

## Religious Education in Brazilian Public Schools - an analysis of applicability

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Brazil is known for being a favorable environment for diverse religious manifestations, which include several streams of Christianity, practices of Islam, Judaism, religions with African and Asian roots, esoteric practices as well as and the constant appearance of new religious movements.

Religious Education should have an important place in Brazilian public education, since several professionals intensively seek to bring awareness to teachers and students, and to the society as a whole, about the need to include Religious Education in the school curriculum, as the Federal Constitution and the federal laws on education indicate.

However, this religious diversity in itself constitutes a natural impediment for this practice to happen harmoniously. For this and other reasons, this issue has been the object of constant discussions of education authorities and religious leaders. What would be the best way to provide Religious Education in a way that it fulfills the high goals it set out to have, and at the same time does not provoke discriminatory reactions, bullying and oppression of minorities by majorities, which could lead to a disastrous result from something so noble, positive, and desirable?

How could Religious Education be implemented in public schools, in environment marked by a diversity and plurality of religions? Is it possible to do it without the devastating consequences of proselytizing, prejudice and intolerance? Or would it be better for each family, having their religious orientation and religion, to take upon themselves the responsibility for the spiritual education of their children, out of the public space, if they so desired? It is about this issue that we want to talk about during this brief presentation.

Religious Education in Brazil started soon after the arrival of the Portuguese, in the 16th century. The pioneers in this area were the Jesuits, who arrived in 1549. Later, during the first part of the 19th century, the first Constitution of the country came into effect, known as the "Political Constitution of the Empire of Brazil", sanctioned by Peter I, on March 25, 1824. The letter established that the Roman Catholic Apostolic religion would be the Empire's official religion. So the state religion, Catholicism was in charge of most of the general education. And they educated new generations in accordance with Catholic dogmas and morals.

When the Empire ended and the Republic began, in 1889, President Manoel Deodoro da Fonseca signed the Decree 119-A, which forbade the intervention of federal authority and of federate States in religious matters and sanctioned the freedom of worship. When the first Constitution of the Republic came into effect in 1891, it clearly defined the separation between State and any religion or cult and more: it defined that the education provided in public establishments should be secular. It was also declared that all religions would be accepted in Brazil and that people could practice their beliefs and worship freely and openly.

After this, Religious Education was banned for a while, but returned in 1931 by a decree from then president, Getúlio Vargas, who reintroduced it to public schools in an elective character. As a response, the National Pro-Lay State Coalition was created, formed by representatives from all religions, in addition to intellectuals, like poet Cecília Meireles.

With the enactment of the new Constitution in 1934, the issue of Religious Education would be present in all Brazilian Constitutions from then on, namely, 1946, 1967, and 1988. The matter of Religious Education in public schools would also be contemplated in the first Law of Guidelines and Framework (LDB) of 1961, on the second LDB in 1971 and also in the LDB from 1996.

The Constitution of 1988, says on Article 210, first paragraph: "The teaching of religion is optional and shall be offered during the regular school hours of public elementary schools." The Article 5 defines: "freedom of conscience and of belief is inviolable, the free exercise of religious cult being ensured and, under the terms of the law, the protection of places of worship and their rites being guaranteed." Article 19, presents: The Union, the states, the Federal District and the municipalities are forbidden to: I - establish religious sects or churches, subsidize them, hinder their activities, or maintain relationships of dependance or alliace with them or their representatives, without prejudice to collaboration in the public interest in the manner set forth by law; II - refuse to honour public documents; III - create distinctions between Brazilians or preferences favouring some".

The text from the Law of Guidelines and Framework (LDB 9394/96), from December 1996, defined:

"Religious education, of optional enrollment, will be offered during regular school hours in public elementary schools, being offered, without onus to the public

money, in accordance with the preferences manifested by the students or their guardians, in character:

I - confessional, according to the religious option of the student or of their guardian, given by religious teachers or counselors prepared and accredited by the respective churches or religious entities; or

II - inter-confessional, as a result of an agreement between different religious entities, responsible for developing the program."

Thus, up to this point, these periods could be divided in three big phases:

**First Phase, 1500 - 1889, Legal Regime of the Union State - Religion (Catholic Church).**

**Second Phase, 1890 - 1930, Legal Regime of Full Separation of State - Religion.**

**Third Phase, 1931 - 2008, Legal Regime of Attenuated Separation of State - Religion.**

As of 2009, a fourth phase started with the approval of the Brazil-Santa Sé Agreement by the National Congress, signed by the Executive branch in November 2008, which started being called **Concordat Regime**. The agreement creates a new provisions, which disagrees with the LDB in effect:

"Art. 11- The Federative Republic of Brazil, observing the right to religious freedom, cultural diversity and religious plurality in the country, respects the importance of religious education with a view to the essential [religious] formation of the person.

§1. The religious education, both Catholic and of other religious confessions, to be optional, is a regular discipline in normal hours of state schools in primary education, so long as the respect for religious diversity of Brazil is ensured, in accordance with the Consitution and other laws, wihtout any form of discrimination."

From then on, there appeared the most diverse reactions from civil society, and most of them opposed to the actual disposition related to Religious Education. In 2010, a legal action from Brazil's Chief Federal Prosecutor's Office was made by then vice-prosecutor, Débora Duprat. According to the understanding of the the

Federal Prosecutor's Office, religious education can only be offered if the subject consists in the exposition "of doctrines, practices, history, and social dimension of different religions", and the teacher must not take any sides. According to the Prosecutor's Office, Religious Education in the country indicates the adoption of the "teaching of the Catholic religion" and of other beliefs, which, according to them, affronts the constitutional principle of secularity. The Federal Prosecutor's Office asks the court to recognize that religious education is of a non-confessional nature.

This is not an isolated understanding. Representatives of basically all religious segments and entities linked to education, attended the convocation in June 15, 2015, made by Minister Luís Roberto Barroso, from the Supreme Court and relater of the Direct Unconstitutional Action (ADI 4439). The minister granted the participation of representatives from several religions and from offices and entities linked to education. Each one of the 31 expositors had 15 minutes to present their arguments about the matter.

The representative of the National Conference of Bishops of Brazil (CNBB), Antônio Carlos Biscaia, was basically the only one to manifest support to the current model of Religious Education in the country, defending the agreement signed between Brazil and the Vatican. Biscaia tried to refute the argument of the Prosecutor's Office that this subject points to the adoption of a "Catholic Religious Education". "Brazil is a secular State, but it is not an Atheist State. So much so that the preamble of the Federal Constitution evokes God's protection. Religious Educations is different from catechetics. As a subject, it has a methodology and language that are adequate to a school environment, differently from a parish," he justified.

From those against the Brazil - Vatican Agreement, the arguments go from the technical analysis of what is in the Federal Constitution and LDB, until the evaluation of the religious setting of the Brazilian population, where Catholicism has been losing believers and, the evangelicals and those who profess no religion, have been growing significantly, according to the 2010 Census. For many analysts, the Agreement was the Catholic Church trying one more time to stop this growth, by introducing Catholic Religious Education in public schools.

According to Roseli Fischmann, researcher from São Paulo University, even though it mentions other beliefs, "the Agreement manifests a clear preference for

one religion, which forces schools to adopt a determined faith, and that is unconstitutional. Even if mentioning the optional nature for the student, a obligatoriness of Catholic teaching is established, which does not exist neither in the Constitution nor in the LDB. And so, our Constitution is being violated".

The arguments of those who defend Religious Education in public schools, say that the existence of this subject in the curriculum of elementary schools in Brazil, at first sight, might seem to be a contradiction, considering that Brazil is a secular State. However, a secular state does not mean a State that does not accept religion. The principle of secularism is the separation of religion from the rule of the State, and of the respect to the right of each citizen of having or not a religious conviction and of professing it within the limits of the Law. This principle is based in equality, in diversity, in the respect to the particularities and in the exclusion of antagonisms. Secularism does not exclude religions and their public manifestations, or religious education, much less interfere in the personal convictions of those who choose to not profess any religion.

"It is not a purpose of the subject a specific religious education, but the presentation of diversity of religious spirit, the education of a citizen, which respects differences. It still preserves the secular nature of schools and the promotion of diversities. The school, by respecting and making others respect the freedom of belief, based in the principle of neutrality, respects, consequently, the individuality of their students and the convictions of their families. When bringing to their spaces the diverse manifestations of each religion, they are teaching the principle of tolerance and it can be exercised in the school routine and in the classroom," assured Celia Cristina Muraro.

Those who defend this idea, that teaching religions contributes to the moral strengthening, introduction of ethics and implementation of good traditions in a society ever more violent, disrespectful, and indifferent to spiritual matters. Among so many favorable arguments, we insist in the question: with all of this, offering the subject of Religious Education in public schools makes sense? Most Brazilian researchers and teachers, assure that the answer is negative, and present at least three reasons.

**The first**, has to do with the difficulty in fulfilling what is legally determined. Starting with the elective nature. What to do with students that, for some reason, do not want to participate in the activities? The question of diversity, another item

foreseen in the law, also is not something easy to be solved. How can we guarantee that all religious groups - including internal divisions and dissidence - would be respected during the program in a plural country like Brazil?

**The second reason** is the intimate nature and has to do with the choices of each one and with the respect to the options of others. How can we assure that the responsible teacher for teaching Religious Education does not incur in the mistake of imposing his belief to the students? By no means, the school can be used as a stage for religious militance and manifestation of intolerance. It is good to remember that the same magna carta that determines that the Brazilian State is secular and, through its institutions, should remain neutral in what relates to religious topics. When this does not happen, the risk of embarrassment and bullying increases.

**The third reason** to leave Religious Education out from the curriculum is the essence of the school. The school is responsible for using the school days to teach students the contents about the several fields of knowledge. For a long time now, we know that Brazil is far from fulfilling this basic obligation. Results of evaluations like the Brazil Exam and the Programme for International Student Assessment (PISA) clearly prove this serious fault. Good part of students finish elementary school without being proficient in reading, writing and Math.

Even if not offering the subject, many public institutions make mistakes when using religion in their day to day. According to answers given by 54,434 school principals to the survey of Brazil Exam 2011, despite not offering the subject, 51% of schools had the habit of singing religious songs or praying during school time, at the beginning of classes or during lunch, among other things. This is the setting.

Still, according to Roseli Fischmann, "public schools cannot become a center of indoctrination as one or another wishes. The public space is for all, where respect to diversity is an educational content. It is important to learn to live with differences and to value them and not create an environment of homogenization, in which the person that does not fit is left aside or seen with suspicion and prejudice."

According to Luiz Antônio Cunha, "from this observation of the presence of religion, particularly of Religious Education, in public schools, the conclusion that

we can take is that pressure religious groups, especially the Catholic clergy, were able to enforce the constitutional determination about the *the only school subject mentioned in the Magna Carta*. From then on, they continued pressuring to leave the infra-constitutional legislation full of blanks, in order to be filled, according to their proselytizing, ostensible or dissimulated interests, in the lower stages of appeal of the State - National and State Education Councils, State Legislature, and city council, as well as in the corresponding jurisdiction in the Executive Branch. In summary: to what relates to the presence of religion in public schools, the federal regime was of great value for the development of a *legal anomie*, which provides, in turn, an *educational revelry*".

In face of what is presented in the Constitution and in the LDB, combined with the Brazilian background in what relates to Religious Education, unfortunately it is not possible to offer guarantees that the practice of what is presented for this subject will be completely free from proselitist interests. Proof of this is the Agreement Brazil - Vatican, which directed the noble and high purposes of the practice of Religious Education for the fulfillment of congregational purposes. It is expected that the Supreme Court will judge this issue and correct this legal deflection.

On the other hand, a society so plural like the Brazilian society, will hardly act with full exemption and harmonize all postulates foreseen in the Federal Constitution and in the LDB, without yielding to the strong natural pressure of the majority imposing on the minority. Despite being noble and high, the purposes for the practice of Religious Education in public schools seem to have been extremely idealized by those that fought for its implementation, without realizing the practical implications and its baleful consequences for those who think and believe differently from the religion of the greatest part of the population.

Thus, it is our thought that this subject should be of sole responsibility of each family, without any participation and interference of the State, driven only by private matters, in order to seek religious orientation for their children, if they so freely desire. And if they do so, they should do it according to their own religious convictions, of free initiative, without coercion or induction of whoever it might be. May parents join religious leaders and may they find in the restricted space of their family environment and of the religion they freely chose, the teachings that they wish to see perpetuated in their children.

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