

The laicization of education in the transition from the Empire to the Republic in Brazil: lay or religious teaching?

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ABSTRACT

This study deals with the process of secularization of education in Brazil. It aims to analyze the discussion on the nature of *lay teaching*, in the chronological arc between the end of the Empire and the beginnings of the Republic. It is a bibliographic research that discusses the political, economic, social and cultural transformations that Brazil went through and that had repercussions on the historical conformation of a secular status. The results point to the presence, since the Empire, of conceptions of *lay teaching* whose legal foundations were applied to educational laicization in the early years of the Republic. They show that the proposals of secularism presented by Rui Barbosa were central in defending the American legal matrix that was included in the 1891 Constitution, despite clashes with the positivist interpretation of secularism and the Catholic Church. On the other hand, followers of positivism conceived secularism based on the French matrix, lending it anti-clerical or anti-religious connotations.

KEYWORDS

lay teaching; secularism; religious education; Rui Barbosa.

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A LAICIZAÇÃO DA EDUCAÇÃO NA TRANSIÇÃO DO IMPÉRIO PARA A REPÚBLICA NO BRASIL: ENSINO LEIGO OU RELIGIOSO?

RESUMO

Este estudo trata do processo de laicização da educação no Brasil. Objetiva analisar a discussão sobre a natureza do *ensino leigo* no arco cronológico entre o final do Império e os primórdios da República. É uma pesquisa bibliográfica que discute transformações políticas, econômicas, sociais e culturais pelas quais passou o Brasil e que repercutiram na conformação histórica de um estatuto de laicidade. Os resultados apontam a presença, desde o Império, de concepções de *ensino leigo* cujos fundamentos jurídicos foram aplicados à laicização educacional nos primeiros anos da República. Mostram que as propostas de laicidade apresentadas por Rui Barbosa foram centrais, defendendo a matriz jurídica estadunidense, que foi inserida na Constituição de 1891, apesar dos embates com a interpretação positivista da laicidade e com a Igreja Católica. Por outro lado, adeptos do positivismo conceberam a laicidade com base na matriz francesa, imprimindo conotações anticlericais ou antirreligiosas.

PALAVRAS-CHAVE

ensino leigo; laicidade; ensino religioso; Rui Barbosa.

LA LAICIZACIÓN DE LA EDUCACIÓN EN LA TRANSICIÓN DEL IMPERIO PARA LA REPÚBLICA EN BRASIL: ¿ENSEÑANZA LAICA O RELIGIOSA?

RESUMEN

Este estudio trata del proceso de laicización de la educación en Brasil. Objetiva analizar la discusión acerca de la naturaleza de la *enseñanza laica* en el marco cronológico del final del Imperio y los primordios de la República. Es una investigación bibliográfica que discute cambios políticos, económicos, sociales y culturales por los cuáles ha pasado Brasil y que repercutieron en la conformación histórica de un estatuto de laicidad. Los resultados apuntan la constancia, desde el Imperio, de concepciones de *enseñanza laica* cuyos fundamentos jurídicos fueron aplicados a la laicización educacional en los primeros años de la República. Muestra que las propuestas de laicidad presentadas por Rui Barbosa fueron centrales, defendiendo la matriz estadunidense, que fue inserida en la Constitución de 1891, a pesar de los embates con la interpretación positivista de laicidad y con la Iglesia Católica. De otra parte, los adeptos del positivismo en Brasil conceptuaron la laicidad desde la matriz francesa, imprimiendo connotaciones anticlericales o antirreligiosas.

PALABRAS CLAVE

enseñanza laica; laicidad; educación religiosa; Rui Barbosa.

INTRODUCTION

The contemporary discussion about the relations between laicity and school education in Brazil may be instructed by a historical perspective (Silva, 2006; Cecchetti and Santos, 2016; Valente, 2018). In this sense, we consider the controversies surrounding the process of educational laicization that began in the period of the Empire and were perpetuated by the conflicts underlying the implementation of the Republic, since the institution of *lay education* was addressed in the project of the first Republican Constitution.

In order to identify the levels of understanding resulting from this confrontation and the way they have focused on the process of laicization of public education, we investigate the conception of *lay education* that appeared in the republican legislation, in the search for the interpretative currents that emerged during its introduction into the legal system. Our objective is to analyze the beginnings of the debate about the nature of lay education, covering a chronology that encompasses the final years of the imperial period and the beginnings of the republican era. Regarding methodology, it is a bibliographic research of historical nature.

The text is structured in three sections. The first presents solid elements for the understanding of historical forms of laicity and their relationship with discussions regarding the nature of the offer of religious education at the end of the imperial or monarchical period. The paper then discusses the debates around the content of the first republican constitutional charter, discussing the legal statutes presented as elements of the separation between Church and State, especially regarding the propositions of Rui Barbosa, defended since the Empire and that supported the process of secularization and institution of *lay education*. Lastly, followed by the final considerations, the third part analyzes the doctrinal and ideological positions that nourished the debate on the adoption of the French or American lay models, evaluating their impact on the configuration of religious education at the time.

THE ROOTS OF THE DEBATE: LAY TEACHING BASED ON THE VOICES OF THE IMPERIAL PERIOD

As Cecchetti (2016) indicates, Brazilian historiography records the existence of battles around secularization in the sphere of teaching since the 1860s, with increasing penetration and circulation of liberal and republican ideas. A countless number of public men affiliated with Freemasonry and positivism, for instance, proposed the end of the monarchical regime and the installation of the Republic as a condition for the country's modernization.

In this scenario, the eminent jurist and politician Rui Barbosa was one of the characters who greatly influenced the changes occurring at the end of the 19th century and in the first decades of the 20th. In addition to being a provincial and general deputy in the imperial period, he was part of the movement that established the Republic and, therefore, also a minister of the Provisional Government (1889-1891), as well as the author of several projects, opinions, articles, speeches, conferences and legal works. According to Machado (1999), Barbosa was one of the most vehement enthusiasts of the modernization project, devoting due attention

to public instruction. Knowledgeable of multiple languages and attentive to other cultures, he sought inspiration in nations where the public school was becoming consolidated as a state-run institution based on the ideals of gratuitousness, compulsoriness and laicity.

In particular, the theme of *lay education* was the subject of a detailed study in the *Opinion on the Reform of Primary Education and several Complementary Institutions of Public Education*, 1883 (Barbosa, 1947a; 1947b; 1974c).¹ The document emerged from the analysis of Decree n°. 7.247/1879, which dealt with the reform of primary and secondary education in the municipality of the Court and of higher education throughout the Empire, known as Leôncio de Carvalho Reform. At the time, Barbosa was rapporteur of the Committee on Public Instruction of the House of Representatives and was able, with the help of colleagues,² to detail his contributions to the reform of the Imperial Government. The Opinion of 1883 is a general treaty that addressed the normative principles, general didactic foundations, study techniques and methods, teacher training and the teaching career, teaching programs, the organization of classes, schedules and school furniture. Rui based it on the most complete set of information he was able to obtain on the educational systems viewed as the most advanced at the time, especially those of Europe and the United States, making use of the memories of the *International Teaching Congress*, held in 1881 in Brussels, and also of the first studies in comparative education produced under the presidency of Ferdinand Buisson.

Rui Barbosa devoted special attention to the issue of freedom of education, considered the essence of constitutional organization. He was inspired by Condorcet to defend the human right to an independent education and the freedom to found educational institutes, in order to contribute to the dissemination of sciences, letters and the arts.³

Paradoxically, Barbosa rejected the French model of schooling, in which the State, seen as the “great father”, became the holder of the monopoly of national education. He questioned the “infallibility of republican morality, the ultra-divine pontificate of the State, raising and demolishing gods” (Barbosa, 1947b, p. 8). The State, in his understanding, was only the legal organization of the guarantees of common peace and mutual respect between the various beliefs, convictions and tendencies that fight for “world domination”. The scientific, moral and religious truth would be outside of state competence. He also rejected the Prussian regime,

1 This opinion was republished by the Ministry of Education and Health in 1947, in three tomes, in the collection *Obras Completas* (Complete Works) by Rui Barbosa.

2 Thomaz do Bomfim Spindola and Ulysses Machado Pereira Vianna shared the study of the documents of the Education Commission.

3 He even cites the Report and Draft Decree on the General Organization of Public Instruction, presented by Condorcet in the French Legislative Assembly in 1792. In it is a model of public education based on the bourgeois ideals of freedom and equality, considered fundamental to ensure the rights of citizens in the Republic. (cf. Rodríguez, 2010)

in which the right to teach was subject to the agency of the State. Thus he claimed: “Our model is England and the American Union.” (Barbosa, 1947b, p. 24)

Moreover, he criticized the religious monopoly of teaching as it was historically exercised in Brazil, especially by the Society of Jesus: “[...] it is against them that we would advise the State to be even more vigilant, for as long as the tendencies of the homeland legislation and the habits of common education ensure advantages and privileges to the intolerant interests of a cult” (Barbosa, 1947b, p. 13). In other words, only complete freedom of teaching would dissolve the danger of “fanaticism” arising from school control by the clergy. For this reason, we find in Rui Barbosa a consistent defense of the *lay school*, one that he performed unstintingly in 80 pages dedicated to the subject in his opinion.

Next, we emphasize some elements we consider key to the understanding of his conceptions, later incorporated in the republican Constitution of 1891. As a starting point, he conducted an exhaustive study of the theories and processes carried out in other countries to justify his proposition in favor of the lay school. Firstly, he identified the models formulated by different states to deal with the dilemma of school obligation and the safeguard of religious consciousness. The first is that which imposes religious instruction on all school students, whose genuine representative was Spain, where, on account of a Concordat with the Holy See established in 1851, the country subordinated teaching to the dogmas of the Catholic Church. For the Brazilian jurist, this represented the most complete formula of the “servitude of conscience”, an act of supreme violence against “humanity and law”. (Barbosa, 1947a)

Despite the Spanish case, he indicated that the growing trend in the 19th century was the complete secularization of the public school. He found that even the most conservative governments were likely to implement a second model, which consisted of offering the official catechism at school, taught by the teacher, but with optional attendance by followers of other creeds, such as occurred in some Swiss cantons, in Canada, Italy and Portugal. Religious instruction in these places did not count for annual promotion, and students could not be constrained, without the consent of their parents, to participate in confessional ceremonies.

On the other hand, Barbosa earnestly positioned himself contrary to the model adopted in Switzerland and France, where religious instruction was excluded from both the study program and the school building. This solution, for him, was proof that a kind of “fanaticism” was to be found not “only in the clergy and religious orders, but also, and frequently, among enthusiastic adherents of scientific systems and schools” (Barbosa, 1947a, p. 285). To his understanding, lay teaching did not purge religious instruction from the school, but kept it in different times and spaces, in the school building itself, to serve those who desired it, the minister of worship linked to the religion of the child being responsible for its offer, not entailing a burden to the State. This means that: Rui Barbosa stood for the solution whereby “religion [was] excluded from the school program, but taught, in the school building, by the ministers of different cults, to students who want it” (Barbosa, 1947a, p. 270). This proposal established distinct functions to the “religious” and the “lay magisterium”: the first was a feature of priesthood and concerned the Churches;

the second was the responsibility of the schoolmaster and circumscribed to purely scientific disciplines.

This model had been established by Belgium, where religious education was under the care of families as well as celebrants of each cult. However, the school ceded space for the catechism of different faiths to be taught before or after classes, according to their respective religious belonging. According to Barbosa (1947a), a similar practice took place in England, where the school did not require the student to attend any religious service: instruction and religious exercises, if offered, took place before or after class, at times approved by the Department of Education. Students were exempt from examinations on religious knowledge and any public subsidy to the activity was hence absolutely forbidden.

In New York, United States, the 1851 law prohibited schools from “professing, inculcating, or practicing theological doctrines, or articles of faith of a special sect, Christian or not” (Barbosa, 1947a, p. 302). The other states of that confederation, in which confessional teaching had been completely banned from the system of popular education, acted similarly. An enthusiast of the model, Rui declared: “Nowadays, the TOTAL secularization of public schools is, in that country, a fact, CONSUMMATED or IMMINENT” (1947a, p. 307). The absolute American *laicity*, said Rui, explaining the reasons for his affirmation — was due to the gratuitousness of schooling, in that schools were supported by all taxpayers, whatever their religion might be.

Drawing on his own studies, he chose to formulate a *solution* that would dialogue with religious education instead of excluding it, avoiding possible confrontations and resistance on the part of Catholicism and other existing confessionalities. Thus, the solution found by the United States was the model he considered most appropriate for Brazil: “This is what we embrace: a public school that does not provide religious education; rather it opens its doors, without detriment to school hours, to religious education, taught by the representatives of each confession” (Barbosa, 1974a, p. 309). The formula seemed to him the right one: on the one hand, the state could require compulsory enrollment, since school education would not affront anyone’s conscience. On the other, confessional teaching would continue to exist, albeit outside normal hours and no longer as the responsibility of teachers, but of the different religious institutions. This would safeguard freedom of conscience, because only the children of interested families would attend these classes.

According to Cunha (2017), an examination of the long and conflicting process of autonomization of public education against state religion requires the retrieval of the legislative initiatives of the Minister of the Empire Leôncio de Carvalho: the first, through Decree 6,884 of April 20, 1878, affected Pedro II College regarding the presence of religion in the curriculum, enabling the entry of non-Catholic students and their dismissal from the discipline of Religious Instruction; the second refers to the enactment *ad referendum* of Decree 7,247 of April 19, 1879, through which the reformer sought to extend what had been done in the College to other public education establishments in the provinces, establishing the freedom of primary and secondary education in the Municipality of the Court and of higher education throughout the country, for which he was immediately criticized

by members of the Liberal Party, due to the religious dimension that was present and would favor, notably, the Catholic Church. As a result of the lack of consensus on the issue of education within the Liberal Party, the processing of this piece of legislation reflected the clashes of that moment:

The General Assembly neither approved nor refused Leôncio de Carvalho's decree. Forwarded to the Education Committee, it was the subject of substitutive projects presented by Congressman Rui Barbosa [...]. Of all the reformist efforts, one that survived was the release of non-Catholics from Religious Instruction during secondary school at Pedro II College, in entrance exams and the non-confessional oath — no mean feat in a country whose official religion was dominated by ultramontanism and whose clergy was materially supported by the state. The exemption of Religious Education for non-Catholic students in primary public schools in the Neutral Municipality made it too. (Cunha, 2017, p. 240)

Rui Barbosa criticized Decree n. 7,427/1879, because, although it stated the dismissal, for non-Catholic students, of attendance to religious education classes, it was still the teachers, state officials, who were in charge of teaching them. To him, in this respect, the government neglected freedom of conscience to the secular teaching staff and maintained the church's bonds of dependence, since, at least in part, the pedagogical activity would still be under the direct interference of the clergy.

In view of this fact, he proposed an alternative project to the Education Commission, which secularized not only the school's compulsory program, but also the work of teachers. And he justified this by entrusting both the ministers of religion and the parents with the offer of religious education: "Let us establish, yes, whatever it takes, a system, strictly national and lay, of elementary public schools; let us teach in them what is consented to by all; let us leave the burden of religious education to the ministers of religion and to the students' parents" (Barbosa, 1947a, p. 324). According to this logic, the state school would not impose religious or irreligious, materialistic or spiritualistic dogmas, deist or atheist, rationalist or confessional. The solution that ensured the character of neutrality to the school was put: the offer of elementary education for all, by the lay teacher, and confessional teaching only to those interested, taught by the respective ministers of worship.

However, as Machado (1999) informs us, Rui Barbosa's opinions were not discussed in the House of Representatives, because the issue of greatest interest at that time was the abolition of slavery. His proposals did not perish, however; in an analysis of the minutes of the Congress of Public Instruction, an event held in 1884, Bastos (2006) found that "free school" and "lay teaching" were recurrent themes permeating discourses. This indicates that, although the word *laicity* was not yet part of the current vocabulary at the time, the terms *lay teaching* and *lay school* were appropriated and disseminated. As a result, the first Magna Carta of the Republic incorporated the expression "lay teaching" to refer to the secularization of education. This is what we shall address next.

THE FRUIT OF THE REPUBLIC: LAICIZATION AS A STATUTE

According to Figueiredo (2011), although the beginnings of the monarchical regime were nuanced by a certain constitutionalism, the years of the Empire (1822-1889) — in which Dom Pedro I, the regents and for almost half a century Dom Pedro II were sequentially in power — were the scene of several political, economic and social issues, among which demonstrations by oppressed popular groups, unrest in the press, the emergence of Republican, liberal and positivist discourses, the abolition of slavery and various conflicts with sectors of the agrarian elite, the Church and the Army. In other words, the Brazilian monarchy was questioned and criticized, but it remained, by means of political and administrative centralization, based on a dual source of power: “God” and “the people”. Nonetheless, when the military noticed the exhaustion of the old regime, it took the lead and proposed a revolt against established authority. On November 15, 1889, troops brought down the monarchical regime and established an interim government. The Republic was proclaimed.

The laicization of the State was the theme of the first meetings of the Republican Ministry, since, by as early as December 19th, the first version of the *Project of separation of the Church from the State, the secularization of cemeteries and civil marriage* was presented by Demétrio Ribeiro, an adept of positivism. However, his ideological participant, Benjamin Constant, seeking to avoid the immediate approval of the proposal, pondered that the matter was of the utmost importance and suggested a postponement of the decision for further evaluation. He was supported by Rui Barbosa. According to Ribeiro (1917), in the meantime, Bishop Macedo Costa, Archbishop of Bahia, was consulted with regard to the effects of the separation between Church and State for the clergy and Catholics in general. In response, in a letter written by the prelate to Rui Barbosa, dated December 22, 1889, he declared about the ideological line to be adopted: “Freedom for us, as in the United States! Let not the France of Gambeta and Clemenceau be the model of Brazil, but the great American Union” (Ribeiro, 1917, p. 41). In the same document, the Archbishop registered what he had supposedly heard from President Deodoro himself: “I am a Catholic, I will not subscribe a Constitution that offends the freedom of the Church” (Ribeiro, 1917, p. 41). It is also reported that Ministers Barbosa and Bocaiuva spoke in favor of the adoption of the American model of laicity. (Ribeiro, 1917, p. 41)

In this sense, the perspectives mentioned here are in line with the constitutional studies of Leite (2011), who warns that historical analysis should not be undertaken from a formal reading of the Constitution, but must seek to understand the interpretation made at the time and how norms were applied, as well as take into account the fact that the nation would not cease to be overwhelmingly Catholic because of the Proclamation of the Republic. Moreover, the constitutive legal basis of this argument is linked to the consideration that the constitutionalist doctrine reflected an uncertainty as to the laicity and religious freedom that would come to constitute the text of 1891. And there was a myriad of dissonant voices in the social and political framework.

Understanding of the doctrinal approach to laicity and religious freedom in the First Republic must be based on the premise that there was a controversy around these themes, which can be well illustrated by the comments made on the subject by two jurists of the time: Rui Barbosa (Barbosa 1903), who argued that the separation of state and religion in Brazil followed the American, not the French model; and Aristides Milton, who regretted that the Brazilian Constitution had not followed the American model [...]. (Leite, 2011, p. 41)

On January 7th, 1890, Rui Barbosa presented his own church-state separation project, which was published as Decree 119-A. During the discussions, Demétrio Ribeiro recognized that the content was similar to that which he had previously exposed, but questioned the absence of the secularization of births, deaths and marriages (Abranches, 1907). As a result, three other provisions were issued: Decree 181, which promulgated the law on civil marriage; Decree 789, which established the secularization of cemeteries, transferring their control and administration to civil authorities; and the controversial Decree 521, which determined that civil union should take place before the religious rite and included criminal sanctions on offenders, a fact that incited the indignation of Catholics. However, although the Provisional Government had instituted these acts of division between the State and the Church, it continued to subsidize Catholic works for a period of one year, as well as allowed the maintenance of the pension paid to ministers of worship by the State.

Nonetheless, the first Republican legal texts did not refer to *secular schools* or *lay education*, topics that would be dealt with at specific points when the first Constitution was drafted. This first charter began to be drawn up in January 1890, with the establishment of a commission of five jurists⁴ that was responsible for the preliminary draft. After work began, they agreed that each of them would prepare a separate project, and then add it to a unified document. Rangel Pestana and Santos Werneck, nevertheless, decided to work together and submitted a single proposal, whilst Saldanha Marinho, as president, refrained from giving an opinion. A collective discussion of the three pre-projects resulted, and the proposals were synthesized in a single file (Ribeiro, 1917).

As we analyzed the content of these documents, we found that the secularization of teaching was not based on any of them. Magalhães Castro's proposal even defended the continuity of the offer of religious confessional education in primary school, although supervised by the State in order to curb "religious fanaticism."

The Commission handed over the draft Constitution to the Provisional Government on May 24th, 1890, and the Ministry reviewed it until June 10th, 1890. According to Ribeiro (1917), the ministers would meet to examine it and decide which points should appear in the government's proposal, because they assumed that Marshal Deodoro had ideas that were incompatible with the republican system.

4 It was composed of public men of republican beliefs: Joaquim Saldanha Marinho, president; Américo Braziliense de Almeida Mello, vice president; Antonio Luiz dos Santos Werneck, Francisco Rangel Pestana and José Antonio Pedreira de Magalhães Castro.

In the meantime, Rui Barbosa elaborated his amendments, which altered, added and lent precision to numerous points of the preliminary draft prepared by the Commission of jurists. The intention was to present a consensual version among the ministers, to avoid friction and ensure a faithful implementation. As shown in Chart 1, which systematizes our analyses, Barbosa was responsible for including the amendment that gave rise to Article 72 of the Constitution, instituting “lay education” in official establishments.

Chart 1 – Comparison of the contents on teaching in the draft Constitution of 1891.

Final Project of the Committee of Jurists	Rui Barbosa’s amendments	Definitive Project of the Provisional Government	Project Approved by the Constituent
Art. 89 - 4 th – Anyone can freely learn and teach or found educational institutions.	Art. 35 It is also incumbent upon Congress, but not exclusively, to: 1. Stimulate the progress of public education [...]; 2. Create higher education and secondary level institutions in any state.	Art. 33 It is also incumbent upon Congress, but not exclusively, to: 1 st Stimulate [in the country] the development of public education [...]; 2 nd Create higher and secondary education institutions in the states.	Art. 35 It is also incumbent upon Congress, but not exclusively, to: 2 nd Stimulate, in the country, the development of letters, arts and sciences [...].
	Art. 72 5 th The teaching taught in federal establishments shall be lay.	Art. 72 § 6. The teaching taught in public institutions shall be lay.	Art. 72 § 6. The teaching taught in public institutions shall be lay.

Source: Prepared by the authors, 2022, based on Ribeiro (1917) and Barbosa (1946).

We can see that lay education, even if absent in the proposals of the commission of jurists and the Provisional Government, was included in the draft Constitution presented by the ministerial collegiate to President Deodoro. The discussion was finalized eight days later and virtually all of Barbosa’s amendments were incorporated. According to Calmon (1946), he was the final editor of the document, supervised its printing and made changes to the various versions as he proofread them.

If we take notice of the fact that the proposal of *lay education* was approved by the Constituent Assembly in the form of paragraph 6 of Article 72 of the first Constitution of the Republic, we can infer that this was a personal initiative of Rui Barbosa, whereby he recovered the arguments contained in the Opinion of 1883, in which he positioned himself in favor of the “laicity of teaching”, in reference to the American model. This is because, according to his understanding, religious freedom prevailed in the schools of that country, since the teaching of religion was optional to all beliefs; it was offered in the school itself, but outside the normal hours of the other subjects. It was a perspective that valued the religious formation

of students, without radical connotations of anticlerical or antireligious nature, as occurred in France.

Next, we bring to the discussion new analytical elements resulting from the clash between discrepant ideological conceptions regarding the process of laicization of teaching.

DOCTRINAL AND IDEOLOGICAL DISPUTES: FOSTERING DEBATE

The perspective assumed by Rui Barbosa sometimes contrasted with, sometimes added to another ideological current that supported the Provisional Government: positivism. In fact, in this case, his thought adopted as a model the relations between State and Church in the United States, establishing some points of approximation with Brazil:

In the American Republic the moral surface of the country was more or less equally divided among a remarkable variety of religious confessions. In Brazil Catholicism was the general religion; Protestantism, deism, positivism, atheism, circumscribed exceptions. Whereas in the United States religious equality was a need felt, roughly at the same degree, by all communions, among us it represented only the aspirations of the minority. Freedom of worship came to satisfy, in good justice, the oppressive condition of these dissents, mistreated by the official exclusion, but not reverse it against the conscience of the majority. If, in the United States, the greatest emphasis was on “the fact that Christianity was, and always has been, the popular religion” (these are the words of an American magistrate), in Brazil this fact had no less prominent importance. (Barbosa, 1981, p. 28)

Despite the different and even divergent lines of appropriation, the positivists exerted a significant influence on the legal ideation of the new Republic. Causes such as the republican dictatorship, the strengthening of the executive power, the secularization of the state, spiritual freedom and the separation between political and religious power are some examples. And in the process of institutionalization of the Republic, supporters such as Benjamin Constant, Demétrio Ribeiro, Teixeira Mendes, Miguel Lemos and Júlio de Castilhos are among the most influential representatives.

According to Paim (1981), the positivists problematize the level of impregnation of “superstitions” in the “bowels” of the Brazilian population and, therefore, sought not only to influence the formulation of the legal provisions of the new regime, but also the change in customs and mentalities, a necessary condition to effect their alleged social reform. They were looking for the country’s integration into the logic of development of Western civilization, because they understood Brazil’s delay in relation to other European countries as a “historical difference”, identifying in the philosophy of Auguste Comte, the formulator of positivism, the support for such interpretation, in its reference to the law of the three states — theological, metaphysical and positive.

In the view of this group, with the establishment of the Republic, Brazil began its march to the positive state, marked by the reign of science and technique. In it, order and progress — not by chance the motto of the national flag — would be obtained through instruction and settlements. Order, based on science and secular morality, would produce the intellectual reform of individuals in accordance with the requirements of the commercial and industrial world. Progress, in turn, meant attracting European immigrants qualified to make industrial production prosper.

In the work *The formation of souls: the imaginary of the Republic in Brazil*, Carvalho (2017) shows how the positivist program operated in reforming popular mentality, expending much effort to manipulate common sense and give legitimacy to the regime. The propagation of a markedly radical and even anticlerical *laicism*, mirrored in the French model, was one of the elements of the set of efforts undertaken by positivists to build a new social imaginary.

On the other hand, actions aimed at the modernization and secularization of the State generated strong reactions. Protests such as those of Catholic jurist Lacerda de Almeida (1924, p. 130) illustrate how such events were being interpreted by the Catholics:

The occult thought of men of 1889 was another. And seeing that they had made the political revolution that overthrew monarchy, they thought it would be equally easy to replace religion with another “positive” one, or to prepare for such an event by making the state entirely atheist. That there was an attempt to do is attested to by certain national holidays and the motto of the flag, in addition to the greeting in official correspondence, from which the traditional and very elevated phrase *May God guard* [you] was expunged.

Gradually, the positivist indoctrination, disseminated and impregnated at the legal level, was widely contested by Catholic intellectuals, who were able to unite the weight of tradition and dominion over the people to re-Christianize the Republic. In other words, the republican reform generated a kind of Catholic counter-reform, as expressed in the words of Lacerda de Almeida (1924, p. 130): “The nation, however, reappears from its sleep and, little by little, adapts the republican form to itself, not letting the republican (or constitutional) form adapt the nation to itself.”

At the heart of the ideological battle between groups with antagonistic ideologies was *lay education*. The question was: what exactly did the term mean? In the search for answers to the problem, we see that the ecclesiastical hierarchy worked to consolidate the legal interpretation that combatted French hermeneutics, in order to subsidize a reform of the Constitution with regard to *lay education*. For this, in the first decades of the Republic, it had the support of relevant jurists. The former minister of the Supreme Court, Pedro Lessa, also a member of the Brazilian Academy of Letters and founder of the National Defense League, was one of the first to speak on the subject. He sought to interpret paragraph 6, which dealt with *lay education*, combining it with paragraph 3 of Article 72 of the Constitution, which addressed freedom of worship, thus establishing that it was not up to the State to impose religious beliefs or ignore them, but to respect freedom of conscience:

If the State, by the very nature of its functions, cannot impose philosophical principles or religious beliefs, according to the modern conception of freedom of conscience, its attitude, in the face of the various philosophical or religious systems, must be, not of indifference or ignorance of these same systems (an erroneous way of understanding secularism, therein confused with an impractical and illusory neutrality), but, yes, of recognizing the existence of all of them as manifestations of their own freedom of conscience which must be respected and safeguarded. (Lessa *apud* Lima, 1914, p. 31)

His analysis brought into question the French conception of laicity, in which religious notions were treated with indifference and even contempt, and this applied to the positivist perspective, which relegated religion to the pre-scientific stage of the development of humanity.

Another prominent jurist who became involved in the stir was Mário de Lima, who in his work *Lay school and freedom of conscience*, of 1914, took an interpretative stance similar to that articulated by Pedro Lessa, when he considered that a lay State would accept a diversity of creeds and not impede their presence in the school environment: “A lay State does not mean an atheist one. [...] The lay, unlike the atheist State, must recognize the existence of all creeds, leaving the field of the school open for them, instead of closing it hostilely as is the case with neutrality.” (Lima, 1914, p. 41-42)

Lima corroborated the principle that the lay school was not irreligious. On the contrary, the educational environment would be open to the contribution of all creeds, in an atmosphere of freedom, instead of limiting religious adherence and practice to the particular sphere. To legitimize his position, he made severe criticisms of the model adopted in the French educational system, associating it with socialist anticlericalism, Freemasonry and exaggerations of reason.

School neutrality in France is an official lie, it is the machine of dechristianization assembled by the government to serve the cause of red anti-clericalism, anti-Catholic Freemasonry, and intolerant free thought. [...] ideas contrary to the religious feeling of the students are preached in public schools, Christian morals are replaced by *lay morals*, a set of moral principles *imposed* by the State that thus distorts the principle of *secularism* [...]. (Lima, 1914, p. 35-36)

A similar criticism of French laicism had spread among the clergy and Catholic laity, which motivated religious cadres to defend their faith against a school regime that, for the first time, was not only outside the direct control of the Church but formed mentalities outside of and even contrary to Catholic doctrine. Therefore, they aimed at the American system, in which, according to Lima (1914), the concept of “neutrality” had never been understood as “national profession of agnosticism” or “materialism of the State”, but as an expression of respect for the various religious denominations. In the light of this understanding, Lima (1914, p.131) attributes another concept to the term *lay*:

Layman does not mean contrary to any religious feeling; it translates, instead, equal sympathy, complete tolerance in the face of all religions, within, of course, the limits of the public moral order. [...] The lay state is that which has no official religion and does not *impose*, therefore, certain religious teaching in its schools (italics on the original).

Based on this point of view, “lay” corresponds to having an attitude of dialogue rather than opposition to religions. For this reason, the lay school should not offer religious education in its official program, but this did not mean precluding its offer outside of regular activities, through optional enrollment intended exclusively for those who requested it. Therefore, the ecclesiastical sectors questioned the constitutional interpretation of the principle of laicity in the light of Franco-positivist assumptions, in which teaching was devoid of any religious ingredient.

In the midst of the interpretative-hermeneutic battle over the concept of *lay education*, Rui Barbosa himself became involved in the dispute, including it in his 1910 electoral platform. Attentive to the questions raised, he reiterated that it was not about an anti-catholic or atheist posture:

Under my influence, or with my sanction, it is not that an anti-Catholic or atheistic expression would be authorized, one which certain manifestations of unbelief among us have wanted to impress on the Brazilian solution of the religious problem. If this solution does not gag atheism, it does not give it the privilege of dyeing the Christian impartiality of our institutions its own color. (Barbosa, 1967, p. 60)

We can see that Barbosa was opposed to the positivist understanding, taxed by Catholics with atheism, which sought to guide the legal interpretation of the legal provision according to French hermeneutics. And in the face of this interpretative conflict, he himself takes up the sense that had moved him while he was a member of the Provisional Government, positioning himself favorably to the American conception:

The principle of free Churches in a free State has two distinct and opposite hermeneutics: the French and the American one. The latter, sincerely liberal, is not frightened by the expansion of Catholicism, the most numerous today of all confessions in the United States [...]. The first, obsessed with the eternal ghost of clericalism, goes around from one reaction to another, restless, aggressive, proscriptive. With one, under the forms of republican freedom, the twentieth century witnesses a tremendous access of regalism, which banned from the country, in France, all religious congregations. Under the other, in North America, [...] religious collectivities meet [and] develop quietly, prosperously, fruitfully, without the slightest cloud on their horizon [...]. *This is the religious freedom that we have written in the Brazilian Constitution. It excludes the teaching of religion from the school program. But it does not allow school education, school books, to profess irreligion and unbelief, nor does it prevent, when required*

by parents, religious education by the ministers of religion, outside of school hours, in the school building itself. [...] This is how the neutrality between religions is practiced in the United States, and it has never been seen there as a national profession of agnosticism or as the materialism of the State, but only as the expression of its incompetence and of respect between the various religious denominations. The Brazilian Constitution drank from there, not from France. Not from France, but there is where we must we get the lessons from [...]. (Barbosa, 1967, p. 60-62, our griffins)

Barbosa resumes, then, the *solution* he had coined in his Opinion of 1883, when he addressed and defended *lay education*. His clear choice for the American side is manifested in the comparison between the treatment given to religious issues in the United States and in France. It was not accidental that Dom Macedo Costa, in the letter written as a reply to a consultation made by Rui Barbosa in December 1889, cried: "Freedom! Freedom such as in the United States!"

We therefore believe that the historical stir around the laicization of the State and, consequently, of teaching, is due to the attempt at an interpretative inflection based on ideological positions of French bias. Moreover, we ask: without the positivist, analytical conversion of the principle of laicity, on the threshold of the Republic, would the Catholic Church have reacted in the same way? Most likely the answer is no, because, as can be perceived from Rui Barbosa's formulations, lay teaching presupposed the exclusion of religion from teaching programs, but without the preclusion of its offer by family members and religious ministers. According to Barbosa's explanation, religious teaching could be carried out in school buildings, at times outside those of scientific disciplines, provided it was taught by representatives of the respective cults. In Cunha's words (2017, p. 241), it was "EXTRACURRICULAR RELIGION."

Rui Barbosa's conception of *lay education*, in sum, did not favor agnosticism, atheism or irreligion, as Catholics protested at the time. Rather, it sought to ensure freedom of conscience and belief in the general program of classes, allowing the offer of confessional teaching in the school space itself to those interested who practiced different faiths.

Aware of these possibilities, the Catholic hierarchy sought to reverse the legal devices that gave way to laicizing interpretations of teaching, which in practice sought to purge from the school sphere everything that was tied to religious or spiritual senses. Later, there was a movement of the Catholic summit that tried to relax the constitutional provision instituting lay education, through the reintroduction of religious education in official schools.

FINAL CONSIDERATIONS

We have described the historical conformation of an interpretative ambivalence around the conception of *lay teaching*. This process not only nourished battles in the political and legal sectors, configuring the nature of the perspectives of laicity applied to the educational field throughout the last decades of the Empire and in

the early days of the Republic, but, somehow, still sustains today's disputes and disparate positions on the concept and scope of laicity in the school environment.

We have demonstrated that, initially, Rui Barbosa coined a *solution* based on an analysis of the foreign models of relationship between the religion offered in schools and the State, which was recorded in his Opinion of 1883. His conception of lay teaching therefore came from a conscious choice for the American secular state model. In his formulations, lay education required the exclusion of religious education from teaching programs, but without their replacement by contents of irreligious or atheist connotation. Moreover, according to his argument, religious teaching could be carried out in school buildings, if outside the regular hours of other subjects and if taught by leaders of the same religious affiliation to which the student belonged.

In this sense, Barbosa's conception of lay teaching, the root of a proposal for long-term laicity, did not weigh in favor of agnosticism, atheism or irreligion, but sought to ensure freedom of conscience and belief in the general program of classes, recognizing religious diversity to the point of allowing the offer of confessional teaching to those interested in different faiths in the school space itself. Barbosa opposed the positivist understanding, taxed by Catholics with atheism, and committed to directing the legal interpretation of the legal provision according to a French ideological-based hermeneutics. In this context, Rui Barbosa's position was emblematic, guiding for some time the clash over the historical process of legal institution of one of the conceptions of laicity that he considered convenient to Brazil.

Given the analytical possibilities we have been looking at, we confirm that the historical clashes around the secularization of the State and, consequently, of teaching, can largely be due to an attempt at making inflections of interpretation based on ideological positions of Franco-positivist bias. And that, in the face of such a movement, the Catholic hierarchy sought to reverse the legal devices that gave way to the secularizing interpretations of teaching. Without wasting time, the ecclesiastical summit tried to relax the constitutional provision that instituted *lay education*, an undertaking that resulted, decades later, in the reintroduction of optional religious education in official schools in several states of the Republican federation.

The Church's reaction, therefore, focused on questioning the constitutional interpretation of the principle of laicity in the light of Franco-positivist presuppositions, in which teaching was devoid of any religious element. The discourses of Rui Barbosa and the other jurists sought to clarify this point, which was not enough to reverse the understanding of the supporters of positivism, because they considered that the presence of religious education was equivalent to the permanence of the ecclesial element in the school, representing a true affront to the separation between the State and the Church.

The Catholic Church, however, made no effort to effect a revision of the Constitution of 1891, aiming to put an end to disagreements about the concept, nature and scope of the foundations of *lay education*. Thus, both lay people and clerics only waited for the outcome of political events to seek to change the bases considered secularist of the Republican Constitution then in force, generating an environment nourished by antagonisms that were intended to extend their per-

spectives and insert them in the debates about the content of Brazil's following constitutional text.

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