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## **Citizenship and democracy today : the necessary learning**

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# Citizenship and democracy today

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## 1. From the 1820 liberal Revolution to the 1976 democratic Revolution

Citizenship, in the sense we are giving it here, is not something that is definitely acquired at birth, regardless of the political regime, as is the case, for example, with nationality.

In fact, the children of Portuguese parents born on national territory originally get Portuguese nationality and shall, as a rule, remain Portuguese for life, whatever the existing political regime. In turn, the same persons will only be citizens if they enjoy a legal status consisting of a broad set of fundamental rights and duties, including political rights, recognised by the state. If they don't own this status, they may have to fight for it and may even lose it once it has been obtained, due to a change in political regime. Mere nationality does not automatically confer citizenship.

The Liberal Revolution against absolute monarchy that took place in Portugal 200 years ago is proof of this. It took a military movement, starting in the city of Porto and moving towards Lisbon, collecting strong public support, to overthrow a regime that did not recognise citizenship, considering the Portuguese as subjects of a sovereign of divine right, in order for the Portuguese to become citizens, even if they were taking the first steps. Once this movement had triumphed,

elections to a Constituent assembly were held to draw up and adopt a Constitution that proclaimed all Portuguese as citizens (Article 21), establishing a catalogue of important fundamental rights for all of them and organising the state according to the principle of the separation of powers and representative government, fundamental instruments for guaranteeing those rights.

But the status of citizenship acquired in this way was not for life and it is enough to remember what happened a few years later, with the end of the liberal-constitutional regime, in 1823. Once again, the Portuguese went from being citizens to subjects under the rule of the restored absolute monarchy. The fight for citizenship then forced thousands of Portuguese to flee into exile in the following years, to avoid persecution and death sentences from the defenders of the *Ancien Régime* and to fight for the restoration of the liberal regime of 1820. It was only after a harsh civil war (1832-1834) that constitutional liberalism, and together with it citizenship, was firmly established, to last almost a century, until 1926.

The liberal regime established under the monarchic Constitutional Charter of 1826 had many flaws, as political citizenship required a sufficient level of culture and economic status in order to be enjoyed, which in the 19<sup>th</sup> century was only available to a small minority of Portuguese, due to widespread illiteracy and poverty at the time, not to mention the subordinate status of women, excluded from political participation.

Liberal constitutionalism continued in the First Republic (1910-1926), which brought a few improvements to civil rights, above all freedom of belief and the separation between the State and religion. However, some of the above-mentioned limitations of political citizenship from the 19<sup>th</sup> century remained, namely the literacy requirement to voting and the exclusion of women from the suffrage.

In 1926, a military movement led first to a military dictatorship and afterwards to the hard authoritarian regime of *Estado Novo* [New State], which lasted for almost five decades, suppressing all the essential fundamental rights (expression, association, demonstration, etc.), namely political rights, and abolishing political parties and free elections.

The revolution of 25 April 1974, launched by a military movement and immediately followed by widespread popular support, put an end to dictatorship and led to the establishment of a democratic state under the 1976 Constitution, drawn up by a Constituent Assembly directly elected by the Portuguese for the first time by universal suffrage and which, as never before in our history, embraced full citizenship, taking into account in particular the catalogue of fundamental civil and political rights and their extension to women.

## 2. Citizenship under the Constitution of 1976

In developing our argument, we will address four topics: *a)* what citizenship should mean; *b)* citizenship rights; *c)* relationship between citizenship and democracy; *d)* dangers that threaten citizenship today.

We won't go into a historical overview of citizenship in this country – other authors will do that in this book – but we will focus on the 1976 Constitution of the Portuguese Republic, which was deeply amended in 1982, as it gave the Portuguese an unprecedented status as citizens.

Nor will we deal with citizenship in supranational spaces, such as European citizenship at EU level, let alone the utopia of universal citizenship. We will stick to the national sphere because it is where citizenship was born and developed, and it is where it still fits most vividly today.

### *a) Meaning of citizenship*

Citizenship is the status of members of a political community, which implies that they are entitled to a wide range of fundamental rights that they can enjoy vis-à-vis political power, including those pertaining to the government of the community.

Recalling the celebrated thesis by T. H. Marshall, in his famous book *Citizenship and Social Class* (1950), there are three dimensions of citizenship that correspond to three successive stages of its historical development since the liberal revolutions: *civil citizenship* (XVIII century), *political citizenship* (XIX century) and *social citizenship*

(XX century). Each of these three dimensions of citizenship is based upon a specific set of individual rights, namely *civil rights*, *political rights*, and *social rights*.

Therefore, there is a necessary link between citizenship and individual rights and, on the other hand, with three core political values: individual autonomy and freedom (civil rights), self-government of the community (political rights) and social welfare (social rights).

All these aspects of citizenship are expressly or implicitly present in Article 1 of the Constitution of the Republic, when it defines Portugal as «*a sovereign Republic based on the dignity of the human person and on the will of the people and committed to building a free, fair, and solidary society*». The reference to the «*dignity of the human person*» emphasises the dimension of civil citizenship; the reference to «*the will of the people*» implies the political citizenship dimension; and the reference to a «*fair, and solidary society*» points directly to the pillar of social citizenship. We should notice that the notion of «*free, fair, and solidary society*» is an invocation of the trilogy of the French Revolution «*liberté, égalité, fraternité*» that underpins the French notion of *citoyenneté*, the first accomplishment of the notion of citizenship in Europe.

Who are the citizens in a specific political community? Since the beginning there is a necessary link between citizenship and nationality. Thus, under the heading “*Portuguese citizenship*”, Article 4 of the 1976 Constitution (from now on referred to as the “*Constitution*”) considers Portuguese citizens to be «*all those who are considered as such by law or by international convention*» and we are well aware that the vast majority of them are, by law, the children of Portuguese parents, as we have already mentioned. There is an equation here between Portuguese nationality and citizenship, but we must not lose sight of the fact that this equivalence is not always given, since Portuguese nationals may lose citizenship rights (because of civil incapacity or criminal punishment) and non-national residents or visitors enjoy or may enjoy citizenship rights, including political rights.

The modern notion of citizenship implies two key principles: universality (all citizens enjoy citizenship rights) and equality (all citizens enjoy them with no discrimination). That is why Article 12

of the Constitution, which opens Part I (*Fundamental Rights and Duties*), is entitled «*principle of universality*» and states in paragraph 1 that: «*(All) citizens enjoy the rights and are subject to the inherent duties enshrined in the Constitution*». Article 13 then protects the principle of equality, stating in paragraph 1 that «*All citizens have the same social dignity and are equal before the law*»; paragraph 2 of the same article removes a number of obstacles that could hinder the principle of equality (ascendency, gender, race, etc.).

### *b) Constitutional citizenship rights*

Compared to previous national constitutions and to most foreign constitutions, the “bill of rights” of the 1976 Constitution is quite extensive. Besides its broad scope, that bill of rights must be understood according to international standards. In fact, Article 16 states that constitutional rights should be interpreted in harmony with the Universal Declaration of the Human Rights, adopted by the United Nations General Assembly in 1948, which has become one of the pillars of the “international bill of rights”, together with the two multilateral UN human rights covenants of 1966, respectively on civil and political rights, and on economic, social, and cultural rights.

Starting with Title II (*Rights, liberties and guarantees*) of the Constitution, it contains an extensive catalogue of fundamental rights that are at the heart of civil and political citizenship. Far from the concern to list them all, some of them are worth mentioning, without in any way belittling those not mentioned.

Chapter I (Articles 24 to 47) contains the “personal rights, liberties and guarantees” and only those who are historically aware of the ease with which people’s lives have been suppressed over the centuries, the ease with which the death penalty, torture and also “cruel, degrading or inhuman punishment” have been applied can understand the importance of the first articles (Articles 24 to 26) of this chapter, which protect the right to life and to personal integrity, among others. The importance of the right to liberty (Articles 27 to 32) can also be understood, with the deprivation of liberty subject to limits that are always controlled or determined by a judge.

Also noteworthy are the right to inviolability of the home, establishing that entry into the home of citizens against their will can only be ordered by the competent judicial authority (Article 34); the right to start a family and to marry under conditions of full equality (Article 36); the liberty of expression and opinion (Article 37); the liberty of the press and the media (Article 38); the liberty of religion (Article 41); the liberty to learn and teach (Article 43); the right to assemble and to demonstrate (Article 45); the liberty of association (Article 46); the right to access the civil service (Article 47).

Chapter II (rights, liberties and guarantees of political participation) covers a set of core political rights inherent to political citizenship, which have been the subject of attention since the Liberal Revolution, albeit today with greater breadth and depth, such as the right to vote, which is also a civic duty (Article 49), the right to accede to public office, including political functions (Article 50), the right to form and participate in political parties and associations (Article 51), the right to petition and “popular action” (Article 52). We should also mention the right to present legislative proposals to Parliament (“popular legislative initiative”), as well as proposals to convene referenda, provided for in other provisions of the Constitution.

Chapter III of Title II (Articles 53-57<sup>o</sup>) comprises labour rights, liberties and guarantees, covering security in employment, workers’ councils, labour unions, collective bargaining, right to strike. This chapter is a peculiar feature of the 1976 Constitution, an expression of “labour citizenship”, aiming at protecting the dignity of labour and of labouring people.

Title III of Part I of the Constitution is dedicated to economic, social, and cultural rights and duties conquered in the 20<sup>th</sup> century, aiming at ensuring to all citizens, regardless of economic deprivation, access to a dignified life, as guaranteed in Article 1 of the Constitution. Strongly influenced by the United Nations 1966 Covenant on Economic, Social and Cultural Rights, they cover, among others, the right to work and the rights of workers to adequate remuneration and fair working conditions (Articles 58 and 59), the right to social security, which protects citizens in the event of illness, old age, disability or unemployment (Article 63),

the right to health care (Article 64), the right to decent housing (Article 65), the right to environment (Article 66), the right to education and culture (Articles 73 et seq.). Since these rights almost always require state action to ensure and guarantee them, they are known as “positive rights”, in order to distinguish them from the classic civil and political rights, which as a rule require the non-interference of the Government (“negative rights”).

Curiously, among the social, positive rights the Constitution includes one fundamental right that has been particularly important since the beginning of liberal constitutionalism: the right to private property (Article 62). Actually, it has always been understood that property is a means to guaranteeing individual freedom (freedom from dependence on others) and a dignified life (access to essential goods and services). However, in the early days of liberalism, this right was reserved for only a few people, the “bourgeois”, propertied class. What the Constitution has meant by considering the right to property as a “positive” right, in what seems to us to be the most proper interpretation, is the extension of this right to “all” citizens, meaning that citizenship requires that people have access to property (be it in any form, and not just real estate) as a guarantee of a dignified life and the enjoyment of other rights.

This extensive list of constitutional rights and their diversity gives us an idea of what citizenship is and means under the current democratic Constitution of 1976.

### *c) Democracy*

It is easy to understand that for citizens to be able to enjoy their citizenship rights, they need a political regime that fully embraces them. According to the current opinion, the Government is required to *respect, protect, and fulfil* constitutional rights, according to each category of them. Of the known political regimes, only democracy can fulfil this requirement.

First, democracies, as they should be understood, as *sovereignty of the people*, are based on the equal involvement of citizens in the exercise of political power. No person can claim to be superior to another under



any circumstances, and certainly not in the exercise of power. Holders of political power exercise their functions at the service of citizens and not over citizens. In order to exercise this power, they need an entitlement, which is conferred directly or indirectly by the people, i.e., the citizens. In representative democracies, the most common way of conferring this entitlement is by holding free, fair, and periodic elections.

Democracy as we have just summarised is well expressed in the Portuguese Constitution. Article 108 states that «*political power belongs to the people*», adding that it is exercised «*in accordance with the Constitution*». It follows from this that Portugal is, in terms of Article 2, a democratic state, based cumulatively on: 1) popular sovereignty; 2) pluralism of expression and democratic political organisation; 3) respect for and guarantees of the realisation of fundamental rights and liberties; 4) and the separation and interdependence of powers. Besides representative democracy, based upon free and fair elections, the Constitution also recognises the importance of citizens' direct participation in political life, either by "semi-direct democracy" mechanisms (referenda) or by the influence in political decisions – "participative democracy" –, which is considered to be a «*fundamental condition and instrument for consolidating the democratic system*» (Article 109).

Representative democracy, however, does not consist only in the determination of the popular will (the will of the citizens) through the vote or other means (referenda, plebiscites, etc.). As a way of preventing the accumulation of power in one single body, it requires the separation and interdependence of powers, with particular emphasis on the independence of the judicial power.

Moreover, in liberal democracies, the will of the people, as expressed in elections, has its limits, which are, at the outset, the respect for the citizens' fundamental rights, which means that the will of the majority that does not respect people's fundamental rights is no longer legitimate. The reason is simple: democracy is based on respect for these rights and when the power that emerges from the will of the majority does not respect them, it is not a democratic will that has been expressed, but a will that is contrary to democracy. That majority will have subverted democracy.

To ensure the respect of constitutional limits to the rule of majority will, namely the respect of fundamental rights, Article 3(3) of the Constitution goes so far as to make the *«validity of laws and other acts of the state, autonomous regions, local authorities and any other public entities»* dependent on their *«conformity with the Constitution»*. That is why the constitutional review of legislation (Arts. 277 sq.) is an essential guarantee of fundamental rights against the abuse of democratic rule by the majority.

The political bodies set up in the Constitution, which are the President of the Republic, the Assembly of the Republic, the Government, and the Courts, must observe the separation and interdependence of powers established therein and must abide by the Constitution in the fulfillment of their competences (Articles 110 and 111).

The President of the Republic is directly elected but has no executive powers; his/her prime mission is to watch over *«the regular functioning of the democratic institutions»* (Art. 123). When he/she takes office, he/she swears to *«defend, uphold and enforce the Constitution of the Portuguese Republic»* (Article 127).

The Assembly of the Republic, the highest representative body of the political will of the citizens, is directly elected by them through *«universal, direct, secret and periodic suffrage»*, by the mediation of political parties (Article 147). Its first and foremost power is the legislative power, and in this respect, it can supersede the decree-laws that the government issues in the exercise of its own legislative powers, which the Constitution also confers on it. It also has the power to amend the Constitution, by a qualified majority of two-thirds of the deputies in office and the compliance with certain *«material limits»*, including the respect for the rights, liberties and guarantees of citizens, the universal, direct, secret and periodic suffrage, the regional and local self-government, the right to democratic opposition, the separation and interdependence of powers and the independence of the courts (Article 288).

The Government is the “executive body” of the political system, which is particularly important in a time and a society where many of the citizens’ fundamental rights, namely social rights, depend on the government’s actions. The Government is appointed by the

President of the Republic, in accordance with the election results for the Assembly of the Republic (Article 187) and is politically responsible before parliament, which can dismiss it by passing a motion of censure or rejecting a motion of confidence (Article 195). Exceptionally, the President of the Republic can also dismiss the government, but only if it is necessary «*to ensure the regular functioning of democratic institutions*» (Article 195(2)), which has never occurred.

The Courts are sovereign bodies that administer justice «*in the name of the people*», ensuring the defence of the «*legally protected rights and interests of citizens*» (Article 202). They are independent but are subject to the law and may not apply «*in facts subject to trial*» rules that contravene the Constitution (Articles 203 and 204).

In the light of what has been said, it is important to reject a widespread notion of democracy in which it is understood only as the respect of will of the people, which results from the will of the majority in elections or in parliament. This notion is poor and dangerous: poor, because democracy is much more than the will of the majority, as we have seen; dangerous, because it implies that anything goes as long as the will of the majority prevails, even by the establishment of a non-democratic regime. In sum, constitutional democracy is based on constitutional citizenship rights and is bound by the constitutional limits to political power.

#### *d) The dangers that threaten citizenship and democracy*

It would be a serious mistake to think that democratic order is irreversible, that citizenship has been acquired for good, that it is not at risk and that it could not disappear again. Looking at the experience of several countries that have gone through democratic transitions, we can notice that, even in Europe, it is only with great difficulty that we can still describe some of them as democratic, because they have become dangerously close to non-democratic states, where full citizenship no longer exists, despite the fact that only a few decades ago they went through a process of democratic transition and were welcomed into an organisation that defends democracy and human rights and goes by the name of the Council of Europe.

And we mustn't forget that this transition from a democratic regime back to an authoritarian regime sometimes begins from within, with the emergence of parties and currents of non-democratic ideas that despise the citizenry and, despite this, manage to win the endorsement of majority of citizens, achieving power and establishing a new anti-democratic political order.

The dangers threatening democracy today come from many origins and it would be difficult to mention them all. Let us focus on three phenomena that have recently attracted a lot of attention: increasing abstention in elections or referendums, corruption, and populism.

Political citizenship is expressed in many ways, but the main one is voting, a fundamental right and a civic duty. When abstention rates rise sharply, there is a danger of loss of political legitimacy of the government, which must be dealt with. High abstention sends out two signals: one to democrats and the other to supporters of a non-democratic regime. For democrats, it signals that there is a separation between the existing democratic institutions and the people (the citizens), which should lead them to check what is wrong very carefully. For non-democrats, it opens up the hope of overthrowing the regime in order to impose another one, which will not have the so-called "flaws" of democracy.

Another threat to democracy is the widespread perception that there is a lot of corruption, that among the holders of political power, from State bodies (including the courts) to local authorities, there are many corrupt people, by which we mean people who take advantage of the positions entrusted to them for their own benefit or of others close to them. This also paves the way for non-democratic regimes. It is important to make it clear that democracy is not, by its very nature, a regime that is conducive to corruption, as is generally believed. On the contrary, democracy repeals corruption because it is transparent in the way it works, providing regular and detailed accountability of its actions to citizens at national, regional, and local level. It should also be borne in mind that, although being an evil of the political system, corruption is also a vice of society, affecting not only political office holders but also the citizens who deal with them in defence of their own interests by means prohibited under the rule of law.

Finally, in these days liberal democracies face the threat of populism, which is the radical opposition to the political elite and the established democratic mechanisms in the name of “true” popular concerns of the rank-and-file people, very often with strong nationalist and xenophobic bias against immigration, globalization, and international integration. The electoral successes of populist leaders and parties in Europe and elsewhere (USA, Brazil, etc.) show how dangerous these movements can be for liberal democracy and democratic citizenship. Portugal is not free from developments of this type.

### **3. School teaching of citizenship and democracy**

History shows that democratic citizenship needs constant care to be maintained and it is the duty of Governments and civil society to raise the awareness thereof, to prevent it from being subverted or destroyed. Since the beginning of modern citizenship in Portugal, with the Liberal Revolution of 1820, through *virtismo*, *setembrismo* and republicanism, programmes, and campaigns of “civic education” were launched to teach citizenship to the wider public. This task becomes all the more important nowadays, when democracy is challenged by the threats, we have just mentioned.

In fact, any political regime has an interest in making itself understood and accepted by the community. But this interest is much greater in democratic regimes, since they are not based on political coercion, but rather on its acceptance by the citizens and their active involvement therein, so that Governments have a duty to teach citizens about the workings of the regime, and particularly about the rights and duties of the community members in its regard.

We know that support for democracy implies knowing, even if only briefly, the history of political regimes and the advantages of democracy. It also implies making known the fundamental rights (and duties) of citizens, each of them requiring an explanation and an understanding of its fundamental content, which is not always straightforward. It also requires the knowledge of how the exercise of power is organised and, thus, which are the competences and powers of the political bodies. The principle of the

separation and interdependence of powers must be well explained in order to be understood. And all this, as a rule, is based on the fundamental law of the land, the Constitution, which must also be explained to everybody.

In our view, without underestimating other important means of information and learning, the school is the proper institution to deliver this service, and we will focus on it, Schools cannot impose citizenship and democracy, but they do have an obligation to make them known. Citizenship teaching in schools is not “political indoctrination”; it is an obligation that, in our opinion, cannot be dispensed with. It is the fulfilment of the duty to inform young citizens from the outset of the regime they live in, so that they can make the well-founded assessment of it and to be informed participants in it.

In our view, these matters should be taught in a specific “curricular unit”, as it is now called, entirely dedicated to this subject. On the other hand, it should be taught at a time when young students already have the necessary capacity and maturity to deal with these topics, and always before, but close to, voting age, i.e., from the age of 15, still in high school. And this subject should be compulsory, because everyone must learn these fundamental rules of the political community.

In my view, the democratic regime set up in Portugal since 1976 has not taken proper care of the task of learning citizenship and democracy at school. Of course, this opinion needs justification, because if we look at the programmes in force in our primary and secondary schools, the first impression we get is largely the opposite. The topic of citizenship and democracy accompanies students continuously from the time they enter school at the age of 6 until they leave, at the age of 18, i.e. for 12 years. However, the current situation leaves much to be desired.

Let us refer to Decree-Law no. 55/2018 of 6 July, which establishes the curriculum for primary and secondary education, especially Article 15 and the document that underpins it in terms of citizenship, which is described in Article 3 (definitions) as follows: «*National Strategy for Citizenship Education [is] the strategy aimed at developing competences for a culture of democracy and learning with an impact on individual civic attitudes, interpersonal relationships and social and intercultural relationships, through the Citizenship and Development component*».

Let's start with the strategic document. The introduction states that the «*National Strategy for Citizenship Education includes a set of rights and duties that must be present in the citizenship education of Portuguese children and young people, so that in the future they will be adults with a civic behaviour that favours equality in interpersonal relationships, the integration of difference, respect for human rights and the valorisation of concepts and values of Democratic Citizenship within the framework of the education system, the autonomy of schools and the curricular documents in force*».

Also in the introduction, the document integrates the subject of “Citizenship and Development” into the national curriculum, and it should be «*developed in schools according to three complementary approaches*»: transdisciplinary nature in the 1<sup>st</sup> cycle of basic education; autonomous subject in the 2<sup>nd</sup> and 3<sup>rd</sup> cycles of basic education; and, in secondary education, «*component of the curriculum developed transversally with the contribution of all subjects and training components*» at this level of education.

It should be noted that in our country compulsory school education begins at the age of 6, comprising the 1<sup>st</sup> cycle of basic education, which covers the first four years (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> grades); continues with the 2<sup>nd</sup> cycle of basic education, covering the 5<sup>th</sup> and 6<sup>th</sup> grades, and the 3<sup>rd</sup> cycle of the same level of education, which includes the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grades; and concludes with secondary education, which takes in the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grades.

The document's introduction concludes by saying that the subject “Citizenship and Development” is «*a privileged curricular space for the development of learning with a three-dimensional impact on individual civic attitudes, interpersonal relationships and social and intercultural relationships*».

The 16-pages document itself considers that «*Citizenship Education is a mission for the whole school*» and proposes that the «*implementation of the Citizenship and Development curriculum component should follow a Whole School Approach*». It also considers that one of the principles to be observed is a «*non-abstract conception of citizenship*».

The Basic Law of the Education System (Law no. 46/86, of 14 October) establishes, in turn, in its Article 2(5) (entitled “General principles”) that: «*Education promotes the development of a democratic*

*and pluralist spirit, respectful of others and their ideas, open to dialogue and the free exchange of opinions, forming citizens capable of judging their social environment critically and creatively and of committing themselves to its progressive transformation».*

Looking at the above-mentioned Decree-Law no. 55/2018 of 6 July, Article 15 under the heading “Citizenship and Development” states:

1. *Within the scope of the National Strategy for Citizenship Education, the “Citizenship and Development” component is developed in accordance with the following paragraphs.*
2. *It is up to each school to approve its education strategy for citizenship, defining:*
  - a) *The domains, themes and learning to be developed in each cycle and grade;*
  - b) *The way work is organised;*
  - c) *The projects to be developed by the students that concretise the learning to be developed in the community;*
  - d) *The partnerships to be established with community organisations from a networking perspective, with a view to carrying out the projects;*
  - e) *The assessment of student learning;*
  - f) *The assessment of the school’s citizenship education strategy.*
3. *The “Citizenship and Development” curriculum component, integrating the matrices of all educational and training programmes:*
  - a) *Is a cross-cutting area of work, with disciplinary articulation and an interdisciplinary approach;*
  - b) *Mobilises the contributions of different curriculum or training components, subject areas, subjects or short-term training units, with a view to combining their respective contents with the themes of the school’s citizenship education strategy, through the development and implementation of projects by the students in each class.*
4. *The school decides how to implement the Citizenship and Development component in secondary education, and it may, among other options, adopt:*



- a) *The offer as an autonomous subject;*
- b) *The practice of co-teaching, within the framework of a subject;*
- c) *Working in juxtaposition with another subject;*
- d) *The approach, in the context of the different subjects, of themes and projects, under the coordination of one of the teachers of the class or group of students.*
- e) *The options provided for in subparagraphs (a) to (c) of the previous paragraph shall be developed in accordance with the provisions of Article 12(1) and (2).*

Looking for the “essential learning” of this subject in primary and secondary education, we shall find it on the website of the Directorate-General for Education of the Ministry of Education and Science<sup>1</sup>, as follows, after a first framework based on the document of the National Strategy for Citizenship Education:

*«Within the scope of Citizenship and Development (CeD), expected learning is considered per cycle and per domain: concept of active citizenship; identification of essential competences for citizen formation (Competences for a Culture of Democracy; identification of essential domains to be addressed throughout the different school grades.*

*The topics to be developed in the Citizenship and Development component are organised into three groups with different implications, as follows:*

***1<sup>st</sup> Group*** – *Compulsory for all levels and cycles of schooling (because these are transversal and longitudinal areas): Human Rights; Gender Equality; Interculturality; Sustainable Development; Environmental Education; and Health.*

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<sup>1</sup> [http://www.dge.mec.pt/sites/default/files/Curriculo/AprendizagensEssenciais/cidadania\\_e\\_desenvolvimento.pdf](http://www.dge.mec.pt/sites/default/files/Curriculo/AprendizagensEssenciais/cidadania_e_desenvolvimento.pdf)

**2<sup>nd</sup> Group** – *Worked on in at least two stages of elementary education: Sexuality; Media; Institutions and democratic participation; Financial literacy and consumer education; Road safety; and Risk.*

**3<sup>rd</sup> Group** – *With optional application in any grade: Entrepreneurship; World of Work; Security, Defence and Peace; Animal Welfare; Volunteering; and Others, according to the needs of citizenship education diagnosed by the school.*

We could say that it is not for any lack of legal entitlement, school curricula and years of learning (during all compulsory education) that students can complain about not knowing their fundamental rights in our Constitution and the political organisation of our country, which is also set out in the basic law. The problem is whether this torrent of teaching and dispersion of domains will lead students to know a little about everything, rather than very little about everything. And the major question is whether, when they leave secondary education, they will actually understand reasonably the Constitution of the Portuguese Republic and know the basics about the catalogue of fundamental rights and the political organisation of the state.

It should be noted that the Constitution is barely mentioned at all, and in the document presented as fundamental in this area, i.e. the “National Strategy for Citizenship Education”, when it mentions international and national reference documents right at the start, simply ignores the Constitution, and when it comes to the «*essential learning*» mentioned on the Directorate-General for Education’s website, you have to search through many other topics to find the «*fundamental rights and duties*» of the Portuguese and the «*organisation of political power*» in our country.

We wish we weren’t right and that it could be said with certainty that students who have successfully graduated from secondary education at the age of 18 are well aware of the foundations of the constitutional democratic regime in which they have lived since 1976, including the fundamental rights and inherent duties of citizens and the organisation and functioning of the political regime.