

La educación jurídica en la formación de profesores. Una periodización a partir de 1959

Legal education in teacher training. A periodization from 1959

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RESUMEN: La educación jurídica es el proceso que incluye el conocimiento por los ciudadanos del sistema jurídico vigente en cada país y la adquisición de hábitos que propicien una conducta donde esté presente el acatamiento y respeto de las leyes y demás instrumentos legales del Estado. Esta ha constituido una prioridad y necesidad en la formación de los profesores en Cuba a partir de 1959. A partir de la utilización de varios métodos se ha construido una periodización que permite explicar su evolución desde el Plan de estudio A hasta su concepción como una estrategia curricular en los últimos planes de estudios de la formación del profesional de la educación en Cuba.

Palabras clave: Educación jurídica; Formación; Periodización; Profesores

ABSTRACT: The juridical education is the process of learning that includes citizens should know the juridical system of each country and the achievement of habits that favors the compliance and respect with the laws and the rest of the legal instruments of the State. It had constituted a priority and a necessity in the formation of teachers in Cuba since 1959. The utilization of some methods had created a periodization that permits to explain its evolution from the Plan of studies A since its conception as a curricular strategy in the latest study planes of the formation of the professional of the education in Cuba.

Keywords: Juridical Education, Formation, Periodization, Professors

Introduction

Periodization is known as the process of social sciences that attempts to divide the fields of knowledge into different periods that have common features among them, important enough to make them qualitatively different from other periods.

For the construction of the periodization, we took into account those proposed by Rey (2010) and Sera (2010). However, these revised periodizations were very general and focused their attention on the evolution of teacher training and citizen education. They did not specify the evolution of legal education. Mentions of legal education were isolated. So far, no periodization was found that had legal education itself at its center, so it was necessary to build the periodization presented on the basis of the following criteria.

Its necessity is given by the nature of the content under study, since it always has a temporal expression and by dividing them into periods it is possible to study more clearly and determine the essential features of this process in each of these temporal expressions, to determine what it is that identifies it and not another and at the same time what it is that makes it qualitatively different from the rest.

Periodization is part of the effort to distinguish the fundamental from the secondary; to establish the relationship between continuity and discontinuity in the object of research; to link the part with the whole. Although naturally, a value judgment is implicit in each of these tasks.

Development

The formation of teachers with legal knowledge constituted in Cuba a problematic object of concern and efforts of the great pedagogues since the very emergence of the nation; although its materialization, in social practice, reached very few achievements. Félix Varela gave significant relevance to the knowledge of the laws, even those that supported the domination of some men over others.

In the conformation of his emancipation project, José Martí gave great importance to legal education. His ideal of freedom was based, precisely, not only on culture, but also on the knowledge of the laws. However, the legal education he envisioned was not reduced to the knowledge of the duties and rights of citizens and their observance of the established legal system, but to its application.

In the neocolonial period, as a result of the formative work of prestigious educators such as Enrique José Varona, Ramiro Guerra, Alfredo M. Aguayo, it was possible to form citizen and legal values in many teachers, who emerged from their classrooms and have played a transcendent role in the history of Cuba.

Since 1959, with the triumph of the Cuban Revolution, a process of profound educational transformations began, aimed at achieving educational levels unprecedented in history, so that a high priority was given by the State and the government to the training of teachers.

The historical evolution of legal education in the initial training of teachers in Cuba, since 1959, has developed in several stages. The criteria assumed for the periodization, which is presented below, are the following:

- ✓ The transformations of the educational policy of the Revolution.
- ✓ The insertion and modification of university curricula.
- ✓ The realization of certain events in the political-social life of the country, which influenced educational changes. Among them: the Literacy Campaign, the Reform of University Education, the First Congress of the PCC, the Cuban legal reorganization, the adoption of the Socialist Constitution, the Battle of Ideas, the universalization of Higher Education, among others.

The first stage runs from 1959 to 1975 and is distinguished by the need for a new vision of legal education in initial teacher training. This was characterized by the absence of unified programs; each center had its own programs, which in some cases were different and frequently modified to try to achieve an adequate level of development.

However, it is only since 1972 that a revolutionary conception of initial teacher training and legal education is introduced, which has its concretion in the Theses on Educational Policy, approved by the First Congress of the Communist Party of Cuba (1975), which raised the need to prepare teachers, since they did not have sufficient knowledge to explain the contents of the Magna Carta.

After 1975, a second stage stands out, which lasts until 1989 and in which the possibilities of Higher Education in the initial training of teachers are expanded, and curricula A and B are put into practice.

In this period there is a successive improvement in the conception of legal education in initial teacher training. In this sense, Viera (1987) considered legal education as an organic part of labor, political and ideological education, since it ensures the moral behavior of citizens and leads to the unification between word and action, between the legal precept and the daily conduct of the citizen.

Nevertheless, as a criminologist, Viera pointed out that legal education should be promoted by the agencies, organizations and state entities that deal with criminal activity.

But these criteria have been surpassed by studies in Cuba both from legal researchers, but with greater emphasis from pedagogical researchers. Viera supported a relationship in which the knowledge of legal norms, fundamentally those of a penal nature, ensured moral behavior and as a consequence a decrease in the crime rate; when in fact the process is the other way around, moral behavior contributes to and ensures legal education, since morality, and its message, its dictate of conduct is at the basis of Law.

On the other hand, legal education should not be reduced only to the mastery of criminal regulations, but also includes knowledge about the legislation that regulates the relations between citizens in constitutional, civil, administrative, family and other matters.

Between 1990 and 2004, the school and the university underwent profound transformations with the C curriculum and the projections for the D curriculum.

Curriculum C was generalized in the 1990-1991 academic year, characterized by the fact that its design was based on the fundamental premise of training a professional with broad horizons, with high ideological convictions, fully aware of his or her duties and responsibilities as a citizen. Curricular strategies emerged and were conceptualized as documents through which the formation of personality traits identified with the general integral culture is planned and developed. However, the legal contents were not yet included in a curricular strategy of their own, but were integrated into the political-ideological work.

In the 1992-1993 academic year, new curricula were implemented, and the concept that teachers and professors should be trained from the school and for the school was reinforced. These plans defined as a starting point the principles that sustain them, which are summarized in achieving a solid patriotic and civic formation, giving prominent importance to contents of a juridical nature.

A concrete action on the priority of legal education was the inclusion of the topic "Legal culture: a need of today's Cuban society" in the political-ideological preparation of the teaching staff. A step forward was the reconceptualization of legal education as follows:

A learning process that includes the knowledge by citizens of the legal system in force in the country, and the acquisition of habits that favor a conduct where the observance and respect of the laws and other legal instruments of the State is present. (MINED, 1994, p. 41).

From this definition it should be emphasized that it is really considered as an educational process and should not only refer to the knowledge of the laws for their observance. However, it places even greater emphasis on the learning process without understanding the dialectical relationship with teaching and the role of the teacher in teaching his students to know and behave in accordance with the legal norms of the country.

Years later, MINED documents established that teachers, professors and pedagogical assistants should be guaranteed to master the Constitution of the Republic and other legal documents related to the work of the school, the protection of children and youth, as well as the obligation of parents with respect to the education of their children (MINED, 1998). (MINED, 1998).

In addition, it declares as a line of work "(...) to guarantee the study of the Constitution and legal documents that protect the rights of children and youth". (MINED, 1999, p. 14).

The curriculum included the solution of the cultural insufficiencies presented by the students who enrolled in a pedagogical career, in the mother tongue, in the mastery of the History of Cuba and in the political-ideological order, but it did not emphasize their legal education.

The difficult last years of the 20th century, due to the situation that the country was going through, the rise of social indiscipline and criminal behavior, made the party and government authorities make the education of the population in legality a priority.

In the opinion of the maximum leader of the Revolution, the solution to this problem should be sought more in educating than in repressing. Therefore, he pointed out that educational institutions should make a great contribution to this effort; there is enough legislation in the country that is the will, priority and mandate of the nation and cannot become a dead letter.

He systematically emphasized the need to resort to public shame and to the laws; and, for this, education must be improved, sowing awareness in families, training men and instilling certain values that cannot be uprooted (Castro, 1999, p. 3).

From the academic year 2000-2001, modifications were introduced in the curricula of the Higher Pedagogical Institutes to prepare teachers with broader profiles, in more than one subject.

Research in these early years of the 21st century developed an approach to the problem in the university context, through the doctoral theses of Sáez (2001), Venet (2003), Sierra (2004) and Silva (2005), constitute significant references for the analysis of the conception of citizenship training at present, from the enrichment of the conceptual bases of legal education; although, only the last two, are specifically aimed at the Education professional. (Companiononi, March-June, 2018, p. 10)

This stage, between 2001 and 2009, contextualizes legal education in the initial teacher training under conditions of universalization of Higher Pedagogical Education.

The Ministry of Higher Education established the following as curricular strategies:

Those general aspects of each profession that cannot be trained from a particular discipline, requiring the assistance of the remaining ones, so that they are coherently integrated into the curriculum of each career, as part of its design and with a real balance of the whole and each of its parts (Ministry of Higher Education [MES], 2003, p. 8).

The objective of the insertion of legal education as a curricular strategy is to achieve, through knowledge, personal example and the permanent work of all teaching staff, to bring students closer to issues related to current Cuban legislation, and to lay the foundations from the schools to ensure young people with greater culture and knowledge on such issues.

At this stage, the legal education strategy began to be conceived in most of the Universities of Pedagogical Sciences. Based on Horruitinier's criteria, who defines the curricular strategy as: "A quality that must also be taken into account when designing the curriculum of a university course:

A quality that is necessary to take into account also when conceiving the study plan of a university career, and is related to those general objectives that it is not possible to achieve with the level of depth and mastery required from the content of a single discipline and demand the additional competition of the remaining ones. (Horruitinier, 2006, p. 11)

It is also necessary to speak of a new stage that characterizes legal education in view of the changes taking place in the country. The fifth stage, between 2010 and 2018, is distinguished by the improvement of legal education in the circumstances of the development of Plan D and the implementation of Plan E in Cuban higher education.

In the guiding documents, established by the MES for the training of the education professional, it is insisted on graduating an educator with a high moral commitment to the principles of the Revolution, manifested in patriotism, solidarity, humanism and intransigence before any form of exclusion, discrimination or undermining of human dignity; and with systematic action consistent with an economic, legal and environmental culture, both in the educational institution and in the community. To achieve this aspiration, it is necessary to raise legal education in them. (MINED, 2010).

The Model of the Education Professional establishes that:

Great attention should be given to economic and legal preparation, through curricular and extracurricular activities, in all years and prioritize the ethical discussion of the teaching profession, emphasizing the duties and rights of students, in the legal norms related to their future object of work: rights and duties of people with disabilities, social and legal regulations among others. (MINED, 2010, p. 4)

In the professional models for Special Education, Primary, Preschool and Speech Therapy, it is explicitly stated that these educators, among their tasks, must show respect for the rights of children; and from their own pedagogical activity and personal example, contribute to the patriotic, civic and anti-imperialist education of students (MINED, 2010, p. 10).

On the other hand, in the methodological guidelines, complementary to the training model, it is suggested that curricular strategies be directed, among other objectives, towards legal training. (MINED, 2010, p. 2)

In these guidelines, it is proposed that concrete activities and actions should be organized in their student environment to encourage reflection and debate on topics such as: manifestations of dishonesty and dishonesty, care for the environment and social property, standards of conduct and interpersonal relationships, compliance with legal norms, among others.

In the specific case of the formation of the professional of Marxism Leninism and History, it is exposed as a general objective, the direction of the formative process and, in particular, that of the teaching-learning of the subjects Civic Education, Political Culture, Marxism Leninism and History; and to perfect in a systematic way its integral cultural preparation emphasizing in a special way in several dimensions, among which are the juridical and civic. These objectives require the mastery of legal contents (MINED, 2010b, p. 8).

Recently, as part of the objectives of the Ministry of Education during the 2012-2016 school years, it is proposed: "(...) to raise the quality and rigor of the educational teaching process in all education", and in line with the work objective of the Communist Party of Cuba, "to promote economic, legal, tax and environmental culture". (MINED, 2012a, p. 43).

The Base Document for the implementation of the Director Program for Education in the Values System of the Cuban Revolution establishes a diagnosis of university students in the first year that includes, among other aspects, knowledge about the norms of communication and coexistence, the Constitution of the Republic, the government and electoral system.

This document suggests the realization of diverse activities, such as: "permanent spaces of open dialogue about the Constitution of the Republic, the political system, the People's Power, the electoral system, the role of youth, student and mass organizations, among other topics". (MINED, 2012b, p. 50).

By this time Pérez Véliz (2012) was already a proponent of a new pedagogical view of legal education; one that conceived it as a systemic and bottom-up process and imbricated academics and work, combined with problematics methods in students (Companiononi, March-June, 2018, p. 12).

The Base document for the design of the E Curricula stated that:

The comprehensive training of university students should result in graduates with a solid political development from the foundations of the Ideology of the Cuban Revolution, endowed with a broad scientific, ethical, legal, humanistic, economic and environmental culture; committed and prepared to defend the socialist Homeland and the just causes of humanity with their own arguments, and competent for professional performance and the exercise of a virtuous citizenship (MES, 2016, p. 8). (MES, 2016, p. 8)

In these new curricula, it is necessary to strengthen the implementation of curricular strategies given the political and socioeconomic situation of the country and the current scientific and technical development. Special attention should be paid to the use of information and communication technologies in the solution of learning tasks; to the use of diverse bibliographic sources in different languages; to the realization of

economic, environmental, political, legal and social assessments as required by the contents to be explained; to the coherent inclusion of aspects related to the preparation for the defense of the country, etcetera.

The above prepares the student to solve problems with a more comprehensive vision, as they are presented in reality and to propose alternative solutions seeking economic rationality and social benefit (MES, 2016, p. 17).

In this historical analysis, it is evident that legal education went through several transformations; from appreciating it as isolated contents from the base curriculum, to being conceived as one of the curricular strategies implemented in the initial training of students in pedagogical careers.

However, the closing of the periodization should be reconsidered, since it is also necessary to speak of a new stage that characterizes legal education during the implementation of Plan E, and of the changes that are occurring in the country.

In this sense, emphasis should be placed on the conception that legal education crosses all the dimensions of the initial training process of students. It goes beyond the frameworks of the curriculum and its curricular strategy. It establishes the relationships between legal education and its initial formation (Companioni, 2018).

It should be noted that the construction of the content of the legal education of these particular students must occur from the modes of action that distinguish this specific professional, the role of the educator and its social function. (Companioni, 2018).

Conclusions

The division into periods of the historical evolution of legal education made it possible to order and classify the object of study, in a concrete manner, according to the fundamental laws of its internal dynamics; to develop the comparative study of its evolution, development, behavior or functioning and the determination of its secondary aspects and to integrate the process as a whole, as a basis for an interpretation that avoids arbitrary and pragmatic explanations of what is addressed.

It also made it possible to appreciate the milestones, the moments of evolution or leaps, of progress or setbacks, of qualitative ascent or stagnation; to achieve greater specificity, depth and certainty in what is being studied by determining its internal laws. And to carry out a deeper study of this evolution, starting from stating what were the particularities of each period.

The periodization constructed is important because it allows organizing the theoretical foundation of legal education as a field of research. However, it can be improved since it does not constitute a finished periodization. Although it does not detract from its importance or usefulness, all periodization has a high degree of relativity because it depends on various factors.

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