

## The Legal Milestones on Brazilian Education

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### Abstract

*This article presents a historical description about the Brazilian educational background, since the Portuguese Colonial days up until the independent Republic of Brazil. The correspondent research analyzes the historical events that were vital to the Brazilian education, taking it back to Brazil's own legal acts checking back to the educational ideas included throughout all these years, making it viable to understand Brazil's current educational status, by understanding its past contributions, following Carvalho (2003), Castanha (2012), Lopes (2015), Miguel & Corrêa (2011), Ramalho (2006), Romanelli (2014) and Saviani (2008). And in order to assess it properly, this article has adopted the hermeneutics as its methodology, since it leads the researcher to contextualize, learn and correctly interpret the phenomenon, in accordance to Gadamer (2006) views. By doing so, the path taken by the Brazilian education system in search for a national system of education is presented herein.*

**Keywords:** Brazil; Education; Colony; Empire; Republic.

### 1 INTRODUCTION

There are historical deficiencies and disfunctional problems present on the Brazilian education system. One of those problems is the weakness of the public schools' system, as far as viable access to basic learning material is concerned, as well as school violence, veiled or not, that will eventually result in low levels of knowledge input and low effective social engagement. Such particular issue is reflected and involves teachers' education, selection of supporting materials, the study time, as well as classes and courses offered. This is where the notorious quote from The Manifest of the Pioneers of *Escola Nova*<sup>1</sup> (1932, p. 33) comes from: "in regards of order of importance of all of this country's issues, no one is greater in importance and urgency than the education matter"<sup>2</sup>.

That is why this article aims to analyze the historical moments that took place in the Brazilian education system history, so that it will be possible to assess all of the existing educational ideas that took place during this time. Considering that "the school institutions and their teaching ideas history, though different and self sustained in their own right, also eventually cross paths" (Saviani, 2008, p. 444). This current research aims to add knowledge and understanding of the current education scenario, starting its study from the analysis of the past.

According to Saviani, it is possible to divide the history of the Brazilian educational system into 4 moments:

[...] the first period relates to the prevalence of the traditional understanding; the second establishes the prevalence of the uninitiated traditional view; the third period is referred to as the modern teaching conception of things; and it is on the forth period that the critical view emerges and expresses itself on the dialectical conceptions (historic-critical) and also reproductive-critical, going against the reproductive conception, which its most known expression can be found on the human capital theory. (Saviani, 2008, p. 20)

In order to do that, the methodology used in this research is hermeneutics, since it will lead us to the contextualization and the better interpretation of the phenomenon. The choice of the methodology is defined by the proposed five research moments of a phenomenon: perception, comprehension, capture, interpretation and communication (Gadamer, 2006).

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<sup>1</sup> There is no direct translation of the term into English. Nevertheless, just as a way of situating historically this educational issue, it might be useful to recall that *Educação Nova* brings together elements of what is called in French *Éducation Nouvelle*, and in English Progressive Education (Vidal, 2013).

<sup>2</sup> All translations by the author (2020).

## 2 THE BRAZILIAN EDUCATION JOURNEY

Brazil's history can be divided into three historical periods: the colony, the empire and the republic. Looking at each one of these periods, it is possible to denote that the economic and social characteristics influenced on the provided education in those times.

There were distinct teaching thoughts involved, as well as methodologies, practices and educational goals. And as a consequence of that, it also impacted on the culture of being a teacher and on the planning of the academic graduation process.

### 2.1 THE COLONY DAYS

The theoretical contributions of historical analysis presented by researchers of this field normally describe the Jesuits, that arrived in the country during the Colony years (1500-1822), as the first teachers Brazil ever had. The Jesuits provided a strong educational religious schooling for the native people between 1549 and 1759. They were sent by the colonizing kingdom of Portugal and they had a very clear agenda while in the Brazilian colony: to teach the catholic practices and Portugal's sovereignty to the native people found in Brazil (Lopes, 2015).

The Jesuits interfered strongly on the natives' culture, by reinforcing their culture and social representations over the natives'. They also introduced their own opinions and materials brought to the new land, as well as their daily practices. That way, education in Brazil during this time, focused mainly on literacy of the elite's children, the religious awareness for the natives and the formation of religious leaders, such as priests, founded on the humanism and scholastic patterns established by the scholar methodology called the *Ratio Studiorum* (Lopes, 2015).

The educational measures during this particular time were highlighted by its standard pedagogical methods, "education is done so that people knew what they could or could not do" (Lopes, 2015, p. 50). Education was known, therefore, for the correction and for disciplinary actions.

The Jesuit priests, Colony Brazil's first educators, developed an educational process, from a schooling standpoint, based on an organized and systematic process. Still on this project – the *Ratio Studiorum* – some pages were dedicated to explain punishment practices. (Miguel & Corrêa, 2011, p. 124)

Training teachers was something that didn't interest the Portuguese and therefore, there was none. Undergraduate courses available at the time were boycotted by the Portuguese Empire, who feared for independence acts in the colony. So, there were only universities in the Brazilian colony that focused on Art classes, "that covered Logic, Physics, Mathematics, Ethics and Metaphysics", and Theology, "that would grant the student a doctorate degree". The first degree was given in 1550 in Bahia (Lopes, 2015, p.152).

In the final colony years, education was led by guidelines from the Pombalina Reform, which was implemented by Marques de Pombal in 1759. She proposed a public educational system, but it was kept to the elite only; royal classes; in addition to the deportation of the Jesuits priests out of the colony, being replaced by paid teachers that were appointed by the Portuguese monarchy. Up until this point in time, school education was traditional, males only and aimed at local elite groups. Women had a different role on education. They would be responsible for the social education role, good mannered family guidelines, under the consent of the Church. Such a scenario suffered very little change on the Empire years (Lopes, 2015).

The following is a table with milestones in the history of education in the Colonial Brazil.

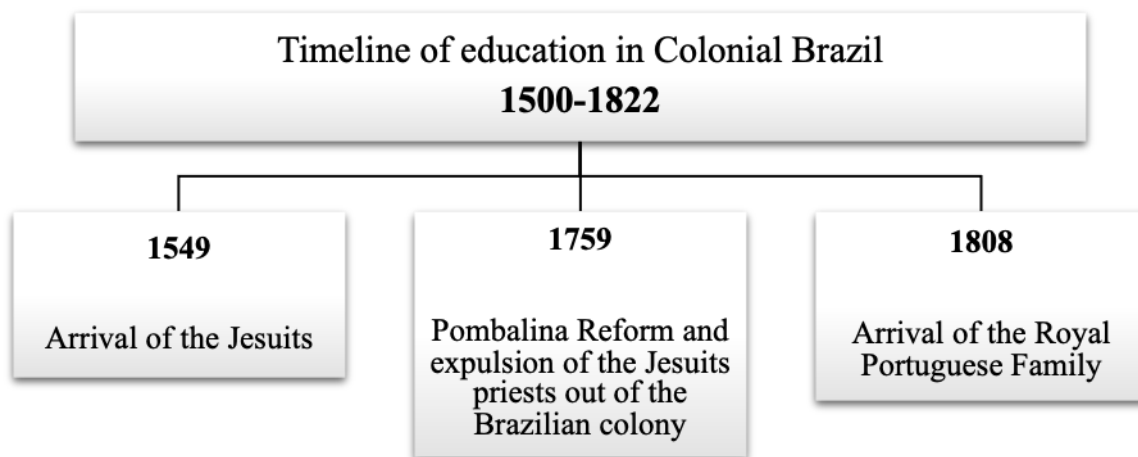


Figure 1 - Timeline of the history of education in Colonial Brazil. Prepared by the author (2020).

Education in the Colony Brazil years was very much guided by the Jesuits model until their expulsion from the colony in 1759. The Brazilian educational scenario started to be rewritten with the arrival of the Royal Portuguese family in Brazil, in 1808, and the rise of the Brazil Empire.

## 2.2 THE EMPIRE DAYS

Now during the Brazil Empire years (1822-1889), education was divided into three segments: elementary, secondary and higher education.

This classification was determined by the Constitution of 1824 signed by the Emperor. It was described as a centralized policy, which came to suffer changes ten years later by the Additional Act, that started the decentralization process of education in Brazil and the spread of the free elementary education across the country. The first two segments of education were made the responsibility of the provinces, taking on the literacy and initial education years, and the last one was directed to the Portuguese Monarchy. The responsibility delegated to the provinces caused a process of various sorted practices and educational policies across the Brazilian territory. That happened due to the considerable economic differences between the existing provinces, which caused great educational differences among the provinces (Sucupira, 1996).

It is important to mention that, as soon as the Independence of Brazil from Portugal was made official, a Constitutional Body was named and it established a Constitution project. That project dealt and considered the public education system only on items 250, 251 and 252, that anticipated the creation of primary schools, sports gyms and universities across the Brazilian territory. Such institutions would be ruled by specific legal acts to be discussed at a later date, in addition to the permission for free educational teaching practices for the public educational system. However, the Constitution Project (*Constituinte*, in Portuguese) was dissolved in 1823 and Dom Pedro I signed the Constitution of 1824, after the famous Night of Agony. The Constitution of 1824 was officially called The Political Constitution of the Empire of Brazil – Brazil's first Carta Magna. If the prior Constitution Act discussed very little about the guidelines on the national educational system, the new Constitution of 1824 did even less. It issued only two paragraphs on the item 179, that established science, notable languages and art as part of universities and schools' decisions to hold such courses, and also established the free primary education to all citizens (it is important to point out that only the richer landlords that lived in a particular area were considered citizens at the time), which were also called "the main ones of the land". That is why the called "free primary education" was destined only to the children of the "main ones"<sup>3</sup>. However, after D. Pedro I renounced in 1831, due to his management difficulties, a new reform of the Constitution was requested by the liberal political leaders of that time, and it took a little over a month to establish a new commission to discuss its terms. In 1834 the Additional Act was released as a result of the work of the new commission, under the Law 16 on August 12<sup>th</sup>, 1834. A new legal bill was created and added to The Constitution of the Empire (Brasil, 2015).

<sup>3</sup>The "main ones", used during the Brazilian colony years, had the express meaning of "elite" currently, that is: the leaders, influential individuals, the rich people, the fortunate ones (Heinz, 2006, p. 7). That is the origin of the use of this word, and it worked both for nouns and adjectives: the main men, the main inhabitants, the main families (Mello, 2008).

The Additional Act institution dismantled, so to speak, the centralized state. It established new statutory commissions in the provinces, making them a self sustained entity and giving them full authority to sort their own matters, as well as the primary and secondary education programs (Sucupira, 1996).

As a result, the Act's plan to eliminate the difficulties that arised from the lack of independence of the provinces to sort out their own local situations, did not result in the desired outcomes on the public educational front. It was not capable of generating a liberal-democratic imperative consciousness in the provinces, in order to create a basic public education program in the country. (Sucupira, 1996, p.61)

Furthermore, when Anísio Teixeira elaborated on the subject, he stated that this Act provided "more discussions than real decisions that could actually determine solid national laws" (Sucupira, 1996, p. 66). Thus, despite the fact that the subject was indeed included in the political agenda and also in the relevant educational topics, which would apparently serve some of the necessities of the empire's development initiatives, what really happened was the reinforcement of a dualistic social system that provided two different educational systems: one aimed at the elites and another weaker one, aimed at the lower layers of the population.

Considering this scenario, the educational methodology that may have been the most relevant in this period was established in 1827, by the legal passing from Dom Pedro I: the Lancaster Methodology, or mutual education (Brasil, 1827). This law stated that this methodology should be adopted by all schools in all provinces of Brazil.

In 1826, after a very ambitious project for the public education presented to the parliament, deputies and senators prepared, debated and approved a national law for the primary educational system. Such law was passed by the Emperor on October 15<sup>th</sup>, 1827, making it the first law with the minimum requirements for the public education matter in Brazil. This law was made up of 17 items that determined for the institution of schools, educators' wages, the teaching methodology, classes programs, public tenders, gratifications, women's school, the penalties and supervision of all schools. As far as teaching methodology goes, the Item 4 established that all schools should have the "mutual educational system in all capital cities and provinces" and "also in the cities, villages and places with inhabitants living in, in which makes it possible to happen" (BRASIL, Law of October 15<sup>th</sup> 1827, p. 71). The choice for the Lancaster Methodology, or the mutual supersivion, present on the 1827 Act, came in fact, to put in practice something that had already been adopted years earlier. (Castanha, 2012, p. 5)

Along with this methodology used in Brazil, came the military disciplinary actions. They were recommended during those days since they aimed to keep schools in order and organized, and it targeted mainly the actions against violence, laziness, poverty and debauchery. So, low ranked military officers were assigned for the duty of teachers and the first instructions about this methodology were passed on to them. Monitoring, control and corrective punishment were absolute rules in these schools. The teaching of reading and writing and basic mathematical operations were privileged classes taught under this methodology, which also foresaw overcrowded classrooms that did not allow a single teacher to take care of all their students, turning the teacher into a watchful agent, responsible to assign students their tasks and activities. While all that happened, those students who learned faster would teach those who needed help, corrected their assignments and homework and inspected other students' progress (Carvalho, 2003).

Some years later, the Leôncio de Carvalho Reform was established in 1879 (Brasil, 1879). That reform introduced a liberal take on the Brazilian educational system, especially towards a new creed and attendance model, as well as allowing the registration of slaves for classes. Meanwhile, a great worry concerning the aesthetic and sanitary education was seen in education institutions, in order to provide a good education for the Brazilian citizen and to prevent the spread of general disease outbreaks. As an overall analysis, it is acceptable to say that the Empire Period was a social-political extension of the Colony Years. That way, there was a traditional education, mainly for males and targeted to the elite classes.

This Reform also proposed a relevant change on the docent profession, creating the regular school units, that had the positivism as their main philosophical conduct. This period is also characterized by the replacement experience of the "craft" model of teachers' training to a more "professional" model

[...] the "craft" model of teachers' training based on the tradition and imitation are characteristics of a pragmatic culture. That was traded for the "professional" model, based on a rational criteria in which theory knowledge and professional practice happen in different places and predict an enlargement of academic content, a full understanding of detailed methodologies, in addition to the acquisition of a common *ethos* for the given profession. (Vilela, 2003, p. 1)

The following is a table with milestones in the history of education in the Brazil Empire.

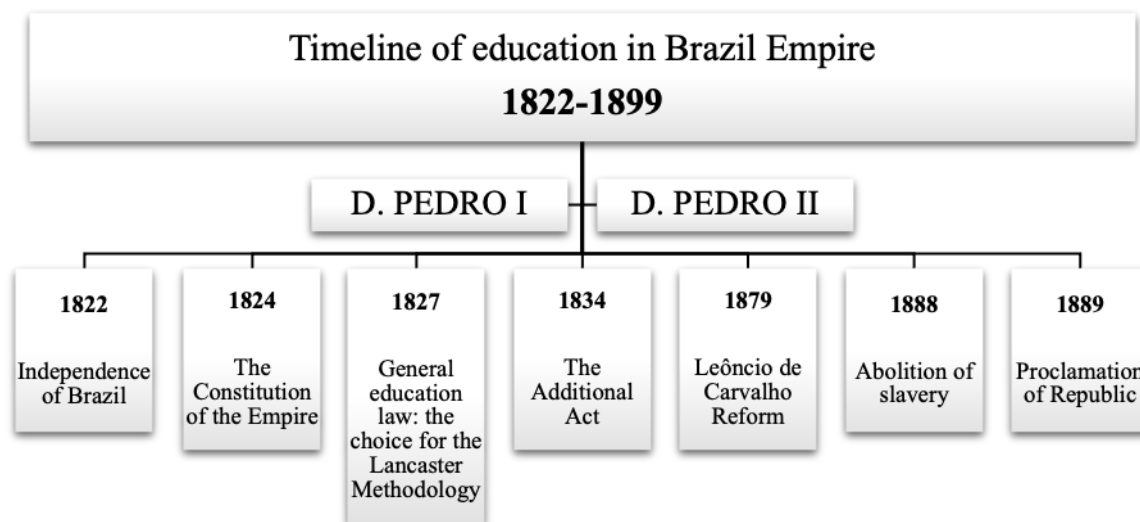


Figure 2 - Timeline of the history of education in Brazil Empire. Prepared by the author (2020).

Education during the Brazil Empire period was impacted by the Constitution of 1824 and also its influences on the Law of 1827 and the Additional Act of 1834. The rupture announcement with the then established slave system, can be seen on the Leôncio de Carvalho Reform in 1879, being also an important event for the rise of the Republic of Brazil.

### 2.3 THE REPUBLIC DAYS

After the Proclamation of Republic in 1889, education in Brazil went under some attempts of a more decisive elaboration. Among the several reforms that directed the Brazilian education constitution, the following happened: the Benjamin Constant Reform (Brasil, 1890), the Rivadávia Corrêa Reform (Brasil, 1911), the Maximiliano Reform (Brasil, 1915), the Capanema Reform and the organic education laws, established as the new guidelines for the New State (1937-1946) by Getúlio Vargas (Braga, 2020).

During the period of 1937 and 1946 [...], the regularity of the Brazilian educational system is made official by the Capanema Reform (from 1942 to 1946), under the Organic Education Laws title (Decree-Laws), by which structures the industrial education, remodel the commercial education, inserts some changes to the secondary educational system and also establishes the National Service of Industrial Training – SENAI. (Medeiros Neta, Lima, Barbosa & Nascimento, 2018, p. 226)

However, the great historical milestones on the educational system of the Brazilian Republic were the release of The Manifest of the Pioneers of the *Escola Nova*, in 1932, and the Guidelines Laws and National Education Basis (LDB), happening respectively in 1961, 1971 and 1996.

The Manifest of the Pioneers, which was signed by twenty-three men and three women, was led by Fernando de Azevedo, Lourenço Filho and Anísio Teixeira. All three men were regarded as the cardinals of the Brazilian new education. This document was an educational reconstruction project for Brazil and set the education as an essential asset for the increase of society's wealth as a whole. Through this document, its signatories presented their ambitions for a remodeling period, through education, for a modern country (Mec, 1932).

Through the work of such education cardinals mentioned above, placed in Brazil's education remodeling project public offices, the recently built universities in Brazil, guided by Decree 19.851 from April 11<sup>th</sup>, 1931 and the Laws of Universities (Brasil, 1931) embrace a strong character of research and dedication on the preparation of the academic individual, in addition to expanding progressively the number of courses offered. However, only after the 1960's, the post-graduation program, the scientific research and the academic career inside the universities were able to develop effectively; and starting from the regulatory mark known as the Sucupira Report (Brasil, 1965), "it was then created the first Education post-graduate program in Brazil, at the Pontifical Catholic University of Rio de Janeiro, starting its activities in 1966" (Ramalho, 2006, p. 1).

On the same decade, Brazil witnessed the release of the first Brazilian LDB (Guidelines Laws and National Education Basis), as the Law 4.024/61. The law made mandatory the primary educational program and the under graduate

program for the secondary program educators. It is also notable for the decentralization of education, since it then delegated the supervision responsibilities to the local, state, districts and federal authorities – a reason Anísio Teixeira classified as “a near victory, but still a victory” (Cunha, Góes, 1985). That was due to the fact that he believed that the concessions given to the private sector was not the best option for the restructuring of a solid educational public program.

The main subjects addressed on the debate about the elaboration of this LDB (Guidelines Laws and National Education Basis) were the effort to have a secular education and the attempt to create a national educational program, managed by advisory boards, guided towards a decentralization of supervising responsibilities. And by doing so, it helped create a specific law for the education area (guidelines and foundation), that gathered all educational levels and that would also allow deeper educational discussions. In addition, this law did not establish a strict program for all Brazilian territory (some degree of decentralization), also allowing for a diversified basis on the program; set a forecast of resources needed for education matters; encouraged the creation of Parents and Educators’ Association; and it was a pioneer on the special assistance education needs issue (Brasil, 1961).

Analyzing this LDB, it is clear to note that the decentralization process was a strategy used by the State to favor the private education system and to lift the State’s responsibilities on education, making it more favorable for a wealthier session of the population to pay for their education at the expense of those who could not, strengthening the *status quo*. Therefore, the LDB 4.024/61 shows itself as a reflection of the aristocracy’s ideology status present at the time. This LDB from 1961 was already born outdated.

The LDB 5.692/71 established the reforms of the first and second grade programs and presented the principle of terminality. Its most popular decision was the compulsory professionalisation for the second grade program, since it demanded a special training program for all students enrolled in this program: “for the second grade program, the Federal Education Board determines that, not only will the common guidelines apply, but the minimum demanded in each professional qualification or the set of associated qualifications” (art. 4, paragraph 3). The document also stated that “the second grade program [has] as its main purpose the professional qualification” (art 5, paragraph 2, letter a, underlined) and that offerings of courses would be given “in accordance to the local work job market” (art. 3, paragraph 2, letter b).

However, the demands issued in regards of this session of the program were ruled out with the rise of Law 7.044/82, that stated this part of the program be applied only for job market training, but not a requirement for the professionalization program – being the latter only an optional alternative (Brasil, 1971).

The demands in existence now are based mainly on the Federal Constitution<sup>4</sup> (1988, art. 205), known as citizen constitution, that validates: “education is a given right for all citizens as well as it is the State and the Brazilian family’s duty to provide, as well as their training to become conscious citizens and their qualification for the labor market”.

The label for educational levels is then changed through the new LDB 9.394/96, which is what is currently the law practiced. The term Basic Education is established in this stage, which is made up of children education, elementary education and high school all the way up to undergraduate programs. This is the current LDB law and it sets the basic free public education with a democratic management. It elaborates on education’s financing and evaluation; on the general educational system in regards of levels, and its programs; teachers and professors’ training programs; among other subjects of interest, which makes it the most complete and thorough set of laws ever made in Brazil. This law also dedicates a specific topic where it discusses about the educational professionals training curriculum, stating that it is mandatory the university full licence graduation for all basic education level teachers, but it recognizes the regular level training for high school grade training, as a minimum graduation for children’s education level, as well as for the first five years of elementary school (Brasil, 1996).

Perhaps the main change seen in the educational scenario since the beginning of the Republic of Brazil period is in the offering increase of children’s programs. Women started to be included in a more effective way into the labor market, making it necessary to open more job positions, and therefore, more educational institutions. The children education program, that in the beginning was intended for the teachings of social morality and good manners, as well as offering shelter to children whose parents worked and couldn’t take care of their children, today is considered as part of a Brazilian citizen’s basic education. That article was made official by the Law 12.796 (Brasil, 2013).

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<sup>4</sup> Between the current and the first constitution there were other five of less social impact.

The following is a table with milestones in the history of education in the Brazilian Republic.

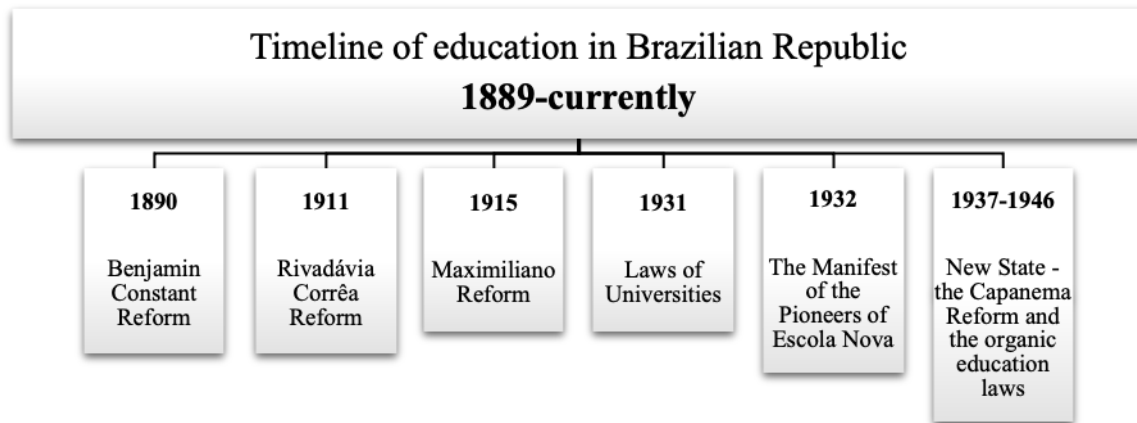


Figure 3 - Timeline of the history of education in Brazilian Republic. Prepared by the author (2020).

The education during the Republic of Brazil period was initially characterized by very little effective reforms towards the establishment of a good national education program, but it also generated very productive discussions that helped shape it to its current status in the country.

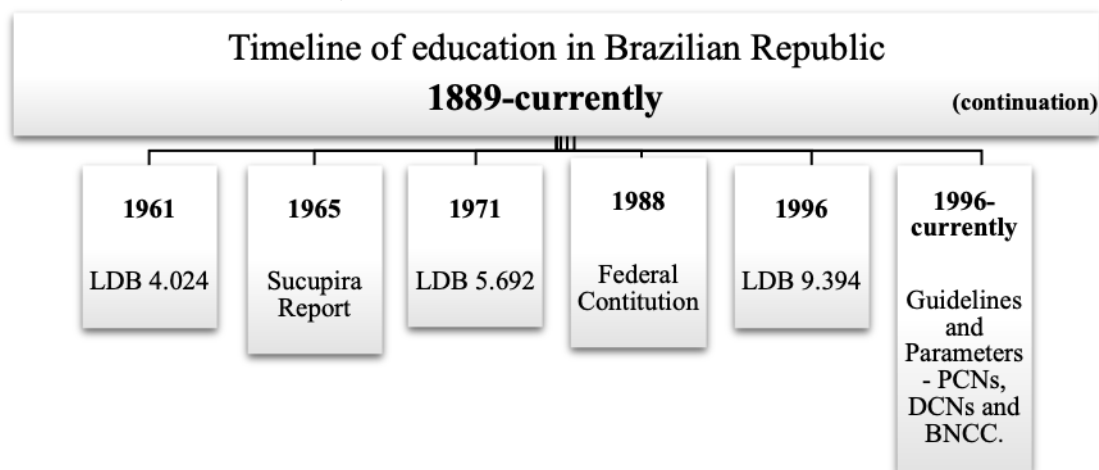


Figure 4 - Timeline of the history of education in Brazilian Republic. Prepared by the author (2020).

It was through the enactment of Laws and Guidelines and National Educational Foundation that the national educational system became closer to an ideal reality in Brazil. It was also recently guided by PCNs – National School Program Parameters (starting in 1997), by DCNs – National Curriculum Guidelines (starting in 2010) and also by BNCC – National Curriculum Foundation (starting in 2016). All of the mentioned above were guided by the current legislation through its LDB (Guidelines Laws and National Education Basis) (Mec, 2020).

### 3 FINAL CONSIDERATIONS

The appreciation for the statutory milestones achieved in the Brazilian education is essential for the complete understanding of its current status. That is why it is possible to understand its present moment, by being able to analyze its past events and its changes along the years, since it allows us to have a critical understanding of the facts. It is not possible to decline from the responsibility to be aware of the existing and factual history, may it be for educators or students.

Considering the extract presented about the Brazilian Educational System in this research, it is possible to agree with the following statement “[...] no law is capable to perform deep transformation, no matter how modern and contemporaneous it is, not even to set itself back in time to slow down a given society, no matter how slow and retrograde it may be” (Romanelli, 2014, p. 179). The educational ruptures and continuities in Brazil show that laws’ efficiency rely on applicable resources as well as the acceptance and adjustment in the social context it is inserted.

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