The contestation of policies for schools during the Covid-19 crisis: a comparison of teacher unions' positions in Germany and Australia

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Abstract

This paper examines school management and policies in Germany and Australia during the Covid-19 pandemic. The study, which is comparative and qualitative, explores the interrelationship between different levels of governance and the responses of teacher unions. The inquiry is informed by the perspectives of historical institutionalism and path dependency, and the document analysis is conducted by utilising the justification categories of value, collective, and formal and procedural driven arguments. We argue the contestation which occurred between different levels of school governance and the teacher unions amidst the pandemic created the potential for changes in policy settings and influence over the administration of schooling. However, there is no indication of fundamental shifts in the organisation, policy direction or control over schooling in Germany or Australia. Instead, there is a conformity to established institutional arrangements and path dependencies, which secure and protect the vested interests of the different policy actors.

Introduction

When the first news came out of China in January 2020 about an epidemic known as Covid-19, very few people could have foreseen the massive global spread of the virus and the ensuing disruption it would cause. Education institutions, in particular schools, have not been immune to this unprecedented upheaval. According to the United Nations, the Covid-19 pandemic 'has created the largest disruption of education systems in history, affecting nearly 1.6 billion learners in more than 190 countries and all continents' (United Nations 2020, 2). Furthermore, the closure of schools and other learning environments has been experienced by 94% of students in the world (United Nations 2020). Especially in the early phases of the pandemic there was little research data to guide policymakers in decisions about managing schools, and difficult choices had to be considered in the effort to protect the broader population as well as taking into consideration the social, economic and educational impacts of closing or semi-closing schools (Viner et al. 2020). For an examination of the educational, social and political implications of the Covid-19 pandemic at the national and global levels, see Guoxin et al. (2021), Kidman and Chang (2020) and Trinidad (2021). While it is recognised that the pandemic has brought about fundamental changes in the way school education is conceived and delivered in many countries, the nature, depth and permanency of these changes need to be examined carefully as there are important differences in their impacts on specific areas of schooling. This paper compares policies to manage schools implemented in Germany and Australia in response to Covid-19. It argues that to understand teacher unions as significant promotors or blockers of policy reform measures it is necessary to analyse their justification patterns. Situating the study in Australia and Germany provides a fruitful comparison given they share a number of distinctive features: federal systems and regional governments which have a significant role in school management. These countries

also have active teacher union organisations, which have been advocating for policies to protect their memberships and instigate school reform. Further, these countries have significant geographical, political, historical and cultural differences, which provide the opportunity to examine key points of difference and their significance. There is only a small amount of research comparing school education policy in Germany and Australia. Therefore, the comparison has potential to provide new understandings about the nature of school education in these two national contexts.

By conducting a policy analysis from a transnational and comparative perspective, an understanding of what occurred in these two countries during the Covid-19 pandemic can emerge and engender broader and deeper insights about the ways in which federal systems respond to and manage school policy in the midst of a national and international crisis. The value of conducting a transnational critical inquiry has been attested by a number of authors, as the differences and commonalities in policy approaches can refine and challenge how we comprehend the developments associated with this unprecedented policy context (Beck 2006; Lingard and Sellar 2013; Sassen 2006). The inquiry is also informed by Beech's view that transnational educational understandings build discursive framings particular to certain contexts, which are useful as they can be interpreted and applied more broadly to other situations (Beech 2006).

To conduct the inquiry for this paper, we utilise the theoretical foundation of historical institutionalism, anchored in the key concept of path dependence (Mahoney 2000; Pierson 2000). This concept stresses the lasting stability of institutions and management structures, as it understands them as a historical legacy caused by trend-setting decisions. Employing path dependency allows us to investigate why institutional configurations in school politics have a lasting effect and are remarkably resistant to profound change (Edelstein 2016). Historical institutionalism provides a vehicle from which to understand and analyse the characteristics of

actor and power constellations in the context of the government policy decisions to manage the Australian and German school education systems during the Covid-19 pandemic.

In order to inform this comparative analysis, we provide an outline of the structural features of the two education systems and assess the implications for the paths and vested interests manifested in the policy trajectories during the pandemic. Moreover, the theoretical focus is placed on the institutional dynamics and contestation which shape and constrain the policy choices available to governments and education departments. We focus on teacher unions as the potential 'key shapers' (Moe and Wiborg 2017, 16) of education systems, though not directly having power over policy making but leveraging influence by applying pressure on national and regional governments. Interest groups such as teacher unions can became a part of this process in determining the outcome of policy reorientations brought on by government responses to the emergent crisis in school education caused by the Covid-19 pandemic.

The following research questions are posed to frame this study and focus the comparative analytical discussion:

1) What do the justification patterns of the teacher unions in Australia and Germany reveal about their responses to the policies to control and coordinate schools during the Covid-19 pandemic?
2) Was there a shift in the balance of power between the governing bodies, influenced by the teacher unions as a result of the contestation of school policies in Germany and Australia during Covid-19 pandemic?

Our analysis covers the period from March to December 2020 and is based on the qualitative content analysis of teacher union press releases and publications, government documents, media reports and secondary literature. We use different justification dimensions as categories to analyse, they are value-driven, collectivist as well as formal and procedural arguments. The

findings of the document analysis are utilised to critically examine the significance of policy junctions which underpin the dynamics of school management in the Covid-19 crisis. The role of teacher unions provides a lens from which to understand how a policy actor negotiates power contestations regarding the operations of schools. While it is not the intention of this paper to present definitive conclusions about the nature of policy interventions and responses to the Covid-19 crisis, it is possible to explore the applications and implications of policy responses grounded in contextual and historical antecedents to understand how schools are positioned to face the challenges which the pandemic crisis has presented policymakers.

Actor constellations and power: teacher unions as political actors in education policy-making

In the following discussion, we present our theoretical perspective. We elucidate the conceptual underpinnings of the paper and construct an analytical framework to examine the approaches to education policy implementation in the two countries. In order to analyse the influence of actor and power constellations on education policy during the Covid-19 pandemic we use the historical institutionalism approach with its key concept of path dependence. According to this theoretical orientation, institutions are characterised by a high degree of stability if their specific mechanisms of reproduction are left to operate undisturbed. If these mechanisms are suspended or begin to erode, there is room for change that reform-oriented actors may take advantage of (Pierson 2004, 52, see also Mahoney 2000; Pierson 2000).

Due to the initial resistance to fundamental change, path deviations or changes become increasingly unlikely over time. Shocks or cleavages due to wars, crises like the Covid-19 pandemic or new scientific findings may necessitate new institutional arrangements, or cause institutions that were thought to be stable, to collapse. The Covid-19 pandemic could provide a window of opportunity for changes in school management. Following Capoccia and

Kelemen (2007) in a 'situation of high uncertainty and unpredictability' (p. 355) there are at least two possible institutional development paths as alternatives, and which path prevails depends on the historical starting point and the actor constellations. Indeed, the way schools have operated in many countries has changed significantly during the pandemic, as they have introduced and integrate new software tools, online teaching materials and pedagogies during the time of online learning in the period between March and December 2020. Regarding educational policy, the field of our research interest, the Covid-19 pandemic may have caused the balance of power in education policy in both Germany and Australia to change and develop. We assume that this may occur if dominant actors begin to lose influence and are no longer able to enforce their interests in preserving an institution against other actors, or if actors redefine their interests and subsequently switch sides (Edelstein 2016). We assume that an analysis of the justifications of significant actors in education systems like the teacher unions may assist in explaining, why the pandemic has so far been unable to open a window of opportunity for comprehensive reforms in the governance of school systems and the power constellations that support them in Australia and Germany.

The role of teacher unions

As teacher unions are considered as 'central players in the politics of education' (Moe and Wiborg 2017, 7) in many countries, they are major political forces in the organisation, funding and policies of schools (Moe and Wiborg 2017). The 'vested interests' of teacher unions (see Moe 2015, 304) are to enforce the interests of their members to obtain salary increases, improvements in social security (e.g. job security, pensions or healthcare provision) and workplace conditions.

Many teacher unions were established in the 19th or early 20th centuries (see country analyses in Moe and Wiborg 2017). As such, the role of teacher unions in education policy-

making is rooted in the historical arrangements and patterns of policy processes between teacher unions and other political actors and institutions. How teacher unions can enforce the educational and professional interests of their respective clientele depends on their power constellations and unity (Dobbins and Christ 2019; Moe and Wiborg 2017). The more members a union has and the less the teacher union landscape is divided, the more powerfully they can exert their positions in education policy-making. In addition, the organisational status of teachers may play a role: if teachers are civil servants (as in Germany) and it is forbidden for them to strike or they have the right to strike for their interests (as in Australia), this may influence the political strategies teacher unions use. Further, a teacher union's influence is paramount if it is highly organised, politically active, engages in industrial actions such as strikes or campaigns, and has a presence in the media (both conventional and social media).

There is a growing literature on the role of teacher unions in education politics (e.g. Dobbins and Crist 2019; Govender 2015; Moe and Wiborg 2017; Nikolai, Briken and Niemann 2017). The analysis in the literature indicates that teacher unions can decisively shape reform trajectories depending on their preferences, structures and mobilisation capacity. However, it remains an open question what positions teacher unions took during the Covid-19 pandemic and how far they promoted policy reform measures. By examining their position on the re-opening of schools reopening of schools in Australia and Germany and how this may have supported the power balances in education policy-making among governments. From a historical institutionalism perspective, it is useful to investigate the power resources of education policymakers like teacher unions, their strategies as well as the values which motivate and inform their political positions.

The realisation of the unions' desired interests is not only dependent on the power resources of teacher unions but also, in both Australia and Germany, on the institutional role of federal

governance. In analysing the tensions between federal policy steering, regional and local autonomy, and the positions of teacher unions, it can be decisive if national policies influence the school politics at the regional level (through financing schools and stipulating guidelines for teaching). The more school administration and governance is the sole responsibility of regional authorities such as state governments, the more it may be difficult to form a common political strategy for the opening or closure of schools during the Covid-19 pandemic. Decentralised governance allows greater potential for teacher unions to exert their interests and to block or facilitate a common policy response. For the teacher union landscape in both countries, path dependent legacies continue to influence their standing and positions.

Govender (2015) argues that, historically, while teacher unions have been separated along ideological and political lines, they have displayed flexibility in striving to gain influence in the policy arena. Therefore, the agency of teacher unions plays an important role in changing organisational strategies to maintain their independence or preventing marginalisation. However, their ability to influence policy is often constrained by their political relations with state bodies and this relationship strongly influences their justifications which are the focus of the article. The contestation over control and ownership of policy therefore lies at the heart of teacher union–state relations this paper is interested in examining (Govender 2015).

Methodological considerations

The organisation of this paper includes an outline of the features of the German and Australian education systems, which is presented in order to identify and examine established institutional configurations and policy settings. The contextual aspects outlined here are significant in recognising the distinctive institutional arrangements and governance deeply embedded in specific national circumstances, which are the product of historical political

contestation (Takayama 2012). Our analysis of the national contexts is based on secondary literature, media releases, government documents and ministerial statements.

We examine the positions of teacher unions in both countries and refer to press releases from the months of March to December 2020. With the press releases, it is possible to capture the interests and ideational foundations of teacher unions embedded in the texts. In particular, we analyse the press releases used by teacher unions to justify their decisions to their members and the broader public. As policy actors and educational stakeholders their goals, motivations and arguments are presented intentionally and carefully. Trinidad (2021) in relation to understanding decisions made during Covid-19 argues that '[by] understanding how stakeholders make sense not only of competing options, but more fundamentally of competing values, educational organizations may clarify what issues need to be prioritized' (Trinidad 2021, 68).

The press releases from Australian and German teacher unions were analysed using qualitative content analysis (see Schreier 2012) based on analytical categories developed by Bleses et al. (1997, 506). The analytical categories of justifications patterns include 1) value-driven arguments, 2) arguments guided by collective benefits and 3) formal and procedural arguments. To ensure reliability and authenticity, the documents were coded independently of each other and subsequently reviewed for commonalities and consistency. In the following section, the three justification categories are explained in more detail.

Value-driven arguments

Arguments were classified as *value-driven arguments* when the focus was on aspects of justice. In school policy, this is usually the case in discussions about educational justice. The principle of equal opportunities implies that all children, regardless of their background, should enjoy the same opportunities to achieve a certain educational goal (Meyer 2014). We

analyse if teacher unions' claim for the reopening of schools was to ensure equal opportunities and to allow students to have further engagement with their learning and assist with their well-being. Topics in this dimension included educational equity, rights to education, health care and safety of children, social isolation and pedagogical requirements in distance learning.

Arguments guided by collective benefits

Arguments were classified as *arguments guided by collective benefits* if the reopening of schools was justified by pointing out the benefit to the society-at-large. With this utilitarian oriented argument, the normative foundation is less important than the criteria of effectiveness and efficiency for the society. Hence, the focus of the argument is on the effectiveness of policies and the related cost-benefit relationship. As in social policy, these arguments frequently refer to financial and economic factors (such as the provision of a skilled workforce). Arguments in favour of the role of education and training in boosting Australia's and Germany's competitiveness and skill level also fall into this category. Furthermore, arguments about efficiency (e.g. cost efficiency) or effectiveness (e.g. advantages and disadvantages of teaching students in on-line learning or classroom learning) are included in this dimension. The vested interests of teacher unions also fall into this category as the working conditions of teachers and their health protection and maintaining the capacity and motivation of teaching staff. We also classified arguments into this category if they referred to the opening of schools to assist employees in their workload or to the closure of schools to relieve public transport.

Formal and procedural arguments

Arguments were classified as *formal and procedural arguments* if they referred to existing or complementary rules, procedures, or decisions. In a federal system, compared to the other dimensions, this category is least concerned with normative aspects. Key components for

category are the establishment of strategies and procedures for the health protection of teachers and students as well as for the reopening of schools. In addition, topics such as digital infrastructure and improvements to working conditions are also included here.

Data analysis

To prepare data for classification, content areas related to Covid-19 and school education were identified from an initial reading of the documents and press releases from the teacher unions from the period of March to December 2020. Specific quotations and sections from these texts were selected based on keywords, issues, and themes related to school management, school closures, reopening and the provision of school education. These quotations and sections were analysed individually, an argument or point was identified and then aligned to one of the three analytical categories of value, collective, and formal and procedural driven arguments. After this initial process, the quotations and sections were placed in separate tables for each country and combining the data content from each individual union which was then placed in chronological order. The quotations and key arguments from Australia and Germany were then compared to inform the analysis through the prism of the three categories identified for analysis and the theoretical constructs of historical institutionalism and path dependency to arrive at the key findings.

Contextual features in Australia and Germany

In the following discussion of the context in Australia and Germany, we begin by explaining the educational, policy and political context in each country followed by a presentation of our findings regarding the *justification categories* including evidence in the form of policy statements and press releases from the respective teacher unions.

Australia

Political and policy context

Australia is governed by a conservative coalition of the Liberal and National parties headed by Prime Minister Scott Morrison. From the time of national federation in 1901 onwards, school education in Australia (which is compulsory) has been delivered and administered by state and territory governments including the regulation and registration of both public and private schools (Campbell and Proctor 2014). The majority of students attend public schools though the private school sector is sizable. The responsibility for school funding flows from the federal to state and territory governments, and national education policy has until recently been formulated by all governments working through the Council of Australian Governments. The federal government can pass legislation through the parliament to change school education funding and resourcing. While the states and territories control the schools in their jurisdictions, they must follow national policies (curriculum, reporting and teacher registration) if they are to receive federal school funding.

In Australia, there are two teacher unions: the Australian Education Union (AEU) and the Independent Education Union (IEU). The AEU represents public school teachers, teachers in early childhood centres, vocational centres and all professional staff and is affiliated with the Australian Council of Trade Unions but not with any political party. The IEU represents staff in private schools and is politically non-aligned. The two unions represent their members professionally and industrially in a range of forums. They strive to protect the rights and conditions of not only their members but also all staff in educational institutions through industrial awards and agreements (AEU 2020a; IEU 2020a). It should be noted that the AEU has a larger membership (around 200,000) and is known to take a more activist and militant stand on issues related to teachers' work in schools (AEU 2020a).

Key policy decisions and trends from March to December 2020

In Australia, the first cases of the Covid-19 were identified late in January 2020 however, it was not until the middle of March when there was a significant increase in the number of cases. From the middle of March onwards, the federal government started to take a range of emergency measures including closing the borders to international arrivals. A national cabinet was formed with representatives from states and territories to make decisions about managing the health crisis along with social and economic policy. The management of schools was one of the areas the national cabinet discussed, informed by advice from the federal health experts. However, the state and territory authorities continued to maintain control over the school systems. As each state and territory had different numbers of cases of the virus, independent decisions were made about the management of schools. In late March, state and territory governments initiated the complete and partial closure of schools, facilitated through education departments in conjunction with school boards and principals. Partial closure meant the school remained open but only for a small number of students who could not study online at home or whose parents were classified as essential workers (Leask and Hooker 2020).

The process of transitioning to online learning for schools was not uniform or smooth and there was considerable confusion in the communication to students and their families about the nature of the partial closures. Decisions were taken quickly and the three school sectors public, Catholic and independent schools did not always act together (Leask and Hooker 2020).

The way in which state and territory governments managed school attendance became the subject of growing debate in the media, the general public and education departments. Criticisms were made about restrictions being implemented too late or too early, or for being too stringent or not rigorous enough (Leask and Hooker 2020). The federal government adopted a position of trying to maintain normal school operations and openings wherever possible and wanted to hasten the return to normal schooling operations.

The reopening of schools in late May and June was more problematic and keenly debated in the political arena, the media and by school authorities. The debates were mainly centred on the timing of the return to face-to-face learning and whether to receive all students back at the same time or gradually according to year levels. There was a backlash against the push to return to face-to-face learning quickly from teacher unions (both private and public), some teachers and school leaders.

Victoria, especially the capital city of Melbourne, experienced a second wave of infections late in June and by July, the state government reimposed lockdown restrictions and schools re-transitioned to online learning and partial closures. The severity of the second wave of the pandemic inclined the federal government ceased any criticism of the state government's policy decisions in relation to the opening or closing of schools.

Germany

Political and policy context

During period of this study Germany's federal government is headed by the Christian Democratic Union [CDU] which has been in power since 2005 with changing coalition partners. Germany has a strong tradition of regional government, and the Federal Republic consists of 16 regions, known as Länder. According to the *Grundgesetz* (Basic Law), the field of education is within the legislative purview of the Länder and the 16 Länder have essential responsibility for education policy. Schooling is compulsory in Germany up to the later years of secondary school (on average until 16 years old in the Länder with provision for the schooling of students with a significant level of intellectual and physical disability). In the past, the parliaments of the Länder made abundant use of their exclusive legislative competencies, so that the educational systems of the Länder differ in respect to the length of primary schooling, secondary school types and their pedagogical orientations (Helbig and

Nikolai 2015; Nikolai 2019). Despite the Länder sovereignty in the field of education, since 1948 the Conference of the Länder Ministers of Education coordinates and harmonises education policy as well as ensures that education policymakers (including teacher unions) coordinate their activities and decisions. So, there is a high political consensus in education policy-making, and this had an impact on how education policymakers have reacted to the Covid-19 pandemic.

In Germany, teacher unionism is highly fragmented, as teacher unions have emerged around each school type in the German secondary school system. Teacher unions in Germany are rooted in the historical development path of the tripartite school system, teachers' employment status as civil servants, and teacher training. In the 19th century, a class-based, segmented school system emerged with the institutional segregation of elementary schools and secondary schools (Nikolai, Briken and Niemann 2017). This political legacy influenced the re-establishment of the teacher unions after the Second World War and teacher unions to this day rely on different kinds of members and regard each other as political opponents. The Trade Union of Education and Science (*Gewerkschaft Erziehung und Wissenschaft* [GEW]) represents teachers at elementary schools, the *Hauptschule*, two-tiered school forms and different forms of comprehensive schools (e.g. *Gesamtschule*, *Gemeinschaftsschule*). The German Philological Association (*Deutscher Philologenverband* [DPhV]) represents teachers at the Gymnasium (schools which have a higher academic level). The DPhV is a member of the German Teachers' Union (DLV, *Deutscher Lehrerverband*), which is an umbrella organisation and represents teachers in the Realschule and vocational schools.

There are close ties between the DPhV and the conservative CDU. In contrast, members of the GEW are allied more closely to the centre-left Social Democratic Party (*Sozialdemokratische Partei Deutschlands* [SPD]), the Green Party (*Bündnis 90/Die Grünen*)

and the Left Party (*Die Linke*). The GEW and the DPhV are organised at the federal level, but also within the 16 Länder (Nikolai 2019).

In contrast to Australia, there is no union for teachers in private schools, as the private school sector is still very small when compared internationally (only 11% of all schools were private schools in 2015, see Nikolai, and Koinzer 2017).

Key policy decisions and trends from March to December 2020

The first recording of Covid-19 disease in Germany occurred at the end of January 2020 in Bavaria. Due to an increase in infections and deaths in Italy and France in February, a crisis committee was formed by the federal government in Germany at the end of February 2020. Members of this crisis committee were members of the federal government, including Chancellor Angela Merkel, the ministers for finance, the interior and health. In the light of initial deaths in Germany, a sharp lockdown of public life in Italy and France and a total closure of schools in these countries in March, the German Länder also closed schools and kindergartens by mid-March.

The Länder opened their schools after the Easter holidays at the end of April for specific age groups (e.g. for the graduation years for the higher education entrance qualification). Face-to-face training for the junior classes did not start until the middle of May. In almost all Länder, earlier primary school classes (years 1 to 4) remained closed until the summer holidays. Differences in the political administration of opening schools also occurred after the summer holidays. With the start of the new school year in August and September (depending on the Länder), all schools were opened in the Länder, and schools went back to the regular teaching in classrooms, but there were strong differences in the hygiene requirements. For example, in some of the Länder, students and teachers had to wear masks during teaching lessons (Spiegel Online 2020).

In response to the sharp increases of infections in October and the state of emergency of hospitals in neighbouring states like France, Belgium and the Czech Republic, the federal government and the chief ministers of the Länder decided to implement a second lockdown for November. Since there were continuing high rates of infections and the number of deaths increased, the Länder collectively decided in December that the schools would close a few days before the winter holidays and remain closed until the beginning of March 2021 (together with the whole retail sector).

Policy currents: the flow upward, downward, and across

The following sections of the paper present our findings from the analysis of documents and press releases. The first section is intended to highlight some major themes and issues related to policy contestation. This is followed by a closer examination of the documents and press releases from teacher unions in Germany and Australia.

As explained earlier, Germany and Australia are federal systems where responsibility for the implementation of schooling resides at the regional (state and territory) government level. In both countries, major reforms during the last 20 years have been initiated to align state schooling systems to be more unified by fostering greater national consistency and cooperation (Savage and O'Connor 2019). In Australia, the Covid-19 crisis brought about contestation between the federal government and state and territory governments over power and influence in school education policy decision making to a window of opportunity for changes in the management of schools. Through this power struggle, constitutional rights and arrangements for state and territory governments to determine the administration of the schools in their jurisdictions were re-emphasised and strengthened. The regional governments remained determined to keep control over school policy and key decision making about the nature and timing of semi-closure of schools across different sectors and the transition to online learning (Leask and Hooker 2020). In Germany, there was a lesser degree of

disharmony between the levels of government in relation to the decision to close schools and move to online learning. This may be attributed to the embedded nature of the Länder system and their parliaments, a system which provides a finely turned balance between local autonomy and the needs of the federal government and creates a degree of conformity in policy decisions reflected in the initial approach to the closure of schools in early 2020.

Path dependencies can be clearly detected in both countries despite the pressure of the dramatic public health risk posed by the pandemic. The historical and institutional parameters for policy determination had already been practised and established over many decades allowing the states and territories in Australia and the Länder in Germany customary rights to determine how schools should function in their jurisdictions. This state of affairs reflects Pierson's (2004) thesis that the formal constitutional arrangements and public policies place constraints on the behaviour of policy actors. In response to the first research question posed earlier, we conclude that federal governance has had a limited role in strategic choices about when to close and open schools and in what manner they should operate.

While the balance of power was re-configured at the federal level, the states, territories (in Australia) and the Lander (in Germany) along with the teacher unions tenaciously held on to their path dependent roles and thereby preserved their institutional vested interests.

Justification dimension document analysis

This section provides an analysis of the teacher union documents in the two countries using the methodological approach explained earlier structured on the three categories: value-driven, collective, and formal and procedural arguments based on the evidence derived from the methodological coding system described earlier. Due to word limitations, we focus our analysis on a targeted selection of press releases.

Value-driven arguments

In their value-driven arguments, both teacher unions in Germany favoured the quick reopening of schools, as they emphasised that children need the face-to-face instruction and social contact with teachers and other students in their classes for their learning. Unions in Germany also underlined that distance learning endangers educational equity, in particular for children of lower socio-economic status or with learning disabilities (DLV 2020a; GEW 2020a):

> The situation is dangerous for disadvantaged and weaker students as well as for students with learning disabilities. (DLV 2020a, our translation)

The teacher unions in Germany associated the reopening of schools with educational equity. While the GEW representatives proposed that the crisis offered the chance to strengthen the establishment of more comprehensive and inclusive schools, the DLV and the DPhV, as the conservative teacher unions, emphasised the need for better technical equipment for every student (DLV 2020a; DPhV 2020). The differences between the teacher unions were especially evident in their support or rejection of comprehensive schools and learning in inclusive contexts, which were primarily reflected through value-driven arguments. The GEW justified its call for comprehensive schools by pointing out that only these inclusion-oriented schools could create equal opportunities for all students during school closures (GEW 2020a):

> The Corona crisis shows: Only a well-equipped and inclusion-oriented school systems is a crisis-proofed one and offers educational equity. (GEW 2020b, our translation)

In Australia, the teacher unions expressed a strong commitment to maintaining equity in the provision of school during the pandemic for students from all backgrounds including those with disabilities, those from remote areas and those from disadvantaged backgrounds in relation to the access and use of online learning (AEU 2020b). Coupled with this, the unions

raised several issues highlighting the need to monitor and support the well-being of the school community and especially students (IEU 2020b).

> The COVID-19 pandemic has certainly brought into sharp focus the issues of youth mental health and how schools, parents and the broader community can better understand and support this population cohort. (IEU 2020b, 24).

The Australian teacher unions expressed their value-driven concern for the well-being of students during the pandemic. They did not link this with the opening of schools, as did the German teacher unions, but more with the mental health of the students. Indeed, the Australian teacher unions claimed that the mental and physical safety of students and staff was at risk if schools were opened too early and too quickly (IEU 2020b; AEU 2020b). Hence, they criticised the federal government's push to reopen schools and established a counter position, which generally aligned with the state and territory government jurisdictions (AEU Victoria 2020; Duffy 2020; NSW Teachers Federation 2020).

Collective driven arguments

German teacher unions rarely used arguments guided by collective benefits. These arguments were mentioned least frequently by the conservative teacher unions in the press releases of the DLV as the umbrella organisation of the conservative teacher unions. The DLV argued that distance learning with alternating groups (bi-weekly sessions) would relieve the public transport pressure (DLV 2020b). Arguments guided by collective benefits were almost non-existent in GEW justifications, except the GEW`s conviction that only inclusion-oriented schools were well-prepared to meet the school closures and distance-learning (GEW 2020b).

In contrast to the German teacher unions' stances, the Australian teacher unions emphasised in their collectivist-driven arguments that the safety of teachers should be given priority. Their statements expressed concern about the effect on the wider community if school children

infected their grandparents with the virus and the potential to infect older teachers (Duffy 2020). The two unions – the AEU and the IEU – also campaigned to protect the health concerns of their members especially in regard to the provision of adequate sanitation measures, social distancing, contact tracing and in some cases the wearing of masks by staff (AEU Victoria and IEU Vic-Tas 2020). The collectivist-driven nature of the unions' concerted campaigns to protect the rights of their members involved two open letters to the Prime Minister from each of the Unions expressing their demands concerning safety provision in schools for teaching and professional staff (AEU 2020b; IEU 2020b).

> The IEUA's primary concern is that schools cannot meet either their legislative Work, Health and Safety obligations or their duty of care to both their employees and students. (IEU 2020b)

> …the National Cabinet and health officials at both a national and state/territory level have provided insufficient information and assurance to teachers, support staff, educators, principals and the AEU about the implementation of COVID-19 decisions and indeed, the safety of workplaces for employees and students. (AEU 2020b)

Another type of collectivist-driven argument prosecuted by the AEU was to apply pressure on the federal government to expand the funding for public education as they argued that Covid-19 highlighted the inequalities in the Australian education system (AEU 2020c). Furthermore, the IEU argued in a collectivist sense that this further investment in public education would help to strengthen and expand the Australian economy:

> Instead, the Morrison Government has ignored the economic benefits of investing in education and indeed, of acknowledging the hard work of hundreds of thousands of public school teachers around Australia during the COVID crisis, by failing to provide

the resources they need to ensure high-quality education, health and, safety provision

for students in public schools. (AEU 2020c)

This policy campaign had already been in place before the pandemic crisis, but the union was

able to apply heightened pressure on the federal government due to the perceived

exacerbation of inequalities in Australian education between the private and public school

systems (AEU 2020c).

Procedural driven arguments

The repertoire of arguments brought by the German teacher unions consisted mainly of formal

and procedural arguments. Teacher unions demanded improved health protections for teachers

to prevent school closures and to enable the reopening of schools. They requested nationwide

minimum standards and procedures for the health protection of teachers and students (e.g.

functioning of washbasins, cleaning of toilets, disinfectant dispensers), regular testing and

compulsory masks. However, a major part of their formal arguments was linked to the

demand for ventilation systems in classrooms (e.g. DLV 2020c; GEW 2020c). The fact that

the German teacher unions increasingly justified their arguments in their press releases based

more on formal procedures than on normative value judgements and beliefs, is especially

evident in the second wave of the Covid-19 pandemic in Germany during the months of

November and December 2020. Whether conservative or leftist in orientation, the teacher

unions criticised the lack of a nationwide strategy and that every government from the sixteen

Länder formulated their own school regulations in this area (DLV 2020d). In addition, the

heavy workload of teachers during the time of school closures and distance learning was

frequently argued against in the unions' press releases (e.g. GEW 2020d). Compared to the

beginning of the Covid-19 crises pandemic in the first half of 2020, the justification

dimension in the second half of 2020 reveals an even stronger shift from normative to formal

procedural arguments in the justification patterns. Regarding the two political camps, the left-

wing teacher unions made equal reference to value-driven and formal arguments, whereas the conservative camp put a stronger emphasis on formal and procedural arguments. However, the fact remains that in contrast to the Australian teacher unions, the German teacher unions welcomed face-to-face learning as long as the hygiene conditions at schools were adequate to allow for the reopening of schools.

In their formal and procedural arguments teacher unions in Australia claimed the lack of information for parents and students, from the national cabinet government about the implementation of key decisions concerning Covid-19 requirements (Victorian AEU; IEU 2020d). However, the main AEU campaigns were for improvements to health and safety in the workplace for their members (AEU 2020b).

There was also a concern on the part of the unions in Australia alleging that the federal and state governments were not granting enough autonomy to schools and school principals to make decisions at the local level (AEU Victoria and IEU Vic-Tas 2020). The unions' advocacy for principals also asserted that they were not given sufficient level of trust to implement appropriate measures for their schools:

> Current policy arrangements leave principals with the responsibility to manage student and staff absences, parental concerns and in some instances school closures, yet they are not trusted to make the key decisions that will provide tangible support to their communities. (AEU Victoria and IEU Vic-Tas 2020)

These arguments were of a procedural and administrative nature but were also justified in reference to the interests and needs of the unions' memberships.

As the analysis of the key debates between teacher unions and governments reveal, the arguments initially became less normative and more formal and procedural. Theoretically, there was potential for the debates which the teacher unions engaged in to address

fundamental questions about the administration of school education, but that did not happen. Instead, the teacher unions tended to resort to established developmental paths and institutional responses and did not manifestly argue in favour of taking new paths in the institutional development of school governance. Their established paths enabled them to exert policy influence in relation to schools according to pre-existing arrangements and structural and institutional configurations that, we argue, they leveraged to their advantage.

Discussion

Our examination of Australian and German policy management of schools during the Covid-19 crisis of 2020 reveals the complexities of a nexus involving the voices of policy actors and their vested interests, entrenched institutional arrangements and the pressures of rapid crisis decision making about the provision of school education. The challenges of this policy context also lie in the uniqueness of the circumstances and the multifaceted and multi-layered economic, social, cultural, and political considerations that impinged on school management. A crisis of the scale and gravity of Covid-19 allowed teacher unions to argue for changes in policy management in the contested domain of policy control over schools.

The evidence we have presented from different teacher unions in Germany and Australia framed in the categories of value, collective, formal and procedural arguments reveals policy responses which form two overlapping discourses. The first asserts the union's role in protecting the rights and security of its members and the wider school community. The second is public advocacy for changes and improvements in school education which have a broader societal orientation, which was more evident in the Australian documents. The arguments from the unions in both countries were designed and articulated within the contextual dynamics and existing institutional arrangements for the governance of schools. In Australia, the pressure applied by the teacher unions (especially the AEU) on state and territory

governments to take a more conservative approach to return to face-to-face learning in schools, is an instance of conforming to a pattern of reaffirming historical institutional power balances. The German teacher unions stance to advocate for a reopening of schools was an assertion of the desire to return to the normal provision of schooling.

From a theoretical standpoint we argue that our findings suggest that the utility of historical institutionalism and path dependency serve as powerful conceptualisations from which to understand the interplay of competing policy perspectives in relation to key decisions made about schools during the Covid-19 pandemic. The role of vested interests cannot be underestimated as an intrinsic and extrinsic motivator for influential policy actions enacted by policy actors (Brown 2020). In this case, teacher unions exerted their influence by constructing policy advocacy in different ways and to different degrees to support their membership, the school community and broader community. Our study has shown that, based on our chosen analytical categories, it is indeed possible to analyse the argumentative patterns of teacher unions and their positions, whether they support measures taken by governments and/or whether they advocate reform measures. As 'key shapers' (Moe and Wiborg 2017, 16) teacher unions are promoters or preventers of measures and therefore their influence is significant.

There is a potential to see the massive impact on schools wrought by Covid-19 in relation to school educational practice and operations as a causal catalyst for a para-dynamic shift in policy directions and power relationships. However, the German and Australian cases have not shown this to be the case. Though it can be said, there is ample evidence that the conditions of the pandemic opened up debates, tensions and power struggles which cast a sharper focus on the nature of policy arrangements for schooling in the two federal systems.

Conclusion

The findings of this inquiry have implications for a wider international audience as they reveal tensions and dynamics manifest in federal systems where regional bodies have a major role in the governance of school education. This study deals with some of the complexities and challenges faced by school systems at a national and regional level in responding to the Covid-19 pandemic, which can inform similar national or cross-national studies. Further, the experience of school closures has been widespread globally and continues to be a contentious and challenging issue in many countries. Conducting this inquiry has generated new knowledge by applying established path dependency and historical institutional theoretical frameworks to conceptualise and critically appraise the decisions taken in relation to the provision of school education during the pandemic These new understandings emerge at the dynamic interface involving the application of these theoretical framings to the examination of school policies and governance, and the responses of teacher unions and their justification patterns. Teacher unions exist in many countries, however, their role in responding to changes in schooling brought about by the Covid-19 pandemic have not been widely studied or evaluated, it is important to do so as they are relevant and enduring policy actors in school education landscapes.

This paper has several limitations, one of the principal ones being the lack of other studies from which to inform and situate our arguments to further the conceptualisation of school policy management in the context of the Covid-19 pandemic. Investigations of other national contexts, especially non-western countries, could enrich and broaden the nature of the understandings arising from this paper. Applied research is required to elicit the views and understandings of key policy actors including school leaders and teacher unions reflecting on what has occurred, to build a more holistic understanding of the implications of this policy contestation over school management.

Over the next few years, it will be important to look longitudinally at how the Covid-19 crisis has caused ruptures and changes in school administration and policy decision making, and whether prevailing pathways and ingrained institutional patterns persist. The enduring institutional settings in school education may continue despite the introduction of new approaches to the use of digital technologies and pedagogies in schools necessitated by the circumstances of schooling during the pandemic. The crisis has provoked a re-evaluation of the nature of school education and the role of key stakeholders and policy actors. This paper makes a targeted contribution to these evolving discussions and debates, and challenges some assumptions about the nature and dimensions of changes wrought on this policy landscape. The analysis presented in this paper of the policy dynamics and the institutional settings in which German and Australian schools and teacher unions have operated in, provides an important lens from which to comprehend the shifts and pressures exerted on school education during 2020. Furthermore, the study has highlighted the significance of the voices of key policy actors, namely German and Australian teacher unions in these processes.

Reference list

AEU (Australian Education Union). 2020a. *Organisation*. Source:
http://www.aeufederal.org.au/about/organisation [25.2.2021]

AEU (Australian Education Union). 2020b. AEU Letter to Scott Morrison. Source:
http://www.aeufederal.org.au/application/files/8915/8459/2544/COVID-1919032020_.pdf
[25.2.2021]

AEU (Australian Education Union). 2020c. Failure to boost public education COVID funding
ignores future economic stimulus. Source: http://www.aeufederal.org.au/news-media/media-
releases/2020/jul/230720 [25.2.2021]

AEU Victoria (Australian Education Union Victoria). 2020. Corona virus information and
advice for AEU members (2020) Victorian Branch of the AEU. Source:
https://www.aeuvic.asn.au/coronavirus-advice-and-information-aeu-members [25.2.2021]

AEU Victoria and IEU Vic-Tas (Independent Education Union Victoria and Tasmania). 2020.

AEU Victoria and IEU Vic-Tas joint statement: Schools need more support to manage
COVID. Source: https://www.aeuvic.asn.au/aeu-victoria-and-ieu-vic-tas-joint-statement-
schools-need-more-support-manage-covid [25.2.2021]

Beech, J. 2006. "The Institutionalization of Education in Latin America." In *The Impact of
Comparative Education Research on Institutional Theory,* edited by David P. Baker and
Alexander W. Wiseman, 281-303. Bingley: Emerald Group Publishing.

Beck, Ulrich. 2006. *Cosmopolitan vision*. Cambridge: Polity Press.

Bleses, Peter, Claus Offe, and Edgar Peter. 1997. "Öffentliche Rechtfertigungen auf dem
parlamentarischen 'Wissensmarkt'." [*Public Justification on the Parliamentary "Knowledge
Market*"]. Politische Vierteljahresschrift 38 (3): 498-529.

Brown, B. 2020. "'Steering at a Distance,' Australian School Principals' Understandings of
Digital Technologies Policies during the Digital Education Revolution." *Journal of
Educational Administration and History* 53 (1): 56-72. doi:10.1080/00220620.2020.1856796.

Campbell, Craig, and Helen Proctor. 2014. *A History of Australian Schooling*. Sydney: Allen
& Unwin.

Capoccia, G and Kelemen, R.D. 2007. The Study of Critical Junctures. *World Politics* 59 (3):
341-369. doi: 10.1017/S0043887100020852

DLV (Deutscher Lehrerverband). 2020a. Deutscher Lehrerverband wendet sich mit
dringlichen Forderungen und Lösungsvorschlägen an die Politik. Press release from
27.10.2020. Source: https://www.lehrerverband.de/forderungen-loesungsvorschlaege/
[26.11.2020]

DLV. 2020b. Präsenzunterricht im Zweiwochentakt. Press release from 27.5.2020. Source:
https://www.lehrerverband.de/wp-content/uploads/2020/05/Unterricht-im-Zweiwochentakt-
Fassung_13052020.pdf [25.2.2021]

DLV. 2020c. Deutscher Lehrerverband wendet sich mitdringlichen Forderungen und Lösungsvorschlägen an die Politik. Press release from 27.10.2020. Source: https://www.lehrerverband.de/forderungen-loesungsvorschlaege/ [25.2.2021]

DLV. 2020d. Deutscher Lehrerverband fordert: Jetzt handeln und nicht weiter zuwarten! Press release from 24.11.2020. Source: https://www.lehrerverband.de/mehr-sicherheit-fur-schuler-und-lehrkrafte/ [25.2.2021]

Dobbins, Michael, and Claudia Christ. 2019. "Do They Matter in Education Politics? The Influence of Political Parties and Teacher Unions on school governance reforms in Spain." *Journal of Education Policy* 34 (1): 61-82.

DPhV (Deutscher Philologenverband). 2020. DPhV benennt Hausaufgaben für die Kultusminister. Press release from 1.4.2020. Source: https://www.dphv.de/aktuell/nachrichten/details/article/dphv-benennt-hausaufgaben-fuer-die-kultusminister-ausreichender-gesundheitsschutz-fuer-lehrkraefte-und.html [25.2.2021]

Duffy, C. 2020. "Teachers unions still angry after meeting with Scott Morrison over coronavirus school closures." https://www.abc.net.au/news/2020-03-25/teachers-unions-meeting-scott-morrison-coronavirus-covid-19/12087600 [25.2.2021]

Edelstein, B. 2016. "Stabilität und Wandel der Schulstruktur aus neoinstitutionalistischer Perspektive". In *Institutioneller Wandel im Bildungsbereich* Edited by N. Berkemeyer, B. Hermstein and V. Manitius, 47-70. Münster: Waxmann.

GEW (Gewerkschaft Erziehung und Wissenschaft). 2020a. Corona-Krise deckt Schwächen des Bildungssystems gnadenlos auf. Press release from 1.5.2020. Source: https://www.gew.de/presse/pressemitteilungen/detailseite/neuigkeiten/gew-corona-krise-deckt-schwaechen-des-bildungssystems-gnadenlos-auf/ [25.2.2021]

GEW. 2020b. Corona-Krise zeigt: Nur ein gut ausgestattes inklusives Schulsystem ist krisensicher und bietet Chancengleichheit. Press release from 25.6.2020. Source: https://www.gew.de/presse/pressemitteilungen/detailseite/neuigkeiten/gew-corona-krise-zeigt-nur-ein-gut-ausgestattetes-inklusives-schulsystem-ist-krisensicher-und-bietet/ [25.2.2021]

GEW. 2020c. Politik und Träger müssen Gesundheitsschutz zur Chefsache machen. Press release from 2.4.2020. Source: https://www.gew.de/presse/pressemitteilungen/detailseite/neuigkeiten/gew-politik-und-traeger-muessen-gesundheitsschutz-zur-chefsache-machen/ [25.2.2021]

GEW. 2020d. Es gibt weiterer Klärungsbedarf! Press release from 6.5.2020. Source: https://www.gew.de/presse/pressemitteilungen/detailseite/neuigkeiten/stellungnahme-von-gew-vbe-und-ber-zum-rahmenkonzept-der-kmk-zu-schuloeffnungen-es-gibt-weiteren-klae/ [25.2.2020]

Govender, L. 2015. "Teacher Unions' Participation in Policy Making: A South African Case Study." *Compare: A Journal of Comparative and International Education*, 45 (2): 184-205. doi:10.1080/03057925.2013.841467.

Guoxin, Ma, G., Black, K., Blenkinsopp, J., Charlton, H., Hookham, C., Wei Fong Pok, W.F., Bee Chuan Sia, B.C & Alkarabsheh, O. (2021). Higher education under threat: China,

Malaysia, and the UK respond to the COVID-19 pandemic. *Compare: A Journal of Comparative and International Education*, DOI: 10.1080/03057925.2021.1879479

Helbig, M., and R. Nikolai. 2015. *Die Unvergleichbaren*[The Incomparables]. Bad Heilbrunn: Klinkhardt.

IEU (Independent Education Union of Australia). 2020a. https://www.ieu.org.au/

IEU (Independent Education Union of Australia). 2020b. Letter to the Prime Minister Scott Morrison. Source: ttps://www.ieu.asn.au/application/files/5615/8468/1621/IEUA_COVID19_IEUA_letter_to_P M.pdf [25.2.2021]

IEU. (Independent Education Union of Australia) 2020c. Independent Education Union of Australia calls for immediate nation-wide end of term for all school students. Source: https://www.ieu.org.au/ieua-calls-for-immediate-nation-wide-end-of-term-for-all-school-students/ [25.2.2021]

IEU (Independent Education Union of Australia) 2020d. Cluster in Schools Union calls for decisive guidance. Source: https://www.ieu.asn.au/news-publications/news/2020/08/news-release-clusters-schools-union-calls-decisive-guidance [25.2.2021]

Kidman, G., and C-H. Chang. 2020. "What Does 'Crisis' Education Look Like?" *International Research in Geographical and Environmental Education* 29 (2): 107-111. doi:10.1080/10382046.2020.1730095.

Leask, J., and Hooker, C. 2020. "How risk communication could have reduced controversy about school closures in Australia during the Covid-19 pandemic." *Public Health Research and Practice* 30 (2): e3022007. https://doi.org/10.17061/phrp3022007.

Lingard, B., and Sellar, S. 2013. "Globalization, edu-business and network governance. "London *Review of Education*, 2013 11 (3): 265-280.

Mahoney, J. 2000. *"*Path Dependence in Historical Sociology.*" Theory and Society* 29 (4): 507-548.

Meyer, K. 2014. "Educational justice and talent advancement.*" In Education, justice and the human good*edited by K. Meyer, 133-150. New York: Routledge.

Moe, T. M. 2015. "Vested interests and political institutions.*" Political Science Quarterly* 130 (2): 277-318.

Moe, T. M., and Wiborg, S. 2017. *The Comparative Politics of Education.* New York: Cambridge University Press.

Nikolai, Rita. 2019. "After the German Reunification: The Implementation of a Two-tiered School Model in Berlin and Saxony." *History of Education* 48 (3): 374-394.

Nikolai, R, Briken, K, and Niemann, D. 2017. "Teacher Unions in Germany." In *The Comparative Politics of Education* edited by Terry M. Moe and Susanne Wiborg, 114-143. New York: Cambridge University Press.

Nikolai, R and Koinzer, T. 2017. "Long Tradition, Moderate Distribution and Growing Importance – Private Schools in Germany as 'Change Agents' of School Choice." Edited by T. Koinzer, R. Nikolai and F. Waldow (Eds.), *Private School and School Choice in Compulsory Education*, 81-97. Wiesbaden: Springer VS.

Pierson, P. 2000. "Increasing Returns, Path Dependence, and the Study of Politics." *American Political Science Review*: 94 (2): 251-267. doi.org/10.2307/2586011.

Pierson, P. 2004. *Politics in Time*. Princeton: Princeton University Press.

Sassen, S. 2006. *Territory, Authority, Rights*. Princeton: Princeton University Press.

Savage, G. C., and K. O'Connor. 2019. "What's the Problem with 'Policy Alignment'? The Complexities of National Reform in Australia's Federal System." *Journal of Education Policy* 34 (6): 812-835. doi:10.1080/02680939.2018.1545050.

Schreier 2012. *Qualitative Content Analysis in Practice*. London: Sage.

Spiegel Online. 2020. Das ist an Deutschlands Schulen geplant. https://www.spiegel.de/panorama/bildung/corona-wie-es-an-deutschlands-schulen-weitergeht-bundeslaender-im-ueberblick-a-52cb976b-a9ea-4686-b402-3177f0097e27 [9.8.2020]

Takayama, K. 2012. "Exploring the Interweaving of Contrary Currents: Transnational Policy Enactment and Path-dependent Policy Implementation in Australia and Japan." *Comparative Education* 48 (4): 505-523. doi:10.1080/03050068.2012.721631.

Trinidad, J. E. 2021. "Equity, engagement, and health: school organisational issues and priorities during COVID-19." *Journal of Educational Administration and History* 53 (1): 67-80. doi: 10.1080/00220620.2020.1858764.

United Nations. 2020. *Policy Brief: Policies for Schools during the Covid-19 and Beyond.* New York: United Nations. https://unsdg.un.org/resources/policy-brief-education-during-covid-19-and-beyond

Viner, R. M., S. J. Russell, H. Croker, J. Packer, J. Ward, C. Stansfield, O. Mytton, C. Bonell, and R. Booy. 2020. "School Closure and Management Practices during Coronavirus Outbreaks including COVID-19." *The Lancet Child & Adolescent Health* 4 (5): 397-404. doi:10.1016/S2352-4642(20)30095-X