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### The Development of Principal and Practice Toward Government Aid to Religious Elementary Education in the Lutheran Church of Brazil

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SHORT TITLE

STATE AND CHURCH IN EDUCATION IN BRAZIL

to the Faculty  
of St. Louis,  
School of Theology  
in fulfillment of the  
requirements of the  
degree of  
Theology



THE DEVELOPMENT OF PRINCIPLE AND PRACTICE  
TOWARD GOVERNMENT AID TO RELIGIOUS ELEMENTARY  
EDUCATION IN THE LUTHERAN CHURCH OF BRAZIL

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A Thesis Presented to the Faculty  
of Concordia Seminary, St. Louis,  
Department of Practical Theology  
in partial fulfillment of the  
requirements for the degree of  
Master of Sacred Theology

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by

Elmer Reimnitz

May 1965

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Approved by:

Donald L. Deffer  
Advisor

Harry G. Linder  
Reader

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## CHAPTER I

### INTRODUCTION

#### Background Pertinent to the Study

In his treatises on education, Luther insisted on an adequate education for all children. His educational principles pointed out the fact that parents are primarily responsible for the education of their children. He stressed the fact that universal education is a right and a necessity and that it is the duty of the state to establish schools and to require regular attendance. He noted that the foundation of all school instruction is the Christian religion, but in addition the children need to know other subjects necessary for their life as citizens of the state and for their practical duties in life.<sup>1</sup>

He took it for granted that every congregation should establish a religious elementary school, insisting that all pastors need pedagogical training and teaching experience before entering upon a pastorate, because they are responsible for the congregation's school.<sup>2</sup> The Lutheran Church--Missouri Synod has always been zealous in trying to follow these principles established by Dr. Martin Luther. It has

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<sup>1</sup>E. L. Lueker, editor, Lutheran Cyclopedia (St. Louis: Concordia Publishing House, 1954), pp. 208, 209.

<sup>2</sup>Ibid.



tried to follow these principles both in the United States and in its mission fields throughout the world. The By-Laws to the Constitution of the Lutheran Church--Missouri Synod contain the following items:

7.05 Lutheran Parochial School

The most effective agency available to the young church for the Christian training of the young is the full-time parochial school. Synod therefore urges:

- a. That the congregations of Synod establish Lutheran elementary schools and Lutheran high schools wherever possible, either alone or in conjunction with other congregations.
- b. That parochial schools be stressed in the mission program of the church as a vital factor for the up-building of Christ's kingdom, both in self-sustaining and in mission congregations; and that Synod encourage the Districts to advance the cause of the parochial schools by granting subsidies to schools where such action is necessary.<sup>3</sup>

As soon as the Lutheran Church--Missouri Synod began its mission work in Brazil, its missionaries also began to establish Lutheran elementary schools. The mission board of the Lutheran Church--Missouri Synod subsidized these schools. During the first years of the work of the Lutheran Church--Missouri Synod in Brazil, all missionaries of the church accepted the policy of establishing religious elementary schools and asking the church for subsidy. However in the year 1921 the district convention of the Lutheran Church of Brazil was asked to take a stand on the

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<sup>3</sup>Handbook of The Lutheran Church--Missouri Synod, edited by the Committee on Constitutional Matters of the Lutheran Church--Missouri Synod (published 1949, corrected to June 29, 1956), 7.05.



question of the validity of accepting subsidy from the government for the Lutheran elementary schools. A number of the Lutheran religious elementary schools were accepting subsidy from the local governments.<sup>4</sup>

The resolution of the Brazil district convention in Ijuí, Rio Grande do Sul, gave all congregations of the church the advice not to accept government aid to Lutheran elementary schools.<sup>5</sup> During the years that followed a number of articles appeared in the church papers of the Lutheran Church of Brazil concerning the problem.<sup>6</sup> In spite of the district resolution, the issue remained in the Lutheran Church of Brazil, since many pastors and congregations have acted against and are still acting against the resolution of the district convention. This issue has been brought up in many pastoral conferences in the Lutheran Church of Brazil and has received due mention in the official publications of the Lutheran Church of Brazil.

#### The Felt Need

The author sees that the need for an investigation of this issue is not only of academic concern, but a practical answer must be found to the burning question facing the

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<sup>4</sup> Albert Lehenbauer, "Subvention der Schulen," Evangelisches Lutherisches Kirchenblatt, XVIII (March 1921), 3.

<sup>5</sup> Ibid.

<sup>6</sup> August Gedrat, "O Sustento das Escolas Paroquiais," Mensageiro Luterano, XLVI (March 1964), 90, 91.



church in Brazil. The issue is being raised by men in public life, working especially in the Ministry of Education and Culture of Brazil. Polemical declarations have been made by archbishops and bishops of the Roman Catholic Church in Brazil on the one side of the issue and by some of the leading government educators on the other side.

Pastors and congregations of the Lutheran Church of Brazil are also divided in opinion as to the validity of acceptance of state aid to religious elementary education. Practically all of the Lutheran elementary schools in Brazil accept state aid in one form or the other. Many pastors also make use of free time for religious instruction in the public schools, since the Brazilian government has made religion a mandatory discipline in the public schools.

This study will initially treat the historical background which led to the problem. The missionaries of the Lutheran Church--Missouri Synod tried to follow the basic principles of their church toward the validity of acceptance of government aid to religious elementary education. A conflict arose within the Lutheran Church of Brazil because the basic principles and practices of the Brazilian government toward state aid to religious elementary education are different than those of the government of the United States of America. Both in its constitution and in its practice, the Brazilian government not only admits state aid to



religious elementary education, it goes further, it considers it to be a duty of the state to grant such aid. This basic principle is also shown in the fact that the Brazilian government has made religion a mandatory discipline in the curriculum of all public schools.

The Lutheran Church of Brazil initially opposed all government subsidy to its elementary schools, however through the years the congregations began to accept government subsidy in the form of direct money grants each year, in terms of teachers who were paid by the government, and in tuition for pupils. The official policy of the Lutheran Church of Brazil, as originally stated in its convention in 1921 and reaffirmed in the 1934 convention, is to reject all government aid to religious elementary education because acceptance of government aid was considered to be a mixture of church and state.

The problem of this thesis is to examine the tension between the official position of the Lutheran Church of Brazil and the practice of its congregations. The development of this tension through the years and the reasoning followed by the congregations and pastors for accepting state aid to religious elementary education will also be examined together with conclusions as to the future course of the Lutheran Church of Brazil concerning government aid to religious elementary education.



## CHAPTER II

### HISTORICAL BACKGROUND

#### Moral and Religious Situation of Immigrants to Brazil

The first group of immigrants in 1824 brought a pastor along, the Rev. J. G. Ehlers of Hamburg. With another group, a year later, C. L. Voges came, who first signed himself as sacristao, sexton, later on as pastor. Pfarrer Klingelhoefter also came at about this time. He was probably the only ordained minister among them.<sup>1</sup> These pastors came on their own. Not one was sent from Germany, either by the State Church or by a Mission Society. The immigrants, in the midst of their difficulties, in the very beginning founded church and school congregations. In most places, neither pastor nor teacher was available, so the immigrants elected one among themselves to be responsible for their spiritual life. Many were not qualified for the high calling and did more harm than good.<sup>2</sup>

The first pastor officially sent from Germany, Dr. H. Borchard, described some of these pseudo-pastors in 1865:

Der eine ist ein fortgejagter Schulmeister aus  
Deutschland, der als Trinker und Spieler beruechtigt

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<sup>1</sup>Hundert Jahre Deutschtum in Rio Grande do Sul,  
Herausgegeben vom Verband deutscher Vereine Porto Alegre  
(Porto Alegre, Brazil: Typographia do Centro, 1924), p. 467.

<sup>2</sup>Ibid., p. 468.



ist, der andere ein durchgegangener Unteroffizier aus Preussen, dem in Trinken keiner gleichkommt, der dritte ein Bierwirt aus Porto Alegre, der dort mehrfach Bankrott machte und, da er seinen Lebensunterhalt nicht anders finden konnte, Pastor wurde, der vierte ein uebel beruechtigtes Subjekt, das weder lesen noch schreiben kann . . .<sup>3</sup>

Under such religious and spiritual leadership, or lack thereof, religious indifference and a materialistic worldview became prevalent. However in the second half of the century some ordained pastors came from Germany to work in some isolated parishes. The first of these was the Rev. J. P. C. Haesbaert. He took charge of the congregation of Hamburgerberg, which he served faithfully for forty-one years. When he arrived he was the only ordained pastor in Rio Grande do Sul, because the Rev. Klingelhoefter had already died.<sup>4</sup>

In 1867, the Rev. J. F. Brutschin was sent to Brazil. He helped found the Riograndenser Synod in 1886, but in 1890 he left the synod and was called to serve the congregation in Estancia Velha, Rio Grande do Sul.<sup>5</sup> In the last years of his work he learned about the work of the Missouri Synod in the United States. He read Der Lutheraner and other publications of the Missouri Synod. When he finally decided to go back to Germany because of ill health he desired to

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<sup>3</sup>Ibid., p. 470.

<sup>4</sup>Ibid., p. 471.

<sup>5</sup>C. H. Warth, Nôvo Hamburgo e a Igreja Luterana (Pôrto Alegre: Casa Publicadora Concórdia, 1945), p. 12.



hand the care of his congregations to a faithful Lutheran pastor and for this reason he sent a call to the Mission Board for Inner Missions of the Missouri Synod in 1899.<sup>6</sup>

Even before the Rev. J. F. Brutschin sent his call for help, the attention of members of the Missouri Synod had been called to the spiritual need of hundreds of thousands of German immigrants and their descendants in the south of Brazil.<sup>7</sup> Dr. Ludwig Fuerbringer championed the cause of the German Lutheran immigrants. Again and again he wrote of their religious conditions in Der Lutheraner. In the late 1890's an attitude of concern and a feeling of responsibility toward the Lutherans in Brazil made itself felt.<sup>8</sup> At the synodical convention of 1899 the question was brought up as to whether the Missouri Synod should start inner mission work in South America. In April 1899 the ninth delegate convention of the Missouri Synod met at Holy Cross church in St. Louis, Missouri. After the discussion about the religious situation among the immigrants in Brazil, in which pertinent facts about the spiritual needs of the immigrants in South Brazil were disclosed, the convention decided to start home mission work in South

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<sup>6</sup> Ibid., pp. 30-31.

<sup>7</sup> L. Fuerbringer, "Brasilien," Der Lutheraner, LV (May 30, 1899), p. 98.

<sup>8</sup> L. Fuerbringer, "Geistliche Noth in Brasilien," ibid., L (January 2, 1894), 31.



America, especially in Brazil and Argentina.<sup>9</sup>

The establishment and promotion of parochial schools was one of the main features of the Igreja Evangelica Luterana do Brasil in the first half century of its existence. The Rev. C. J. Broders, the surveyor, had founded the first in Sao Pedro in 1900, and declared: "Ja, wollen wir ueberhaupt hier missionieren, so muessen wir besonders die Schule dazu verwerthen."<sup>10</sup> State schools were almost nonexistent in the immigration areas. In most cases the only alternative to illiteracy was the establishment of parochial schools.<sup>11</sup> Sometimes groups that were religiously indifferent called the Missouri Synod missionaries to provide instruction for their children. This opened many doors and was one of the factors for the fast growth of the Missouri Synod's work in Brazil. But it also made the work of the pastor extremely difficult. The complaint was often heard: "Schule haben sie alle recht gern, aber die Gottesdienste werden sehr schwach besucht."<sup>12</sup> This however does not minimize the importance of the parochial schools in the success of the missionary work. Statements such as the following recognized the importance of the

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<sup>9</sup> L. Lochner, Karl Schmidt, and C. A. Eseman, "Sollen wir in Suedamerica sonderlich in Brasilien, Das Werk der Inneren Mission in Angriff nehmen?" Der Lutheraner, LV (November 28, 1899), 217.

<sup>10</sup> L. Lochner, Der Lutheraner, LVI (11 December 1900), 390.

<sup>11</sup> Ibid., LVII (1 October 1901), 308.

<sup>12</sup> L. Fuerbringer, "Wie sieht es in unsern brazilianischen Gemeinden aus?" Ibid., LVII (10 de November 1903), 356.



Lutheran elementary school:

Die Schule steht in allen unsern Gemeinden im Vordergrund. Hauptsächlich der Schule wegen bilden sich die Gemeinden. Die Schule ist der Zusammenhalt der Gemeinde.<sup>13</sup>

The work in Porto Alegre was begun through school work.

The Rev. W. Mahler arrived in Porto Alegre on September 29, 1902. He rented a building in Navegantes and started a school with an initial enrollment of nine pupils. At the end of the first week the number of pupils had grown to eighteen.<sup>14</sup>

The future of the work the schools were doing was also recognized:

Auch dafuer koennen wir Gott nicht genug danken, dass alle unsere brasilianischen Gemeinden die Schule hochhalten und lieb haben. Die Schule ist der Mittelpunkt der Gemeinden. In den Schulen aber streuen wir die Saat fuer die Zukunft aus.<sup>15</sup>

At first all pastors taught in parochial schools. However the question was already raised in the Synodical convention of the Lutheran Church--Missouri Synod as to whether it would be convenient to send Synodical teachers to Brazil. The matter was handed over to the Board for Home Missions with power to act at the proper moment. The school in Porto Alegre received the first synodical teacher.<sup>16</sup>

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<sup>13</sup>W. Mahler, "Synodalrede," Kirchenblatt, III (February 1, 1906), 19.

<sup>14</sup>Ibid., Der Lutheraner, LIX (February 17, 1903), 52-53.

<sup>15</sup>L. Fuerbringer, ibid., LIX (November 10, 1903), 357.

<sup>16</sup>L. Lochner, ibid., LIX (March 17, 1903), 85.



During the first years of the work in Brazil, no one questioned the fact that the Home Mission Board of the Lutheran Church--Missouri Synod was subsidizing both the congregation and through the congregation the schools. After all the pastors were also the teachers in the school. However after a number of years, two distinct factors made themselves felt. The first was the entrance of a number of native Brazilian pastors and teachers into the work of the church; the other, the effort to bring the young mission church to become a self-supporting church as soon as possible.

The reading of the church papers of the Lutheran Church of Brazil published during the first twenty years of the existence of the mission work in Brazil brings to light no item about the issue of government aid to religious elementary schools. The first item registered is found in the year 1921. We read:

Subvention der Schulen; Die Synode wurde schon im Ijuhy im Jahre 1921 von einigen Bruedern aufgefordert, die Sache zu beraten und Stellung zu nehmen, d.h., zu erklaren, was nach Gottes Wort in dieser Sache zu halten ist.<sup>17</sup>

The writer speaks about the problem and then goes on to give the counsel which the district convention resolved to give:

Die Synode gibt allen ihren Gemeinden den dringenden Rat, um des Gewissen willen in keinem Falle hinfort

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<sup>17</sup>Albert Lehenbauer, "Subvention der Schulen," Kirchenblatt, XXIV, no. 11, 82.



mehr irgendeine Subvention von der Regierung fuer ihre Gemeinde Schule Anzunehmen.<sup>18</sup>

The following years saw articles entitled: "Eine Ev. Luth. Gemeinde und der Staat," "O Cristão e o govêrno," "O Sustento das Escolas Paroquiais," and others. The Brazil district convention in the year 1934 resolved: "We sustain the position that our parochial schools cannot accept government subsidy."<sup>19</sup> However the above-mentioned articles clearly show that the resolution and contemporary practice in the Lutheran Church of Brazil are not identical. The Church's convention resolved not to accept aid, but the individual congregations today are accepting such aid. Especially today, when only five missionaries of the Lutheran Church--Missouri Synod are still active in the Brazil district of the Lutheran Church--Missouri Synod, do we see the practice of accepting state aid to religious elementary education as quite widespread.

The second factor which made itself felt in the acceptance of government aid to religious elementary schools in the Lutheran Church of Brazil is the economic factor. The young mission church was to become self-supporting. The question of self-support was taken up from the very beginning, however the mission board of the Lutheran Church--Missouri Synod sent liberal subsidy. The board recognized the fact that Synod

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<sup>18</sup> Ibid.

<sup>19</sup> Augusto Gedrat, "O Sustento das Escolas Paroquiais," Mensagem Luterano, XLVI, 90, 91.



would have to assist the congregations financially for a long time because, as a rule, the congregations were small, much poorer than their North American counterparts, and so far had very little understanding of what Christian Stewardship meant.<sup>20</sup> The existing system of church taxes, or better, fees, made this growth in Christian stewardship a very slow and difficult one.

This problem was especially discussed in the meeting of the Brazil district in 1916. President F. Pfothenauer of the Lutheran Church--Missouri Synod was present at that convention. He was very much surprised to hear about the tax system. According to the tax system each house-father (house-fathers were the only contributors) member of a congregation paid the same amount that every other house-father in the congregation paid, whether rich or poor. The injustice of such a system was scored by President Pfothenauer, who had not heard about this single greatest hindrance for the self-support of the congregations in Brazil. He said that not even a government was so unjust as to ask the same amount of taxes from everyone regardless of his income. The step taken by the convention toward solution of the problem was to cut off part of the support of the congregations from which more was expected toward the support of their pastor. Financial difficulties thus led some congregations to take

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<sup>20</sup>L. Lochner and others, Der Lutheraner, LVII (October 1, 1901), 308.



the first step toward accepting government aid to religious elementary education.<sup>21</sup> The economic situation became much worse during the depression which affected the Lutheran Church--Missouri Synod. Financial support was simply taken away from a number of congregations. In such cases self-support was attained at the pastor's expense. By 1936 salaries had been reduced to actual privation.<sup>22</sup>

The Roman Catholic Church also tried to take advantage of this situation. It placed Roman Catholic religious elementary schools right next to Lutheran religious elementary schools, cutting tuition in order to attract the parents and pupils.<sup>23</sup>

Rather than lose their school, many congregations began accepting government aid to their schools, considering this to be the lesser of two evils.

The historical background shows us that two major factors led to the change in practice in the Lutheran Church of Brazil. As the number of Brazilian pastors increased and the number of American missionaries decreased, more and more congregations accepted government aid to religious elementary education. The Brazilian born pastors, because of

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<sup>21</sup>Mo. Synod, Brazil District, Proceedings, 1916, p. 3.

<sup>22</sup>"Minutes of the Mission Board for South America," (December 1, 1936), II, 104, in Concordia Historical Institute.

<sup>23</sup>W. Mahler, "Brasilien," Kirchenblatt, IV (August 15, 1907), 125.



their Brazilian background felt differently about the issue since the Brazilian government considered it a government duty to aid religious elementary schools (this factor will be examined in the fourth chapter). The trend to accept government aid also coincided with the pressure exerted by the mission board of the Lutheran Church--Missouri Synod to have the church in Brazil attain self-support.



## CHAPTER III

### BASIC PRINCIPLES OF PRACTICE IN THE LUTHERAN CHURCH--MISSOURI SYNOD

#### Separation of Church and State

The missionaries of the Lutheran Church--Missouri Synod who were sent to open the mission field in Brazil encountered complete freedom of religion. They were also permitted to open their religious elementary schools without legal formalities. The country of Brazil had so few schools that every additional school was welcomed. The missionaries were accustomed to the fact that the congregations of the Lutheran Church--Missouri Synod did not accept government aid to religious elementary education. Their background and education led them to be against government aid to religious elementary education in the foreign field of Brazil.

The missionaries saw the dangers involved in accepting government aid to education, but above all they considered it a matter of conscience, and accordingly they dared not accept state aid to religious elementary education.

A basic principle of practice in the Lutheran Church--Missouri Synod has been that there must be "separation of church and state." The Board for Parish Education of the Lutheran Church--Missouri Synod gives the opinion that is dominant in the church:



Our political and our religious freedom stand and fall with the principle of separation of church and state. . . . We recognize, however, that absolute separation of Church and state do not exist in our land. . . .<sup>1</sup>

Luther advocated the principle of the proper distinction between church and state, not an absolute separation of the two. Mayer says, "Luther's distinction between Church and State was the practical application of the distinction between Law and Gospel."<sup>2</sup> The implications of the interrelation of Law and Gospel for the relationship of church and state have been elaborated by Dr. Jaroslav Pelikan. He describes the church as the gospel-proclaiming voice of God and the state as the implementation of God's purpose in the law. He also suggests that as Gospel and Law must be distinguished but not separated, so also the church and state must not be absolutely separated but distinguished.<sup>3</sup> The two, church and state, should interact in terms of God's purpose.

Dr. Theodore Graebner pointed out that this principle of separation of church and state does not mean that the two

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<sup>1</sup>"The Church, the State, and Education." Included in the Report of the Board for Parish Education to the 1950 Convention, pp. 364-375.

<sup>2</sup>F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1954), p. 135.

<sup>3</sup>Jaroslav Pelikan, "The Interrelations of Church and State" (unpublished paper presented to the Educational Conference of the Lutheran Church--Missouri Synod, Milwaukee, Wis., 1950) as quoted by Allan Hart Jahsmann in What's Lutheran in Education?



cannot be on friendly terms and cannot cooperate.<sup>4</sup>

Mundinger accordingly says:

The fact that the State and the Church are two separate and distinct spheres of influence does not imply that they should assume an attitude of complete indifference toward each other; on the contrary, a mutual friendly recognition and a readiness on the part of each (within the limitations of its own scope and sphere) to aid and serve the other is indispensable to the peace and prosperity of both.<sup>5</sup>

Many maintain that this mutually helpful relationship is against the First Amendment to the Constitution of the United States. They maintain that the First Amendment demands an absolute separation of church and state. But A. C. Mueller has demonstrated in an extensive study of the First Amendment that the words were aimed at preferential treatment of a particular church and not against aid to religion in general. He writes:

Mr. Justice Rutledge notwithstanding, the word "establishment" is used in a formal, technical sense and means an established or national church as previously defined. The word is not synonymous with "promotion" or "assistance," but is used of a religion or church that is preferred by law over others. Historically it cannot be given any other meaning. If "establishment" (in "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof") be treated

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<sup>4</sup>Theodore Graebner, "The Lutheran Conception of the Relation of Church and State" (unpublished paper read to the Lutheran Editor's Convention, Rock Island, Ill., 1942; now in the archives of the Concordia Historical Institute, St. Louis), p. 2.

<sup>5</sup>Carl S. Mundinger, "Dangers Confronting the Church Today," The Abiding Word, I, 503.



as synonymous with "assistance" or "promotion," or the words "establishment of" are entirely disregarded, the clause is given the very meaning of hostility to religion which the amendment was intended to avoid." . . . The Federal government is prohibited by this amendment from passing any laws that would prevent any citizen from exercising his religion, or indulging in his unbelief.<sup>6</sup>

There has been and still is much controversy over the exact meaning of the "establishment of religion" clause in the First Amendment to the Constitution of the United States. During the years when the missionaries of the Lutheran Church--Missouri Synod were first working in Brazil, it was their contention that complete separation of church and state is demanded by the Bible. Articles in the official church paper of the Lutheran Church of Brazil repeatedly emphasized the complete separation of church and state. Vermischung von Kirche und Staat was an article which tried to point out the fact that it was against the biblical principle of separation of church and state (Give unto Caesar the things that are Caesar's, and to God the things that are God's) to accept state aid to education.<sup>7</sup> Other articles also emphasized the complete separation of church and state.<sup>8</sup> This teaching was

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<sup>6</sup>A. C. Mueller, "An Interpretation of the First Amendment" (unpublished paper read at the Educational Conference of the Lutheran Church--Missouri Synod, River Forest, Ill., 1948), p. 7 as quoted by Allan Hart Jahsmann in What's Lutheran in Education?

<sup>7</sup>A. L. Lehenbauer, "Vermischung von Kirche und Staat," Kirchenblatt, XXIV no. 11, p. 84.

<sup>8</sup>Paul Schelp, "Eine Ev. Lut. Gemeinde und der Staat," ibid., XXXIV, no. 11, 82.



applied especially to the aid the state offered to religious elementary education in Brazil.<sup>9</sup>

Opinion is divided among Missouri Synod Lutherans as to state aid for religious elementary schools in the United States. There are those in the Lutheran Church--Missouri Synod who prefer not to have state support because they fear state control or, at least an unhealthy dependence upon the state. Other Lutherans in the Missouri Synod frankly fear the additional power that state aid would give to the Roman Catholic church.<sup>10</sup> However not all Missouri Synod Lutherans hold the same position in this matter. They have emphasized the second clause of the First Amendment which would maintain "the freedom of religious education."<sup>11</sup>

Graebner states an historical fact when he says:

State aid to educational institutions may be a very unwise thing; the experience of other countries has firmly embedded in the minds of the American people a disinclination to devote tax money to such purposes. But it would not be correct to say that the Lutheran Church would condemn such grants as contrary to her principles. The reformers of the 16th century, Luther among them, were extremely broad in their definition of the duties of the secular State toward religion.<sup>12</sup>

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<sup>9</sup>Albert Lehenbauer, "Subvention de Schulen," Kirchenblatt, XVIII, no. 1, 3.

<sup>10</sup>Allan Hart Jahsmann, What's Lutheran in Education? (St. Louis: Concordia Publishing House, 1960), p. 150.

<sup>11</sup>Martin P. Simon, "Shall America Establish Irreligion?" (unpublished essay on the decision of the Supreme Court in the McCollum case), p. 7 as quoted by Allan Hart Jahsmann in What's Lutheran in Education?

<sup>12</sup>Graebner, p. 4.



The synodical conventions of the Lutheran Church-- Missouri Synod since 1941 have been studying the issue of state aid to education, religious elementary education.

The policy that is official at present is the following:

1. That the social service programs of the State should in equity be available to all children of school age, irrespective of their school association. The Church can accept this program as it is offered, and may even be in its rights in demanding it.
2. That the granting of tax money by the State to subsidize church schools is de facto support of the teaching program of church schools, hence also support of religious instruction. We are opposed to the granting of State or Federal funds for the support of church schools.<sup>13</sup>

In justifying the acceptance of social service program, the church stated that all conditions of the program can be observed without sacrifice of the sovereignty on the part of the State or sacrifice of principle on the part of the Church.<sup>14</sup>

In advising against the acceptance of State subsidy to religious elementary education, the convention of the Lutheran Church--Missouri Synod in 1944, granted that the Church might under conditions accept such subsidy without becoming guilty of wrongdoing, but pointed to a number of facts which might well give pause. These facts were that the State has the right at any time to exercise the control of the expenditures of tax money and has the right to with-

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<sup>13</sup>Jahsmann, p. 155.

<sup>14</sup>Ibid., p. 153.



draw this subsidy at any time.<sup>15</sup>

The Board for Parish Education has issued a statement which recognizes the wide differences of opinion within the Lutheran Church--Missouri Synod.

The Board of Parish Education of the Lutheran Church--Missouri Synod recognizes that there are wide differences of opinion on federal aid to church schools in the nation and within our denomination. Should federal aid be made available to church schools, each congregation would have to determine its own course of action.<sup>16</sup>

This statement is much different than the statements made by missionaries of the Lutheran Church--Missouri Synod during the first fifty years of their work in Brazil. The above statements of the convention in 1944 and the Board of Parish Education cited above, note the permissibility of the practice of many congregations in the Lutheran Church of Brazil.

#### Religion in Public Schools

The "establishment of religion" clause has not only been invoked against state aid for religious elementary school in the United States, but also in cases involving religious instruction in the public school. Here also the opinion in the Lutheran Church--Missouri Synod is divided.

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<sup>15</sup> Proceedings of the Thirty-Ninth Regular Convention of the Ev. Lutheran Synod of Missouri, Ohio, and Other States, Saginaw, Mich., 1944 (St. Louis: Concordia Publishing House, 1944), pp. 131-134.

<sup>16</sup> "Federal Aid to Church Schools," Lutheran Education Vol. 96, no. 9, p. 442 (May 1961).



There are a number of facets to religious education in the public schools. This thesis will consider several of the issues being discussed and will bring out the different points of view expressed in the church. Opinion is divided on the issue of Bible Reading without comment in the public schools. At the synodical convention of 1870 and 1871 the fathers of the Lutheran Church--Missouri Synod took a stand in favor of the practice:

It is to be regarded as a gracious providence of God that the reading of the Bible in the public schools is still permitted by law. Where Lutherans can do so according to the law, it is their duty to prevent the Bible from being banished from the public schools.<sup>17</sup>

Today some members of the Lutheran Church--Missouri Synod oppose Bible Reading without comment in public schools while others favor it and some are neutral. But the Board for Parish Education states "we believe that Bible Reading without comment is the safest solution, although it is only a partial solution."<sup>18</sup> Some Christians object to Bible Reading without comment in the public schools because they see hazards in this practice. However, we believe that Bible reading without comment is the best means we have to modify the extreme secular character of our present-day schools.<sup>19</sup> One of our fathers said: "Where the Bible is, there is blessing. And what glorious blessings, though unknown to us, may

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<sup>17</sup>Proceedings of the Thirty-Ninth Regular Convention, p. 133.

<sup>18</sup>Ibid.

<sup>19</sup>Ibid.



the mere reading of the Bible in the public schools have wrought."<sup>20</sup>

The shared-time program (the religious elementary school and the public school sharing the time of the pupil) has been receiving quite a bit of discussion. Dr. Arthur L. Miller analyzes the problems involved, such as more building space, teachers' salaries, transportation and administrative difficulties: problems that the public school would have under shared time. He also analyzes the complex series of problems that would arise for the officials of church-related schools. One of the problems for the religious elementary schools is justifying just which subjects should be taken in the public school and which in the religious elementary school.<sup>21</sup> Where should the line be drawn? However, there are a number of advantages of the shared-time program. Dr. Miller points out these advantages:

The proposal of shared time may open up the opportunities for some congregations to provide part of the program of Christian education without assuming the full scope of general education. Some congregations with schools may see this as an opportunity to extend their program to serve many more children. Leaders in Lutheran education may well encourage exploration of the possibilities of shared time. Congregations without Lutheran elementary schools may want to explore how they could take advantage of more time for Christian education. Congregations with schools may want to

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<sup>20</sup>Ibid.

<sup>21</sup>Arthur L. Miller, "A Preliminary Reaction from the Executive Secretary of the Board of Parish Education," Parish Education Bulletin, p. 23, no. 154, June, 1962.



explore what curriculum areas could be handled by public schools.<sup>22</sup>

Shared time may offer possibilities in many communities, especially to such congregations which cannot handle the financial load of opening its religious elementary school. Shared time would also solve many of the problems now facing the Lutheran Church--Missouri Synod in federal aid to religious elementary education.

The released time program has been used by many Lutheran parishes. There has been no opposition within the Lutheran Church--Missouri Synod against the released time program. Its official position states that Lutherans can approve of weekday religious instruction on released time without any reservations. Congregations should by all means try to avail themselves of the weekday program wherever the public schools signify their willingness to dismiss the pupils.<sup>23</sup>

The consensus of opinion would be that the public schools permit school time to be used by the church to instruct its pupils in religion. However the question receives a different answer when asked: should public schools teach religion? In an official opinion in religious education in state-supported schools, the Missouri Synod says:

As Christian citizens we cherish freedom of worship. Its priceless blessings are guaranteed to all without

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<sup>22</sup> Ibid., p. 24.

<sup>23</sup> Religious Education in State-Supported Schools (an opinion). Included in the Report of the Board for Parish Education to the 1941 Convention, pp. 282-292.



exception. . . . We are therefore in conscience bound to oppose any tendencies which threaten to subject the Church to the tyranny of the state, or the State to the tyranny of the Church.<sup>24</sup>

Lutherans hold that the state is not to teach Christianity. That is the church's task. On the other hand, the Lutheran Church has always maintained that religion is the foundation of the state. They would agree with the statement:

Separation of Church and State means religious liberty. It does not mean that the government is completely disassociated from religion. . . . The separation of Church and State has never been absolute.<sup>25</sup>

In a more recent statement on what the public school can do in behalf of religion, the official Missouri Synod point of view is as follows:

It is clear that there are some things that the public schools cannot do so far as the teaching of religion is concerned. They cannot teach the doctrine of denominational religion. . . . The public school can, however, take a positive attitude toward religion and moral and spiritual values. This positive attitude involves, first, the inclusion of moral and spiritual values in the statement of aims. . . . Second, the public school can void opposing and ridiculing religious beliefs. . . . Third, the public school can teach about religion. It can point to the large role that religion plays in the lives of many people. It can point to the influence that religion has on the conduct of many people. . . . Fourth, the public school can evidence respect for the several religious faiths and observances in the community. . . . The public school has no right, however, to subtly advocate atheism by a blanket of silence around everything that concerns religious faith and life.<sup>26</sup>

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<sup>24</sup> Ibid., p. 284.

<sup>25</sup> National Education Association, Research Bulletin, XXIV, 1, p. 7.

<sup>26</sup> Proceedings of the Fortieth Regular Convention of the Ev. Lutheran Synod of Missouri, Ohio, and Other States, Chicago, 1947, pp. 290f.



The Lutheran Church--Missouri Synod sees the religious elementary school as the most advantageous agency for educating its children. However, wherever the congregations are unable to support a religious elementary school, the congregation should make use of the released time opportunities presented. However the public schools should not teach the doctrine of denominational religion. The dominant opinion concerning religion in the public school, both in the Lutheran Church--Missouri Synod and the Lutheran Church of Brazil is in agreement.

The missionaries of the Lutheran Church--Missouri Synod tried to apply the basic principles and practice of the Lutheran Church--Missouri Synod toward government aid to religious elementary education to the schools of the Lutheran Church of Brazil. These missionaries pointed out the evils which would result from the acceptance of government aid for the Lutheran schools. They made it a matter of conscience for the individual pastors and congregation. For the sake of conscience the congregations should not accept government aid to religious elementary schools. The principles and practice of these missionaries entered into conflict with the principles and practice of the native born pastors. Both groups acted according to their political and cultural background, respectively.



## CHAPTER IV

### BASIC PRINCIPLES AND PRACTICES OF THE BRAZILIAN GOVERNMENT TOWARD STATE AID TO RELIGIOUS ELEMENTARY EDUCATION

#### Religious Legislation of the Empire and Republic

In order to understand the basic principles and practices of the pastors and congregations of the Lutheran Church of Brazil in accepting government aid to religious elementary education, it is necessary to study the history of the basic principles and practices of the Brazilian government on this issue. The Brazilian born pastors of the Lutheran Church of Brazil were influenced by the practice and principles of the government of Brazil. These changed during the years since Brazil became an independent country. The change in these principles and practices on the part of the Brazilian government will be discussed. After the country of Brazil became independent of Portugal, the change began in principles and practices. For many years the government unofficially gave aid to religious elementary schools, but finally it officially considered it the duty of the government to aid religious elementary schools.

Brazil became independent from Portugal in 1822. Independence brought about a change in religious legislation. While Brazil had been under Portuguese domination, all Portuguese citizens were forced to profess the religion of



the State, Roman Catholicism.<sup>1</sup> According to Article five of the Brazilian Imperial Constitution of 1824, which governed Brazil until 1899, the Roman Catholic Religion continued to be the religion of the Empire, but all other religions were to be permitted, with their domestic and private observance, in houses destined for that purpose, without any exterior form like a church.<sup>2</sup> This limited religious toleration did not constitute full religious freedom for Protestants, however imperial religious toleration made immigration more attractive for non-Roman Catholics than did the previous laws.

The new emperor, D. Pedro I, was interested in promoting German immigration. The first German immigrants that came to the state of Rio Grande do Sul, the southernmost state of Brazil, arrived in the city of Sao Leopoldo on July 25, 1924. About four thousand Germans came to the same region in the following five years.<sup>3</sup> Large groups continued to come and the majority of the immigrants was protestant.

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<sup>1</sup>J. L. Mecham, Church and State in Latin America (Chapel Hill: The University of North Carolina Press, 1934), p. 308.

<sup>2</sup>Ibid., pp. 307, 308.

<sup>3</sup>Hundert Jahre Deutschtum in Rio Grande do Sul, Herausgegeben vom Verband deutscher Vereine Porto Alegre (Pôrto Alegre, Brazil: Typographia do Centro, 1924), p. 62.



## Religious Legislation of the Republic

In the 1880's the Republican movement became stronger in Brazil, especially among high ranking army officers. Some of the more prominent leaders of this movement, like Benjamin Constant, were Positivists, followers of the Systema da Philosophia Positiva. Complete separation of Church and state, complete freedom of thought, and religious freedom were integral parts of their political program.<sup>4</sup> On November 15, 1889 the Empire was overthrown and the Republic was proclaimed. One of the first acts of the provisional government, which ruled Brazil from November 15, 1889 to February 25, 1891, was the decree concerning religion on January 7, 1890, decree no. 119A. Complete religious equality was decreed therein. This decree forbade either federal or state authorities to enact laws, regulations, or administrative measures establishing or prohibiting any religion. The governments were also prevented from creating any distinctions between inhabitants or in the undertakings supported by public funds, on the basis of religious or philosophic beliefs or opinions. Public officers were also forbidden to interfere in any way with the formation of religious societies.<sup>5</sup>

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<sup>4</sup>Mecham, pp. 322-323.

<sup>5</sup>Ibid., p. 323. See also H. G. James, The Constitutional System of Brazil (Washington: Carnegie Institution of Washington, 1923), pp. 139-140.



The Republican Constitution, promulgated on February 24, 1891, maintained the principles of religious freedom set forth in the decree of January 7, 1890. Article seventy-two, section three, of the Constitution reads:

All persons and religious confessions may exercise their mode of worship publicly and freely, forming associations for this purpose and acquiring property the provision of the common law being observed.<sup>6</sup>

These principles of religious freedom were repeated in the subsequent Republican constitutions. Under such principles the Lutheran Church--Missouri Synod began its mission work in Brazil. Its schools were left to their own devices. There were no government rules and regulations governing the work of the religious elementary schools.

However in the year 1937 Getulio Vargas became dictator of Brazil and produced and enforced decrees of strict nationalization.<sup>7</sup> In primary schools all teaching, also the religious instruction, had to be given in Portuguese, the principals of religious elementary schools had to be native born Brazilians, and no building that also served as church could be used for school purposes. All schools and teachers had to register with the state and were subject to rigorous federal inspection.<sup>8</sup> No other language than Portuguese could be

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<sup>6</sup>H. G. James, Ibid., p. 141.

<sup>7</sup>Paul Schelp, "Things are Happening in Brazil," Lutheran Witness, LVIII (September 19, 1939), 327.

<sup>8</sup>C. F. Lehenbauer, "Brasilien," Der Lutheraner, XCV (August 1, 1939), 263.



spoken on the school grounds, not even during recess. Even though the school laws were not aimed directly against religious elementary schools, their effect was tragic for the Lutheran Church of Brazil. Within the period of one year, 1938, the Lutheran Church of Brazil had to close twenty-four of its one hundred and thirty-nine religious elementary schools, usually because the pastors or teachers who had taught in these schools were not native born Brazilians.<sup>9</sup>

Several more schools were closed in 1939 because of stricter federal decrees. In 1940 the total number of schools of the Lutheran Church of Brazil decreased to ninety-nine and in 1941 to ninety-one.<sup>10</sup> Unfortunately wherever the schools were closed they were not replaced by public schools. Not only religious education but all education suffered and illiteracy became more widespread in those areas.<sup>11</sup>

Throughout the years of the Republic of Brazil, official government aid to religious elementary school education has been granted by the federal, state, and county governments. This aid has varied according to the whims of those in power. State and federal representatives in Congress and state legislatures were empowered to distribute special sums

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<sup>9</sup>Paul Schelp, "Statistik," Kirchenblatt, XXXIV (February 15, 1939), 29.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid.



to their constituents. Finally in the year 1961, the Brazilian Congress passed a special law, sanctioned by the president of the Republic of Brazil which fixed the bases and the directions of national education. Some of the main points of the law are the following:

Article 95. The Union will give its financial cooperation to education in the following manner:  
 (a) subsidy, according to the laws now in vigor;  
 (b) technical assistance, making accords with the schools with the special end in view to give the teachers in the profession opportunity to make research projects in pedagogy and in promoting educational conferences and study groups.  
 (c) financing to state, county and religious elementary schools to help buy, construct or repair school buildings and its installations and equipment in accord with special laws in force.

#1. The following conditions will be met by each educational establishment that receives aid:

(a) high moral and pedagogical principles on the part of the teaching staff;

(b) existence of an accounting system which is accurate.

#2. The religious elementary schools which receive subsidy or aid for its system must grant a number of scholarships, equivalent to the amount given to the school, to poor pupils.

#3. Subsidy and financing will not be given to a religious elementary school which refuses enrollment to pupils because of race, color or economic condition.

Article 97. Religious instruction is a discipline of the public schools, with enrollment facultative, and will be administered without onus to the public officials in accord with the religion of the pupil, manifested by the pupil himself, or by his parents.<sup>12</sup>

This federal law made the practice of giving aid to religious elementary schools an official practice throughout the country.

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<sup>12</sup>Lei nº 4.024 de 20 de dezembro de 1961. Fixa as Diretrizes e Bases da Educação Nacional. (Rio de Janeiro: 1962. Translated by the author of the thesis from the Portuguese or German original: future translations will be mentioned by the sign: Tr.)



Position of the State on the Issue of  
State Aid to Religious Elementary Education

The actual orientation toward state aid in religious elementary schools in Brazil on the part of the government is officially the following:

Art. 2 - Education is a right that belongs to all and shall be administered in the home and in school.  
sub-paragraph - The family has the right to chose the kind of education it wants to give its children.  
Art. 3 - The right to be educated is guaranteed:  
(a) by the duty of the state and by the liberty of private institutions in administering education at all its levels;  
(b) by the duty of the state to furnish the means necessary to each and every family and to society so that every person may have an education.<sup>13</sup>

In keeping with the above declaration the Universal Declaration of the Rights of Men states: "Parents have the right to choose the kind of education they wish to give their children."<sup>14</sup> The function of the state is supplementary, that is, it must help the family technically and morally, wherever necessary.<sup>15</sup> Therefore it is an official conclusion that parents must choose the orientation and the school system they judge to be more beneficent to their children.<sup>16</sup>

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<sup>13</sup>Lei de Diretrizes e Bases da Educação Nacional.  
I: Texto e comentários. (Rua Martins Ferreira 23, Rio de Janeiro, Estado de Guanabara), p. 8. Tr.

<sup>14</sup>Ibid., p. 62. Tr.

<sup>15</sup>Ibid., p. 67.

<sup>16</sup>Ibid., p. 73.



Therefore the state will not try to arrogate the parent's rights to itself. It will, in fulfilling its functions in education and instruction, respect the right of the parents to give their children education according to the parent's religious and philosophical opinions.<sup>17</sup>

The official commentary on the Law which gives the regulations for elementary and all education in Brazil points out three functions of the state in relation to education: (1) to guarantee the liberty of individual education, family education, and private education. (2) to see to it that through adequate vigilance, the faculties of the schools fulfill their duty toward the children. (3) The state should found its own schools and establish its faculties, when the private schools are not enough to grant education to all. According to this commentary it would be the ideal thing to have enough private schools to satisfy all the educational needs of the country. The private schools should receive the same economic contributions that the government schools receive from the state, naturally respecting the proportion of pupils in each school.<sup>18</sup>

Therefore, considering the above functions of the state in relation to education, the eighteenth International Conference of public teaching came to the following conclusion:

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<sup>17</sup>Ibid., p. 64.

<sup>18</sup>Ibid., pp. 74, 75.



It would be well to coordinate all efforts to grant all possible aid to private education, whether this be through regular subsidies or sporadic contributions, whether it be donating equipment or school material, granting teachers of the public schools to help in the religious elementary schools, be it medical help or through transportation, social help which the government should provide.<sup>19</sup>

The arguments which lead the Brazilian government to grant so much help to religious elementary schools are the ones mentioned and these are aptly summed up in the commentaries to the law. These commentaries point out especially that the educational budget should be distributed proportionately among public and private schools. The reasoning followed is that the citizen pays his taxes and has the right to choose his school for his children. When the tax, paid by the citizen, is used only for state institutions, the taxpayer is forced to use schools that may or may not appeal to him. Thus the taxpayer loses his liberty. Therefore the conclusion is reached:

that the logical sequence for the educational budget is that it should be divided proportionately to all schools in the nation. In this case, the taxpayer receives, in exchange for his contribution, the possibility of educating his child where he wishes, without having to pay once more. When the citizens pay taxes, they are paying for services to be rendered also to themselves. In the specific case of education, the state should respect the conscience and the rights of the family. The formula is clear: place the funds so that the family may choose its education.<sup>20</sup>

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<sup>19</sup>Ibid., p. 65. Tr.

<sup>20</sup>Ibid., p. 78. Tr.



## Attacks on Brazilian Government Position in Brazil

The federal, state, and county governments in Brazil have given much aid to religious elementary schools, but they have not stopped at this point. They have given state funds to the churches themselves. The Roman Catholic church has been very demanding in its utterances. Frei Boaventura is a leader in this action of the Roman Catholic Church. He states:

The Catholic church despises the principles of separation of church and state, established in Brazil; it insists that when in public acts a new highway, a public building is opened and dedicated, the bishop or priest should give his blessing; it demands money from public funds for church necessities (building of cathedrals, seminaries, for eucharistic rallies, etc.,) rejects the lay schools that have no religious training and demands that Catholics send their children to Catholic schools.<sup>21</sup>

The Evangelical Confederation of Brazil (an association of almost all evangelical and protestant churches of Brazil) sent a special protest to the governor of the State of Rio de Janeiro, Dr. Roberto Silveira, because of official aid and money given to a eucharistic congress in that state. The protest pointed out the fact that such subsidy flagrantly violates the constitution of Brazil which prohibits the federal, state and county governments from giving financial aid to religion.<sup>22</sup>

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<sup>21</sup>"Contra a Confusão Religiosa," Igreja Luterana, XXI, no. 1, pp. 39, 40. Tr.

<sup>22</sup>Aharon Sapsezian. "Um Protesto," Igreja Luterana, XXI, no. 5, p. 266. Tr.



However, acts such as those of governor Silveira are common in Brazil, not only on the part of the federal or state governments but also on the part of county governments. Protests are arising and are also arising against government aid to religious elementary schools. Prof. Anisio Teixeira is one of the leaders of a group which is bringing a new look to the ideas on state and church in religious elementary education. In his book, Education is Not a Privilege, he brings a changing view on the part of official thinking in Brazil. He is especially against the help given to religious elementary schools since he accuses them of perpetuating social class and privilege in Brazil.<sup>23</sup> He claims that only the public school can be truly democratic and can have a program which can give a common formation of spirit, leading to a disappearance of class difference throughout the country.<sup>24</sup>

The Roman Catholic Church and the religious elementary school system in Brazil has given Professor Anisio Teixeira and his friends much to say. Over half of the Brazilian people cannot read and write. The schools have operated, as he states it, to perpetuate class differences among the people of Brazil.<sup>25</sup> The Brazilian is traditionally marked by the spirit of class and privilege. The religious elemen-

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<sup>23</sup>Anisio Teixeira. Educação não é privilégio. (Rio de Janeiro: 1960), p. 76, 80.

<sup>24</sup>Ibid., p. 80.

<sup>25</sup>Ibid.



tary school has become an unofficial school in Brazil. Billions of cruzeiros of government funds are given to the religious elementary schools every year. The laboring class has often had no school for its children. The government finally elaborated a decree giving all factories and industries that have more than one hundred laborers the order to furnish primary school education to the children of its laborers. Article 2 of this decree states:

Art. 2--The responsible will fulfill the provisions of this law in one of the following manners: a) by maintaining schools of their own in which the laborers who have not finished elementary school and their children will be enrolled free of charge; b) by paying the cost of public school education for the laborer or his children; c) by paying for the cost of tuition for the laborer and/or his children at a private or religious elementary school.<sup>26</sup>

This decree again has helped the religious elementary schools. Many industrialists and big business men have given their contributions to the religious elementary schools of their church.

The attacks by Professor Anisio Teixeira have led to violent attacks on his person and ideas. The archbishop of Porto Alegre, D. Vincente Scherer, attacked professor Teixeira, saying that he was secretly working and campaigning against religious elementary schools and favoring a

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<sup>26</sup> Ensino Primário: Empresas têm Prazo de 60 dias para cumprir o Decreto; Diário de Notícias (Porto Alegre, April 17, 1962), p. 3. Tr.



monopoly on the part of state public schools.<sup>27</sup> In his reply to the accusation, Teixeira pointed out that he is not in favor of a monopoly of the public school. He stated: "The State has the duty to offer a public school to all Brazilians, but does not have the right to force all to attend public school. We do not favor a monopoly of education by the state."<sup>28</sup> In spite of his answer new attacks were made until professor Teixeira published an article from which the following excerpt was taken:

Half of the Brazilian people do not know how to read and write, over half of the children (seven million children) between the ages of 7 and 14 do not have a school, and of the five million children who do frequent elementary school, only 450,000 get to the fourth grade while all the others leave school sooner and get an incomplete education.<sup>29</sup>

He goes on to state that the secondary educational system is a confused system not vinculated to the life and necessities of a modern life and modern nation.<sup>30</sup> Many scientists, senators and representatives expressed their solidarity with the opinions and efforts of Professor Teixeira. His public policy is to strengthen the state public school. However, he did not answer attacks as to his policy toward the religious elementary school. He did not explain if he intends to introduce socialism into Brazil, an accusation

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<sup>27</sup>"Escola Pública e Escola Particular," Igreja Luterana IXX, no. 1, pp. 90-92.

<sup>28</sup>Ibid. Tr.

<sup>29</sup>"Ainda a Questão do Ensino Particular." Igreja Luterana XIX, no. 1 (1958), pp. 131, 132. Tr.

<sup>30</sup>Ibid.



made against him by the bishops of the state of Rio Grande do Sul.<sup>31</sup>

The issue in Brazil is not exactly the same as in the United States. Brazil has religion as a discipline of the public school. Article 97 of the federal law considers religion a discipline which is part of the curriculum.<sup>32</sup> The different religions are permitted to enter the schools on a released-time basis and administer their classes. The pupils are required to attend and also receive their classroom grades for their participation and work.

Besides the religion in public schools, the religious elementary schools in Brazil have been favored. Article 95 of the law concerning state aid to education only asks that the religious elementary schools give an accounting of the money received and that the schools give a number of scholarships to poor students to compensate for the money received.<sup>33</sup> Aid is given through loans, outright grants and technical assistance.

The issue in Brazil has become a vital one for the future. On the one hand, the Roman Catholic Church is fighting to avoid losing some of the financial assistance that has been given it; on the other hand the proponents of the public school system are trying to strengthen the public school. As long as the present law remains in force, the religious

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<sup>31</sup>Ibid.

<sup>32</sup>Lci n. 4.024.

<sup>33</sup>Ibid.



elementary schools will receive financial aid from federal, state, and county governments.

The law is considered necessary in Brazil, because the state does not have enough schools for the children today, in spite of the large number of private schools. If the state would try to close the religious elementary schools, the school system would be practically non-existent. The state lacks money, schools, and teachers. The state cannot get along without the private religious elementary school system.<sup>34</sup>

It is a sad condition in Brazil that over half of the Brazilian children are unable to enroll in an elementary school because of lack of schools. It is necessary to strengthen the public school system in order to give the advantages of receiving an education to all children. Brazil permits released-time instruction in the public schools for religion. The instruction thus given is considered part of classroom work. Therefore the protestant churches are able to take advantage of classroom time for religious instruction of their children.

The burning issue in Brazil today is: how shall the country get enough schools so that all Brazilian children may receive an elementary education? Many favor helping the religious elementary school system more, for in this manner the state would get more for its money. This was and is the basic presupposition behind the federal law

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<sup>34</sup>"Ainda a Questão do Ensino Particular," p. 132.



enacted in 1961, as well as the driving force behind most laws enacted by the states and counties during the past years. The federal, state, and county governments spend less money per pupil, when they aid the religious elementary school system.

The discussion about public and religious elementary schools in Brazil became a national issue during the presidential election during the year 1960. A reaction had set in against the plan which had been proposed and was finally enacted the following year. A campaign was started with its slogan of defense of the public schools. Marechal Teixeira Lott, one of the presidential candidates, received a list of questions to answer about the issue. In his reply he showed clearly that he is in favor of the public school system as against the religious elementary school system. He does not favor a monopoly on the part of the state, however he sees that the great need of the day in Brazil is education for all and that the religious elementary schools have not been able to offer education to all. The public school system must be organized and made capable of offering education to all Brazilians. He also guaranteed that religious education in the public schools would continue. This is an aspiration of all Brazilians. He points out that the state must guarantee the right of freedom of thought and creed on the part of the individual. This has been lacking in many places in Brazil. The Roman Catholic Church is almost completely in charge of education in many parts of the country. This is one of the



principal reasons why the campaign was waged in defense of the public schools, especially since the decree no. 4.024 was giving still more rights to religious elementary schools and confirming the privileges they already were receiving.<sup>35</sup>

Since the political campaign of 1960 and the campaign waged by the Roman Catholic Church in favor of the law regulating concession of public funds to religious elementary schools, the federal council of education has studied the law and given a number of opinions on the law. Those that are pertinent to this thesis will be quoted. One of the most important opinions is about article 97 which refers to religious instruction in the public school. After comparing the actual law with former laws, the opinion says that there is nothing to discuss, the law is so clear that discussion is not needed--religion has become a discipline of the schools.<sup>36</sup>

When the plan for aid to education is discussed, the opinion is delivered that

The state and county governments should include religious elementary schools in their budget and grant the maximum of 10% of its budget for aid to education in the religious elementary schools, when necessary, in order to meet its goals of alphabetization in our country.<sup>37</sup>

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<sup>35</sup>"Marechal Lott e o Projeto de lei de Diretrizes e Bases da Educação," Correio do Povo (Pôrto Alegre, 16 de agosto de 1960), pp. 7, 9.

<sup>36</sup>Lei de Diretrizes e Bases da Educação Nacional, II, Anexos--Pareceres do Conselho Federal de Educação. (Rua Martins Ferreira 23: Rio de Janeiro--Estado de Guanabara), p. 132.

<sup>37</sup>Ibid., p. 125. Tr.



The overall goals of the country are being considered. Again it is the lack of schools in Brazil which is driving the federal, state, and county governments to grant large sums of money to religious elementary schools in order to come closer to the goal of providing education for all children in Brazil.

Another part of the opinion states:

Some arrive at the following conclusions:

- a) that there really is no subsidy to religious elementary schools since the schools are compelled to grant scholarships to poor pupils, corresponding to the amount of money received.
- b) the religious elementary schools only have the right to request subsidy for the maintenance of the school and not in order to better teaching methods, and that c) they are prohibited to cooperate in the disinvolvement of science, arts, and letters . . .

It is evident that such conclusions, arrived at by a literal and absurd interpretation of the law, cannot prevail.<sup>38</sup>

The Federal Council of Education makes it clear that it wishes to aid religious elementary schools, both in maintaining its system and in order to better its system.

#### State Government and Aid to Religious Elementary Education in Brazil

The state governments in Brazil have followed the lead of the federal government in giving aid to religious elementary education. They followed the same line of reasoning followed by the federal government, namely that it is cheaper per pupil and they can do more by helping the

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<sup>38</sup>Ibid., p. 131. Tr.



religious elementary schools instead of trying to organize the public school system. Not only has the state aided the religious elementary schools but it has also given permission to all religions to give their religious instruction in the state schools. This has also been made a part of the curriculum. The law decreed by the governor of the State of Rio Grande do Sul on March 13, 1954 gives an example.

Art. 1--Religious instruction is an integral discipline in curriculum of our elementary, rural, secondary and normal schools supported by the state.

Art. 2--To take advantage of the first article, the confessional authorities, interested in teaching their religious creed, must be registered in the Office of the Secretary of Education and Culture.

Art. 3--When the parents enroll their child, they shall declare the religion of the child and shall declare if the child shall be or shall not be enrolled for the courses of their religion.

Art. 4--The authorities of each religion shall have the freedom to designate the teachers they wish to designate. . . .

#1--The following may teach these courses: a) priests, nuns and ministers of religion of the different religions, b) those who have a diploma in a religious course, c) catechists prepared by their religious institution or authorities.

#2--During the time instruction is given, the teachers of religion must obey the disciplinary rules of the public school.

Art. 5--Religious instruction will be compulsory for the pupils enrolled in these classes and will be taught twice a week in periods of thirty to fifty minutes, according to age group.

Art. 7--The confessional authorities shall elaborate the program taught and choose the books and other didactic material necessary.

Art. 8--The grade obtained by the pupil will be registered and will be taken into consideration in finding the average grade.

Art. 9--It is permitted to place religious symbols and crosses in the different classrooms.

Art. 10--Principals of the schools and teachers are prohibited manifestation of disrespect to the religious



sentiments of the pupils of other creeds, they shall not take steps to embarrass confessional liberty.<sup>39</sup>

Many would consider this decree fair to all religions and creeds. The only difficulty has been that the only church which can really take advantage of this decree in all parts of the state is the Roman Catholic Church. Others have taken the opportunities offered in a number of places. The Lutheran Church of Brazil is making use of the time offered in many places. Seminary students of Concordia Seminary in Porto Alegre are sent to schools in the city and in the suburbs of Porto Alegre. An appeal has been made to pastors, teachers, and congregations of the Lutheran Church of Brazil, information has been given them, and plans are under way to interest more laymen and women in teaching religion in the public schools after taking the necessary instruction from pastor and teacher. Plans are also being made to train lay evangelists who will be teaching these classes in the public schools.<sup>40</sup>

A loud protest was raised against the decree of the governor of the state of Rio Grande do Sul. Those raising the protest saw the dangers involved in the fact that the Roman Catholic Church would be able to grasp the opportunity given it to teach its children, while the Protestants were

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<sup>39</sup>Decreto no. 4893 de 13 de março de 1954, Regula o Ensino Religioso nas Escolas Oficiais do Estado. Palácio do Governo, Porto Alegre. Tr.

<sup>40</sup>Elmer Reimnitz, "Ensino Religioso nas Escolas Públicas," Em Marcha (Nov. 1962).



not prepared to take the opportunity offered.

The Roman Catholic Church has obtained more official advantage against the privilege of freedom of worship and of conscience. . . . We dare not permit our children to receive religious education from the priests, the enemies of our souls. . . . If our children don't register for religion, they will lose ground in their grades. . . . Let us fight with the same weapon the priests use against us. The constitution gives the Protestant churches the same right to indicate teachers of religion for the children who prefer this religion. Every minister should dedicate at least one hour a week to this task, and we will be doing something. If we don't have enough ministers, let's create an order of catechists as the law permits. . . .<sup>41</sup>

The article points out the danger the law brings with it, but the article also points out the remedy. The governor of the state could not have decreed a law that is better for all concerned. He gave entire freedom of religion to all, and he made it compulsory so that each religion would have its pupils in class. It is not the governor's problem to see to it that all religions make use of the opportunity offered. The three categories of teachers accepted as teachers of religion make it easy for all churches to place the necessary number of teachers to teach religion at the public schools. This decree is a missionary challenge to all Protestant churches. It is an opportunity to teach the children and to do mission work among others who do not belong to a church. Through the use of film strips and the Concordia Sunday School leaflets in public school

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<sup>41</sup>"Alerta Protestantes," Igreja Luterana, XV, no. 4-6 (1954), pp. 39, 40. Tr.



classes, children have been won for the Saviour.<sup>42</sup>

Besides granting so much freedom to the teaching of religion in its public schools, the state of Rio Grande do Sul also gives much financial and technical aid to the religious elementary schools.

Art. 84--The religious elementary schools may request the state, as special subsidy, to give them public school teachers to teach in the religious elementary school, if the school is in the same geographical area as the public school.<sup>43</sup>

Article 85 explains the different reasons the religious elementary school must present in its petition asking for public school teachers to teach in the religious elementary schools. These reasons are: the number of pupils enrolled, the number of teachers on the staff, the number of children receiving free tuition, the financial situation of the school.<sup>44</sup> In 1961 another law was approved which again mentioned giving the religious elementary schools teachers to serve as administrative, technical advisors and as teachers.<sup>45</sup> This law was made still more favorable to the religious elementary school in 1962 when the following was decreed:

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<sup>42</sup>Reimnitz, p. 12.

<sup>43</sup>Decreto no. 10.993 de 7 de dezembro de 1959. Ensino Primário Particular. (Pôrto Alegre: Oficinas Gráficas de Imprensa Oficial, 1959). Tr.

<sup>44</sup>Ibid.

<sup>45</sup>"Auxílio do Estado a Escolas Primárias: Aprovado Projeto," Diário de Notícias (Pôrto Alegre, 20 de dezembro de 1961), p. 2.



Art. 1--The state is authorized to place public school teachers at the disposition of the religious elementary school if the school gives its instruction without charging tuition or if the school grants enough scholarships to compensate for the salary of the teacher granted to the school.

Art. 2--The State can also help the religious elementary school by the placement of a public school teacher, if through agreements, the tuition is made lower for all pupils according to a percentage which will compensate for the teacher's salary.

Art. 3--The State is also authorized to subsidize directly the religious elementary school so that the school can contract the teachers it wishes to contract.<sup>46</sup>

The state did not only give teachers to the religious elementary schools and permit the schools to receive aid to pay the teacher's salaries, it went further; the state also gave the schools superintendents who were to inspect and aid the religious elementary school. Even though the religious elementary school received no aid from the government, the superintendent had the authority to inspect the school. Accepting government aid did not change the government's attitude toward the school. Articles 92-103 of the law gave the nature of the duties of the school superintendents, especially pointing out their duties to supervise, aid, control and visit all religious elementary schools.<sup>47</sup> All aid that the religious elementary school requests must also receive the approval of the superintendent.

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<sup>46</sup>"Estado troca professores por Matrículas Gratuitas," Fôlha da Tarde (Pôrto Alegre, 12 de fevereiro de 1962), p. 11.  
Tr.

<sup>47</sup>Decreto no. 10.993



The law approved in 1961 gives much more aid to the religious elementary schools. It also gives direct subsidies and pensions to the teachers of the religious elementary schools.

Art. 3--the cooperation of the state shall be the following:

- a) financial subsidy, destined to pay the teacher's salaries.
- b) financial subsidy, destined to build better schools and installations, . . .
- d) offering courses which will help the teachers of the religious elementary schools become more proficient.<sup>48</sup>

Article five gives the criteria for the subsidy which the teacher receives; it takes into consideration the number of pupils the teacher teaches, and also the education he has received.<sup>49</sup> Many of the teachers in Brazil have a normal school education, others have only a high school education, still others have only the five grades of the elementary school system. The more education the teacher has received, the higher his subsidy from the government.

Article nine guarantees a special pension to the teacher who has served at least thirty years in the religious elementary school system or who becomes ill and must retire.<sup>50</sup>

This special law kept many religious elementary schools from closing. Many of these schools were no longer able to pay a living wage to their teachers. However, this law

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<sup>48</sup>"Auxílio do Estado a Escolas Primárias:" Tr.

<sup>49</sup>Ibid.

<sup>50</sup>Ibid.



permitted the religious elementary schools to raise the salaries of its teachers.

The State of Rio Grande do Sul has given religious education in public schools entire liberty, and has given many items of aid to religious elementary schools: money for school buildings, school installations, for teachers' salaries, for teachers' pensions, and has also placed many public school teachers into the religious elementary schools.

The State of Santa Catarina, in its law to aid religious elementary schools, has a system of agreements which it makes with the religious elementary schools. The agreements are made and signed showing the duties and privileges of the state and of the religious elementary school.

The law of the State of Santa Catarina delineates the different types of agreements which can be made. The state will pay for all or part of the cost of education and will leave full control in the hands of the religious group. The religious group must provide the teaching staff and meet certain government regulations, but the government will even provide the buildings necessary for the school to function, if necessary. The important point to note is that the state does not want the religious elementary school to make a business out of education. It will pay the expenses, but the school must grant free tuition. If the school receives only part of the expenses, it must give that many scholarships to



compensate for the money received.<sup>51</sup>

The State of Santa Catarina also offers public school teachers to serve on the staff of the religious elementary school.<sup>52</sup>

The State of Bahia also has a system of agreements between the state and religious elementary schools. This agreement can be entered into for one or more years and can be renewed as often as the two parties are agreed. The government will pay the salaries of the teachers in the religious elementary schools but the school must furnish the building, the entire installations including sanitary installations. Each teacher is required to accept a maximum of forty pupils in one class and the tuition of all pupils must be without charge.<sup>53</sup> This aid is especially helpful to a school which cannot pay the salaries of the teacher in all classes, a school which needs a teacher for each class, but does not have the financial means to pay for the salaries.

The State of Pernambuco has a number of laws which govern the concession of aid to religious elementary schools. Several of the most important points made in the laws are that the government wishes to guarantee the existence of the religious elementary schools and also wishes to give special aid

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<sup>51</sup>Lei no. 2.975 de 19 de dezembro de 1961. "Dispõe sobre Educação e Cultura." Governo Celso Ramos, Estado de Santa Catarina, 1961.

<sup>52</sup>Ibid.

<sup>53</sup>"Convênio com escolas particulares e a secretaria de Educação e Cultura do Estado de Bahia," 9 de novembro de 1961.



for special needs. The law does not demand control of the curriculum of the religious elementary school, it only demands the right to fiscalize the application of funds received by the school. All religious elementary schools in the state of Pernambuco are receiving government aid.<sup>54</sup>

The State of São Paulo gives special grants every year to many different groups. Among these are churches, schools, sport clubs, etc. Some of the grants made during the past years are the following:

Colégio Santo Alberto dos Padres Carmelitas for scholarships	Cr.\$ 32.500,00
Escola Americana do Instituto Mackenzie for scholarships	32.500,00
Colégio Santa Inez for scholarships. <sup>55</sup>	500.000,00

In this manner the State of Sao Paulo annually grants millions of cruzeiros to religious elementary schools. The schools have no special requirements to meet; they are free to teach as they wish to teach. They must only conform to the same laws as all other schools which do not receive subsidy.

County Government and Church  
in Elementary Education in Brazil

The county governments also are very generous in giving their help to private schools. The county governments usually

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<sup>54</sup>Lei no. 2261, Diário Oficial do Estado de Pernambuco, 26 de outubro de 1955.

<sup>55</sup>Lei no. 6827, Diário Oficial do Estado de São Paulo, ano LXXII, no. 153, 12 de julho de 1962.



have very little money and their teachers are usually those who have no normal school education. Every county has its own laws giving help in the manner it chooses. Some grant tuition for every pupil enrolled, others place teachers in the schools.

Vera Cruz county has the following law:

Art. 2--The primary school teachers will receive the following monthly subsidy: (a) schools that have up to the number of thirty pupils, Cr.\$150,00 for each pupil; (b) schools to fifty pupils, Cr.\$140,00 for each pupil; (c) schools to two hundred pupils, Cr.\$130,00 for each pupil; (d) schools with more than two hundred pupils, Cr.\$120,00 for each pupil.

Art. 3--To receive this subsidy the teacher shall present: (a) a request for the subsidy, with a list of the pupils enrolled; (b) the report of the attendance of the pupils must be sent in until the fifth of the following month; (c) a list of the poor children who receive a scholarship from the school; there must be at least one scholarship for each twenty pupils enrolled.<sup>56</sup>

The Lutheran school in that county receives its subsidy according to the number of pupils enrolled. The government is giving the subsidy directly to the school for the number of pupils enrolled.

The county of Girua and the county of Santa Rosa, both in Rio Grande do Sul have contracted all the teachers of Lutheran parochial schools that accepted a contract. The schools are the property of the congregations, and the congregations take care of the installations and upkeep and pay the teachers more salary, but the county pays a major share of the salary and considers the teacher as official county

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<sup>56</sup>"Decreto no. 79, de 30 de março de 1963 da prefeitura municipal de Vera Cruz," Rio Grande do Sul. Tr.



teachers. The congregations have complete control of their school, the subjects taught, religion, etc.<sup>57</sup>

The county of Canoas, Rio Grande do Sul, has several laws which clearly show that the county wishes to help parish schools. In 1959 ten percent of the tax money from public lottery, racing, etc., was destined to aid parish schools.

Art. 3--The tax money will be given in the following ratio:

(c) subsidy to parish schools . . . . . 10%

Art. 8--The subsidy will be granted annually.

Art. 9--Any parish school which misuses the funds granted will be excluded from all future grants.<sup>58</sup>

In 1963 several special laws were passed by the municipal council. Its special purpose was to create order out of chaos. Too many requests were made without showing need.

Art. 1--So that any cultural, educational, recreational, or social private group receive subsidy from the municipal government, the group must bring the following proofs:

Then follow the seven items that would be necessary to prove. Among these, the one that is of note to us is:

(7) plan for using the subsidy requested.

Art. 7--If any group misuses the money received, it will be excluded from all future grants.<sup>59</sup>

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<sup>57</sup> Bruno Sonntag, "Letter to Elmer Reimnitz," dated May 4, 1964.

<sup>58</sup> Lei no. 613, "Institue o Plano Anual de Auxílios e Subvenções," Câmara Municipal de Canoas (29 de dezembro de 1959). Mimeo. Tr.

<sup>59</sup> Lei no. 800, "Regula a Concessão de auxílio e subvenções por parte do Município." Prefeitura Municipal de Canoas (23 de abril de 1963). Mimeo. Tr.



Again it is to be noted that the only requisite of the government is that the money granted be used for the purpose granted. Not a word is said about controlling the school's curriculum. Again and again the words state that the money dare not be misused or the schools will be excluded from future grants.

The largest municipal government in all Brazil is São Paulo. It is São Paulo county in the state of São Paulo. This government also has several laws which regulate the financial aid to be given to parish schools. One law refers to different organizations besides parish schools and another refers only to parish schools.

Art. 1--The mayor is authorized to grant two thousand cruzeiros a month to parish schools registered in the county educational agency. The parish school must have a minimum of seventy pupils to be eligible for this aid.<sup>60</sup>

There is not a single word about fiscalizing the parish school in this decree. There is only one clause as to eligibility to receive the financial aid, and that clause is that the school must have at least seventy enrolled pupils.

A law passed in 1956 by the municipal council asks for a few proofs from each agency that receives help. This is especially directed to social service groups, but also requested the same proofs from private parish schools.

Art. 1--The aid through this law can only be given agencies which furnish the following proof: (a) certificate that the agency is registered in the county

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<sup>60</sup>Lei no. 4835, Prefeitura do Município de São Paulo (7 de dezembro de 1955). Mimeo. Tr.



educational agency, with proof that its finality is religious or philanthropic.<sup>61</sup>

No law is given taking special measures of control over the parish school in São Paulo, if the parish school receives financial aid.

After considering the principles and practices of the Brazilian federal, state, and county governments, we see that the following considerations made their influence felt on the pastors of The Lutheran Church of Brazil: that the government considered it to be a duty of the government to grant financial aid to the religious elementary schools; secondly, that the government not only granted permission to each religion to teach its creed to its pupils in the public schools, but also made the teaching of religion in the public school a mandatory discipline of the school. These considerations, together with the economic need, influenced the action of the pastors and congregations of the Lutheran Church of Brazil.

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<sup>61</sup>Lei no. 4877, Prefeitura de Município de São Paulo (12 de janeiro de 1956). Mimeo. Tr.



## CHAPTER V

### BASIC PRINCIPLES AND PRACTICE OF THE LUTHERAN CHURCH OF BRAZIL

Many pastors and congregations of the Lutheran Church of Brazil are having conscience scruples because of the difference between the official position adopted by the conventions of the Lutheran Church of Brazil and the practice of the great majority of the congregations of the Lutheran Church of Brazil. On the one hand, the conventions have resolved that state aid to religious elementary education should not be accepted by the Lutheran schools "for reasons of conscience" and because it is a mixture of church and state; on the other hand, the pastors and congregations have to contend with the basic principles and practice of the Brazilian state, federal, and county governments and feel that the congregations are justified in accepting state aid to religious elementary education.

The official position of the Lutheran Church in Brazil was first stated in the convention at Ijuí, Rio Grande do Sul held in the year 1921. The convention gave the following advice to all congregations:

Die Synode gibt allen ihren Gemeinden den dringenden Rat, um des Gewissen willen in keinem Falle hinfort irgendeine Subvention von der Regierung fuer ihre Gemeinde Schule anzunehmen.<sup>1</sup>

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<sup>1</sup>Albert Lehenbauer, "Subvention der Schulen," Kirchenblatt, XXIV, no. 11, 82.



The resolution points out that congregations were accepting government aid to religious elementary education, however it advised the congregations to stop accepting such aid. The convention resolved that "for the sake of conscience" the congregations should no longer accept government aid for their religious elementary schools. The official publication of the church introduced an article which elaborated on the effects government aid to religious elementary education would have. In a positive manner, Albert Lehenbauer pointed out that false doctrine would enter the schools, since the government would be able to demand religious liberty for all in the school; the next point was that the teachers would become "Menschenknecht," that is: servants of men, they would have to try to please the officials of the state. The writer enumerated the evils of government aid for religious education by saying that the schools would be bothered and the congregations would be spoiled and would no longer wish to support the religious elementary school. His closing argument was that the fight against the demands of the Roman Catholic church to receive state aid for religious elementary education would be impossible if our Lutheran schools in Brazil would accept government aid.<sup>2</sup>

The above mentioned reasons were those mentioned repeatedly in the following years, and in the year 1934

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<sup>2</sup>Ibid.



the convention of the Lutheran Church of Brazil meeting at Erechim, Rio Grande do Sul, resolved: "We sustain the position that our parochial schools cannot accept government subsidy."<sup>3</sup>

This is still the official position of the Lutheran Church of Brazil on the issue of government aid to religious elementary education. During the year 1963 the Lutheran Church of Brazil waged a campaign trying to teach its congregations to recognize the value of religious elementary education. Rev. August Gedrat writing for the campaign pointed out the following:

After much debate, our church, in its convention in Erechim in 1934, resolved: We sustain the position that our parochial school cannot accept government subsidy. This resolution has never been revoked, however many of our schools today are accepting government subsidy and are even soliciting government subsidy. However, before we request subsidy from any government authority, be it local, state, or federal, we should conscientiously examine ourselves; asking: "Lutheran, what sacrifice have you brought for your parochial school."<sup>4</sup>

The statement made by the writer of the above mentioned article shows that the congregations are also soliciting subsidy from the government. This means that they enter with a formal request to the competent authorities. The request is a formality which the government requires of

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<sup>3</sup>Augusto Gedrat, "O Sustento das Escolas Paroquiais," Mensagem Luterana, XLVI, 90, 91.

<sup>4</sup>Ibid. (Translated by the author of the thesis from the Portuguese or German original: future translations will be mentioned by the sign: Tr.)



all receiving government subsidy.

The actual practice of the congregations and schools of the Lutheran Church of Brazil is further illustrated by the following examples:

The Evangelical Lutheran Congregation in Bahia will conduct a religious elementary school in 1965, in agreement with the state government. The congregation will furnish two classrooms for pupils of the first and second grade of the elementary school and the state government will furnish the teachers. The congregation will have complete control of the school, a student vicar will be principal of the school, will teach religion in the school and will supervise the teaching of the public school teachers.<sup>5</sup>

The School in Santa Rosa, Rio Grande do Sul, St. John's Evangelical Lutheran grade school, has only one teacher who receives his salary from the congregation. He is a graduate of our teacher training program in Brazil and is a called teacher of the congregation. The four other teachers in the school are paid by the state. The congregation does not charge tuition from the pupils. All children, those who are members of the congregation and also those who are not members of the congregation, receive their training free of charge. Members of the congregation pledge for the support of the school. The

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<sup>5</sup>Minutes of Board for Social Service, Igreja Evangélica Luterana do Brazil, 10 de maio de 1964.



congregation is entirely in charge of the curriculum and entire program of the school. All of the teachers are members of the congregation.<sup>6</sup>

Concordia Lutheran School in Niteroi, Rio Grande do Sul, has two teachers paid for by the state government and one teacher who receives her salary from the county government. The congregation has one synodical teacher and two more teachers who receive salary from the congregation. The children of members of the congregation do not pay tuition, however most of the other children pay tuition.<sup>7</sup>

The congregation in Canoas, Rio Grande do Sul, has one teacher paid by the state. The congregation pays the salaries of the others. Only the children of members of the congregation do not pay tuition.<sup>8</sup>

The teacher of the St. Paul's Lutheran School in Pratos, Rio Grande do Sul, is a graduate of our teacher training school in Porto Alegre. The congregation called him to be their teacher, however he has a contract to be a public school teacher and the state pays most of his salary while he is teaching at the religious elementary school. The congregation pays a small part of his salary.

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<sup>6</sup> Bruno Sonntag, "Letter to Elmer Reimnitz," dated May 4, 1964.

<sup>7</sup> Minutes of Christ Lutheran Church, Niterói, December 28, 1963.

<sup>8</sup> Minutes of St. Paul's Lutheran Church, Canoas, January 3, 1964.



The children of the school are all members of the congregation and pay no tuition.<sup>9</sup>

The Lutheran school in the county of Vera Cruz, Rio Grande do Sul, receives subsidy from the county in proportion to the number of pupils enrolled in the school. The government grants the subsidy directly to the school upon receipt of the monthly report on the number of students enrolled in the school.<sup>10</sup>

The county of Girua and the county of Santa Rosa, both in the state of Rio Grande do Sul, have contracted all the teachers of our religious elementary schools who wished to accept such a contract. The schools are the property of the congregations, the congregations take care of the installations and the upkeep of the schools and pay part of the teacher's salary, but the county pays the major share of the salary of the teacher and considers the teacher as an official county teacher. It should be noted again, however, that the congregations have complete control of the school and over the curriculum, religion, and other phases of the program.<sup>11</sup>

The practice of the Lutheran Church of Brazil is explained by an article written by Dr. Walter Kunstmann:

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<sup>9</sup>Carlos Fuerstenau, "Letter written to Elmer Reimnitz," March 2, 1964.

<sup>10</sup>Decreto no. 79, de 30 de março de 1963 da Prefeitura Municipal de Vera Cruz, Rio Grande do Sul.

<sup>11</sup>Bruno Sonntag, letter from.



It is not the duty of the church to teach the children to read and write, that is the duty of the state. If the church serves the state, serving both members of the congregation and those who are not members, teaching secular subjects in its schools, so that it may have the opportunity to better fulfill its duty as church toward the religious teaching of its members' children and to be able to do mission work among the children of non-members given into its care; if the government, in recognition of the services the school is giving in administering secular subjects, declares itself ready to give subsidy to the religious elementary school, the acceptance of such subsidy on the part of the church will depend on the conditions established by the government for such subsidy. It is very clear that the state has the right to control the administering of the secular subjects and to demand a certain minimum, both in capacity and preparation on the part of the teacher, as well as to program taught in the secular subjects. The government is already exercising this right through its school superintendents, whether the school accepts or rejects subsidy. If the state does not demand more than this control when it gives subsidy, if the state does not interfere in the general ideology of the school and in the religious teaching especially, then there is no reason to reject the subsidy.<sup>12</sup>

The words written by the Rev. Dr. Walter Kunstmann give a part of the basic opinion of the pastors of the Lutheran Church of Brazil on the issue today. In practice almost all pastors and congregations agree with the opinion given.

A number of factors led to the development of this practice in the Lutheran Church of Brazil. Perhaps the most important is the political background of the country and the practice and basic principles of the Brazilian federal, state, and county governments. The pastors and the

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<sup>12</sup>"O Cristão e o Governo," Igreja Luterana XI, no. 11-12 (1950), pp. 212, 213. Tr.



congregations are influenced by these principles and by the practice of granting aid to all religious elementary schools. Although the missionaries sent by the Lutheran Church--Missouri Synod to Brazil warned against accepting state aid to religious elementary education, as soon as the number of Brazilian trained pastors grew larger and as the number of missionaries of the Lutheran Church--Missouri Synod dwindled to five among one hundred and twenty-five pastors, the dominant opinion was to accept government aid to religious elementary education.

Another factor which exercised influence on the pastors and congregations to accept government aid for religious elementary education was the economic factor. The Lutheran Church--Missouri Synod desired that the Lutheran Church of Brazil should become selfsupporting financially. The question of self-support was taken up from the very beginning of the work in Brazil; however, the mission board of the Lutheran Church--Missouri Synod realized that it would have to assist the congregations of the Lutheran Church of Brazil for a long time because, as a rule, the congregations were small, much poorer than their North American counterparts, and so far had very little understanding of Christian Stewardship.<sup>13</sup>

However, in 1916 the convention of the Lutheran Church of Brazil, acting upon recommendations of President

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<sup>13</sup>L. Lochner and others, Der Lutheraner, LVII (October 1, 1901), 308.



Pfotenhauer, cut part of the subsidy of some of the congregations which were expected to give more toward the support of the pastor and teacher. Accordingly, some congregations because of financial difficulties began accepting government aid to their religious elementary school.<sup>14</sup>

The economic conditions became worse during the depression years which afflicted and affected the Lutheran Church--Missouri Synod. Financial support was simply taken away from a number of congregations. In such cases self-support was achieved at the pastor's expense. By 1936 salaries had been reduced to actual privation.<sup>15</sup>

Many pastors of the Lutheran Church of Brazil today feel that the church should bring its official declaration on state aid to religious elementary education into harmony with the practice of almost all of the congregations. Since no action has officially been taken since the convention of 1934, it is felt that the official declaration should be studied in the light of Brazilian government principle and practice and in the light of the practice of the majority of congregations of the Lutheran Church of Brazil.

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<sup>14</sup>Mo. Synod, Brazil District, Proceedings, 1916.

<sup>15</sup>Minutes of the Mission Board for South America," (December 1, 1936), II, 104, in Concordia Historical Institute.



## CHAPTER VI

### CONCLUSION

This study shows the tension which exists in the Lutheran Church of Brazil on the issue of government aid to religious elementary education. The official position, adopted by the district conventions of the Lutheran Church of Brazil, is to oppose all government aid to religious elementary education. However the great majority of the pastors and congregations of the Lutheran Church of Brazil accept government aid to the Lutheran religious elementary school. A tension thus exists between the officially adopted position of the church and the practices of its congregations.

In order to understand the issue facing the Lutheran Church of Brazil, this study has pointed out the historical and religious background which preceded the mission work of the Lutheran Church--Missouri Synod in Brazil. This background paved the way for the opening of the religious elementary schools by the missionaries, which schools followed the policy of the Lutheran Church--Missouri Synod. These missionaries, especially during the early 1900's, were the only pastors of the Lutheran Church of Brazil and the principles and practices of the Lutheran Church--Missouri Synod were followed by the missionaries and all government aid to religious elementary education was opposed.



During the early years of mission work, there was no need for financial help from the government. The Lutheran Church--Missouri Synod supplied the necessary subsidy for congregations and schools; however, starting in the year 1916, pressure was exerted by The Mission Board of the Lutheran Church--Missouri Synod to get the mission church to become a self-supporting church.

Even then, the missionaries of the Lutheran Church--Missouri Synod opposed state aid to religious elementary education. They went further than the Lutheran Church--Missouri Synod in their stand, since they declared that it was against their conscience to accept government aid to religious elementary education. Besides this argument, the missionaries pointed out the dangers which were sure to overcome the congregations if they accepted government aid for their schools. The missionaries considered a complete separation of church and state to be the correct position to take in the issue of government aid to religious elementary education.

However, soon after the first native born pastors entered the work of the church, some congregations and schools began to accept government aid to education. These native born pastors developed their principles and practices from the principles and practices of the Brazilian government. They said that the government considered it to be a duty to support or aid the religious elementary school. They saw that the government placed religion as a mandatory



discipline into the public schools. Pupils were given classroom grades for their participation in the religious subjects. This government law enabled all religions to teach their children during public school time in public school classrooms. The big problem facing most of the Protestant churches, and especially the Lutheran Church of Brazil, is to provide and instruct enough teachers so that the opportunities being offered in the public school may be made use of to good advantage.

Besides permitting the teaching of religion in the public schools, the Brazilian federal, state and local governments have always had the system of giving direct aid to the religious elementary schools in Brazil. This aid was given in the form of direct grants of money, in terms of the placement of public school teachers in the religious elementary schools, in special help for the building programs, and other items needed by the school. The Brazilian government recognizes the fact that the parents have the right to educate their children in the school of their choice, and that the citizen has the right to receive school tuition through the taxes he pays for the educational system. The policy of the government is based upon the principle that freedom to educate the children should not demand a double payment; once in taxes for public school education, and secondly to support the religious elementary school.



The native Brazilian pastors developed their thinking and practice on government aid to education in this political and cultural background. They do not consider the practice to be against the principle of "separation of church and state." The principles and practices of the Brazilian federal, state and local governments advocate the separation of church and state in religious services in the churches, but not in the schools. This distinction is made in its laws, as has been pointed out. There is no establishment of religion in Brazil. The churches have complete religious freedom and it is against the Brazilian constitution to give government aid to the church. Government aid to the religious elementary school is not considered aid to the church. Religion in public schools is a right given to each parent and child.

The other factor that influenced the principle and practice of the native born pastors of the Lutheran Church of Brazil was the economic factor. The policy of the Lutheran Church--Missouri Synod, from the beginning of its mission work in Brazil, was to teach the mission congregations to become self-supporting financially. In the year 1916, as shown in Chapter V, some of the congregations were subjected to economic pressure as part of their subsidy was taken away through resolution of the Brazilian district convention. The effects of the depression years in the United States on the Lutheran Church--Missouri Synod led to more financial pressure on the



congregations of the Lutheran Church of Brazil and many Brazilian congregations resorted to government aid to religious elementary education in order to be able to pay their pastor's and teacher's salaries.

Today the Lutheran Church of Brazil is divided in opinion on government aid to religious elementary education. Its official position, as stated in the district conventions of 1921 and 1934, is against the validity of acceptance of government aid to religious elementary education. In a recent publication in the Kirchenblatt, official church publication of the Lutheran Church of Brazil, Rev. August Gedrat reminds the pastors and congregations of this official position and admonishes them to follow this position. On the other side of the question, Dr. Walter Kunstmann writes in the Igreja Luterana, also an official publication of the Lutheran Church of Brazil, and advocates the validity of acceptance of government aid to religious elementary education.

As the evidence has demonstrated, the majority of the pastors in Brazil are of the same opinion as Dr. Kunstmann. They agree that since: first, the Brazilian government feels it to be the duty of the government to aid religious elementary education, and secondly, because the government does not demand more control and inspection because of this financial aid; that the Lutheran elementary schools should accept such aid and that the Lutheran Church of Brazil should change its official position to agree with the practice of the majority of the congregations of the



church.

The author of this thesis suggests that the Lutheran Church of Brazil once again thoroughly study the issues involved. If the study shows that there is less danger involved from government aid to religious elementary education than the Rev. August Gedrat points out in his article, and if the members of the church are convinced that the government will not demand more control because of financial aid, then the church should change its official position on the issue.

The author suggests, however, that the Lutheran Church of Brazil intensify its stewardship program and thus try to support its religious elementary schools. Since the economic factor was a leading factor in forming and influencing the opinion of the pastors and the congregations toward the validity of accepting government aid to religious elementary education, this aid would not be requested if the congregations practiced true Christian stewardship and if the members of the congregations contributed according to their prosperity.

The question may still remain in the minds of some however, as to whether increased Christian stewardship should result in more appropriation of the church's money to missions (in Brazil itself, and in its mission field, Portugal) or to education. It is to this perennial tension between giving for education and giving for missions that additional study and research must be given in the future.

A Deus tda a glria.



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