. Although low institutionalisation and instability are undoubtedly the predominant characteristics of the whole, this mobilisation gave rise to two formally constituted organisa-

⁸ For the same reason, “no religion” is equivalent to “no church” for many respondents. As it is self-declaration that counts, the categories are subject to different interpretations. However, a survey by the Datafolha Institute in 2022 found that nine out of 10 respondents who declare not having a religion claim to believe in a god. Anna Virginia Balloussier, “Datafolha: Brasileiros vão menos à igreja e dão menos contribuições,” *Folha de São Paulo*, last modified June 29, 2022, accessed 15 April 2023, <https://www1.folha.uol.com.br/cotidiano/2022/06/datafolha-brasileiros-vao-menos-a-igreja-e-dao-menos-contribuicoes.shtml#:~:text=Cre%C3%97as%20no%20Brasil,de%20alguns%20representantes%20dessas%20cren%C3%97as>.

⁹ General remarks on non-religious activism in Brazil are mostly based on my PhD dissertation.

¹⁰ “Global Attitudes Survey, Spring 2019,” Pew Research, accessed 15 April 2023, <https://www.pewresearch.org/global/question-search/>.

¹¹ For this point, see Ricardo Oliveira da Silva, *O espectro do ateísmo: Construções de uma alteridade antagônica na história do Brasil* (Jundiaí: Paco Editorial, 2022), Kindle edition.

tions, the aforementioned *Associação Brasileira de Ateus e Agnósticos* (ATEA) and *Liga Humanista Secular do Brasil* (LiHS). Both are small organisations, operating with a minimal organisational structure, thanks to the work of a few volunteers and with scarce financial resources. Although they experienced a relative heyday around 2012 to 2015, they are now on the verge of disappearing.

Founded in 2008, the ATEA has become the most active and well-known atheist association in the country. This is mainly due to its activity in the virtual world, especially on social networks, where it gained notoriety for its frontal and provocative communication strategy. It stood out for its humorous and even burlesque content, centred on religious criticism and aimed at the general public. Considered offensive, even discriminatory by its detractors, and superficial by analysts, this type of material proved to be effective in terms of appeal and popularity. The LiHS, on the other hand, was founded by a former ATEA associate who disagreed with such practices. Aligned with Anglo-Saxon secular humanism – it was affiliated with the International Humanist and Ethical Union –, the organisation was oriented towards a more scholarly and less popular audience. With the purpose of endowing non-belief with a positive content, the organisation was concerned with the scientific and philosophical basis of its positions, adopting a quasi-academic character in its communication channels and activities.

Although different in their principles and methods, both organisations have similar objectives. They are dedicated to promoting secular worldviews, combating prejudice against non-believers and defending the secular state as a fundamental element of freedom of belief (which includes the freedom of not to believe). While they have become known for their media activity in favour of the first two objectives, it is the cause of state secularism that is the focus of their most serious efforts and the few resources they have at their disposal. Understood accordingly in terms of ‘separation’ between the affairs of the state and the affairs of religious institutions, this is a banner they have adopted as their own and which they – at least their leaders – consider fundamental for the social existence of unbelievers in a context where religion is omnipresent and often considered a fundamental pillar of social ties.¹² It is also by virtue of this struggle for a secular state that unbelievers, thus organised into associations, become actors *vis-à-vis* the state, that is to say, they come into existence as a collective actor that addresses specific demands to the public authorities and expects a response from them.

¹² The focus on the cause of state secularism has been noted as a characteristic of non-religious activism in countries historically marked by a majority religion and a dominant church. See Bérengère Massignon, “La Fédération humaniste européenne: un athéisme organisé et militant auprès des institutions européennes,” in *Indifférence religieuse ou athéisme militant?*, 125–140.

A Combative Secularism

The work that the ATEA and the LiHS carry out in defence of the secularity of the state mainly takes two forms.¹³ The first is legal activism that seeks to combat in the courts what is seen as excessive and undue interference – according to their reading of the country's legislation – of religion in the structures and actions of the state. The second, smaller-scale approach, practised only by the ATEA, consists of participation in interreligious consultative committees. These are collegiate bodies organised by the executive power that bring together representatives of civil society and different sectors of the state to discuss issues related to religious diversity, tolerance and freedom. Insofar as they imply access to instances of dialogue with the state, these channels of action both offer potential and impose conditions on collective mobilisation in the name of unbelief. On the one hand, they offer the possibility – albeit a small one – of generating social transformations when one has minimal organisational and financial resources and acts on behalf of a social segment characterised by its dispersion and disaffection for public demonstrations. On the other hand, opting for such strategies implies following specific procedures and making commitments that mould the way in which organised unbelief presents itself in public space.

Legal activism, in other words the recourse to courts as a form of collective mobilisation,¹⁴ consists mainly of small legal actions dedicated to questioning the actions of representatives of the public authorities at municipal (mostly), state or federal level.¹⁵ The content refers to the use of public resources, or of the state structure in a broad sense, for what they consider are religious purposes. The complaints question public funding or material support from the state for religious events (an Evangelical Cultural Week, a March for Jesus, among others); the financing or cession of public spaces for the construction of religious monuments (a Bible Square, a monument to a saint or to the virgin); the installation by public agents of plaques with religious phrases or religious symbols in public spaces (e.g. “Jesus Christ is the Lord of Paraty”, “Palmas, capital of faith”); the promulgation of norms establishing the practice of prayer, bible reading or the celebration of religious services in public schools; norms making it compulsory to have bibles

¹³ Philippe Portier and Jean-Paul Willaime, *La religion dans la France contemporaine. Entre sécularisation et recomposition* (Paris: Armand Colin, 202), 67.

¹⁴ Liora Israël, *L'arme du droit* (Paris: Presses Sciences Po, 2009).

¹⁵ Although these organisations may hire lawyers to act in particularly relevant cases, in general this activism is carried out by professionals who act on a voluntary basis, like the rest of the collaborators of these entities.

available in public libraries, or the official participation of state representatives in religious ceremonies (such as canonisations and cults).

In all cases, these organisations defend a separatist conception of state secularism,¹⁶ which they believe is protected by the country's constitution. In this sense, they conceive of a state that dissociates itself from religion and religious matters, which are, in turn, understood as belonging exclusively to the private sphere. According to this arrangement, the state must remain neutral in relation to the different confessions existing in its territory, limiting its role to guaranteeing the institutional framework necessary for the full exercise of freedom of conscience (which implies freedom of belief and of non-belief). It is also not allowed to interfere with the internal affairs of the different confessions, which are all equally valid and deserving of equal treatment. From this perspective, any material support given by the state to a particular religious manifestation constitutes – according to an expression borrowed from the jurisprudence of the US Supreme Court – “indirect coercive pressure on religious minorities” who are excluded from this benefit,¹⁷ if not pure and simple “Christian propaganda financed by the public purse”.¹⁸

In fact, the complaints generally refer to the instrumentalisation of state structures in favour of Christianity, which remains the dominant creed, despite the transformations in the religious field. The opponents of this secularist activism are the Catholic Church and its long-standing privileged relationship with the state, as well as the expanding evangelical leaders in the political arena and the public sphere. The Catholic Church has historically benefited from preferential treatment by the Brazilian institutions, despite the legal separation of church and state that has been in force since the first republican constitution of 1891. This privilege took various forms of aid and support, including financial support, tax exemptions and the existence of established cooperative relations at various levels.¹⁹ Evangelical representatives,²⁰ for their part, entered politics during the pe-

¹⁶ Jean Baubérot and Micheline Milot, *Laïcités sans frontières* (Paris: Éditions du Seuil, 2011), Kindle edition.

¹⁷ ATEA (2020) Petição Inicial – Pedido de tutela de urgência contra a construção do ‘Museu da Bíblia’ no Distrito Federal, Tribunal de Justiça do Distrito Federal, processo nº 0705849-85.2020.8.07.0018.

¹⁸ ATEA v Município de Imbé (2020) Tribunal de Justiça do Estado do Rio Grande do Sul, Ação Civil Pública, processo nº 9000242-52.2019.8.21.0073.

¹⁹ Ari Pedro Oro, “A laicidade no Brasil e no Ocidente,” *Civitas* 11 (2011): 226–227.

²⁰ Unlike Catholicism, which is organised around a single institution, the evangelical field is characterised by its fragmentation. It is composed of a multiplicity of churches that diverge from each other in a variety of aspects, such as their size, their theological and liturgical conceptions and their attitudes towards society and politics. While not all evangelical denominations participate in the political arena, the major ones in demographic terms do (with the notable exception

riod of re-democratisation in the 1980s, with the aim of preventing the Catholic Church from extending its privileges alongside the Brazilian state in the Constituent Assembly.²¹ Evangelicals, particularly the pentecostals, entered the political arena “with the claim that it was urgent to defend their institutional interests and moral values against their catholic, homosexual, ‘macumbeiros’²² and feminist adversaries in the drafting of the Magna Carta”.²³

Since then, evangelicals, led by pentecostals, have expanded their participation in the country’s political-electoral arena, causing a multiplication of Christian candidates and discourses in electoral campaigns throughout the country in a phenomenon known as the “confessionalisation of politics”.²⁴ This resulted in a multiplication of openly evangelical representatives at all levels of government throughout the country. Several evangelical denominations succeeded in electing councillors, state and federal deputies, senators, mayors and governors, and in creating their own political parties. In this context, the sector’s activity in parliament stands out, where the formation of ‘evangelical caucuses’ allowed for the concerted support of their churches’ interests. These are linked, above all, to human, social, sexual and reproductive rights, as well as religious freedom and the demand for prerogatives and resources for the sector,²⁵ which try to obtain for itself privileges analogous to those of the Catholic Church in its relationship with public authorities.²⁶ Evangelical influence in the state structure reached its peak in 2018, with the election of Jair Bolsonaro.

of the Christian Congregation of Brazil). At a federal level, representatives of the Universal Church of the Kingdom of God, the Assembly of God and the Baptist Church predominate. Despite its heterogeneity, most of the evangelical representatives show a conservative tendency, particularly in the area of sexual and reproductive rights. For a detailed analysis of evangelical participation in politics, see Magali Cunha, “Um primeiro olhar sobre os deputados evangélicos na atual Câmara Federal,” February 13, 2023, accessed 21 December 2023, <https://religiaoepoder.org.br/artigo/um-primeiro-olhar-sobre-os-deputados-evangelicos-na-atual-camara-federal/>.

²¹ Ricardo Mariano, “Laicidade à brasileira: Católicos, pentecostais e laicos em disputa na esfera pública,” *Civitas* 11 (2011): 250–251.

²² Popular and descriptive term used to refer to followers of Afro-Brazilian religions, such as Candomblé and Umbanda. These traditions are often associated with “devil worship” in pentecostal milieus.

²³ Mariano, “Laicidade à brasileira,” 251.

²⁴ Ricardo Mariano, “Expansão e ativismo político de grupos evangélicos conservadores: Secularização e pluralismo em debate,” *Civitas* 16 (2016): 708–726; Ronaldo de Almeida, “A onda quebrada – evangélicos e conservadorismo,” *Pagu* 50 (2017); Lilian Sales and Ricardo Mariano, “Ativismo político de grupos religiosos e luta por direitos,” *Religião e Sociedade* 39 (2019): 9–27.

²⁵ Paula Montero, “Religious Pluralism and Its Impacts on the Configuration of Secularism in Brazil,” *Secular Studies* 2, no. 1 (2020): 22.

²⁶ César Alberto Ranquetat Jr., “O acordo entre o governo brasileiro e a Santa Sé e a Lei Geral das Religiões: Estado, religião e política em debate,” *Debates do NER* 18 (2010): 173–191.

naro as president of the republic, when several of these figures occupied key positions of power in the national executive.²⁷

As a result of this expansion, state support of religious expression, such as worship in public buildings, the public financing of religious events or the installation of biblical inscriptions on streets became more frequent and certainly more visible. In its political action (and beyond), the evangelical sector (particularly its pentecostal strand) adopted a strategy of occupation of the public space, in which the display of its symbols constitutes a public demonstration of its growing power and influence. This comes on top of the perennial but somewhat invisible presence of catholicism within the state and in public space.²⁸ In fact, the object of the demands of secularist legal activism is, in general, the state's promotion of elements that can be considered diacritical signs of Catholicism, evangelicalism or christianity without distinction, although they do not refrain from denouncing the endorsement of other religious manifestations, such as Afro-Brazilian examples. In any case, state sponsorship of monuments, symbols, inscriptions, prayers, cults and events linked to religious segments of the populace is questioned. In doing so, they seek to assert a minority conception of secularism, which contrasts with the public dimension that religion has in the country, where it permeates the most varied social spaces and maintains a relationship of connection and proximity to public institutions.

That this questioning is possible, and the conditions under which it happens, is linked to the particularities of the regulatory regime for religion that has come to be established in Brazil. According to Marcelo Camurça:

One of the historical characteristics of the constitution of a regulatory regime for religion in Brazil is the lack of explicit general rules for the implementation of this system. This has allowed and permits the most diverse arrangements. These are determined by the conspicuous and public presence of the Brazilian religious field within the state, politics and institutions, as well as by other internal power relationships: the historical pre-eminence of Catholicism and the current, surprising rise of evangelicals and especially Pentecostals.²⁹

27 Marcelo Camurça, “Um poder evangélico no estado brasileiro? Mobilização eleitoral, atuação parlamentar e presença no governo Bolsonaro,” *Revista Nupem* 25 (2020): 82–104; Ronaldo de Almeida, “Bolsonaro presidente: Conservadorismo, evangelismo e a crise brasileira,” *Novos Estudos CEBRAP* 38 (2019): 185–213.

28 Emerson Giumbelli, “Crucifixos invisíveis: polêmicas recentes no Brasil sobre símbolos religiosos e espaços públicos,” in *Símbolos religiosos en controvérsia*, Emerson Giumbelli (São Paulo: Terceiro Nome, 2014): 129–152.

29 My translation. See Marcelo Camurça, “La laïcité à la brésilienne: La présence des symboles religieux dans l'espace public,” in *La sécularisation en question: religions et laïcités au prisme des sciences sociales*, ed. Jean Baubérot, Philippe Portier and Jean-Paul Willaime (Paris: Garnier, 2019), 177–178.

Such a configuration gives rise to tensions and controversies in which different social forces try to assert conflicting interpretations of the legal norm, which has a formulation that is “conducive to multiple hermeneutics”, according to the interests of secular or religious groups.³⁰ While all the different groups involved in these controversies insist on defending secularism, in practice they present very different interpretations of both the concept and its operationalisation in the country’s political and institutional order.

Strictly speaking, the current constitution – promulgated in 1988 with the return of democracy – makes no mention of secularism or the secular state in its 250 articles. However, it is generally accepted that the country adopts a secular regime in its political and administrative organisation by virtue of Article 19, first paragraph: “The Union, states, Federal District, and municipalities are forbidden to: I – establish religious sects or churches, subsidise them, hinder their activities, or maintain relationships of dependence or alliance with them or their representatives, without prejudice to collaboration in the public interest in the manner set forth by law.”³¹ The ATEA and LiHS base their activism on a strict interpretation of what the rule ‘prohibits’ the state from doing, while their opponents tend to focus on the ‘possibility’ of cooperation in the public interest, as well as on a less generous reading of what does and does not constitute the establishment of cults or churches and the subsidisation of or alliance with them or their representatives. However, the most frequent counterargument emphasises the cultural rather than the religious character of christian symbols, texts and manifestations in general, as well as the traditionally open and benevolent attitude of the Brazilian state towards its people’s manifestations of faith.

Another article invoked in these disputes is the fifth, which establishes equality among citizens: “All people are equal before the law, without any distinction whatsoever. Brazilians and foreigners residing in the country are ensured the inviolability of their right to life, liberty, equality, security, and property”. The norm goes on to specify the terms of this guarantee and in its sixth paragraph, makes explicit reference to religious rights: “Freedom of conscience and of belief is inviolable; the free exercise of religious services is ensured as well as, as provided by law, the protection of places of worship and their liturgies”. In this respect, the ATEA and the LiHS emphasise the principle of equality that would be violated when the state supports one specific creed to the detriment of others, including non-believers. In the conception of secularism they defend, it would be

³⁰ Camurça, “Laïcité à la brésilienne,” 177.

³¹ Brazil, *Constitution of the Federative Republic of Brazil* (Brasília: STF, Secretaria de Altos Estudos, Pesquisas e Gestão da Informação, 2022 [1988]), accessed 21 December 2023, https://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf.

logically and materially impossible for the state to promote any religious manifestation without infringing on the rights of all those who do not identify with that creed, unbelievers included. In their demands, secularist activists do not invoke the violation of rights specific to their minority status but demand – at least this is what they formally do – respect for norms that guarantee the rights of all minorities excluded from the state's favour.³²

Unbelievers *vis-à-vis* the State

Regardless of the way in which they underpin their positions, the channels available for dialogue with the state require secularist associations to present themselves as acting on behalf of 'religious' interests. This is established by the Brazilian legal system, which determines that only religious actors can address demands to the state in religious issues. That is to say, institutional channels open to civil society for the raising of demands on religious matters require that, in order to become a valid actor, the claimant presents itself as a representative of a religious group. In a context where religion is omnipresent and all-encompassing, one of the greatest challenges for organised unbelief is to claim a space for itself, as well as an identity different from that of religions. In this respect, they are consistent – despite their dispersion and lack of cohesion – in rejecting any trace that could assimilate them to a creed or a church, which is why they keep the definition of atheism minimal and negative, and avoid defining criteria of belonging, doctrines, or even clear leadership. Considering this situation, state-induced religious framing is not banal but a commitment to be made and a price to be paid for the cause they have chosen as their own.

An analysis of the legislation regulating the formal mechanisms of interlocution between civil society and the state, reveals the precise mechanisms of this forced framing. In fact, the Brazilian legal system offers three possible avenues for secularist judicial activism. When it is the entities themselves that present their claims to justice, they do so under the figure of Public Civil Suit (ACP), regulated by law 7,347/1985 and by laws 12,966/2014 and 13,004/2014, which introduce alterations to the previous one. Another possibility is the intervention as *Amicus Curiae* in third party proceedings, a figure formalised in the Code of Civil Procedure of 2015, Article 138. Finally, these organisations can choose to denounce the

³² Strictly speaking, their specific status as a non-religious minority is relevant when interreligious events or discourses are at issue. Complaints of this kind constitute a small part of secularist judicial activism and a part that has been progressively excluded from their claims over time.

alleged illegal acts or irregularities to the Public Prosecutor's Office, which is subsequently responsible for conducting the corresponding investigations and, if deemed appropriate, bringing the proceedings to court. In this case, the associations' participation is limited to the filing of the complaint, without having any control over the subsequent fate of the process. This is also the only way in which the ATEA and the LiHS escape the religious framework, as representations to the Public Prosecutor's Office can be made by any citizen, as well as by "legal persons, private entities, class entities, civil associations and public administration bodies", without distinction.³³

The Public Civil Suit is an instrument designed to protect diffuse and collective interests, i.e. goods and rights whose ownership does not lie with individuals but with the whole or part of society. The law presents a non-exclusive list of protected rights, among which the "the honour and dignity of racial, ethnic and religious groups" should be highlighted. As for the actors with the legitimacy to propose such actions, the law cites various state bodies (such as the Public Prosecutor's Office or the Public Defender's Office, among others) and also civil society associations, which must simultaneously meet two conditions: they must have been constituted for more than one year and include among their institutional purposes, "the protection of public and social heritage, the environment, the consumer, economic order, free competition, *the rights of racial, ethnic or religious groups*, or artistic, aesthetic, historical, tourist and landscape heritage" (emphasis added).³⁴ The usual interpretation of this rule dictates that, in order to challenge acts or events of religious content – complaints that generally refer to state action in matters of religion – the complainant must both justify its claim in terms of defending the rights and interests of religious groups, and have such a purpose specified in its statutes.

A similar rule applies in the case of intervention as *Amicus Curiae*. This figure institutionalises the possibility for third parties to intervene in judicial proceedings before the Supreme Federal Court (STF) – usually Direct Actions of Unconstitutionality – with the aim of providing elements to support the adoption of a decision that takes into account interests dispersed in civil society and in the state itself.³⁵ In other words, the 'friend of the court', due to his or her representativeness and ex-

³³ "O que é uma representação?", Federal Prosecutor's Office, accessed 30 April 2023, http://www.mpf.mp.br/rj/servicos-1/copy_of_perguntas-frequentes/o-que-e-uma-representacao.

³⁴ "Law 7,347 of July 24, 1985," Presidency of the Republic, Civil House, Deputy Chief of Staff for Legal Affairs, accessed 26 April 2023, http://www.planalto.gov.br/ccivil_03/leis/l7347orig.htm (own translation).

³⁵ Legal action whose main purpose is to declare a law or normative act unconstitutional, exercised before the Brazilian Supreme Court.

perience, has the function of assisting the judge with important information for the resolution of disputes of supra-individual content, against the background of safeguarding diffuse, collective and homogeneous individual rights.³⁶ Intervention as *Amicus Curiae* requires: (i) relevance of the case; (ii) specificity of the object of the claim; or (iii) social repercussion of the controversy. Specifically, all those who have standing for Public Civil Suits under the Brazilian legal system may intervene as friends of the court, explicitly, all those who can demonstrate “adequate representation” in relation to the issues debated in the proceeding in which they intend to intervene and, always and invariably, in light of the demonstration of their “institutional interest”.³⁷ As can be seen, intervention as *Amicus Curiae* requires from secularist associations a similar framework to that of the ACP, although here the definition as a religious group is less straightforward or obvious.

That being said, it is not only in justice that organised atheism equates itself, explicitly or by default, with religions when dealing with the state. It also accepts this framing in order to gain access to some of the interreligious committees, councils or forums that have emerged at the federal, state and even municipal levels in the last two decades. Although the names they adopt vary, they all have as their generic mission the promotion of religious freedom, the protection of religious diversity, the fight against intolerance and, secondarily, the defence of the secular state. They are always collegiate bodies, aimed at communication between the public authorities and civil society. They are generally coordinated by the human rights and justice departments and bring together representatives from both sides, namely officials from the relevant sectors of public administration (education, health, security), members of NGOs, delegates from universities and professional boards (psychology, law, teaching, etc.) and, logically, religious representatives. Indeed, they aim to ensure the representation of the most diverse segments of society, regardless of their demographic or historical or cultural importance. On the contrary, they focus their action on minorities and are therefore open to all religions and religious or quasi-religious life stances with an interest in taking part in the dialogue.

³⁶ Here it is worth mentioning the participation of both associations in the trial of the Direct Action of Unconstitutionality n° 4439, which decided on the lawfulness of the provision of denominational religious education in the country's public schools. Both ATEA and LiHS expressed their opposition to the current model of religious education, a position that was defeated. The country's highest court decided that religious education provided for by the Constitution can be denominational and linked to a specific belief. The judges held that, since tuition is optional, the secularity of the state and freedom of belief are safeguarded.

³⁷ “Amicus curiae,” Enciclopédia Jurídica da PUCSP, accessed 26 April 2023, <https://enciclopediajuridica.pucsp.br/verbete/163/edicao-1/amicus-curiae>.

From the point of view of the state, which promotes and coordinates these spaces, these initiatives can be seen as well-meaning attempts to institutionalise religious pluralism in Brazil and to address its difficulties. In fact, these committees have emerged from cases of intolerance against Afro-Brazilian religions, crossing the line of violence and desecration of places of worship, generally attributed to radicalised sectors of evangelical christianity. In practice, the focus is on the protection of subaltern or minority religions, those that find it most difficult to express themselves publicly. The consensus is clear: all forms of belief and worship are valid and good *per se*, without prior discussion or formalisation of what defines them as 'religion'. Equally, all have the right to be practised and expressed publicly, without persecution or restriction, and it is the duty of the state to guarantee this freedom, seeking solutions for occasions when the fulfilment of liturgical duties clashes with civil obligations and acting promptly in cases of intolerance, in particular in the protection of victims.

In these spaces, unbelievers sit alongside representatives of the most diverse cults and confessions, as one of the many 'religious'³⁸ minorities that populate the country's heterogeneous religious scene.³⁹ Like their peers, they undoubtedly support the fight against intolerance, particularly when it leads to physical aggression and they adhere to the fight against faith-based prejudice of which they are also the target. However, they hold an atypical and often solitary position in these contexts. Challenging the ecumenism centred on the equal inclusion of differences shared by state coordinators and religious representatives, they claim priority for the issue of secularism. They argue that only a truly religiously neutral state would be able to combat intolerance and guarantee freedom of belief and worship in a consistent manner. They maintain that the discussions should not be

³⁸ In these committees the term *religion*, and its derivates such as *religious*, can include what can be conventionally identified as confessions (catholicism, islam, judaism, or specific denominations such as the Methodist Church, for example) but also *segments* whose assimilation to religions is not obvious and requires a certain degree of metaforisation: shamanism, witchcraft, indigenous traditions, gypsies or even freemasonry. Each organ has its particular composition, but the inclusive utilisation of the term religion is a clear consensus in all of them, as well as the rejection of any clear definition of the concept.

³⁹ Strictly speaking, only ATEA takes part in those spaces. The association is represented in the Working Group on Confronting Intolerance and Religious Discrimination for the Promotion of Human Rights (GTIREL) of the Centre for the Promotion of Religious Freedom and Human Rights (CEPLIR) of the government of the State of Rio de Janeiro and in the Interreligious Forum for a Culture of Peace and Freedom of Belief, which depends on the Secretariat of Justice and Defence of Citizenship of the State of São Paulo. Outside the public sphere, but in connection with it, they also participate in the Religious Freedom Commission of the Brazilian Bar Association of the State of São Paulo.

limited to the particular situation of the various minorities represented there but should focus on the common problem of the excesses committed by the state itself. Rather than a detailed discussion of the various cases in which a particular confession has been disadvantaged by the prejudices of the population or state agents, by the conflict between religious precepts and civil or political obligations, or by simple persecution, they argue that the focus should instead be on denouncing the use of the state for the benefit of particular religious interests, which are usually those of the majority creed.

In this sense, it is possible to affirm that, although unbelievers participate in these committees as a 'religious' minority, they do not behave as such in their actions; at least they do not behave in the same way as the representatives of other creeds and confessions. That is, atheist representatives do not use these spaces to claim protection, benefits or privileges particular to the segment that they represent. Neither do they use these committees to publicise the particular situation of unbelievers or show special interest in the symbolic recognition of their identity as unbelievers. On the contrary, they act in a somewhat reverse sense, opposing any kind of protection, benefit or privilege granted by the state to groups or institutions defined in religious terms. This stance is consistent with their judicial activism which, although virtually carried out on behalf of unbelievers, does not invoke in their arguments a particular prejudice to them but a situation of privilege in favour of a particular denomination (usually christian), to the detriment of all others.⁴⁰

Final Considerations

Considering the overall activity of the ATEA and the LiHS for the secularity of the state, it is possible to affirm that organised unbelief is faced with a dilemma: either they accept defining themselves as a religion in order to have access to channels of dialogue with the state, or they remain consistent with their status as unbelievers (as they understand it) and renounce the possibility of addressing their demands to the public authorities. In such a context, the alternative is clear: between forced religious framing and formal non-existence, they choose the former. In other words, presenting themselves in the public space on terms that con-

40 A more detailed description of these discussions can be found in Sabrina Testa, "O ateísmo e a luta pela laicidade do Estado," in *Religião, Sociedade e Política: Miradas Socioantropológicas*, edited by Marcelo Tadvald, Hilário Wynarczyk and Mauro Meirelles (Porto Alegre: Cirkula, 2018), 31–44.

flict with their fundamental definitions – and with the understanding of the very cause that drives them – is the price to be paid in order to become a valid actor recognised by the state. It is clear, however, that connivance with such framing constitutes only a pragmatic commitment, insofar as it is limited to compliance with the conditions required by the Brazilian institutional and legal system in order to act on behalf of the cause they have adopted as their own.

In other words, organised unbelief only assumes the status of religion at the moment it presents its claims under the terms of the Public Civil Suit, requesting admittance as *Amicus Curiae*, or joins an interreligious committee, even though it could potentially bring them a series of advantages. In particular, the ATEA and the LiHS are formalised as simple civil associations, that is, as a “union of persons who organise themselves for non-economic purposes” – such as neighbourhood associations, football clubs or philanthropic entities – and not as religious organisations, which enjoy a special legal status. In practice, being legally equated with churches would allow them to evade certain legal requirements, such as accounting for all financial movements, auditing income and expenditure, or submitting to the decision of the general assembly the election of administrators, the approval of the countability or the alteration of the statutes, among other regulations.⁴¹

It should also be noted here that the Brazilian legal system does not have a definition of religion: any group that declares itself as such, can formally adopt the status of a religious organisation. Similarly, it is self-definition that counts, in principle, when applying for membership of an interreligious committee or qualifying as an actor eligible to initiate a PCA or to intervene as *Amicus Curiae* in legal proceedings to decide issues related to religions. Despite this absence of a formal definition of what is (and what is not) ‘religion’, in practice, the Brazilian legal and institutional system understands that only those who agree to qualify as such can intervene in religious matters or question acts and norms with a religious content. Paradoxically, this also implies that only those social actors who present themselves as religious can raise questions in matters of secularism, if one considers that secularism concerns – by definition and beyond the specific configuration it adopts in practice – the political order and the legal translation of the place of ‘religion’ in civil society and public institutions.⁴²

Such a framework has significant implications for the place and status of unbelievers in society and public institutions. The first, and most obvious, is that there does not seem to be a proper, clearly defined place for unbelief in the law or in the public sphere of the country. Inside and outside of the state, religion has

41 Ricardo Mariano, “A reação dos evangélicos ao novo Código Civil,” *Civitas* 6 (2006): 77–99.

42 Jean Baubérot and Micheline Milot, *Laïcités sans frontières* (Paris: Seuil, 2011), 80.

an all-encompassing character, including not only what could be considered its margins but also its opposition: life stances, traditional cultures or even secularism are easily considered ‘religion’ in Brazil. In such a context, secularist activism accepts religious framing but does not assume it beyond what is strictly necessary for its actions *vis-à-vis* the state. Torn between a quasi-religious public existence and relegation to the domain of the private, they adopt a compromise stance that is obviously not free of ambiguities. Practically invisible, they are regarded, when seen at all, as an insignificant minority fighting for lost causes, if not understood as a social (and cosmological) impossibility. The social and political transformations of recent years seem to support these views. Today, this secularist activism is on the verge of disappearing. Since 2016, but especially since the 2018 elections, the associations that carry it forward have suffered a drain of sympathisers and collaborators, and have seen their activity drastically reduced. It is unclear whether and to what extent they will be able to sustain themselves in the future.

