

## Child labor and schooling: international issues and debates in Brazil (1890-1944)

Cynthia Greive Veiga\*

**Abstract:** The international debate on the regulation of child labor and the Brazilian debate on the elaboration of labor legislation between 1890 (International Labor Conference in Berlin) and 1944 (Philadelphia Declaration) within the context of the expansion of compulsory education, are analyzed. Child labor and compulsory education were intensely discussed due to changes in social relations brought about by the expansion of human and civil rights and due to affective and moral conflicts. Theoretical discussions were foregrounded on the proposals of Norbert Elias, Viviane Zelizer and others. Laws, international treaties and newspaper articles were investigated for this purpose.

**Keywords:** child labor, compulsory education, history of childhood.

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## Trabalho infantil e escolarização: questões internacionais e o debate nacional (1890-1944)

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**Resumo:** O objetivo neste artigo é analisar, no contexto da expansão da obrigatoriedade escolar, o debate internacional sobre a regulamentação do trabalho infantil e o debate nacional sobre a elaboração da legislação trabalhista entre o período de 1890 (Conferência Internacional do Trabalho em Berlim) e 1944 (Declaração da Filadélfia). Os temas do trabalho infantil e da obrigatoriedade escolar foram discutidos em meio a muitas tensões, expressando alterações nas relações sociais traduzidas pela ampliação dos direitos humanos e civis e pela presença de conflitos afetivos e morais. A discussão teórica desenvolveu-se com base nas proposições de Norbert Elias e Viviane Zelizer, dentre outros. Como documentos, foram analisados legislações, tratados internacionais e jornais.

**Palavras-chave:** trabalho infantil, obrigatoriedade escolar, história da infância.

## Trabajo infantil y escolarización: cuestiones internacionales y el debate nacional (1890-1944)

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**Resumen:** El objetivo de este artículo es analizar, en el contexto de la ampliación de la obligatoriedad escolar, el debate internacional sobre la reglamentación del trabajo infantil y el debate nacional sobre la elaboración de la legislación laboral entre 1890 (Conferencia Internacional del Trabajo en Berlín) y 1944 (Declaración de Filadelfia). Los temas del trabajo infantil y de la obligatoriedad escolar fueron discutidos en medio de muchas tensiones, expresando alteraciones en las relaciones sociales traducidas por la expansión de los derechos humanos y civiles y por la presencia de conflictos afectivos y morales. La discusión teórica se llevó a cabo con base en las proposiciones de Norbert Elias y Viviane Zelizer, entre otros. Como documentos, fueron analizados legislaciones, tratados internacionales y periódicos.

**Palabras clave:** trabajo infantil, obligatoriedad escolar, historia de la infancia.

## Introduction

Discussions on the regulation of child labor and compulsory education during the 19<sup>th</sup> and 20<sup>th</sup> century were associated for the first time even though the practice of child labor and general access to schooling was disseminated at different times. During thousands of years most children worked in the home either as slaves or as salaried workers (although work was not necessarily considered exploitation). On the other hand, compulsory schooling is a recent historical event and the concomitant use of child labor brought forth intense debates, especially on the interference in poor people's family earnings due to the frequency of children in the school.

Discussions were not limited only to economic issues but involved socio-economic changes in the perception of children's function and social worth. In other words, the deployment of several social sectors at the national and international levels to discuss educational reforms and the regulation of child labor is highly revealing with regard to the contradictions of industrial society, especially the affective and moral conflicts which make up the civilizing process. New parameters have been perceived on the notion of childhood based on juridical, medical and pedagogical discourses<sup>1</sup>.

Current paper analyzes the regulation process of child labor within the context of compulsory education. The international debate and its Brazilian counterpart between 1890 (the first International Labor Conference in Berlin, with great repercussions in Brazil expressed by Law 1313 of 17/01/1891) and 1944 (the Declaration of Philadelphia, a document based on the principles of the International Labor Organization (Süssekind, 1994), a year after the publication of the Consolidation of Labor Laws (CLT) in Brazil, are discussed.

It should be underscored that the above mentioned discussions were not debated without great tension, enhancing new values and sensitiveness, as may be verified by the most recurring terms on childhood conditions, such as exploitation, protection and rights. Our main hypothesis is that circumstances revealed the unequal conditions of childhood. Although the statement that the school is the child's place

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<sup>1</sup> For in-depth studies, see Veiga and Faria Filho (1999), Kulhlmann Jr. (2002), Rocha (2003), Marques (2003), Câmara (2011).

became an axiom in modernity, it did not occur without rife and contradictions when the issue of workers' children was involved.

So that these issues could be developed, we will mainly investigate the proceedings of the Conference of Berlin in 1890, written by the senator Jules Simon (1814-1896), the legislation and Brazilian newspapers of the period, coupled to studies on international and national bibliography on the issue.

The text is organized in three sections. The first section analyzes bibliography on changes in children's value, especially changes on the position of children within generations, historiography and a preferential dialogue with sociologists Viviane Zelizer and Norbert Elias. The second section deals with issues debated in international events on child labor with all the tensions caused by compulsory education. The third section involves the same issues within the Brazilian context.

## **Labor versus school: new values for children**

At the start of the 20<sup>th</sup> century, Adelheid Popp (1869-1939) published *The autobiography of the working woman*, in which he comments on his mother's conditions,

An orphan early, she had gone out to service at six years old; she had never been to school, and could, therefore, neither read nor write. She was also an enemy of the 'new-fangled laws', as she called compulsory education. 'She considered it unjust for other men to dictate to parents what they were to do for their children' (Popp, 1912, p. 20, emphasis added).

Further,

On this point my father had sympathised with her [...] My youngest brother must now leave school; but meanwhile the law as to school attendance had become more firmly established, and the school authorities made difficulties. After many visits, 'my mother succeeded in getting permission for him to leave school and go into a factory as an assistant' (POPP, 1912, p. 20, emphasis added).

Adelheid discusses child labor, a tradition in the workers' milieu, even though he forwards a new dilemma experienced by worker families, namely the interference of the State in children's education. The dilemma arose simultaneously with the debate on the regulation of child labor and the importance of the school as an option for the formation of future generations. What triggered such a debate?

The above issues were being slowly developed during the last two centuries within the context of the development of capitalist economy. The changing process comprised the elaboration of new family arrangements, changes in adult-child relationships and the emergence of new sensitivities. Several historians investigated the rites of the bourgeois family and innovations in family roles, with special and increasing emphasis on child protection (Perrot, 1991). Studies by pioneer historians Philippe Ariès (1987) and Lloyd DeMause (1974) on changes in adult-child relationships are well-known.

However, the changing processes in family relationships and functions did not occur without conflicts, manifested within the home milieu but mainly in the relationship between institutions and legislation whose purpose was the interference in family behavior by regulating them. Such tension may be seen in the opposition of Popp's mother when she had to comply with school laws. "She considered it unjust for other men to dictate to parents what they were to do for their children" (Popp, 1912, p. 20).

On the other hand, since the 19<sup>th</sup> century, changes in family patterns and the interference of the State on child protection provided more visibility on children's different way of living, as the case of the problems experienced by poor worker families with reference of the bourgeois family (Segalen, 1999). The rise of industrial society triggered different workers' families, living in the countryside and in towns, which, to a greater or smaller rate, depended on the labor of all family members for survival. At the same time, the nuclear bourgeois family became a reference for social organization. Consequently, it was common to see references on poor families as unruly and violent whilst the bourgeois family was characterized as happy and full of affection.

Several studies have shown similar experiences in Brazil. Maria Ângela D'Incao mentions changes in women's roles in Brazilian bourgeois families and the social demand for good spouses and good mothers (D'Incao, 1997). Mention must be done on the pioneer study by

Margareth Rago (1985) on workers' families and the discussions of moralists and hygienists that blamed poor and 'ignorant' women for high mortality rates, their lack of child care and family disorders. Another new phase in the valorization of the family was emerging.

Specific studies on child labor underscore the possibility of investigating the historical manifestation of children's economic worth and the value of children in the family's affective economy. Chrysanthi Gallou (2010) highlights the economic worth of children since Mycean Greece where children's labor was a common occurrence in the home, agriculture and textile industry. In the Middle Ages, Europeans used to send their children to work in the houses of noble people, in the fields and in religious institutions for payment or schooling. In the Industrial Revolution, even though there was a demand for child labor, compulsory education was greatly on the agenda and evidenced that changes in the valorization of children brought about a tension between economic and affective values.

Viviane Zelizer (1994) and Elias (1998) analyzed historical changes on the relevance of children and triggered a re-dimension of their function in the family and in society. The two authors reported that in the 19<sup>th</sup> and 20<sup>th</sup> centuries affective value was highlighted even though such changes occurred at different spaces due to the distinction between social classes. Gradually it also reached the poor classes.

Elias (1998) underscored the problem of maintaining workers' children during food crises, diseases and unemployment when they became a great burden and even undesired since they failed to earn money. However, the commonest problem was the expectation of children's economic value for family subsistence. Due to lack of pensions, elderly people required economic help. Consequently, child labor among the poorest families was not only indispensable but was a non-contested common practice during many years.

Sociologist Viviane Zelizer (1994) argues that the number of contestations against child labor increased since the late 19<sup>th</sup> century, while gradually and simultaneously children's economic value was being replaced by a priceless affective value. The process was tagged as 'the sacralization of childhood', or rather, the child without any economic value but featuring a future worth on the market. Michelle Perrot (1991) states that "[...] in the 19<sup>th</sup> century, the child occupies the center of the

family. It becomes the object of all types of affective investments, besides its economic, educational and existential worth” (Perrot, 1991, p. 146).

According to the historian Flandrin (1988), decrease in children’s mortality rates and the demographic revolution of the 19<sup>th</sup> century did not occur merely because of medical and hygiene motives but for affective motivations. Elias (1988) remarks that children’s worth should not be mainly attributed to the progress on knowledge on childhood. Within the civilizing process, changes in behavior for greater self-control and prediction made possible an equilibrium, a less strict authority not only between social groups but also between parents and children, with the manifestation of new sensitiveness.

Zelizer (1994) underscores that by the end of the 19<sup>th</sup> century and the start of the 20<sup>th</sup> century, a consensus on the moral and social priority of childhood was developed. The above is manifested by the establishment of numberless state institutions for the assistance and protection of childhood due to the expansion of hygienist ideas. Subsequently, incentives for schooling were central in national discourses, coupled to the diffusion of new pedagogical propositions based on affectivity. The conservation of children’s lives became a national issue. Michele Perrot underlines this fact for 19<sup>th</sup> century France:

[...] the child does not belong only to the parents: he is the future of the nation and to the ethnic group, producers, reproducers, citizens and soldiers of tomorrow. Between the child and the family, especially when the latter is seen as poor and incapable, third parties are introduced: philanthropists, doctors, statesmen who intend to protect, educate and discipline it (Perrot, 1991, p. 148).

Zelizer (1994) stresses the moral conflicts in the debate on the regulation of child labor in the US as a central issue to understand the deep transformations in the economic and sentimental values of children. Within this context and foregrounded on discussions on what is acceptable or not in child labor, contradictory cultural definitions developed whose new frontiers diversify legitimate and illegitimate forms of participation within the domestic and national economy. What are the limits in child labor to become an instance in childhood exploitation?

People who opposed child labor argued that the practice violated feelings since the economic value of work was not equivalent to its value as a human being. How may one calculate the value of a child's life? How may one calculate its life of labor or its earnings? Child labor and money were gradually defined by moral tools and intellectual producers of children's sacred place in the generation chain and schools as the natural place of formation.

The defense of children's economic worth, mainly by industrialists, great landowners and small farmers, was based on the need to regulate the labor of poor children based on the slogan worldwide 'Be useful to oneself and to one's country'. On the other hand, the laws on schooling were applied to all children of all classes, underscoring their mandatory stance, but also as a fundamental right of the citizen in democratic countries.

However, during the early 20<sup>th</sup> century, the families of the poorer classes could not dispense the labor of their children. Fast industrialization provided enormous labor opportunities and the economic rise of poor people. The problem that presented itself was well-defined: How much work and how much schooling?

As will be seen presently, discussions on child labor at the Conference of Berlin in the late 19<sup>th</sup> century revealed the loopholes left open by national legislation in several countries, while taking into consideration that compulsory schooling was not something new. The problematization of the issues implied the emergence of social and labor rights and of the labor movement and not mere changes in the value of childhood.

## **Imprecisions and paradoxes in the internationalization of regulating child labor and the schooling issue**

As has been very eloquently shown in the first sessions, our President, Mr. Jules Simon, one of the oldest and most illustrious advocates for working children: 'the protection of the child ensures the fate of future generations', and solves a humanitarian debt towards those who cannot always defend themselves, or whose natural protectors are absent. We may not say that by

extending to young workers the benevolent protection of the law, we are also protecting them socially and saving the future of the family, the first cell of the nation. [...] On the other hand, ‘we must take into account the needs of industry’, the budget of the workers’ families for whom the industry is the main livelihood, and be cautious in a field where huge interests are at stake (Conférence..., 1890, p. 53, emphasis added, our translation)<sup>2</sup>.

The above paragraph is part of the report of the International Conference of Berlin held between 15 and 29 March 1890, with 13 delegations from Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, Luxemburg, The Netherlands, Portugal, Sweden-Norway and Switzerland<sup>3</sup>. The Conference was held between the countries which were interested in regulating the labor conditions of the working classes and it was closely related to the social pressures present in the late 19<sup>th</sup> century and changes in practical policies. As affirmed in the report, the protection of children and of the industry was required.

The social and political tensions of the end of the 19<sup>th</sup> century triggered the need for the internationalization of the debates even though, at the local level, different countries had already published their own labor laws, not always complied with by employers. For instance, John Cardwell

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<sup>2</sup> “Comme l’a très éloquemment rappelé, dans une de nos premières séances, notre Président, M. Jules Simon, l’un des plus anciens et des plus illustres défenseurs de l’enfance ouvrière : protéger l’enfant, c’est veiller au sort des générations à venir, et s’acquitter d’une dette humanitaire vis-à-vis de ceux qui ne peuvent pas toujours se défendre eux-mêmes, ou auxquels les protecteurs naturels font défaut. Ne peut-on pas dire aussi qu’en étendant aux jeunes ouvriers, dans une certaine mesure, la protection bienveillante du législateur, on fait oeuvre de salut, social et l’on sauvegarde l’avenir de la famille, cette première cellule de la nationalité. [...] Mais, d’autre part, il faut avoir égard aux nécessités de l’industrie, à la situation budgétaire des familles ouvrières dont elle est le gagne-pain principal, et ne marcher qu’avec prudence sur un terrain où des intérêts aussi considérables sont en jeu”.

<sup>3</sup> According to the correspondence between the authorities found at the beginning of the report, the organization of the event was initially discussed between the French and Swiss governments; since the German government had the same idea, the event occurred in Berlin and not in Berne as the original venue (Conférence..., 1890).

(2010) shows that in 1686 Sweden a law was published prohibiting the employment of children in cattle herding and admitted that several tasks were the role of adults. However, compulsory education for boys and girls between 7 and 14 years was mandatory by the 1882 school laws (Sandin, 1999).

During the years after the Swedish labor law, most countries in Europe started questioning abuses and exploitation of children, in particular, work in coal mines and in chimney sweeping. In his classical work on the workers in 19<sup>th</sup> century England, Engels (1820-1895) discusses the laws on child labor since the 1802 *Apprentice-Bill* and analyzes the nuisances caused by the 1833 law on compulsory education and the arguments developed by capitalists to maintain children working in the industries and the activities of English philanthropists to guarantee children's welfare.

Nicola Sheldon (2010) comments on the laws published in the late 19th century. As a rule, the British school laws failed to reduce working hours and left several loopholes so that children would leave school before the conclusion of the year, as Popp's report denounces. According to Sheldon, truancy was frequently negotiated by parents, employers and authorities. Tensions were rife in the discussions on the regulations of child labor and schooling since the theme involved different issues and interests: the issue of parents' authority on their children's life, the requirements of the entrepreneurs and landowners, and the suggestions of social reformers.

In the case of child labor in France, Cardwell (2010) remarks that the 1841 law prohibited 8-year-old children to work in factories or in workshops with machines. It also limited the working day from 12 to 8 hours. In 1874, children below 16 years were prohibited to work in several factories, while in 1882, the prime minister Jules Ferry made compulsory education a law. The same regulations were prescribed in Norway and Denmark in 1853 and 1892 respectively.

Zelizer (1994) remarks that a novel law was published in Massachusetts in 1836 requiring three months of schooling for child

workers. However, after 1870, most states of the USA greatly debated regulations on child labor and on school attendance. Why was a conference convened to regulate child labor internationally if several countries had their own laws on the theme?<sup>4</sup>

The Berlin Conference was an answer to the growing mobilization of the working classes and aimed at organizing Europe's entrepreneurs. Jules Simon registers that, foregrounding the Conference's propositions, there was a great concern in controlling the industrial competition of countries that shared the world market. Through the international control of prices and labor market, a minimum homogeneity of the costs in labor force would be established, especially the price competitions by China and Japan where labor costs were the lowest (Conférence..., 1890). In the case of employers, the labor issue was mandatory for all civilized nations since peace between the social classes was threatened in the struggle for industrial competition (Conférence..., 1890).

The Conference was organized on five themes (work in mines; work on Sundays; child labor; work by young people; work by women) under the responsibility of four committees. The third committee was headed by Jules Simon and discussed labor involving children, young people and women. In the debates of the committee, all the other countries (except Portugal which had yet not regulated child labor) based their discussions on their own laws. The international regulation of child, young people and women labor was not merely a response to the future of the industry but to comply with public opinion on humanitarianism throughout Europe.

Age limits and the duration of the work day coupled to the schooling tradition of the countries involved caused great discussions. For example, the Swiss and German delegates proposed 14 years as the age limit and

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<sup>4</sup> Prior to the Berlin Conference, an International Association of Workers was established in London on 28/09/1864, with Karl Marx (1818-1883) as member of the Provisional Committee. In its first congress in Geneva in 1866, Marx instructed the delegates on the following issues: weekly rest; daily labor limits for adults (people over 18 years), with eight hours, with intervals; prohibition of night work for women; regulation of child labor. The IWA's main aim was the international organization of the working class and the unification of its struggles and victories.

argued that children in southern Europe matured earlier due to climate and geography (Conférence..., 1890, p. 54). However, there is no doubt that the technological level of industries, type of machinery, knowledge of children and young people and the experience with schooling development were also included in the discussions. In fact, schooling insufficiency and low technology in industries in Italy, Portugal and Spain triggered child labor.

The duration of the work day implied the prohibition of night shifts and the approval of weekly rest. Proposals on the work period ranged between 4 and 12 hours. The discussion led to another issue, or rather, the relationship between work hours and the type of occupation most proper to children. Agreement was reached on the final vote. On the issue of age, Great Britain disagreed with the exception envisaged by the 'sunny countries' and insisted that 10-year-old children did not have the physical, moral and intellectual conditions necessary for work. The final protocol was signed on 29/03/1890.

### III– Regulation on child labor

It is feasible that:

1<sup>st</sup>. children of both genders, who were not of a certain age, should be excluded from work in industries;

2<sup>nd</sup>. age should be limited to 12 years, except for Mediterranean countries with a limit of 10 years;

3<sup>rd</sup>. the above limits should be the same for all industries without any distinction;

4<sup>th</sup>. 'children should have complied with the requirements of the primary schooling';

5<sup>th</sup>. children below 14 years should not work at night and on Sundays;

6<sup>th</sup>. labor should not exceed 6 hours, with, at least, a one-half-hour pause for rest;

7<sup>th</sup>. children should be shunned from unhealthy and dangerous labor or they may be admitted under certain conditions of protection. (Conférence..., 1890, p. 127, emphasis added).

In 1919, after World War I, the Peace Conference in Paris decided on the organization of a committee for the International Legislation of Labor to study once more uniform regulations on labor conditions. On 24/03/1919, as a part of the Treaty of Versailles (Art. 427), the project for the establishment of the International Organization of Labor (IOL) was approved <sup>5</sup>. The document's premises reveal the following justification for its foundation,

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League [...] will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations (apud Süsskind, 1987, p. 100)

The lack of compliance with international agreements established since the Berlin Conference is notorious, especially the increase in tensions between workers and employers plus events triggered by the Russian Revolution of 1917. Several meetings of the ILO occurred in which regulations on child labor were published.

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<sup>5</sup> The treaty was signed by USA, GB, France, Italy, Japan, Belgium, Bolivia, Brazil, China, Cuba, Ecuador, Greece, Guatemala, Haiti, Hedjaz, Honduras, Liberia, Nicaragua, Panama, Peru, Portugal, Romania, Serbia-Croatian-Slovenian State, Siam, Czechoslovakia, Uruguay, Germany.

Table 1: ILO Conventions – Regulations on child labor (1919-1937)

Convention	Year	Theme
5th	1919	Establishes minimum age of 14 years for admission in industries, except family enterprises and work in technical schools.
6th	1919	Prohibits night shift for children less than 18 years old; it does not apply to people older than 16 years that work in industries without interruption of shifts (such as iron, steel, glass, paper, sugar, reduction of minerals to gold factories)
7th	1920	Fixes minimum age at 14 years for admission on sea labor, except ship-schools.
10th	1921	Establishes a minimum age of 14 years for agricultural work.
13th	1921	Prohibits work by people under 18 years in industrial paintings where ceruse, leadsulfate or compounds with the two elements are used.
15th	1921	Prohibits young people less than 18 years old to work in explosion magazines or as stokers.
16th	1921	Establishes mandatory medical certificate for people under 18 years old to work on ships, except on boats in which the family works and in urgent cases.
24th	1927	Establishes sickness insurance for workers and apprentices in the industry, commerce and domestic work.
33rd	1932	Establishes the minimum age of 14 years for admission in non-industrial labor.
38th	1933	Establishes disability insurance for workers and minors working in industries, commerce, domestic work, and work at homes.
39th	1933	Establishes life insurance for workers and minors employed industries, commerce, domestic work, and work at homes..
58th	1936	Revision of Convention 7 – Establishes minimum age of 15 years to work on ships, except on boats in which the family works..
59th	1937	Revision of Convention 33 – Establishes minimum age of 15 years for non-industrial work.
60th	1937	Revision Convention 5 –Establishes minimum age of 15 years for works in the industry.

Source: based on Sússekind (1994).

Progress in the 1920s and 1930s regulations underlines healthy labor sites and the establishment of insurance even though no convention decided on the duration of the work period and the time for schooling. In 1944, ILO delegates adopted the Philadelphia Declaration to replace Article 427 of the Treaty of Versailles for the definition of items, aims and principles of the Organization, with the significant broadening of competence. Among the principles may be mentioned that work as merchandize is denied, the freedom of association is warranted and the international effort to combat poverty prevailed<sup>6</sup>.

With particular reference to the USA, Zelizer (1984) demonstrates that in 1899 several states published their own laws. Twenty-four states did not prescribe any age for entrance in the labor market since the most important issue was work duration coupled to schooling time. The author discusses the moral issues of the US debate.

For the reformer against child labor, children's participation in the economy was illegitimate and indefensible due to any justification for the commercialization of children's life. They argued that the industries' hypocrisy in defending child labor was obvious since the bourgeoisie did not place their children for work. On the other hand, the reformers knew very well the difficulties of the working classes but did not agree with the strategies, and many parents were denounced to the Committee as exploiters of their own children. Child labor was denounced as a violation of feelings: how may one calculate the monetary worth of a child?

The people who were favorable to the regulation of child labor defended the moral legitimacy that working was better than loitering, stealing, or giving trouble. They underscored that child labor was a habit among the poorer classes, besides being a need.

Studies by Zelizer (1994) broadened analysis on what was considered child labor and exploitation. Contradictions and imprecisions were underscored: for instance, labor on the plantations was not considered child labor. In the USA a difference was made between the

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<sup>6</sup> Later conventions did not report discussions on child labor. However, on June 17, 1999, several conventions were concluded and approved. Convention 182, 'Convention on the Prohibition of the Worst Type of Child Labor and Immediate Action for their elimination'; Recommendation 190 on the 'Prohibition of the Worst Types of Child Labor'. The latter convention was approved in Brazil by Decree 3597 (Brasil, 2000).

terms ‘child labor’ and ‘child work’ to established limits. The latter, tolerated by some reformers, comprised work under parents’ supervision, with self-profit and without taking the children out of school. This also included newspaper vendors, shoe shines, office boys, or rather, types of autonomous work that the child, even though working on the streets, had great chances of becoming the ‘self-made man’. On the other hand, ‘child labor’ meant labor which increased the family income, far from home and dangerous to health, morals and education.

In spite of these debates, in 1920, there were more than one million children, aged between 10 and 15, in the USA who worked under harsh conditions on plantations, in workshops, industries and homes (Zelizer, 1994).

On 26/12/1932, the Brazilian newspaper ‘Correio de São Paulo’ explained the situation in the US:

New York, 26 (UTB) – The National Committee on Child Labor is starting an ‘intense campaign to remove more than two million boys and girls from industries and place them in schools and colleges’. Since they work in the industries, they replace men and women who are unemployed. According to data by the Committee, there are approximately two million boys and girls, aged between 7 and 17 years, who are currently working and earning money but occupying the place of men and women who are desperate for work (Correio de São Paulo, 1932, p. 1, emphasis added).

According to Zelizer (1994), US laws became more effective after the Great Depression. The 1938 Law prohibited children under 14 years to work, except as newspapers sellers, home servants, at the cinema and the theatre. Work on the fields was only permitted after the conclusion of basic education. In the 1930s most children frequented school and child labor was eliminated, even though child work was still rife. One may perceive that there was a trend in substituting the economic worth of child labor for a moral and educational basis.

## **Regulating child labor and schooling in Brazil**

The Brazilian newspaper ‘O Paiz’ of 24/03/1890 noticed the Berlin Conference with the following words: “This is the program of the International Congress prepared in Berlin by Emperor William II as has

been reported by European newspapers which we have recently received [...]”(p. 1).The newspaper presented the five items for discussion. The newspaper also heralded a meeting at the Centro Operário in Rio de Janeiro, with the participation of 2000 workers, including foreigners. During the event, “[...] the program of targets that should be reached by the working class with regard to its social aspirations” was read, among which may be mentioned: “[...] 4<sup>th</sup> – Laws that protect women and children against excessive work and making workshop comply with hygiene prescriptions” (O Paiz, 1890, p. 1).

Within the context of international debates and national strives, Decree 1.313 of 17/01/ 1891<sup>7</sup> was published in Rio de Janeiro in the year following the Berlin Conference. Although it was not applied, the decree may be considered as the first attempt to regulate systematically working hours and age limits for child labor<sup>8</sup>. In broad lines, it consists of rules for children employed in the factories of Rio de Janeiro: age limit 12 years old, except apprentices; a working day of 7 hours, with intervals; prohibition of night shifts and on Sundays; prohibition of work that endangers children’s life; sanitary control on the premises (Brasil, 1891). There is no mention of any schooling. However, it should be underscored that school compulsion in Rio de Janeiro was fixed some months later by the State Constitution of 29/06/1891 (Rio de Janeiro, 1891).

The Decree addressed to “[...] minors employed in the factories of the Federal Capital City” provided a peculiar characteristic to the history

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<sup>7</sup> It should be underscored that on the proclamation of the Republic in 1889, Brazil adopted the federative regime and educational and labor laws were state laws. There was no department at national level to coordinate discussions till the establishment of the Ministry of Education and Public Health in 14/11/1930 and of the Ministry of Labor, Industry and Commerce in 26/11/1930.

<sup>8</sup> Regulations existed, although scanty and dispersed. The 1603 Phillipine Ordinations, with impacts till the 20th century, contained regulations on the work of orphans; the regulations on children of the Companhia de Aprendizizes Marinheiros e Aprendizizes Militares in the 19th century are well-known; boarding houses for abandoned children and institutions for apprentices in the 19<sup>th</sup> and 20<sup>th</sup> centuries had their own rules; The Free Birth Law of 1871 stipulated that when the children of slaves completed 8 years old they could be employed by the owner till they were 21 years if he was not indemnified by the State; certain factories had their own rules.

of Brazilian childhood. Till the mid-19<sup>th</sup> century, as a rule, the term *minor* referred to a young person. The 1890 Penal Code (Brasil, 1890) placed an age limit for criminal responsibility and it was increasingly used to refer indiscriminately to abandoned children, orphans, naughty children and child workers.

In her studies on working children in São Paulo, Esmeralda Moura (1995, 2009) provided significant data on the work condition experienced by these children. Since 1870, they were engaged in textile industries as apprentices, with fixed wages; in 1919 they formed 40% of the working force in this sector. According to Moura (1995), regulations on ‘the work by minors’ in São Paulo were inserted within the sanitary codes of the State. As may be perceived in data harvested from the Labor State Department, there were many labor accidents, causing death and loss of limbs. These facts were published in the newspapers and in workers’ newspapers. On 27/06/1925, the ‘A Classe Operária’ wrote:

Several painful accidents occurred in the capital city. One may mention the case of the boy Andre Pellin – a poor child, 13 years old, who was gripped by a machine chain in the chocolate factory M. Munõz & Cia, and lost his arm. There is no safety in the said factory. Children do the work of adults. (A Classe Operária, 1925, p. 1).

Further, Vania Araújo (2011) commented that since compulsory education was enforced, the state government of São Paulo, by Law 1.184 of 3/12/1909, started evening classes for workers’ children. One should bear in mind the intense workers’ movements between 1917 and 1920 in São Paulo, with strikes and protests as from July 1917 and in Rio de Janeiro in 1918, followed by other Brazilians towns and ports. Local discussions on regulations on child labor were held and, at the same time, denunciations were published in workers’ newspapers. For instance, the anarchist newspaper ‘A Plebe’ of 9/06/1917, noticed the establishment in São Paulo of the ‘Popular Agitation Committee against the exploitation of child workers’.

Besides the non-executed 1891 Decree and dispersed regulations in Rio de Janeiro as from the 1900s, the Project of the Labor Code was presented on 13/10/1917 by parliament representative Mauricio Lacerda, within the context of labor strikes. The Project was intended to become a

national labor code. Among other regulation on child labor, the parliament representative proposed: children under 16 years of age may be considered adults in labor activities; children below 10 years were prohibited in factories; a doctor's certificate and parents' authorization were required to hire children between 10 and 15 years old; work day had to be of six hours; night shifts were prohibited; frequency in primary schooling was required.

The Code, however, did not make any progress and local regulations prevailed. The newspaper 'O Paiz' on 21/10/1917 reported on a bill forwarded in the Town Hall of Rio de Janeiro, proposed by Maximiano de Figueiredo, to regulate work by children between 10 and 15 years old, underscoring that this type of work should not be hazardous to children and that they should frequent school. The law had an immense impact. According to the same newspaper of 03/12/1917, the law was suspended by the Higher Federal Court since it applied only to Rio de Janeiro and thus the industries of the city was at a disadvantage with those in the rest of the country where there were not age limits for child labor.

Only Decree 17.943 of 12/10/1927, known as the 'Code for Minors', by judge Jose Melo Mattos, could be said it regulated nationwide the issue, according to Chapter IX<sup>9</sup>. The following prescriptions should be underscored: prohibition of labor for children under 12 years old; a medical certificate is required; a 6-hour work day; prohibition of night shift; permission, with restrictions, for child labor as actors, manikins and acrobats; prohibition of children under 18 to work in publishing houses dealing with immoral contents, certificate of basic education (Brasil, 1927).

The educator Helena Antipoff gave a speech in 1934 at the Sociedade Pestalozzi in Belo Horizonte and discussed the importance of the Code, especially for the protection of the 'working young man' even

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<sup>9</sup> The Code did not regulate child labor only and had broader aims. It was addressed to minors under 18, abandoned or delinquent children, submitted by the competent authority to receive assistance and protection, among which, punishment of parents for abandoning their offspring, establishment of approval schools for delinquent minors, inspection and control of the institutions (Brasil, 1927).

though she lambasted its non-execution, exemplified by her research with newspapers vendors (Antipoff, 1934). Data in the survey ‘Assistance to Helpless Minors, Workers on the Streets’, revealed that ten out of 51 ‘minors’ in this occupation between 1933 and 1934, were below 12 years old, did not frequent primary school and 8 were illiterate; most of them started on the job when 7 years old. The researcher mentions the case of Joaquim Fernandes, 14 years old, illiterate, who started selling newspapers when he was 7 years old. Only 10 had a certificate of primary schooling; 19 did not frequent school. With regard to Article 112 of the Code for Minors, which prohibited work on the streets, only 15 were included. Most worked in night shifts and did not have a fixed sleeping place (Antipoff, 1934). With regard to schooling, the author states:

It seems a paradox that children who sell newspapers and, according to definition, the newspapers are ‘to be read’, they themselves cannot decipher the mysterious signs which for some are letters. It may be perceived that ‘50% of newspaper vendors do not comply with schooling laws and refrain from compulsory education for children between 7 and 14 years old’, in the capital city of Minas Gerais (Antipoff, 1934, p. 5, emphasis added).

As in several other countries, Brazilian educators, physicians and journalists denounced work which was hazardous to children. The Code for Minors, especially in chapters IX and X, defined in very clear terms the places and type of labor prohibited for minors, with special emphasis on ‘street professions’, and on penalties for those who exploit children. On the other hand, the moral dimension of labor was underscored and was rather conspicuous in the proposals by the Active School or by the New School Movement in labor celebrations during the Vargas administration and in the dissemination of Labor Day.

However, the 1927 Code identifies exceptions and imprecisions which revealed the contradictions between school and work as the possibility of children’s exposure to exploitation. Art. 102 decreed that 14-year-old children without primary schooling could work only if they proved the family’s absolute necessity, but they should receive ‘instruction that is possible’. Art. 103 prohibited work by 11-year-old children in factories, dockyards, industries, mines, quarries, workshops, with the exception of places in which family members were also laborers and the

children should have a certificate of primary education; Art. 112 prohibited children under 14 years and young women under 18 years to work on the streets, except with special license. It must be highlighted that in the case of children in institutions for ‘abandoned minors or for delinquents’ work in workshops and in the fields had a moral and educational function.

In the wake of the establishment of ILO, only four out of the 14 conventions were approved in Brazil and only during the 1930s under the Vargas administration.

Table II –ILO Conventions on child labor ratified in Brazil (1919-1939)

Convention	Brazil
Convention 5 – Establishes minimum age of 14 years for admission in industries, except in family firms and work in technical schools. (1919)	Ratified 26/04/1934
	Mandatory in 26/04/1935
Convention 6 – Prohibits night shift for children under 18 years; it does not apply to 16 year old children who work in industries without any intervals (such as iron, steel, glass, paper, sugar reduction of minerals to gold factories) (1919)	Ratificada em 26/04/1934
	Mandatory in 26/04/1935
Convention 16 – Establishes the need of a certificate by a physician for children under 18 years as a requirement for work in the navy, except in the case of ships where the family works or in urgent cases (1921)	Ratified in 08/06/1936
	Mandatory in 08/06/1937
Convention 58 – Revision of Convention 07 – Establishes minimum age of 15 years for sea jobs, except except in the case of ships where the family works (1936)	Ratified in 08/06/1936
	Mandatory in 08/06/1937

Source: based on Sússekind (1994).

The Consolidation of Labor Laws (CLT), unifying labor laws, became mandatory as from 1943. Chapter IV, art. 402 – 441, deals with child labor: “On the protection of child labor” (Diário Oficial, 1943, p. 11955-11957), in which imprecisions are repeated and new exceptions are made. According to the CLT, the prescriptions are not valid for family enterprises and farm activity, except those that involve industries and commerce. Law prohibits work of minors under 14 years, except for those enrolled as apprentices; labor in which physical and moral hazards exist; in the case of artistic work, the authorization of the Minors’ Court is required; the ‘labor card for minors’ is required, produced by the authorities, which should include that the minor is literate (reads, writes and make sums) (Art. 417, f).

It should be emphasized that the articles of the Law on the relationship between work and schooling do not necessarily favor schooling. According to Art. 419, the proof of literacy is given by a certificate of the school course. If this is not extant, the child must submit to an examination by an trustworthy person (without specifications), which consists of reading 15 lines, followed by an explication, a dictation of 10 lines, and calculations with the four basic arithmetic operations. If the child is proved literate, the labor card will be produced within one year by proving school attendance or enrolment certificate. Art. 427 prescribed that the employer should concede time for schooling, but failed to stipulate a timetable; the same article also prescribed the ‘maintenance of a special place for primary schooling’ (without any details).

In spite of such prescriptions, the third paragraph of Art. 419 annuls the exigencies in the other articles:

The child may be dispensed from the reading and writing exam if there is no primary schools within a radius of 2 km from the working place in which the child works and the hypothesis of the only paragraph in Art. 427 does not apply. When the school is established, the law should be applied, as the above paragraphs prescribe (Diário Oficial, 1943, p. 11956).

In the 1940s, illiteracy reached one third of the people in Brazil for the 5 - 29 year old bracket and 67% of the total population. According to the 1940 census by the Instituto Brasileiro de Geografia e Estatística (IBGE), only 13,292,605 people, within this age bracket, out of a total of 34,796,665 inhabitants knew how to read and write (IBGE, 1950). Data

from the same census revealed not only extensive illiteracy but deep schooling inequality too.

## **Final Considerations**

International and national debates on the regulation of child labor complemented the social demands of the period, or rather, protecting children from exploitation, without removing them from the labor environment and, at the same time, somewhat providing for their schooling. One should also note that during the period under analysis there was a constant updating of laws at the international and national levels which indicated the non-compliance of the laws. In spite of the contradictions in the legislation, new conditions were emerging.

When one investigates the historical process on the contestation of child labor associated on the schools as the child's true place, one may perceive the deep structural changes in society and the emergence of new values and sensitiveness related to the understanding of children's position within the generation chain. If within a long historical period child labor was basic for family earnings, this fact started to be problematized with regard to its dimension and its consequences, as from the Industrial Revolution. At the same time, schooling became an investment for the future. The manner such a novel condition established itself for whole populations proved to be extremely irregular. The proliferation of debates on the need for the regulation of child labor coupled to school attendance, even though the latter was not always done, proves the thesis. Indeed, different factors were implied.

In the organization of constitutional states since the end of the 18th century, the rights of the citizen had to cope with the paradox of unequal access to civil and political rights, among which may be mentioned the right to schooling. On the other hand, the internationalization of discussions on child labor revealed the dual and contradictory dynamics of the industrialized nations. The interests of national entrepreneurs for the international control of the labor market were defended and, at the same time, the universal and humanitarian arguments on the protection children's life were reinforced.

However, if the consolidation of capitalist industrial economy, with all its scientific and technological progress, homogenized the life quality of several social groups, on the other hand, the new theme of social exploitation emerged and mobilized men and women in their struggle for

equal life conditions, with the proliferation of denunciations of child labor and the right to schooling.

Cultural changes developed by the bourgeoisie elite during the civilizing process introduced new values in family organization and children started to occupy the domestic and social scene (Zelizer, 1994). On the other hand, changes in the parent-child relationship within a more affective direction affected decisively the sensitivity of Western peoples, not without great tensions and contradictions (Elias, 1998). Within the same historical context, several situations occurred that involved distinct understanding on the child's familial and social function: the sacralization of middle class children, intensification of labor by poor children and the problematization of the use of child labor and the unequal access to schooling. One may also note the historical trend for the prevalence of moral and educational defense of child labor to the detriment of economic justification.

As previously mentioned, the activities directed towards the regulation of child labor produced different arguments even though foregrounded on a common premise: the need for schooling. School comprehensiveness for all children was a basic social and political demand for the organization of nations and industrial societies of the 19<sup>th</sup> century. However, the compliance with such demand was done in an unjust way. The same argument for social inclusion of poor children by 'honorable work' excluded them from the possibility of any inclusion by knowledge. They had to face the difficulties to conciliate work and study. It also shows the different manners children experienced their childhood.

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