

High school and portuguese language in Brazil: legal changes and critical implications from Marcuse's perspective

ARTICLE

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Abstract

This study investigates the transformations in the teaching of Portuguese Language in Brazilian high schools, based on the National Education Guidelines and Framework Law (LDB) enacted throughout the 20th and 21st centuries. This qualitative research, with a descriptive and exploratory character, adopts Bardin's (2011) content analysis, structured in three stages: pre-analysis, material exploration, and treatment of results, inference, and interpretation. The corpus comprises legal documents and their pedagogical implications. The analysis reveals that semantic changes reflect political, social, and economic dynamics that impact educational practice. Based on Herbert Marcuse's critical theory, the study problematizes normative language as an instrument of social control, emphasizing instrumental competencies and limiting students' critical and dialectical formation, thus favoring the reproduction of one-dimensional thinking. The study advocates for the teaching of the mother tongue as a tool for emancipation, capable of developing critical awareness and promoting transformation.

Keywords: Critical Education; Citizen Education; Education Policy; One-Dimensional Thinking.

Ensino médio e língua portuguesa no Brasil: mudanças legais e implicações críticas na perspectiva de Marcuse

Resumo

Este estudo investiga as transformações no ensino de Língua Portuguesa no Ensino Médio brasileiro, com base nas Leis de Diretrizes e Bases da Educação Nacional (LDB) promulgadas entre os séculos XX e XXI. A pesquisa, de abordagem qualitativa, com caráter descritivo e exploratório, adota a análise de conteúdo de Bardin (2011), estruturada em três etapas: pré-análise, exploração do material e tratamento dos resultados, inferência e interpretação. O *corpus* é composto por documentos legais e suas implicações pedagógicas. A análise revela que alterações semânticas refletem dinâmicas políticas, sociais e econômicas que impactam a prática educacional. Com base na teoria crítica de Herbert Marcuse, problematiza-se a linguagem normativa como instrumento de controle social, que enfatiza competências instrumentais e limita a formação crítica e dialética dos estudantes, favorecendo a reprodução de um pensamento

unidimensional. O estudo defende o ensino da língua materna como ferramenta de emancipação, capaz de desenvolver criticidade e promover transformação.

Palavras-chave: Educação Crítica; Formação Cidadã; Política Educacional; Pensamento Unidimensional.

1 Introduction

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Secondary education in Brazil has its roots in the 1930s, when it became known as "Ensino Secundário" (Secondary Education). However, it was with the enactment of Law No. 4,024/1961, the first Leis de Diretrizes e Bases da Educação Nacional – LDB (Guidelines and Bases for National Education Law), that the term “Ensino Médio” (Upper Secondary Education) was consolidated, and specific guidelines for this educational stage were established, as outlined in Title VII of the aforementioned law. This legal milestone represented a significant advancement by defining this stage as a distinct phase within the Brazilian educational system, aimed at the academic, cultural, and critical development of students. From that point on, structural changes began to reflect the social and political demands of different historical contexts, highlighting its central role in educational debates in Brazil (Alves; Silva; Jucá, 2022).

This article aims to analyze the transformations and implications of Portuguese language teaching in Brazilian upper secondary education, in light of the changes brought about by successive LDBs, from its institutionalization in 1961 to the most recent developments, culminating in Law No. 14,945/2024. To this end, a qualitative approach is adopted, with a descriptive and exploratory character, grounded in Bardin’s (2011) content analysis methodology. This methodology unfolds in three complementary stages: pre-analysis, material exploration, and treatment of results through inference and interpretation. The documentary corpus comprises Brazilian Constitutions, versions of the LDB, technical reports, and academic texts, selected for their relevance in understanding the historical, regulatory, and pedagogical dynamics that have shaped mother tongue teaching over time.

This study considers that the linguistic and discursive choices present in legal texts are not neutral but rather reflect and reinforce the political, economic, and social context of

each era. In this regard, the analysis is grounded in Herbert Marcuse's critical theory, which problematizes the mechanisms of social control operated through language and technology, often used to shape behavior and inhibit the development of critical individuals (Marcuse, 2015). Marcuse observes that, despite technological advancements and their emancipatory potential, language can be instrumentalized to promote social conformity, thereby limiting individual autonomy. This reflection is particularly relevant in the study of educational normativity, where normative language plays a central role in defining curricula and pedagogical practices.

The analysis proposed in this study seeks to highlight the semantic and structural implications of legislative changes regarding Portuguese language education, especially in terms of terminological shifts — such as the replacement of “língua portuguesa” by “linguagens.” Such changes, in addition to reflecting dynamics of power, have a direct impact on the academic and cultural formation of students, shaping a curriculum that is increasingly technical and utilitarian. By bringing these issues to light, this study emphasizes the importance of overcoming a one-dimensional view of education, advocating for pedagogical practices that foster critical and dialectical debate as tools for social and cultural emancipation.

With this approach, the article seeks to contribute to the understanding of the relationships between educational normativity, language, and power, proposing a reflection on the challenges and possibilities for Ensino Médio (upper secondary education) in contemporary Brazil. The critical analysis of legal documents allows for a problematization of both ruptures and continuities in normative discourse, providing insights for an educational practice that prioritizes the formation of citizens capable of questioning, interpreting, and transforming the social reality in which they are embedded.

2 Methodology

The methodological procedures adopted in this article were carefully designed to enable a systematic and critical analysis of the historical, legal, and pedagogical

transformations of the Leis de Diretrizes e Bases da Educação Nacional – LDB (Guidelines and Bases for National Education Law), as well as their implications for Portuguese language teaching in Brazilian upper secondary education (Ensino Médio) throughout the 20th and 21st centuries. The research follows a qualitative approach, with a descriptive and exploratory character, grounded in content analysis as systematized by Bardin (2011), and developed in three stages: (i) pre-analysis, dedicated to organizing the corpus and formulating initial hypotheses; (ii) material exploration, focused on coding, categorization, and identification of meaning units; and (iii) treatment of results, with inference and interpretation articulated with the theoretical framework, enabling the construction of critical meanings and the understanding of discursive practices present in normative texts.

The choice of this methodology is justified by its relevance in investigating complex and multidimensional phenomena, such as legislative processes and their interfaces with educational practices and power discourses. This approach allows for a critical examination of the historical, social, and cultural relationships that permeate the formulation of the LDBs, revealing how these legal norms influence — and are influenced by — different political, institutional, and educational contexts.

Bardin's content analysis (2011) was employed due to its ability to reveal both explicit and implicit dimensions of legal documents, uncovering underlying meanings that structure normative discourses. This procedure enabled a detailed investigation of the linguistic, semantic, and structural choices within legislative texts, allowing for the identification of the interests, values, instrumental rationalities, and power dynamics that underpin them.

The categories of analysis were defined based on the research objectives and the adopted critical-theoretical framework and include: (a) recurrent semantic changes in legal documents, such as the replacement of the term “língua portuguesa” with “linguagens”; (b) pedagogical implications of these modifications, with emphasis on their effects on the academic, cultural, and critical formation of students; and (c) a critical reading of normative language, anchored in Herbert Marcuse's critical theory, aimed at understanding how legal

discourses contribute to the reproduction of structures of domination and the limitation of critical-dialectical thinking.

The data were obtained through systematic documentary analysis, involving the Brazilian Constitutions and all versions of the Lei de Diretrizes e Bases da Educação Nacional (LDB – Guidelines and Bases for National Education Law) enacted between 1961 and 2024. This corpus was further enriched with academic articles, technical reports, and official documents that contributed to the depth of the analysis. To ensure rigor and reliability, strategies such as source triangulation — cross-referencing different documents and perspectives — cross-validation of interpretations, and grounding in a solid theoretical framework were employed, with emphasis on Marcuse's critical theory and contemporary educational studies.

The outlined methodological path ensures coherence between the research objectives and procedures, enabling a critical analysis of the educational, cultural, and political implications of legislative changes in Portuguese language teaching in Brazil. This approach contributes to deepening the understanding of the relationships between educational norms and critical formation in upper secondary education (Ensino Médio).

2.1 Brazilian legislation, education and the Portuguese language

With the aim of contextualizing the Leis de Diretrizes e Bases da Educação – LDB (Guidelines and Bases for National Education Law), this article presents a brief historical overview of education and the Portuguese language, including periods prior to the implementation of the LDB in Brazil. Thus, the development of this study includes a discussion of the early Brazilian Constitutions of the twentieth century, highlighting their influence and implications for the educational context.

The first *carta magna* of the last century was the Constitution of the Republic of the United States of Brazil of 1934. Following a coup d'état known as the "Revolution of 1930," Getúlio Vargas assumed the presidency of Brazil, despite ongoing conflicts, and promulgated a new constitution. Although this law proposed to articulate and organize

education, an analysis of its content reveals that there was no significant concern with legislating or guaranteeing educational rights for Brazilians at the time. The main provision in this regard is found in Article 150, which states: “a) free, comprehensive, and compulsory primary education extended to adults; b) tendency toward the free provision of post-primary educational instruction, in order to make it more accessible” (Brasil, 1934). Terms such as Ensino Médio (upper secondary education), segundo grau (second degree), or colegial (high school) are not present. In item b of Article 150, it is stated that the Federal Government must “determine the conditions for official recognition of Secondary and complementary Education institutions and of Higher Education institutes, exercising the necessary supervision over them.” One can infer that at that time there was no equivalent to what we currently understand as Ensino Médio, and in any case, there was no guarantee of free access to secondary education.

In seeking references to the teaching of the mother tongue, a search was conducted within the law using keywords (language, tongue, idiom, and letters). The terms “língua” (tongue/language) and “linguagem” (language) were not found, but the words “letras” (letters) and “idioma” (idiom) were present. In Chapter II – “On Education and Culture,” the following is stated:

Article 148 – It is the responsibility of the Union, the States, and the Municipalities **to promote and encourage the development of the sciences, the arts, *letras*, and culture in general**, to protect objects of historical interest and the artistic heritage of the country, as well as to provide support to intellectual workers (Brasil, 1934, emphasis added).

The use of the verbs *favorecer* (“to promote”) and *animar* (“to encourage”) in the text is particularly noteworthy, as it reveals the State’s lack of concrete commitment to the actions it nominally establishes. It is evident, therefore, that this law contains neither mention of nor concern with the teaching of the mother tongue. Instead, it refers only to the *idioma pátrio* (“national idiom”). There is a mention in item (d) of Article 150, which states that “the teaching in private institutions must be conducted in the national idiom, except for that of foreign languages” (Brasil, 1934, art. 150d).

From Herbert Marcuse's perspective (2015), the absence of a critical approach to the teaching of the mother tongue may be interpreted as a strategy to reinforce social control. The reduction of language to a mere *idioma pátrio* reflects a functional and instrumental conception that curtails its potential as a vehicle for awareness and social transformation. In this sense, language ceases to be dialectical, losing its potential to foster the emancipation of subjects.

It becomes clear that the expression *idioma pátrio* is quite distinct from "mother tongue," and the law's concern is not with understanding, interpretation, knowledge, or the effective use of the Portuguese language. Rather, the term "idiom" functions here merely as an instrument—a medium through which teaching must occur. Language, in this context, is not the object of instruction, but simply its vehicle.

In 1937, Getúlio Vargas revoked the 1934 Constitution, dissolved the National Congress, extinguished political parties, and enacted a new constitution, the Constitution of the United States of Brazil, inspired by fascist ideologies. He justified this action by claiming to be "responding to the state of apprehension created in the country by the communist infiltration, which becomes more extensive and deeper each day, requiring remedies of a radical and permanent nature" (Brasil, 1937).

This constitution, too, shows no real concern for education, but rather aims to "legitimize" the coup orchestrated by Vargas. Even though Article 128 states that "Art, science, and teaching are free to individual initiative and to that of associations or public and private collective persons" (Brasil, 1937), such freedom is known to be illusory under autocratic regimes.

Of particular note is the aspect related to the gratuity of primary education:

Art. 130 - Primary Education is compulsory and free of charge. However, gratuity does not exclude the duty of solidarity from those with more means toward those in greater need; thus, at the time of enrollment, a modest monthly contribution to the school fund shall be required from those who do not claim, or are not demonstrably able to claim, lack of resources (Brasil, 1937, art. 130).

This flexibility regarding gratuity can be considered a regression compared to the previous constitution. Furthermore, as Marcuse (2015) points out, autocratic regimes use

education as a means to reinforce a repressive rationality, shaping citizens to obey the established order. The conditional gratuity of Primary Education and the absence of emphasis on critical formation reflect an attempt to suppress any possibility of intellectual emancipation.

As in the previous constitution, it is stated that it is necessary to “establish the foundations and define the framework of national education, outlining the guidelines that should govern the physical, intellectual, and moral formation of children and youth” (Brasil, 1937), but nationalist¹ emphasis was more important than learning in sciences or the arts. However, regarding the teaching of the mother tongue, no specific aspects are mentioned.

After Vargas's fall in 1945, Eurico Gaspar Dutra became the new president, and democratic institutions were reestablished. In 1946, the Constitution of the United States of Brazil was promulgated.

In Title VI – “On the Family, Education, and Culture,” Chapter I – On Education and Culture, there is a more detailed approach to educational matters. The educational legislation of the time established fundamental principles for education in Brazil, such as the compulsory and free provision of Primary Education, to be taught exclusively in the national language. Subsequent educational stages would be free only for those who could demonstrate insufficient financial means (Brasil, 1946, art. 168).

Regarding funding, it was stipulated that the Union should allocate at least 10% of its tax revenue to education, while the States, Federal District, and Municipalities were required to invest at least 20% (Brasil, 1946, art. 169). The organization of education was assigned to each level of government: the Union was to create a federal system with a supplementary role, while the States and Federal District would structure their own systems, with financial support from the Union, especially for primary education, via a National Fund (Brasil, 1946, art. 170 and 171). Additionally, the constitution anticipated

¹ National ideas emerge as an instrument of domination and denial of criticism by subjecting people to the collective project imposed by a dominant idea of the state, in which the collective is more important than the individual.

the implementation of educational assistance services aimed at ensuring school attendance and performance among students in vulnerable conditions (Brasil, 1946, art. 172).

Despite these advances, there is no specific mention of the teaching and learning of the mother tongue, except in terms of the language in which classes were to be conducted — that is, the conception of language as a mere instrument of instruction persists. According to Marcuse (2015), this contributes to the maintenance of an educational system that reinforces passivity and acceptance of imposed social conditions. The absence of a dialectical and critical approach prevents the teaching of the mother tongue from becoming a tool for social transformation. However, this aspect begins to change with the promulgation of the *Leis de Diretrizes e Bases da Educação* – LDB (Guidelines and Bases for National Education Law) as will be discussed below.

2.2 The first LDB (Law No. 4024/1961)

After approximately fifteen years of discussions and debates, the first *Leis de Diretrizes e Bases da Educação* – LDB (Guidelines and Bases for National Education Law) was enacted in 1961, during the government of João Goulart. This law represented a significant milestone for the organization of Brazilian education by establishing guidelines for the Education Councils and defining the stages and levels of education — primary, secondary (gymnasium and colegial), and higher education — as well as their duration. Furthermore, the LDB provided specific orientations regarding Technical Education and set goals and directives aimed at structuring the national educational system. It was from this law that Secondary Education, then called "colegial," became formally recognized in Brazil.

Regarding the teaching and learning of the mother tongue, the 1961 LDB contains specific references that highlight the importance of teaching Portuguese Language in the *colegial* curriculum. The following excerpts stand out:

Chapter I, Art. 40. Subject to the provisions of this law, it is the responsibility of the Federal Education Council and the state education councils, respectively, within

their educational systems, to:

a) organize the distribution of mandatory subjects established for each course, **giving special emphasis to the teaching of Portuguese**; [...]

Chapter II, Art. 46, § 1. The third year of the secondary cycle (*colegial*) shall be organized with a curriculum that includes **linguistic, historical, and literary aspects** (Brasil, 1961, emphasis added).

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These excerpts reinforce the centrality of the Portuguese language in school education, especially in the final year of secondary school (*colegial*), highlighting linguistic, historical, and literary aspects. This guidance represented a significant advancement compared to previous legislation, as it introduced the mother tongue as an essential element for developing students' critical and reflective skills.

Although the 1961 LDB promoted progress by emphasizing the importance of teaching Portuguese, it is necessary to analyze its limitations through the lens of Herbert Marcuse's critical theory. In *The Ideology of Industrial Society*, Marcuse (1969) argues that even in contexts of educational reform, dominant structures often neutralize the emancipatory potential of teaching, keeping education subordinated to the demands of the system. This "paralysis of critique," as he describes it, is observed when formative elements, such as the mother tongue, are treated merely as instruments for acquiring technical or normative skills rather than tools to question and transform existing social conditions.

Despite the LDB's emphasis on the study of linguistic, historical, and literary aspects, the practical applicability of these guidelines faced significant challenges. In a society marked by structural inequalities, the implementation of critical and dialectical education was often obstructed by economic and political interests that prioritized technicist and utilitarian training. As Marcuse (1969) points out, this approach reinforces the "closure of the political universe," in which subtle forms of control discourage critical thinking and perpetuate the uncritical acceptance of social conditions.

Moreover, by defining the teaching of Portuguese as a mandatory component but without establishing more detailed guidelines for a critical approach, the 1961 LDB left room for interpretations that prioritized functional mastery of the language over its use for

historical and social analysis. The emphasis on “special importance to the teaching of Portuguese” (Brasil, 1961, art. 40) and on the “curricular organization of linguistic, historical, and literary aspects” (Brasil, 1961, art. 46) indicates an attempt to integrate the language into the development of broader competencies. However, as Marcuse warns, the absence of an explicit opposition to the dominant system limits education’s capacity to promote structural change.

From Marcuse’s perspective (1969), the reforms promoted by the 1961 LDB exemplify the tension between progress and control in educational policies. The legislation, while seeking to expand access to education and value the mother tongue, also reflected the contradictions of a society unwilling to radically confront the power structures that perpetuate exclusion and inequality. Thus, the 1961 LDB can be seen as an important but insufficient milestone in the process of building truly emancipatory education in Brazil.

2.3 The LDB of the Military Dictatorship - Law No. 5692/1971

On March 31, 1964, Brazil underwent a new coup d’état and entered a period of military dictatorship that lasted until 1985. This event was the result of various factors, such as the resignation in 1961 of the directly elected president Jânio Quadros and the inauguration of Vice President João Goulart. Conservative groups, supported (and influenced) by U.S. envoys—who feared the spread of communism—together with the military, were responsible for this period, which was marked by the Constitution of the Federative Republic of Brazil (1967) and seventeen Institutional Acts (AIs), each of which centralized power in the hands of the military and imposed a period of political persecution on anyone who opposed the regime.

This constitution is more concise than the previous one. Regarding education, particular attention is drawn to the provisions set forth in Title IV, paragraph § 3:

§ 3 – Education legislation shall adopt the following principles and norms:

I – Primary education shall be **taught only in the national language**;

II – Education from seven to fourteen years of age is compulsory for all and free of charge in official primary institutions;

III – Official education beyond primary level shall also be free of charge for those who, demonstrating effective performance, prove lack or insufficiency of resources. **Whenever possible, the Public Authorities shall replace the free education regime with the granting of scholarships**, requiring subsequent reimbursement in the case of higher education (Brasil, 1967, emphasis added).

The first emphasis highlights the only time the word "language" appears in the constitution. The second emphasis reveals an interest in outsourcing secondary education (both middle and high school levels), indicating that the military administration was already showing neoliberal tendencies by gradually removing the State's obligation to provide public education. In 1971, the military government under Emílio Garrastazu Médici enacted a new LDB: Law 5692/71. This LDB made "Moral and Civic Education" compulsory. It also established mandatory Vocational Education, which was later relaxed in 1982 due to societal pressure.

Regarding the teaching and learning of the mother tongue, beyond the provisions in previous laws that required instruction to be given in the national language, Chapter I states in "§ 2º That in primary and secondary education special emphasis shall be given to the study of the national language as a **means of communication and as an expression of Brazilian culture**" (Brasil, 1971, emphasis added).

It is interesting, though not surprising, that the military government established the teaching of the national language as an instrumental tool of communication, as is typical of dictatorial regimes, with the purpose of propagating their ideology. In this context, Marcuse (1998) points out that industrialization and capitalism are not limited to material production but also colonize cultural spheres, including language. The use of language as a tool for propaganda reflects the social control exercised by technical rationality, which operates to suppress opposition and shape a homogeneous, uncritical discourse.

In this direction, Marcuse clarifies that:

If linguistic behavior blocks conceptual development, if it militates against abstraction and mediation, if it surrenders to immediate facts, it denies the recognition of the circumstances behind the facts, and thus denies the recognition of the facts themselves and their historical content. For society, this organization of operational discourse is of vital importance; it serves as a vehicle for coordination and subordination. The unified, operational language is an anti-critical and anti-dialectical language. In it, operational and behavioral rationality

absorbs the transcendent, negative, antagonistic elements of Reason (Marcuse, 2015, p. 117).

The imposition of an "operational language," as highlighted by Marcuse, reveals the military regime's attempt to control forms of expression and thought. By limiting language teaching to a technical and functional use, Law No. 5,692/71 contributed to the "closure of the political universe," promoting an education devoid of dialectics and contrary to critical development.

There is no room for dialectics under a dictatorial regime. It is clearly the closure of discourse. During this period in Brazil, neither "Portuguese" nor "Portuguese Language" was taught. Instead, the subject was called "Communication and Expression." This was not merely a change in course names but a strategic conduct of the dictatorial regime, reinforcing Marcuse's perspective that language was instrumentalized to serve the interests of the dominant system, suppressing its potential as a means of social transformation and resistance.

After the end of the military regime in 1985, a new president was elected through indirect elections. The winner was Tancredo Neves, who never took office as he passed away before the inauguration. The then vice president, José Sarney², assumed the presidency. During his administration, in 1988, the Constitution of the Federative Republic of Brazil was promulgated, which remains in force to this day (with numerous constitutional amendments). It is also known as the "Citizen Constitution," as it guaranteed equal rights to all Brazilian citizens. This extensive text sought to address the needs of a population that had endured more than two decades under a repressive regime.

In the field of education, many aspects were established, particularly regarding rights and obligations. Education became a right for all, and the government was required to provide it free of charge. Parents and guardians were obliged to enroll their children in school. Provisions were made for transportation assistance, uniforms, school supplies, and

² Although Tancredo Neves was elected in 1985, he did not take office for health reasons. Even without a constitutional provision, Sarney assumed the presidency with the support of the military, especially General Leônidas Pires Gonçalves, as a political solution to guarantee the democratic transition (Pinto, 2019).

school meals. Funding percentages for education were also defined, as well as the responsibilities of the Union, the states, and the municipalities.

A search for the terms “língua,” “linguagem,” “comunicação,” and “idioma” reveals the continued requirement that instruction be delivered in the mother tongue, while allowing the use of Indigenous languages, as stated in Chapter I, § 2º: “Regular basic education shall be provided in Portuguese, with Indigenous communities also guaranteed the use of their mother tongues and their own learning processes” (Brasil, 1988). Beyond this, there is no specific mention of its teaching, since the country was already governed by its own law, namely the LDB.

The 1988 Constitution, by recognizing Indigenous languages and their own learning processes, represented an advancement by valuing linguistic and cultural diversity. However, as Marcuse (1998) warns, without structural transformation, even legislative advances can be absorbed by the dominant educational and economic system, thereby preserving existing power relations.

2.4 From LDB No. 9394/1996 to Law No. 14.945 of July 31, 2024

In 1996, LDB No. 9,394/96 was enacted, replacing the 1971 law. This legislation consolidated the structure of Brazilian education and remains in force, having undergone significant modifications over the years, especially regarding Secondary Education through Law No. 14,945/2024.

LDB No. 9,394/1996, in its Article 26, establishes that:

The curricula for Early Childhood Education, Elementary Education, and Secondary Education must have a common national core, to be supplemented, in each educational system and in each school, by a diversified component required by the regional and local characteristics of society, culture, economy, and the students.

§ 1 The curricula referred to in the caput must obligatorily include the study of the Portuguese language and mathematics, knowledge of the physical and natural world, and social and political reality, especially of the Federative Republic of Brazil, observing, in Early Childhood Education, the provisions of Article 31, in Elementary Education, the provisions of Article 32, and in Secondary Education, the provisions of Article 36 (Brasil, [1996], 2017, p. 21, emphasis added)).

Article 26 highlights the importance of the Portuguese Language in educational formation, recognizing it as an essential tool for the critical understanding of the world and the full exercise of citizenship. Language, in this context, is seen not merely as a means of communication but as a vehicle for comprehensive education and the social emancipation of individuals. From Marcuse's perspective (1998), this valorization of language opposes the technocratic and functionalist use of education, fostering resistance to the "closure of the political universe." Through critical mastery of language, space is opened for the development of reflective consciousness, which challenges the cultural and social hegemony imposed by the dominant system.

Specifically regarding Secondary Education, Article 36, in its original 1996 wording within the LDB, presented a progressive approach aimed at the integral and critical formation of students. The text established:

The curriculum of Secondary Education shall observe the provisions of Section I of this Chapter and the following guidelines:

I. It shall emphasize basic technological education, understanding the significance of science, literature, and the arts; the historical process of transformation of society and culture; the Portuguese language as an instrument of communication, access to knowledge, and the exercise of citizenship; [...]

§1 The contents, methodologies, and forms of assessment shall be organized so that, by the end of Secondary Education, the student demonstrates:

I. mastery of the scientific and technological principles that govern modern production;

II. knowledge of contemporary forms of language;

III. mastery of the knowledge of Philosophy and Sociology necessary for the exercise of citizenship (Brasil, [1996], 2017, emphasis added).

The original approach of the 1996 LDB prioritized reflective, critical, and cultural education. By recognizing Portuguese as an instrument of "communication, access to knowledge, and the exercise of citizenship," the text reaffirmed the role of language as a central element in the educational process. Marcuse (1998) emphasizes that the dialectical use of language, as proposed in the 1996 LDB, is essential to combat the instrumentalization of education and to foster individual autonomy. This proposal aimed to form critical citizens, prepared to analyze and intervene in their social and historical reality.

In 2016, Provisional Measure No. 746 promoted a substantial change to Article 36, later consolidated by Law No. 13,415/2017. The new wording introduced the following structure:

Art. 36. The curriculum of Secondary Education shall be composed of the National Common Curricular Base and specific formative itineraries to be defined by the education systems, with emphasis on the following areas of knowledge or professional activity:

I – **Languages**;

II – Mathematics;

III – Natural Sciences;

IV – Human Sciences; and

V – Technical and Professional Training.

§ 1 The education systems may compose their curricula based on more than one of the areas provided for in items I to V of the caput (Brasil, [1996], 2017, emphasis added).

This reformulation represented a movement towards the fragmentation of knowledge, replacing the interdisciplinary and reflective approach of the 1996 LDB with a technicist approach focused on the demands of the labor market. Marcuse (1998) warns that the fragmentation of knowledge and the instrumentalization of education are characteristics of an advanced industrial society that aims to shape individuals for the productive system, limiting their critical capacity and autonomy. The substitution of the expression "Portuguese language" with "languages," in the plural, dilutes the formative and cultural role of the mother tongue, reducing it to one among several instrumental skills.

The entire structural modification of the article stands out. In 1996, it was elaborated in descriptive topics that focused on how Brazilian education should be conducted. It brought guidelines related to teaching methods and evaluation, valuing the student's role and emphasizing what the student should have learned by the end of Secondary Education, such as mastery of scientific and technological principles, contemporary forms of language, and knowledge of Philosophy and Sociology, which the law declared as necessary for the exercise of citizenship. In this citation from the provisional measure, there is a direct reference to the National Common Curricular Base, but no guidelines are established as they appeared before in LDB 5692/96.

It can be seen how the Portuguese language and language lose space and importance in this new formulation of Article 36. Unlike the previous version, here the word “languages” appears only once, as a knowledge area and in the plural. The inclusion or absence of words in a text is of great importance, especially when this text is an article of a law that determines the entire legal regulation of education in a State.

The relevance of each word, its meaning, and senses can be affirmed. Generalization is a very interesting strategy, as it requires knowledge of a language and abstraction. However, it can also lead to some simplification. By using the term “languages” and denying the use of the expression “Portuguese language,” its importance, as previously highlighted in the 1996 version of the LDB, is also denied.

With the conversion of this provisional measure into Law No. 13,415/2017, the final text came to establish in its Article 36:

The high school curriculum shall be composed of the National Common Curricular Base and formative itineraries, which must be organized through the offering of different curricular arrangements, **according to their relevance to the local context and the possibilities of the education systems**, namely:

- I - **languages and their technologies**;
- II - mathematics and its technologies;
- III - natural sciences and their technologies;
- IV - human and applied social sciences;
- V - technical and professional training. (Brasil, [1996], 2017, emphasis added)

There are few modifications from the text established in Provisional Measure 746/16 to the text of Law No. 13,415/17; however, they are significant. In the first highlighted passage, the use of the conjunction *conforme* (according to) shows a certain subordination to the local context and the possibilities of the education systems. On one hand, this can be interpreted positively, since, in a country as vast and culturally diverse as Brasil, attention would be given to these aspects, which would be addressed according to the reality and needs of each community. However, since it is written that this will occur “according to [...] the possibilities of the education systems” (Brasil, 2017), it can be interpreted that the State exempts itself from responsibility if quality conditions are not offered in the education systems due to lack of possibility (which could be physical,

material, or human resources, for example). The possibilities of the education systems should be qualitatively equal throughout the national territory.

In the second highlighted passage, it is notable that there was no change from the provisional measure to the law regarding the Portuguese language and its purpose, since the text only retains the word “languages.” What changed was the addition of the expression *and their technologies* in the areas of languages, mathematics, and natural sciences. It is also noteworthy that this expression was not used for the human sciences, where the wording “human and applied social sciences” was employed instead.

In light of the reflections presented here, it is relevant to consider, according to Marcuse (1972), that legislative transformations often reproduce the repressive dynamics of a society that perpetuates structural inequalities, even when proposing changes that, in theory, aim at modernization. The apparent concessions to local diversity and community needs, when subordinated to the “possibilities of the education systems,” not only reinforce a logic of limited adaptation but also reflect the exclusion of State responsibilities in providing equitable conditions of educational quality.

This omission allows the discourse of technological and methodological innovation, such as the addition of the expression “and their technologies,” to function more as a simulacrum of progress than as an effective advance, leaving areas like the human sciences relegated to a secondary position. Paraphrasing Marcuse (1972), it is necessary to question whether these changes truly promote emancipatory education or merely reaffirm the contradictions of a society that still lacks social justice and equal opportunities.

2.5 Law 14.945/2024 and the challenges of comprehensive education

Law No. 14,945, dated July 31, 2024, introduces significant amendments to Law No. 9,394/1996 and other educational legislations, establishing clearer guidelines for Secondary Education in Brazil. Among the main points, it highlights the curricular organization by knowledge areas, encompassing languages and their technologies, mathematics, natural sciences, and human and applied social sciences. This law aims to

provide students with a comprehensive education, emphasizing the rights and learning objectives defined by the National Common Curricular Base (BNCC). Furthermore, the law reinforces that the BNCC must be fully implemented throughout the general basic education.

The National Common Curricular Base for Secondary Education shall establish rights and learning objectives, according to guidelines from the National Education Council, in the following knowledge areas:

I - languages and their technologies, including Portuguese language and its literatures, English language, arts, and physical education;

II - mathematics and its technologies;

III - natural sciences and their technologies, including biology, physics, and chemistry;

IV - human and applied social sciences, including philosophy, geography, history, and sociology.

§ 1 The National Common Curricular Base referred to in the caput of this article must be fully implemented throughout the general basic education. (Brasil, 2024, emphasis added).

Within the scope of the Portuguese language, the law highlights its centrality within the area of languages and their technologies, alongside literatures, English language, arts, and physical education. This underscores the importance of mastering the language as a fundamental tool for the construction of knowledge, communication, and the exercise of citizenship. There is progress compared to Law No. 13,415 of 2017; however, the text remains simple in relation to the 1996 LDB. Portuguese as the integrative element of these areas is noteworthy but obvious, since it is the official language of Brazil.

The emphasis on "its literatures" draws attention, although it is not self-explanatory, as the specific literatures are not made explicit. However, it is likely that this topic engages with other forms of cultural expression. This perspective is essential for the development of critical, reflective, and creative skills in students.

Despite representing progress compared to Law No. 13,415/2017, the new legislation (Law No. 14,945/2024) for Secondary Education still struggles to recover the critical and emancipatory character of the 1996 LDB. Instead of proposing a break with the utilitarian and market-driven logic of neoliberalism³, the law maintains provisions that

³ A phase that began in the last decade of the 20th century, characterized by the weakening of the state's financial and management capacity, which led to the loss of the national development project (nationalism).

reinforce the instrumentalization of education, privileging technical and productivity-based competencies to the detriment of comprehensive and humanistic education.

According to Marcuse (1969; 1998), education, when subordinated to the dynamics of a repressive society, tends to reproduce the values of the dominant system, limiting itself to adapting the individual to prevailing economic and social demands, instead of promoting their autonomy and emancipation. The inclusion of "technologies" as a central axis, although it may seem to update education to contemporary challenges, reveals itself as an extension of the technocratic logic, in which training becomes subordinated to market demands, undervaluing areas of knowledge that foster critical reflection and social transformation.

Furthermore, curricular flexibility, as a proposal, has been implemented unevenly, exacerbating existing regional and social disparities. The discourse of personalized learning is, in practice, hostage to the "possibilities" of the education systems, which perpetuates educational inequality by prioritizing the offering of formative pathways based on lower-cost approaches for the State, generally focused on technicist training, to the detriment of pathways that include the humanities, arts, and other fundamental areas for the full development of the individual.

This educational reform fails to address the unequal structure that supports education in Brazil, limiting itself to superficial adjustments that mask the real demands of a public system lacking adequate funding, teacher valuation, and equal access to quality education. Thus, as Marcuse warns, without a radical transformation, educational reforms remain embedded in a societal project that conditions education to be a tool for reproducing the status quo, incapable of opening paths toward true social and cultural emancipation.

3 Final considerations

In Brazil, the right to education has been consolidated as a historical process marked by advances and setbacks, reflecting tensions between social demands for emancipation and structural interests that limit substantive changes. The reform of

Secondary Education, established by Law No. 14,945/2024, fits into this context as yet another attempt to reorganize this stage of education. However, instead of resolving the historical challenges surrounding Secondary Education, the legislation perpetuates contradictions and problems that compromise the effectiveness of a critical and transformative education.

The conceptual simplification promoted by the new legislation is not limited to mere textual changes but deeply impacts how education systems will be organized and implemented. Terminological changes, such as the use of "languages" instead of the central role of the "Portuguese language," are not innocent choices. Semantics carry political and cultural decisions that determine the role and relevance of knowledge in school education. Shifting the centrality from the Portuguese language to the term "languages" subverts its importance as a structuring element of critical thinking and worldview interpretation, turning it into a mere technical instrument for other purposes. This contributes to the instrumentalization of teaching, aligning with a logic that prioritizes technical skills.

As Marcuse (1999) points out, technology, as a mode of production and form of social organization, plays a fundamental role in maintaining power and control relations. The inclusion of the term "technologies" in educational discourse reflects this movement, promoting a perspective of innovation that, in practice, reinforces existing patterns of domination. Technology, when presented as progress, masks its function as an instrument for perpetuating dominant social and economic patterns. In Marcuse's words, "technology is, at the same time, a way of organizing and perpetuating (or modifying) social relations, a manifestation of dominant thought and behavior patterns, an instrument of control and domination" (1999, p. 73). Thus, the use of the term "technologies" in the curriculum and legislation, combined with a superficial and pragmatic approach to language, contributes to forming individuals aligned with a functionalist logic, subjected to one-dimensional thinking, incapable of questioning relations of domination and promoting structural changes in society.

The reform, by relegating the Portuguese language to a secondary plane and prioritizing a technicist education, limits the student's ability to access the deeper dimensions of language. As Marcuse (2015) states, contemporary language, in both democratic and non-democratic regimes, not only expresses structures of social control but also operates as an active mechanism of influence and reproduction of power relations. An education that devalues the critical teaching of the mother tongue facilitates the formation of citizens incapable of interpreting and questioning ideas, promoting what Marcuse calls "one-dimensional thought." This type of thought is characterized by the passive acceptance of ready-made discourses, the absence of contradiction, and the inability to conceive alternatives to the status quo.

Analyzing Law No. 14,945/2024 from this perspective, it is observed that it does not guide the teaching and learning process towards the construction of a society endowed with critical consciousness and reflective capacity — conditions fundamental to the realization of an emancipatory project. On the contrary, it aligns itself with a market logic that treats education as a tool for adaptation to the system. The recognition of the centrality of teaching the Portuguese language in legislation and school curricula must be critically examined in light of the ideological disputes that traverse the linguistic field.

Although the Portuguese language plays a fundamental role in the formation of critical subjects, its institutionalization, as established in legal frameworks, often functions as an instrument for reproducing a logic that naturalizes linguistic and cultural hierarchies. In this sense, it is necessary to understand language teaching not only as a technical or normative practice but as a political field in which distinct societal projects confront one another. Promoting the Portuguese language as a tool for critical reading of reality requires breaking with authoritarian monolingualism and affirming language as a dialectical mediation between subject, culture, and social transformation.

Therefore, more than punctual adjustments, what is necessary is a structural rupture with the neoliberal foundations that sustain educational reforms in Brazil. Only through an education that values the plurality of ideas, critique, and contradiction is it possible to ensure that education fulfills its role as an instrument of emancipation and social

transformation, recovering the original principles of the 1996 LDB. The absence of this perspective perpetuates alienation and conformity, characteristics of a society still distant from the ideal of social justice and full citizenship.

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