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**LAICITY AND SYMBOLIC CONSTITUTIONALISM: DISCUSSIONS FROM
THE SOCIAL REPRESENTATIONS OF PARLIAMENTARIANS IN A
MUNICIPALITY IN THE BRAZILIAN NORTHEAST**

**LAICIDAD Y CONSTITUCIONALISMO SIMBÓLICO: DISCUSIONES SOBRE LAS
REPRESENTACIONES SOCIALES DE LOS PARLAMENTARIOS EN UN
MUNICIPIO EN EL NORDESTE BRASILEÑO**

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REPRESENTAÇÕES SOCIAIS DE PARLAMENTARES EM UM MUNICÍPIO NO
NORDESTE BRASILEIRO**

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Abstract: The present study aimed to discuss the effectiveness of laicity based on the social representations of parliamentarians on the legal construct of art.19, I, Federal Constitution. Regarding the methodological delineation, the empirical research enabled the data collection through a semi-structured questionnaire, being adopted as inclusion criterion, the condition of councillor. The entire

universe was reached, totaling 23 individuals. It was also adopted the method of analysis of thematic content, being used as theoretical contribution for analysis and discussion phase the theories of symbolic constitutionalisation, strict laicity and social representations. It was concluded that the respondents represent laicity and social tolerance in a disengaged way, in that they admit the state as laic and social conviviality as intolerant, being this condition derived from the constitutional symbolic hypertrophy in the modalities confirmation of values and alibi legislation.

Keywords: Symbolic constitutionalism; Laicity; Social Representations.

Resumen: El presente estudio objetivó discutir la efectividad de la laicidad a partir de las representaciones sociales de parlamentarios sobre el constructo jurídico del art.19, I, Constitución Federal. En cuanto al delineamiento metodológico, la investigación empírica viabilizó la recolección de datos por medio de un cuestionario semiestructurado, siendo adoptado como criterio de inclusión, la condición de concejal. Se alcanzó todo el universo deseado, totalizando 23 individuos. Se adoptó el método de análisis de contenido temático, siendo utilizado como aporte teórico para fase de análisis y discusiones las teorías de la constitucionalización simbólica, de la laicidad estricta y representaciones sociales. Se concluyó que los respondedores representan la laicidad y la tolerancia social de modo desvinculado, en la medida en que admite el Estado como laico y la convivencia social como intolerante, siendo esta condición derivada de la hipertrofia simbólica constitucional en las modalidades confirmación de valores y legislación coartada.

Palabras-clave: Constitucionalismo simbólico; Laicidad; Representaciones Sociales.

Resumo: O presente estudo objetivou discutir a efetividade da laicidade a partir das representações sociais de parlamentares sobre o constructo jurídico do art.19, I, CF. No tocante ao delineamento metodológico, a pesquisa empírica viabilizou a coleta de dados por meio de um questionário semiestructurado, sendo adotado como critério de inclusão, a condição de vereador. Foi alcançado todo o universo desejado, totalizando 23 indivíduos. Adotou-se ainda o método de análise de conteúdo temático, sendo utilizado como aporte teórico para fase de análises e discussões as teorias da constitucionalização simbólica, da laicidade estrita e representações sociais. **Concluiu-se** que os respondentes representam a laicidade e a tolerância social de modo desvinculado, na medida em que admitem o Estado como laico e o convívio social como intolerante, sendo esta condição derivada da hipertrofia simbólica constitucional nas modalidades confirmação de valores e legislação álibi.

Palavras-chave: Constitucionalismo simbólico; Laicidade; Representações Sociais.

INTRODUCTION

The religious theme is always a field of deep debate, especially when considering the predisposition of some creeds to prescribe a religious-based normativity beyond the private limits of the group. From this perspective, it is possible to envisage cultural dynamics that are exclusive or discriminatory, capable of causing limitations and threats to rights in the bosom of interpersonal and group relations in society. Such discussions reach the legal arena when articulated with other issues, such as the exercise and violation of the freedoms of conscience, belief and thought, and the place of the religious element in the production of the public thing.

Among the various social actors involved in social construction, parliamentarians stand out in representative democracies as instruments that are personified to promote common interests and compatible with fundamental norms - carved in the constitutions in the nations, in their respective spaces and times –

being among its attributions, the promotion of socio-cultural plurality and the elaboration of a public space in which the coexistence of the different is verified and potentiated.

In the meantime, the present work aims to discuss the effectiveness of laicity from the social representations of parliamentarians on the legal construct of art.19, I, Federal Constitution. With regard to the methodological design, the empirical research on the screen is characterized as qualitative, being configured as an interdisciplinary theoretical-methodological dialogue between the Law and Theory of Social Representations. Finally, to control the data and conclusions obtained will be adopted the methodological triangulation that will involve the crossing of three axes, being: 1. Theory of the symbolic Constitutionalization and legal normativity on the matter; 2. Critical theory of laicity; 3. Social representations of the subjects. (GUSTIN e DIAS, 2013; JODELET, 2001; SÁ, 1998).

1. Theoretical Contribution

1.1 The Symbolic Constitutionalisation

The theory of symbolic constitutionalization of Marcelo Neves contributes in the discussions about the concretization of the constitutional norms, starting from perspectives of authors like those of Saussure, Peirce, Luhmann. The theory proposes a possibility of understanding the processes of democratic elaboration in the contexts of juridicity and effectiveness of the constitutional norms.

Neves (1996) draws attention to the difference between the phenomena of symbolic legislations and symbolic constitutionalizations, so that while the first concerns the symbolic character and function of fragments of legislation in a given legal system, the second deals properly with the constitutional symbolic content sufficient to compromise the entire legal operational structure and, indeed, the state identity. In this sense, the author still distinguishes the normative constitutions of the symbolic constitutions, pointing out that the norms are marked by a broad degree of concreteness of their normativity, consubstantiating the juridical-instrumental relevance of these constitutions, whereas the symbolic ones are characterized by the emptying of the content. More precisely, in the contexts in which the phenomenon of symbolic constitutionalization is identified "to the issuance of the constitutional text does not follow a generalized legal normalization, a comprehensive normative

concretion". Neves (1996) presents the synthesis of the concept by pointing out the specific trait for the phenomenon, namely: "hypertrophy of the symbolic dimension and detriment of the juridical-instrumental realization of constitutional devices" (p.326).

It does not mean that the normative constitutions do not have any symbolic aspect, otherwise, the constitutional content will always correspond to socially apprehended expectations, to a greater or lesser extent. The question that arises is the presence of an interaction between the symbolic and the instrumental aspect, so that in the society it is possible to see the concretization of these symbols present in the constitution, that is, the symbolic dimension articulates in balance with the legal realization of constitutional content (NEVES, 1996). When the constitution is symbolic, this relationship of equilibrium is flawed, since normative content does not lend itself to guiding conduct and guiding expectations in accordance with the announced dispositions, but, on the contrary, they appear as responses to concrete political demands.

From this process of symbolic hypertrophy, the ideological effect (and function) of the constitution on the whole legal system and society is unveiled, while a model is offered only under totally different social conditions, namely: the constitutional model would only find exit for concreteness in a context of deep social transformation, which in turn is obstructed, precisely because of the symbolic function operated by the constitutional text. In this, the symbolic constitution operates, as Neves points out (1996, p. 326), a pragmatic misrepresentation in the juridical-constitutional discourse when "it diminishes the social tension and obstructs the ways for the transformation of the society, immunizing the system against other alternatives."

The theory still presents a typology for the processes of symbolic constitutionalization related to the identifiable legal-ideological functions. In this way, the theorist suggests three types of symbolic constitutions, which are: 1. Confirmation of values; 2. Alibi legislation and; 3. Dilatory commitment. In the first type: confirmation of values, serves the constitution as a means to operate a selection of social values of interest of a given social group to the detriment of all other socially present. This type operates undue distinctions between social groups when it produces socially shared meanings and more or less esteem for the specific value elements of particular groups, in order to legitimize them through the legal system,

giving them a social superiority and predominance of a particular conception to the detriment of other possible ones. In the second type, the normative text operates as a response to political-social pressures, but does not allow any possibility of concretization, thereby merely seeking popular approval. It is observed in these cases, as the author points out, that it is "unlikely that normative regulation can contribute to the solution of the respective problems" (p.37) for which it is addressed, either because of its incongruity in its content or because of its lack of instrumentality legal basis. Finally, the third type, a delaying commitment, is observed when the norm is produced in a context of consensus production among the interested parties, but this agreement "is not based on the content of the normative document, but on the transference of the solution of the conflict to an indeterminate future "(p. 41), the problem persisting in the social fabric.

Thus exposed the aspects of the theory of symbolic constitutionalism, it follows an approach on a specific fragment of the constitutional text, the device present in art. 19, item I, of the Magna Carta which treats, as stated in all national literature, the principle of laicity.

1.2 Critical Theory of Laicity or Instrumental Laicity and Tolerance

While it is up to the state to establish the balance of social life, it is also responsible for recognizing and safeguarding the rights of its citizens, establishing, for example, limits to the exercise of its own performance as well as individual and collective freedoms. In this context, legal restrictions on individual freedoms are admitted, with the scope of guaranteeing the interests of the social body, and in these contexts of limitations, the state and individuals acting, the first laic theories were developed. According to Catroga (2010), the first theoretical perspectives of laicity go back to the founding of democratic liberal states.

The framework of separation between State and churches is thus closely related to the emergence of modernity. As a consequence, the religious element occupies the spaces of private life, while the public sphere becomes informed by the interest of the collectivity. Blancarte (2008) emphasizes that the concept of collective space should not be influenced in its elaboration by aspects related to spirituality, because this kind of content has a strictly subjective character and for this particular reason. Thus, through the legal-political theories of laicity, a new model of social

interaction emerges, based on the perspective of privatization of the religious and the enhancement of collective interests. In this same scenario, as Catroga (2010) points out, political institutions begin to empty legitimacy through the religious meanings, starting to construct a sense of validity through the idea of nation and general interest, namely, in the sovereignty of the people.

In this way, laicity, as a legal-political phenomenon, presents itself as the total absence of particular interests marked by the religious element in the elaboration and conduction of the public sphere, thus enabling the State to grant to all individuals freedom of conscience which, reaching the sphere of social interactions, is capable of producing a new apprehension of everyday life, aiming at a material equality (PENA-RUIZ, 2003).

The main theoretical currents that have supported - and until the present moment inform -, the laicity were developed in France, cradle of the liberal revolutions. Zuber (2010) lists three main theoretical lines that deal with the limits of the laic concept. The first of these is marked by more francocentric characteristics when they claim to be the laicity experienced in French territory unlike the others elaborated in the West. According to Henri Pena-Ruiz (2003), one of the main names in this theoretical perspective, only French political experience was able to produce a legal scenario of effective laicity, one that went beyond the abstract limits of norms and reached the concrete experience of the individuals, hence the idea of laicity as an exclusively French phenomenon.

Marcel Gauchet, representative of the second stream, says that concrete examples of the phenomenon of laicity can be found throughout the West, because it is a process closely linked to modernity. In turn, the author throws on the phenomenon a more anthropological and less legal normative look. Finally, according to Zuber (2010), there is also a third aspect, represented by theoreticians such as Mohamed-Chérif Ferjani, conceiving laicity as an obligatory corollary of freedoms, being seen as a universal principle of struggle for recognition, thus detaching the legal construct of its historical, political and geographical context.

The first current differs from the others by pointing to a laic exit from the symbolic field, when it seeks the elaboration of sufficient resources for the social and legal production of concrete effects for the normative content, evaluated through traits found in social experience, to beyond juridicity.

In this, the conditions are established for the elaboration of a critical theory sufficient for the delimitation of a legal content of the principle of laicity. According to Pena-Ruiz (2003), laicity must produce a universalist pragmatism in the state, in terms of its organization, so that it is perceived throughout the community as a social juridical event.

In his work *Qu'est-ce que la laïcité?* the author lists three presuppositions for laic experience, being: 1. Freedom of conscience, 2. Equality between citizens, and 3. General interest of the common good. In this sense, as Freire (2017) points out, it takes more than the mere legal and symbolic affirmation of laicity, as occurs in the Brazilian order, through art. 19, I, of the 1988 Constitution. It is necessary that social experience be characterized by the presence of the three presuppositions that evidence experience and laic configuration; on the contrary, it would only be in the face of a juridical claim without a factual correspondent, resting precisely on this observation the trait that characterizes *the critical theory of laicity or instrumental laicity*.

The first assumption, as Freire and Reis (2018, p.104) point out, is based on the "ability to perceive itself as the mediate product of a historicity that crosses social interactions that are immediate to them", which positions individuals actively in their interactions, namely, the experience of consciousness - or freedom of conscience - is determined by the ability to comprehend and cope with the contradictions present in the material life of individuals and groups and its consequent taking of action and necessary to resolve them. The second presupposition is in fact a product of the first, when from the conscience the inequalities incompatible with democratic constitutional ideas are unveiled and altered, so that the specificities of groups and individuals are not used to provide socio-legal relegation experiences and valuation detriment.

In this, without freedom of conscience and equality between citizens, it would be for the State, through a specific action, to promote the necessary changes for the exercise of laic liberties and, through them, for equality between individuals. According to Pena-Ruiz (2003) and Freire (2017), this is precisely the third assumption, both when necessary for the establishment and maintenance of the first two assumptions.

Dialoging with the thought of Pena-Ruiz (2003), regarding the neutrality of the state - which translates into one of the three assumptions of laicity - another French thinker, Yves Charles Zarka (2013), offers three considerations concerning the theme laicity and neutrality. The first one emphasizes the importance of the separation of politics and religion, constituting the self-government of political authority and emancipation of religious authority. The second concerns the *neutrality of the State* as the enabling, in civil society, of spaces through which the diversity of thought and of religions can coexist harmoniously. According to Zarka (2013), the third consideration concerns the notion of laicity as *a complete philosophical doctrine of politics*, being used as a parameter for measuring the legal-political organization of a tolerant State. For this reason, Zarka (2013, p.75) concludes that "laicity, far from being the source of State neutrality, is, before that, one of its modalities."

For Zarka (2013) it is necessary to identify two distinct meanings for tolerance, which are products of the attempts of societies in the elaboration of egalitarian living. At first, tolerance in the first sense concerned that model of society in which certain individuals and groups had the social power to tolerate existence or determine the elimination of the other (feudal and absolutist societies). The ideal of equality between citizens clearly does not exist. Secondly, in the context of democratic states of law, guided by axioms such as isonomy and dignity, a second type of tolerance, ie a specific type of living in which all individuals and groups possess the same social conditions of elaboration and social participation.

The author goes on to argue that the tolerant society is not elaborated from a moral feeling spontaneously found in social interactions, on the contrary, tolerant coexistence presents itself as an artificial process provoked by specific socio-legal educational instruments.

In this way, according to the author, the tolerance in the second sense is achievable from two internal concepts, namely: the shattered world and recognition without reconciliation. The first concerns to a reality of plural societies, that is, the impossibility (and even the unnecessary) search for social homogeneity - the erasure of the different - so as to preserve the distinctive characteristics of groups, communities, peoples and nations.

The second implies the production of social recognition without overcoming the shattering, without its annihilation. "Recognition without reconciliation provides the

principle of coexistence (tolerance) in a shattered world, insofar as the right to existence and the very legitimacy of the other are included" (p.54).

1.3 Theory of Social Representations

The Social Representation Theory (SRT) was initially proposed by S erge Moscovici for the field of social psychology and has been used by several other areas of human knowledge as a theoretical and methodological resource for apprehending social phenomena related to common sense and its pragmatic function. Such uses are justified on the grounds that the theory is, from its origin, disposed in an interdisciplinary perspective, offering resources that interest to diverse fields. According to Jodelet (2001, p. 22), the concept of social representation refers to "a form of knowledge, socially elaborated and shared, with a practical objective, and that contributes to the construction of a reality common to a social set." S a (1998) points out that one of the areas of social phenomena that can be analyzed from the theoretical perspective of social representations is that related to the exercise of citizenship, that is, the way social actors are guiding in their interactions from the way other actors mean and the legal norms. Thus, analyzing social representations from a perspective of these experiences implies a search for the socially shared senses by individuals and groups, which determine the behaviors observed, more or less aligned with the possibilities arising from socially occupied positions in the legal landscape.

1.4 Municipal Autonomy and Legislative Jurisdiction

Brazil, despite being a Federative State, is one of the few in the West to provide municipalities with the same political and administrative autonomy as the Union and the Member States, and this peculiarity is incorporated into the national legal system based on the Magna Carta, in accordance with art. 18 of the Federal Constitution transcribed below:

Art. 18. The political-administrative organization of the Federative Republic of Brazil comprises the Union, the States, the Federal District and the Municipalities, all autonomous, under the terms of this Constitution (my emphasis).

In addition to self-management capacity, municipalities have the autonomy to create their own organic laws, voted through the city council. To the municipal

federative entity, according to Article 30 of the Magna Carta the following attributions arise:

Art. 30. It is the responsibility of the Municipalities: I - legislate on matters of local interest; II - to supplement federal and state legislation as appropriate (BRAZIL, 1988).

Therefore, it is up to the municipal councilors, at the municipal level, to legislate on matters of local interest. In other words, to say local interest implies the idea that the municipality should legislate on issues that cross the interests of the municipality itself. In this context, it is also worth noting the oversight function of the municipal legislative power, according to article 31 of the Federal Constitution:

Art. 31. The supervision of the Municipality shall be exercised by the Municipal Legislative Branch, through external control, and by the internal control systems of the Municipal Executive Branch, according to the law (BRASIL, 1998).

The councilors are elected by universal suffrage and are thus representatives of the people, so that they must, in their conduct as public agents, ensure the faithful exercise of their functions. Barroso (2015) highlights the important distinction between public interest and private interest. However, for those who make up the structure of the state, it is up to the principle of supremacy of the public interest, with a view to the production of collective welfare. So the idea of representativeness, considering the maximum rules of respect for plurality in democratic spaces, can not be, for example, subverted parliamentary activity as an instrument of attack or violation of the rights of groups or individuals deprived of representation in parliaments.

2. METHOD

2.1 Participants

In order to collect the data for the research, the criterion of inclusion was used as being an alderman in the municipality of Petrolina-PE. The study reached the whole selected universe, since all 23 municipal parliamentarians consented to participate in the study. However, the sample evaluated is of a non-probabilistic nature, and does not have the power to reflect the general condition regarding the positioning and parliamentary performance, informing the data only the reality of the analyzed universe. Among the twenty-three respondents, 95.1% (n = 22) were males, while 4.9% (n = 1) females, with an average age of 45 years, being the oldest and the youngest, respectively, 61 and 28 years. Regarding the religion of the

participants, 52% (n = 12) identified themselves as Christians (08 Catholics and 04 evangelicals) while the other individuals (n = 11) did not report any creed. A total of 34.9% (n = 08) had completed higher education, one had incomplete higher education, 43.4% (n = 10) reported having completed high school, 13% (n = 03) complete and only one of them incomplete elementary school. Regarding political positioning, considering the criteria adopted by Tarouco and Madeira (2013) for categorization, it was found that 82.6% (n = 19) of these parliamentarians were politically right-wing, while 17.4% (n = 04) to the left.

2.2 Procedure and instrument

The interviews took place in the city council of the municipality of Petrolina-PE, during the first half of 2017. The collection took place after the consent of the parliamentarians, by signing the Informed Consent Term. The instrument used for the qualitative approach was composed of open questions, elaborated from the theories adopted with the intention of enabling the participants to speak freely about the researched topic. All the interviews were recorded and later transcribed.

2.3. Data analysis

After completing the collection process, the 23 interviews were fully transcribed and then treated according to the thematic content analysis technique of Bardin (2002), aiming to identify the central content of the message conveyed through a systematic procedure performed in three stages, which are: floating reading that configures a pre-analysis of all the material, enabling a thematic systematization. It was followed for the exploration of the material, when the categories begin to be organized and classified by means of the emergent ideas, and, finally, the results identified are interpreted in the light of the theories that treat the phenomenon, by means of the triangulation technique.

3. Results and discussion

The material analyzed was grouped around three axes of analysis: I. *Laicity*, II. *Tolerance*, and; III. *Coping with intolerance*. The results and their analyzes will be presented in order of frequency. In Table 1 below, we have the results allusive to the first category:

Table 1 - Social representation of laicity for parliamentarians of a municipality from the Brazilian Northeastern Semi-arid

Category	f	Category	f
1. Absence of material laicity	60	3. Laicity in law (merely formal)	41
Disrespect for difference	17	The constitution guarantees / foresees	14
There is a lot of hatred and prejudice	13	There is no enforced religion	08
Not 100% laic	09	The State does not interfere	07
It is laic, but the majority religion is stronger	07	Guarantor State	05
There is discrimination between religions	05	The State allows manifestations of belief	03
Public organs bear religious symbols	03	No state rejection	02
There is no respect for minority rights	02	Separates political decisions from religious	01
It is not usual for laicity to be respected	02	The State is not laicist	01
The evangelical group grows every day	01		
It's just on paper.	01		
2. Existence of material laicity	52	4. Repudiation of laicity	08
Right to choose	16	The laic state often hinders the country's progress.	03
Eclectic (several religions live together)	11	Rigid rules are needed (to contain freedoms)	02
Democratic / laic country	08	(the laicity) disrupts	02
Free country	04	Excessive freedom (relative to laicity) is bad	01
Peaceful fellowship between individuals	03		
Equal rights	03		
No chase	02		
Isolated cases of persecution	01		
Mature population	01		

Source: Research data, 2017

As can be seen in Table 1, four categories were identified: a. *Lack of material laicity* (n = 60), b. *Existence of material laicity* (n=52), c. *Laicity in law* (merely formal) (n=41), and, d. *Repudiation of laicity* (n=8). The answers grouped in the category *No material laicity* were connected to the answer "yes, the country is laic, but ..." following from the senses that informed a sense of social mismatch for the laicity that was claimed to exist. As can be seen in the following extracts:

the state is laic, but I think even the country is laic, a very high percentage of the Brazilian population is Christian, right? who professes God as the Lord of our lives.

Through Jesus Christ, I think the Bible can be read, I think it helps a lot to change lives ... Brazil is laic, but it is also capitalist. It is more capitalist than lay

This result is understandable in the light of the legal perspective, since legal institutes may not correspond to factual realities in the dichotomy accepted as legal and social effectiveness. This implies that, from the lines, the respondents, even without evoking the legal theory, treated a legal efficacy for laicity, for "yes, Brazil is a laic country", "but ..", not being corresponding this perception in the social interactions of individuals, hence the semantic title attributed to the category.

The second category, *Existence of material laicity*, as well as the first one, grouped its senses around answers that elaborated meanings in the direction of which "Yes, the country is laic, because ...", being followed of statements that means some concrete experience of this social laicity, through evocations such as "Right to choose", "Democratic country", "Free country", "Peaceful conviviality" and "No persecution".

the Brazilian State is laic. It is laic ... because in fact, let us say that it is a country that has several religions, the religions of every citizen are respected ... when one speaks of a laic country, it means that it is a free country, when it comes to religion ... the Brazilian citizen is free to choose the religion he or she understands as a profession of faith ... everyone has the right to choose

The apparent contradiction between the two most salient categories reflects the very condition of social phenomena in contexts of symbolic legislations, that is, the distances between being, social experience itself, and *the duty to be*, that is, normative guidelines that should shape social behaviors that may or may not be identified in social practices. In this sense, the two most salient categories, with 60 and 52 evocations respectively, inform precisely that the respondents understand that there are social aspects that confirm the laicity of the Brazilian State. While there is also, in the perception of these subjects, senses that account for a social inefficiency, a material inexistence of laicity.

Elucidating the meanings shared by the analyzed social group, there is the category c, *Laicity in law (merely formal)*, whose published mean that laicity is a phenomenon present exclusively in normative texts. In these statements, there is no attempt to anchor laicity in some social efficacy or ineffectiveness: on the contrary, when they affirm the existence of laicity, they do so only because of normative prediction; no social information is conveyed to the answer "yes, there is laicity", and

the normative content is enough to affirm the laic condition of the Brazilian nation. As can be seen below:

I believe so (that the state is laic). Even because the Constitution states that we can not target a single religion, so I believe it is ... it must be because the constitution guarantees that it should be laic ... it (laicity) is a guarantee of the manifestations right? and at the same time the denial of an officialisation.

The last representational category, named d. *Repudiation of laicity*, by reason of its content, the category with the least number of answers regarding the core of shared meanings. However, its statements convey a kind of meaning that must be considered, given the wide repercussion that the group's performance has. According to the extracts:

(the country) is democratic, has a broad concept of taste, of thought, which can often be good for society, can be useful and often disturbs (...) If we look at European countries, Asian countries, mainly the Asian countries, I think you have knowledge, they have many strict rules, right !? Especially the way to dress, to express oneself, to dialogue with people, to attend some religion, to meet; There is a discipline, there is a timetable, there are words to be said in public, right? for society to know, it is the Asian countries that are very rich countries of the world (...) differentiated thinking often end up hindering a country's progression

The category contains statements that convey meaning such as: "the laic state often hinders the country's progress" (03 evocations); "Excess freedom (relative to laicity) is bad" (01 evocation); "Rigid rules are necessary" (01 evocation), in the sense and context of containing the freedoms arising from laicity; "(The laicity) disrupts" (02 evocations); "Freedom in excess (relative to laicity) is bad" (01 evocation). These meanings show some degree of repudiation of the idea of laicity, in the context of the search for equality between individuals whose positions are socially different, being this a data that, although quantitatively does not determine the representation, qualitatively suggests a specific attention.

Categories a. Lack of material laicity and c. Laicity in law (merely formal) are related since both inform the existence of laicity, without corresponding social concreteness with normative prediction, being this absence expressed in the first by means of statements that deal specifically with this non-correspondence. In the second, the sense is directed to the emphasis on normative prediction as an anchorage of an existence for laicity, and it can be inferred that for the respondents the most emergent meaning is that there is a laicity.

The second axis of analysis sought to know the social representations of parliamentarians regarding tolerance. Four main categories emerged from the respondents' speech, the two main ones being grouped by evocations that were

shown in approximate quantities, which suggests the most salient content of the representation, as can be observed in Table 2:

Table 2 - Social representation of tolerance for parliamentarians of a municipality from the Brazilian Northeastern Semi-arid

Category	f	Category	f
1. Ineffectiveness - negative aspect of tolerance	63	3. Confusion between public and private interest	21
Does not see the neighbor one as a citizen of rights	11	Aldermen are free to make draft bills of a religious character	05
Intolerance prevails	09	Religious bills that are not mandatory are constitutional	03
We have to improve on the issue of tolerance	08	The parliamentarian is intolerant because he represents society	02
There is no tolerance	08	The parliamentarian is not aware of his/her role	01
There is a lot of individualism and selfishness	06	(the parliamentarian) does not enforce legislation	01
There is no 100%	06	Religious councilman is good, as long as it is not radical	01
There is prejudice	04	The religion of the majority must prevail in politics, this is democratic	01
Tolerating is hard	04	Defending the interest of a group in place of the interest of the community (general) is valid	01
There is marginalization of social groups	03	At the beginning of the session we always read the Bible, but I am not in favor of reading texts from other religions	01
Some are intolerant	02	Each one promotes him/herself	01
Individualism strengthens intolerance	01	There is a tradition of privileges	01
Intolerance is impatient and glaring	01	Growing evangelization of politics	01
2. Positive aspect of tolerance / concept	50	4. Non-spontaneous tolerance	09
Tolerance is respect	24	It takes education for tolerance	04
Tolerance is convivial with the different	09	It is a topic that needs to be discussed	03
Tolerance is establishing limits of conviviality	08	Tolerance must be educated by the family	01
In most cases there is tolerance	05	It takes education (but it's not a duty of the school)	01
To tolerate is to have patience with the different	04		
Society is tolerant	07		
Guarantee of freedom of the other	01		
We are tolerant because we are democratic	01		
To tolerate is to perceive the other as the holder of rights and duties	01		

Source: Research data, 2017

Table 2 presents the results grouped around four categories, with their respective subcategories. Category 1 *Ineffectiveness - negative aspect of tolerance* (n=63), category 2 *Positive aspect to tolerance / concept* (n=60). Category 3 *Confusion between public and private interest* (n=21) and category 4 *Non-spontaneous tolerance* (n=9). The category 1, Ineffectiveness - a negative aspect of tolerance whose number of evocations is slightly greater than the second, with it is directly related to bringing the sense that, what is conveyed in category 2, Positive aspect to tolerance / concept, is not practiced socially, that is, it is not concrete in social experience. As can be seen below:

one can say ignorance of the human being in not respecting and seeing the other as a living being, as a citizen ... there is no 100% tolerance ... prejudice is greater, our people do not know how to enjoy and respect, it still places prejudice above all else ... individualism makes us think of my "I", in "I", and this does not see our neighbor as a citizen

Still in relation to category 2, the second most salient, brings the meaning of what, for these individuals, tolerance means by statements such as "Tolerance is respect"; "Tolerance is convivial with the different"; "Guarantee of freedom of the other" and "To tolerate is to perceive the other as the holder of rights and duties".

tolerance and patience are more or less the same thing (...) there has to be a limit, I think limit is tolerance (...) tolerating is one of respect

Tolerance, as a determinant of an egalitarian social coexistence (category 2), is socially ineffective (category 1) and this perception has some relation with the confusion between private interests and the public action that must be exerted by these subjects (category 3). While the tolerance that must exist in society will not occur without an education for this (category 4), categories 3 and 4 thus having an anchoring character for the meanings conveyed in categories 1 and 2. It is possible to infer that for the most salient meaning for what is known about laicity is that it is related to an egalitarian social coexistence between individuals and that this kind of interaction does not exist socially.

Table 3 addresses the set of informed meanings for stimuli on how to *Overcome intolerance*. In general, the participating parliamentarians reported that there was, to some degree, social intolerance. The results were grouped around two categories of ideas: a. Education for tolerance (n = 33), and, b. Impossibility to change (n = 14). The results of this last axis of analysis can be seen in Table 3.

Table 3 - Social representation of tolerance for parliamentarians of a

Category	f	Category	f
1. Education for tolerance	33	2. Impossibility of change	14
There is a need for social debate (on tolerance)	13	Changing is difficult	05
Awareness / education for tolerance	11	As it is, there is respect already	03
Empowerment of marginalized populations is needed	02	The councilors must accompany the majority (Christian)	02
Formation of the small citizen (children)	02	It's not possible to change a formed opinion	01
A revolutionary education is needed	02	There are religions that need to be respected, there are religions that we need to be careful about.	01
Fight against prejudice	01	The right way is the Bible	01
Public school is not a place for religion A, B or C	01	The Bible is for everyone	01
The Citizen needs to act	01		
The school treats the subject superficially	01		

Source: Research data, 2017

The results presented in Table 3 point to the need for construction through education of the various social groups, including children, so that there is a change in the social situation - *education for tolerance*. According to phrases like the following:

the changes will only be possible with the process of radical education (...) with the process of revolutionary education with the popular sectors, we will have a different representation in the chamber. This takes time, is a process right? (...) I think the debate, right; enlightening campaigns, you know? especially in the formation of the small citizen, of these new generations who are there and who will arrive, mainly, know. I do not think so, there can be no laicity, we started to comment here, without ... without it being absorbed by the new generations. I think that changing who already has a formed opinion is much more difficult.

In a less expressive quantity, a second category, entitled *Impossibility of change*, is grouped together. Contrary to the first, by means of statements such as "Change is difficult"; "As it is there is respect already" and "It's not possible to change formed opinion", inform a rigid representation of intolerance and even disinterest in a change, especially when observed statements such as "The right way is the Bible" and "The Bible is for all ", evoked in a specific context in which intolerance is involved in social interactions.

In this way it is possible to affirm the existence of two representational contents for the issue of confronting intolerance, the most salient of which is the one that is

directed to the possibility of change through the educational route and a second that conveys the idea of maintaining the scenario of intolerance.

Discussing the results from the SRT implies considering these contents as socially elaborated and shared senses in the social exchanges between the participants of the group, which are able to guide the practices and social behaviors of the subjects in their most diverse interactions, being possible to consider potential taken from the analyzed group, through the identified senses. It must also be considered that the group in question has a specific character, namely the position of power deriving from the parliamentary condition.

The combined meanings of laicism, tolerance and coping with intolerance suggest a stagnation and inertia position, shaping the constitutional discipline of laicity as symbolic, insofar as its content crosses social discourses but does not touch practices, even emerging in the social senses distance between normative forecasting and social experience.

Laicity is admitted, predominantly, as existing, with greater or lesser social effectiveness (Absence of material laicity - category 1. Existence of material laicity - category 2, Table 1 - social representation of Laicity). However, the analyzed group also shares the meaning of intolerance in social life (Ineffectiveness - negative aspect of tolerance - category 1 and, positive aspect tolerance / concept - category 2, Table 2 - social representation of tolerance). Such ideas are accompanied by a peripheral sense that tolerance does not occur spontaneously in social interactions (Non-spontaneous Tolerance - category 4, Table 2 - social representation of Tolerance). Thus, for respondents, tolerance and laicity are not related as interdependent phenomena. Perception that should be present, as suggested by the laic theory in Pena-Ruiz (2003) and Zarka's notes (2013) as a necessary condition for the production and maintenance of egalitarian living.

It should also be noted that, in light of the theory offered by Pena-Ruiz (2003), state inertia regarding the confrontation of intolerance, directly implies the maintenance of the condition of inequality between individuals. It is also possible that such dynamics are perceived and named by individuals in society, as tolerant, this in a tolerance in the first sense. Zarka (2013) points out that this type of tolerance is common in social dynamics in which certain groups enjoy privileges and differentiated power in the constitution of the rules of social life, authorizing,

'tolerating', the existence of different groups; but they enjoy lower rights, less expressed, in a notoriously unequal condition to those who 'tolerate' their social presence. This trait also corresponds, as will be shown, to the first type of symbolic constitutions.

Tolerance in the first sense, as put by Zarka (2013), corroborates the perspective of Pena-Ruiz (2013), insofar as it is incompatible with laicity, in view of its presuppositions, are necessarily focused on production of isonomic interaction conditions, notably through freedom of conscience and equality among citizens, which clearly does not correspond to the idea of a laic and intolerant society, at the same time.

When considering social representations as guides for social practices, taking into account that society is considered laic (no material laicity - category 1, existence of material laicity - category 2, and laicity in the law (merely formal) Table 1 - social representation of laicity) and at the same time, intolerant (ineffectiveness - negative aspect of tolerance - category 1 and positive aspect tolerance / concept - category 2, Table 2 - social representation Laicity). Such findings suggest that respondents ignore the relationship between laic processes, especially their assumptions, and the social production of tolerance.

When solving the problems of tolerance are sought, they do not deal with laic questions; it is because a society already enjoys, according to a shared representation, of laic status: a symbolic laicity. Such positioning implies a noninterference in the social conditions that sustain intolerance and, therefore, it directly attacks laicity, configuring this inertia, in a direct violation of the state neutrality in the laic aspects, since neutrality corresponds, according to Pena-Ruiz (2003) to maintain the conditions for the exercise of free consciousness and equality among citizens. While the state remained inert, in the face of situations of mitigation or obstruction of freedom of conscience, and when citizens are placed in unequal conditions, the expected neutrality would be violated, since the omissive act would have the effect of maintaining socially intolerant conditions .

The laicity that is experienced is a reflection of a process of symbolic constitutionalization, when one observes from the statements of the respondents the dissociation between formal and material laicity and the distance between them and

the production of tolerant experiences. That is, the laic content is fragmented and, therefore, does not announce any possibility of social realization.

Such constructions, incompatible with the assumptions of laicity, assert a discourse of the existence of laicity without connection with the effectiveness of normative guidelines, configuring, as said, a scenario of symbolic laicity and for that reason structuring of diverse discriminatory relations marked by the religious element, of so that there is a continuation of processes that violate freedom of conscience, since individuals are deprived of perceiving their unequal conditions when certain aspects of reality are placed in a natural way, from private perspectives, private interests, as if they were public (confusion between public and private interest - category 3, Table 2 - social representation of Tolerance), violation of laicity and therefore a non-laicity, according to Pena-Ruiz (2003) and Zarka (2013), unfolding in a framework of maintenance of intolerance.

This symbolic laicity presents itself, considering the typologies offered by Neves (2018), as symbolic legislation of types: 1. confirmation of values and 2. alibi legislation. An alibi is made when the laic idea presents itself as a normative response to the problem of intolerance in the relationship with the different one marked by the religious element, exempting the State and its agents, without nevertheless possessing minimum conditions for altering the concrete social contexts or even worrying about this. It is signified precisely as the insufficient state response (categories 1, 2 and 3, table 1: categories 1, 2, 3, table 2: table 3). The laic senses also emerge as a reflection of a specific selection of the values of a given social group, namely: the Christian majority, to the detriment of an elaboration that includes all groups (category 4, table 1: category 3, table 2 : category 2, table 3).

With regard to shared meanings about tolerance as a quality of living structured by equality between individuals and the consequence of the action of a laic state (PENA-RUIZ, 2003), there is a scenario of affirmation of intolerance, seized from contexts of inequality between citizens and direct violation of the possibility of exercising freedom of conscience. This process can be understood from the perspective of the ideological function of a symbolic constitution, insofar as it pragmatically misrepresents juridical discourse through the reduction of social tensions - when the actors admit that there is a laic state and a society - without, however, resolving the problem of intolerance, 2. Obstructing this way the possibility

of social transformation by the belief of the existence of a laic society or by the idea of disconnection between laicity and tolerance, and by immobilizing the system vitiated against any attempts to change when such processes of alienation are naturalized.

The issue is still particularly sensitive because of the social and political place occupied by the respondents.

For the Federal Constitution of 1988, the parliamentarians legally assume the role of first constructors of the right and, fiscals of this one. It remains clear, according to the aforementioned data, the shared sense of disconnection between laicity and tolerance, implying potential parliamentary omission in the face of circumstances of social inequalities that pervade issues related to laicity, configuring its symbolic hypertrophy.

There is also a sense of confusion between private and public interests (impossibility of change - category 2, Table 3 - representations about social intolerance), exemplified by statements such as:

the councilmen must accompany the majority (Christian) (...) I think it has to be respected, it has to be respected is, every religion has to be respected, but there are religions that we also have to be careful, right?

The absence of a perception of the close relationship between laicity and tolerance, especially with regard to the normative elaboration of public policies aimed at promoting laicity and fomenting tolerance, signaled by the mismatch between the common meanings of parliamentary activity, can lead, which are unfolded from these significations, in sufficient omissions to produce a scenario of laic ineffectiveness and, therefore, the maintenance of social intolerance contexts.

The Law does not come from nothing (WARAT, 2004). Any and all normative production is a product of the senses shared by the parliamentarians who participate in its elaboration, and these, in turn, will impregnate in these norms the senses that socially guide their conducts, making them reflect in the texts and normative contents. So inaccurate or even misleading knowledge can guide enough positions to violate the Constitution and violate general interests and individual and collective fundamental guarantees in the present discussion, expressed through rights guaranteed by the laic guarantee carved in the current constitution in its art. 19, subsection I.

4. Final Considerations

The present study began with a brief approach on the selected theories, followed by an explanation of the method used. Finally, the data collected from the theoretical-methodological presentation were presented and discussed. From the analysis of the data, it was concluded that respondents represent laicity and social tolerance in a disengaged way, in that they admit the state as laic and social conviviality as intolerant, being this condition derived from the constitutional symbolic hypertrophy in the modalities confirmation of values and alibi legislation, configuring a scenario of ideological maintenance of inequalities from the violation of the assumptions of laicity.

There are also senses that indicate the perception that social interaction can be improved through educational interventions at the expense of the State, thereby contributing to the peripheral meanings of an impossibility of changing the social scenario of intolerance. By means of these data, it is possible to perceive the need to promote public policies aimed at elucidating the laicity-tolerance relationship with society (with special emphasis on parliamentary activity), in addition to the necessary transition from state functionality to maintaining the constitution as a symbol for a constitutional instrumental standardization sufficient to provide an experience of effectiveness of the content of its norms. In this dynamics of social elaboration, it is important to note that the presuppositions of laicity, instrumental laicity, as guidelines for measuring the expected effectiveness and overcoming the symbolic condition of laicity must be considered.

It should also be noted that the data and results presented in this research are not generalized, and should be considered in their singularity. It is necessary to develop new studies, possible to cover the complexity of the phenomenon, and the current production can contribute with theoretical and methodological parameters for future work, aimed at measuring the phenomena of laicity and tolerance.

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