

INSTITUTE OF CURRENT WORLD AFFAIRS

Rua General Bagnuolo, 1026
Vila Prudente
São Paulo, Brazil 03152

AEM-19

Rights and Wrongs

Mr. Peter Martin
4 West Wheelock Street
Hanover, NH 03755

September, 1989

Dear Peter,

Brazilian culture is strangely contradictory when it comes to attitudes about sex. On the one hand, one encounters everywhere an expressive, much valued sensuality: the samba dance, the mini-skirts and stretch blouses worn even in winter, the love of parties, the glee at invariably sexual jokes, the warmth of embraces between "just friends". More nudity appears on billboards and prime-time television than is allowed by U.S. censors; breasts and bottoms are freely shown, with only genitals left for after-hours. On the other hand, one finds a strong moral conservatism based in repressive, patriarchal values: teenage girls are locked in their homes to preserve their purity for marriage; abortion is prohibited by law; sexual education does not enter the public schools; and women, especially among the lower classes, are expected to remain in their homes, their own pleasure forgotten while their men go philandering.

This dual attitude most likely has roots in Brazil's two strongest cultural influences: European Catholicism and African spiritism. When black slaves were shipped over to work on the sugar and coffee plantations, they were forced to "replace" their native religions with the Christianity of their masters. What in fact happened was a super-imposition of the figures of the saints on the African deities. These are as a rule passionate figures, full of libido and complex personalities given to great loves, rages, and rivalries. The religion has a strong corporal expression that gives root not only to the mystical "curing" practices of Umbanda and Macumba, but also to Afro-Brazilian dance rhythms and the colorful inebriation of Carnaval. Imagine this super-imposed on the pale, all-suffering and all-accepting figure of the Virgin Maria. Passionate self-expression meets pious self-abnegation. It's enough to create a sexual ambivalence in any healthy youth.

Reflecting on these contradictions, I began to wonder what confusions they could create in the heads of Brazilian youth. The contrast between repression and permissiveness reflects a paternalistic attitude that is not limited to sex, but can be seen in various dimensions of being a "minor" in Brazil. To be a minor is different from being simply young, because it implies a series of restrictions and privileges in relation to the law. The family and the state express their protective control over those under 18 by limiting a host of activities that could, in theory, be prejudicial to their physical or moral development. These limits remain in place until the person reaches the age of maturity, at which time he is left to sink or swim for himself. And in Brazil as in other parts of the world, the law defines maturity in terms of numbers: driving age, drinking age, voting age, working

Ann Mische is an Institute Fellow studying youth and educational movements in Brazil.

age. This tends to misdirect the discussion of maturity along bureaucratic lines. It also tends to create some interesting rites of passage, such as the 16th birthday driving test in the United States, and in Brazil, the spree of pornographic movies upon turning 18, as one young adult described to me.

The confusion created by the bureaucratic definition of maturity was reinforced this year by an electoral novelty: the Brazilian constitution reduced the voting age from 18 to 16 years. Youth of 16 and 17 years have the option to vote in this year's election, although their vote is not obligatory, unlike the rest of the population. As far as I can discover, Brazil is the only country in the world in which teenagers have the right to vote at age 16. But this new right deepens some troublesome discrepancies in the legal concept of maturity. For example, the law considers youth mature enough to work at 14 years (and to serve as apprentice at 12). It considers them apt to vote at 16. But it maintains the floor of 18 years for such activities as driving, purchase of alcohol and tobacco, access to pornography, gambling, and bearing of arms, as well as maintaining 18 years as the age of penal responsibility. In other words, youth are expected to contribute first to the economic, and then to the political life of the country, but in moral and criminal matters, they are still subject to the protective, parental restrictions of the state.

In my last newsletter I discussed a proposal by the popular movements in defense of children for a new "National Statute of the Child and the Adolescent", which if passed by the National Congress, would substitute the current "Code of Minors". I examined the new definition of social rights incorporated in the Statute, as well as its revolutionary insistence that children (and youth) are the subjects of rights rather than the objects of laws. The statute attempts in this way to combat the paternalism of the current legislation, although as I commented in AEM-18, this would require deep changes in the economic structure, far beyond the scope of the Statute.

But while the statute innovates in assuring the child and the adolescent the right to food, health care, education and other basic necessities, I was bothered by several vestiges of paternalism in the proposal. The statute maintains practically intact the legal age limits on the moral questions mentioned above (alcohol, cigarettes, pornography, etc.) as well as on such matters as right to travel or go to a motel without parental authorization. These restrictions are entitled "special protective measures", with the justification that they defend the child's right to types of activities that "respect his peculiar position as a person in development."

In the case of smaller children, the argument that "minors" must be protected for their own good has convincing practical foundations. But for adolescents, the question of individual choice begins to assume a growing importance. The teenager needs to learn from experience (often the hard way) to make her own decisions and assume the consequences. Prohibition is futile to say the least; if she wants to smoke, or go with her date to a motel, she'll do it anyway, arrange a fake ID if need be. Far from enforcing responsibility, the prohibitionist attitude reinforces the irresponsible, unreflecting stance of the adolescent in regard to such activities. Most importantly, it does not respond to the adolescent's need to gradually develop her independent decision-making ability.

It is no coincidence that a central participant in the elaboration of the statute was the Pastoral do Menor, the organ of the Catholic Church that works with street children. While the Latin American church has broken many historical barriers on the social questions of oppression and poverty (to the point of open confrontation with Rome), the same cannot be said of personal and moral questions, especially those related to sex. Why, for example, was

the question of abortion and birth control not even mentioned in the section on the adolescent's right to health care, despite the strong presence of these matters in the day-to-day of Brazilian youth? A huge section of the reality of teenagers is simply left blank in the definition of their supposed rights. As a result, a document coming from a "progressive" initiative, which proposes to combat paternalism, reproduces the paternalistic, morally and sexually restrictive view of youth that predominates in Brazilian culture.

I raised these questions at an international seminar held in São Paulo in early October, on "The Child and the Adolescent of Low Income in the Metropolis". The four-day seminar had the presence of representatives from UNICEF and other international agencies, as well as participants from most countries in Latin America. Mayor Luiza Erundina of the PT (Worker's Party) opened the seminar, along with Paulo Freire, author of Pedagogy of the Oppressed and currently Erundina's education secretary in São Paulo.

Although the seminar was an important step in uniting the various movements that work with poor children in Latin America, I was left with the same doubts I had in relation to the Statute. The problems of infant mortality, of abandonment, of street violence, of inadequate conditions for work and study were discussed in their well-known destructive dimensions. But once again, children and adolescents were lumped together in a social categorization that ignored important developmental differences. For example, much was said about the need for a "pedagogy of rights", in which children learn to defend their position as subjects of rights. But what about a "pedagogy of choice", in which adolescents develop an awareness not only of the responsibility of society in their respect, but also their own responsibility for choosing their life-styles and social interventions? Without this emerging adolescent concern with freedom and self-definition, the ideal of social rights risks turning into state paternalism.

During a panel discussion about the proposed Statute, I swallowed my fear of the microphone and managed to express in flustered Portuguese my doubts about the treatment of adolescents in the Statute. One of the public attorneys who had helped elaborate the Statute admitted certain gaps in relation to adolescents, although he enumerated various points that he thought reduced its paternalism. He did not respond to my questions about abortion and sexuality, perhaps because a Catholic sister from the Pastoral do Menor was sitting at his side with a grim expression. While he affirmed that the proposal "has no claim to perpetuity" and invited suggestions for changes, I heard no other reference to these questions during the seminar.

* * *

As I gnawed over these questions, I decided to speak with teenagers themselves about their viewpoint on such matters. I asked several teacher friends to let me talk with their classes about rights and responsibilities of youth, and made up a juicy questionnaire asking their opinions about what should be the legal age (or if a legal age should exist) for a series of forbiddens: voting, driving cars or motorcycles, viewing pornographic films or magazines, traveling or going to motels without parental authorization, smoking, drinking, using drugs, having an abortion, working, and marriage.

The three schools I visited were all public high schools, with slightly differing social levels ranging from lower middle class to downright poor. In two cases, the teachers brought me to their classes without even consulting the school authorities. As a teacher from a school in a poor housing project told me, "they don't care what we do here, as long as the kids don't tear down the walls." In the third case, upon entering a school in a slightly better-off neighborhood, I was subjected to a rigorous going-over by the

school principal, who wanted to see documents authorizing my research. "It's not that I have anything against you," he said apologetically, "but you could be an agent of Fidel, for all I know. Tomorrow you go on your way, but I have to stay here and take the heat if some parent gets upset. I just need to be able to say that you have authorization to do this."

After much sweet-talking and a promise to bring due documentation the following day, we were given the green light to conduct our debate. In this school I had a group of 70 students for five class periods. The kids sacrificed their usual head-for-home-at-recess routine and asked me to continue until the end of the night session at 11:00 p.m. In another school I talked to five different classes in spit-fire 35 minute blocks, just enough time for the discussion to heat up, before packing up to meet the next group. The kids were as dissatisfied as I; a group from the first class followed me around from room to room, banging on the door and shouting in broken English, "I want to speak American!" In all, I collected questionnaires from over 200 students, most ranging in age from 15 to 19, with a few scattered adults.

In all three cases it was clear how starved the kids were for discussion. "We never talk about these things!" I was told by the animated group that clustered around me after the five-period session. It helped, of course, that I was a "norte-americana". The kids eyed me with hushed curiosity when I entered the room, with some jokesters testing out their English phrases - "Ei, baby!" and "I lav yoo". I flashed them a smile and suggested that we conduct the debate in English, since they spoke so well. They nearly collapsed with laughter and embarrassment, but I gained their alliance during the at times chaotic discussion. Luckily, the kids themselves helped in disciplining the excited mini-discussions that spun off from the debate, and we managed to maintain a high peak of involvement until the end.

I opened the debates with the umbrella question, "at what age do kids have the capacity to take care of their own lives?" I explained that the legal ages for voting, for restricted activities such as drinking and pornography, and for penal responsibility were all based on legal concept of "discernment". The law defines "discernment" as the age at which a person supposedly gains capacity to make conscious decisions and assume the consequences. The kids were cautious at best in attributing this capacity to themselves. Their responses reflect both their self-conceptions and the moral standards of the culture - and at times, the tension between the two. I'll examine their attitudes in blocks to compare the tendencies that emerged.

1. VOTING

The kids were highly divided over the merits of the newly-instituted vote at age 16. The topic was fresh on everyone's mind, since the deadline for voter registration had been preceded by intensive television campaigns with enthusiastic teenagers exhorting their peers not to miss their chance to participate in democracy. Despite these appeals, only half of the 200 students who responded to the questionnaire approved of the vote at age 16. Interestingly, approval of the 16-year voting age was much less among students of age 18 and over (36%), while for those under 18 the approval rate was higher (70%). Those who had already reached voting age were less willing to grant this right to their younger classmates, who for their part wanted to be included. But many of the younger students who defended the lower voting age said that while they felt personally prepared to vote, they did not consider 16-year-olds in general ready to assume this responsibility. As one 16-year old said, "some are well prepared, but others don't think about anything and just registered to vote because of the influence of their friends."

I'll examine more deeply the implications of the 16-year voting age in another newsletter. What emerged most strongly was a preoccupation with whether youth have their "cabeças feitas" (heads made) sufficiently to be able to "vote right", as they said rather categorically. "Before a person votes they should be prepared. If adults don't have this preparation, imagine youth! Of course, this isn't everyone. There are some youth much more clear-headed than adults". The desire to participate in the election was accompanied by self-doubt and uncertainty, attributed, at times, to their education: "I think that youth are well prepared, and at the same time, not prepared, because the vote at age 16 caught us without warning."

2. CARS, MOTORCYCLES, and TRAVELING ALONE

Predictably, the age limit the younger kids were most eager to see lowered was that of the right to drive. Over 60% of those under 18 thought the driving age should be reduced to age 16. But as in the case of voting, older students were more restrictive; only 32% of those 18 and over thought a reduction of the driving age a good idea. 10% went so far as to say that the driving age should be raised to 21. Why? The argument most cited during the debates was that of the "irresponsibility" of youth. The term "cabeças voando" (flying heads) was used repeatedly. One defiant 16-year old aroused laughter and applause on defending reducing the driving age to 14, "because younger kids have fresher heads, and they learn faster". In the case of motorcycles, the approval of an age reduction was slightly higher. In a city in which motorcycles are nearly as numerous as cars (and much cheaper), kids begin riding at 14 or 15, although the legal age for getting a license is 18.

About traveling, the kids maintained a protective attitude. While 51% thought the age for traveling along without parental authorization could be reduced to 16, only 4% were willing to liberate it for any age, while 28% defended maintaining the 18 year limit. Under the present legislation, minors traveling without their parents need not only parental authorization, but the signed and stamped approval of the judicial authority. The proposed "Statute of the Child and the Adolescent" eliminates the necessity of the judge, but maintains the requirement of signed parental approval. It was the adult students, especially those who were parents, who most vigorously defended this measure. "Let my child travel alone, no way. He is very irresponsible. Anything could happen to him, situations that he's not prepared to handle." It was a rare voice that defended lowering the age limit so as to let children learn responsibility by gradually accumulating experience. Most accepted the legal assumption that suddenly (magically?) at age 18 a person turns responsible. Only a few kids were courageous enough to question the paternalism of this attitude. "If you never learn to do things by yourself, you'll never become responsible. You have to learn little by little."

3. SMOKING, DRINKING, and DRUGS

In the area of substance use I was surprised by the strongly prohibitive attitude of the kids. In the case of drugs such as marijuana, the verdict was almost unanimous: 91% thought they should remain illegal. But in the cases of drinking and smoking, the votes for prohibition were also high: 56% in the case of alcohol and 49% for cigarettes. A small group thought these last two could be liberated for everyone (drinking - 8%; smoking - 11%), while the rest divided their votes between 16 and 18 years.

Intrigued by their strong rejection of these activities, I asked how many smoked, drank, or had tried marijuana. A strong majority raised their hands. But if most kids do these things, why should they be prohibited? Their logic went like this: these substances are bad for you, and therefore should be

prohibited. But at the same time, teenagers are curious, they like to try new things. A friend says, "try this, it's great, it will help you forget your problems." They try it and like it. The fact that it is prohibited makes it more attractive. But at the same time, "it's wrong", and should be condemned.

I was intrigued by their lack of defiance on these matters, and by their inability, for the most part, to see this as a contradiction ("we all do it, but it should be prohibited.") I went further and asked whether they thought the prohibition should be by law or by "cabeça" (head). This was a new thought for them, and enabled us to analyze deeper the nature of prohibition. It's true, most of them agreed, prohibition doesn't do any good. The decision to smoke or drink, or to not smoke or drink, should be left up to each person. What was needed was education, discussion. "I think if we had more talks like this, kids would use less drugs," one girl said. "Here no one talks about it. They pretend the problem doesn't exist. We end up feeling lost."

4. PORNOGRAPHY, MOTELS, and ABORTION

In the areas related to sex, their attitudes were similarly restrictive. While a majority agreed that teenagers should be allowed to purchase pornography before age 18, the biggest block proposed a 16-year limit (34%), while only 10% were willing to liberate it entirely. Here again, I challenged them by asking how many had read pornographic magazines before age 16. Almost everyone raised their hands, amidst much giggles and chatter. "Are you kidding?" joked one boy. "I started at age seven". The consensus was that most start at 10 or 12. In that case, why limit this activity to age 16? "But if you liberate it, you encourage it!" protested one girl. "Encourage what? I asked innocently. She blushed in embarrassment and lost her words.

Another boy went deeper: "pornography gives an unreal view of sex. It puts illusions in peoples heads, and then they find out that sex isn't like in the films and magazines." Okay, but does it help to prohibit it? I only found one girl capable of defending clearly that pornography should be liberated for all ages, "because it doesn't matter what you see, as long as it is discussed with your family and in school. Kids have to learn about sex somewhere." Once again, the deeper problem emerged: "no one discusses it, we have no orientation, we are not prepared." And where preparation is lacking, prohibition fills the blank.

When it came to the act of sex, rather than just looking, they came down even harder. Going to a motel is synonymous with illicit romance, and over 65% thought this pleasure should remain the privilege of those 18 and over. 15% defended raising the age to 21. 27% risked lowering the age to 16, but only 5% admitted liberating it entirely. Why? "If you liberate it, everyone will go." Is it wrong, then, to have sex? "No, its that teenagers aren't mature enough for serious sex. They should stick with going to movies, kissing, and making out in the car." Is that really all that teenagers do? Their nervous smiles revealed the difference between what they do and what they think they should do. Where do kids go to have sex? Can they do it at home? "NOOOOOO! It has to be hidden - in motels, in cars, in the street." The fact that sex has to be rushed and hidden reinforces the idea that sex is dirty, shameful and wrong. This doesn't stop them from doing it, but it does get in the way of a natural and pleasurable exploration of their sexuality.

As for the after-effects of sex, strong cultural prohibitions remain firm. Abortion received the second highest prohibition rate (80%), exceeded only by drug use. Of the remaining 20%, only 3% thought it should be liberated. The rest imposed age limits, mostly 18 and over. Their justification was immediate and categorical: ending a life is a crime, and

should be condemned. Nonetheless, more than half admitted knowing someone who had had an abortion, and when pushed, a good part were willing to agree that in cases of rape, maybe it could be justified. I and other teachers tried to expand the debate by talking about a woman's control over her own body, but this was new stuff for them, too new for them to give an opinion. They did agree, however, that many of the huge number of illegal abortions in Brazil, especially among adolescents, could be avoided with more information and discussion about sex. Although most were not willing to lift the prohibition, they agreed that without education, prohibition did little good.

5. WORK AND MARRIAGE

Not surprisingly, the highest number of votes for elimination of age limits came in the areas of work and marriage. For these socially approved expressions of maturity, the question of irresponsibility was seldom raised. Over 70% agreed that youth should be allowed to work at age 14 or under. Those who wanted to raise the working age to 16 or 18 used not the argument of irresponsibility, but rather of study. "We shouldn't have to work and study at the same time," they complained. This is a vivid protest for these youth, for whom the night session of public high schools is a disastrous combination of exhausted students, apathetic, underpaid teachers, and authoritarian, poorly equipped administrations with little educational vision. Studying in these conditions, as the great majority of working-class teenager do, one has little chance of ever entering a university. The public, high-quality (and free!) University of São Paulo has a tough entrance exam that only richer private school students are prepared to pass, while the lower-quality private colleges charge exorbitant tuition fees. The result is an inherent falsity and frustration built-in to the education offered to these kids.

The distance between the dream and reality came clear when I asked them to write down the careers they would like to have, as well as the jobs they presently hold. The boys talk of being engineers, business administrators, military officers, and occasionally, lawyers and doctors. The girls dream of journalism, psychology, business administration, teaching, and law. Presently, they work in offices, banks, sales counters, or factories, receiving extremely low salaries and having little chance for professional training. Universities aside, even the openings for technical courses are extremely limited. But despite the underlying frustration, no one questions whether these kids of 15 or 16 years have "cabeça" enough to work. The kids themselves affirm their responsibility and independence in regards to work, an independence they don't admit in regards to voting, drinking, sex, etc. They just don't want to keep doing this same work for the rest of their lives.

As for marriage, the idea seems to scare them. While marriage received the highest percentage of votes for liberation (20%), it also received the highest percentage of votes for raising the age to 21 (49%). 19% would restrict it to age 18. It is clearly not for now, although most want marriage in their future. I had an interesting discussion with a group of older students in a teacher prep class, mostly married women returning to school after their kids had grown. While they were more conservative than the kids on most questions, when we got to marriage they looked at each other in a bemused, almost conspiratorial fashion. "It should be abolished!" exclaimed one woman. "My experience of marriage was not so good," said another. One after another, they let loose their doubts and frustrations about marriage. "Really, I wasn't prepared to be married." "It's not that I think it's wrong, but if I had to do it again, I wouldn't." This led us into a discussion of the role of women in Brazilian culture, and their struggle only now to overcome their self-sacrifice and burial in the family. "I don't think my daughter should get married as early as I did." Even so, most drew the line when it came to letting that same daughter go to a motel before age 18.

* * *

The responses of these São Paulo teenagers leave me with a series of questions. What emerged in each area of discussion was a strong feeling of unpreparedness and self-doubt in regard to their capacity for "discernment", as well as a lack of defiance as to moral standards that they claim to accept, even while they practice the contrary. What are the roots of this moralism and this sense of inadequacy, since both are clearly related phenomenon? Are teenagers in fact as immature and irresponsible as they claim to be, and if so, are "flying heads" an innate characteristic of adolescence? Or are there perhaps other reasons for their responses:

1. Have they simply internalized the label society has handed them, of being "minors", and thus by definition immature and rightfully subject to protective measures? If so, would their behavior become more responsible if society and the law stopped labeling them as "minors"?

2. Did they profess agreement with moral standards and temper their defiance because I was an authority, and they have learned well to express a false morality (which they don't practice) in front of authority? If so, what are the true values that they maintain within their groups of peers?

3. Is their willingness to accept the paternalistic restrictions of the state due in fact to a real feeling of unpreparedness in relation to work, to study, to sex, and to their future perspectives in general? In that case, what political, social and economic factors have influenced this lack of preparation? What was the effect, for example, of a childhood within a dictatorship and an adolescence within a turbulent and uncertain "transition to democracy"? What are the effects of the country's current economic instability, and its structural imbalances in the distribution of wealth? What is the influence of the flood of information and values arriving with the means of communication? of consumism? of technology? of changing family structures? How do these forces act upon the teenager's self-image, his confidence, his spirit of conformity or protest?

For this newsletter, these must remain questions raised and not answered. But what comes clear is the ambivalence expressed by these teenagers. If they are cautious in challenging the moral traditionalism of their families and educators, they feel keenly the lack of orientation precisely because their worlds are bigger than those of previous generations. At the same time as they confess their inadequacy, they affirm that they consider themselves "more open" and "more prepared" than their parents. They have had greater access to the means of communication, to education, to financial independence, to expanded sexual freedom. If their frustration is great, it is because their exposure to the dream is greater. And if they are economically and educationally excluded from that dream, why should they be responsible? Why not take advantage of their privileges as "minors"? "Current day youth want to enjoy life as it is. They aren't interested in responsibility," wrote one 17-year old boy.

A girl of the same age disagreed. "We have the right to express ourselves. Many people think we are silly and ignorant, but we already have a lot of responsibility." Both are right. The contradiction persists, and society, beset by its own contradictions, has not found a response.

Um abraço,

Received in Hanover 11/6/89

