

Historical contradictions regarding basic education in Brazil: school as a matter of government

Contradições históricas em torno da educação básica no Brasil: a escola
como assunto de governo

Contradicciones históricas en torno a la educación básica en Brasil: la
escuela como asunto de gobierno

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RESUMO

O presente artigo consiste em um estudo a respeito de contradições políticas e sociais que envolveram a educação básica brasileira em sua história recente. Nosso objetivo principal é analisar as concepções de educação presentes na construção histórica da política educacional nacional, identificando os paradigmas educacionais que influenciaram de forma mais significativa essas políticas ao longo do tempo. A realização deste estudo demandou uma abordagem de natureza qualitativa, com pesquisa do tipo documental, em que analisamos todo o material específico referente à educação nas sete Constituições brasileiras por meio da técnica de análise de conteúdo. O repertório teórico que embasa essa pesquisa advém principalmente de Apple (2003), Cunha (2017) e Cury (2010). O estudo revelou a presença recorrente de três contradições estruturais na essência da política educacional nacional: relação conflituosa entre público-privado, centralização-descentralização e laicidade-ensino confessional como expressões da alternância histórica de poder entre essas duas concepções de educação no país.

Palavras-chave: Política educacional; Concepções de educação; Constituições Federais.

ABSTRACT

This paper consists of a study on political and social contradictions regarding the Brazilian basic education in its recent history. Our main objective is to analyze ideas of education historically built into the national education policy, as we also identify educational paradigms which meaningfully impacted such policies over time. Carrying out the study required a qualitative approach, with document analysis, in which we dealt with all materials related to the topic of education within the seven Brazilian Federal Constitutions, through the lens of content analysis. The theoretical framework is based on Apple (2003), Cunha (2017), and Cury (2010). The study revealed a recurring presence of three contradictions essential to the national education policy: a conflictive relationship between the public and the private, centralization and decentralization, and secular and confessional education as expressions of power alternation between such concepts on education in Brazil.

Keywords: Educational policy; Concepts on education; Federal Constitutions.

RESUMEN

El presente artículo consiste en un estudio sobre las contradicciones políticas y sociales que han involucrado la educación básica brasileña en su historia reciente. Nuestro objetivo principal es analizar las concepciones de educación presentes en la construcción histórica de la política educativa nacional, identificando los paradigmas educativos que han influenciado de manera más significativa dichas políticas a lo largo del tiempo. La realización de este estudio requirió un enfoque de naturaleza cualitativa, con una investigación de tipo documental, en la que analizamos todo el material específico referente a la educación en las siete Constituciones brasileñas mediante la técnica de análisis de contenido. El marco teórico que sustenta esta investigación proviene principalmente de Apple (2003), Cunha (2017) y Cury (2010). El estudio reveló la presencia recurrente de tres contradicciones estructurales en la esencia de la política educativa nacional: la relación conflictiva entre lo público y lo privado, la centralización y la descentralización, y la laicidad y la enseñanza confesional, como expresiones de la alternancia histórica de poder entre estas dos concepciones de educación en el país.

Palabras clave: Política educativa; Concepciones de educación; Constituciones Federales.

Introduction

The relevance of this paper derives from the need to address certain elements of Brazilian politics that have influenced and continue to influence the development of social policies in the country. We seek to analyze the concepts of education present in the historical construction of national educational policy, identifying the educational paradigms that have most significantly shaped these policies over time. Defining these paradigms allows us to investigate historical contradictions surrounding Brazilian basic education, which proves to be not only essential for organizing our theoretical analysis but also crucial for guiding the methodological conduct of this study.

To this end, we conducted a document-based search to list the most significant components of Brazilian educational thought in the development of educational policies. We began our investigation with structuring documents of national education but opted for the seven Magna Cartas due to their historical scope.

All content related to education found in the Constitutions was carefully and critically analyzed, leading us to identify three elements of Brazilian educational thought that stood out in terms of contradictions and disputes: Christian, economic, and management principles, all present in the historical and normative construction of national educational policy. Through these components, we were able to problematize the educational concepts that have made up the historical construction of the guarantee of the right to education in Brazil.

Questioning this issue takes us to the starting point where human phenomena express diverse and complex actions, whose subtext is permeated with value-based, political, cultural, and ideological complexities. In this sense, the need to unveil appearances becomes increasingly essential for us to achieve a contextual and credible understanding of the current scenarios.

The relevance of this study also relates to the contemporary challenges faced by education in Brazil, highlighting how historical tensions between different conceptions of education continue to shape current public policies. By exploring the relationship between public and private, centralization and decentralization, and

secular versus confessional education, it becomes possible to identify structural roots that influence the current educational practices and decisions.

To carry out this study, we examined the Brazilian Constitutions using Bardin's (2011) content analysis technique, which provides us with a framework for a feasible and viable theoretical study. The categories were defined after the skimming stage of the material, and the results were obtained based on these categories. The content analysis was conducted systematically, prioritizing categories such as religious, economic, and administrative principles present in the constitutional texts. This approach allowed us to critically map the intersections between historical contexts and the disputes surrounding educational policy in Brazil.

As a theoretical contribution, we mainly relied on the works of three education scholars who, since the last century, have greatly contributed to discussions on the right to education from legal, historical, and philosophical perspectives. We selected: the work by Luiz Antônio Cunha (2017), entitled *A educação brasileira na primeira onda laica: do império à república* (Brazilian education in the first secular wave: from empire to republic), which constitutes in-depth research on the structuring of secular education movements in the history of Brazilian education; the work by Carlos Roberto Jamil Cury (2010), entitled *Carlos Roberto Jamil Cury: intelectual e educador* (Carlos Roberto Jamil Cury: intellectual and educator), organized by Cyntia Greive Veiga, which gathers key texts on his reflections regarding the right to education in Brazil; and the book by Michael W. Apple (2003), entitled *Educando à direita: mercados, padrões, Deus e desigualdade* (Educating the "right" way: markets, standards, God, and inequality), which provides an overview of the intersections between market, religion, and educational management.

Historical contradictions surrounding basic education

Based on our reflections grounded in the authors mentioned above, along with the analysis of the Magna Cartas, we identified the existence, among many, of three educational conceptions that have recurrently played a prominent role throughout the history of educational policies in Brazil. These are contradictions that present aspects

of greater or lesser strength throughout the process of guaranteeing and implementing the right to education in Brazil. We use this triad of dialectical contradictions to identify the epistemological matrices of Brazilian educational thought present in national documents, which remain relevant to the present day. They are: the contradiction between the public and the private; centralization and decentralization; and secular and confessional education.

It is also a difficult task to separate these three elements due to the dialectical relationship they have established with one another throughout the history of national education. Epistemologically, we chose to focus on one contradiction at a time, so that the argumentative development could be built in the clearest and most didactic way possible — without losing sight of the fact that these are not fragmented processes, but, according to dialectical logic, belong to the same phenomenon, being organically interdependent.

Christian precepts as ideology of educational policy

Christian precepts have influenced the structure of national education since the colonial period. At that time, the native peoples who inhabited these lands before the arrival of the Portuguese already held religious beliefs of various kinds, including polytheistic ones. In this scenario, the Christian religion invaded the political and ideological environment of the Colony through the customs of the Portuguese, as they brought their dogmas with them and used them as instruments of domination.

The organic relationship between Christian-based religion and state education was consolidated when, in order to establish closer contact and thus exploit indigenous labor, the Jesuits developed methods to create a language that enabled verbal communication and the teaching of religious precepts, allowing for greater cooperation from the native peoples. The Catholic religion was thus inserted as a kind of object of study, reinterpreting the elements already present in native beliefs through the lens and premises of Christianity:

The Jesuits, in particular, employed cunning pedagogical procedures (in the broad sense of the term), which consisted in the redefinition of indigenous

cultural elements, so as to bring them closer to Catholicism, such as the association of Tupã with the Judeo-Christian god (Cunha, 2017, p. 81)¹.

Catechesis, therefore, represented a methodical, intentional, and systematic educational procedure during this period, aiming to reformulate native religious thinking and instill in it an ideal of a Judeo-Christian worldview*. However, the Indigenous people demonstrated a “peculiar form of cultural resistance to catechesis” (Cunha, 2017, p. 82)², about which Father Vieira described that disbelief in other places either exists or does not exist, but in Brazil, with catechesis, they believe and then no longer believe; they believe without believing, and even after believing, remain unbelievers.

The power of religion in colonial Brazil was represented by the Catholic Church and served as a pillar of slavery (Cunha, 2017) and, even after the end of that regime, it remained during the Monarchy, as it assumed the role of ideological propagator of the new system.

When the Portuguese state broke ties with the Jesuits in 1759**, this marked a weakening of the relationship between these two institutions. The educational institutions that emerged after this separation became subject to disputes between secular and confessional education.

In another historical moment, in 1822, in the context of Brazil’s independence, ceasing to be a colony of Portugal, we identify confessional education as a defining trait of that period. Accordingly,

[...] when Brazil became independent from Portugal, public education was entirely Catholic in nature. The struggle against the religious dominance in Brazil was long — first to allow Protestant content as an alternative to Catholic teachings, then to make Religious Education optional, and finally, to remove it from public schools. It was a long battle, marked by many negotiations and not a few setbacks. Religion was removed from public education with the fall of the Monarchy but soon returned to it. Hence, speaking of the struggle for the autonomy of education from religion in nineteenth-century Brazil acquires full meaning today (Cunha, 2017, p. 9).³

We use the excerpt above to broadly illustrate the topic of confessional education since the colonial period. The movement of agreements, disputes, and negotiations between the State and the Church is longstanding and has always revealed a dynamic of power gains and losses between those involved, directly

influencing the way the right to education has been guaranteed and implemented.

Later, another Christian branch began to gain strength in more recent times: evangelical religion. When addressing social polarization, Apple (2003) presents us with this mode of religious interference in education. According to him,

[...] a significant portion of them [evangelicals] tends to believe that public schools should instruct children with clearly Christian values. But it is important to understand that, for evangelicals, this is not an attempt to dominate others. Rather, it is a firm and deeply rooted belief that the world would be a much better place if everyone followed 'God's ways' (Apple, 2003, p. 163).⁴

This is a project that goes beyond the individual's prerogative to choose their faith and practice their dogmas. For this reason, considering educational policy, school routines, and the values reproduced in this environment is so important and increasingly constitutes a matter of government.

From the debate on the presence of the State as the centralizing agent of school policy, we observe that this role will always be reproduced alongside the presence — sometimes overt, sometimes covert — of religion, especially represented by religions of a Christian nature. To consolidate these disputes, school administration, later referred to as “management”, has also undergone instability.

The public and the private as tensioned projects in the management of educational policies: God and the Devil?

With the development of a more complex capitalist society, education began to be treated beyond the exclusive scope of religion. It became a relevant indicator of capital and entered the political agenda of education debates, particularly concerning the matrix of public and/or private funding. Other factors, such as the market and the political interests of society and its government officials, played a significant role in the management of national education. Consequently, the ongoing tension between these elements represented instability in educational administration.

Moreover, the union of capitalist ideals with religion is not a novelty; rather, it is a phenomenon that has appeared in new forms over time. Apple (2003) highlights that movements aiming to unite capitalist markets, romanticized pasts, and God are not

new. Thus, Christianity and capitalism have maintained a longstanding historical connection.

With the emergence of secularism in public education^{***}, private education became an alternative space for religious instruction — one that, at times, did not have to adhere to the same regulations imposed on public education. Beyond religion, the private system, within the educational sphere, found there a fertile ground for its growth in the market.

Therefore, it is impossible to critically address private education without mentioning the influence of religious instruction in its structure. However, we also cannot use this influence as the sole argument concerning an educational policy that is now treated as a commodity, since capitalist consumption patterns have also had its effects on this relationship. Apple (2003) refers to this issue as a “symbiotic relationship”, in which capitalism and religion shape one another.

Peroni and Caetano (2015), leading figures in research on the relationship between the public and private sectors in Brazilian education, warn us about what their research has been pointing out. In the authors’ words: “we have found that the private sector defines the content of the public sector, both in terms of management and pedagogical aspects” (Peroni & Caetano, 2015, p. 338)⁵. Furthermore, according to the authors, the development of a national curriculum could mean a possibility of increasing the democratic content if defined collectively and respecting the collectivities and social diversity of the country (Peroni & Caetano, 2015). However, another possibility would be the impregnation of private-sector choices in public education, in which

the private sector, due to its great influence on the current process of correlation of forces, can strongly influence the definition of the national curriculum, which will have even greater consequences for democratization in the country, with the increase in the process of commodification already underway (Peroni, Caetano, 2015, p. 338).⁶

Thus, based on these references, the main issue, when it comes to the contradiction between the public and private sectors in education, is how the private sector comes to control choices for the public sector, in such a way that it interferes in

guaranteeing the right to quality education as the main focus of public education, to the detriment of the privatizing vision that treats education as a commodity.

Centralization and decentralization

From the analyses of the two previously discussed contradictions — between secular and confessional education, and between the public and the private — a third contradictory condition that we have identified derives: the centralization and decentralization of educational management. This emerges because the competitiveness between these institutions requires disputes between private institutions and the public sector, particularly regarding decision-making related to the funding and management of these institutions. In this regard, we observe how Apple (2003) points out that:

[...] the fierce competition between institutions is sponsored in such a way that public institutions are constantly compared to supposedly more efficient private ones. Therefore, even though schools and other public institutions may still have sufficient funding provided by the State, their internal procedures increasingly mirror those of the private sector, based on the argument that the government can no longer afford to spend on these services (Apple, 2003, p. 35).⁷

This creates a tension that becomes structural between the public and private sectors, between centralized or decentralized management, and between confessional and secular education. These three contradictions, which have been present in the country's history since the colonial period, symbiotically permeate national education, becoming, beyond a prolonged tension, a matter of government, as they involve the entire educational sphere and represent an even greater dispute: that of educational conceptions. Vieira (2011) addresses this issue related to educational policies:

Under the label of centralization and decentralization, the dynamics and conflicts between central and local powers effectively mark the history of educational policy in Brazil, becoming a key theme in its trajectory. In the 20th century, it was a topic of ongoing debate among educators of various ideologies, both conservative and liberal, polarizing discussions in national constituent assemblies, particularly in the context of redemocratization after the end of the *Estado Novo* (New State) regime (p. 128).⁸

We can therefore identify the polarization caused by the tense and conflicting

process that permeates the debates between centralization and decentralization when it comes to national education.

Vieira (2000) further explains that this polarization stems from the issue of responsibility division — that is, the process of identifying which sector is responsible for certain responsibilities. In the specific case of education, this political, administrative, and legal clash occurs due to the division of roles of municipalities, states, and the Federal District in the implementation and evaluation of educational policies. This division is legally recognized as the Collaboration Regime and the Federative Pact.

Thus, decentralization, as the name implies, seeks to move responsibilities away from a central point — meaning it does not concentrate educational responsibilities within a single sphere of society, but rather distributes them so that decisions concerning education are made jointly and organically. Centralization, on the other hand, tends to concentrate decisions and responsibilities related to national education within a single social sphere, typically that of the Federal District.

Reflections on contradictions in government affairs: an approach based on Brazilian Constitutions

Based on the theoretical framework established so far, we selected the seven Brazilian Federal Constitutions as the documentary foundation for investigating the three contradictions throughout Brazil's history. These specific documents were chosen because they are the Magna Cartas of society and, therefore, the greatest social representations over the years:

[...] the Magna Cartas are written documents meant to be disseminated and incorporated into public life; they are, therefore, formal instruments for prescribing rules that contributed to the formation of a legal apparatus in the country. As elements of public administration, they define strategies and record policies. For this reason, it is important to know and analyze them (Vieira, 2007, p. 306).⁹

The relationship between the Constitutions and their articulation with educational policy arises from our selection of all the excerpts related to education

within these Magna Cartas — passages that guided the construction of the educational policies derived from them. It is from the Constitutions that the educational guidelines and governing principles originate, which are later detailed in specific education-related documents****.

In his text *A educação nas Constituições Brasileiras* (Education in the Brazilian Constitutions), Cury (2010) explores the agreement established among social beings who, in an attempt to avoid chaos and war, create a foundational contract that sets the rules for coexistence. The Constitution in Brazil currently represents this agreement. Due to the condition of a Democratic State of Law, the sovereignty of the law and the regime of representation are established. Thus, the Constitutions are the Magna Cartas of the given society.

For a global perspective and greater comparative possibilities between the different historical moments in which each Constitution was instituted, we have prepared the following table:

TABLE 1 - Characteristics of the Constitutions

CONSTITUTION	PERIOD OF VALIDITY	FORM OF GOVERNMENT	ORIGIN	NUMBER OF ARTICLES	NUMBER OF ARTICLES RELATED TO EDUCATION
1824	65 years	Monarchy	Granted	174 articles	1 article
1891	39 years	Republic	Promulgated	91 articles	3 articles
1934	3 years	Republic	Promulgated	187 articles	14 articles
1937	8 years	Republic	Granted	187 articles	10 articles
1946	20 years	Republic	Promulgated	222 articles	13 articles
1967	2 years	Republic	Promulgated	189 articles	5 articles
1988	30 years	Republic	Promulgated	114 articles	16 articles

Source: Developed based on data provided by the Federal Senate.

The first Constitution included in our documentary reference is that of **1824**, titled *Constituição Política do Império do Brasil* (Political Constitution of the Empire of Brazil) (Brazil, 2001a [1824]), dated March of the same year. This document was

drafted by a Council of State and granted by Emperor Dom Pedro I. The entire constitutional text of this document, which represents the first Magna Carta of the country, is initially described “in the name of the Holy Trinity,” highlighting the strong connection between religion and the monarchical government.

The document comprises 179 articles and remained in effect for 65 years in the history of Brazil. Among all Constitutions, this is the one with the fewest references to education, which at the time was referred to as Public Instruction. Only two paragraphs in the final article are dedicated to this topic. Through them, “primary and free instruction for all citizens” is declared as an inviolable civil and political right (Brazil, 2001a [1824]).

From the outset of this historical timeframe, public instruction is considered a right. At that time, citizens by right included all those born in Brazil, whether freeborn or freed; the children of Brazilian fathers born abroad who would or would not reside in the country; illegitimate children of Brazilian mothers residing in the Empire; all those born in Portugal who resided and continued in Brazil after the Proclamation of Independence of the provinces; as well as naturalized foreigners.

The Constitution of **1891**, of the Republic of the United States of Brazil was promulgated on February 24, 1891, with 91 articles, and is presented with the following text:

We, the representatives of the Brazilian people, gathered in a Constituent Congress to organize a free and democratic regime, establish, decree, and promulgate the following Constitution of the Republic of the United States of Brazil (Brazil, 2001b [1891]).¹⁰

We highlight this excerpt because it drew our attention to the fact that, among all the selected documents, this was the only Magna Carta that did not mention God in its introduction — or in any part of its textual body — contrary to what we observed in the previous reference. All those that followed it are indicated “under the protection of God” right in their introduction.

The third Constitution dated July 16, **1934** (Brazil, 2001c [1934]), and the fourth, dated November 10, **1937** (Brazil, 2001d [1937]), contain the same number of articles: 187, but differ in the number of articles related to education — 14 and 10, respectively.

Additional differences permeate these two Magna Cartas, which have little in common; the former was promulgated, while the latter was granted. The short period between them, only three years, reveals the governmental instabilities of the time. This occurred due to the coup d'état in 1937, which initiated Brazil's first dictatorship and caused the Constitution of 1937 to invalidate that of 1934.

On September 18, **1946**, the fifth Constitution of the United States of Brazil was promulgated (Brazil, 2001e [1946]). With 222 articles, it is the longest of all Constitutions and was drafted during a period of attempted re-democratization of Brazil, containing 13 articles related to education. Subsequently, on January 24, 1967, the "National Congress, invoking the protection of God, decrees and promulgates the [...] Constitution of Brazil" (Brazil, 2001f [1967]). The main feature of this Magna Carta is its context — Brazil's Military Dictatorship. With a total of 189 articles, we observe a significant decrease in the number of articles related to education, which were reduced to only five.

Lastly, we present the Magna Carta that governs Brazil to this day. Issued after a period of military rule, it aims once again to re-democratize society and is known as the "*Constituição Cidadã*" (Citizen Constitution) (Brazil, 2003 [1988]). Promulgated on October 5, 1988, with 114 articles, 16 of them concern education.

In the text *A educação e a nova ordem constitucional* (Education and the new constitutional order), Cury (2010) surveys changes in the educational sphere, which were marked from the Constitution of 1988 onward. It is at this point that the right to education is established for the first time as a public and subjective right. Moreover, this is the first time that free education is defined by a constitutional document.

Having thus preliminarily characterized the nation-state spirit of each Constitution, we proceed to identify, in the texts addressing education in each of them, the three contradictions we proposed to examine: that of confessional and secular education; public and private education; and centralized and decentralized educational management.

Secular education and confessional education

When referring to secularism in education in contrast with religious teaching, we return to Brazil's history since the arrival of the Jesuits. Regarding the presence of this issue in the texts of the constitutions, such tensions become even more apparent. When discussing the first secular wave in the country, proposed by Cunha (2017), the author highlights the curious fact that, after officially determining the secular nature of education through the Constitution of 1891, in a country that had been colonized and influenced for several centuries by the Catholic Church, this measure is later reversed in the following Magna Cartas. An example of this is:

Art. 153 – Religious education shall be of optional attendance and taught according to the principles of the student's religious denomination, as declared by parents or guardians, and shall be part of the timetables in public primary, secondary, vocational and normal schools (Brazil, 2001c [1934]).¹¹

The excerpt above is taken from the Constitution of 1934, which reverses the earlier decision to maintain secular education. The following Magna Cartas also lose the innovative character of secular teaching, which had been established only by the Constitution of 1891.

The Constitution of 1824 does not present any reference to the issue of religious education. The Constitution of 1891, on the other hand, states that “teaching in public establishments shall be secular” (Brazil, 2001b [1891]). Therefore, secular teaching is guaranteed for educational institutions, without mentioning how this will be applied to the private sector.

The 1934 constitutional document already presents more details about this contradiction: “Religious education shall be of optional attendance and taught according to the principles of the student's religious denomination, as declared by parents or guardians, and shall be part of the schedule in primary, secondary, vocational, and normal public schools” (Brazil, 2001c [1934]).

In the 1930s, religious education, although optional in terms of attendance, was a mandatory subject in many school organizations. In 1937, this religious-based education became part of ordinary courses, though it no longer required compulsory

teachers or student attendance.

The Constitution of 1946 presents religious education as a subject in official schools, taught in accordance with the student's religious denomination, provided it is accepted by their legal representative (Brazil, 2001e [1946]). In 1967, the Magna Carta establishes as principle and norm that: "Religious education, with optional enrollment, shall be a discipline in the regular schedule of official primary and secondary schools" (Brazil, 2001f [1967]). The 1988 constitutional text offers the same statement, but instead of "primary school" (*grau primário*), the term was updated to "elementary school" (*ensino fundamental*), and "official schools" (*escolas oficiais*) was replaced by "public schools" (*escolas públicas*) (Brazil, 2003 [1988]).

Based on the studies by Cunha (2017), we identified that religion can be illustrated as a structuring element in the history of Brazilian educational policy. Regarding this contradiction addressed in this study, we understand that the constitutional documents reflect a trajectory of progress and setbacks in the attempt to establish secular education, since this process was not linear.

The relationship between public and private

Public education, by its principle and materiality, exists in tension with private education, since private schooling, as a movement, begins to demand more space in government affairs and seeks greater autonomy. According to Apple (2003), there is a significant outcry from various institutions — such as the media, churches, political parties, and intellectuals — to discuss and attempt to solve what is dysfunctional in education, especially in public education.

The issue of education as a product to be commercialized also affects society, for "to many scholars, politicians, executives of large companies, and others, education is a business and should not be treated differently from any other business" (Apple, 2003, p. 1)¹².

Regarding the legal history of the relationship between public and private in national education, we will follow this trajectory through the Constitutions of Brazil. The Constitution of 1824, still in the imperial period, does not show such a relationship; on

the contrary, the little text that refers to the educational field indicates free education for all: “XXXII. Primary instruction, and free for all Citizens” (Brazil, 2001a [1824]).

The Constitution of 1891 does not indicate education as public and free, nor does it mention the privatization of education. However, the 1934 constitutional document, dated to the Second Republic, guarantees education as a right of all, to be provided by the family and Public Authorities. In Article 50 of the referred document, it is guaranteed that the National Education Plan to be developed must comply with the following norms:

- a) free, compulsory, full-time primary education, extended to adults;
- b) a tendency towards free education beyond primary education, to make it more accessible;
- c) freedom of education at all levels and branches, observing federal and state legislation;
- d) teaching in private institutions must be conducted in the national language, except for foreign language subjects;
- e) limitation of enrollment to the teaching capacity of the institution and selection by means of intelligence and performance tests, or by objective processes appropriate to the purpose of the course;
- f) recognition of private educational institutions only when they ensure stability for their teachers, as long as they serve well, and a decent salary (Brazil, 2001c [1934]).¹³

Thus, they indicate a tendency toward free education to make it more accessible. At the same time, they also recognize private institutions and indicate rules for their operation, such as teaching in the national language and the requirement for the institution to ensure job stability and decent wages for teachers. This relationship between public and private, in this document, can be demonstrated as even closer by the example of Article 154, which, in guaranteeing tax exemption for educational institutions, includes “private educational establishments, free primary or vocational, officially considered suitable” (Brazil, 2001b [1891]).

The Constitution of 1937 presents us with another form of relationship between public and private. There is significant emphasis on the role of the State in protecting childhood and youth. For that, Article 127 highlights that “destitute parents have the right to invoke the aid and protection of the State for the subsistence and education of their offspring” (Brazil, 2001d [1937]).

The indication of the State as an aid-provider leads us to question the existence

of another way of thinking about education, other than free education. Throughout the document, we can identify that:

Art. 128 – Art, science, and education are open to individual initiative and to associations or collective public and private persons.
It is the duty of the State to contribute, directly and indirectly, to the encouragement and development of both, by favoring or founding artistic, scientific, and educational institutions (Brazil, 2001d [1937]).¹⁴

From this, we can observe that, even with education being open to public and private initiative, as well as to individual initiative, the State's role is essential for organizing education, since:

Art. 129 – For children and youth who lack the necessary resources to attend private institutions, it is the duty of the Nation, the States, and the Municipalities to ensure, through the foundation of public educational institutions at all levels, the possibility of receiving an education suited to their abilities, aptitudes, and vocational tendencies (Brazil, 2001d [1937]).¹⁵

Another important finding in the document is that, even with the State affirming its role in founding educational institutions and assisting and protecting children and youth, national education at the time shows signs of weakened State action in promoting education, not only through private institutions but also through what is described as solidarity from the more fortunate towards the less fortunate. This would occur through monthly contributions to the school fund, as follows:

Art. 130 – Primary education is mandatory and free. However, such gratuity does not exclude the duty of solidarity from the less needy towards those most in need; thus, at enrollment, a modest monthly contribution to the school fund shall be required from those who do not claim or clearly cannot claim a lack of resources (Brazil, 2001d [1937]).¹⁶

In the following Constitution, of 1946, education is conceived as a right of all and may be provided at home or at school. In this document, the relationship between public and private is much more evident: “Art. 167 – Education in its various branches shall be provided by Public Authorities and is open to private initiative, in accordance with the laws that regulate it” (Brazil, 2001e [1946]).

The 1967 Charter, the result of the Military Regime, presents private initiative gaining more space in the educational sector. Provided that legal norms established

by the State are respected, education is considered open to private initiative. What differentiates this relationship from that of previous documents is the technical and financial support provided by Public Authorities to private initiative, as outlined in Article 168 of the same document (Brazil, 2001e [1967]).

In the Citizen Constitution of 1988, still in force, education is considered a right of all, but it is under the responsibility of the State and the family, with the collaboration of society to develop individuals for the exercise of citizenship and qualification for work.

Regarding the growing influence of private initiative in education, one of the principles of Article 206, which discusses the foundations of education, is: “the pluralism of ideas and pedagogical approaches, and the coexistence of public and private educational institutions” (Brazil, 2003 [1988]). Furthermore, Article 209 establishes that education is open to private initiative, as long as it follows general education guidelines and is subject to authorization and quality assessment by Public Authorities.

While the Constitution seeks to guarantee free and public education, it also creates space for private initiative to operate. Concerning the allocation of public funds to education, we can again observe the presence of this dynamic between public and private. According to the document:

Art. 213. Public funds shall be allocated to public schools and may be directed to community, religious, or philanthropic schools, as defined by law, that:

- I – prove they are non-profit and apply their financial surpluses to education;
- II – ensure that their assets are transferred to another community, philanthropic, or religious school, or to the Public Authorities, in the event of closure.

§ 1. The resources referred to in this article may be allocated to scholarships for elementary and secondary education, as provided by law, for those who demonstrate insufficient financial resources, when there is a lack of vacancies in regular courses in public schools in the student’s residential area, with the Public Authority being obliged to prioritize investment in the expansion of its own network in that area (Brazil, 2003 [1988]).¹⁷

With this legislative opening, the educational landscape allowed public funds to be directed to community, religious, and philanthropic schools, increasing the influence of the private sector. In this relationship, we can identify the “symbiotic relationship”

highlighted by Apple (2003), since this privatization process is not solely the result of market dynamics but also of neoliberal policies that begin to treat Education as a service to be offered rather than a universal right.

In this context, the contradiction between public and private permeates many constitutional documents. This relationship has been marked by the intentionality of the State's action in this sphere, in most cases more supportive of private initiative.

Centralization and decentralization in education

The relationship of contradiction between centralization and decentralization in education in Brazil is directly related to the government regimes in place at each moment in history. When analyzing the Constitutions, this becomes more intelligible. The very dates on which the Magna Cartas were promulgated or granted express this instability.

The short period of validity of some Constitutions, such as those of 1934 and 1967, is noteworthy. Their origins reveal an alternation between attempts to establish dictatorial regimes and democratic regimes, which alternated throughout Brazil's history.

These regimes present different characteristics, as dictatorial regimes tend to be more rigid, centralized, and authoritarian, while democratic regimes tend to promote greater social participation and decentralization. These divergences were clearly incorporated by their respective regimes into the Magna Cartas, thus highlighting government interference in State policies and documents – in this case, the most important document of the nation. Regarding education, the State sometimes assumed a centralizing profile, sometimes decentralizing educational responsibilities.

Regarding the contradictory situation of centralization and decentralization in the constitutional texts, the Constitution of 1824 makes no mention of this process, as the text concerning education contains only two articles. In the document of 1891, the responsibility of Congress to provide secondary education in the Federal District is established, as well as to create higher and secondary education institutions in the States.

At that time, education was conceived as a responsibility centralized in the power of the State. In the document of 1934, the process becomes decentralized, and the Union, States, the Federal District, Municipalities, and the National Education Council each take on their own function. In this case, the Union is responsible for outlining the educational guidelines and establishing the National Education Plan and the organization of the education systems. The states and the Federal District are delegated the organization of educational systems based on what is established by the Union. The Municipalities do not have a specific function in the document, and the National Education Council has the role of drafting the National Education Plan to be subsequently approved, in addition to having the possibility of making suggestions regarding improvements in education.

In the Constitution of 1937, we once again observe elements of centralized power in education. In this reference, we do not observe the division of tasks that contributes to the decentralization of educational management at the national level. We can only identify the role of the Union, which was: “to set the foundations and determine the frameworks of national education, outlining the guidelines to which the physical, intellectual, and moral formation of childhood and youth must conform” (Brazil, 2001d [1937]).

In the 1946 constitutional document, the Union still holds the role of setting national guidelines and foundations for education, and once again we can see signs of decentralization in national educational management. This time, the text addressing the roles of each entity is shorter and does not specify this activity. While the Union is responsible for organizing the federal and territorial education systems, the States and the Federal District organize their own education systems.

In the context of the Constitution of 1967, the text is even more direct, and we once again notice an increase in the centralization of power related to education:

Art. 169 – The States and the Federal District shall organize their education systems, and the Union shall organize those of the Territories as well as the federal system, which shall have a supplementary character and shall extend to the entire country, within the strict limits of local deficiencies (Brazil, 2001f [1967]).¹⁸

In the Constitution of 1988, we identified one of the greatest legal advances related to decentralization. At that time, it was established that the Union should legislate on educational guidelines and foundations. The roles of the States, Federal District, and Municipalities were emphasized, and for the first time the Municipalities had their responsibilities expressly stated:

Art. 24. It is the responsibility of the Union, the States, and the Federal District to legislate concurrently on:

IX – education, culture, teaching, sports, science, technology, research, development, and innovation;

Art. 30. It is the responsibility of the Municipalities:

VI – to maintain, with the technical and financial cooperation of the Union and the State, programs of early childhood education and elementary education (Brazil, 2003 [1988]).¹⁹

In identifying the contradiction between centralization and decentralization, we observed significant inconsistency. Constitutional texts that signaled an important process of decentralizing national educational management were followed by others with opposing characteristics. This reflects the influence of the social structure that permeated such contexts. Therefore, we identified a movement of back-and-forth in this process that has always been under dispute.

Vieira (2011) shows us that these disputes are the main motivators for the contest over the management of educational responsibilities. This is evident as the way of managing national education has changed throughout the Constitutions. Currently, the Constitution of 1988 introduced innovations by establishing the Regime of Collaboration among the Union, States, Federal District, and Municipalities, promoting a shared management of educational responsibilities.

Final Considerations

We carried out a brief retrospective regarding the tensions in dispute in national education. To this end, we used the constitutional texts related to education in the Brazilian Constitutions, based on the analysis of three contradictory categories as an investigative guide, namely: economic, religious, and educational.

The contradiction between secular and confessional education is found

throughout the years and the constitutional documents, with the exception of the 1824 text, which does not dedicate much space to addressing educational matters. This relationship is present in all subsequent documents, in which we find some element related to religious education.

Its presence in the texts varied greatly; therefore, we encountered the obligation of religious education and, subsequently, the subject offered as optional in public schools. The debate on secular education can be understood through the progress made regarding the non-obligation of religious education as a discipline.

However, religious education is open to private initiative as it is an option for those who seek it. This once again reveals the growing space occupied by private initiative in national education. We thus identified that these three dichotomies selected for analysis are interwoven in the Brazilian Constitutional documents and are representative for the study of the power struggles established in the educational field.

Regarding the relationship between public and private in national education, the increasing prominence given to the private sector within the logic of educational policies over time is evident. Education, initially represented only as free of charge, begins to incorporate private initiative into the constitutional documents.

The very concept of public education, as it is currently understood, went through a maturation process throughout the Magna Cartas analyzed. This evolution initially occurred through the guarantee of free education and, later, governmental support began to be conceived almost as “charity,” since it required assistance in the form of an “allowance” from people with more financial resources to meet the needs of those who could not afford such costs; the State, in this process, acted as an intermediary, which at the time was considered a way to protect children and youth.

Subsequently, the State began to assume a more prominent role in guaranteeing public education. Thus, the Constitution of 1988 is, to date, the document that best represents the realization of public education as a subjective right and a duty of the State. However, in parallel, community, philanthropic, and confessional institutions began to receive state financial resources, which are allocated beyond public education.

Finally, the centralization and decentralization dichotomy is the one that has undergone the most changes throughout history. These changes did not occur linearly, and it is evident that this dichotomy best represents how different political and educational interests are incorporated into the texts concerning education in the Constitutions.

The division of responsibilities is sometimes concentrated in the National Congress, sometimes shared with the federated entities. Furthermore, every time we identified greater educational centralization, it could be associated with periods of greater authoritarianism, such as the military regime, which removed the decentralizing character of national education management.

In summary, the study allowed us to identify and discuss the main historical dichotomies that shape Brazilian educational policy. As this is a document-based study, we cannot fully conclude the reality of the time based solely on them, but we obtained a sample of the political situation in each period. The contributions of this investigation lie in the systematization of the historical evolution of educational policies in Brazil by highlighting the persistence and transformation of the dichotomies studied.

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Notes

*The belief in a Creator God, associated with a male and European figure (LIMA, 2010), does not provide indigenous peoples with recognition of themselves through the formulated religious thought, placing them in a subaltern position.

**Period of the Pombaline Reform.

***Cunha (2017), in the book entitled *O Brasil na primeira onda laica* (Brazil in the first secular wave), explains how the process of secularization gained strength in the country and was consolidated with the 1891 Constitution, making public education secular. However, as a process of dispute between a secular State and a State in symbiosis with the Catholic Church, secularism lost influence. The author refers to this movement as a “secular wave” due to its rise and decline.

****In theoretical terms for choosing the Constitutions as guiding elements for this chapter, we follow Kelsen’s pyramid theory (1999), which establishes the hierarchy of laws and considers a constitution as

a central foundation for other normative documents across different fields. In the case of this research, we focused on educational material, from which it became possible to draft laws such as the *Lei de Diretrizes e Bases* (Law of Guidelines and Bases) and normative documents like the *Base Nacional Comum Curricular* (National Common Curricular Base).

¹ Original: “Os jesuítas, em especial, empregaram ardilosos procedimentos pedagógicos (no sentido lato do termo), que consistiam na redefinição de elementos culturais indígenas, de modo a aproximá-los do Catolicismo, a exemplo da associação de Tupã ao deus judaico-cristão” (Cunha, 2017, p. 81).

² Original: “forma peculiar de resistência cultural à catequese” (Cunha, 2017, p. 82).

³ Original: “[...] quando o Brasil se tornou independente de Portugal, a educação pública era toda de caráter religioso católico. Longa foi a luta contra a prevalência religiosa nele – primeiramente, para que o conteúdo protestante pudesse ser alternativo ao católico, depois, que o Ensino Religioso fosse facultativo e, por fim, sua retirada das escolas públicas. Foi uma longa luta, entremeada de muitas negociações e não poucos recuos. A religião foi suprimida do ensino público com a queda da Monarquia, mas logo depois voltou a ele. Daí que falar de luta pela autonomização da educação diante da religião no Brasil do século XIX adquiere hoje pleno sentido” (Cunha, 2017, p. 9).

⁴ Original: “[...] uma fração significativa deles [evangélicos] tende a acreditar que as escolas públicas devem instruir as crianças com valores claramente cristãos. Mas é importante compreender que, para os evangélicos, essa não é uma tentativa de dominar os outros. É, isso sim, uma crença sólida e profundamente arraigada de que o mundo seria um lugar muito melhor se todos seguissem ‘os caminhos de Deus’” (Apple, 2003, p. 163).

⁵ Original: “verificamos que o privado define o conteúdo do público, tanto nos aspectos de gestão quanto nos aspectos pedagógicos” (Peroni, Caetano, 2015, p. 338).

⁶ Original: “o privado, pela grande influência que tem no atual processo de correlação de forças, pode influenciar muito na definição do currículo nacional, o que trará consequências ainda maiores para a democratização no País, com o aumento do processo de mercadificação já em curso” (Peroni, Caetano, 2015, p. 338).

⁷ Original: “[...] a competição feroz entre as instituições é patrocinada de tal modo que as instituições públicas são constantemente comparadas com outras privadas, supostamente mais eficientes. Por isso, mesmo que as escolas e outras instituições públicas ainda disponham de fundos suficientes fornecidos pelo Estado, seus procedimentos internos espelham, cada vez mais, aqueles do setor privado, com o argumento de que o governo não pode mais se dar ao luxo de gastar com esses serviços” (Apple, 2003, p. 35).

⁸ Original: “Revestindo-se do rótulo centralização e descentralização, as dinâmicas e embates entre poder central e poder local marcam, com efeito, a história da política educacional no Brasil, inscrevendo-se como tema chave de sua trajetória. No século XX foi tema de debate permanente entre educadores dos mais diversos matizes, tanto conservadores quanto liberais, polarizando discussões nas assembleias nacionais constituintes, particularmente no contexto da redemocratização, após o fim do Estado Novo” (p. 128).

⁹ Original: “[...] as cartas magnas são documentos escritos para serem divulgados e incorporados à vida pública; configuram-se, portanto, como instrumentos formais de prescrição de regras que contribuíram para a formação de um aparato jurídico no País. Como elementos da administração pública, definem estratégias e registram políticas. Por isso mesmo é importante conhecê-las e analisá-las” (Vieira, 2007, p. 306).

¹⁰ Original: “Nós, os representantes do povo brasileiro, reunidos em Congresso Constituinte, para organizar um regime livre e democrático, estabelecemos, decretamos e promulgamos a seguinte Constituição da República dos Estados Unidos do Brasil” (Brasil, 2001b [1891]).

¹¹ Original: “O ensino religioso será de frequência facultativa e ministrado de acordo com os princípios da confissão religiosa do aluno manifestada pelos pais ou responsáveis e constituirá matéria dos horários nas escolas públicas primárias, secundárias, profissionais e normais” (Brasil, 2001c [1934]).

¹² Original: “para muitíssimos dos eruditos, políticos, dirigentes de grandes empresas e outros, a educação é um negócio e não deve ser tratado de forma diferente de nenhum outro negócio” (Apple, 2003, p. 1).

¹³ Original: “a) ensino primário integral gratuito e de frequência obrigatória extensivo aos adultos; b) tendência à gratuidade do ensino educativo ulterior ao primário, a fim de o tornar mais acessível; c) liberdade de ensino em todos os graus e ramos, observadas as prescrições da legislação federal e da estadual; d) ensino, nos estabelecimentos particulares, ministrado no idioma pátrio, salvo o de línguas estrangeiras; e) limitação da matrícula à capacidade didática do estabelecimento e seleção por meio de provas de inteligência e aproveitamento, ou por processos objetivos apropriados à finalidade do curso; f) reconhecimento dos estabelecimentos particulares de ensino somente quando assegurarem. A seus professores a estabilidade, enquanto bem servirem, e uma remuneração condigna” (Brasil, 2001c [1934]).

¹⁴ Original: “Art 128 - A arte, a ciência e o ensino são livres à iniciativa individual e a de associações ou pessoas coletivas públicas e particulares. É dever do Estado contribuir, direta e indiretamente, para o estímulo e desenvolvimento de umas e de outro, favorecendo ou fundando instituições artísticas, científicas e de ensino” (Brasil, 2001d [1937]).

¹⁵ Original: “Art 129 - A infância e à juventude, a que faltarem os recursos necessários à educação em instituições particulares, é dever da Nação, dos Estados e dos Municípios assegurar, pela fundação de instituições públicas de ensino em todos os seus graus, a possibilidade de receber uma educação adequada às suas faculdades, aptidões e tendências vocacionais” (Brasil, 2001d [1937]).

¹⁶ Original: “Art 130 — O ensino primário é obrigatório e gratuito. A gratuidade, porém, não exclui o dever de solidariedade dos menos para com os mais necessitados; assim, por ocasião da matrícula, será exigida aos que não alegarem, ou notoriamente não puderem alegar escassez de recursos, uma contribuição módica e mensal para a caixa escolar” (Brasil, 2001d [1937]).

¹⁷ Original: “Art. 213. Os recursos públicos serão destinados às escolas públicas, podendo ser dirigidos a escolas comunitárias, confessionais ou filantrópicas, definidas em lei, que: I - comprovem finalidade não-lucrativa e apliquem seus excedentes financeiros em educação; II - assegurem a destinação de seu patrimônio a outra escola comunitária, filantrópica ou confessional, ou ao Poder Público, no caso de encerramento de suas atividades. § 1º Os recursos de que trata este artigo poderão ser destinados a bolsas de estudo para o ensino fundamental e médio, na forma da lei, para os que demonstrarem insuficiência de recursos, quando houver falta de vagas e cursos regulares da rede pública na localidade da residência do educando, ficando o Poder Público obrigado a investir prioritariamente na expansão de sua rede na localidade” (Brasil, 2003 [1988]).

¹⁸ Original: “Art 169 - Os Estados e o Distrito Federal organizarão os seus sistemas de ensino, e, a União, os dos Territórios, assim como o sistema federal, o qual terá caráter supletivo e se estenderá a todo o País, nos estritos limites das deficiências locais” (Brasil, 2001f [1967]).

¹⁹ Original: “Art. 24. Compete à União, aos Estados e ao Distrito Federal legislar concorrentemente sobre: IX - educação, cultura, ensino, desporto, ciência, tecnologia, pesquisa, desenvolvimento e inovação; Art. 30. Compete aos Municípios: VI - manter, com a cooperação técnica e financeira da União e do Estado, programas de educação infantil e de ensino fundamental” (Brasil, 2003 [1988]).