



School, secularity, and the Republic in Brazil: history and challenges¹

Escola, laicidade e República no Brasil: história e desafios

Escuela, laicidad y República en Brasil: historia y desafíos

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Abstract

This article, based on documents and bibliography relevant to the subject, and after conceptualizing secularism and secularization as categories of analysis, aims to present a history of the relationship between schools, secularism, and the Republic in Brazil. Beginning with the confessional state during the Empire, the article presents the secular republican paradigm between 1889 and 1930. In this paradigm, the state separates itself from the churches and recognizes respect for the exercise of religious freedom and of worship in civil society. Public education becomes secular. Beginning in the 1930s, the recognition of the religious phenomenon, in addition to guaranteeing fundamental rights, relaxed secularism, including through the mandatory provision of religious education in public schools, with optional enrollment. This flexibility was not without controversy. Partnerships also emerged in other sectors through the concept of cooperation in the collective interest. Beginning in the 1980s, there was significant growth in evangelical churches. Distributed among a few large churches and many small ones, they understand the importance of entering the political arena. Unlike the Catholic Church, which advises its religious to avoid direct political involvement, delegating such leadership to laypeople and acting through advocacy, evangelical churches take the opposite approach. This action is encouraged by elected leaders, supported by a broad presence in state-granted media outlets, and through intense use of social media, they begin to influence the faithful by pushing for a conservative agenda, including through projects that incorporate it into public schools. This situation places the theme of School, Republic, and Secularism at the heart of the struggle for democracy, the pillar, and foundation of a society in which the struggle for secular freedoms raises burning questions in the relationship between churches and state.

Keywords: Religious Education in Brazil; Secularism and Republic in Brazil.

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Resumo

Este artigo pretende, com base em documentos e bibliografia pertinente ao assunto, e após uma conceituação de laicidade e secularização, como categorias de análise, apresentar um histórico da relação escola, laicidade e República no Brasil. Partindo do Estado confessional no Império, há uma apresentação do paradigma laico republicano, entre 1889-1930. Nesse paradigma, o Estado se separa das igrejas e acolhe o respeito ao exercício da liberdade religiosa e de culto na sociedade civil. O ensino público torna-se laico. A partir dos anos 30, o reconhecimento do fenômeno religioso, além da garantia dos direitos fundamentais, flexibiliza a laicidade, inclusive mediante a oferta obrigatória do ensino religioso nas escolas públicas, observando-se a matrícula facultativa. Essa flexibilidade não ocorreu sem polêmicas a esse respeito. Parcerias também ocorrem em outros setores mediante o conceito de cooperação mútua em prol do interesse coletivo. A partir dos anos 80, vai havendo um crescimento significativo das igrejas evangélicas. Elas, distribuídas em poucas de grande porte e muitas de pequeno porte, entendem ser importante adentrar no campo da política. Contrariamente à Igreja Católica, que orienta seus religiosos a não entrarem diretamente na política, delegando tal comando para os leigos e atuando por meio de *advocacy*, com as igrejas evangélicas percebe-se uma atuação oposta. A ação é estimulada por meio de líderes eleitos, com apoio em ampla presença nos meios de comunicação próprios concedidos pelo Estado, pela intensa utilização das redes sociais, passam a influenciar os fiéis pressionando por uma pauta de costumes conservadora, inclusive mediante projetos que a façam presente nas escolas públicas. Essa situação coloca a temática da Escola, República e Laicidade no âmago da luta pela democracia, pilar e fundamento de uma sociedade em que as lutas pelas liberdades laicas põem questões candentes na relação entre igrejas e Estado.

Palavras-chave: Ensino religioso no Brasil; Laicidade e República no Brasil.

Resumen

Este artículo, basado en documentos y bibliografía relevantes para el tema, y tras conceptualizar el secularismo y la secularización como categorías de análisis, busca presentar una historia de la relación entre la escuela, el secularismo y la República en Brasil. Partiendo del estado confesional durante el Imperio, el artículo presenta el paradigma republicano secular entre 1889 y 1930. En este paradigma, el Estado se separa de las iglesias y reconoce el respeto por el ejercicio de la libertad religiosa y de culto en la sociedad civil. La educación pública se laica. A partir de la década de 1930, el reconocimiento del fenómeno religioso, además de garantizar los derechos fundamentales, flexibilizó el secularismo, incluyendo la impartición obligatoria de educación religiosa en las escuelas públicas, con matrícula opcional. Esta flexibilidad no estuvo exenta de controversias. También surgieron alianzas en otros sectores mediante el concepto de cooperación mutua en beneficio del interés colectivo. A partir de la década de 1980, se produjo un crecimiento significativo de las iglesias evangélicas. Distribuidas entre unas pocas iglesias grandes y muchas pequeñas, estas comprendieron la importancia de entrar en la arena política. A diferencia de la Iglesia Católica, que aconseja a sus religiosos evitar la participación política directa, delegando dicho liderazgo en laicos y actuando mediante la defensa de sus intereses, las iglesias evangélicas adoptan el enfoque opuesto. Esta acción es impulsada por líderes electos, con el apoyo de una amplia presencia en los medios de comunicación estatales, y mediante el uso intensivo de las redes sociales, comienzan a influir en los fieles impulsando una agenda conservadora, incluso mediante proyectos que la incorporan a las escuelas públicas. Esta situación sitúa el tema de la escuela, la república y la laicidad en el centro de la lucha por la democracia, pilar y fundamento de una sociedad en la que la lucha por las libertades laicas plantea cuestiones candentes en la relación entre las iglesias y el Estado.

Palabras clave: Educación religiosa en Brasil; Laicidad y república en Brasil.

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Introduction

Before discussing the relationship between school, secularism, and the republic in Brazil, it is important to define secularism and secularization, as well as the historical and controversial nature of the current situation.

The term "secularism," which emerged in France in 1871, originates from the Latin "laicus," which comes from the Greek "laikos." Laikós is linked to laós, meaning "people."

Unlike the theocentric theological conception of the Middle Ages, modernity brought a new conception of the world: an anthropological and anthropocentric one. This gradually led to the secularization of knowledge, as well as socio-political and cultural relations. This secularization occurred alongside a pluralism of conceptual trends, though it was marked by advances and setbacks, conflicts, and contradictions.

Thus, in Western societies, religion ceased to be considered the source of earthly power. Modernity is distancing itself more and more from *cujus regio, ejus religio*². As Bobbio asserts:

The final transition from the prince's perspective to the citizens' perspective takes place with the birth of the rule of law. In a despotic state, individuals have only duties, not rights. In an absolute monarchy, individuals have private rights in relation to the sovereign. In a state governed by the rule of law, however, individuals have both private and public rights in relation to the state. The rule of law is the state of the people. (Bobbio, 1992, p. 61).

The shift from *ex parte principis* to *ex parte populi* displaced the figure of the prince as the source of power, instead attributing it to the individual or civil society (i.e., all power emanates from the people/laós). Consequently, the exercise of power in the state is considered *delegated authority* representing the citizenry as a whole. Thus, it can be said that secularism, in which power originates from *ex parte Populi*, is democratic. Secularism implies the separation of state and church but goes further by postulating democracy, with it the equality of all.

Modernity gradually opens space for tolerance, freedom of thought and expression, freedom of conscience and worship, scientific development, and legal equality.

This change has meant not only disputes over concepts and interpretations but also that the inclusion of secularism in legal systems has oscillated between the emerging secular culture and the previous culture in which the Church and the State were united.

In this sense, secularism is a political phenomenon linked to the state because the origin of power and the establishment of political institutions derive from popular sovereignty to promote peaceful social coexistence. According to Zanone:

A secular state is the opposite of a confessional state; that is to say, a state that adopts a specific religion and privileges its followers over believers of other religions and non-believers. Political movements that defend the autonomy of public institutions and civil society in relation to guidance issued by the ecclesiastical magisterium or interference by confessional organizations refer to this notion of a secular state, as well as to the regime of legal separation between the state and the church and the guarantee of citizens' freedom in relation to both powers (Zanone, 1986, p. 670). (Zanone, 1986, p. 670).

² This expression stipulated that the religion of the ruler of a territory should be the religion of his subjects.

Secularism can be defined by what it is not: it is not the political definition of an atheist state, nor is it anti-religious. On the contrary, present in civil society, it recognizes the legitimacy of freedom of worship, freedom of conscience, and freedom of expression³.

The secular state does not adopt the religion of “irreligion” or anti-religion. By respecting all religions and adopting none, on the one hand, the state frees itself from religious control, and on the other hand, it also frees churches from control over their specificities in the religious field of faith and belief. This means, at the same time, the shift of religion from the state to the private sphere and the assumption of secularism as a concept referring to the power of the state, which in turn asserts itself as the guarantor of the freedoms inherent in fundamental and political rights. From this standpoint, secularism stands as a democratic place of equality and respect for differences. As Ferrajoli says:

Only the secular nature of law as a technique for guaranteeing the rights and freedoms of all — the law of the weakest, rather than the law of the strongest, which governs in its absence — can guarantee equal value and dignity to differences, exclude any discrimination or privilege, and ensure peaceful coexistence. (Ferrajoli, 2007, pp. 268–269) (Free translation by the author.)

Secularism and secularization are not synonymous. Secularism is a political phenomenon of the state, while secularization is a sociocultural process characteristic of modern humanism. Secularization privileges the human will to find earthly solutions to earthly problems. In this process, individuals or social groups distance themselves from religious norms regarding the cycles of time and space and the rules of law and customs related to religious definitions of values. Secularization is the presence of rationality, science, utilitarianism, and earthly values in economics, politics, and customs. According to Max Weber, it is a concept that expresses changes in the relationship between religion and society from a sociohistorical perspective. Important points in the German sociologist's analysis include the prominence of reason, the autonomy of the social field in relation to the religious, and desacralization as a loss of religious influence in civil society. However, this does not mean the end of religious sentiment. In social life, secularization distances itself from the sacred as something transcendent or immanent that is considered inviolable or absolute⁴.

According to Bobbio and Viroli (2002, p. 57), "the secular recognizes the limits of reason as insurmountable."

In this sense, secularization reveals the loss of religious institutions' influence over people's spaces and times, habits and customs, and institutions themselves. People live in public spaces as if God were not present. Examples of this can be seen in non-religious forms of celebrating Christmas and other religious holidays.

It is a social process in which individuals can profess to be believers, agnostics, atheists, or ignorant of religious festivals, catechisms, and religious symbols and rituals, exercising their freedom of conscience.

A state can be secular and preside over a religious or secular society in which individuals follow their conscience. There may also be cases in which a state is officially identified with a religion, yet society tends to be secular. The important thing is the autonomy of the political sphere in relation to the religious sphere and the definition of the origin of power as popular

³ There is a vast body of literature on secularism. I cite here only a few scholars on the subject: Baubérot, 2015; Bobbio and Viroli, 2002; Catroga, 2010; Comparato, 2007; Díaz-Salazar, 2007; Ferrajoli, 2007; Gauchet, 1998; Maclure and Taylor, 2010; Peçes-Barba, 2007; Portier, 2011; Poulat, 1987; Romano, 1985; Cunha, 2017, 2025; Sanchís, 2013; Zanone, 1986.

⁴ Cf. Weber, 1967.

sovereignty, even if there is an official state religion. Therefore, secularism goes beyond the separation of state and church, postulating political legitimacy through popular sovereignty.

In principle, a secularized society values a world disenchanted with religion and relegates dogmas and revealed truths, such as those of monotheistic religions, to the private sphere of individuals, respecting them. In any case, religion also gains its spaces of freedom, including the ability to recruit followers within civil society.

República, Laicidade e Educação no Brasil

As a political and legal phenomenon, secularism in Brazil only fully manifested itself in the Republic. This was achieved gradually throughout the 19th century through changes in the way civil registries were conducted, the opening of public cemeteries, and the exemption of non-Catholics from religious education. Therefore, while secularism did not originate in the Republic, it was institutionalized through Decree No. 119-A of 1890 by the Provisional Government, which formally separated the state from the Catholic Church⁵.

This separation occurred in Brazil because the Catholic Church had been the official religion since colonial times thanks to the Padroado. The regalist institution of the Padroado remained in place during the Empire⁶. This relationship continued after independence in 1822 with the 1824 Imperial Constitution, albeit with restrictions for non-Catholics. The preamble begins with the following proclamation: 'Dom Pedro I, by the grace of God and the unanimous acclamation of the people, constitutional emperor and perpetual defender of Brazil' (BRAZIL, 1824).

The body of the constitution begins with the following words: 'In the name of the Holy Trinity...' followed by the titles and articles. In line with these provisions, Article 5 establishes:

Art. 5. The Roman Catholic Apostolic Religion shall continue to be the Religion of the Empire. All other religions shall be permitted to worship domestically, or privately in houses designated for that purpose, without any external form of Temple. (BRAZIL, 1824)

Article 95 prohibited electoral citizenship "for those who do not profess the official religion of the State" (BRAZIL, 1824). Therefore, there is a formal restriction of a religious nature on those who could not vote.

Among the Emperor's powers, in Article 102, was that of "appointing bishops and providing ecclesiastical benefits" (BRAZIL, 1824). And among the benefits granted to clergy, in the same article, in section II, there was the "côngrua", a kind of salary that secular priests received. This made them, in a way, part of the state bureaucracy itself as state employees. Section XIV of this article provided:

XIV. To grant or deny approval to the decrees of councils, apostolic letters, and any other ecclesiastical constitutions that do not conflict with the Constitution; and, subject to prior approval by the Assembly, if they contain general provisions. (BRAZIL, 1824)

Next, Article 103 stipulated that, upon being acclaimed, the Emperor should take the following oath: 'I swear to uphold the Roman Catholic Apostolic Religion and the integrity and indivisibility of the Empire.' (Brazil, 1824).

⁵ This situation reminds us that, in France, the Jules Ferry law on secularism in public institutions predates the 1905 law on the separation of church and state.

⁶ On patronage, see Santini (1974).

Several public offices required an oath of faith for appointment. Teachers taking up positions in official establishments⁷ were required to swear this oath to the Catholic faith.

Meanwhile, the liberal character of the Constitution contained articles that mitigated the religious nature of the state. For example, item V of Article 179, which deals with the civil and political rights of citizens, states: 'No one may be persecuted on grounds of religion, as long as they respect that of the State and do not offend public morals' (Brazil, 1824). Therefore, freedom of conscience and belief was permitted, but not the social expression of worship.

In the case of education, section XXXII of this article established that primary education should be free for all citizens (BRAZIL, 1824). As with all imperial legislation, it is important to note that the term 'all citizens' did not include slaves, who were the Empire's main labor force. This resulted in a flagrant contradiction: a formally liberal constitution was supported by the most antagonistic thing possible in relation to liberalism, namely the institution of slavery.

Consequently, the first general education law, enacted on 15 October 1827 and relating to primary education, stipulated in its curriculum that teachers should instruct students in "the principles of Christian morality and the doctrine of the Roman Catholic and Apostolic religion..." (Brazil, 1827).

During the Empire, educational reforms were introduced that covered primary and secondary education. These reforms required teachers to be Catholic, as attested by parish priests. The curriculum included moral and religious instruction, the reading of the Gospels, and sacred history. One of the reforms stipulated that non-Catholic students were not required to attend religious instruction classes.

In law schools, part of the curriculum included teaching ecclesiastical public law. This referred to the Ordinances, most likely the Philippine Ordinances of 1603. These Ordinances saw the Catholic religion as a central societal value and guaranteed its protection in the strict code of customs, particularly regarding marriage and sexual life. They also aimed to combat heresies and control Jews and Moors. The Ordinances state that all power comes from God and that this power is the source of royal power. Therefore, this concept is opposed to popular sovereignty.

Over time, this long period of religious culture ingrained in the public consciousness became stronger, creating a set of prerogatives and privileges, as well as religious and other forms of prejudice and discrimination that would be difficult to dismantle. The consequences and ramifications of these realities are still visible today.

Nevertheless, there were secularist movements during the Empire, originating from the Liberal Party, the Republican Party, and the Positivist Church.⁸

By separating the Church from the State, Decree No. 119-A of 1890 made the latter secular. The Catholic Church, which had previously occupied a state apparatus, was forced to operate as a private institution within civil society. The decree prohibited federal and state authorities from intervening in religious matters, enshrining full freedom of worship, conscience, and expression. Another significant aspect was the abolition of patronage. It also secularized cemeteries and led to the establishment of birth, property, and death registries. It also enshrined the equality of all religions. The Positivist Church played a significant role in drafting this decree.

Consequently, Brazilian secularism is somewhat similar to French secularism in that it is historically linked to the 1891 Republic. However, secularism would be the realization of limited citizenship and equality yet to be expanded⁹.

⁷ For a comprehensive and detailed overview of secularism and its conflicts during the Empire, see Cunha, 2017.

⁸ See Carvalho, 1990, on this subject.

⁹ In France, secularism in education began with Jules Ferry, Minister of Public Instruction, in the 1881 law, along with free public education. Compulsory education was established by the 1882 law. Jules Ferry also ordered the dissolution of the Society of Jesus and other congregations not authorized by the 1801 Concordat between France and the Holy See. The separation of church and state dates back to 1905. In this sense, secularism in schools preceded secularism in the state.

By Notice No. 17 of 24 April 1890, Theodicy was eliminated from the curriculum of Colégio Pedro II (National Gymnasium), a leading secondary education institution in the capital and a model for other states, including regarding the official status of diplomas.

The Catholic Church, which until then had enjoyed privileges and prerogatives, was forced to accept the official loss of prestige and state protection. Consequently, it had to turn to civil society.

However, legislative progress does not automatically result in the end of a culture. The clash between existing legislation and effective practice has encountered, and continues to encounter, limits in the established culture, whether it be popular Catholicism or Roman Catholicism ingrained in social life, or the more recent advance of Pentecostal and neo-Pentecostal religions, including respect for Afro-Brazilian religions.

The drafting of the 1891 Republican Constitution, preceded by a Constituent Assembly, enshrined the secularism provided for in the 1890 Decree¹⁰.

The Preamble does not invoke God: 'We, the representatives of the Brazilian people, gathered in a Constituent Congress to organize a free and democratic regime, establish, decree, and promulgate...' (BRAZIL, 1891). In turn, Article 11 determined:

It is forbidden for the states, as well as for the Union:

[...]

2) to establish, subsidize, or hinder the practice of religious worship
(BRAZIL, 1891)

And Article 72, concerning the declaration of rights, made it clear in several of its paragraphs:

§ 4 The Republic only recognizes civil marriage, which shall be performed free of charge.

§ 5 Cemeteries shall be secular in nature and administered by municipal authorities, and all religious denominations shall be free to practice their respective rites in relation to their believers, provided that they do not offend public morals and laws.

§ 6 *Education provided in public institutions shall be secular.*¹¹

§ 7 No religion or church shall receive official subsidies, nor shall it have any relationship of dependence or alliance with the Federal Government or the governments of the states.

[...]

§ 28. No Brazilian citizen may be deprived of their civil and political rights or exempted from fulfilling any civic duty on the grounds of religious belief or function.

§ 29. Those who claim religious belief as a reason to exempt themselves from any burden that the laws of the Republic impose on citizens, and those who accept foreign decorations or noble titles, shall lose all political rights. (BRAZIL, 1891) (emphasis added)

¹⁰ On the Provisional Government of 1889–1891, the Constituent Assembly, and the Constitution of 1891, see Cury, 2001.

¹¹ It should be noted that, in Brazil, the only place where the term “secular” (lay) is expressly used is in the Constitution and in education.

Therefore, from a constitutional legal standpoint, it is clear that secularism has been established as a valid state provision for the Federal State, its member states, and municipalities. As a federative union of states, they must adhere to the Federal Constitution. In accordance with its provisions, there can be no conflict between state and federal constitutions, with the latter always prevailing. As we have seen, secularism would cover public education. Private educational institutions, whether identified as confessional or not, are free to offer religious education in their establishments or not.

The Catholic Church, free from the Padroado and present in civil society, will strengthen itself through the presence of various religious congregations, both male and female, in the country. Alongside this, it will play a powerful ecclesiastical and secular role, seeking to recruit the faithful and preparing a Catholic elite to defend its principles and attack other creeds and beliefs, thereby seeking to interfere in the legal order.

One of the most fundamental defenses is the precedence of natural law over positive law, whereby the former takes precedence over the latter. Divine law should prevail above both laws, at least through the recognition of the existence of God. Since the Brazilian population was predominantly Catholic in the early years of the Republic, it was argued that the Constitution should not ignore this reality. In other words, the Catholic Church accepted secularism on the condition that the state recognize the religious phenomenon as legitimate and as a space for sociability and cooperation with public authorities. To this end, this demand needed to be included in the Constitution in some way.

Due to this interpretation of secularism, between 1890 and 1930, the Catholic Church adopted this stance because of its active involvement in civil society. Accordingly, it campaigned for the Preamble to the Constitution to open with a reference to God, for the indissolubility of marriage to be upheld, and for religious education to be made compulsory in public establishments, even if it was optional. The Church also postulated that there could be reciprocal collaboration in the interests of the collective good.

The 1916 Civil Code brought complex issues regarding secularism and religious freedom to light. By including articles concerning charlatanism, quackery, and illegal medical practice, the Code was frequently exploited to persecute transcendental and minority religious practices, including Kardecist and African traditions. In theory, the legislation was intended to protect society from practices considered 'harmful'.

The first attempt to enshrine these principles in law took place during the Constitutional Revision of 1925–26¹². Parliamentarians would now be considered constituents by virtue of their derived constituent power. Representatives who identified with Catholic theses would seek votes in favor of the amendments they were defending. The indissolubility of marriage was upheld, and the Preamble was not modified; however, religious education in public institutions was not passed due to a lack of 11 votes. Speeches were also made in favor of recognizing the Catholic Church as the religion of the majority of the Brazilian population. As a result, they sought a concordat with the Vatican State¹³, looking to European legislation for inspiration. In another vein, the laïcité à la française of the Republican Constitution of 1891 was rejected, and a laïcité à la brésilienne based on mutual recognition was proposed instead. This recognition was not achieved, but a step towards it was the addition of a small clause to Article 72, § 7, which read as follows:

¹² Regarding this revision, see Cury, 2003.

¹³ Religious education in Italian schools was directly linked to the 1929 Concordat between Mussolini's fascist government and the Catholic Church through the Lateran Treaty.

§ 7 No religion or church shall receive official subsidies, nor shall it have any relationship of dependence or alliance with the Federal Government or that of the States. Brazil's diplomatic representation to the Holy See does not imply a violation of this principle.¹⁴ (BRAZIL, 1926) (emphasis added)

Between the 1920s and 1930s, the Catholic Church stepped up its efforts to promote its ideas through political action with the new rulers following the 1930 Revolution. It secured the approval of a decree allowing optional religious education in public schools. In the parliamentary elections, ahead of the drafting of the new constitution, the Church established a national and regional organization called the Catholic Electoral League (LEC). The majority of its members committed themselves to defending the so-called Catholic theses, including the Preamble in the name of God, the indissolubility of marriage, mutual collaboration in the collective interest, and optional religious education in public schools during school hours.

In summary, after the Proclamation of the Republic, when education became secular in public institutions, it was under the theory of indirect power that the Catholic Church made efforts to reintroduce religion into public school curricula through strong action in civil society through private instruments of hegemony. It is under the theory of direct power over consciences that the Church will claim the right to religious education as its own, based on natural law.

The liberal and socially oriented 1934 Republican Constitution included the phrase 'trust in God' in its Preamble.¹⁵ Other articles of the Constitution that touch on secularism were thus inscribed:

Art. 17 - The Union, the States, the Federal District, and the Municipalities are prohibited from:

[...]

II - establishing, subsidizing, or hindering the practice of religious worship;
III Having any alliance or dependence on any religion or church, without prejudice to mutual collaboration in the collective interest;¹⁶

Art. 111 - Political rights shall be forfeited:

[...]

b) by exemption from the burden or service imposed by law on Brazilians, when obtained for reasons of religious, philosophical, or political conviction;

Art. 144 - The family, constituted by indissoluble marriage, is under the special protection of the State.

[...]

Art. 146 - Marriage shall be civil and free of charge. Marriage before a minister of any religious denomination whose rite does not contravene public order or good morals shall, however, produce the same effects as civil marriage, provided that, before the civil authority, in the qualification of the spouses, in the verification of impediments, and in the process of opposition, the provisions of civil law are observed and it is registered in the Civil Registry.

¹⁴ Wording given by the Constitutional Amendment of September 3, 1926.

¹⁵ On the 1933-1934 Constituent Assembly, see Cury, 1978, and Rocha, 2000. The Preamble, according to the Federal Supreme Court, does not constitute a central norm, in response to ADIN No. 2076-5/Acre. The Preamble indicates broad guidelines to be incorporated into the body of law.

¹⁶ This introduction of mutual collaboration was an indirect way of reintroducing the institutionalized religious dimension into the public sphere.

[...]

Art. 153 - Religious education shall be optional and taught in accordance with the principles of the religious denomination of the student as expressed by the parents or guardians, and shall be included in the curriculum of public primary, secondary, vocational, and teacher training schools.

Art. 154 - Private educational establishments, providing free primary or vocational education, officially considered suitable, shall be exempt from any tax.

[...]

Art. 176 - Diplomatic representation to the Holy See shall be maintained. (BRAZIL, 1934)

In force for only a short time, the liberal and social Constitution of 1934 redefined the secular nature of the 1891 Constitution by recognizing the presence of religion within the State's legal structure. The term "secular" no longer appeared in constitutional or even sublegal provisions, with one belated exception.¹⁷

The 1934 Constitution was revoked by the New State Dictatorship in 1937. Its Preamble begins with a proclamation to the Brazilian people, and there is no reference to God in it.¹⁸ However, the articles referring to the family recognize the family's natural and priority right in relation to the state and establish private education as the foundation of schooling.

Art. 125 - The comprehensive education of children is the first duty and natural right of parents. The State shall not be a stranger to this duty, collaborating, in a primary or subsidiary manner, to facilitate its execution or to supply the deficiencies and gaps in private education.

[...]

Art. 131 - Physical education, civic education, and manual labor education shall be mandatory in all primary, normal, and secondary schools, and no school of these levels may be authorized or recognized without satisfying that requirement.

[...]

Art. 133 - Religious education may be included as a subject in the regular curriculum of primary, normal, and secondary schools. However, it may not be an obligation for teachers or professors, nor may attendance be compulsory for students. (BRAZIL, 1937)

The Estado Novo dictatorship made religious education optional in terms of enrollment and attendance, which differed from what would occur in subsequent constitutions and general education laws. Once the country was redemocratized, the Republican Constitution of 1946 invoked *God's protection*¹⁹ in its Preamble. At the same time, Article 31 established:

¹⁷ On secularism between 1891 and 1935, see Cunha, 2025. The term *secularism of the State* will only reappear in Resolution No. 1/2012 of the Full Council of the National Education Council, in the National Guidelines for Human Rights Education.

¹⁸ On education in this Constitution, see Oliveira, 1990.

¹⁹ On education in this Constitution, see Oliveira, 1990.

The Union, the States, the Federal District, and the Municipalities are prohibited from:

I Creating distinctions between Brazilians or preferences in favor of some States or Municipalities over others;

II Establishing or subsidizing religious cults or hindering their practice;

III Having an alliance or dependency relationship with any religion or church, without prejudice to mutual collaboration in the collective interest; (BRAZIL, 1946)

While item II is secular in nature, item III maintains a secular tone and opens up the possibility of “reciprocal collaboration in the collective interest,” which suggests various interpretations, such as the recognition of religion. Thus, as in the 1934 Constitution, Article 31 prohibits:

V - impose taxes on:

[...]

b) temples of any religion, goods, and services of political parties, educational and social welfare institutions, provided that their income is used entirely within the country for the respective purposes; (BRAZIL, 1946)

It should be noted that non-profit educational institutions, such as religious institutions, are exempt from taxes. And the chapter on the family maintains the indissolubility of marriage. In the chapter on education, we can read that one of the principles of educational legislation will be set out in Article 168:

V - Religious education is a subject in the official school timetable, is optional, and will be taught in accordance with the religious denomination of the student, as expressed by the student, if capable, or by their legal representative or guardian. (BRAZIL, 1946)

This section of Article 168 was regulated by Law No. 4,024/1961, the law on guidelines and foundations of national education, which provided as follows regarding religious education:

Art. 97. Religious education is a subject in the timetable of public schools, enrollment is optional, and it shall be provided at no cost to the public authorities, in accordance with the religious denomination of the student, as expressed by him or her, if capable, or by his or her legal representative or guardian.

§ 1 The formation of classes for religious education does not depend on a minimum number of students.

§ 2 The registration of religious education teachers shall be carried out before the respective religious authority. (BRAZIL, 1961)

Regarding this article, it is important to note that this teaching would be at *no cost to the public authorities*. The legal framework points to a kind of tense oscillation between the so-called *laïcité à la française*, with a clear separation between the political and the religious, and a secularism that seeks recognition of the religious in political society. As Blancarte says:

The case of predominantly Catholic countries presents a third variant, in which there are generally varying degrees of separation and a tense relationship between the state, which seeks administrative autonomy, and the majority church, which seeks to shape public policy. (Blancarte, 2003, p. 21)

However, the passage of this general education law was highly contested, particularly after 1957. The Catholic Church mobilized civil and political society to ensure that the bill incorporated its principles. In the Chamber of Deputies, Carlos Lacerda, a conservative parliamentarian from Rio de Janeiro (then the Federal District and capital of Brazil), presented an alternative bill that, in general terms, would revert the law to the terms of the 1937 Constitution. Aligned with the Catholic Church, Deputy Lacerda accused the bill sent by the federal government of seeking a state monopoly on education, having crypto-communist implications, and distancing itself from natural law, which finds its greatest expression in the family.

The Catholic mobilization occurred alongside existing projects in France and the United States. In France, the Debré Law of 1959 permitted private schools to sign contracts with the state to maintain their religious identity in exchange for state oversight. This allowed them to receive public funding, including teachers' salaries. The same banner was defended in Brazil under the slogans "Freedom of Education" and "Natural Right of the Family."

Similar to movements in France and Brazil, there is one led by Father Virgil Blum (1913-1990), president of the Catholic League for Religious and Civil Rights. He advocated for parental choice and believed that children should receive vouchers for private schools. His leadership style was similar to Congressman Carlos Lacerda's regarding freedom of education. It was akin to homeschooling and similar to McCarthyism. In 1961, Blum helped found the advocacy movement Citizens for Freedom in Education.

The movement generated controversy, and in 1932, an important document was written by Brazilian education professionals, writers, artists, and jurists called the Manifesto of the Pioneers of New Education: To the People and the Government. The manifesto defended not only the right to free, compulsory, publicly funded education and the role of the state but also secularism.

The controversy over *freedom of education versus official education* in the late 1950s led public school educators to draft another manifesto called "Once Again Called Upon." This manifesto did not prevent private schools from receiving public funds but ensured that religious education would not be funded by the public coffers²⁰.

The 1967 constitutional text, drafted under a civil-military-business dictatorship by virtue of Institutional Act No. 4, opens with the following preamble: "The National Congress, invoking the protection of God, decrees..." (Brazil, 1967).

Invoking God's protection for the parliamentarians in the task of drafting the Constitution is the meaning of invocation. According to Article 9, it reads:

Article 9 - The Union, the States, the Federal District, and the Municipalities are prohibited from:

[...]

II - establishing religious cults or churches; subsidizing them; hindering their exercise; or maintaining relations of dependence or alliance with them or their representatives, except for collaboration in the public interest, notably in the educational, welfare, and hospital sectors. (BRAZIL, 1967)

²⁰ On this period, see Buffa, 1979.

Article 150 of the Civil Rights Act established paragraphs relating to secularism:

§ 1 - All people are equal before the law, without distinction based on sex, race, occupation, religious creed, or political convictions. Racial prejudice shall be punished by law.

[...]

§ 5 - Freedom of conscience is absolute, and believers are guaranteed the right to practice their religion, provided it does not contravene public order or morality.

§ 6 - No one shall be deprived of their rights due to religious belief, philosophical or political conviction, unless they invoke it to exempt themselves from a legal obligation imposed on all, in which case the law may determine the loss of rights incompatible with the excuse of conscience.

§ 7 - Without constraint on those favored, religious assistance shall be provided by Brazilians, in accordance with the law, to the armed forces and auxiliaries and, when requested by the interested parties or their legal representatives, also in collective detention facilities. (BRAZIL, 1967)

In the chapter on education, Article 168 establishes that religious education becomes a legal requirement:

§ 3 - Education legislation shall adopt the following principles and standards:

[...]

IV - Religious education, which is optional, shall be included in the normal timetable of official primary and secondary schools. (BRAZIL, 1967)

The 1964 military dictatorship reintroduced overt or covert forms of dictatorial power. Eager to link education to its development project while also seeking to make schools institutions that would reinforce the prevailing order, the dictatorship quickly drafted a reform of the Law of Guidelines and Bases for Primary and Secondary Education in a small group. This reform is known as the Law of Professionalization of Education. (Saviani, 1980). This law is known as Law No. 5692/1971.

The state wants to leave its mark on the socialization of new generations by teaching Morality and Civics, as well as Brazilian Problems Studies. According to Azevedo (1981), this represents a return to the "civil religion" expressed in Decree 869/69 of the Military Junta. As Cunha asserts²¹:

Based on national traditions, Moral and Civic Education would have the following purposes: a) the defense of democratic principles through the preservation of religious spirit, human dignity, and love of freedom with responsibility, under the inspiration of God; b) the preservation, strengthening, and promotion of the spiritual and ethical values of nationality; c) to strengthen national unity and the feeling of human solidarity; d) to cultivate respect for the homeland, its symbols, traditions, institutions, and great figures of its history; e) to improve character, based on morality and dedication to family and community;

²¹ Regarding this Decree, see Cunha (2007, 2014).

f) understanding the rights and duties of Brazilians and knowledge of the country's socio-political-economic organization; g) preparing citizens for civic activities, based on morality, patriotism, and constructive action aimed at the common good; h) cultivating obedience to the law, loyalty to work, and integration into the community." (Cunha, 2014, p. 369).

Law No. 5,692/71, dated August 11, 1971, once again explicitly states that religious education is mandatory in official school curricula, while maintaining optional enrollment. (See Article 7, sole paragraph.) Notably, this law extends to secondary education. According to this latest law, "the registration of religious education teachers shall be carried out before the respective religious authority." This repeats the wording of Law No. 4,024/61.

However, there is a difference here too. This new law explicitly repealed Art. 97 of Law No. 4,024/61. That article disallowed the state from covering the costs of paying religious education teachers. This opens the door not only to state-funded remuneration but also to the possibility of accessing this discipline through a public competition²².

In 1988, Brazil became a democracy. Through a Constituent Assembly with significant social participation, the country proclaimed its constitution, establishing a democratic state of law and enshrining civil, political, social, cultural, and collective rights. Within the scope of this communication, it is worth mentioning that the Preamble to the Constitution begins as follows: "We, the representatives of the Brazilian people, promulgate this Constitution under the protection of God." (Brazil, 1988).

It is important to note that those who draft and write the constitutional text are the constituents because they represent popular sovereignty. However, they request divine protection to ensure the Constitution remains safe from any potential disruptions.

Article 5 deals with fundamental rights and postulates equality before the law *without distinction of any kind*. There are also several clauses that guarantee freedom of worship and religion.

VI - freedom of conscience and belief is inviolable, with the free exercise of religious worship being ensured and protection of places of worship and their liturgies being guaranteed, in accordance with the law;

VII - religious assistance shall be provided in civil and military institutions of collective confinement, in accordance with the law;

VIII - no one shall be deprived of rights because of religious belief or philosophical or political conviction,

[...]

Art. 19. The Union, the States, the Federal District, and the Municipalities are prohibited from:

I - establishing religious cults or churches, subsidizing them, hindering their functioning, or maintaining relations of dependence or alliance with them or their representatives, except, in accordance with the law, for collaboration in the public interest;

[...]

III - creating distinctions between Brazilians or preferences among them. (BRAZIL, 1988).

Another important article deals with tax exemptions. Article 150, letter b, prohibits the imposition of taxes *on religious entities and temples of any denomination, including their*

²² On this situation, even after 1996, see Cunha, 2016.

charitable and welfare organizations. There are other significant articles relating to the school system itself. Secularism has a rather controversial provision in the context of school education. This is Article 210:

Art. 210. Minimum content standards shall be established for elementary education to ensure a common basic education and respect for national and regional cultural and artistic values.

§ 1 Religious education, which is optional, shall be a subject in the regular curriculum of public elementary schools... (BRAZIL, 1988)

And Article 210, § 1 allows for the optional enrollment of students in religious education classes in elementary school (ages 6 to 14). However, offering these classes is mandatory. This article was regulated by Law No. 9394/1996, whose original text stated:

Art. 33- Religious education, which is optional, shall be part of the regular curriculum of public elementary schools and shall be offered at no cost to the public treasury, in accordance with the preferences expressed by students or their guardians, in the following forms:

I - confessional, according to the religious choice of the student or their guardian, taught by teachers or religious counselors trained and accredited by the respective churches or religious entities; or

II - interconfessional, resulting from an agreement between the various religious entities, which will be responsible for developing the respective program. (BRAZIL, 1996)

From the moment the law was enacted, there was a movement for the Catholic Church to amend this article. A substitute bill presented by Father Roque (PT), the content of which is found below, was quickly approved. Thus, on July 22, 1997, Law No. 9,475 was enacted, published the following day in the Federal Official Gazette, amending Article 33, which now reads as follows:

Religious education, which is optional, is an integral part of basic education and is a subject taught during normal school hours in public elementary schools, ensuring respect for Brazil's religious and cultural diversity and prohibiting any form of proselytism.

§ 1: Education systems shall regulate the procedures for defining the content of religious education and shall establish standards for the qualification and admission of teachers.

§ 2: Education systems shall consult civil entities, made up of different religious denominations, to define the content of religious education. (BRAZIL, 1997)

What stands out is that an *optional subject is an integral part of basic education for citizens.* For example, it is not compulsory in private schools. On the other hand, the article suggests the necessary coordination of the relevant public authorities with this multireligious

civil entity, which, strictly speaking, should represent a forum whose consensus would determine the content of this subject. Despite the safeguarding of ecumenism and the prohibition of proselytism, it is a complex task to legally impose the existence of a civil entity, especially if any religious denomination does not accept it.²³

Recently, another aspect of this controversial issue has been added to the agenda of the Brazilian government and the Vatican. This is the Agreement between the Federative Republic of Brazil and the Holy See on the Legal Status of the Catholic Church in Brazil, signed on November 13, 2008, promulgated by Decree 7.107/2010, replacing Decree 119-A of 1890.²⁴ What can be observed in the text of the Agreement is the reiteration of respect for national legislation as well as the reproduction of articles already included therein. But what stands out is that, within the articles, there is a reference to the distinction as a highlight of the uniqueness of the Catholic Church's presence in Brazil in its relationship with the state and its presence in society. What is in the Agreement is positive discrimination in favor of the Catholic Church. Paragraph 1 of Article 12 deserves special consideration. It states:

Religious education, Catholic and other religious denominations, with optional enrollment, is a subject in the regular timetable of public elementary schools, ensuring respect for Brazil's religious cultural diversity, in accordance with the Constitution and other laws in force, without any form of discrimination. (BRAZIL, 2010)

The difference is clear. Despite being amended by Law No. 9,475/97 due to pressure from the National Conference of Brazilian Bishops, Article 33 of the Lei de Diretrizes e Bases da Educação - LDB (Law on Guidelines and Foundations of Education)—does not mention any specific religion. In other words, it does not carry a distinction of a confessional nature. On the contrary, § 2 of Article 33 establishes a civil entity that defines the content of this teaching, implying common dimensions to different creeds²⁵. Notably, the existence of this civil entity was a key point of contention for the Catholic Church in France in 1905. However, § 1 of Article 12 of the Agreement describes religious education as *Catholic and other religious denominations*²⁶.

On September 27, 2017, the Federal Supreme Court (Supremo Tribunal Federal - STF) dismissed Direct Action of Unconstitutionality (Ação Direta de Inconstitucionalidade - ADI) 4439. The Attorney General's Office (PGR) had questioned the constitutionality of linking religious education in public schools to a specific religion. The PGR also argued that admitting teachers as representatives of religious denominations should be prohibited²⁷. It argued that an optional subject should focus on the history and doctrine of various religions from a secular

²³ For a more detailed history of religious education in Brazil, see Cury, 1993, and Cunha, 2020.

²⁴ Regarding this Concordat, see Cury, 2023.

²⁵ The Permanent National Forum for Religious Education (FONAPER) presents itself as a space for civil dialogue, with proposals for foundations and themes to be offered to students. The website publishes an extensive bibliography within this perspective. It remains to be seen whether there is a Catholic predominance in this Forum.

²⁶ In 1907, two years after the law separating the state and the Catholic Church in France, Brazil was visited by a Jesuit priest from that country, Joseph Burnichon. [...] His book *Le Brésil d'aujourd'hui*, published in Paris in 1910, was aimed at the French public, with an unequivocal conclusion: despite all the problems, the separation between State and Church was carried out in Brazil in a much better way for Catholics than in France; in many aspects of this issue, Brazil could be a model for his country." (Cunha, 2017, p.437).

²⁷ Among the associations that defended the ADI, the Observatory of Secularism in Education (OLE) stands out. The website publishes an extensive bibliography on this topic. Regarding this decision by the STF, see Giumbelli (2004, 2024).

perspective. During this session, religious education in public schools was discussed, with both supporters and opponents of the ADI present.

On that occasion, Minister Carmen Lúcia Antunes Rocha concluded that the secular nature of the Brazilian state precludes religious education in public schools from being taught from the perspective of a single faith. Thus, the State guarantees diversity and impartiality and *prohibits any form of proselytism*. According to Minister Rocha, secularism silences religious convictions yet ensures equality among all citizens, regardless of their beliefs (STF, ADI 4439, Minister Rocha's vote, 2017)²⁸.

The Supreme Court ultimately ruled 6-5 to allow confessional religious education, i.e., education linked to a specific belief, in schools, provided it is optional and respects religious diversity. It appears that the Supreme Court, as a constitutional review body, ruled by a majority that confessionality may be permitted despite Article 33 of the LDB.

On the other hand, Article 206, III of the Constitution embraces the plurality of ideas and pedagogical concepts. In other words, education is a space where ideas and concepts circulate, preventing the public sphere from imposing religious views on educational institutions. In this sense, Article 206 ensures secularism by respecting the diversity of beliefs in private spaces within civil society.

The secular nature of the state is expressed in Article 19, as well as in Article 5, item XVII, which addresses the nature of citizens' freedoms regarding civil rights. Article 5, item XVII, states that "freedom of association for lawful purposes is absolute, except for those of a paramilitary nature" (Brazil, 1988).

However, Article 150 grants temples and nonprofit educational entities a peculiar prerogative: tax exemption.

Returning to Article 5, we see that parliamentarians can form working groups and act on issues of common interest regardless of their party affiliation. Article 17, on the other hand, states that "the creation, merger, incorporation, and extinction of political parties is free, safeguarding national sovereignty, the democratic regime, the multiparty system, and the fundamental rights of the human person" (Brazil, 1988).

These articles allowed for the formation of extra-party "caucuses," known as "Fronts." Within these articles, the evangelicals formed the Evangelical Parliamentary Front. Today, this caucus includes the Evangelical Parliamentary Front, formalized in 2003, as well as other parliamentarians from various denominations²⁹.

The growth of evangelical religions has been exponential, increasing from 1% of the Brazilian population in 1890 to 26.9% in 2022, according to the IBGE Census. In 1970, evangelicals represented only 5.2% of the population. In other words, one in four Brazilians identifies as evangelical. Catholics represent 56.7%, according to the same census. Gradually, religious leaders from the various denominations that comprise thousands of temples have become political leaders, urging their followers to vote for candidates who support their agendas. Through the Bible Caucus, a parliamentary caucus, they have focused specifically on social issues and sought to spread their faith through radio and television concessions. In temples, on radio and TV, and on social media, the moral agenda attacks gender orientations apart from heterosexuality, abortion (see Bill No. 1904/2024), and African-based religions. Topics such as same-sex marriage, unisex bathrooms, and African-based religions deserve to be demonized³⁰.

²⁸ STF, ADI 4439. Federal Supreme Court, vote of Minister Carmen Lúcia Antunes Rocha, 2017.

²⁹ For a very informative overview of this "Bible caucus" from the 1990s to the present day, see Rocha, 2024; Sanchez and Passos, 2024; Borges, 2018. The film *The Apocalypse in the Tropics* is available on NETFLIX. Recently, a *Christian caucus* has been formed. If confirmed, it will participate in the College of Leaders, which has the right to vote on the agenda of the Chamber of Deputies.

³⁰ For an analysis of this dynamic, see Souza, 2024.

A bill currently being debated in Congress would make abortion after 22 weeks of pregnancy a crime punishable by death. Bill 1904/24 equates abortion after 22 weeks with murder, including cases of rape. Regarding education, they advocate for Bible reading in schools and criticize the diversity agenda. They propose projects with religious content in states and municipalities.

This movement, which could potentially lead to power, was present in the 1987-1988 Constituent Assembly with the agenda of customs. Such a presence in the Assembly makes democracy itself a possible path toward the progressive collapse of secularism, one of the principles most dear to republicanism. This presence also leans toward the so-called prosperity theology. This doctrine teaches that God wants all believers to achieve prosperity through faith and financial contributions to the church. This faith results in material wealth, healing of diseases, and God's blessings. Mixing religion with politics tends to force everyone to adhere to its moral and religious codes. Ultimately, the goal is to transition to a reactionary, theocratic political project in which Brazil would be governed by God.

In conclusion

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Secularization, characteristic of civil society, is a historical phenomenon that autonomizes the spaces of social life and confirms the loss of religiosity within the civil and private spheres in various fields of society. Religious practice no longer determines the civil calendar, nor do religious institutions have the importance they once had. Social practice reveals a change in cultural values. This does not mean the disappearance of religion or religions. What has changed, in relation to other eras, is the perception that people attribute to it. Individuals are not prohibited from accepting religious definitions, but the secular public order is not governed by the particular dogmas of any creed, even though it respects them.

In short, secularism is a legally established phenomenon of the state that ensures its neutrality towards religions. Secularism is not just the separation between churches and the state. It is a fundamental principle that ensures religious diversity and equal rights. Secularization, on the other hand, is a historical and social process of change in social life, encompassing people's daily lives. In both cases, there is no exact classification, as it is within the scope of the law. Cultural traditions and new forms of religiosity are mixed with legal provisions, opening up a field of disputes and conflicts.

In the case of Brazil, it can be said that, historically, it has moved from a frankly religious paradigm to various paradigms of secularism.

The profound presence of the Catholic Church during the Colonial and Imperial periods, including as the official religion, made it an institution present in the official, social, and private spheres. Being a phenomenon of the state and government, secularism was only present as a demand of certain groups such as liberals, republicans, Freemasons, and especially positivists. Tolerance towards so-called "non-Catholics" was minimal, reserved for private spaces. The religious paradigm is the dominant feature of this period, with the secular paradigm being recessive.

The Republic of 1889-1930 marked a secular paradigm in which the State, separate from the Churches, does not control the religious sphere and rejects any difference in the treatment of religions. These, in turn, are autonomous in the exercise of freedom of conscience, thought, and worship. They belong to civil society. The legal paradigm of separation is clear, approaching laïcité à la française.

During the 20th century, secularism was tested by various issues, especially religious education in public schools, indissoluble marriage, and the name of God in the Preamble to the Constitutions. The 1891 Constitution, although an important milestone in the establishment of secularism, faced numerous challenges and resistance over time. As Mariano (2011, p. 240) states, "Brazilian secularism is a field of continuous dispute, where different religious and secular groups seek to assert their rights and spaces of expression."

Since the 1930s, whether through the inclusion of the name of God in the Preamble to the Constitutions (except for that of 1937), or through the Constitution's permission for optional enrollment and mandatory provision of religious education, or through tax exemptions for temples, or through mutual collaboration in the collective interest, there has been a more flexible paradigm of separation in the relationship between the State and the Churches. It is a paradigm of recognition of the religious phenomenon, beyond the guarantee of fundamental rights. It can be said that until the 1980s, such flexibility had the Catholic Church acting as hegemonic.

There was also a preference among governments to partner with the Catholic Church, which is present throughout the country, given the insufficient presence of the state in the field of health and social assistance. Health and social assistance only became rights for all and a duty of the state with the 1988 Constitution.

Since the 1980s, there has been significant growth in evangelical churches. These churches, distributed among a few large ones and many small ones, understand the importance of entering the field of politics. Contrary to the Catholic Church, which instructs its clergy not to enter directly into politics, delegating this task to lay people and acting through advocacy, evangelical churches take the opposite approach. This action is encouraged by elected leaders, with support from a large presence in their media (TV) granted by the state and the intense use of social networks. Through these resources, the faithful are pressured to adhere to a conservative agenda.

This change, which increases the number of political actors linked to religion, accelerates and deepens an ethos that has been in place since the 1920s under the hegemony of the Catholic Church. It accelerates because the defense of the moral agenda in the National Congress has had the support of conservative deputies, and it deepens because, with their TV stations and social media, they quickly reach a huge number of faithful. As a result, they are now pushing for the presence of religious rituals in public and state spaces, for confessional teaching with Bible reading, and for the rejection of diversity, including sexual orientation and the valorization of African-based religions. In addition, they obstruct bills that recognize the legality of same-sex unions and sexual and reproductive rights. More recently, because of so-called parliamentary amendments, there has been a real transfer of service responsibilities without control or transparency. It is worth noting a stern warning issued by Ferrajoli:

The liberal values of secularism in law and political institutions that stem from the Enlightenment tradition – have never been fully accepted by our political and legal culture and have not actually permeated politics and law, not only in Italy. On the contrary, throughout the democratic West, a kind of regression in the process of secularization is underway, manifested in the resurgence of phenomena such as

religious fundamentalism, fear of difference, intolerance, and ethnic conflicts linked to new anthropologies of inequality. These phenomena contradict the principles of ideological neutrality of institutions and the equal dignity of people that constitute ... the corollary of secularism. (Ferrajoli, 2007, pp. 267-268)

This situation places the issues of education, republicanism, and secularism at the heart of the struggle for democracy, the pillar, and foundation of a society in which the struggle for secular freedoms raises burning questions about the relationship between church and state.

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