



A Soft Prison Called Compulsory School Time

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Abstract

This article attempts to reflect on school time as a paradoxical moment of realization of a right (that of education and upbringing) and de facto negation of other intangible and yet essential rights (the right to play, to the construction of an authentic identity, to self-fulfilment, to freedom). Starting from a provocative, hyperbolic question that could be dismissed as utopian and academically irrelevant: «Can compulsory school time be considered a potential *soft crime*?», this paper tries to delve into technical and functional aspects of school organization to analyse the potential and shortcomings of *en-situation* school time, trying to account for the complex dynamic interferences that link functional the normality of the flattening-demotivation of the learners binomial, homologation, social mobility and ordering control. In particular, while citing virtuous and vicious examples of school time taken from realities distant in geographical space or the result of a historical moment other than the current one, this paper focuses on Italy as a case study, with particular reference to the school segment of Kindergarten and some hints relating to primary and lower secondary school - the latter being configured as a weak segment par excellence. Finally, the examination of some legislative measures (in particular Law 53/2003 and Legislative Decree No. 262 of 29 December 2007) will highlight a key problem of school time, namely the split between two moments (infant, primary and middle school on the one hand, upper secondary schools on the other) which is also a split between two modalities, which translates into an opposition between school understood as a social service in the first phase and academia or early professionalization in the second one. A split perpetrated in violation of the healthy principles of didactic continuity and which finds questionable counterweights in the exceptionality of the competition-excellence binomial and in the normality of the flattening-demotivation of the learner's binomial.

Keywords: *School; Time; Law; Society; Social Mobility.*

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1. Introduction: The birth of a school for all, between historical materialism and the mythologization of Wisdom

History is a teacher, and even a radically functional analysis of social phenomena is not exhaustive if it is not measured against it. We live in times of profound desymbolization and dehistoricization, yet it seems useful to me to have recourse to the past to understand the school phenomenon in its contingent unfolding. To begin with, we must consider a fact: school, as we know it today has not always existed, it is a relatively recent phenomenon, and only in the last little more than a century has it become a right. For long centuries, the school was not an expression of state power, nor a generalist institution fueled by an inclusive drive oriented towards large numbers. On the contrary, in the past, the "schools" were, like the artisan workshops, exclusive and exclusive places of apprenticeship and learning reserved for a select few. Famous, in classical antiquity, is the long period of silence imposed on the aspiring students of the Pythagorean one; They had to prove, by observing five years of abstinence from the Logos, that they deserved access to knowledge. Meritocracy, which in the rationalization of contemporary law unravels in fieri, or in its worst drifts is formalized in the posthumous crowning of certifications, in the past was a prerequisite and *conditio sine qua non* for access to knowledge itself. What the progressive thought of the second half of the twentieth century imputes to the systemic responsibility of the State as a guarantor of equal opportunities, lashing out against failures, the limited number of access to some faculties, and in regulatory practices going so far as to erode and redesign times and limits for carrying out exams for learners in difficulty, in the past was imputed to the individual, to his will and personal ability to "deserve" access to knowledge. Education, which in today's school in crisis requires recourse to stratagems of ludification of knowledge capable of motivating learning, in the past was an epic initiation, it was something that was opted for, almost always by birth, rarely by nature, accepting a load of responsibilities and duties, before a right. Knowledge, wisdom, study, were not the prerogative of everyone and there was no lack of referees, as evidenced by memorable pages of anthropology and literature – I am thinking in particular of Margaret Mead, in the famous *Continuities in cultural evolution*, and of the character of Julien Sorel in Stendhal's novel *Le Rouge et le Noir*. Mead's anthropological study of the North American Indians, whose sons always had initiatory visions that heralded suitability, unlike the children of the common inhabitants, who were never able to dream of the right thing and to deserve an improvement in their social position in the group, as well as many revolts and the many historiographical testimonies of protests against the brotherhoods of trades and professions, they show how the interests of a few individuals or small groups are also well delineated along a dynastic or at least familist line, which in part has vitiated meritocracy ab origine. But in spite of the latent sonocracy from which the West has been affected since the beginning, in epics, in chivalric literature and not only, up to the sects and Masonic organizations, there has been taking shape over the centuries, with all the diversions of the case, an almost systematic mythologization of true wisdom, or true science, even philosopher's stone and Holy Grail, in the rivulets of alchemy and faith. Those who were able to distinguish themselves, accessed, and the distinction moved the functional gears of formation today moved by inclusion and functional indistinctness, also known as equality and fueled by a fuel called the right to educational success - only to then clash with pockets of distinction determined through the mediation of differentiated and differentiating conditionings, linked to the different conditions of existence (through the mediation, as Bourdieu explains well, of exclusions and inclusions, unions given by pacts



or marriages, and divisions such as struggles or ruptures, which define the operation of the social structure through the filters of hierarchies and classifications inscribed in institutions and cultural products, and even in language itself). The rhetoric of the right to educational success has the paradoxical effect of creating a semblance of egalitarianism, but in the daily interactions it produces it only amplifies an internalization of the social order, of which it exacerbates the sense of limit by producing the experience, the sense of one's place, which perpetrates, in the paradox perception-oblivion of the limit, a substantial block of social mobility. Thus, just as school is preached as a right, this right is exhausted in attendance and certification of skills, while the relations of domination remain substantially intact, only the criteria on the basis of which, from time to time, fractions or groups believe they must access the dominant position change: intellectuals, entrepreneurs, military, influencers. Power is coveted more than knowledge, and the mythologization of the true science of the past is revisited as the mystique of indispensable information, of last-minute technology; it is a trivial mysticism of a wisdom that one wants to possess as a viaticum towards power, therefore towards domination over those who ignore that ultimate, avant-garde knowledge, the Damned Grail of post-modernity (think of digitization, financial dematerialization processes, ecc).

2. School time between functional diachronicities and social control: some reflections on the Italian education system as an exemplary case study.

In the struggle for the supremacy of the ruling classes, the school becomes an element of diversion and a stumbling block, if it fully realizes social mobility and becomes the keystone of authentic democracy. In a famous interview in 1982, Michel Foucault provocatively said: "Imagine what would happen if young people wanted to study with the same frenzy with which they crave to make love: rows and rows of young people would crowd the doors of the academies! It would be the social disaster!" Who would go to the factories? Who would serve under arms? Who would cultivate the land? The functional needs of a good social system are heterogeneous, if everyone was passionate about reading and studying, who would ever stay doing manual work? And even if everyone were willing, in a utopian hypothesis of ideal civilization, to study for half the day and work for the other half, with everyone participating, there would remain unresolved conflicts regarding the division of available resources. In all societies, sophisticated and primordial, as anthropology testifies and as Vincenzo Ferrari rightly points out, the problem of the scarcity of available resources is cardinal. Sometimes it is not scarcity in the absolute sense, since this perception of the idea of scarcity persists even in affluent societies. The real issue, in fact, is the division of these resources, and the modalities of priority and secondary access to them. And we are talking not only about fundamental resources

(water, a roof over one's head, food, heat), but, especially in Western advanced societies, about symbolic-cultural resources and comfort (luxury housing, in gentrified areas of urban areas, access to leisure and the possibility of taking care of one's psycho-physical well-being and aesthetics, cultural services, transport, entertainment, luxury clothing, accessories etc). If the resources of the first class are available in a smaller number than the totality of the social actors, it will be necessary to set up the mechanisms and rules that govern, in an acceptably coherent way, the methods of access. Not only that, it will also be necessary to build a hermeneutic of consensus that guarantees respect for the regulatory system adopted. The regulatory system will have to be cloaked in a legitimacy that can be perceived in an immediate way, given by criteria of evident common sense, equity, justice and possibly supported by a tradition of reference. In this sense, the school institution stands as the ideal place for what we could define as the social stratagem of access to resources and opportunities for actors, and the main ingredient turns out to be time. The great upheavals of the years 68/69 in the direction of opening up the education system to the masses were fueled by what emotional engine? From the feeling of social revenge, from the desire for improvement and ascent, from the somewhat humanist and slightly bourgeois myth of *homo faber fortunae suae*. In other words, from a glimmer that had leaked out, largely thanks to the spread of television, the superior lifestyles reserved for the country's professional elites, the doors of whose Eldorado opened thanks to access to university. But, again, what would have become of a nation in which everyone had decided to graduate? What would have become of mines, fishing boats, trains, factories, fields, waste? In order to guarantee the relative well-being of the upper classes, some had to be excluded, but in order to avoid a revolt of the proletarian masses, it was necessary to establish a general consensus with respect to the division of social roles and access to higher courses of study and profession. School for all, opportunity and right, thus also became a litmus test of a paradoxical legitimization of exclusion from the most coveted final goals in the name of generalized inclusion in the medium-low goals, i.e. the segments of basic schooling. Domestication to this process of legitimizing social distinction through education required a discipline of time and opportunity. On the alchemy of opportunity, it would be impossible to surpass the expressive effectiveness of Foucault, who in the same interview of 1982 says two very important things: that the teacher builds a relationship of power on the basis of the things that students manage to learn or not, triggering in the learners, and consequently in their families, a process of guilt (Thus every social actor who goes through school is led to say to himself: if I had known things better, if I had studied more, I would have had access to those opportunities that through my fault and my shortcomings are rightly denied to me); secondly, that authentic knowledge is inextricably linked to pleasure, so in the school conceived as a disciplinary system, knowledge is routinely presented, thanks to formalized gears in the programs and evaluation systems, as strongly grayed, not exciting, incapable of igniting the spark of the desire to know in the majority of learners, which prevents the triggering of that frenzy of knowledge that would constitute, as mentioned above, a social disaster- that is why another decisive ingredient is the system of voting, rewards and punishments, as well as the promise of future social



privileges and high wages, which kill the pleasure of knowledge ab origine. And as a culmination, Foucault adds that the diploma is a sanction that serves only to add a market value to knowledge, and allows all those who do not possess a diploma to believe that they are not capable of knowing; everyone who gets a diploma knows practically that it is useless in the strict sense, but it is all those who have not been able to obtain a diploma who give full meaning to the diploma itself; indeed, Foucault says that the diploma is made precisely for those who have not obtained it. That sense of guilt, or at least of inadequacy, will shift the attention of social actors from inequality, which persists in protecting a hierarchy of domination between various individuals and groups, to their own individual responsibility, guaranteeing an efficient and subtle social orthopaedics, which has emerged, volens nolens, as a system that keeps dreams, passions and any diversion at bay for the majority of individuals, while few are left to dare. The school time factor is not oriented in a different direction from this social orthopaedics, so much so that it conveys through precise choices in programs and textbooks a series of contents aimed at shaping a civic education that is indeed a noble discipline of community building but is also the glue of a disciplinary operation aimed at taming the masses; thus, the school calendar follows the rhythms of production in order to guarantee workers the possibility of entrusting their children to the school institution while busy at work. The extension of school time compared to full-time and the stretching of calendars (in forty years of schooling, from the beginning of October we ended up on September 1 and from the end of May to the beginning of July), together with the large numbers, has slowly transformed the school from an academy to a social service, leading to a split between kindergarten, primary and middle school as inclusive schools, certifications, and higher education institutions, which are more selective and suffer from a growing degree of early school leaving. The basic school, which should forge those preparatory skills for the further intellectual growth of the learners, is chronologically work oriented, so its times are not designed on the basis of the children's lines of development, on their resistance, on their needs: it is a school that is sacrificed and self-sacrificing, although ineffective in terms of the quality of education; it is a school that lasts too long and does not leave enough time for teachers and students to regenerate. In the early years, the long summer break allowed the birth of the pleasure of reading, the possibility of experiencing family, community, perhaps different places for the luckiest ones; And for the less fortunate, the emptiness of boredom acted as a springboard for imagination and creativity. In the contemporary school system, on the other hand, institutional and academic roles and political responsibility have been mixed up in the concrete streams of basic education, confusing and influencing each other in the worst

ways. Jane Austen would define most of the activities proposed to our learners as a long series of busy nothings: in fact, the pupils are busy, exhausted by homework, yet mediocre on large numbers. Is it a question of method? Is it the fault of the families of origin? Blame the cognitive limitations of some pupils or the listlessness of others? All plausible elements, but the main cause is the time factor, an underestimated pedagogical ingredient and constantly subordinated to a chronological functionalization that organizes the masses in a routine that does not contemplate free and liberating time and by disciplining and filling every interstice causes an oppressive regulatory pressure to loom that cultivates in teachers and students a sense of subjection rather than a liberating feeling thanks to the joy of school and be passionate about it. And since sometimes the best is the enemy of the good, in addition to the regulatory pressure set up by insiders, the voice of experts and families adds to engulfing this great disciplinary machine that is the school. Two regulatory moments, in these respects, appear to be decisive in the Italian panorama: on the one hand, the delegated decrees of 1974 and Legislative Decree no. 59 of 19 February 2004 ; on the other hand, Law 59/1997 and Law 127/1997. In the political-cultural climate of the early 1970s, with a purity of intent that was certainly more marked than in the early 2000s, school began to become that porous institution, increasingly open to the territory and less and less academic in the traditional sense, which, under the blows of interference from many sides, would experience the profound crisis that we are witnessing today. Legislative Decree no. 59 of 19 February 2004, issued on the basis of the reform provided for by the enabling law number 53, was inspired by the creation of an autonomous, high-quality school, in line with European parameters and capable of accommodating the vocations and expectations of pupils. All this by strengthening the role and participation of families and enhancing the commitment and professional skills of teachers. The attempt was to place individual educational institutions at the heart of the education and training system, leaving it to their organizational and didactic capacity to achieve the general objectives of the training process and specific learning objectives, through the personalization of study plans. Although the intentions announced were almost exhilarating, the excellent proved to be an enemy of the good in the application practice of the transition from the prescriptiveness of ministerial programs to the conscious and participatory adoption of national indications, whose characteristics of mandatory must relate only to the configuration of the learning objectives. In theory, this great shift should have enhanced the role of the autonomy of educational institutions, recognizing teachers' responsibility for choices that would enhance their professional profile. However, it has not been easy, and in fact the great territorial divisions revealed by the statistics confirm this, to ensure the maintenance of the unity of the national education system by ensuring the achievement of the essential levels of performance and the general and specific learning objectives envisaged. In fact, despite the fact that the management of this flexibility has been doubly regulated, also in accordance with the provisions of articles 4 and 5 of the Decree of the President of the Republic number 275 of 1999 on didactic and organizational autonomy, the excessive emphasis that in this context has taken on the tutorial function, as well as the emphasis on laboratory activity and on the process of



personalization of training interventions provided for the entire school career of each student, all this has in fact led to a general lowering of essential transversal skills; I am referring, in particular, to the hermeneutical-interpretative competence, a competence par excellence because it allows the elaboration and interpretation of texts and therefore structures the ability to study and the ability to learn tout court. In a school in which the great symphony of learning is continually fragmented by a re-discussion in the didactic pact between parental interference, special educational needs, individual learning difficulties and pressing planning, the Italian school turns out in the end to be a school of too much, a school jumbled up with small pieces and which seems to have lost its ability to return a harmonious mosaic as a whole. While we build the great skills that will bring us to Europe, we leave thousands of adolescents on the pavement who have suffered, also due to digitalization, and in the very last years of the pandemic, an exceptional impoverishment of their semantic and lexical competence, and find it difficult to understand even simple texts. And the great experts in pedagogy, all the technical figures who in recent years have been legitimized in various ways and ways to medicalize, suggest, and comment on the institution of the school constitute further syncopations that disturb the concert of knowledge. If it is true, in fact, that ministerial program in a constantly changing society cannot be excessively rigid, it is also true that in the schools of the past they constituted, in a sort of normative hierarchy. Now, however, the amount of solicitations coming from below from the territory, from families, from technicians, from the micro-legislative inflation of the administrative streams is so cumbersome as to make it very difficult to preserve the unity of a "school of the Italian nation". In other contexts, numerous minds have been devoted to recounting the uselessness and limits of sovereignism in an increasingly globalized world, but do we really want to make it impossible for an Italian school as a whole to continue to exist? It is not a patriotic issue, as in the school told by Edmondo De Amicis, it is a question of returning a school product whose quality is more or less homogeneous and consistent throughout the country. Otherwise, in the name of theoretical freedom and with the best of intentions, a scholastic path will be built that will proceed at different speeds, exasperating those territorial differences that it should combat. And the anxiety of quantitative measurements to chase global standards will not drive local dimensions as much as it will push global nihilism... Notes for a disaster, in short! A disaster that, from a socio-juridical point of view, is supported by a regulatory and cultural management of the time factor that is too accelerated and work-oriented, to the detriment of the integral construction of the person.

3. Conclusions: Law 53/2003 and Legislative Decree No. 262 of 29 December 2007

I would like to conclude this paper with some reflections on Law 53/2003 and Legislative Decree number 262 of 29 December 2007. A superficial analysis, for reasons of space, of these two norms, I believe can make it clear what I intended to emphasize in the conclusion of the previous paragraph from a sociological-legal point of view, with respect to the time factor. First of all, through Law 53/2003 there is a fundamental decline in the school time of each pupil in a utilitarian direction. First of all, it defines early schooling, which could also be part of those indirect welfare measures for families that are so necessary (even if a serious welfare should have an impact on contractual reforms and labor law, for example by increasing the holidays for parents until their children reach the twelfth year of life – giving them more time to be parents, instead of extending the homologating institutional buffers, such as school services, but this is the subject of further analysis which is not appropriate here); in reality, early school education represents an acceleration of the socialization and regulation of early childhood, already with the anxiety of forming future citizens, obviously global. Secondly, Article 4 of Law 53/2003 contains a legislative delegation concerning the alternation between school and work, which, despite theoretical readings in the direction of expendability and operability of knowledge, in reality has to do first and foremost with a saving of training time, with an anticipation of the entry of young people into the world of production and work and with a de facto limitation of the free time dedicated to training- the fact that it has not been reserved for technical institutes, where perhaps it would have a more legitimate reason to exist, but has been extended to high schools, which are under attack also thanks to the continuous attempts to shorten and accelerate them to four years instead of five, inflicts a deep wound on that conception of high school that was supposed to give the very young time to discover and experiment with talents, conceiving thoughts, cultivating doubts: a fruitful time precisely because of its gratuitousness, that would have enriched them with a theoretical baggage that does not constitute a burden, but an existential opportunity. Free time, not socially disciplined and emancipated from regulatory pressures functional to the mechanisms of production, is the time of being totally, fully human. On the other hand, also thanks to the climate of perpetual crisis that constantly presses actors and institutions, the time of reflection and the time of patience of the seed in the furrow, which the traditional school for many ways cultivated, it remained a luxury that was less and less granted to young people, who must be channelled and must get used early to a socially oriented chronology, whose use is legitimate only if it is productive, finalized, regulated. Even the use of time made by Law 53/2003, through the establishment of the Recovery and Development of Learning Laboratories, makes us think: the vast majority of interventions are calibrated on remedial interventions, while the share of time allocated to the development of learning is negligible. This means, in fact, that educational and didactic planning, on large numbers, neglects to adequately consider students as particularly brilliant, towards levelling down the overall level of teaching. The promotion of excellence remains only a scrap of time, while the school as a whole is managed as an



inclusive service. In the past, Legislative Decree No. 262 of 29 December 2007, entitled "Provisions to encourage the excellence of students in educational paths", had tried to prepare for the promotion of excellence, but with a time limit: the incentive paths extend exclusively to the higher education segment, i.e. belatedly, without affecting the mediocre and downwardly levelled character of the basic school segments. In addition, the identification of excellence takes place through comparison procedures within national and international competitions, building a competition-excellence binomial that is questionable in terms of the individual development of learners. As Foucault feared, competition and the market for certifications and the consequent acquisition of training credits commodify the school system. Those who reach the higher levels of education, and up to university, will access excellence through increasingly sophisticated and competitive mechanisms of exclusion, while compulsory schooling unfolds as a total institution wrapped in an invisible cage, that of a meekly oriented and disciplined time.

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