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To: Murilo Braga, Diretor of INEP  
From: Robert King Hall, Consultant  
Re: Critical analysis of the "Projeto de Lei de Diretrizes e Bases da Educação Nacional" of 28 October 1948.

In accordance with your directions I have carefully studied the text of the "Projeto de Lei", together with other pertinent accompanying material, such as the "Exposição de Motivos" which accompanied the "Projeto" and was prepared by the then Minister of Education Clemente Mariani; the "Relatório Geral da Comissão" presented by Dr. A. Almeida Junior, Relator of the Commission; various official criticisms of the "Projeto", including the "Parecer Preliminar do Deputado Gustavo Capanema" and the minutes of the Comissão Mista de Leis Complementares; and articles concerning the "Projeto" published in various official and professional journals and newspapers. On the basis of this study I have prepared the following analysis of the "Projeto". The opinions expressed, except where other authorship is indicated, are mine.

## GENERAL APPRAISAL OF THE "PROJETO"

### I

It is clearly evident that the "Projeto" is much more than merely a simple law dealing with the administration of the educational system of Brazil. It is, and it inevitably must be, also an expression of the fundamental educational philosophy of Brazil. At no point in the text of the "Projeto" is this educational philosophy clearly and unmistakably set forth. But in entire context of the projected law, in the pattern which the separate articles make when taken as a whole, there is evident a very definite educational philosophy.

The Commission, as author of the text of the proposed law, did not see fit to set forth in succinct form this philosophical commitment, and it would perhaps be inappropriate to attempt what they have deliberately avoided. But if a detailed criticism of the individual articles is to have any meaning, it must be done within an established frame of reference, and this frame of reference is created by the implicit, if not explicit, formulation of a basic educational philosophy. No attempt will be made to give it a convenient, but perhaps misleading and oversimplified, title. It will suffice merely to point out in the barest outline six basic commitments which the proposed law appears to accept.

- a. The "Projeto" accepts as its fundamental goal of education the creation and perpetuation of a free, democratic, and representative society. It rejects the authoritarian and totalitarian philosophies and organizations of society.
- b. The "Projeto" accepts the concepts and institutions commonly associated with the fundamental rights of man and with the full development of the individual. It rejects the unlimited subordination of the welfare of the individual to the welfare of the state, and by implication opposes all the instruments of the totalitarian



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society which would restrict liberty: such as thought control, regimentation, and materialistic theories of history.

- c. The "Projeto" accepts mass education and the principle of the discovery, development and conservation of all human resources. It rejects the principle of the creation of an elite by formalistic and arbitrary selective devices which tend to fragment society and to discard potential talent.
- d. The "Projeto" recognizes the biological and psychological principles of individual differences. It rejects the discredited XVIII Century concepts of formal discipline, unlimited transfer of training, and the encyclopaedia of knowledge.
- e. The "Projeto" accepts the sociological principle that there may be unity in diversity. It denies the equivalence of unity with uniformity.
- f. The "Projeto" recognizes the essential difference between efficiency of administration and efficacy of education, and by implication, the danger of an over-concentration of power. It advocates a mild decentralization of economic, administrative, curricular, and legislative controls of educational system, and by implication opposes a centralization of such controls.

## - II -

It is obvious that the "Projeto" represents a compromise between the two extreme positions of absolute authoritarian control by some central authority, and that of complete local autonomy. In comparison with currently existing educational systems in the major nations of the world, the compromise

proposed in the "Projeto" tends to be oriented slightly more toward position of local autonomy than toward central control. It does not, however, represent an extreme position with regard to either of these opposed concepts. It is a true compromise.

It is also evident from a perusal of the pertinent literature, that in Brazil the particular element of this dichotomy which has been most controversial is the question of the degree of legislative and administrative control which should be retained by the national government and the amount that should be delegated to state or local governmental authorities. The real implications of this choice have tended to be obscured by rather loose usage of the terms "centralization" and "decentralization". It would not be fruitful to attempt an appraisal of the controversy. This analysis will be limited to an appraisal of the position actually taken by the "Projeto".

There are two questions which must be answered with regard to the degree of legislative and administrative decentralization advocated. The first is whether or not the law legally can adopt the position advocated. The second is whether or not for professional reasons it should adopt that position.

- a. The questions as to whether or not the law can legally adopt the degree of decentralization which it advocates, is clearly outside the competence of this analysis. It is purely a legal question, which must be determined by the normal legal procedures of Brazil. Three things seem evident to the foreign observer.

First, it is clearly within the sovereign right of a national government to determine what powers it shall retain and what it shall delegate to a subordinate body. The "Projeto" is, in part, an attempt to do just this.

Second, it should be easily determined (by expert legal opinion, by court judgments, or by legislative action) precisely

what is the present constitutional and legal position in Brazil.

Third, it is technically possible and administratively fairly easy to determine (by public opinion polls, by a plebiscite, or by legislative action) whether or not the people of Brazil want to retain or to modify the present constitutional and legal position with regard to this delegation of authority.

- b. With regard to the very much more difficult question should the degree of decentralization advocated by the "Projeto" actually be adopted this analysis can properly be more specific since it is largely a question of expert professional opinion. Three things again seem evident to the foreign observer.

First, the traditions and historical development of the culture of Brazil should in a certain degree influence the decision. Clearly this tradition and historical development has not been uniform. There are precedents for both positions. Thus, the decentralization tendencies of the Ato Adicional of 1834 and those of the Presidency of General Dutra following the Second World War, are just as much a part of the historical tradition of Brazil as the centralization tendencies of Western European political systems which serve as the model for Brazil, and those of the Estado Novo of the 1930's.

Second, the consensus of opinion of the leading educators and philosophers of Brazil should in a certain degree influence the decision. Again it is clear that there is divided opinion. Extremely able men, of unquestioned sincerity and dedication to their country, are numbered in the ranks of both sides of this controversy. Since there is no

clear-cut consensus of opinion ,it is necessary to go back to the primary facts upon which these men must form their opinion. Principle among these is the experience of other nations.

Third, the experience of other nations, in this Century, offers some very convincing arguments in favor of a distinct trend toward decentralization to the state level, of educational administration in nation which oppose authoritarian political regimes. This is consciously limited to the present Century, as educational and political experience before the rise of modern technology and especially before the development of modern communication facilities, has very limited application today. It is also consciously limited to nations which are committed to democratic, rather than authoritarian regimes whether of the Right or the Left. All evidence points to exactly the opposite trend in those nations which are politically committed to a concentration of power in the hands of a small elite, to a subordination of the individual to the state, and the regimentation of the thoughts and actions of the masses of the people through the techniques of thought control and the police state. Finally, it is consciously limited to the decentralization of educational administration. The term is here used in its wider, international and professional, connotation, and not in the very restricted sense sometimes used in Brazilian educational literature. In the sense that it is here used, "educational administration" includes a wide array of such elements as legislation, finance, curriculum construction, teacher preparation professional direction, the organization of state and municipal systems of education, and the internal direction of individual schools.

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The experience of other nations during the past half Century may be summarized under three headings: the history of nations which have in the past adopted highly centralized educational systems; the trends in those nations which have recognized the deficiencies of their existing systems and have adopted new ones; and the present status of nations which have traditionally been committed to a decentralized system.

- a. The history of those nations which have had centralized educational systems: There have been two types of social failures which have characterized highly centralized systems during the past half century. One has been the dismaying correlation between centralized educational systems and totalitarian, political regimes. The other has been the dismal failure of some, but not all, highly centralized educational systems to meet the demands of modern technological society.

The correlation between totalitarian political regimes and highly centralized educational systems, is easy to document. The educational systems of Nazi Germany and Fascist Italy are too well known to need description. They were deliberately organized with highly centralized controls for the expressed purpose of bringing the populations of those countries into docile subjugation to a central minority. The pre-war Japanese system was a similar highly centralized administrative organization deliberately copied in 1873 through its Educational Code, from the French system devised by Napoleon, because it seemed to offer the most efficient instrument for controlling the masses. The present Soviet Russian educational system is a typically centralized one,

with absolute control over the most minute details of ideology, teacher preparation, curriculum, text books, methods, finance and administrative organization issuing from the Politburo of the All Union Communist Party.

The list of such totalitarian regimes which have adopted or inherited highly centralized systems might be extended almost indefinitely. Peronista Argentina has eliminated virtually all local autonomy. There is not a single educational system in Spanish America which is under a dictatorship or military junta which has any degree of decentralized administration. Franco's Spain is typically centralized in educational administration. The Russian satellite states (Poland, Czechoslovakia, Rumania, Hungary, Bulgaria et. al.) have intensified their already extreme forms of centralized administration. One of the first things that the Mao regime in China did after the defeat of the Nationalist forces was to bring the then-partially decentralized provincial system of education under direct and uncompromising control. Every educational system in the Middle East which exists in a monarchy or under a military dictatorship (Persia, Iraq, Syria, the Hashemite Kingdom, Saudi Arabia, and Egypt) has an extreme form of centralized administrative control.

There is little evidence to indicate that these highly centralized educational systems produced the social evils of the totalitarian regimes. But there is overwhelming evidence that the centralized system proved the extremely convenient instrument for the destruction of all resistance to their rule and the subjugation of the minds and persons of their peoples. Which is the cause

and which the effect, is not always clear but that there is a causal nexus there can be little doubt authoritarian regime can long exist without a centralized control over organized and deliberate education. The basic thesis of Soviet Russian Education is epitomized in the often-quoted statement of Stalin to H.G. Wells in 1930, "Education is a weapon whose effect depends upon who holds it in his hands and at whom it is aimed". This thesis applies equally to the use of education in any other totalitarian power. It created the thought control system of Japan. It created a generation of dedicated Nazi youth in a period of twelve years in Germany. It produced the purge of the University professors in Argentina. In Russia it has destroyed the science of genetics and has perverted the entire cultural apparatus to the ends of the Politburo. The centrally controlled system, when in the hands of a ruthless political authority, can serve to wipe out all intellectual freedom, even alter the fundamental processes of reason, and create a population of ideologically deformed puppets of the government more fearful than those of George Orwell's novel Nineteen Eighty Four.

The other type of failure of the highly centralized educational systems, has been their inability to meet the technical demands of modern society. It should be noted, however, that this apparent characteristic has not held true in all cases.

Supporting the generalization are such glaring examples as the utter inade-



quacy of the French technical system revealed by the collapse of France in the Second World War. The Langevin Commission, presumably representing the most enlightened French educational thought of the post-war period, in effect recognized that the extreme uniformity and rigidity of the French schools had miserably failed to prepare France to maintain its position in a highly competitive technological world. Nations which had copied the French system, recognized that it was unsuited to the rapid changes and highly differentiated needs of a technological society. Thus, the Seven Year Plan Commission in Persia (Iran) proposed to reverse the long-established policy of that country and decentralize educational administration in its honoristans or higher technical schools. In Brazil the outstanding success of the Serviço Nacional de Aprendizagem Industrial (SENAI) is in a very major measure founded upon its decentralization into industrial regions and the high degree of autonomy granted the individual schools. This system, which is internationale recognized to be one of the most effective in existence, would almost certainly be disastrously crippled if its control were removed from the councils of the industrial regions and centralized in a government agency. In any nation whose production of technicians is basically dependent upon an apprenticeship system (regardless of the existence or non-existence of a formal centralized control

over technical schools) there has been a tacit admission of the absolute indispensability of decentralization in technical training.

There would seem, at first glance, to be some equally impressive examples of nations with highly centralized and authoritarian educational administration, which have superlatively well met the technical demands of an industrialized society. Thus, Nazi Germany, whatever its disastrous shortcomings from a political, social, and moral viewpoint, had incontrovertibly a very great technological achievement. Pre-war Japan, whatever its appalling failure to measure up to occidental moral and diplomatic standards, was undeniably one of the great industrial nations of the world. Modern Soviet Russia, regardless of its commitment to ideological and policies which are rejected by the Western democracies, has demonstrated almost a miracle in industrial development. In historical appraisal of these three nations, it would appear that highly centralized political control over the school systems had not jeopardized and perhaps may have been a major cause of their outstanding achievements in the realm of technology.

A closer scrutiny of the educational system of these three political regimes shows, however, that at precisely those points where the failure of a highly uniform, centrally controlled, rigid and formal technical educational system would have produced immediate and easily discernible failure in the technological organization of the country- at that point there existed a high degree of decentralization

and local autonomy. Thus, for example, although pre-war Japan had a highly centralized general educational system, it had a decentralized technical educational system. Even the Nazi German and the Soviet Russian Systems during the five year Plans attempted only a control over the ideological orientation, and not over the technical administration of such schools. This apparent inconsistency in educational policy in totalitarian nations with highly centralized systems, poses a fundamental question, "Are the results of a policy of highly centralized control, uniformity, and rigidity in general education equally disastrous, but not so apparent because they do not have so immediate an effect upon society?" It is the general opinion of Anglo-American scientists that the Nazi state failed in its technological and scientific war effort for three reasons, all directly traceable to highly centralized control. First, its policy of limiting the number of technicians produced by the schools through a system of arbitrary examinations, so reduced the number of available technicians that the country could not work on more than one or two major projects at a time. The central system of planning had failed because it had not been able to foresee, years in advance, the unprecedented demands of the Second World War. Second, the Nazi German centralized control failed because when faced with a choice of research and educational objectives, it made the wrong choice through lack of broad enough and detailed enough knowledge. Thus, the German scientists who were actually in advance of the Allies at the outbreak of the war in matters of atomic energy, were hopelessly outclassed by the end of the war.

They had, in fact, made virtually no progress in that crucial area of researchs.

Third, the extreme control of the central authorities over the educational system made it possible to exclude any individual who was not politically acceptable to the regime. In exercising this power, the Nazis eliminated a high percentage of their most valuable talent. German research never recovered from the effects of purges and exile.

Soviet Russia is at present embarked upon an even more extreme control of its educational institutions and the entire cultural apparatus. At least for the present, that nation appears able to sustain the necessary demands for technical personnel in the fields of engineering and applied science. But it is not yet clear what the ultimate effects will be of the current Russian attempt to impose political decisions upon pure science and research (as in the case of the Lysenko Michurin theories of genetics). It seems unlikely that a system can long sustain itself when the measure of scientific truth is that which conforms to dictated political policy.

It may be argued that the mere existence of a high degree of centralization in educational administration, and the availability of an instrument through which the government can exercise its power, will not necessarily lead to the abuses which have just been noted. But political observers have long noted the almost overwhelming temptation to exercise power where that power is readily available. And even if the extreme abuses are avoided, the mere exercise of central power produces certain effects which are antagonistic to the achievement of those

democratic and professional goals which were postulated by the "Projeto". (These are analysed in the following section).

- b. The trends in nations which are at present engaged in educational reform: There is no clearly discernible consensus in the detailed policies which nations currently engaged in educational reform are adopting. But a widespread recognition of the danger of political manipulation of educational systems through the device of a highly centralized administrative control, is apparent. Perhaps the most outstanding example of this is that of post-war Japan.

When Japan was defeated in August 1945 it had an extreme form of centralized administrative control. This instrument made possible one of the most rapid and complete educational policy shifts modern history. In anticipation of Allied demands, the defeated Japanese Government, through its Ministry of Education, accomplished in an amazing measure nearly every one of the reforms which the Allies planned to demand in the three weeks between surrender and the establishment of the Allied Headquarters in Tokyo. In the first six months of the Occupation the Japanese judged and removed over 95% of all the teachers to be considered politically unacceptable to the Allies (a number in excess of 120.000); censored and republished nearly 160 million textbooks; re-opened about 40,000 schools (including over 40 universities and nearly 400 institutions of higher learning); and reversed the political orientation of nearly 16 million students. From the viewpoint of

simple administrative efficiency, this accomplishment is perhaps unparalleled in history. From the viewpoint of educational efficacy, and especially from the viewpoint of social and political desirability, the very efficiency which was demonstrated in manipulating men's minds and actions was one of the most shocking and fear-inspiring episodes of our age. If a fanatical Shintoist, believing in the divine origin and mission of the Japanese nation and Imperial line, could be changed overnight into an ostensible believer in democratic self-rule, then the instrument which could accomplish this feat was too dangerous to be permitted to exist when the Occupation forces were withdrawn. The destruction of this dangerous instrument, then, became the cornerstone of the educational policy of the military Occupation of Japan.

This policy was not one dictated alone by the strategic fears of the military authorities of the Supreme Commander for the Allied Powers (SCAP). It was the unanimous professional opinion of the twenty-eight distinguished members of the United States Educational Mission to Japan. This group represented the leaders of every complexion of North American educational thought- the Roman Catholic Church, Jews, Negroes, the major labor unions, outstanding municipal, state and private educational institutions, public officials from municipal, state and national levels, the greatest philanthropic foundations, military educational organizations, and included several of the leading educational philosophers, sociologists, and scholars in comparative education, and comparative government. These members of what was perhaps the most dis -



distinguished American educational group ever to go on a foreign mission, unanimously agreed that a truly democratic society could not be developed in Japan as long as the highly centralized educational system existed. They recommended a continuation of certain federal financial aid and the maintenance of federal research and professional guidance, but the decentralization of virtually all other educational administrative controls to the provinces (ken), municipalities and individual schools.

What is perhaps even more striking than this unanimity of North American opinion, was the unequivocal policy of the sixteen nations represented on the Far Eastern Commission, highest organ of the Allied Powers who were occupying Japan. In 1947 this Commission issued its fundamental education policy governing the control of the Japanese system. The most important element of that policy was a clear-cut directive to the Japanese to decentralize their educational administration, and to place almost all authority in the hands of government bodies and professional councils at the provincial, municipal and local levels. A high degree of autonomy was granted to all institutions of higher education which composed this Commission included many that themselves had intimate knowledge of the strengths and weaknesses of centralized control: Russia, France, China, and the Netherlands. In addition there were some that have decentralized systems: such as the United States, Great Britain, Canada, Australia, New Zealand, India, and to a lesser degree the Philippine Republic.



Two nations which are in process of educational reform have been advanced by both sides of the controversy to prove their points with regard to the desirability of centralized controls. These are Great Britain following the 1944 Educational Act in England and the 1945 Educational Act in Scotland; and France following the publication of the text of the proposed Langevin Reform of 1946. Any exhaustive analysis of these systems would carry the analysis of the Brazilian "Projeto de Lei de Diretrizes e Bases da Educação Nacional" needlessly far afield. Suffice it that neither experience has yet been carried far enough to offer decisive evidence. What is pertinent, however, is that in both cases the drafters of the plans were in favor of a high degree of decentralization: in France, the accomplishment of such a decentralization of much of the administration an effort to correct perceived weaknesses; and in Great Britain, the preservation and retention of recognized benefits from the traditionally decentralized system, while attempting to secure certain advantages in finance and the provision of equal education opportunities for all, through a mild centralization of certain elements of control.

The Langevin Reform has not been officially accepted, and strong resistance from well-intrenched vested interests who are in favor of the traditional French system, may ultimately defeat the reform. But the decentralization tendency evidenced by the mere proposal of the reform can hardly be denied. With regard to the trends presumed to be evident from the 1944 Education Act in England there appears to be confusion in the appraisals made by foreign observers. The Act did not in any way fundamentally change the traditional British com-

mittment to decentralized controls. The Local Education Authorities, if anything, are considerably strengthened. In the most crucial matters of administrative policy such as in the development of a combined syllabus on religious instruction, the financing of public education, the training of teachers, and the selection of a curriculum these local authorities still have virtually absolute power. Only in the case of an unbreakable impasse would the national Ministry of Education intervene, and then only as an advisory and conciliatory force. The private British Universities of Oxford and Cambridge, despite rather serious financial difficulties, have taken an absolutely inflexible stand that they will not accept a penny of Governmental money if it carries the slightest control or restriction upon their freedom.

An analysis of the arguments advanced in various nations debating the desirability of decentralization or centralization in educational administration may be useful in establishing standards by which the "Projeto" may be judged. An extremely abbreviated summary of the arguments presented in Occupied Japan (in the experiment of changing the ideology of a people); in the United States (during the fight for federal aid); in Lebanon; in Iran (in the preparation of an economic development program); in England (in preparation for the 1944 Education Act); and in France (in appraisal of the Langevin Reform), will be useful. The effect of centralization on Educational Philosophy; Legislation and Planning; Administrative Organization and Controls; Finance; Curriculum; Textbooks and Teaching Aids; Selection, Preparation, and Guidance of Teachers; and the Selection, Testing, Promotion, and Ultimate Employment of Students, will be considered.

OBJECTIONS ADVANCED AGAINST CENTRALIZATION

- a - Philosophy: It is held that a highly centralized system of education is incompatible with democratic principles on several grounds. It is fundamentally based on the concept that state authorities and local individuals cannot adequately know what is best for them, so that all important decisions must be made by a central elite. This destroys the practice of democratic self-direction at the local level and removes the great proving ground for democratic leadership. It is held that such a system must inevitably be authoritarian, and tends to impose on the individual decisions which are presumed to be for the good of the nation regardless of their effects upon his personal welfare. It is also held that such a system tends to produce a fragmented society, dividing the population into classes on the basis of whether or not they have been permitted to acquire the skills indispensable to employment in positions which carry economic and social status. Finally, it is held that such a system invites abuse by a ruthless minority in temporary power, because it gives an overwhelming control over the thoughts, attitudes, and actions of the people.
- b - Legislation and Planning: It is held that a highly centralized system of education tends to become legalistic, rigid, inflexible in meeting the local and changing demands of a highly mobile modern technological society. The central authority tends to create a body of rules or laws governing even the minutiae of education, and any modification of these rules becomes extremely difficult. The process of modification is a legal one — frequently a parliamentary one — so that there tends to grow up the mistaken belief that when the law

has been modified the problem has been solved. Thus there is in practice a long and dismal history of legal reforms of the plans of education, with very little actual change becoming apparent in the schools. Because of the nature of such procedures for modification of the system, the decisions tend to be made by legislators and lawyers, rather than by professional educators, so that decisions are frequently taken that are directly opposed to the best available professional opinion and the findings of exhaustive research. It is held that the central body of rules — or plan — cannot possibly be sufficiently detailed to take into account even the immediate needs of the many geographical localities and occupational endeavors of a modern society let alone provide for rapid change to keep pace with their change. This produces a serious "social lag" (in the terminology of Ogburn.)

- c - Administrative Control: It is held that a highly centralized system of education inevitably creates a bureaucracy and a hierarchy of administrative officials. It produces an instrument which is essentially that of an army in organization — excellent for maintaining discipline and for carrying out the orders sent down from the top command, but not very creative or productive at the lower levels. Since the only value of an educational system is in the changes which it may make in the thoughts, attitudes and actions of the students, it is of overwhelming importance just what effect the system has on their actions. Obviously, an authoritarian system is highly effective in producing students who will follow orders and not in any way deviate from the policies dictated by the high command. But such a system is an utter failure in producing a thinking, self-directive citizenry qualified to rule themselves in a democracy. It is held that only when local officials, teachers,

and students have the opportunity to practice self-direction, only when they can make important decisions and then abide by the success or failures that follow from those decisions, can they learn leadership and responsible citizenship for a free society.

It is freely granted that a highly centralized administrative system can achieve a high degree of simple business efficiency. In practice, it frequently does not. It has the possibility of markedly lowering the per-unit cost of schools, developing a uniformity of procedures, and accomplishing many other effects usually associated with efficiency of operation. But the critics of centralization in education point out that efficiency must be measured against the ultimate objective of the educational system. If it fails to produce students which are actually qualified for the tasks of their personal life and for the responsibilities of their citizenship, then the system is educationally inefficient regardless of what degree of business efficiency has been attained. There is no greater inefficiency than failure to produce the product desired.

- d - Finances: It is freely conceded that some form of equitably spreading the cost of an educational system over the entire society is absolutely necessary if there is to be equality of educational opportunity, and if the minimum essentials of education for a modern technological society are to be financed. But critics of the highly centralized system of education do not concede that the only way of doing this is to centralize all finances and all control. They point out that a federal equalization fund which is locally administered (such as has long been used in Japan); a system of federal scholarships granted to individuals for use in the school of their choice (such as the G.I. Bill of Rights in the United States, following World

War II); a system of federal grants for specific purposes (such as the financing of the Land-Grant Colleges in the United States, or the construction of rural elementary schools with financing from the Instituto Nacional de Estudos Pedagógicos, INEP, in Brazil); federal grants for certain types of expensive research or highly technical education, but administered by local authorities or autonomous institutions (such as the Manhattan Project on Atomic Energy and the training of Physicians and Surgeons during World War II in the United States) all are examples of methods by which federal assistance in financing can be accomplished without a fundamental loss of local control.

- e - Curriculum: It is held that a highly centralized system of education tends to produce a rigid, formal, stereotyped and frequently verbalistic curriculum which does not adequately take into account either individual differences or regional requirements. The curriculum is usually constructed by a central elite who in spite of any conceivable level of intellectual eminence, cannot possibly have an adequate knowledge of all the infinite requirements of a complex society. The curriculum is usually based upon the discredited assumption that there exists a certain encyclopaedia of knowledge which is "essential" for the educated man, that the individual who has been subjected to this body of knowledge may be presumed to be educated and cultured, and that one who fails in any portion of it may not. This concept usually leads in practice to an absurdly overloaded list of studies, since even among the central elite there will never be complete agreement as to what this "essential knowledge" must encompass, and the pressure to include more and more disciplines becomes irresistible.



Such a curriculum tends to become frozen, or stereotyped, because the weight of tradition, social pressures, and the simple difficulties of the mechanics of changing it, resist all substantial modification. Because these prescribed lists of disciplines almost inevitably cover such a vast range of human knowledge that no individual can possibly acquire more than a superficial knowledge of their contents, such curricula tend to produce a verbalistic, memoriter, form of knowledge.

The principle of "formal discipline" usually advanced in defense of these highly classical type curricula, essentially maintains that the inclusion of certain subjects which have little apparent practical use in modern society (such as Latin, Greek, certain types of Mathematics, etc.) is justifiable because a study of them will "discipline" the mind of the student so that he can better think about other and more practical matters to which he has not been exposed in the curriculum. Psychological investigation has not substantiated this claim.

f -Textbooks and Teaching Materials: It is held that the criticisms leveled against the highly centralized control of curricula may equally be charged against centralized control of textbooks. Teaching materials are merely instruments of the basic educational policy, and tend to support the methodology and content which has been established in teacher training and curriculum. The two main claims advanced in favor of central control by advocates of that system, are refuted in actual practice: low cost of publishing; and higher professional level of authorship. The experience of many nations has shown that the low cost is a fiction, since the quality of such standard official textbooks is almost universally low. Competitive textbooks production



supplies the incentive for constant revision of material and continued search for ever higher quality. It is also charged that central control of textbook publication (and especially the publication of official textbooks by some of the Government) invites abuse of government control, the establishment of censorship, and the perversion of the textbook into a simple propaganda instrument for the regime in power.

- g - Teachers: It is held that a highly centralized educational system tends to diminish the social status and personal dignity of the individual teacher. The power of any important decision is taken away from the teacher in such a system, leaving him little more than the mouth-piece for government determined policy and ideology. Much of the incentive to professional advancement is removed, since a free market for his services does not exist and he must accept both working conditions and salary as granted by the central authority. It is charged that such central control frequently imposes considerable hardship upon the individual, since he loses most of the power of choice over where he shall be employed and the character of the work he is to perform. He must either submit to being a cog in the government machine, or leave the teaching profession. Finally, it is charged that he tends to become routinized, disinterested in any research or attempts to improve the system, since the measure of his success is mainly that of conforming to a dictated code and of successfully passing the periodic inspections of government officials. (Thus, for example, he tends to conserve laboratory equipment rather than use it—thus defeating the whole program of laboratory instruction—because he is the custodian of government-owned equipment and must meet each inventory without losses or broken equipment. He would rather fail in

teaching responsibilities than be charged with loss and destruction of government property).

- h - Students: It is charged that the student, as the focal point of the entire educational endeavor, reflects almost all of these shortcomings of the central system. He tends to become verbalistic and to memorize facts without any real knowledge of their significance in order to pass the examinations. He learns to repeat rather than to produce new knowledge and to solve problems. He learns to take orders and to obey, rather than to make his own decisions and to lead.

But the most serious charge against the effect of such a centralized system upon the student, is that it tends to fragment society and to create social and economic classes. The frequent claim of the advocates of the centralized system that centralization brings unity to the population, is rejected by its critics. It is held that such a system, in order to establish fixed curricula, inevitably has to create a dual or multiple system of schools. These are, in practice, usually, university preparatory, vocational and technical, commercial, and normal schools. In order to determine what students shall enter each, and especially to limit the number of graduates of each type to a total presumed to be the required number for the needs of the country, a system of selective examinations is set up. In theory they might conceivably be made on the basis of simple native intelligence, as measured by a standardized intelligence examination. Even this, if it were actually accomplished, would fail to take into account the individual interests, special aptitudes, differing rates of maturation, and the degree of cultural inheritance which the child receives from his family

environment. But in practice, this selective examination system almost always is reduced to a formal examination of a very small range of traditional intellectual achievements, which can not be demonstrated to have more than a partial correlation with child's prognosis for success in a profession. These examinations suffer from all of the inherent shortcomings of achievement tests--the scale of achievement is entirely, the reliability of grading is extremely low, the validity of the examination is subject to doubt and to wide modification with simple changes of the test items. Socially they tend to force upon a child at an early age a professional decision that he simply is not mature enough to make. They impose a terrific pressure to compete and to succeed, since failure removes all chance of professional advancement. And they divide the society into groups of those who have, and those who have not, the officially approved "capacity" to enter schools which lead to positions in society with higher social and economic status.

#### ARGUMENTS COMMONLY IN FAVOR OF CENTRALIZATION

- a - Control: It is commonly held by advocates of centralized educational systems, that only through such an organization is it possible for there to be adequate controls. It is held that federal school inspectors will be more capable and disinterested than local ones. It is held that such a system permits the federal government to control the schools and to bring their teaching into exact conformity with the government policy. It is held that many of the controls must be established by laws, and the enactment of federal laws will bring simplicity and uniformity. In openly authoritarian nations, it is frankly argued that this is a means by which the central elite can control the masses.

b - Unity. It is commonly held that a highly centralized educational system produces unity in the nation. It is held that it does so by maintaining a uniform educational system, so that students who are educated in one part of the nation will have exactly the same educational background as those from any other part. It is held that this is essential, if students transferring from one part of the country to another are not to be severely handicapped in their new environment. It is held that such a system grants equality of educational opportunity, since the student in the remote area will have the same quality of instruction as the one in the capital city.

(Opponents of centralization hold that these benefits can all be achieved equally well in the decentralized system; charge that unity is here being confused with uniformity; point to examples in various nations to substantiate their criticism in practice; hold that it is unjustifiable to restrict the more advanced parts of the nation to a rate of reform and development which can be sustained by the poorer sections; and state that in practice the only unity or educational uniformity which is produced is that of the laws or regulations, but not of the actual educational institutions and their results).

c - Economy: It is commonly held that a highly centralized system is more economical because a uniform and large-scale operation makes for efficiency and for lowered costs, and because it is possible to finance the educational systems in economically poor regions with the pooled resources of the national government, drawing its taxes from all parts of the country.

(Opponents of centralization recognize that there is much truth in these claims, but hold that other methods which are compatible with their theories of decentralization can equally well accomplish these admittedly desirable ends. The counter-proposals have been examined under Finances in the prior section).

- d - Leadership: It is commonly held that only in a centralized system is it possible to draw upon the best leadership of the nation. A deep lack of confidence in the abilities of state and local officials, as well as professional personnel in individual schools and autonomous institutions, is openly expressed. It is held that the people, and the local leaders, are unqualified to make any important decisions with regard to educational policy, and cannot be trusted to do more than carry out rather detailed instructions from the central elite. Thus, a competitive market in textbooks is frequently opposed on the grounds that there will be collusion between and local officials, that there is no adequate literary or professional talent available locally, that only federal officials are able or can be trusted to determine whether textbooks adequately meet the demands of the school and of the prescribed syllabus. Similarly there is an open fear of relinquishing leadership over teacher preparation, curriculum construction, school building construction, financial accounting, and similar aspects of educational administration.

(Opponents of centralization categorically deny this position, and hold that talent exists in all parts of the nation and in all levels of the society. They hold that the advantages of educational administration by persons having an intimate acquaintance with the local situation



and having highly specialized technical skills, and the possibility of discovering and developing political and professional leadership through an exercise of the prerogatives of leadership at the local level, far outweigh the alleged advantages of leadership by a preeminent central elite).

- g - Presentes Trends in Nations which have Traditionally had Decentralized Systems: There are two tendencies which appear to be present in the educational systems of nations which have traditionally been decentralized (Canada, Australia, New Zealand, and the United States). One is a slow trend toward federal participation in certain areas of education and research which for one reason or another are considered to be of immediate and crucial importance to the nation as a whole. The second is a stiffening resistance to any transfer of educational control to the federal government.

The United States is the leading example, both in size and in degree of decentralization. It has been repeatedly interpreted, and misinterpreted, by foreign observers as an example supporting in practice the logic of both sides of the centralization decentralization controversy. Actually, professional opinion in the United States is overwhelmingly in favor of a relatively high degree of decentralization (rather more than that proposed in the "Projeto") and vigorously opposed to any major increase of control centered in a federal agency. Any other interpretation of the educational situation in the United States would be misleading. The specific situation with regard to the four major claims of those favoring centralization of administrative controls, follows:

1 - Control: The education profession in the United States almost unanimously fears federal government control of educational functions and categorically rejects the claims of those favoring centralization on this grounds. The abuses of federal educational control in the totalitarian states is vividly clear to American observers, many of whom served in educational capacities in the military occupations of Germany, Italy, Austria, Japan and Korea. The unanimous and extremely vigorous policy statement in favor of decentralization to the provincial level in Japan, by the twenty-eight members of the United States Education Mission to Japan, is convincing evidence of this attitude. A number of state governments have gone on record that they will unalterably oppose any extension of federal control over education and will not accept financial grants (no matter how desperately needed) if such grants carry federal government controls. To impose such federal controls, under the existing legal system of the United States and in the face of such opposition, would require a Constitutional amendment something which is a political impossibility in the foreseeable future. The presidents of some of the most distinguished American universities (such as General Dwight Eisenhower of Columbia University, for example) have gone on record as being prepared to reduce or even discontinue services of autonomous institutions rather than submit to federal governmental controls imposed as a condition to receiving federal funds.

Every professional association or policy-making commission of any note (such as the National Education Association, NEA, and the Educational Policies Commission), which have advocated federal financial assistance, make it abundantly clear that they do not propose an extension of federal control. It has been commonly argued that it is impossible to grant federal aid without some increase in federal control, and that in the last analysis there will always exist the



possibility of federal control, but so long as the educational profession and the lay public of the United States continue to feel so strongly and so unanimously on the subject of avoiding centralization, it seems improbable that federal control could be exercised even if the instrument for its application existed.

There seems no immediate possibility of the U. S. Office of Education being raised to cabinet status (the equivalent of a Brazilian Ministry) despite a wide agreement that such recognition would give it a prestige that it does not have and badly needs even if it is only to continue in its present status of a professional advisement and research bureau. There is the fear that if raised to such status it might assume administrative duties and begin to transfer power of control from the states to the federal government.

- 2 - Unity: The education profession in the United States rejects as a matter of principle the position that uniformity in education is desirable. It has widely adopted as a descriptive phrase for the desideratum, "Unity in Diversity". It feels that only constant investigation, review, and change, can bring improvement. It looks with suspicion upon anything which resists change because it knows that modern society is in constant change, and it feels that a static educational system cannot possibly remain adequate for long. It feels that only in the trial and error of a highly diversified system, can new methods be discovered and the system improved. It seeks to find unity in its highly diversified system through a common aim and through self-imposed conformity to what is professionally accepted as the best practice. It holds that the high degree of social mobility, the semi-nomadism of modern American life (about one quarter of Americans change their residence once a year), and the rapidly disappearing differences between rural and urban life, have made the sociological mixing process the greatest unifying factor. Regional and economic class differences are rapidly being wiped out. Modern communication

has made a common body of information available to almost everyone, and has produced a pattern of attitudes, thoughts and actions which is "characteristically American".

In the very much more limited matter of seeking unity through formal schooling, two trends are apparent. First, the rise of the tax-supported public school providing for compulsory education as opposed to religious denominational and private schools, has tended to make available to the Americans a common core of fundamental attitudes, knowledge and skills. This is the American meaning of "the common school". It does not refer to an imposed and uniform curriculum. It refers to the fact that all people, from all levels of society, tend to attend the same school and to mix on social equality. Second, there is a growing demand that absolutely unlimited choice of highly specialized subjects under the electives system, be restrained to a reasonable degree. This has produced the "core curriculum" and the "general education" movements of the American lower and higher schools, respectively. But it should be clearly noted that these movements are designed to correct an abuse of the elective system, and not to replace it. And it should also be noted that the percentage of required subjects which these movements advocate is far less than even the recommendations made in the "Projeto". The inescapable fact still remains that children educated today must live in a technological society in which few can escape being specialists and that every day the indispensable requirements of the specialist grow larger. Thus, the "general education" movement in the United States generally postulates something less than 25% of total class time devoted to a series of foundation courses designed to help the student acquire a minimum level of general culture and to interpret his personal position in the culture as a whole. The rest of class time continues to be devoted to elective subjects - usually a concentration of specialized technical courses in the field of the student's vocational interest.

- 3 - Economy: The point at which the educational system comes closest to showing a trend toward centralization of administrative control is in the area of finances. But it should be clearly noted that it is not through choice, but only in the face of absolute financial necessity, that the educators of the United States are accepting even the smallest degree of central or federal control. The trend is apparent at two points: the fight to secure federal aid for elementary and secondary public education; and the critical financial situation which faces most American colleges and universities since the Second World War.

The struggle to secure federal aid for elementary and secondary schools is a very long and very complex one. Only an extremely abbreviated summary of the most fundamental features of this struggle can be presented in this analysis.

- a - The Reasons for the Movement for Federal Financial Aid: It has long been apparent that local financing by municipalities and counties could not produce enough funds to provide an adequate minimum level of education in the poorer areas of the United States. Between the two World Wars, there took place a major movement to centralize finances up to the level of State control. Isolated rural schools were united into "consolidated schools". Municipal and country schools began to receive substantial funds from the state government, and in many cases became dependent upon these funds for their continued existence.

Two arguments were advanced to justify this radical change from American tradition. First it was held that the creation of a literate citizenry was more than a local interest, and that if people were a burden upon the state

because of lack of educational opportunity at the local level, then the state would have to supply it. Second, it was held that there was a definite upper limit to the amount a local unit could tax itself for education without upsetting the delicate economic balance of the area and forcing a flight of capital -and hence reducing the taxable property and income - by making it unprofitable for industry to continue in that locality.

By the time of the Great Depression in the 1930 it was generally recognized that the same arguments applied to granting substantial aid to the poorer states. It was simply beyond the practical taxable power of the poorer areas to raise enough money to meet what was considered a minimum national level of education. Because of the high degree of social and geographical mobility, the citizens of the poorer states frequently emigrated to the richer ones, and there constituted an inter-state problem. Some means of spreading the burden of finance over a wider tax base seemed the only practical solution. It was argued that the federal government would have to supply this financial assistance. At no time was it seriously proposed that the Federal government would itself set up a system of schools. It was only advocated that the Federal government would provide state educational systems, autonomous institutions, or individual students with financial assistance.

- b - The Opposition to the Granting of Federal Financial Aid: The major opposition to Federal aid came from vested interests of three types: professional opposition on the grounds that federal control was inevitable if federal aid were granted; opposition by advocates of States



**Rights; and opposition by religious groups. The arguments advanced by those who feared federal control were essentially the same as summarized earlier in this report. While these professional views did not markedly influence political opinion, they did destroy any possibility of getting the necessary legislation enacted.**

The advocates of States Rights were much stronger before the Second World War, but are still a group of enormous strength in American politics. They correctly hold that under the present legal situation, (since control of education is not specifically reserved as a right of the federal government by the national Constitution) that right is delegated to the several States, and can only be taken from them by a Constitutional Amendment. They fear that if the federal government gains control (either directly or indirectly through financial grants) it will jeopardize their States Rights in other matters which they jealously guard. Some, but not all, of the Southern States with large Negro populations are fearful that the federal government would impose upon them certain regulations with regard to Negroes which (rightly or wrongly) they do not want and are willing to sacrifice federal financial aid in order to avoid.

Opposition to federal aid from religious bodies has always been latent in the situation, but has become the most important factor in defeating or blocking all bills for federal aid since the Second World War. The Roman Catholic Church maintains the largest single group of private schools in the United States, and like all other organizations is suffering a severe financial crisis. The Catholic educational authorities are not particularly opposed to

federal aid (though they do not want federal control). But they feel that they have a right to a "fair share" of such aid if it is given. The non-Catholic educators are substantially united in opposing any granting of tax money to any religious body on Constitutional grounds, and on the grounds of a long tradition of tradition of separation of Church and State. Both sides have presented a mass of arguments to substantiate their positions, some of them cogent, and some of them merely political maneuverings. But stripped of emotionalism and rationalization, the conflict is deadlocked on the following indecisive balance of political power. The Catholics are not strong enough to force through federal aid legislation which grants them a proportional share, but they are strong enough to block any attempt to put through such legislation which does not grant them a share. The non-Catholics would rather do without federal aid than to concede federal aid to Catholic schools and undermine what they consider to be a vastly more important political principle, the separation of Church and State.

The other of the two trends federal aid to education has been at the level of special services and individual institutions - mainly colleges and universities. For this there has been a long tradition in the United States, through such legislation as the Smith-Hughes Act and the Hatch Acts. Every State in the United States has for decades received federal funds to conduct agricultural and mechanical arts instruction, conduct programs of research and dissemination of agricultural information, and to carry on a mild form of reserve officer military training. How this money has been used differs from State to State, and in a major degree depends upon their local choice. During and immediately after the Second World War, the federal government was forced to embark upon a large number of training programs connected with the war effort, such as for example, the anti-illiteracy classes in the military forces, the



training of machinists and tool operators for war plants, the Armed Forces Institute for giving general education to persons on active military duty, the establishment of school systems for Occupational Personnel in Germany and Japan, and the Army training program for personnel which continued the medical and scientific training of young men who called to military service. The largest and most important of the post-war efforts was the G.I. Bill of Rights which virtually financed several million veterans in completing their vocational or university educations.

The cumulative effect of these large scale and highly successful experiences in federal educational endeavor, was to remove much of the fear which American educators had previously felt about the encroachment of federal control. Experience had demonstrated that it was possible to have federal financial aid with an absolute minimum of federal control if adequate machinery for the granting of money were set up. The 1800 institutions of higher learning (Junior Colleges, Colleges, Universities and Technical Institutes) in America, in particular benefited from this aid. It is doubtful if many of them could have survived the loss of students during the Second World War, or met the immensely increased cost of education produced by inflation following the war, if they had not had substantial funds from federal sources. These funds were of two kinds - contractual payments for research, special teaching programs needed by the military forces, and the sale of goods and services produced by the universities; and the student fees and tuition paid for by government grants such as the G.I. Bill of Rights.

The institutions of higher learning in the United States are currently facing a severe economic crisis. This is the result of two causes - falling incomes and rising costs. The incomes of the American universities are falling for a variety of reasons. The income from private philanthropic donations is dropping as a result of rising taxes and the gradual dispersal of great fortunes. Income from productive investment is dropping except in those investments carrying a disproportionately high risk. The amount of money from the federal government through tuition payments by war veterans, is rapidly diminishing and soon will come to an end with the termination of the G. I. Bill of Rights. The income from tuition

and fees paid by non-veteran civilian students is dropping rapidly as the youth of the nation are called into military service or enter war industry.

The more serious cause of the current economic crisis is the rising spiral of inflation. Costs of all things — goods and services — consumed by an American University have approximately doubled since the beginning of the Second World War. But the cost of supplying services in certain categories of education and research, has multiplied many times due to the enormous technical advances which have been made during this period. Some types of training have reached the point where no private institution can afford to offer them, unless it receives substantial government help. Thus, for example, the physical sciences today require instruments that cost in the tens of millions of dollars, where twenty years ago research in the same area would have cost a few hundreds or at most thousands. Nuclear research has almost been removed from any but federal financing. Medicine is rapidly approaching the point where the burden of financing it cannot be born by a private or a state institution. Thus, for example, a great private university in 1950 reported a deficit in its medical school greater than the total operating deficit for the entire university. The university enrolls nearly 35,000 students, and the medical school enrolls less than 500.

It is possible that by curtailing unessential services, operating certain things (such as libraries) on a cooperative basis between a number of institutions, attracting small scale philanthropic donations in mass, and securing substantial subsidies from major industries, it may be possible for American colleges and universities to avoid having to take federal funds. But the economic pressure now and in the foreseeable future will be very great, and it seems almost inevitable that federal financing will come in some degree and in some form. The universities, however, are virtually unanimous that they will not accept it except in a manner that carries an absolute minimum of control.

- 4 - Leadership: The educational profession in the United States is virtually unanimous in supporting the policy of seeking widely decentralized educational leadership. The reasons commonly advanced for this have been noted earlier in this analysis. Any tendency to create an authoritarian educational leadership, or to remove most basic policy decisions from the decision of local authorities would be vigorously opposed as something indefensible in principle and unworkable in practice.

## = IV =

Injudging the "Projeto" three criteria were used:

a. Is the plan consistant within itself? There are apparent some inconsistencies. Thus, for example, it is difficult to harmonize the avowed spirit of freedom and autonomy of universities with Article 51, § 3<sup>o</sup>, which authorizes the federal government to refuse recognition to a private university (and thus, by Art. 51, § 1, prohibit it from existing and functioning) solely to keep it from competing with already existing institutions in that area. It would seem a much more consistant policy to permit the institution which best served the area to survive. Art. 51 would appear to be an invitation to stagnation.

Some changes appear in the text of the "Projeto" which were apparently made in opposition to the counsel of the Commission that drafted it. Thus, for example, Art. 27, IV, (a) requires French and English instead of French or English. In general, these modifications do not seem to strengthened the projected law, from an educational viewpoint. They may have been necessary for legal reasons.

b. Does the plan embody the best principles of modern Democratic education? There are obvious some serious compromises between opposed schools of thought. There are some points with mos American Educators would not agree in principle. But taken as a whole the "Projeto" is a remarkably good document. It is the product of the collaboration of a group of extremely able and well-informed educators. Where they have made decisions with a foreign observer might not agree, they have done so with full knowledge of the points at issue, and with a profound knowledge of Brazilian culture and tradition. Their combined knowledge of other educational systems and experience is vast and detailed. Judge within the frame of reference of a plan for a moderately decentralized, liberal, democratic, and tax-supported mass education system, it seems doubtful if any other group could have prepared a substantially better draft. Criticisms will, therefore be made in detail, indicating where the present draft might be improved.

c. Is the plan a practical one? Three questions have to be answered in meeting this criterion. First, is the plan in a form acceptable to the government authorities? As a law can it pass in the Brazilian Congress? This is clearly outside the competence of this analysis. Second, does it fairly well represent the most enlightened educational and professional opinion in Brazil? Will the people who must put it into operation accept it and sincerely and diligently work to make it succeed? No positive prediction can, of course, reasonably be made. It would seem however, that it is a professionally competent document, and that with a few modifications it should be eminently acceptable to most progressive educators in Brazil. Third, will it work in practice? Again, any dogmatic prophecy is dangerous, but it would appear that with the modifications already advocated, it can be made to work in Brazil. It should be clearly noted that neither this, nor any other fundamental plan for an educational establishing economic and social classes, or by setting off one geographical region against another, has really justified its existence.

B. The Rights of the Individual:

There are three major problems in this area of interest: equality of educational opportunity; conservation of human talent; and technical preparation for a diversified society. First, Brazil must grant equality of educational opportunity to all the nation's youth. No discrimination can justifiably be made on the grounds of sex, religion, race, color, economic status, social class, or ideological conviction. Able youth, who come from economic backgrounds which do not permit either the cost of educational fees or the leisure from productive employment to study, should not be denied the opportunity to secure as much education as their native ability will permit. The social machinery of the country must be adjusted to make real and possible the avowed educational principle of equal opportunity. Second, Brazil cannot afford to lose any of the potential talent present in its population. Brazilian economy is a dynamic and expanding one, rather than a stagnant or dying one. The nation can absorb any quantity



of trained personnel that the educational system can conceivably produce. No educational system which arbitrarily rejects students, or which fails to salvage those useable talents in students who fail to demonstrate native abilities in all the elements commonly associated with a required curriculum, will be adequate to the nation's needs. The system should be one that discovers, develops, conserves and salvages the maximum of human talent, rather than one that limits, rejects and arbitrarily denies the development of latent talent. Third, Brazil must produce trained personnel for all types and all levels of its enormously complex and growing society. It cannot continue to restrict its educational offerings to a few generalized, highly formal, and distinctly limited vocational choices. It must make every effort to eliminate the social stigma attached to certain types of vocational training which at present limit the entry into those professions of system ever will succeed perfectly, so that all that can be reasonably expected will be a partial success. It is for precisely this reason that at certain points where the Commission tempered their recommendations because they felt that the desideratum was unattainable, it might have been better to set the goal, and then openly recognize that it is a goal, an end that must be striven for, but in all probability will not be attained. Thus, for example, it is probable that the "Projeto" would have been on sounder grounds in Article 16 if it had stated boldly that primary education was obligatory for all children from seven, to fourteen years of age, rather than the somewhat ambiguous form of the actual text. There will certainly not be anything remotely approaching full compliance with even the reduced requirement of Article 16. Yet it would seem a more defensible position to establish compulsory education up to the minimum legal age of employment. In urban areas there will probably be a high compliance with the spirit of this articles whether the law makes it obligatory or not, and in rural areas and the poorer sections of cities where facilities do not exist and economic pressures force the children to leave school for work, both the educational and the child labor law will be ignored in any case.



= V =

There appear to be three areas of major interest in the "Projeto": the rights of the State; the rights of the individual; and the rights of the public. Inevitably there is considerable overlapping of these in interest, but the major problem in securing an acceptable draft would seem to be that of assigning each of the three its proper weighting. Six basic problems are treated directly or by implication in the "Projeto".

a. The Rights of the State:

The major problem in this area of interest, is that of establishing an educational system that will adequately provide for the unity of the people of Brazil and will substantially contribute to the strength of the nation. No system which does not produce a loyal, able, and self-directive citizenry, can be considered successful. No system which fragments its population, either by the best talent the nation. It must adopt a system which permits high degrees of specialization, and a major concern with practical rather than merely theoretical skills and knowledge. The Brazilian youth has a right to be prepared for productive employment.

b. The Rights of the Public:

The public supports the educational system, provides the cultural setting in which the graduates will dwell, and provides the labor market that absorbs its product. It therefore has a profound, though sometimes vaguely perceived, vested interest in the educational system in all its ramifications. Two problems, in this area of interest, are particularly critical: the control of services to the public; and the provision of research and investigation. First, the Brazilian public has a right to control its public services. In some matters, the size and the complexity of the nation makes it necessary that this be done through the regular channels of a representative government. But wherever possible this control should ideally be exercised directly. The lay public and should determine much of the basic policy governing schools. Any system which removes these controls, these policy and administrative decision, from the public and vests them in the hands of an elite (whether it be a political, pro

fessional, or intellectual elite) has robbed the public of one of its rights, and destroyed one of the strongest and most fruitful forces in support of education. Second, the Brazilian public has a right to both elements of an educational system: the perpetuation of past knowledge; and the production of new. No system of education which limits itself to merely transmitting to the coming generation the knowledge of the past, or which merely attempts to maintain the status quo of society, or which lags behind rather than leads in the cultural advances of a people, is an adequate system. At all levels, but especially at the level of higher education, the Brazilian public has a right to expect to receive the benefits of continued and productive research. No nation can culturally survive in the highly dynamic modern technological world if it continues to depend upon copying and adapting the findings of research of other nations. The educational system must train skilled investigators, and provide both the intellectual climate and the material facilities for productive research.

= VI =

Three basic principles have been postulated as fundamental and govern the detailed analysis of the "Projeto":

a. The "Projeto" should be a broad statement of basic philosophy and educational policy. It should not be a law attempting to cover the details of an educational system. It should not be an "educational plan". It should establish the fundamental orientation for education in Brazil for the next half century. It should leave to supplementary laws, to state and local administrative regulations, and especially to professional tradition and lay decision, the minutiae of administrative matters.

b. The "Projeto" should provide for as high a degree of decentralization of administrative control (in its broadest sense) as is consistent with the realities of the social, economic, and political situation in Brazil.

DETAILED ANALYSIS OF THE "PROJETO

Art. 2 The terms "color and sex" might well be added to the list of "race, class and creed". This would be in conformity with the Declaration of Fundamental Human Rights of The United Nations.

Art. 6 A preliminary paragraph might well be inserted following the title of the Article. It should define the fundamental responsibility of the National Council of Education. Approximately the following form is suggested:

"The National Council of Education shall be the advisor of the Minister on matters of highest educational policy. It shall be composed of both lay and professional members and shall represent the interests of the Brazilian public, being apart from, and superior to, any partisan political interests".

There appears to be a need in Brazil for something corresponding to the Educational Policies Commission in the United States. This is composed of persons of national stature, intimately linked with public and private education at all levels. Its statements of policy carry enormous prestige and weight in both legislative and educational circles. It does not exercise administrative functions, nor interfere in the minutiae of the educational system.

Art. 8 There seems nothing intrinsically and educationally wrong with having two systems of education—one of the federal government and one of the states. Experience in other countries has shown, however, that if the two systems exist side-by-side in competition with each other, inevitably the national system will eventually supplant the state or municipal system. An example is the gradual nationalization of

the elementary school system in Argentina following the enactment of the Ley Lainez. It does not follow, however, that federal schools will be able to excel over private, autonomous, or even well-supported state schools where these are permitted full liberty to develop without hampering federal restrictions on their curriculum and administration. Some of the finest schools in England (Oxford and Cambridge Universities; Eaton, Harrow, Rugby, Winchester and Charterhouse) and the United States (Harvard, Yale, Columbia and Princeton Universities, and Andover, Exeter, St. Georges, The Hill, and Granbrook) have grown stronger despite fierce economic competition from tax-supported schools. The experience of the SENAI schools in Brazil, internationally recognized as among the most distinguished vocational training systems in existence, is a Brazilian example of a privately directed system which has successfully competed with a federal technical school system.

- Art. 9. It seems wise to restrict the supplementary federal help in the States to grants of money earmarked for specific purposes, and the supplying of specific services (such as technical assistance, the provision of scholarships for the needy students, the granting of subsidies for the education of handicapped children, etc.). It does not seem wise for the federal government to construct, staff, and operate its own system of schools in competition with those of the states.
- Art. 10 This should be brought into conformity with Art. 9 on the basis of the preceding suggestion.
- Art. 11 This article would seem to be a crucial one, and appears to be highly acceptable within the framework of reference established for this analysis.

It gives virtually complete control over the primary schools to the States and the Federal District and establishes the National Council on Education (C.N.E.) as the ultimate authority on standards for secondary education, but reserves to the state and Federal District of all administrative decisions beyond such basic policy. On the basis that the C.N.E. shall be of the type suggested above, this appears to be a highly desirable division of authority.

- Art. 13 This article seems to be an undesirable one. First, it really puts the burden of administrative detail on the C.N.E., since it must investigate and judge whether individual schools have actually complied with the standards set. Second, it takes away from the State and Federal District the power to grant diplomas if the middle schools are not recognized by the C.N.E. A better solution might be that of permitting the school to continue to issue diplomas, recognized within that State, but to withdraw national recognition and the right to transfer credit for work taken in such schools to institutions in other States. The C.N.E. should definitely not have to serve as the administrative organization (nor for a court of final appeal) for such matters, but this should be a matter of simple administrative action under the cognizance of the Ministry of Education, once the C.N.E. had established policy.

- Art. 15 As a principle it seems wise to establish the policy that industries should share in the responsibility of caring for the children of their employees. But in practice it may not be a workable policy. It probably would result in industries refusing to employ mothers of small children. This would be a highly defensible and admirable policy, but one which in the realities of

Brazilian economy would work a severe hardship on young mothers of the lower income brackets. Since the Article urges, but does not oblige, that they do so, it is possible that some benefit might derive from it. Basically, however, the problem of the working mother of small children is a problem of Brazilian society, not of the particular industry which happens to employ such workers. If pre-primary education of this sort is necessary (and it certainly is in urban Brazil) then it should be an obligation of the governmental system of schools, rather than a hit-or-miss private co-operative effort.

- Art. 16 This Article appears to have been made the subject of a compromise between two seriously divergent opinions. It is suggested that the following charge be made: First, it would seem that education might well be made legally compulsory between the age of seven and fourteen (the minimum legal age for gainful employment). There will not be anything approaching full compliance with this law in any event, and it is better to set a clear-cut goal toward which to strive, rather than an ambiguous compromise with what is recognized as desirable. Second, the uncompromising insistence only upon the national language as the vehicle of instruction will almost certainly lead to some difficulties. certainly it should be the language of instruction for all schools of normal residents of Brazil (whether they happen to be citizens or not). But some provision should be made for the children of diplomatic personnel and for temporary foreign residents of Brazil.
- Art. 18 This Article should be adjusted to fit the ages established by the revised Art. 16, as suggested above.
- Art. 21 This Article as now written would continue a system of forcing private business enterprises to establish schools to carry a portion of the normal load of public education. This does not seem desirable.



Private business should be required to carry its own burden of specialized technical education (either singly or through some cooperative system such as SENAI). But there appears little justification for imposing upon them the burden of supplying a public service. It is nothing more than a very inefficient device for taxing those industries presumed to be best able to afford the extra burden. A very much better method, it would seem, would be that of raising the normal tax rate to the point where it provides the funds to provide such public service on systematic basis. A system of corporation income tax can easily be constructed to tax those industries best able to support the burden.

Art. 22 Exactly the same criticism applies to this Article as applied to Art. 21. One justification might be offered in defense of the present text. On some large rural properties the children would have to go much too far to be able to walk in reaching a public tax-supported school or property on which a public school can be built. An alternative solution, quite in keeping with the principle enunciated in criticism of Art. 21 above, is possible, however. The owner of the rural property could be required to provide transportation for the children to the nearest school, or to sell a suitable piece of his land for the construction of a public school with the price set by a court on the basis of a law of eminent domain.

Art. 24 This Article appears to be quite well done. It establishes general principles for the guidance of local authorities without hampering their decisions by imposing too many restrictions. Thus, for example, it sets the number of days in the school year, but does not set the dates - thus allowing local determination of what periods are most suitable in the light of climate, agricultural seasons,

availability of transportation and similar matters. Art. 78, however, curtails this liberty and nullifies the value of this part of Art. 24. Art. 24 does not impose a required curriculum, but frankly leaves this up to the good judgement of the local authorities. It is suggested that it be the local School Boards who determine this, on the basis of minimum standards established by the State Councils on Education. Two specific recommendations are made: First, with regard to Art. 24, II, it is suggested that instead of an absolute requirement of 200 days of 4 hours each as minimum, that the text be re-worded to allow, "or the substantial equivalent". It is not at all certain that children of seven need or should have the same length school day as children of twelve or fourteen. Next, with regard to Art. 24, VI, it is not clear why the "Paragrafo único" is included at this point. It hardly applies to the preparation and appointment of teachers, and it seems to be somewhat inconsistent with Art. 24, III. Its deletion is suggested.

Art. 25 The objectives of middle education are given in such an abbreviated form that they might apply to almost any form of education. If the elimination of the Colégio Universitário from middle education was a deliberate one it can only mean that that is the course which is to be deliberately university preparatory. If this is so, then the "curso secundário" is one for general culture and not necessarily for preparation to enter the university. This would be an exceedingly important and probably highly desirable differentiation. It would wipe out the necessity of having a complicated system of official achievement examinations, and would go far toward removing the existing difference in social status of the graduates in the three types of middle education postulated in Art. 25. It would remove from the child of 12 to 14 the present necessity of

deciding what professional career he wants to follow and of making an irrevocable choice of schools. It would in fact make possible the comprehensive type of school, offering classes in all three types of these middle education courses, and would go far toward establishing a "common school" and achieving the desideratum of unity of the school-age population.

Art.27 This entire Article appears to suffer from being over detailed. Thus, for example, such requirements as a minimum of 21 hours per week of study seem more appropriate in a administrative regulation issued by the State authorities or by an individual school, than in a national law on the "diretrizes e bases" of education. In detailed criticism of the contents of this article, it is suggested:

Art.27, I (a) First, that the age of entry be adjusted to the age changes suggested above with regard to the primary school. Either of two solutions seem acceptable: to carry compulsory education to the end of the second year of the middle school; or to establish a two year terminal course beyond the five year primary school.

Art. 27, II (c) Second, the requirement in Art. 27, I, (c) that admission is contingent upon passing a State examination, seems absolutely wrong and incompatible with the philosophy of conserving talent. Brazil can use as many people who have been exposed to some middle education as there is any likelihood of the schools ever producing. There is no conceivable justification for limiting the number of entrants. The selective action, preparatory to university admission does not begin, ostensibly, until the Colégio Universitário. It is suggested, therefore, that this part of the Article be deleted and the immediately preceding one be changed to read,

"conclusão do curso primário complementar, ou equivalente."

Art. 27, III (a) + (b) Third, the number of days and hours, appears excessively detailed for the "Projeto".

Art. 27, IV, V Fourth, the whole regulation on curriculum (required and elective subjects) seems far too detailed and far too restrictive. It is recognized that in the realities of Brazilian education development some regulation will be necessary to avoid abuses, but this regulation might well come from State or local authorities. The establishment of a prescribed curriculum (no matter how general that may be in the "Projeto") is a dangerous precedent, for it invites continual revision and amplification until all local autonomy has been gradually whittled away. It should be noted that the mere lack of a legal requirement does not throw upon to the school absolutely unrestricted freedom to create any curriculum it wishes. The pressure exerted downward by the next higher educational institution, through its establishment of admission requirements constitutes one of the most powerful regulatory controls. A school that does not prepare its students for admission to the next higher school will not exist very long.

Art. 27, VI Fifth, the establishment as a goal of limiting classes to 40 students seems unwise. In the first place, many lecture classes can have far more than number efficiently. In classes involving problem solving, recitation, participation, and laboratory practice, the number 40 is probably far too great for effective teaching. Certainly it should not be established as a desideratum. A much better measure of educational efficiency is the teacher-pupil load.

Art. 27, VII Sixth, Exactly the same criticism of Art. 27, may be made as was made for Art. 13. The C.N. E. should not be required to carry an administrative load. It might well develop suggested curricula, or establish a minimum core curriculum, or investigate and approve the curricula established by State authorities - but it appears undesirable for it to become involved in accessing each individual course or school.

Art. 27, VIII Seventh, the establishment of a minimum percentage of attendance for credit to be granted in middle schools seems a trivial detail for such a basic law as the "Projeto". But in any event the figure 75% seems absurdly low. Either passing the course should be made on the basis of an examination with no reference to class attendance (as in the London University External Examinations), or it should be dependent upon a much higher percentage of class attendance than 75%. The requirement that every institution should actually conduct a minimum of 70% of its scheduled classes seems quite indefensible. An educational institution should conduct 100% of its scheduled classes and if it unavoidably has to miss one, that should be made up. Such a regulation simply invites laxity and an unprofessional attitude on the part of professors. It seems rather difficult to correlate the two figures 70% and 75%. Apparently it would be possible for a school to comply with the minimum demands of the law and yet still offer so few classes that a student who had attended all of them would not legally be entitled to take the final examinations. If, on the other hand, it is interpreted as permitting a student to take the examinations who has attended 75% of the mini-

minimum 70% of classes actually given by the school, then it would mean that in effect a student could receive credit for the absurdly low requirement of attending only 52.5% of the scheduled class periods.

Art. 27, X Eighth, this seems quite undesirable. standardized achievement tests on which national norms are calculated, might be a better device,

Art. 27, XIII Ninth, the Article 27, XIII, seems quite undesirable. Forcing a student to repeat an entire year merely because he has failed to pass in a single subject seems wholly unjustified. This is a survival from the "encyclopaedia of knowledge" misconception which holds that a person cannot be educated unless he has successfully passed highly arbitrary examinations on the subject matter of a list of "essential" disciplines. It is suggested that a much better method would be to permit the student to continue until he has acquired the required total of units for graduation (an even of selecting another elective subject to substitute for the one he has failed to pass, if that seems desirable to his parents and the local school authorities). Even if the present policy of requiring an unalterable list of required subjects is continued, there seems no justification for making him repeat a long list of subjects he has adequately mastered, merely because he has failed to meet the standards in another subject field. This is penalizing his weakness rather than bolstering his strength.



Art. 27, XIV Finally. In art. 27, XIV, a method of selecting secondary school teachers is outlined which does not seem desirable. It establishes as a criterion of who may teach in secondary schools, a list of educational requirements which the candidate must have met. There are two ways of establishing such norms: either impose educational prerequisites on the assumption that anyone who has gone through the prescribed process is then qualified to teach; or establish a licensing system which grants licenses to teach upon meeting certain requirements, usually based on examinations and proof of experience. The Committee that drafted the "Projeto" considered both systems and elected to impose educational requirements. Despite recognition of the excellent reasons which determined their choice, it is suggested that the other system might be more desirable. The requirements for licensing an individual to practice any public profession necessarily must be quite detailed, for the protection of the public. But there is no justification of imposing these detailed restrictions upon the educational system which produces not only the candidate for that profession but for many others as well. If a licensing system exists, the educational institutions will be careful to prepare their candidates adequately for the requirements established, but they will also be free to modify their offerings in any way that other conditions demand.

Art. 28

This Article appears acceptable in general. Two specific suggestions are made: First, the danger of establishing a dual or multiple school system which tends to split the population into

social classes, should be noted. When the professional (principally technical and vocational) courses are given in a separate school there is a tendency to consider it the place to which go youths who are poor and who do not come from the socially elite families. If such a situation resulted from or was perpetuated by the split school system proposed by the "Projeto", then the social harm done would far outweigh any possible advantages in educational efficiency. Therefore, it is recommended that in urban areas large enough to give professional courses, at least the first cycle of middle level technical training (cursos profissionais básicos) be given in the regular secondary schools. Second, the age of entrance should be adjusted in accordance with the suggested alteration of the compulsory age requirements.

Art. 29

This should be brought into conformity with the suggested changes in Art. 27.

Art. 30

This is a highly desirable provision, since it permits the graduates of the professional courses to matriculate in the Colégio Universitário, and hence opens up to them the possibility of university education. This provides for the recognition of talent and individual interest which was late in appearing.

Art. 31

This appears to be a highly desirable provision. Since the industrial and commercial firms will directly benefit by this training of their own personnel, and indirectly benefit by the creation of a skilled-labor pool for Brazil, this provision is not subject to the criticism leveled at Articles 21 and 22.

- Art. 32            This appears to be an unwise method of controlling the preparation of a teaching staff, for the reasons presented in the criticism of Art. 27. A licensing system is advocated in place of a rigid control of the administration and curricula of various institutions which normally prepare elementary school teachers.
- Art. 33            Practice teaching is certainly desirable, but it is doubtful if the requirement that every school which prepares primary school teachers must have a demonstration school attached to it, is a wise policy. It is suggested that this be changed to permit teacher training schools to conduct their practice teaching classes in public primary schools of the community, as well as in demonstration schools where such exist.
- Art. 34            This appears to be a highly desirable provision, for exactly the same reasons as those given for Art. 30.
- Art. 36            The Colégio Universitário is postulated as a university preparatory institution. As such it will resemble the Japanese Higher School rather than the American Junior College which is equally a terminal school. In an expanding economy, such as exists and will exist for decades in Brazil, there is a virtually unlimited market for trained, or even partially trained personnel of all levels. Hence there is little justification for any policy which restricts the number of graduates - at least until they reach the university level. It is therefore recommended that there be no entrance examinations for admission to institutions below the university level except those established

by the individual schools themselves to limit the number of admissions to a quantity that can be adequately handled with the physical facilities.

Art. 36  
(Parágrafo  
único)

Since these institutions are presumed to be university preparatory, there seems no justification in having the C.N.E. establish the conditions necessary for their recognition (and hence permission to exist). The universities will only accept those students who are adequately prepared. If the Colégio Universitário is attached to a university, it will be controlled by that institution, or it will quickly cease to exist for lack of students.

Art. 37. § 1º

This seems unnecessary. If the Colégio Universitário is supposed to prepare an individual for the university, it should have great freedom to adjust the course to individual requirements. A system of electives is suggested.

Art. 37 § 3º

This is a puzzling provision. Certainly any policy which would eliminate the present deplorable practice of staffing educational institutions with members of other professions who teach a few classes as a part-time activity, would be highly desirable. This will only be possible, however, when salaries are paid adequate for the full living expenses of a professional person, and when the present system of concursos for the appointment of part-time professors is discontinued. But within the frame of reference of the presently existing situation, there seems no particular reason why a professor from one university should not teach classes in the preparatory department of another university if he is able to do an adequate job in both.

## Art. 38

This statement of the objectives of higher education seems rather limited. There can be little dispute with limiting in to those who possess an adequate level of aptitudes and intelligence. But the question remains to be answered as to who has these aptitudes and intelligence, and how can they be foretold. In accordance with the viewpoint presented above with regard to Art. 36, it is at the entrance to the university that the severe selective action should take place. But this should not be on the mistaken assumption that Brazil should limit the number of university graduates permitted to emerge from the universities, but rather it should be on the basis of predetermining which of the candidates possesses sufficient native ability and individual interest and drive to be able to meet the demands of the university course. Brazilian society cannot afford to excuse students from the duty of productive employment for a number of years while they are in the university, if they ultimately demonstrate that they have not benefitted substantially from that social investment in themselves.

There are three fundamentally different methods for attempting this prediction. First, there is the presumption of later success upon completion of a prescribe preparatory course. Second, there is the use of a battery of competitive achievement examinations in each of the prescribed subject fields. Third, there is the use of a battery of competitive achievement examinations in each of the prescribed subject fields. Third, there is the use of psychological examinations designed to test the native intelligence, that is the potential intellectual capacity of the candidate,



with no concern for his past academic achievements. The United States has widely used all three of these methods, singly and in combination. Virtually all American universities today have come to use a combination of the first and the last of these: simple graduation from a High School (the American equivalent of the combined colegial curso and the Colégio Universitário), together with a psychological test to measure native intelligence. It should be noted that it is simple graduation, not the completion of a strictly prescribed secondary and preparatory course, which is required.

## Art. 39

This entire Article appears to suffer from the same shortcomings that were criticised with regard to the middle school in Article 27. It appears much too detailed. There seems even less justification for detailed regulations, since no university in any type of system can rise much above the common level of its professorial staff. The real policy of every university, regardless of what may formally be included in the statutes or the government regulations, is that which the professors as a body accept and actively advocate and practice. It would seem, therefore, a better solution to establish the policy of university autonomy, tempered only by the formal requirements of national recognition (in the form of a charter) and by compliance with the terms of the grant, in the event of governmental financial assistance. Many of the regulations which now appear in the text of Article 39 would, of course, appear in either the charter or the supplementary legislation governing federal aid. The following concrete suggestions are made:

## Art. 39, I

There appears to be some ambiguity in the two requirements of this Paragraph. It would ap-

appear that both (a) and (b) are required, and that hence a graduate of a Colégio Universitário with barely passing marks might be barred from admission to a university even if he passed the entrance requirements. It surely cannot mean this. It is suggested that the requirements to admission outlined above as being the currently acceptable ones for universities in the United States be considered as a substitute-simple graduation from the Colégio Universitário together with a demonstration of native intelligence as evidenced by a standardized psychological examination. If the present pattern of admission requirements are to be retained, it is suggested that the provisions of (a) and (b) be made alternative methods of securing admission.

## Art. 39, IV

It would seem better to control the offerings of higher institutions through a licensing system for their graduates in the professions, and not by a rigid regulation or inspection process by the C.N.E.

## Art. 39, VI

There seems little justification of making a blanket regulation requiring that a student who fails to pass a single subject (on two consecutive years) should leave the university. This idea is based on the discredited concept of an "encyclopaedia of knowledge" and assumes that a man cannot be cultured and cannot adequately exercise a profession in he is unable to meet the formal requirements in one of the "required disciplines".

## Art. 39, VII

The establishment of a minimum attendance for credit of 70% of the classes in each discipline, seems much too detailed a regulation for the "Projeto". In any event it is far too low an attendance if credit is to be contingent on attendance in class, and it is meaningless if credit is to be based upon a final achievement examination.

Art. 39, VIII The establishment of a 70% minimum for the number of scheduled classes that must be held if the students of an institution are to receive credit, seems quite indefensible. An educational should hold 100% of its scheduled classes. If for unavoidable reasons any are missed, these should be made up. Such a regulation virtually removes all meaning from regulations on minimum student attendance. (See also Art. 27, VIII and IX).

Art. 39, IX The purpose of this paragraph is undoubtedly worthy. The number of students who are admitted to any institution should not be beyond that in institution's capacity to handle. But in practice such a regulation is a very dangerous one because it puts in the hands of a central authority the instrument for limiting the number of students who may be graduated to enter any profession. The temptation for the members of a profession to protect their vested interests by limiting the number of future competitors is almost irresistible. The public (which needs many more trained specialists and consequently lower fees) and the individual (who has a right to have his chance in the profession of his choice regardless of his bad fortune in being born a few years later than the present members of that profession) are the ones to suffer.

Art. 39, XIII The wisdom of this Paragraph is seriously doubted. The legal right to maintain discipline should be of no importance in a university. Only the tradition of scholarship, the internal climate of the institution, and the personality of the professor can maintain any discipline which is worth having. Having such a regulation in the "Projeto" is both a confession of weakness and an invitation to demagogery. Extreme cases which defy tradition and the accepted authority of the professor should better be handled directly by the administration of the individual school.

Art. 39, XVI There seems slight justification of this para-

graph. The duties of a Director of an institution of higher learning should be ones quite apart from the normal teaching duties of a professor. Thus, the reason for attaching this condition (other than the assumption that a man who has himself taught in an institution will have more intimate knowledge of its internal operation) is not apparent. The Director should be a statesman of education, and a prominent figure with great experience in administration and public leadership. If it is possible to find a candidate with both of these backgrounds, it would be ideal. But frequently the great presidents of many world universities have not come from the teaching profession, and fewer still have come from the staff of the particular institution they are to head.

Art. 39, XVI  
§ 1º

This Paragraph seems unwise. If a student is taking a full-time course in one field of study, and if the work demands of students in that course is really as great as it should be for a full-time course then it would be very nearly physically impossible for any student to carry a double load. It is the universal experience of higher institutions in the United States and Europe that the number of subjects which a student can carry must be limited. In the United States the superior student is normally permitted to carry for credit not more than 15% in excess of the normal load in the early years of the university, and usually not more than 5% in excess in advanced work. In both cases permission is granted on an individual basis by the administration of the university. There have been historic cases of students who have been so extremely able that they have been permitted to cover the work in one-half the normal time (equivalent to carrying a double load), but such cases are so infrequent that they almost do not exist. It is felt that in addition to merely demonstrating a simple command of the subject-matter of the various disciplines, higher education should demand a certain minimum of experience and a period of maturation.

- Art. 39, XVI § 2º This Paragraph seems much too detailed. It would more properly be the subject for the internal regulations of the individual institution.
- Art. 39, XVI This Paragraph seems much more desirable in form and content. It establishes the general medical goal of preparing general practitioners in medicine and surgery, instead of specialists, in the fundamental medical course. It leaves the details to subsequent regulations at the institutional level.
- Art. 40 The purpose of this Article seems worthy. It establishes the right of the governmental agency which supplies the majority of the funds for an institution, to exercise a considerable control over that institution by having a major share in deciding who shall be the members of its administration. But the wisdom of its procedure may be questioned. A better solution might be that of exercising the right to cut off future finances if the institution did not comply with reasonable policies established by the governmental authority. In this way the members of the administration might be the direct choices of the members of the faculty of the institution.
- Art. 41 The procedure outlined in this Article for the selection and appointment of professors seems somewhat unwise. It attempts to establish a highly formal procedure for making the decision on the basis of a competition. Once appointed, the holder of such a chair cannot be removed except through a very difficult procedure for cause. No provision is made for the consideration of persons whose candidacy is not formally presented at the time of competition. A better procedure might be that of employing professors on a temporary or trial basis, and allowing them to secure the rights of tenure only after a three to five year teaching experience in the actual setting of the position.



**Art. 41, III** The requirement of tests in subject matter should not be necessary for professors at the level of an institution of higher learning. No man should be appointed unless his qualifications are so well known in his profession that a formal proof of them through an examination would be ridiculous. If the right kind of candidates were secured, it would frequently be difficult or impossible for an examining committee of their colleagues to test them, for their eminence in some specialty would place them far above the examining board.

**Art. 41, IV** The provision that the examining board (interpreted to mean the board which selects the professor, and not merely a group of colleagues that will correct his examinations) should be composed of persons who are strangers to him, seems absolutely unjustifiable. If based on the presumption that only in this way will a fair and honest judgement be rendered, it expresses a lack of confidence in the integrity of the existing professors which should be most disturbing. Quite the contrary policy should be established. The people who are to make the decision should know the candidates as well as possible, and if they do not personally and professionally know them, then the examining board should make every effort to become acquainted. The formal comparison of curricula vitae should be of very secondary importance.

**Art. 41, V** This Paragraph seems entirely unnecessary.

- Art. 41, VI** This Paragraph seems unnecessarily detailed. It might well be left to the tradition, or internal regulations, of the individual institution.
- Art. 42** This Article appears to be much better drafted. It leaves the decision to the individual institution and allows the administration of each to set up its own procedure. The suggestion that examinations (of competency in subject matter) be conducted, seems unwise for the reasons given above, for Art. 41, III.
- Art. 43** This Article is excellent. It demonstrates, however, the weakness of the appointment procedure as set forth in Art. 41. If it is possible to select and employ foreign professors (usually at a far higher financial commitment to the institution) without the formalities of a highly artificial competition, then there seems little reason why Brazilian professors could not be chosen in the same manner.
- Art. 47** This Article appears to be a very underirable policy. If the Ministry of Education exercises an inspection service with the right to enter, inspect, and report on the operation of an institution of hegher learning, it has the machinery for a complet nullification of the autonomy of that instittution. From a purely practical viewpoint, it seems incredible that a team of three inspectors could be found who would even be able to understand what they saw in all the branches of an institution of higher learning which was worthy of the name. The inspection would of necessity be reduced to a

a formal check upon certain administrative conditions which might have little importance in judging the real contribution and eminence of the whole institution.

Art. 49

If the principles of autonomy is really accepted, then there seems little justification of providing that the C.N.E. shall have ultimate authority over the statutes of the University. A better solution would be to establish broad general norms in the charter (or permission to exist as a corporate body) of the university. Within the limits set by these charter provisions, the detailed statutes of the University should be a matter for internal decision by the professors. The statements of the principle and degree of autonomy in Paragraphs (a) through (d) and § 1<sup>a</sup> through § 3<sup>a</sup> seem desirable.

Art. 50, § 1<sup>a</sup>

The wisdom of this control, and of these procedures for exercising the control, is questionable, for the reasons presented in criticism of Art. 40.

Art. 50, § 5<sup>a</sup>

This review and veto power granted to the Ministry of Education (even though exercised in general by the C.N.E.) virtually destroys the principle of autonomy of the higher institution and particularly of the university. It seems a very undesirable principle to establish. It permits the central governmental authority to dominate the policy of the universities (including their research functions). This has been the cause of the disastrous failure of universities in a number of authoritarian governments in other

nations. At best it is a threat to the autonomous action of the university, which tends to keep its actions rather stereotyped and conservative. At worst it provides the instrument for demagogic control. It might be justified in a institution primarily supported by government funds. There seems no justification of it (within the frame of reference governing this analysis of the "Projeto") in institutions that are supported by state, municipal, or private funds.

Art. 51

This Article might lead to some disastrous mistakes. It does not necessarily have to lead to them. If its intention is clearly that of establishing the broad general conditions for the granting of a charter to an institution of higher learning, it would seem to be quite justifiable and desirable. If it is intended as a device for limiting the number and kinds of such institutions, however, it might prove disastrous in the development of Brazilian education. The third Paragraph appears to give it this latter orientation.

Art. 51, §3º

This Paragraph seems absolutely unjustified and an extremely dangerous policy. It would make illegal the existence of any institutions which might threaten an established one with severe competition. It is an invitation to slothful, conservative, stereotyped existence on the part of the existing institutions-for they are freed from the most effective spur to their continued dynamic efforts to excel in their several fields. Competition is

effectively eliminated. As long as an existing institution maintains the minimum standards set by the government and conforms to its administrative requirements, it may continue year after year with a form and level of education which may be utterly inadequate for the real needs of society.

Art. 52      This seems an inderisable policy to establish, for the reasons presented in the criticism of Art. 49, and Art. 50, § 5º.

Art. 54      This Article appears in general to be highly desirable. The lack of definition of what constitutes "ensino" in the legal sense might lead to some administrative and legal difficulties. Thus, for example, does it include (as in Russia) the whole cultural apparatus of mass education media - such as radio, cinema, television, press, theater, forums and lectures? Does it include the operating costs of the Ministry of Education? Does it include research programs outside of educational institutions? Does it include educational institutions other than those that have been mentioned directly or by implication in the "Projeto"?

Art. 55, § 1º      This is a desirable provision since it puts pressure upon the local unit to tax itself through the provision that the distribution of funds from the Fundo Nacional de Ensino Primário shall be distributed inversely as the per capita income of the State, as well as directly in proportion to the population. It might be well to amend this to read "school-age population".



Art. 55, §2º This Paragraph seems unwise in placing the administrative burden of determining whether the States are complying with the provisions of their contract for the receipt of federal funds upon the C.N.E. (which should be a fundamental policy organization).

Art. 58 The basic text of this Article is identical with Art. 168, V, in the Brazilian Constitution. The desirability of this article as a policy is seriously open to question. Since it is a verbatim transcription from the Constitution, on recommendation to charge it will be made. The Parágrafo Único of Art. 58 of the "Projecto" however, is not taken from the Constitution, and should be deleted. It tends to establish an undesirable precedent of sectarian control over members of the teaching staff of public schools.

Art. 63 This Article seems desirable. It establishes what amounts to a national licensing system for professors who may teach in the middle schools. This should remove the necessity of imposing detailed regulations upon the schools which prepare such teachers.

Art. 66 This Article seems extremely undesirable and dangerous. The belief that a centralized control over, and even production of a single authorized textbook, will lead to better textbooks and lowered costs has been disproved repeatedly in the numerous countries which have tried it. It establishes an instrument for the most undesirable sort of demagogic control. It makes a form of censorship almost inevitable. It eliminates the spur of constant competition.



## Art. 67

This Article seems almost equally undesirable and dangerous. It is conceded that every society must establish certain controls over the circulation of materials in bad taste or containing dangerous immoralities. It must especially guard against the indoctrination of the youth of the nation with such subversive or immoral attitudes and ideas. But the control which this Article grants to the central authorities (even when administered by the non-partisan C.N.E.) over all material which may be used in the schools, invites a form of censorship which is incompatible with a free democracy. It is suggested that a better solution would be to leave the decision to local State authorities, and specify that this should be exercised only in cases of gross violations of good taste, morals, or the principles of democratic government.

## Art. 70

This Article seems undesirable if the principle of establishing a licensing system for the practice of the professions is adopted. If it is not adopted, then the holding of a diploma from a recognized institution should be presumptive evidence of the qualifications of the graduate. If this Article has as its purpose the elimination of the possibility of falsified credentials, then it would appear superfluous. Falsification of credentials should be prosecuted as a criminal matter involving forgery.

## Art. 72, II

This Paragraph seems in principle a desirable one, for it would attempt to protect the interests of professors employed in private institutions. It may cause some confusion in

practice, however, for it does not specify how the remuneration of members of religious orders who are engaged in teaching may be calculated.

Art. 73

This is an extremely important Article, and especially the first Paragraph (a). The stimulation of local interest in and participation in the administration of state and municipal schools on the part of the lay public, should be one of the most dynamic policies of the educational system of Brazil. Without this, any decentralization of effort is certain to fail.

Art. 74, § 3º

This Paragraph seems doubtful. It is suggested that the contributions of funds for industrial and commercial education by private firms should be used in the industrial regions where collected, and not necessarily in the State. The experience of SENAI and other apprenticeship programs has clearly demonstrated that industrial training should be organized on the basis of economic regions (such as the Tennessee Valley Authority, TVA, in the United States) and not upon the basis of political entities such as States.

Art. 74, § 4º

This Paragraph seems to involve a somewhat undesirable principle. If the funds are contributed by the private industrial and commercial organizations, and the training given their workers is presumed to benefit the contributing firms, then there seems little justification for imposing a government auditing of the expenditure of the funds-other than the normal controls exercised over any public corporation. The Councils elected by the cooperating

industrial and commercial firms should be presumed to represent their interests adequately, and private accounting acceptable to the cooperating industries should be sufficient. Transfer of this control to a central government agency might well lead to eventual centralized control over the entire program-which would very seriously jeopardize the efficiency of their operations.

Art. 77

This Article may be justified if it deals with major student trips that would involve government policy (such as representation of Brazil in a foreign country). But if it refers to the normal school visits, excursions, and athletic trips within Brazil there seems little administrative detail a part of the "Projeto".

Art. 78

This Article seems unnecessary and undesirable. It makes of the "Projeto" an unnecessarily detailed and cumbersome administrative document, and violates the principle of granting wide latitude for administrative decision at the local level. There is no sociological or educational justification for imposing the same dates of the academic year on the widely divergent, geographical and climatic localities of Brazil. It nullifies the liberality of Art. 24, II; Art. 27, III; and Art. 39, III.

Art. 79

The final part of this Article (in the Parágrafo único) seems highly desirable, for it prohibits the use of the schools as a propaganda agency for ideologies in opposition to the basic democratic commitment of the Brazilian Constitution, and for partisan politics.

Art. 81

The copy of the "Projeto" which is being studied must be in error, for the two Articles referred to do not exist in the text at hand.

Art. 87

The period given the universities for the preparation of their statutes after the promulgation of the "Projeto" as a law seems rather short. The preparation of a set of statutes for a major university in the United States frequently requires three to five years. Forcing through a legal document which is not really subscribed to by the professors of the institution has very little meaning, because no document governing a university which the staff does not willingly support will be anything more than an empty form.

Art. 88

The period of 90 days granted for the various parts of the educational system of Brazil to bring its laws, regulations, practices, and traditions into conformity with the "Projeto" after its promulgation as a law, seem rather too short.

Respectfully submitted,

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