

The historical review of the legal reforms of the Russian and South Ossetian systems of education

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Abstract. The author of the article identifies the peculiarities of the state and legal regulation of the system of education in the certain historic period using the system analysis of the Russian normative acts and taking into consideration the opinions of different Russian scientists. The chronological frameworks of the article include the period from the end of the XVII century prior to 2013. The issues of the educational system development in South Ossetia are considered in the historical retrospective. The results of the scientific research are aimed at developing approaches to improve the legislation regulating the systems of education in the Russian Federation and the Republic of South Ossetia by using the drawn conclusions.

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Introduction

The legal reforms of the system of education have always been and will always be caused by political and economic purposes. The subject of the research is the genesis of the system of education formation reflected in the legislative acts. Having looked through the normative acts in the Russian education for more than a 300-year's history, it is possible to follow tendencies and succession of the theoretical and legal structures of the fundamental provisions in education.

The first legal school reforms are assumed to be carried out by Peter the Great [1] and aimed at secular school founding first of all.

In Russia before Peter the Great the main task of school classes was to achieve religious and moral goals and it was run by the ecclesiastical authorities. During Fyodar Alexeevich's last days a project of higher school or academy was developed according to which it was planned to build the temple in the form of academy in which all sciences licit by the church should be taught.

However only a hundred years later in the beginning of the XIX century the tasks of the public education were identified clearly: secular education should be finally separated from the religious and moral enlightenment and in its turn it should be divided into two independent spheres – general and vocational education. The formation of the general education system and its primary and secondary degrees (levels) had passed the long way.

Literate, thinking, professional specialists were necessary to realize grand projects of Russia's modernization started by Peter I. In the beginning of the XVIII century state-run schools appeared in Russia. The School of Navigation and Maths was

opened in Moscow, its syllabus compassed arithmetic, geometry, navigation, geography, marine filming. Then the School of Engineering and Artillery, the School of Engineering, Surgical School in Moscow and Medical School in St. Petersburg began to enroll students. In the Set of Rules to the Chief Magistrate it was said about the school establishment that this venture was necessary and blessing.

Gradually in the first half of the XVIII century the principles of enlightenment were established which then formed the basis of the public education legislation and a lot of normative acts were designed to overcome these principles in the XIX and the beginning of the XX centuries. Since the nation needed specialists little attention was given to the general education and that led, for example, to the situation when there were hardly students enough to be enrolled in the founded later universities. The vocational education in the historic period from Peter the Great to Catherine the Great "was saturated with class spirit" and "was intended to satisfy urgent practical needs of different departments: ecclesiastic, military, marine, mining and medical" [2].

The Academy of Sciences with its university and gymnasium established in 1726 certainly was a new tool to solve the enlightenment issues and build the system of education.

An important phase in the educational system formation is connected with the reign of Catherine the Great. Her plans influenced by the philosophy of enlightenment were grandiose and as a matter of fact met the enlightenment tasks to raise in school not only a specialist but a worthy man and a citizen, to involve women in education. In the published "Tracing about completion of the Commission about drawing up the project of new kind" three types of educational

institutions, i.e. lower, secondary and higher, were mentioned. In May 1768 “The Commission about schools and those who require care” was set up at the Grand Assembly. The legislative act regulating education to some extent was “The institution for the ruling of provinces of the Russian Empire”. We can say now, that the idea to impose the duties of primary education establishment on the local self-governing bodies became commonplace for the subsequent centuries. It was prescribed to the Orders of social care to found in all settlements primary schools to teach reading, writing, arithmetic. However, according to S.V. Rozhdestvensky all these prescriptions “... remained a dead letter, because the Orders had neither funds nor teachers nor school premises nor school management available” [3].

The following normative acts on the way to the system of education formation in Russia were the Decree of 17 September, 1782 that approved the Plan of public school establishing in the Russian Empire, and worked out by this Commission the Charter of public schools of 5 August, 1786. The public schools by the Charter were divided into two categories: main and minor [4]. Meanwhile there was a tendency to the succession of the levels of education. So, the main schools opened in every provincial town prepared the teaching staff for the minor schools. The Charter defined the rules of pupils' behavior, introduced the class-lesson order, obliged the main schools to have a library and classrooms with tutorials on natural sciences. The highest control over the schools was mandated to the Governor-General who became their trustee and ought to look after them. The orders of social care should raise funds for school maintenance, school premises and their arrangement. In 1782 according to statistics there were 8 schools and in 1802 there were 315.

Due to the Russian socio-economic development the legal reform of education in the end of the XVIII century was caused by the need in educated and literate people. Only at present we can say that the system of enlightenment in Russia was set up, though not in full.

The educational reform of the Emperor Alexander II was connected to the reorganizations in the administrative management. According to the Manifest about the establishment of the Ministries of 8 September, 1802 the Ministry of public education was founded among other governing agencies for the first time. On the 24 of January, 1803 “The preliminary rules of public education” were approved which established the primary conditions of the new educational system. The system was based on the idea of the comprehensive (general) school. The educational institutions were divided into four ranks: parochial schools (tserkovno-prikhodskie shkoly),

provincial schools or gymnasiums (grammar schools), universities. All the schools were in successive position, the curriculums of the lower rank schools gave the ground to enter the higher rank schools including the university. The role of the universities increased, according to the Rules they became the center of education in the districts up to the supervision of the provincial gymnasiums.

The legal regulation of the higher education in Russia also has long and difficult history. The second half of the XVIII century (from the Moscow University Charter of 12 January, 1755 to the Charter of the educational institutions submitted to the University of 1804) was just a period of the university education formation. Initially the structure of the Moscow University reflected the level of the scientific development in that period and included ten chairs and three faculties – law, medical and philosophy ones. There were not enough either domestic professors or students. That's why 1804 (the year of the University Charter approval) is considered by many researchers the initial date of the university education system formation [5].

The main principle of the higher university education established by the Charter is the regime of academic freedom. The German system of university autonomy was introduced in Russia in general: the elected positions of rector and dean, the inspector's appointment by-election, council of ordinary and honored professors, the professors' appointment by-election at the council, improvement at the council teaching plans at faculties, the scientific attestation of candidates, masters and doctors. The academic freedom assumed the right to independent research, teaching, non-interference into the university's life by the state, financial self-sufficiency. More over, different authors note that in spite of German universities' influence the idea of academic freedom founded in the Charter of 1804 was not just a mechanical copying and due to the Charter was practically realized a little earlier than in the best German universities [6].

The reform of 1803-1804 created the system of education without ethnic, class or religious distinctions. But it was impossible to keep to the system in practice. Various local conditions caused changes in the types of schools, curriculums. Most of all these conditions, of course, affected the education in the provincial territories of the Russian Empire with their specific mode of life and social structure, culture and other peculiarities.

Ossetia's joining the Russian Empire in that period had undoubtedly the most important meaning for appearance of the first centers of education for Southern Ossetians. This historical fact positively affected the development of schools and pedagogic

thought on the whole. The problems of school education in South Ossetia covered the lack of qualified Russian and Ossetian speaking teachers in schools, the shortage of textbooks and tutorials, absence of textbooks written in the native language, poor training facilities [7].

In 1828 the Committee of the educational institutions' arrangement accepted new "Charter of gymnasiums and parochial schools included in the department of St. Petersburg, Moscow, Kazan and Kharkov universities". The succession between the stages of education was broken, nobody could get education beyond their estate. In one-year parish schools (prikhodskie uchilishcha) children were taught God's law, reading of secular and church books, calligraphy and arithmetic. Three-year county schools (uezdnie uchilishcha) usually accepted children of merchants and artisans. Gymnasiums (grammar schools) according to their Charter had to give education to those young people who were not going to continue their education in universities and were established mainly to raise noblemen and officials. The total training period in gymnasiums was seven years.

When Nicolay I came to the throne according to historian S.M. Soloviev's opinion "the enlightenment has stopped to be a merit and has become a crime in the government's eyes; the universities have been subjected to disgrace" [8]. This tendency was expressed in the general Charter of imperial Russian universities of 1835. Universities lost their self-governance and several privileges. The earlier established system of education headed by university was destroyed and all the educational institutions submitted to the county trustee. The inspector (from military of civil servants) who kept an eye at the pupils' moral was introduced into the university staff.

The next reform of education was carried out in the 60s of the 19th century and was expressed in such normative acts as "The general Charter of the imperial Russian universities" of 1863, "The Provision on primary public schools" of 14 July 1864, "The Charter of gymnasiums and progymnasiums of the Ministry of public education department" of 19 November, 1864. The modernization was connected with Alexander II's economic reforms. The system of education in that period of time represented a division of general educational institutions into public schools, progymnasiums and gymnasiums. The latter in their turn were divided into classical, semi-classical and real gymnasiums. Each type of gymnasiums fulfilled the functions assigned. Teachers were independent in teaching process and had the right to make up their own programs. The pedagogical council which included tutors could also choose textbooks and

tutorials, approved by the Ministry of public education. The wide socio-pedagogical movement started to be involved in the problems of the education system; the educational issues were being discussed in the press, in pedagogical journals "Teacher", "Pedagogical digest" and others.

As it is well known, in Russia the discussion of a question of literacy and reading distribution among country and urban population gained special sharpness in post-reform time, and since 70th years for its decision the most various events were held from zemstvos, various governmental, church and secular organizations, and also individuals: different devices of elementary schools, including private house and Sunday schools for simple people, creation of national libraries, reading rooms and book warehouses, carrying out public readings, the edition of cheap books, specially for the people, collecting materials and carrying out researches about literacy and reading public among the people, etc. [9].

In the 80 years after the development of the publishing house "Mediator" were taken successful attempts to replace the massively entertaining literature for students from peasant families works by such authors as Pushkin, Gogol, Tolstoy, Dostoevsky, and others [10].

In the 60s simultaneously with the growth of parish schools in South Ossetia there was an improvement in the children's teaching, as the specialists in the history of school education note. Reading and writing in both Russian and native languages, the Sacred history, arithmetic were included in the curriculum. The first secular school in South Ossetia was opened in Tskhinvali in 1881.

The parochial schools were the most common in the mountainous part of South Ossetia up to the October Revolution of 1917, because the priests often were the only ones who disseminate knowledge among ordinary people. The urban and rural population preferred schools of Directorate of public schools of the Caucasus educational district, there also were vocational and real specialized schools, medical and pedagogical courses.

The general Charter of the imperial Russian universities of 18 June, 1863 improved the universities' situation and recognized them as centers of science. The university self-governance was revived; and the role of a self-governance body played the council electing rector, vice-rector, professors and dividing the faculties into departments. The Charter was quite a compromise. It, of course, didn't state the principle of complete freedom in teaching and learning but, however, it accepted independence in curriculums, let universities publish periodic works by themselves, and, most of all, it gave the universities the financial independence up to the

right to acquire buildings in their ownership and exemption of city taxes.

Two dates, one didactic idea. In 1868 the Director of the Moscow Imperial Technical School, Victor Karlowich Della-Vos, inventor of the 'sequential method', uttered these remarkable sentiments. In 1873 this learning model was presented at the World Exhibition in Vienna and soon spread among Europe's training centres. A century later, in 1973, the German Federal Institute for Vocational Training launched its first elementary metal training course, which was structured exactly along the lines of this pattern. In 2003, 130 years after this essay was written, several hundred courses across Europe evidently adhere to the principles expounded in 1868 [11].

That's why on the general background of relative independence of the higher education system in Russia the regular attack at the university autonomy, fixed in the new General Charter of the imperial Russian universities of 1884, was strongly criticized by the society and caused the public dissatisfaction. The Charter was a contradictory document. On the one hand, it established the university as a state institution with centralized power and limitations in the eligibility and collegiality management in the form of Council but, on the other hand, it had a number of rules about teaching and learning freedom.

Normative regulation of the state-run educational system which had been formed by the beginning of the XX century in Russia reflected the political tendencies.

In the Soviet period the legislative regulation of the system of education was represented by a number of normative and legislative acts, included such fundamental acts as Provision of the Council of People's Commissars (Soviet narodnykh kommissarov) of the Russian SFSR of 18 June, 1918 "About the organization of public education in the Russian SFSR (RSFSR)", the Law "About strengthening of the connection between the school and life and further development of the public education system in the USSR" of 24 December, 1958, "The basics of the public education legislation of the USSR and Soviet republics" of 19 July, 1973.

The single system of the public education reflected various governmental purposes. So, after the Revolution in 1917 two stages of school with five-year training period at the first stage and four-year training period at the second one were established in order to realize the compulsory schooling.

The Reform of 1958 had many positive moments [12]: the competitive admittance to the higher educational institutions, the foundation of a new type of educational institutions in the form of

vocational and technical schools, the more democratic administrative system.

For the development of the public education legislation system the Norms of USSR Constitution of 1977, formulating of the secondary education tasks, the development of distance learning and evening classes, creating conditions for self-education were important.

From the former USSR Russia has inherited a vast and advanced system of education both in quantity and quality. Over the post-reform period nation's academic community has done much not only to maintain the best in the system of education, passed over to us by many preceding generations of educationalists, but update it according to the growth needs, present-day requirements and future prospects [13].

With the new stage of Russia's development the educational reforms were carried out regularly and were reflected in a number of normative acts, in the Education Law of 10 July, 1992 and the Higher and Post-graduate Vocational Education Federal Law of 1996 with a lot of amendments and additions. What used to be a centralised and unified system of education is gradually being replaced by a system that tries to accommodate the diverse interests of students, the academic community and employers to a larger extent by allowing greater academic freedom and institutional autonomy [14, 15, 16 and 17].

In this period the legal regulation of the Russian Federation and the Republic of South Ossetia, including the legislation in the sphere of education, due to the historical and political events were developing independently.

The Russian system of education is being actively reformed now. In the modern legal state education must have profound normative and legal framework, detailed legislative regulation of the relationships in the educational sphere. Since the 1st of September, 2013 the system of education in the Russian Federation by the Federal Education Law has encompassed federal educational standards and federal requirements, educational standards, educational programs of different kinds, levels or directivity; agencies performing the educational activity; pedagogical workers, pupils and minor pupils' parents (or their legal representatives); federal agencies and public authorities of the Russian Federation subjects performing official administration in the sphere of education, and local governments controlling education, advisory and other bodies founded by it; agencies providing educational activity and the education quality assessment; associations of entities; employers and their associations; public associations acting in the sphere of education [18 and 19].

When the Republic of South Ossetia had entered the international level the problem of integration of its educational system into the Russian and international educational area became very actual.

The education in the Republic of South Ossetia is one of the first-priority governmental interests. The nation's future, its economic development, the social welfare, national and international security largely depend on the condition of the educational system.

Legal regulation of the relationships in the sphere of education in the legal system of the Republic of South Ossetia is represented by the following levels: the Constitution of the Republic of South Ossetia; widely accepted principles and norms of the international law; the laws of the Republic of South Ossetia; by-laws; acts passed by educational institutions (local).

According to the Article 28 of the Constitution of the Republic of South Ossetia each person has the right to education and the right to choose how to receive it. The general education is compulsory. Parents or those who replace them ensure that children receive general education. Different forms of education and self-education are supported in the Republic of South Ossetia.

In 2013 an agreement about cooperation in the sphere of education was made between the Ministry of Education and Science of the Russian Federation and the Ministry of Education and Science of the Republic of South Ossetia. According to the Agreement (Article 9) the Russian party provides every kind of assistance to the South Ossetian party in order to improve the educational legislation of the Republic of South Ossetia.

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