



The constitution of the right social to education in the State of Minas Gerais legislation of the 1920 decade

Marlos Bessa Mendes da Rocha

Universidade Federal de Juiz de Fora, Rua José Lourenço Kelmer, s/n, 36036-900, Juiz de Fora, Minas Gerais, Brazil. E-mail: marlos.bessa@ufjf.edu.br; marlosbessa@ig.com.br

ABSTRACT. This research aims to present two legislations created in 1920 in Minas Gerais. The first one is about the law 800 from 27th November 1920 which reorganizes the primary school in the State and it also contains others rules. The second one regulates the law 800 that was endorsed in 1924. The alleged is that the legislation expressed a historical time, that is to say, more than intentions of ruling elites, it is an expression of an era, with their problems, as well as ordering the treatment of values issues. The hypothesis that we seek to demonstrate is that such laws are indicative of a historical time in the phase of educational enthusiasm, on characterization of Jorge Nagle (2001), but even preceding the establishment of the social right to education, that is a historical watershed of the modernity of Brazilian and worldwide educational. The missing dimension for to enter into the new time is precisely the permanence of a generic conception of citizenship unveiled at an ordination that weakens the role public school. It occurs either through the obligation of the public offer of educational shared with the society, either through the requirement of civic consciousness of the people preceding the public offer, in a clear scapegoating this school expansion limits. The work procedure is done by legal sources exegesis and regulatory standards, including in the school minutes, as well as the legislative debates.

Keywords: right social to education; Minas Gerais's law; primary school.

A constituição do direito social à educação em legislações mineiras da década de 1920

RESUMO. O trabalho apresenta pesquisa sobre duas legislações surgidas nos anos de 1920 no Estado de Minas Gerais. A primeira refere-se à lei 800, de 27 de setembro de 1920 (reorganiza o ensino primário do Estado e contém outras disposições); a segunda, produz a regulamentação da lei 800, aprovada em 1924. O suposto é de que a legislação expressa um tempo histórico, vale dizer, mais do que intenções de elites governantes, ela é expressão de uma época, com seus problemas, bem como de valores que ordenam o tratamento das questões. A hipótese que procuramos demonstrar é de que tais legislações são indicadoras de um tempo histórico já na fase do 'entusiasmo educacional', na caracterização de Jorge Nagle (2001), porém ainda precedendo a constituição do direito social à educação, marco da modernidade educacional brasileira e mundial. A dimensão faltante para o ingresso no novo tempo é precisamente a permanência de uma concepção genérica de cidadania revelada numa ordenação escolar que fragiliza o protagonismo público. Isso ocorre seja através de concepção de obrigação da oferta educacional dividida com a sociedade, seja através da exigência de 'consciência cívica' do povo antecedendo a oferta, numa clara culpabilização deste que limita a expansão escolar. O procedimento do trabalho faz-se pela exegese das fontes legais normativas e regulatórias, incluindo nestas as Atas escolares, bem como pelos debates legislativos registrados.

Palavras-chave: direito social à educação; legislações mineiras; ensino primário.

La constitución del derecho social para la educación en los legislación de lo estado Minas Gerais (Br) de la década de 1920

RESUMEN. El documento presenta investigaciones sobre dos legislaciones que surgieron en la década de 1920 en el estado de Minas Gerais. El primero se refiere a la ley 800 de 27 de septiembre de 1920 (reorganiza la educación primaria del Estado y contiene otras disposiciones); el segundo, produce la regulación de la ley 800, aprobada en 1924. Se supone que la legislación expresa un tiempo histórico, vale la pena decir, más que intenciones de las élites gobernantes, es una expresión de un tiempo, con sus problemas, así como valores que ordenan el tratamiento de las cuestiones. La hipótesis que buscamos

demostrar es que tales legislaciones son indicadores de un tiempo histórico ya en la fase de “entusiasmo educativo”, en la caracterización de Jorge Nagle (2001), pero aún precediendo a la constitución del derecho social a la educación, un marco de Modernidad educativa brasileña y global. La dimensión que falta para entrar en el nuevo tiempo es precisamente la permanencia de una concepción genérica de la ciudadanía revelada en una ordenación escolar que debilita el protagonismo público registrados. Esto ocurre ya sea a través de la concepción de la obligación de la oferta educativa dividida con la sociedad, ya sea a través de la exigencia de “conciencia cívica” de las personas que preceden a la oferta, en una clara culpabilidad de esta que limita la expansión escolar. El procedimiento de trabajo se realiza mediante la exégesis de fuentes legales normativas y reglamentarias, incluso en estas actas escolares, así como por los debates legislativos registrados.

Palabras clave: derecho social a la educación; leyes mineras; primaria.

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Introduction¹

This paper presents a research about two legislations that emerged in the 1920s in the State of Minas Gerais. The first refers to Law no. 800 of September 27, 1920 (that reorganizes public primary education and contains other provisions); the second produces the regulation of Law no. 800, approved only in 1924. The assumption is that the legislation expresses a historical time, that is, more than the intentions of ruling elites, it is an expression of a time, with its problems, that the legislation seeks to respond to, as well as values that order the treatment of the issues. The hypothesis we seek to demonstrate is that such legislations are indicative of a new historical time that has been constituted, namely that of the social right to education. Such a right is not in continuity with education as a civil obligation or as a political reason, as it was structured throughout the 19th century. It is now the social right of individuals, which means a process of restructuring the citizenship in force among us Brazilians.

What we seek to observe is how the configuration of this educational citizenship occurs, without the investigation being determined by the previous evaluative paradigm of what is citizenship. It should be noted that the historical process of constituting the social right to education is broader, since it has been occurring since the mid-1800s in the West, including nearby nations such as Argentina, Chile, Uruguay that entered the transformations at the end of that century. So we were a little late in entering the new era, as we only did so at the beginning of the fourth republican decade. The difficulty of analyzing the documents occurs precisely in the hybridism of historical time. There are still very strong past inheritances that mark the educational institutions despite much we may perceive as constitutive ruptures of the new time, with the emergence of significantly new aspects in the formulated arguments.

Our methodological procedure is the exegetical work on the sources, seeking the comprehensive dimension through the notion of historical temporality, as defined by Paul Ricoeur (2010), that is, chronological time that intersects with the phenomenal dimensions of time². The sources we work with are the legislations, the debates that took place in the Legislative Assembly of the State of Minas in the very year of the promulgation of the laws (1920/1924), school minutes of school groups in the city of Juiz de Fora, as well as journalistic sources of the time.

The question of the social right to education

There is a founding paradox of educational modernity, understood here as the historical time of the constitution of the social right to education. It needs to be open to the universality of access and in so doing it is surrounded by the human, social and cultural diversity of those that ascend to it. This paradox runs through the times of modernity as well as educational contemporaneity. The existence of the paradox in our time reveals itself in the school's ever-renewed difficulty in dealing with human diversity that is beyond any previously established profile.

¹ This work is the result of research with the support of CNPQ (2013/2014) and FAPEMIG (2014/2016), both Universal Announcements.

² According to Ricoeur (2010), historical time has two sides: cosmic or chronological or calendar time, and phenomenological time, which refers to the world experiences expressed by the narrative. In addition, the time of the calendar is a phenomenal production of the lived, since it is through the past, present and future experience that it is established. However, chronological time is fixed as axial points on the temporal continuum axis, allowing cosmic marking. The historical event is then recorded twice: by world time, calendar time, and lived time, marked by enunciation, by narrative. Every narrative will always be an expression of a historical time. It is through narrative that world time is rewritten in human time. See about it: (Ricoeur, 2010, chap.7).

The effort of our research is precisely in the attempt to perceive the installation of this great educational paradox, of universal character, in the early days of our modernity, more specifically what had to be overcome so that it could fully install itself as a mark of this modernity. The public policy of education is old, it comes from colonial times, when the Portuguese State here installed public classes in Pombaline times (Boto, 2010). The independent state that is established here wanted from the outset a state of law endowed with civil society, which is called the modern state in the definition of Hegel (2000). Despite profound social inequalities and the existence of slave relations, a dimension of civil equality unheard of among free men is introduced. The introduced dimension of equality produces its effects on the social and political order, as a recent historiography tells us (Graham, 1999; Grinberg, 2002; Mattos, 2009). The policy of public education since the dawn of the independent nation has been placed and justified. So say the free elementary education guaranteed by the Constitution of 1824 (Nogueira, 1999) and the commitment of the public offer already established by the first educational law of 1827.

However, the education that is established is far from being constituted as a social right. Rather, it is education committed to the formation of a civilizing state proper to modern civil societies, where education wants to forge the new social/political category of citizens, who will be called to electoral participation. Just as this citizenship is not extensive, but hierarchical, and suffering of income constraints, so too will education be restricted to the possibilities of public offering. The interesting thing is that it is made from the beginning as education focused mainly on the poor and the needed. This does not mean to express any philanthropic character of the primordial modern state, but rather the strongly hierarchical nature of society, where the state need not concern itself with the elementary formation of the wealthy social classes, as they have their own resources to do so³.

Although education throughout the 1800s is not a continuum, as wished recurrently by certain historiography, but pervaded by historical phases, as I tried to demonstrate in another paper (Rocha, 2010), the character of a relative public offering, according to the possibilities of the state and without strict commitment to the demand, only to the civic duty of the state to constitute it, continues through the century. The first three republican decades are still strongly marked by the old matrix, as Jorge Nagle presupposes, although without demonstration (Nagle, 2001). Things begin to change when we are sketching a new historical time between us, bringing new concerns in education policy. The new trait begins to emerge when it is precisely required to include all children and young people in a certain age group considered compulsory. This new requirement correlates with the commitment of the public offer, bringing to the State a greater and definitive role in elementary education, even if free private offer is allowed. Public budget allocations in the various spheres of federative entities are becoming compulsory.

Now we need to be aware that we are talking about a new historical time that raises the question of the universalization or comprehensiveness of children and young people in the compulsory age group in school, that is, a future horizon that affects public education policy precisely because makes it necessary for policy in the new time to take account of that requirement. However, it is not yet a sociological realization of that scope, which is a political commitment that still permeates us today.

Another dimension to needs to be made precise is the one relative to the historical time we ascribe as passing through the transformations that begin to occur between us in the chronological time of the 1920s and 1930s. As the concept defines it, historical time is an all-embracing public time, embracing the sphere of the legislations, the representations, the localized cultures, as in the case the school culture. On the other hand, it is not a time that isolates us from the rest of the world, but rather integrates us into the world. In other words, it places us in the dynamics of political and social transformations that have been taking place in the West. It is thus a diachronic dimension that affects the historically more precise circumstances and political contexts. As Fernand Braudel (2014) says, every history is always a world history⁴.

Considerations about regional histories and historiographical discussion

The focus of this work is two laws from Minas Gerais, situated in the 1920s. Some historiographical considerations about the regionality of the approach need to be clarified. Our understanding is that the

³ In the Decree-Law Leônício de Carvalho (Decree No. 7.247 of 1879), which most emphasizes the obligation, there is reference to home education, but only the commitment of parents, guardians or protectors are necessary for it to be allowed (Art. 2 - caput). Only in the 1920s will proof be required through 'free examinations' in regular schools.

⁴ In Fernand Braudel's works there are numerous references to the need for an amplified world-wide history. We simply cite one of them: (Braudel, 2014, p. 254)

regional historical approach assumes significance when it seeks to perceive the installation of a historical sense that occurs there, but that somehow points to something broader to the nation and the context of the country's global insertion. Although it can be permeated by specific dimensions, the significance of regionality will always be broad, since it goes back to the characterization of historical time. Many of the difficulties of a contemporary Brazilian educational historiography, which aims to create a comparative history, based on studies of regional (state) education policies, stem precisely from the lack of grounding in the category of historical time. Historical time is a public time that establishes phases of articulation of historical contingencies. It allows us to realize from what time we came and what constituted the historical change. It is a fundamental category in the interpretative process of history, as Paul Ricoeur (2010) says, following the modern historiographical tradition of the *Annales* School.

Returning to the question of comparative studies, it seems crucial to us to establish the criterion of comparison. For the comparison to be possible, it is necessary to establish to what it compares, otherwise the characteristics of the various historical situations to be compared are incommensurable. There is no other criterion than that of historical temporality, naturally seen beyond its chronological dimension. What are the phenomenological marks of a historical time? What records the mutation? What remains as a heritage from the past? We think that it is from these questions that we can see to what extent a given historical reality enters a new time or remains strictly tied to the traces of a tradition⁵.

If we are going to deal with a regional historical study of the 1920s, we cannot but refer to the author Jorge Nagle (2001) who made the best comparative study of the educational reforms of that decade. The superiority of Nagle's (2001) historiography, regardless of its epistemological perspective and debatable aspects of its interpretation (Carvalho, 1998), is precisely in the perception that those reforms point to structural changes in historical time throughout the nation. The fine tuning with which he perceives meanings in cultural, legislative, administrative, curricular, and pedagogical changes leads him to seek a comprehensive, historical significance. In this sense, contemporary comparative historiographical studies, guided by fragmentation, go in the opposite direction to that inaugurated by Nagle (2001).

Nagle's study (2001) is important because it subtly perceives crucial moments of change in legislation. It is in the debate with the meanings attributed by the author that we will forge our argument. The concordances and counterarguments, which we will formulate from the debate with Nagle (2001), will serve as hypotheses from which, in another section, we will seek to interpret the legislations and the legislative debates that we focus on in this paper, supporting such hypotheses.

The first major educational reform attributed by Nagle (2001) to the 1920s is the Sampaio Dória reform in São Paulo. Without getting into the intricacies of the author's exposition on this reform, it is sufficient for us to make explicit the core of his argument. He tells us that this reform is already in tune with a new time, that of 'educational enthusiasm', precisely because it puts the concern for the comprehensiveness of all children at the compulsory age (which will be redefined between 9 and 11 years old), albeit with a reduction in school years (only two). It is this republican and democratic, all-encompassing reason that makes such a reform the most politically defined in this period, he said. It is not intended to make primary education insufficient, but to synthesize it into two compulsory years, thus requiring the child's slightly more mature age for absorption of curriculum densification. What is inadmissible is to leave part of the school population out of school. If state budget funds are not capable of absorbing all children from 7 to 14 in the old four-year public school, then we need to rethink them to effectively absorb them in full, under penalty of constituting citizens of different categories. It is precisely this political, republican and democratic harmony, leading to the educational reform that makes this period a new historical time in education, marked by the political task of education in the formation of Brazilian citizenship, according to Nagle (2001).

However, the new era of 'educational enthusiasm', inaugurated in the 1920s by the Sampaio Dória reform, is not all homogeneous, and it can be seen in it two historical phases, roughly distinguished between the first and second quinquennia. If the reforms in Ceará and Bahia in many ways would approach the Sampaio Dória, on the other hand, the Minas Gerais, Pernambuco and especially the Federal District, although constituting an unfolding of 'educational enthusiasm', because they would continue to play a

⁵ The perception of historical time as a category for comparative thinking of educational systems is not new in the historiography of education. The first publication of the Brazilian Society of History of Education (SBHE), entitled *Education in Brazil*, published in 2001 a paper by Mariano Narodowski (Narodowski, 2000), former president of the Argentine Society of History of Education, which constitutes as reference for this approach.

relevant role of education in the social order, however, are a new phase, with very different characteristics. Now the political issue of extended citizenship is no longer the crucial argument. This extra phase Nagle (2001) called 'pedagogical optimism'. The political loss of the republican and democratic dimension would be the milestone of the second phase, emphasizing, rather than the extension of schooling, the pedagogical improvement of the school, taking it as its own purpose, without subordinating it to other political reasons.

The critique of Nagle's (2001) categories, 'enthusiasm and pedagogical optimism', is made by the historiography, not always fairly. If one can rightly say with Carvalho (1998) that there is no depoliticization between the first and second phase, but a transformation of the political nature of the educational approach, however, the perception of the new historical time of educational coverage is a relevant dimension of which one cannot give up. In fact, the Sampaio Dória reform announces a new time, an expression that is the movement of discontent with the existing republic, which demands the incorporation of the people into politics, seeking a new institutional arrangement that no longer submits to the intra-elite game that marked the old regime (Lessa, 1988). It happens that the new time does not come pure blood, as always, but tainted with old inheritances from the times of the Empire. This is a problem of Nagle's (2001) analysis. He is not an enthusiast of the educational reforms of the early republican decades, realizing that the new only emerges in the fourth and last decade of the Old Republic. However, his recent historical analysis of this early time does not satisfactorily justify in what the early republican decades are continuing the education of the imperial period, as well as the 1920s, especially in the first half, is still indebted to that ancient matrix.

In our view, it is in the imperial time that one can perceive the formation of the inheritances that will mark the educational policy of the first decades of the Republic which, despite their declaratory breakthroughs, are indelible in the new regime. There are fundamentally two dimensions that are inherited from the imperial era. The first concerns something constitutive of the old regime that was wanted as *res publica*, that is, as a rule of law formed by civil society, where education appears as a civic duty. It is one of the constituent elements of the voter. The State is obliged to this formation, although in a restricted way to its possibilities. As we said above, education is not yet a social right, as it is not extensive, nor is the political representation itself to which it is linked.

The other dimension refers to something that arises only at the end of the Empire; it is therefore not structural to it. It is the exhaustion of public action in view of the inadequacy of the results obtained in the field of popular education. The monarchical centrality is at the root of this burnout, resulting in the widespread understanding that public action is always insufficient to account for the expansion of education. Roque Spencer de Barros (Barros, 1986) realized such weariness of imperial politics by attributing to it the reason why we were so laggard in the construction of universities. The result of this understanding is a doctrinal formulation that the main impetus for educational action belongs to society, with the collaboration of the public power. This reversal, in contrast to what was happening in the world of reference itself, America and the European West, in the second half of the 1800s, of course read in other terms by our politicians, except for distinguished minds like Ruy Barbosa, is what will be fully configured in the Decree Leôncio de Carvalho of 1879 (Decree No. 7.247).

Therefore, these two historical paradigms will be inherited by our Republicans, unaware of the links with the old regime: education as a civic duty and education as a state policy, but with the material collaboration of society, either through free initiatives or in mediating public action. This is the historical analysis missing from Nagle's (2001) interpretation, which may lead to another understanding of the Sampaio Dória reform. There is no doubt, as we said, that such a reform inaugurates a new historical moment, very well understood by that author, especially for its commitment to the comprehensive incorporation of the school population. However, it does not only compromise itself with the critical political context of the republican regime, already worn out by its inability of civic incorporation of the people, but also committed to those traditions of the empire not surpassed: social collaboration with education, through the broad literacy campaigns, that marked the civic-nationalist movements of the 1910s, of which Sampaio Dória himself is one of the protagonists; and education understood as a civic duty of nationality, which implies an imputation of guilt to society for not fulfilling this duty.

In the new republican context, the 1920s, the state assumes the duty to expand the educational possibilities of the people, but with the collaboration of society and public sanctions to the 'negligence of the people'⁶. One cannot fail to highlight an important inflection that the Sampaio Dória reform produces in

⁶ The term is used by Leôncio de Carvalho in his justifications to the Education Reform Parliament of 1879, before promulgating it as a decree-law.

the very civic-nationalist movement of the previous decade, by proposing no longer a mere literacy campaign, but effectively the expansion of the construction of the school apparatus. However, the reduction in school years achieved is nonetheless compromised with the vulgarization of literacy processes, although pedagogically intended to be more than that.

Jorge Nagle's (2001) historical analysis is not limited to the perception of the new historical time that is configured in the 1920s, the 'educational enthusiasm'. The sharpness of his understanding also refers, as we have already said, to the unfolding of this phase in another which, although inserted there, has quite distinct characteristics as we have distinguished above. It is the historical phase of 'pedagogical optimism' that encompasses, even in the 1920s, some educational reforms, such as those in Minas Gerais, Pernambuco and, especially, the Federal District. According to the author's analysis, it would no longer be intended for school to be politically oriented for extensive citizen formation, but a school of pedagogical quality that would not be limited to the transmission of the basic rules of culture, reading and writing. The political loss in school orientation would express an important social change, the culmination of a transition from an agrarian society to an urban-industrial. Ultimately, from a state society to a class society.

As much as we can understand the author's interpretative attributions as dated, the result of an economic-sociological determinism in social thought at the time, there is no doubt that it is a subtle perception, attentive to the discourses of culture, legislation and pedagogy, before any substrate of economic nature. Nevertheless, the criticism that can be made concerns its abstract formulation of liberalism, when it attributes this ideological adherence to our *escolanovistas*, who were influent both politically and pedagogically, especially during the phase of 'pedagogical optimism'⁷. It seems to the author that the term defines itself, without any reference to the doctrinal controversy suffered by the concept throughout the ages. Consequently, he also does not ask about the ideological conditionalities of the 'liberalism' of our *escolanovistas*. His fair perception that *escolanovismo* among us is set up via public policy, unlike the expansion of pedagogical ideas in Europe and North America through private and localized experiences, does not affect his conceptual abstractionism. Decidedly our *escolanovistas* were publicists in educational matters, which in itself already relativizes their alleged ideological adherence to liberalism simply. The blindness of the author seems to us to stem from the economic determinism of his general interpretation of the historical mutation suffered in those 1920s, as a simplistic dualism follows: state versus class society, the abstract liberalism corresponding to ideological adherence to this last one.

The above considerations are important to our interpretive process, because we will attribute the inflection perceived by Nagle (2001) within the historical phase of 'educational enthusiasm', constituting 'pedagogical optimism' as pertinent to a relevant but distinct historical mutation, i.e. the constitution in the Brazilian context of the modern social right to education. Our understanding is that something that has already been happening in various parts of the Western world has finally arrived in our public space, namely the emergence of law no longer as a conquest of social category, but as the right of individuals, that is, as a public right that is extended to everyone⁸. This is a structural, diachronic dimension that marks a new inflection of the historical process of rights formation in the West, which has been taking place in many European countries and in North America, at least since the last quarter of the nineteenth century, if not just before. This new historical phase that is inaugurated will mark the twentieth century by the conquest of multiple social rights, from which the social right to education precedes. The following textual analysis is intended to give interpretative consistency to these general hypotheses.

The Minas Gerais education laws of the first half of the 1920s

Here we work, as indicated at the outset, with two Minas Gerais laws from the first half of the 1920s, Law no. 800, of September 27, 1920, which reorganizes the state's primary education, proposed and approved by State President Arthur Bernardes; and Law no. 864 of September 19, 1924, approving the regulation of primary education, sanctioned by the State President Olegário Maciel. We will not concern ourselves with exhausting all aspects of the respective laws, only highlighting those that interest us to substantiate our interpretative hypotheses already outlined in the previous debate.

⁷ See on the subject: Nagle (2001, p. 310).

⁸ Marshall, cited above, demonstrates this transformation in the English society of the late nineteenth and early twentieth centuries.

We began by highlighting the ‘presentation’ of the bill to the Minas Legislative Assembly in the Minutes of the Congress’s installation session on June 17, 1920. Right at the beginning of the ‘presentation’, the governor said: “Education which in normal courts should constitute a field of choice for the activity of every conscious government has now become the vital problem, the ultimate problem of nationality”⁹. Already in the beginning of the formulation of the presentation we have something very significant. Arthur Bernardes makes reference to two historical times. To what was in the tradition of dealing with popular education, in the ‘normative blocks’ of public life, in which the ruler’s obligation is to elect the educational action of the general population as a dimension of ‘conscious’ duty, that is, as a public action necessary to the ruler in line with the nature of the state, which is the formation of civil society. This public action will be a choice of the ruler, because it is something that is in the foundations of the state, but not the result of the urgency of issues to be faced by the government. Now, the perception of Arthur Bernardes is that, in his contemporaneity, this time has changed. It is now a matter of urgency, a vital issue for public life, a problem that the ruler cannot simply choose to face, because it is the country’s biggest issue, the formation of nationality, no longer as a mere matter of foundation but as a requirement for policies that address this need immediately.

The mutation expressed there certainly has to do with a sociological reason for the growing demand for education, especially for urban populations, but also for the emergence, already in the 1910s, of a new civic sentiment accusing the republic’s failure to incorporate the population in the country’s destinations. The governor Arthur Bernardes, although usufructuary of and supporting the old republican regime, nonetheless paradoxically expresses the new civic sentiment, since it is a public subjectivation that goes beyond the perception of the actors of the role they play in the institutional framework of politics. The result is that it is no longer simply the choice of the ruler to address the issue or not, but the demand of historical time, from which no ruler can escape, at the cost of quickly becoming politically outdated.

The initial argument goes on to demand the valorization of the man who inhabits the earth to overcome the contrast between “[...] the opulence, the pomp, the grandeur of the territory and the misery, the smallness, the disconsolate weakness of the man who inhabits it. [...] The cornerstone of this immense and generous patriotic construction must be the combat [...] of illiteracy” (p. 30)¹⁰. One can see here the commitment to that critical spirit brought about by the civic-nationalist movements of the 1910s, which made the fight against illiteracy a great hallmark of national reformulation. It was seen that the 1920 São Paulo reform was also committed to such an ideal of struggle, and that in this respect it revealed itself to be still in a tradition of collaboration between society and education, since the fight against illiteracy calls on all civically, omitting the leading role of the state in educational matters, a decisive feature of the new time, that of educational modernity.

Despite hybridity, it cannot be said that the 1920 Minas reform, in its specifications, was not tuned with the time of ‘educational enthusiasm’, as the preamble of ‘presentation’ already indicates in the ruler’s clear formulation. Numerous arguments can be sought from both the reform letter and the justification arguments of the ‘presentation’ sent by the government to the Minas Gerais Assembly. Still in the latter, there is an indication that to cope with the new demand is no longer enough the old way of transferring schools when school groups are created. It is necessary to face the “[...] fragmentary insufficiency for extension of the State and its school population” (p. 31). “We must first of all address this shortcoming by efficiently multiplying homes of education wherever they are rightly claimed” (p. 31). What is most interesting about this ‘presentation’ argument is that the governor realizes that not everywhere the growth of school supply can be dependent on demand, as in the passage below.

It seems to be elementary justice to state that, if there is a preference, in this particular case, between the demands of cities and that of rural settlements, the balance of public power must be propelled to the latter, since poverty, ignorance, the absence of encouraging requests from the environment make it much more difficult and rare for rural men to replace official action with individual initiative (p. 31).

Whether for reasons related to the supportive political interests in the agricultural and rural areas of the state of Minas Gerais of the governor Arthur Bernardes, or already in tune with the time of ‘educational enthusiasm’, the fact is that with this argument the schooling public action is taken off of demand, in a way

⁹ Minutes of the Legislative Assembly of Minas Gerais (1920, p. 30). The following quotes will be indicated by the page only.

¹⁰ The digitization of the text automatically updated the period writing, especially in some accents, nonexistent to the time, preventing the exact reproduction of the terms.

putting the state's protagonism on another level, where society's request is no longer the crucial factor to fulfill. On the other hand, in budgetary terms, it is proposed to allocate the annual budget "[...] with a view to increasing or decreasing the resources [...]" for the multiplication of schools (p. 31). Therefore, we are still far away, with the last argument, from a permanent budgetary fixation for education, a relevant characteristic of the social right to education, since it is at the mercy of the state's possibilities each year.

Thus, one can see the hybridity of argumentation in this historical phase. However, it should be noted that the mixture of concepts and worldviews cannot naturalize the historical transition, as we would consider that a destination is implicit in the transition, that is, a pre-fixation of the result to be achieved, in the fashion of teleology, purifying the protoform. Our understanding is another. Hybridism, understood as an emergency in a historical phase of dimensions of the new, along with permanences of a tradition, needs to be understood as a historical context that has meaning in itself. What remains is not just a remnant of times past; for to it is added the sense of the recurrence of the past in the new historical context, where the alteration of time is already beginning to emerge. The 'educational enthusiasm' phase is typically a hybrid historical period of forms of world understanding. Since there is no automatic, necessary scrolling, it is necessary to indicate what changes in tradition for the entry into the new time. This is what we will seek to identify in the arguments of the time and under the laws.

Compulsory school

The discussion about compulsory school is one of the most interesting dimensions for the perception of the issues of historical temporality. Generally speaking, this is not a new question, since it comes from imperial times. The first Mineira legislation of education, of 1835, already institutes it, even with some punitive rigor to parents, tutors and guardians who did not comply. The feature of this long period, which extends to the penultimate decade of the Empire, is that of a formulated compulsory school, since it is a civic duty of the State to demand it, but it cannot be charged because it is dependent on the small public supply of schools. This changes when provincial laws begin to impute the people for not attending school. In another work already referred to here, we call the change of alteration of the villain of history: no longer the blame to the state, but to society. From then on, there is more rigor in the verification of school attendance, because the State is responsible for combating the 'negligence' of the people in the school obligation, using the term of Leôncio de Carvalho, as mentioned above. In the Republic the question was relegated to the states, as all the questions concerning elementary education. In Minas Gerais, the compulsory school enrollment, although contemplated in the reforms that precede the 1920, has basically the same character that prevailed at the end of the Empire: the State is responsible for collecting the civic duty of citizens to attend, in the face of indifference or the 'idleness of the people' as to the question¹¹.

In the 1920 reform, the issue of compulsory schooling is somewhat altered. Firstly, because it is intended to encompass both poor and non-poor, including home education, which will be verified via serial examinations in public schools. The future horizon of an all-encompassing schooling is already revealed. But the exceptions still remain, either for poor children who are outside the perimeter of free schools (Art. 22, §1), or for those who are inside, but cannot attend because of poverty or lack of vacancies (Art. 218, § 5)¹². The exceptions seem to indicate the maintenance of the old paradigms. However, there is a difference from the State's search to register all, those who are in school and those who are not (Art. 36), that is, those who are not constituted as a problem of sectorial public policy, expressing the future horizon for everyone to embrace. And here we are already embarking on another important slogan of educational modernity, which is the resumption of public leadership in the offer of schooling.

We said resumption because the first matrix of the educational constitution, in the Empire, was that of public initiative fundamentally. This matrix was lost at the end of the old regime, the last decade, if the reform of the municipality of the Court, the Decree-Law Leôncio de Carvalho (Decree No. 7.247, 1879), was taken as a paradigmatic reference. This constituted the public/private partnership in which the State was

¹¹ The term 'idleness' (*desídia*) is used in Art. 173, §4º, of the Primary Education Regulation of 1924 (Decree 6655, 1924) to designate a possible reason for not attending school, which would result in suspension of teaching at the unit. With regard to the issue of mandatory republican mining reforms prior to 1920, it should be noted that the exception is the 1906 João Pinheiro reform, which in a lapse of sincerity, right in the preamble, states that there is no point in regulating mandatory attendance when the State had no budget to offer schools to all school age public. The obligation will be installed later, with Delfim Moreira at the head of the Interior Secretariat. Hereafter we shall indicate in the text or in notes only the articles and paragraphs of these teaching regulations.

¹² Art. 22, § 2º School perimeter is the circumference whose center is the public or subsidized establishment and whose radius is 2 km, for females, and 3 km for males, in cities and villas, with the respective accretion of half a kilometer in villages and rural areas.

responsible for stimulating society's initiatives, as well as inspections, in the moral rather than pedagogical sphere. The picture begins to change precisely in the 1920s with the emergence of the role of public protagonism in education. The collaboration of society persists, but the expanded function of the state is visible, no longer only in the supervision, but even in the provision of education. Partnerships continue to be made, but it is no longer a matter of relying primarily on private initiative in education, but on partnerships that take place either with other public entities, such as municipalities, or with subsidized private ones, aiming to make the initiative public in the future. In the stimuli that the state gave to the creation of school groups in the municipalities, the contribution of the state budget (half) to the building construction already appears (Art. 162), which previously was dependent on the donation of the building.

Returning to the question of the reach of all school-age children, there is a crucial dimension to be faced by public schooling, which is the education of the very poor. As seen above, in Art. 218, §5º, they are even exempt from the compulsory frequency. It turns out that this is a problem, because the tradition of public school among us, coming from primordial times, has always been that of a school for the poor. I have said above that this trait does not indicate any philanthropy of the state, but fundamentally an expression of a strongly hierarchical society, where the education of elites' children at the elementary level is not the concern of the state, but of the privileged or remedied classes themselves. There is no charge for the compulsory schooling of these social segments, because domestic education is not verified, something that changes, as we saw, from the legislation of the 1920s. In view of this ancient tradition, it is necessary to respond to the process of withdrawal from the schools of the popular class, when the social composition of public schools changes, especially in urban centers with school groups. Certainly, the better quality of public buildings and the new pedagogical procedures are at the root of the attraction of the public school by the new social segments (Faria Filho, 2000). It should also be said that the whole structure of school distribution throughout the city and the district and rural areas follows a hierarchy. From the municipal capital to the districts and rural areas, schools follow different types; more complex in the former, with greater number of school-years, and more simplified in the latter (Art. 118). Regional and social hierarchization are the solutions found by Republicans of this historical phase in view of the greater vulgarization of schooling.

School box

Returning to the question of the exclusion of the poor from public schooling, especially from school groups at municipal headquarters, a solution was found through the accent on an old instrument, the school box. This institution comes from the imperial period, because as has been said all the primary public education of primordial times turned to free and poor children. There was no shortage of provincial regulations with the intention of ensuring adequate attire for school attendance, as well as didactic material for those who were devoid of income for such. Aid in that first historical phase of the Empire was public, not philanthropic, almost a social right. However, at the end of the old regime, when the argument of expansion of schooling as a requirement of the citizens' formation of the people is diluted, replaced by the argument of avoiding the growth of social marginality - period of the politics of free teaching - there is the accent on the philanthropic character appealing to society for poor children to attend school. The Republic in its early days inherits strongly this philanthropic matrix with regard to the collaborationism of society with education. Even in the 1910s, there were calls from public authorities for the formation of 'golden books', signed by distinguished figures, for the school fund. In the Republican era we are studying, the 1920s, there is a slight inflection on the issue. It is not so much the appeal to society at large, but to the public of each school, including the professionals of the school itself, through 'spontaneous' donations. School parties throughout the year are also important sources of income for the school fund. On the other hand, there is a significant growth in public sources, such as income from financial sanctions to the school's absent teacher. The school fund is responsible for the donation of clothes, shoes and educational material, as well as the school lunch to the needy students.

Finally, what we seek with these considerations is the understanding of the sense of epoch expressed therein. In our view, in this last republican phase, it was a matter of maintaining the unwavering commitment of the comprehensiveness of schooling to children of compulsory age, which included poor children, especially in places where they were compelled to be excluded, in the school groups from the cities, due to the greater demand from other social segments hitherto removed from public schooling.

However, the terms of the policy of incorporation occur to some extent in old ways, with social appeal, although we can already see changes in tradition, with greater public commitment, even if located in the space of each school. The school fund seems to change its nature again, taking back some lost public dimension. The appeal to society for collaboration with the school fund still seems to be valid in the new phase, but in a restricted way to the families of the schoolchildren and the festive initiatives of the school itself. These characteristics are perfectly compatible with the historical phase that Jorge Nagle (2001) called 'educational enthusiasm', as it is committed, in terms of public concern, to the comprehensiveness of all school-age children, but marked by the strong appeal to the civic duty of the child population to attend school.

Enrollment and attendance

Therefore, we enter the last characteristic that we intend to point out in this paper, although certainly the most relevant to our comprehensive process of this historical phase. It is the question of enrollment and school attendance. Here we go through specific items of what Jean-Claude Forquin called 'school culture', that is, the public normativity that regulates schooling, in differentiation from the culture of school practices within an institution, which he called 'culture of the school' (Forquin, 1993). It is worth noting at the outset that this issue is not merely a problem of controlling the effective participation of the population in the education offered by the state. Much more than that, school enrollment and attendance is a structuring dimension of the entire institutional framework of the public school apparatus. Firstly, given that it is the enrollment that authorizes the installation of each school every beginning of the semester. Subsequently, it is the effective attendance at school that will determine the institutional nature of the school itself. Investigating further, it should be noted that the school hierarchy occurs according to its location (rural, district, urban - municipal headquarters), as well as according to the frequency. Even school groups usually located in the municipal headquarters are ranked according to the number of classrooms and attendance. If they lose their 'legal attendance' they may be deprived even of their own school group status, becoming 'reunited schools' (Art. 167). The frequency also determines the unfolding of classes and shifts, bringing consequences on the vacancies of teachers and school assistants (Art. 171). In Art. 227, there is the regulation of enrollment that precedes the installation or opening of the school year. Enrollment is a prerequisite for the school to exist in that school year. It can be observed that the ritualization of enrollment, with strict deadlines, notifications, evaluations of exemption from compulsory registration, minutes and terms, official communications, in short all existing bureaucracy, is still indicative of the existence of the weight of enrollment and attendance in school planning. Failure to do so generates a series of sanctions and disqualifications of schools and even of school groups (Art. 240). However, despite the minimum requirements necessary for the institutionalization of schools, groups and classes (classrooms per school-year), the fourth grade classes are exempted from the rigor, as the inevitable dropout is taken into account. The harsh school regiment conforms to the imposition of reality¹³.

What significance can be found for the delimitation of historical time in this rapid characterization of school rules regarding enrollment and attendance? At first, we perceive a basic sociological aspect that is underlining, as background, the whole process of school regulation, namely the massification of schooling as a new historical dimension, which begins to occur to us only in the 1920s, lagged not only in comparison to Europe and the United States, but also to very close neighbors, such as Argentina, Uruguay, and Chile, which were already making their school revolution by the end of the previous century. The school is an old institution, but among us it has always been very restricted. At the end of the Empire, in the county of the Court, only 10% of school-age children were absorbed by the institution, if we take the statements by ministers of Empire Affairs seriously, a ministry to which sectoral policy was linked. The Republic does not considerably change the absorption picture, despite the creation of a new institution, the school group, which was very slowly spread throughout the capital and inland municipalities. It should be said that the legislation we are currently studying, the 1924 law, prohibits the creation of school groups in districts. Finally, the expanded school is something new in our historical context, resulting in social resistance of all

¹³ Our research covered the School Minutes of the José Rangel and Delfim Moreira Central Groups from the city of Juiz de Fora, MG, from 1907 to 1920. The two groups occupied the same space at the time: the Mafalda Palace, in the city center. Access to these minutes was made possible by previous research, directed by Prof. Dalva Yasbeck, who photocopied them. Here I thank the former scholarship holders of that teacher who gave me access to such Minutes, especially Marina Fernandes Braga Nakayama.

kinds. While urban populations increasingly demand the institution, they resist its rules that alter the rhythms of established life. For example, the formation of shifts in schools and school groups, an exigency of the increased demand, which is absolutely unheard of, creates mealtimes that are completely out of line, changing the physiology of hunger, as well as the availability of children to bring lunch to their working parents. Enrollment and attendance are thus disciplinary dimensions that want to regulate the growing public spending on education in the face of population resistance to school regulation.

Beyond, however, this sociological dimension of changing social situation, it is necessary to understand in which context of social ideas such changes occur. It is in this context that one can detect from which world the change emerges. In other words, it is argued that the social change that alters historical time does not happen automatically, in the pure and simple accumulation of what happens. It requires the transformation of the conception of the world that hitherto prevailed. This naturally sharpens us in the perception of what is the decisive point for the change in the world, that is, the emergence of a new historical time. The great inheritance left since the empire's time, although attenuated in the final phase and strongly accentuated by the republic in the first decades, as it turned out, is the understanding of education as a civic duty. In the first two decades, it was a question of extolling the formation of the new republican citizen; in the following decades, already in the republican crisis, of enforcing by education the promise not fulfilled by the Republic of incorporating the people into representative citizenship.

The sources investigated, legislations and parliamentary debates of the first half of the 1920s, seem to indicate that the paradigm of education as a civic duty remains. The issue of school enrollment and attendance is perhaps the most evident because there is a strongly enforceable order that public spending on education will be made as the user population knows how to recognize the value of this for their status as citizens. There is therefore a built-in, though sometimes even explicit, assumption that people without civic conscience are pervaded by 'laziness' or 'negligence', as our late-royal monarchists would say.

Thus, the decisive point for the transformation of the historical moment, for the change of context and unfolding by the new issues of education as a social right, is the abandonment of a public action that, in the historical phase of the two legislations studied, is still dependent on previous interest shown by the population, that is, by the precedence of their civic awareness of the value of education. When public action detaches itself from this conditionality, assuming its protagonist character entirely in the conformation of a public demand, then a new historical context that can be called the modern right to education begins to take shape.

The terms and concerns of the legislations that are the subject of this paper, relating to the first half of the 1920s, indicate that they are still entirely contained in the paradigm of education as a civic duty. The analysis of the narratives allowed us to perceive a certain characterization of the historical phase, as well as the crucial point that articulates the whole, which is precisely the permanence of this profound inheritance, of an education that is mostly done for the political reason of a state that requires citizens' awareness rather than in tune with the western political transformations in which generic civil rights are now the social rights of individuals. What then fundamentally characterizes this historical phase of the first half of the 1920s is the understanding of education as a mere civil right, which is the responsibility of the state to demand from its population, debtor of civic duty.

In conclusion: search for global significance of the historical phase

Let us go back to Jorge Nagle's (2001) historiography to discuss his subtle perception of the historical mutation that occurred in the 1920s, in the educational reforms of the period. Between the first and second quinquennia of that decade, there would have been a significant change for him in the historical phase of 'educational enthusiasm' which was the emergence of the 'pedagogical optimism', as has already been said. With great relevance, Nagle (2001) perceives the mutation that would be revealed in several aspects, from those qualifiers of pedagogy to the institutional dimension of the school itself, now considered as a value in itself, not dependent on any civilist political claim. To this the author attributed a loss of the political value of education. The historiographical criticism that was made to him attributed to him a mistake in not realizing that what happened was not political loss, but transformation of the politics no longer civilist, now focused on the shaping of the popular conscience, according to the intentionality of intellectual elites of authoritarian profile. This historiographical critique was largely based on the denunciation of the authoritarian political character of that generation that constituted the Brazilian educational modernity.

One can now return to the question of historical change when ‘pedagogical optimism’ arose. First of all, valuing Nagle’s (2001) perception of that historical transformation; but emphasizing that the transformation is due to a crucial value abandonment, which is education understood as the civic duty of society. Nagle (2001) noticed, as has been said, the departure from the civilist question. However, he was mistaken in attributing the removal of politics there, not understanding that in the new time that is emerging individuals are endowed with rights, and that this is the political form of the new time. Thus understood, the bias of our criticism of Nagle (2001) is no longer the denunciation of the authoritarianism of that generation that constituted the Brazilian educational modernity, something that pervades almost all the actors at that time, especially if we take the contemporary criteria of citizenship as reference.

The work presented here does not follow the new context, which according to the formulation of Nagle (2001), would be covered from the second half of the 1920s. The research expressed here indicates only the strong indications that this new time in Minas Gerais had not yet been constituted in the first five years of the decade. More than this: it specifies the permanence of the civilist question, inherited from the imperial period, as the articulating dimension of that context, precisely what would have to be overcome in order for the historical unfolding to take place.

Returning to the first paradox of the time of school modernity that we pointed out at the beginning of the paper, we affirm that the primordial condition for human and cultural diversity to be a problem in the Brazilian educational process is precisely the overcoming of the generality of the condition of civility, that is to say, to treat individuals no longer as generic beings, but as individuals with rights, a historical process that is being fully realized in the western countries in the first decades of the twentieth century.

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INFORMATIONS ABOUT THE AUTHOR

Malos Bessa Mendes da Rocha: The author holds a PhD in Education from the USP School of Education. PhD in 2002 with the thesis *Matrizes da Modernidade Republicana: cultura política e pensamento educacional no Brasil*. Graduated in Political Science at UNICAMP in 1990, with the dissertation *Educação Conformada: política pública de educação no Brasil (1930-45)*. The degree is in Social Sciences at UFF. He was coordinator of the Research Group on History of Education at FAGED - UFJF (2006-2016) and editor-in-chief of the *Educação em Foco* Magazine (1996-2015) of that academic unit. He was professor of the Graduate Program of the same unit, guiding theses and dissertations. He published the books: *Matrizes da Modernidade Republicana. Cultura política e pensamento educacional no Brasil*, by Autores Associados (Campinas, 2004), soon coming out in second edition; and *Educação Conformada: política pública de educação no Brasil (1930-45)*, by the UFJF Publishing House (2000), with support from INEP. His articles are published in magazines and books in the field of Education or History of Education. He is currently Associate Professor IV (retired).
ORCID: <https://orcid.org/0000-0003-1544-6892>
E-mail: marlos.bessa@ufjf.edu.br; marlosbessa@ig.com.br

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