

The debate on compulsory education: between politics and pedagogy

El debate sobre la obligatoriedad en educación: entre política y pedagogía

<https://doi.org/10.4438/1988-592X-RE-2025-411-726>

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Abstract

Compulsory education is unquestionably an achievement of advanced societies. In Spain, debates around extending it have not had the required pedagogical depth. Far from there being disagreement between political forces, everything would suggest a certain reluctance to extend it before the age of six and after the age of sixteen, the ages established in the legislation in force since 1990. Moreover, in line with neighbouring countries, which have started to implement this extension, no rigorous process of review has been undertaken in Spain due to political polarisation, which has made it impossible to find the appropriate strategy for this matter in terms of pacts. This article is theoretical in nature. It first reviews some ethical and legal considerations concerning the state's responsibility regarding compulsory schooling, then goes on to propose moving the debate towards the pedagogical terrain, for which some functions in this regard are suggested and some final proposals are made.

Keywords: schooling, compulsory education, ideology, politics, democracy, polarisation, pacts.

Resumen

La educación obligatoria es, sin duda, un logro de las sociedades avanzadas. En España, los debates en torno a su ampliación no han contado con la profundidad pedagógica necesaria. Lejos de existir un desacuerdo claro entre las fuerzas políticas, todo apunta a una cierta reticencia a extenderla antes de los seis años y después de los dieciséis, edades establecidas en la legislación vigente desde 1990. Además, y en consonancia con los países vecinos que han comenzado a aplicar esta ampliación, en España no se ha llevado a cabo un proceso riguroso de revisión debido a la polarización política, que ha imposibilitado encontrar una estrategia adecuada en materia de acuerdos. Este artículo es de naturaleza teórica. En primer lugar, revisa algunas consideraciones éticas y jurídicas sobre la responsabilidad del Estado respecto a la escolarización obligatoria, para posteriormente proponer trasladar el debate al terreno pedagógico. Para ello, se sugieren algunas funciones en este ámbito y se presentan propuestas finales.

Palabras clave: escolarización, educación obligatoria, ideología, política, democracia, polarización, pactos.

Introduction

Compulsory education is unquestionably an achievement of advanced societies (Rebollo Espinosa, 2009). Over the last two centuries, and especially in the 20th century, the century of compulsory education (Garrouste, 2010), it has expanded constantly and now lasts for ten years, from the ages of six to sixteen, in the majority of the countries neighbouring Spain, with examples that go beyond this age range, such as Portugal and the Netherlands among others.

The social need for compulsory education has been beyond any ethical doubt, from the moment when the democratic exercise of citizenship, satisfactory integration into the labour market, and even the complete development of every person came to be defined by an optimal level of education. It is these three areas – democratic coexistence, professional development, and personal development – that justify the collective and individual demand to go beyond a “natural” education, one that would be provided by the family environment, even if most societies have “naturalised” compulsory education as part of their identity because it is normalised

(Gimeno Sacristán, 2005).

Furthermore, protection of children and adolescents is a central argument for early universal and compulsory schooling (Comunidad de Madrid, 2023) and supports the idea that it should be extended to the age of majority. So, for example, the low level of school performance in secondary education is linked to late access to formal education, and loyalty to school and the consequent reduction in early school leaving, are linked to extending compulsory education to eighteen years of age (Consejo Escolar del Estado, 2015), a powerful argument that some authors also endorse (López Rupérez & García García, 2023). In both cases, extending education before the age of four and above sixteen is presented as a solution to a variety of situations, and more years of compulsory education has even been linked to improved health and reduced mortality (Albouy & Lequien, 2009; Avendano, 2020).

However, this ideal period of compulsory education is linked to social fluctuations and cultural dynamics regarding how the ages of minority and majority are defined. In this sense, the sociological, psychological, or moral limits of what it is believed that the age of majority should be have an effect on this debate. For example, it is worth recalling the minimum age of criminal liability in Spain, which depending on the offence is fourteen years of age, the same age to obtain the national identity card or to stop visiting the paediatrician; sixteen to obtain a driving licence; the obligation, for minors of any age, to report income from artistic, sporting, or entertainment activities (*tiktokers*, *influencers*) to the tax authorities; seventeen to enter a religious congregation, according to canon law; or Catholic marriage, which is different for boys (sixteen years) and girls (fourteen years). All of these steps are presented as ages when people reach a certain level of reason to make decisions. To add more confusion to the debate, if adulthood is understood as a particular level of cognitive maturity, specialists are not in agreement on its boundary.

The condition of compulsory education in turn, requires public authorities to ensure the quality of this activity and its exercise, and that they will establish the requirements that govern education in its school format, both in content and in the material conditions of its realisation, and in the preparation of the professionals who dedicate themselves to it. Meanwhile, the apparent mistrust in the state and public institutions, and the widespread loss

of prestige of the political class generates a loss of interest in basic education and a lack of understanding of why it is necessary to keep adolescents in closed systems without optional pathways until later ages, something that undermines the principles of a comprehensive education.

In summary, the factors at play in the debate around the ideal or necessary age for the start and end of compulsory education, as well as the degree of formal institutionalisation that this entails, expand depending on the perspective adopted. In other words, the concept of “compulsory education” encapsulates a multifaceted reality, and clarifying it requires a perspective, like the one adopted in this article, that must be reflective, theoretical in nature, and propositional and that can contribute to the theoretical and conceptual expansion of what this educational obligation should entail. This article, then, avoids defending a single position, as it limits itself to setting out the paradoxes of compulsory education as elements to take into account when making decisions regarding a potential change of the ages that this implies. The proposal here starts from a pedagogical vision of this matter, which seeks to be political but not partisan, and thus keeps education away from vested interests.

This article’s thesis is that compulsory education has an uncontroversial function that addresses the state regarding its responsibility as arbiter of public goods; goods, in the form of rights, that serve as a springboard for exercising other rights and for fulfilling obligations, and, at the same time, for developing full citizenship.

The article starts with a summary overview of the question of the state’s ethical and political responsibility regarding education, and it recalls how ideology functions as a legitimising tool and, ultimately, as an artefact that provides security to its proponents. It then considers the political strategies that underlie the possibilities of reaching agreements in education, assuming that denying the presence of the ideological in education in pursuit of poorly understood neutrality has more risks than opportunities. The third part of this article tests a pedagogical framework of functions that underpin the extension of compulsory education, and it provides a brief analysis of the history of mandatory education in Spain in view of the functions proposed. The article closes with some pedagogical conclusions relating to the debate about the

need or advisability of extending compulsory education beyond its current limits, following in the footsteps of some nearby countries.

1. The current debate: the legal and ethical tension regarding compulsory schooling

Despite the widespread agreement about the duty or obligation to achieve a certain level of education, the link between compulsory education and the roles of the state and families has not been fully clarified in legal terms. The history of the philosophy of education includes accounts that warn about favouring either of the two approaches: the classical Spartan model, in which families ceded all power to the state from an early age, and Rousseau's model, where the state, on behalf of society, does not have compelling reasons for putting its energies into the education of children.

In the debate around the concept of "compulsory education", Gaviria warns of a deep-rooted issue that derives from terminological confusion that has conceptual effects, which appears in the *Universal Declaration of Human Rights* itself, and which is reflected in numerous constitutional texts, such as Spain's constitution of 1978 (Gaviria, 2022). The English version of the text of article 26.1 of the *Declaration* uses the terms 'education' and 'schooling' synonymously, taking it as understood that education is both a right and an obligation; in contrast, the Spanish version establishes the condition of right that "education" must have for all people and restricts this obligation to "instrucción elemental y fundamental" (elementary and fundamental schooling [author's own translation]). This is also the case in the French version, which distinguishes between "éducation" as a right and "*enseignement élémentaire*" as an obligation.

Beyond linguistic considerations, it is worth observing that these languages and pedagogical cultures make a clear distinction between a broad idea of education, following article 26.2 of the *Declaration*, as an aspiration to a full development of the human personality, and a rather more limited meaning for the real practice of the educational act that became almost universally institutionalised in schools from the 19th century, as Gaviria

notes. In other words, education and instruction or schooling would be “two overlapping bodies”, a false synonymy that causes all types of confusion and tensions, as not all education takes place in an educational institution and, according to this author, not everything that is done in a school can be considered to be educational (Gaviria, 2022, p. 655), even though schooling has established itself as the principal provider of elementary schooling or elementary education, depending on the language.

As this is a dispute between rights and obligations, between the child’s right to receive a quality education and the obligation of the public powers to provide this service, non-trivial observations are included here about the subject of this right, whether this is the minor or the family, and about the body responsible for this obligation, whether considering society as a whole or the administrative bodies of different levels that exist in the institutional map of modern states: from the central government to autonomous communities or federal bodies, reaching regions and provincial councils, county councils and local councils. The range of stakeholders is wide given that, and it could not be otherwise, ideological considerations are at play and partisan positions are polarised in this debate, dressed up with the most varied ethical-moral and legal arguments. All of that too often tends to neglect the strict questions of a pedagogical nature, which we return to below.

At the heart of the debate, then, there is a suspicion of the legitimacy of these public powers to exercise the role of guarantor of the right to education, beyond providing and facilitating the human and material resources necessary for it to be carried out. There is mistrust of the state and, by extension, of the professionals in charge of education. What is argued from the side of the public authorities is that the right of the minor cannot be undermined by a restrictive education, whether at home or through an online digital connection with schools from other countries, as often happens in homeschooling, as numerous legal judgments in this regard demonstrate. What is under discussion is, in fact, the very *raison d’être* of the public authorities, and, by extension, of the state.

This is not the place for a debate around the legality or pedagogical advisability of homeschooling, a question that does not have a single solution with regard to its implementation, nor uniform legislation internationally.

Nonetheless, the arguments of its advocates and detractors are relevant to the debate about compulsory education. The legal framework varies from one country to another: from the most orthodox liberalism, as in the USA or Australia, which accepts it without hesitation, to the most radical state communitarianism, with the example of the prohibition in Germany, passing through ambiguities or vagaries that lead to contradictory rulings, even in the same country, as in Spain.

When it is assumed that the greater good must be guaranteed by the state, and so the state imputes to itself an ethical-political responsibility for this right, and when something with little room for discussion is shared, such as the need for all citizens to achieve a minimum level of education, what remains for public debate is the catalogue of rights that fit into this section of the greater good and the pedagogical implementation of how this elementary instruction or compulsory schooling must be provided in organisational, curricular, and teaching terms.

Therefore, it is important to define the semantic fields that correspond to terms such as minimum or basic education, and their relationship with compulsory education, as well as other more specific ones, such as comprehensive education and common curriculum, or basic or elementary schooling, and on another level, to differentiate the roles and functions of the teaching staff according to the educational stage in which they work.

In Spain, basic education, in the words of the current legislation, seeks to “guarantee continuity, coordination, and cohesion between the two stages that comprise it and it must be emphasised that its purpose is to universalise the knowledge and the competences that enable all students to learn to learn throughout their lives and facilitate their full participation in society and in employment.” (LOMLOE, preamble). These stages that comprise it, as is known, include primary education and basic or lower-secondary education; this latter form differs from the upper-secondary stage, which corresponds to the Spanish baccalaureate (*bachillerato*), and the training cycles, which are post-compulsory, and, as such, a stage or level beyond what would be basic education. These two stages, primary and basic secondary, also comprise the compulsory period. We have here an example of overlap between basic and compulsory education, something that does not occur in other education

systems. The reason for aligning them is not technical or pedagogical in nature, but rather a matter of political opportunity and economic capacity or will; hence, the end of this compulsory education was established in the LOGSE (General Organic Law on the Education System, 1990) at the same age as access to the labour market. Similarly, it was a dual political and economic rationale that accompanied the decision to start compulsory education at six years of age and not before. That is to say, there are no pedagogical arguments of any type that underpin the decision to limit compulsory education from six to sixteen years of age, and psycho-pedagogical, neurological and, above all, social reasons for moving the boundaries of compulsory education below the age of six years and above sixteen could perhaps be listed.

In this regard, it also seems sensible to affirm that access to a higher level of education, whether to achieve the technical skills needed for advanced professional training or to pursue university studies in any branch, first requires basic general knowledge to be demonstrated as a condition for access, in order to ensure optimal performance at these higher levels. This is the argument for filtering entry to these studies, as well as for balancing supply and demand.

2. Political strategies: consensus and pacts in education

Education is political and it is loaded with ideology, and for this reason it becomes attractive for partisan domination and hegemony. The debate about compulsory schooling is not in any way removed from ideological positions: virtually nothing is in education (Hernández García 2010). Ideology underlies all pedagogical theory and yet it continues to be a taboo that is hard to manage, of a higher degree in the school framework. This taboo can be associated with the veto that many professionals spontaneously impose on themselves, and which many families come to demand, on addressing topics that are socially controversial in class, in subjects, or even at school events. Of course, all of this fundamentally refers to discrepancies of a religious and partisan nature, although it is also often extended to other considerations that go beyond this field, such as those relating to anything that affects people's identities, whether

for reasons of sex, race, culture or geographical origin, and also questions relating to unresolved collective aspirations, such as those of a territorial or nationalistic character, and including those relating to the climate emergency and social demands that do not form part of the global consensus, such as abortion, the legalisation of marijuana or the use of animals in scientific research.

Ideology distances itself from the school when it takes on partisan elements. Given that ideology is no more than the body of ideas that underpin the apparatus of values, principles, and beliefs that are used to justify the behaviours of individuals and human groups, Gramsci had the idea of displacing the concept of ideology to that of hegemony (Eagleton 2006: 208), assuming with it its use in a position of political dominance of one group over another with all of the measures available. Of course, there are all types of ideas, not all of them justifiable from the point of view of democratic coexistence in the framework of human rights, but this does not absolve teachers. Instead, it ethically binds them more to find space for them in school through critical debates, with the due limitations of a sensible pedagogy, such as students' cognitive age, their degree of moral autonomy, the coherence with the educational programme and other factors previously noted by Trilla (Trilla i Bernet, 1992).

The deep sense of the fullness of human development, something that the state and families aspire to, at least on paper, and which affects subjects who are below legal age but are no less entitled to their rights, includes all of this ideological artefact that we have presented. The contrary, as Gramsci wrote, only favours the appearance of monsters (Gramsci, 1999). As Trilla indicates, neutrality in education does not exist, as any teaching activity is fraught with values, principles, and beliefs, which legitimate its conduct and provide it with pedagogical authority (Trilla i Bernet, 1992). Of course, excesses in the use of this authority, owing to an ill-conceived idea of power and its abuse in an authoritarian form, lead to situations where the wrong and least bad solution is for teachers to be inhibited or even prohibited from actively or passively expressing their ideologies in class and at school.

Nonetheless, compulsory education has not been the motive of partisan debate in Spanish politics. In his description of politics and education in the

last two centuries in Spain, Puelles leaves to one side compulsory education as a matter of contention, a principle that has been assumed by governments of different stripes (Puelles Benítez, 1991). The sequence is as follows: 1812 and 1931, the constitutions, liberal and republican respectively, made primary school compulsory and, in the case of the republican one, of six years of duration; 1970, with the last Francoist law, which increases the compulsory period to eight years, now as basic education, although it established a prolongation of two more years with first-level professional training for those who did not study for the Spanish baccalaureate; 1990, a socialist law that increases it to ten years and includes a first section of secondary education, which at the same time increased comprehensiveness through a common curriculum and a single qualification.

Over the last two centuries, compulsory schooling has achieved implicit consensus across almost all of the political spectrum regarding its value in terms of social and economic progress, and at the same time, and perhaps for this very reason, it has attracted the particular interests of each political grouping which each has sought to capitalise on for its own benefit. In practice, as Garrouste has shown, the population's period of formal education is usually considerably above the compulsory period. So, for Spain, this gives an average of eight more years of education than that established, including, of course, pre-primary and tertiary education (Garrouste, 2010: 102). Nonetheless, the current proposals for extension, before the age of six and after sixteen, do not inspire the same consensus. Leaving aside for now the economic cost of this for the public purse, the difficulty of extending compulsory education beyond its current limits in Spain can only be understood as a consequence of the political polarisation of the last decades, derived from political strategies where the supreme collective good is often not the primary concern.

If compulsory schooling requires consensus to sustain itself, it is logical that the question of pacts in education will immediately appear. The desire for an educational pact in Spain has been constant since the transition to democracy (Novella & Cloquell, 2022; Viñao, 2020). Nonetheless, a lasting and effective agreement has proven to be elusive. This highlights the inherent complexity of building consensus in a field as ideologically loaded and with

as many stakeholders and interests in play as education (Sanz Ponce et al., 2020). Analysing different ways in which educational pacts can be conceived helps us better understand how to address the challenges of partiality and the normative nature of education, as well as its institutional form, the education system.

According to Sartori (1987), pacts can be classified as: a) *procedural*, when they revolve around the rules of the game, protocols for communication, or formulas for avoiding conflicts, misunderstandings, or tensions; b) *basic*, if they refer to the minimum level of common values or principles to share; and c) *of government*, if they include specific measures and policies, in this case educational ones, to be carried out by the public authorities. However, as Puelles wrote, “consensus does not imply the absence of conflict, ideology, or differing policies” (Puelles Benítez, 2007: 28), but quite the opposite, given that in a pact, the possibilities of imposing the measures that suit each party are reduced. From here, we can distinguish four ways of conceiving pacts in education, each with its potential and its limits: as ideological synthesis; as renunciation or bargaining down; a minimal agreement or one of mediocrity; and as a sum of sensitivities.

The paradigmatic example of a pact understood as the synthesis of ideologies is the Spanish Constitution of 1978, which was able to integrate the principles of liberty and equality into the field of teaching. This model sees the pact as a space where different ideologies converge on a shared educational project, although recent history has shown that this synthesis is rarely maintained over time. Political alternation has produced a succession of education laws in which each party has tried to impose its own ideological vision. The result has been regulatory instability that feeds the perception that education is used as an ideological and partisan weapon.

Seeing the pact as a game or as trading, or even as an exchange of favours, always involves renouncing central principles of the respective positions. The pact is understood as a process of negotiations where each party gives way in certain aspects to achieve an overall agreement. The very preparation of the Constitution involved renunciations by the different political forces. Nonetheless, the lack of fulfilment of certain agreements, as was shown in the Moncloa Pacts concerning education, underlines the

fragility of this model if there is no real will to carry out what was agreed. In fact, Fernández Enguita (2019) argues that the idea of a pact based on shared principles should be abandoned, and suggests “disaggregating” the pact into more specific agreements on each of the fault lines that run through education. This perspective recognises that a large single pact might be chimerical owing to the accumulation of “red lines”, and suggests advancing through specific compromises, even if this means each party must renounce ideal objectives. The key is to find a “point of equilibrium” between concessions and benefits, losses and gains, where the different ways of seeing education can coexist.

The third version presents the pact of minimums as an agreement in mediocrity, which avoids the most conflictive and controversial topics, resulting in an insipid text without any real transformational capacity. Making pacts only on “what unites us” and leaving out matters such as state-subsidised private schools, religion, or languages, to cite the classic points of conflict, can avoid disagreement at the negotiating table, but it maintains the underlying problems and frustrates the expectations of those who seek a rational discussion about them. This is the case that Puelles describes about the topic of religion in the republican constitution, which blew up its application in real terms (Puelles, 1991: 333). This question would, in some way, come to say that there are questions that are outside rational logic, and so cannot even be debated. Pacts of minimums might have an appearance of consensus, but by being so minimal they divide the educational community, causing it to lose confidence in democratic discussion around certain topics. Similarly, reducing the pact to a collection of good intentions without the necessary implementation to have binding force could lead to interminable debates about superficial details without achieving a meaningful impact. And this is in the best of cases. In the worst of cases, the debate is closed and autonomy is used to serve particular interests.

Finally, the pact as a sum of sensibilities raises the possibility of a type of agreement that could, for example, focus on constructing a dynamic curriculum that incorporates diverse sensibilities, including ones that come from the heritage of the knowledge accumulated by tradition, which Chesterton called “the democracy of the dead” (Chesterton, 1998). This type of pact entails a debate centred more on pedagogy and knowledge than on

policy and bureaucracy. This would involve an agreement not so much about a fixed ideology, but rather a continuous process of selection and adaptation of educational content, recognising the school as a space to “make knowledge common, ensuring that everyone learns it” (Thoilliez, 2019; Masschelein & Simons, 2014); that is to say, that everyone takes ownership of cultural goods as much and as well as possible. The idea of a “dynamic curriculum” could relate to the need to avoid rigid impositions by political parties (Viñao, 2020) and to consider the school’s “form” beyond its mere “function”. Ultimately, a more ambitious pact must be imagined: not as a closed agreement about ideologies, but rather as an open process of construction of a dynamic curriculum. Inspired by Chesterton’s “democracy of the dead”, this model recognises that inherited knowledge forms part of the common good and must be placed within the reach of all, without becoming frozen but instead constantly being revised. This pact would shift the focus from partisan policy to pedagogy, not so much asking which ideology will dominate the school, but rather what knowledge must be common and how to update it in each period. More than a definitive pact, it would be a democratic method for continuous critical revision, in which citizens, through schools, reclaim shared knowledge.

In the debate about extending compulsory education, therefore, the partisan politics of pacts may adopt any of the strategies proposed, even though they are not all without an ideological bedrock. The agreement to start compulsory education at the age of three and to end it at eighteen would place Spain among the leading countries in its region in this field and would make it possible to reinvigorate the social recognition and prestige of school education. Whether with a minimal agreement, that makes it possible to increase this compulsory education progressively over a given period of years, whether as a trading pact that favours achieving it in exchange for other measures, including as a synthesis of distant positions that distrust the power of the state, or as dynamic negotiation, which takes positions as agreements are reached, the extension of compulsory education will take shape for exogenous reasons, driven by recommendations from international bodies or by economic and labour dynamics.

3. The pedagogical dimension of compulsory education: four basic functions

As explained above, formulating compulsory schooling solely as a legal measure, in the sense of considering it to be an imposition supported by the state, is to reduce it to its most exogenous dimension. In reality, compulsory education is a complex phenomenon in which political, social, pedagogical, cultural, and even philosophical reasons are intertwined. What does it mean to assemble children and young people for a long period of their lives in a socially legitimised institution, for several hours of the day and on a compulsory basis? What do we expect will happen in that space and time that cannot happen in another way?

Answering these questions obliges us to question compulsory education not as a simple mandate, but as a precondition for modern education itself. This section aims to carry the debate about the extension of compulsory education into the field of pedagogy. To do so, it proposes four functions that complement one another and contribute to considering compulsory education in this field: consensual, enabling, propaedeutic, and guarantor. None of them is enough on its own, but taken together they offer us a clearer map of the role of compulsory education.

The first function of compulsory education is consensual in nature. Compulsory schooling symbolises a fundamental social agreement about what content, experiences, and learning must be shared by all citizens beyond differences of class, religion, or ideology, but also on this side of any ideology, given that this minimal but meaningful consensus is rooted in the *Universal Declaration of Human Rights* (1948), which affirms that “everyone has the right to education” and that this must be “free, at least in the elementary and fundamental stages”, which legitimises its condition as a pedagogical foundation in advance. This consensus has, at least, three consequences: *integrating*, given that it guarantees that all children will access a shared body of knowledge and skills; *democratic*, as it recognises that there can be no citizenship without a basic level of shared instruction; and *pluralistic*, which operates as a common and shared space over an extended period where different world views face each other and negotiate, but without any of

them monopolising education. Of course, this consensus is never neutral or definitive. What is understood as “basic” changes over time and depends on the cultural and ideological sensibilities of each epoch. Compulsory education, in this sense, does not cease to be a field of tensions: it fixes a common minimum, but also opens the door to disputes about what to include in it. Therefore, it cannot be left on the margin of these considerations that, considering this first consensual function that is set out here, in the case of extension of the compulsory education, the level of curriculum comprehensiveness that must be maintained for it to remain “basic” or “common” should be debated, as must the need for materialisation, depending on the age and its later personal projection in academic or work-related terms, of differentiated pathways. This last observation would break with the idea that “basic” and “compulsory” must be understood with identical meanings.

The second function is enabling. Compulsory schooling not only transmits present knowledge, but it also prepares minors for the exercise of future rights. Following the stimulating formulation of Gaviria (2022), we could describe education as a “right to anticipatory autonomy”: a current right that enables the child to be in future an autonomous person, with the capacity to decide, participate, and contribute to society. That said, this function generates a clear tension: on the one hand, we recognise the right of the minor; on the other, we oblige minors to exercise this right, but they cannot choose not to do so. Compulsory education is not a matter of choice.

The classical argument in defence of this tension is that education is not just any right, but that it is one that makes other rights possible: the right to participate politically, to access decent employment, to express oneself freely etc. But, as Gaviria (2022) also notes, this reasoning can instrumentalise education, reducing it to a means to achieve social goals. From this perspective, education would lose its “intrinsic value” (Gaviria, p. 671) and would become a simple requirement to attain other goods. The enabling function, then, must be nuanced: compulsory education cannot be understood solely as a way of “preparing for”, but as a way of recognising the child’s right in the present as a subject in formation but already the bearer of dignity and autonomy.

The third function is propaedeutic, a term that alludes to the preparatory

and anticipatory character of compulsory schooling. Compulsory education guarantees a common space and time, within which educational processes become possible: the curriculum, academic learning, the experiences of socialisation, intergenerational encounters, the transmission of culture. Without this minimum structure of compulsory education, it would be impossible to guarantee that all students have access to these opportunities. We can think of it as a necessary prelude. It is not an end in itself, but without it, the educational process could not take place. Compulsory schooling creates the conditions for an encounter between the student, the teacher, and knowledge. Nonetheless, as we have seen in previous sections, no medium is neutral. The measure of compulsory education itself already contains an axiological intention: it not only ensures material conditions, but it also expresses a backing for a model of citizens and society, citizens who must learn the freedom to be free (Arendt, 2018), and who have a moral duty to be intelligent (Luri, 2018), something that provides arguments for advocates of extending compulsory education, although this extension in time does not in itself ensure an expansion of the learning that can be achieved. Therefore, the propaedeutic function is always charged with an ethical and political meaning, as well as a specific anthropological posture that says that it is better to be educated than not to be.

Finally, compulsory education has a function as guarantor, in that it obliges the public authorities to ensure effectively the right to education. This function has a long historical tradition, and it reminds and calls upon the public authorities so that they ensure fulfilment of a duty: the responsibility to guarantee the right to education in modern times (from the *Universal Declaration of Human Rights* of 1948 and the *Spanish Constitution* of 1978) and the institutionalisation of education since long before, at least since the constitution of 1812 if we position ourselves in the contemporary period, linked to the genesis of education systems, as Gabriela Ossenbach recalls (2002).

Although one part of the discussion about freedom in education has concentrated on topics such as the legitimacy of compulsory schooling or of political indoctrination through the school, the most persistent conflicts in the 19th century related to the rights

of the Church and the religious orders to provide education (freedom to establish educational institutions) and the claims of the Church to ensure religious orthodoxy in public schools (academic freedom), above all in countries with no drastic separation between Church and State (p. 33)

Reviewing the case of Spain, the materialisation of these four functions mentioned can be seen. Compulsory education in Spain has its origins in the Cádiz Courts, influenced by the Enlightenment and the French Revolution, where articles 366 and 367 refer to the “obligation to establish schools of first letters in all of the towns and villages of the monarchy”. That is to say, there is a guarantor constitutional mandate that involves universalising primary education and extending it to all of the population without distinction. So we see the hope or trust deposited in public education as an instrument of renewal and reform of a collective character and of human regeneration at an individual level, through its effective exercise, above all literacy. It would not be until the Ley Moyano (Moyano Law) of 1857 that the compulsory nature of primary education was established for the first time for all Spaniards aged from six to nine years. The Constitution of the Spanish Republic of 1931 established in article 48 that “primary education shall be free of charge and compulsory”, in a framework of secularism and of ideals based on human solidarity. Francoism, with the Ley de Enseñanza Primaria (Primary Teaching Law) of 1945, sets out in Chapter III of Part One that it is compulsory and free, and does not modify the separation of sexes. The aims of primary teaching were fundamentally training in religious education, in the national spirit, and in the national language. This chapter of the genesis of National Catholicism has left in contemporary Spain’s historical memory a recollection of compulsory education, and of the state’s role in it, as a political weapon for ideological interference in the worst sense of the word: as a setting for mass indoctrination of the nation by means of education laws, the curriculum and the permitted and distributed school textbooks. The memory of this instrumentalisation still weighs heavy, given that compulsory education is identified with this risk of political indoctrination. But it would be unjust to reduce it to this: the guarantor function is, above all, a permanent reminder that the right to education is not just an ideal, but a concrete responsibility of

the state.

Nonetheless, this risk, combined with the current discredit of democratic institutions in general, and of the school in particular, is not fertile ground for thinking about compulsory education without it being seen as a weapon for interference by partisan interests in children and young people as citizens.

Therefore, renewal is crucial, in other words, to make the original meaning of the school present again (Thoilliez, 2019), not so much as that institutionalised social tool of the 19th century, which served to construct nation states, but as the school of Ancient Greece, something that reminds us of the traditional and classical sense of converting knowledge and skills into common goods of free and equal citizenship. Only under this outlook can we have a pedagogical, and not just political, economic, or bureaucratic, debate about compulsory education. In this regard, Masschelein and Simons (2014, p. 12) said:

Many of the allegations against the school are motivated by a very ancient fear (and even hatred) of one of its most radical characteristics, but one that essentially defines it: that the school offers “free time”, that transforms knowledge and skills into “common goods”, and so has the potential to provide everyone, regardless of their background, their aptitude or their natural talent, with the time and space to abandon their familiar surroundings, to rise above themselves and to renew the world (to change it in an unpredictable way).

Compulsory education, as a legislative measure for a democratic political principle, will then have to keep in mind three principles of the school as an institution that materialises the emancipatory and liberating ideal of knowledge for all in democracy (Biesta, 2020): (1) *socialisation*, understood as the possibility that the subjects will learn to recognise themselves and live in democracy, participating in its institutions and mechanisms with a well-formed personality; (2) *subjectivation*, which permits the personal journey of appropriation of the knowledge and skills that unleash the full development of each human personality; and (3) *capacity development*, which forms and guides the training for the realisation of service to society through work. These

three principles, along with the four functions noted, sketch a pedagogical and ideological scenario at the same time as strengthening compulsory education and, if possible, its extension from early childhood up to the age of majority.

In any case, whatever the end point of compulsory schooling may be, its extension does not necessarily imply increasing the comprehensiveness of the stage to [sic.]

Conclusions: education is political (not partisan)

From the arguments presented throughout the text, five conclusions are formulated to return the debate on compulsory education to pedagogy:

1. Compulsory education is the basic tool to ensure equal opportunities in democracy and to maintain the school's nature as a vital institution for democratic life. The only thing in which the education system cannot be plural is in what permits it to exist. Just as Charles Taylor (1991) explains that the only thing that is not acceptable in a democracy is what attacks democracy, the only thing that is not permissible in the school is what endangers the nature of the school; and what is not acceptable in the pact of the education system is that which endangers the school as a privileged artefact of democracy.
2. Although compulsory education is a necessary condition, it is not sufficient to guarantee fully the principles of socialisation, subjectivation, and capacity development of the modern school. The Consejo Económico y Social noted this in its 2023 report, linking the high incidence of educational failure with the persistence of difficulties accessing the non-compulsory stage of the first cycle of early childhood education.
3. The fear of ideological interference in education is linked to the Constitution's mandate to promote the full development of personality; with human plenitude being a matter where consensus is difficult. Not withdrawing ourselves from the debate, detecting the less obvious and concealed ideologies, and maintaining the critical posture of what distances us and what brings us close to the full development of

human personality can, on the one hand, be antidotes to the hollowing out of dense language in education and, on the other, to the loss of the dedication to the pedagogical ideas that best serve the common good (and human being).

4. The persistent absence of genuinely stable educational pacts reveals that education is, above all, a moral, pedagogical, and political problem, rather than solely one of management or administrative efficacy. Education embodies values, principles, and objectives on the model of society and citizenry that is desired to be shaped, which entails decisions of an ethical character regarding equality, justice, and rights. In a context of polarisation and tension, this desire becomes truly unattainable, but this does not weaken it as a pedagogical challenge for democratic societies.
5. The State must broker those elements that guarantee the universal function of the school, and it is essential that the public authorities have the engagement of the educational community in compulsory education. Without this conviction by the public authorities and without a pedagogical debate in alignment, compulsory education is reduced to a subsidiary instrumental function of other rights and so loses its force as a basic right, distancing it from any possibility of reaffirming its social prestige.

Ultimately, the debates around compulsory education will return to pedagogy if participation in a binding and non-ceremonial way is permitted by stakeholders involved in the growth of children and young people of the age of compulsory schooling, who experience in their everyday lives that this question runs through profound moral, ethical, and pedagogical questions.

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