

ARTICLE

YOUTH AND ADULT EDUCATION (EJA) IN BRAZILIAN FEDERAL CONSTITUTIONS: BETWEEN THE IDEAL, THE LEGAL, AND THE REAL¹

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ABSTRACT: This article sought to elucidate how Youth and Adult Education (EJA) is conceived and materialized based on the most fundamental legal framework in the Rule of Law, which is its Constitution. The methodology of analysis and understanding of the Brazilian Federal Constitutions and the official documents that derive from them was adopted, from a qualitative perspective, in a cautious process of selection, collection, analysis, and interpretation of data. Aiming at a greater understand the research, the theoretical assumptions of Haddad; Dipierro (2000), Nagle (2001), Paiva (2021), Strelhow (2012), Beluzo; Toniosso (2015), among others, were used. The results of the research reveal that, despite Brazil having seven constitutions in its republican history, the basic and subjective right to Education for young people, adults, and the elderly does not appear in the country's historical panorama as a priority, whether in legal documents norms, or public policies. They also point out that, even when there are laws that ensure it, the materialization of the right to EJA is far from ideal.

Keywords: federal constitution, public policy, youth and adult education.

A EDUCAÇÃO DE JOVENS E ADULTOS (EJA) NAS CONSTITUIÇÕES FEDERAIS BRASILEIRAS: ENTRE O IDEAL, O LEGAL E O REAL

RESUMO: Neste artigo buscou-se elucidar como a Educação de Jovens e Adultos (EJA) é concebida e materializada a partir do marco legal mais fundamental no Estado de Direito, que é sua Constituição. Adotou-se a metodologia de análise e compreensão das Constituições Federais brasileiras e dos documentos oficiais que delas derivam, numa perspectiva qualitativa em um cauteloso processo de seleção, coleta, análise e interpretação dos dados. Com vistas a uma maior compreensão da pesquisa,

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foram utilizados os pressupostos teóricos de Haddad; Dipierro (2000), Nagle (2001), Paiva (2021), Strelhow (2012), Beluzo; Toniosso (2015), entre outros. Os resultados da pesquisa revelam que, apesar de o Brasil ter em sua história republicana sete constituições, o direito básico e subjetivo à Educação para jovens, adultos e idosos não figura no panorama histórico do País como prioridade, seja nos documentos legais, seja nas normas ou políticas públicas. Apontam ainda que, mesmo quando existem leis que a assegurem, a materialização do direito à EJA encontra-se distante do ideal.

Palavras-chave: constituição federal, políticas públicas, educação de jovens e adultos.

LA EDUCACIÓN DE JÓVENES Y ADULTOS (EJA) EN LAS CONSTITUCIONES FEDERALES BRASILEÑAS: ENTRE LO IDEAL, LO JURÍDICO Y LO REAL

RESUMEN: En este artículo buscó dilucidar cómo se concibe y materializa la Educación de Jóvenes y Adultos (EJA) a partir del marco jurídico más fundamental del Estado de Derecho, que es su Constitución. Se adoptó la metodología de análisis y comprensión de las Constituciones Federales brasileñas y de los documentos oficiales que de ellas se derivan, desde una perspectiva cualitativa, en un cauteloso proceso de selección, recolección, análisis e interpretación de datos. Apuntando a una mejor comprensión de la investigación, se utilizaron los supuestos teóricos de Haddad; Dipierro (2000), Nagle (2001), Paiva (2021), Strelhow (2012), Beluzo Toniosso (2015), entre otros. Los resultados de la investigación revelan que, a pesar de que Brasil haya tenido siete constituciones en su historia republicana, el derecho básico y subjetivo a la Educación de jóvenes, adultos y ancianos no aparece como una prioridad en el panorama histórico del país, ni en documentos legales ni en normas. o políticas públicas. También señalan que, aun cuando existen leyes que lo garantizan, la materialización del derecho a la EJA dista mucho de ser ideal.

Palabras clave: constitución federal, políticas públicas, educación de jóvenes y adultos.

INTRODUCTION

The Federal Constitution is understood as the set of fundamental laws that organize and govern the functioning of a country. Therefore, it is considered the supreme and binding law for all citizens of a given nation, serving as a guarantee of their rights and duties.

The idea of a constitution as the Magna Carta of a nation derives from the idea of organizing a society, establishing agreements that enable coexistence, and the capacity to forge a collective commitment to coexist and build a sense of belonging. The Constitution is considered the most important among all the laws that exist in a country, as it deals with the foundation that guides the proposition and elaboration of other laws. For this same reason, it is the reference point in defining the rights of the citizens of the society that constituted it, including one of the most basic rights: the right to education.

As the foundational declaration of a nation, as a state of law, the constitution embodies the worldview of the society that conceived it. Thus, the way education is addressed in this document characterizes that society's conception of education, its relevance in the construction of society, and to whom the rights guaranteed by it are intended.

After its independence in 1822, Brazil was constituted as a federal republic. Since then, it has had the following fundamental laws: the Constitution of the Empire (1824), the Constitution of the Republic of the United States of Brazil (1891), the Brazilian Constitution of 1934, the Brazilian Constitution of 1937 (called “Polish Constitution”), the Brazilian Constitution of 1946, the Brazilian Constitution of 1967 (resulting from the 1964 military coup), and the Federal Constitution of 1988 (the so-called “Citizen Constitution”).

The most recent promulgation of the Brazilian Constitution, in 1988, in its article 208, defines as the responsibility of the State the “compulsory and free basic education, including for those who did

not have access to it at the appropriate age.” Based on this same premise, the Law of Guidelines and Bases of Education (LDB/9394/1996) clarifies the specific criteria for Adult and Youth Education (EJA), in its article 37, by establishing that “Adult and Youth Education will be intended for those who did not have access to or continuity of studies in Elementary and Secondary Education at the appropriate age,” with the State's role being to ensure this right “free of charge to young people and adults who were unable to complete their studies at the regular age.” Therefore, EJA is consolidated as a public and subjective right of all Brazilian citizens and an integral part of Basic Education.

THE HISTORY OF ADULT EDUCATION THROUGH CONSTITUTIONS AND PUBLIC POLICIES: BETWEEN THE IDEAL, THE LEGAL, AND THE REAL

This study aims to highlight how Adult and Youth Education (EJA) is treated in the Brazilian Constitutions since the proclamation of the country as a republic and what laws or public policies govern its implementation. We sought to identify whether EJA is mentioned in the constitutions, how this modality is regulated and conceptualized in the texts, and what laws or public policies are consequences of its existence in the seven Constitutions of Brazil's post-colonial history.

The concerns mentioned above guided the construction of this article. To address these concerns, we identified and socio-historically contextualized Adult Education in the constitutions, analyzing which laws or public policies are proposed and implemented based on these constitutional texts, who is the political subject responsible for guaranteeing the materialization of these laws, and how the modality will be financed, culminating in a general summary of the information collected.

Thus, this investigation is based on the analysis and understanding of the official documents that guide Adult Education, from a qualitative perspective in which a rigorous process of selection, collection, analysis, and interpretation of data was adopted. Understanding that all analysis stems from an epistemological lens, we affirm that, from a critical-dialectical perspective, we carried out the reflective exercise to construct the conceptual syntheses presented in the following pages.

This methodological and reflective approach is presented in a historical overview that begins with the promulgation of each Constitution, addressing the socio-historical context at the time of its publication, the laws and policies based on its legal frameworks, and how the financing of these policies is structured. The second and final part shows the conclusions that resulted from the reflective analysis proposed in the investigation.

ADULT AND YOUTH EDUCATION: THE VISIBLE INVISIBILITY IN BRAZILIAN CONSTITUTIONS

To validate the construction of a nation, it is necessary to establish a solid legal framework. Therefore, the promulgation of a guiding legal document is essential. This document is the federal constitution, in which Brazil, has based its legal foundation on its Magna Carta since the end of the colonization process.

The Brazilian Constitution of 1824 was granted by Dom Pedro I on March 25, 1824. Although it was approved by some Municipal Councils loyal to Dom Pedro I, historians consider it an imposition by the emperor. The first Brazilian Constitution makes only one mention of education, defining that “primary education is free for all citizens” (BRASIL, 1824), in addition to establishing territorial unity, the division of government into four powers, and establishing a restricted suffrage system (voting linked to the citizen's income). From this first document, a distinction or hierarchy among citizens is clear, as it explicitly states that “those born free” and in the national territory will be considered Brazilian citizens.

Based on the Constitution, the General Law concerning Elementary Education was enacted by Dom Pedro I on October 15, 1827. This decree became a landmark in imperial education, being the main reference point. It addressed a wide range of issues. Its greatest contribution was the creation, in its first article, of the Schools of First Letters (today, Elementary Education). These institutions were intended to teach boys reading, writing, the four basic arithmetic operations, and the most general notions

of practical geometry. As for girls, they were excluded from geometry instruction and were expected to be dedicated to domestic skills (sewing, embroidery, cooking, etc.) and household management. The document did not mention basic literacy education for young people or adults.

Complementary to the Constitution, the Additional Act of 1834, “a fundamental and decisive landmark in the organization of Brazilian education,” created the Provincial Assemblies, whose function was to legislate on public instruction, including topics such as the creation of schools, teacher training, teaching, inspection, methods, curriculum content, among others. They could also legislate students, based on criteria such as gender, age, health condition (being a carrier of or suffering from a contagious disease), and legal or racial status (free, freed, slave, ingenuous, black, child of a free African). In the analysis of these documents, each province, through these assemblies, created its laws, and in practically all of them, access was denied to women, enslaved people, and their descendants. For example, in 1836, when Rio Grande do Norte approved the statutes for “Primary Education in the Province,” when dealing with enrollments, it established a law prohibiting enslaved people from attending public schools: “Article 1 - It is hereby prohibited to admit into public schools persons who are not free.”

Decree No. 3029, of January 9, 1881, better known as the Saraiva Law, is an important issue that needs to be addressed regarding education in the Empire, although it is not specific legislation in the educational field. For the first time, this decree established restrictions on the voting rights of illiterate people, introducing new elements into the discussion. Until then, the right to vote was linked to economic and social issues, but not specifically to the level of education of the voter. This raised doubts about the discernment capacity of illiterate people, while simultaneously highlighting the political stance on who could have access to the country's political decisions, since only a small part of society had an effective guaranteed access to education.

The 1834 reform made the “organic unity of the educational system” impossible. It distributed the responsibility for organizing and maintaining education, both “fundamental” primary education and higher education, among different political entities. The elitist character of Brazilian education was reinforced at this time with the continued preference given to higher education, access only possible for members of the nobility and the bourgeoisie.

The first legal document recording the existence of any adult education experience in the Brazilian Empire is the Leôncio de Carvalho Reform, published in April 1879, more specifically in Article 2, item 2: § 2º. It stipulated that boys, after 14 years old and before having completed the study of the subjects mentioned at the beginning of this article, were obliged to continue their studies, under the established penalties, in the parishes where there were free schools for adults. However, these experiences mostly occurred within the process of religious indoctrination, transforming education not into a basic right, but into an act of solidarity, as reported by Strelhow (2012):

It is important to emphasize that the education of young people and adults was imbued with a missionary and charitable principle. Literacy for these individuals was considered an act of charity from literate people towards those deemed dangerous and degenerate. “It was necessary to ‘enlighten’ the minds that lived in the darkness of ignorance so that progress could occur” (STRELHOW, 2012, p. 3).

With the end of the Empire, the Republic was established in Brazil. Historians divided it into three periods: the Old Republic or First Republic (1889-1930), the Vargas Era or New State (1930-1945), and the New Republic (1945-1964). During this long period of history, Brazilian education began to take on a more complex structure, and public education became more accessible to the population. The right to education was regulated in articles 35 and 72 (item 6) of its new Constitution, enacted in 1891.

The main topics addressed in the Magna Carta refer to the decentralization and concentration of educational activities of the Union and the states. The competence of Congress was established for “the development of letters, arts, and sciences,” as well as for the creation of educational establishments at the higher and secondary levels. Furthermore, the separation between State and Church was established about education, since the teaching provided in official establishments was secular.

Early Republican Brazil was an eminently rural country (60% of the population), having recently emerged from a long period of slavery (more than three centuries until the abolition of slavery in 1888), with illiteracy rates of around 75% of the population. The First Republic, or Old Republic, was

marked by the development of industry, the restructuring of the workforce – no longer enslaved – by workers' strikes and new social demands, such as labor rights, urban organization, workforce training, among others. These transformations had repercussions in Education, which began to involve new social actors in its development and, finally, began to outline the idea of education as a public right.

Despite creating institutional instability in its early years, the change of regimes did not alter the political and economic dominance of the rural elite in southeastern Brazil. Even with the advancement of industrialization and urbanization processes, the educational situation of the population changed little in this new context. However, during this period, night education in the country began to intensify, and measures such as night schools for workers and institutions for vocational training were gradually implemented. Obviously, not without disputes, social struggles, conflicts, and difficulties.

From that moment on, a certain enthusiasm for education grew. With a nationalist fervor, intellectuals, politicians, and even industrialists began efforts to improve national education. This enthusiasm clearly reflected the conception of illiteracy as responsible for the country's backwardness, in addition to understanding the importance of gaining votes in the new model of governance. During this period, which was more quantitative, the expansion of the school network gained prominence through “leagues against illiteracy,” which aimed at the immediate elimination of illiteracy to solve the problem of illiterate voters. Thus, literacy also had a political character, as it increased the electoral base (PAIVA, 1983).

In the 1920s, a wave of mobilizations began around education as a duty of the State, a period of intense political and cultural debates. In 1922, the Week of Modern Art took place in São Paulo, coinciding with the First Conference on Primary Education. During these transformations, the first generation of professional educators in Brazil was largely responsible for implementing reforms in public instruction in several states, particularly regarding “Primary Education.” In 1922, Sampaio Dória appointed Lourenço Filho (1897-1970) to implement changes in education in Ceará, whose main struggle focused on changing mindsets, both among the “humble” population and among teachers and the elite. Between 1924 and 1928, Anísio Teixeira (1900-1971) was the director-general of instruction for the Bahian government and promoted educational reform in Bahia, where the São Paulo solution of teaching basic literacy in only two years was rejected.

It is necessary to point out that behind this educational reformism was a movement of ideas called the New School Movement, which advocated science, industrialism, and democracy. These pioneers of the New School faced fierce resistance, and those who opposed them defended the Catholic educational ideal characterized by supernaturalism, the subordination of education to religious (Catholic) doctrine, separate education for boys and girls, private education, and the responsibility of the family for education, principles that, in practice, were implemented in Brazilian schools.

Despite not legally restricting access to education for specific social groups, the policies adopted during this period continued to create a very unequal scenario, since a significant portion of the population remained without access to educational spaces. According to Nagle (2001), in 1920, Brazil had an “illiteracy rate of 80%.” The author distinguishes between the “idealized Republic,” “theoretically constructed,” and the “possible Republic,” the one realized under the pressure of the social forces of the period (NAGLE, 2001, p. 135), stating: “That is, despite the republican plans, by 1920, the educational reality of the country was discouraging.”

The Vargas Era encompasses the period from the fall of the First Brazilian Republic in 1930 to 1945. Its establishment was driven by the rise of new social and political forces in the country, with the continuation of social movements, the arrival of new immigrants, mostly European, and industrial and urban development. The combination of the crisis in agricultural production and the growing process of industrialization pointed to a new model of urban development. This new context fostered the emergence of a rising bourgeois class, which began to demand from the government an expansion of public education. On the other hand, industrial development demanded skilled labor.

In the 1930s, Adult Education began to define its place in the history of education in Brazil, with the creation of the Ministry of Education and Public Health. This marked the beginning of the characterization of the Brazilian education system as authoritarian and centralized. Following the 1930 Revolution, the Brazilian Educational Plan expanded, leading to the diffusion of technical and vocational

education to prepare skilled labor for industry and commerce. In 1932, the National Education Crusade was founded to combat the “main problem of the nation,” illiteracy (DI PIERRO, 2001).

Brazil's third Constitution in 1934 was promulgated during this period. Despite preserving important points in the 1891 Constitution, it incorporated popular aspirations of different social classes (especially the new bourgeoisie) expressed by the movements that took place during the first thirty years of the 20th century. In this sense, it is important to highlight the emergence of a new Brazilian bourgeoisie, formed by the strengthening of industrial activity in the country. Besides representing a threat to the coffee growers, who were the protagonists of politics and the economy in the Old Republic, the rise of the industrial bourgeoisie also represented a growth in the working class. These workers suffered from terrible working conditions and, as they became familiar with anarchist, socialist, and communist ideas brought by European immigrants, they began to organize to demand rights, which triggered several strikes.

This constitution was the first to dedicate a chapter to Education and to proclaim it as a right for all. The text maintained free primary education, making it mandatory, and allocated a portion of the budget of the Union, states, municipalities, and the Federal District, allocated to the maintenance and development of educational systems. Furthermore, it included provisions aimed at organizing national education, proposing the creation of a national education plan, and the organization of educational networks in the states. It was the first time there was a concern with operating an articulated national system. Article 150 of the aforementioned document, in Chapter II: Of Education and Culture, states:

It is the responsibility of the Union: a) to establish the national education plan, encompassing education at all levels and branches, both general and specialized; and to coordinate and supervise its implementation throughout the country;
Sole paragraph - The national education plan, established by federal law, in accordance with Articles 5, number XIV, and 39, number 8, letters a and b, may only be renewed at specified intervals, and shall comply with the following norms: a) free and compulsory primary education, extended to adults; b) a tendency towards free education beyond primary education, to make it more accessible (BRASIL, 1934).

In 1937, a new constitution was enacted, drafted by the jurist Francisco Campos, with foundations of a more traditional and reactionary nature and deeply inspired by the Polish Constitution of 1935, which is why it became known as the Polish constitution. The main objective of the text was the restriction of political and social rights, so that the president was responsible for appointing the intervenors (state governors), who would appoint the municipal authorities.

A special chapter for education and culture (articles 128 to 134) is maintained in the 1937 document. However, the State's obligation in matters of education is reduced. Thus, right at the beginning, article 128 states that it is “the duty of the State to contribute, directly and indirectly, to the stimulation and development of both [education and culture], favoring or founding artistic, scientific, and educational institutions,” which invalidates the requirement of a national education plan. In this way, the financing of education by the public power is only destined to those who demonstrate insufficient resources to attend a private school. It can be said that the duty of the State, as prescribed in the 1934 Constitution, and now in the 1937 Constitution, is transformed into a merely supplementary action.

From a legal point of view, the 1934 Constitution brought advances for education, especially in its mandatory nature, in the understanding of the need for a national plan, in the organization of a budget, and, specifically for adult education, in the mention of adults as recipients of free education. However, there was a major setback in 1937, which practically meant that primary education, at a minimum, was not offered free of charge to adults. There were also some advances during this period. According to Strelhow (2012), the National Institute of Pedagogical Studies (INEP) was created in 1938. Based on its research and studies, the National Fund for Primary Education was founded in 1942, to implement programs aimed at expanding and including supplementary education directed at adolescents and adults.

The 1946 Constituent Assembly reflected the historical and social moment not only of the country but also of the world. With the end of World War II, the signing of the Tehran, Yalta, and Potsdam agreements, and the Nuremberg trials, the areas of American and Soviet influence were

delimited internationally. On the national scene, 1945 and 1946 were marked by a large number of strikes involving various categories, including bank employees and port workers, which contradicted the guidelines of the Brazilian Labour Party (PTB-Partido Trabalhista do Brasil) and the Communist Party (PC). With the creation of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) shortly after World War II, the movement in favor of adult education gained international prominence, so that:

UNESCO denounced the world's profound inequalities between countries and warned about the role that education, especially adult education, should play in the development of nations categorized as "underdeveloped" (HADDAD; DI PIERRO, 2000, p. 111).

During this period, in response to popular movements and UNESCO's deliberations, the State increased its duties and responsibilities towards Adult and Youth Education, representing a strategy to quell popular movements and demands. Thus, in the text approved and promulgated in September 1946, the right to education was regulated in articles 5, XV, d, and 166 to 175, maintaining the framework of the 1934 Constitution, insofar as it understood education as a public subjective right. Therefore, based on this important legal landmark, the understanding of education was established, not only as fundamental from the point of view of citizenship, but above all as a subjective right for all citizens.

Regarding the Union, it retained the competence to legislate on the guidelines and foundations of national education, while the states were allowed to legislate in a complementary manner. The Constitution, in article 168, established the principles that the legislation observed, such as: compulsory primary education in the national language; subsequent official education for those who proved insufficient resources, as well as the maintenance of primary education by industrial, commercial, and agricultural companies with more than one hundred workers, clearly demonstrating the objectives for workforce training and the difficulty of access to secondary and higher education for the population that could not, economically, afford their education. In the concrete implementation of the law, the impossibility of the lower classes accessing education is reinforced.

According to a study by the Brazilian Institute of Geography and Statistics (IBGE-*Instituto Brasileiro de Geografia e Estatística*), in 1940, there were approximately 16.5 million Brazilians without basic reading or writing skills and, possibly, without access to school. Despite the progress made since the Empire, when about 80% of the population was illiterate, there has been a parallel increase in regional inequalities (IBGE, 2007). For the first time, a distinction in levels of access to education in different regions of the country is observed, revealing an unequal scenario, especially where there was less industrial and, consequently, economic development. There is also a relevant marker in the analysis of literacy demonstrated in this study, such as the difference in the level of education between free people and enslaved people. This intensifies the difference in rates in regions where the practice of slavery exacerbates the lack of access to education.

Probably, due to pressure from international organizations – for example, the United Nations (UN) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) understood education to be the key to development and workforce qualification in “Third World” countries, and as a result of the indicators pointed out by the 1940 Census, that the Campaign for the Education of Adolescents and Adults (CEAA) began. This was the first governmental initiative for the education of young people and adults in Brazil, undertaken by the Ministry of Education and Health, starting in 1947, to provide “basic education” to all illiterate Brazilians in urban and rural areas. The federal government played a strong guiding role, while the federated units were responsible for hiring teachers, setting up classes, enrolling students, and supervising the activities developed.

In 1948, the Minister of Education, Clemente Mariano, presented the draft of the Law of Guidelines and Bases of Education (LDB-*Lei de Diretrizes e Bases*). During the long period from 1946 to 1961, the discussion of this document revealed a conflict between two proposals for the LDB, reflecting a contradictory relationship in the political and economic spheres. This conflict occurred between two groups: one that defended developmental nationalism, in which the State would be the driving force in economic planning, strategic for the development of the national market, without total and stifling dependence on foreign capital; and the other group which maintained the thesis that private initiative

would be the effective mechanism for managing the economy and institutionalized education, objecting to any normative and supervisory intervention by the State, both in the economic and educational spheres.

When Juscelino Kubitschek assumed the presidency of the Republic in 1956, the adult education campaigns that had existed until then were practically discontinued. During this period, a major debate began regarding the projects for the Law of Guidelines and Bases of National Education (LDBEN-*Lei de Diretrizes e Bases da Educação Nacional*), which gave rise to the Movement in Defense of Public Education, led by Florestan Fernandes and other professors from the University of São Paulo (USP), as well as Anísio Teixeira.

Therefore, in this environment of change, a new reference emerges in the landscape of Brazilian education for young people and adults: the popular education movements. From 1960 onwards, the Popular Education Movement proposed to the popular classes a work of awareness-raising and politicization, developing literacy campaigns for young people and adults and expanding primary schools. Popular Culture Movements also emerged, establishing themselves in urban neighborhoods, public squares, universities, trade unions, in short, in spaces where they could reach the masses, using art, literature, theater, cinema, among many other mechanisms of mobilization.

In 1958, the 2nd National Congress of Adult Education was held in Rio de Janeiro. The most important aspect of this event was the emergence of innovative ideas that broke with the system of literacy “campaigns” and broadened the understanding of the difficulties in improving literacy rates in the country. The delegation from Pernambuco, which included Professor Paulo Freire, argued in its report that the problem of illiteracy in the Northeast was a social problem, not an educational one. In other words, the poverty of the population was what generated illiteracy. The educator from Pernambuco presented, in his conception, a new perspective on education for Brazil, which starts from an observation of Brazilian reality and suggests the conscientization of the people as a means of liberation from oppression.

With the final text drafted by Anísio Teixeira, the first Law of Guidelines and Bases for Education (LDB) was approved in 1961, granting greater autonomy to state and municipal bodies and reducing the centralization of the Ministry of Education (MEC). Thirteen years of debate (1948 to 1961) were necessary for the approval of the first LDB. Optional religious education in public schools was one of the most contentious points in the law's approval, due to the underlying issue of the separation of Church and State. The education tax, created in 1962, is also a significant event in the history of the Ministry of Education, and this contribution continues to be a source of funding for Brazilian basic education to this day.

Everything was moving towards a scenario of change and progress. However, with the military coup of the 1960s, a long period of a state of exception under the rule of Brazilian military leaders began. The civic-military dictatorship, which came into effect in Brazil in 1964, was a period marked by extreme authoritarianism, curtailment of freedoms, and repression as strategies to maintain the regime. From the perspective of the dominant groups, education became an instrument for reproducing the ideology of the dominated classes, but with the ideas and values of the dominant class.

Recognizing the enormous mobilizing power of education, linked to the understanding of the emancipation of individuals, the dictatorial state understood that it needed to act. For this reason, education, which until then had been neglected by the State, gained priority and promotion in this new scenario. On the other hand, there was intense persecution of the educators who led this movement, such as Paulo Freire, who had to go into exile for many years.

In 1967, a new constitution was approved by the Civil-Military Regime, removing democratic features and concentrating power in the Executive branch. This text authorized the dissolution of political parties and implemented several amendments called Institutional Acts (AI). The State assumed responsibility for education, including adult education, which could not be ignored, as this type of education represented a necessary link with society for the government. Thus, in 1967, during the military government, the Brazilian Literacy Movement (Mobral) was created, which, according to Haddad and Di Pierro (2000), became a program that, on the one hand, aimed to address the needs of those marginalized by the school system and, on the other hand, sought to serve the political objectives of the totalitarian government.

The education system conceived during the dictatorial period, which extended until 1985, maintained the charitable and “salvational” character of literacy programs for young people and adults, as manifested in the Mobral program and the methods used by that movement. Regarding further education, it had a more technical focus, meaning it was designed primarily to train manpower for the labor market, preparing individuals only for the operational aspects of their function in industry and suppressing previous efforts to stimulate critical thinking and the understanding of oneself as a subject of rights and belonging to a social class.

It is important to highlight that this Constitution promoted two significant changes in Brazilian educational policy. First, it relieved the Union and the states of the obligation to invest a minimum amount, altering a provision established in the Law of Guidelines and Bases, approved in 1961. Another significant change introduced by the 1967 Constitution concerns the opening of education to private initiative. “Whenever possible, the Public Power shall replace the free education system with a system of scholarships, requiring subsequent reimbursement in the case of higher education,” as stipulated in article 168.

Also, during the dictatorial period, more specifically in the 1970s, Law 5692 of 1971 was enacted. This Law of Guidelines and Bases (LDB) implemented supplementary education for young people and adults, which came to be recognized as a right of citizenship, although it was not offered on the scale necessary to meet the existing demand for this type of education. From this perspective, the aforementioned decree included the following provisions:

Article 24. Supplementary education shall have the following purposes: a) to provide regular schooling for adolescents and adults who have not completed it at the appropriate age; b) to provide, through repeated return to school, advanced or updated studies for those who have followed regular education in whole or in part.

Single paragraph: Supplementary education shall include courses and examinations to be organized in the various systems in accordance with the norms established by the respective Education Councils.

Article 25. Supplementary education shall encompass, according to the needs to be met, from basic literacy in reading, writing, and arithmetic, and vocational training defined in specific legislation, to the intensive study of subjects from regular education and the updating of knowledge (BRAZIL, 1971. Official Gazette of the Union - Section 1 - August 12, 1971, Page 6377 (Original Publication).

The text mentions the term “adolescence” for the first time, revealing the scarcity of access to primary education for the lower classes since childhood. The notion of “supplementary” education is explicitly defined in the text, supporting the idea of a “regular” period for education and stating that, if this is not fulfilled, the education of adolescents, young people, and adults is considered supplementary. During this period, private initiative gained access to public funds for education, first in the 1967 text and then reinforced in the 1969 text, which states that “respecting legal provisions, education is free to private initiative, which will deserve the technical and financial support of the Public Authorities, including through scholarships” (BRASIL, 1969).

In 1980, the objectives of Mobral were altered, announcing that its policy would prioritize community actions and political openness to literacy experiences developed more critically. According to Beluzo and Toniosso (2015), in 1985, the data indicated that Brazil already had approximately 30 million illiterate young people and adults, and the IBGE (2003) states that during that period, the country had a population of over 136 million inhabitants. That is, the percentage of illiterate people in relation to the total population of the country was almost 26.5%, even after 18 years of the program's implementation. This model was only abolished in November 1985, under a civilian government, that of then-President José Sarney, and was replaced in the same year by the Educar Foundation. This new institution functioned as an extension of Mobral, but with a new name and also with substantial changes in its implementation methods.

The process of redemocratization in Brazil involved a series of measures between 1975 and 1985. This was a period in which individual guarantees and freedom of the press were progressively

expanded, culminating in the election of the first civilian president after 21 years of military dictatorship. The process of political opening began during the government of Ernesto Geisel (1974-1979), in a slow, gradual, and secure manner, that is, in a controlled and negotiated way. This process, however, was marked by moments of progress and setbacks by the military, given that they wished to guarantee a controlled transition, preventing the more radical sectors of the opposition from coming to power.

From the political reopening and redemocratization of Brazil, the 1988 Constitution, still in force in the country, began to be drafted. The Citizen Constitution, as it is known, was promulgated on October 5, 1988, and became the main symbol of the national redemocratization process. Regarding adult education, the legislation guarantees the right to education for the entire population, including those who did not have access to school at the “appropriate age, in childhood or adolescence.” Therefore, it is the duty of the federal government to ensure the public and free provision of school education for young people and adults, in accordance with Article 208 of the Constitution:

Article 208. The State's duty regarding education shall be fulfilled through the guarantee of:

I - compulsory and free basic education from 4 (four) to 17 (seventeen) years of age, including its free provision for all those who did not have access to it at the appropriate age; [...]

VI - provision of regular evening classes, adapted to the student's conditions; [...]

VII - assistance to students at all stages of basic education, through supplementary programs of school materials, transportation, food, and health care. (Wording given by Constitutional Amendment No. 59, of 2009) [...]

§ 1º - Access to compulsory and free education is a subjective public right (BRAZIL. Constitution/1988).

In Brazil, in the mid-1990s, two important steps were taken in the consolidation of educational rights for the population: the Fund for the Maintenance and Development of Elementary Education and the Appreciation of the Teaching Profession (Fundef), and the Law of Guidelines and Bases of Education (LDB). The promulgation of the Federal Constitution did not have an immediate impact on education. The LDB proposal was debated for eight years, being sanctioned on December 20, 1996, in compliance with the Constitution, by then-President Fernando Henrique Cardoso, at the “closing of the curtains” before the start of the annual recess of the National Congress. This is the first legal document to have the term Adult and Youth Education recorded in its text, and which defines it as a “modality of Basic Education”.

Constitutional Amendment number 14/1996, a fundamental instrument of the educational reform carried out during Fernando Henrique Cardoso's administrations, can be considered at least controversial, since the president's vetoes preventing adult education enrollments from being considered in the redistribution of Fund resources contradict the guarantee of the right explicitly stated in the clauses of Article 4 of the LDB (Brazilian Education Law). By disregarding adult education enrollments in the allocation of funds, the Fund further marginalized the education offered to young and adult populations, maintaining the neglect, invisibility, and lack of priority with which this type of education has been treated by the government.

The provision and maintenance of adult education services were the responsibility of each state, leading to the distortion of statistics, as adult education classes were reported in the school census as regular elementary school classes. Another strategy widely used during this period was philanthropic programs developed to combat illiteracy, namely: Alfabetização Solidária (Solidarity Literacy), Recomeço (New Beginning), and Education in Agrarian Reform.

Despite some setbacks, the struggle for adult education continued. In response to pressure from social movements, forums, associations, unions, and citizens demanding answers and actions to address the needs of Brazilian citizens who did not have access to public education, and who did not complete, or even begin, their educational paths, the Alfabetização Solidária (Solidarity Literacy) Program (PAS) emerged. According to official documents, the program's priority was to bring literacy to municipalities with the highest rates of illiteracy, located in the North and Northeast regions.

In 2000, in accordance with the LDB (Brazilian Education Law), the National Curriculum Guidelines for Youth and Adult Education were published on May 10, 2000, under the rapporteurship of Professor Carlos Roberto Jamil Cury. More than simply standardizing and regulating, this document can be considered a landmark, as it surpasses the concept of remedial and accelerated education, widely used and disseminated until a few years ago, and legitimizes the right to quality education.

The text presents a careful historical overview (including from a legal perspective) for the purpose of contextualizing and understanding the specificities of this modality. It reiterates Youth and Adult Education (EJA) as a subjective right, attributing the number of citizens deprived of this right to the failures of the State in guaranteeing it to all, indiscriminately, in the socio-economic and historical construction of the country, and defining the concept and function of EJA. This Opinion redefines EJA, understanding it as an unrepaired social debt to those who did not have access to or mastery of reading and writing as social goods, in or out of school, being subjected to the labor force employed in the creation of national wealth, and therefore, its function would be reparative, equalizing, and qualifying.

In 2001, based on the LDB (Law of Guidelines and Bases for National Education) and the curriculum guidelines, Fernando Henrique Cardoso published the National Education Plan on January 9, 2001, with the understanding that “the deficits in elementary education over the years have resulted in a large number of young people and adults who did not have access to or did not manage to complete compulsory elementary education” (BRASIL, 2000, p. 47). For this reason, 26 goals were established, among which the following stand out: 1. To establish, after the approval of the National Education Plan, programs aimed at literacy for 10 million young people and adults in five years and, by the end of the decade, to eradicate illiteracy. 2. To ensure, within five years, the provision of education for young people and adults equivalent to the first four grades of elementary school for 50% of the population aged 15 and over who have not reached this level of schooling. It is worth noting that these goals did not achieve the desired results.

Finally, there was the establishment of the Fund for the Maintenance and Development of Basic Education and the Appreciation of Education Professionals (Fundeb), created by Constitutional Amendment number 53/2006, regulated by Law 11.494/2007 and Decree 6.253/2007, replacing Fundef, which was in effect from 1998 to 2006. Even more recently, there is Law 14.113, of December 25, 2020, which regulates the so-called “new Fundeb,” addressed in Article 212-A of the Federal Constitution, which began to consider enrollments in the Adult and Youth Education (EJA) modality for the purpose of transferring resources to the entities of the Federation.

With the new Fundeb, the EJA modality became present in the education financing fund policy, leading to the expectation that this measure would result in an expansion of the offer. However, the text includes a limitation on the allocation of EJA resources in relation to the total Fundeb, which could not exceed a maximum percentage ceiling. In light of this, Machado (2009, p. 26) questions: “What would it mean for EJA enrollment not to exceed 15% of all enrollment within Fundeb in each system?” Even if only in a symbolic aspect, this could be a factor inhibiting investment in education for young and adult people in this country.

FINAL CONSIDERATIONS

By tracing the historical and social development of adult education in Brazil, we can infer that this mode of education has a history of excluding a significant portion of the population since its earliest configurations. Few laws and public policies have been developed for this modality, reflecting the many struggles in the defense of quality public education by various social actors, whether in social movements or in the fight of educators, intellectuals, jurists, and parliamentarians, in opposition to the actions of other actors who have always worked to maintain the status quo of a structurally oligarchic, bourgeois, classist, xenophobic, racist, and sexist society, aiming to defend the continuation of their privileges.

Despite being mentioned since 1879, when the term “adult education” appeared in a legal text, this modality has always been treated as a charitable concession, a salvific or supplementary mission, whether implemented by social and religious organizations or by successive governments in Brazil. Only in the most recent Constitution, the result of a fragile and young democracy, was Adult and Youth

Education (EJA) defined as a modality of education and found its identity, namely, an instrument for promoting a basic and subjective right, assuming its reparative, equalizing, and qualifying social function. Despite this right being enshrined in law, what is affirmed in a legal document has not always materialized in the face of a historical and social reality deeply marked by exclusion.

For this reason, it is evident that the existence of a legal basis, however well-founded it may be, does not guarantee full access to citizenship and a favorable environment that ensures access to acquired rights, as Paiva (2021) reinforces. The legal achievement still does not guarantee access to education as a human right. The letter of the law fails to alter the dynamics of political relations, government projects, and programs that have historically excluded Brazilians who were already excluded in childhood. In truth, it denies them access to services (PAIVA, 2021).

After almost two centuries, and having discussed this entire narrative about how Adult Education has been historically constituted in Brazil from the Empire to the end of the 20th century, it can be affirmed that there is a substantial legal basis and a quite clear concept of what Adult Education is and how it should be in the daily lives of the individuals who are, at the same time, the main objective of its existence and those who implement it.

However, three aspects stand out and surpass this possibility of an adult education program envisioned in the unprecedented possibilities of students and educators. First, the clear social division that allows or prohibits citizens' access to social goods in Brazil, including the basic and subjective right to education. Second, as a consequence of the fragility of the citizenship of those who are the subjects of adult education, the secondary place it occupies in the formulation, legality, and implementation of legal frameworks, guarantees of rights, and public policies for this modality. And finally, the capacity for resistance, adaptability, inventiveness, and dialogical interaction, which can only be explained by the character of the individuals who comprise it.

Therefore, the construction of Adult and Youth Education (EJA) in Brazil is always a movement, an unfinished process, marked by tensions, concessions, and resistance, legal achievements, and real losses. Throughout Brazilian history, the individuals who comprise EJA experience this dynamic daily. Through struggle, they guarantee the obviousness of the rights that are already theirs, but which require tension to materialize. These are the people who are not named in the narratives about the construction of EJA, but who made it real and continue to do so. They are those who were legally prohibited from studying during the Empire, those who were not even counted in the Republic's census, those who appear in the New State as those who cannot afford their studies, the subjects to whom the literacy campaigns were “intended,” those who formed the culture circles and showed new paths, the persecuted and those whose freedom was curtailed, those who fought for the right to vote again and even gave their lives for it. This is the historical debt referred to in Opinion 11/2000. For their descendants, it is urgent to actually implement this still utopian, but completely viable, EJA, which is reparative, equalizing, and qualifying.

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