

THE VISION OF THE NATIONAL EDUCATION COUNCIL REGARDING RELIGIOUS INSTRUCTION IN BRAZIL*

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In conformity with the Law of Directives and Bases for Education (LDB), in its Article 33, from 1996, religious instruction will be optional and should, when requested by the student, be offered during the normal hours of other subject matter in basic public schools without burdening public coffers. This offering should be provided according to the preferences manifested by students or by their guardians, including:

I – Confessional: ministered by teachers or religious counselors who have been prepared and accredited by their respective churches or religious entities; or

II – Interconfessional [*“Interfaith” might be a more common term in English*]): resulting from an agreement between diverse religious entities, which will be responsible for elaborating their respective program.

In its own right, the Brazilian Federal Constitution, in its Article 19, clearly refers to the separation between State and Church when it says, “The Republic, the States, the Federal District, and the Municipalities are forbidden to establish religious cults or churches, subsidize them, hamper their operation or maintain with them or their representatives relations of dependency or alliance, with the exception of cooperation for the public interest, as set forth in the law.” On the other hand, Article 210, in mandating fixed minimum standards for basic instruction, in order to ensure a common educational basis, opens the door in public schools for religious instruction.

The first question to consider is whether there exists a contradiction between the two articles in view of the relationship between the State and the Church regarding the offering of religious instruction. Or does Article 210 establish an exception? In reality, the constitution merely recognizes the importance of religious instruction for basic education during child and adolescent development. Thus, the law allows for a collaboration between both secular and religious instruction, as long as this collaboration is established in view of the public interest and respects—through elective enrollment procedures—different religious options or even the dispensing of any such enrollment in the school.

The second question is how to define and understand the term “religious instruction.” In this sense, a first interpretation, which has long been practiced in schools, despite evident difficulties and contradictions, arranges for a teacher, regardless of religious belief as long as all formalities have been fulfilled permitting one to teach religious material, begins to teach “religion.” Oftentimes, this teacher is responsible for completing, for their own convenience, the responsibilities of setting a time for the religious instruction, along with registering students.

One can understand that any person, religious or agnostic, should know the significant episodes from the life of Jesus Christ and other religious leaders, as well as much of the content of their messages, if only for the fact of having had access to our cultural tradition, reinforced by advanced schooling. A teacher of this subject—history of religion, cultural anthropology, ethics and religion—would be, like any other teacher, licensed by the State either through exams or classroom attributions. From this point of view, the teacher would never be an official representative of one of the existing religions in the country.

A second interpretation, however, one adopted by the National Education Council (CNE) and inferred by legal texts, understands the term “religious instruction”

as the space opened by the public school so that students may electively begin or be progress within a specific religion. From this point of view, only churches, individually or in associations, will be allowed to certify their representatives to occupy the space in answer to the demands of students in a determined school. This position of the National Education Council is taken in light of the interpretation that the new Law of Directives and Bases for Education (LDB) adopted, of which I have already cited Article 33.

The law seems clear, reaffirming the secular character of the State and the necessity for religious education under the guidance of representatives recognized by their own churches. The school is thus charged with two obligations:

1. To guarantee “elective enrollment,” which presumes that the school, in its pedagogical projects, will clearly offer to students and parents the options available from the Church, whether of a confessional or interconfessional (interfaith) character.

2. To make time and space available so that church representatives may use them in accordance with the pedagogical aims, and so that students who request religious instruction of **their choice**, not just knowledge about religions, which could be taught by any teacher familiar with the content, but religious instruction give by a duly authorized confessional or interconfessional (interfaith) representative.

On the other hand, this second interpretation imposes certain definitions, especially regarding the financing of this activity in the public schools. Even though the Law of Directives and Bases for Education (LDB) might not declare so, any onus cannot be placed on public coffers to fund these programs for three reasons:

- a) This would violate Article 19 of the Federal Constitution, which forbids any subsidizing of religious cults or the Church;

- b) This would create an unequal treatment of the State with regards to diverse churches, because the subsidization would be disproportionate to the demand. Since the teacher would be paid by the curricular hour, one or two students interested in one religion would require the same expense from the State as thirty or forty from another, seeing that the law guarantees the option of confessionality as well as the preference of the student;

- c) Finally, if the State were to subsidize this practice, the absurd extreme might occur in which religious instruction for dozens of different denominations would prove to be more onerous than the instruction of other subjects requiring a greater time commitment.

The National Education Council (CNE) understands that offering religious instruction in public schools, from the perspective of the State, and therefore of the educational systems and of the schools, requires them, before the school year has begun, to offer an appropriate time and to accept proposals for confessional and interconfessional (interfaith) instruction from different religions so that, with respect to Article 88 of Law 9.394/96 (LDB), these options might be included in the schools educational program and thereby transmitted to students and parents in order to ensure the elective enrollment of religious instruction, and being optional, according to the conscience of students and parents, without any form of inducement or obligation or preference given to one or another religion.