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Frangella, Rita de Cássia Prazeres  
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## “Many as one”: curriculum policies, social justice, equity, democracy and the (im) possibilities to differ<sup>1</sup>

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### *“Muitos como Um”: políticas curriculares, justiça social, equidade, democracia e as (im)possibilidades de diferir<sup>2</sup>*

Rita de Cássia Prazeres Frangella\*

#### ABSTRACT

The article examines the meanings of social justice and equity that have guided Brazilian curricular policies in recent years, highlighting the National Curricular Common Base (BRASIL, 2017). It is analyzed how this sense of justice is aligned with John Rawls's (2000) propositions in his formulation of justice as equity, problematizing the principles of his theorizing from the dialogue with Bhabha (2001), Butler (2018), Derrida (2010), Laclau e Butler (2008) and Mouffe (1999, 2015) that composes the theoretical reference that supports the arguments made, in a discursive poststructural perspective. It is argued that the meanings of justice and equity taken as equality / universality / homogeneity, function as attempts at regulation and control, and thus expel “difference” from its formulations; the taking of equity as equality empties political struggles for meaning into the refutation of multiple and different perspectives. From the dialogue with Mouffe it is defended another sense of justice, based on agonistic pluralism.

*Keywords:* Curricular policy. Justice. Equity. Difference. Discourse.

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1 Translated by Thiago Alves Moreira E-mail: [thidmoreira@gmail.com](mailto:thidmoreira@gmail.com)

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\* Universidade do Estado do Rio de Janeiro. Rio de Janeiro, Rio de Janeiro, Brasil. E-mail: [rcfrangella@gmail.com](mailto:rcfrangella@gmail.com) - <http://orcid.org/0000-0001-6392-4591>

## RESUMO

O artigo põe sob exame os sentidos de justiça social e equidade que vem norteando as políticas curriculares brasileiras nos últimos anos, pondo em destaque a Base Nacional Comum Curricular (BRASIL, 2017). Analisa-se como esse sentido de justiça alinha-se as proposições de John Rawls (2000) em sua formulação de justiça como equidade, problematizando os princípios de sua teorização a partir do diálogo com Bhabha (2001), Derrida (2010), Laclau e Butler (2008) e Mouffe (1999, 2015), que compõem o referencial teórico que sustenta as argumentações feitas, numa perspectiva pós-estrutural discursiva. Argumenta-se que as significações de justiça e equidade, tomadas como igualdade/universalidade/homogeneidade, funcionam como tentativas de regulação e controle, e assim expulsam de suas formulações a “diferença”; a tomada da equidade como igualdade esvazia as lutas políticas pela significação, na refutação de múltiplas e diferentes perspectivas. Defende-se, a partir do diálogo com Mouffe, um outro sentido de justiça, assentado no pluralismo agonístico.

*Palavras-chave:* Política curricular. Justiça. Equidade. Diferença. Discurso.

What differentiation possibilities are constituted and stagnated by the production, as Bhabha (2001) says, of “many as one”? Driven by this question, this article aims to discuss the discourse that permeates the curricular policies that unfold mainly from the years of 2010 and that invent a concept of “common”, supported by the nomination of “national”, as efforts to reach equality, equity and social justice. Such discussion is based on the understanding of politics as a discursive production that operates in the undecidable field, which breaks with a linear logic that makes it possible to problematize, in the case focused, the taking of equity and social justice as an empirical and descriptive category, subject to homogenization.

Regarding this “common”, Butler’s (2018) problematization of feminism and the political need to speak to women questioning when women become a descriptive category, which is not only descriptive but also normative, is inspiring. The author argues that the category of women, from descriptive, to being understood as contingent, when moving from a fixed referent being then a terrain of challenges, which would open the possibility of political agency. In this sense, the author questions that a universal description of the category of women needs to be questioned in its authoritarian artifice - from a normative description to a terrain of contingent and precarious meanings, in a dispute that, if refused, would sacrifice “the radical democratic impetus of feminist politics”(BUTLER, 2018, p. 86). Such discussion, in the exercise of reflection

that I propose, can be moved to the discussion around the common under the rubric of equality, guaranteeing justice and democratic action. In this sense, once again the problematization of Butler (2018, p. 70) drives the analysis:

In fact, from where I stand from any historically confined perspective, any totalizing concept of the universal will close and not authorize the unexpected and unexpected claims that will be made under the sign of the "universal". In that sense, I am not ending the category, but trying to free it from its foundational weight in order to transform it into a space of permanent political contestation.

A social theory committed to democratic contestation within a post-colonial horizon needs to find a way to question the foundations it is led to establish. In my opinion, the heart of any radical political project is precisely this movement of interrogating the artifice of authority that seeks to avoid contestation.

Thus, when discussing perspectives of social justice and equity that support these curricular policies presented, one wonders about a "normative universality" and the possibilities of deferral. It is argued that the meanings of justice and equity, taken as equality / universality / homogeneity, function as attempts at regulation and control, and thus expel "difference" from their formulations; taking equity as equality empties political struggles for meaning, refuting multiple and different perspectives.

The theoretical perspective of this article is based on post-colonial and post-structural contributions, especially those of Bhabha (2001), Butler (2018), Derrida (2010), Laclau and Butler (2008), Derrida (2010), Butler (2018) and Mouffe (1999, 2015). The movement of understanding and re-presenting the curriculum in dialogue with post-structuralist contributions moves towards the assumption of the curriculum in a discursive, unstable, anti-foundational perspective. Therefore, there are no fixed, full structures, with a center that defines it with a definitive closure. Thus, as explained by Mendonça (2015), it is through discourse, and not outside or before it, that the social is constituted. The discourse is the result of articulatory practices in which a specific meaning / content articulates / embraces others, incarnating an always absent fullness.

The hegemonization of a given idea is given through articulations that partially and provisionally fill. Thus, this articulatory movement is marked by precariousness and contingency. What can be seen are provisional closings, in which a particular one assumes the function of universal, a difference made

equivalent, a void signifier that attempts an impossible final suture. In the words of Lopes (2018, p. 97), “it operates [m] as if they were closed totalities”.

It is also worth noting that the proposed discussion does not intend to oppose the defense of rights to education or the discussion about knowledge, which cannot be subsumed by the idea of the right to learning, which, as it has been formulated, in a reductionist and pragmatic way, it depoliticizes such issues and thickens a logic of measurement and control (FRANGELLA, 2016). It is not a matter of defending rights or refuting them, but, from the deconstructive reading of these meanings, defending another understanding of the relationship between justice, equity and curricular policy, based on agonistic pluralism, as proposed by Chantal Mouffe (1999, 2015). A deconstructive reading here aligns the theoretical perspective already announced in the dialogue with Derrida’s thinking. However, it is necessary to clarify that it is not a work method, nor does it imply a relativistic stance or destruction. In the words of Butler (2018, p. 82) “it implies that we suspend all commitments to what the term refers to [...]”

### ***“One for All, and All for one”***

In reference to the work of Alexandre Dumas – “The three musketeers” – and the motto *“one for all and all for one”* taken, given its wide dissemination, as a universal axiom of union, an objective that overlaps all, in a collectivity that thus becomes one, I ask: in the present case, Brazilian curriculum policies, what would motivate the “one for all and all for one”?

The National Common Curricular Base (BNCC) is a normative document that defines the organic and progressive set of essential learning that all students must develop throughout the stages and modalities of Basic Education, so that they have their learning rights ensured and development [...] in addition to guaranteeing access and permanence at school, it is necessary that systems, networks and schools guarantee a common level of learning for all students, a task for which BNCC is a fundamental instrument (BRASIL, 2018, p.7-8).

The above quote is a fragment of the presentation of the BNCC that was approved in Brazil in 2017 and which stands out as the country’s main

educational policy given its scope and its normative character. There, it already differs from a trajectory of production of curricular policies that had been developed since the 1990s, which were marked by the idea of constituting guidelines and parameters. Although contested, problematized, defended by some and refuted by others<sup>3</sup>, as is the case in the political game, guidelines and parameters, although in the case of their configuration as politics, they also moved around a set normativity, however, with the perception of plural forms of doing, possible beyond the prevalence of its dispositions. In the case of BNCC, the normative character focuses on the obligation that creates mechanisms that hinder the possibility of escapes or plural forms of reading these provisions, especially if we observe the very organization of the BNCC, which is also consistent, as in the highlighted fragment, with the objective of this: the primary definition of what knowledge is valid.

The BNCC is a plural, contemporary document, and clearly establishes the set of essential and indispensable learning to which all students, children, young people and adults, are entitled (BRASIL, 2018, p. 5).

This objective is based on the arguments for seeking equity with quality and social justice, that is, based on a logic that associates equality with equity; the equal distribution of knowledge to all students. It is pertinent to question the meanings produced in this association. If the dictionary sense<sup>4</sup> already points to the subtle differentiation between equality and equity – namely, equality refers to the identical, equivalent situations for all and equity goes through the necessary contextualization given the differences – the superficial appropriation of the notions or their juxtaposition empties the necessary discussion to thematic. Such problematization is important to enhance the discussion about the understanding of justice that supports different educational projects, as advocated by Lima and Gandin (2017) about the importance of operating with this concept; which is reinforced by Ponce (2018), when stating that studies that connect social justice to the curriculum are timely and urgent. The observance of the linkage of the discussion of social justice to the curriculum has been constituting what several researchers (PONCE, 2018; SILVA R., 2018; SANTOS; LEITE, 2018; PLÁ,

3 On this subject there is a wide bibliography available. Different researchers looked at the analysis of the National Curriculum Parameters and the National Curriculum Guidelines, which highlights both the importance of the discussion and the plurality of perspectives of analysis.

4 See: [dicionario.priberam.org; https://www.dicio.com.br/houaiss/](https://www.dicio.com.br/houaiss/) Access on: july 2020.

2016) have been taking as curricular justice, which in the sense of Connell (2012), would be an educational answer to the question of the discussion about justice.

Equity is a concept mobilized by the discussion around the defense of social justice and refers to the concept (s) of justice. Returning to the Aristotelian tradition, what is observed is that the sense of equity does not simply translate as equality without differentiation, on the contrary, equity requires the recognition of inequalities that demand adjustments of the law to be possible, in Aristotelian terms, as correction of the law.

In this sense, the equitable is not just according to the law, although it is fair; it is fair, however, because it is the correction of the law (DAL MASS, 2000, p. 115), "softening the rigor or overcoming the disparities and inequities engendered by obsolete and decontextualized laws." (BITTAR, 1997, p. 69). And this corrected right, the product of *epieikeia*, is better than the legal prescription (*apud* SILVA M., 2018, p. 47).

This is a question that arises on the horizon of debates of scholars of the philosophy of law and that I bring here to stress the question of justice taken as a guide for the elaboration of politics, understanding that there is no univocal conception of justice and that understanding the bases in which the BNCC is based is a powerful path for a critical analysis that is not read in a superficial and dichotomized way, even given the responsibility that such analysis requires. Criticizing the notion of justice and equity does not imply ignoring its importance or, lightly, building a path of denial that these are relevant objectives; but questioning such conceptions opens up a dialogue so that the search for quality and justice is carried out, in my defense, as becoming dialogical and political and not as a technical foundation.

It is observed that the notion of justice that emerges from the BNCC aligns the idea of justice as equity as in the formulations of John Rawls. From a perspective of political liberalism and the concept of social contract, in a critique of utilitarianism, Rawls (2000, p. 8-9) defines social justice and its object as:

For us, the primary object of justice is the basic structure of society, or more precisely, the way in which the most important social institutions distribute fundamental rights and duties and determine the distribution of benefits from social cooperation.

Hence, it highlights distributive principles for the basic social structure in the attribution of rights and duties. There is the development and emphasis on a contractual theory, safeguarding that it is not a replica of the social contract theory and paying attention to the possible criticisms of it, but in the defense that

The merit of contract terminology is that it conveys the idea that principles of justice can be conceived as principles that would be chosen by rational people and that conceptions of justice can be explained and justified. The theory of justice is a part, perhaps the most significant, of the theory of rational choice. But still, the principles of justice deal with conflicting claims about the benefits gained through social collaboration; apply to relationships between various people or groups. The word "contract" suggests plurality, as well as the condition that the appropriate benefit sharing takes place according to principles acceptable to all parties. The publicity condition of the principles of justice is also suggested by the contractual phraseology. Thus, if these principles are the result of a consensus, citizens are aware of the principles that others follow (RAWLS, 2000, p. 18).

In summary, the author proposes a theory of justice based on a consensual and rational perspective of the elaboration of principles of justice. The proposed principles are articulated by the general principle of justice defined by the author: all social values must be distributed equally unless the unequal distribution of one or all of these values brings benefits to all. Regarding social values, these would be freedom and opportunities, income and wealth and the social bases of self-esteem. Such principles consider the social structure to have two more or less distinct parts and these principles deal with them: one ensures equal basic freedoms and the other refers to the distribution of income and wealth and aspects that establish economic and social inequalities. There is a priority of the principle of freedom over the principle of distribution of income and wealth; these must obey a serial order (RAWLS, 2000). Freedom is understood as the definition of public norms that demarcate rights and duties, a certain structure of the institutions - an individual freedom ensured in its relationship with equality, which allows "reconciling freedom with equality. [...] The notion of freedom as equal freedom is the same for everyone" (RAWLS, 2000, p. 221).

These principles would govern the determination and guidance of justice based on the definition of rational criteria, in the explanation given by the author in what he calls the original position and the veil of ignorance:



[...] establish a fair process, so that any accepted principles are fair. The aim is to use the notion of pure procedural justice as the foundation of the theory. In some way, we must nullify the effects of specific contingencies that put men in contention, tempting them to exploit natural and social circumstances for their own benefit. For this purpose, I assume that the parties are behind a veil of ignorance. They do not know how the various alternatives will affect their particular case, and are obliged to evaluate the principles solely on the basis of general considerations (RAWLS, 2000, p.147).

It is worth highlighting the issue of pure procedural justice and its relation to the equitable process, which, in the author's work, is discussed as equitable equality of opportunity. It is about the emphasis on a fair procedure, that is, the investment in the organization of the basic structure that would allow the institutions to be administered impartially – it is the system that must be fair and that would allow, in order to consider social justice, this would happen in the acceptance of the principles of justice by discarding day-to-day complications.

The emphasis hitherto made allows us to observe the liberal individualist logic and that paradoxically opens space for universalist definitions based on rational principles that, devoid of power relations, once understood as the result of rational consensus, are likely to unfold on normative foundations. Like Derrida (2010, p. 17), it is necessary to note that justice cannot be objectified without betraying justice itself, but law. The author points out that the right is not justice. It discusses about the performative violence in the foundation of the law that gives itself, as baseless violence, which it infers as a mythical foundation of the authority. In this sense, it argues that the law is deconstructible - once it is founded - and deconstruction is justice. Thus, it defends justice as an aporetic experience, so the rule does not guarantee justice, it can be an appeal to justice, but this has no content of its own, but as a decision, ~~and then~~ in the author's terms, it needs to be invented every time. Hence, the problematization of the author is made in the differentiation between law and justice, without invalidating the right, it tries to suspend the idea of justice as a right observing the paradox that emerges from it, since justice refers to (s) singularity (s) in its claim to universality.

However, the idea of a pre-defined definition of principles of justice is in line with the very mention of the concept that is indicated in the BNCC as a justifying argument for its proposition. In the first version of the BNCC (2015),

The school is not the only institution responsible for guaranteeing these rights, but it has an important role in ensuring that they are guaranteed to students. In order to fulfill this role, throughout basic education, resources from all areas of knowledge and from each of its curricular components will be mobilized, in an articulated and progressive way, because in all school activities one learns to express oneself, to live together, taking care of health and the environment, locating in time and space, developing a world view and appreciation for culture, associating school knowledge with the context experienced, **projecting one's own life** and taking part in the conduct of social destinations.

These fundamental rights, which the school must contribute to promote, will in fact be guaranteed when the subjects of basic education - students, their teachers and other participants in school life - have the conditions to: [...] understand democracy, justice and equity as results of continuous involvement and participation (BRASIL, 2015, p. 8-9, original griffin).

In the introductory text of the promulgated version there is the subtitle "Common National Curriculum Base: equity and equality". It discusses the understanding of equity in linking equity to equality, in the logic of the principle of justice presented by Rawls.

Equity implies equal opportunities to enter stay and learn at school, by establishing a level of learning and development to which everyone is entitled. As a result, there is a need to define, by means of an inter-federative agreement, essential rights and learning objectives to be achieved by all students of basic education. BNCC fulfills this role, with equality and national unity as its main focus (BRASIL, 2018, p. 11).

In another excerpt, it indicates that equity would be effective in the way in which curricular decisions would take place in States and Municipalities, in how they will align with the essential learning already defined by the BNCC. There is no question about these, since they are taken from scientific criteria that justify the consensual agreement that takes them for granted.

the country will face the task of implementation, that is, to build subnational curricula (state, district and municipal), based on the essential learning established in the BNCC, thus moving from the propositional normative plan to the action and curriculum management that involves

the entire set of decisions and actions that define the curriculum and its dynamics (BRASIL, 2018, p. 14).

The definition of essential learning could be in line with what, from Rawls, sees itself as procedural justice – there is an equal equality of opportunities in line with a fair procedure – essential for all, in the words of Rawls (2000, p. 94), “a distribution [that] cannot be judged separately from the system from which it results, thus, the system is organized from justice as a cooperation scheme on which it is founded.

When problematizing this aspect, I align the discussion with the warning made by Mouffe (1999), who stresses that, although this idea is not supported by Rawls in his formulation, the connection that makes the rational to the reasonable and the defense of principles defined in a rational and consensual,

[...] can reinforce a tendency, already very present in liberalism, to transform political problems into administrative and technical issues, which is consistent with the theories of conservatives like Niklas Luhmann, who aspire to restrict the field of democratic decisions, placing each more and more areas under the control of supposedly neutral experts (MOUFFE, 1999, p. 74, free translation).

Mouffe (1999) also highlights that Rawls’ contributions bring a series of necessary questions:

Rawls’ great merit is to insist that in modern democratic societies, in those where there is no longer a single and substantial common good, if not pluralism, the conception of justice policy cannot be derived from a conception religious, moral or political life of a good life (MOUFFE, 1999, p. 83, free translation).

In the analysis made by Tavares and Cunha (2015, p. 170):

It is clear, therefore, that the political conception of justice requires that citizens seek a general consensus, that is independent of their particular views on matters that are of fundamentally common interest, such as those

related to basic justice and constitutional values. Rawls understands that this is possible when citizens are imbued with public reason. The main requirement of this public reason is that the philosophical and religious convictions of individuals are set aside at the time of deliberation. Thus, what public reason determines is that deliberation on essential constitutional elements and basic questions of justice involves only general beliefs and forms of argument accepted by common sense, and it is not permitted to appeal to religious or philosophical doctrines.

The political sense that permeates such a conception is reduced to a rational process in which conflicts, antagonisms, power relations are eclipsed, in Rawls' words, it is necessary to "*annul the effects of specific contingencies*", in an understanding of the social as a multiplicity of interests that can also be rationally regulated by higher decision-making bodies, in the possibility of reaching a final agreement, a definitive closing.

Mouffe (1999) criticizes this perspective, which claims to be an idea of justice without the political, which is expressed in the logic that justice is not affected by pluralism, since it occurs based on the rational choice of consensual principles, taken as foundations, deflating political struggles for meaning, for the defense or refutation of multiple and different perspectives.

The very notion of freedom as a priority is based on the idea of equality. Thus, equality, based on the principles of justice, is expressed in the attribution of equal rights to all; equality is justice as regularity, that is, equality is procedural, an equality unaffected by differences.

The discussion that overlaps equality and equity does not necessarily imply the construction of paths towards social justice, given that it would take place in the undecidable field, where the norm needs to be read beyond its applicability. However, it is the question of equality in its relation to freedom that is the focus of the most striking criticisms developed by Mouffe about Rawls' conception of justice, which we perceive to be evident in the analysis of national curricular policies brought into focus.

For Rawls, the definition of principles of justice that would be based on rational foundations that, articulated to what the author calls reasonable, use the moral dimension in a deontological approach considered superior, allow to regulate equality and freedom from general principles agreed as Mouffe (1999, p.75) describes in his critical analysis:

for Rawls, these rules are moral in character, so their conception is not purely instrumental; it is necessary for moral limits in the search for

self-interests. But between the reasonable and the rational there is no room for anything political, properly speaking, whose nature we could establish independently of morals or economics.

With Laclau it is possible to discuss the uses of equality. Regarding equality, the author puts it in relation to difference, emphasizing that equality presupposes that we are equivalent in some aspects, but not in all, because it would be about identity and not equality, calling attention that “equality in the political field is a type of discourse that tries to express the differences; it is, if you like, a way of organizing them. [...] This means that, depending on the circumstances, equality can lead to the strengthening or weakening of differences.” (LACLAU; BUTLER, 2008, p. 408).

Thus, the pursuit of equality does not occur by establishing difference as the opposite field, but, on the contrary, it occurs in negotiation **with** difference. This also does not imply an additive relativistic stance that could be seen as a possibility to refute some exclusion. As the author himself warns, the inclusion of all excluded possibilities would be impossible since the social is built on decisions taken on an undecidable terrain, without criteria established a priori, but at the very locus of the multiplicity of political struggles. Given this, it is possible to discuss how the overlapping equality and equity empties political struggles for meaning.

Laclau e Butler (2008), that Butler in dialogue with Laclau, draws attention to the discussion about equality as a field open to articulations, since equality would serve anti-democratic purposes if we could define in advance who could and could not claim equality; further emphasizing that the elaboration of radically context-free principles responds to the intention of integrating the context into the principle so that they are no longer readable.

The meaning of freedom and equality in Rawls’ theory of justice as equity is also expressed in what Mouffe highlights as the priority of a policy based on law. Based on the political principles of freedom and equality, the possession of rights characterizes the distributive logic of justice – these are equal rights for all, the guarantee of rights assures freedom since they are individual rights.

At BNCC this is articulated with the notion that appears more strongly in the first versions of the document, but remains in the approved version: the right to learn. In previous studies (FRANGELLA, 2016; 2018), I discussed how the idea of the right to education slips and its significance as a universal right to learning right, maintaining a universal logic of law that, linked to learning, drives the standardization of teaching objects and learning objectives. In this understanding, to guarantee learning rights is to guarantee equity.

However, it is not a question of observing the presence of the question of law, but, like Bhabha (2001, p. 159), discussing the effect of reality and the challenge it produces. In the author's explanation, "under the false appearance of the present, the semantic seems to prevail over the syntactic, the meaning over the signifier", in a moment of discursive transparency. However, it has an effect of authority inscribing it in a double vision:

From this point of view, discursive transparency can be better understood in the photographic sense, in which transparency is also a negative, a process for visibility through reversion, enlargement, lighting, editing and projection technologies; it is not a course, but a re-course of light. This conversion to light is a matter of providing visibility as capacity, strategy, and agency (BHABHA, 2001, p. 160).

More than transparent, they are ambivalent effects of articulations that realign other power relations and, for the exercise of authority, create differentiations, discriminations that produce, in effect, a constitutive exterior that is rejected – the lack of quality, the crisis in / of education; a refusal that highlights the excess and paradoxically engenders a process of constituting a unitary referent "essential to preserve authority as an immediate mimetic effect" (BHABHA, 2001, p. 162)

The unitary referent here moves in the articulations between law and objective, endowing the subjective right itself with an objective content, in this case, knowledge. Following Bhabha's (2001, p. 163) line of argument, "the recognition of authority requires a legitimization of its source, which must be immediately, evident and consensual". In a perspective based on Laclau, as argued by Macedo (2013, 2015) and Lopes (2015a), a void signifier that operates as a nodal point of articulation of a particular that becomes universal, that operates in this production effect of evident and consensual, in the case under analysis, the defense around the quality of education, which is being filled hegemonically by the idea of quality associated with the provision of knowledge. If quality works with this catalytic effect, it also operates in a potent way by expelling "the effect of uncertainty" about knowledge itself.

In the case of the rights to education, in their displacement process as a right of learning, these come to appear in policies as rights and learning objectives. One, which is more than an additive, articulates this process of producing a referent. Taking the National Education Plan (2014) for analysis, detailing the listed goals and indicating strategies outlined for achieving them, the emphasis

on rights is observed. Dourado (2016), in his analysis of the PNE, discusses goals 2 and 3, pointing out that the disputes revolve around conceptions of BNCC, law and quality that are based on different perspectives; regarding Goal 7, which he calls emblematic, he highlights that it is centered on exams and indexes. In an articulation between the different perspectives, it is possible to discuss the articulation of the issues highlighted: right-quality-examination in an arrangement that articulates - in the discursive displacement - the right to learning with justice as / with equity. It is the very notion of equity in its perception based on a distributive logic that infers meanings to quality.

The reading I do is in line with what Macedo (2015) does in the analysis of the document "Conceptual elements" in the process of formulating the rights to learning:

I believe that the resumption [even if succinctly] of these texts, explains one of the meanings in dispute in the defense of the BNC and that would have led entities in the area to bet on the expression "rights of learning and development". The speech of some about the need for a normative definition of these rights, so that the subjects can exercise their subjective right to education [now, of quality], is another indication. [...]

I understand that this is one of the meanings that has been emerging in the BNC and that gave rise to the set of 12 rights "capable of guaranteeing subjects" (MACEDO, 2015, p. 8) their right to education. [...] If education, as a practice of meaning, produces subjectivities that "[...] develop, improve [...] participate, express themselves [...]", imagine them as normativity that will guarantee the subjective right it seems to me a problem. One of the aspects that draws attention is that such rights are the rights of the individual, at the same time that they are postulated as of everyone and for all. They are, therefore, individual and universal rights, presented as the only way to guarantee democratic life. My argument here is that such an understanding is the result of a particular political discourse, in which equality is based on an abstract similarity capable of guaranteeing it (MACEDO, 2015, p. 896).

The determination of rights – of equal freedom – is the path to social justice, here curricular. However, in the dialogue with Derrida, I return to the argument that I have been defending, that there are no absolute parameters of justice; inferring about the meaning of justice implies a dynamic of politicization of law, destabilizing it in its claim to total closure (FRANGELLA, 2018), in the complex and ambivalent relationship between universality and particularity, law and justice.

What is observed in the BNCC is how these conceptions are superimposed, as indicated by the reading made by Cunha e Lopes (2017, p. 26):

Under the name BNCC, a set of practices has been projected by which the link between education-knowledge-equity is given, seeming to make the notions of democracy (democratization), law and distribution of knowledge equivalent to goods (objects) to be appropriated. In the policy texts investigated by us, these terms are interchanged, replaced by one another in a naturalized way. Questioning such postulations, we defend that the name BNCC has been building curriculum policy in a cooling of discussions marked by the plurality related to education

Thus, from the problematization of the notion of justice that I observe adhering to and informing the objectives of equity and equality that are being outlined in the BNCC, in a discursive formation that, in the overlapping of equal freedom, is embodied in learning rights. The realization of rights are indicative of justice as equity and, like Rawls, there is an emphasis on procedures that would allow an impartial assessment of results, based only on rational principles free from the complications of day-to-day life. Technical rationality impresses its decisive mark in the definition of these principles, which at BNCC can be read in the spotlight given the notion of competence.

In accordance with the pedagogical foundations presented in the Introduction of this document, BNCC is structured in order to make explicit the competences that students must develop throughout Basic Education and in each stage of schooling, as an expression of the rights of learning and development of all the students (BRASIL, 2018, p. 23).

The form of presentation adopted at BNCC aims to ensure the clarity, precision and clarification of what all students are expected to learn in Basic Education, providing guidelines for the development of curricula across the country, appropriate to different contexts (BRASIL, 2018, p. 31).

The definition with clarity, precision and clarification establishes the ground for equitable equality in line with the equally equitable procedure. Thus, it is possible to think that in this horizon a fair process is designed, justice as equity. The priority of freedom remains, based on the equality defined in the regulation



of rights; an equal freedom based on rights that do not harm individual freedom being individual rights, maintaining the logic of “one for all and all for one”.

## **For other meanings of justice or the possibilities of deferral**

The search for a democratic education goes through the necessary discussion about justice. However, as I have been presenting in the analyzes and arguments that I develop from these, the sense of justice that has informed curriculum policies is based on the possibility of, based on a rational pact, overcoming conflicts in a harmony produced by equal freedoms. With Bhabha (2001), I question this operation of transforming everyone into one and argue that this makes deferral impossible. In other words, an idea of justice that occurs over the logic of equality that rejects difference destabilizes and exposes the fragility of the very sense of rationale that underlies the decision, which is not rational there, but a contingent arrangement, without its own foundation. What justice is this that can only be expressed by fighting difference? Justice as a homogenizing totality?

Keeping the notion of justice on the horizon, I discuss it from other meanings, in line with Mouffe’s (1999, 2015) formulations, justice as agonistic pluralism.

Such a notion rejects the homogenizing totality based on the assumption that conflict, undecidability, difference are part of the political game, characterize it as political and, although there are agreements that hegemonize given perspectives, these do not end the political game – such hegemonies they are always provisional because they do not suppress the differential trait nor establish it as an enemy to be eliminated. This is a basic point in Mouffe’s theorizing - the differentiation between antagonism and agonism: antagonism is marked by the relationship with the enemy and agonism is the relationship with the opponent, considered legitimate in its difference. What is in the author’s proposition is a tensioning of an essentialist universal perspective, for which what differs from this is deviation to be eliminated, and a perspective that is based on the possibility of different meanings being put into dispute, which exposes the impossibility of this universal. The antagonistic dimension is not eliminated - it is fundamental to democratic politics, it mobilizes the dispute between opponents -, but in the sense that Mouffe emphasizes, the taking of the other as an enemy and the assumption of a universal consensus is opposed to the concept of democracy with which operates, marked by indeterminacy.

The idea of pluralism brings into play the undecidability, the adversary's logic and the meanings, although different, are also legitimate; focuses on the impossibility of determination and foundation - since the meanings that differ are not errors / deviations, but possibilities - so there is indeterminacy and even if it refers to universality, it is not filled by a final meaning, but it reframes itself in the political game, in the relations of power and dissent that constitute its own meaning.

In this sense, in the search for justice based on another paradigm, what I highlight is the criticism of the idea of reasonable rationale that I observe as related to the design of essential learning, a standardization based on a scientific rationality, which is neutral and free from passions and daily contingencies it stands as a horizon of reasonability - and that as such invalidates what is opposed to it.

Mouffe (2015, p.120) articulates the discussion about pluralism and the conception of democratic politics that he defends. It emphasizes ignoring the political dimension and reducing politics to neutral procedures, in this argumentative line, democracy requires a conflicting consensus, which the author explains as "consensus on ethical-political values of freedom and equality for all, and dissent on the interpretation of these values". (p.120) Such referral may suggest an approximation to Rawls' theory of justice, which Mouffe perceives and warns: while for Rawls the differentiation between legitimate claims or not is based on rationality and morality, for Mouffe this is always political decision, therefore, always open to contestation. Thus, the investment takes place in an agonistic democracy that does not dispense with its adversarial dimension, as the author points out.

Lopes (2015) in a text that discusses the diffusion of the idea of normativity in the curriculum, talks about the threat of reification of the curriculum when it is foreseen the possibility of a previous definition that restricts the political struggle and eliminates contingent articulations. Thus, it defends an unfounded curriculum, a normative vacuum that politicizes the discussion by opening space for contingency and indeterminacy. In the terms discussed here, thinking about a democratic curricular policy requires suspending the anchors, normative *bases* and guarantees that it offers, with Butler (2018, p.203), it is possible to think that "being so based is almost being buried: it means refusing alterity, rejecting the challenge, refusing that risk of self-transformation perpetually posed by democratic life; is to give vent to the impulse of conservatism."

It is the indeterminate democratic condition, which starts from the impossibility of deferral that a rational procedure impels, in its establishment as a normative framework, in a strong homogenizing tendency. It is the possibility of differing that endows this process with a democratic political character. I point

to the idea, from Lopes (2015b), of radical investment, that it is the agonistic logic that is aligned with a sense of justice, since when dealing with the other as an adversary, it is governed by an alteritarian perspective and undecidable, which keeps the dispute open. Still on this, in articulation with what has been discussed so far, it would be the agonistic logic that would also allow the defense of rights, not to make many one, but to allow many to be more than many, different: the right to meaning and contestation.

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