AIDS, RELIGION, AND DISCRIMINATION

AIDS, RELIGIÃO E DISCRIMINAÇÃO

EDUARDO MILLEO BARACAT

possui graduação em Direito pela Pontifícia Universidade Católica do Paraná (1987), mestrado em Direito pela Universidade Federal do Paraná (1995), curso de especialização em Direito Social pela Université Pathéon-Assas/Paris II (1997/1998) e doutorado em Direito pela Universidade Federal do Paraná (2002). Participou do Seminário "Formation de Formateurs" organizado pela Escola Nacional da Magistratura Francesa nas cidades de Paris e Bordeaux (2004) e do Seminário "L'enquête économique et financeière" também na Escola Nacional da Magistratura Francesa, em Paris (2012). Atualmente é Juiz Titular da 9ª Vara do Trabalho de Curitiba-Pr, lecionando Direito do Trabalho no Centro Universitário Curitiba -UNICURITIBA, na graduação, pós-graduação "lato sensu" e mestrado.

MARIA APARECIDA DE BORBA MENDES

Possui graduação em DIREITO pelo Centro Universitário Curitiba (2010), Pós Graduação em Direito e Processo do Trabalho pela Unicuritiba (2014) e Pós Graduanda em Direito e Processo Previdenciário pela Unicuritiba (2015). Atualmente é advogada no NPJ - Núcleo de Prática Jurídica Unicuritiba e tem parceria com o escritório OSA - Oliveira Sociedade Advogados, onde atua como advogada trabalhista e previdenciária bem como é Profissional Liberal. Tem experiência na área de Direito, com ênfase em Direito do Trabalho e Processo do Trabalho e na área Previdenciária, atuando na prevenção de acidente de trabalho, principalmente nos seguintes temas: ler/dort nos membros superiores, prevenção e dignidade e doença ocupacional.

DENIS MARONKA ROSSI

Advogado. Professor em Direito do Trabalho, Processo do Trabalho e Direito

Imobiliário. Voluntário

ABSTRACT

The present work deigned to demonstrate the controversial role of religion, especially Christianity, to those marginalized by society, focusing on those victimized by AIDS. For this, exploratory research and bibliographical methodology, evidenced studies based on works related to this specific theme. Therefore, it was necessary to demonstrate the relation between religion, Christianity and theology in order to understand how sexuality is seen and seen by such ideologies. It is concluded that the interpretations of religious texts are erroneously spread when hatred and war predominate, since messages of love and tolerance are the essence. However, there is still great difficulty in contextualizing the sacred readings in an environment of social inclusion.

KEYWORDS: Ethic; Christianity; Retribution and Solidarity.

RESUMO

O presente trabalho se dignou a demonstrar o papel controverso da religião, em especial o cristianismo, àqueles marginalizados pela sociedade, tendo como foco, os vitimizado pela AIDS. Para tanto, a pesquisa em caráter exploratório e metodologia bibliográfica, evidenciaram estudos baseados em obras relacionadas a esta específica temática. Logo, necessitou-se demonstrar a relação entre religião, cristianismo e teologia para bem entender como a sexualidade é tida e vista por tais ideologias. Conclui-se que as interpretações dos textos religiosos são difundidas em caráter

vol. 03, n°. 44, Curitiba, 2016. pp. 50-76 DOI: <u>10.6084/m9.figshare.4588660</u>

errôneo quando predominado o ódio e a guerra, vez que as mensagens de amor e tolerância são a essência. Entretanto, ainda há uma grande dificuldade em conseguir contextualizar as leituras sagradas em um ambiente de inclusão social.

PALAVRAS-CHAVE: Ética; Cristianismo; Retribuição e Solidariedade

INTRODUCTION

"Love thy neighbor as thyself" (Matthew 22: 39-40). The principal lesson that humanity has ever received has rarely been applied over the last two thousand years, since this phrase was offered for the first time. Humanity increasingly shows egoism and intolerance, above all in relation to people who are different, that is, those who do not follow certain existential patterns. In the West, this pattern is masculine, white, and heterosexual. People who fail to possess one of these traits tend to suffer some type of social discrimination.

The most significant example of discrimination is that against people who have HIV and who do, or do not, develop AIDS. HIV was predominantly linked to male homosexuality, although the illness also can be passed on through contaminated needles, heterosexual relations, and blood transfusions. Nevertheless, the idea that AIDS is a "gay illness" predominates, seeing the disease as unworthy and classifying it as an illness of those who "act badly" or choose the "socially wrong" option.

The expression "homosexuality" indicates the discriminatory character given to the person who desires another of the same sex. In fact, this expression results from the recognition of the International Classification of Illnesses (Classificacao Internacional de Doencas, C.I.D) that such desire represents an illness or pathology insofar as attaching the suffix "ism" - whose meaning in medicine is illness or pathology - to the roots "homo" and "sexual." The term "homosexuality," on the other hand, limits the

relation between people of the same sex to a dimension exclusively sexual, disparaging the affective link. For this, currently, the expression "homoaffectivity" is preferred because it highlights the affective aspect among people of the same sex. Theological discourses exist that demonstrate as many non-discriminatory as discriminatory aspects in regard to homoaffectivity. At their base, discriminatory discourses have moral and religious aspects, beginning with discourses that attribute guilt to the body and its relations. When the body is affected by illnesses, religions have sought explanations since antiquity in supernatural causes or stemming from the In Christianity, the religion most practiced in Brazil, the theological will of gods. conception predominates that God blesses the purities of the body, but punishes its impurities. AIDS, seen as an impurity of the body, as leprosy and tuberculosis were formerly viewed, is embedded into a discriminatory discourse, chiefly when acquired by homoaffective people. For this reason this study serves the important objective of identifying Christian theological discourses that contribute to discrimination against people with HIV, especially workers.

1. RELIGION AND CHRISTIANITY

1.1 RELIGION AND THEOLOGY: A RETRIBUTIVE OR SOLIDARISTIC GOD?

Religion (in Latin: *religare*, meaning reconnecting with the divine) is a combination of cultural systems and beliefs, followed by social groups, that has as its fundamental characteristic metaphysical content. Those groups, with greater or lesser frequency and intensity, "appeal to religious traditions available to read and confront their daily existence,"¹ above all the problems caused by happenings that cannot be understood and explained by human reason.

In the religious sphere, one also finds theology "as a human discourse about God that

¹ SAMPAIO, Tania Mara Vieira. Aids e Religião: aproximações ao tema in www.unimep.br/ phpg/editora/revistaspdf/imp32art02.pdf, acessado em 10/12/2002.

is, therefore, the second act, organized after religious experiences lived by people in their distinct life histories."² Theology, consequently, has an important influence on the moral values of its followers, assuring them meaning in their lives.

Regarding the idea of religion as a system, initially two currents of thought exist. The first, defended by Emile Durkeheim and Georges Dumezil, understands that religion is the "dramatic expression" of fundamental ideology of each human society."³ Claude Levi-Strauss, on the other hand, argues that the system of religion is autonomous in relation to the social system. Levi-Strauss appreciates "the 'rules' according to which religion is constructed and therefore its systemic character."⁴

This classification is relevant to the debate about the use of religion as a tool of power.⁵ To classify religion as a parallel system and incommunicable with social systems permits the formation of theological discourses distant and even contrary to the necessities of persons. With this focus it is important to observe that in medieval Christianity the idea of a punitive God predominated, propelled by a conception that sin generated divine punishment and, consequently, illness as divine punishment.⁶ Two central ideas resulted from this vision. The first was that the divine punishment producing human suffering would permit relief if there was repentance and a divine miracle.⁷

The crucial question for the current discussion between AIDS and religion - especially for Christianity - is in the relation between illness and sin and likewise between cure and pardon, an issue featured in the social imagination across the whole of history, in large measure until today.⁸

It is what one observes, for example, in theologies that condemn behaviors adopted

² Id.

³ ELIADE, Mircea; COULIANO, Ioan. **Dicionário das religiões**. São Paulo: Martins Fontes, 1999, p. 19.

⁴ ld.

⁵ The theory of power of Niklas Luhmann is adopted, in the sense that the power, as a means of Communication, is capable of influencing choices of the people subject to their exercise. Thus, for Luhmann, power is even greater if, despite attractive alternatives to action or inaction of the person Subject to power, it makes its choice according to the communication of the possessor of power (Power, leroamerican University, Anthropos Editorial, Mexico, Universidad Iberoamericana; Santiago, Chile; Institute of Sociology, Pontificia Universidad Católica de Chile, 2005, p. 14)

⁶ SAMPAIO, Tânia, op.cit., p. 22.

⁷ Id.

⁸ ld.

by homoaffective persons, theologies that seek to explain AIDS as a divine punishment of these behaviors condemned by the Bible. This theological discourse compromises "the perception of the reality of the still uncontrollable disease and its spread by HIV in everyday life."⁹

The vision that different theological discourses seek to give God - of punishment or solidarity - is not new. The Biblical example that is probably the most striking is that of Job.

To test Job's faith God authorized Satan to afflict him with malignant leprosy.¹⁰ With the visit of three friends - Elefaz of Tema, Bildad of Chua, and Sofar of Naama - begins a complex dialogue, through which Job, in light of his sick body, suffering, disfigured, seeks to discuss the sacred following the heavy tenets of official theology of the times - "theology of retribution." Job opposes the discourses of his friends who affirm that the evil afflicting his body results from a supreme God, "deliverer of punishments and blessings to individuals, and to the people in general, to the extent of their fidelity to the laws."¹¹ Elifaz, Bilbad, and Sofar are theologically convinced that Job must have grave failings that God is punishing with an illness that is destroying his body in addition to the loss of his wealth and family.¹² Job, nonetheless, reaffirms his innocence, calling on God, merciful, understanding, and good.¹³

Although God in the beginning has delivered Job to Satan, in the end of the conversation He addresses Erifaz: "I am angry with you and your friends because you do not speak correctly about me, as does my servant Job." The Christian theological paradox, caught between the God who punishes sin, including the body, and the God who empathizes with the ills through which the body suffers, is central to the discussion around religion as an instrument of discrimination against HIV-positive workers. Theology, although a human discourse, manifests itself as an important knowledge

¹² SAMPAIO, Tânia, op. Cit., P. 25. Bilbad thus condemns Job: "(...) God does not reject man He does not give his hand to the wicked. He will put laughter in your mouth again, and in your lips, cries Of joy; Your enemies will be covered with shame, the tent of the wicked will disappear "(Job 8: 21-22).

⁹ SAMPAIO, Tania, op. cit., p. 22

¹⁰ Lv 2:4-6).

¹¹ SAMPAIO, Tânia, op. cit., p. 25

¹³ "God is wise in his heart and able, who can confront him with impunity? (...) If I called him, and he would not answer me, I would not believe that he had heard my voice; (...) Innocent! Yes, I am; I care little about life, despise existence. It does not matter; That is why I said that he makes the innocent like the wicked perish "(Job 9: 4, 16, 21).

that, like other human knowledge, is used as an instrument of power. In Christianity, over history, there have been various theological discourses, above all making sick bodies culpable. For this understanding, a brief vision of Christianity and its characteristics is important.

1.2 CHARACTERISTICS OF CHRISTIANITY

Even a superficial analysis of the doctrinal bases of Christianity is essential for the study of religion, AIDS, and discrimination. Jesus Christ is the heart of the Christian religion. A Jewish prophet from Nazareth in Galilee, he was born in the beginning of the era that took his name, and was crucified, according to tradition, in the spring of the year 33. His life and teachings are described in the Gospels. The Christian canon took about four centuries to be established. It is formed by 27 books that represent the New Testament (as opposed to the Jewish Torah or Old Testament): "four Gospels (Mark, Matthew, Luke, and John), the Acts of the Apostles (attributed to the author of the Gospel according to Luke, who was a disciple of the Apostle Paul), the letters of the Apostles (fourteen attributed to Paul, one to Timothy, two to Peter, three to John, and one to Judas), and finally, the Apocalypse (Revelations) attributed to John."¹⁴

Although Christianity expresses a message of peace, suspicion lingers that Jesus maintained very close relations with the Zealots, fundamentalist Jewish combatants who struggled against the Roman occupation of Palestine. This explains why Jesus attracted the hostility of the Jewish religious authorities, who ordered him arrested and delivered to the Romans, which culminated in his judgment and death.

It is important to emphasize the importance of Paul of Tarus in the development of Christianity. Around the year 48, the Jewish school of thought of Jerusalem continued conceiving of Christianity as a branch of Judaism, requiring circumcision and respect for the prescriptions of the Torah. Paul of Tarsus, who was a Roman citizen, converted to Christianity after a vision of Christ arising on the road to Damascus, and he began his missionary activity that consisted essentially of expanding Christianity outside of

¹⁴ ELIADE, M; COULIANO, I., op. cit, p. 101.

Judaism, among the Gentiles. Paul of Tarsus made an important decision to free Christianity from Judaism, opposing the regime of Law to the liberty that Christians enjoyed under the blessed regime of Faith.¹⁵

The result of a process that lasted approximately three and a half centuries was the formation of two broad strands existing within Christian theology: Jewish and Platonic currents. The importance of the dialectic of these two principle currents of the first Christian theology, the Hebraic and the platonic, gave rise to a "poor" Christology relative to the "rich" Christology of platonic origin. The "poor" Christology traces back to Peter and argues that Jesus Christ was born a man and only came to be adopted as the Son of God when he was baptized in the River Jordan. To the contrary, the "rich" platonic Christology champions above all the divinity of Christ. These controversies became more bitter when Christianity, tolerated around the year 313, became encouraged and adopted, above all when, on his death bed, the Emperor Constantine (year 337) converted. It became, as a result, the state religion (year 391) with the exclusion of pagan cults.¹⁶

Another important historical moment in Christianity occurred with the fall of the Roman Empire (second half of the fifth century). According to the theory of Augustine, human nature is fundamentally good and can practice "good" even without the aid of grace. Beginning with the conception that the Church ought to turn toward sinners - and not toward the saints - Augustine preached that all people inherit original sin and that, consequently, only grace can restore them to the capacity of choice, return them to the same liberty that, badly exercised, had provoked the fall of the first representatives of humanity (Adam and Eve). Humans inherited original sin: "each one of us, upon entering the world, only has the liberty to choose evil, but the help of grace makes the choice of good possible." In the face of the fall of the Roman Empire, Augustine affirmed, in the City of God (413-427), "the total independence of the Church in relation to any political system." Thus for Augustine's theory, the Empire disappeared while the Church persisted under its conquerors.¹⁷

It should be emphasized that the first organized movements of reform occurred in the

¹⁵ ELIADE, M; COULIANO, I, op. cit., p. 105.

¹⁶ Id.

¹⁷ ELIADE, M; COULIANO, I, op. cit., p. 116-117.

vol. 03, n°. 44, Curitiba, 2016. pp. 50-76 DOI: <u>10.6084/m9.figshare.4588660</u>

twelfth century, groups who proposed to return to the original poverty of the Church. There were various manifestations (the Waldensians of Lyon, Lollards in Oxford). The reformers rejected the Eucarist, the celibacy of priests, and the ecclesiastic hierarchy. These first movements were mollified with the understanding between the western and eastern Churches, but the idyll came to an end after the fall of Constantinople. Nonetheless, in the beginning of the sixteenth century, a much more dramatic internal schism in the Church separated the north of Germany and the rest of Europe. The monk Martin Luther, professor of Theology at the University of Wittenberg, began to maintain the "uselessness of the intercession of the Church; the ineffectiveness of the sacraments; the sinful condition of humanity, that made impossible celibacy and abomination of marriage, even though necessary; the individual predestination that cannot be modified by any human work; and finally, the singular justification by faith, without the necessity of good works."¹⁸ Luther ended up compromising with the Catholic Church on many points, while his French disciple John Calvin, beginning in 1541, came to defend a much more strict, dogmatic, and somber Protestantism. Protestantism gained important followers, among whom the principalities of Germany and Switzerland rejected submission to the papal authority. In 1525, bands of knights and peasants incited by Reformation leaders began a war, condemned by Luther and ferociously repressed by the League of Reform Princes. For its part, the Catholic Church organized its own reform (labeled the Counter-reformation) and implemented an internal movement at the same time that it accepted a part of the Protestant criticism (1534). Like the "Protestant reform, the Catholic reform is a fundamentalist movement, whose austere morals and numerous interdictions (for example, that of reading works proscribed in the Index Librorum Prohibitorum)" mark the advent of new times.¹⁹

Christianity expanded to various parts of the world, through Jesuits, Dominicans, and Franciscans. In Brazil, a large number of workers, subjected to subhuman conditions on plantations and enterprises from Europe, were evangelized and saved by the Jesuits who ended up being expelled from Latin America in 1767.

In Christianity, a unitary God is constituted by three parts of the same being called God

¹⁸ ld.

¹⁹ ELIADE, M; COULIANO, I, op. cit., p. 117

(the Father, creator of all), the Holy Spirit (the spirit who makes it so that God is in all places at the same time, omnipresent), and Jesus (Christ, who lived among humans to preach the words of Father God, spreading messages of love and reflection, dying crucified for the salvation of humans who inhabit the earth, receiving their sins for himself, providing them a chance to be saved from death with repentance for their sins). The three form parts of the same being, omnipresent, omnipotent, and omniscient, which is called the Holy Trinity.²⁰

Even with great power, the Christian God provides humans with free will, which is the condition that humans have to make their own decisions, to do what they will. With the correction of the Final Judgment, however, these free human beings will be judged, one by one, for the acts that they performed on earth, be they good or bad. Such actions will be analyzed individually by God, who will send them to Hell (eternal suffering), to Heaven (paradise, where the souls of human beings will live beside God in a condition of grace), or to Purgatory (limbo, where people will stay to reflect on their actions, and they will be able to ascend to Heaven only when God so determines.

Despite all of the schisms and divisions that Christianity suffered over the past two thousand years, it appears that Christian doctrine, in its essence, champions a message of peace, understanding, and solidarity. Nevertheless, interpretations of the Biblical texts permit Christian preaching to be contaminated with discrimination against those whose *body* was contaminated by the AIDS virus by the misuse of *flesh*.

The Bible, while a code of generalized symbols that guides the transmission of choices for Christians, is a source of important power.

2. POWER IN THE BIBLE

2.1 POWER OVER THE BODY AND THE FLESH

Power is not an object or a thing that can be adjusted; in reality, it is a matter of social

²⁰ Estudos Cristãos: As melhores 150 perguntas e repostas ristãs. Disponível em: http://www. nacazadooleiro.com/p/estudos-cristaos-as-melhores-150.html, acesso em 15/10/2012.

practice that possesses its own historic projection. In this historicity, it is perceived that power is exercised in various levels and in different points of the social network, and in this complex network, micro-powers exist integrated or not with the state. Strictly speaking, "power does not exist; rather, practices or relations of power exist," such that "power is something that is exercised, that is effectuated, and that functions."²¹

The microphysics of power, for Foucault, means the analysis of space and the level in which power is exercised. What matters, thus, is to investigate "the technologies of power that realize a detailed, thorough control of the body - gestures, attitudes, behaviors, habits, discourses."²²

The Bible, for its part, has innumerable symbols that prompt Christians to make choices through experience or action. In the Bible various written rules that guide the lives of people and that are characterized as a true code of power are observed. Nonetheless, it is indisputable that one can distinguish the code from its content. The differentiation between what is written in the Bible and the sense that is given to the text is one of the most important aspects of the exercise of religious power.²³

From this perspective, it is important to observe that theology, "as a systemization of knowledge about God and the religious experience, is marked by profound questions of power." It is necessary for the discussion that involves AIDS and religion to understand how power was and is used by religions of a Christian cast regarding the "inculpating imagination of the body and its illnesses."²⁴

It is relevant to emphasize that "Body and Spirit are key-words in Christian religious discourses, articulated almost always by a theological perspective of 'salvation,' in this or in "the next world."²⁵ In various Christian traditions one finds techniques of power

²¹ MACHADO, Roberto. Por uma genealogia do poder in FOUCAULT, Michel. Microfísica do Poder. 25^a ed. RJ: Edições Graal, 1979

²² Id.

²³ Luis Felipe Rios, Richard Parker and Veriano Terto Junior: "From the nascent Church to the present day, Christianity has 'grown and multiplied'. Over the centuries, disputes over the letter-sense of the early apostles created fractures, schisms, reforms, and counter-reforms. And if religiosity, as we have thought, has not been eradicated from the modern world (Berger, 1985 and 2001), we can say that there are 20 centuries along which Christianity influences and is influenced by other ways of conducting techniques of power and self In the formation and management of individuals and populations "(op cit, p.12)

²⁴ SAMPAIO, Tania, op. cit., p. 23.

²⁵ RIOS, Luís Felipe; PARKER, Richard; TERTO JÚNIOR, Veriano. Sobre as inclinações carnais: inflexões do pensamento cristão sobre os desejos e as sensações prazerosas do baixo corporal, p. 2.

that aim, through actions on the body, seek to reach ideal states of "sanctity," and also that "will involve and reflect about the moral implication concerning what humans do with desires and pleasurable sensations of the lowly body, for themselves and for divine work."²⁶

Still, it is important to note that in many instances in the Bible, the expressions "body" and "flesh" are used as synonyms ("Shun fornication. Any other sin that man commits is outside the body, but the impure sins against his own body," Corinthians 6:18; "do you not know that your body is the temple of the Holy Spirit, who lives in you, which you receive from God and because of this does not belong to you?," Corinthians 6:19; "I know that nothing good dwells in me, that is, in my flesh, because I desire what is right, but I am not capable of doing it," Romans 7:18).²⁷

There are, however, passages in the Bible in which the senses of *body* and *flesh* differ. Flesh, actually, appears in many passages as synonymous with "sexual desire, eroticism, or sexuality."²⁸ An example is found in Matthew (26:41): "Watch and pray so that you will not enter into temptation. The spirit is willing, but the flesh is weak."²⁹ Or in Galatians (5:19): "Now the works of the flesh are these: fornication, impurity, and licentiousness."³⁰ In this form, notice that "when the body appears to remit to the proper condition of human existence in the world being, inclusive, in some moments made positive" as the temple of the Holy Spirit, the flesh that lives in the same body, the attitude that can separate the person from the promised paradise³¹.

The key idea, however, is that the "suffering body is a consequence of sin and the sign of God's punishment."³² On the other hand, the power that religion, especially Christianity, exercises over its followers does not manifest itself only in writings but also by means of the clergy.

2.2 THE POWER OF THE CLERGY OVER THE BODY OF THE FAITHFUL

www.scielo.br/scielo.php?script=sci_serial&pid=0103-7331&lng=en&nrm=iso, acesso em 17/12/2012. ²⁶ ld.

²⁷ Biblía Sagrada. Editora Ave Maria Ltda.: SP, 1994, p. 1318.

²⁸ RÍOS, L.F., PARKER, R., TERTO JÚNIOR, V., op. cit., p. 3.

²⁹ Bíblio Sagrada, op. cit., p. 1318.

³⁰ Bíblia Sagrada, op. cit., p. 1497.

³¹ RIOS, L.F.; PARKER, R.; TERTO JÚNIOR, V., op. cit., p. 4.

³² SAMPAIO, Tânia, op. cit., p. 24

The relation between the pastor and each of the sheep of his flock is the foundation of the power of Christianity. It is insisted that power, under that perspective, is exercised through means of communication, characterized by symbols³³, and in the case of Christianity also through rituals. Christianity instituted an extremely complex interchange and circulation of sins and good deeds between each sheep and the pastor³⁴. The clerical power is reaffirmed in diverse passages of the Bible, especially in the Old Testament. In effect, according to Tania Sampaio, the religious tradition in the epoch between the fourth and second centuries BC was an era dominated by clergy and by the sacrificial structure of the temple. Theology was an instrument used by sacerdotal families to occupy economic and religious space. Through it, the priests justified the suffering because of illness, poverty, and social marginalization, legitimating injustices and the accumulation of wealth and power through oppression.³⁵ "Leavened bread will be offered with the sacrifice of peace offerings for thanksgiving. One piece of each of these offerings will be reserved for the Lord; it will be for the priest who has shed the blood of the peace sacrifice"³⁶

The priest organized daily life "distributing certificates" of purity and impurity on the bodies of persons, the conditions relating to the illnesses, blood, and food ingested.³⁷ The certificate of purity depended on the amount of impurity and was proportional to the species and quantity of animals or of grain that the impure ought to deposit on the alter. In this way, the priests conceded the certification of cleanliness to the body that was a singular condition to participate in the blessing of God.³⁸ The punishment of God was, therefore, a cause of discrimination and social exclusion.

Foucault clarifies that "in the Christian conception, the pastor ought to render accounts - not only of each of the sheep, but of all of their actions, of all the good or bad that they are capable of doing, of all that happens to them."³⁹ Also according to Foucault,

³⁷ Op. cit., p. 23.

³³ LUHMANN, Niklas, op. cit., p. 14.

³⁴ ld.

³⁵ SAMPAIO, Tânia. Op. cit., p. 24

³⁶ (Leviticus 7: 13-15).

³⁸ SAMPAIO, Tania, op. cit., p. 24.

³⁹ Apud RIOS, L.F.; PARKER, R.; TERTO JÚNIOR, V., op. cit., p. 5.

the "sin of the sheep is also imputable to the pastor," such that "aiding his flock to find salvation, the pastor will also find his."⁴⁰

In this way a complexity of moral links is formed that creates an individual link between the pastor and each member of his flock. These links, however, do not refer only to the public life of persons, but also to the most intimate details in the soul of each one, in a form that he can know their secret sins in search for the road to sanctity.⁴¹

Between the pastor and the members of the flock a permanent connection was established, characterized by the direction of the conscience, through which the "sheep does not allow himself to be led only in case of needing to confront some dangerous step; he lets himself be steered in each instant."⁴²

For this to be possible, Christianity takes advantage of two elements of the Hellenic world: the examination of conscience and the direction of conscience.⁴³ Through the examination of conscience, a way to give daily accounts about the good and bad done in relation to duties is sought. Thus, one can evaluate the evolution toward perfection, that is, the dominion of the self and the control that one possesses over one's own passions, above all material and carnal desires. For the Christian clergy, thus, through the examination of conscience people completely open up to the pastor, revealing the depths of their souls.⁴⁴

The direction of the conscience was achieved through the counsel given - and at times rewarded - in particularly difficult circumstances, whether in moments of affliction or when persons were mocked because of some advantage. By means of the direction of Conscience, a permanent link between the follower and the pastor was forged, such that if pople needed to confront some dangerous situation, they would blindly follow the guidance of their leader.⁴⁵

Foucault points out that full and unrestricted confessions of followers to the pastor established among them a relationship of such complexity that it permitted the total subjection of the first in relation to the second. That subjection results in, first, the

- ⁴⁴ Id.
- ⁴⁵ ld.

⁴⁰ Id.

⁴¹ RIOS, L.F.; PARKER, R.; TERTO JÚNIOR, V., op. cit., p. 4.

⁴² ld.

⁴³ Id.

follower understanding his afflictions and second total obedience to the pastor.⁴⁶

On this point, it is relevant to observe that the technique of confession is propagated throughout the Bible, as much in the New as in the Old Testament:

He who conceals his transgressions will not prosper, but he who confesses and forsakes them will obtain mercy (Proverbs 28:13). If you confess with your lips that Jesus is Lord and believe in your hear that God raised him from the dead, you will be saved (Romans 10:9). And there went out to him all the country of Judea and all the people of Jerusalem, and they were baptized by him in the river Jordan, confessing their sins (Mark 1:5). If we confess our sins, he is faithful and just and will forgive our sins and cleanse us from all unrighteousness (1 John 1:9).

The power that the pastor exercises over the faithful beginning with this complex hierarchical chain is a space to transmit values that can be humanistic and inclusive, but also discriminatory, above all against historically identifiable minorities.

3. DISCRIMINATION, SEXUALITY, AND RELIGION: REFLECTIONS ON CHRISTIANITY IN THE TREATMENT OF HIV POSITIVE WORKERS

3.1 DISCRIMINATION, SEXUALITY, AND SIN

Before providing a conception of discrimination, it is necessary to understand the difference between stigma and prejudice. Stigma is a type of label attributed to people or groups, whether for belonging to a certain social class, for their gender identity, or for their color, race, or ethnicity. As an example: injured workers or workers sick with leprosy or alcoholism⁴⁷. Prejudice consists of a pre-conceived idea, a negative attitude toward certain people or social groups in a generalized manner. Negative attitudes against people with mental or physical illnesses can exemplify this, such as the prejudice that they cannot work in certain professions⁴⁸. Finally, concerning

64

⁴⁶ ld.

 ⁴⁷ BACILA, Carlos Roberto. Estigmas: um estudo sobre os preconceitos. Lumen Juris: RJ, 2008, p.
⁴⁸ Id.

discrimination, it entails differentiated treatment of people who deserve the same treatment, or the exclusion of certain people or social groups through conditions of inequality.⁴⁹

In the words of scholar Flavia Piovesan, discrimination means all distinctions, exclusions, restrictions, or preferences that have as their objective or result to injure or annul the recognition, enjoyment, or exercise in equal conditions of human rights and fundamental liberties in political, economic, social, cultural, civil, or any other spheres. Thus, discrimination always means to treat equals unequally⁵⁰.

The Bible is replete with examples of discrimination, above all against people who have their bodies afflicted by illnesses or because of gender. In the Old testament, women were considered impure during seven days when they menstruated, and were forbidden to be touched for fear that their impurity would contaminate the other person (Leviticas 15:19).

In relation to illnesses, discrimination was even greater:

All men having leprosy will wear torn clothes and uncovered heads. And they will cover their upper lip and yell: Unclean, unclean! As long as the illness lasts, they will be impure. They are impure; they will dwell alone, and their habitation will be outside of the camp (Leviticus 13: 45-46).

The question of sexuality is viscerally linked to the body. In the Old Testament, "the body of people is made impure by all the fluids that leave or enter it (menstruation, post-partum blood, semen, certain food, illnesses, etc.)."⁵¹ In the period before Christ, the political and economic systems were organized by priests who legitimated discriminatory actions by the elite and rulers. Theology, explains Tania Sampaio, "was marked by codes of ritual purity and impurity which controlled the body in its sexuality, in its social class, in its ethnicity, in its gender, and in its illnesses."⁵² According to Sampaio, "The system was not merely religious, but also economic," with "sacrifices required to be paid to return to the body its condition of purity (and proximity to God)."⁵³

⁵⁰ PIOVESAN, Flávia. Temas de Direitos Humanos, Prefácio de Fábio Konder Comparato, 2ª Ed., Editora Max Limonad. 2003, 191-203.

⁵² SAMPAIO, Tânia, op. cit., p. 28.

⁴⁹ BACILA, op. cit., p. 24.

⁵¹ SAMPAIO, Tânia, op. cit., p. 28

⁵³ ld.

Beginning with the Protestant Reformation, the requirements to reach the other world were altered: "elimination of magic as a means of salvation; suppression of 'bodily mortifications,' replaced with accessing salvation by means of work in this world; permission to accumulate, as long as austere, wealth as a demonstration of the fruit of grace." That symbolic revolution established the outlines of the development of bourgeois rationalism, opening the "road for a secular perspective of being in the world, for the emergence of a lay state disassociated from magic of religion - at least in intent."⁵⁴

The Bible, however, also possesses diverse passages contrary to discrimination. One can observe, for example, in Matthew: "Love thy neighbor as thyself" (22:39) "Let all bitterness, wrath, indignation, clamor,, and slander be put away for you, as well as all malice. Be kind to one another, tenderhearted and compassionate. Forgive one another, as God in Christ also forgave you" (Ephesians 4:31-32).

The treatment of adulterous women is one of the best examples of the message of non-discrimination of Christian theology, when Jesus upon being confronted by a group of men who intended to stone a woman adulterer said: "Let him who is without sin cast the first stone.' At these words, feeling accused by their own consciences, they withdrew one by one until the last one, beginning with the oldest, until Jesus remained alone with the woman before him" (John 8: 3-5).

Yet the Biblical scriptures speak in unison in the sense of giving discriminatory treatment to homoaffectives.

3.2 HOMOAFFECTIVITY IN THE BIBLE

Sexual and/or affective relations between people of the same sex were seen as a sin (sodomy) and as an illness (homosexuality). Homosexuality was always condemned in the Bible, with severe punishments for those who practiced it:

What does the Bible say about homosexuality? The Bible says in Romans 1: 26-67: "For this reason God gave them up to dishonorable passions. Their women exchanged

⁵⁴ WEBER, Max apud RIOS, L.F.; PARKER, R.; TERTO JÚNIOR, V. op. cit., p. 15.

vol. 03, n°. 44, Curitiba, 2016. pp. 50-76 DOI: <u>10.6084/m9.figshare.4588660</u>

natural relations for unnatural, and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in their own persons the due penalty for their error." Is homosexuality a sin? The Bible says in Leviticus 18:22: "You shall not lie with a male as with a woman; it is an abomination." Can a person who practices homosexuality go to Heaven? The Bible says in 1 Corinthians 6:9: "Do you not know that the unrighteous will not inherit the Kingdom of God? Do not be deceived; neither the licentious, nor idolater, not adulterers, nor effeminate men, nor sodomites." Like all sinners, those that practice homosexuality ought to repent. The Bible says in 1 Timothy 1:10-11: "For the licentious, the sodomites, the kidnappers, the liars, the perjurers, and whatever else is contrary to sound doctrine, according to the glorious gospel of blessed God, with which I have been entrusted." Second, to ask that one's sin be pardoned, God says that one can commence life anew. The Bible says in Psalms 51:7-12: "Purify me with hyssop and I will stay clean; wash me, and I will remain more white that the snow. Make me hear jubilation and happiness so that I will rejoice in what I could take for granted. Hide Your face from my sins and extinguish all my iniquities. Create in me, o God, a pure heart, and renew in me a calm spirit. Do not throw me out of Your presence, and do not withdraw from me your Holy Spirit. Restore me to the happiness of your salvation and sustain me with a willing spirit." Third, to believe that God will truly pardon you erases your guilt. The Bible says in Psalms 32: 1-6: "Blessed are those whose transgressions are forgiven and whose sin is covered. Blessed the man to whom the Lord does not attribute iniquity, and in whose spirit there is no malice. While I kept silence, my bones wasted away through my groaning all day long. Because by day and by night Your hand weighed on me; my mood became instantly sunny. I will confess to You my sin, and my iniquity I will not conceal. I will confess to the Lord my transgressions, and You will pardon the guilt of my sin. By everything that is pious I pray to You, whenever I can find You; in the disturbance of great waters, they shall not reach him."

Today the term homosexuality is considered one of the statuses of human sexuality alongside heterosexuality and bisexuality. It prompts us to also remember how much the interpretation about the mode of treatment of certain persons is distorted with the

67

passage of time, principally upon judging people who adopt a different sexual orientation.

In this form, it can be noted that homosexuality irrevocably ceased to be an illness according to the International Classification of Illnesses (Classificacao International de Doencas, CID) of the World Health Organization, which about 20 years ago excluded it from its registry of illnesses.⁵⁵ Nevertheless, in some families, the parents themselves consider their children sick when they are homosexual, taking them to the psychiatrist because they firmly believe that they are sick, creating a dilemma about treatment for ambivalent professionals. This attitude also reveals a disbelief in the Church that, instead of struggling to reduce intolerance, preaches prejudice against homosexuals and avers that homosexuality is an illness that ought to be cured when in truth we know that homosexuality is not a characteristic exclusively of the human species but also is present in animals. According to the British scientist George V. Hamilton, homosexuality is present not only among primates but also in innumerable mammals.⁵⁶

This insight reminds us that the disturbances of homosexuals really result more from social discrimination and repression derived from prejudice against their sexual deviance. Since 1991, Amnesty International has considered the prohibition of homosexuality a violation of human rights. Homosexuality only ceased to be considered an illness in 1993 when the World Health organization withdrew it from its list of mental illnesses, and in 1999 the Federal Council of Psychology published a resolution CFP 001/99 declaring that homosexuality does not constitute a disease. Besides prohibiting psychologists from proposing a cure for homosexuality, the resolution also established norms for how psychologists should conduct themselves in relation to homosexuals. In 2003, the president of the Federal Council of Psychology, Odair Furtado, reiterated the prohibitions of resolution CFP 001/99 as a result of the large number of psychologists proposing cures for homosexuals. Unfortunately,

⁵⁵ Disponível em: http://jus.uol.com.br/revista/texto/4420/a-igreja-catolica-e-os-homossexuais. Acesso em 13.06.2012.

⁵⁶ JUNIOR. Enéas Castilho Chiarini . A união homoafetiva sob o enfoque dos direitos humanos. Disponível em: http://jus.com.br/revista/texto/4902/a-uniao-homoafetiva-sob-o-enfoque-dosdireitos-humanos#ixzz204FUQp20. Acesso em 07.07.2012.

homosexuality is still considered a sin by various religions and some psychologists and psychiatrists continue to promise to cure homosexuality. Historically homosexuals have been seen as sinful, criminal, or sick and are labeled accordingly, as well as treated as an enemy, as an inferior being.

Another point stands out relative to fighting homophobia, however: information disseminated that presents a more a positive perspective, whether through advertisements or through brochures. An example is the brochure issued by the Special Secretary of Human Rights, Nilmario Miranda, titled "Program to Combat Violence and Discrimination Against GLTB⁵⁷ (gays, lesbians, transgendered, and bisexuals) and to Promote Citizenship of Homosexuals 'Brazil without Homophobia,' one of the fundamental bases to expand and strengthen the exercise of citizenship in Brazil."

According to some scholars, even today the Abrahamic religions - Christianity, Judaism, and Islam - are responsible for the suffering and conflicts that plague the lives of millions of people because of the indoctrination of emotionally vulnerable children according to precepts that will lead them to self-rejection, emotional neglect, and social discrimination when they reach adolescence and discover that the sexual orientation with which they were born is one that they were taught to repudiate as dirty, degenerate, and abominable.⁵⁸ On the other hand, they receive years of instruction that lead them to internalize the Christian, Judaic, or Islamic faith. They do not possess any alternative; that faith makes up part of their being. If this faith is removed, an immense and painful vacuum emerges.

In this sense, one confronts a question, namely: what does a human being do when face to face with a conflict of this magnitude? And the response cannot be any other than an attempt to overcome the conflict by reconciling what one believes with what one feels, bearing in mind that no one in sound conscience wants to lose either the acceptance of the community or the possibility of being happy according to one's own

⁵⁷ CONSELHO Nacional de Combate à Discriminação. Brasil Sem Homofobia: Programa de combate à violência e à discriminação contra GLTB e promoção da cidadania homossexual. Brasília : Ministério da Saúde, 2004

⁵⁸ Disponível em: http://arthur.bio.br/2009/08/21/religiao/cristianismo-judaismo-islamismoehomossexualidade.

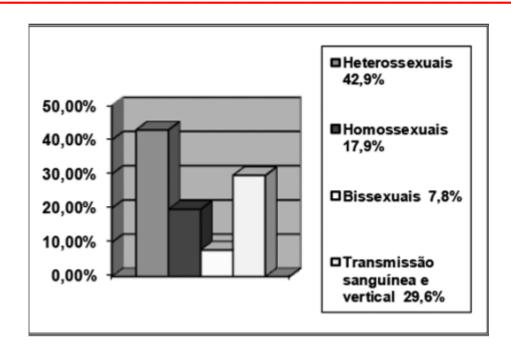
nature.

From here begin the searches, the attempts to find cracks in the Bible, the Talmud, and the Koran that permit an interpretation different from the traditional ones - and these attempts always produce results, since all these sacred books are written in language that permits diverse interpretations. At this point commence the debates: the reproaches because of the departure from orthodoxy but likewise the sensation that something wrong exists in the community, since the sacred texts say that there ought to be love, compassion, and tolerance, but the community acts with hatred, insensibility, and intolerance against those who do nothing wrong. Religion is not shaping religious people; religion is being used to ground discriminatory attitudes and prejudices.

3.3 HOMOAFFECTIVITY, AIDS, AND SIN

The graph portrays the real situation of homosexuals in contrast to the erroneous interpretation concerning them and illnesses such as HIV whereby because of vulgar prejudice they are wrongly labeled as the bulk of people with HIV.⁵⁹

⁵⁹ Dados do Boletim Epidemiológico AIDS 2010



It should be clarified that this bar graph does not present data on HIV among women because of their low incidence rate. There is also a low incidence of contagion among homosexuals because generally they are the most cautious about their health, visiting the doctor most frequently and so forth. The graph denotes that homosexuals register well below average for HIV positive, with heterosexuals being the group most affected by HIV, especially among women, which again confirms popular perception is merely prejudice against homosexuals. Moreover, homosexuals are interpreted, without any scientific confirmation, as being "abnormal" or "ill" and always labeled as such.

As far as legislation to combat discriminatory conduct, it should be emphasized that the constitution adopts a protective posture in this regard in Article 7, Section XXX, when it expressly provides for a "prohibition of difference in salaries, of exercise of functions, and of criteria for hiring because of sex, age, color, or civil status."

Moreover, it is never superfluous to clarify that statute No. 9.799/99 bans the use of references or criteria based on sex, age, color, family situation or status, among others, for purposes of advertising employment, hiring criteria, remuneration, promotion, or discharge, for openings for training and professional development and similar work situations, accentuating all the efforts developed for more than ten years through the current constitution.

Finally, it is of the highest importance to mention that every time that an employment ad establishes a distinction based on criteria forbidden by law, namely, race, color, sex, age, ideological convictions, etc., it creates a presumption of discriminatory publicity, falling to the one who produced or reproduced the piece to prove that the distinction is justified by some legal factor under pain of liability for the act.

In this light, it is appropriate for the press to refuse the publication of discriminatory advertisements and is incumbent on the Public Ministry of Labor (Ministerio Publico do Trabalho, MPT) to file complaints against discriminatory acts introduced into the labor market. The legal authority that impedes this type of discrimination is in statute No. 9.029/95, source of the pertinent prohibition against adopting of any discriminatory or limiting practice affecting access to employment or its maintenance because of motives delineated earlier.

Beyond this, the cited statute bans employers from adopting discriminatory conduct such as the declaration of emergencies, examinations, or similar measures that aim to investigate if employees are sick, a crucial safeguard for homosexuals.

Various news items about this polemical theme can be seen as reiterating that even today we live with severe discrimination against homosexuals. For example, statute 7.716/89, known as the Law Against Racism, approved recently by the Senate and still to be voted on by the House, already constitutes real progress on this issue⁶⁰.

Another example highlights the hardship caused for workers upon opening up at work about their sexual orientation. Proof of this was presented in a recent interview reported by the <u>Gazeta do Povo</u>, a large-circulation newspaper in the state of Parana, entitled "Coming out of the Closet Ruins Career,"⁶¹ The story recorded how even today employers display great intolerance for homosexuals, and even though a small number of firms are concerned to create more favorable atmospheres at work for homosexuals, with the promotion of policies to encourage diversity or such as the extension of benefits to partners, research is ambiguous in assessing the impact of being honest

 ⁶⁰ Disponível em: http://nota-dez.jusbrasil.com.br/noticias/3132873/sfed-discriminacao-contrageneroopcao-sexual-e-procedencia-regional-poderao-fazer-parte-do-codigo-penal. Extraído de: Associação do Ministério Público de Minas Gerais - 29 de Maio de 2012. Fonte.Senado federal. Extraído de: Nota Dez - 28 de Maio de 2012. Acesso em 03.06.2012

⁶¹ Disponível em: http://www.gazetadopovo.com.br/posgraduacao/conteudo. phtml?id=1225862&ch=. GAZETA DO POVO. Acesso em 13.06.2012.

about sexual orientation on professional aspirations. This same newspaper cited a survey done in the job postings website Trabalhando.com, conducted with 400 Brazilian professionals in human resources, which showed that 38% said that firms where they worked have veiled restrictions on homosexuals at the point of hiring. Only 3% affirmed that sexual orientation did not provoke any type of problem at work.⁶²

We must recall that some firms adopt policies against prejudice and declare that by taking effective measures aimed for homosexual employees they are aligning practices with the values of the firm. For example, in extending health benefits and dental plans to colleagues, Dell affirms that it seeks to improve the diversity of the corporate environment, resulting in more motivation and consequently in better revenue for corporation⁶³. This survey, administered to firms between 2000 and 2011, reported that the number of firms that adopted some type of policy linked to sexual diversity increased from 50% to 85% among companies on the Fortune 500 list ranking the largest firms of the United States. Dell also created groups to discuss the conflict of generations and the inclusion of women and disabled workers and extended these benefits to its Brazilian branches.⁶⁴

As an example of the discrimination against homosexuals, attention can be directed to a law seen by a huge majority as being inherently discriminatory since it prohibits the practice of blood donation by male homosexuals. This attitude is, without a shadow of a doubt, prejudicial and discriminatory.⁶⁵

⁶² Disponível em: http://www.gazetadopovo.com.br/posgraduacao/conteudo. phtml?id=1225862&ch=. GAZETA DO POVO. Acesso em 13.06.2012.

⁶³ Dell has adopted anti-bias policies. (...) According to Paulo Amorim, director of Dell's human resources, the initiative is a way to communicate to employees, in practice, The values of the company (...) "A company is made up of people and, therefore, by definition, it is A diverse environment. What we have done is to create channels to sustain this diversity "(...)" When An employee feels that he can be himself inside the company, surely he works more Motivated If he feels respected and motivated, the good result is a consequence. " (Available In: http://www.gazetadopovo.com.br/posgraduacao/conteudo.phtml?id=1225862&ch=.PEOPLE GAZETTE. Access 13.06.2012

⁶⁴ Disponível em: http://www.gazetadopovo.com.br/posgraduacao/conteudo. phtml?id=1225862&ch=. GAZETA DO POVO. Acesso em 13.06.2012.

⁶⁵ Hospitals reject homosexual blood - Male homosexual blood is no good For donation, even if the person has a stable union and uses condoms in sexual relations. The ban is from the Ministry of Health, which considers unfit "men who have sex with men" For the period of 12 months. There are no restrictions for female homosexuals or heterosexuals Which do not maintain a fixed relationship ... Anvisa reported that in December, RDC 153. Was revoked and in its place was published in RDC No. 57/2010, which uses politically correct terms, Even so prohibits the practice of blood donation for male homosexual (...) Activist says that Government acts with hypocrisy - The Honorary President of the NGO

Finally, the posture of Brazilian jurisprudence is interestingly relevant for the protection of workers who opt to reveal their homosexuality. In the larger view, it is not enough to have the liberty of sexual orientation formally guaranteed; equality of rights must be materially grounded. Therefore, any discrimination against homosexuals because of their sexual orientation is unconstitutional and illegal since any discriminatory practice deeply offends the honor of free individuals, especially regarding sexual options.⁶⁶ On this understanding, various courts have expressly ruled against discrimination resulting singularly and exclusively from sexual orientation,⁶⁷ the use of homophobic expressions in the work environment, before, during, and after work,⁶⁸ as well as discriminatory discharge of workers⁶⁹.

By virtue of these considerations, it is of primary importance to emphasize how much

ABCDS (Action to Sprout for Citizenship And Sexual Diversity), Marcelo Gil, was disgusted with the situation reported by the Diary. "That Is one of the great absurdities of the Brazilian government, which acts with tremendous hypocrisy, "he said. "It's about to be born who will understand this and respect the rights of homosexuals. I do not believe This scenario. We're being stifled on all sides. This is very sad". Available at: http://www.dgabc.com.br/canais/mobile/Noticia.aspx?idNoticia=5885567 access 27.02.2012. Evaldo Novelini and Sérgio Vieira. 05/13/2011 at 7:01

⁶⁶ DANO MORAL. DISCRIMINAÇÃO POR ORIENTAÇÃO SEXUAL. INOBSERVÂNCIA DOS PRINCÍPIOS DA DIGNIDADE DA PESSOA HUMANA, DA IGUALDADE E DA LIBERDADE (SEXUAL). A vedação à discriminação por orientação sexual no contrato de trabalho fundamentase na ordem constitucional que, além de erigir a dignidade da pessoa humana e o valor social do trabalho entre os fundamentos da República Federativa do Brasil (art. 1º, III e IV), impõe como objetivo primeiro a promoção do bem de todos, sem preconceito de origem, raça, sexo, cor, idade e quaisquer outras formas de discriminação (art. 3º, IV). A teor do art. 5º da Constituição Federal,que inicia o título II referente aos direitos e garantias fundamentais, estabeleceu-se a igualdade de todos perante a lei, sem distinção de qualquer natureza, demonstrando claramente a repulsa à prática de atos discriminatórios pelo constituinte originário. Garantiu-se, ainda, no inciso V, "o direito de resposta proporcional ao agravo, além da indenização por dano material, moral ou à imagem". Também se previu no inciso X que "são invioláveis a intimidade, a vida privada, a honra e a imagem das pessoas, assegurado o direito à indenização por dano material ou moral decorrente de sua violação".)(...). TRT/PR.9ª Região. Recurso Ordinário n. 06952-2009-872-09-00-3-ACO-25680-2011 – 1ª. Turma. Relator: Ubirajara Carlos Mendes.Publicado no DEJT em 01-07-2011

⁶⁷ DANO MORAL. EMPREGADO SUBMETIDO A CONSTRANGIMENTOS E AGRESSÃO FÍSICA, EM DECORRÊNCIA DE SUA ORIENTAÇÃO SEXUAL, PRATICADOS POR EMPREGADOS OUTROS NO AMBIENTE DE TRABALHO E COM A CIÊNCIA DA GERÊNCIA DA EMPRESA DEMANDADA. IMPUTABILIDADE DE CULPA AO EMPREGADOR.(TRT/10. Recurso Ordinário. N. 919200200510000 DF 00919-2002-005-10-00-0, Relator: Juiz Paulo Henrique Blair, Data de Julgamento: 07/05/2003, 3ª Turma, Data de Publicação: 23/05/2003.

⁶⁸ DANO MORAL. TRATAMENTO AGRESSIVO. USO DE EXPRESSAO HOMOFÓBICA. INDENIZAÇAO DEVIDA. (TRT/2ª Região.Recurso Ordinário n. 1776200806902002 SP 01776- 2008-069-02-00-2, Relator: Ricardo Artur Costa E Trigueiros, Data de Julgamento: 31/03/2009, 4ª Turma, Data de Publicação: 17/04/2009).

⁶⁹ OPÇAO SEXUAL. DEMISSAO. DANO MORAL CONFIGURADO(TRT/2^a Região. Recurso ordinário n.742200201902009 SP 00742-2002-019-02-00-9, Relator: Valdir Florindo, Data de Julgamento: 04/10/2005, 6^a Turma, Data de Publicação: 14/10/2005).

the courts have aimed their anti-discrimination perspective toward providing more security to homosexuals and upholding respect for the dignity of people in a democratic and secular rule of law, as in Brazil. This demonstrates that it is possible to respect fundamental values of human rights for the dignity of people, independent of race/color/ethnicity, remembering also that since 1991, Amnesty International considers prohibition of homosexuality a violation of human rights and condemns homophobia.

Above any purely human and fallible judgments remain the great principles of Jesus Christ's command: love God above all things; love your neighbor as yourself; do not judge, that you be not judged. All religions, especially those discussed here, despite considering homosexuality a threat to the institution of the family, a principal foundation of human continuity, also respect, for the most part, homosexuality. Anyone who speaks or reads more than one language knows that translation requires interpretation and personal judgment. Even with the best of intents, translators and scribes can commit errors. It is apparent that it is not religion that encourages discrimination, but rather the people that use it to buttress their own values.

CONCLUSION

All religions have messages of love, peace, and tolerance for other people. Nevertheless, religions are systems constructed over the centuries, constructed from doctrines and theories that seek to address historical circumstances. Religion, therefore, does not possess a single history, so there is no unique conception of religion, nor of a singular Christianity, Judaism, or Islam. No matter how much religions preach love, peace, and tolerance, they do not succeed in separating discriminatory and prejudiced interpretations produced by decontextualized readings.

Paradoxically, these misinterpretations end up fomenting hate, war, and intolerance. In the first instance, homosexuals, and secondly, people with HIV, are victims of these interpretations that even if not authorized by official representatives of the religions, are widely diffused among their adherents.

REFERENCES

_____http://arthur.bio.br/2009/08/21/religiao/cristianismojudaismoislamismo-e-homossexualidade.

_____http://www.gazetadopovo.com.br/posgraduacao/conteudo.phtml ?id=122586&ch=. GAZETA DO POVO. Acesso em 13.06.2012.

http://www.dgabc.com.br/canais/mobile/Noticia.aspx?idNoticia= 5885567.acesso em 27.02.2012.Evaldo Novelini e Sérgio Vieira. 13/05/2011 às 7:01.

_____TRT/PR.9^a Região. Recurso Ordinário n. 06952-2009- 872-09-00-3-ACO-25680-2011 – 1^a. Turma. Relator: Ubirajara Carlos Mendes. Publicado no DEJT em 01-07-2011.

_____TRT/10. Recurso Ordinário. N. 919200200510000 DF 00919-2002-005-10-00-0, Relator: Juiz Paulo Henrique Blair, Data de Julgamento: 07/05/2003, 3ª Turma, Data de Publicação: 23/05/2003.

_____TRT/2^a Região.Recurso Ordinário n. 1776200806902002 SP 01776-2008-069-02-00-2, Relator: Ricardo Artur Costa E Trigueiros, Data de Julgamento: 31/03/2009, 4^a Turma, Data de Publicação: 17/04/2009.

_____http://jus.uol.com.br/revista/texto/4420/a-igrejacatolica-e-oshomossexuais. Acesso em 13.06.2012.

_____JUNIOR. Enéas Castilho Chiarini . A união homoafetiva sob o enfoque dos direitos humanos. Disponível em: http://jus. com.br/revista/texto/4902/a-uniao-homoafetiva-sob-o-enfoque-dos-direitoshumanos#ixzz204FUQp20. Acesso em 07.07.2012.

_____TRT/2^a Região. Recurso ordinário n.742200201902009 SP 00742-2002-019-02-00-9, Relator: Valdir Florindo, Data de Julgamento: 04/10/2005, 6^a Turma, Data de Publicação: 14/10/2005).

http://www.gazetadopovo.com.br/posgraduacao/conteudo.pht ml?id=1225862&ch=. GAZETA DO POVO. Acesso em 13.06.2012

_____http://www.dgabc.com.br/canais/mobile/Noticia.aspx?idNoticia =5885567 acesso em 27.02.2012.Evaldo Novelini e Sérgio Vieira. 13/05/2011 às 7:01.

http://arthur.bio.br/2009/08/21/religiao/cristianismojudaismoislamismo-e-homossexualidade., Acesso em 13.06.2012.

____http://br.noticias.yahoo.com/jovem-%C3%A9espancadominas-ser-homossexual-131500072.html , acesso em: 08.09.2011.

SILVA, José Afonso, Curso de Direito Constitucional positivo, Editora Malheiros. 10^a Ed., 1994. pg. 218.

CONSELHO Nacional de Combate à Discriminação. Brasil Sem Homofobia: Programa de combate à violência e à discriminação contra GLTB e promoção da cidadania homossexual. Brasília : Ministério da Saúde, 2004. SILVA, Wilma Nogueira de Araújo Vaz da Silva. As Discriminações na Relação de Emprego e a Proteção Jurídica do Mercado de Trabalho da Mulher e do Portador do Vírus HIV. Revista da Faculdade de Direito de São Bernardo do Campo-2007. p. 467/475.

PIOVESAN, Flávia, Temas de Direitos Humanos - Implementação do direito à igualdade-capítulo 7, Prefácio de Fábio Konder Comparato, 2ª Ed., Editora Max Limonad. 2003.