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NEOLIBERALIZATION OF EDUCATIONAL POLICY DISCOURSES IN CHILE

BY

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DISSERTATION

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Abstract

In an age of globalization dominated by a neoliberal ideology, many scholars have studied the effects of a market-driven model on education systems in different parts of the world. They have focused on the scope and effects of neoliberalism on school funding, governance, student and school performance, among others. These works, however, have paid less attention to the transformations of neoliberalism or to the language used to reshape educational policies in market terms. Building upon literature which emphasizes neoliberalism's fluid nature and historic contingency and recognizes the struggles and compromises through which its meaning is both reconfigured and reasserted in different contexts, this dissertation looks at the way in which neoliberal ideas were rearticulated in Chile's new General Law of Education (LGE). The LGE can be regarded as a response to the shortcomings of the neoliberal logic embedded in its predecessor, the Constitutional Organic Law of Education (LOCE), a law promoting school competition and privatization which became the target of virulent student protests in April of 2006 because of its ill effects on disadvantaged students. At a time when education systems around the world are dealing with the shortcomings of neoliberalism and trying to reconcile equity concerns with a salient emphasis on competition and quality performance, this work provides some insights about the tensions and challenges involved in articulating the former with the later through a discursive analysis of the LGE. It also emphasizes that while global neoliberal frameworks might contribute to shape national policy discourses, understanding their intricacies, the meanings and articulations of the words chosen, and ultimately, their solutions, requires considering the forces involved in the policy creation, their discursive struggles, along with their compromises and value trade-offs.

*To my family, who gave me the courage to dream, taught me to be patient and persevere
and loved me unconditionally during this journey.*

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Chapter 1:

Introduction

Neoliberalism as a policy discourse emerged in Chile within an authoritarian regime. After the democratic breakdown in 1973, Chile came to be well-known for the economic stabilization processes and neoliberal policy reforms implemented under General Augusto Pinochet's regime (Silva, 1993). Indeed, Chile is often regarded as a pioneer in introducing fundamental and far-reaching neoliberal reforms (Berger, 1999; Fourcade-Gourinchas, & Babb, 2002; Valdés, 1996). Neoliberal restructuring in Chile had an early initiation not only vis-à-vis other Latin American countries, but also was implemented before analogous reforms in the United States and the United Kingdom. In relation to this, several scholars argue that Chile became an “experimental laboratory” for the implementation of neoliberal ideas in myriad ways, and later on served as an affirmative example of the benefits entailed in conforming to the neoliberal reformulation of social policies fostered globally by leading international financial institutions (Harvey, 2005; Sader, 2005; Taylor, 2003).

Neoliberal policy reforms under Pinochet infringed the social role of the state and replaced the idea of basic services as social rights provided by the state with an emphasis on the consumer's freedom of choice (Taylor, 2003). Social policies then were no longer contingent on the demands of collective subjects on the state, but rather, were reformulated as a relationship between individuals and the private providers of social services. In brief, neoliberal policies pushed towards an increased presence of market dynamics in social life while disengaging the state from its historical responsibility for social welfare (Klees, 2002). Accordingly, education shifted from being a responsibility of the state to becoming a responsibility of the private sector. The disinvestment on this sector coupled with the introduction of competition as a mechanism of

efficient market behavior generated deep inequalities in terms of access to quality educational opportunities.

With the demise of Pinochet and the return to democracy in 1990, the Concertacion—a coalition of Chilean political parties led by the Christian Democrats and the Socialists—attempted to democratize social relations and the practices of the state and alleviate the social inequalities created by the dictatorship’s neoliberal restructuring. As Taylor (2003) asserts, “the political legitimacy of the Concertacion governments within the unevenly emerging liberal-democratic structures was in no small measure staked upon their promise to promote a more equitable form of national development” (p. 27). In line with this promise, successive Concertacion governments undertook a series of social programs and increased social expenditure in the framework of a development strategy commonly known as “growth with equity”¹. This strategy sought to amalgamate the export-oriented model implemented during Pinochet’s regime with a more progressive social policy agenda that would be inclusive of those groups marginalized during the dictatorship’s restructuring neoliberal project (Taylor, 2003). For Robert Gwynne and Cristobal Kay (2001), post-dictatorship governments in Chile represent a partial shift towards a ‘neoststructural’ development model in which the state becomes more engaged promoting the social inclusion of sectors marginalized during the Pinochet era. In this sense, the Concertacion’s ‘Growth with Equity’ model bears similarity with what has been labelled as ‘neoliberalism with a human face’ or ‘Third Way’ neoliberalism (Taylor, 2006).

¹ One could argue that this strategy was very much aligned with the Economic Commission for Latin America and the Caribbean’s proposal, Productive transformation with equity (ECLAC, 1990). According to the ECLAC’s framework, development implies an improvement in the overall well-being of the population which results from multiple factors: the preponderance of human rights, democratic governance, equity and the availability of goods and services to all sectors of the population, in combination with macroeconomic stability and growth (Morales-Gómez, 1999).

This ‘Growth with Equity’ strategy became the focus of persistent criticisms because it failed to replace some institutional arrangements introduced by Pinochet’s regime ² (Santos, 2005; Taylor, 2006) and to address the structural inequalities brought about by the neoliberal restructuring in education. In relation to the former, neoliberal-driven legal frameworks inherited from Pinochet’s dictatorship remained in place even after fifteen years of democratic rule. For instance, the Law 18,962 or Constitutional Organic Law of Education—commonly known by the acronym “LOCE” (Ley Orgánica Constitucional de Enseñanza in Spanish)—continued to be the legal framework in education. This law constituted a shift from an education system whose mandate had previously been grounded in ideas of equity and opportunity to another built upon ideas of efficiency and competition. The Constitutional Organic Law of Education (henceforth LOCE) transferred the education administration to local governments (“municipalization”), established a voucher system for school financing, promoted competition between schools for students and resources, and allowed the entry to the system of private providers to diversify school supply (Matear, 2007).

The fact that the LOCE—a framework for education inherited from Pinochet’s authoritarian regime—still remained in effect and the realization that, in spite of increasing funding for education and the programs targeting disadvantaged sectors of the population, Concertacion governments failed to adequately overcome the system’s social segmentation and the dismal learning results between municipal and private-subsidized schools, generated growing unrest among certain actors of the educational community (particularly students and teachers

² According to Santos (2005), several factors obstructed post-dictatorship government’s attempts to implement reforms to the inherited model: “the unquestioned inheritance of the military regime; the overwhelming weight of the ministers assigned by Pinochet to the Supreme Court, the Constitutional Tribunal, and the Comptroller General; the two-thirds majority required in both chambers of Parliament for reform; the complex instrumental legislation; the autonomy of the Armed Forces; and lastly, the overrepresentation of the right under the binomial system” (Santos, 2005, p. 9). Under these conditions, Pinochet’s authoritarian model persisted, inhibiting many initiatives to deepen the democratic roots of the elected governments.

from municipal schools). This unrest reached its peak during the first months of Bachelet's administration (2006-2010), a period often identified as the "Penguin Revolution" and characterized by virulent student protests. According to Matear (2007, p.67),

the dissatisfaction over quality and equity in Chilean education found an outlet in a strike by municipal high school students in May and June of 2006. The protests secured substantial media coverage and [...] provided the impetus for opening a full public debate on the future of education in Chile.

Pressured by the resilience and intensity of the student demands, Bachelet's government agreed on the need for a policy reform. After two years of arduous negotiations, the Chilean president replaced the LOCE and issued the Law 20,370 or General Law of Education (Ley General de Educación in Spanish). According to the presidential address during the submission of the policy project to the Congress "quality education in conditions of equity are inseparable principles underlying this project" (Bachelet, 2007).

While the events leading to the policy reform have been at the center of recent studies (Alarcón Ferrari, 2007; Chovanec & Benitez.,2008; Gutiérrez & Caviedes Reyes, 2006; Kahan, 2007; Kubal, 2009; Orlansky, 2008), there is a void in the literature in terms of studies analyzing the discursive articulation of the LGE and its creation process. This dissertation tries to fill that void by seeking to understand how Bachelet's government articulated equity and quality demands in the LGE and how this articulation was achieved. By answering these questions this dissertation attempts to grasp *how Chile's neoliberal policies in education changed in response to these demands* (does the LGE represent a supersedence of the neoliberal discourse or just its reaccommodation?) and *how the state negotiated the policy change*.

In order to address the first question, this study focuses on the following sub-questions:

How are these principles being represented in the LGE?

What other principles does the new policy articulate?

Where do these principles come from?

In order to address the second question, the study centers on the following sub-questions:

What forces were involved in promoting these demands?

How was the process of negotiation in the policy production?

How did the state negotiate counterhegemonic discourses?

At a time when education systems around the world are dealing with the shortcomings of neoliberalism and are trying to reconcile equity concerns with an increasing emphasis on competition, excellence, quality and achievement, this study might provide some insights about the tensions and challenges involved in articulating the former with the later. Understanding how these values play out in Chile's policy implies going beyond the extant literature mostly focused on the scope and effects of neoliberalism in education (Austin, 1997; Brunner, 1993a, b; Carnoy, 1996, 1998, 2002; Matear, 2006, 2007; Taylor, 2003, 2004a). It requires taking into consideration what authors like Brenner, Peck and Theodore (2010) refer to as neoliberalism's continual reinvention. Departing from an understanding of the fluid nature and historic contingency of neoliberalism, this work intends to engage with this literature by tracing in the new policy the presence of ideas like choice and competition alongside the articulation of equity and quality values.

The analysis of the articulation process departs from the assumption that the LGE constitutes a response to the shortcomings and contradictions of the neoliberal logic embedded in its predecessor, the LOCE. In order to analyze those contradictions and the way in which the LGE address them, this work builds upon the scholarship which regards "neoliberalism-as-discourse"³ (Larner, 2000). Underlying these works is the idea that "in dealing with neoliberalism we are dealing centrally with questions of discourse" (Fairclough, 2005, p. 23).

³ See for example, Kingfisher, 2007; Larner, 2000; Phelan, 2007. For analyses focused on education see for instance, Dakopoulou, 2009; Basu, 2004; Mitchell, 2003; Peters, 2001).

Similarly, Pierre Bourdieu posits that neoliberalism's global dominance is in large part the dominance of a discourse (Bourdieu, 1998; Bourdieu & Wacquant, 2001).

Works analyzing neoliberalism in relation to questions of discourse are still making their way in the academic arena, where most of the literature still focuses on “neoliberalism as a policy framework” (Larner, 2000, p. 6). In this literature neoliberalism often represents a move from welfare state policies to a market-driven agenda in response to the demands of global capitalism⁴. In these works, the widespread expansion of neoliberal policies is frequently attributed to the ideological work of key institutions and political actors⁵. Their analyses, though, tend to assume that neoliberalism is a theoretically and ideologically coherent policy agenda (Larner, 2000). On the contrary, neoliberalism needs to be understood “not as a *fait accompli*, but rather as an ongoing process of struggle and compromise through which [its meaning] is both re-examined and reaffirmed (Plehwe, Walpen, & Neunhöfer, 2006, p. 1-2). In line with this, Peck and colleagues (2009) emphasize that regarding neoliberalism in ideal-typical terms is analytically and politically misleading. Instead, they propose an analytical focus on neoliberalization processes consisting on “a systematic inquiry into their multifarious institutional forms, developmental tendencies, diverse sociopolitical effects and multiple contradictions” (Peck, Theodore, & Brenner, 2009, p. 51).

One cannot fail to recognize the contributions of the neoliberalism-as-policy literature in terms of addressing who and why questions and exploring the consequences of neoliberal policy reforms. However, one also notices that it seems to be at fault when it comes to acknowledge the role of discourse in questions addressing the dominance of neoliberalism as a policy agenda. In relation to this, Hackell (2007) points out that this literature neglects to “explore the role of

⁴ See Harvey, 2005; Overbeek, 1993; Fourcade-Gourinchas and Babb, 2001.

⁵ See Plewe et al, 2006; Stone, 2003; Mendes, 2003; Clark, 2002; Carroll and Shaw, 2001; Valdés, 1996

discourse [...] or treats discourse as little more than a set of ideas or beliefs shared by a policy community connected to a set of real interests” (p. 11). In her view, discourses are not considered as constitutive of real interests, but rather, as their outcomes. Furthermore, she adds, when this literature does allude to the dominance of neoliberal discourses it does so on the basis that it derives from the dominance of the group or institution deploying the discourse. The discourses themselves are mostly disregarded. This dissertation intends to address those shortcomings and places discourse at the center of its analysis. It examines the different discourses negotiating the contents of a new policy seeking to tackle neoliberalism’s deficiencies and pays attention to the way in which their ideas and values are constructed and articulated in the LGE. The analysis also considers what discourses are included and what discourses are displaced in the final document. Policy alternatives seeking to overcome the failures of neoliberalism might benefit from exploring how its discourse works emphasizing certain values and ideas and sidelining or redefining others. Analyzing such articulation has significant implications not only in the way education and its goals are conceived, but also in terms of how educational processes and practices are carried out.

This study considers the discursive struggles between the different educational actors during the creation and negotiation of the LGE as manifested in congressional debates, media releases, etc. The idea is gaining a fuller understanding of the policy creation process, not only in terms of acknowledging multiple realities within the policy discursive context, but also in terms of illuminating the struggles over the values and ideas embedded in the LGE. The extent to which policy actors within a given policy community comply with or challenge dominant policy discourses is critical for understanding power relations within the policy-making process. This process, though, is no longer shaped exclusively at the local level, but is increasingly influenced

by globalization discourses and globalized discourses of neoliberalism. This study might be able to make a modest contribution to the policy analysis literature by looking at the interplay of local and global forces in the articulation of the LGE. As Rizvi and Lingard (2010) point out, the emergence of a policy field seemingly framing discourses and texts on education beyond the national context, require new forms of analysis that account for the multidimensionality and multilayering of policy. In addition to the policy document, the dissertation uses written materials from a variety of genres and sources: official speeches, press releases on the reform from the government, opposition parties and educational organizations, media articles addressing the reform, among others. For practical reasons, it centers on written texts that are available in the public domain. Underlying the decision of using of a multi-vocalic array of texts is the expectation to develop a methodological approach appropriate for understanding educational policy discourse development as a process situated within an intersection of competing interests and multilevel pressures, and thus, subject to political struggles.

This dissertation draws from critical policy analysis and discourse theory to analyze the articulation of ideas and values in Chile's new educational policy, the political and historical context and structures from which this policy emerged and for tracing contestation and contradictions between and within policy discourses among different educational and policy actors. This dissertation adopts a critical form of discourse analysis which draws broadly from Fairclough's theory of discourse and method. Following his ideas on how to conduct an effective critical discourse analysis, this study goes beyond a mere description of the policy text; it also looks at the relations of power that have helped to shape the discourse and determining the social effects of the discourse process. The analysis process also builds upon Laclau and Mouffe's (1985) discourse analytics. Following their ideas, this study analyzes the documents as instances

of hegemonic articulatory practice. That is, the analysis of the documents entails examining them as the effect of exclusions and articulations with other discourses. Their ideas permit understanding policy change as the result of discursive struggle, which can be understood as the competition for hegemony among different discourses representing different social interests. These ideas prove to be very useful when analyzing the LGE, in the sense that allow regarding policy change “as an outcome of contingent processes of contestation and decontestation involving struggle over social meanings and identities” (Hackell, 2007, p. 79).

This dissertation takes into consideration the broader social, political, institutional and historical context from which LGE emerged. Drawing from a critical approach to policy analysis, it pays explicit consideration to contestation and contradictions between and within the discourses of a range of educational actors (i.e., state officials, student organizations, teacher unions, among other social groups). Building upon Laclau and Mouffe’s ideas, it tackles the discursive articulation of the government’s policy and the broader struggle between hegemonic and counter-hegemonic discourses. Additionally, informed by Fairclough’s discourse theory, this study conducts a linguistic analysis of the policy text to understand how the use of certain words, themes, ideas, beliefs, arguments and concepts engender particular meanings regarding quality and equity in education. Within this process, it is important to capture not only what is emphasized (and what is not), but also, what are the main assumptions and presuppositions of the policy discourse. The textual analysis of the LGE focuses on word meaning and grammar features indicative of the processes and participants emphasized in the text (Fairclough, 2001). In relation to the grammar features of the policy text, the analysis drew from Van Leeuwen’s (1999) ideas on how to examine the agency of textual participants. In terms of the word meaning, the analysis focuses on selected ‘keywords’ (Williams, 1985) within the policy text and debates.

In addition to the introduction (Chapter 1) and the conclusion (Chapter 7) the dissertation consists of five chapters: Chapter 2 starts by exploring different conceptions of neoliberalism as a way to show the extent of its use across different disciplines and the different emphases and interpretations of this term. After showing the multiple interpretations of this concept, this chapter provides a general description of the ways in which the content and processes of educational policy in different countries around the world have been shaped under the influence of the neoliberal interpretation of globalization. This chapter shows that based on an understanding of globalization as a universal, unbounded and inevitable spread of market imperatives (Colás, 2005), neoliberal-driven reforms have repurposed the aims and the governance of education to meet its demands.

While contributing to have a better understanding of the general implications of neoliberalism for education, this description needs to be complemented with a consideration of the specific historical forms that it has assumed in different places and times. As Clarke (2008) argues, analyses of neoliberalism in universal or essentialist terms raise at least three problems: 1) they cannot explain the variations of neoliberal discourses, technologies, and interventions; 2) they neglect to account for the changing repertoire of neo-liberalism over time and 3) they disregard the effects of strategies of appropriation/articulation. From this observation follows the need for analyzing neoliberalism as historically contingent and locally specific.

Chapter 3 provides a historical description of the emergence and development of neoliberal policies in Chile. This chapter presents the key policy changes in education both during Pinochet's dictatorship (1973-1990) and post-dictatorship Concertacion governments (1990-2009) alongside a discussion on the ways in which the market-driven orientation of those policies has affected the structure, organization and access to education in both periods. The

description of education reforms during each period is preceded by background information deemed as necessary both to understand the contextual circumstances surrounding these reforms and to better assess the significance of those policy changes.

Given the nature of this study, Chapter 4 starts by describing briefly the different perspectives and theoretical influences on policy analysis and presenting the relevance and uses of discourse theory for the study of policy in general and educational policies in particular. Then, the chapter explores the main ideas underlying Fairclough's discourse theory and method and presents some examples of their uses in educational policy analyses. Following that, the chapter engages in a description of Laclau and Mouffe's discourse analytics and elaborates on their ideas on hegemonic articulatory practices. Finally, the chapter describes the data sources and the selection and collection processes and lays out the methodological approach of this study.

Chapter 5 starts by providing an overview of the origins and negotiation of the LGE, followed by a description of its main features and a comparison with its predecessor, the LOCE. This allows identifying not only the new elements of the policy, but also the continuities in relation to the previous neoliberal framework. Then, the analysis centers on the most salient linguistic aspects of the policy text. It is beyond the scope of this work performing a thorough linguistic analysis. Rather, this part of the analysis is mostly engaged with the grammar features and wording (i.e., keywords) of the LGE.

Chapter 6 summarizes and discusses the results of the study. It discusses the tensions emerging from the articulation of equity and quality demands in the LGE. Moreover, this chapter engages with a discussion of the development of new institutional structures enabling the state to steer the educational process at a distance and the increasing reliance on comparative performance and outcome measures. Furthermore, it addresses the influence of globalized policy

frameworks on policymaking at the national level. Finally, it discusses the importance of acknowledging discursive struggles during policy creation.

Chapter 2:

Understanding Educational Policies Under Global Neoliberalism

This chapter explores different definitions of neoliberalism as a way to show the extent of its use across different disciplines and the different emphases and interpretations of this term. Then, it describes the ways in which the content and processes of educational policy in different countries around the world have been shaped under the influence of the neoliberal interpretation of globalization. Also, it refers briefly to some implications of the marketization of education. Finally, it discusses some recent contributions that in spite of criticizing the promiscuousness, omnipresence and omnipotence of the concept of neoliberalism (Clarke, 2008), suggest to nuance, rather than to abandon its use.

Defining Neoliberalism

Over the last two decades the concept of ‘neoliberalism’ has become quite widespread in the social sciences literature. Indeed, the references to neoliberalism are as plentiful as the foci of its commentators. For instance, many critics of neoliberalism focus on its coercive and detrimental aspects: they refer to it as “a mode of domination based on the institution of insecurity, domination through precariousness”⁶ (Bourdieu, 2003, p. 29), “a virulent and brutal form of market capitalism[...], which wages an incessant attack on democracy, public goods, and non-commodified values” (Giroux, 2004, p. 2), a source of chaos and increasing conflict (Amin, 2001) and a destructive form of capitalism (Klein, 2007). In line with these criticisms, neoliberalism has been associated with labor exploitation, mounting inequality, economic

⁶ Bourdieu (1998) contends that “the movement toward the neoliberal utopia of a pure and perfect market [...] is achieved through the transformation and [...] destructive action of all the political measures [...] that aim to call into question any and all collective structures that could serve as an obstacle to the logic of the pure market” (p. 2).

difficulties for all but the well-off individuals and the disappearance of all things public (Aronowitz, 2001; Aune, 2001; Saad-Filho & Johnston, 2005).

According to Thorsen and Lie (2006), critical scholarship along those lines has turned neoliberalism into a catchphrase or “a generic term of deprecation describing almost any economic and political development deemed to be undesirable” (p. 9). This critique is particularly aimed at some critical literature positioning neoliberalism at the center of their criticisms (Bourdieu, 1998, 2003; Chomsky, 1999; Campbell & Pedersen, 2001; Touraine, 2001; Plehwe et al., 2006), but which often seems at ease leaving the concept of neoliberalism entirely undefined and justifying this decision by asserting that it defies definition (Saad-Filho & Johnston, 2005)

An exception to this tendency is David Harvey’s critical work, *A Brief History of Neoliberalism* (2005, p.2), which provides a comprehensive definition of this concept:

*“Neoliberalism is in the first instance a **theory of political economic** practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. The state has to guarantee, for example, the quality and integrity of money. It must also set up those military, defence, police and legal structures and functions required to secure private property rights and to guarantee, by force if need be, the proper functioning of markets. Furthermore, if markets do not exist (in areas such as land, water, education, health care, social security, or environmental pollution) then they must be created, by state action if necessary. But beyond these tasks the state should not venture. State interventions in markets (once created) must be kept to a bare minimum because, according to the theory, the state cannot possibly possess enough information to second-guess market signals (prices) and because powerful interest groups will inevitably distort and bias state interventions (particularly in democracies) for their own benefit”*

Against the idea that neoliberalism is a mere economic doctrine (Cohen & Kennedy, 2000)⁷, Harvey considers it as a political economic theory which regards that individual liberty and freedom are essential to human well-being. According to this theory, Harvey suggests,

⁷ According to Cohen and Kennedy (2000), “neo-liberalism is an economic doctrine that insists states should never interfere with or constrain free markets, competition or private enterprise.” (p. 127)

individual liberty and freedom can best be safeguarded and attained by institutional arrangements like private property rights, free markets, and free trade that facilitate individual initiative's thriving. From this follows that the involvement of the state should be limited to preserve private property rights, market arrangements and promote trade on the global stage if necessary. With his definition Harvey invites to regard neoliberalism, not as the revival of liberalism in general⁸, but as a distinctive political economic theory which has replaced the Keynesian approaches to macroeconomic governance, has counteracted the "dependency culture" of the welfare state (Cerny, 2008) and has succeeded in instilling a particular understanding of 'freedom' that has contributed to disguise a project of upper class wealth accumulation. Based on his ideas one can argue "the main goal of neoliberal reforms is [...] the restoration of capitalist class power in the context of global economic crisis" (Kingfisher & Maskovsky, 2008, p. 118).

Another definition comes from political scientist Anna-Maria Blomgren, whose understanding of neoliberalism stresses its complexity and varied forms:

*"Neoliberalism is commonly thought of as a **political philosophy** giving priority to individual freedom and the right to private property. It is not, however, the simple and homogeneous philosophy it might appear to be. It ranges over a wide expanse in regard to ethical foundations as well as to normative conclusions. At the one end of the line is 'anarcho-liberalism', arguing for a complete laissez-faire, and the abolishment of all government. At the other end is 'classical liberalism', demanding a government with functions exceeding those of the so-called night-watchman state" (Blomgren, 1997:224, as cited in Thorsen & Lie, 2006).*

Neoliberal political philosophy promotes a form of social organization which puts strong emphasis on individuals being 'free to choose' (Friedman, 1962, 1980). In this framework, the so-called 'free' individual is the basic unit of political order and the state's main responsibility

⁸ In agreement with Harvey, some scholars have claimed that understanding neoliberalism simply as a return to laissez faire practices is an oversimplification. In their view, neoliberalism implies a stronger involvement of the state in planning, fostering and ensuring the market's unrestricted and optimal operation (Plehwe, Walpen, & Neunhöffer, 2006). In fact, Cerny (2008) claims, neoliberalism can be regarded as "a kind of imposed laissez faire somewhat analogous to Rousseau's image of people being forced to be free." (p. 1)

consists in guaranteeing the individuals' security, liberty and property (Peters, 2001). No matter the location considered or the form adopted, neoliberalism calls for 'freedom', mostly understood in relation to the rights of the individual to market participation and of markets themselves to operate without any intromission from the state (Clarke, 2004a). From this viewpoint, then, social well-being rests on individual choice and only can take place within a free operating market.

Different scholars, however, have pointed out that under neoliberalism the state has a continued "intimate and ubiquitous" (Pierson, 1996) involvement in regulating the minutiae of the market economy and have emphasized its central role in implementing 'free' market policies⁹. Indeed, the contemporary consensus is that the 'retreat of the state' argument is inaccurate¹⁰, and that consideration about states and markets being somehow intrinsically opposed to each other emerges as something of a myth (Kingfisher & Maskovsky, 2008). In order to be efficient, the market needs the protection of the state and its power of enforcement. Its existence and functioning depends on certain political, legal, and institutional conditions that are provided by the state (Burchell, 1996). As Andrew Barry and colleagues (1996) contend, "neoliberalism [...] involves less a retreat from governmental 'intervention' than a re-inscription of the techniques and forms of expertise required for the exercise of government" (p. 14). The neoliberal state has been reorganized and restructured, but without losing its traditional

⁹ For instance, Peck (2004) highlights that "in spite of its discursive self-representation, neoliberalism cannot be reduced to a simple process of replacing states with markets because, in practice, 'privatized' or 'deregulated' markets still have to be managed and policed (often by a new breed of neoliberal technocrats) and because, more fundamentally, 'markets' themselves are not, never have been and cannot be spontaneously occurring and naturally self-regulating" (p. 394).

¹⁰ The idea of the "retreat of the state" has been formulated by Strange (1996), who among others, argues that the lack of regulation and increased capital mobility has "hollowed out" the state authority.

regulatory functions¹¹. What makes it different is the fact that it has transferred its historical responsibility for social welfare to the individuals (Klees, 2002). At issue, therefore, is analyzing the critical changes in the ways that the contemporary state intervene in the market nowadays and addressing to what ends and in whose interests the state operates.

Rather than seeing neoliberalism as an ideology which predicates the withdrawal of the state and the increasing privatization of economic life, Foucault defines neoliberalism as a type of **governmentality** that operates transforming the techniques by which states and individuals govern and are governed (Foucault, 2008). This approach centers on the rationality upon which government practices are based. Such an approach reveals that neoliberalism differ from earlier forms of liberalism in that it conceives the market as something that the government needs to actively construct by establishing particular political, legal and institutional conditions. The state is then faced with the predicament of having to foster the development of ‘autonomous’ and ‘free’ individuals that neo-liberal styles of government depend upon (Johnson, 2000)¹².

¹¹ For Vinokur (2008), “the present stage of capitalist expansion requires the obliteration of the frontier between state and market, public and private, and an osmosis sometimes presented as ‘participative democracy’ in as much as each agent is supposed to act as a free ‘customer’ of services, whether divisible or indivisible, public or private. This does not imply less state, but a stronger state through new means: the new public management (NPM), which sees the state as strategist, steering rather than rowing” (p. 363-364). She describes NPM as having two components. One is leaving public service provision in the hands of a subsidized for-profit sector; the other consists of steering the public sector by using the mechanism known as ‘soft’ coercion of the principal–agent rule. According to this rule, the principal requires the agent to accomplish certain quantified results, in virtue of which receives rewards (success) or punishments (failure), and creates a system of external controls for measuring whether and how the results are achieved, in order to avoid cheating occurrences. It is the foundation of output-based and accountability measures like standardized-testing, performance-budgeting and merit-pay policies which require an autonomous agent accountable for his or her actions, and thus, the only one to blame in case of failure.

¹² As Katz (2005) suggests, “the economic impetus of neoliberalism drives the state (and corporations) to abdicate responsibility for such things as health and dependent care, leaving it to individuals and families to scramble to provide them. This much is well known, but at the same time as the state is in fiscal retreat, the cultural politics of neoliberalism tends toward increased state intervention in the regulation of domestic and personal life” (p. 626). From this follows that the neoliberal state makes individuals responsible for their own welfare, but in order to make them conform to the prevailing market rationality, it increases its regulation over their personal lives.

Building upon Foucault's ideas there is a rising number of research and writing focused on neoliberalism as a new form of governance or governmentality¹³. According to this line of work, neoliberalism functions by creating self-regulated mechanisms to bring about governmental results through the devolution of risk onto the enterprise or the individuals—now regarded as “entrepreneurs of themselves” (Foucault, 1979, as cited in Lemke, 2001, p. 198)—and the responsabilization of subjects who are increasingly empowered to discipline themselves (Barry, Osborne, & Rose, 1996; Burchell, 1996; Rose, 1996)¹⁴. In their view, the state under neoliberalism instead of retreating or rolling back has been transformed into a modality of government whose operations have been autonomized (Barry et al., 1996) and adjusted to an entrepreneurial model via the fabrication of techniques that emphasize “the greater individualization of society and the ‘responsabilization’ of individuals and families” (Peters, 2001, p. 85).

In line with these ideas on neoliberal governmentality, Ong (2006) addresses the all-too-common view of neoliberalism as a market ideology which limits the scope and activity of governing by suggesting:

*neoliberalism can also be conceptualized as a new relationship between government and knowledge through which governing activities are recast as nonpolitical and nonideological problems that need technical solutions. Indeed, neoliberalism considered as a **technology of government** is a profoundly active way of rationalizing governing and self-governing in order to ‘optimize’. The spread of neoliberal calculation as a governing technology is thus a historical process that unevenly articulates situated political constellations. An ethnographic perspective reveals specific alignments of market rationality, sovereignty, and citizenship that mutually constitute distinctive milieus of labor and life at the edge of emergence.(p. 3)*

¹³ For more recent work focusing on neoliberalism as a regime of governance, see De Angelis, 2003; McCarthy, 2004; Miraftab, 2004; Sparke, 2006; Weiner, 2001. Of interest are also Lemke (2001) and Larnier (2000)'s contributions dealing with Foucault's ideas on neoliberalism as a form of governmentality.

¹⁴ In relation to the construction of the entrepreneurial self under neoliberalism, also see Bondi, 2005; Gökariksel & Mitchell, 2005; Isin, 2004; MacLeavy, 2008; Schild, 2000 and Walkerdine, 2003.

In her view, different political regimes adopt neoliberalism, a ductile technology of government which creates new forms of sovereignty and citizenship where rights and benefits are given based on the individuals' entrepreneurial ability (not necessarily according to their nation-state membership). As a political rationality, Ong asserts, neoliberalism facilitates the introduction of 'exceptions' to established governing practices (Kingfisher & Maskovsky, 2008). She illustrates this by making reference to East and Southeast Asian countries which, according to her analysis, are making 'exceptions' to their traditional governmental practices to gain better positions and be more competitive in the global economy. For her, "the neoliberal exception allows for a measure of sovereign flexibility in ways that both fragment and extend the space of the nation state [...] Market-driven strategies of spatial fragmentation respond to the demands of global capital for diverse categories of human capital, thus engendering a pattern of non-contiguous, different administered spaces of 'graduated' or variegated sovereignty" (p. 7)¹⁵.

Other conceptualizations of neoliberalism refer to it as a dominant ideology and policy paradigm that assumes the superiority of market mechanisms to face the diverse challenges brought about global processes to nation-states and civil society. Along these lines, Cerny (2008) posits that, in recent years,

[...] neoliberalism has turned to be the framework of intellectual and political debates as economic doctrine, public policy agenda, descriptive framework, analytical paradigm and social discourse. It has become deeply embedded in 21st century institutional behavior, political processes and understandings of socio economic 'realities'. In this way it has superseded

¹⁵ Ong's work invites us to rethink the idea of sovereignty in the context of the neoliberal state, which has reformulated its priorities away from the protection of citizens and towards integration with a global economy and sources of global capital. According to McNevin (2006), this does not imply that the state has ever been the absolute guarantor of social or that state's allegiances with sources of transnational capital are unprecedented (Ferguson, & Gupta, 2002). Rather, he says, "the suggestion is that these trends have accelerated and taken on specific spatial characteristics in recent years largely due to technological advances that have allowed the state to integrate with transnational networks and actors. Liberalization and deregulation policies increasingly project territories and workforces into the control of private actors. As a consequence, non-state actors, from inter-governmental institutions to credit rating agencies and private employers, enact greater powers of discipline and governance. This does not represent a loss of political control for the state as much as a delegation and reconfiguration of its power in ways that do not correspond to a territorial or formal citizenship basis." (p. 7)

“embedded liberalism” (Ruggie, 1982) as the common sense and key “shared mental model” (Roy, Denzau and Willett, 2007) of the evolving “art of governmentality” in a globalizing world (Burchell, Gordon and Miller, 1991; Cerny, 2008a). Embedded neoliberalism has become the common sense of the 21st century (p. 2)

In a similar fashion, Rizvi (2007) states that neoliberalism can be better understood if regarded “as a social imaginary that implies a tacit and implicit understanding of current global processes” (p. 76). Building upon Taylor’s ideas on ‘social imaginary’—a socially shared way of thinking, a framework of common understandings that give sense and legitimize everyday practices—Rizvi suggests that the neoliberal social imaginary of globalization “represents a range of ideas concerning new forms of politico-economic governance based on a pervasive naturalization of market logics and the extension of market relationships” (p. 8).

In line with Rizvi’s assertion, Pick and Taylor (2009) argue that the policy reforms brought about by neoliberalism in developed and developing countries alike are closely linked to a particular vision of globalization¹⁶ promoted by the Washington Consensus. According to this vision, shared by OECD countries and global financial institutions, the principles of free-market, unrestricted trade and economic competition were the answer not only to economic, but also to political and social global challenges (Held & McGrew, 2007). These principles, it is being argued, have adopted “the status of an alleged precondition for the survival and the welfare of nations within a rapidly changing environment.” (Dakopolou, 2009, p. 85)¹⁷. Not surprisingly, the neoliberal interpretation of globalization brings about new policy requirements in different social areas, especially in relation to education. For instance, educational policies around the

¹⁶ Globalization is broadly characterized in this study as the intensification and speeding up of the mobility of people, capital, ideas and cultures mostly driven by the improvement of communication, information and transportation systems.

¹⁷ In relation to this, it has been argued that the logic of neo-liberalism used to foster globalization offers a common-sense view of the world as certain and unquestionable, which has been adopted as unavoidable and seemingly irreversible (Goldberg, 2006; Olssen, Codd, & O’Neill, 2004).

world seem to be conspicuously reshaped in response to the pressures and requirements of the global economy. I will analyze in the next section the extent to which the concept and ideas associated with neoliberalism allow us to understand the content and processes of educational policy within the context of globalization.

Educational policies under the neoliberal interpretation of globalization

A constellation of core ideas stand out from all of the definitions of neoliberalism presented in the prior section: 1) market fundamentalism; 2) emphasis on free trade; 3) relevance of competition; 4) entrepreneurialism and managerialism; 5) deregulation and privatization; 6) redefinition of the role and responsibilities of the state; 7) replacement of the public good with individual responsibility (Martinez & Garcia, 1996); 8) importance of individual choice. Over the last decades, these neoliberal ideas or principles have been ingrained in educational policy discourses and have transformed the way one come to think about education, about its purposes and about the ways in which it is organized and administered. By no means I am implying that neoliberal principles are articulated globally in the same way. On the contrary, the use of neoliberal ideas in the development of policy is historically specific, multivocal and is in constant state of struggle. For instance, some scholars argue that one cannot assume the neoliberal values often allocated to neoliberalism are uniformly allocated across different models (Winter, 2000), while others refer to its uneven universalization (Albo, 2002). So while the actual dynamics and pace of educational policy change differ across national systems according to their historical traditions and economic, social, political and cultural characteristics (Schugurensky, 1999), the direction of change appears to be conspicuously similar and informed by neoliberal principles.

More often than not a failing and inefficient public education system' has been presented by national governments as the rationale for restructuring their systems along the lines of deregulation, cost-efficiency, consumer choice and competition (Basu, 2004)¹⁸. As public funding for education have decreased, there have been increasing attempts to enlarge the role of the private sector in the financing, management, and delivery of education services (Mukhtar, 2009). The restructuring of education systems has also involved a shift from central administration to managerial decentralization coupled with new forms of performance management and accountability (Peters, 2007). Furthermore, educational institutions are not only expected to behave like the market does, but also are being transformed into one (Hirtt, 2009, p. 214). Moreover, inscribed in the new globalized space of services, education has become subjected to a commoditization logic (Rizvi, 2007).

These changes in the way goals, organization and delivery of education are thought out within policy reforms constitute a major break with the traditional discourses of the post-war period in which education was associated with shared values pertaining to national identity, community aspirations, and citizenship rights, and whose provision had been mostly regarded as a social responsibility of the state. In the new discursive era, the language and economic rationalism of neo-liberalism possess doctrinal prominence and is characterized by keywords, such as "decentralization", "choice", "efficiency" and "accountability". This new discursive order has been regarded as having a strong influence legitimating reform agendas in many countries and setting the parameters of public deliberations on education in an era of globalization. In

¹⁸ According to an OECD (2001) report, "trends towards more market-oriented schooling models – of organization, delivery and management [...] are extended significantly in the face of widespread dissatisfaction with the performance of relatively uniform structures of public school systems and with existing funding arrangements to provide cost-effective solutions. In response to these pressures, governments encourage diversification and the emergence of new learning providers through funding structures, incentives and de-regulation, and discover considerable market potential, nationally and internationally. Significant injections of private household and corporate finance are stimulated." (p. 125)

relation to this, it is being argued that international organizations such as the OECD and the World Bank have played an instrumental role in shaping and promoting an educational agenda mostly orientated to respond to the imperatives of the global economy (Carnoy, 2002; Dakopolou, 2009; Henry, Lingard, Rizvi, & Taylor, 2001; Hirtt, 2009).

Considering the global economy as a knowledge economy, under the neoliberal gaze education and training become regarded as key sectors in promoting national economic competitiveness and future national prosperity. Concomitantly, international organizations' policy recommendations tend to suggest governments from developed and developing countries alike to invest in education and training as a basis for national economic growth. For instance, a World Bank (1995) report summarizes the priorities and strategies of education by saying:

“Education is critical for economic growth [...]. Changing technology and economic reforms are creating dramatic shifts in the structure of economies, industries, and labor markets throughout the world. The rapid increase in knowledge and the pace of changing technology raise the possibility of sustained economic growth with more frequent job changes during individuals' lives. These developments have created two key priorities for education: it must meet economies' growing demands for adaptable workers who can readily acquire new skills, and it must support the continued expansion of knowledge” (p. 1).

Along the same lines, a 1999 report emphasizes that “education has become more important than ever before in influencing how well individuals, communities and nations fare. The world is undergoing changes that make it much more difficult to thrive without the skills and tools that a high quality education provides. Education will determine who has the keys to the treasures the world can furnish. [...] “those who can compete best (with literacy, numeracy, and more advanced skills) have an enormous advantage in this faster paced world economy over their less prepared counterparts” (World Bank, 1999a, p. 1). Similarly, a report by UNESCO and the OECD (2002) points out:

“It has become clear that educational attainment is not only vital to the economic well-being of individuals but also for that of nations. Access to and completion of education is a key determinant in the accumulation of human capital and economic growth” (p. 5).

These organizations’ ideas about the importance of investment on education, Peters (2001) posits, are informed by the new theory of human capital¹⁹. New human capital theory, a rejuvenated version of Becker’s (1964) tenets, assumes that investing in education and training will benefit not only the individual, but also will be conducive to economic growth and competitiveness in the global economy. With an economic, industrial and technological environment growing more unstable, volatile and chaotic than ever due to global economic competition, the acquisition of knowledge, and consequently, of education, becomes more crucial than ever (Hirtt, 2009). As it is increasingly difficult to predict which specific qualifications will be needed in ten or fifteen years’ time, the argument goes, education is required to focus less on formal knowledge or ‘general culture’ and emphasize more skills than guarantee flexibility and adaptability to the changing conditions of the global economy. Two different OECD reports formulate this very clearly:

“It is more important to aim at educational objectives of a general character than to learn things which are too specific. In the working world, there exists a set of basic competences--relationship qualities, linguistic aptitudes, creativity, the capacity to work in a team and to solve problems, a good understanding of new technologies--which have today become essential to possess to be able to obtain a job and to adapt rapidly to the evolving demands of working life” (OECD, 1998, p. 5)

“As complexity [in economic systems] increases, more and more “bits” of information are required to specify interactions and changes within the structured system. To cope with increasing complexity in an economy, higher levels of skill and adaptability are required of citizens” (Hogdson, 2000, p. 90).

¹⁹ Under neoliberalism, Peters (2001) argues, human capital theory assumes a privatized form in education (particularly at the tertiary level), as students’ families (and not so much the state) are expected to invest in their children’s education.

In a constantly changing environment where technologies continue evolving, products keep changing, and competition leads to job insecurity, this rhetoric sustains, workers are expected to undergo continual training to remain productive and employable (OECD, 1998). From this follows that policy reforms need to transform methods, objectives and instruments of training in order to create the conditions required for ‘learning to change’ (flexibility) and ‘learning to learn’ (Pérez, 2001), the latter understood here as the mere ability to adapt quickly to changing technological and workplace conditions (Hirtt, 2009). Under this rhetoric, education is circumscribed to its economic ends; it becomes essential to human capital development and economic self-maximization.

This instrumental view of education is further advanced by policy documents that acknowledge the salience of life-long learning, “the magic spell in the discourse of educational and economic policymakers, as well as in that of the practitioners of both domains” (Lambeir, 2005, p. 350). In these documents, life-long learning is presented as a key component developing workforce versatility, something which is allegedly needed to accommodate the needs of flexible production in the global economy. In relation to this, some commentators add that besides seeking to minimize the ‘time lag’ between the skills of the individual and the ever-increasing technological and economic innovations (Kraus, 2001 as cited in Tuschling & Engemann, 2006), life-long learning represents a form of biopower that aims to discipline subjects under neoliberalism (Olssen, 2008). In relation to this it is being said that “the life-long learning discourse identifies a broad need to teach individuals to become autonomous learners” (Tuschling and Engemann, 2006, p. 458). Life-long learning discourses contribute to shape individuals to become self-determined and self-responsible in educational tasks, including their

financial aspects. Being prepared for participating in the global economy, the argument goes, is now more the individual's responsibility.

The assumption underlying this discourse, Olssen (2008) claims, is that learners need “to become the entrepreneurs of their own development. What the states provide are the tools that facilitate and audit the process. Not only must individuals learn, but they must learn to recognize what to learn, and what and when to forget [what they had learned] when circumstances demand it” (p. 42). However, some have argued, “the problem with this is that this apparent freedom carries responsibilities to make oneself continually employable through lifelong learning, endless flexibility, and viewing what happens to oneself as the product of individual, autonomous choices” (Phoenix, 2004). In a similar vein, Bansel (2007) claims that the neoliberal discourse of choice—which positions the rational, self-entrepreneurial subject engaged in lifelong learning as able to choose among, and consume, multiple options—“assumes that all subjects are equally positioned to recognize, mobilize and consolidate productive or successful choices. There is no space in this discourse for any consideration of the different and inequitable locations of subjects in terms of familial, cultural or socioeconomic privilege or disadvantage, or of age, education, gender, class and ethnicity” (p. 298). Underlying this discourse is the assumption that all subjects are able to choose in equal conditions from identical alternatives.

The conditions of increasing complexity and uncertainty not only have implications in terms of the preparation of students as future workers, but also face educational institutions with the need for managing those conditions. One of the main policy responses to those challenges has been decentralization and the increasing autonomy of schools and higher education

institutions. Influenced by the so-called ‘new contractualism’ and ‘new public management’,²⁰, those processes often involve the increasing recourse to contractualism—understood here as the use of contracts as the main resource for regulating public relations (and in some cases private ones as well) and managerialism—broadly refers to the closer alignment of public sector governance with its private sector counterpart (Ramia & Carney, 2000). The basic assumption underlying these processes is that transforming bureaucratic units into autonomous agencies and contracting managers to direct them instead of career bureaucrats allows to manage complexity and uncertainty better.

It is necessary to point out that managerialism in education borrows heavily from public choice theory (Buchanan & Tullock, 1962), which offers a framework applying (economic) rationality in decision making as the key criterion. Public choice theorists contend that since public schools are input-driven organizations accountable to bureaucratic structures (Peterson, 1990), they lack the structural incentives to manage appropriately the students’ families requirements (Chubb & Moe, 1988, 1990). That is, as legislatures and school boards determine and enforce compliance through its bureaucratic structure, public schools are less responsive to their own students’ needs than they are to those demands coming from exogenous political constituencies. On the contrary, they believe private schools seem to be more resilient to political pressures and more receptive to the demands of those families willing to pay tuition in exchange for better opportunities and educational quality. Based on these arguments, public choice theorists propose replacing state control with a competitive education marketplace in which parents are able to select a school on the basis of academic quality and to choose another if that

²⁰ See for example, Aucoin (1990); Hood (1991); Boston, Martin, Pallot, & Walsh (1996). Ramia & Carney (2000) also offer a very detailed description of the key processes underlying new public management (i.e., cost-cutting measures, emphasis on monetary incentive schemes, outcome-focused contracts, etc).

school fails to meet their expectations, producing competitive incentives for schools to improve²¹.

Informed by these theories, many former state-run centralized education systems around the world have turned into conglomerates of competitive schools, usually administered by local governments or nongovernmental groups (EURYDICE, 1997; Gershberg, 1999; Rhoten, 2000; Tatto, 1999). Fiske (1996), for instance, claims that school decentralization is taking place at a global scale:

Nations as large as India and as tiny as Burkina Faso are doing it. Decentralization has been fostered by democratic governments in Australia and Spain and by an autocratic military regime in Argentina. It takes forms ranging from elected school boards in Chicago to school clusters in Cambodia to vouchers in Chile. [...] This global fascination with decentralization has manifold roots. Business leaders have discovered the limitations of large, centralized bureaucracies in dealing with rapidly changing market conditions. The collapse of the Soviet Union and the struggles of other socialist states have weakened faith in centralized states and increased the pressure for democratization. The worldwide recessions of the late 1980s and early 1990s have drawn attention to the crucial role of education in building sound economies, and experience has shown that many centralized systems of education are simply not working. A global debate about the proper role of the state has led to more emphasis on the concepts of free markets, competition, and even privatization (p. iv)

Given its strategic value to be competitive in the global economy, the neoliberal state is unlikely to abdicate fully the responsibility for shaping education either to a 'marketized' public sector or even an entirely privatized system (Gordon & Whitty, 1997). Despite their rhetoric, neoliberal states maintain a continued interest in ensuring that educational institutions remain accountable to them. Consequently, they introduce macro steering mechanisms such as evaluation and accreditation regimes or legislation. In line with this, one can observe that

²¹ Public choice advocates such as Chubb and Moe (1988, 1990) not only consider that private schools engage in more effective organizational practices, but also assume that they are academically superior to public schools. This assumption draws support from seminal work, which using the High School and Beyond (HSB) data set, concludes that private high schools perform better than public ones (Coleman & Hoffer, 1987; Coleman, Hoffer, & Kilgore, 1982). This research, which goes back over two decades, became the point of reference for a large number of studies on achievement in public and private schools.

contemporary education systems embarked in policy reforms seeking the decentralization of management control away from the central administration to individual schools often have paired this process with new accountability structures (Peters, 2001). New accountability measures in education include monitoring techniques and incentives to performance enhancement. With consumer-managerial forms of accountability, education institutions need to demonstrate the quality of their provision (educators also are subjected to accountability measures of their teaching), which is measured against some sort of established parameter. The problem with the emphasis on accountability and performance measures, Harris (2007) points out, is that it is mainly concerned with performativity in terms of effectiveness and efficiency. In her view, the neoliberal governance of education is connected to a new positivistic regime of accountability that strictly follows an economic imperative. Not surprisingly, then, life-long learning policy initiatives are mainly linked to the construction of the learner as a subject capable of efficient self-management: a consumer rather than a citizen.

Alongside decentralization initiatives and counting with the support (or pressure via conditionalities and other mechanisms) by key international agencies such as the World Bank and the OECD, as well as by the International Trade Centre of the UNCTAD and the WTO, different countries have implemented privatized forms of educational 'delivery' in an effort to solve the issues inherited from inefficient, bureaucratic and deteriorated publicly state-run education systems. Pro-privatization initiatives in general broadly assume that 1) markets are more flexible and efficient than the bureaucratic structures of the state; 2) the private provision of services is more efficient and cost-effective than the public one; 3) market competition will produce more accountability for social investments than bureaucratic policies (Torres, 2002). When these ideas are transferred to the educational arena, the argument explaining the movement

towards privatization is often that the state can (and should) no longer be responsible for the growth of the education sector and, therefore, there should be greater reliance on private investment and practices. Besides, it is argued, the entrance of private operators to the system may not only widen the supply of educational services, but also may contribute to improve their quality.

Another argument has been provided by the World Bank, which has funded diverse private education initiatives (International Finance Corporation, 2001)²² across Latin America toward the goal of fostering ‘equity of choice’ (Davidson-Harden & Schugurensky, 2009). Broadly, the argument has gone like this: by privatizing education at various levels, ‘subsidies’ for wealthier families are eliminated as they transfer their education ‘investment’ into the private sector, thus, leaving state funding for the rest of the public school system. Some educational researchers suggest that extant evidence seems to go against this claim. For instance, evidence from Latin American countries such as Chile has suggested that the increased levels of private (including for-profit) education provision at all of its levels is accompanied by an unequal access to better quality schools based on social class, despite compensatory measures from international financial institutions intended to defray the stratification effects of privatized voucher systems (Carnoy, 1998, 2002; Carnoy, & McEwan, 2003). A corresponding dilemma of this dynamic is the phenomenon of private school ‘cream-skimming’ of children from wealthier families’ who are better prepared to succeed at school, with a corresponding burden on the public system to absorb students with higher educational needs and long histories of social exclusion and oppression. Far from overcoming equity issues in education systems with rampant social polarization, market style restructuring efforts seem to exacerbate the social gap in terms of

²²Further information on the type of projects through which the IFC supports private initiatives in education can be found at www.ifc.org

access to quality schools and colleges, a dynamic observable not only in Latin America, but also in other international contexts (Gewirtz, Ball, & Bowe, 1995; Whitty, Power, & Halpin, 1998).

In relation to the privatizing trends in education across countries, one cannot overlook the capacity of international trade regimes such as the WTO's GATS to reinforce those trends. According to Schugurensky and Davidson-Harden (2003), the WTO/GATS educational agenda has the potential to further the project of privatization to a higher level by transforming education into a service that can be traded on a commercial basis in the global economy. The consideration of education as a commodity that can be traded across borders needs to be considered as part of a neoliberal discourse that points to the virtues of free trade and that recognizes the (economic) opportunities and competitive advantages for national governments associated with the increasing mobility of students, programs and ideas. Facilitated by the advances in transport, information and telecommunications, international education--often referred to also as cross-border, transnational, offshore or borderless education²³--has grown exponentially over the last years. It seems that this trend is far from decreasing: it has been projected that the number of international students will augment from 1.8 million in 2000 to 7.2 millions in 2025 (Bohm, Meares, & Pearce, 2002). This is a staggering increase that presents enormous opportunities (not only economic, but also in terms of cross-cultural experiences and academic institutional cooperation). Nevertheless, as global economic competitiveness forces investors to search constantly for new profitable markets, one should not be surprised that international education appears to have become a 'new El Dorado' not only for the private corporate sector, but also for national governments that are keen to maximize the export potential of their educational services

²³ There are subtle, but relevant differences between these terms, but it is outside the scope of this work dealing with them. For further detail on the definition of these terms, see Knight, J. (2005). *Borderless, Offshore, Transnational and Crossborder Education: Definition and Data Dilemmas*. October 2005 Report of the Observatory on Borderless Higher Education, London.

(Hill & Kumar, 2009). The implications of the commoditization of international education remain still to be foreseen, but one may speculate that its projected growth may contribute to exacerbate already extant differences in relation to the job and career opportunities available to those students who graduate abroad and those who do it in their home country (see Mok & Lo, 2009).

As we have seen so far, the terms that circulate in neoliberal rhetoric and the practices that follow have important implications for educational policy. Based on an understanding of globalization “as a process denoting the universal, boundless and irreversible spread of market imperatives” (Colás, 2005, p. 71), neoliberal-driven reforms repurpose the aims and the governance of education to meet its demands. Assuming that a country’s competitiveness rests on its people’s knowledge and ability to respond and adapt to the increasing complexity of technological and productive processes and the concomitant uncertainty of working conditions brought about by the global economy, neoliberal reorientations of education seem to be conspicuously directed towards human capital development. Therefore, vocationalization is a ruling logic in current policy discourses of international organizations and national governments pertaining education. It was contended here that this vocationalization is advanced by the policy mantra of lifelong learning.

Assuming the efficiency of the market as a superior allocative mechanism for the distribution of limited public resources (one of neoliberalism’s main claims), national governments in different parts of the world have promoted educational policy reforms including privatization and decentralization initiatives oriented to reduce the state’s participation in terms of funding, provision, and administration. In light of these initiatives, user-pay fees, new providers (non-profit, and particularly, for-profit) and management technologies that include

increased exposure to competition, increased accountability measures and the implementation of performance goals and quality assurance measures (Davies & Bansel, 2007) have become common features in many education systems around the world. These initiatives can be better understood when considered in relation to the shifts in the relationships between state, economy and civil society driven by neoliberalism's understanding of the economic as encompassing all aspects of human action and behavior (Gordon, 1991). Underlying neoliberal thinking is the idea that the economic is optimized through the entrepreneurial activity of autonomous agents who are regarded as best able to assess the benefits of their actions, make rational choices and be responsible for their consequences. The state just needs to guarantee the conditions necessary for the efficient functioning of the market. Thus, education reforms informed by neoliberalism position economic ends at the center and value the idea of choice as being exercised and dependent on a rational evaluation of costs and benefits in order to maximize inputs. In this way, responsibilities for education and other social services become the individual's responsibility; they become privatized.

Ruled by the economic imperatives of the private sector, social services such as education are redefined as part of the market. Concomitantly, they turn to be like any other service that can be traded, even in the global market. The implications of the commodification of education at the global level are still to be seen. However, many scholars have already shown their concern regarding the marketization of education by saying that by encouraging greater school autonomy and competition among schools may deepen not only "the disparities between schools in terms of social outcomes, but also social inequalities" (Tan, 1998, p. 47). In relation to this Marginson (1992, 1997) has argued that in an education market those who can 'choose' (afford) to go to elite private schools obtain positional goods, while less privileged students are left with public

education as a choice-of-better-than-none. Far from being an equalizer, competition tends to make more difficult for disadvantaged groups to access quality education. Another criticism claims that a market-driven education “lacks concern for the humanistic issues of equal opportunity, social justice and the social contract” (Sullivan, 1998, p. 15). One could say instead that these issues are still relevant to education, but that they need to be regarded in accordance with the broader framework of its economic ends (Rizvi, 2007).

When educational policies are considered in relation to the set of ideas and practices that neoliberalism represents one is likely to gain a general understanding about their content and processes. One need to keep in mind, though, that this is a concept whose meaning needs to be explained in relation to specific populations, places and cultural formations (Kingfisher & Maskovsky, 2008). Similarly to what happen with the concept of ‘globalization’, one needs to avoid using the term neoliberalism as if it explains anything in and of itself. Moreover, one needs to be aware that the concept of neoliberalism is not univocal and that its use is somehow problematic. In fact, there are many definitions of this term (as shown in the first part of this work) and there is much discussion about the all-encompassing nature of its use, which for some renders the explanatory power of this concept problematic.

Some of the criticisms target the use of neoliberalism as a monolithic ideology. Against this conception, Ayers and Carlone (2007) refer to Peck and Tickell’s (2000, 2002) ‘phases of neoliberalism’ as a challenge to the dominant view of neoliberalism as a homogeneous ideology and suggest that neoliberalism is rather a fragmented ideology whose ideas have assumed varied forms in policies at different historical moments. In the same vein, Kjaer and Pedersen (2001) consider neoliberalism takes on meaning by a translation process in which “concepts and conceptions from different social contexts come into contact with each other and trigger a shift in

the existing order of interpretation and action in a particular context.”(p. 220) During this process of meaning-making institutional actors “select various relevant neoliberal concepts and conceptions from ideas available to them and use them in ways that displace the existing order of interpretation and action and trigger a shift in [...] opportunities for political action” (Ayers & Carlone, 2007, p. 462-463).

In a different direction, Clarke (2008) presents his criticism by saying he fears that the concept of neoliberalism “has been stretched too far to be productive as a critical analytical tool” (Clarke, 2008, p. 135). Clarke summarizes his criticisms arguing that “neo-liberalism suffers from promiscuity (hanging out with various theoretical perspectives), omnipresence (treated as a universal or global phenomenon), and omnipotence (identified as the cause of a wide variety of social, political and economic changes)” (p. 135). In addition, he claims that attempting to define a “core or essential neoliberalism” implies dealing with three problems: “the variations of neoliberal discourses, technologies, and interventions; the changing repertoire of neo-liberalism over time and the effects of strategies of appropriation/articulation” (p. 140). He proposes, then, a way of thinking about neoliberalism that diminishes its density and totalizing weight. Keeping neoliberalism “open”—to the contradictions, antagonisms and contested political projects that characterize the social field with which neoliberalism engages—“announces the possibility of thinking about what is *not* neo-liberal...and thus the possibility of living *without* neo-liberalism” (p. 145).

Kingfisher and Maskovsky (2008) provide another interesting approach to thinking about neoliberalism. They suggest treating neoliberalism “as an unstable, incomplete and limited governmental regime; [...] both as a project with totalizing desires [...] and as a project whose totalizing desires are rarely fully realized” (p. 117). Furthermore, they comment on the need for

avoiding references to neoliberalism as an external force—conceived either as a set of economic policies or discourses—forced upon states, social institutions and individuals whose agency is narrowly understood as either accommodation or resistance. For them, those representations of neoliberalism risk describing it “as something that is perhaps more powerful and all-encompassing than it really is, ignoring in the process its contradictions, fractures, partialities, contingencies, and both dialectics with and determinations by other social forces” (Kingfisher, 2002, p. 164-165)²⁴. Then, they suggest to question, locate and problematize (rather than overstate) neoliberalism’s power to reshape the globe (Kingfisher & Maskovsky, 2008).

Although they are concerned with the diversity of ‘actually existing’ neoliberalisms (Gledhill, 2004), their interest is focused on considering the limitations of those neoliberalisms and on questioning what Gledhill refers to as their ‘apparent successes’. To facilitate the task of disentangling the nature and limits of neoliberalism, they draw attention to the use of three interrelated concepts: culture, power and governing practices. Departing from an idea of culture as “disarticulating and rearticulating, disjunctive and contradictory” (Kingfisher & Maskovsky, 2008, p. 120)²⁵, they challenge the view of neoliberalism as a homogeneous cultural system with fixed definitions of personhood, state-civil society relations and market relations. Instead, they consider neoliberalism “as a cultural formation [...], a set of cultural meanings and practices related to the constitution of proper personhood, markets and the state that are emergent in a contested cultural field” (p. 120)²⁶. Based on Wolf’s (1999) conceptualization of power as a relational term, rather than as a unitary, independent and omnipotent force, and drawing from his

²⁴ See also Clarke, 2004b; Maskovsky & Kingfisher, 2001.

²⁵ They reject the concept of culture defined as a static, homogeneous, coherent and bounded set of practices.

²⁶ Similarly, Clarke (2004a) suggests viewing neoliberal cultural formations as ‘articulated ensembles’ that operate disarticulating established meanings and creating new ones.

distinction of four modalities of power²⁷, Kingfisher and Maskovsky propose to explore neoliberalism by focusing on its tactical or organizational power, that is, on its ability to instrumentally circumscribe the actions of others within a setting or domain. By engaging in this kind of situated analysis, they argue, one may be able to avoid falling on fetishized theorizations of neoliberalism as a foreign and external set of fixed policies or a coherent governmental rationality that pervades globally and to address questions such as ‘who does what, by what means, to what ends and with what institutional effects?’ (Kingfisher & Maskovsky, 2008, p. 121). They add that this type of analysis on neoliberalism draws attention to its governing practices, understood as something different than governance (it refers to the traditions, institutions and processes that shape the exercise of power) and government (it refers to the organization of political units or rationalities). In their view, focusing on governing practices allows them to tackle the exercise of power as a dynamic and contested process both in its organizational and structural modalities.

In their view, a focus on culture, power and governing practices provides a framework for mapping the articulation of neoliberalism with established practices and policies, and for examining new relations of power arising in different contexts due to these articulations. In addition, they contend that their perspective promotes a more sophisticated approach for researching new patterns of class division and inequality. Although some of the most notorious forms of inequality and oppression in today’s world are related to the rise of neoliberalism, they argue that “new patterns of inequality and class division are in many senses continuous with

²⁷ Wolf (1999) identifies four different modalities of power: (1) Nietzschean—power as individual inherent capability; (2) Weberian—power as imposition of an external will; (3) organizational—power as the ability of individuals or groups to instrumentally circumscribe the actions of others within a setting or domain and (4) structural—power as the relationships that not only organize and orchestrate social settings, but also specify “the direction and distribution of energy flow” (p. 5). For Wolf, this modality of power refers to the structural relations between social classes (Marx) as well as to the structural relations that govern consciousness (Foucault).

established relations of power and coercion” (Kingfisher & Maskovsky, 2008, p. 121). For them, analyses of current neoliberalism need to incorporate this dynamic of old and new, as well as top-down and bottom-up relations.

Rejecting to ascribe it a range of universal characteristics, a critical analysis of neoliberalism needs to defy dominant discourses legitimizing its “transparence”, “naturalness”, and “inevitability”. In relation to this, Gounari (2006) asserts those characteristics were assigned to neoliberalism through a powerful discourse of “universality” and “Truth”. Complementing these ideas, Bauman (1999) argues, “what [...] makes the neoliberal worldview sharply different from other ideologies—indeed, a phenomenon of a separate class—is precisely the absence of questioning, its surrender to what is seen as the implacable and irreversible logic of social reality” (p. 79). From this follows a critical analysis of neoliberalism implies rejecting its discourse, a private discourse “allowing us consumers to speak via our currencies of consumption to producers of material goods, but preventing us from speaking as citizens to one another about the social consequences of our private market choices” (Barber, 2001, p. 59). Moreover, a critical analysis of neoliberalism entails recognizing its unevenness and its historical contingency. Concomitantly, its ideological effects over policies need to be assessed in relation to the context within which and in relation to which these policies are created, negotiated and contested. This is precisely addressed in the next chapter when discussing the influence of neoliberalism in Chile’s policies and particularly on education.

Chapter 3:

Emergence and Development of the Neoliberal Project in Chile (1973-2009)

This chapter depicts the key policy changes in education both during Pinochet's dictatorship (1973-1990) and post-dictatorship (1990-2009) alongside a discussion on the ways in which neoliberalism has affected the structure, organization and access to education in both periods. The description of education reforms during each period is preceded by background information deemed as necessary to better assess the significance of those policy changes. The background information addresses the historical circumstances from which Pinochet and Concertacion's policies emerged, as well as outlines the role played by key policy decision-makers and the mechanisms characterizing Chile's policy creation. The first section of this chapter describes the military regime period and the articulation of neoliberal ideas and values in its policy agenda. The second section engages with the post-dictatorship period through an exploration of the causes driving the technocratic orientation of all Concertacion governments, the main features of the policymaking process, and the economic, social and political conditions forcing them to maintain the neoliberal model but under a new disguise (i.e., market-driven model more attuned with the country's social needs) Both sections give particular emphasis to the neoliberalization of educational policies and its implications.

Pinochet's dictatorship: The dawn of neoliberal education reforms (1973-1990)

During much of the seventiess and eighties, hard-line military regimes characterized the South American political landscape (Hanson, 1996). Dictatorships in Argentina (1976-1983), Brazil (1964-1985), Chile (1973-1989) and Uruguay (1973-1984) legitimized their political

intervention by reference to national interest arguments²⁸. In the Chilean case, the military junta, headed by Army General Augusto Pinochet, declared its goal was to transform Chilean political institutions and to restructure both Chile's society and its economy (Fontaine, 1976; Pinochet, 1983). But in order to understand the nature and the scope of the economic and social changes brought about Pinochet's regime it is necessary to make a brief reference to the domestic realities and international pressures in response to which the neoliberal-inspired reform was implemented.

From “the Chilean road to socialism” to the 1973 coup. Before Pinochet's ascent to power, the post-war economic policy in Chile, as elsewhere in Latin America, was based on the notion that government intervention was the way to promote national industrialization and development (Fourcade-Gourinchas & Babb, 2002). This model—often referred to as import-substitution industrialization (ISI) model— was inspired by the United Nations Economic Commission for Latin America (ECLA), headquartered in the Chilean capital of Santiago. For the ECLA, peripheral countries like Chile needed to end their reliance on exports of primary goods through state policies aimed at protecting “infant industries” from foreign competition (Villarreal, 1984). Alongside this, the ECLA recognized the importance of safeguarding salaries to maintain demand for domestic industrial products. To strengthen the accumulation model in force, then, the state intervened indexing wages, subsidizing basic goods and developing numerous social programs (Taylor, 2002, 2003).

Notwithstanding these provisions and the noticeable improvements widening the coverage of social programs, the Chilean economic development was unsuccessful at producing

²⁸ Among the national interest arguments they included: removing subversion, reactivating the national economy, ending governmental corruption and re-establishing patriotic values.

economic growth²⁹, In line with this, unemployment levels remained high and inflation averaged nearly 30% per year between the forties and seventies (Stallings, 1978). One common explanation for the failure of Chilean developmentalism is found in the state's noticeable lack of ability mediating social conflict effectively. In theory, the state established minimum wages and prices on consumer goods; in practice, it had little control over the trade unions—which were prone to strike in demand of higher salaries and social opportunities—and over the private sector—which passed on (or even exceeded) wage increases in the form of higher prices.

In this context of persistent inflation and low economic growth political polarization escalated. By the end of the 60s, popular mobilizations claiming for fairer socioeconomic conditions and left-wing political coalitions defying the power held by dominant groups started to spread. In the face of the political shift to the left, right-wing forces started to envision an economic counter-program and to broaden its constituency. Not surprisingly, by 1970 the political scenario in Chile was characterized by a “hyperideologization” that rendered class compromises impossible (Moulian, 1997; Silva, 1991). It was in this polarized political scenario that the socialist Salvador Allende was elected president in 1970. Allende's presidency marked the beginning of deep transformations intending to use the state's power to overturn the unbalanced distribution of wealth and income in Chile. To this end, Allende's socialist administration carried out an anti-imperialist, anti-oligarchic and anti-monopolistic program. This program included the nationalization of productive sectors (i.e., copper mines), widespread land and industrial expropriations, significant increases in industrial wages, fixed consumer goods prices, and labor participation in managing state-controlled industries (Schamis, 2002; Stallings, 1978; Valdés, 1996).

²⁹ According to Fourcade-Gourinchas & Babb (2002) economic growth in Chile averaged only about 2% per capita from 1950 to 1971.

Business and right-wing groups with strong local and international support considered these endeavors as an inadmissible subversion of the status quo threatening their traditional hold of economic and political power in Chile's society. Moreover, the American government regarded Allende's accession to power as a potential threat to its policies toward Latin America oriented to prevent another marxist revolution in the Southern cone (Kornbluh, 2005; Schatan, 2001; Volk, 2005). Besides the strong opposition of national and transnational actors, Allende's government had to deal with the negative effects on the ISI model of the worldwide economic stagnation that started in the early seventies. These circumstances caused a deep fiscal crisis and increased pressures from the business sector to reduce social spending and increase investment, while mobilized labor and social movements upheld their demands on the state (Valdés 1996).

In the face of the nationalization and collectivization of enterprises, the Federation of Chilean Industry (SOFOFA), which was headed by representatives of different business conglomerates, stepped up their counter activities. Moving well beyond mere propaganda work, the supply of daily consumer goods was interrupted in an attempt to provoke backlash. Along these lines, SOFOFA organized entrepreneurial boycotts and a collapse of private transportation. The scarcity of essential goods created a generalized state of panic (Schatan, 2001). Right-wing sectors counting with the U.S. cooperation used these circumstances to undermine the popular support to Allende's administration and to engender a political climate conducive both to the coup and the economic model reform. The military provided the necessary force to overthrow Allende's Popular Unity (PU) government and a junta headed by Augusto Pinochet initiated an enduring authoritarian regime which justified its intervention in light of the social unrest and economic strife (Kurtz, 1999).

Pinochet's authoritarian neoliberalism and the foreign connection: the “Chicago boys”. In a context of economic recession, high inflation and scarcity of basic goods, disciplined financial and economic neoliberal policies represented a well-suited option to restore the conditions for steady economic accumulation (Taylor, 2004a). Drawing on neoliberal prescriptions, Pinochet's dictatorship eliminated the state's regulatory influence on the economy and withdrew its responsibility promoting development (Tironi, 1982). In line with this, Pinochet's regime cancelled price controls, privatized state industries, deregulated the labor market, and abolished or no longer funded social programs. The idea of basic services as social rights provided by the state was displaced by an emphasis on the consumer's freedom of choice (Taylor, 2003). Social policies which until then resulted from negotiations between collective forces and the state, under Pinochet's model they were reformulated as a relationship between individuals and the private providers of social services. In sum, neoliberal policies created favorable conditions for an increased presence of market dynamics in social life while disengaging the state from its historical responsibility for social welfare (Klees, 2002).

Chile's neoliberal turn, however, cannot be understood without acknowledging the role played by local elites transferring, negotiating and introducing market-driven ideas into a society that for decades believed in the social responsibility of the state. In relation to this, it is being argued that a group of Chilean economists, better known as the “Chicago Boys”, had a decisive influence on the economic decisions of Pinochet's military regime. Trained in the Economics department of the University of Chicago and influenced by Friedrich von Hayek, Milton Friedman and Arnold Harberger' ideas³⁰, these economists were the masterminds behind

³⁰ For an insider's view on the Chicago School and its impact on Chilean neoliberal project check the transcripts of the PBS television series *The Commanding Heights*, in particular, Harberger, Shultz and Friedman's interviews

Pinochet's profound restructuring of economy and society. Their privileged position as advisors and policy-makers of the regime allowed them to weave a network between the public sector and Chile's critical centers of financial and industrial power (Meller, 1984). Moreover, they held incremental control over the intellectual dissemination of their ideas by sending off disciples to different departments of economics in prestigious Chilean universities (Valdés, 1996).

Under their influence, certain economic objectives such as liberalization, fiscal discipline and competition were turned into the sole determinant of all that was socially desirable. Accordingly, these economists fostered the idea of a minimal state. For them, the main responsibility of the state was to assure "public order" and to address extreme poverty (Valdés, 1996). They believed the state should refrain from participating in any economic activity and invest only in those areas where private provision was inadequate. Besides, these economists had an overt disinterest in the country's democratic tradition. They conceived democratic rule as a corrupt charade that had served to conceal how privileged political elites manipulated the state for their personal gain. Accordingly, they had an ideological discourse that justified the authoritarian nature of Pinochet's regime by arguing that it was the only possible way to correct the flaws of statism and the democratic system in Chile. For Rabkin (1993, p. 10), their participation in Pinochet's regime "was not based on personal loyalty, [...] but on adherence to a serious reform project aimed ultimately at the refunding of Chilean capitalism". Blaming politics for the deficient level of economic growth that Chile was experiencing before the dictatorship, they aspired to replace politics with technology and politicians with economists.

available at http://www.pbs.org/wgbh/commandingheights/lo/people/pe_name.html (retrieved on 12/8/08). Also see *Commanding Heights* by Daniel Yergin and Joseph Stanislaw, 1998.

Under Pinochet's sole control³¹, this technocratic team monopolized economic and social policy decision making from the mid-seventies until the economic depression of 1982. In fact, their ideas contributed to shape a comprehensive package of reforms known as the 'Seven Modernizations', which included a new constitution and extended the market model to other social areas such as pensions, health care, education, the labor market, local governments, jurisdiction systems, and agrarian sectors (Oppenheim, 2007)³². In education, the reform—very much in line with the neoliberal tenets of the Chicago School and the Virginia School Public Choice Theory pioneered by the Mont Pelèrin Society³³—resulted in the deregulation, decentralization and diversification of the system and in the introduction of competition as a central mechanism of efficient market behaviour. I will turn now to analyze in detail the content and the direction of policy change in education advanced during the military rule.

Education under neoliberal authoritarian rule. After Allende's fall, Pinochet's regime applied a close surveillance over the education system and purged educational institutions and teacher unions of people suspected of being sympathetic with Allende's government (Taylor, 2003). Police and informant networks consolidated this purge by keeping a sharp eye on teaching practices. Concomitantly, the curriculum content was modified to reflect the national security doctrine preached by the regime. In line with the disinvestment in other social policies (Figure I), public expenditures in education had been reduced nearly in half in 1973 (Figure II).

³¹ There is some controversy among Latinamericanist scholars regarding the personalist nature of Pinochet's rule. Whereas some argue that the military regime needs to be regarded as personalist (Ensalaco, 2000; Huneus, 2007), others contend that Pinochet never had the supremacy commonly attributed to him and that the commanders of the other military branches retained significant powers during this period (Arriagada, 1988; Barros, 2001)

³² For a thorough description of the "Seven Modernizations" and its effects see Oppenheim's (2007) chapter: The seven modernizations: Municipal control and privatization (pp. 133-137)

³³ This international organization created in 1947 and composed of economists, intellectuals and business leaders, acts as a network for the effective dissemination of classical liberal ideas. This society promotes free market economic policies and the political values of an open society. There is an interesting official history by R. M. Hartwell named *A History of the Mont Pelèrin Society* (1995).

In addition to reducing public expenditures to education, the major focus of the regime's reform efforts was the administrative and financial structure of Chilean education. In relation to the former, decentralization was a crucial aspect of the transformations introduced to the education system in Chile during Pinochet's rule. Decentralization measures implied that the responsibility for administering public elementary and secondary schools was transferred from the Ministry of Education to the local governments (municipalities). Likewise, technical educational centers were ceded to non-profit corporations. According to Gaury (1998), by 1982 around 85% of the public schools were under the municipalities' control. Yet, the Ministry of Education maintained a regulatory role over the educational system, which continued working according to its pedagogical and curricular directives (Parry, 1997a, 1997b). In fact, it has been argued that the decentralization of the education system represented a mere transfer of the financial responsibility to the municipalities, which underwent widespread indebtedness to face this burden (Raczynski, 2000)³⁴.

Decentralization had not only financial negative effects on school funding, but also on teachers' wages and labor conditions. As schools were transferred to local governments, public teachers became municipal workers and their wages and working conditions were henceforth established in accordance with a more flexible legal framework (Castañeda, 1992). The deregulation of the teaching profession suppressed teachers' standard wages scales, paid vacations, a 30-hour workweek and the right to collective bargain (Rojas, 1998). In fact, some argue that the main rationale for the decentralization process was to remove the state as the main target of collective action and, by so doing, reducing the bargaining power of teacher unions (Castiglioni, 2001; Taylor, 2003).

³⁴ This progressive process of indebtedness arose largely because of the dwindling value of the per-student subsidy the military government paid to schools during the 80s (Figure III).

Supplementing the decentralization process, Pinochet's regime authorized the creation of private for-profit institutions at the elementary and high school level. By deregulating the education sector, the dictatorship contributed to create an open education market which gave place to a large redistribution of enrollments across public and private institutions. Whereas by 1981 over two million students were enrolled in public schools and over four hundred thousand students attended private schools, by 1990 public enrollment rates had dropped more than twenty percent, whilst private enrollments had more than doubled (Figure IV). However, this massive shift of students into private schools took place mostly among middle-class and upper-middle-class children (Carnoy, 2002)³⁵. In relation to this, different scholars have argued that the policy changes brought about the military regime ended up consolidating a dual structure of educational provision, in which socio-economically disadvantaged students finished attending lesser quality municipal schools whereas the richest students monopolized the highest achieving private ones (Taylor, 2003). In this line, Gaury (1998) provides evidence showing that the Chilean school voucher plan increased educational stratification because schools competed by "creaming" the best students and most advantaged families rather than by attempting to enhance the quality of instruction.

Alongside the decentralization process, the reform package included a reformulation of funding mechanisms. Instead of funding schools directly, the regime opted to establish a

³⁵ Carnoy (2002) argues that by the end of the military regime over 70% of students whose families were in the lower 40% of the income distribution attended municipal public schools. On the other hand, only 51% of students from families in the next highest 40% income bracket were enrolled in public schools, while 43% went to subsidized private schools and 6% attended elite private schools where parents paid the full tuition. Finally, only 25% of students from families on the top 20% income bracket attended public schools, while 32% were enrolled in subsidized private schools and 43% in elite private schools.

demand-side approach to ensure greater efficiency. Similar to Milton Friedman's voucher idea³⁶, public funding was no longer given directly to schools. Instead, the state would fund them indirectly based on the number of enrolled students. This had the effect of introducing a sharp competition ethic into the education system (Taylor, 2003). Implemented in 1980 "as part of a general project to reduce the role of government in education in favour of market-based reforms" (Weil, 2002, p. 167), the voucher plan consisted in the implementation of per-student subsidies both at public and tuition-free private schools (Castiglioni, 2001; Gauri, 1998). Underlying these measures was the assumption that state-funded education could improve by making institutions compete for students—as state subsidies to schools would be based on the number of enrolled students—and having parents choose for their children education (Fischer, González & Serra, 2003). Pinochet's policy-makers expected that this reform would bring a more effective and diverse educational offer attuned with the diverse preferences and needs of students and their families.

Sapelli (2003) suggests, however, that the type of subsidy introduced by the Chilean voucher plan gave way to student sorting. In relation to this he argues that since the cost of educating students to a certain level was a negative function of the initial human capital of the child, the provision of a flat subsidy led private voucher schools in Chile to compete for students with higher initial human capital by offering them high quality instruction. As these institutions showed no interest in competing for those with low initial human capital—who were also less able to add private contributions to the subsidy—poor students ended up being captive of the public education system. Given that the Pinochet's regime made no efforts to improve the

³⁶ Based on research suggesting the better performance of students enrolled in private institutions as measured by academic tests, he posited that the solution for improving the quality of American education consisted of allocating public subsidies for students to attend private schools (Friedman, 1962).

curriculum, the quality of teaching, or the management of education—this was supposed to happen through increased competition among schools vying for students—municipal schools lacking the financial capacity and the resources for school improvement became a low quality educational offer which finished up being the “choice” available for those who could not afford to pay for higher quality education at better-off institutions (Carnoy, 2002). As a result, the Chilean voucher plan contributed to further stratify the educational system and deepened the achievement gap between lower and higher income students.

Higher education was not exempted from these changes. The first measures of the 1973 coup suppressed all forms of democratic participation within the universities. The “leave nothing to chance” policy of the military regime engendered extreme forms of control within universities. Initially, all existing forms of student expression were prohibited (Levy, 1986), academic freedom was eliminated, campus life was ‘conservatively re-politicized’ (Austin, 1997), faculty and students were expelled³⁷ and over three hundred students were assassinated (Tomic & Trumper 2005). The armed forces also intervened the two major universities—the University of Chile and the UC—placing two military officers as the head of both institutions.

Since one of the main goals of the military junta consisted in dismantling the academic structures that were considered to have promoted Marxism and socialism, most humanity and social science programs were closed (Petras & Morley, 1992). For instance, leftist strongholds such as the sociology departments at the University of Chile and the University of Concepción were closed altogether (Levy, 1986). Although some social science courses remained, they were

³⁷ According to Levy (1986), “the severity of the purges varied greatly among universities and among faculties within universities, depending on larger patterns such as prior politicization, as well as idiosyncratic factors, such as the disposition of particular rectors or deans” (p. 104). For instance, Heine (2006) estimates, over one thousand faculty members were expelled from the University of Chile and the CU. The social sciences were especially targeted, and at the University of Chile 255 faculty were purged from the College of Social Sciences (Lladser, 1988).

carefully reformulated with a strong emphasis on patriotism and nationalism³⁸. Alongside this ideological depuration, the military regime emphasized universities should be reoriented toward the new economic model and the national needs (Levy, 1986). Concomitantly, engineering, as well as economics and related fields such as business administration and accounting were favoured. Within these fields, most programs offered technical-professional courses to meet the market demands towards high-tech production (Austin, 1997). In sum, the military regime not only sought to dismantle the participatory model that emerged during the Latin American University Reform movement of 1918³⁹, but also intended to rededicate them to the construction of a conservative society and to the provision of mere professional training (Levy, 1986).

The elitist and conservative character of tertiary education institutions during Pinochet's regime was parallel to the retrenchment of public expenditures in this sector. Whereas the two previous administrations attempted to widen the socioeconomic base of higher education, Pinochet's regime implemented restrictive admissions and sharply disinvested in this sector (Levy, 1986). Data from CENDA (2002) show the significance of the public disinvestment in higher education during the first years of the dictatorship (Table I). This decline in public funding, coupled with the regressive redistribution of income during Pinochet's dictatorship affected not only the socioeconomic composition of the student population (Austin, 1997), but also the number of enrollments. For instance, between 1974 and 1980 college enrollments decreased nearly 19% (MINEDUC, 1999)⁴⁰.

³⁸ As Jaksic (1989) argues, a nationalist and anti-Marxist philosophy set the tone of the higher education system after the coup.

³⁹ For further information on this topic, see Juan Carlos Portantiero's book *Estudiantes y política en América Latina: El proceso de la reforma universitaria (1918-1938)*. México: Siglo Veintiuno, 1978 and Richard J. Walter's work: *Student Politics in Argentina: The university reform and Its effects*. New York, NY: Basic Books, 1968.

⁴⁰ This implies a significant overturn of the higher education enrollment growth experienced during the 60s and mid-70s. As more middle and working class students graduated from high school, the demand for tertiary education grew

Once the military regime had established fiscal discipline and instituted its ideological supremacy over tertiary institutions, the system underwent a “modernization process”, which was articulated in the Higher Education Reform Decree of 1980. Emphasizing the virtues of deregulation, decentralization and consumer choice and recognizing the need for institutional differentiation, this reform subverted the nature of a higher education system which until then was predominantly public (Tomic & Trumper, 2005) and mostly free of charge⁴¹. The neoliberal-inspired reform of higher education in Chile represented “the shift from a political culture, which viewed [...] provision as a fundamental right to a culture that emphasized the freedom of choice of the user as a consumer rather than as a citizen” (Matear, 2006, p. 36).

According to Brunner (1993b) there are three arguments underlying the rationale for this reform. First, an ideological argument according to which market-driven practices would be effective eliminating the inflexibility and inefficiency of the state-coordinated system. Second, the economic argument about the government’ inability to afford the high and rising costs of higher education, and thus, the need to resort to a combination of private and public funding for the system. Third, the political argument that traditional universities were a source of dissent and the concomitant necessity of undercutting their power and resources. In line with these rationales, the reform intended “[...] to open up higher education, to diversify the HE system, to reduce the institutional power of the two traditional public universities, and to partially transfer the cost of public funded institutions to the students and/or their families and to force these

accordingly. The political pressure inflicted to increase access in higher education resulted in the duplication of the enrolments between 1960 and 1974 (Table II).

⁴¹ According to Tomic & Trumper (2005), the only two public universities (i.e., the University of Chile and the Technical State University) concentrated the 70% of the higher education enrolments. In these institutions, student fees were nominal, faculty and students participated in university and public politics, and unions adhered to left-wing ideas.

institutions to diversify their funding sources” (Brunner, 1993b, p. 72-73). In accordance with these goals, the higher education reform brought about the following changes:

Deregulation: Until 1980, the creation of new universities required the government’s approval. Hereafter, higher education was deregulated and expanding enrollments became a responsibility of the private sector.

Diversification: Before 1980, there were only eight universities. After the reform, new private universities and non-university institutions flourished, creating an institutionally diverse system, characterized by three vertical tiers: universities, professional institutes (PI), and technical training centers (TTC)⁴².

Decentralization: The regional branches of the two large public universities, University of Chile and the State Technical University, became independent universities (Fried & Abuhadba, 1991). These institutions had the power to determine their own budget and management (some consider this autonomy was relative because their presidents were appointed by Pinochet). The rationale behind this initiative was helping post-secondary institutions to get closer to the needs of the community.

Loss of institutional autonomy: Until 1980, universities received permanent public support through yearly lump-sum grants and determined their own means of administration. After the reform, they were forced to compete for students and resources, and the academic-oligarchic power of professors, deans and rectors was curtailed (Brunner, 1993b).

Mixed-funding system: Before 1980, the higher education sector was funded with fiscal transfers based on historical allocation and by students’ contributions according to their family income (Brunner 1997; Fried & Abuhadba, 1991). The reform established a mixed-funding system (Brunner, 1993a, 1997) based on tuition fees paid by students, fiscal transfers and students loans to which only needy students from the traditional universities were granted access. The reform also compelled tertiary institutions to diversify their funding sources⁴³

Probably, the most far-reaching effects of the 1980 reform on the Chilean higher education system have been its shift toward cost sharing and its private expansion. In relation to

⁴² *Universities* were in charge of graduate and long cycle undergraduate programs leading to professional degrees and licenciaturas. After the reform, traditional universities remained autonomous, kept receiving direct public subsidies, but started charging tuitions. New private universities received no public funding. *Professional institutes*, provided four-year programs without a legal requirement of licenciatura. These private institutions did not receive direct subsidies. *Technical training centers* were restricted to two-year vocational programs leading to technical certificates. They represented the most viable alternative for students who were not eligible or could not afford the tuitions charged by the universities and the PIs. Paradoxically, they did not receive direct public subsidies.

⁴³ The main sources of state funding to the system implemented after the reform were the *direct public subsidies* and the *indirect public subsidies*, better known in the literature for their respective Spanish abbreviations: AFD and AFI. The AFD was allocated to the eight universities that existed before the reform and those derived from the decentralization of the old universities, whereas the AFI was distributed among the institutions which recruited the highest scoring 27,500 students in the national standardized test—Academic Aptitude Test or PAA in Spanish—(Bernasconi & Rojas, 2003). No public money was destined to new private institutions.

the former, Pinochet's policy-makers explained that state expenditures on universities had proved inefficient and that only self-financing could foster competition and fiscal responsibility. Besides, they argued, the lack of tuition was in effect a subsidy for socioeconomically privileged students (Levy, 1986). In terms of the move to private higher education, by the end of the military regime around 52% of total college enrollments was private (Table II). The data from this period shows, however, the relative stagnation in higher education students' enrollment (Brunner, 1993b). While between 1980 and 1990 there was nearly a forty-fold increase in the number of tertiary institutions, the number of enrollments only doubled (Tables II & III).

Contradicting the neoliberal claims that institutional diversity and competition would improve the conditions of access to higher education by providing more and better educational options, and thus, would reduce the participation gap between low and high-income students, data from MIDEPLAN (2001) shows that by the end of the military regime poor students represented less than five percent of higher education total enrollments, while upper income students' enrollments reached 40% (Table IV). The participation of socioeconomically disadvantaged students was disparate not only in terms of enrollments, but also in terms of funding. For instance, results shown in Brunner (1993b) suggest that by the end of Pinochet's dictatorship students from the first income quintile were allocated only 6% of higher education public funding, while students from the fifth income quintile captured over half of those resources. In line with this, whereas students from the first income quintile received only 11% of the public financial aid available, students from the top 20% income group were allocated over 26% (Table V).

As some scholars have argued, the new funding mechanisms implemented after the reform contributed in grand part to exacerbate the unequal participation in the Chilean higher

education during Pinochet's regime (Matear, 2006). For instance, whereas high income students were enrolled mostly in the traditional public universities, low income students who did not score sufficiently high to be admitted by a public university, disproportionately participated in the private non-university sector. Therefore, whereas the most socioeconomically advantaged students were granted access to the better funded (they received AFD and AFI subsidies) and most prestigious institutions and had access to subsidized student loans, low income students were enrolled at the TTCs—whose quality was more than questionable—and were paying full tuition fees—private non-university institutions were not granted any kind of public subsidies⁴⁴ (Espinoza, 2008). Concomitantly, access to the Chilean higher education during this period varied largely accordingly with the income quintile the students come from.

In sum, the outcomes of the 1980 reform on the conditions of access to higher education were twofold. On the one hand, the reform increased access across the system because of the new institutions. On the other hand, the opportunities of participation in the new diversified supply became more strongly related to the students' socioeconomic background. Contrarily to what Pinochet's policy-makers expected, the higher education reform reinforced a socio-economic stratification among the different type of institutions, with public universities receiving students from the highest socio-economic groups and private non-university institutions concentrating students from unprivileged socio-economic and educational backgrounds. In this regard, the new financial arrangements contributed to these inequalities by depriving poor students from the financial resources needed to cover the cost of tuition at better institutions,

⁴⁴ Only traditional universities received direct public subsidies (AFD) and student loans, whereas non-university institutions (i.e., PIs and TTCs) did not. The former remained being the most prestigious and selective institutions and, therefore, were able to attract the “best” potential students. By so doing, these institutions also were disproportionately granted the indirect subsidies (AFI), whereas the less prestigious higher education institutions—particularly the TTCs—were excluded from this distribution. It has been estimated that whereas the students in the new private institutions had to pay full fees, students in the old universities were only paying fees to cover about 22 per cent of costs (Espinoza, 2008).

while subsidizing those institutions that already had large resources, good reputation, and privileged students.

Chile post-dictatorship: democratic revisions of neoliberalism (1990-2009)

Before turning to the policy changes in education brought about the post-dictatorship governments, it is important to make a brief reference to the transformations of the political environment following the victory of the coalition of center and left-of-center representatives (better known as the Concertación⁴⁵) in the 1988 Chilean national plebiscite⁴⁶ and ulterior national elections in 1989. After 16 years of dictatorial rule, the electoral win of the Concertación represented “the return of a civilian government that was widely expected to place social issues high up on the political agenda” (Taylor, 2003, p. 27). Although the Concertación had one main political goal, to reconstruct and consolidate democracy and guarantee the rule of law, there was a lack of consensus on what “democracy” meant at that time⁴⁷ (Oppenheim, 2007).

It is important to note as well that the transition to democracy implied not only new demands on the political agenda (i.e., stronger emphasis on social policy), but also represented the demise of the influence of the Chicago Boys, which were replaced by a new breed of “technopoliticians”, who according to Silva (2008), have operated as “a moderating force”, [...] as a sort of buffer or intermediary zone between contenders for power because of their technical capacity, their apparent neutrality, their lack of overt political affiliation and so on” (p. 18).

⁴⁵ According to Motta (2008), the Concertación governments are constructed upon a political coalition formed out of the forces of the moderate democratic opposition (Democratic Action or AC in Spanish), which negotiated the transition to democracy in 1989. The parties include the Christian Democrats (PDC), the Party of Democracy (PPD), the Radicals (PR) and the Socialist party (PSCh).

⁴⁶ This referendum was held on October 5, 1988 to determine whether or not President Augusto Pinochet would be in office for an eight-year term. The No side won with nearly 56% of the votes, which shows the support to the dictatorship at that time was very significant (44%).

⁴⁷ According to the Right, the political institutions (i.e., Constitution) inherited from Pinochet were democratic, while for the Concertación they were essentially undemocratic (Oppenheim, 2007).

Given Chile's highly polarized polity between center-left and center-right coalitions, technocrats have been instrumental to provide relative stability to the state apparatus and ensure policy continuity between governments. In the next section I will explore more in depth the characteristics and roles of the technocrats who held key positions in Concertacion governments and took over the influence that the Chicago Boys used to have on Chile's state policies under Pinochet.

From the Chicago Boys to the emergence of the democratic technocracy. Before proceeding with the description of post-Pinochet technocrats⁴⁸, it is important to refer briefly to the relation between intellectuals and technocrats in Latin America during the 1960s and 1970s and its redefinition in the last decades. As Silva (2008) notes, from the sixties until the mid-seventies Latin American technocrats were mostly subordinated to the intellectuals, whose programs were mainly founded on political and ideological considerations. In such scenario, sociologists, instead of economists, were very influential in policy environments. Along the same lines, Brunner and Flisfisch (1985) refer to the role of intellectuals as interpreters of the country's reality and advocates of particular ideological stances in universities and the media.

The political persecution of intellectuals during the military regimes of the 70s and 80s in Latin America, which caused the incarceration, disappearance or prolonged exile of people from the humanities and the social sciences, changed drastically their position in the political arena and the nature of their work afterwards. With the return of democracy, intellectuals (the ones who never left and those who returned) had difficulties voicing their ideas like they did before. For Petras (1990), in order to adapt to the different realities of their countries (e.g. apathy toward

⁴⁸ The term technocrats is understood here as "individuals with a high level of specialized academic training which serves as a principal criterion on the basis of which they are selected to occupy key decisionmaking or advisory roles in large, complex organizations—both public and private" (Collier, 1979 as cited in Silva, 2008, p. 4)

radical ideologies, deteriorated conditions of public universities, lack of funding for research, among others) and given the connections and experience of returning exiles with successfully established research institutes and foundations abroad and the existence of increased external funding from European and Canadian aid agencies and American private foundations for potential Latin American beneficiaries, intellectuals underwent a process of change or conversion from organic to institutional ones⁴⁹. Or, as Silva (2008) asserts, “have adopted technocratizing attitudes” (p. 7). Concurring with Petras’ ideas, Silva considers “the increasing internationalization, academization, and professionalization of Latin American intellectuals” (p. 7) coupled with “the growing dependence on foreign donors for financing [...] research” (p. 7) are the main causes driving their change.

In relation to this, Brunner and Barrios (1987) have discussed the increasing meritocratic orientation of Latin American social scientists and intellectuals. According to these scholars, a number of developments during the last twenty years has promoted such meritocratic orientation: the increasing reliance on external grants for research, the growing importance given to postgraduate credentials obtained in American and European universities, the participation in international conferences and other academic networks, and the institutional pressure for publication. The same meritocratic orientation can be observed among Chile’s government officials during the Concertacion years, who in many instances could be identified as both “institutional intellectuals” and technocrats (e.g., J. J. Brunner and Ernesto Schiefelbein, Frei’s Secretary General to the Government and Ministry of Education respectively, as well as

⁴⁹ In Petras’ (1990) view, the conversion of Latin American intellectuals into institutional ones took place through their “incorporation as research functionaries into institutes dependent on external funding” (p. 106). As holders of such position, they are expected “to provide information that their benefactors would not otherwise possess and, even more important, to circulate and implant the ideas and concepts acceptable to their benefactors as the dominant ideology within the political class” (p. 106).

prestigious educational researchers and consultants to international organizations) This is also illustrated in table XIII which shows the academic preparation and networks of different technocrats during Bachelet's administration.

Meritocratic orientation, however, is not an exclusive feature distinguishing Concertacion's technocrats from others (it can also be observed among the Chicago Boys) Rather, what distinguishes them is their role as "bridge builders" (Silva, 2008) between the right-center coalition and the left-center coalition which have dominated the Chilean political scene for the last twenty years. For instance, during the first Concertacion government, the presence of competent technocrats (particularly, well known economists) in charge of the country's economic and financial decisions constituted an assurance for the business sector, the Army and the right in general that the economic model devised and consolidated during the dictatorship would remained in place. Technocrats continued to play a central role in the following Concertacion governments, which according to Silva (2008), was "facilitated by the existence of a kind of [...] political tie between the center-left forces in power and a strong right-wing opposition" (p. 173). This situation forced both coalitions "to come to a basic 'agreement on fundamentals' that facilitated the functioning of the Estado of Compromiso" [State of Compromise] (p. 173). This tie, whose origin will be discussed in the next section and whose influence on the political construction of the LGE will be discussed in chapter 5, compelled the democratic forces to maintain the technocratic orientation of the Pinochet regime. This orientation, characteristic of all Concertacion governments (see tables XIII, XIV and XV), has been coupled with a modernization discourse emphasizing economic growth, efficiency and financial stability (Silva, 2008), but operating in a social context which demanded addressing as well the equity issues inherited from the Pinochet years. It is important to note, though, this technocratic orientation

was neither homogeneous across administrations nor free from the resistance of some politicians of the left-wing coalition. For instance, the leaders of the main Concertacion political parties felt threatened by the close cooperation between technocrats and some highly positioned politicians, particularly during Aylwin, Frei administrations, fearing their own positions and ability to influence policy decisions had weakened (Silva, 2008). Moreover, putting to work the “growth with equity” slogan was a balancing act which continuously strained the relations between technocrats and Concertacion’s left-wing politicians.

Aylwin’s “CIEPLAN Monks”⁵⁰, Frei’s “Top Ten”⁵¹, Lagos’ “second-floor advisers”⁵² or Bachelet’s “expansiva”⁵³ are all examples of the technocrat teams steering the decision-making processes of Concertacion’s governments. During the democratic transition, they played a crucial role translating the points of agreement and contention into technical “depoliticized” terms. Later on, Lagos and Bachelet, both from the Socialist Party, relied on the use of technocrats to reduce fear from right-wing forces and the country’s economic and financial elites. Although Lagos distrusted technocratic sectors and Bachelet adopted an antitechnocratic discourse during her presidential campaign, both presidents resorted to highly educated professionals with strong technical profiles in their administrations.

⁵⁰ It refers to a group of highly trained economists recognized for their work at the “Corporacion de Investigaciones Economicas para Latinoamerica” [Corporation of Latin American Economic Research], a think tank founded during Pinochet’s dictatorship and for holding key strategic positions during Aylwin’s government (Silva, 2008)

⁵¹ Group of individuals with high technical profiles, professional experience and postgraduate formation in the U.S. which had a strong influence on Frei’s modernizing policy agenda (Silva, 2008) The media in Chile has referred to this new generation of technocrats as “Frei Boys”, comparing them with Pinochet’s Chicago Boys.

⁵² Presidential advisers, most of whom had received postgraduate education abroad and worked as sociologists in private research institutes, the ECLAC or the Latin American School of Social Sciences (FLACSO) analyzing Chile’s social and political circumstances (Silva, 2008).

⁵³ Group of young Chilean scholars and professionals working at different American universities congregated in the Expansiva, a virtual think tank with the aspiration to generate better public policies for Chile. They held several positions in Bachelet’s cabinet and the government apparatus (Silva, 2008)

The presence of these technocrats in Concertacion governments is also indicative of the strong influence of international epistemic communities and international organizations in the country's policy creation. As it will be discussed in the next section, one of the salient features of Chile's policymaking is the power of the Executive as agenda-setting. Given most Concertacion technocrats have proven affiliations with American and European universities as well as clear links to international organizations positioned as driving global policy discourses (see tables XIII, XIV and XV), it is logical to assume that their decisionmaking processes are in fact aligned with the values and ideas of those institutions and somehow embedded in the initiatives suggested for presidential consideration. This will be addressed in more detail in chapters 5 and 6, but it is important to keep it in mind when analyzing Chile's policymaking features in the ensuing part.

Post-dictatorship policy-making in Chile. This section provides a referential framework to understand the policy-making process following Chile's return to democracy. According to Aninat and colleagues (2008), the moment when Pinochet handed over the presidency to Patricio Aylwin represented a shift in the country's institutional framework which gave place to a distinct policymaking regime. A partial explanation for this claim can be found on Pastor's (2004) work, where he notes

"the political regime Aylwin government inherited from Pinochet differed markedly from the one established by the Constitution of 1925 that governed Chilean politics during one of the longest periods of democratic rule in Latin American history prior to the military coup of 11 September 1973. The 1980 Constitution promulgated by the military government created an institutional framework of limited, protected democracy, characterized by a new electoral system designed to limit the number of political parties in Congress, presidential control of the legislative process, and additional authoritarian enclaves to ensure military tutelage and veto power over the decisions of civilian authorities" (p. 39).

Along the same line, Aninat and colleagues (2008) refer to Pinochet's institutional legacy to the Concertacion governments and distinguish four distinctive features that, in their view,

have modeled Chile's policymaking since 1990. Firstly, they refer to the party system, constituted by two tightly intertwined and relatively invariable coalitions, one on the left and the other on the right of the political spectrum. One particularity of this system is the strong influence of the binomial electoral system on its composition, which according to Aninat et al., "encourages coalition formation, and leads to rather similar congressional representation for each coalition in both chambers of congress" (p. 183) even if they receive substantially different numbers of votes (Pastor, 2004). This voting system prescribed in the Chilean constitution during Pinochet's dictatorship "creates pressures for moderate polarization in legislative elections, [...] while a 'dual ballot' system for electing the Executive discourages extremist presidential candidates" (Aninat et al., 2008, p. 155-156)⁵⁴. It is important to note that presidents in Chile were in office for six-years and unable to run for immediate reelection until the constitutional reform of 2005. While the nomination process suffered modifications across elections and political parties during the post-dictatorship period, the two main coalitions (the Concertacion and the Alianza) presented candidates for every presidential election. Something worth noting is the fact that in spite of the existence of a wide range of candidates competing in the four presidential elections following the end of Pinochet's dictatorship, "the representatives of the main two coalitions—which include all the parties with congressional representation—dominated the elections" (Aninat et al., 2008, p. 179). Indeed, the Concertación candidates won four successive presidential elections.

Secondly, Aninat et al consider the exceptionally powerful Executive as another feature of the institutional system which influences Chile's policymaking processes since the 90s. They argue the President possess nearly exclusive control over the parliamentary agenda, with initiative

⁵⁴ As Aninat and colleagues (2008) explain, "in a dual ballot system, if no candidate obtains an absolute majority of the popular vote, there is a second round between the candidates who obtained the two highest vote shares" (p. 156).

and veto options that make him a de facto agenda setter” (p. 156). Besides having an extensive authority to select, designate, and fire government officials, Chile’s executive system holds exclusive legislative initiative on many policy aspects, maintains a tight control over the budget process, and counts on a series of urgency and veto mechanisms, all of which positions it as a relevant agenda setter. To support their arguments, Aninat and colleagues (2008) start by showing the exceptionally wide-ranging constitutionally mandated agenda-setting authority vested in the Chilean president. They note the Executive has sole legislative initiative over “matters of administration”—laws dealing with the government’s daily operation—while House and Senate representatives can only make propositions in terms of “matters of law.” However, the legislative initiative of the congress is also restricted regarding the later. For instance, the executive has the sole legislative initiative over matters of law “concerning the political and administrative divisions of the state, its financial administration, the budget process, [...] the selling of state assets, [...] taxation, labor regulation, social security, and legislation related to the armed forces” (p. 179). This reflects the executive’s exclusive legislative initiative over most economic policy areas.

Moreover, they assert that the constitutional provisions established to manage the budget process bestows strong decisional power to the executive. These scholars argue the president has the constitutional responsibility for the financial administration of the state with the assistance of the minister of finance and the budget director. They establish the spending limits of the annual budget and oversee its execution. Legislators have no authority to propose amendments that increase spending or generate new financial engagements. Parliamentary alternatives with financial impact are subjected to the approval of the ministry of finance. The executive has a

firm grip not only over the budget process, but also on all legislative matters with fiscal implications.

Another example illustrating the executive's strong position vis à vis the legislative system is its use of "urgencies"—a constitutional provision vesting the executive with the authority to demand the vote of the Congress on certain bills within a established frame: thirty days (simple urgency), ten days (summa urgency), and three days (immediate discussion). Another constitutional provision reinforcing the strong power of the presidency is the availability of various veto options. According to Aninat and colleagues (2008), if a president in Chile vetoes partially or fully a bill, the congress needs a two-thirds majority of members present in both chambers to advance its proposed version. Moreover, the president can use an amendatory veto to correct a bill that has already passed, although this prerogative has rarely been used by Concertacion presidents who knew that the lack of a simple majority in both chambers would lead to the approval of the bill without modifications (Aleman, 2003).

Nevertheless, the President is not the only political figure with veto power. In fact, a third feature of Chile's institutional system is the presence of several veto players, some of which were included in the constitution by the outgoing military regime in order to encumber policy changes by ensuing elected democratic governments. For instance, Pastor (2004) argues the binominal system was created "to overrepresent the Right in Congress, giving it a veto over the constitutional and legislative initiatives of the Concertación" (p. 55). In the same vein, Aninat and colleagues (2008) note the bicameral congress—which had nearly a dozen designated (not elected) lifelong senators in the upper chamber until they were eliminated in the constitutional reform of 2005—demands supermajority thresholds to reform legislation, a mechanism that enabled many minority sectors to prevent policy reforms during the post-Pinochet era. For these

scholars, the Chilean congress counterbalances the power of the executive. They recognize that the Chilean congress operates under a well-designed system of checks and balances, which facilitates its engaged and influential role in the country's policymaking process. In terms of its structure, the bicameral legislature consists of a 120-seat chamber of deputies serving for a term of four years and a senate with 38 members elected for eight years. This political institution operates by using a variety of committees "established by each chamber at its own discretion, though traditionally there are 19 permanent committees in each chamber" (Aninat et al., 2008, p. 183). Chile's legislative committee system is influential in the policy creation, but not as much as the senate, which can overrule the committee's decisions⁵⁵

The legislative process includes three stages. The first one commences when the president, individual legislators or groups of legislators submit a legislative initiative to one of the chambers. The chamber designates the initiative to one of its committees, which then discusses the bill "in general" and can alter it freely. Afterwards, the chamber proceeds to vote on the amended initiative that the committee presented to the floor. If amendments are in order, the committee meets, discusses the bill again ("discussion in particular") and votes on the new amendments. The bill and any suggested amendments, go back to the floor.

Once the bill gets approved in this chamber, the initiative moves on to the other for the second legislative stage. A similar process takes place (i.e., discussion in general and, if necessary, discussion in particular). Following this process, if both chambers end up approving the exact version of the bill, it is referred to the president for signature or veto. On the opposite, if the chambers have approved different versions of the initiative (e.g., if the reviewing chamber has suggested any amendments), the bill goes back to the chamber of origin, which votes on the

⁵⁵ For instance, "the signatures of ten senators suffice to force a floor vote on a provision rejected in committee." (Aninat et al., 2008, p. 184)

bill article by article. If there are any remaining differences, the bill is sent to a conference committee consisting of equal members of each chamber and chaired by a senator. Then, the conference committee presents the resultant bill to an up or down vote in each chamber, with no room for amendments at this point.

If and when both chambers approve exact versions of the bill, it is sent to the president, who can sign it, in which case it is referred to the constitutional tribunal for approval of its consistency with extant constitutional provisions. If the president refuses to sign the bill, he or she can veto it fully or partly. The president can also make “observations” to the bill and return it to the congress. The congress must first vote (approving or rejecting the observations and without having a chance to amend them). If the observations are rejected the Congress proceeds to vote on a veto override. If the veto is overturned or the observations are approved, the bill is promulgated. If a successful presidential veto only applies to part of a bill, then the rest of it is promulgated. From this description of the legislative stages one realizes that even when Chile’s executive has strong agenda-setting influence and valuable negotiating tools, contrarily to what happens in other Latin American countries (Aninat, 2007), the president cannot bypass the congress by using its veto powers. Besides the budget bills, policy changes in Chile require at least a majority of both chambers to be approved.

In this sense, Aninat and colleagues (2008) note constitutionally mandated supermajority thresholds for particular types of laws contribute to balance the executive’s policy agenda-setting power. Constitutional reforms, for example, demand an absolute majority of both chambers (as opposed to a majority of those present). Moreover, reforms of organic constitutional laws concerning issues like education, the electoral system and the regulation of political parties, the central bank and the comptroller general demand four-sevenths of both chambers. But how did

those provisions counterbalance the strong agenda-setter ability of the executive? Those thresholds allowed the minority coalition to hold back policy changes, pressuring Concertacion government to create consensus across coalition lines to grant support to its legislative agenda. Excluding ordinary laws, which require the lowest thresholds, post-dictatorship governments have had to negotiate policy changes that demanded supermajority approval with the Alianza, the conservative coalition. In relation to this, many scholars have regarded the lack of success achieving such majority threshold as one of the main reasons for which the Concertacion was unable to change the institutional framework inherited from Pinochet's regime, of which the LOCE is one example, whose relevance will be discussed later on.

Besides the bicameral congress and its majority thresholds, Londregan (2000) asserts, other institutional actors or constitutionally mandated mechanisms have the authority to veto or outweigh executive policy initiatives. Among the veto players, Arnitat and colleagues (2008) refer to the comptroller general—who oversees the lawfulness of the state administration—an independent judicial power, a constitutional tribunal—with the power to decide on the constitutionality of existing laws, legislation proposals, and presidential decrees and whose decisions cannot be appealed—an electoral tribunal, and until the constitutional reform of 2005, “the National Security Council (COSENA), which gave the armed forces a direct institutional role in the government” (p. 178-179). In relation to the later, the 1980 Constitution prohibits the President from removing the chiefs of the Armed Forces without the consent of the National Security Council—constituted by many representatives from the Armed Forces. As Pastor (2004) points out, the President's inability to sanction or remove high-level military officers who challenged executive authority represented a potential threat to the democratic system. This ‘authoritarian enclave’, Pastor argues, circumscribed the Concertación's political manoeuvres

during the democratic transition to avoid serious destabilizing effects on the political system and reduced its negotiation authority in some policy matters.

If one attempts to summarize briefly what has been discussed in this section, one can state the Chilean policymaking process is characterized by a structure in which an array of institutional veto players opposes an agenda-setting executive. From this follows “the combined effect of a de facto agenda-setting president [...] confronted with several checks and balances, produces a policymaking process in which legislation is not easily approved” (Aninat et al., 2008, p. 190). This is something to keep in mind when exploring the Concertacion’s key policy changes and assessing their implications in the next sections. Moreover, one needs to pay attention to the institutional actors and mechanisms involved in policy making during the Concertacion governments, particularly, during Bachelet’s, which is of utmost importance when seeking to understand how the political creation of the LGE unfolded, what actors and policy mechanisms were involved and what resulted from their interplay.

Twenty years of market democracy: An overview. After describing both the role of technocrats and the main features of policymaking in Chile, this study engages in this section with an exploration of the most relevant policy changes introduced by each Concertacion government. Following this broad description, policy changes concerning education in particular will be discussed.

Aylwin’s years: Making democracy work under Pinochet’s institutional legacy (1990-1994). As the first democratically elected president post-dictatorship Patricio Aylwin faced some serious challenges. His agenda was pretty ambitious: to carry out institutional changes to preserve the advances already achieved in the recovery of democracy, and to extend them by reforming the 1980 Constitution still further (a first round of constitutional reform took place

after the October 1988 plebiscite), reforming the electoral system to make it more representative; to address the human rights violations from Pinochet's regime; to guarantee the rule of the law; and to make sure that the military didn't return to power (Oppenheimer, 2007). This wasn't an easy task, considering that his administration had to work within the institutional framework inherited from Pinochet and that he had only four years to achieve these goals. Since the Constitution imposed the institutional framework within which the president and congress were supposed to govern, its reform was one of Aylwin's main political goals. In spite of its attempts, though, his most significant proposals (i.e., the reinstatement of the president's right to dismiss the commanders-in-chief and the abolition of the "nominated senators"), not surprisingly, were blocked by legislators from the Right (Collier & Sater, 2004). However, his administration was able to introduce reforms to democratize local governments, enact tax reforms to subsidize social programs and modify the penal and labor codes.

In terms of human rights, one month after taking office Aylwin created the National Commission of Truth and Reconciliation (also known as the Rettig Commission), which was charged with the investigation of all human rights violations that resulted in deaths and disappearances during Pinochet's dictatorship. The commission took the testimony from the families of people who had disappeared, received documentation from the Vicariate of Solidarity and from the military (Oppenheimer, 2007). On March 4, 1991 Aylwin addressed the nation to announce the commission's findings: a total of 2,279 people had been killed. The details of the report about the assassinations, tortures and disappearances prompted Aylwin to ask for forgiveness to the family members of the victims in the name of the Chilean nation. He also asked that the military to recognize the pain that they had inflicted on the victims and their

families. No apologies were made. Rather, the military justified its actions based on the argument of the nation's internal war (Rector, 2005).

Regarding Aylwin's social agenda, his words when he assumed speak loud and clear: "Chile needs positive state action to move towards equity . . . A moral imperative demands that Chile moves increasingly towards social justice" (cited in Barton, 2002, p. 360). As Rector (2005) observes, "in spite of economic growth, almost 40 percent of Chileans lived below the poverty level" (p. 224) when Aylwin assumed the presidency. While those who participated in the anti-Pinochet movements expected policies with a strong redistributive content, the Concertación adopted a far more cautious approach in which changes would take place within the conjuncture engendered by the following limits: "the limits of the stability of the democratic transition, the limits of the sanctity of private property, the limits of fiscal prudence, and, ultimately, the limits of sustained capital accumulation. In practice, this has translated into the maintenance of neoliberal and technocratic solutions to socioeconomic issues in an attempt to sustain rapid capital accumulation in the export sectors and to avoid antagonising powerful class forces" (Taylor, 2006, p. 79).

While the Concertación government decided that production relations would continue to be pretty much in line with the mold established during the dictatorship to ensure the country's competitiveness in the global market, nevertheless, it guaranteed a greater public investment in social policies so as to counteract the deep inequalities resultant from the dictatorship project. As Taylor (2006) points out, in order to retain the support of its popular political base, Concertación efforts were directed to create inclusive social institutions. Consequently, while retaining the dictatorship's emphasis on creating competitive advantages for export-oriented industrial sectors, the Concertación set out to introduce innovative social policies, to create new state institutions to

correct the market flaws that prevented a more balanced distribution of the benefits of economic growth and to improve the country's human capital resources deemed as necessary to achieve sustainable and more equitable economic expansion.

This project, better known as “Growth with Equity”, sought to establish a liberal form of social democratization by which the Concertacion highlighted the confidence in the free market, export-oriented development strategy alongside a more progressive social policy agenda that would improve the living conditions for the marginalized sectors under the dictatorship's rule. This particular form of neoliberalism with a ‘human face’ was formulated to promote equality of opportunities through increased state spending on social policy, particularly on health and education⁵⁶ (Taylor, 2003). For instance, between 1990 and 2000, annual expenditures on health and education augmented by 135 and 165 percent respectively.⁵⁷ In this approach, the state is regarded to have an essential role in the promotion of equity, but within the market-driven framework established during Pinochet's rule.

The “New Times”: Frei's modernizing agenda (1994-2000). President Eduardo Frei faced many of the same issues as his predecessor and in general had a similar cautious approach to governance (Oppenheimer, 2007). Since most of the problems related to human rights had practically been solved by Aylwin's administration, Frei paid more attention to the modernization of the state, municipal and judicial reforms. He also tried, unsuccessfully, to move forward the constitutional reform.

⁵⁶ Nonetheless, the increases were made gradually and within the mandate of fiscal responsibility so as to ensure macroeconomic balances (Taylor, 2003). From the beginning the government coalition was hesitant to succumb to ‘populist pressures’ (Weyland, 1999).

⁵⁷ As Taylor (2003) points out, when looking at this growth rates one needs to keep in mind that the base rate for comparison is that of the dictatorship, which during its rule sharply reduced the government's expenditures in social policy (health and education in particular).

In terms of the modernization of the state, Frei stressed greater efficiency and accountability, fostering the application of performance standards and follow-up assessments for public employees. As part of the modernization process, this administration approved as well a series of reform measures that returned to municipal governments a number of prerogatives that had been exercised by the central government (i.e., control over personnel and job creation)⁵⁸. Additionally, the modernization process included the reform of the judicial system which resulted in changes on the penal code and the composition of the Supreme Court.

Besides the efforts modernizing the state, Frei's administration had to deal with a series of delicate and unexpected events in the politic and economic terrain. During the first year of his government, Frei had to face military opposition to the detention and imprisonment of the former head of Pinochet's secret policy (DINA). In March 1998, he had to cope with the political consequences of Pinochet's arrest and detention in London. Also, as a result of the 1997 Asian crisis, an economic recession started in Chile in 1998. The economic situation got much worse in 1999, with negative growth and high unemployment (Oppenheimer, 2007). In spite of some advances in the consolidation of democracy during Frei's presidency, there was an increasing frustration with the slow pace of the reforms.

Lagos' administration and the consolidation of Chile's democracy (2000-2006).

According to Oppenheimer (2007), the presidency of Ricardo Lagos "represents another stage in Chile's struggle to reclaim fully democratic structures and practices" (p. 234). Being Lagos Chile's first socialist president since Salvador Allende's election 30 years earlier, there were high expectations that his administration would be different from the governments of his Christian

⁵⁸ In spite of these improvements, however, the process of decentralization and local government posited some issues to Frei's administration. Those issues revolved around perceived inadequate funding for health and education and the degree of discretion granted to the local governments over funding from the central government.

Democrat predecessors. His long political trajectory and his academic preparation made people perceive him as an intellectual and someone who had capacity for statesmanship.

His administration preserved and even extended the position of the Concertacion regarding the regulatory and social welfare functions of the state. Some of the social policies of this administration include the Plan de Acceso Univeral con Garantias Explicitas—Plan of Universal Access with Explicit Guarantees—which provides universal health coverage for a number of common diseases, the enactment of unemployment insurance and new antipoverty programs. Besides, Lagos' administration emphasized the importance of improving education and technology innovation as a way to maintain Chile's steady growth and to decrease inequalities. Additionally, Lagos launched several infrastructure programs with emphasis on roads and highways. As prior Concertacion administrations, these projects were contracted out to private companies. The changes to consumer laws is one among many examples of this government's support to the regulatory function of the state.

In the political realm, Lagos took advantage of the changing political environment motivated by Pinochet's discredit—following his detention and the outbreak of the scandal associated with his millionaire account at the Riggs Bank—and called for approval of a comprehensive package of constitutional reforms. Over 50 reforms, which intended to eliminate all of the non-democratic aspects of the 1980 Constitution, were approved on August 16, 2005 and the new Constitution was finally promulgated on September 17, 2005. The reforms included: the elimination of the non-elected senators, the end of the military control over the National Security Council, and the restoration of the presidential prerogative to appoint and replace the Commander in Chief of the Armed Forces and the national police. The reform also reduced the presidential term to four years and prohibited consecutive reelection. As

Oppenheimer (2007) points out, the approval of these reforms “signaled the end of Chile’s long period of ‘transition to democracy’. [...] The country could now claim to have ‘normalized’ its political institutions” (p. 242).

Bachelet’s presidency: An agenda of equity and participation (2006-2010). Michelle Bachelet’s presidency represented a new stage in the political evolution of the Concertacion as well as of Chilean politics. As Oppenheimer (2007) asserts, “Bachelet herself epitomizes generational change within the Concertacion and the flowering of a new kind of politics, one that is more open and transparent. Bachelet is also the first woman president in the country’s history” (p. 248). Two themes resumed her political agenda: 1) the reduction of socioeconomic inequalities by focusing on poverty reduction, pension and health care reform, expanded daycare and women rights, and 2) the development of a new style of politics and increased grassroots participation.

A sign of her political determination was the fact that during her first three months in the office she pushed her ministers to implement fully the so-called Thirty-six Measures, which were designed with these two goals in mind. In line with this agenda, she decreed a ten percent increase for Chileans who received the minimum pension and mandated all needy elders (sixty or older) were to be seen for free in health clinics. Education and extended day-care were part of those thirty-six socioeconomic initiatives. In her State of the Union address on May 21, 2006 she enunciated clearly her top policy priorities: pension reform, education, innovation and housing. An important implication of Bachelet’s emphasis on reducing social and economic inequalities is that it is based on the conviction that “it is part of the state’s function to set minimal standards for what should be considered an acceptable standard of living” (Oppenheimer, 2007, p. 250).

Bachelet's first political crisis came in late April 2006, when massive high school student demonstrations—unseen in Chile for more than thirty years—emerged throughout the country requesting an improvement of the quality levels in public education. These mobilizations and a pronounced decline in her popularity, convinced Bachelet to make changes in her cabinet after only four months in office. During her administration she had to deal also with reports of alleged embezzlement of public funds during previous administrations, the political implications of Pinochet's death, a difficult implementation of a new public transport system in Santiago ("The Slow," 2008), and the internal opposition of a number of dissatisfied lawmakers members of the Congress—the so-called *díscolos* ("disobedient")—which threatened the coalition's narrow—and historic—legislative majority on a number of crucial bills during the first half of her administration ("La Moneda," 2006; "Gobierno Quiere," 2007).

Notwithstanding these difficulties, her administration received wide popular support. Her legacy was definitely in the social area, as Bachelet made social protection and the promotion of equality of opportunity her administration's main priorities ("The Bachelet," 2009). Since becoming President, her government created 3,500 daycares for socioeconomically disadvantaged children. It also launched a universal minimum state pension and extended free health care for poor elders. Also, her administration developed a new housing policy intending to eradicate the last remaining shantytowns in Chile by 2010 ("The Strange," 2009). Not surprisingly, the approval rate of her presidency showed an 84% at the end of her term (NASDAQ, 2010).

Education during the Concertación years. Departing from an explicit commitment to education regarded as "the Chilean government's top priority, a cornerstone of the nation's development aspirations to fight poverty and to improve income distribution" (Delannoy, 2000,

p. 1), the Concertación governments have made far-reaching and ongoing efforts to provide most needed resources to a ravaged public system. As aforementioned, public expenditures in education more than tripled between 1990 and 2003, and private expenditures augmented accordingly (Cox, 2004). In addition, the government efforts were oriented to enhance the material conditions of publicly funded schools and to upgrade the learning resources available to their students (e.g. textbooks, computers, Internet access, etc).

Besides the increased funding for the system and upgrading the learning resources in public schools, a major focus of the reform at all levels has been improving the quality of education in Chile by highlighting the issues of excellence, equity, and participation alongside a conspicuous emphasis on learning (this goal is often referred to as “learning to learn” in Chilean policy documents). The first stage of education reform started at the elementary level (MECE-Básica) in 1991 and was extended to the secondary level in 1994 (MECE-Media) and to the tertiary level in 1999 (MECE-Superior) (Delannoy, 2000; Matear, 2006; Schiefelbein & Schiefelbein, 2002). All three stages were co-founded by the Chilean government and the World Bank. Given the increasing awareness among policy-makers and international organizations on the impact that the attainment level at elementary and secondary level have on the preparation for college and the labor market (Navarro & Corvalán, 2002) and their subsequent calls to improve the quality of educational provision at those levels (World Bank, 1999b, 2000), it is not surprising that the Chilean reform had gone in that direction.

The education agenda was developed further by creating in 1994 the National Commission on the Modernization of Education seeking to foster a modern system adjusted to the needs of a democratic society, and thus, seeking to surmount inequalities, to pursue social justice and equity as well as well prepared to strengthen Chile’s position in the global economy

by increased investments in skills, knowledge and technology (Matear, 2006). With that purpose in mind, compulsory education was extended from eight to twelve years: eight and four years of elementary and secondary education respectively (Lagos Escobar, 2002). Besides making both levels mandatory, the post-dictatorship governments increased public investments in higher education and oriented their efforts to enhance its quality and reduce its fragmentation resultant from the dictatorship's market-oriented reform (World Bank, 1998; MINEDUC, 2003).

At the school level, the reform focuses on four main areas: 1) the extension of the school day from 5 to 8 hours; 2) the creation of quality and equity improvement programs⁵⁹; 3) the diversification of the school curriculum; and 4) the development of teacher education programs (Pinkney Pastrana, 2007). The *Full Day School Reform* is an effort to increase the number of teaching hours per year at the elementary level. By increasing the number of classroom time per day, it was argued, the quality of education for students attending publicly funded schools could be improved (Martinic, Huepe, & Madrid, 2008). Whereas throughout the 1980s the Chilean primary education worked under a time-frame of 880 chronological hours per year, by extending the school day from 5 to 8 daily class-periods this reform seeks to bring the annual average to 1,200 chronological hours. The implementation of this reform was gradual, though, as the school- buildings infrastructure of the country had to be extended in order to have the capacity for only one shift of students the entire day⁶⁰. According to Cox (2004), by 2003 schools enrolling the 70% of primary students were working under the new time-frame and conditions.

The quality and equity improvement programs, *MECE projects*, include diverse type of initiatives and are flexible in terms of their focus, target populations and implementation. For

⁵⁹ In Spanish, these initiatives are known as Programa de Mejoramiento de la Calidad y Equidad or MECE. Originally, this program was only designed for elementary schools but in 1994 was extended to high schools as well.

⁶⁰ Until this reform, municipal and semi-private schools carried two school shifts per day: the morning shift (from 8am to 1pm) and the afternoon shift (from 2 to 7pm).

example, MECE projects can focus on rural or urban sectors, elementary or secondary institutions. Also, these projects have been funded for infrastructure improvements (i.e., adding a second floor to an elementary or secondary school), curriculum development (i.e., bilingual curriculum for Mapuche students), academic improvement in small rural schools, among other purposes. One of the most celebrated MECE projects is the Quality Improvement Program for Schools in Poor Areas, mostly known as the P-900 project. This project, developed with technical and funding assistance from the Swedish government, is commonly regarded as one of the most effective interventions for ameliorating education attainment since the return to democracy in Chile⁶¹.

Besides attempting to eradicate long-lasting teacher-centered and lecture-based forms of instruction (Pinkney Pastrana, 2007), the *Chilean curriculum reform*, which started to be implemented gradually in 1997, stressed three main needs as its rationale: the need to include and discuss in the classroom profound and secular changes that have taken place in contemporary society; the need to improve the quality of the educational experience and expectations for all students; the need to strengthen the democratic orientation of the school experience after 17 years of authoritarianism (Cox, 2004). In addition to addressing those needs, the new Chilean curriculum was designed to respond as well to the requirements of a knowledge economy in need of more flexible individuals with the ability to adapt to constant changes and use knowledge for innovation, are willing to be long-life learners and prepared for active citizenship (Gysling, 2003). Concomitantly, besides responding to social cohesion demands, the

⁶¹ Launched in 1990, the P-900 seeks to support teachers and students (in particular, it focuses on elementary teachers and students from the first four grades) enrolled in the 10% of schools with worst academic results as measured by the national evaluation system (SIMCE). The program provides learning materials for language and math courses, develops language and math workshops for teachers and offers a Learning Workshop for the pupils with more difficulties in each of these schools. The schools participate in the program for three years, and those which according to SIMCE improve academically, leave the program and start participating in the comprehensive quality improvement programs run by the Ministry of Education.

new curriculum emphasized the following skills: ability for abstraction, systemic thought, experimentation and learning to learn, communication and teamwork, problem solving, uncertainty management and adaptation to change (MINEDUC, 1996). In fact, the curriculum reform implied changing the emphasis from content to development of skills or competencies. It also represented a shift from centralized to school-based curriculum. From now on, the Ministry of Education determines fundamental goals and minimum contents that need to be included in the school curriculum. However, each school has the power to determine their own programs of study.

In the context of the Full School Day and curriculum reforms, two programs were designed in 1996 to renew and upgrade teacher's capacities: a program to improve *teacher training programs* and a scholarship program for teachers to study abroad. In addition to those programs, the government's efforts oriented to enhance the teaching profession included salary increases, economic incentives, excellence awards, workshops for teaching improvement and for implementing the curriculum reform, among others (Díaz, 2005). These measures have intended not only to improve their remunerative conditions (significantly deteriorated during Pinochet's dictatorship), but also, to enhance their teaching practices in a way that leads to a closer relationship with students and what they can bring into the teaching-learning process, introduces a rich variety of learning resources and has a clear understanding of their students' learning objectives (Cox, 2004). With that purpose in mind, in 1997 the government implemented a massive training and upgrading programme for all teachers in every grade adopting the new curriculum.

At the higher education level, the reform process has intended to enhance its quality and to promote a level of excellence comparable with international standards. Consequently, "Chile

has decided to implement quality assurance in higher education through self-regulation and the accreditation of programs and institutions”⁶² (MINEDUC, 2005, p. 11). In addition, seeking to minimize the fragmentation of the system caused by the dictatorship’s reform, some measures were introduced as to promote efficiency, cohesion and coordination (World Bank, 1998; MINEDUC, 2003). Not least important, acknowledging that the participation in higher education across social groups was inequitable, the government followed some recommendations by the World Bank in terms of student funding mechanisms as a way to facilitate low-income students’ access to higher education. Basically, the recommendations included the expansion of the financial students system, the revision of the scholarship scheme and the improvement of the loan program to better target low-income students. The latter would entail accrediting loans to private university students, where no financial aid was available to them and where a large number of socioeconomically disadvantaged attend. After much debate on the implications of using public funds to support students enrolled in the new private institutions, this recommendation was put into practice from 2006 onwards.

The World Bank has praised the global result of the Chilean educational reform. For instance, in a country study report, World Bank officer Françoise Delannoy (2000) states that

the outcome of this reform is one of the most innovative, cost-effective and comparatively equitable education systems in the developing world. Most of the instruments of a modern education system—transparency, student assessment, a flexible curriculum, targeting, investment in quality inputs, attention to classroom processes, continuous professional development and school autonomy—are present in Chile’s system and have been present longer than in most other countries, including some OECD countries” (p. 71).

⁶² The latter has been implemented through the National Undergraduate Accreditation Commission (CNAP) and the National Postgraduate Accreditation Commission (CONAP).

While highlighting that the Chilean education system has faced difficulties achieving internal consistency and effectiveness within the democratic transition, she recognizes its success linking macro-level instruments (e.g., incentives, financing and governance structure) with the micro level (e.g., school and classroom processes). In her view, addressing the complex challenges of equity and quality in education requires pragmatic alternatives based on objective (quantifiable) measures of outcome performance and progress. For her, meeting the needs of a 21st century global economy requires “an innovative use of both public and private sectors, investing in the inner workings of schools and using assessment to guide decision-making” (p. 71), all of which Chile has pioneered.

Other observers, however, have pointed out that reform attempts during the 90s were insufficient (Matear, 2006; Taylor, 2003). In their view, those policy initiatives failed to address the financial arrangements established during the military regime and uncritically assumed that the use of market-driven mechanisms in education is unequivocally compatible with equity-oriented efforts. For instance, post-dictatorship governments left unquestioned whether competition indeed contributes to provide better educational opportunities for all students. In spite of compensatory policies, the competition between institutions for students and funding did not result in better quality outcomes across social groups and school sectors. On the contrary, children from well-off families who attend private schools achieve the highest performance level as measured by the SIMCE scores, while low-income children enrolled in municipal or subsidized private schools achieve the lowest (Aedo, 1998; McEwan, 2001; McEwan, & Carnoy, 2000). Instead, competition appears to have deepened the segregation of schools (and of quality education) by socioeconomic criteria (Navarro & Corvalán, 2002). According to Matear (2006), the same can be observed at the tertiary level, with high-income students which attended private

schools being admitted to the most prestigious public universities (because they scored highest in the university entrance exam), whereas low-income students oftentimes educated in state-funded schools are least able to do so (because of their low scores on the entrance examination and their poor performance in high school) and enroll in lesser quality private institutions.

The Penguin Revolution. Despite growing discontent with public education, the Concertacion governments did not attempt to reform the LOCE—Ley Orgánica Constitucional de Enseñanza (Organic Constitutional Education Law)—introduced just one day before Pinochet left office in March 1990. Matear (2007) points to the contradiction between Concertacion’s policies to promote equity and social mobility, on the one hand, and the maintenance of a legislative framework that preserves a market-based educational system distinctive by significant student competition and inequitable distribution of educational opportunities, on the other. The public discontent with this situation became evident during massive student protests in 2006. These protests, better known as the Penguin Revolution—in reference to the dark and white uniforms resembling penguins that the Chilean students wear—started on April 24, 2006 and were organized by the Coordinating Assembly of High School Students (ACES), a group formed by different high school student organizations. It originated as a reaction against school bus fares and university entrance fees, but later became a national movement challenging the neoliberalization of Chile’s public education and demanding that the state guarantees equal access to a quality education for all (Vogler, 2006).

Underlying the students’ demands was more than just a call for equality of education; their claims emphasized “the urgent need of transforming the political and economical system in which they were inserted” (Cornejo, Gonzalez, Sanchez, Sobarzo & the OPECH Collective, 2011, p. 163) and conveyed a mounting dissatisfaction with the persistence of significant social

inequalities. In reference to those social disparities, Infante and Sunkel (2009) noted “there is still an unacceptable level of inequality in incomes, living standards and quality of life, while the perception of social exclusion is increasing” (p. 134). Although official numbers considered the population below the poverty line in Chile represented nearly 14% in 2006, some economists have questioned the official calculations and estimated it was closer to 30% (Cademartori, 2011; Infante & Sunkel, 2009)

Different scholars have reflected on the fact that while Chile’s economy has experienced sustained growth under Concertacion governments, social gaps have deepened as well (Cademartori, 2011; Infante & Sunkel, 2009; Riesco, 2011) In relation to this, a CEPAL report refers to Chile’s post-dictatorship period as one characterized by “growth with inequality” (Infante & Sunkel, 2009, p. 135). That is, in spite of Chile’s exceptional economic growth between 1990 and 2007 (averaging 5.5% a year), the levels of unemployment and informality are still high (8% and 38% respectively). Moreover, Infante and Sunkel stress the percentage of workers without labour contracts—often known as occupational insecurity—reached 17% of the total between 1990-2006 (representing a 3% increase in comparison with the occupational insecurity rate at the end of Pinochet’s regime) On the same line, they point out the proportion of workers not contributing to the social security system persisted at roughly 33%. The fact that a third of the labour force in Chile has not social security coverage can be explained in part by the prevalence of short-term contracts and high job turnover (Infante & Sunkel, 2009)

Furthermore, Riesco (2011) points out that while real wage increases averaged 36% and employment grew 31% between 1993 and 2004, GDP increased over 90% during the same period, “which means that the participation of salaries in domestic product was reduced [...] in those years” (p. 30). Infante and Sunkel (2009) extend this idea by asserting “the share of labour

in output diminished, as annual growth in real wages, at 2.9% a year, was lower than the increase in gross domestic product (gdp) per person employed (3.3%)” (p. 134) In their view, these differences suggest the highly unequal income distribution distinguishing Chile’s economy under Pinochet had persisted during the Concertacion years. According to Riesco (2011), income inequality has not only remained, but increased in the post-dictatorship period. To support this argument, he refers to the Ministry of Planning’s (MIDEPLAN) calculations for the highest and lowest income earners of the population for the 1990-2000 period: whereas in 1990 the ratio between the autonomous income of the poorest and wealthiest five percent of the population was 1 to 130, in 2000 it was 1 to 209. In line with this, more recent MIDEPLAN (2006a) calculations reveal the autonomous income of the richest twenty percent of the population is thirteen times higher than that of the poorest twenty percent. Furthermore, a study conducted by the National Statistics Institute (INE, 2008) confirmed non only that in 2007 twenty percent of the richest Chileans possessed over 60% of the total income, but also, that this quintile had increased its income the most⁶³. Based on Cademartori’s (2011) data, Table VI shows how total income is distributed across different social groups in Chile by 2006. Drawing from such table, one can suggest that less than ten percent of the population concentrates the country’s wealth, while over fifty percent of the population lives in poverty.

Even when post-dictatorship governments invested heavily in poverty alleviation programs and there have been improvements in some indicators and the conditions of the targeted populations, Riesco (2011) argues those efforts have been insufficient because “they hardly stretch to cover the poorest quintile and do not reach the following quintile which is also

⁶³ According to this report, inequalities are not only reflected in terms of income distribution, but also in terms of saving capabilities and indebtedness. As a case in point, the INE (2008) notes that 80% of the population has no savings and its expenses are higher than its earnings, a situation that generates high levels of indebtedness among Chileans.

needy” (p. 32). For him, the major limitation of neoliberal social protection initiatives in Chile is that they ended up benefiting the wealthiest sector of its population, while the majority is severely unprotected and left with the limited provisions of a weakened state system. Empirical evidence from the education sector seems to concur with this line of reasoning. For instance, even when public expenditures on education tripled after fifteen years of Concertacion administration, going from 2.4 to 4.4% of GDP (Raczynski & Muñoz-Stuardo, 2007, p. 643) and coverage has improved significantly, the participation gap between low and high-income students remained substantial in most levels when Bachelet assumed office. Data from MIDEPLAN (2006) show that the participation rates of the richest students in preschool education was nearly 37% higher than the rates of the poorest ones (Table VII). They also suggest the participation rates for low and upper-income primary students were practically the same (Table VIII). On the contrary, secondary students from the richest quintile had 30% more participation than their counterparts (Table IX). The differences were most noticeable in higher education, where the participation rates of well-off students were 370% higher than the rates of the poorest ones.

Socioeconomic disparities can also be observed when considering educational attainment by income level in Chile. For instance, according to Spilerman and Torche’s (2004) study, 72% of the poorest children completed the primary level, compared to 99% of the children in the wealthiest quintile. They recognized larger disparities at the secondary level, with 30% of the poorest students finishing high school, compared to 95% of the richest ones. Inequalities enlarge in higher education, with merely 3% of the poorest students, but nearly 50% of the wealthiest ones, earning their degrees.

When addressing Chile's educational inequalities, other scholars allude to quality issues. According to Raczynski and Muñoz-Stuardo (2007), "students from underprivileged families receive a lower standard of education and learn less." (p. 646) In the same vein, González, Mizala and Romaguera's (2004) study noted students from the poorest families achieved the lowest SIMCE⁶⁴ results, while the children from the richest households obtained the highest scores, showing a strong association between socioeconomic status and test results (Figure V). Moreover, these authors claimed the poorest students were concentrated in municipal schools, where per-student monthly resources averaged 34K Chilean pesos (US\$ 53), compared to an average of 108K Chilean pesos (US\$ 170) at fee-paying private schools, where enrollments from wealthy students was prevalent. MINEDUC'S (2007) report confirms the trend, evidencing differences between elementary and high school students from low and high socioeconomic status, with the former scoring below the national average (250 points), and the later, performing well above it (Graph I and II). While performance comparisons by type of school would not be appropriate because not all schools cater students from every socioeconomic status, one can notice elementary and high school students from fee-paying private schools—institutions enrolling the wealthiest students—achieved the highest SIMCE scores whereas children and youngsters from municipal schools—enrolling a high proportion of the poorest students—achieved scores below the average⁶⁵ (Tables XI and XII) When coupled with the scores in the *Prueba de Selección Universitaria* (PSU)—Chile's college entrance examination, which is very similar to the United States' SAT Reasoning Test—the prospectus for disadvantaged students is far from optimistic (Graphs III and IV)

⁶⁴ Chile's Educational Quality Measurement System

⁶⁵ With the exception of elementary students from medium high socioeconomic status and high students from medium and medium high socioeconomic status.

Well aware of this situation, high school students started to voice their dissatisfaction with these inequalities⁶⁶, which in their view, were hard to tackle because of the limited participation of the state in education and the ever increasing privatization and profit-seeking of the system. According to Gonzalez, Cornejo and Sanchez (2006),

“[the students’ movement] became organized with the articulation of the Coordination Assembly of Secondary Students (ACES), born from student centers and collectivities mainly from emblematic schools of downtown Santiago and some municipal and private subsidized schools located nearby” (p. 4).

Following a series of student takeovers in some of Santiago’s public high schools, the student movement spread fastly across the country. As Cornejo and colleagues (2011) note, “students and teachers from the urban peripheries and provincial schools, the most affected by education inequities in Chile, also joined in.” (p. 160) Furthermore, they argue the student movement was a phenomenon whose massiveness was unprecedented in the post-dictatorship period: “during the national school strikes dated May 30th and June 5th, 2006, an estimated one million secondary students (from a grand total of 1.2 million) were mobilized throughout the country” (p. 160). Over this period, support for public school students grew as the movement attracted the participation of university students, teachers, parents, and eventually from private school students. When police exerted excessive force against the protesters, an outraged public pressured President Michele Bachelet to be personally involved in the negotiations with the student leaders. Following the second national strike, the government announced several new measures that met some of the students’ demands. Officially, the strike ended on June 12th although smaller scale demonstrations and takeovers continued across the country.

⁶⁶ As a matter of fact, the student movement leaders identified themselves as the personification of such inequalities: “citizenship takes you to an equal level with others [...] we do not feel as equals so we do not want to be called citizens. We are poor...” (Sanchez & Santis, 2009, p. 440)

Student demands persisted, although the national government seemed less responsive and students faced sanctions at the school level (Chávez, 2006). After March 2007, the protests became aligned in their challenge to neoliberalism with broad-based movements, such as the National College of Physicians, the Teachers Union, the Students Unions of most major Chilean universities, and the Secondary School Association (Chovanec & Benitez, 2008). At the end, these protests prompted Bachelet to move on new legislation to replace the LOCE, which she initiated on April 6, 2007. The new legislation was proposed to tackle three thorny issues raised by the students: 1) elimination of public funding for profit-making educational institutions, 2) banning student selection in publicly funded primary and middle schools, and 3) establishment of a multi-sector national education advisory council. The new policy, namely General Law of Education (Ley General de Educacion, or LGE) was finally enacted on August 17, 2009. An analysis of this policy is precisely at the center of this study. The next section addresses the methodological approach and the methods chosen to conduct such analysis.

Chapter 4:

A Critical Discursive Approach to Chile's General Education Law (LGE)

This chapter works as a referential framework for the analysis of the creation and content of the LGE presented in the next chapter. Consequentially, it discusses theoretical and methodological considerations regarding “traditional” and critical policy analyses in general and pertaining to education. Recognizing the importance of reflexivity in social research, this chapter makes explicit the researcher’s positionality and discusses its implications in terms of the theoretical and methodological options chosen for this study and the nature of the analysis done. Following this reflection, there is a thorough description of the methodological approach and the methods used in this dissertation. The chapter finishes with a reference to the limitations of this study.

Reflections on policy analysis: Perspectives and theoretical influences

As Fischer (2003) points out, “the development of public policy studies as a field into itself has largely been an American phenomenon, especially so in the case of policy analysis” (p. 1)⁶⁷. While numerous policy research studies have been conducted in Canada and European countries, Fischer argues, there has been little or no interest in turning policy studies or analysis into a field or discipline in those nations. The origins of the policy field are largely credited to Harold Lasswell, a political scientist who set the stage for a multidisciplinary approach invested in the knowledge of and in the policy making process (McGovern & Yacobucci, 2010). According to Chaudhary (2007), Lasswell’s policy orientation intended to offer “a mean for dealing with humane purposes in the best scientific framework possible to aid those who will

⁶⁷ Fischer (2003) refers to ‘policy studies’ as “the general field of inquiry” (p. 1), whereas ‘policy analysis’ involves “the application of a range of decision-oriented methodologies usually assumed under policy studies (i.e. cost analysis)” (p. 1). ‘Policy research’ refers to “the primary activity of scholars engaged in policy studies” (p. 1).

make social choices” (p. 127). In Lasswell’s *policy sciences* framework⁶⁸ *contextuality* was of primary importance. In his view, political decisions needed to be considered as part of a larger social process. For him, the policy scientists needed to take into consideration the contextuality of the policy process, options and outcomes (Simons, Olssen, & Peters, 2009). As he put it,

“To be professionally concerned with public policy is to be preoccupied with the aggregate, and to search for ways discovering and clarifying the past, present, and future repercussions of collective action (or inaction) for the human condition. In a world of science-based technology every group and individual is interdependent with every other participant, and the degree of interdependence fluctuates through time at the national, transnational, and subnational level” (Lasswell, 1971, p. 14).

Besides recognizing the importance of the policy context, other distinctive characteristics of Lasswell’s framework are: a) *multidisciplinarity*—motivated by the complex nature of social reality—b) *value orientation*—social scientists need to identify the values implied in policy as well as their own—c) *diversity*—the policy scientist needs to resort to a broad range of methods, including quantitative as well as qualitative ones—d) *problem orientation*—recognition of policy making as a rational, purposeful process—e) *dual orientation*—*analysis of* the policy process and *analysis in and for* the policy process—f) *closer links between policy scientists and policy-makers*—the policy scientists are supposed to test the validity of the assumptions underlying any given policy (in relation to the values that the policy seeks to accomplish and the social conditions to which it must be applied) and to provide a full picture of its implications for the decision-makers—and g) *democracy-driven*—commitment to enhance the democratic basis of the state by improving its capacity to manage the public and deal with its social and economic issues (McGovern & Yacobucci, 2010; Simons, Olssen & Peters, 2009).

⁶⁸ According to McGovern and Yacobucci (2010), the work of Lynd (1939) foreshadowed the framework for the “policy sciences”, which was first outlined by Harold Lasswell (1948) and further developed in *The Policy Sciences*, edited by Lasswell and Lerner in 1951.

In Lasswell's view, *knowledge of the decision process* (also known as *analysis of the policy process*) implied conducting systematic, empirical studies of how policies were created and implemented. In his approach to policy studies he proposed not only using interdisciplinary contributions, but also giving "full deference to the study of official and nonofficial processes" (Lasswell, 1971, p. 1). For him, decision-making processes needed to be analyzed in relation to the government officials and agencies as well as in relation to the civil society in order to identify all the relevant phenomena that might have contributed to explain policy decisions. But the model of policy sciences he was proposing intended not only to gain functional knowledge of the policy-making process, but also sought to use it in the process of policy formation itself (*analysis in and for the policy process*; Gordon, Lewis & Young, 1977). This supposes Lasswell expected policy scientists to provide instrumental knowledge and reliable interpretations to policy-makers so they could solve critical social issues and improve state administration. According to McGovern and Yacobucci (2010), Lasswell's policy scientist needed to explain political decision-making processes and, when necessary, to facilitate them by assuming the civic leadership required to negotiate and overcome the barriers faced during the stage of policy implementation⁶⁹.

Lasswell aspired to create an applied social science aimed to mediate between scholars, governmental officials and citizens through the provision of practical solutions to problems that would diminish, if not eradicate, the need for fruitless political deliberations on the critical policy issues faced by post-WWII industrial societies (Fischer, 2003). For him, "the policy scientist was 'relevant' to governance in an age of crisis. Contributing directly to decision making on

⁶⁹ For more information on Lasswell's understanding of the role played by political scientists in the development and implementation of public policy, see his chapter entitled "Political Science today" in *The future of Political Science* (1963).

fundamental questions, the policy scientist was an expert, skilled in intelligence, an advisor among elites, comfortable in and around power, braced for struggle. Tyranny and its propaganda were enemies; democracy and its propaganda, friends; the highest goal, the dignity of the individual” (Farr, Hacker,& Kazee, 2006, p. 582). He envisioned a discipline that emphasized human dignity in theory and practice and was able to facilitate the development of democratic government in corporate liberal societies. Underlying the theoretical framework of what he called *the policy sciences of democracy* was a strong conviction that knowledge evolves to the “fuller realization of human dignity” (Lasswell, 1958, p. 10).

While Lasswell’s promise of enhancing policy decision-making processes and outcomes was received and followed enthusiastically—particularly by policy scholars associated with the journal *Policy Studies*—his bold vision failed to take up and the policy-analytic endeavor developed more along technocratic than democratic lines and followed a very narrow evolutionary path (Fischer, 2003). Policy research as it is recognized nowadays—in particular what is called *policy analysis*—took up in the sixties and early seventies and contrarily to the multidisciplinary methodological approach conceived by Lasswell, the field has adopted a narrower methodological framework inspired by neo-positivist and empiricist methods which were dominant in the social sciences around that time.

The rationalist approach. Influenced by economics and its positivist scientific methodologies, policy research has been conducted assuming the objective separation of the factual and the ideological, seeking for generalizable rules applicable to a range of issues and scenarios and conducting rigorous quantitative analysis (Fisher, 2003). In this research framework, policy analysis is primarily constructed to inform a ‘rational model’ of decision-making or ‘rationality project’ (Stone, 1988) which seems to follow steps analogous to the

scientific research method: First, decision-makers determine the existence of an empirical problem. Then, they state the goals and objectives conducive to the best solution to the problem. Once they identify the potential outcomes and probabilities of each alternative to solve the problem, they provide a quantifiable value to each cost and benefit deriving from the potential consequences. Based on all the aforementioned information, they finally select the most effective and efficient solution (Fischer, 2003). In this model, economic, political and social problems get defined as technical ends that are tackled by resorting to administrative means (Fischer, 2003). Underlying this instrumental and technical rationality is the belief of the superiority of scientific decision making and the need of purging the social researcher of values which might interfere with his or her 'objective' analysis of the policy issue.

From this follows the rational approach understands policies as resulting from a process in which decision makers separate the issue into different pieces which are paired with potential alternatives, striving to select the optimal for each case (Triandafyllidou & Fotiou, 1998). The rationalist approach assumes that policy makers have definite preferences over alternative results. Underlying this approach are two assumptions: 1) research and scientific evidence contribute to discern clearly the consequences of a given policy, and by so doing, it guarantees its objectivity and appropriateness, and 2) policy makers act rationally to the extent that they do their best to meet the needs of the people directly affected by their policy decisions.

However, some scholars contend that considering policy outcomes as mere products of rational deliberations between available choices and alternatives is problematic. For instance, Schön and Rhein (1994) highlight the rational model is unable to explain or to provide an effective response to the fact that, more often than not, policy makers adopt contradictory policy decisions. Furthermore, Triandafyllidou and Fotiou (1998) assert that rational actor policy

analyses often overlook “the relevance of rationality in the process of policy-making is not only bounded, but also—when it does occur—highly dynamic and symbolically constructed” (p.1). Moreover, Marston (2004) considers rational approaches to policy-making tend to provide inadequate accounts of the political arena and insufficient focus on the people and agencies involved the policy-making process and their conflicting interests. In his view, this type of approach overlooks “how conflict over policy meanings is manifested within specific policy environments” (p. 14). Besides, he stresses its limitations when it comes to account for “questions of power as experienced in the production, reproduction and transformation of policy agendas” (p. 14). Similarly, Dalton and colleagues (1996) question ‘rational’ understandings of the policy-making process and regard the policy-making process as a struggle over ideas, practices and what will be defined as a policy based on different assumptions about power and social relations within the policy arena. On the same line, Hill (1993) claims policy-making involves adaptation, compromise, bargaining and efforts to reconcile conflicting interests.

In view of the limitations of the rational approach and its a-political character, an increasing number of policy researchers has worked on developing a critical take on policy analysis and has committed to formulate different understandings of the policy process. One example is constituted by the so-called incrementalist approach, which centers on studying “the negotiations between conflicting interests as they are involved in the formulation and implementation of policy, including the role of advocates and various lobby groups that seek to shape the proposals being considered” (Forester, 1993, p. 11). In this model, policy researchers study how pressure groups, holding conflicting interests, struggle to impose their definition of the policy problem and the allocation of solutions (Triandafyllidou & Fotiou, 1998). They conceive policy outputs not as products of rational deliberations, but as the results of a political

struggle in which different groups seek to realize their clashing interests. Thus, the focus shifts from the decision makers' instrumental rationality to the institutions and interest groups' political rationality in the policy environment.

Criticisms to the rationalist approach: argumentation and discourse in policy analysis. Although incrementalism serves to incorporate power struggles to the study of policy, Forester (1993) has observed this approach results insufficient to understand, for example, how policy-making models social life in ways that affect people's opportunities and their capacity to act. Drawing from critical theory, Forester proposes a way of conducting policy research that explores "the political implications of [policy] practice" (p. 5). In his view, this entails focusing on the socially positioned, "productive" properties of the policy-makers' work, including their speeches and texts. By so doing, he posits, one can understand "how subtly [their] everyday claims [...] have political effects upon community members, empowering or disempowering, educating or miseducating, organizing or disorganizing them" (p. 4). For him, the political implications of policy practices become clearer when one assesses "their effective sociality, their real meaning-making and expectation shaping" (Forester, 1985, p. x). He proposes a type of policy research, which building upon J. L. Austin's ideas on "speech acts", looks at "what people do when they speak, when they act together by speaking, performing in, their shared language" (Forester, 1985, p. xi).

In addition to Forester, other scholars like Healey (1993), Dryzek (1993) and Dunn (1993) have stressed the inherent political nature of the policymaker's work and have focused their analyses on the role of argumentation in practical decision making. Regarding policy analysis as an argumentative practice, these authors pay close attention to how policy-makers represent policy issues and propose recommendations. In their view, policy arguments both

shape and are shaped by power relations. Concomitantly, their contributions engage with the study of the interaction between language, power and action in the theory and practice of policy-making. This concern with argumentation in policy practice and theory, or as Fischer and Forester (1993) put it, *the argumentative turn in policy analysis* draws from theoretical perspectives ranging from poststructuralism to critical social theory. Challenging the assumption that all human action is literal, measurable and instrumentally rational, the argumentative turn highlights the constructive nature of policy language and supports a multidimensional view of power. According to Fischer (2003), this approach to policy analysis draws attention to how language and modes of representation facilitate or limit the work of policy-makers and how policy discourses include and exclude policy participants (Fischer, 2003). Furthermore, it acknowledges the extent to which policy issues are proclaimed as the result of power relations, ideological conflict and political struggle (Marston, 2004). This dissertation is broadly located within this approach.

Although the critical study of language has only recently become an important area of research in policy studies, there is an increasing number of scholars dealing with the way different actors socially construct and contest policy meanings. For instance, Bacchi (1999) has developed an approach to policy analysis which pays close attention to how the problem is discursively represented because, in her view, this encloses an indication on how the problem should be tackled. Bacchi's approach to policy analysis concurs with Edelman's (1988) for whom the real power in policy-making inhabits the process according to which problems are constructed and articulated, as our way of experiencing politics is through language. In the same line and departing from the argument that the intentions and implications of a policy are never transparent and simply evident in its text, Yanow (1996) claims that the task of the policy analyst

consists on identifying and disentangling the assumptions of different policy-makers and constituencies. She proposes an interpretive form of policy analysis which implies a systematic investigation of how a policy is framed and understood by different stakeholders via an examination of policy categories, labels, metaphors and narratives, as well as programs, institutional places and actions. Yanow suggests an interpretive approach that takes into consideration the way in which the policy “readers” argue and enact a particular policy position. That is, she suggests interpretive approaches to policy need to “explore not only “what” specific policies mean, but also “how” they mean—through what processes policy meanings are communicated and who their intended audiences are, as well as what context-specific meanings these and other “readers” make of policy artifacts” (p. 8).

In a similar fashion, Marston (2004) argues the “recognition of the context bound nature of meaning invites an interpretive approach to studying [...] policy processes, an analytics that pays explicit attention to the way different actors socially construct and contest policy meanings. The starting point in this perspective is an acknowledgement that policy-making is a communicative event structured by a range of competing discourses, in which there are unequal outcomes for different policy participants” (p. 29-30). Then, he argues that in order to understand power relations within the policy-making process the policy analyst needs to determine “the extent to which policy actors within a given ‘policy community’ either comply with and/or challenge dominant policy discourses” (p. 30). From this follows that he perceives the policy making process as one in which different actors attempt to move forward their interpretation of the policy problem or its solution.

These scholars, among others who seek to overcome the merely technical interest in empirical analysis that has shaped mainstream policy analysis and who recognize the

fundamental role of language, discourse, and argumentation in framing both questions and policy prescriptions (Dryzek, 1990; Fischer & Forester, 1993; Forester, 1993), call for the use of interpretive or discursive methods to “identify the grounds for contentions that arise from the theoretical assumptions, conceptual orientations, methodological commitments, disciplinary practices, and rhetorical approaches closely intertwined in policy disputes” (Fischer, 2003, p. 14). Built upon critical theory and poststructuralism, discursive policy approaches focus on the role of language and discourse structuring social life. Discursive policy scholars affirm not only “the plurality of language and the impossibility of fixing meaning once and for all” (Weedon, 1987, p. 85-86), but also assert that language and discourse are far from being transparent or neutral means to make references about social life. Following Foucault, they argue language and discourse regulate and control social relations, institutions and knowledge. Recognizing the constitutive force of discourse and its “disciplining” effects, discursive policy scholars examine the rules that govern and make possible policy deliberation. As Fischer (2003) puts it, “they stress the way in which policy argumentation is influenced or shaped by the languages of the different kinds of discourses within which they are framed” (p. 41).

Discourse analysis in education and educational policy

Discourse theory and analysis seems to be gaining an increasing influence not only in policy studies, but also in the field of education. According to Luke (1997), American and English educational researchers began to incorporate French discourse theory in their analyses after Foucault and Derrida’s works were translated and started to get disseminated during the seventies and eighties. Making the case that all inquiry constitutes a form of discourse analysis which entails ‘reading’ and ‘rewriting’ a series of texts from a particular historical and epistemological standpoint (Luke, 1997), their ideas provided a new approach on the different

actors of the education process, the settings where it unfolds and the technologies regulating such interactions (e.g., curriculum and policy). Based on their accounts, educational institutions are regarded as sites created by and through discourses articulated in various texts: from policy documents and textbooks to classroom conversations. These texts are seen as coexisting and conflicting social interests competing for power and capital. Initially, Luke (1997) argues, most discourse analyses in education were centered on conversations between children and their teachers in the classroom (Cazden, 1988; Mehan, 1979) and on textbooks (Baker & Freebody, 1989). These analyses, for instance, showed how certain categories pertaining to gender, educational deficits, student disabilities and disadvantage were constructed in classroom talk and schoolbooks. The contributions of these forms of discourse analysis were two-fold: they contributed to challenge psychological "deficit" models and provided a much-needed description of students' cultural differences and the controlling effects of schooling and classroom language. However, this line of work failed to reconnect everyday language use and textual practice to larger ideological issues underlying the social institution of schooling, its practices and discourses (Luke, 1997).

As a way to overcome this shortcoming, different studies drawing from poststructuralism and other critical theories, such as feminism and postcolonialism, have started to address the ways in which educational texts and discursive practices construct different actors (teachers, students, school administrators) in different relations of power and knowledge. For instance, departing from poststructuralist and neomarxist educational analysis, Henriques and colleagues (1984) analyze how educational discourses operate constructing gendered and cultural identities. Other studies apply Foucault analysis to education "to unmask the politics that underlie some of the apparent neutrality of education reform" (Ball, 1990, p. 7). Moreover, a growing corpus of

feminist and postcolonial work criticizes dominant discourses and attempts to create a space to speak publicly and write about the "unsaid", about those whose voices and experiences have been historically marginalized and silenced. Much of this work has focused on student identity formation, marginal students and conditions and subjects of exclusion in education (Asher, 2005).

Also, critical discourse theorists such as Codd (1988), Ball (1994), Janks (1999), Scheurich (1994) and Taylor (1997) have focused their work on diverse aspects of education policy. For instance, Codd (1988) asserts that policy discourse produces new ideologies that need to be regarded as forms of social control. For him, these forms of social control are embedded in policy documents which ultimately serve to "legitimate the power of the state and contribute fundamentally to the 'engineering' of consent. Such texts contain divergent meanings, contradictions and structured omissions, so that different effects are produced on different readers" (Codd, 1988, p. 235). In his view, through linguistic devices policy texts generate public consent. For him, then, the work of the educational policy analysts involves identifying and explaining how the language of policy constructs "particular meanings and signs that work to mask social conflict and foster commitment to the notion of universal public interest" (Codd, 1988, p. 237). In that sense, he argues, the analyst's work contributes to expose how policy texts have real social effects by creating and maintaining public consent.

In order to identify and understand how these textual mechanisms work, Janks (1999) considers one needs to regard texts as "instanciations of socially regulated discourses" (p. 49). From this follows the production (and reception) of any policy text is socially constrained and the analyst has to understand not only the specific linguistic selections that constitute it, but also "the historical determination of these selections" (p. 49). Based on her ideas, a discursive

analysis of a policy text entails describing the interconnections between the linguistic elements that make up the text, as well as interpreting and explaining how they are linked to certain conditions of possibility. In her view, engaging with a critical analysis of a policy text implies ultimately looking for patterns that can be used “to establish hypotheses about discourses at work in society, [...] to discover questions that need answering with regard to the social relations and discourses instantiated in this text and others connected to it” (p. 51).

In line with these ideas, other scholars concerned with the contextual influences on policy argue “there are sets of preexisting rules that function as implicit standards for describing and judging what is to count as behavior of a certain type, and that these implicit rules comprise the context against which any formal analysis or evaluation must take place” (Peters & Marshall, 1993, p. 312). These authors highlight “the importance of context both in the formulation of problems and in the activity of policy analysis more generally” (p. 311). Similarly, Taylor (1997) emphasizes the importance of conducting analyses of the context of policy documents which account for historical disparities in language use: “Differences in terminology reflect the particular historical and cultural context, and have implications for the ways in which particular concepts are used and understood” (Taylor, 1997, p. 28). Drawing from discourse theory, she proposes to analyze particular policies in relation to their historical context, paying attention to how “problems” are produced and formulated in policy and reflecting on what type of issues get to be included/excluded from the policy agenda. In her view, an approach to policy analysis based on discourse theory is particularly useful for understanding “how policies come to be framed in certain ways—reflecting how economic, social, political and cultural context shape both the content and language of policy documents” (Taylor, 1997, p. 28). As Peters and Marshall (1996) maintain, discursive analyses of policy allow to identify and isolate “potential areas of

contestations between stakeholders and [to trace] the theoretical and/or value origin of these differences” (Peters & Marshall, 1996, p. 139).

Other authors like Ball (1994) are more interested in the incremental processes of policy formation. For, as he argues, the meaning of policies change in the political arena, as well as their representations and key interpreters. In his view, “policies have their own momentum inside the state; purposes and intentions are reworked and reoriented over time. The problems faced by the state change over time. Policies are represented differently by different actors and interests” (Ball, 1994, p.17). For him, all of these aspects constitute the focus of a discursive policy analysis. Although Fairclough (1989) concurs with the importance of the social conditions of discourse production, he highlights as well the relevance of its social conditions of interpretation. As he puts it, “the formal properties of a text can be regarded from the perspective of discourse analysis on the one hand as *traces* of the productive process, and on the other hand as *cues* in the process of interpretation” (Fairclough, 1989, p. 24). For him, discourse analysis entails more than textual analysis; it also implies the analysis of productive and interpretive discursive processes.

As observed, the aforementioned scholars concur on regarding educational policy as a discursive phenomenon. More specifically, some of them emphasize that language use, participant processes, and political frameworks operate as mediating influences on policy formulation. Others, instead, center their analyses on the contextual limitations on policy development. While all are concerned with policies as means of political power and many of them based their work on similar theoretical frameworks, however, their analytical focus and their methodological approaches differ significantly. Some conduct textual analyses of policy, others are interested in discursive practices and still others are mainly focused on contextual analyses of policy discourses. In relation to this, different scholars mention that there are many

different versions of discourse analysis (Titscher, Meyer, & Vetter, 2000; van Dijk, 1997). Fairclough (2003) establishes a rough distinction between the approaches concerned mostly with the linguistic features of text—what he calls 'textually oriented discourse analysis'—and those who generally focus on the historical and social context of texts. Building upon theoretical perspectives and methods from a broad range of disciplines, Fairclough combines these approaches in what is known as Critical Discourse Analysis (CDA) (Taylor, 2004b). He describes his approach by saying:

“On the one hand, any analysis of texts which aims to be significant in social scientific terms has to connect with the theoretical questions about discourse (e.g. the socially ‘constructive’ effects of discourse). On the other hand, no real understanding of the social effects of discourse is possible without looking closely at what happens when people talk or write”(Fairclough, 2003, p. 3).

The theory underpinning Fairclough’s version of CDA⁷⁰ maintains that discourses, as a way of representing the world, are a type of social practice. The relationship of discourse to the other social practices and processes is a dialectical one, each internalizing the others, while being themselves changed and redefined in the process (Fairclough, 2001, 2003). That is, discourse determines and is determined by the social context, institutions and structures in which it takes place and which it is related to. From this follows the social and discursive aspects of practice ought to be studied relationally (Chouliaraki & Fairclough, 1999).

Consequently, Fairclough’s CDA model is conceived to explore the links between language use and its social, historical and political contexts of occurrence, as well as to analyze

⁷⁰ Fairclough’s CDA made its first appearance in 1992 in the publication of *Discourse and Social Change*. In this work Fairclough offered several critical approaches to discourse analysis that he amalgamated in his 1995 book named *Critical discourse analysis: The critical study of language*. His approach became more robust in *Discourse in Late Modernity: Rethinking Critical Discourse Analysis*, a co-authored publication with Lilie Chouliaraki in 1999. In this book, they outlined a more focused approach to the critical analysis of discourse which underwent further refinement over the years in response to the insights gained from its application within political and media studies. After ten years theorizing about, experimenting with and developing methods for critical discursive analysis Fairclough presented his conclusions in his book *Analyzing discourse: textual analysis for social research* (2003).

the social use of language influencing relations and practices. It also allows unraveling power relations by examining the dialectical relationships between “discourse [...] and other elements of social practice” (Fairclough, 2003, p. 205). Put differently, Fairclough’s CDA helps to situate power in discourse and power over discourse from a relational perspective that takes into consideration the historical, socio-cultural and political context where those relations take place. For Fairclough, this critical form of discourse analysis positions the researcher to “systematically explore often opaque relationships of causality and determination between (a) discursive practices, events and texts, and (b) wider social and cultural structures, relations and processes; to investigate how such practices, events and texts arise out of and are ideologically shaped by relations of power and struggles over power; and to explore how the opacity of these relationships between discourse and society is itself a factor securing power and hegemony” (Fairclough, 2003, p. 135).

Fairclough’s ideas are in line with other approaches seeking to understand discursive struggles competing for hegemony. For instance, Laclau and Mouffe’s work focuses on understanding discursive struggle via hegemonic articulatory practices. In their view, discursive struggle implies advancing a hegemonic discourse by determining points of difference and equivalence. Discursive struggle for hegemony entails linking together a hegemonic discourse with other discourses in a way that the tensions and struggles between them are suppressed (Laclau, 1995). This process of linking discourses together occurs through hegemonic articulatory practices, which seek to advance a particular discourse through persuasive reinscriptions of the connections between inherently opposed concepts that are constitutive of a chain of signification. Analysis of discursive struggle enables to think about the policy change process as a product of historically contingent processes of contestation and decontestation over

social meanings and values. These ideas, along with Fairclough's insights on the need for linking the use of language and the social, historical and political contexts in which it occurs broadly inform this work. In the next section, I will discuss how my own positionality drove my theoretical and methodological selections and the nature of the analysis undertaken in this study.

Making one's positionality explicit: The importance of reflexivity in policy analysis

According to Walt and colleagues (2008), reflexivity involves analyzing our own positionality when conducting research. In their views, "researcher's positionality [needs] to be [...] reflected upon, considering how it may influence data collection and interpretation" (Walt et al., 2008, p. 315). From this argument follows our research agenda and the generation of knowledge are modeled after such positionality. In relation to this, Rizvi & Lingard (2010) extend this idea arguing "positionality may also refer to the national location of the policy researcher, which has implications for the nature of the analysis done and the theoretical and methodological options available" (p. 48). The tensions and compromises emerging from my doctoral formation in an American university—where policy courses in education were very much in line with a broadly positivistic epistemology and quantitative methodology—and my background as an interpretive Latin American researcher grounded on a social constructionist epistemological position serve to illustrate Rizvi and Lingard's point.

After participating in several policy analysis and research seminars as a graduate student in the U.S., I could not help but notice the distinctive positivist orientation underpinning the methodological approaches of mainstream policy studies. While, on the one hand, the exposure to purportedly objective and value-neutral methods for undertaking policy analysis was helpful to understand how the policy creation unfolds in America and to become familiar with the rationale behind the hegemony of "policy-as-numbers" (Rose, 1999) approach, on the other, it

was troubling for me because I came to understand how hard it would be for me to undertake an academic career in the policy field as an interpretive scholar. In spite of my personal struggle, I decided to position this study on a conceptual landscape critical of “traditionalist policy analysis” (Duijn & Rijnveld, 2007, p. 152) which problematizes “the instrumentalist view of policy as if it [was] an intrinsically neutral action-oriented instrument that decision makers use to solve problems and affect change” (Khanal, 2010, p. 2). Consistent with that decision, I decided to approach my dissertation from a qualitative perspective underpinned by a theory of knowledge that emphasizes the constructive nature of policy language. Assuming such epistemological position implies understanding language not as a “transparent medium we simply use to talk about an independently constituted world ‘out there’, but [as a productive practice] profoundly implicated in how we see the world in the first place” (Hastings, 1998, p. 195).

Framing this study from such epistemological position implies also problematizing one’s work as a construction (Hastings, 1998). From this follows I had to keep in mind the constructive nature of academic writing when reporting and discussing the findings of this study. And, of course, this brought up the question: how can I ensure the validity of my arguments when conducting an interpretive policy analysis? In relation to this, there is still plenty of controversy about how qualitative inquirers demonstrate the credibility of their interpretations. Qualitative researchers have made numerous and varied attempts to address this dispute. Those attempts range from directly adopting quantitative validity criteria which requires a rigorous adherence to methodological rules and standards (Kirk & Miller, 1986), to rejecting validity and proposing “understanding” as a more appropriate concern in qualitative inquiry (Wolcott, 1994). My position during this study can be located in close proximity to the later, which implies I attempted to construct a deeper, self-reflective, empathetic understanding of the multiple aspects

involved in my inquiry (Cho & Trent, 2006). This implies, then, replacing “validity as being about epistemological guarantees [and reframing it] as multiple, partial and endlessly referred” (Lather, 1994, p. 38). This called for deep self-reflexivity during the entire research process, not just during the presentation of the findings.

As Rizvi and Lingard (2010) point out, “reflexivity demands transparent articulation of researcher positionality and the significance of this to data collection and analysis” (p. 48). Such reflexivity requires ‘epistemological openness” (Tuhiway-Smith, 1999) about one’s positioning within the research, making one’s value stances and the research’s problem choice, theoretical and methodological frames explicit and open to interrogation. Indeed, being reflexive about my value stances was critical in several parts of my inquiry. For instance, in many instances I felt troubled and conflicted “understanding” Pinochet’s policies. As an Argentine whose friends and relatives experienced political persecution during Argentina’s dictatorship (1976-1983), studying Chile’s experience under a repressive regime—whose *modus operandi* and its political, social and cultural consequences resembled Argentina’s—provoked discomfort and, many times, I found it difficult to manage my personal disapproval of Pinochet’s dictatorship. This historical occurrence put to the test my deep appreciation for human rights and social justice, which in my eyes were violated systematically in Chile under Pinochet. However, being conscious of this personal bias and keeping a close eye on my notes and reflections throughout the study were instrumental to reach a deep understanding of the national and international circumstances leading to the policy shift in Chile, of its main actors and background and of its implications.

Reflexivity was also critical while determining the problem of my study. In relation to this, I have to recognize that comparisons between Argentina and Chile sparked my initial interest in the topic of neoliberalism. At times, though, those comparisons led to futile

speculations in the quest of explaining why neoliberalism appeared to be “successful” in Chile and devastating in Argentina. Being aware of these tensions during my study helped me to undertake it with cautiousness so as to maintain a steady focus on Chile’s specific neoliberal policy features but without negating how my background as a researcher formed under the tradition of Latin American sociology and politics and my personal experiences as a citizen of a developing country shaped my research agenda and contributed to produce a particular understanding (or knowledge) of neoliberalism. Without a doubt, my interpretation of neoliberalism emerges from my academic background shaped in the critical tradition of dependency theory during my undergraduate studies and further developed during my doctoral formation. The later, under the supervision of Dr. Fazal Rizvi, revealed the compatibility of my theoretical position and ideas with those posited in the framework of postcolonial studies.

Assuming a theoretical position from the aforementioned frameworks implies situating Chile’s LGE in a global context where neoliberalism is the dominant ideology imbuing national policy discourses and policy recommendations by international organizations. The policy analysis, thus, cannot overlook the subordinated (or dependent) position of Chile in the global scenario (an example of this is the strong presence of the World Bank funding Chile’s social programs and its expected fiscal and economic behavior in accordance with the loan conditions). Recognizing the fact that Chile’s policies are responsive to or influenced by global policy networks, though, does not mean to imply Chile’s powerlessness to determine its own policy-making processes. Rather, it implies recognizing “the *relationality and interconnectivity* of policy developments” (Rizvi & Lingard, 2010, p. 69). It calls for an awareness of the ways in which global forces mediate and affect the process of policy text production as well as its contexts of influence and practice, but without neglecting Chile’s capacity to negotiate and

articulate those policy pressures in its own terms. This awareness required I maintained a critically reflexive disposition during the policy analysis that allowed me to avoid an overemphasis on external factors at the expense of attention to the internal ones. Keeping that potential issue in check was instrumental in my discursive analysis of the LGE to prevent interpreting the choice of certain words and meanings as coming straightforwardly from global policy discourses represented in the works of the World Bank and the OECD in particular, when in reality they were thoroughly negotiated within the Chilean policy community and articulated according to specific political needs.

From what one has seen so far, the researcher's positioning is a crucial aspect in determining the type of analysis conducted. Based on such positioning some evidence provided by a particular research gets included in one's study, while other evidence generated in another type of research is excluded. For instance, most of my research was grounded on qualitative studies addressing the particular ways in which neoliberalism was articulated (and interpreted) in educational policies around the world. This research stance, however, does not imply denying the appropriateness of quantitative approaches for tackling certain policy issues brought about by neoliberalism (e.g. social disparities in terms of access to education). On the contrary, throughout this study I relied on quantitative analyses centered on Chile's educational policies when I needed to support certain arguments about the socially regressive trajectory of neoliberalism (Brenner & Theodore, 2002) in this country. The use of those materials was limited, though, as this study pretended to avoid the pitfalls of mainstream analyses of neoliberalism-as-policy (Larner, 2000) literature and recognize the role of discourse in questions pertaining to the dominance of neoliberalism as a policy agenda. Consequently, and inspired by Lasswell's ideas on inter-disciplinarity in the analysis of policy (Gordon, Lewis & Young, 1997), I constructed

my theoretical framework on neoliberal policies by borrowing ideas, arguments and empirical evidence from academic articles in the fields of geography, anthropology, global studies, and other social sciences journals with an inherent critical approach to the study of policy, education and/or discourse. The selection of those materials was not ingenuous, as it responded to a conscious effort to approach neoliberalism from critical perspectives looking at more than its quantitatively measurable effects.

In conclusion, given my positionality as researcher, this study was framed in a way that asserts the political nature of policy-making and contributes to produce a critical understanding (or knowledge) of neoliberalism. Far from expecting an “objective” explanation of Chile’s LGE, this study consciously embarked in a “provisional” interpretation of the values and meanings underlying this new policy, as well as of the political process and the actors engaged in the negotiation of those values. Critical reflexivity and acknowledgement of my own positionality as a qualitative researcher conducting policy analysis were instrumental in all phases of this study, but were mostly needed when putting together my interpretations and imagining potential implications for this re-articulation of neoliberalism in Chile’s educational policy.

Now that it is clear how my personal stances have determined the nature of this study, I will proceed to present in detail its methodological approach, ensued by a description of the methods used and the limitations of this research.

Methodological approach

Acknowledging the contextually and historically bound forms that policy texts assume and the importance of discourse theories for unveiling how they are constructed and for understanding the relationship with their context of reference, this study engages in a multi-methodical approach to analyze Chile’s educational LGE.

This study builds upon the ideas of Critical Policy Analysis and discourse theory. Framing this work from a critical policy analysis implies considering issues of power at the center of the analysis. From this follows, education and policy are not considered as value-neutral, but as carrying values and exercising political power. Policies are, thus always related to broader political processes that must be analyzed, if one desires to gain a deeper understanding of the policy under study.

Using this framework involves more than a focus on the results of policies; it entails identifying their values, foundations, political origins, and contradictions. In relation to this, scholars like Edmondson (2000, p. 8) assert Critical Policy Analysis seeks to address the following questions:

Where does the policy come from?

What are the social, political, and historical aspects of the policy?

What are the [underlying] values?

How are key aspects defined?

What are the consequences?

Who stands to benefit?

Who is left out?

This study addresses these questions by intertwining the analysis of the LGE and the social, economic, and political context, as well as the official discourses and other texts related to the policy. The analysis of the policy text departs from a post-structuralist mode of inquiry that understands Chile's policy change as the contingent product of ideological struggle between opposing discourses (Fischer, 1995; Stone, 1997). As Stone (1997) points out, "policy making [...] is a constant struggle over the criteria for classification, the boundaries of categories, and the definition of ideals that guide the way people behave" (p.11). This approach emphasizes the role of discourse and discursive struggle in making certain things seem appropriate and others

appear questionable within a chain of discourse weaving together policy issues and objectives with ideas of quality and equity.

Policy discourses seek to establish coherence between governmental policies and practices. Analyzing the policy documents, thus, entailed searching for discursive patterns as well as looking for discontinuities and inconsistencies in the policy problematization and framework. This study also traced the discourses of the main actors in the policy creation, the Concertacion (the governing party) and the Alliance (the oppositional party) while simultaneously examining the discourses of students, teachers and some citizen-based social groups (i.e., ordinary populations). Analyses of parliamentary debates were also important to this research because they register instances of state persuasive argumentation in struggle with contesting discourses. This part of the analysis involved key word searches with a focus on quality and equity. Systematic searches were made of the following keywords: discrimination, selection, integration, inclusion, fairness, social justice, equality of opportunity, excellence, performance, outcomes, measurement, and accountability.

A discourse analysis drawing from Laclau and Mouffe's (1985) ideas involved identifying repetitions, exclusions and links to other discourses. All the documents were analyzed with reference to the articulations of discourse they made available in order to understand how discursive struggles shaped the form and content of the General Law of Education (LGE). Complemented with Fairclough's ideas, the analysis implied considering the policy as a process involving selection and production, in order "to reveal how [it] is implicated in constructing and maintaining a *system of belief*" (Hastings, 1998, p. 193). Attention was focused on the word choices and some grammar features of the document. These textual features

were approached “as *cues* to the reader to assign a particular meaning to the excerpt” (Hastings, 1998, p. 199).

Data selection and collection. In addition to the electronic retrieval of the Constitutional Organic Law on Education (in Spanish Ley Orgánica Constitucional de Enseñanza No. 18.962 or LOCE and the General Law of Education (in Spanish Ley General de Educación No. 20.370 or LGE) from the Library of the National Congress of Chile, the data collection process consisted of identifying and selecting other policy documents and articles related to the creation of the LGE. The use of different search engines allowed the identification of documents relating to selected key phrases⁷¹ associated with Chile’s LGE. The temporal search parameters were limited to the period 2006-2009 (the starting date represents the irruption of the penguin revolution and the government’s subsequent reform initiative and the ending date corresponds to the passage of the LGE). Key phrases included General Law of Education, LGE, Law 20,370, Chilean education reform, Chile’s policy reform and their variants.

The data was gathered from diverse sources. Most of the policy documents were available online through the Library of Congress of Chile⁷². Other materials were retrieved from electronic sources such as the Electronic Journal Radio Universidad de Chile, the Chilean Observatory of Educational Policy⁷³, the websites of the Ministry of Education, the Presidential Advisory Council for Quality Education⁷⁴, the Council of Rectors of Chilean Universities⁷⁵, teacher unions (Teachers’ College⁷⁶), student centers (University and High School Student

⁷¹ Key phrases are search phrases made up of keywords or phrases of two or more words.

⁷² The Library retrieved these documents from the Processing System Bills of the National Congress, and the daily sessions of Senate and House of Representatives.

⁷³ Observatorio Chileno de Políticas Educativas (OPECH)

⁷⁴ Consejo Asesor Presidencial para la Calidad de la Educación (CAP)

⁷⁵ Consejo de Rectores de las Universidades Chilenas (CRUCH)

⁷⁶ Colegio de Profesores

Assembly⁷⁷ and Federation of Students of the University of Chile⁷⁸), think tanks (Freedom and Development Institute⁷⁹) and the Federation of Private Education Institutions⁸⁰.

This study relies on various media sources that followed closely the policy events and process. Local and international newspapers⁸¹ provide invaluable documentation of the protagonists and events surrounding the creation, discussion and enactment of the LGE, without which it would be more difficult to understand the complexity and intricacies of the process. Their coverage allows as well getting a sense of the intensity of the negotiation process and the multiple instances of opposition and dissent (i.e., tracking the number of takeovers, marches, strikes, mapping their participants and assessing their scope and influence). When working with this type of materials one needs to be aware of some problematic aspects of newspaper data: Selection bias—news agencies report a subset of events, not all events that actually take place (Earl, Martin, McCarthy, & Soule, 2004)—and description bias—“the veracity of the [news] coverage” (Earl et al, 2004, p. 65). Both selection and description bias were addressed by relying on more than one data source.

Another source of information includes the Internet (i.e., blogs, electronic radios, educational associations’ websites, etc), a critical venue for obtaining alternative perspectives that otherwise would have been difficult or impossible to find.

Finally, there is a wide array of secondary materials which proved to be crucial for identifying any larger social, cultural, or political (internal and external) conditions that influenced the creation and negotiation of the LGE. Likewise, the secondary data on Chile’s

⁷⁷ Asamblea Coordinadora de Estudiantes Universitarios y Secundarios (ACEUS)

⁷⁸ Federación de Estudiantes de la Universidad de Chile (FECH)

⁷⁹ Instituto Libertad y Desarrollo

⁸⁰ Federación de Instituciones de Educación Particular (FIDE)

⁸¹ The conservative-leaning *El Mercurio* and the more centrist *La Tercera* offered extensive coverage of the LGE.

education system used in this study contributed to gain a better understanding of the way in which its structure and actors influenced the policy process. The structure of the system and its bearing on students, parents, and the government, need to be taken into consideration when examining the events leading to the creation and negotiation of the LGE.

The selection and gathering process yielded approximately 2,000 pages of congressional materials⁸², transcripts of official speeches and press conferences, media interviews, blog commentaries and newspaper articles. The data included policy texts, actual remarks given on the floor of the House and Senate⁸³, testimonies provided in hearings by both members and guest speakers, reports produced by the Advisory Committee of Education, presidential and ministerial speeches between 2006 and 2009⁸⁴. It is important to point out, however, that this study focuses not only on the perspectives and voices that are privileged through representation within the policy text, but also pays attention to the perspectives and ideas that were excluded from the final document. Consequently, I examined interviews, blog entries, reports and public statements of students, teachers, and other policy stakeholders during the period under study. These documents were selected seeking to understand the responses of these stakeholders to governmental policy-making. The analysis of discursive struggle offered in this work does not cover all instances, but rather, it presents certain pieces of text that best represent opposing positions in the legislative deliberations and public debates.

Data organization. After its collection, the data was compiled in a Word document and organized chronologically. Two distinct periods were identified:

⁸² I performed a search of parliamentary debates using Chile's Library of Congress website.

⁸³ I examined the ways that parliamentarians from the Concertación positioned themselves and their policies in opposition to the Alliance for Chile and other parties, and how the struggle dynamics between these political parties to represent the policy agenda in education was played out. Over one thousand pages of congressional debates were analyzed.

⁸⁴ These documents preceded and escorted the enactment of the LGE.

- Before the submission of the policy draft (starting date: April 2006—penguin revolution/ending date: April 9, 2007—Bachelet's bill submitted to Congress)
- After the submission of the policy project (starting date: April 9, 2007—Bachelet's bill submitted to Congress/ending date: September 12, 2009—passage of LGE)

Looking at the data chronologically allowed identifying the order of events leading to the government's decision to replace the LOCE with a new education policy more attuned with the democratic nature of the government and the equity and quality demands driving student mobilizations and social protests. In addition, it contributed also to recognize the key actors in the different stages of the policy creation (from the members of the Presidential Advisory Council for Quality Education to the legislators and guest speakers at the congressional sessions). In addition, it facilitated the recognition of the tensions and reactions of the different sectors of the educational community as the policy process evolved.

Contextual and discursive policy analysis. After the data was organized and before analyzing the policy text (i.e., the LGE) it was important to get a deeper understanding of the contextual circumstances leading to the policy reform and the main actors and their discourses. Drawing from critical policy analysis tenets, a close reading of the materials dated before the submission of the policy draft contributed to identify:

- a) what motivated the policy reform;
- b) what actors were involved in promoting it;
- c) who participated in the creation of the original policy draft; and
- d) the ideas articulated in it.

Then, the study focused on a thorough examination of the materials dated between the submission of the government's policy draft and the LGE enactment. This examination served to document:

- a) the reactions to the original policy draft;
- b) its modification and the actors involved;
- c) the reactions to those modifications by the different educational stakeholders;
- d) the ideas articulated in the final policy text.

This historical account of the policy creation precedes the actual analysis of the LGE in order to have a deeper understanding of the demands to which the policy was supposed to be a response and to better grasp the process through which they were articulated in the LGE. Following this account on the policy creation process, this study proceeded to describe the structure and the main elements addressed in the LGE. A comparison with its predecessor, the LOCE, complemented this analysis.

After the comparison between the policy texts, this study examined certain linguistic aspects of the LGE. This analysis, broadly informed by Fairclough's (2001) ideas on linguistic analysis, focused on the most salient features of the text in terms of grammar and vocabulary. In this part, the study did not attempt to conduct a thorough linguistic analysis, but rather, concentrated on certain grammar features indicative of the processes and participants emphasized in the text (Fairclough, 2001), as well as on the policy's vocabulary looking to identify contrasting values, ideological struggle, ambiguity or universalization. In relation to the grammar features of the policy text, the analysis drew from Van Leeuwen's (1999) ideas on how to examine the agency of textual participants. He distinguishes between the agents of actual actions (i.e., the system promotes quality education for all) and the 'managers' of 'managed actions' (i.e., the state enables schools to improve student's learning outcomes).

After concluding with the grammar features of the policy, this study focused on its word meaning. The emphasis of the analysis was upon selected 'keywords'. The keywords selected were: equity, quality, diversity, integration and interculturality. Based on Williams' (1985)

suggestions, the keyword analysis implied not only identifying keywords and presenting examples of their use, but also describing their articulation with other keywords. Furthermore, the analysis paid attention to the distinctive patterns of co-occurrence or collocation between keywords and other words (Fairclough, 2003). In addition, it tried to uncover the main assumptions and presuppositions underlying those keywords.

Limitations of the study. The analysis of the Chilean case has not been free of limitations. One of them had to do with the gathering of the materials. It was cumbersome finding materials conveying the ideas and reactions of the students by the end of 2008. At that time, students were highly mobilized and it appears that their actions were more focused on organizing strikes against the imminent passing of the LGE than on exploiting the media impact that they had during the “penguin revolution”. The lack of press conferences, public statements, blog postings, and presentations in the Senate during this period prevented a thorough analysis of their speeches and role during the creation and negotiation of the LGE. Future research needs to be done seeking to gather their perspectives on the LGE, to identify their advocates within the Congress, to understand their political alliances and the different positions within the student movement and to document the trajectory of their claims from the “penguin revolution” to the enactment of the LGE.

Another difficulty is related to the translation of the policy. Some nuances of the language used in the original text (Spanish) were lost when translated to English, thus preventing a richer interpretation of the linguistic construction of the policy. For instance, the policy in Spanish is gender-sensitive. It refers to “alumnos” and “alumnas” (male and female pupils), and “madres” and “padres” (mothers and fathers). When translated to English these nuances were missing in order to improve the readability of the text. The translation process involved some

challenges as well in relation to the Spanish verb “deber”, which conveys a sense of obligation, but lacks the nuances pertaining to the use of the modals “must”, “has to” and “ought to”, “should” in English. Given the prescriptive nature of any policy, these issues required several revisions of the document, but it might be possible that some weaknesses in the translation had prevented a more textured analysis of the policy. A new translation of the document and the use of a software for textual analysis in the future might contribute to a richer linguistic analysis of the LGE.

Given the extensive use of media materials in this study, it might be worthwhile complementing it with an exploration of the relation between media representations of the LGE and the process through which it was developed. For instance, future research could follow Sue Thomas’ lead on the book named *Education policy in the media: Public discourses on education* (2006) and critically analyze the media coverage of Chile’s educational issues during Bachelet’s administration. For instance, education and policy scholars could examine whether and how “the common sense understandings” (p. 17) on education constructed through public media debates informed the educational policy-making process which resulted in the enactment of the LGE. Getting a better grasp on the “mediatization” of policy (Fairclough, 2000) might provide a better understanding of the dynamics of the production process as well as of potential implementation issues (Rizvi & Lingard, 2010).

Discussing the policy actors’ interpretation of the LGE would have gone beyond the parameters of this work. There is only so much a dissertation can do, but certainly, this topic could be explored in further research by interviewing the actors involved in the creation and discussion of the LGE. In that way one could get a better sense of the sources and intended meanings of some of the elements included in the policy (i.e., integration, interculturality).

Chapter 5:

The Political Construction of the LGE

This chapter offers an overview of the creation and negotiation of the LGE. This part of the study focuses not only on the discourses of the executive in its role of agenda-setter, or the deliberations between the right and left-wing legislators, but it also considers the voices of dissent, particularly emerging from the student and teacher associations. Following this analysis, which provides a better understanding of the political construction of the LGE, there is a description of its main features and a comparison with its predecessor, the LOCE. This allows to identify both the new elements of the policy and the continuities vis-à-vis the previous neoliberal framework. Once similarities and differences are identified, the analysis centers on the most salient linguistic aspects of the policy text. It is beyond the scope of this research performing a thorough linguistic analysis. Rather, it focuses on the wording (i.e., keywords) of the LGE which is indicative of the values and ideas articulated in Chile's policy discourse, as well as on its grammar features, which are helpful to identify how words are connected within the text and determine the agency of textual participants (e.g., subordinating/subordinated).

Origins and negotiation of the LGE

The General Law of Education (LGE) replaces the Organic Constitutional Law on Education (LOCE) enacted by Pinochet's dictatorship (1973-1990) just one day before he left office. The policy project was informed by proposals from the Presidential Advisory Council for Quality Education, a consultative organ created by Bachelet's administration on June 7, 2006 in response to student mobilizations which arose in April and May of 2006 (the so-called "penguin revolution") to protest against the blatant inequities in Chile's socially segmented education system. As Kubal (2009) argues, before the student mobilizations "there was no indication that

the Bachelet administration intended to make education reform one of its policy priorities. Students wielded substantial disruptive resources and put education reform squarely on the policy agenda” (p. 11)

During the formation of the Presidential Advisory Council for Quality Education President Bachelet’s remarks state the reasons behind the policy reform:

Motivated by high school student mobilizations, these days different voices and actors have expressed their expectations of having a much higher quality education. Chileans want [...] a country with an education system capable of ensuring quality education to all children and young Chileans, regardless of their social, economic and cultural origins. The country also wants a more integrated education. It wants schools that teach us to look at each other as an equal in dignity and rights. Chile wants schools that teach us how to appreciate our differences and not to get separated by walls of prejudice, which are an undesired result of a deeply segmented national education. Behind these claims, there is a conviction I share which is a national consensus: a quality education distributed fairly is the only way to keep progressing. The Presidential Advisory Council [...] must strive to show ways to reach the fair and quality education that Chile needs (Presidential Advisory Council for Quality Education, 2006, p. 5)

These remarks show clearly the two issues driving the policy reform: quality and equity issues. The expectation was that the advisory council would provide recommendations and solutions to improve the quality of education for all and to reduce the inequalities brought about the segmentation of the system. Furthermore, the president’s words convey the need for tackling those issues as a requirement for the country’s development. Put it differently, Chile’s development rests on a fair distribution of quality education.

Among the eighty one members of the council, there were education specialists, current and former ministry officials, church spokespersons, representatives of originary populations, parents and guardians, high school and university students⁸⁵, private school managers, municipal representatives, university authorities, among others. Ideologically the Council’s membership

⁸⁵ Bachelet offered twelve seats to the students (six for high school students and six for college students) and established an ‘open door policy’ for students’ participation and proposals for reforms. Students requested a majority of the advisory council seats as a condition to end the strikes and demonstrations, but Bachelet’s government rejected such demands as unacceptable.

spanned from left-wing activists like the president of the Teachers' College⁸⁶ (one of Chile's most influential teacher unions) to members of the Alliance for Chile⁸⁷, a coalition of right-wing political parties. Just one week before the body's final report was to be presented to President Bachelet, the "Social Block of Education"—formed by students, teachers, parents and guardians who represented 30% of the Council's membership—announced their rejection to the report and left the Council⁸⁸. In relation to this, the president of the Teachers College, Jorge Pavez, cited the main reason for the rejection of the Council's document was *"the vagueness and the lack of clarity of its ideas"* (Pavez, 2006, p. 1). Claudia Chamblas, representing the Chilean Confederation of Students (CONFECH in Spanish), added that their proposals were not sufficiently considered and that *"the right and pro-government sectors bid up to leave the system as it [was]"* (Pavez, 2006, p. 1). Nicolas Grau, president of the CONFECH, also referred to last-minute changes on issues that were supposedly settled. Grau said *"the preliminary report had reached a consensus on the crisis in education, but as the discussion progressed we found that such consensus did no longer exist. Some council members even considered changes in the diagnosis of education that we had already done"*.

In December 2006, the Social Block of Education (hereafter Social Block) released a document named *"The educational crisis in Chile: A proposal for citizen debate"*. The Social Block's forty three-page document contained a series of broad proposals, such as:

⁸⁶ Colegio de Profesores in Spanish

⁸⁷ Alianza por Chile in Spanish

⁸⁸ According to some political commentators, the departure of the social block from the Council was an expression of the power struggle between those who defended public education and those who supported for-profit education. It is also argued that leaving the Council was the block's strategic move to secure a better negotiating position during the legislative discussions of the LGE (Bastias, 2006).

- changing the Constitution and the LOCE so that the right to education⁸⁹ would prevail over the right to educational freedom;
- structuring a new LOCE based on the principles of common good, non-discrimination, participation and non-profit;
- reorganizing the Ministry of Education;
- creating the Superintendence of Education (also proposed on the Council's document) which would be responsible for regulating the education market and overseeing all educational institutions;
- creating an entity called Educational Services which would be in charge of overseeing the curricula, educational improvement and administration of state-owned schools;
- establishing a new funding system which would give public schools preferential treatment and would maintain subsidies to schools that did not have student selection mechanisms in place and were not for-profit (this system would be funded by reallocating 10% of Chile's earnings from copper exports to education);
- improving the Full-time School Day policy (in Spanish, Jornada Escolar Completa or JEC) by providing more resources, infrastructure and better wages for teachers;
- strengthening the teaching profession by increasing wages, guaranteeing job stability (this was the only provision that was not included in the Council's document) , reducing the number of students per classroom and enhancing teacher's training;
- improving the conditions of access to higher education for low-income students by eliminating tuition fees to the first four income quintiles;
- creating a state-subsidized technical education system, and
- eliminating the PSU as a college entrance mechanism

⁸⁹ In relation to the right to education, the document argued “the Chilean government must have the legal and technical tools to ensure fairness, to prevent student selection mechanisms and discrimination, and to eliminate profit in education” (Bloque Social, 2006, p. 23). For the Social Block, the new LOCE had chiefly to protect the right to education (coverage) and the quality of education in conditions of equity.

President Bachelet said she did not understand the Social Block's departure from the Council "*after six months of work and only five days before delivering the proposal*" (Pavez, 2006, p. 1). She added that she requested each committee to deliver a final document including a report including the positions of the majority and also those from the minority. She argued "democracy open spaces for people's participation. In a democracy no one owns an issue" and added that the Council had been aware of all positions "*those which were voted as well as those which were dissimilar*" (Pavez, 2006, p. 1). The President of the Council, Juan Eduardo García Huidobro, also expressed his surprise and sadness and responded to the Social Block's criticism by arguing that "*in order to make the report as rich as possible, we had to integrate all the Council's positions and this enrichment decreased the document's clarity*" (Pavez, 2006, p. 1).

All of the remarks presented so far seem to agree on the plurality of positions within the Council and the difficulties reaching a consensus. Although the members of the council basically agreed on the need to improve education quality, they failed at reaching an overall consensus on the direction of the education reform, which became evident on its final recommendations to the President Bachelet. For instance, the advisory council's final document asserts that there were divergent views on for-profit institutions, student selection in state-subsidized institutions and the best method for managing public institutions. Indeed, within the executive summary of the document one finds the points of contention and the different positions manifested during the council's meetings⁹⁰. The council's lack of general agreement allowed Ministry of Education officials considerable latitude in drafting the LGE, which was finally signed and submitted by President Bachelet to Congress in April 9, 2007.

⁹⁰ See for example the section discussing the state's duty in educational matters (p. 17), the requirements for setting up a school (p. 18), student selection (p. 20-21, 33), institutional reasons for equity and quality issues (p. 25-26), organization and coordination of state-owned schools (p. 28-30), shared funding (p. 33) and the work conditions of teachers (p. 39)

Official remarks on the draft submitted to the Congress. The rationale given by President Bachelet for the creation of the new policy was the lack of democratic validity of the LOCE and its neglect of the needs and demands of large sectors of the education system. During the bill-signing ceremony of the policy draft, President Bachelet argued the reform was a commitment to the educational sector, but "was also a deep commitment to our republican convictions. In a democracy, a law owes its legitimacy to popular sovereignty and the current LOCE clearly [had] no such legitimacy. His authoritative origin and its distance from the needs and demands of large educational sectors justified the reform. This is settling a score with history by giving democratic validity to a law that regulates one of the most important areas of human activity" (Educar Chile, 2007) In her view, the new legislation signified the disappearance of authoritarian remnants in education and the strengthening of social inclusion, one of the hallmarks of her administration.

Furthermore, in her message during the presentation of the policy draft to the House of Representatives in April 9, 2007 she recognized

There is broad agreement that education in our country is going from a stage in which access to educational opportunities and coverage was the primary requirement, to one in which the quality of learning and its social distribution are a capital requirement. The new phase is more complex because it has to take care of significant gaps in terms of the students' quality of learning. [...] The challenge of ensuring quality and give all Chileans the opportunity to have the ability to access knowledge and culture regardless of their socioeconomic situation is a new task for the state and the society (Bachelet, 2007).

In her view, to address the challenge of ensuring quality of education for all, Chile's education system required to establish new educational institutions, develop a modern national curriculum up-to-date with the progress of science and knowledge and be flexible to adapt to the needs of different types of learners. Furthermore, it had to state clearly the commitments and responsibilities of all its actors and define objective standards for measuring their performance. It

also required the creation of new institutions to supervise and control the performance of educational institutions and their stakeholders. All of these new requirements to ensure the right to quality education for all had to be accompanied by more comprehensive information to students, parents and guardians, teaching professionals, school administrators, “sostenedores”, as well as the society as a whole, so they counted with tools of discernment and control over the system’s quality of education.

Most importantly, she emphasized the demand for quality education was tightly linked to social requirements for greater democracy and participation. According to her, this demand correlated with claims to extend citizenship and build more inclusive societies. *“The reform we are proposing takes place at a time of great dissatisfaction regarding the quality of teaching and learning achievements. Approaching this problem as quickly and thoroughly as possible is a social requirement that needs to have first priority on the public agenda (Bachelet, 2007)* In relation to this she added *“the first requirement to raise the country’s overall quality of education implies solving the serious problem of inequity, arbitrary discrimination and segmentation experienced within the educational system” (Bachelet, 2007)*

Concomitantly, Minister of Education Yasna Provoste emphasized the policy draft submitted to the Congress *“opened a new stage in Chile’s educational development” (Educar Chile, 2007)*. For her, the policy draft supported both the idea of education as a fundamental public good and as a constitutional right of Chileans. In her view, the policy draft emphasized people’s development so they could grow in every way and interact with each other. Furthermore, she added, the draft focused on *“raising the quality of education for all” (Educar Chile, 2007)*. She further explained that the LGE draft set *“a fairer, more transparent and*

rigorous new field to ensure the quality of learning for all children and youth in the country".

(Educar Chile, 2007)

Provoste also referred to the main differences between the LOCE and the LGE:

- The LOCE lacked democratic legitimacy in its origin and objectives. The new law set out the progress and democratic aspirations of a modern and inclusive country.
- The LOCE was designed to address the problem of access to schools. The new law responded to current challenges to achieve more quality education for all.
- The new law takes attempted to deal with a world in rapid transformation and considered the influence of the knowledge society, globalization, and new technologies in education. The LOCE did not address these factors at all.
- The LOCE defined half way the state's role and the need for public regulation in education. The new law, without affecting the guarantee of educational freedom, strengthened the supervisory role of the state by establishing the use of clear and transparent policies and instruments appropriate for the 21st century.
- The LOCE was a pragmatic law and fell short on principles and values. The new law was rich in values and culturally sensitive.
- The LOCE was a simplistic normative referring only to three educational levels: primary, secondary and higher education. The new law addressed a more complex and flexible education system, acknowledging early childhood education as a level, making provisions for other modalities such as adult and special education and identifying the different specializations in secondary education (i.e., humanistic, scientific, technical, professional and artistic).
- The LOCE was shortsighted regarding diversity. The LGE recognized and addressed it.
- The LOCE was basically a law on teaching. The new law recovered the most integral concept of education (Educar Chile, 2007).

While the policy draft submitted to the Congress maintained several recommendations included in the Council's report⁹¹, it also contained significant changes. For instance, one of the articles of the policy project referred to the elimination of discrimination and selection in public and state-subsidized schools⁹², a practice widespread in Chile's education system. Under the proposed bill, schools were not allowed to operate a selection process for students up to the ninth grade. As stated in the Article 11 of the LGE draft, "state-subsidized schools must accept all students who apply for the last two years of preschool education and up to the eighth grade of basic education" (LGE Draft, 2007). Moreover, this article stipulated that

in the case of a number of applicants higher than the school's capacity, [...] student enrollments will adhere strictly to a public and transparent selection process, which under no circumstances can take into consideration the applicant's economic or social situation, past or potential school performance, marital status, ethnicity, parental education or religion, or any other criteria that could be used for the applicant's arbitrary discrimination (LGE Draft, 2007).

The purpose underlying this article was to ensure equal opportunities and non-discriminatory access for all students. The other article included in the policy project which became the target of heated controversies was the one laying out the requirements for official recognition of educational institutions. Article 44, for instance, stipulated that only municipalities and non-profit corporations or foundations could be in charge of administering educational

⁹¹ For instance, the LGE draft 1) recognizes the mixed nature of the education system; 2) acknowledges the importance of ensuring a more equitable and higher quality education; 3) emphasizes the need for defining national quality standards; 4) proposes more stringent requirements to set up educational institutions; 4) proposes the creation of a Public Agency for Quality Assurance; 5) stresses the importance of strengthening the barriers that prevent arbitrary discrimination in educational institutions and of increasing social inclusion; 6) highlights the need for having more instances of participation in the educational process.

⁹² The Council's recommendations on this were inconclusive, since there were different positions in terms of student selection. Thus, to guarantee equitable access to educational institutions the report basically suggested: 1) A thorough review of the regulatory framework of education by the Congress, with the aim of identifying its lacunae and making the necessary changes to eradicate all forms of arbitrary discrimination and safeguard the rights of students and their families. In relation to this, it recognizes as well the need for regulation and control mechanisms able to enforce their full implementation. 2) The proposed Agency for Quality Assurance has to monitor the implementation of school policies, making observations on the cases where certain situations may be deemed as discriminatory and demanding that the institutional projects clearly spell out non-discrimination criteria (Final Report of the Presidential Advisory Council for Quality Education, 2006, p. 85)

institutions⁹³. This measure constituted an attempt to eliminate profiteering in schools, one of the main demands made by student movements and teacher unions to Bachelet's administration. Proponents of the LGE bill insisted that the inclusion of these articles would eventually hold down the adverse effects of privatization. These two articles were evidently supported by student activists and their allies within the Social Block, but were heavily contested by the Alliance for Chile, the right-wing coalition in the Congress.

Right-wing reactions to the policy draft submitted to the Congress. In response to the draft sent to Congress by the Government, a technical team led by Patricia Matte—a counselor at the right-wing think tank Liberty and Development—crafted the Alliance for Chile's alternative proposal. The focal points of this proposal aimed at strengthening the autonomy and responsibility of the school community to improve education, increasing incentives, and changing the way in which school subsidies were calculated. The latter implied taking into account the psychosocial characteristics of students, school type and geographical location.

The alternative proposal sought to establish a public policy for Chilean education “by creating a National Council of Education constituted by officials who represent a national consensus and regard educational policies from a long-term perspective. The education of Chilean children cannot be subject to short-term political interests” (Alliance for Chile, 2007, p. 4). This quote alludes to the Alliance's disagreement with the way in which the Concertacion's draft dealt with the appointment of the National Council of Education members. In their view, the draft considered mostly people who were highly influential in the government. By so doing,

⁹³ In relation to the requirements for setting up and managing schools, the Council recommendations referred to the inclusion of accountability measures regarding the quality of results (i.e., school providers should periodically evaluate the performance of their institutions in accordance with the procedures established by the school quality assurance system) and the increase of legal requirements (in terms of professional skills and financial solvency). to become “sostenedores” (Final Report of the Presidential Advisory Council for Quality Education, 2006, p. 199)

they posited, the government's draft hindered autonomy in matters that required broad consensus. Besides, they argued, it did not guarantee the technical quality of the council's members.

The Alliance's draft suggested improving Chile's quality of education by increasing the amount of resources devoted to it. Arguing the government's draft did not specially address per-student subsidies, the Alliance put them at the center of its proposal considering them as crucial to achieve quality, equity, equal opportunities and social integration. The proposal sought to legally vest the family's right to receive education subsidies and suggested a mechanism to determine the amount of per-student subsidy in accordance with the national quality standards established and the cost involved in providing quality education up to those standards for different socio-economic groups, geographical areas and educational modalities. It also championed for paying the subsidy according to attendance levels (at least 95% attendance)⁹⁴. By so doing, this proposal argued "low-income students and schools serving them—primarily municipal ones—would count with greater amount of resources to fund the quality education they deserve. Thanks to this policy, the average subsidy per student would be duplicated in the eventual short term" (Alliance for Chile, 2007, p. 4-5). For the proponents of this draft, this measure contributed to achieve "social integration and cohesion as it will allow the poorest students to receive a higher subsidy regardless of the type of institution in which they are enrolled" (Alliance for Chile, 2007, p. 5).

⁹⁴ According to the Alliance, the draft submitted by the government fails to address the problems faced by municipal schools to deliver quality education. In their view, increasing per-student subsidies in accordance with the differential costs associated with educating low-income students would benefit municipal schools because they serve a high percentage of vulnerable students. The new subsidy mechanism would also provide greater income stability to "sostenedores" by delivering the totality of the subsidy based on an attendance of 95%.

The Alliance criticized the government's draft by saying that it centralized the main responsibilities in the Ministry of Education by keeping it in charge both of setting and evaluating the quality standards. In the Alliance's proposal, the Ministry would be in charge of setting policy, providing funding and assessing quality standard results. However, the standards would be approved by an autonomous agency: the Quality Education Assurance System. This system would be in charge of diagnosing the reality of the Chilean schools and proposing ways to improve their performance when they fail to reach the minimum quality standards. This system would create mechanisms to measure the teacher and school performances in relation to the quality standards and would reward institutions and teachers with the highest achievements.

Contending the Superintendence proposed in the government's draft was strongly centered on overseeing processes, but not on controlling results, the Alliance suggested the creation of a Superintendence which would be responsible for establishing control mechanisms and penalties for those who did not meet the minimum national quality standards. The role of the Superintendence would be overseeing the enforcement of the law but respecting the academic, economic and administrative autonomy of each school. The Superintendence would heavily penalize non-compliance. In case of schools did not meet the minimum national standards, families would be informed and provided with the choice to send their children to another school. The Ministry of Education would ensure resources for it.

The proposal also considered without the participation and empowerment of all components of the school community (i.e., students, parents and guardians, teachers, teaching assistants, administrators and "sostenedores"—administrators of private state-subsidized schools) the quality of education could not be improved. Therefore, it championed for greater school autonomy, advocated for the right of parents to receive information on their children's learning

outcomes and sought to strengthen the principle of freedom of choice. In line with this, the alliance proposed new instances of school participation by the educational community. In addition to strengthening school boards already extant (as proposed in the government's draft), the Alliance's proposal included the creation of a School Advisory Committee comprising teachers, students, parents and guardians, administrators, teaching assistants and school owners. This committee, with representation of all the members of the educational community, would be in charge of advising the National Council of Education. Moreover, the Alliance's proposal complemented the government's initiative to define the rights and duties of those who were involved in education by adding school administrators and "sostenedores". In its view, by legally vesting the economic and academic autonomy of the "sostenedores", the new law would make them responsible for the education imparted in their schools.

Finally, the Alliance's alternative addressed the most controversial aspects of the government's draft: the elimination of selection processes at the primary level in state-subsidized schools and the non-profit requirement for private state-subsidized schools. Alliance members argued the elimination of selection would not solve the problem of quality and equality of opportunity. In their view, the creation of subsidies and shared funding would allow low-income students to receive quality education. In terms of the non-profit requirement, they considered it doesn't matter the legal form of the school, but the quality of education it provides. Equality of opportunities in terms of quality would be ensured by eliminating the schools that failed to meet the minimum standards.

Education reform agreement. The Alliance's proposal was introduced for congressional consideration in July 17, 2007, the same day the Education Commission of the House of Representatives was going to vote to consider the government's draft. Members of the right-wing

party asked to postpone the discussion and vote of the government's draft in view of the existence of their alternative proposal that they wanted to merge with the former in order to create a new text agreed between all political sectors. Following the rejection of their proposal, the Alliance voted against the law project citing that it did not address all the aspects required to improve the quality and equity of the education system (i.e., insufficient subsidies to municipal schools, teacher assessments, and superintendence). They also argued that prohibiting profit and selection in basic education threatened the diversity of educational provision and the integrity of specific educational projects, thereby violating the parents' right of choice.

Because the vote on the LGE draft did not achieve the required majority, Bachelet's administration agreed to negotiate its content with the Alliance for Chile (Falabella, 2007). Members of the government, political parties of the governing coalition and of the opposition formed a task force to arrive at a comprehensive political and legislative agreement conducive to reach a consensus on the most controversial aspects of the education bill introduced by the government. As a result of this negotiation, on November 13, 2007 government representatives, the Concertación and the Alliance for Chile signed a memorandum of understanding containing the changes to be introduced to the government's policy draft. All forces agreed on the need for replacing the old LOCE with a new general law of education (LGE) and ensuring effectively the improvement of the quality of education.

The memorandum started by recognizing:

[...] the future of the country lies in education, so we have agreed to leave behind some of our positions to reach an agreement. Agreements are often not easy and always imply giving up something and this was not the exception. Everyone who signed this memorandum had to relinquish some of our claims contained in the original projects, but we did it because the welfare of Chile and our future children is above all things. Thanks to this agreement, our school system will have new institutions and regulatory frameworks in the future that will allow us to move towards quality education for all (Memorandum of Understanding, 2007, p. 1)

Among those new institutions and regulatory frameworks the memorandum cites:

1. The creation of a Superintendence of Education, a Quality Agency and a National Council of Education to replace the Higher Education Council.

These public institutions would be responsible for ensuring the quality of the system's education and for guaranteeing that the educational opportunities are distributed equitably among Chilean children and youngsters. This would be possible through the definition of learning standards common to all educational institutions and mechanisms controlling the compliance with such standards

2. The clear description of the duties and rights of each of the educational community actors (i.e., students, parents and guardians, teachers, teaching assistants, school administrators and "sostenedores") and the precise definition of the learning goals for each educational level.

According to the memorandum, "making clear the responsibilities and learning objectives that children should achieve allows for adequate accountability, which in turn, ensures the system's principal goal: improving the quality of Chilean education" (Memorandum of Understanding, 2007, p. 2)

3. A new curricular structure to improve the quality of education. This supposes a gradual change of the curricular structure of the national education system: the duration of elementary and secondary education will be six years respectively (four years of general education and two of specialized education)

The reason for the curricular change given in the memorandum is that the new structure would bring Chile "*closer to what is happening today in countries with better educational outcomes*" (Memorandum of Understanding, 2007, p. 2)

4. The implementation of a rigorous system for selecting educational administrators and controlling the compliance with the law and the transparency in the use of resources by public officials involved in the educational process.

This implies stricter requisites and accountability measures for a “sostenedor”: he or she must be a legal person operating a school with educational purposes only and with proven financial solvency. These requisites for school administrators are believed to effectively ensure that the Chilean children and youth receive the best education possible.

5. The creation of instances oriented to guarantee and develop institutional autonomy.

The memorandum states “autonomy is a fundamental requirement to ensure quality of education, as it allows educational institutions to innovate and capture the national and international experiences of success and take responsibility for their results” (Memorandum of Understanding, 2007, p. 3).

For instance, the memorandum establishes free time availability within the curricular bases and the plans developed by the Ministry of Education, so that each institution has the opportunity to approach some topics in depth and/or add specific knowledge appropriate for its educational project.

6. The definition of standards against arbitrary discrimination and selection.

The memorandum recognizes the need for establishing standards to ensure that the admission process in each school is transparent, objective and do not discriminate arbitrarily.

7. The increase of funding

There is agreement that funding should be higher for those students who are most vulnerable and possess less cultural capital for educational work aimed at these students is more complex and challenging

8. The replacement of the Higher Education Council with the National Council of Education

This new Council has to be formed with highly experienced members in the field of education and has to represent all educational stakeholders. Its members would be expected to remain in office for a period beyond the election cycles.

9. The maintenance and development of a mixed educational system

In relation to this, the memorandum emphasizes:

“Historically, educational provision in Chile has been mixed. It is the responsibility of the State to maintain and develop a free education system of excellence. Along with this, it should ensure the effective implementation of academic freedom and the right to education quality by supporting all schools, whether public or private. By so doing, it would be increasing the diversity of educational projects in our school system”

The memorandum ratifies the mixed nature of the Chilean system and justifies it by reference to the principles of freedom of teaching and academic autonomy. In its view, maintaining a diverse system “is a prerequisite in a plural democratic society, which values all cultural and religious expressions that coexist in it” (Memorandum of Understanding, 2007, p. 4).

The signature of this agreement implied the replacement of both the government’s original draft submitted to the Congress as well as the legislative proposal by the Alliance. Following this agreement, the bill returned to the House of Representatives to work on the points agreed in the memorandum of understanding. During the sessions, the disagreement and tensions between the different political sectors was evident. For instance, in May of 2008 the Chilean Library of Congress arranged a television debate between supporters and opponents of the LGE⁹⁵. This video along with an examination of the scripts of the sessions show that, paradoxically, the supporters of the LGE were mostly from the right wing coalition and the group of opponents included members of President Bachelet’s Socialist Party and the chair of her

⁹⁵ <http://www.bcn.cl/video-testimonio/ley-general-de-educacion-lo-hicimos-bien>

Presidential Advisory Council, Juan Eduardo García Huidobro. Supporters of the LGE highlighted the open debate around the country's education that it had created and the fact that although consensus was not reached in many aspects of the policy, at least there was overall agreement over the need to focus on education quality. Its detractors, on the other hand, stressed the failure to address the fundamental inequalities of the system, in particular, the persistence of market criteria use in the distribution of educational services. In spite of the disagreements, the majority voted affirmatively and the draft was submitted to the Senate in July 2008.

The House's passage of the draft sparked a lot of discontent among students and teachers who organized strikes and mobilizations against the LGE. According to the president of the teacher union, Jaime Gajardo, "the new draft discussed in the Senate [lacked] majority support" ("Segunda Jornada," 2008, p. 1). Students, teachers and even some educational experts made a call to eliminate municipalization and transfer municipal schools back to the state. They also emphasized the need for prohibiting profit and selection in state-subsidized schools and the elimination of shared funding, restricting educational freedom and granting constitutional guarantee to the right to education. These demands were included in a document presented on the floor of the Senate. Another social sector presented alternative provisions to the draft passed by the House of Representatives: the Network for the Educational and Linguistic Rights of Chile's Indigenous Populations (REDEIBChile in Spanish). Among their demands they requested:

- Including indigenous population's knowledge and values in the national curriculum as part of the general objectives of primary and secondary education.
- Incorporating interculturality as part of the principles and purposes of the Chilean education. They considered interculturality should not to be included under "special education" in the LGE, because it ended up segregating it in the system and being misinterpreted as a deficit, rather than as a contribution to democracy and peace

- Including indigenous participation in the discussions for implementing curricular cultural diversity in education and the National Council of Education
- Recognizing languages and native cultures as legal rights of special protection by the State and guaranteeing their provision and development in different schools.
- Eliminating profit and selection in schools to guarantee quality education and equity for all Chilean children.

Interculturality, which was included in the draft approved by the House of Representatives only as a type of educational need requiring specific curricular adaptations at the school level, was included in the Senate's draft as a principle of the education system. However, it was not included at the level of the national curriculum (only in schools with high percentage of indigenous students) and was still regarded as part of the Special Education modality. In addition, original population's representatives were not included as members of the National Council of Education.

After a year of intense congressional debates and incessant student and teacher mobilizations against the final version of the LGE, the bill was passed by both houses of the legislature and was signed into law by the President of the Republic on August 17, 2009 and published in the Congressional Record on September 12 of that year.

Structure of the LGE

The LGE has seventy two permanent articles and seven transitory ones (they will be eliminated when their provisions are satisfied). The permanent articles are organized in six titles:

- Preliminary title: This title establishes the general norms for the education system. It contains two paragraphs: Paragraph one describes the principles and purposes of education, and paragraph two presents the rights and duties of the educational community.
- Title I: This section refers to the educational levels and modalities.

- Title II: It is divided in two paragraphs: Paragraph one delineates the minimum curricular requirements for preschool, primary and secondary education and establishes objective regulations to ensure their compliance. Paragraph two refers to the qualification, validation and certification of studies in basic and secondary education.
- Title III: This title refers to the requirements for the official recognition of preschool, primary and secondary education institutions.
- Title IV: This section defines and describes the role of the National Council of Education and refers to its members and their responsibilities.
- Final Title: This final title repeals the LOCE and authorizes the President of the Republic to consolidate, coordinate and systematize the LGE.

The transitory articles basically establish the deadlines to make the changes established under this new law (particularly in terms of the official recognition of educational institutions, the requirements for the “sostenedores” and the curricular reforms)

Descriptive analysis of the policy

The LGE is a general normative framework for early childhood, primary and secondary education. Its main goal is improving quality and ensuring equity in the provision of education at those levels. The LGE regulates the school system, providing rules to ensure quality education for all children, regardless of their social, economic, cultural or territorial conditions.

The LGE recognizes the importance of education and reinforces the right to education. Under this law, education is regarded as promoting people’s development, granting and conveying a sense of collective memory and national identity, strengthening social coexistence and democracy, encouraging the redistribution of opportunities in society and contributing to economic and social development. This framework reinforces the right to education, putting emphasis on equity and non-discrimination of students. The LGE conceives the right to education as a universal right. Moreover, it considers the state must ensure that all students have

equal opportunities to exercise this right. From this follows the state must establish mechanisms of positive discrimination or compensatory to reduce inequalities arising from economic, social, territorial, ethnic, or cultural circumstances, among others.

Since the LGE protects the right to education for students, it stipulates that pregnancy and maternity⁹⁶ cannot prevent them from the exercise of their right to education. Consistent with this, it sets a number of measures for state-subsidized schools that prohibit the suspension or expulsion of students during the academic year for non-payment of school fees and the use of the academic performance of students between early childhood education and the sixth year of primary education to forestall the renewal of their registration. In line with this, it prevents the use of past or potential academic performance in the admission process of state-subsidized schools between early childhood education and the sixth year of primary education. It also states that in the admission process is not required the submission of the socioeconomic background of the applicant's family. In addition, it stipulates the student admission process must be objective and transparent, ensuring respect for the dignity of pupils, students and their families. Besides, the LGE stipulates students attending state-subsidized schools have the right to repeat once in basic education and once in secondary education without having their registration canceled or not renewed.

This law also guarantees educational freedom (*libertad de enseñanza* in Spanish), understood as the parents' essential right to choose the school for their children. Educational freedom is also linked to the right to open, organize and manage educational institutions and the right of these institutions to develop their plans and programs, and institutional educational

⁹⁶ It is likely that this provision is targeting Catholic schools where expelling pregnant students was a practice believed to be common. According to González (2008), "almost a third of adolescent women out of school argued maternity or pregnancy to explain their dropping out." (p. 16)

projects. Educational institutions also might freely choose to be officially recognized by the state, in which case they must meet the requirements established under this law.

The LGE states not only the conditions and requirements for delivery of educational services, but also establishes the rights and duties of all educational stakeholders. For instance, it allocates new duties to the State, which include: 1) promoting early childhood education; 2) financing a free system designed to ensure access for all people and creating conditions for their permanence in it; 3) ensuring the quality of education by establishing the necessary conditions for its achievement and continuously verifying it; 4) maintaining and providing disaggregated information on the quality, coverage and equity of the system and educational institutions; 5) safeguarding the rights of parents and students, regardless of the institution of their choice; 6) fostering a culture of peace and non-arbitrary discrimination; 7) promoting the protection and preservation of the cultural diversity of the nation; 8) and ensuring equal educational opportunities and inclusion. Since the LGE recognizes the mixed nature of the system⁹⁷, it is also the state's duty assuring parents and guardians the freedom to choose the educational establishment for their children.

The LGE introduces the concept of educational community, which is defined as a group of people who inspired by a common purpose (i.e., contributing to ensure students have a well-rounded development and achieve their learning standards) form an educational institution. The LGE describes the rights and duties of its members:

Students are entitled to a) receive an education that offers them opportunities for a well-rounded development; b) receive timely and appropriate care (for students with special educational needs); c) be protected against being arbitrarily discriminated; d) study in a tolerant

⁹⁷ Chile's education system includes institutions where the ownership and management correspond to the state, and private institutions subsidized or not by the state.

atmosphere of mutual respect; e) convey their views and have their physical and moral integrity respected; f) have their personal freedom, liberty of conscience, and religious, ideological and cultural beliefs respected; g) be informed of evaluative guidelines and be evaluated and promoted according to an objective and transparent system; h) participate in the cultural, recreational and sport life of schools; and i) create student associations. Their duties are 1) treating all members of the educational community with respect; 2) attending classes, studying and striving to develop their capabilities to a maximum; 3) collaborating in improving school life; 4) taking care of the educational infrastructure; and 5) respecting school policies and the educational project of the establishment.

Fathers, mothers and legal guardians have the right to a) be informed regarding their children academic achievements and their school performance; b) be heard and participate in the educational process (i.e., Center for Parents and Guardians). Their duties include: 1) educating their children and learning about the educational project and policies of the school of their choice; 2) supporting their education process; 3) fulfilling the commitments made with the school of their children; 4) respecting its school policies, and 5) treating respectfully the members of the educational community.

Educators have the right to a) work in an environment of tolerance and mutual respect; b) have their physical, psychological and moral integrity respected; c) propose initiatives they deem useful for the progress of the school, and d) have adequate spaces to perform their work better. Their responsibilities are to 1) teach in a sound and responsible way; 2) vocationally orient their students when appropriate; 3) update their knowledge and self-evaluate regularly; 4) investigate and teach the curriculum appropriate for each grade level as established by the curricular bases and the study plans and programs; 5) respect both the school policies and the rights of students,

and 6) be treated with respect and without arbitrary discrimination by students and other members of the educational community.

Teaching assistants have the right to a) work in an environment of tolerance and mutual respect and to have their physical and moral integrity respected; b) be treated with respect by other members of the school community; c) participate in the governing bodies of the school, and d) propose initiatives useful for the progress of the school. Their duties are to 1) work in a sound and responsible way; 2) respect the rules of the school, and 3) treat the other members of the educational community with respect.

School leadership teams are entitled to carry out the school's educational project of their schools. Their duties are to 1) lead the projects they are in charge of carrying out; 2) increase the quality of those projects; 3) develop professionally; 4) promote professional development for teachers; 5) and honor and respect the policies of their schools.

“Sostenedores”⁹⁸ have the right to a) establish their educational projects, plans and programs in accordance with the law, b) and seek state funding when appropriate

The LGE also sets new requirements for schools, which have to meet certain educational standards and create the technical and pedagogic support necessary to maintain continuous educational improvement. It also stipulates stricter conditions for the owners of state-subsidized private schools, which not only have to prove they are providing quality education, but also have to render a detailed account of the ways in which government funds are being used. To oversee the compliance with these new requirements, the LGE created the following bureaucratic oversight structures: 1) the Educational Quality Agency, an external and independent evaluation agency with the responsibility for developing and implementing measures of student learning

⁹⁸ “Sostenedores” can be either a legal person under public law, such as a municipality, or a private legal person.

outcomes. Put it differently, this agency is responsible of controlling the quality of education within the system in accordance with the national standards; 2) the Superintendence of Education, which is in charge of verifying that schools and school managers are in compliance with the law and supervising the correct use of public funds, and 3) the National Education Council, which replaces the Higher Education Council created during the military regime. The new council is responsible for approving the curriculum and the standards of quality developed by the Ministry of Education, as well as assessing the different educational sectors. High standards of excellence, experience and professionalism are the main criteria in the selection of the members of this council (i.e., recipients of national awards in education and other related disciplines, union members, leading teachers or administrators). The council constitutes a mixture of higher education scholars with members of the school system.

The LGE recognizes the importance of non-formal education and considers that formal education is organized in levels and modalities. Furthermore, it describes the minimum requirements and goals of the four levels of education and proposes a gradual change in the length of primary and secondary school (from eight years of basic education and four years of secondary education to six years respectively). In addition, it establishes different modalities seeking to address specific learning, personal or contextual needs. Those modalities are: special education, intercultural bilingual education and adult education. In relation to secondary education, the LGE recognizes three specializations: humanist-scientific, technical-professional (vocational) and artistic, thus providing a legal framework for high schools providing artistic education and stressing the importance of vocational education. Regarding the special education modality, the LGE allows the Ministry of Education to establish criteria and guidelines for diagnosing students with special needs as well as to create criteria and curricular guidelines for

schools that serve those students and for schools seeking to implement integration programs. It also stipulates the Ministry of Education can propose new educational modalities or create curricular adaptations for students or groups with special educational needs.

The LGE also refers to the qualification, validation and certification of studies in primary and secondary education. In relation to this, it requires primary and secondary schools to periodically assess their students' achievements through an objective and transparent process in accordance with national standards on qualifications and graduation. The Ministry of Education is responsible for establishing criteria and guidelines for certification of learning and graduation of students with special educational needs. It also establishes the certification of learning and skills gained through informal processes and grants trade certificates to students in adult or special education who passed the required courses of their specific programs.

Moreover, the LGE redefine, clarify and extends the state's requirements to grant official recognition to early childhood, primary and secondary education schools. In line with this, to get official recognition schools need to fulfill the following requirements:

- a) Having a legal representative and administrator ("sostenedor" in Spanish) whose sole purpose is educational. "Sostenedores" who receive state funding need to account for the use of public resources and are subject to monitoring and auditing by the Superintendence of Education. Also, the LGE establishes that "sostenedores" must have a professional title or degree of at least 8 semesters, awarded by a university or professional institute or recognized by the state.
- b) Having an educational project which makes explicit the schools' mission, orientation and strategies.
- c) Following the curricular bases prepared by the Ministry of Education.
- d) Implementing regulations that meet the national minimum standards for evaluation and promotion of students for each of the school levels
- e) Committing to meet national learning standards

- f) Having internal rules governing the relations between the school and the different members of the educational community
- g) Having the appropriate staff to fulfill the tasks that correspond to the number of students and the level and modality of education provided.

The LGE also promotes transparency of the education system, demanding the publication and free access to information on educational, academic results, teacher evaluations and financial resources. In the same vein, the LGE determines the Ministry of Education needs to maintain a public registry of “sostenedores” and a public register of educational institutions with official recognition for the sake of information to the community about the legal and administrative representatives, history of law infringements, state funding, the results of learning evaluations and teacher performance, among others.

More importantly, the LGE identifies the guiding principles of the education system, which given their importance for understanding the content of the policy change will be discussed separately in the section below.

Principles of the education system.

Universality and continuing education. The LGE assumes these principles are accomplished when education is available to all people throughout life. Furthermore, it establishes such accomplishment is an obligation (education must be available to all at any stage of their lives). This is ratified when the bill acknowledges the Chilean education system is built upon the basis of the right to education.

Quality of education. Quality of education entails “[seeking] to ensure that all students, regardless of their conditions and circumstances, meet the overall objectives and learning standards defined in the manner the current law prescribes” (LGE, Art. 3). Quality is linked to continuous assessment and control by different state agencies. The Presidency is in charge of

establishing the curricular bases for early childhood education, basic and secondary. These bases define curricular learning objectives for achieving the general objectives established for each level specified in this law (Art. 31). The National Council of Education is responsible for verifying the appropriateness of the national standards (i.e., curricular bases) (Art. 31). The design and implementation of a national system of evaluation of the learning outcomes correspond to the Agency of Quality Education (Art. 37). This agency is also responsible for designing and implementing a system of evaluation of school performance. This evaluation includes the student learning outcomes, as well as the performance results of teachers and administrators.

Equity of the education system. This principle involves “[ensuring] that all students have equal opportunities to receive quality education, with special attention to those individuals or groups who need special support” (LGE, Art. 3). For ensuring equal opportunities to receive quality education the LGE recognizes the need for establishing minimum national educational standards and stipulates the creation of enforceable mechanisms to ensure compliance with these standards. In relation to students with special needs, the LGE defines and clarifies the roles of educational modalities (i.e., adult education, special education and intercultural and bilingual education) as well as emphasizes the role of the Ministry of Education assisting schools in the definition of criteria and curricular adaptations so that they are able to plan pertinent and quality educational projects for their students. From this follows the meaning of equity as conveyed in the LGE does not imply that all students must receive the same type of education. Rather, it involves approaching and meeting students’ needs via different educational projects.

Integration. The principle of integration implies the incorporation of students from different backgrounds to the education system. As stated in the text, “the system will encourage

the incorporation of students from different social, ethnic, religious, economic and cultural conditions.” (LGE, Art. 3).

Autonomy. Autonomy refers to the schools’ capacity to define and develop their educational projects. In relation to this, the LGE stipulates “the system is based on respect and promotion of the autonomy of educational institutions. It implies the definition and development of educational projects within the framework of the laws that govern them.” (LGE, Art. 3) Respect for school autonomy is a way of recognizing educational freedom: it implies recognizing schools’ right to design and manage their educational processes. The fact that each school is able to organize itself (in accordance with its values, educational mission, target audience, among other factors) results in a system characterized by its diversity. Precisely, diversity is another LGE principle.

Diversity. This principle means “promot[ing] and respect[ing] the diversity of processes and school projects as well as the cultural, religious and social development of populations that are served by them” (LGE, Art. 3). According to this provision, the education system has to promote and respect not only institutional diversity but also student diversity. Whereas the latter is promoted via the incorporation of students from different socioeconomic and cultural backgrounds (principle of integration), the former is fostered by adapting educational processes to different school situations and projects. This ability to adapt educational processes to the system’s institutional diversity constitutes what the LGE identifies as the principle of flexibility.

Flexibility. According to the LGE, flexibility is achieved when the system “allows adapting the [educational] process to the realities and diversity of school projects.” (LGE, Art. 3) The use and understanding of the term flexibility can be traced to the document elaborated by the Presidential Advisory Council for Quality Education (2006). For instance, the Council uses the

term ‘flexibility’ when referring to the curriculum. In this context, it is understood as the ability to adapt the curriculum to specific populations (i.e., originary populations, rural populations, populations with special educational needs, adult populations, etc). From this follows that a flexible system is one that adapts its educational processes to the needs of different schools and their student populations. Among those needs, the LGE states the importance of recognizing and valuing students in their cultural specificity and origin. This is what the LGE calls the principle of interculturality.

Interculturality. This principle entails recognizing and valuing individuals “in [their] cultural specificity and origin, taking into consideration [their] language, worldview and history.” (LGE, Art. 3) This principle implies an extension of the concept of diversity to account for the presence in Chile of originary populations whose knowledge, language and history need to be accounted for within the system.

Responsibility. This principle means all actors involved in education must fulfill their duties and be publicly accountable when appropriate.

Participation. According to the LGE, the members of the community have a right to be informed and to take part in the educational process.

Transparency. This principle implies making disaggregated data of the whole education system—including income and expenditures and educational outcomes—available to citizens at the school, district, county, regional and national level.

Sustainability. This principle entails promoting respect for the environment and the rational use of natural resources, as a concrete expression of solidarity with future generations.

Comparison with the LOCE.

Education as a right and aims of education. Both the LOCE and the LGE acknowledge education is a right for all people (Art. 2 and 4 respectively). The LOCE states the aim of education is “to achieve the moral, intellectual, artistic, spiritual and physical development of people through the transmission of values, knowledge, and skills framed in our national identity, enabling them to live and participate responsibly and actively in the community” (LOCE, Art. 2). The LGE replicates the LOCE’s definition of the aim of education (only adding to it the emotional development of students), but also identifies another one: to respect and value human rights, fundamental freedoms, peace and multicultural diversity. According to the LGE, the education system needs to promote fundamental values that enable students “to lead their lives fully, to live and participate in the community in a responsible, tolerant, united, democratic and active way, and to work and contribute to national development” (LGE, Art. 2). The LGE clearly builds upon the LOCE to articulate the aims of education, but also contributes to enrich such definition by making explicit the contribution of education to Chile’s development and democratic participation.

Principles of the education system. Unlike the LOCE, the LGE establishes the principles underlying the education system in Chile. Those principles are universality and continuing education, quality, equity, participation, transparency, flexibility, autonomy, diversity, responsibility, integration, sustainability and interculturality.

Levels and educational modalities. The LGE distinguishes four levels of education (i.e., early childhood education, primary, secondary and higher education) and describes their goals, as well as establishes different modalities seeking to address specific learning, personal or contextual needs in order to ensure the equal right to education for all (LGE, Art. 22). Those

modalities are: special education, intercultural bilingual education and adult education. Since the LOCE only establishes “the minimum requirements that primary and secondary education should meet and regulates the state's duty to ensure their compliance” (LOCE, Art. 1), it neither defines higher education nor describes its purpose. In terms of early childhood education, the LOCE asserts the need for promoting its development and describes its goal, which is supporting “the family in its irreplaceable role as first educator.” (Art. 7) None of the aforementioned modalities are included in the LOCE. In fact, special education and adult education were regulated via decrees whereas intercultural bilingual education or any other educational program addressing the educational needs of originary populations were not considered during the military regime⁹⁹.

Another difference is that the LOCE regulates the entire educational system: elementary, secondary and higher education, including college education, technical training and graduate education, the LGE is restricted to preschool, primary and secondary education.

State’s duty. Both the LOCE and the LGE recognize it is the state’s duty to give special protection to the right of parents to educate their children (Art. 2 and Art. 4 respectively) and to protect educational freedom (Art. 3 and Art. 8 respectively). Also, they consider the state has to advance the study and knowledge of the essential rights emanating from human nature, to promote peace, to encourage scientific and technological research, artistic creation, sport practice and the protection and enhancement of the nation’s cultural heritage (Art. 2 and Art. 5 respectively) Moreover, both assert the State has to promote the development of education at all levels, including early education (the LGE also includes the different educational modalities)

In terms of the differences, the LOCE acknowledges the state has to finance a free system designed to guarantee the population’s access to basic education (LOCE, Art. 3) The LGE, on

⁹⁹ As Bello (2004) points out, during the military government originary populations like the Mapuche “ceased to be the focus of any state policy” (p. 131, Author translation)

the other hand, ensures free access and government funding for the transition levels of preschool education and, since elementary and secondary education are compulsory, the state has to finance a free system designed to ensure access for all people and to create conditions for their permanence in the system (LGE, Art. 4). Furthermore, the LGE describes other duties of the state that are not considered by the LOCE. Among those are:

- State-owned schools have to provide free, quality education, based on a public and secular education project: a project which is respectful of all religious and pluralistic expressions, which allows access to the entire population and promotes social inclusion and equity (Art. 4).
- It is the duty of the State to promote educational policies that recognize and strengthen indigenous cultures (Art. 4)
- The State has to safeguard the rights of parents and students, regardless of the institution of their choice (Art. 4)
- The State is also responsible for seeking to ensure quality of education by establishing the necessary conditions for its achievement and continuously verifying it, by monitoring and providing educational support to schools and by promoting teachers' professional development (Art. 4) In line with this, the state has to ensure quality education is given to all, both in public and private spheres (Art. 6)
- It is the duty of the State to maintain and provide disaggregated information on the quality, coverage and equity of the system and educational institutions (Art. 4)
- It is the duty of the State to ensure equal educational opportunities and inclusion, seeking particularly to reduce inequalities arising from economic, social, ethnic, gender or territorial circumstances, among others (Art. 4)
- The state has to foster a culture of peace and non-arbitrary discrimination (Art. 5)
- The state's duty is to promote the protection and preservation of the cultural diversity of the nation (Art. 5)

Educational community: definition, duties and rights. The LOCE does not address the rights and duties of educational stakeholders. It only acknowledges that parents have the right and duty to educate their children (the LGE recognizes this as well). The LGE, though, introduces the concept of educational community and establishes the rights and duties of each of its members. Among those rights, for instance, the LGE allows the creation of parental and student associations (LGE, Art. 10) and recognizes explicitly the right of all members of the educational community to participate in the educational process (LGE, Art. 3). The LOCE, on the other hand, neglects to include instances of participation within the educational process. In fact, if one considers some of its articles one could argue it is an anti-democratic law. For instance, the LOCE conveys that in order to gain official recognition new higher education institutions (i.e., universities, professional institutes and technical centers) “should exclude the participation and vote of students and administrative staff both from the bodies responsible for their management and the selection of their authorities” (LOCE, Art. 49, 60 and 68). In the same vein, the LOCE states “autonomy and academic freedom do not authorize higher education institutions to protect and promote actions or behavior incompatible with the legal order or to permit activities contributing in any way to spread, directly or indirectly, any partisan political tendency” (LOCE, Art. 81). This article considers the very essence of autonomy and academic freedom “excludes political and ideological indoctrination, understood as teaching and disseminating that goes beyond the objective terms of factual information and reasoned discussion about the advantages of and objections to systems, doctrines or viewpoints” (LOCE, Art. 81). Not only does the LOCE deny political participation within the system, but also equates it with an act incompatible with the legal order.

Educational freedom, student selection and non-discrimination. The LOCE guarantees educational freedom, understood as the freedom to create and maintain an educational establishment. The LGE recognizes educational freedom in the same terms. Also, and like the LOCE, the LGE acknowledges Chile's mixed education system. This means that the policy acknowledges the existence of state-funded education managed by municipalities, education subsidized by the state but managed by private individuals, and private education funded by parents. Both the LOCE and the LGE state that it is the main duty of parents to educate their children, thus codifying the subsidiary role of the state in education (Art. 2 and Art. 4 respectively). The LGE actually goes even further than the LOCE does by ascertaining the legal status of private state-subsidized schools. For instance, the LOCE only stipulated that the state was responsible for financing a free education system in order to ensure access to primary education for all students (LOCE, Art. 3). The LGE, in turn, states that the education system is by nature mixed—with institutions owned and managed by the state, and private institutions, either state-subsidized or paid—guaranteeing parents and guardians the freedom to choose their children's school (LGE, Art. 4). From this follows the LGE validates Chile's school choice system.

While the government's draft of the LGE did contain two provisions to control somehow the negative effects of a competitive education system in Chile (i.e., the elimination of for-profit subsidized education and student selection in state-subsidized primary education), the first provision was eliminated and the second was significantly altered in the final policy document. Although the LGE maintains state subsidies for for-profit schools, unlike the LOCE, it does specify that the sole purpose of "sostenedores" must be educational (LGE, Art. 46). In relation to the second provision, the original version of the policy stipulated that state-subsidized schools

were to have an open admission policy up to the eighth grade, and in the case of over-enrollment, they could only select in terms of family considerations (i.e., siblings already enrolled); otherwise schools would have to recur to a lottery system. The final policy, however, specifies that state-subsidized schools may not select students on the basis of "past or potential educational achievement" up to the sixth grade and establishes that information on their family's socioeconomic background will not be an admission requirement (LGE, Art. 12).

In spite of those observations, the LGE innovates with respect to the LOCE by incorporating a series of non-discriminatory requirements for state-subsidized schools wishing to be granted official recognition. In addition to preventing them from using academic selection between kindergarten and sixth grade, the LGE also stipulates that a student's pregnancy or maternity cannot be a motive for expulsion. Also it prohibits the suspension or expulsion of students during the academic year because of non-payment of school fees. The Superintendence of Education may impose penalties to those who do not comply with those provisions. In addition, "sostenedores" lacking transparent and objective processes of student selection will be penalized as well.

Quality and new oversight structures. While one could argue the LOCE sought mainly to address issues of coverage, the LGE is concerned with quality of education for all. Accordingly, the LGE proposes the creation of oversight structures in charge of improving, monitoring and informing about the quality of education in Chile: The Educational Quality Agency, the Superintendence of Education and the National Education Council.

Discursive analysis of the policy

This part of the study describes certain grammar and vocabulary aspects derived from the linguistic analysis of Chile's educational policy. It starts by discussing some grammar features of the policy text and follows by presenting the analysis of salient LGE's keywords.

Grammar analysis. The grammar analysis allowed to examine the agency of textual participants. In the LGE the main agent and 'manager' of the policy actions is the state (and its agencies: Ministry of Education, Agency for Quality of Education and the National Council of Education). The state and its agencies occurred in the text far more than any of the other participants (educational institutions, teachers, students, parents and guardians, administrators, school owners or 'sostenedores'). The state is acting upon processes (mainly structural and organizational processes) and upon the participants (mainly by facilitating and monitoring their actions). The most frequent verbs expressing the state's actions are: promote, ensure, facilitate. Curiously, the verb "safeguard" was used only twice (in relation to the educational freedom and parental choice, but not in relation to any other rights). When referring to the state agencies the most frequent verbs are approve, propose, inform, monitor.

In the LGE the state is represented as the controller of others' actions. The most frequently used managing verb is ensure, which serves to convey a steering role over educational processes. In its leading role, the state is represented as institutionalizing and orchestrating joined up governance including schools, centers of parents and guardians, student centers and the monitoring agencies. The activities represented for the state are concerned with controlling and monitoring the activities of an ever wider range of actors. This has been characterized as a form of 'soft power' or persuasive power (Nye, 2004) implying the coordination of processes of self-governing actors. According to Mulderrig (2003), contemporary forms of 'soft power' as

imbricated in what Rose (1999) identifies as the “enabling state” seem to be less coercive and more intrinsically democratic. However, [...] the discursive forms this takes do not so much remove coercion as mask it in more subtle forms” (p. 9).

In terms of the other textual participants, the most facilitated (or ‘managed’) ones are educational institutions (i.e., schools, universities, professional institutes, technical teaching centers). Schools are assisted to assume a growing range of responsibilities for securing both quality and equity. The state’s facilitation of schools includes the achievement of quality for all students regardless of their circumstances. The state and its agencies assist schools to ensure quality (via the Agency for Quality of Education) and equity (via the creation of modalities recognizing special students’ needs). That is, schools will be helped both to ensure the continuous improvement of the quality of education they provide (Art. 38) and to diagnose students with special educational needs (Art. 23) and to plan educational projects to meet them (Art. 34).

The other frequently managed actor are the students (also referred to as “learners”, “children”, “boys and girls”, “youngsters”, and “pupils”), whom are constructed as citizens who have a national identity, as active citizens who are engaged in democratic participation and adopt liberal values such as freedom, peace, solidarity and tolerance. Moreover, they are constructed as responsible for reaching the maximum development of their capabilities, developing self-esteem and self-confidence and conducting their lives freely. Furthermore, they are represented as contributing with their work to the development of society. Students are represented in the LGE as individuals required to continual self-improvement, autonomous, but at the same time, actively engaged and participating in their community. The policy text, thus, represents the education system as one that must meet their needs, respect their diversity, develop their

capabilities, and prepare them for work and participation. It proposes the development of minimum curricular standards as the way to assess the impact of teaching on students' capabilities; it recognizes integration projects to meet special needs, and promotes the creation of instances of participation for students at schools.

The grammar analysis suggests the presence of a managerial system, where the state is concerned with controlling and monitoring the quality and equity of educational practices, but delegating direct action to schools. The LGE places demanding expectations directly on schools with the possibility of state intervention when they are deemed not to be achieving them. Schools are in charge of establishing their educational projects (in virtue of their institutional autonomy) and thus, they are ultimately responsible for meeting students' needs (equity) and developing their capabilities (quality). In this scheme, students are expected to achieve their maximum potential as measured by the curriculum standards through the development of a commitment to learning and self-improvement. The tensions of some of these ideas and their implications can be better grasped when examining the wording of the policy via keyword analysis.

Keyword analysis. This part of the study is concerned with an analysis of selected 'keywords'¹⁰⁰ (Williams, 1985) within the policy text. As Williams suggests, the keyword analysis implies not only identifying keywords and presenting examples of their use, but also describing their articulation with other keywords. The keywords selected for the analysis include the following terms: quality, equity, integration, diversity and interculturality. All of the selected keywords are positioned in the policy as principles of the system. The first two are deemed in

¹⁰⁰ Williams (1985), identifies two types of keywords: 1) "strong, difficult and persuasive words in everyday usage" (p. 14) and 2) "words which, beginning in particular specialized contexts, have become quite common in descriptions of wider areas of thought and experience" (p. 14).

official speeches and legislative discussions as the main concerns addressed by the policy. The other three were chosen because of their relationship with the equity principle.

Quality. Quality education is at the center of the new policy. For instance, it has a very comprehensive section on how quality is to be assured and assessed. While the law explicitly seeks to improve quality and equity of education, it is evident that this policy is crafted in a way that gives more weight to the former. Evidence of this is the frequency of their use: while quality is mentioned thirty four times in the text, equity (and derived words) only appears five. This is an example of overwording, which Fairclough (1992) defines as an unusually high degree of wording. Overwording shows concern about quality, indicating that there might be a focus of ideological struggle around this term.

Quality is understood as the achievement of general goals and learning standards by all students regardless of their conditions and circumstances (Art. 3, LGE). The quality of education is related to efficiency as the ability to produce the achievement of high standards, high levels of learning and other measurable (quantifiable) results. Learning outcomes are numerically expressed and presented in the form of statistics. As Daugela (2010) points out, regarding learning outcomes as educational statistics implies a quantitative translation of performance which contributes to create a system of accountability.

From this follows the Chilean education system's ability to educate successfully becomes assessed in terms of quantitative data. An emphasis on performativity as defined by quantitative indicators is prone to rendering important aspects of education overlooked. As the educational tests evaluate only in a quantitative manner, qualitative aspects of the learning process that cannot be assessed risk losing their status as legitimate educational objectives, and thus, schools may concentrate only on what is tested (Torrance, 2006). Moreover, the emphasis on testing-

performance, accountability and transparency contribute to articulate in the policy “a performativist metanarrative [...] where everything is measured against the criteria of effectiveness and efficiency of outcomes [which due to] its technicist nature projects itself deceptively as being non-ideological” (Wain, 2008, p. 105).

It is important to point out that in the discourse of the LGE one observes that disparate elements such as equity, quality education, diversity, flexibility, transparency, and accountability form a chain of equivalence (Laclau, 1996), that is, a chain where a privileged signifier, in this case quality, shapes the meanings of the other signifiers. According to Laclau and Mouffe (1985), the logic of equivalence works emphasizing equivalences between signifiers such that their differences are sublimated in relation to an opposing other. This logic reconfigures the differences within the chain converting them into positivities and eliminating antagonisms (Laclau & Mouffe, 1985).

Building upon this definition and the analysis of the policy text, a chain of equivalence was identified in the LGE and can be expressed as: quality education = equity = diversity = flexibility = transparency = accountability = performance. What is important to consider is not the order of the components of the chain, but rather, their purported equivalence as part of a chain, which can be called “quality education” and the opposition of this chain to an antagonistic chain of equivalence comprising an opposing set of values: non-quality education = inequity = uniformity = rigidity = opacity = unaccountability = underperformance. In the creation and assertion of such a chain of equivalence between some of the LGE principles the slippages and tensions between the individual elements are played down for the purpose of consensus. All of these elements are articulated in the policy as unproblematic and linked to construct a united front against a posited opposing chain.

This chain of equivalence suggests the creation of a structure of measurement, which emphasizes outcomes and performance in order to improve quality in the system. This might lead to a performativity culture (Lyotard, 1984) suffusing the education system and schools. Different studies, however, have shown that this performativity culture has detrimental effects on education systems (Ball, 2004) and pedagogical work (Ranson, 2003)

Integration. The term integration is used in the text as equivalent of “inclusion”. By integration the LGE implies the compromise of the system “promoting the incorporation of students from diverse social, ethnic, religious, economic and cultural conditions” (Art. 3, LGE). In line with this, the LGE establishes “the duty of the state is ensuring equal educational opportunities and inclusion, seeking particularly to reduce inequalities arising from economic, social, ethnic, gender-based, and territorial conditions, among others” (Art. 4, LGE). A comparison between these two definitions of inclusion shows an inconsistency in the recognition of inequalities. Moreover, their examination confirms the text is omitting inequalities related to learning abilities and sexual orientation. These omissions bring attention to what is and what is not regarded as inequality and who are and who are not considered as being subjected to inequalities. Some could argue that the incorporation of “among others” in the text assumes that all kinds of inequality are included—Fairclough (1989) would consider this a process of hyponymy. By focusing on certain type of inequalities, and including the rest as others, the text neglects mentioning each of those considered as the others. This implies that those inequalities are less important than those that are listed, or are not important enough to be mentioned one by one. By omitting to name them, it is more likely that the efforts of the state in terms of inclusion and integration would be limited only to the forms of inequality cited in the policy.

Furthermore, an examination of how this principle is worded evidences that the policy avoids guaranteeing the inclusion of diverse students; it just “*encourages*” it. Although the LGE seeks to eradicate all forms of arbitrary discrimination and safeguard the rights of students and their families (among them, their right to attend the school of their choice), it neither enforces the principle of integration nor provides recommendations on how to promote it across the system. This can be explained when considering the LGE’s recognition of educational freedom (“*libertad de enseñanza*” in Spanish). According to the LGE, “it is the state’s duty to protect educational freedom, which includes the right to open, organize and support educational establishments.” (Art. 8) This implies schools have the right to organize themselves and design their own institutional projects (i.e., school policies, admission processes, etc). Consequently, while the LGE seeks to promote equity and integration, it has to do it without transgressing the right to educational freedom, and thus, schools’ autonomy (another LGE principle).

The vagueness of its use in the policy supports Slee’s (2003) complaint that inclusion has become “generalised and diffused, domesticated and tamed” (p. 210) and that, because the “language of inclusive schooling has been generalised as an organizing theory across a number of different constituencies”, its conceptual clarity and rights-based political intent¹⁰¹ has lost acuteness and power¹⁰², rendering it susceptible to different interpretations. In relation to this, for instance, Dunne (2009) argues that “needs-based discourses circulating around inclusion are seemingly altruistic but may be seen in other ways” (p. 53). She warns that a combination of inclusion with self and/or needs based discourses (as is the case in the LGE) might encourage individuals to make their own subjectivity the central point. As Furedi (2003) suggests, an over-

¹⁰¹ The term “inclusion” emerged in the mid-eighties associated with policies concerning the inclusion of students with special needs in regular classrooms.

¹⁰² Other scholars concur with Slee and suggest that inclusion has been evacuated of meaning (Benjamin, 2002) and has become reduced to a cliché (Thomas & Loxley, 2001).

emphasis on self-esteem and other self-oriented constructs encourages a type of individualism that involves work on, and investment in the self. This type of individualism—the kind desired under neoliberalism—implies that by investing in the self “individuals become responsible for their own market position and develop an enterprising or entrepreneurial relationship with the self and with others” (Masschelein & Simons, 2002, p. 594).

Diversity. The notion of diversity in the LGE articulates two different meanings: Diversity is elided with choice in the context of institutions (institutional diversity) and is used to signify equity and integration in relation to students (student diversity). By seeking to increase the integration of students from different backgrounds and with different educational needs, the LGE positions itself as a framework promoting equity within the system and society. In the same line, this policy promotes and values the existence of a plurality of institutional forms and programs regarded as necessary to address different students’ needs and preferences. This notion of diversity is ingrained within a discourse of individualization, whereby different students are assumed to require different types of provision to meet their specific needs. Institutional diversity is thus promoted in its own right and different educational projects and modalities are recognized to meet the needs of the diverse student population. Underlying this conception of diversity is the idea of being “different but equal”.

This idea was also articulated in some speeches during the congressional debates of the LGE. For instance, one guest speaker at the House of Representatives who was representative of the Catholic Church asserted that

“[...] building a society characterized by pluralism, democracy, tolerance and open to diversity [...] should involve a model that encourages a variety of alternative education projects. [...] It is worth remembering that all people are equal in dignity, but not identical and therefore have different educational needs. [...] By securing a plurality of providers, parents can have a range of educational projects to exercise their right to choose the kind of education they want for their children according to their own principles and values.” (Biblioteca del Congreso Nacional de Chile, 2010, p. 131)

The two notions of diversity are articulated in a way that institutional diversity is positioned as a requirement for the system to meet the students' diverse needs, and by so doing, contributing to its equity. This articulation of diversity reinforces choice, and thus educational freedom, a right the LGE guarantees.

Equity. This principle is not defined in the policy, but it is used as equivalent of "equality". Beteille (1983) distinguishes between meritarian and compensatory equality. Meritarian equality guarantees non-discrimination and equal treatment irrespective of ascriptive status, whereas compensatory equality implies granting special treatment to disadvantaged groups and populations. In the LGE equity implies "that all students have equal opportunities to receive quality education, with special attention to those individuals or groups who need special support" (LGE, Art. 3). By special attention the text means that the system will ensure quality of education for all via projects tailored to meet students' special needs. From this follows this policy is based on compensatory equality.

According to Velaskar (2010), "equity as an ideological construct/ideal rests on notions of needs and justice and makes value judgements about fair distributions/apportionment of resources and representation" (p. 71). Paradoxically, in a policy whose objective is creating an education system founded on equity (Art. 1, LGE), words such as "fairness/fair" or "justice/just" are missing from the body of the text. Furthermore, this definition of equity fails to address an important aspect of the educational process: the conditions of access to the system. In the policy equity is associated with the way education is delivered (i.e., considering students' educational needs) and in terms of its final product: the learning outcomes. This is a very narrow conception of equity which alludes to the efficiency of the system in the provision of education to its

students. The equity of the system cannot be assessed only by the quality of outcomes; it needs to consider as well the quality of inputs.

Interculturality. The word interculturality was introduced during a meeting of the Education Committee of the House of Representatives by a UNICEF representative who pointed out that the early draft submitted by President Bachelet failed “to address interculturality in a country with recognized originary populations, immigrants, etc.” (Biblioteca del Congreso Nacional de Chile, 2010, p. 152). Later on, during a meeting of the Senate Education Committee, the Network for the Educational and Linguistic Rights of Chile’s Indigenous Populations (REDEIBChile in Spanish) presented a document suggesting the incorporation of interculturality in the part of the policy detailing the principles of the education system (Art. 3) as follows:

The system includes intercultural education for everybody, girls and boys, whether indigenous or not, as a central focus of the Chilean education, to nurture and protect the languages and cultures of indigenous people, to promote a culture of peace between all populations and to deepen democracy. (REDEIBChile, 2008, p. 1)

The document also elaborated on the term interculturality, which was understood as “education between cultures”. REDEIBChile developed further this idea by saying

[Interculturality] means that girls and boys can assess their own culture and share it with others in a permanent and respectful dialogue. Intercultural relations are based on mutual understanding and respect from positions of equality. (REDEIBChile, 2008, p. 1)

For REDEIBChile, interculturality would allow girls and boys learning about the country's cultural diversity and know how to live in such diversity. Moreover, studying and knowing about indigenous cultures would lead to the construction of an intercultural society that respects human rights as well as the individual and collective rights of everybody. Furthermore, members of the network emphasize interculturality can improve the quality of education and

illustrate this by arguing that the teaching of language in the European Community is driven by this principle.

This definition and ideas on interculturality, however, were not included in the final policy document. In the LGE interculturality requires recognizing and valuing individuals “in [their] cultural specificity and origin, taking into consideration [their] language, worldview and history.” (LGE, Art. 3). This conception of interculturality does not imply “dialogue between cultures”, but rather, translates into curricular alternatives circumscribed to special education in terms of integration projects. The recognition of indigenous people’s knowledge and language is limited to those schools where they have high representation; they are not included in the “regular” curriculum. This conception of interculturality contradicts the “Social Pact for Multiculturalism” Bachelet signed on April 1, 2008 with indigenous people which seeks to promote the full integration of indigenous people into society and create awareness of the multicultural character of the Chilean society.

Concluding the discursive analysis of the LGE, one notices both the grammar and keyword analysis evidence an attempt to articulate equity and quality, but their position and wording within the text show a relation of subordination of the former to the later. Further discussion of the findings of this study is presented in the next chapter.

Chapter 6:

Making Equity and Quality Work: Tensions and Challenges

This chapter discusses the findings of the study and elaborates on the continuity of neoliberal thinking underlying Chile's new educational policy. It considers how the textual remnants of the policy antecedent (e.g., LOCE) represented by terms like educational freedom and choice retain their hegemonic position in the new policy despite their articulation with other terms located in the text in response to social claims which demanded surrendering the freedom-for-profit in education and giving a strong emphasis to equity. Additionally, it proposes the LGE's emphasis on quality as one illustrating the relative alignment of contemporary national policies with global policy discourses stressing efficiency and accountability, both functional terms to the prevalent neoliberal interpretation of education.

Articulating the old with the new: contradictions and emerging interpretations of equity

After the policy analysis one notices the LGE incorporates new elements indicative of a concern for quality and equity that were missing from its predecessor (i.e., the LOCE). Principles, values and ideas like equality of opportunities, diversity, integration, non discrimination, non-selection and interculturality attempt to articulate equity issues, whereas accountability, transparency, responsibility, standards, performance, assessment and monitoring intend to address quality issues. Additionally, the analysis identified a number of neoliberal ideas that were preserved from the LOCE, such as choice and educational freedom. The articulation of these values and ideas in the LGE, though, suggest some tensions and contradictions. For instance, the emphasis on educational freedom and choice in the policy serves to reinforce ideas like institutional diversity, but ends up weakening the guarantees for integration and student diversity. In a competition driven system like the Chilean, one cannot

expect institutional diversity would necessarily lead to include diverse students and meet their demands. Moreover, saying that schools “ought to” integrate students from different backgrounds has not the same meaning as asserting that they “must” do so. The LGE cannot enforce integration because it would imply a violation of educational freedom which is guaranteed by the Chilean Constitution. In this case, the value of freedom sidelines the value of equity.

Another example of these contradictions is provided by the use of interculturality. This term is used to convey recognition and value of individuals’ cultural specificity, and thus, is related to the principle of integration, which refers to the incorporation of students from diverse backgrounds. However, when considering how interculturality has been articulated in the objectives of the system one realizes interculturality implies a restricted type of integration: interculturality, which in the Chilean case is specifically used to refer to ethnic diversity, is circumscribed to special education and promoted via institutional projects only in schools with high levels of indigenous students. Therefore, the recognition of their knowledge, language and culture takes place mostly among themselves; it is not extended to the overall population of the system. This, in fact, supposes a a form of secluded participation (contradicting the definition of this principle in the LGE) and a restricted form of dealing with diversity and promoting integration. Therefore, when interpreting the meaning of terms like integration one needs to find answers to the following questions: integration to what (mainstream or special education)? For whom (who are the students regarded as ‘excluded’)? Where (rural or urban areas)? Under what circumstances/how?

Centrality of quality issues and monitoring: The local and the global

Based on the analysis of the policy text one can argue quality issues occupy a privileged position in the LGE. Reflecting this centrality, one finds not only the occurrences of this term, but also the number of provisions designed to deal with performance shortcomings, their measurement and control. This concern with quality education replicates contemporary international attention on learning outcomes measurement and monitoring. As a case in point, quality is attributed a central role in securing the global goal of “Education for all” (UNESCO, 2005). As such, it has become a dominant theme in current policy discourse at the national and global level as the quality of education systems is being compared internationally (Carnoy & Rothern, 2002). Education systems around the world, in particular those receiving funding from international organizations like the World Bank¹⁰³, are assessed along very narrow lines of performativity. Quality of education is being measured by translating learning outcomes into numbers (i.e., statistics). In a neoliberal global political economy making educational outcomes numerically calculable facilitates the accountability mechanisms typical of contractualism and managerial practices. Beyond providing simple comparison between countries, educational assessments are used for international benchmarking in education. According to Daugela (2010), the increased attention to data, statistics and benchmarking are technologies of neoliberal governmentality which render students around the world to be calculable and governable.

Underlying the global discourse on quality one finds a new philosophy of instrumentalist, skills-based knowledge and market oriented values of efficiency, accountability and performativity (Ball, 2006). This discourse considers “accountability, performance assessment and measurement of educational outcomes as solutions to quality problems” (Boshier, 2000 as

¹⁰³ In order to receive funding as part of the Education for All fast track program the World Bank requires educational systems provide statistical data evidencing their commitment to performance.

cited in Levin, 2001, p. 64). In terms of educational equity, Spring (2001) argues, global discourses on education recognize the importance of the notion of equality of opportunity in terms of competition in the labor market. Equity is important under neoliberalism, and thus persists on the policy agenda, but it is reconceived in individualistic terms. This market-individualistic perspective shifts the view of educational equality “away from social distribution to people’s entitlements or *consumers’* right to choose” (Henry, 2001, p. 32) This is clear in the LGE where educational freedom and the subsequent institutional diversity are emphasized as a condition to meet students’ needs. Meeting students’ needs along with proscribing academic and discriminatory selection processes in state-subsidized schools is assumed in the LGE as the best way to ensure equality of opportunities. The LGE tackles quality issues by making sure all students are held to the same curricular standards and creating quality monitoring agencies. From the policy, as well as from the debates surrounding it, one can infer that quality is a precondition for equity.

The policy assumes the quality-equity conundrum will be solved by establishing minimum curricular standards, measuring students’ outcomes and monitoring student, school and teacher performance. This solution, however, is problematic in the sense that presumes the origin of the inequalities in terms of quality lies on the lack of common standards and monitoring. The problem underlying the quality gaps in Chile’s education is inherently structural: it has to do with the inequality of resources across schools in terms of infrastructure, human resources and, in particular, with the negative effects of a voucher system that promotes school competition for students. Under the voucher system school funding is allocated on a per capita basis, so the larger number of students a school has the more state funding it gets. Although the extant evidence on Chile’s private-public school performance is not conclusive, the popular perception

of private schools as providing a higher quality education than municipal schools prevails in Chile. This perception has been very influential on the increase of private total enrollments. Therefore, although the state has increased consistently educational funding, a greater proportion has gone to privately run schools. The problem with this is these schools are the ones enrolling the wealthiest children and with the highest percentage of admission testing.

Some studies have shown expenditures per student in Chilean private paid schools were three-fold larger than in the subsidized sector (González, Mizala, & Romaguera, 2004). Elacqua (2006) study showed that subsidized schools enrolled a small percentage of vulnerable students while municipal schools enrolled a larger fraction of poor students. Paradoxically, he noticed, enrollments in municipal schools are declining, and therefore, are receiving less funding. Students who cannot afford the fees of private schools (share funding) are left with the choice of schools lacking resources of all kinds and showing the lower educational performance among its most disadvantaged students. As González (2008) points out, in terms of issues of quality “it is the integrity of the governance and financing system, the incentives and the enforcement mechanisms that emerge from the institutional design that matter. Parental choice even with good quality indicators is influenced by other variables and schools might compete on other grounds [i.e., cream skim]” (p. 45). If this is the case, then, why did the LGE reinforce educational freedom and maintained the voucher system? And more importantly, why was increased monitoring offered as the quality solution?

The LGE: An offspring of policy compromises and redefined neoliberalism

In order to answer the first question, one needs to go back to the debates surrounding the production of the LGE and consider the tensions between the right wing opposition, which emphasized freedom over equity and supported educational freedom and academic student

selection by schools, and most of the governmental coalition (especially the socialist party), which attempted to regulate market mechanisms in the system (i.e., prohibition of profit) and proposed the elimination of academic student selection until high school in order to ensure equality of opportunities for all children. The LGE was a product of a compromise between these two forces; it evolved from competing discourses on how to address quality and equity issues in Chile's socially segmented system. As Rizvi and Lingard (2010) assert, "in the production of policy texts, there are attempts to appease, manage and accommodate competing interests" (p. 6). Likewise, Jane Kenway (1990) posits that policies represent "the temporary settlements between diverse, and unequal forces within civil society, within the state itself, and between associated discursive regimes" (p. 59). This implies policy texts seek to weave together competing interests and values.

Chile's government had to compromise and accept the permanence of profit in education, while the opposition had to concur with the non-selection clause. The terms of this compromise, though, concern only equity issues (in terms of the factors deemed as preventing equal opportunities of access to schools). In terms of managing quality issues, the government and the opposition party agreed on the need of addressing inequalities in terms of quality by establishing minimum curricular standards and agencies measuring performance and monitoring quality education across the system. The disagreements were in terms of the composition of those agencies, the role of the state overseeing these processes and the mechanisms to penalize low performance. For instance, the Alliance proposed heavy penalties if schools did not meet the minimum national standards. Moreover, the right-wing coalition suggested that families would be informed and provided with the choice to send their children to another school. This proposal is very much in line with the ideas supporting school choice alternatives and competition in

education. The government, on the other hand, advocated the idea of providing technical assistance to the schools unable to meet the standards and penalize them in case of repetitive deficient performances. The latter was the prevailing one.

The words of the policy text, however, are carefully crafted and mask the compromises and the struggles involved in the actual production of the LGE. For instance, the LGE avoids using words such as profit, decentralization, competition and subsidies (i.e., voucher). Words like profit and decentralization were at the center of students and teachers' demands during the creation of the policy. They opposed the municipalization of schools and demanded their return to the state. Likewise, they were against the state subsidies to private schools and shared funding. They proposed a new funding system which would give public schools preferential treatment and would maintain subsidies to schools that did not have student selection mechanisms in place and were not for-profit. This proposal would have implied the end of the voucher system and competition between schools. None of these demands were included in the LGE. It is paradoxical that while the student movement's mobilizations and strikes in 2006 put the reform of the LOCE in the government's agenda, at the end of the road most of their demands ended up being overlooked. In relation to this, one might wonder how this policy could gain public support without such important stakeholders (i.e., students and teachers) and maintaining market competition. The answer to these questions might lie on the way it was crafted, on the words used, on the recognition of some values missing from the LOCE. For instance, words like participation, integration and diversity gain an important part of their symbolic power from an association with notions of 'equality', 'fairness' and 'democratization' (Archer, 2007). When mobilized through a policy which articulates choice and competition, their meanings are reconceptualized, but they do not lose their public appeal.

Drawing from Laclau and Mouffe's ideas, one could say policymakers were able to link together different discourses represented by disparate interests by way of hegemonic articulatory practices. Hegemonic articulatory practices refer to the struggle to advance a particular discourse by redefining the links between contested concepts such as freedom, competition, equity, quality, among others that constitute a chain of signification. As Hall (1988) argues in his analysis of Thatcherism, political discourse strategies involve appropriating symbols, mottos and other linguistic constructions from their connotative chains of association and turning them into new discourses. The process of re-articulation recombined the hegemonic discourse of neoliberalism in Chile's education with ideas and concepts such as participation, equity, inclusion, quality, etc. such that claims made in the name of these concepts supported the neoliberal interpretations underlying the policy reform. Resulting from this rearticulation, for instance, the idea of diversity as choice is used to guarantee equality of opportunities for all. Similarly, quality (=efficiency) is regarded as a precondition for equity. According to Fairclough (2005), the recontextualization of neo-liberal discourse articulated with elements of other discourses which address equity is a way to respond to its criticisms.

In the same vein, Peck and colleagues (2009) consider the contradictions of neoliberalism have led to a process of reformulation that involves a new emphasis on inclusive politics. They refer to this process as "the reconstitution of neoliberal strategies" (Peck, Theodore, & Brenner, 2009, p. 55). Based on their analyses of the U.S. and England's socially-moderate neoliberal policies in the 1990s, they posit that hard-core neoliberal policies in developed countries underwent qualitative modifications "to confront a growing number of governance failures, crisis tendencies and contradictions, some of which were endogenous to neoliberalism as a politico-regulatory project itself, and some of which followed from context-specific regulatory dilemmas

(Peck et al, 2009, p. 55). For them, the qualitative new forms of neoliberalism actively engaged in creating non-market forms of coordination and governance through which to sustain continued accumulation. This implied a series of institutional realignments consisting on empowering different networks and agencies involved in struggles over the distribution of resources, promoting new forms of local development policies, setting up community-based programs oriented to minimize social exclusion, among others.

Along the same lines, critical development scholars argue that since the late 1990s international financial institutions (IFIs) such as the World Bank and the International Monetary Fund have mirrored this shift moving away in their rhetoric from traditional structural adjustment lending and the concomitant policy conditionality, favoring a development approach that highlights poverty reduction, country ownership and civil society participation (Ruckert, 2006). Far from representing an era of post-neoliberalism, Ruckert (2006) argues, inclusive development policies constitute “an attempt by the IFIs to resolve some of the legitimacy problems and contradictions that neoliberal policies faced in the periphery, and involves new forms of domination through inclusion” (p. 38). In relation to this, Davies and Bansel (2007) posit that neoliberal reforms have been implemented through “piecemeal functionalism”, a tactic in which ““functional” components are [...] adopted in a more or less piecemeal fashion, lessening the chance people will grasp the overall scheme and organize resistance” (Sklar, 1980, p. 21). In their view, this tactic works by creating the illusion that each institution or community is creating the processes for itself and voluntarily resorting to neoliberal strategies in order to compete for limited state funding and to be competitive .in the local and global markets.

Similarly, the reconceptualization of neoliberalism in Chile’s education involved not only a stronger emphasis on equity concerns, but also entailed the development of new institutional

structures enabling the state to steer at a distance the educational process. An example of this is the National Council of Education, an agency constituted by a mixture of education scholars and members of the school system (teachers, school administrators and teacher union members). The creation of this entity is regarded as an instance of participatory involvement of the community in the management of their own educational processes to ensure quality of education and to guarantee the equitable distribution of educational opportunities. One could regard the creation of this type of agency as an example of the shift from government to governance (Rhodes, 1997), which implies a move away from a state-centric approach of policy production and implementation to an approach inclusive of multiple agencies and actors across the public/private divide. This is expressed in forms of horizontal networked governance working simultaneously with vertical governmental forms. An important element of this new form of governance is the construction and use of comparative performance and outcome measures. Part of the steering at a distance of new state structures is achieved through constraints having to do with performance and performance measures. The emphasis on outcomes and performance comes from the adoption of new public management ideas by the state.

According to Cerny (1990), the managerial or “competition state” stresses a series of concepts such as quantified performance targets, devolution, flexibility, cost-cutting, private ownership and competition in the public provision of services. Restructured under new public management ideas, the state has developed policies seeking to obtain certain outcomes often framed through performance indicators in the face of globalization. Power (1997) considers those indicators as part of the “audit state”. Giving rise to what Rose (1999) has called the “policy-as-numbers” approach, the state has facilitated the creation of an infrastructure of measurement and quality performance assessment. As a result, schools and educational systems

are suffused by a performativity culture (Lyotard, 1984) which is associated with the managerialism of state practices. Different studies, however, have documented that accountability demands and performance measures were ineffective producing the types of entrepreneurial individual deemed necessary for the knowledge economy (Lingard, 2007; Hartley, 2003). In the same vein, Ball (2004) has shown the detrimental effects of this performativity culture on English education and Ranson (2003) referred to its negative impact on pedagogical work. Moreover, Funnell and Muller (1991) assert that the risk involved in overemphasizing documenting procedures is that documentation takes over the process and schools become committed not to quality education, but to the production of quality documentation.

In the Chilean policy, public management ideas seem to be articulated with contractualism, in the sense that the LGE not only stipulates the development of minimum achievement of standards to ensure a quality provision of education, but also gives rise to new forms of accountability whereby relationships between the members of the educational community are clearly specified and the expected outcomes of the educational process are clearly described. For instance, from the analysis of the policy certain distinctive features emerge which Matheson (1997) would have labeled as constitutive of contractualism:

- Schools have autonomy to determine their institutional projects.
- The roles of each member of the educational community are clearly established.
- Since their roles are specified, they can be held accountable for their performance.
- There is an objective basis for judging their performance.
- Transparency is a feature of the educational process.
- There are explicit consequences (sanctions or rewards) for achievement or non-achievement of the expected performance.

The features of the policy such as outcome-based management through the specification of performance criteria, monitoring processes, and accountability and transparency measures need to be understood in relation to the context of its production, which lately is increasingly contoured by globalization discourses and globalized discourses of neoliberalism. As Rizvi and Lingard (2010) posit, “the state now represents a site increasingly influenced not only by transnational institutions, but also by global ideologies that constantly seek to steer the social imaginaries of policy actors everywhere, but in ways that are mediated by national traditions and local politics” (p. xii). In an age of globalization dominated by a neoliberal ideology analyzing policy requires considering their global and postnational dimensions without neglecting the works of the state in the context considered. As a case in point, one notices that the way in which the LGE refers to quality as a precondition for equity in education replicates the ideas expressed in reports by the OECD, the World Bank and UNESCO. In relation to this, Lingard and colleagues (2005) allude to the emergence of a policy field seemingly framing discourses and texts on education beyond the national context.

As one could see on the LGE, the emphasis on choice (freedom) and quality (efficiency) sidelined the provisions of the policy addressing equity (i.e., diversity and integration). The way in which these values are articulated in the policy are clearly in sync with global policy pressures which tend to favor efficiency concerns over equity ones. The way in which values like freedom, efficiency and equity are articulated in contemporary global policy discourses appears to have shifted the emphasis on social equality to economic efficiency in education. The focus on instrumental values like efficiency has led to a conception of education in terms of the production of human capital so that national competitiveness in the global economy is ensured. Framing education policy in economic terms has been accompanied by a move towards valid and

reliable international comparative measures of educational outcomes. For instance, comparative measures and indicators like the ones included in OECD's Program for International Student Assessment (PISA) have become very influential and are constitutive of an ever-growing global policy field.

Some authors consider international comparative measures of performance are an important element of a form of global governance where national competitiveness in the global market is defined "in terms of the quality of national education and training systems judged according to international standards" (Brown et al., 1997, p. 8). The emphasis on global comparison explains the importance that national systems attach to international student assessment programs such as PISA and TIMSS (trends in International Maths and Science Study). These measures allow national governments to assess its potential competitiveness within the global economy. Their importance for national governments resides not only in its use as a measure to assess its performance relative to other countries, but also in terms of potential external funding (i.e., participation in PISA is sometimes required to get funding from the World Bank). This form of accountability at the global scale, along with the policy-as-numbers at the national level constitute what Power (1997) calls the "audit culture". This culture, catalyzed by the rise of quality assurance as well as the emphases on efficiency and effectiveness of the new public management, derives its legitimacy from its claims to enhance transparency and accountability.

In brief, the materializations of global neoliberal policy agendas in education involve a series of prevailing themes such as privatization, competition, choice and accountability, alongside policy technologies like managerialism, contractualism and performativity (Clarke, 2011). When combined in policies pertaining to education, these themes and technologies bring

about the implementation of performance-driven assessments and accountability mechanisms for students and teachers, the application of state/national standardized tests to identify ineffective teachers and schools, the elaboration of mandatory state/national curricula, the promotion of school diversity and parental choice and the delegation of budget and managerial responsibilities to school principals (Clarke, 2011). Whilst the mix of these elements certainly varies historically and geographically, one cannot ignore their hegemonic presence in contemporary policies around the world, among which the LGE is not an exception.

In relation to this, it is worthwhile noting that while the emphasis on performance outcomes is certainly aligned with OECD, UNESCO and the World Bank's concerns about quality in education, the discussions around the creation of the LGE fail at recognizing explicitly this policy influence. It is particularly curious because it represents a shift in the Concertación's discourse. For instance, during Lagos administration, the official policy discourse explicitly addressed the concerns of the global policy community regarding quality of education¹⁰⁴. Bachelet's administration, on the other hand, seemed to rely more on the local policy community while developing the LGE. In line with this and contrarily to what has been occurring in other Latin American countries, Chile's policies in education neglect to acknowledge the MERCOSUR as a referential framework. Has this possibly got to do with Chile's intent to differentiate itself from the developmental woes of the Southern Cone and represent itself as a country more attuned with the progression of the Global North? This is indeed speculative and requires further exploration, but as some critical policy scholars argue, when interpreting policy

¹⁰⁴ For instance, the book *Educación nuestra riqueza: Chile educa para el siglo XXI* (2005) [Education our wealth: Chile educates for the 21st century], written by Sergio Bitar—Minister of Education during Lagos' presidency (2002-2006)—highlights the OECD's appraisal of the country's achievements in education and conveys the government's position on Chile's educational prospects—very much aligned with the OECD's—by acknowledging the importance of reforming the country's educational system in accordance with continuous learning processes and adaptation to new emerging needs.

one also needs to pay attention to its silences and exclusions. As Yanow (1995) put it, some policy silences enable “differences to be held in suspension while there [is] no consensus supporting their public discussion” (p. 119) Based on Yanow’s idea, an interpretive analysis of the former observation might argue that given the arduous policy negotiations with the opposition combined with the students’ active mobilization and intense opposition to market-driven initiatives in education—often identified with the policy suggestions promoted by international institutions like the World Bank and the OECD—the omission of global policy recommendations in Chile’s official discourses could have been nothing else but a preemptive political decision of Bachelet’s administration to ensure a wider receptivity to the LGE. There could be another explanation for the lack of explicit intertextuality: given the university affiliations and tight links to epistemic communities and international organizations of Bachelet’s technocrats, one can assume their ideas and prescriptions were already modeled after globalized policy discourses.

Even when one cannot deny the existence of global policy pressures and globalized policy discourses, however, one cannot assume that they work consistently in the same way everywhere all the time. As the flows of global ideologies run into local and national histories, cultures and politics, they have to go through a process of ‘vernacularization’ (Appadurai, 1996). Consequently, policy ideas on quality and equity education need to be assessed through an analysis of their translation and framing at the local level. While one can recognize the way in which global neoliberal frameworks contribute to shape national policy discourses, understanding their intricacies, the meanings and articulations of the words chosen, the inclusions and exclusions, and ultimately, their solutions, requires considering the forces

involved in the policy creation, their discursive struggles along with their compromises and value trade-offs.

Chapter 7:

Rearticulation of Neoliberalism in Education: Lessons from the Chilean case

For more than thirty years Chile's market-driven model of development has been at the center of many studies, becoming one of the most cited cases of economic liberalization (Taylor, 2002). It has been regarded as a poster child of neoliberalism by critical scholars and as an example of 'success' by leading international financial institutions. Established during Pinochet's regime in the 70s, Chile's market-driven model has undergone significant changes over the years. Successive democratic governments have attempted to correct the inequalities produced by the dictatorship project and have pledged a greater investment in social policies. While market mechanisms remained functional during these governments, they started to be the target of social contestation, forcing these governments to reconsider their use in the face of the increasing demands of their constituencies in terms of democratization and equality of opportunities. The LGE is an example of the government's attempt to reconcile those demands in the field of education.

The goal of this study was precisely to understand how equity and quality demands from students and other stakeholders of Chile's educational community during Bachelet's administration were articulated in the new educational law and how the state negotiated the policy change. Departing from a critical approach to policy analysis and building upon the body of literature that understands neoliberalism-as-discourse, this dissertation set out to identify the values and ideas embedded in Chile's policy, understand their connections, and determine their positionality in the text. Considering the articulation of those values as a deliberate political process, the content analysis of the LGE was coupled with a thorough examination of the key policy mechanisms and actors involved in the policy construction. Particular emphasis was given

to the discursive struggles between the different educational actors during the creation and negotiation of the LGE as manifested in congressional debates, media releases and interviews given by president Bachelet, her different ministers of education, Concertacion and Alliance legislators, student leaders, teacher union representatives and educational experts.

The analysis conducted in this work showed how the articulation of equity and quality demands in the LGE spurred a redefinition and rearticulation of neoliberal ideas in Chile's educational policy discourse. The LGE builds upon the LOCE's articulation of educational freedom—understood as the parents' essential right to choose the school for their children, as well as the right to open, organize and manage educational institutions and the right of these institutions to develop their educational projects—but extends it by including other rights putting emphasis on equity and non-discrimination and creating mechanisms of positive discrimination to reduce inequalities arising from economic, social, territorial, ethnic, or cultural circumstances. However, this study suggests that the articulation of equity concerns within a policy supporting freedom of choice gives rise to contradictions that reflect the preeminence of the former respective to the later. As aforementioned, by seeking to increase the integration of students from different backgrounds and with different educational needs, the LGE positions itself as a framework promoting equity within the system and society. Likewise, this policy promotes and values the existence of a plurality of institutional forms and programs deemed as necessary to address different students' needs and preferences (underlying this conception of diversity is the idea of being “different but equal”) The two notions of diversity are articulated in such a way that institutional diversity is positioned as a requirement for the system to meet the students' diverse needs, and by so doing, contributing to its equity. This construction of diversity in the LGE positions the idea of choice in education as the guarantee for equity conditions within the

system. This articulation of diversity is instrumental to define the parameters of equity as well as to legitimize choice as its mediator.

However, it is questionable whether a mixed education system can meet all the needs of its student population in a context of competition for state funding. Rhetorically, the idea of institutional diversity for a diverse student population seems to make sense. When one considers the structure of the system, though, one realizes that educational choices in Chile are tightly bounded and restricted to students' social background. Therefore, the link between equity and diversity is conceptually incompatible within the LGE: in a competition driven system one cannot expect institutional diversity would necessarily lead to include diverse students and meet their demands. In this regard, this study suggests that the notion of diversity as crafted in the LGE constitutes an example illustrating "the appropriation and evacuation of the language of equity" (Archer, 2007, p. 648). As Archer points out, "diversity is a strong and emotive term that operates as an unquestionable proposition—it is always—already known as 'good'/desirable within western liberal discourse" (p. 648). The 'goodness' of this term lies in its association with democratic and equity concerns. Consequently, opposition to it could be interpreted as 'undemocratic' or 'socially insensitive'. From this follows diversity serves to operate a powerful justificatory discourse within policy as something regarded as 'good for all'. In this sense, diversity functions as a moral discourse whose power resides in its capacity to silence and challenge alternative interpretations or criticisms of how is being constructed and delivered.

Additionally, the critical analysis of the LGE indicates that the efficiency logic underlying the needs-based approach targeting students with special educational demands (i.e., students from originary populations) is problematic in the sense that it leads to the compartmentalization of their participation in the system. An example of this is the use of

interculturality, which alludes to the recognition and value of students' cultural specificity, and thus, is related to the principle of integration (i.e., the incorporation of students from diverse backgrounds) The way in which interculturality has been articulated in the text “produces” a restricted type of integration to the system: interculturality is circumscribed to special education and promoted only in schools with high number of ethnically diverse students. This, in fact, supposes a form of secluded participation (contradicting the definition of this principle in the LGE) and a limited form of dealing with diversity and promoting integration, which pretty much contradicts the policy assumption that targeting special student populations and tending to their needs would contribute to a more efficient (quality) and equitable system.

In relation to this, some scholars who have analyzed the discourse of inclusion in education warn that needs-based discourses could contribute to develop a form of individualism that “might ‘immunize’ students and prevent them from listening to what the world, as opposed to an environment, has to say” (Masschelein & Quaghebeur, 2005, p. 63). In the same line, Dunne (2009) recognizes that emerging approaches focused on the self's needs risk serving the interests of neoliberal forms of governance. Once special needs have been identified, she argues, “pupils are subject to what might be regarded as a regime that involves observation, surveillance, and examination in the form of monitoring of learning, intervention, ‘programmes’, and assessments” (p. 50). Once students are targeted and seen as the included, they are marked out according to some kind of category. These categories or ‘grids of specification’ (Foucault, 1982) “classify and regulate pupil and student identities, bodies, spaces, and social practices in different relations of knowledge and power (p. 50). Based on these ideas on the potential effects of need-based discourses in education, it is logical to assert the importance of subjecting them to examination, problematizing its assumptions and its political ends.

Besides finding problematic some of the principles which contribute to define the policy's understanding of equity, this study noted a narrow understanding of the term quality in the LGE, where it is closely associated with efficiency. The policy's interpretation of quality as efficiency contributes to promote a strong emphasis on achieving high standards and levels of learning as quantitatively measured by performance and accountability mechanisms. In line with this, the research suggests that the collocation of quality in the policy worked articulating a performativist metanarrative within which terms like flexibility, transparency, accountability and performance became regarded as equivalent of quality. In support of such metarranative, this work argues, the LGE developed new institutional structures enabling the state to control the quality of the educational process from a distance and to intervene when deemed necessary.

Within performativity policy discourses in education the ability to educate successfully becomes assessed in terms of quantitative data. This understanding of quality education as measured by a quantitative translation of performance raises some concerns about the learning process and the nature of the pedagogical work. For instance, an emphasis on performativity as defined by quantitative indicators is prone to rendering important aspects of education overlooked. As standardized educational tests evaluate only in a quantitative manner, qualitative aspects of the learning process that cannot be assessed risk losing their status as legitimate educational objectives, and thus, schools may concentrate only on what is tested (Torrance, 2006). This also has implications for the work of teachers, who become entrapped in a process where the quality of their teaching is rewarded or punished in accordance with their students' scores in standardized tests. In this scenario, quality teaching equates with teaching to the test.

Given its prevalence in policy and the implications for the nature of education and the pedagogical work, performativity discourses' ideological work also deserves critical

examination. In relation to this, it is important to be aware that the technicist nature of educational policies articulating “a performativist metanarrative [...] where everything is measured against the criteria of effectiveness and efficiency of outcomes, [allows them to project themselves] deceptively as being non-ideological” (Wain, 2008, p. 105). From this follows, critical analyses of performativity policies in education imply departing from an awareness of the power of assessments as a social technology and trying to understand how they are used, by whom, to what ends and with what social implications (Broadfoot, 2001; Haney et al., 1993)

Based on an approach stressing the contextuality of policy developments and asserting their relationality and interconnectivity in a global context where neoliberalism is the hegemonic ideology and where Chile occupies a subordinated position as evidenced by its strong financial reliance on international institutions like the World Bank and the OECD to conduct its model of development, this study proposed that the articulation of quality and equity values in the LGE was influenced by global policy networks through the work of Bachelet’s technocrats who were shown to have strong links to epistemic communities abroad and international organizations. The LGE emphasis on outcome-based management through the specification of performance criteria, monitoring processes, accountability and transparency measures and the way in which equity and quality are conceived in the LGE is very much in line with the understanding of these terms conveyed in UNESCO, OECD and World Bank reports. Moreover, the manner in which these values are articulated in the policy replicate global policy pressures where efficiency concerns are favored over equity ones. It is argued that the need to assess a country’s potential competitiveness within the global economy explains the LGE’s overemphasis on efficiency and the concomitant legitimation of a performativist policy discourse in education.

This work recognized that global forces mediate and affect the process of policy text production as well as its contexts of influence and practice, but without neglecting Chile's capacity to negotiate and articulate those policy pressures in its own terms. While the policy analysis determined that this global policy framework contributed to shape LGE's quality and equity principles, their articulation in the policy text and their collocation with other values and ideas could have not been be fully understood without paying close attention to the competing political interests negotiating its policy creation. In relation to this, the research established that the LGE evolved from competing discourses and that the result of this struggle was not the overthrow of the neoliberal principles steering the country's education system since the 70s, but rather, consisted in a process of re-articulation which recombined the hegemonic discourse in Chile's education with ideas and concepts such as participation, equity, inclusion, quality, etc. such that claims made in the name of these concepts supported the neoliberal interpretations underlying the policy reform. In this sense, the interpretations drawn from this study contribute to the body of literature that considers the contradictions of neoliberalism have led to a process of reformulation that involves a new emphasis on inclusive politics (Peck et al., 2009). Under the lens of this literature, Chile's policy change represents a qualitative modification of neoliberalism in education, resulting in a series of new provisions trying to alleviate social inequalities and empowering different educational actors and agencies to determine the direction of the educational process, but coupled with tight overseeing mechanisms that ensure the performativist orientation of the system is functional to Chile's model of development.

Furthermore, the conclusions drawn from this study have also implications substantiating a critical policy analysis approach which pays close attention to how policy actors socially construct and challenge policy values (Marston, 2004). The analysis of the Chilean case serves to

generate a conception of the policymaking process as one in which different actors struggle to move forward their particular understanding of the policy problem and its concomitant solution. In this regard, policy alternatives seeking to deal with the economic and social consequences of the failures of neoliberalism might benefit from examining how its discourse works articulating certain values and ideas (and sidelining others) and produces particular understandings of education and its goals. Having a comprehensive appreciation of how discourses constructed around the values and assumptions of the neoliberal ideology is deemed to be important for a critical policy analyst in this study because of their implications in terms of how educational processes and practices are carried out in response to the interpellations of such discourses. Being able to identify the contradictions emerging from an articulation of equity in a policy framework which overstresses efficiency (quality) might be fundamental to construct policy alternatives in which the right to education based on social justice principles, but independent from narrow performativist discourses, takes preeminence so as to construct a truly participative system and to have a positive contribution in the amelioration of educational differences.

Moreover, this work supports the claim that an approach to policy analysis grounded on discourse theory helps to grasp how policies come to be articulated in ways that reflect their social conditions of production and contributes to pinpoint tensions and contradictions that might give rise to policy contestation. For instance, from the analysis of the exclusions in the LGE's final document (e.g., the students' provisions pertaining the elimination of profit and a stronger state participation in the provision of education) one could anticipate future opposition from certain stakeholders perhaps conducive to new policy changes in Chile. New mobilizations of students in Chile only two years after the LGE was passed might be indicating that such process is already under way. While it was beyond of the scope of this study addressing how this policy

was understood by its different stakeholders, it might be worthwhile extending this study in the future to gather their impressions on the LGE, their reflections on its impact on their school life, the values underlying their policy contestation and their hopes for an education system post-neoliberalism. Perhaps, some of the interpretations of this study would be useful to inform the systematic contestation of policies grounded on choice and performativist discourses and orient the creation of new policy alternatives which supersede the contradictions inherent of policies that seek to address inequalities by resorting to efficiency-driven mechanisms. Policy alternatives seeking to articulate a more balanced approach to quality which is not overreliant on measuring and putting equity at the center of the governments' policy agendas in education would face significant political confrontations and academic challenges, but it is certainly an endeavour worth pursuing.

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TABLES

Table 1

Public Expenditures (Millions of 2000's Chilean Pesos) by Level, 1972-1990

Year	Total Public Expenditures	Basic +Special +Adult	High School	Higher Education	Other
1972	909,512	621,102	158,660	122,288	7,462
1973	659,873	441,995	116,886	95,499	5,494
1974	669,290	458,850	109,273	96,031	5,136
1975	503,906	353,407	75,283	71,677	3,539
1976	508,887	346,673	75,912	82,996	3,306
1977	622,263	411,402	92,683	114,462	3,716
1978	628,025	402,590	93,398	128,618	3,420
1979	655,732	407,172	97,369	147,965	3,225
1980	695,450	417,857	103,109	171,429	3,055
1981	804,593	483,435	119,291	198,333	3,534
1982	846,443	495,889	129,554	217,415	3,585
1983	714,238	384,469	103,214	223,616	2,940
1984	700,994	376,912	106,514	214,805	2,763
1985	679,949	376,194	109,355	191,631	2,769
1986	642,857	379,031	119,477	141,182	3,167
1987	614,305	370,571	104,191	136,508	3,036
1988	660,615	393,560	117,630	145,131	4,294
1989	612,752	366,031	110,665	132,320	3,736
1990	589,583	370,403	105,383	109,994	3,803

Source: CENDA (2002)

Table 2

Higher Education enrolment by tiers and sectors, 1960-1990

Year	Universities		Private Institutions		Technical Colleges		Total
	w/Public Funding	New Private	w/Public Funding	New Private	w/Public Funding	New Private	
1960	26,016	0	0	0	0	0	26,016
1970	76,979	0	0	0	0	0	76,979
1974	143,966	0	0	0	0	0	143,966
1980	116,962	0	0	0	0	0	116,962
1985	113,128	4,951	18,071	14,565	0	50,425	201,140
1990	112,193	19,509	6,472	33,534	0	77,774	249,482

Source: Adapted from Brunner (1993b) & MINEDUC (1999)

Table 3

Number of Higher Education institutions in Chile by type and sector, 1980-1990

Year	Private Institutions						Public Institutions			Total
	Universities			Private	Technical	Total	Universities	Private	Total	
	Old*	New	Total							
1980	6	0	6	0	0	6	2	0	2	8
1985	6	3	9	19	118	146	12	6	18	164
1990	6	40	46	79	161	286	14	2	16	302

Source: Adapted from Bernasconi (2004); *indicates Public Universities extant prior to 1930

Table 4

Percentage of participation in Chilean Higher Education by income quintile, 1990-2000

Year	Quintile I	Quintile II	Quintile III	Quintile IV	Quintile V
1990	4.4	7.8	12.4	21.3	40.2
1992	7.8	9.8	13.2	23.6	41.1
1996	8.5	15.1	21.5	34.7	59.7
2000	9.4	16.2	28.9	43.5	65.6

Source: MEDIPLAN (2001); Quintile I group with the lowest earning bracket

Table 5

Distribution of student grants and loans by income quintile, 1990-1998

Year	Quintile I	Quintile II	Quintile III	Quintile IV	Quintile V
1990	11.10	17.40	23.22	25.08	23.20
1994	9.25	11.96	23.59	33.64	21.62
1996	12.69	21.59	28.32	28.69	8.51
1997	15.20	24.74	29.02	25.73	5.32
1998	26.34	26.90	27.40	17.18	2.19

Source: MINEDUC (1999) & Carrasco Vielma (1997); Quintile I group with the lowest earning bracket

Table 6

Chile's class categories by income levels, occupation and percentage of population

Categories	Income Level	Occupation	Class	Population %
A	<ul style="list-style-type: none">• Up to several hundred million of Chilean Pesos• Group's wealth corresponds to 12% of Chile's GDP	<ul style="list-style-type: none">• Includes Chile's multi-millionaires and foreign tycoons (owners of mines, commercial centres, etc.)	Upper Class	7
B	<ul style="list-style-type: none">• Monthly Income estimated nearly hundred million Chilean Pesos	<ul style="list-style-type: none">• Minor Business Partners of Category As and new rich• Higher level Executives, Directors, partners in consulting firms, prestigious professionals, senior managers of big companies, higher level public officers		
C ₁	<ul style="list-style-type: none">• Monthly income level in the millions of Chilean Pesos	<ul style="list-style-type: none">• Small retailers, industrial producers, low level professionals, teachers, sale people, middle managers, specialized workers	Middle Class	
C ₂	<ul style="list-style-type: none">• Ranges between 600K and 1 million Chilean Pesos	<ul style="list-style-type: none">• Generally peasants, micro-entrepreneurs, self-employed workers and temporary workers		
C ₃	<ul style="list-style-type: none">• Ranges between 400K and 600K Chilean Pesos	<ul style="list-style-type: none">• More than half of the people within this group live in poverty	Lower Class	37
D	<ul style="list-style-type: none">• Ranges between 200K and 300K Chilean Pesos			
E	<ul style="list-style-type: none">• Income up to 160K			56

Source: Cademartori (2011); K: 1000; 1 Million Chilean Pesos was equivalent to US\$ 1,900

Table 7

Chile's gross preschool education participation rates by income quintile

Year	Quintile I	Quintile II	Quintile III	Quintile IV	Quintile V	Total
1990	17.8	18.6	22.1	28.9	35.1	22.2
1996	23.9	30.1	31.9	40.4	52.9	32.5
2003	32.4	35.7	37.8	37.9	54.2	37.4
2006	41.2	42.1	48.8	50.7	56.7	46.0

Source: MEDIPLAN (2006b); Quintile I group with the lowest earning bracket

Table 8

Chile's gross primary education participation rates by income quintile

Year	Quintile I	Quintile II	Quintile III	Quintile IV	Quintile V	Total
1990	89.9	90.7	90.5	90.4	90.9	90.4
1996	90.3	90.7	92.2	92.4	92.1	91.2
2003	93.1	93.8	94.1	94.6	92.2	93.6
2006	91.6	93.0	92.3	92.8	93.2	92.4

Source: MEDIPLAN (2006b); Quintile I group with the lowest earning bracket

Table 9

Chile's gross secondary education participation rates by income quintile

Year	Quintile I	Quintile II	Quintile III	Quintile IV	Quintile V	Total
1990	50.9	55.9	61.3	69.3	77.8	60.3
1996	47.1	57.0	67.8	76.5	78.7	62.1
2003	61.6	68.5	73.4	79.1	81.8	70.5
2006	63.1	70.8	74.5	77.9	82.0	71.6

Source: MEDIPLAN (2006b); Quintile I group with the lowest earning bracket

Table 10

Chile's gross higher education participation rates by income quintile

Year	Quintile I	Quintile II	Quintile III	Quintile IV	Quintile V	Total
1998	7.4	11.9	21.1	37.4	71.3	27.7
2000	8.2	15.3	28.6	43.2	80.4	30.7
2003	12.4	19.2	32.1	48.6	94.9	37.8
2006	17.3	22.4	31.6	49.5	80.0	38.3

Source: Zapata & Tejada (2011); Quintile I group with the lowest earning bracket

Table 11

Fourth year average SIMCE scores by Topic, Type of Institution and Socioeconomic status (SS)

SS	Language			Math			Environmental Comprehension		
	Municipal Schools	State Subsidized Schools	Fee-Paying Private	Municipal Schools	State Subsidized Schools	Fee-Paying Private	Municipal Schools	State Subsidized Schools	Fee-Paying Private
Low	238	227	-	224	206	-	232	220	-
M-Low	235	235	-	227	227	-	236	238	-
Medium	248	256	-	243	252	-	253	263	-
M-High	271	275	-	268	272	-	280	284	-
High	-	289	298	-	288	298	-	297	306
Average	241	260	297	234	255	297	243	266	305

Source: MINEDUC (2007)

Table 12

Second year average SIMCE scores by Topic, Type of Institution and Socioeconomic status (SS)

SS	Language			Math		
	Municipal Schools	State Subsidized Schools	Fee-Paying Private	Municipal Schools	State Subsidized Schools	Fee-Paying Private
Low	228	230	-	218	219	-
M-Low	237	245	-	228	240	-
Medium	274	264	-	277	263	-
M-High	312	287	290	335	298	302
High	-	-	307	-	-	328
Average	242	257	305	236	256	325

Source: MINEDUC (2007)

Table 13

Bachelet's technocrats: Official Position, University Affiliations & IGO Connections

Name	Position	Degree & Accrediting Institution	IGO Connection
Andrés Velasco	Finance Minister	Ph.D. Economics, Columbia University	Frequent visiting scholar at the Research Department of the Inter-American Development Bank, World Bank & the Inter-American Development Bank
Eduardo Bitran	Public Infrastructure Minister	Ph.D. Economics, Boston University	World Bank's contributor, expert reviewer & Financial & Private Sector Development Guest Speaker World Bank, OECD, World Economic Forum-Latin America
Vivianne Blanlot	Defense Minister	M.A. Economics, American University	Former Inter-American Development Bank staff (1983-90); Independent consultant to the World Bank & the Inter-American Development Bank
Karen Poniachik	Mining & Energy Minister	M.A. in International Relations, Columbia University	Chile's Special Envoy for ascension to OECD; Former Director of Business & Financial Programs at the Council of the Americas, New York (1995-2000)
Alejandro Ferreiro Yazigi	Economy Minister	M.A. in Government & International Relations, Notre Dame University	Consultant on Health Insurance regulation & Pension Systems for the World Bank, Inter-American Development Bank, Pan-American Health Organization, designed as 'Young Global Leader' by the World Economic Forum
Clarisa Hardy Raskovan	Planning Minister	Ph.D. Social Anthropology, Oxford University	Guest Speaker for U.N. Department of Economic & Social Affairs, Social Policy & Development Division
Monica Jimenez	Education Minister	Ed. M. in Social Work, Catholic University of America	Consultant to the Food & Agriculture Organization, Ford Foundation, Inter-American Foundation, Inter-American Institute for Human Rights, UNICEF
Claudia Serrano Madrid	Labor Minister	Ph.D. Sociology, École des Hautes Études en Sciences Sociales	Consultant to the Inter-American Development Bank
Álvaro Rojas	Agriculture Minister	Ph.D. Agricultural Sciences, University of Munich	Consultant to the Economic Commission for Latin America & the Caribbean & the Food & Agriculture Organization
Alejandro Foxley	Foreign Affairs	Ph.D. Economics, University of Wisconsin-Madison	Governor of the Inter-American Development Bank & the World Bank
Sergio Espejo	Transport & Telecommunications Minister	M.A. in Public Policy, Harvard University	Guest speaker at the Inter-American Development Bank
René Cortázar	Transport & Telecommunications Minister	Ph.D. Economics, MIT	Consultant to the Inter-American Development Bank, the World Bank, the UN Development Program, the International Labour Organization
Romy Schmidt	National Assets Minister	M.A. in Disability, University of Salamanca	External Consultant to the International Labour Organization

Source: Silva (2008) & institutional websites

Table 14

Aylwin's technocrats: Official Position & University Affiliations

Institution	Name	Position	University
Finance Ministry	Alejandro Foxley	Minister	University of Wisconsin-Madison
	Pablo Piñera	Deputy Finance Minister	University of Boston
	Andrés Velasco	Chief of Cabinet	Columbia University
	José Pablo Arellano	Budget Director	Harvard University
	Javier Etcheverry	Tax Director	University of Michigan
	Manuel Marfan	Policy Coordinator	Yale University
Economic Affairs Ministry	Carlos Ominami	Minister	Université de Paris
	Jorge Marshall	Deputy Minister	Harvard University
	Alejandro Jadresic	Coordinator of Policies	Harvard University
	Juan Rusque	National Fisheries Service	University of Wales
	Fernán Ibáñez	Secretary of Foreign Investments	MIT
Other Institutions	Andrés Sanfuentes	President State Bank	University of Chicago
	Eduardo Aninat	Coordinator of Foreign Debt	Harvard University
	Ernesto Tironi	General Manager of CORPO	MIT
	Hugo Lavados	Supervisor of Stock Markets	University of Boston
	Roberto Ahler	Advisor to Central Bank	University of Chicago
	Ricardo French-Davis	Director of Studies at Central Bank	University of Chicago
	Alvaro Briones	Operations Manager of CORPO	U. Autónoma de México
	Ernesto Edwards	VP of State Bank	University of Boston
	Alvaro Garcia	Subdirector of ODEPLAN	University of California
	Fernando Ordoñez	Subdirector of ODEPLAN	University of Edinburgh

Source: Silva (2008)

Table 15

Frei's technocrats: Official Position & University Affiliations

Name	Position	Degree	University
Jorge Rosenblut	Deputy Minister of Telecommunications	Ph.D. Economics	Harvard University
Pablo Halpern	Director Secretary of Communication	Ph.D. Communication & Culture	University of Pennsylvania
Eduardo Bitran	CEO CORPO	M.A. Economics	Boston University
José Febás Arellano	Education Minister	Ph.D. Economics	Harvard University
Claudio Hoffman	Transportation Minister	Civil Engineer	Universidad Católica de Chile
Carlos Miladunic	Agriculture Minister	Economist	Universidad de Chile
Germán Quintana	Minister of Planning MIDEPLAN	Civil Engineer	Universidad de Chile
Felipe Sandoval	VP CORPO	Civil Engineer	Universidad de Chile
Mario Marcel	Executive Secretary Committee for Modernization of Public Mgmt	Ph.D. Economics	Cambridge University
Cesar Oyarzo	Director National Health Fund	M.A. Economics	Georgetown University
Jorge Rodriguez	Deputy Minister for Regional Development	M.A. Economics	Boston University
Claudio Orrego	Executive Secretary Committee for Modernization of Public Mgmt	M.A. Public Policy	Harvard University
Alex Figueroa	Minister of Health	Physician	Universidad Católica de Chile

Source: Silva (2008)

FIGURES

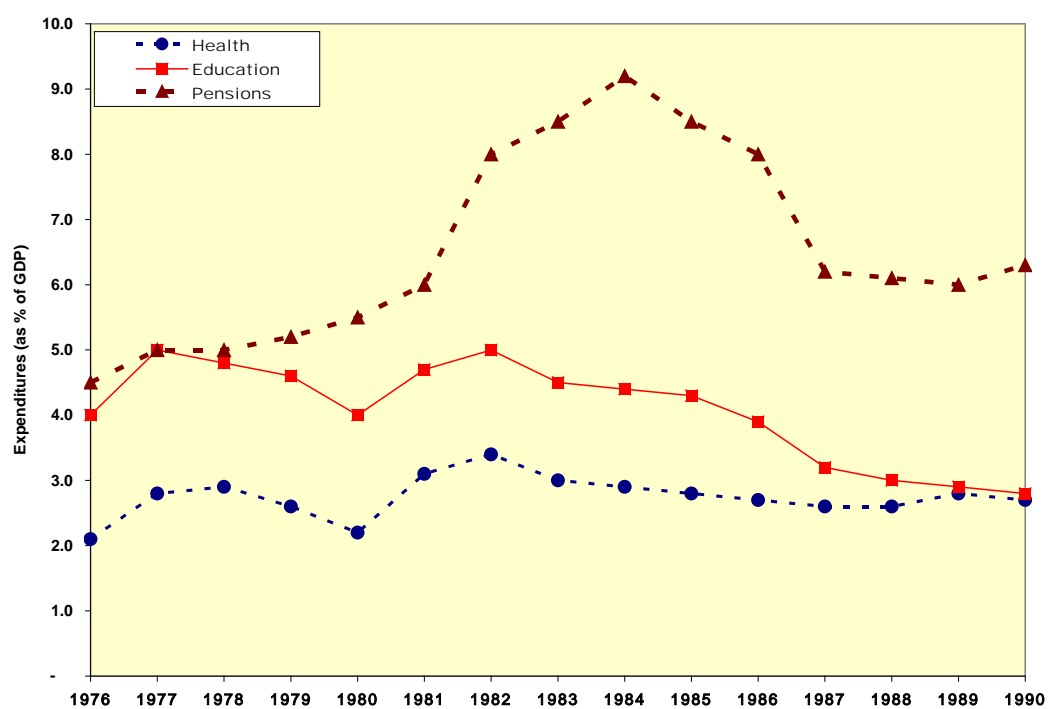


Figure 1. Social Expenditures as a percentage of GDP, 1976-1990 (Adapted from Castiglioni, 2001)

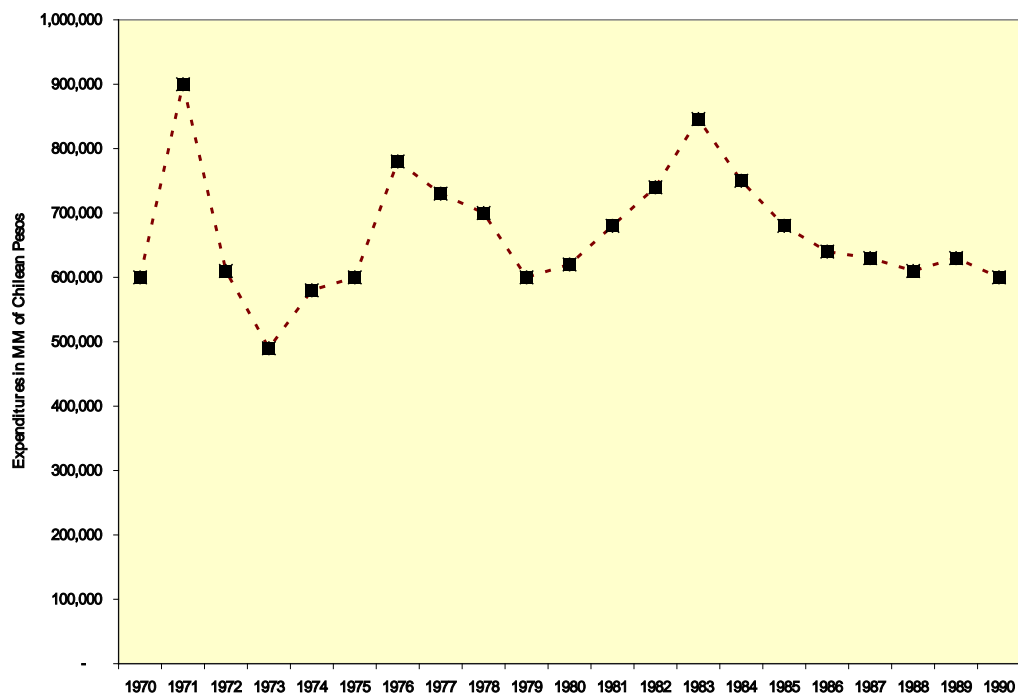


Figure 2. Evolution of Public Expenditure in Education, 1970-1990 (Adapted from CENDA, 2002)

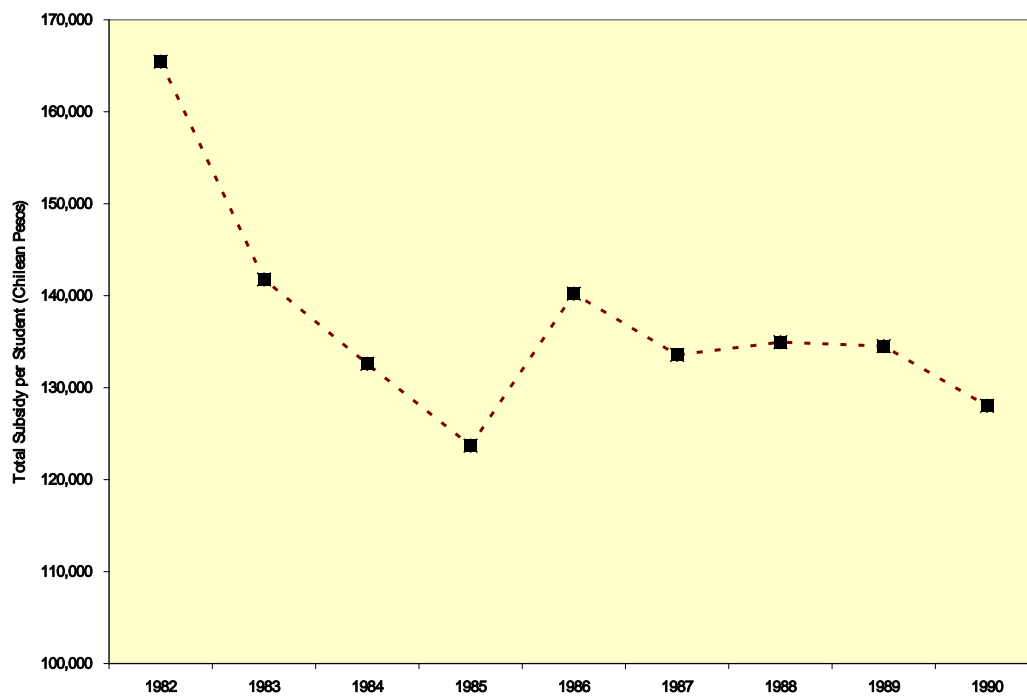


Figure 3. Total Subsidy per student, 1982-1990 (Adapted from CENDA, 2002)

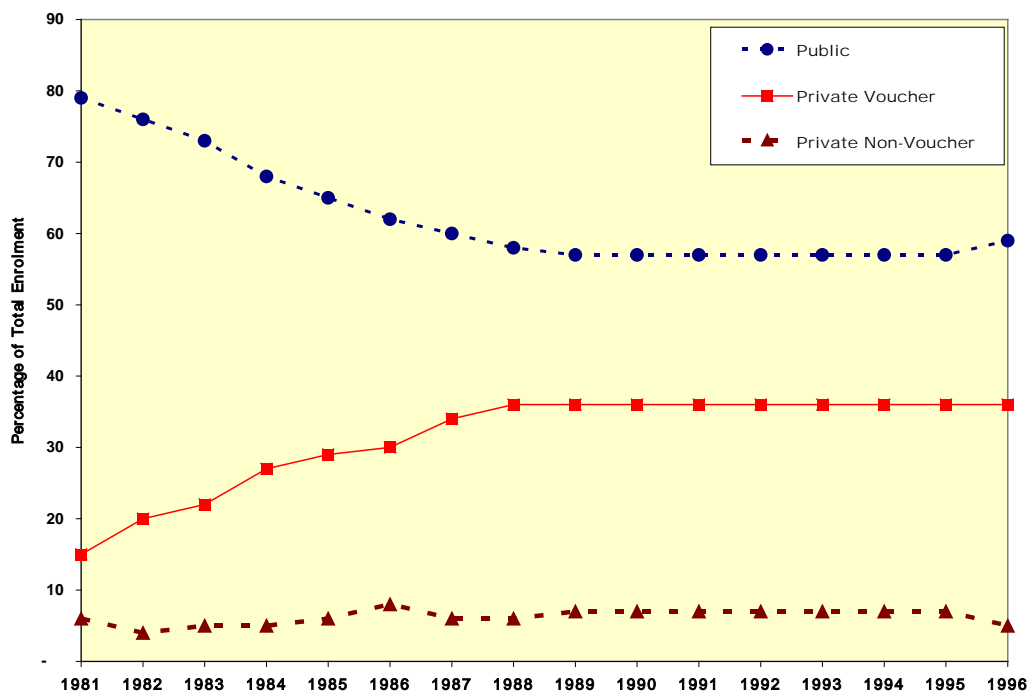


Figure 4. Evolution of private and public enrolment shares, 1981-1996 (Adapted from Castiglioni, 2001)

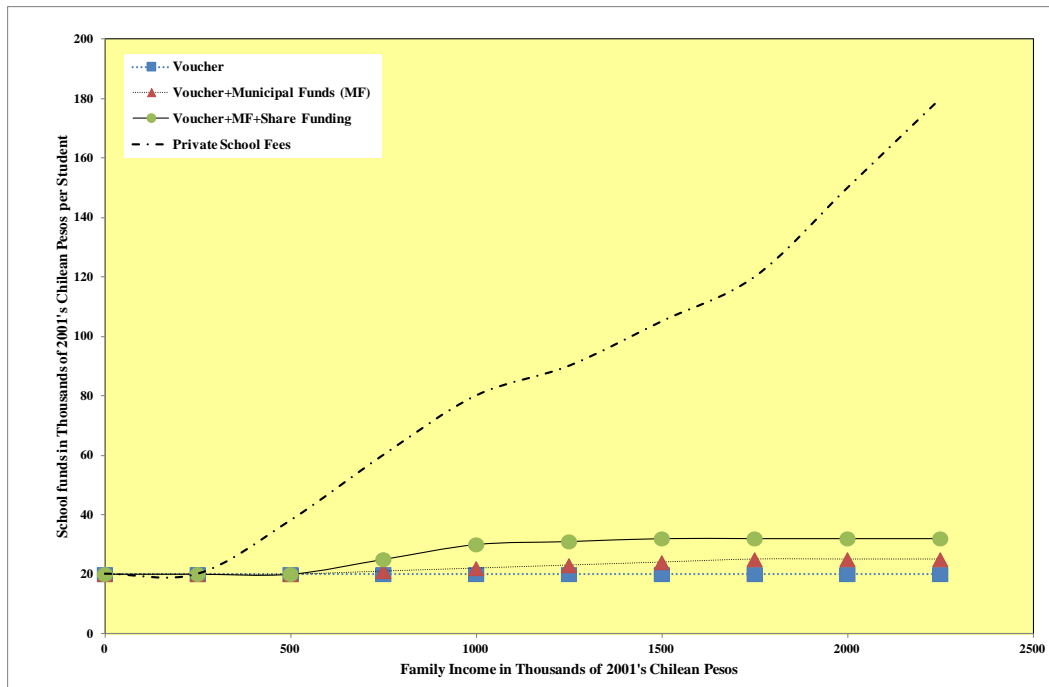


Figure 5. School funds per student in the Metropolitan Region by Family Income & Type of Funding in Chilean Pesos-2001 (Adapted from González, Mizala & Romaguera, 2004)

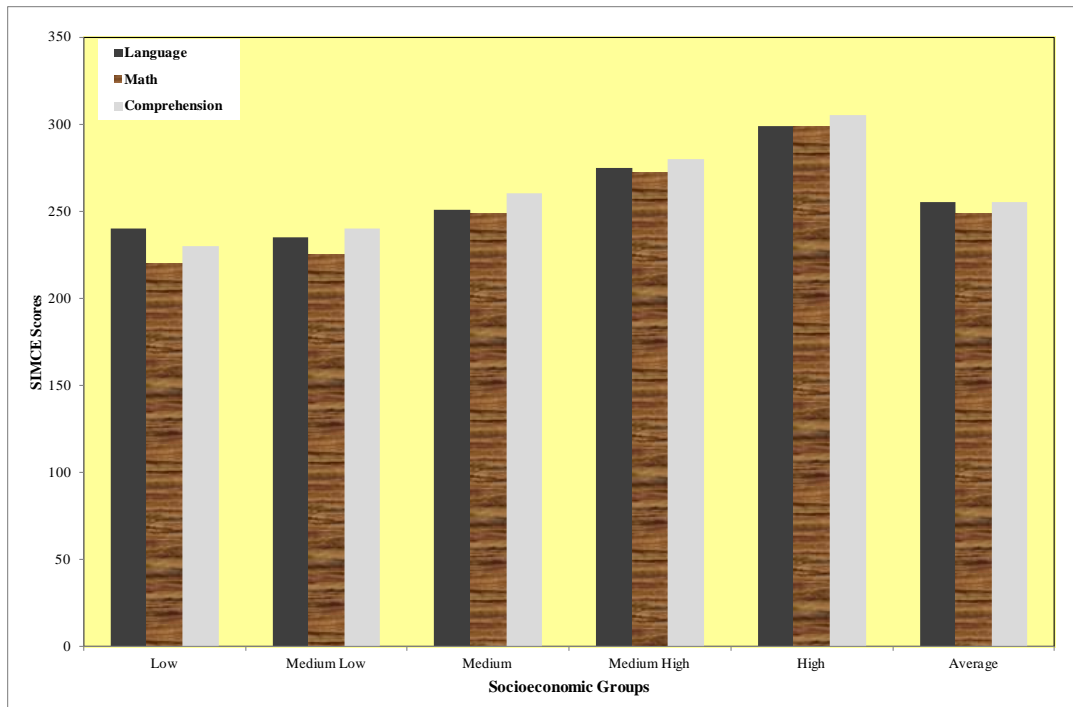


Figure 6. Fourth year 2006 SIMCE results by topic & socioeconomic status (Adapted from MINEDUC, 2007)

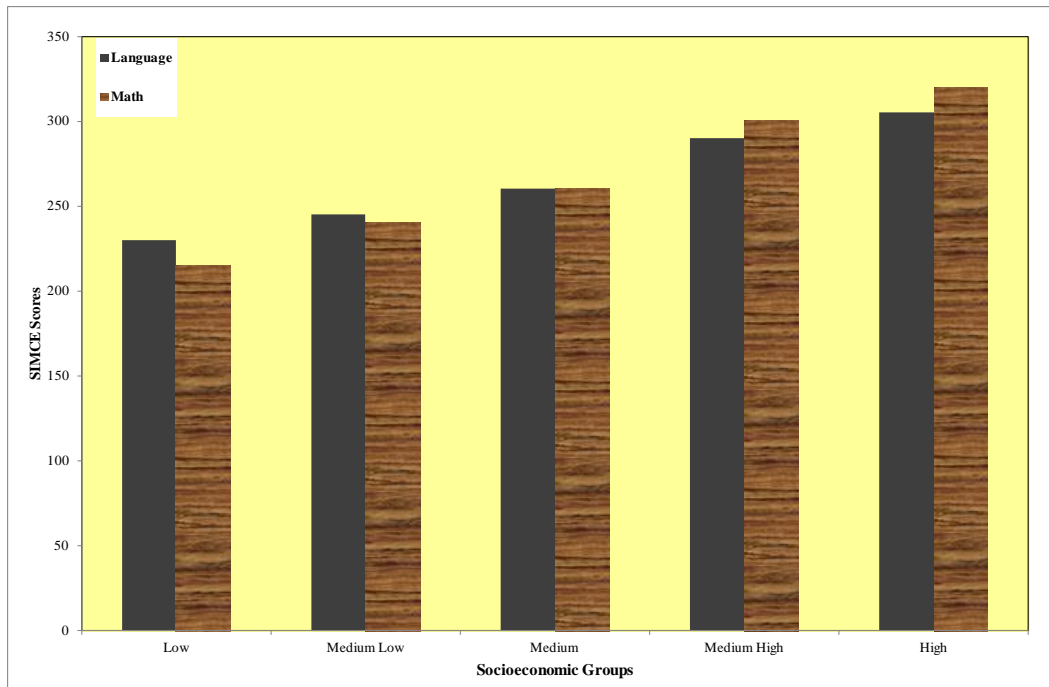


Figure 7. Second year 2006 SIMCE results by topic & socioeconomic status (Adapted from MINEDUC, 2007)

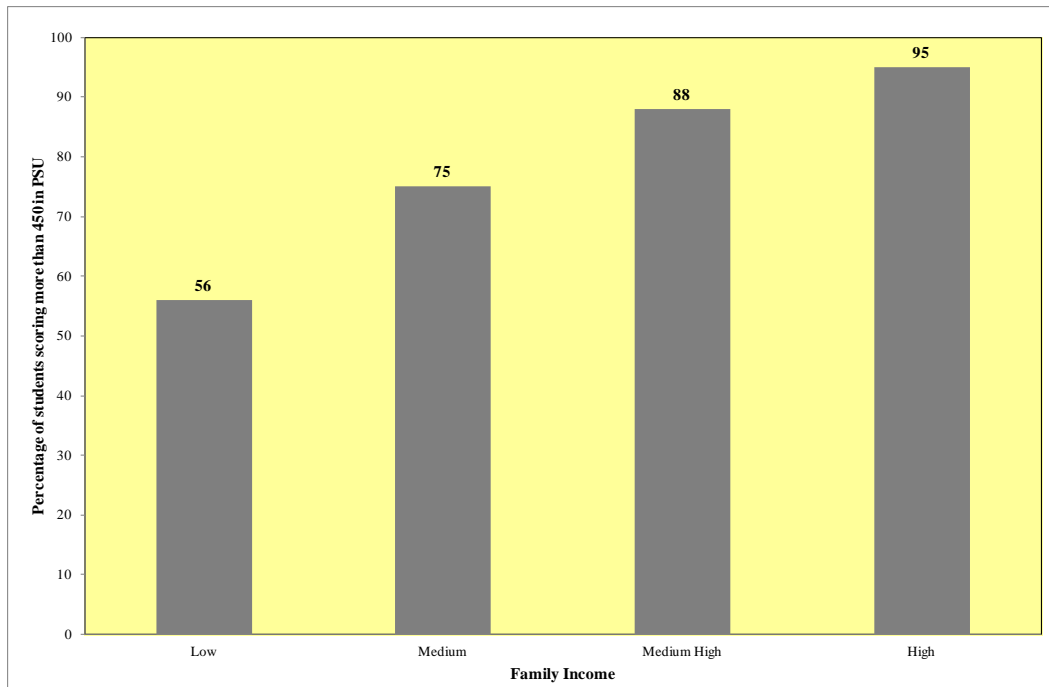


Figure 8. Percentage of students scoring more than 450 points in the PSU (Adapted from Contreras, Corbalán & Redondo, 2007)

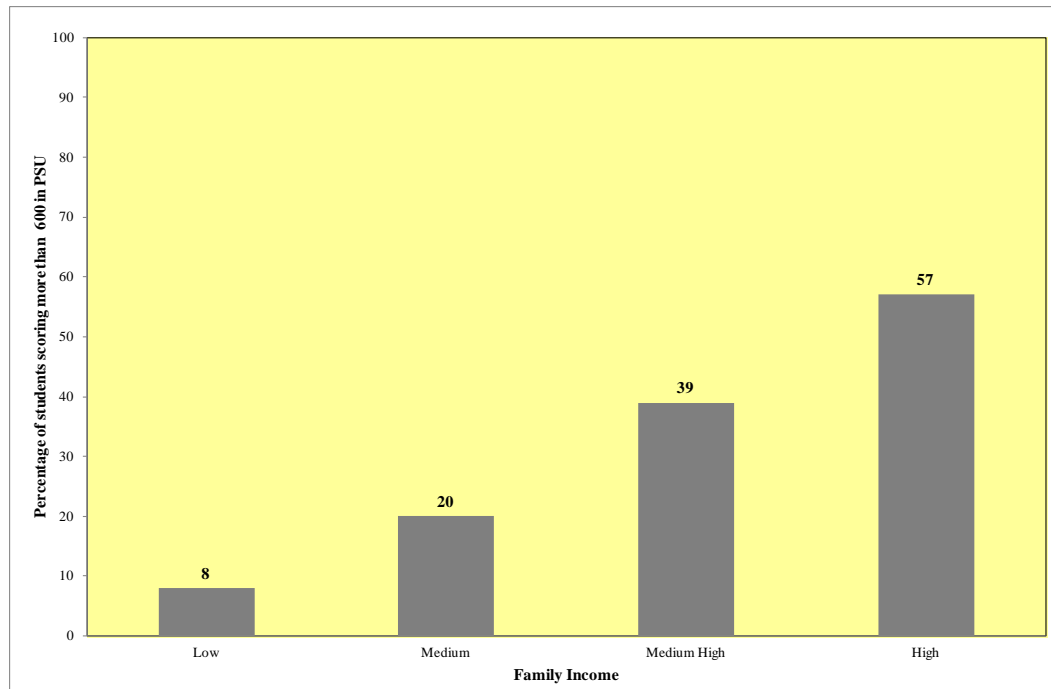


Figure 9. Percentage of students scoring more than 600 points in the PSU (Adapted from Contreras, Corbalán & Redondo, 2007)