

FROM RELIGIOUS INTOLERANCE TO HUMAN RIGHTS

Antonio Baptista Gonçalves¹

ABSTRACT

Religion is the direct source of issues such as proselytising, secularism and secularity. Thus, understanding relations between religions in ancient times will provide the basis of knowledge necessary for an introduction to the religious intolerance, professed and practiced especially by Western religions. Therefore, the religious liberty that is today preached and sought for through the protective elements of Human Rights is the direct consequence of a historical evolution of religion itself, as well as of its influence in the lives of people and of the power struggle between the State and the Church. Thus, tolerance is the result of a construction by international organisms in defense of the rights of man, or Human Rights.

KEY WORDS: Intolerance. Religion. Human Rights.

DA INTOLERÂNCIA RELIGIOSA AOS DIREITOS HUMANOS

RESUMO

A Religião é a responsável direta por temas como proselitismo, laicismo e laicidade. Portanto, compreender como eram as relações entre as religiões nos tempos antigos trará o arcabouço de conhecimento necessário para apresentar a intolerância religiosa professada e praticada em larga escala pelas religiões ocidentais, principalmente. Assim, A liberdade religiosa que hoje se propaga e se busca através dos elementos protetivos de Direitos Humanos é fruto direto de uma evolução histórica da própria religião, bem como de sua influência na vida das pessoas e da disputa pelo poder entre o Estado e a Igreja. E a tolerância será o resultado de toda uma construção dos organismos internacionais em defesa dos direitos do homem, ou os Direitos Humanos.

PALAVRAS-CHAVE: Intolerância. Religião. Direitos Humanos .

¹ Lawyer. Member of the Brazilian Association of Constitutional Law Scholars Postdoctoral Scholar in the Science of Religion – Pontifícia Universidade Católica de São Paulo. Master and Doctor in Philosophy of Law – Pontifícia Universidade Católica de São Paulo. Specialist in International Criminal Law: Terrorism's New Wars and ICL's Responses - Istituto Superiore Internazionale di Scienze Criminali. Specialist in European Economic Criminal Law – Universidade de Coimbra. Specialist in Fundamental Rights – Universidade de Coimbra. Specialist in Criminal Law – Universidad de Salamanca. Specialist in Economic Criminal Law – Fundação Getúlio Vargas – FGV. Bachelor of Laws - universidade presbiteriana Mackenzie.

This article was translated by Pedro Meirelles reis Sotero de Menezes and authorized for publication by the author in 12/11/2012. Version in portuguese received in 28/11/2011, accepted in 25/06/2012.

1. Introduction

Religious liberty has undergone delicate moments in history. And, in great part, these acts have been fostered by the Church itself in a clear power struggle against the State when, in truth; the central issue should be faith and religious function.

However, the Church through its leaders has greatly influenced the political attitudes of States, garnering for itself power, influence, riches and property.

In addition, the Church, especially Christianity, has spread religious intolerance through the proselytizing of the Inquisition, one of the bloodiest investigative and judicial processes religious history has ever seen.

Society's answer was to impose secularism upon Western religions, especially Christianity. This blockade, an answer to religious conclusions, lasted until the First and Second World Wars, after which the approach to the issue shifted.

Therefore, analyzing the historical evolution of the relationship between religion and intolerance, even if in a succinct manner, is fundamental for comprehending what is the relationship between religious tolerance and this evolution, and even its relation to the emergence of Human Rights

2. The influence of religion in human life

Religion is present in the day-to-day life of society since before the appearance of the religions with the largest number of followers² today (Christianity, Islam, Hinduism, Buddhism, and Judaism). Jean Delumeau:

Religions have a very long past. Neanderthal men, who lived between 95000 and 35000 B.C. and whose traces have been found from France to the Middle East, already paid homage to their dead. The earliest grave found yet lies in a grotto near Nazareth and was discovered in 1969: it belongs to a teenager approximately 14 years old. It reveals a veritable ritual: excavation and preparation of the grave, placement of the body in an intentional position and offerings of symbolic meaning.³

² Christians 32,84%, Muslims 19,9%, Hindus 13,29%, Buddhists 5,92% e Jews 0,23%. REVISTA CURIOSIDADES, POLÍTICA, CULTURA E GEOGRAFIA DE POVOS E NAÇÕES, 2009, p. 12.

³ DELUMEAU, Jean & MELCHIOR-BONNET, Sabine. Transl. Nadyr de Salles Penteadó. *De Religiões e de Homens*. São Paulo: Ipiranga, 2000, p. 17.

It becomes necessary to observe that the relationship of man with the worship of a divinity has also changed with the passing of time.

The monotheistic model followed and disseminated by religions such as Christianity, Islam and Judaism did not predominate in early times⁴, but the worship of many gods, that is, polytheism, the purest concept of religious freedom since the beginning of time⁵.

David Hume⁶ claims it to be an incontestable fact that all of humanity was polytheistic 1700 years ago,⁷ and goes still further:⁸

As far as writing or history reaches, mankind, in ancient times, appear universally to have been polytheists. Shall we assert, that in more ancient times, before the knowledge of letters, or the discovery of any art or science, men entertained the principles of pure theism? That is, while they were ignorant and barbarous, they discovered truth; but fell into error, as soon as they acquired learning and politeness.⁹

⁴Says Kevin O'Donnell: "There is contention regarding monotheism, whether the belief in one God was an original form of religion. This is a position assumed long ago by Jews, Christians and Muslims around the world, according to the story of creation, of the first man and the first woman, Adam and Eve. Saint Paul took advantage of this argument and stated that polytheism (the belief in many gods) was degeneration, the product of brutish hearts, for people had wandered away from God. This view was rejected by scholars in the 19th and 20th centuries, based on an evolutionary perspective." O'DONNELL, Kevin. *Conhecendo as religiões do mundo*. São Paulo: Edições Rosari, 2007, p. 10.

⁵Paolo Scarpi on the concept of religion in the ancient world: "religions in the ancient world constituted a somewhat compact and homogeneous bloc, limited chronologically and spatially, but with all the differences that allowed each civilization an expression of its own specific culture. These religions were "ethnic", for belonging by birth to a specific ethnic context conditioned participation in religious life, which was itself a guarantee of cultural identity. Consciousness of this identity, not always explicit, resulted in the celebration of common forms of worshipping dedicated to the same deities. And the presence of polytheism, in which gods are arrayed in a system, is the second element characteristic and common to religions of the ancient world. None of them have universalistic aspirations, something that would become typical at the time of the Roman Empire. They also did not present themselves as "religions of the book" in which "revealed truths" are contained that lay the basis for a theology. (...) Lacking even a notion of religion itself, polytheistic peoples of the ancient world did not separate properly the religious dimension from other human activities, on the contrary – these activities were infused and made legitimate by the religious dimension." SCARPI, Paolo. *Egito, Roma, Grécia, Mesopotâmia, Pérsia Politeísmos: As religiões do mundo antigo*. São Paulo: Hedra, 2004, pages. 11 and 12.

⁶HUME, David. *História natural da religião*. São Paulo: Editora UNESP, 2005, p. 23.

⁷Polytheism is a cultured term, registered in France from the 16th century, used in theology as an opposite of "monotheism". Constructed with the suffix *-theism*, like monotheism, it is a modern construction derived from the Greek word *polýs*, "many", and *theós* "god". In historical-religious terms, the word polytheism refers to a "type" of religion and, thus, classifies and describes forms of religion that admit the coexistence of more than one deity worshipped. Consequently, for a religion to be classified as polytheistic, it must accept the concept of "deity" or presuppose a notion analogous or one liable to be incorporated by it. That is, it requires at least an idea of transcendence of super-human beings in relation to human reality, though they actively take part in it. It is quite probable that this idea had its origin in the region of Mesopotamia and was from there exported by a process of propagation. SCARPI, Paolo. *Egito, Roma, Grécia, Mesopotâmia, Pérsia Politeísmos: As religiões do mundo antigo*. São Paulo: Hedra, 2004, p. 12.

⁸HUME, David. *História natural da religião*. São Paulo: Editora UNESP, 2005, p. 24.

⁹He concludes: "But in this assertion you not only contradict all appearance of probability, but also our present experience concerning the principles and opinions of barbarous nations. The savage tribes of America, Africa, and Asia, are all idolaters. Not a single exception to this rule. Insomuch that, were a traveler to transport himself into any unknown region; if he found inhabitants cultivated with arts and sciences, though even upon that

And, gradually, this vision and adoration of many gods lost intensity and gave place to a singular culture, to a single God, a monotheistic vision, such as the model adopted by Christians, Muslims, Jews etc.,¹⁰ which does not mean polytheistic worship has ceased to exist, for Hinduism has in its essence the adoration of many gods.

Thus, with the passing of time, what becomes an almost indisputable premise is the acceptance by different peoples of the presence of a “force”, a “power”, an invisible “superior being”, “God”,¹¹ the names vary according to religion or religious understanding.¹²

This worship of a single God propitiated a series of different interpretations of which should be the God glorified. And, thus, religious plurality was sown, with the appearance of many religions that worship a single God, different among themselves, be it in the means of worship or in the deity worshipped.

In this movement three religions stand out: Judaism,¹³ Islam¹⁴ and Christianity¹⁵.

supposition there are odds against their being theists, yet could he not safely, till farther inquiry, pronounce anything on that head: but if he found them ignorant and barbarous, he might beforehand declare them idolaters; and there scarcely is a possibility of his being mistaken”. HUME, David. *História natural da religião*. São Paulo: Editora UNESP, 2005, p. 24.

¹⁰ Erich Zenger: at some moment in the course of classical Antiquity – the dates oscillate between the end of the Bronze Age and the end of Antiquity – occurred a change that was more decisive for the world than all political modifications we live with today. This was the change from polytheistic religions to monotheistic ones, from regions of worship to religions of books, from religions specific to certain cultures to universal religions; in short, the change from ‘primary’ religions to ‘secondary’ ones. ZENGER, Erich. *Violência em nome de Deus O preço necessário do monoteísmo bíblico?* IN FÜRST, Alfons. *Paz na Terra? As Religiões Universais entre a Renúncia e a disposição à violência*. São Paulo: Idéias & Letras, 2009, p. 19.

¹¹ Superinteressante magazine produced a special edition, which it called “God, a biography”: each society sees the Creator in its own image. Even each individual. To Einstein, He was the laws that rule time and space – nature in its deepest sense. To atheists, god is an illusion. To the pope Benedictus XVI love and charity. “He who loves inhabits God; at the same time, God inhabits he who loves” he wrote in his first encyclical.

Points of view aside, every culture has had its gods. Its gods, in most cases: divine beings that interacted among themselves in vast mythologies, filled with fights, tears, reconciliations. The gods were human.

But that changed the divine image that consolidated is very different. God gained a capital letter in western culture. The divine pantheons were over. God became unique. It is the god of the *Bible*, Jehovah, the creator of light and humanity. The father of Jesus. This conception, that seems to be eternal today, so accustomed are we to it, was not born ready-made. It is the fruit of historical facts that happened before the *bible* was written. Jehovah himself was once one deity among many. He was part of a pantheon of which he was not even the master. The fact that he became the supreme God is remarkable, it is as if a lesser deity in the Greek pantheon – Cupid, for example – ascended to a position higher than that of Zeus. The story of Jehovah is the story of figure that started as a little desert god and later would mould the way each of us understands the idea of God, no matter who or what God is to you. REVISTA SUPERINTERESSANTE nº 284. *Deus uma biografia*. São Paulo: Abril, p. 59.

¹² David Hume once more: “The only point of theology in which we shall find a consent of mankind almost universal, is that there is invisible, intelligent power in the world; but whether this power be supreme or subordinate; whether confined to one being or distributed among several; what attributes, qualities, connexions, or principles of action ought to be ascribed to those beings—concerning all these points there is the widest difference in the popular systems of theology. HUME, David. *História natural da religião*. São Paulo: Editora UNESP, 2005, p. 43.

¹³ Max Charlesworth: “4000 years ago, the Jews (or Hebrews) united as a nation. Abraham, Isaac and Jacob, in the ancient Jewish histories, were the leaders of this new nation. Later, the Jews were dominated by the Egyptians and forced to leave for Egypt as slaves. After a large period of time they were saved by a leader named Moses, who led them out of Egypt into the land known today as Israel. This happened approximately 1250 years before the birth of Jesus Christ” CHARLESWORTH, Max & INGPEN, Robert. Translated by Elda Nogueira. *Religiões no mundo*. São Paulo: Global, 2003, p. 17.

Kevin O’Donnell: “the Jews believe they were chosen by God, that they were called on by God to learn His laws and represent his path among nations. They are linked to God by the covenant made with Moses, their great prophet and spiritual leader. A covenant is a solemn commitment, an oath of union between the two parties. The Law was given to the Jewish people and its part in the covenant is to abide by the Law: God freed his people from slavery in Egypt, and demonstrating gratitude they must follow him. The responsibility in this calling became clear with the passing of time. They must be the “light of nations” and the designs of God would be frustrated if His people abandoned his laws. The histories of the ancestors have origins in the territory known as Israel today, but at that time it was called Canaan. The tribes occupied the top of the mountain of Judaea and made Jerusalem their capital. A succession of kings kept them united through the years, the most famous one being David.

The initial name for the tribes was “Hebrews” a term meaning traveler or errant; literally, the meaning is “on the other side” or, in other words, on the other side of the Euphrates and the Tigris. The histories of the ancestors show the tribes travelling from the area of the gulf to the region of Canaan. “Hebrew” can also mean the same as the ancient term *habiru*, those that do not settle down. Their ancestors are sometimes called “Aramaeans”. The term Israel was introduced in the beginning of the cycle of ancestral sagas, it was the name given to the ancestor Jacob, after the revelation of God. The Hebrews became Israelites, later the term “Jew” came to indicate he who came from Judaea. This region was the southern part of the kingdom and kept on existing even after the Assyrians conquered the northern region. Hebrew, Israeli or Jew designate, then, the same people. Through time appeared different kinds of Judaism. There were priests and sacrifices since the time of the Temple, and after the fall of Jerusalem in 70 a.d., rabbis and synagogues appeared. Rabbis receive special training in the Law, the Torah, and in the traditions of his people, the *Halachá*”. O’DONNELL, Kevin. *Conhecendo as religiões do mundo*. São Paulo: Edições Rosari, 2007, p. 89.

¹⁴ Max Charlesworth: “Mohammed was an Arab. He was born around 570 a.C, in the town of Mecca, in Saudi Arabia. Mohammed knew Judaism and Christianity. When he was forty years old he received a message from God asking him to be His prophet, or messenger.” CHARLESWORTH, Max & INGPEN, Robert. Transl. de Elda Nogueira. *Religiões no mundo*. São Paulo: Global, 2003, p. 30.

Kevin O’Donnell: Islam is considered by Muslims to be the original faith, the revealed faith. They believe it was revealed to Adam and to the prophets, including Abraham, Moses, David and Jesus. Later, in the beginning of the 7th century a.d., a new prophet appeared in Arabia, who confirmed previous prophecies. His prophetic messages were learned by heart and later grouped in the Koran.

The word “Islam” comes from the verb *slm*, which means peace or submission. The word has a double meaning – Muslims believe they must submit to God (Allah) in order to find peace. The word “Muslim” is also derived from this same root and means “he who submits” (to God).

The first *surata* (section) of the Koran, the prayer *Fattiha*, is about this submission as a path to peace. The word “Allah” is the Arab term for God. Today it means “the God” or “the only God” , but the Arab tribes have already venerated many gods, in a pantheon in which Allah was the main god, along with his consort, Allat, and his three daughters Muhammad heard of the single God of the Jews and Christians in his travels, and identified Allah with this single God, rejecting his consort and the hypothesis of Him having descendents”. O’DONNELL, Kevin. *Conhecendo as religiões do mundo*. São Paulo: Edições Rosari, 2007, p. 142.

¹⁵ Max Charlesworth: “The Christian religion began with Jesus Christ. Jesus was a Jew and lived in the region known today as Israel. His first followers were also Jews. Christianity developed within Judaism, being, therefore, an offshoot of this religion. Later, when Christianity became the religion of Europe, Christians were, in their majority, non-Jews – Greeks, Romans and other surrounding peoples”. CHARLESWORTH, Max & INGPEN, Robert. Transl. de Elda Nogueira. *Religiões no mundo*. São Paulo: Global, 2003, p. 22.

Kevin O’Donnell: “ Christianity is a religious belief based on the “Christ”, who is believed to be Jesus of Nazareth. Jesus was a Jew who lived in the first century a.d.. Christians believe he was God and man at the same time, the sublime unity of earth and heaven.”

He goes on: “Christianity began as a Jewish movement in the Middle East. Jesus was a Galilean who lived in a remote corner of the Roman Empire between the years 4 b.C. and 33 a.d. The faith he inspired spread through

These different manners of worshipping the same God or different Gods propitiated the pursuit by religious leaders of a spreading of their own religion among the people and, thus, the amassing of new followers.

In these circumstances, there exists the concrete possibility of the migration of faithful from one religion to another, or of the adhesion of a person, up to then without religion, to any given faith.

And it is in this relationship between the acceptance of people and the spread of ideas by religious leaders that problems begin, for the main objective of a religion is to worship the God(s) believed in, and to attract the greatest possible number of faithful.

However, the goal is not simply to attract new members, for other religious leaders also seek to do so. The religious leader must, simultaneously, look to keeping his own faithful “immune” to the influence of other religions.

To protect one’s religion and to attract converts, to make one’s religion grow while diminishing that of others. This “test” of one’s faith and that of others is what is called proselytising.

3. Proselytising and its negative and positive effects

Proselytising¹⁶. Zeal or diligence in making proselytes: *religious proselytism*. Preoselyte.¹⁷ From the Greek *proselytes*, through ecclesiastic Latin *proselytes*. 1. Person that has converted to a religion. 2. Person that has adopted a sect, a doctrine, a party, follower, partisan. – 3. Person that would forsake his beliefs to adopt Judaism.

Proselytising, then, must be understood as the persuasion of a person into changing religions or, in case he does not have one, to adhere to a given creed.

all of the Roman Empire, gaining the status of official religion in the 4th century a.d. Centuries of worshipping the emperor and pagan gods were discarded in favor of the prophet and carpenter of the West. The faith also spread to ancient Persia, China and India to the Greek world and to what would become Europe. Christianity is a faith built on paradox. It is believed not only that God can become man, but also that a man who died crucified could be hailed as the Savior and the Lord. Crucifixion was a barbarous punishment that Romans applied to criminals and rebels, and dying in this manner was a dishonor. But Christians believed that that man that had apparently failed spectacularly was the same one that would become the most sublime man of all. The values of Christianity revolve around humility, forgiveness and divine grace (an act of generosity by God unto man, even when he has not achieved merit through good actions)”. O’DONNELL, Kevin. *Conhecendo as religiões do mundo*. São Paulo: Edições Rosari, 2007, p. 117.

¹⁶ *Grande Enciclopédia Larousse Cultural*. São Paulo, 1998, vol.20, p.4805. Proselytising. 1. Activity or effort in making proselytes, catechism, apostolate. 2. Grouping of proselytes. *Dicionário Houaiss da língua portuguesa*. Rio de Janeiro: Objetiva, 2001, p.2315.

¹⁷ *Grande Enciclopédia Larousse Cultural*. São Paulo, 1998, vol.20, p.4805. Proselyte. 1. Among the ancient Hebrews, individual recently converted to the Jewish religion. 2. Person attracted and converted to another religion, sect, doctrine, party, system or idea. *Dicionário Houaiss da língua portuguesa*. Rio de Janeiro: Objetiva, 2001, p.2315.

We can cite two, among many religions that make use of this practice: Jehovah Witnesses¹⁸ and Mormons¹⁹.

Proselytising is the means found by religions for attracting new faithful, be it when in a dominant role, as a majority, or as a religious minority. With this intent, a vast array of strategies and ways of presenting a creed are developed, with the objective of convincing an individual that his religion is not the adequate one and that he will feel physically, morally, psychologically and spiritually better if he migrates and accepts the new faith.

Proselytising has always been an important catalyzing agent of the ideology of different churches, independently of the religion chosen. During mass, when the priest preaches his sermon praises his own religion and emphasizes a series of sacred passages, what is under way if not Proselytising?

We would also have to include public displays of faith, apostolic voyages and the use of martyrdoms as forms of attracting the faith of others.

In present times proselytising has gained new weapons: the internet, radio and television shows, specialized newspapers etc. All means of mass communication may be used with the single objective of disseminating a doctrine and adding new people to a religious belief.

However, proselytising has not only positive aspects, and it becomes necessary to analyze negative proselytising.

On the topic of negative proselytising²⁰ there are two controversial issues: proselytizing itself and the relationship between proselytising and States that either adopt an official religion or are politically influenced by one.

¹⁸ The religious community of the Jehovah's witnesses was founded in the USA in the end of the 19th century by members of the Zion's Watch Tower Tract Society, whose first president was Charles T. Russel. Up to the beginning of the 1930's they were known as Bible Students. REVISTA CONHECIMENTO PRÁTICO FILOSOFIA n° 26. *Filosofia e guerra*. São Paulo: Escala, p. 21.

¹⁹ The religious community of the Mormons was initially known as the Church of Jesus Christ of the Latter-day Saints. It was organized in 6th of April 1830, in Fayette, New York. Among its six founding members was Joseph Smith, first prophet and president of the restored Church. In 1823, Joseph was sent, by a celestial messenger named Moroni, to a hill near Palmyra. There he showed Joseph plates of gold that contained the secular and religious history of an ancient American civilization. Four years later, Joseph had permission to remove the plates from the hill and translate them into English. The translated volume, that is named after one of the ancient prophets and historians that kept these records, was published as the Book of Mormon. The "Mormon" nickname of the Church comes from the title of this sacred book.

The Book of Mormon contains the history of many civilizations of ancient America, between 2200 b.C. and 420 a.d. The volume includes an account of the preaching of Jesus Christ in the American continent after his resurrection. Source: www.mormons.com.br, accessed in 13 February 2011.

The first aspect pertains proselytising strictly understood. These attempts at conversion don't always obey ideal standards of probity and respect to others' religions.

The main issue with proselytising is not religious freedom or the conversion of people to one's religious faith. The problem resides in the way in which some of these proceedings are performed, for they may become veritable instances of religious (in)tolerance, especially in places where the State adopts an official religion²¹.

In States not considered secular²² this stance is considered harmful to the government, for the conversion of its followers or the propagation of ideas different from the official religion of the country can cause unrest and even arouse the population, therefore representing a menace to the State's objectives.

Governmental "representatives" tend to repress religious minorities, as a form of ensuring the religious integrity of the State itself, which does not, in any way, justify or validates religious intolerance

Thus have religious freedom, freedom of movement and of thought have already been harmed.

4. Religion and (in)tolerance

Proselytising is an instance in which religions themselves can violate the probity and cordiality they profess in order to keep the faithful within their flock and also subtract from those of other faiths.

By adding yet another element, the State, we have the context in which to analyze religious tolerance: the people, the Church and the State.

²⁰ Brazil underwent negative proselytising when the Jesuits, through their missions, practically forced the natives to convert and accept the new creed, Christianity, without caring for the desires and wishes of the community.

²¹ Sara Guerreiro: "the response of the State to proselytising is strictly linked to the protection of religious liberty and to the rights of man, and depend, in further analysis, on the political system adopted and on the dominant religious creed". GUERREIRO, Sara. *As Fronteiras da Tolerância Liberdade religiosa e proselitismo na Convenção Européia dos Direitos do Homem*. Coimbra: Almedina, 2005, p. 180.

²² Even a Secular State can adopt a restrictive stance towards proselytising if it is perceived that the freedom of belief guaranteed by the State is threatened and the need for intervention by the State in defense of the community arises. France and Spain possess penal responses to abusive activities derived from proselytizing.

The theme of religion is already a difficult one. Try and define religion, or rather, ask ten random people what is religion to each one of them and you are assured to receive ten different answers.

The existence of a certain complexity in defining religion also fosters controversy regarding its acceptance, for around the globe religion is seen in many diverse ways.

The Church, aiming at a consolidation of its sovereignty and power, did not act only within the religious sphere, but sought political influence as a means of influence over society.

With this there was a confusion of interests, religious objectives such as preaching the divine word intermingled with earthly claims and, especially, the ratification of force, which would later be converted into an amassing of wealth.

The Church began an intrinsic relationship with the State and the result was confusion between the parties, for the State suffered such influence from the Church that all decisions were now submitted to the will of the Church, independently of the religion involved, for Judaism, Christianity and Islam all underwent the same process.

When this power struggle does not afflict any of the parties involved there was peace, and, therefore, religious tolerance²³. The Church, however, not always searching for new followers in a peaceful manner, as in the crusades²⁴, has professed religious intolerance more often than it has fundamental religious precepts.

²³ We do not like the expression “religious tolerance”, for it seems that others’ religion is not respected, but merely endured; this is not the goal of a secular state, and should not be the attitude of its citizens. Tolerance implies that a given person, bereft of other choices, will respect others for now. Also implied is the latent feeling of prejudice and discontentment that can become explicit at any moment.

²⁴ The crusades were religious, political and military movements led by the Catholic Church, supported and sponsored by European nobility, with the goal of dominating the city of Jerusalem, considered “holy” by Jews, Christians and Muslims and a place of pilgrimage for these peoples. When Jerusalem fell to the Ottomans, in the year of 1071, these being intolerant Muslims, pilgrimage by Christians to holy places was forbidden. For this reason and for the crisis of European feudalism, in 1095 the pope Urban II called on the population to defend Christianity against “Muslim Arabs”, affirming it was God’s will. WOLOSZYN, André Luís. *Terrorismo Global Aspectos gerais e criminais*. Porto Alegre: Est Edições, 2009, pages 47 and 48.

The methods and routine of members of the crusades were at most times cruel and violent, mattering only the final objective. So the reader might have a more concrete idea we present an account of the first crusade, which happened long before the discovery of Brazil, so we might undo the romantic image that the crusades were a peaceful movement that had as an objective the presentation of the words of the Church to the natives.

The account of the first crusade already told of the sacking and of the great religiosity that accompanied these missions: Entering the, our pilgrims pursued and killed Saracens up to the Temple of Solomon, in which they had assembled and where they gave battle to us furiously for the whole day so that their blood flowed throughout the whole temple. (...) Soon the crusaders ran throughout the city, seizing gold, silver, horses, mules, and houses full of all kinds of goods.

History shows that the relationship between State and Church has always been a close one, especially with the coming of Christianity. The influence of religion is larger than the church itself, though, for in ancient Egypt, as in Greece, there was no clear line drawn between the religious domain and the State itself.

Sobre o cristianismo é necessária a sua relação com o Império Romano e, em especial com o Imperador Constantino, pois o cristianismo ainda claudicava, até a conversão de Constantino, quando despontou poucas décadas depois.

On the topic of Christianity it is necessary to emphasize its relationship with the Roman Empire, especially with emperor Constantine, for Christianity still struggled to survive²⁵ until his conversion²⁶, after which only few decades later it became firmly established²⁷.

Then, rejoicing and weeping from extreme joy our men went to worship at the sepulcher of our Savior Jesus and thus fulfilled their pledge to Him. .

Then, our knights decided in council that each one should give alms with prayers so that God should elect whom He wished to reign over the others and rule the city. They also ordered that all the Saracen dead should be thrown out of the city because of the extreme stench for the city was almost full of their cadavers. The live Saracens dragged the dead out before the gates and made piles of them, like houses. No one has ever heard of or seen such a slaughter of pagan peoples since pyres were made of them like boundary marks, and no one except God knows their number.

In the following morning, our men scaled the roof of the temple, attacked the Saracens, men and women and, taking the sword, decapitated them. Some threw themselves from the top of the temple. Seeing this, Tancred was filled with indignation. Then the priests decided in council that all would give alms and pray, so that God might elect him who He would like to reign over the others and rule the city.” DELUMEAU, Jean & MELCHIOR-BONNET, Sabine. Trans. Nadyr de Salles Penteado. *De Religiões e de Homens*. São Paulo: Ipiranga, 2000, p. 171.

²⁵ One of the decisive events in Western history, even in world history, happened in the year of 312 in the immense Roman Empire. The Christian Church had started badly the 4th century: from 303 to 311 it had suffered one of the worst persecutions in its history, with the killing of thousands. In 311, one of the four co-emperors that shared the government of the Empire decided to put an end to that state of things, recognizing bitterly that persecution came to nothing, for many Christians that had reneged on their faith had not gone back to paganism. Thus (and this was at the time an issue of preoccupation for a ruler) were created holes in the religious tissue of society. VEYNE, Paul. *Quando nosso mundo se tornou cristão*. Transl. Marcos de Castro. Rio de Janeiro: Civilização Brasileira, 2010, p. 11.

²⁶ Why, in the following year happened an unpredictable event: another of the co-emperors, Constantine, the hero of this great story, converted to Christianity after a dream (“under this sign you shall succeed”). Around this time only five or ten percent of the Empire’s population (maybe 70 million inhabitants) were Christians. VEYNE, Paul. *Quando nosso mundo se tornou cristão*. Transl. Marcos de Castro. Rio de Janeiro: Civilização Brasileira, 2010, p. 11.

²⁷ Eighty years later, as was discovered, in another battlefield and along another river, paganism would be forbidden and could end up defeated, without having been persecuted. All of this because in the 4th century the Church, after it ceased to be persecuted as it had been for over three centuries, would have the unconditional support of most Caesars, converted to Christianity. Thus, by the 6th century the Empire is peopled almost solely by Christians. VEYNE, Paul. *Quando nosso mundo se tornou cristão*. Transl. Marcos de Castro. Rio de Janeiro: Civilização Brasileira, 2010, p. 12.

Christianity had a decisive role in introducing the Church as a protagonist in relations of governance, as recounted by J. Vasconcelos:

As Christianity advanced over all parts of the Roman Empire, the Catholic Church organized itself as a powerful institutional force, especially its powerful priestly class. In the power vacuum created with the fall of the Empire, the Church initiated a policy of expansion and destruction of native beliefs of different European regions, using both persuasion and force.²⁸

According to Tércio Sampaio Ferraz Júnior²⁹, after the Roman Empire's decline the spiritual and political heritage of roman power passed onto Christianity³⁰.

Christianity represented a period of great prosperity and influence of the Church within the State. Such a relation brought positive points, though also a series of problems that require analysis³¹.

5. The Catholic Church fosters intolerance

²⁸ REVISTA CONHECIMENTO PRÁTICO FILOSOFIA n. 26. *Filosofia e guerra*. São Paulo: Escala, p. 18.

²⁹ FERRAZ JUNIOR, Tercio Sampaio. *Introdução ao Estudo do Direito. Técnica, Decisão, Dominação*. São Paulo: Atlas, 2003, pages. 63 a 65.

³⁰ Paul Veyne tells of the positive turnaround for Christianity with the ascension of Constantine in the Roman Empire: In 324 Christianity would assume, in one blow, "world" dimensions and Constantine would be raised to the historical stature henceforth his: he had just crushed Licinius in the East, another would-be persecutor, and would thus establish his rule over the whole of the Roman Empire, uniting both halves under his Christian scepter. Christianity would henceforth be able to count on an immense empire which was the center of the world and that was considered to have the same extent as civilization. That which would be called for centuries the Christian Empire, Christianity itself, had just been born. VEYNE, Paul. *Quando nosso mundo se tornou cristão*. Transl. Marcos de Castro. Rio de Janeiro: Civilização Brasileira, 2010, p. 19.

After the fall of the Roman Empire, the entire cultural and religious legacy was at the complete disposal of Christianity; after all, the Empire had fallen, but not the clergy or religion. Thus, the knowledge, wealth, political, social and ideological influence remained. The result was a change in the geography of the planet, but not in the religious influence over these new actors. The Catholic Church was the reference, and its leaders held clear influence over rulers.

The prosperity of Christianity persisted until its boldest move: the Inquisition – for what should have been its greatest catechism was in fact the beginning of its ruin and of a dark period which would contrast with the prosperity of centuries of conquests and expansion.

³¹ Alfons Fürst: with Christianity, conversions became a mass phenomenon. We do not know what led most Christians to convert or what they went through, neither what conversion meant to them later, simply because nothing is mentioned in any sources. Some cultured men among the converts, however, left records of their conversion and their testimony – often quite restrained – allows us to observe a certain side of their religious mentality. (...) Did this mentality led to intolerance and a predisposition towards violence? According to the rigorous conception of the Church during Antiquity, converting meant distancing oneself as clearly as possible from one's religious, social and cultural habitat, a relativization, questioning or rejection of their values and intentions. Even when this procedure was profoundly ambivalent – for Christians could not simply abandon the time and place in which they had been born and still lived – their mentality was guided, in first place, by religious determinations. FÜRST, Alfons. *Ética da paz e disposição à violência Sobre a ambivalência do monoteísmo cristão em seus primórdios*. IN FÜRST, Alfons. *Paz na Terra? As Religiões Universais entre a Renúncia e a disposição à violência*. São Paulo: Idéias & Letras, 2009, p. 97 e 98.

It is important to emphasize that from this moment on our subject will be events deriving from the influence of the Church, especially in the Western world. Thus, the following analysis does not apply to the Arab world and to followers of Islam.

The relationship between religion and religious freedom, that is, the possibility of believing in a God and being able to worship him, is marked by passages that vary from tolerance to intolerance throughout History.

The Catholic Church³² itself contributed negatively in the development of intolerance through the Inquisition³³.

Religious intolerance, violence and the destruction of cultural heritage of other societies was the staple of this movement imposed by the Catholic Church³⁴.

The “justification” for such atrocities was the defense of the Church itself through the persecution of those considered heretics³⁵. The intended result would be the purity of the Catholic faith, devoid of the influence of bad converts or infidels³⁶.

³² Before the Inquisition Jacques Le Goff already pints out strains of intolerance on the part of the Christian Church: from the 11th century Christianity becomes a “society of persecution”. Benefitting from a great demographic, economic, military, political and cultural development, it wishes to preserve these conquests against those that seem to endanger them; and assumes the instruments of aggression and repression. LE GOFF, Jacques. *A raízes medievais da intolerância*. IN *A Intolerância*. Transl. Eloá Jacobina. Rio de Janeiro: Bertrand Brasil, 2000, p. 39.

³³ Toby Green: “ It is necessary to recognize the vastness of the issue. From 1478 to the middle of the 18th century, the Inquisition was the most powerful institution in Spain and in its colonies in the Canaries, in Latin America and in the Philippines. From 1536 neighboring Portugal and in its colonies in Africa, in Asia and Brasil, the Inquisition was preeminent for 250 years. This means that it was a significant force in four continents for over three centuries; a period that stretches from the centralization of Spain under Ferdinand and Isabelle, in the 15th century to the Napoleonic wars”. GREEN, Toby. *Inquisição O reinado do medo*. Trans. Cristina Cavalcanti. Rio de Janeiro: Objetiva, 2011, p. 30.

³⁴ The Inquisition reached its peak of violence in Spain, in the first fifty years after its creation in 1478, a period that saw, according to estimates, 50 thousand people judged and a significant part of this number burned. During some years, such as 1492, two thousand people may have been “relaxed” and another two thousand had their effigies burned. Approximately seven hundred people were killed in Seville alone between 1481 and 1488, another fifty in Ciudad Real between 1483 and 1484. Around 10% of all the population of Toledo was judged by the Inquisition between 1486 and 1499 and 3% were “relaxed” or burned in effigy. GREEN, Toby. *Inquisição O reinado do medo*. Trans. Cristina Cavalcanti. Rio de Janeiro: Objetiva, 2011, p. 32 e 33.

³⁵ The Inquisition was created in Spain in order to detect supposedly bad Christians among the converts.. GREEN, Toby. *Inquisição O reinado do medo*. Transl. Cristina Cavalcanti. Rio de Janeiro: Objetiva, 2011, p. 42.

³⁶ In order to understand what the Inquisition meant in historical terms it is necessary, first, to define heresy – since the Inquisition was created to combat it. “Heresy” means “choice”. By extension, thus were called any doctrines incompatible with Christian faith, which people and groups “chose” against the approval of the Church. It is normal for a community, any one, to expel people who by entered it by choice but have deviated deeply from it. In the Church this refusal was called “excommunication”, that is, exclusion from the communion of the faithful. DELUMEAU, Jean & MELCHIOR-BONNET, Sabine. Transl. Nadyr de Salles Penteadó. *De Religiões e de Homens*. São Paulo: Ipiranga, 2000, p. 217.

The Inquisition represents a clear example of negative proselytising, with the use of atrocious and indiscriminate intolerance³⁷.

The aggrandizing of its power allowed the Church other ambitions besides merely religious ones, the main one being the affirmation of its political influence over States. And, this, Catholic leaders realized that the search for power was directly linked to a show of force, and consequently an alignment of interests with the State would be vital to these new ecclesiastic ambitions.

Thus, as had already happened with the Roman Empire, religion starts to influence, through the Church, ruler's decisions. With this it would not be long before the Church was at the center of political decisions.

The historical period was determinant for the influence of the Church³⁸.

The Church took advantage of the period in which it exerted strong influence, including on the State, to accumulate riches, conquer territories and to widen its dominion.

³⁷ Alfons Fürst: The difficulty of Christians in handling religious plurality was relevant not only from the theological point of view internal to the Church, but in its social and political aspects also. In the end of Antiquity, the world was largely pluralistic. In the gigantic Roman Empire, which ranged from the cold latitudes of the British Isles and central Europe to the subtropical zones of High Egypt, from Mount Atlas and Gibraltar in the West to the Tigris and Euphrates in the East, lived a multitude of peoples with their respective languages, cultures and Traditions, together or separately. The religiosity of these ecumenical (in the ancient sense) communities was marked by a multiplicity of customs and cults that intertwined and mixed permanently in an ambience favorable to syncretism. This religious situation seems to have been profoundly altered in the beginning of the imperial period. Placed within the context of the family, the clan, the tribe and the city, religion went from being a question of custom and Tradition to being a question of free will. In commercial terms there arose a competition among religious groups, unknown in the beginnings of Antiquity, and the new behavior led to conflicts, especially among those conditioned by religion. Christianity did not arrive as a new religious group. It was a promise of meaning in the market of hopes of salvation and promises of cure. From the point of view of the ancients, however, Christians acted with missionary impetus and, lacking other marks of identity, they attributed great and aggressive importance to religious confession. FÜRST, Alfons. *Ética da paz e disposição à violência Sobre a ambivalência do monoteísmo cristão em seus primórdios*. IN FÜRST, Alfons. *Paz na Terra? As Religiões Universais entre a Renúncia e a disposição à violência*. São Paulo: Ideias & Letras, 2009, p. 102 e 103.

³⁸ Pinto Ferreira: "Ancient society was religious by nature. The ancient and medieval states were equal in this, one with its myriad pagan beliefs, the other dominated by Christianity. The Middle Ages saw the all-encompassing dominion of the Catholic Church, also in the political sphere, with the idea of the worldly sword and the spiritual sword, of power over the world and over souls. The Catholic religion had great dominance, preventing freedom of worship and belief, burning in the fires of the Inquisition heretics that disagreed with its orientation. It is enough to remember the case of Giordano Bruno, burned in 1600, tortured slowly on the stake for two hours for defending ideas that were later adopted by Einstein. Numberless figures paid with death for their beliefs, as crimes against religion. Wars arose between nations and massacres among people of the same country, as in the night of saint Bartholomew in France, in 1572, when Catholics slew numberless Huguenots (protestants). FERREIRA, Pinto. *Curso de direito constitucional*. 9 ed. São Paulo: Saraiva, 1998, p. 102.

The direct result was a gain in power by the Church and, consequently, not only the aggregation of new converts to the faith, but also territorial expansion and the accumulation of riches.

And, with this, religion distanced itself from its main role: the religious one. Now the concerns were clearly political, in an evident search for power.

The dominion of the Church grew steadily, as did its possessions and riches. In Europe, particularly in France³⁹, it became customary for rulers to be crowned by the Pope, in a clear demonstration that the State's supreme leader submitted himself to the Church.⁴⁰

Evidently, rulers did not accept happily this expansion, to upset the people, however, would be even worse. The period of domination by the Church lasted for many centuries, but started to decline with the Inquisition.

The fear, the senseless deaths, all the culture lost due to the huge amounts of books burned – all of these contributed to unsettle the blind trust the people had on the Church.

The figure of the savior became that of a threatening inquisitor. And with the fall of the Inquisition the Church itself started to lose influence, a perfect opportunity for rulers to reclaim their territories and augment their powers.

The bourgeoisie was the class most affected by the Church's territorial expansion. Considering the loss of lands on this side and the lack of full decision-making power on the part of the State, both sides realized the heart of the problem was the same: the influence of the Church in power relations.

Thus, some way of removing the Church from power was the fundamental goal to be pursued.

³⁹ Says Georges Lefebvre: "in France of old, the law distinguished between three *orders*: the clergy, the nobility and the Third Estate. Its numeric proportions are uncertain: of the possibly 23 million people the kingdom might have contained, there were, without a doubt, 100 thousand priests, monks and nuns, and 400 thousand nobles; all the rest belonged to the Third Estate. LEFEBVRE, Georges. *1789 O surgimento da Revolução Francesa*. Trans. Cláudia Schilling. 2 ed. São Paulo: Paz e Terra, 2011, p. 43.

⁴⁰ Toby Green:

All through its more than three hundred years of existence the structures of the Inquisition had naturally evolved. We should not think that its reach was always universal and all-powerful and, as we have seen, in Spain the number of agents of the inquisition diminished rapidly during the 17th century. There is no doubt, however, that during most of its existence the Inquisition reached almost all aspects of the life of most people. Around the 17th century it was considered, in Portugal, to be a State within a State and the possessor of the most powerful and feared bureaucracy in the country. GREEN, Toby. *Inquisição O reinado do medo*. Transl. Cristina Cavalcanti. Rio de Janeiro: Objetiva, 2011, p. 277.

And it was France, with the growth of its bourgeoisie, that determined a shift in these power relations – the events that preceded the French Revolution and the rise to power of Napoleon Bonaparte ended the political relationship between Church and State⁴¹.

The crowning of Napoleon Bonaparte already demonstrates this, for through paintings we can observe first the coronation of Napoleon by the Pope, in a clear reference to the dominion of Church over State and, later, Napoleon taking the crown from the religious sovereign's hands and crowning himself, separating State and Church.

Napoleon, an intelligent and astute leader, saw that to exclude the Church from the start would be unwise, so initially there was an approximation, when Bonaparte decreed a truce – bringing the Church into the shelter of the State. After a series of restrictions imposed by the French ruler, however, the situation concluded with a final separation.

To the eyes of the people, though, Napoleon stood with the Church and it was the Church that had abandoned him, allowing the government to consolidate this final political separation.

Beau de Loménie relates first the attempt at reconciliation and then the subsequent separation:

Bonaparte understood the necessity of coming to an agreement with the Church, that is, with the papacy. As soon as he ascended to power he sought to enter negotiations with Rome, meeting immediate resistance, however. Well-placed men, compromised by their anti-clerical past, and with them churchmen that had adhered to the civil constitution of the clergy, feared reprisals. Negotiations were long and tough⁴².

The agreement reached became known as the Concordat, and was in effect for a short period of time, as related by Loménie:

Other complications had arisen. Bonaparte was not content in negotiating only with the Church. In the same spirit of conciliation, he seeks the alliance, through the giving of positions in his administration, of some members of the old nobility that had emigrated and, with internal order restored, were now returning. (...) The issue that would have the

⁴¹ This confluence of factors was also equally important for the fall of the Inquisition, as recounted by Toby Green: Thus can we summarize the friends and enemies of the Inquisition in 1789: the enemies were freedom, equality and interdependence; the friends were *status quo* and hierarchy. The institution progressed seriously in its attempts at censorship. The banning of books and the inspection of libraries became its main assignment. Its secret archives grew with the great number of cases documented, as an ever-growing number of books was printed promoting ideas considered by it to be outrageous.

The great number of forbidden books at that time is a sign both of the flowering of the editorial market and of the incapacity of the Inquisition in stopping this flux. (...) it was impossible to hold the profligacy and scorn that fell upon the Inquisition and all it held dear. GREEN, Toby. *Inquisição O reinado do medo*. Transl. Cristina Cavalcanti. Rio de Janeiro: Objetiva, 2011, p. 369.

⁴² LOMÉNIE, E. Beau. *A Igreja e o Estado Um problema permanente*. São Paulo: Flamboyant, 1958, pages 116 e 117.

most catastrophic consequences would be the Continental Blockade, aimed at ruining England by closing all European ports to its commerce.

In Italy, the Pope refused to close his ports to the English. Napoleon then occupied the Papal States. Consequently, clashes arose that, together with the difficulties in applying the Concordat, led Napoleon to deport Pope Pius VII to Savana.⁴³

This was the rupture between Church and State...

This movement, initiated in France with Napoleon Bonaparte, culminated in the final separation between Church and State in September 9th 1905, when the Third Republic proclaimed this separation through law.

However, this separation would not be the only consequence facing the Church, for the greatest punishment undergone by religious leaders would be secularism.

6. The coming of secularism

The State has always sought the autonomy of its decisions from Religion, for dividing sovereign power is not an interest longed for by representatives of the people.

There have been numerous attempts by rulers to repel the Influence of the Church, or rather, of Religion, upon their governments. However, there has also been resistance on the part of Religion to this, and consequently attempts at keeping the bond present.

Says Lucy Risso Moreira César on the subject:

Against the will of States to repel the influence of priests and of the Church, the popes Gregory XVI and Pius IX started to fight the consequences of the new public law, which arose from protestant theories, from the French Revolution, from enlightenment, and from modern naturalism and secularism.⁴⁴

And demonstrates what was the medicine prescribed by the Church:

With this aim in mind, they inaugurated the edition of Papal Encyclicals, a new practice of the magisterium that substitutes power over temporal society. These are teachings that go beyond faith, developing through theology the logical consequences of established doctrine, in order to clarify the Church and society's issues.⁴⁵

⁴³ LOMÉNIE, E. Beau. *A Igreja e o Estado Um problema permanente*. São Paulo: Flamboyant, 1958, page 118.

⁴⁴ CÉSAR, Lucy Risso Moreira. *Relacionamento igreja-mundo no Brasil contemporâneo*. Masters' Thesis in the area of Human Sciences in the Pontifical Catholic University of São Paulo. São Paulo, 1982, p. 13.

⁴⁵ Idem, *ibid.*

This historical narrative demonstrates that the Church never ceased to try and maintain its political power, independently of its religious strength for; after all, its territorial expansion and the accumulation of riches were in part due to the stratagem of uniting faith and politics.

However, Marco Aurélio Cassamano, in his doctoral thesis,⁴⁶ presents three events that were fundamental for the fall of the Church and rise of the State: a) the Modern State, b) the Reformation⁴⁷ and Protestantism and c) secularization.

He thus justifies the choice of these three events:

The Modern State represents the supremacy of political power, concentrated on the hands of the absolute monarch, at the expense of the Church. The Reform and Protestantism heralded the breaking of the religious monopoly enjoyed until then by Catholicism, which resulted in a profound change in the ties that bound politics to religion. Secularization, in its turn, is the process through which people, losing trust in another world or in the supernatural, abandon their religious beliefs, or through which religion lost its influence in society.⁴⁸

With the separation between State and religion the political influence of the Church over the State ceased to exist. However, the fear on the part of the rulers of its possible renewal motivated an energetic response – almost a message demonstrating who now held the power.

Firstly, in France, with the rupture of 1905 a period of complete intolerance of the Church was inaugurated, which has been called Secularism.

Secularism may be translated as ignoring completely the presence of the Church and, worse, of religion itself, as if an act of censorship, especially in France after the rupture with the Church in 1905, where religious displays, acts of faith and, we might say, manifestations of the Church itself were forbidden.

⁴⁶ CASSAMANO, Marco Aurélio. *Política e Religião: O Estado laico e a liberdade religiosa à luz do constitucionalismo brasileiro*. Doctoral Thesis in the area of Law, State and Society in the Pontifical Catholic University of São Paulo. São Paulo, 2006, from p. 94 onwards.

⁴⁷ Miguel Chaia: Tolerance against intolerance is dislocated, in a secular manner, to the political sphere. Calvin, even while recognizing that secular government and the internal kingdom of Christ are different, became the “partisan of a political order that takes it upon itself to avoid that true religion, contained in the law of God, is besmirched by public and offensive heresy.

Moral law, with its double meaning – reverence to God and love to our neighbor, provides the mortar of the political-christian organization that is built from the reformation and affects civil order, the laws and the organization of the people. CHAIA, Miguel. *Tolerância e liberdade – aforismos intempestivos*. IN PASSETTI, Edson e OLIVEIRA, Saete (coord.). *A Tolerância e o intempestivo*. São Paulo: Ateliê Editorial, 2005, p. 39.

⁴⁸ CASSAMANO, Marco Aurélio. *Política e Religião: O Estado laico e a liberdade religiosa à luz do constitucionalismo brasileiro*. Doctoral Thesis in the area of Law, State and Society in the Pontifical Catholic University of São Paulo. São Paulo, 2006, from p. 94 onwards.

John Paul II's letter to Jean-Pierre Ricard, archbishop of Bordeaux and President of the French Episcopal Conference include important data on the separation of Church and State and the relationship between these events and secularism:

In 1905, the law separating Church and State, that denounced the Concordat of 1804, was a painful and traumatizing event for the Church in France. It regulated the way of life in France obeying the principle of secularism and, as such, maintained solely freedom of worship, abandoning religious faith to the private sphere and, at the same time, not attributing any place to religious life or the ecclesiastic Institution a place in the midst of society. Thus the religious life of man was considered only a simple matter of personal feeling, and there was no recognition of the profound nature of man, which is simultaneously personal and social in all its dimensions, including the spiritual one.⁴⁹

Thus we may conclude that secularism is the suppression of religion from the State's reality, to the point that it was not considered even as an element of faith which belongs to every human being, and as such present in society.

People could worship their gods and exercise their religious vows, as long as social order was not disrupted, which is to say: religion was only authorized within people's homes.

The intention was indeed to disrupt any kind of influence of the Church within the State, as a direct consequence of the events described above, which culminated in the definitive rupture in 1905.

Thus proceeds John Paul II, in the same letter, on the subject of secularism:

Correctly understood, the principle of laïcité (secularity), to which your Country is deeply attached, is also part of the social teaching of the Church. It recalls the need for a clear division of powers (cf. Compendium of the Social Doctrine of the Church, nn. 571-572) that echoes Christ's invitation to his disciples: "Render to Caesar the things that are Caesar's, and to God the things that are God's" (Lk 20: 25). For its part, just as the non-denominational status of the State implies the civil Authority's abstention from interference in the life of the Church and of the various religions, in the spiritual realm it enables all society's members to work together at the service of all and of the national community. Likewise, as the Second Vatican Ecumenical Council recalled, the management of temporal power is not the Church's vocation for: "The Church, by reason of her role and competence, is not identified with any political community nor bound by ties to any political system" (Pastoral Constitution *Gaudium et Spes*, n. 76 2; cf. n. 42). Yet, at the same time, it is important that all work in the general interest and for the common good. The Council also stated: "The political community and the Church... each serves the personal and social vocation of the same human beings. This service will redound the more effectively to the welfare of all insofar as both institutions practice better cooperation."⁵⁰

⁴⁹Source: http://www.vatican.va/holy_father/john_paul_ii/letters/2005/documents/hf_jp-ii_let_20050211_french-bishops_po.html, accessed in February 3rd 2011.

⁵⁰ Source: http://www.vatican.va/holy_father/john_paul_ii/letters/2005/documents/hf_jp-ii_let_20050211_french-bishops_po.html, accessed in February 3rd, 2011.

The papal manifestation only demonstrates that the Church never ceased to fight against this “banishment” by the State.

What the pope insists in expressing is that one cannot suppress the people’s faith as a means to attain political sovereignty for a State, one thing cannot be confused with the other, therefore the solution presented by the Pontiff is the freeing of religion from any tie to the State, what would be later called secularity.⁵¹

7. Human Rights and the rupture with secularism

While in western countries the Church watches its dominance and influence be clearly reduced, the same cannot be said of the majority of countries in the Arab world, the vast majority of which not only adopt Islam an official religion but also have a deep influence of this religion in their politics.

Instead of the construction of closer bonds between religions what has been seen through the centuries is a profound estrangement, a following of opposite paths, between them.

While Christian religions sought to occupy again the center of State decisions through political-religious influence Islamic leaders sought to build States according to their interests and, thus, to create a political and religious ideal.

A change in the western religious reality occurred with two events that changed profoundly the world’s political and geographical status quo: the two World Wars.

⁵¹ Recognizing the religious dimension of people and of the members of French society means seeking to coordinate this dimension with the other dimensions of national life so that it can contribute its own dynamism to building up society and prevent religions from the tendency to withdraw into sectarianism which could become a threat to the State itself. Society must be able to permit individuals, with respect for others and for the laws of the Republic, to state their religious membership. If it were not to do so, there would be a constant risk of sectarian withdrawal into their own identity and of an increase in intolerance that could not but damage friendly and harmonious coexistence in the Nation.

By virtue of your mission, you are called to intervene regularly in public debates on important social issues. Likewise, in the name of their faith, Christians, personally or in associations, must be able to speak in public to express their opinions and manifest their convictions, thereby making their own contribution to the democratic debates, challenging the State and their fellow citizens on their responsibilities as men and women, especially in the field of fundamental human rights and respect for human dignity, for the progress of humanity but not at any price, for justice and equity, as well as for the protection of our planet. These are some of the areas that involve the future of the individual and of humanity and the responsibility of each generation. In this context, secularity, far from being an area of confrontation, is the true place for constructive dialogue in the spirit of the values of freedom, equality and fraternity, to which the people of France are, justifiably, deeply attached.

More important than the boycott of the Church's ideals, a profound change occurred pertaining the concept of human life, for devaluation and the dismissal motivated by the thousands of lives lost were now the order of the day.

After all, the Second World War, which lasted from 1939 to 1945, left 40 to 52 million dead⁵² in consequence of the conflicts.

Is there greater outrage against the life of a human being than war? What would authorities and defenders of human rights say of the more than forty million lives that ceased to exist?

Furthermore, the deaths alone would be a reasonable justification for a change in paradigm, but the Second World War saw specific acts of cruelty that affront the dignity of any human being.

The Holocaust produced terrible scenes played out in concentration camps, especially Auschwitz⁵³ And Birkenau – mass sterilization, live human experimentation, desecration of bodies, deaths by gas chamber, harassment and aggression that culminated in death – all on account of sexual orientation, race and religion.

History shows that human rights advances have always been stimulated by historical events, that is, they have been established as responses to social facts in a given place and time. Thus, human rights have been classified into first, second and third generation human rights.

For the present paper it will be important to place the emergence of human rights, therefore we will investigate their historical appearance, without failing to mention historical influences. We will not, however, go into the matter of classifying human rights, for ours is a different path.

⁵² Data from the *Grande Enciclopédia Larousse Cultural*. São Paulo: Nova Cultural, 1998, v. 12, p. 2863.

⁵³ Hannah Arendt provides a historical depiction of the functioning of Auschwitz: "Reading the trial proceedings, one must always keep in mind that Auschwitz had been established for administrative massacres that were to be executed according to the strictest rules and regulations. These rules and regulations had been laid down by the desk murderers, and they seemed to exclude — probably they were meant to exclude — all individual initiative either for better or for worse. The extermination of millions was planned to function like a machine: the arrivals from all over Europe; the selections on the ramp, and the subsequent selections among those who had been able-bodied on arrival; the division into categories (all old people, children, and mothers with children were to be gassed immediately); the human experiments; the system of "trustee prisoners," the capos, and the prisoner-commandos, who manned the extermination facilities and held privileged positions. Everything seemed foreseen and hence predictable — day after day, month after month, year after year. And yet, what came out of the bureaucratic calculations was the exact opposite of predictability. It was complete arbitrariness. ARENDT, Hannah. *Responsabilidade e julgamento*. Transl. Rosaura Eichenberg. São Paulo: Companhia das Letras, 2004, pages. 319 e 320.

Nossa missão será apresentar como eram os direitos humanos pós Independência Americana e Revolução Francesa e como ficaram após as duas grandes guerras mundiais, as mudanças de paradigma e o novo caminho a ser defendido.

Our mission will be to present human rights as they were after the American Independence and the French Revolution and after both World Wars, the changes in paradigm and the new road to be pursued.

All our attention on Human Rights will be focused on the religious question, both in relation to the fight against abuses and its positive aspects.

7.1. Human Rights – historical evolution

Most scholars place the beginning of the first generation of human rights in the context of the American Independence and the French Revolution⁵⁴. The contribution of many previous acts, however, cannot be denied. Thus it is with the Magna Charta of 1215 and especially with acts in the 16th and 17th centuries driven by the movement known as Enlightenment, such as the *habeas corpus act* of 1679 and the Bill of Rights in 1689. It is, however, necessary to understand the underlying context to agree with the established view.⁵⁵

⁵⁴ Nilo Odalia: Understanding the French Revolution as the founder of civil rights requires that we do not forget that the 17th century was known as the century of the Enlightenment, being the century of Voltaire and Montesquieu, of Kant and Holbach, of Diderot and D'Alembert, of Goethe and Rousseau, of Mozart and Beethoven. In it occurred also the attempt to transform the sciences of nature into sciences of reason and experimentation ODALIA, Nilo. *A liberdade como meta coletiva*. IN PINSKY, Jaime & PINSKY, Carla Bassanezi (org.). *História da cidadania*. 5 ed. São Paulo: Contexto, 2010, p. 159.

Added to Nilo Odalia's account we have to consider the centuries of oppression by the catholic Church due to the Inquisition, the domination of the clergy and nobility over the overwhelming majority of the French population – the Third Estate. The Third Estate, however, where the bourgeoisie was placed, was explored by and lost territories to the clergy and especially to the nobility. Within this framework it is understandable that the French Revolution was only a matter of time. And with the influence of the ideals advanced by Napoleon's opening the advance in defense of liberties and the rupture with tyranny and submission were inevitable. The effects of this revolution were felt across the globe, if it was not the embryo of fundamental rights, it was at least its mainspring.

⁵⁵ In truth, Norberto Bobbio demonstrates the importance of movements preceding the French Revolution and explains the reasons for them not being considered landmarks for Human Rights: "the Traditional relationship between the rights of rulers and the obligations of their subjects is completely inverted. Even in the charters of rights that preceded the declarations of 1776 in America and of 1789 in France, from the Magna Charta to the Bill of Rights of 1689, rights or liberties were not conceded or agreed to – even if they were the result of a pact between subjects and ruler – they were made to seem a unilateral act of the latter. Which means without the concession of the sovereign the subject would have nothing. This does not differ from 19th century - with the appearance of constitutional monarchies, it was affirmed that constitutions were *octroyées* by the sovereigns. The fact that these constitutions were the fruit of a conflict between king and subjects, ended by a pact, should not cancel the sacralization of power, which, when attained by the citizens, should always be a gracious concession by the prince. The Declarations of Rights were destined to invert this image. And, gradually, they did. Today, the very concept of democracy is inseparable from the concept of the rights of man". BOBBIO, Norberto. *A Era dos Direitos*. Rio de Janeiro: Elsevier, 2004, p. 114.

After all, if the concession of a right depended on a sovereign, then the right was not universal and was disposable by man – thus, being linked to the will of others, rights were of a restricted nature, a reality that only changed with the American declaration of independence of 1776 and the French Declaration of the Rights of Man and of the Citizen of 1789.

The change in paradigm, however, began with the Enlightenment, for this movement was responsible for a new impulse of the ideals of human rights, and resulted in the conflicts in America and France, which resulted in the American Independence and the French Revolution and determined the appearance of the first generation of human rights.⁵⁶

All of these events were important for the development of the concept of liberty, fraternity and equality among all men. Conflicts and deaths, however, gave impulse to a need to seek a new valuation of man himself. And the First World War, which lasted between 1914 and 1918, leaving a toll of 9 million dead⁵⁷, accelerated the process further.

How did Nations organize themselves to discuss these events and develop some response to the hardships brought on by wars? The answer to this question, in our view, represents the concrete evolution of human rights for the protection of the citizen.

7.2. Human rights after the First and Second World Wars

Human Rights underwent a new phase with the end of the Second World War, in a movement that began with the end of the French wars and their declaration of the Rights of Man in 1789.

The historical landmark of this process is the French Declaration of 1789's second article:

“The end of all political association is the preservation of the natural and imprescriptible rights of man. These rights are freedom, prosperity, safety and the resistance to oppression.”

⁵⁶ Fábio Konder Comparato states: “the first article of the Declaration that the “good people of Virginia” made public, in July 16 1776 constitutes the birth certificate of the rights of man in History. COMPARATO, Fábio Konder. *A afirmação histórica dos Direitos Humanos*. 3rd Ed. São Paulo: Saraiva, 2003, p. 49.

⁵⁷ Data from the *Grande Enciclopédia Larousse Cultural*. São Paulo: Nova Cultural, 1998, v. 12, p. 2859.

With the end of the wars and of the loss of millions of lives, the first great act in defense of human rights was the creation, in the 26th of July 1945, in San Francisco, of an organization that would represent its fifty-one signatory nations, and protect the citizens, their relationships, liberties, etc. – the United Nations (UN) was born.

After only three years of existence, in 1948, the UN approved the Universal Declaration of Human Rights,⁵⁸ markedly influenced by the Declaration of 1789, but further sculpted by the horrors of the above-mentioned historical events.

The preamble already possesses the guiding elements that would translate into a new concept of Human Rights, adapting to the social yearnings of the common man.⁵⁹

José Lindgren Alves has already pointed out the similarities:

Its fundamental postulates, which go back to the French Revolution, are liberty, equality and fraternity, expressed in the phrasing of the 1st Article: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. From these postulates follows the principle of non-discrimination of race, color, sex, language, religion, opinions, social or national, wealth, birth or any other condition, including political or judicial ones, or yet the level of autonomy of the territory to which belong the persons referred to in Article2.⁶⁰

With the Universal Declaration of the Human Rights of 1948⁶¹ man, or rather, the dignity of the human person, became the main issue and target of protection.

⁵⁸ Norberto Bobbio states that “the Universal Declaration of the Rights of Man can be seen as the greatest historical proof given to this day of the *consensus omnium gentium* on a given system of values. The old proponents of natural law were suspicious – and they were not entirely wrong – of the general consensus as a foundation of law, since this consensus is of difficult practical demonstration. It would be necessary to search for its documented expression through the restless and obscure history of nations, as Gianbattista Vico attempted to do. But now this document exists: it was approved by 48 States in December 10th 1948, in the General Assembly of the United Nations; and, since then, has been accepted as an inspiration and orientation in the process of growth of the whole international community – in the sense not only of a community of States but of free and equal individuals”. BOBBIO, Norberto. *A Era dos Direitos*. Rio de Janeiro: Elsevier, 2004, p. 47.

⁵⁹Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, (First two parts of the preamble). ALVES, José Augusto Lindgren. *A arquitetura internacional dos direitos humanos*. São Paulo: FTD, 1997, p. 49.

⁶⁰ ALVES, José Augusto Lindgren. *A arquitetura internacional dos direitos humanos*. São Paulo: FTD, 1997, p. 27.

⁶¹ Norberto Bobbio had doubts if humanity was conscious of the greatness of what the Universal Declaration of The Rights of Man represents for history itself: “I do not know if there is a conscience of how new a fact the Universal Declaration represents in history – for the first time a system of fundamental principles of human conduct has been expressly accepted, through their respective governments, by the majority of men on earth”. BOBBIO, Norberto. *A Era dos Direitos*. Rio de Janeiro: Elsevier, 2004, p. 47.

A new historical turning-point arrived – for the first time was a document created that was accepted by the majority of people, through the ratification of their governments – a set of rules and social prescriptions created by man himself, without any kind of involvement of the Church, one that embraced all and not only determined groups, as in the case of religion or of Churches⁶².

Humanity has always reacted positively after a great evil caused by man himself, so it was with the Vienna Convention after the First World War, with the creation of a independent transnational organization, responsible for the regulation of social and humanitarian relations between Member-States, a role that would be played by the UN from 1945.

After the Universal Declaration of Human Rights of 1948 a series of acts, resolutions and measures were developed for the protection of minorities and, above all, for the guaranteeing of equal rights, independently of political, sexual or religious orientation.

Thus, with the search for a system of Human Rights based on religious freedom, secularism lost its basic rationale and was gradually transmuted into secularity, that is, non-interference by the State in religious questions and vice-versa.

This context comes to be a new scenario for both State and Church: the Church has total freedom in society, as long as it does not act politically or influence the State's decision-making powers.

This is the concept of tolerance and religious freedom, in which the Church itself had a fundamental role with the *Pacem in Terris*, as demonstrated by Claude Geffré:

Let us take as an example France, where there has been a gradual learning process, both by the Church and the State, of what it means to have true tolerance, after the difficult legacy of the French Revolution undergone by Catholics. Vatican II certainly worked a notable turnaround, for the first time the Church – already lead by John XXIII at the time of *Pacem in Terris* in 1963, and later in with the Second Vatican Council in its Declaration on

⁶² Norberto Bobbio: “With this declaration, a system of values is – for the first time in history – universal not in principle but in *fact*, to the point the consensus on its validity and capacity for ruling the destinies of the future community of all men have been explicitly declared (the values that were borne by religions and Churches, even the most universal of religions – the Christian one – has only involved, *in fact*, historically, a part of humanity up to this day). Only after the Universal Declaration can we be historically sure that humanity – all humanity – shares some common values; and we can finally believe in the universality of values, in the only sense in which this belief is historically legitimate, that is, in the sense that universal means not something objectively presented, but something subjectively chosen by the universe of men”. BOBBIO, Norberto. *A Era dos Direitos*. Rio de Janeiro: Elsevier, 2004, p. 48.

religious freedom – accepted the principle of a secular society, a pluralistic society, a society endowed with legitimacy even if lacking an immediate religious basis⁶³.

The State, in its turn, does not diminish or interfere in the Church's religious practices and professes the freedom of worship and belief, that is, the appearance of a tolerant, or secular, State.

In this way, the fundamental theme became the dense of religious freedom, of the possibility of worshipping your own God and of proselytising, as long as none of these acts interferes negatively on the freedom of others.

And the issue of tolerance has been incorporated as one of the main means of protection in the Constitutions of States. And, in the absence of specific legal means, States have adhered to a series of international instruments developed aiming at the guarantee of tolerance – Treaties, Conventions, Pacts, etc.⁶⁴

7.3. Human Rights and tolerance

In 1993 the UN's General Assembly decided that 1995 the year, in which its fiftieth birthday would be celebrated, would be the International Year of Tolerance.

⁶³ GEFFRÉ, Claude. *A consciência obriga*. IN *A Tolerância Por um humanismo herético*. Transl. Paulo Neves. Porto Alegre: L&PM, 1993, p. 50.

⁶⁴The French Declaration of the Rights of man, in its 10th article; the United Nations Charter of 26 June 1945; the preamble of the Universal Declaration of the Rights of Man, as well as its second article; the European Convention on the Rights of Man, signed in Rome in the 4th of November of 1950, in its 14th, 18th and 26th articles; the Declaration on the Prevention and Punishment of the Crime of Genocide; the Ecyclical *PACEM IN TERRIS* issued by the Vatican in 11 April 1963; the following *DIGNITAS HUMANA* Declaration of 1965; the 4th article of the Convention on the Statute of Refugees; similarly the protection of the religious practices of Stateless Persons, in conformity with the articles 3 and 4 of the OCnvention on Stateless Persons; in 1965 a new landmark with the International Convention on the Ellimination of All kinds of Racial Discrimination; the International Pact on Civil And Political Rights; still in 1966 the International Pact on Economic, Social and Cultural Rights, in which the question of religious freedom is present in the 13th article; in 1979, the Convention on the elimination of all Forms of Discrimination Against Women; in 1980, the Pope John Paul II issued a message to all signatory countries of the Final Helsinki Act; in 1981 the UN issued the most important Declaration on the Ellimination of all Forms of Intolerance and Discrimination Based on Religion of Belief; in January of 1988, the Pope John Paul II publishes a message on occasion of the celebration of the twenty-first day of world peace; in 1989 the UN issues the Convention on the Rights of Children, being important to emphasize its article 14 on religious freedom; in 1992 we had the Declaration on the Rights of People Belonging to National, Ethnic, Religious or Linguistic Minorities; in 1994 was edited the Council of the League of Arab States, that is, the Arab Charter of Human Rights; in 1993 a new step in the ratification of Human Rights was the Vienna Declaration and Program for Action In the World Conference on Human Rights, that took place in Vienna between the days of 14 and 25 of July; in 2005 the Universal Declaration on Secularism in the 21st Century; and, recently, the European Union created its own framework of Human Rights through the European Union Charter of Fundamental Rights in 30 March 2012. Religious freedom has also been mentioned in the chapter Freedom of thought, of conscience and of religion, besides an express mention of the right to religious diversity in article 22.

Says Roseli Fischmann on the topic:

The decision was linked to the humble and appropriate recognition that, fifty years from its creation, the United Nations were far from achieving the goal that motivated its creation, that is, world peace. The context of the time, which included the Bosnian War and ethnic conflicts in Africa, as well as many other places of conflict around the planet, especially for reasons of religious and ethnic intolerance, resulted in the realization that it would be necessary, half a century later, to consider the first step, which, even though a basic one, brings in itself the whole journey⁶⁵.

The measure was accompanied by a series of actions by the UN, which through UNESCO sought to develop a universal concept of tolerance, which in the 16th of November of 1995, in Paris, resulted in the Declaration of Principles on Tolerance.

Its first Article is precious, for it contains a series of lessons on tolerance:

Article 1 - Meaning of tolerance

1.1 Tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication and freedom of thought, conscience and belief. Tolerance is harmony in difference. It is not only a moral duty; it is also a political and legal requirement. Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.

1.2 Tolerance is not concession, condescension or indulgence. Tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. In no circumstance can it be used to justify infringements of these fundamental values.

⁶⁵ FISCHMANN, Roseli. **EDUCAÇÃO, DIREITOS HUMANOS, TOLERÂNCIA e PAZ**. Paideia Magazine, n. 11, 2001, pages 69 e 70.

Tolerance is to be exercised by individuals, groups and States.

1.3 Tolerance is the responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law. It involves the rejection of dogmatism and absolutism and affirms the standards set out in international human rights instruments.

1.4 Consistent with respect for human rights, the practice of tolerance does not mean toleration of social injustice or the abandonment or weakening of one's convictions. It means that one is free to adhere to one's own convictions and accepts that others adhere to theirs. It means accepting the fact that human beings, naturally diverse in their appearance, situation, speech, behavior and values, have the right to live in peace and to be as they are. It also means that one's views are not to be imposed on others.

Through this declaration 16th of November was declared the International day of Tolerance⁶⁶.

7.4. Religious tolerance

Jacques Le Goff⁶⁷ states that the concept of tolerance first appeared in the 16th century:

The notion of tolerance (and, conversely, that of intolerance) arose in the 16th century. One of its first public usages is found in the *Edict of Tolerance* (1562), which conceded

⁶⁶ Article 6 - In order to generate public awareness, emphasize the dangers of intolerance and react with renewed commitment and action in support of tolerance promotion and education, we solemnly proclaim 16 November the annual International Day for Tolerance.

⁶⁷ LE GOFF, Jacques. *A raízes medievais da intolerância*. IN *A Intolerância*. Transl. Eloá Jacobina. Rio de Janeiro: Bertrand Brasil, 2000, p. 38.

freedom of worship to Protestants. From the end of the 17th century, its usage is widespread (as is that of intolerance). The idea of tolerance is not natural, but demands a certain effort to be accepted, a discipline, which has lasted to our days. Tolerance is a construction, a conquest.

The Inquisition taught what tolerance must be and how violence and political manipulation might be used as a means of forcibly imposing an ideal⁶⁸.

Says Jean Baubérot on the topic:

If the problem of tolerance is centennial, it poses itself in a new way, in the West, from the 16th century onwards. Indeed, a new historical fact is produced in that moment: a “heresy” is not defeated. On the contrary, it triumphs in many territories. From this moment on religious unity is broken. Now, this heresy claimed for itself freedom of conscience. Summoned to the Diet of Worms, in April 1521, Martin Luther, excommunicated in the preceding year, is called on to recant. He declares: “I do not put faith exclusively on the Pope and on Church councils (...). I rely on the Scripture texts I have referred to and my conscience binds itself to the words of God. I cannot and will not recant anything, for it is not honest or correct to act against one’s conscience”. The representative of the Bishop of Triers then replies: “Abandon your conscience, Brother Martin. The only safe thing consists in submitting to established authority”⁶⁹.

However, the greater impact on what came to be tolerance and its relation to States occurred in the end of the 18th Century.

The change in paradigm brought about by the French Revolution that culminated with the establishment of Human Rights, affirmed as a central theme the question of religious freedom. More than that: if it was to achieve any concreteness the establishment of tolerance would be vital.

⁶⁸ Newton Bignotto: “the religious difference is not the object of tolerance, but of persecution, for it threatens not the religious beliefs of the majority of the population, but its own path to enlightenment”. BIGNOTTO, Newton. **Tolerância e diferença**. IN NOVAES, Adauto (org.). *Civilização e Barbárie*. São Paulo: Companhia das Letras, 2004, p. 73.

This important passage of Newton Bignotto’s can be applied to exasperation in regard to the Inquisition, with the annihilation of culture, books and knowledge of other peoples’, then considered heretics by the Church. These acts, however, demonstrated more than intolerance, already condemnable in itself, but the enforcement of the notion that the Christian religion is the best one and simple contact with any other religion or with elements outside Catholicism were enough to brand an individual as a possible heretic. Therefore, these acts represented the fear of the Catholic Church of losing its dominion through the use of force and violence, a loss that became inevitable, later, with the spreading of the notions of freedom and equality and the search for openness and an end to terror.

Terrorist movements with political ends that use fear to attain their objectives have as an inspiration many of the negative lessons of the period of the Inquisition.

⁶⁹ BAUBERÓT, Jean. *Estratégias da liberdade*. IN *A Tolerância Por um humanismo herético*. Trans. Paulo Neves. Porto Alegre: L&PM, 1993, p. 79.

Thus, one cannot mention Human Rights or the defense of religious freedom without touching on tolerance. It is, however, easier to keep to a theoretical plane than on a practical one for, in many occasions, States that consider themselves secular and defend secularism practice intolerance against religious minorities.

In order to overcome the conflict brought by the State and its own intolerance it is necessary to examine the influence of politics on this theme. And, thus, Norberto Bobbio⁷⁰ sets forth the influence of politics in matters related to tolerance⁷¹:

The idea of tolerance appeared and evolved in the terrain of religious controversies. Its great defenders, from Locke to Voltaire, fought all forms of intolerance that bloodied Europe for centuries, after the rupture of religious universalism by the reformed Churches and heretic sects. From the terrain of religious controversy, the idea of tolerance gradually spread to the terrain of political controversy, that is, that of contrasts between ideologies - those forms of modern religion. The recognition of religious freedom gave rise to non-confessional States, to the recognition of political freedom, to democratic States.

Thus, the primordial mission of Human Rights is to establish the concept of tolerance and its reflexes in the external and internal aspects of States and, in a second stage, to consider the question of tolerance at the level of the individual.

Norberto Bobbio considers the limits of tolerance:

The problem is habitually posed in these terms: does tolerance have limits? And, if it does, where should the borders be fixed? Since there are no absolutely intolerant societies, neither are there absolutely tolerant societies: either we reside in the absolute State of Big Brother or in the equally imaginary society in which prevails the maxim "if there is no God, all is permitted". Between these two extremes, both purely fantastic, there exist numerous intermediate stages⁷².

⁷⁰ In another work the author this positions himself: "the reason why I occupy myself with the reasons for tolerance in the first sense is that the historical problem of tolerance, in the form it has been posed in Europe during the period of the wars of religion, then by heretic movements and later by philosophers such as Locke and Voltaire, the problem considered in the histories of tolerance (as in the most famous one, by Joseph Lecler in two volumes in 1954), is the problem exclusively related to the possibility of coexistence of different religious faiths, a problem that arose with the rupture of the Christian religious universe". BOBBIO, Norberto. Transl. Regina Lyra. *A Era dos Direitos*. Rio de Janeiro: Elsevier, 2004, p. 207.

⁷¹ BOBBIO, Norberto. *Elogio da serenidade E outros escritos morais*. Transl. Marco Aurélio Nogueira. São Paulo: UNESP, 2002, p. 149.

⁷² BOBBIO, Norberto. *Elogio da serenidade E outros escritos morais*. Transl. Marco Aurélio Nogueira. São Paulo: UNESP, 2002, p. 152.

The primary objective of tolerance is the peaceful coexistence of peoples and nations with the histories, cultures, traditions and, especially, religions of others, without any kind of interference, restriction, disrespect or violence⁷³.

Says Wolf Lepenies on the subject:

Why is the fight for tolerance such a hard one? A possible answer – one I would call the resigned answer of conservative thought – is that human nature cannot change, and one of its “virtues” is in fact intolerance, that is, the desire of stating clear priorities and preferences and of destroying all that seems to deviate from them or oppose them. From this point of view, the only way of achieving tolerance, if it can be achieved, is by the implementation of a regressive policy, a continuous fight against man, who is “pure” by his own nature, that is, intolerant⁷⁴.

Tolerance⁷⁵, thus, is the exercise of the fullest freedom, be it cultural religious, political, or that of conscience, without it being necessary to attack others, much less to impose a certain position on others⁷⁶.

⁷³ Francine Markovits: “Tolerance: “patience through which one suffers or dissimulates something”, says Furetière. Disapproval does not entail exclusion or persecution. But tolerance is not neutrality; it is a position that can only be maintained if one has defined one’s limits – defining what is intolerable. What is the place of the subject who judges the intolerable? Can he install himself in a kind of vacuum, letting the challenges of controversy pass him by? Whatever that place is, it determines how a resort to rights can serve as a basis for tolerance or condemn it. To interrogate the forms of exclusion and the mechanisms of integration one can substitute the question of the basis of tolerance for an analysis of the intolerable, thinking of the shaping of sensibilities by institutions”. MARKOVITS, Francine. *Entre crer e saber*. IN *A Tolerância Por um humanismo herético*. Transl. Paulo Neves. Porto Alegre: L&PM, 1993, p. 114.

⁷⁴ LEPEINES, Wolf. *A intolerância – terrível virtude*. IN *A Intolerância*. Transl. Eloá Jacobina. Rio de Janeiro: Bertrand Brasil, 2000, p. 117.

⁷⁵ In 16 November 1995, at the 28th meeting of the General Conference Between United Nations Member-States for Education, Science and Culture, the Declaration of Principles on Tolerance. Its 1st article states: 1.1 Tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief. Tolerance is harmony in difference. It is not only a moral duty, it is also a political and legal requirement. Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.

1.2 Tolerance is not concession, condescension or indulgence. Tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. In no circumstance can it be used to justify infringements of these fundamental values. Tolerance is to be exercised by individuals, groups and States.

1.3 Tolerance is the responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law. It involves the rejection of dogmatism and absolutism and affirms the standards set out in international human rights instruments.

1.4 Consistent with respect for human rights, the practice of tolerance does not mean toleration of social injustice or the abandonment or weakening of one's convictions. It means that one is free to adhere to one's own convictions and accepts that others adhere to theirs. It means accepting the fact that human beings, naturally diverse in their appearance, situation, speech, behaviour and values, have the right to live in peace and to be as they are. It also means that one's views are not to be imposed on others. IN KUNSCH, Margariada Maria Krohling e FISCHMANN, Roseli (orgs.). *Mídia e Tolerância a ciência construindo caminho de liberdade*. São Paulo: Edusp, 2002, p. 157 e 158.

⁷⁶ Michael Walzer:

Says Humberto Giannini:

He can only be tolerant, in the strict sense, who behaves as an organism and system. He who is inwardly open to accept the strange and the new, without losing the essence of his unity and identity, he will be indeed tolerant⁷⁷.

The frontier between tolerance and intolerance is very thin. Even in Brazil, a country without a tradition of religious conflict, records the grave episode of the War of Canudos, marked by religious intolerance of the State and a religion against a spiritual leader (Antônio Conselheiro)

Says André Glucksmann:

When universal conscience advocates that humanity is one and indivisible, any uncontrollable individual runs the unceasing risk of being a memory of the fat that it was necessary to count three: 1) those that perished in gas chambers, 2) those that put them there, 3) those that looked away and allowed these acts to happen⁷⁸.

Unfortunately, the cultural heritage of intolerance is strongly present in society, since we cannot forget that the defense of tolerance happens after centuries of intolerance and the indiscriminate use of force and violence by those that should profess and disseminate peace and universal love.

Intolerance, as affirmed by Elie Wiesel, fosters hatred:

Intolerance is at the beginning of hatred. It assumes such subtle appearances that it becomes hard to distinguish and combat it. And yet, “if we do not stop it, it will be too late”. Once installed, it invariably generates contempt, hatred for the other; and hatred, in its turn, generates only hatred⁷⁹.

“Peaceful Coexistence, however, can assume political forms very different among themselves, with different implications for everyday moral life – that is, for the concrete interactions and mutual involvements of men and women. None of these forms is universally valid. Besides minimalist claims on the value of peace and its implicit rules of transience (that are roughly comparable to the standard description of basic human rights), there are no principles that regulate all regimes of tolerance or that make us act in all circumstances, in all times and places, in name of a particular political or constitutional arrangement”. WALZER, Michael. Trans. Almiro Pisetta. *Da Tolerância*. São Paulo: Martins Fontes, 1999, p. 5.

⁷⁷ GIANNINI, Humberto. *Acolher a estranheza*. IN *A Tolerância Por um humanismo herético*. Transl. Paulo Neves. Porto Alegre: L&PM, 1993, pages 17 and 18.

⁷⁸ GLUCKSMANN, André. *O discurso do ódio*. Transl. Edgard de Assis Carvalho e Mariza Perassi Bosco. Rio de Janeiro: DIFEL, 2007, pages 126 and 127.

⁷⁹ WIESEL, Elie. *VADE-MECUM por uma luta contra a intolerância*. IN *A Intolerância*. Transl. Eloá Jacobina. Rio de Janeiro: Bertrand Brasil, 2000, p. 265.

The modern notion of tolerance is intrinsically linked to the position of States regarding religious neutrality at their core. In other words, the more secular a State, the more it professes religious freedom, greater will be religious tolerance.

Thus, says Norberto Bobbio:

Tolerance is a method that implies the use of persuasion regarding those that think differently from us, and not the method of imposition. From this point of view, secularism⁸⁰ is one of the essential components of the modern world that even religions (particularly Christianity) ended up accepting. Such is the truth of this that all modern Constitutions affirm the principle of religious freedom, which is liberty not only for those who profess a religion, but those who profess none⁸¹.

Says Claude Geffré on the mission of tolerance in modern societies:

In relation to modern societies, to democratic societies, it would be necessary to arrange that the Church is neither domineering nor marginalized. What I mean is that the Church should renounce to the use of secular power, of the State, to transmit its ideas, its moral conceptions etc. On the other hand, the Church cannot accept its complete marginalization, for it has a right to public expression. (...) States that do not respect religious freedom also violate other liberties: freedom of association, of assembly, of opinion, of education etc. It is true that the Church has a certain pedagogical role in relation to the State, for as it requires of the State that it respect its freedom of worship and expression, it also forces the state to take into account all other liberties that are inseparable from religious freedom, for the foundation of religious freedom itself is the fundamental ethical freedom of man, his freedom of conscience⁸².

Conclusion

⁸⁰ Secularism in this sense is understood by us as secularity, that is, the State refrains from adhering to any religion officially and allows, constitutionally or not, complete religious freedom.

⁸¹ BOBBIO, Norberto. *Elogio da serenidade E outros escritos morais*. Transl. Marco Aurélio Nogueira. São Paulo: UNESP, 2002, p. 155.

⁸² GEFFRÉ, Claude. *A consciência obriga*. IN *A Tolerância Por um humanismo herético*. Transl. Paulo Neves. Porto Alegre: L&PM, 1993, pages 55 and 56.

The hatred and the conflicts that arise from religious problems we have today are so complex that not even the effort of international organizations in creating a protective structure built on Human Rights is capable of settling or resolving conflicts.

The problem is the cultural heritage linked to the question, which cannot be forgotten by monotheistic religions, especially conflicts promoted by Catholics in the expansion of Christianity.

Disrespect of others' religion continues to be one of the main problems faced in questions pertaining to tolerance.

A religion that for almost three hundred years implemented and fostered religious intolerance against all that opposed its territorial, political and social expansion, as was the case of the Christian Inquisition produces a negative cultural heritage that the postwar world has not yet been able to dissociate itself from and eradicate the bitterness of that age.

On the contrary, oriental religions such as Islam have learned from the "teachings" of Christianity and, with a markedly political vein, foster intolerance against the western world, especially against capitalism.

The struggle for power between religious leaders, using faithful as pawns, resulted in a great disaster for mankind.

The Church, be it Catholic, Protestant, Anglican or any other religion derived from these must not base itself on political motivations anymore, but on what should be the main objective since the beginning of time: the human being.

Tolerance can represent the union of peoples and the elevation of people towards universal communion. This is the path of tolerance allied to contemporary concepts brought and made possible by Human Rights.

While they aim at influencing others, in a clear example of negative proselytising, religions will continue to spread not peace, but intolerance and chaos around the planet.

Our objective has been to demonstrate how religion can be the conduit both for good and for evil, what remains to be seen is if religious leaders will someday begin to apply in practice what they affirm to be correct in theory: the union of peoples, universal fraternity, freedom and equality of all before God.

The road to intolerance was paved by western religions and culminated with the disaster of intolerance, not religious, but of human life itself, with the loss of 52 million lives due to the Second World War.

Now the paving of tolerance happens day to day, especially after the appearance and evolution of Human Rights, when the defense of human life, or rather, of the dignity of the human person, became the core element of social debate in the second half of the twentieth century.

The line that separates intolerance from tolerance continues to be very thin. Justice has developed a series of instruments protective of men and of peaceful coexistence. May all negative events that occurred due to political ambition in religion serve as an example so that now, in a new reality and a new historical context, tolerance may occur in practice.

And the first step to be taken is to fight the process of mass intolerance professed by Islam, so we may avoid the new enactment of old mistakes, such as those of Christianity.

Secularity, tolerance, respect and liberty are the main guiding lines in this scenario that prizes freedom of thought, of faith, of worship, of conscience and, above all, of existence.

BIBLIOGRAPHY

ALVES, José Augusto Lindgren. *A arquitetura internacional dos direitos humanos*. São Paulo: FTD, 1997.

ARENDT, Hannah. *Responsabilidade e julgamento*. Translated by Rosaura Eichenberg. São Paulo: Companhia das letras, 2004.

BAUBERÓT, Jean. *Estratégias da liberdade*. IN *A Tolerância Por um humanismo herético*. Translated by Paulo Neves. Porto Alegre: L&PM, 1993.

BOBBIO, Norberto. *A Era dos Direitos*. Rio de Janeiro: Elsevier, 2004.

_____. *Elogio da serenidade E outros escritos morais*. Translated by Marco Aurélio Nogueira. São Paulo: UNESP, 2002.

BIGNOTTO, Newton. *Tolerância e diferença*. IN NOVAES, Adauto (org.). *Civilização e Barbárie*. São Paulo: Companhia das Letras, 2004.

CASSAMANO, Marco Aurélio. *Política e Religião: O Estado laico e a liberdade religiosa à luz do constitucionalismo brasileiro*. Doctoral Thesis in the area of Law, State and Society in the Pontifical Catholic University of São Paulo. São Paulo, 2006

- CÉSAR, Lucy Risso Moreira. *Relacionamento igreja-mundo no Brasil contemporâneo*. Masters' Thesis in the area of Human Sciences in the Pontifical Catholic University of São Paulo. São Paulo, 1982
- CHAIA, Miguel. *Tolerância e liberdade – aforismos intempestivos*. IN PASSETTI, Edson e OLIVEIRA, Saete (coord.). *A Tolerância e o intempestivo*. São Paulo: Ateliê Editorial, 2005.
- CHARLESWORTH, Max & INGPEN, Robert. Translated by Elda Nogueira. *Religiões no mundo*. São Paulo: Global, 2003.
- COMPARATO, Fábio Konder. *A afirmação histórica dos Direitos Humanos*. 3 Ed. São Paulo: Saraiva, 2003.
- DELUMEAU, Jean & MELCHIOR-BONNET, Sabine. Translated by Nadyr de Salles Penteado. *De Religiões e de Homens*. São Paulo: Ipiranga, 2000.
- DICIONÁRIO HOUAISS DA LÍNGUA PORTUGUESA**. Rio de Janeiro: Objetiva, 2001.
- FERREIRA, Pinto. *Curso de direito constitucional*. 9 ed. São Paulo: Saraiva, 1998.
- FERRAZ JUNIOR, Tercio Sampaio. *Introdução ao Estudo do Direito. Técnica, Decisão, Dominação*. São Paulo: Atlas, 2003.
- FISCHMANN, Roseli. EDUCAÇÃO, DIREITOS HUMANOS, TOLERÂNCIA e PAZ. Revista Paideia, n° 11, 2001.
- FÜRST, Alfons. *Ética da paz e disposição à violência Sobre a ambivalência do monoteísmo cristão em seus primórdios*. IN FÜRST, Alfons. *Paz na Terra? As Religiões Universais entre a Renúncia e a disposição à violência*. São Paulo: Idéias & Letras, 2009.
- GEFFRÉ, Claude. *A consciência obriga*. IN *A Tolerância Por um humanismo herético*. Translated by Paulo Neves. Porto Alegre: L&PM, 1993.
- GIANNINI, Humberto. *Acolher a estranheza*. IN *A Tolerância Por um humanismo herético*. Translated by Paulo Neves. Porto Alegre: L&PM, 1993.
- GLUCKSMANN, André. *O discurso do ódio*. Translated by Edgard de Assis Carvalho and Mariza Perassi Bosco. Rio de Janeiro: DIFEL, 2007.
- GRANDE ENCICLOPÉDIA LAROUSSE CULTURAL**. São Paulo, 1998, vol.20.
- GREEN, Toby. *Inquisição O reinado do medo*. Translated by Cristina Cavalcanti. Rio de Janeiro: Objetiva, 2011.
- GUERREIRO, Sara. *As Fronteiras da Tolerância Liberdade religiosa e proselitismo na Convenção Européia dos Direitos do Homem*. Coimbra: Almedina, 2005

- HUME, David. *História natural da religião*. São Paulo: Editora UNESP, 2005.
- LEFEBVRE, Georges. *1789 O surgimento da Revolução Francesa*. Translated by Cláudia Schilling. 2 ed. São Paulo: Paz e Terra, 2011.
- LE GOFF, Jacques. *A raízes medievais da intolerância*. IN *A Intolerância*. Translated by Eloá Jacobina. Rio de Janeiro: Bertrand Brasil, 2000.
- LEPEINES, Wolf. *A intolerância – terrível virtude*. IN *A Intolerância*. Translated by Eloá Jacobina. Rio de Janeiro: Bertrand Brasil, 2000.
- LOMÉNIE, E. Beau. *A Igreja e o Estado Um problema permanente*. São Paulo: Flamboyant, 1958.
- MARKOVITS, Francine. *Entre crer e saber*. IN *A Tolerância Por um humanismo herético*. Trad. Paulo Neves. Porto Alegre: L&PM, 1993.
- ODALIA, Nilo. *A liberdade como meta coletiva*. IN PINSKY, Jaime & PINSKY, Carla Bassanezi (org.). *História da cidadania*. 5 ed. São Paulo: Contexto, 2010.
- O'DONNELL, Kevin. *Conhecendo as religiões do mundo*. São Paulo: Edições Rosari, 2007.
- REVISTA CONHECIMENTO PRÁTICO FILOSOFIA**, nº 26. *Filosofia e guerra*
- REVISTA CURIOSIDADES, POLÍTICA, CULTURA E GEOGRAFIA DE POVOS E NAÇÕES**, 2009.
- ROUANET, Luiz Paulo. *Paz, justiça e tolerância no mundo contemporâneo*. São Paulo: Edições Loyola, 2010.
- REVISTA SUPERINTERESSANTE**, nº 284. *Deus uma biografia*.
- SCARPI, Paolo. *Egito, Roma, Grécia, Mesopotâmia, Pérsia Politeísmos: As religiões do mundo antigo*. São Paulo: Hedra, 2004.
- VEYNE, Paul. *Quando nosso mundo se tornou cristão*. Translated by Marcos de Castro. Rio de Janeiro: Civilização Brasileira, 2010.
- WALZER, Michael. Tradução de Almiro Pisetta. *Da Tolerância*. São Paulo: Martins Fontes, 1999.
- WIESEL, Elie. *VADE-MECUM por uma luta contra a intolerância*. IN *A Intolerância*. Translated by Eloá Jacobina. Rio de Janeiro: Bertrand Brasil, 2000.
- WOLOSZYN, André Luís. *Terrorismo Global Aspectos gerais e criminais*. Porto Alegre: Est Edições, 2009.

ZENGER, Erich. Violência em nome de Deus O preço necessário do monoteísmo bíblico? In FÜRST, Alfons. *Paz na Terra? As Religiões Universais entre a Renúncia e a disposição à violência*. São Paulo: Idéias & Letras, 2009.