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THE FIRST EDUCATION LAW IN ROMANIA AND THE EFFECTS OF ITS IMPLEMENTATION

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Abstract

In modern Romania, the legal protection of the right to education has played an important role in the activity of government, parliament and political parties in general. A turning point in defining the national educational policy was the elaboration of the Public Education Law in 1864. By expressing the ideal of the revolutionary generations of 1848, this law addressed the principle of free and compulsory primary education. The progress of the Romanian society depended on applying this principle. On November 25, 1864, Al. I. Cuza enacted the Public Education Law, the first law to provide a unitary learning system for both principalities. The provisions of this law extended to both public and private educational institutions and regulated education at all levels (Bârsănescu and Bârsănescu, 1978). The fundamental principles of this law are: unitary and mandatory character, gratuity, and as a premiere in our legislation, equal access to education regardless of gender (Legea instrucţiunii publice, 1864, Art. 31).

Keywords: education law; principle of gratuity; principle of obligation; primary education; secondary education; educational structure;

1. INTRODUCTION

Bîrzea (1976) states that ‘the history of education is the history of its reforms’ and Al. I. Cuza’s historical reform, among others, is the result of a legislative process based on a thorough knowledge of the problems of the Romanian society but also on the trends of the European education at that time. Thus, Al. I. Cuza (...) represents a glorious epoch in the history of the Romanian people, the epoch of great reforming achievements in all fields of life (Curticăpeanu, 1973). Compulsory education at that time was already established in Sweden, Norway, Prussia and Italy, but other European countries¹ had only later adopted this provision (Stanciu, 1977). Although it had progressive provisions, the law had a highly centralized character with no consistent application.

¹ Great Britain in 1870, Switzerland in 1874, Bulgaria in 1879, Serbia in 1882, France in 1892

The Superior Council of Public Instruction was created to draft a new law to unify the school legislation after the union of Romanian Principalities in 1859. The task of elaborating the new project goes to Vasile Boerescu, one of the most competent in the field at that time, who has been concerned by restructuring the educational system even before the Union, publishing numerous articles on the subject in the newspaper he edited.

The author of the project was inspired by other European countries' practices, consulting 'Studies on public education in some of Europe's most advanced states', a memorandum written by G. Costaforu (Isar and Gudin, 2004). Both the Superior Council of Public Instruction and the minister in office, Dimitrie Bolintineanu, approved the project, and after receiving the sanction of Al. I. Cuza, it was submitted for debate to the Legislative Assembly.

A law of great importance should have undoubtedly generated wider parliamentary debates than that of March 13, 1864, however it was pushed into the background given the political tensions of that period, and the fact that it did not generate as much political interest as the Agrarian law. On March 11, no one spoke up during the general discussion on the project, summarized through Gh. Costaforu's report. There were only a few interventions on its articles, in matters of principle (Isar and Gudin, 2004). For example, the General Council of Public Instruction subordination to the Government is challenged by C.A. Rosetti, yet supported by V. Boierescu and M. Kogălniceanu. Another aspect that generated discussions was related to the mandatory character of the primary education, namely to sanctioning unauthorised absences by a fine. Contradicting the opinions expressed by the deputies D. Văsescu and I. Ghica, the rapporteur of the bill, Gh. Costaforu, pleads for sanctioning absenteeism.

The Legislative Assembly adopts by vote the reduction of fines quantum and raise of the school starting age. C. A. Rosetti argues that the responsibility imposed on municipalities to contribute to the maintenance of schools infringes the principle of gratuity. On March 16, the law is adopted by a majority of 64 votes (Isar and Gudin, 2004). In order to understand the context in which this law was discussed, it is important to point out that the Rural law, to which the coup d'etat of May 2, 1864 would be linked, was also brought to the debate of the Legislative Assembly on March 16.

2. PUBLIC EDUCATION LAW AND ITS STRUCTURE

The law divided the teaching staff into four categories: teachers for rural areas, teachers for urban areas, secondary school teachers and university teachers. The central administration was represented by the Minister of Education, the Permanent Council of Instruction and the General Council of Instruction (*Legea instrucţiunii publice*, 1864, Part. I, Chapter I, Section, I, Art. 9-11).

In the first part, the law regulates the organization and administration of the system. The minister was the supreme authority in both public and private education. He was an *ex officio* member and exercised his authority through the Permanent Council of Instruction, a organisation composed of five more teachers, one of whom held the position of vice president. The Council was consulted, under penalty of nullity, on all administrative matters, but the Minister had veto power. A Council member's revocation before the expiration of the five-year term could only be done by decree. The Permanent Council also had judicial attributions, organized contests for the elaboration of school textbooks and submitted school programs for the debate and approval of the general council. Decisions were taken by majority vote and the minority was asked to motivate their choice. At the end of each academic year, the Permanent Council reported on the condition and the needs of public education.

The General Council of Instruction was a larger body, also chaired by the Minister but composed of: three representatives of primary education from Bucharest, Iasi, Craiova, five members of secondary education, three delegates of higher education from Bucharest and Iasi, a representative of the Military School, a representative of the Medical School, three delegates of private schools, one of vocational schools, two members of the Council of State, two of the High-instance Court, and two representatives of the clergy.

The law is structured in chapters and sections. Chapter II legislates the organization of primary education, referring in the first section to its compulsory character. Thus, the law states that all children between the ages of eight and twelve have the obligation to attend primary school. For absences, fines were applied, the amounts entering the school's account and supplementing its budget. The law also established the fields of study, priests' responsibility to keep track of school-age students in order to enroll them to attend school and the budgetary obligations that fell to the local administration, regarding school maintenance (*Legea instrucțiunii publice*, 1864, Art. 42).

The second section concerns the organization of primary education (*Legea instrucțiunii publice*, 1864, Art 44). Primary schools for boys were set up in the cities, with a duration of three years of study and one teacher for each year. The number of students in each class could not exceed fifty and the studies lasted six days a week. It established the duration and timing of the school holidays (8 days of Christmas, 15 of Easter and the whole month of September), the exam period of the exams and the documents necessary for admission. The law also regulates primary schools for girls in cities, and the establishment of mixed schools for rural areas, with the exception of large villages that would allow separate schools. The boys and girls followed the same program, additionally the girls studied home economics. Approximate exam dates were set (one at Christmas and one at Easter) and the summer vacation lasted between August 15 and October 1, in order to allow students from rural areas to participate in agricultural work. Section three of the law establishes the supervisory authorities (*Legea instrucțiunii publice*, 1864, Art. 77), auditors and sub-auditors and communal and municipal committees, which reported directly to the minister.

The third chapter regulates secondary education. Thus, in article 93, the law establishes the number of high schools and gymnasiums to be established in large cities, alongside a high school and a gymnasium in each county residence. The law stipulates the number of years of study (four for gymnasium and seven for high school). The administration of gymnasiums and high schools is led by a principal and a school board, a body that is convened at least once every 15 days and whose decisions are subject to the approval of the minister.

Private primary school graduates were required an entrance exams. A graduation certificate was issued for each school year, and at the end, graduation exams were held, written and oral tests, graduates being issued diplomas signed by the minister. There were boarding schools and merit-based scholarships, the examination commission was also appointed by the minister.

Girls' secondary schools were created in all cities where there were high schools, under the authority of the rector of the University and the County Council, administered by a principal and with a duration of five years. The school curriculum was established by the Permanent Council and approved by the Ruler. Graduates could teach in girls' primary schools, provided that they had taken the optional pedagogy course.

Another category were the schools of agriculture, industry, and trade. The law established the schooling age for each profile and fields of study. All students undergone practical training and the state offered scholarships. The duration of the studies was four years.

The secondary medical schools were created in closed proximity of hospitals to train midwives, who, depending on their degree of training, could practice either in rural areas only or throughout the country.

Orthodox seminaries, like medical secondary schools, were classified into first-grade seminars with a four-year duration, which prepared staff for rural areas, and second-grade seminars with a seven-year duration, which prepared staff for urban areas. The supervisory authorities of these institutions were, in addition to the ministry, the Metropolitan and the Bishops (*Legea instrucțiunii publice*, 1864, Art. 227). The admission criteria, the age of the candidates and even preferred social categories were established by law (*Legea instrucțiunii publice*, 1864, Part II, Chapter I, Art. 311-329).

With regard to higher education, the Law of 1864 provides for four types of faculties, namely: letters and philosophy, law, medicine and physical sciences, mathematical and natural sciences. A College of Pharmacy and a College of Veterinary Medicine were established alongside the Faculty of Medicine; colleges for foresters, engineers, etc were established alongside the Faculty of Sciences. The fields of study for each faculty were established by law, as well as the duration of studies, the structure of

the academic year, vacations, the system of penalties, university fees or admission criteria. The governing bodies are the deans, the faculty council, the rector and the university council. The dean was elected for a term of three years by the professors of each faculty and sanctioned by the Ruler, on the recommendation of the minister. The faculty council drew up the timetable and the university curriculum, which was submitted to the approval of the Permanent Council and the minister. It formulated the regulations, applied the punishments and submitted annual reports to the rector.

The rector was elected by the minister out of three proposals made by University professors, for a term of four years. The University Council, made up of all tenured professors of the University, deliberates on all issues related to administration, education, discipline. His decisions were applicable only after they were approved by the minister. Another governing body was the Special Council, composed of the rector and the deans. This body deliberates in particular on the application of laws and regulations. A special chapter of the law is reserved for teacher training. Normal Schools with a duration of three years are established in Iași and Bucharest, for the training of teachers who were to teach in high schools and faculties. The students, usually ten per year, were admitted by exam and the state covered all expenses related to food, accommodation, clothing and textbooks. According to Article 32 of the law, the system was different for rural teachers, for whom the only condition was to be themselves graduates of compulsory elementary education.

With regard to the appointment of administrative staff, auditors, sub-auditors, secondary school principals, girls' school principals, deans and principals were appointed or confirmed by the Ruler. Rural teachers were appointed by ministerial decision and teachers by decree. Substitute teacher appointments were made by the prefect, on the recommendation of the school auditor. The vacancies were filled through contest, which consisted of a written test and a practical test. At the time of appointment, the teachers were obliged to take an oath of allegiance to the country's Constitution and to the Ruler.

The rights and duties of teachers are also specified by law: the immovability of tenured professors in the faculties, exemption from military service of all members of the public education, as long as they are still active, doubling the salary of teachers after 12 years of activity. On the other hand, the law also specified sanctions. Thus, repeated delays led to salary deductions and unjustified absences led to dismissal. During the exercise of the didactic function, the teachers and professors could not exercise any other profession, at the risk of dismissal. The law was restrictive regarding the opening of private schools.

3. PUBLIC EDUCATION LAW AND ITS EFFECTS

The first effect of the application of the law was the establishment, in 1864, of 1968 rural schools (1635 in Wallachia, 333 in Moldavia), which enrolled 61977 employed 1988 teachers. The subsequent development was insignificant, as more than two decades later, in 1886, there were 2669 village schools, which enrolled 95484 students, only 26.24 percent of the total school-age children as per census.

Another type of discrimination was related to the smaller budget allocated to rural schools compared to that of urban schools. From statistical data available show that in the school year 1895-1896, 52 percent of the budget provisions were allocated to schools in rural areas, despite the fact that 82 percent of school-age children were enrolled here. In comparison, urban schools benefited from 48 percent of the budget, although they only enrolled 18 percent of all students. Data also shows that although primary education took place in precarious, understaffed conditions, the number of children in primary education experienced an upward curve (Filipescu and Oprea, 1972).

In the meantime, Romanian education in Transylvania was at its worst condition. Although the Court of Vienna promised the Romanian population in Transylvania the opening of popular schools after the Revolution of 1848, they establishments received very little budget subsidies. However, grace to the persevering fight for a national culture, in 1851 Romanians in Transylvania had 742 schools attended by almost 45,000 students. More than half of the children went to school. A year later, following the pact between Austria and Hungary in 1867, the Hungarian parliament passed a law making the Hungarian language compulsory in all schools in Hungary and Transylvania. Another obstacle given to the study of the Romanian language was the Appony Law, which established the obligation for Romanian teachers to know Hungarian and to complete the entire educational process in Hungarian, regardless of the

percentage of students who spoke another language. As a consequence, there has been a drastic drop in attendance, followed by the closure of many schools. In only two years later, 420 Romanian schools in Transylvania have been closed (Filipescu and Oprea, 1972).

4. CONCLUSION

To summarise, the first law regulating education in Romania promoted a reform whose main stake was legislative and administrative unification in the field of education, union of Romanian Principalities in 1859, building national consciousness and identity, preserving traditions, democratizing education, equalizing access to public education for both urban and rural children, strengthening state control over public education and teacher activity. In addition, the law increases the share of scientific disciplines compared to humanities, creates Normal Schools in which teachers are trained for secondary education, finances staff costs, passing only the delegates solely the maintenance costs to the local public authorities. However, it leaves room to gender discrimination, offering girls less education than boys (girls' secondary school is two years shorter than boys) and does not offer immovability to all teachers.

The provisions of this law, the first law of education in our country, could only be partially applied at the time when it was adopted. Successive political parties in the years that followed delayed the application of the law, so that education, especially primary education, had a slow pace of development.

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