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## The Democratic Management of the Public School in Contexts of Local Educational Reforms: A Comparative Study between Brazil and Spain<sup>1</sup>

*Neusa Chaves Batista*

Federal University of Rio Grande do Sul  
Brazil  
&

*Miguel A. Pereyra*

University of Granada  
Spain

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**Abstract:** Democratic management as a way of organizing the public school can be translated in its contemporary historicity as a collective action that demands changes in the autocratic and hierarchical structure of the school unit. In this article, we analyze the process of constructing legislation on democratic school management in contexts of local educational reforms, based on Brazilian and Spanish cases. Methodologically, we understand educational legislation as documents that incorporate discourses with legitimate authority, especially of the State, and that spread conceptions of the world as a result of disputes over hegemony in the field of

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educational policies. In terms of results, our study points out that throughout the process of producing legislation for the democratic management of schools, the two countries showed advances and setbacks regarding the specification of the school actors who should participate in decision-making processes, as well as the instances of participation in school management.

**Keywords:** Democratic Management; Public School; Educational Reforms; Educational Legislation; Comparative Education

### **A gestão democrática da escola pública em contextos de reformas educacionais locais: Estudo comparado entre Brasil e Espanha**

**Resumo:** A gestão democrática, como modo de organização da escola pública, pode ser traduzida, em sua historicidade contemporânea, como uma ação coletiva que exige mudanças na estrutura autocrática e hierárquica da unidade escolar. Neste artigo analisamos o processo de construção da legislação sobre gestão escolar democrática em contextos de reformas educacionais locais, tomando por base os casos brasileiro e espanhol. Metodologicamente, entendemos a legislação educacional como documentos que incorporam discursos revestidos de autoridade legítima, especialmente de Estado, que difundem concepções de mundo fruto de disputas por hegemonia no campo das políticas educacionais. Em termos de resultados, nosso estudo aponta que, ao longo do processo de produção de legislação para a gestão escolar democrática, os dois países que investigamos apresentam avanços e recuos em relação tanto à especificação dos atores escolares que deveriam participar nos processos de tomada de decisões sobre as questões escolares, quanto sobre quais seriam as instâncias de participação na gestão escolar.

**Palavras-chave:** Gestão Democrática; Escola Pública; Reformas Educacionais; Legislação Educacional; Educação Comparada

### **La gestión democrática de la escuela pública en contextos de reformas educativas locales: Estudio comparado entre Brasil y España**

**Resumen:** La gestión democrática, como modo de organización de la escuela pública puede ser traducida, en su historicidad contemporánea, como una acción colectiva que exige cambios en la estructura autocrática y jerárquica de la unidad escolar. Este artículo analiza el proceso de construcción de la legislación sobre gestión escolar democrática en contextos de reformas educativas locales, tomando como base los casos brasileño y español. Metodológicamente, entiende la legislación educativa como documentos que incorporan discursos revestidos de autoridad legítima, especialmente de Estado, que difunden concepciones de mundo fruto de disputas por hegemonía en el campo de las políticas educativas. En términos de resultados el estudio apunta que, a lo largo del proceso de producción de legislación para la gestión escolar democrática, los dos países investigados presentan avances y retrocesos en relación tanto con la especificación de los actores escolares que deberían participar en los procesos de toma de decisiones sobre las cuestiones escolares cuanto sobre cuáles serían las instancias de participación en la gestión escolar.

**Palabras-clave:** Gestión Democrática; Escuela Pública; Reformas Educativas; Legislación Educativa; Educación Comparada

## Introduction

Social change processes require breaking social structures that, in modern and western society, relate to the transformations of institutions that produce norms of social conduct. Historically, the Northern European and North American tradition of Enlightenment included, in the notion of cosmopolitanism, the radical thesis on action, participation, and science as a project of emancipation of society, wherein the individual applies reason and rationality to control changes and ensure social progress and the respect for diversity, hospitality and compassion for “others” (Popkewitz, 2012a). In the context of building this “liberating” societal change project, Émile Durkheim (2008, 2011), in establishing the relationship between education and society in the late 19th century, considered that the school of the rising nation-State (mass school) should ensure that everyone was taught to abide by the same norms and share the same beliefs and values, promoting a social consensus to create a cohesive, balanced, action-centered and future-centered society. In the 1970s, Pierre Bourdieu (1998) criticizes this model of education, which, in capitalist societies, has been used for the cultural, economic and social reproduction of the bourgeois way of life. According to him, the fact that we understand the education system as a means of social mobility for all was probably due to an effect of cultural inertia resulted from the ideology of the “liberating school.” In contrast, the establishment of the modern western school has been one of the most effective factors of social conservation, since it gives the appearance of legitimacy to social inequalities and sanctions cultural heritage and the social gift treated as a natural gift.

In this article, we analyze a school policy that proposes changes in the organization and management of public schools, leading to the destabilization of the hierarchical and autocratic structures of the conservative school (Bourdieu, 1998), which is not receptive to these changes for trying to preserve its own teaching and learning structure of conflict resolution (Batista, 2010), with the aim of propagating the model of education for social conformity (Santos, 2009).

It consists in democratic management instituted as a principle for the organization of schools with public funds. By its very nature, democratic management requires the public school (mass school) to incorporate an organizational justice that is based on the empowerment of all school actors to, through discussions and arguments, include the recognition of differences, social inequalities and oppressions in its decisions, contesting hegemonies and opposing all forms of submission and symbolic or material violence reproduced in its space (Batista, 2018; Estêvão, 2001; Fraser, 2006).

Moreover, the principle of democratic school management corroborates Freire’s (1979) argument that public education is always a political act and, therefore, any dialogue developed within it cannot exclude conflict, under penalty of reinforcing the production of naive discourses and reproduction of the conservative and classist education system. In this sense, Popkewitz (2007) indicates that school pedagogy is political in that it shapes and creates conducts through different times and spaces about “what we are,” “what we should be,” as well as who is included and excluded from its normalized spaces. Apple (2017), in analyzing the power of change of school education at a time when right-wing movements use public education as part of a radical reconstruction of the priorities of capitalist society, infers that change “depends on many, great and continuous efforts made by many people.”

The new mode of organization of the public school, of horizontal decision-making, does not follow a linear path; on the contrary, it is marked by the historical, political, social and cultural contexts of each society that implements it with the intention of promoting changes in school practices. Indeed, the public school’s democratic management policy is linked to the process of construction of the right to education as a prerogative of national States, as well as to the

representation of social justice within local societies. Democratic school management does in fact reinforce real possibilities of educating for and through democracy and participation (Lima, 2018).

In this article, we assume that policies proposing changes in school practices occur under the diversity of contexts of national States. This analysis addresses the democratic management of public schools as a policy that requires changes in the organization and management of school units, implemented in Brazil and Spain. Both countries have a *corpus* of educational legislation that regulates the principle of democratic school management. Thus, for this study, we adopt as comparative analytical unit the legislation produced for the democratic management of the public school in both countries, considering their contexts of post-dictatorship educational reforms: in the case of Spain, since the 1978 Constitution, and, in the case of Brazil, since the 1988 Constitution. In this analysis, we seek to highlight how the legislation that emerges in the aforementioned period gives meaning to the participation of school actors in public school management, as well as the instances of participation.

Our approach focuses on understanding the process of construction of the democratic management of public schools within the legal institutional framework in Brazil and Spain, in order to highlight how it assimilates and distances itself from normative discourse. In this case, we understand normative discourse as the result of the correlations of local ideological forces characterized by disputes between different political projects, which, in turn, are understood as a set of beliefs, interests, world conceptions, representations of what life in society should be, guiding the political action of different subjects (Dagnino, Olvera, & Panfichi, 2006).

With this reference, we methodologically undertake a critical analysis of discourse (Bourdieu, 1996; Fairclough, 2016; Orlandi, 2015) that aims to understand how a symbolic object, the text of law, produces meanings for the management of the democratic public school, considering that the political and linguistic spheres interrelate in the constitution of subjects and in the production of meaning, which are ideologically marked (Orlandi, 2015).

Therefore, in this study, educational legislation is seen as documents that incorporate discourses with legitimate authority, especially of the State, propagating world conceptions resulting from disputes for hegemony in the field of educational policies (Bourdieu, 1996; Fairclough, 2016). Legislation as text is the result of a context of multiple influences symbolized by power relations and, therefore, gives rise to interpretations and reinterpretations when materialized as programs, projects and policies in the context of practice, consequently generating different meanings and senses for the same term (Ball, 1994; Orlandi, 2015). We evidenced this fact in the case of democratic school management as, though social, the meanings and senses assigned to the words come into dispute within broader struggles, since the particular structures of word-word relations and sense-word relations are forms of hegemony (Fairclough, 2016). Thus, we used the method of comparative case studies (Barlett & Vavrus, 2017) to compare Brazil and Spain from the perspective of the study of historical and contemporary processes that produced and produce meanings and senses of place, purpose and social identity, considering each national State as a unity in local and global diversity. We contrasted one case with the other by analyzing actors, documents and influences, ranging from global (international) to local (national), as well as the historical materiality of each country since their post-military dictatorship Constitutions. This choice reflects Beech's (2012) observation that in comparative education, as intellectual field, there is need to create new conceptual apparatuses to understand the circulation of ideas about education in today's world, and how this circulation affects educational practices in different contexts.

The textual organization of this article includes this introduction as the first section. In the second section, we have inserted a discussion on comparative education in relation to local educational reforms and a globally-oriented educational agenda. To this end, by reviewing the literature, we refer to the historical perspective of the emergence of comparative education and its

close relationship with the production of policies and local educational reforms, to then point out its reconfigurations in the current context of capitalist societies. In the third section, we show the results of the comparative study between Brazil and Spain, focusing on the educational legislation produced in both countries' post-military dictatorship periods, starting with their respective Constitutions. In the fourth and last section, we present the final considerations, resuming the central arguments of the article to give them a reflexive treatment of conclusive nature.

### **A Critical Discussion on Comparative Education: Epistemological Implications in Relation to Local Educational Reforms and the Global Educational Agenda**

We begin this section by reinforcing Dale's (2002) argument that comparative education scholars should recognize that different countries respond in different ways to similar educational problems. Moreover, it should be noted that comparative education as a field of study emerged as a consequence of the establishment of national education systems (Mattheou, 2012; Welch, 2002), this association being a historical relationship that refers to the political, economic, social and cultural context of western European society and its intention of instituting a universal education system<sup>2</sup> (Souza & Batista, 2017), based on a cosmopolitan rationality that incorporated comparative classifications to order phenomena and people, recognizing and differentiating the so-called "others" (Popkewitz, 2012a).

From a historical point of view, the paradigm of comparative education, as an academic discourse and one of the epistemological bases for the constitution of a standard of human being (the cosmopolitan "man"), to be educated by a universal education system, emerges in a context of double revolution, industrial and political, which took place in the West between the 18th and 19th centuries. The ideas that mobilized the actions that created this education system were directly related to three dimensions that were fundamental to the emergence of a new way of living and thinking about society in the western world: the first concerns Enlightenment, a scientific revolution dominated by the natural and physical sciences that, in the 19th century, extend to the emerging social sciences and to the idea of social progress associated with this scientific rationality; the second concerns the delineation of social identities correlated with the construction of a national citizenship resulted from the birth of nation-states; and the third concerns the emergence of the capitalist industrial mode of production, which requires a new social division of human labor (Dubet, 2011; Santos, 2004). It can be said that, in this context, the education system assumes the responsibility of addressing issues deemed as fundamental to the emerging modern western society, by disseminating scientific knowledge, training workers on the industrial mode of production, and educating citizens of the nation State in terms of constituting a national identity.

In this context, comparative education emerges from a general conviction that scientific methods could and should be applied to the study of human beings as social, physical, and natural phenomena. So did the early humanist comparative scholars<sup>3</sup> who, in the pretense of "humanizing"

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<sup>2</sup> According to Popkewitz (2012b), mass education was seen as essential to the production of individuals who materialized the nation's transcendental principles. The educational reforms in Brazil, Mexico, Colombia, and China in the early 20th-century, for example, included cultural theses about the reflection and participation of children that associated notions of salvation of individuals with the nation.

<sup>3</sup> The founders of the field, including M. Sadler, I. Kandel, and later N. Hans and R. Ulrich, approached the study of foreign education systems from a meliorist, holistic, and idealistic perspective, based on history and philosophy. They were convinced that ideas and ideals fundamentally influenced the actions of men and sought the intangible and impalpable spiritual and cultural forces that underlie an educational system and thus

the world through education, try to understand the dynamics of educational development, which would allow policymakers of the newly created national States to perfect the human condition through education systems (Kazamias, 2012; Mattheou, 2012). In the social sciences, Émile Durkheim, in the late 19th century, develops the sociological method, which creates rigorous scientific norms for the performance of comparative studies. In truth, Durkheim considered comparative sociology as identical to sociology itself, as it ceases to be purely descriptive and aspires to explain social facts (Durkheim, 2012).

In the 1960s, a paradigmatic change took place regarding the objectives of comparative education in response to the annihilation of fascism and Nazism after the war, which strengthened the notion that economic progress cannot take place without the multiplication of school qualifications (Haecth, 1992; Mattheou, 2012). In this new paradigm, the field of study maintained its ambitious premise of understanding and explaining the functioning of education and its relation to the wider social context, with the aim of improving society; in this perspective, the significant use of studies in comparative education to guide policy-makers and educational reforms within national States stands out. However, understanding and explaining should not be done based on the intuitive, cultivated, and sensitive mind of humanist comparative scholars, but on a scientific theory with solid foundations, comprehensive laws, and verifiable quantitative hypotheses that would support exhaustive empirical testing. Thus, the method proposed by Durkheim (2012) is reinforced by the current of structuralist functionalism, originated especially from the United States (Mattheou, 2012).

Given the above, more than a century later, comparative education is still associated with reforms and policies of education systems, but no longer necessarily committed to the functionality of their standardization processes (Souza & Batista, 2017, 2018). Throughout the 20th century, and in the present century, it integrates into its studies other theoretical and methodological approaches due to, on the one hand, changes in the scientific discourse itself, and, on the other, a combination of contextual factors. In the first situation, the scientific matrix based on structural functionalism, predominant since the 1960s, is challenged in the last quartile of the 20th century in relation to its capacity of addressing the complexity of causal connections in capitalist societies (Schriewer, 2009), the societal model of which is no longer restricted to the western world, but also penetrates the eastern world (Batista, 2010; Dale, 2002). Moreover, the conceptual assumptions of comparative education compete with the crisis of paradigms in the social sciences within an academic environment that questions the legitimacy of the dominant paradigm of science as the only instance of production of knowledge (Mattheou, 2012; Santos, 2004). In the second situation, comparative education is forced to broaden its approaches in a context of significant diffusion of the interest in international comparative research; impacts caused by ICTs; greater recognition of the cultural dimension of education, and; influence of globalization processes on all aspects of society and social policies worldwide (Bray, Adamson, & Mason, 2015).

Given these epistemological and contextual developments, the 1990s constitute a historical milestone for the discussions on the theoretical and methodological reconfigurations of comparative education for questioning its role in the current context of education systems in capitalist societies (Schriewer, 2002). The generally accepted argument is that the international field of education is still based on the notion of comparison (Bartlett & Krawczyk, 2017). Indeed, critical and post-critical theories emerge offering new insights into comparative education, which would be transitioning from education systems to schools, from structures and institutions to social actors, from ideas to discourse, and from social facts to the political dimension (Souza & Batista, 2017). In this process,

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potentially contribute to the betterment of society. In this climate, August Comte, one of the fathers of modern sociology, also exerts his influence by introducing scientific positivism into the humanist current of the study of society (Mattheou, 2012).

new questions emerge and new analytical standards are founded, culminating in the production of new approaches to international, national, regional and local educational processes.

Although the discussions and dissensions that emerge in this period focus, on the one hand, on the central role of education systems in the new world order (Pereyra, Minguéz, Melero, & Miranda, 1996) and, on the other, on the critical revision of comparative education, still based on an epistemology that is both structuralist functionalist and that seeks regularities in the educational system with the aim of improving societies according to a pattern established by the central countries (Souza & Batista, 2018), most converge in the sense of pointing, in this process, to the constitutive determinations of the capitalist societal model. They consider that such determinations often configure themselves as social forces which tend to become universal, leading to a type of rationality that becomes explanatory everywhere in the world (Pereyra et al., 1996)<sup>4</sup>.

In this sense, Dale (2002) argues about the relative autonomy that national states have always had in relation to supranational processes, indicating as limiting forces not only mechanisms such as neo-colonialism, but also economic and cultural elements. With regard to economic limitation, he says that economies have not been exclusively national for a long time; rather, they are part of broad economic systems. Regarding cultural limitation, the author considers that the nature of education systems, in particular their organization and curriculum, cannot be explained only by national factors, because it is the product of a world culture based on the founding ideas of modernization.

The same author (Dale, 2004) understands that there is a globally structured agenda for the education system of capitalist societies. The basis of this conception is based on the following assumptions:

a) globalization is a set of political-economic devices for the organization of the global economy, driven by the need to maintain the capitalist system more than any other set of values, the adherence to these principles being ensured through pressure and the perception of national interest;

b) education is a dependent variable in the globalization process and focuses on three fundamental questions: who is taught what, how, by whom and under what circumstances? How, by whom and through what structures, institutions and processes are these conditions defined, how are they governed, organized and managed? What are the social and individual consequences of these structures and processes? Basically, it is questioned how these structures and processes, which we typically refer to as educational systems, affect the life opportunities of individuals and groups and the totality of the relationships of educational systems with the broader social institutions and collectivities of which they are part; and

c) it identifies a paradigm shift in the role of national states, a new and qualitatively unprecedented level of globalization that has been changing the role of the State, both nationally and internationally. The impact of globalization on the State, educational systems and policies is the most significant effect of this change, which imposes mechanisms that can be implemented and followed.

For the aforementioned author, in the current context of reconfiguration of approaches in comparative education, considering the effects of a common global educational agenda on national States leads to the emergence of a new class of recognition of globalization, which can methodologically overcome the obstacles that often make comparisons difficult (Dale, 2002, 2004).

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<sup>4</sup> In particular, there is mention to the discussions held in 1993 at the International Symposium on the *Descentralización y Evaluación de los sistemas educativos europeos*, and which gave rise to the work *Globalización y Descentralización de los sistemas educativos: fundamentos para un novo programa de la educación comparada*, published in 1996 by Pomares (Barcelona).

## What Does It Mean to Legislate? The Discursiveness of Legislation for the Democratic Management of Public Schools in Brazil and Spain

The comparative study of the legislation produced for the democratic management of public schools between Brazil and Spain corroborates the argument of Yang (2015) that these policies are made amidst a global movement with profound impacts in places far from its origin; moreover, they are highly contextualized and their implementation is significantly dependent on the local context. Based on this understanding, we infer that Dale's (2004) notion that there is a globally structured agenda for education makes sense, but it is in the local context that the greater or lesser permeability of governments to implement educational policies and reforms incorporating the global educational discourse can be perceived (Beech, 2012)<sup>5</sup>, these decisions being closely associated with the correlations of local ideological forces.

From this perspective, we reinforce the theoretical framework of a critical analysis that perceives the production of the discourses of actors from within a field of disputes, including the socio-historical and ideological context, i.e., the field of educational policies, composed of groups with different values and means of access to power, whose positions are demarcated by a competition for the meanings and senses that will be incorporated into politics (Bourdieu, 1996; Fairclough, 2016; Orlandi, 2015). For this reason, educational policies do not emerge in a vacuum, they are the expression of a series of compromises and agreements negotiated between competing ideological interests (Orlandi, 2015; Yang, 2015). Therefore, the educational legislation itself is the result of clashes between the various social actors who are positioned in the field of disputes and have a normative approach to the results of the confrontations between the different discourses in the local context. In this way, the influence of a global agenda for educational policies and reforms comes under the scrutiny of local actors who, as historical subjects<sup>6</sup>, can reinterpret the original policy, incorporating new meanings and senses (Ball, 1994).

With this critical basis for the analysis of discourse, we set out the purposes of the disputes between social actors, relating them to different political projects. To interpret the comparative study between Brazil and Spain, we highlight three conceptions of political project, the influence of which can be perceived in the production of policies and educational reforms, especially in western countries that cast off military dictatorships: the *authoritarian project*, which is formally in a state of latency<sup>7</sup> in its classical version (military, political-military, political-authoritarian dictatorships), seems

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<sup>5</sup> According to Beech (2012), the transfer of educational policies and practices to different contexts can be traced back to the 19th century, when governments appointed travelers and reformers to study other educational systems (especially Prussia and France) so as to avoid mistakes made by other countries, in a linear progress towards an ideal education system, possibly finding some aspects of these systems that could be adopted at home. However, the author considers that, at present, foreign influence on education requires a broader concept of space, and while the State may be regarded as a key actor in local educational systems, other actors involved in the transfer of educational ideas between contexts should also be considered, such as international agencies, consultants, universities, corporations, development agencies, regional blocs and NGOs. The author situates these actors as producers of the global educational discourse.

<sup>6</sup> Historical subjects are those who create their own conception of the world in a critical and conscious manner, and therefore choose their own sphere of activity and actively participate in the production of world history. They are their own guide, not passively and slavishly accepting another's labeling of their own personality (Gramsci, 1986).

<sup>7</sup> It should be noted that this political project, in the current context of global policies for capitalist societies, given the failure of unfulfilled proposals of the neoliberal (which has been hegemonic) political project and the weaknesses of representative liberal democracy, with increasing effect of social inequality rates on the western world (Arretche, 2015), leaves its latency to become a political choice.



to have lost political viability, since, amid the universal acceptance of liberal democracy as a desirable model of political organization, authoritarianism is morally unacceptable even in scenarios of overt political crisis; the *participatory democratic project*, with its core constituted by a conception of deepening and radicalization of democracy, which clearly confronts the limits attributed to representative liberal democracy as a privileged form of relations between State and Society; the *neoliberal project*, which is based on the need to adjust the State and its relations with society to what would be the demands of a new moment of capitalist relations of accumulation, marked by its reconfiguration in the global sphere (Dagnino et al., 2006).

When comparing educational reforms in Brazil and Spain, it must first be clarified that we take political-institutional frameworks as a starting point, i.e., the 1978 Constitution in Spain and the 1988 Constitution in Brazil, the social meanings of which gave rise to these standardizations in a similar manner: in both countries, the Constitution marked the end of an authoritarian social and political context, albeit each with its own particularities. In Spain, since the death of dictator Francisco Franco in 1975, the process of transition to democracy started with the first free elections in the country after 40 years of the Francoist dictatorship. Throughout 1978, a new Constitution was approved by a universal suffrage and would constitute the fundamental milestone for the materialization of a democratic regime based on a parliamentary monarchy (Constitución Española, 1978; Pereyra et al., 2012). A decade after the promulgation of the Spanish Constitution, Brazil invests in the same process after 21 years of a dictatorship of military governments. In 1988, after the constituent process, the new Constitution, called *Constituição Cidadã* (Citizen's Constitution), was enacted, marking the end of the military dictatorship and instituting a presidential-based parliamentary democracy (Batista, 2018; Constituição da República Federativa do Brasil, 1988; Vieira, 2000).

The process of political transition in Spain was peaceful and based on the consensus of social groups and political parties (Pereyra et al., 2012). As for Brazil, in the 1980s, the military regime, on the verge of losing its legitimacy and the support of other countries (notably the United States) and pressured by militants of the (still clandestine) Communist Party, as well as left-wing educators, artists and intellectuals, organized in social movements, starts to slowly and gradually increase its political openness (Vieira & Freitas, 2003). In both countries, organized civil society<sup>8</sup> played a fundamental role in restoring democracy, aiming at the re-democratization of its institutions, including the public school. However, a polarization between left-right and right-wing political-ideological groups that advocated different political projects of society and education soon emerges.

The pre-Constitutional clashes concerning education in both Spain and Brazil have a very similar political discursiveness. In both countries, discourses on education were polarized between right-wing supporters of the Catholic Church and left-wing supporters who advocated the State's control of and accountability to schools. In Spain, the right-wing political support for the Catholic Church reinforced the traditional influence of this institution on public instruction as well as the control of great part of private education; contrariwise, left-wing groups encouraged the participation of parents in the management of educational institutions, and the development of social integration programs to offer equal opportunities for all (Pereyra et al., 2012). In Brazil, the clash took place between conservative right-wing forces with privatization projects, represented by a supra-partisan group self-designated as "Centrão", and progressive critical left-wing forces,

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<sup>8</sup> We use Gramsci's (2000) concept of civil society, according to which it is a complex organization, a set of organisms commonly called "private," wherein hegemony and spontaneous consent are organized. It is not simply a space of economic initiatives, but also a manifestation of ideological and cultural forces. From this perspective, civil society is considered the ethical content of the State.

represented by the “progressive bloc”, which brought together leftist parties, social movements, unions, education associations, among others. The first group advocated religious teaching, in this case, the Catholic religion, in all schools (public and private), as well as the guarantee of private and confessional education as a right of choice for citizens. In the first group, the Catholic Church claimed public resources and identified itself as a “non-state” public institution, while the sectors linked to private education advocated the non-interference of the State in its actions. The second group, in turn, had as fundamental axis the secularity, quality and democratization of education, as well as the democratic management of the school through its participation alongside the local community in the construction of school policies (Farenzena, 2006; Vieira, 2000).

As a result of these clashes, democratic school management prevails only in publicly funded schools, in both countries: in Spain, in public schools and publicly subsidized private schools; and in Brazil, which does not publicly subsidize private schools, only in public schools. Table 1 presents the first legal institutional signs of the democratic management of public schools in Spain and Brazil.

Table 1

*Institutional landmark for the democratic management of public school in Spain and Brazil*

Spanish Constitution (1978)	Brazilian Constitution (1988)
<p>ARTÍCULO 27 – DERECHO A LA EDUCACIÓN</p> <p>7. Los profesores, los padres y, en su caso, los alumnos intervendrán en el control y gestión de todos los centros sostenidos por la Administración con fondos públicos, en los términos que la ley establezca.</p>	<p>CAPÍTULO III – DA EDUCAÇÃO, DA CULTURA E DO DESPORTO (Chapter 3 – Education, Culture and Sports)</p> <p>Seção I – Da Educação (Section I – Education)</p> <p>Art. 206 – O ensino será ministrado com base nos seguintes princípios; (Teaching will be based on the following principles;)</p> <p>VI – Gestão democrática do ensino público, na forma da lei. (Democratic management of public education, as set forth in the law.)</p>

Source: Based on the Constitución Española (1978) and the Constituição da República Federativa do Brasil (1988).

While the Spanish Constitution clearly highlights who will be the school actors<sup>9</sup> involved in the managements of public schools, the Brazilian Constitution is more generalist, establishing democratic management as the guiding principle of public education. Most probably, the way to express this normativity is related to the way of organization of the educational system in Brazil and Spain. In Brazil, the national State has a federative organization<sup>10</sup>, and the educational system is the

<sup>9</sup> The participation of teachers, parents, and students in the control and management of publicly funded schools was one of the features incorporated into the Pactos de la Moncloa, signed on October 25, 1977, by political groups with parliamentary presence. For the first time, an alternative model for the management of public schools was defined (Frias Del Vall, 2006).

<sup>10</sup> This type of organization of the modern State enforces the principles of autonomy of subnational governments and the sharing of legitimacy and decision-making among federative entities. Thus, it is possible to have more than one legitimate governmental agent in the definition and creation of public policies, and, to a greater or lesser extent, joint action and/or negotiation between government levels is necessary to address issues related to their interdependence (Arretche, 2000). However, in the period of the military regime, in the Brazilian case, the political-administrative organization of the State was strongly centralized; indirect elections were held to choose the governors who would appoint the mayors of capitals and municipalities considered areas of national security. After the 1988 Constitution, the decentralization of the political-administrative

responsibility of the autonomous federated entities: States, Municipalities, Federal District and Union. Thus, the regulations created by the law of democratic management of public education are at the discretion of these entities within their education systems, which also establish who will be the school actors directly involved in the administrative, pedagogical and financial management of public schools, as well as the governance of the instances of participation (Batista, 2018; Constituição da República Federativa do Brasil, 1988). In Spain, on the other hand, the national State has a unitary organization<sup>11</sup>, with the legislation on the education system being produced at the central level and implemented at the local level by the autonomous communities, following discussions at the Assembly of the corresponding autonomous community (Constitución Española, 1978; Sevilla Merino, 2017).

In the post-Constitutional periods, both Spanish and Brazilian, there is a process of production of legislation for the democratic management of public schools, which, after the end of the military dictatorships, incorporates the ideological confrontation between different political projects more explicitly, exposing an antagonism regarding the practice of democratic school management. In this process, local public policies began to adhere more strongly to the influences of a global political agenda, generating tensions, reactions and adherences to the disputed political projects, especially in western countries that ceased being dictatorships, such as Brazil and Spain:

[...] on the one hand, the democratization projects that were constituted in the period of resistance against authoritarian regimes and continued pursuing democratic advancement and, on the other, the neoliberal projects that emerged, with different rhythms and chronologies, in the late 1980s (Dagnino et al., 2006, p. 16).

In the field of educational policies, the post-Constitutional period in Spain and Brazil exposes the discursive dispute on the theme of democratic management of public schools among actors who take a stand on different political projects, with impacts on the educational legislation. Table 2 presents the educational reforms and respective standardization of legal institutions for the post-Constitutional democratic management of public schools in both countries.

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power ensured a greater degree of decision-making autonomy for federated entities, namely municipalities, which, until then, lacked the “federated” status (Batista, 2013; Farenzena, 2006).

<sup>11</sup> In this organization of the modern State, the central government is secondary and superior to local institutions, and power relations follow a pyramidal hierarchical logic. Decentralized collectivities, however extensive the material field of their competence in the exercise of their activities, and however fruitful the sociologically generating source of legal norms, have the prevalence, affirmation, and observance of their norms under dependence of the legitimacy they may be granted by the single political structure, which is the unitary State (Bonavides, 2000). Nevertheless, it should be noted that, in the Spanish case, since the 1978 Constitution, with the return of democracy, a process of decentralization of the State, which would cease being an absolutely centralized administration model to become a decentralized one, started taking place, ensuring great political autonomy for the autonomous communities of Spain (Sevilla Merino, 1996, 2017).

Table 2

*Democratic school management in the post-Constitutional educational reforms in Spain and Brazil*

SPAIN	BRAZIL
<i>Ley Orgánica 5/1980 – Regula el Estatuto de Centros Escolares (LOECE)</i>	<i>Lei de Diretrizes e Bases da Educação Nacional (LDBEN) – Lei nº 9.394 de 1996</i> Art. 12 Educational institutions, subject to the common standards of their education system, will be responsible for:
<i>Ley Orgánica 8/1985 – Del Derecho a la Educación (LODE)</i>	I – creating and executing their pedagogical proposal;
<i>Ley de Ordenación General del Sistema Educativo 1/ 1990 (LOGSE)</i>	VI – communicating with families and the community, creating processes of integration of society with the school.
<i>Ley Orgánica 9/1995 – Participación, la Evaluación y el Gobierno de los Centros Docentes (LOPEG)</i>	Art. 13 Teachers will be responsible for: I – participating in the creation of the educational establishment’s pedagogical proposal;
<i>Ley orgánica 10/2002 – Calidad de la Educación (LOCE)</i>	VI – collaborating with the school’s activities of communication with families and the community.
<i>Ley Orgánica de Educación 2006 (LOE)</i>	Art. 14. The education systems will define the norms of the democratic management of public education in basic education, according their peculiarities and pursuant to the following principles: I – participation of education professionals in the creation of the school’s pedagogical project;
<i>Ley Orgánica 8/2013 – Mejora de La Calidad Educativa</i>	II – participation of the school and local communities in school councils or equivalent; Art. 15. The education systems will assure progressive degrees of pedagogical and administrative autonomy and of financial management to its public basic education units, pursuant to the general norms of public financial law.

Source: Post-Constitutional educational legislation of Spain and Brazil.

A first observation we can make about Table 2 concerns the amount of reforms and their respective legislation. In Spain, since the creation of the 1978 Constitution, there have been seven laws; in Brazil, since the 1988 Constitution, there has been only one. Once again we highlight the different forms of organization of the education system in both countries: in Spain, with centralized governance, but a high degree of administrative autonomy within autonomous communities (Sevilla Merino, 2017), and, in Brazil, with decentralized governance, but a debatable degree of political autonomy due to, among other factors, the unequal distribution of tax resources among federal entities (Farenzena, 2006), in addition to the fact that Spain created its Constitution a decade before

Brazil<sup>12</sup>. In the case of Spain, the standardization for the democratic management of public schools is more precise and prescriptive, while in Brazil, this precision and prescription is realized within the federated entities (States, Municipalities, Federal District), which may propose educational reforms to be implemented in their respective education systems, respecting national guidelines.

In Table 2 we present the standardization for the democratic management of public education in the National Law of Guidelines and Bases, depicting the Brazilian educational reform following the 1988 Constitution. In LDBEN, the actors involved in the management of public schools are defined along with the instances of participation and the autonomy of school units in the administrative, pedagogical and financial dimensions. This final edition, under the neoliberal right-wing government of president Fernando Henrique Cardoso, of the Brazilian Social Democracy Party (PSDB), expresses the mobilization of part of organized civil society, especially the social movements in the field of education, supporters of the public school and active since the constituent process that gave rise to the 1988 Constitution, in favor of a participative-democratic political project (Dagnino et al., 2006; Saviani, 2016; Vieira, 2000);<sup>13</sup> notwithstanding the fact that the bill's approval was a significant victory over this movement of the groups that were faithful to the neoliberal political project imposed on the national States in the 1990s<sup>14</sup>. This mobilization demonstrates that the terrain of disputes for the democratic management of public schools is not only conceptual, but also found within normative texts, the production of which is impregnated with political-ideological intentions.

With regard to the Spanish case, *Ley Orgánica n. 5/1980 (LOECE)*, which regulates the Statute of School Centers, created by centrist governments, expresses the eradication of the authoritarian regime and the social desire to democratize public institutions by establishing, in article 18, among other norms, the creation of collegiate bodies representing the school community for the management of public schools, as well as the participation of parents, students and teachers in school associations (*Ley Orgánica n. 5, 1980*). Years later, the *Ley Orgánica of 1985 (LODE)*<sup>15</sup>,

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<sup>12</sup> It is important to once again stress that Brazil and Spain were countries that transitioned, in the last quartile of the 20th century, from authoritarian regimes to constitutional democracy, trying to, in their attempt to consolidate democracy, create conditions for implementing a sustainable development process that could respond to the needs of industrial growth and advantageously insert them into the globalized economy, generating conditions for overcoming the historically accumulated social and regional inequalities. In both countries, decentralization was assumed as a strategy of joint promotion of economic growth and expansion of citizenship, albeit with distinct results, because it resulted from different historical processes in terms of design, national alternatives and international possibilities for development, generating different capacities for expansion of the public sphere to reduce exclusion and inequalities (Fleury, 2006).

<sup>13</sup> It should be noted that by 2016, some punctual changes had been made to articles of the 1996 LDBEN. This includes 38 laws focusing on specific aspects, and the only structural change was the expansion of compulsory education, which ceased being the eight years of elementary school to cover the period between preschool and the end of high school, for the age group between four and seventeen years old (Saviani, 2016). None of the 38 laws amends LDBEN Articles 12, 13, 14 and 15 on the democratic management of public schools.

<sup>14</sup> In 1995, Brazil, under the government of president Fernando Henrique Cardoso (PSDB), adheres more explicitly to the recommendations of international bodies by creating the Ministry of State Administration and Reform (MARE). Prior to that, in 1992, the LDBEN project, still under president Fernando Collor de Mello's government, which was being produced with the participation of organized civil society, had already undergone major changes in favor of the neoliberal political project by the time another bill, individually produced by a federal Senate rapporteur, was presented, the latter having been sanctioned in 1996 (Saviani, 2016; Vieira, 2000).

<sup>15</sup> The *Ley Orgánica del Derecho a la Educación of 1985* was extraordinarily controversial because it explicitly legitimized the principles of participation by members of the educational community as a central element of

implemented by the Socialist Party, strengthens democratic school management in its 19th article by developing the concept of participation in educational activity, wherein school management and organization correspond to all members and each of the different sectors of the school community, who are represented by the publicly funded school's government bodies. The school council, in addition to incorporating important responsibilities for the management of the school units, now has the competence to elect the principal (Frias Del Vall, 2006; Ley Orgánica n. 8, 1985; Villa, 1995).

The 1990s are inaugurated with a new reform, still under the socialist government, through the Law of General Ordinance of the Educational System 1/1990 (LOGSE), wherein the content on democratic school management loses normative space, with only one reference in article 2, which concerns the regulatory principles of educational activity, establishing “la participación y colaboración de los padres o tutores para contribuir a la mejor consecución de los objetivos educativos.” Article 58, incorporated in title 4 “De la calidad de la Enseñanza,” presents the norms for school management, encouraging a more technical and hierarchical administration centered on the management of the board of directors; there is no mention of the participation of the school community nor of the collegiate in the organization and management of public schools, although it innovates by addressing the issue of educational inequality in its fifth title “de la compensación de las desigualdades en la educación” (Ley Orgánica n. 1, 1990)<sup>16</sup>. For social critics, the educational changes promoted by LOGSE meant giving up principles in a context of occupation of the educational arena or market in the rest of the world by neoliberal groups (Pereyra et al., 2012). However, after much criticism of socialists, Ley Orgánica no. 9/1995 (LOPEG), in its first title, chapters 1 and 2 and articles 2, 3, 4, 5, resumes the promotion of the participation of the school community in the organization and government of schools supported by public funds. In addition to restoring the managing power of school councils with representatives of the school community, it establishes that schools have the autonomy to define the organizational and pedagogical management model in their education projects. This law reinforced the powers of the school council, in particular its competence to elect principals of publicly funded schools (Frias Del Vall, 2006; Ley Orgánica n. 9, 1995).

In the first quartile of the 21st century, there are three other reforms in the Spanish educational system. Ley Orgánica n. 10/2002 (LOCE), which marks the end of the Socialist Party's government and the beginning of the conservative government of the People's Party, addresses democratic school management in Chapters V and VI and articles 77 through 94, comprising “los órganos de gobierno, órganos de participación en el control y gestión y órganos de coordinación de los centros docentes públicos.” This law is quite prescriptive, trying to specify the attributions of both management team and principal as well as those of the school council, foreseeing the sharing of responsibilities, with the principal being the school council's president. It is also noted that chapter VI is intended solely to establish the rules for the selection and appointment of public school principals. In LOCE, the school council ceases to be a governing body to become a participatory body in the control and management of public schools, also losing its competence to

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educational policy, with creation of controls by the State so as to avoid discriminatory practices, which applied even to private schools. This new regulation was heavily criticized, as might be expected, by school owners and some parent associations of the private sector (Pereyra et al., 2012).

<sup>16</sup> With regard to educational inequalities, this law proposes an important change in the curriculum with the introduction of social learning areas related to gender, multiculturalism and the environment. With the significant influx of immigrants bringing diversity and multiculturalism into the school, the reform now focuses on “living together”, with the intention of reducing conflict (Pereyra et al., 2012). In this sense, the democratic management of the school is left aside in favor of the teaching of intercultural values. Time would show that intercultural values cannot be taught without democratic management.

elect the principal (Frias Del Vall, 2006; Ley Orgánica n. 10, 2002). In 2006, Ley Orgánica n. 2/2006 (LOE), under the socialist government, which returned to power, uses some precepts of Organic Law no. 8/1985 (LODE) to establish, in title V chapter I and articles 118 and 119, the rules for the participation, autonomy and governance of schools. Based on LODE's notion of right to education, it is understood that "La participación es un valor básico para la formación de ciudadanos autónomos, libres, responsables y comprometidos con los principios y valores de la Constitución." More stringent in its prescriptions, this law focuses less on specifying the role of the board of directors to ensure the participation of the school community in the organization, governance, functioning and evaluation of schools, with the school council resuming and broadening its role as governing body, without however regaining its competence to elect the school principal (Frias Del Vall, 2006; Ley Orgánica n. 2, 2006). Finally, Ley Orgánica n. 8/2013 (LOMCE), which marks the return of the conservative People's Party government, addresses the quality of education and, in Article 119, the "Participación en el funcionamiento y el gobierno de los centros públicos y privados concertados." This law goes against some norms foreseen in article 119 of LOE/2006, suppressing item 2: "la comunidad educativa participará en el gobierno de los centros a través del Consejo Escolar". In addition, it strengthens the idea of the autonomy of schools being centered on the principal's management, as indicated in art. 122:

Para la realización de las acciones de calidad, el director del centro dispondrá de autonomía para adaptar, durante el período de realización de estas acciones, los recursos humanos a las necesidades derivadas de los mismos. Las decisiones del director deberán fundamentarse en los principios de mérito y capacidad y deberán ser autorizadas por la Administración educativa correspondiente, que se encargará de que se cumpla la normativa aplicable en materia de recursos humanos.

The school council, on the other hand, retains the competence to elect the school principal. LOMCE also notably affects the principle of equal opportunities for education laid down in LOE (Ley Orgánica n. 8, 2013; Puelles Benítez, 2016).

In the Brazilian case, the Law of Guidelines and Bases of National Education (LDBEN/1996), although quite succinct in relation to the theme discussed here, because it is the states, municipalities and Federal District that regulate their own norms for the democratic management of public schools, is correlated with the National Decennial Education Plan (PNE)<sup>17</sup>, already in its second post-Constitution edition. This Plan incorporates LDBEN's guidelines, objectives, goals and strategies for national education<sup>18</sup>. The first Plan dates from 2001-2010, Law 10,172/2001, under the center-right government of president Fernando Henrique Cardoso (Vieira, 2015). It addresses school management in section V "Financing and management", stating that, in the exercise of their autonomy, each education system should implement democratic management: at the management level, in the form of Education Councils bringing together technical competence and representativeness of the various educational sectors; at the school unit level, through the

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<sup>17</sup> Law No. 9,394 of 1996, which establishes the Guidelines and Bases of National Education, determines, in Articles 9 and 87, respectively, that the Union is responsible for preparing the Plan, in collaboration with the states, the Federal District and the municipalities, instituting the "Decade of Education." It also states that the Union should forward the Plan to the National Congress one year after the publication of said law, with guidelines and goals for the next ten years, in line with the World Declaration on Education for All (Law no. 10, 172, 2001).

<sup>18</sup> In the "decade of education", in line with LDBEN/1996, the National Education Council (CNE) is charged with subsidizing and monitoring the National Education Plan's implementation (Law no. 10,172, 2001).

formation of school councils composed of the educational community, and ways of choosing the board of directors that associate the guarantee of competence with the commitment to the pedagogical proposal of these councils and the representativeness and leadership of school managers (Law no. 10,172, 2001). The first post-Constitutional Plan reiterates the same polarization between the ideological forces that acted in LDBEN's creation, namely the progressive front, represented by the National Forum in Defense of the Public School, and neoliberal right-wing forces, represented by the executive power, with support from conservative defenders of religious and private schools (Calderón & Borges, 2014; Vieira, 2000). This Plan, with most of the goals (295) proposed by the executive power of the time<sup>19</sup>, had low effectiveness in terms of results, impacts or effects observed in the reality of the Brazilian educational system (Souza, 2014). However, the period of the government of center-left president Luiz Inácio Lula da Silva, based on this Plan, contributed to the construction of national programs for the training of education counselors and school managers, focusing on the management of the public school system (Batista, 2013). A few years later, the 2014-2024 PNE, Law 13,005/2014<sup>20</sup>, sanctioned during the center-left government of president Dilma Rousseff, maintains the political-ideological polarization of the first Plan. The 2014 Plan addresses democratic management more directly in guideline "VI – promoting the principle of the democratic management of public education" and goal "19 – ensuring conditions, within two years, for the effective democratic management of education, associated with technical criteria of merit and performance and public access to the school community within public schools, providing resources and technical support from the Union for the planning and democratic management of public schools." To this end, the Plan proposes eight action strategies, incorporating: the transfer of Union funds to other federated entities (19.1); incentives for the training of education counselors (19.2); creation of Permanent Education Forums in federated entities (19.3); creation of student unions and parent associations (19.4); creation and organization of municipal education councils (19.5); promotion of the school community's participation in the production of the school's guiding and regulating documents (19.6); promotion of the pedagogical, administrative and financial autonomy of schools (19.7); and development of training programs for school principals and managers (19.8) (Law no. 13,005, 2014). The second Plan, partly based on the 2001 Plan, is currently in progress and, due to the great weaknesses identified in its predecessor, is technically more refined, although, in political-educational terms, it still reflects conservatism and the desire to privatize education (Souza, 2014).

The educational reforms outlined above have not been performed without difficulties and confrontation, as the actors are constantly working in a field of disputes for the meanings and senses that will be incorporated into the reforms and respective legislation. There is, in normative discourse, the law, a symbolic power (Bourdieu, 1996) that legitimizes institutionalized meanings, accepted by all as "natural" and not as the result of ideological constructions (Orlandi, 2015). The theme of the democratic management of the public school itself arouses disputes and demands actors to take a stand, generating tensions and reactions, since its materialization destabilizes the

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<sup>19</sup> According to Saviani (1999), the Executive power's proposal, given its commitment to organize education in the aegis of cost reduction translated into the search for efficiency without new investments, was used as an instrument for introducing financial rationality in education. In turn, the opposition's proposal, given its commitment to be guided by the principle of "social quality," is characterized as an instrument for introducing social rationality in education.

<sup>20</sup> Article 5 defines as the institutions responsible for the continuous monitoring and periodic evaluations of PNE: the Ministry of Education, the Education Commission of the House of Representatives and the Federal Senate, the National Education Council, and the National Education Forum (Law No. 13,005, 2014).



school practices that have been historically grounded by modernization processes in a hierarchical and centralizing organization of decision-making power.

In the Spanish case, there is, according to Puelles Benítez (2016), an excessive proliferation of education policies, the result of which has been a remarkable legislative instability. However, another observation by the same author reveals the polarization between (socialist and communist left-wing and neoconservative and neoliberal right-wing) political projects, with different perceptions about the public school and the public good. This fact is contextually associated with the emergence of a new right-wing ideology in the late 1980s, guided by the neoliberal political doctrine, which produces a legitimating global discourse, treated as universal, that induces national States to adopt privatization policies, namely social policies, which have always been under the responsibility of democracy. The laws and reforms produced in Spain on the democratic management of the public school are the purest form of expression of this conflict, since they presuppose the democratization of school relations and policies, demanding the public character of education as a social right and, therefore, of all citizens, contrary to the neoliberal political project of privatization.

With regard to the influence of the neoliberal political project on educational reforms and laws in Spain, this aspect may be noted especially in the 1990 LOGSE, under the socialist government, as well as in the 2013 LOMCE, under the neoliberal government, allied with neoconservative groups. Regarding the production of norms for the democratic management of public schools, LOGSE, while representative of a political project that worked for participatory democracy, did not escape the influence of the context of restructuring of economic capitalism around the world, which recommended, amid the crisis it identified as being of national States, rather than of the capitalist system itself, severe State reforms and, therefore, educational ones. For public schools, a more efficient management of resources based on management by the private sector, known as managerialism or new public management<sup>21</sup>, is recommended, moving towards a centralized management model focused on the technical competence of the principal, who acts as the manager of a company in search of quantitative results (Batista, 2018), representing a setback in relation to the achievements of democratic management, as observed in art. 58 of LOGSE/1990. The 2013 LOMCE, on the other hand, after advances and setbacks in the standardization of the democratic management of Spanish public schools, in addition to significantly affecting the principle of equal educational opportunities (Puelles Benítez, 2016), recognized by the socialist political project in the 2006 LOE and intrinsically related to the democratization of public schools, sustains the theme of democratic management in normative discourse, while simultaneously emptying its sense of public good, of participation of the school and local community in management, reinforcing the centralization of decision-making power on the figure of the managing principal, as verified in art. 122.

In the Brazilian case, the 1996 LDBEN was designed in a context of widespread diffusion of the neoliberal political project, with more explicit adherence after the 1995 State reform, during the government of president Fernando Henrique Cardoso<sup>22</sup>. The reform focused, among other things, on containing public spending and privatizing State-provided services. In this sense, managerialism

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<sup>21</sup> As indicated by Verger & Curran (2014), New Public Management may be considered one of the structuring pillars of the global educational agenda, although its materialization depends on particularities that are specific to the contexts of national States.

<sup>22</sup> The penetration of the neoliberal political project in the public policies of Brazilian society can be traced to the government of José Sarney (13.03.1985 – 14.03.1990), being present in the governments of Fernando Collor de Mello (15.03.1990 – 02.10.1992) and Itamar Franco (02.10.1992 – 31.12.1994), until reaching the two terms of office of Fernando Henrique Cardoso's government (01.01.1990 – 01.01.2003), in which the Ministry of State Reform and Administration is created (Vieira, 2000; Vieira & Freitas, 2003).

or new public management is soon presented as a management model for public schools focused on the efficient use of resources, aiming at “doing more with less”, a task that would require greater centralization of decisions, i.e., considering the protagonism of the principal in the management of administrative, pedagogical and financial affairs of the school unit, relegating collegiate management to notarial proceedings (Batista, 2018; Hypolito, 2011). Under this institutionalization, with the disputes for the meanings that would be incorporated into the legislation on democratic school management, the same correlations of ideological forces that had already emerged at the time of the drafting of the 1988 Constitution, between neoliberals and conservatives and critical progressives, were reestablished (Nardi, 2016; Saviani, 2016; Vieira, 2000). As a result, the democratic management of public schools is confronted with another form of management, the principles and practices of which are in line with its foundations, grounded in the close relationship between school management and participatory democracy (Nardi, 2016; Vieira & Freitas, 2003). The Education Plans of 2001 and 2014, on the other hand, in addition to reiterating the clashes between the same groups, have shown low effectiveness in relation to the goals and strategies designed for the democratic management of public schools. With the regulation of democratic management by states and municipalities, the influence of a global agenda has a direct impact on local (municipal and state) education systems, although these also feature correlations of ideological forces, determining greater or lesser adherence to globally-oriented educational policies. In the first Plan (2001), among other disputed issues, there was a veto to the investment of 7% of the Brazilian GDP for the accomplishment of the educational goals, making much of what had been planned unfeasible, including the goals for the democratic management of public schools. In the second Plan (2014), the presence of the managerialist model disseminated by the neoliberal political project is stronger in goal 19, associating democratic management with technical criteria of performance and meritocracy (represented by the figure of the principal), relegating the participation of the school and local community to the background, both in the general management of the school and its representation in school councils (Batista, 2018; Peroni & Flores, 2014).

Given the evidence presented by this study, we may infer that the democratic management of public schools, as a school practice centered on change, constituted a fundamental milestone to end the authoritarian management of the school unit, guided by an authoritarian political project. In this sense, this form of management becomes part of the agenda of a democratic-participatory political project, which has been disputing the maintenance of this achievement with the neoliberal political project of privatization of public goods, in its various shades.

It is also worth emphasizing what Lima (2018) highlights as obstacles to the democratic management of public schools when referring to the public management logics that are inherent to the neoliberal political project. Such logics mark the introduction of competitiveness and contracts, the substitution of rules by standards that can be measured, the substitution or reduction of the role of direct provision by the State through management, supervision and eventual financing under logics of competition and contracts between the public and private sectors, within the public sector, and also through public-private partnerships. These logics reinforce the centralization of decision-making power on one-person leaders, i.e., the principal, as well as the hierarchy within schools. Democratic collegiality as an instance of participation, represented by the school council, is denied its value or has its importance diminished in this context, as this makes it easier to atomize principals and isolate teachers, making cooperative work and solidarity between one another more difficult to achieve, thus favoring the establishment of hierarchies and competition within the school environment.

## Final Considerations

In this article, we fundamentally reflected on the way (conditions of production) ideology, through the correlations of local ideological forces, manifests itself in normative discourse, the law, and its possible “naturalization” effects on social and individual subjects. Thus, ideology was understood not as a concealment of meanings, but as an erasure of the process of constitution of norms, showing that it is precisely when we forget that the law is the result of correlations of ideological forces (when we forget who said what, when and why) that the sense of naturalization produces the effect of undisputed legitimacy of institutionalized norms (Bourdieu, 1996; Orlandi, 2015). We focused on the standardization of the democratic management of public schools in educational reforms and their respective legislation in Brazil and Spain, despite the fact that the two countries, in comparative terms, feature singularities in their socio-historical constitution: in the case of Brazil, a young periphery (or semi-periphery?) country that still suffers from the social, economic and cultural consequences of colonization processes, a specificity from which its persistent social inequality derives, and in the case of Spain, a core and mature country marked by times when the first western European nation-states called themselves the disseminators of a modern (scientific, economic, social and cultural) rationality as a landmark of civilization.

Based on this historical condition, we treated normative texts, whenever possible, in a context of intertextuality, considering their historicity to understand the texts in history and history in the texts, recognizing intertextual processes as processes of hegemonic struggle in the sphere of discourse, with effects on the local hegemonic struggle and how the latter is affected by a broader sense of hegemony, that is, by global educational discourse. From this perspective, we understand that there is an intrinsic relationship between the discursive properties of normative texts and social changes (Fairclough, 2016; Orlandi, 2015). Thus, we inserted, in this study, the notion that the democratic management of the public school is a process that requires changes in the hierarchical and autocratic structure of school units.

The study shows that in Spain, with seven reforms after the 1978 Constitution, there were advances and setbacks in the standardization of the democratic management of public schools, directly related to the correlations of local ideological forces grounded in the defense of different political projects: one neoliberal in nature, with its various shades, which incorporated the global discourse on education, centralizing management on the sole leadership of the principal and focusing on goals, objectives and results, thus representing a setback in the production of norms for democratic management. The other, more democratic-participatory in nature, produced the main normative advances in this area, giving all school actors the role of participants in management, as well as explicitly delineating the instances of participation of the school and local community, despite having explicitly suffered some influence from the globally-disseminated neoliberal discourse on education. In the Brazilian case, with an educational reform (LDBEN) and two National Education Plans after the 1988 Constitution, one can also identify advances and setbacks in the production of a standard for the democratic management of public schools, the advances being strictly attributed to organized civil society, which defended/defends the secularity, quality and democratization of education, basing its political-ideological position on a democratic-participatory political project. On the other hand, the setbacks are perceived when, in the dispute for the production of the legislation on democratic school management, the federal executive power is occupied by the actors whose political project incorporated/incorporates the global educational agenda, guided by the neoliberal political project, focusing on the privatization of public goods and on a managerialist school management model, which favors the maintenance of the school hierarchy, the one-person leadership of the principal, and encourages competition, rather than

collaboration. Under these normative guidelines, the collegiate management exercised by the school councils becomes a merely notarial instrument in the organization and management of public schools.

This evidence demonstrates that the political-ideological effectiveness of the democratic management of public schools depends a lot less on the number of educational reforms implemented in both investigated countries, and a lot more on its constant defense, in the various spaces of correlations of ideological forces, as an emancipatory practice that can transform the public, hierarchical and centralizing school into a locus of opposition to the reproduction of inequality within schools and society. This perspective is anchored in Fraser's (2006) assumption about social justice, according to which capitalist society has a class structure that institutionalizes some economic mechanisms which systematically deny some of its members the means and opportunities they need to participate in social life on an equal footing to others. Similarly, it must also be admitted that capitalism, as a social way of life, reproduces a status hierarchy that institutionalizes patterns of cultural value, which completely deny some groups of society the recognition they need to fully participate in social interaction.

Finally, we propose a more attentive reflection about the public (mass) school, based on Popkewitz (2012a). In its origin, the school was marked by a need of western modernity to constitute the subject of modern society, the cosmopolitan subject, associating comparative methods that differentiated and separated the qualities and characteristics of those who were cultured and civilized from the qualities and characteristics of those who threatened the consensus and stability. Therefore, the non-civilized person, called primitive and savage in the 19th century, is the one who, in the 21st century, is called a child at social risk and a delinquent, or also someone who is black, female, indigenous, poor, transgender, an immigrant from a poor country, or someone with a disability.

It is in these terms that, the way we see it, one can think of the relevance of the democratic management of public schools as a practice that requires changes related to organizational justice (Estêvão, 2001), as the public school may be the only opportunity for some subjects to gain cultural recognition, ensuring the necessary status for fair social interaction and access to economic goods, to allow the just distribution of socioeconomic resources (Fraser, 2006). To this end, democratic management, as Lima (2018) points out, must be implicated in the special responsibilities to be assumed in the organization and governance of schools, with the aim of substantiating the right to education, not only from the logic of public provision, but also for the promotion of human rights and participation of all subjects involved in the organization and management of education.

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## About the Authors

### Neusa Chaves Batista

Federal University of Rio Grande do Sul

[neuchaves@gmail.com](mailto:neuchaves@gmail.com)

<https://orcid.org/0000-0003-4322-2829>

Sociologist with a Doctoral degree in Education. Professor of Education Sociology and Researcher at the Center for Education Policies and Management (NEPGE) of the Federal University of Rio Grande do Sul (UFRGS).

### Miguel A. Pereyra

University of Granada

[mpereyra@ugr.es](mailto:mpereyra@ugr.es)

<https://orcid.org/0000-0002-6860-0315>

Professor of Comparative Education at the School of Educational Sciences of the University of Granada (UGR). Researcher of the Grupo de Investigación Políticas y Reformas Educativas (UGR).

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Universidade do Minho, Portugal

**Rosanna Maria Barros Sá**

Universidade do Algarve  
Portugal

**Regina Célia Linhares Hostins**

Universidade do Vale do Itajaí,  
Brasil

**Jane Paiva**

Universidade do Estado do Rio de  
Janeiro, Brasil

**Maria Helena Bonilla**

Universidade Federal da Bahia  
Brasil

**Alfredo Macedo Gomes**

Universidade Federal de Pernambuco  
Brasil

**Paulo Alberto Santos Vieira**

Universidade do Estado de Mato  
Grosso, Brasil

**Rosa Maria Bueno Fischer**

Universidade Federal do Rio Grande  
do Sul, Brasil

**Jefferson Mainardes**

Universidade Estadual de Ponta  
Grossa, Brasil

**Fabiany de Cássia Tavares Silva**

Universidade Federal do Mato  
Grosso do Sul, Brasil

**Alice Casimiro Lopes**

Universidade do Estado do Rio de  
Janeiro, Brasil

**Jader Janer Moreira Lopes**

Universidade Federal Fluminense e  
Universidade Federal de Juiz de Fora,  
Brasil

**António Teodoro**

Universidade Lusófona  
Portugal

**Suzana Feldens Schwertner**

Centro Universitário Univates  
Brasil

**Debora Nunes**

Universidade Federal do Rio Grande  
do Norte, Brasil

**Lílian do Valle**

Universidade do Estado do Rio de  
Janeiro, Brasil

**Geovana Mendonça Lunardi**

**Mendes** Universidade do Estado de  
Santa Catarina

**Alda Junqueira Marin**

Pontifícia Universidade Católica de  
São Paulo, Brasil

**Alfredo Veiga-Neto**

Universidade Federal do Rio Grande  
do Sul, Brasil

**Flávia Miller Naethe Motta**

Universidade Federal Rural do Rio de  
Janeiro, Brasil

**Dalila Andrade Oliveira**

Universidade Federal de Minas  
Gerais, Brasil