SECONDARY SCHOOL STUDENTS AND THE STRUGGLE FOR QUALITY EDUCATION IN CHILE:  
THE POLITICAL IMPACT OF THE 2006 Pingüino MOVEMENT

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ABSTRACT

The Chilean Pingüino movement — composed by secondary school students and named after their black and white school uniforms — emerged in late April 2006. Demanding quality education and the newly elected President Michelle Bachelet to ‘stop postponing their future’, the strength acquired by the Pingüinos forced a significant discussion on the education system and a set of education reforms that had been deemed as unlikely to pursue just a year before. The paper examines the political impact of the 2006 Pingüino movement. Analysing the way in which the students’ demands were channelled institutionally, I identify the main informal and formal institutional constraints that the students faced when seeking to influence the policy-making of education. I conclude that while the Pingüino movement had a clear impact on the education agenda, informal constraints, expressed by the weight of the technocratic discourse in the Presidential Advisory Commission that was created to channel its demands, and formal constraints, such as the lack of political representation in the parliament, restricted its impact on concrete policy outcomes. So, while the Pingüinos’ mobilization efforts produced a significant shift on the policy agenda, their resources in the form of expertise and political alliances were insufficient to have an impact in the later stages of the policy making process that followed the protests put forward by the movement.
“[..] we are the children of democracy; we were born in democracy, and therefore we will continue to fight for what we consider is just”

César Valenzuela, Pingüino spokesman

**INTRODUCTION**

In late April 2006, only a few weeks after the initiation of the fourth consecutive government of the *Concertación* — the centre-left coalition that governed Chile from the re-establishment of democracy in 1990 until March 2010 — a wave of protests convened by secondary school students took the country by surprise. Named after the students’ penguin-like black and white school uniforms, the students engaged in the so-called Pingüino movement began protesting for specific matters such as more hours of subsidised public transport and lower university entry exam fees, amongst others. As the movement grew stronger, however, the overall functioning of the education system was questioned, and the students demanded the new government to ‘stop postponing their future’ and to pursue concrete measures to improve the quality of education.

This paper sets forth to explain the political impact of the 2006 Pingüino movement. Revising the way in which the students’ demands were channelled institutionally, I identify the main informal and formal institutional constraints that the students faced when seeking to influence the policy making of education. With this aim, the paper is structured as follows. I begin by defining a brief framework to understand the impact of social movements. This is followed by an analysis of the development of the structure of political opportunities during the *Concertación* governments and the resulting effects on the policy making of education. Then I examine the emergence and strength acquired by the movement. The last two sections deal with the institutional channelling of the students’ demands: first I refer to their agenda impact through the creation of a Presidential Advisory Commission on the Quality of Education, and then I study the concrete policy outcomes that resulted from the movement’s petition. I conclude that while the Pingüino movement had a clear impact on the education agenda, informal constraints, expressed by the weight of the technocratic discourse in the presidential commission, and formal constraints, such as the lack of political representation in the parliament, restricted its impact on concrete policy outcomes. So, while the Pingüinos’ mobilization efforts produced a significant shift on the policy

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1 The *Concertación* is composed of the following political parties: *Democracia Cristiana* (DC), *Partido Socialista* (PS), *Partido Por la Democracia* (PPD) and *Partido Radical Social Demócrata* (PRSD).

2 Impact and outcome will be used interchangeably throughout the text.
agenda, their resources in the form of expertise and political alliances were insufficient to have an impact in the later stages of the policy making process that followed the protests put forward by the movement.

**STUDYING THE IMPACT OF SOCIAL MOVEMENTS**

The starting point when studying the impact of social movements is to define the domain in which this will be explored. A central distinction can be made between the internal and external impact of social movements. While the former deals with issues such as the consequences of mobilization for the internal organization of the movement, and/or the impact on the lives of its members, the latter is related to the state and the changes in its politics and policies, which is the focus of this paper. With this purpose, I define social movement impact as ‘the response of the political system or other political actors’ (Kolb 2007:23). Based on this notion, I distinguish between the following phases of the policy making process and seek to identify the impact that the Pingüino movement had in each of them (Kolb 2007:28-32):

1. **Agenda impact**: refers to the influence of social movements as agenda-setters.
2. **Alternatives impact**: refers to the influence of social movements in the development of policy alternatives.
3. **Policy impact**: refers to the adoption of legislation or other binding political decision that was caused by a social movement.
4. **Implementation impact**: refers to a social movement’s influence in accelerating or slowing down the implementation of a policy.
5. **Goods impact**: refers to the extent to which social movements influence the provision of collective or public goods.

The division of the policy making process in different phases is of great importance since social movements might have an impact in one phase and not in others. This also allows problematizing the simple notions of success and failure, which early contributions to the field commonly used (e.g. Gamson 1990). Valuable as such a focus is, looking at the policy making process as a whole helps to counteract the risk of underestimating or overestimating the consequences of mobilization efforts due to the time-lag that the impact of social movements might have (Kolb 2007:22). It can for example be the case that a movement is conceived of as
successful due to a policy change that it has accomplished and then, the materialization of the policy is delayed (i.e., the movement does not have an impact on its implementation), or is reversed (i.e., the movement does not have a goods impact). On the contrary, the movement can be defined as a failure, but have a long-term impact that an analysis close in time to the movement neglects. Most importantly, formal and informal institutional features might be more and less constraining at the various stages of the policy making process.

As Amenta and Young note (1999:39), when studying the political impact of social movements, any convincing claim needs to show that a challenger accomplished to change the plans and agendas of political leaders; influence the content of the proposals elaborated by the executive, legislators, or administrators; and/or persuade disinterested representatives key to the approval of the proposed legislation. It is also important to examine their influence on state structures and institutional change. The most basic form this can take is a procedural change in the way in which the government decides to respond to the movement. For example, a new consultation mechanism of the challenging group’s concerns might be introduced; a process of negotiation that implies that the movement is accepted as a spokesman for a constituency can be initiated; and/or a formal recognition of the movement through which it is explicitly recognized as a legitimate spokesman for a designated constituency might be made (Kolb, 2007:35). Depending on the context in which these changes take place, they can be more or less symbolic. Yet, since they are not binding through the creation of an institution, it is unlikely that they will lead to substantive political change (Kolb 2007:34). At a second level, the political impact of the movement can signify intra-institutional change such as the extension of voting rights, the creation of governmental agencies, etc.

As for the evaluation of social movements’ impact, it is important to note that this cannot be based on what the participants stated as their goals. As others have argued, this is highly problematic since, on the one hand, social movement are never entirely homogeneous groups and divergent goals usually co-exist, and, on the other hand, the goals of social movements tend to change over the course of time. A way of overcoming this methodological difficulty and define whether the impact of the social movement was significant or not is to establish a benchmark against which the impact is compared to (Kolb, 2007:23). Thus, a benchmark as a base to evaluate the outcomes of social movements involves a relational notion of impact. As Kolb cogently asserts, this way of proceeding contributes to overcome most critiques against the
concepts of success and failure since these, more than being against the concept themselves, are
directed against flawed benchmarks (Ibid).

IN THE NAME OF DEMOCRACY: STRUCTURE OF POLITICAL OPPORTUNITIES AND POLICY
MAKING OF EDUCATION DURING THE CONCERTACIÓN GOVERNMENTS

Social movement scholars agree on the importance of the structure of political opportunities to
understand the impact of mobilization efforts. In the case of Chile, this broader set of constraints
and opportunities of social movements to emerge was to a great extent shaped by the nature of
the political transition3 and the general pattern of state-civil society relations that followed. After
17 years of authoritarian rule (1973-1989), the leaders of the Concertación that formed the first
democratic government in 1990 feared an authoritarian reversal. It is worthwhile remembering
the relatively high acceptance of the military regime when it left power: 44% voted for its
continuity in the 1989 plebiscite that finally led to democracy. In this context, the Concertación was
convinced that advancing political and economic stability and reducing poverty were the most
efficient ways of legitimising both the coalition in itself and the new democratic regime. These
aims were successfully achieved: the country had an average annual growth rate of 4.1% between
1991 and 2005 (Schmidt-Hebbel 2006:5), and lowered poverty rates from 38.6% to 20.6%, and
extreme poverty from 12.9% to 5.7% between 1990 and 2000 (Foxley 2004:8). Yet, under the
gloss of success, Chile’s economic transformation came at a high price in terms of socioeconomic
exclusion with Gini coefficients stagnated around 0.52, one of the highest in the world (World
Bank 2011).

Concerned about the political stability of the country, it was considered that an excessive social
mobilisation would be counterproductive to democratic consolidation (Boeninger, 1997; Barton,
2002:365). The traumatic experiences of imprisonment and exile that many members of the left
had gone through during the military regime had shaped an important process of political
learning (Bermeo, 1992:278). This resulted in a more moderate left, which neither intended to
base its constituency on political mobilisation, nor pursue revolutionary reform (Silva, 2004:70).
From the perspective of the leaders of the social movements that had marched alongside the
political parties during the protest against the military regime in the 1980s, once democracy was
re-established, backing the Concertación was commonly conceived as supporting democracy

3 Here I follow O’Donnell and Schmitter’s (1986) definition of transition and consequently I considered it to be
completed when the authoritarian regime is overthrown and a new regime emerges.
Moreover, many social actors gained important positions in the new democratic governments (Foweraker, 2001:860). These features contributed significantly to the gradual process of weakening of civil society in general, and of social movements in particular, that became a defining feature of post transition Chile (Silva, 2004). Accordingly, anticipating any popular demands, most policy initiatives were initiated from ‘above’ (Foweraker 2001:857). The elite-driven nature of the policy making was further strengthened by a strong technocratic approach, which also sought to depoliticise policy issues and contribute to the democratic consolidation (Silva 1991, 2008; Weyland 1997).

The structure of political opportunities was also markedly influenced by the limitations put by the institutional inheritance of the military regime. For example, the so-called ‘authoritarian enclaves’ of the constitution of 1980 established the appointment of nine designated senators, which favoured the right and added to the Concertación governments’ difficulties to obtain a majority in parliament (Angell and Reig, 2006:496). Additionally, the binominal electoral system promoted coalition building and a politics of agreements, at the same time as it counteracted minority parties. Together, the above-mentioned features considerably restricted the room of manoeuvre of the new democratic government and partly explain why the Concertación sought to be cautious and avoid radical reforms, adopting instead a pragmatic approach with strong emphasis on gradual reform, and few inputs from civil society.

The Concertación also inherited policy areas that had been deeply transformed along the neoliberal lines by the military regime. This was not the least the case of the education system, which had adopted Milton Friedman’s voucher system at a national scale and undergone a process of decentralization during the 1980s. Just one day before General Pinochet left power, in March 1990, these reforms were ‘locked in’ by the promulgation of the constitutional statutory law of education (hereafter referred to as LOCE by its Spanish acronym). Any major reform of the education system’s regulatory foundation was deemed unlikely given the lack of political force in parliament. Thus the Concertación governments decided to direct fiscal resources at funding a gradual expansion of the coverage of primary and secondary school at the same time as improvements to the infrastructure of the schools and better labor conditions for the teachers were introduced.
As happened in other policy areas, policy initiatives were formulated at the Ministry of Education without any significant participation from students or teachers (Cornejo et al. 2007). The Teacher’s Union had been given important concessions through the Teacher’s Statute in 1991, which addressed their working conditions. As Mizala put forward (2007:11), this reform sought to maintain a low level of conflict within the educational system. The low number of teachers’ strikes suggests that this aim was accomplished. University students’ movements on the other hand were weakened because of the restrictions on the organization of the growing private sector and the weakened role of state universities (Burton 2010).

The voucher system implies that a subsidy, value of which is calculated based on the monthly average student attendance, is paid by the Ministry of Education to both private and municipal schools. As no difference is made between these types of schools, strong incentives for the schools to compete with each other to attract students were provided, contributing to the development of a private market of education. Indeed, as the military regime had intended, between 1980 and 1990, the number of private schools increased by 50% and the percentage of students enrolled in municipal education declined from 58.4% in 1990 to 46.8% in 2006 (Sossdorf 2009:27). Setting into motion this market mechanism, it was theorized that an increased competition would result in an improved quality of education as worse off schools would be rejected by the parents (Matear 2007). Hence, the LOCE did not contemplate any centralized institutional mechanisms to control the quality of education.

The public and private provision of education created an education system based on three administrative categories (García-Huidobro and Bellei 2003:11-12). Approximately 54% of all primary and secondary school students were enrolled in municipal schools. 38% of the students attended state-subsidised private schools, which are privately owned and administered but financed through the per-student attendance-based voucher and also through the fees that parents are charged. Finally, 9% of the students went to privately paid schools, which do not receive government subsidies and are entirely financed by the parental contributions.

While the expansion of coverage of secondary school increased from 77% in 1990 to 93.7% in 2003 (Cox 2006:7), there was also an important segregation of the students according to their economic capacity (Cox 2006:13). This problem was also deepened by the systematic selection of students made by state-subsidised private schools (Mizala et al. 2005, quoted by Kubal 2009:5),

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4 Between 1990 and 2003, there were 48 days of teacher strikes, among which 20 were due to one conflict in 1998. The rest of the strikes were mainly caused by salary negotiations (Cox, 2005a:53).
and the introduction of fee-charging in the beginning of the 1990s, through which parent contributions made the resources of different schools even more uneven. At the Ministry of Education there was a growing awareness of the difficulty of achieving both quality and equity of education based on the uniform per-student voucher received by the schools (Mizala et al. 2002; Interview, Montt 2009; Interview, Castro 2009; Interview, Cox 2009). To correct this system, the \textit{Concertación} unsuccessfully tried to pass the preferential subsidy bill in 2005.

In spite of consciousness of the segregation effects that the education system was producing, any major reform was not part of the policy agenda of President Michelle Bachelet (Interview, Díaz, 2009). However, only a few weeks after having sworn in, the new administration was forced to change its position.

**THE GOVERNMENT RESPONSE TO THE \textit{PINGÜINO} MOVEMENT:**

**DECIPHERING THE ‘PERFECT STORM’**

While there was no political crisis as such in 2006 when the \textit{Pingüinos} emerged, there was a climate of discontent at both mass and elite levels that would have important consequences for the unfolding and strength acquired by the movement. Furthermore, the limitations of the governance formula pursued by the \textit{Concertación} governments revealed its limitations when the students demanded a structural reform of the education system to allow for shifting the focus from the \textit{quantity} of education (i.e. coverage) to policies securing the \textit{quality} of education.

Education did not occupy a top position when Chileans were asked about their main policy concerns (Centro de Estudios Públicos)\(^5\), yet, citizen disgruntlement with the high levels of inequality that historically have characterized the country were widely acknowledged. In spite of Chile’s success story in terms of economic growth, the year 2001, 52% of Chileans expressed that they consider themselves to be ‘losers’ of the economic development of the country (UNDP, 2002:257). Similarly, in a survey from a decade later, only 12% of Chileans referred to the distribution of the wealth as ‘very just’ or ‘just’ (Latinobarómetro, 2010:20). Citizen discontent was expressed by the waning in citizens’ confidence in political parties, which dropped by 66% between 1997 and 2002 (Valenzuela and Dammert, 2006:73). Also, in 2005, 47% of Chileans

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\(^5\) For an overview of the evolution of policy preferences in Chile, see www.cepchile.cl
were ‘not very satisfied’ and ‘not satisfied at all’ with the overall functioning of the democratic regime (Latinobarómetro, 2005:53).

A UNDP survey from 2004 showed that 65% of the population regarded the capacity to listen and to unify people as something that would make them trust and support a political leader (2004:257). Knowing full well the discontent with the elitist nature of the governance formula followed by the Concertación governments during the previous 15 years, this request became the hallmark of the presidential campaign of Michelle Bachelet. Planning to introduce a model of governance with more emphasis on participation, she insisted: ‘a country’s vision is not constructed behind closed doors; it is constructed with everybody’s opinions’ (García-Huidobro 2007:14), and ‘no one should doubt that we will be constructing a more participatory democracy’ (Aguilera 2007:120). As one of her campaign advisers asserts, ‘she embodied a strong demand for renewal of the governing elites […] people were tired of the traditional political class’ (Interview, Díaz 2009). This also explains why part of Bachelet’s agenda was to assign ‘new faces’ to her cabinet, i.e., politicians from outside the party elites that had not occupied key positions in the previous governments (Valenzuela and Dammert 2006:75).

In this general context, and the structural reality of the education system referred to in the previous section, three interacting dimensions explain why the 2006 Pingüino movement became the most important challenge to the Concertación governments since 1990.6

A first dimension is related to the mobilization resources of the movement. Early in 2006, the two main and competing factions of the secondary school student representatives joined forces in one single umbrella organization, the Asamblea Coordinadora de Estudiantes Secundarios (hereafter referred to as ACES). The ACES was composed by the municipal secondary schools in Santiago with strong participation of the so-called ‘emblematic schools’.7 The new internal structure involved more horizontal decision-making procedures. Most importantly, open assemblies were chosen as a decision-making mechanism and, through this, four spokesperson were elected to represent the different political strands within the organization. According to one of the student leaders, ‘the more democratic the organisation got inside the schools, the more people joined.

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7 Known as “emblematic schools” is a set of municipal schools (most of them in Santiago) that historically have had top performance in educational measurements. High competition defines who can enter one of these institutions. The most famous one is the Instituto Nacional, which has educated many presidents and prominent leaders.
The assembly as a mechanism of participation was extremely valued by the average student’ (Interview, Sanhueza 2009). This process of grassroots democracy within the movement, undertaken through regular conventions, democratic decision-making procedures, and large-scale fora, allowed delegates from individual schools to voice their opinions.

A second dimension was the movement’s effective construction of a collective action frame. The leaders of the ACES knew that the main demands that mobilized secondary school students were short-term ones such as the public transportation card, the cost of the university entry exam or the food at the schools, and thus the initial petition that the movement put forward in a series of demonstrations in Santiago in May 2006 focused on this type of demands. As the protests got more violent and the students were getting negative coverage in the press, it was decided to abandon this form of claim-making and initiate sit-ins of the schools. When the movement gained force, structural demands were incorporated into the petition of the students, and with this, the LOCE became the center of criticisms. This involved a process of frame bridging between two pre-existent frames that in the account of the spokespersons of the movement were ideologically congruent and yet separated: the LOCE and the quality of education. As former sub-secretary of education expresses, ‘[the Pingüino movement] was a very peculiar movement because it demanded quality of education. And they managed to embody a very simple idea in a law’ (Interview, Montt, 2009). The students believed that the replacement of the LOCE would translate into better education for them, and consequently, into better chances to access higher education. Thus the Pingüino movement identified a common diagnosis and a shared social experience at the grassroots level: rich and poor kids accessed different qualities of education.

The third and crucial dimension was the effect of the ‘new’ political style of President Bachelet on the political opportunity structure. To begin with, the mobilisations put forward by the Pingüinos just a few weeks after the initiation of the Bachelet administration provided an excellent opportunity for the opposition to revise how the government translated the ‘bottom-up’ discourse into practice - and very soon critical voices against Bachelet’s leadership skills were raised. The test that the protests signified for new government also motivated large media coverage of the student protests. From the perspective of the movement participants, there was a clear awareness of the possibilities that the new political style that the new administration sought to introduce meant for any mobilisation efforts. As one of them expresses, ‘we all said: Bachelet can’t just throw the police on us, her whole citizen discourse would have been

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8 See for example: ‘Protesta estudiantil. Mientras los escolares aparecen como los grandes ganadores, el gobierno se vio obligado a ceder y buscar una salida consistente con su sello ‘ciudadano’, La Tercera, 31 May 2006.
destroyed. We knew that this was the moment and no other one, thus the idea was to take advantage of this as much as possible’ (Interview, Delfino 2009).

Additionally, the introduction of ‘new’ more inexperienced faces that not necessary originated in the party elites also signified that a series of mistakes were made in the government’s response to the movement. For example, as the conflict escalated, deficiencies in the government’s reaction were made evident when the Ministry of Education and the Ministry of Interior sought to define a common standpoint. There was also a lack of coordination between the Ministry of Interior and the closest advisers of the president, which also contributed to fuel the protests (Interview, Díaz, 2009). The latter caused the omission of the students’ demands in Bachelet’s first annual address to the nation, which was due the 21st of May. Understandably, after almost a month of protests, the students were eager to see if their petition would have a response. When these were excluded from Bachelet’s discourse, the Pingüinos’ discontent increased, provoking the school sit-ins to ‘spread like flames’ (Interview, Delfino 2009).

Finally, the students gained important allies within the new administration and they were aware of the legitimacy that their demands had at the elite level. In words of one of the spokesmen of the movement: ‘to some extent they [the demands] were their own ideas; a great part of what we asked for is what the Concertación wants today’ (Interview, Valenzuela 2009). Senior government official of the Bachelet government, Francisco Javier Díaz, explains it the following way: ‘all mobilisations are public order issues until you realize that there is a legitimate and heartfelt demand involved. We knew that the students had a certain level of legitimacy and that the issue of the quality and equity of education was felt on a national scale’ (Interview, Díaz 2009). Indeed, as the surveys of the time showed, 87% of Chile’s population approved the demands of the movement (OECD and World Bank, 2009:29). In this context, Díaz continues, ‘to abolish the LOCE became inevitable; how and how much we had to discuss. The movement was the impulse that we did not have; the strength that we needed to pursue the reforms’ (Interview, 2009).

With over 500 schools taken over by the secondary school students, paralyzing the education system (El Diario Financiero, 2006), the Pingüino movement reached its pinnacle the 30th of May, when it successfully convened a national strike. Joined by many of their parents, teachers and ordinary citizens, the protest became the biggest of its kind since the return of democracy in 1990 with nearly a million Chileans marching on the streets along the country (Kubal 2010:118). This
time, the Bachelet government resolved to respond forcefully in order to end with the protests. The 1st of June, through a TV-broadcast, she addressed the nation. It was declared that the government would meet the Pingüinos’ short-term demands such as extended hours of validity of the school transportation card and scholarships to pay the university entry exam fees. As for the long-term demands, Bachelet announced that a Presidential Advisory Commission on the Quality of Education would be created. Composed by the main actors of the education system, and with the participation of members of the Pingüino movement, the task of the commission would be to propose reforms to the LOCE, the administration of the schools and other problematic areas of the education system. Education had become a central issue on the public agenda, and policy priority for the government. Furthermore, when President Bachelet made the first adjustment to her cabinet the 14th of July, after less than three months in power, the most criticized ministers during the conflict, Minister of Education Martín Zilic and Minister of Interior Andrés Zaldívar, were removed. Besides the impact that the protests staged by the Pingüino movement had on the composition of the government, the following two sections revise the agenda impact and policy impact of the students. As will become clear in the analysis, the students were far from satisfied with the policy outcomes that resulted from the policy making process that they triggered. Thus an implementation impact would have presupposed that the movement struggled for the proper implementation of the policies, which in this case is not relevant. At the same time, given the proximity in time, it is not possible to provide an analysis of the movement’s goods impact. The latter, would require having a sufficient time frame to examine to which extent the policies implemented actually achieve the students’ petition, namely, to improve the quality of education, providing more equal opportunities for everyone.

**THE AGENDA IMPACT OF THE PINGÜINO MOVEMENT**

When inaugurating the presidential commission, President Bachelet made the following statement: ‘motivated by the mobilizations of the young secondary school students, these days, different voices and actors have expressed their expectations on having an education of a much better quality (Consejo Asesor Presidencial por la Calidad de la Educación 2006:5). While the use of commissions was not a new feature in Chilean politics, the participation of civil society actors in them did not have any precedent. Seeking to be coherent with the government’s bottom-up agenda, the objective of the creation of the commission was threefold: to promote a dialogue between social sectors and politicians; to foster citizen participation; and to generate
recommendations for future public policies (Aguilera 2009). At the same time, as a senior policy adviser of Bachelet notes, ‘the commission was a way of showing the right-wing parties that it was impossible to not abolish the LOCE, to not count with higher standards, and to not introduce institutional mechanisms to secure the quality of education’ (Interview, Díaz, 2009).

Going back to the types of impact defined in the conceptual section that the paper began with, the creation of the commission showed the influence of the Pingüino movements as agenda-setters. The participation of the students in the commission also involved a procedural change in the way in which the government responded to social movements, and it expressed the recognition of the movement as the legitimate spokesman for the secondary school students. Yet, as Kriesi has noted (quoted in Della Porta and Diani 1999:162), the establishment of a working relation with the authorities has ambivalent implications for the development of social movements. While the public recognition and the access to decision making procedures that this involves illustrate their impact, the discontent provoked by the integration into an institutional system of interest intermediation can limit the movement’s mobilisation capacity, thus weakening it in the long run.

These contradictory processes were certainly present in the case of the Pingüino movement. The students disbelieved in the potential of the commission as an instance of dialogue due to both its composition and mandate. The design of the Bachelet administration considered including education experts, policymakers of education, and relevant actors of the education system. In total, the commission was composed by 81 members. Among these, only four had formal political party affiliation, and among the representatives of think tanks, it included five Concertación-friendly; five opposition-friendly; and one extra-parliamentary left friendly (Aguilera 2009:25). The students wanted their participation to constitute 50% + 1 of the commission to guarantee that their voice was heard (Interview, Valenzuela 2009). They also requested the commission to be a prescriptive or binding mechanism rather than a consultative forum as was it was conceived of by the government. Both proposals were rejected. Conscious of the damage to the movement’s reputation that an auto-marginalisation from the commission would signify, through an open assembly in which the representative of each school voted, the movement members decided to participate in spite of their disagreement with its format (Interview, Orellana 2009). As one leader states, ‘we knew that we would be disadvantaged but it was a fairer end than a simple de-mobilization would have been. At least we gained the process of formulating proposals’ (Interview, Sanhueza 2009).
Nonetheless, the disagreements over whether to participate or not in the commission signified that many participants disengaged with the movement (Interview, Valenzuela 2009; Interview, Delfino 2009). Additionally, two of the spokesperson resigned. Without a doubt, together with fatigue and previous tensions, the offer of the government deeply divided the movement and a process of de-mobilisation was initiated. The final split became evident when the students that decided to continue the mobilisations called for a general strike on the 5th of June. The participation of the radical left movement Frente Patriótico Manuel Rodríguez in those protests was strongly disapproved by the more Concertación-friendly sectors of the movement and also by public opinion. As a consequence, at the point where attempts to influence education policies were initiated, the movement was already substantially weakened.

The members of the commission were divided into three sub-commissions (regulatory framework, institutional setting, and quality of education) and had six months to submit its final report. During this time the members met weekly. Public audiences were held, and their opinions were compiled and distributed by the executive secretary to the wider commission. As an attempt to counteract the lack of participation that could result from the format of the commission, the Pingüinos and the social organizations that had supported the mobilizations created what became known as the Bloque Social por la Educación (Social Bloc for Education). This forum represented the opinions of key educational actors, inter alia university and secondary school students, teachers and the parents’ association. As Giorgio Boccardo, one of the university student leaders that participated in the commission, expresses, ‘it [the Bloque Social] was a defensive response to the elite’s initiative to transfer the educational conflict to the institutional sphere’ (Interview, 2009). The Bloque Social rejected the Concertación’s technocratic approach to policy making (Interview, Orellana 2009). To give voice to education actors, they routinely assembled before the weekly meeting of the commission to collectively review circulated material, allowing them to develop alignment prior to meeting with the other members of the commission (Interview, Pavez 2009). They also organized more than 150 congresses around the country, gathering proposals from teachers and authorities of schools and universities (Interview, Boccardo 2009). The pingüinos also continued their work in the assembly, feeding back discussion from the commission after each meeting. However, the regional representatives had to travel long hours to arrive at the weekly meetings and the attending students in Santiago had to miss school. These facts presented

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9 This included the Asamblea Nacional de Estudiantes Secundarios (ANES), Confederación de Estudiantes de Chile (CONFECH), Consejo Nacional de Educación Superior (CONESUP), Colegio de Profesores, Asociación de Apoderados and Consejo Nacional de Codocentes.
significant impediments for their participation in the commission and the formulation of proposals in the assembly (Interview, Sanhueza 2009).

When the final report of the commission was submitted to President Bachelet in December 2006, there were clear areas of discrepancy between the Bloque Social, the more Concertación-friendly sector of the commission and those who identified with the opposition, the Alianza. The main standpoints are summarized in the following table:

**Table 1: Main positions in the Presidential Advisory Commission**

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<th><strong>Bloque social</strong> Extra-parliamentary left</th>
<th><strong>Concertación</strong> Centre-left</th>
<th><strong>Alianza</strong> Right</th>
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<tbody>
<tr>
<td><strong>Causes of the bad quality of public education</strong></td>
<td>Decentralization of the education system and lack of priority of public education</td>
<td>Decentralization of the education system and lack of priority of public education / Teachers’ Statute</td>
<td>Teachers’ Statute</td>
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<td><strong>LOCE</strong></td>
<td>Reform</td>
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<tr>
<td><strong>Public/private education</strong></td>
<td>Opposed for-profit schools fees and co-financing</td>
<td>Differing internal positions on for-profit schools</td>
<td>Defend for-profit schools</td>
</tr>
<tr>
<td><strong>Role of the state and the municipalities</strong></td>
<td>Stronger state role/less municipalized system</td>
<td>Stronger state role/maintain municipalized system</td>
<td>Weaker state role/municipalized system and greater school autonomy</td>
</tr>
<tr>
<td><strong>Selection of students</strong></td>
<td>Internally divided</td>
<td>Regulate selection (in municipal and subsidised private schools)</td>
<td>Keep the schools right to select their students</td>
</tr>
</tbody>
</table>

Source: Based on Burton (2009) and interviews with Pavez, Medrano, García-Huidobro and Orellana (2009)

In spite of the disagreements, the commission acknowledged the existence of several problems and made a set of recommendations. First, it was absolutely necessary to improve public education. Further, it was recognized that public education is frequently the only choice of the most vulnerable sectors of society. It was acknowledged that the improvement of the quality of education depended on both the functioning of the schools and the capabilities of the teachers. Therefore, it was argued, any reform also needed to look at mechanisms to improve the teachers’ abilities and the learning process of the students. It was also recognized that there was an urgent need of introducing institutional mechanisms to assure the quality of education. Moreover, it was proposed to develop an alternative law to the LOCE in order to empower the state’s role as a
guarantor of the provision of a quality education. This was also intended to free the education system from its authoritarian past and hence, to make it more legitimate. Finally, it was agreed on maintaining a mixed provision of education.

When asked about the process of consensus-building in the commission, García-Huidobro who chaired the commission, maintains that at an initial phase there was a genuine process of citizen deliberation and mutual respect (Interview, 2009). However, the preliminary report that was due in September, only 3 months after its initiation, turned public attention on the commission again, encouraging members to adhere to their positions in a more intransigent manner (Interview, Pavez 2009). Consequently, the discussion became more technical; a mode previously avoided to ensure that all participants were included in the debate, and to facilitate consensus building around proposals (Interview, García-Huidobro 2009).

The tension between the technocratic discourse of experts and policy-makers, associated with both the Concertación and the Alianza, and the discourse of the Pingüinos and the other groups of the Bloque Social, made it difficult to reach agreements. According to Beyer, academic director of one of Chile’s most influential think tanks, Centro de Estudios Públicos, ‘when you have technocrats with various visions, the ideological differences are neutralized through the technical evidence put forward and thus the debate is simplified. They [the representatives of civil society organizations] have a mandate, they are representing a social group and as a consequence, they cannot negotiate […] they tried to impose their visions; we were like water and oil […] and there was no possibility to converge’ (Interview, 2009). From this perspective then, the discourse of many of the representatives from civil society organizations were excessively politicized, making consensus more difficult to achieve (ibid.). For the perspective of the Bloque Social, the technocratic discourse was an attempt to place the weight of the discussion on technical skills rather than political consequences (Interview, Scherpning 2009; Interview, Orellana 2009). The representatives of the Pingüino felt frustrated. In the words of María Jesús Sanhueza: ‘it was not a dialogue, it was a presentation of technical proposals’ (Interview, 2009). When asked about how the dissonance between the different sectors was solved, Patricia Medrano, who was executive secretary of the commission, recognizes that it was a consequence of the composition of the commission; yet, ‘no one can expect education policies to be formulated by the students’ (Interview, 2009).

Discontent with the functioning of the commission and the alignments that were being formed finally motivated the pingüinos’ retreat the night before the final report was due, although they had
participated until the very end in its drafting (Interview, Medrano 2009). The university students also stepped out as a sign of solidarity. As one university leader explains: ‘the consensus between the Concertación and the Alianza was unacceptable; therefore, we decided to leave the commission’ (Interview, Boccardo 2009). At the same time, the submission of the final report of the commission signified that the regularity of the work of the pingüinos had disappeared and with this, an important incentive to keep the movement united (Interview, Sanhueza 2009). The collaboration among the social organization of the Bloque Social continued during 2007 and 2008 (Interview, Boccardo 2009; Interview, Catalán 2009; Interview, Pavez 2009). Yet, the political affinities shifted with the change of the presidents of the Teachers’ Union and the FECH, which discontinued part of their cooperation (Interview, Boccardo 2009). Thus the potential for putting pressure on the policy making process was weakened. Most importantly, however, was that after the work in the commission, the debate on the education system was transferred to the legislative arena. Once in parliament, the political representation of the Bloque Social, i.e., the extra-parliamentary left did not have a place.

THE POLICY IMPACT OF THE PINGÜINO MOVEMENT

After receiving the final report of the commission in December 2006, President Bachelet convened a committee of senior policy-makers and gave them an ambitious task: to have a bill proposal ready by March 2007.

With one month of delay, in April 2007 the government presented a bill to substitute the LOCE. In the presentation of the proposal, President Bachelet declared that while the previous law had corresponded to the need of expansion of the coverage of education, it had not foreseen the exigencies of Chile’s current challenges (Domedel and Peña y Lillo 2008). To respond to these, the architecture of the new education system that was being proposed focused on quality and equity (Interview, Romaguera 2009). In particular, the bill proposal sought to eliminate profit-making with state resources, i.e., private schools could only be held by non-profit corporations; abolish the selection of students in both public and state-subsidised private schools; create a special government agency to control the quality of education; and, maintain the mixed provision of education that was established in the LOCE, but with more rigid requirements for schools with subsidies from the state.
These elements were polemical, and the government was aware of this. In particular, the elimination of profit making with public resources and the end of selection were conceived of as hugely contentious issues. Removing profit making with public resources was a gesture to the Pingüino movement. As former sub-secretary of education states, ‘if we had not included this, we would have had the students on the streets again’ (Interview, Montt 2009). However, in parliament it became clear that the bill proposal barely counted with the support of the Concertación. It was particularly criticized among the Christian Democrats who feared that the elimination of selection would threaten religious schools, and who disagreed on the elimination profit-making among state-subsidised private schools. Moreover, both within the Christian Democrats (PDC) and the Party for Democracy (PPD) there were vested interests since some of the party members also were managers of subsidized private schools (Burton 2010). In other words, the government’s first bill proposal, which to some extent had reworked some of the demands of the Pingüino movement, faced a major formal constraint, namely, the constellation of parties in parliament. In the words of former sub-secretary Montt, ‘the petitions of maximalist nature [of the pingüinos] clashed with the cruel reality of politics, namely, the lack of political force to pursue their demands’ (Interview, 2009).

The bill provoked strong reactions within the opposition parties, joined in the Alianza coalition, which motivated the decision to present an alternative bill. It is worthwhile noting that this constituted a real break with the pattern that had characterized the Alianza with regard to education policies (Interview, Beyer 2009; Interview, Chadwick 2009). As UDI-Senator Andrés Chadwick explains, ‘when the government presented its bill proposal, we saw that it was very ideological. The elimination of profit making would end private schools […] and the end of selection was a tough blow to religious education […] Normally, we were more reactive, we said, we don’t like this and things were maintained as they were. Now we decided to create an alternative law. It was too important’ (Interview, 2009).

The presentation of the Alianza's alternative bill forced the creation of a negotiation team, which was immediately criticized for undermining the presidential commission’s efforts. After several weeks of negotiations, an agreement was presented at a widely covered press conference in November 2007. The principal points of convergence were a new general law of education to replace the LOCE; a constitutional amendment that establishes the provision of quality education as the responsibility of the state, and for this purpose, the maintenance of the government agency to control the quality of education proposed in the original bill of President Bachelet; a bill on
preferential subsidy, which involves additional resources for the most deprived students; and the creation of a National Education Council that defines the rights and responsibilities of the actors of the system.

With hindsight, former sub-secretary of education, who participated in the negotiation team with the Alianza, reflects: ‘[…] if we had become too revolutionary we would have hit a wall and we would have come out with nothing […]’, compared to what existed [in terms of institutional mechanisms to guarantee equality] we achieved a lot because there was nothing […] But the demands were re-interpreted by the political actors and those mediations seemed opaque […]’ (Interview, Montt 2009). While the agreement was hailed as a major breakthrough by the government and the Alianza, the Pingüinos felt betrayed: ‘the agreement had nothing to do with the report [of the presidential commission] and that was already not much’ (Interview, Boccardo 2009). In the words of Julio Isamit, ‘the new general law of education was negotiated by 3-4 technocrats from the Concertación and the Alianza. The commission did not serve any purpose’ (Interview, 2009).

Although it is true that the Pingüino movement’s long-term demands were far from fully addressed, as I referred to in the conceptual section that initiated the paper, the assessment of the political impact of social movements cannot be based on social movements’ stated goals. Instead, any impact needs to be compared to an established benchmark. The following table summarizes the main policy outcomes that resulted from the policy making process motivated by the protests of the Pingüinos, in light of the existing problems of the education system.

Table 2: Final policy outcomes of the Pingüino movement

<table>
<thead>
<tr>
<th>Problem that is tackled</th>
<th>Before the Pingüino Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bill on Preferential Subsidy</strong></td>
<td>Deficiencies of the per-student based voucher system. Management deficiencies</td>
</tr>
</tbody>
</table>
The first bill listed, the preferential subsidy law, can serve as a benchmark to evaluate the policy outcomes of the Pingüino movement. It was a policy initiative by President Ricardo Lagos who preceded Michelle Bachelet. Its aim was to correct the distortions that resulted from the uniform per-student based voucher, and to increase the voucher in favor of the students belonging to the two lowest income quintiles. When introduced in 2005, the bill faced tough opposition from both the left and the right. The left argued that the uniform per-student based voucher paid by the state was the root of the segmentation produced by the education system and wanted to revise the system as a whole. The right considered instead that the bill was excessively interventionist and a threat to the school autonomy since the schools receiving the increased subsidy for the most vulnerable students would have to subscribe to a scheme through which they guaranteed the quality of the education provided (Interview, Beyer 2009; Interview, Chadwick 2009). From the perspective of the Ministry of Education, this was an attempt to introduce two different objectives: on the one hand, to provide more resources for the poorest students, and on the other hand, to introduce mechanisms of accountability through which the Ministry could have more control over the subsidies it was paying, and thus regulate the quality of the education. As the sub-secretary of education in the Bachelet government points out, the chances of the bill to be approved seemed very low in the beginning of 2006 (Interview, Romaguera 2009). Two years later, however, the bill was approved and the subsidy to the most vulnerable third of the students was increased by 60%.
The other bills listed in table 2 are also directed at improving the quality of education. The constitutional amendment reformulates the duty of the state: from the *access* to education to the provision of *quality* education, following standards redefined by the Ministry of Education. The new constitutional law of education establishes higher requirements to the provision of education than the ones included in the LOCE. It involves aspects such as the administration of the education system, the teachers, and the physical and institutional conditions. It states that the owners of the schools must be exclusively dedicated to educational issues. Furthermore, it prohibits the selection of students before sixth grade. The inspectorate for the quality of education, on the other hand, reflect the *Pingüinos*’ intra-institutional impact, as it involves the creation of a special government agency in charge of regulating the quality standards of the education by assessing the students, the provider of the education (municipal and state-subsidised private schools) and the teachers. Finally, the bill on the reinforcement of public education seeks to correct the lack of coordination between the Ministry of Education and the municipalities with regard to who is responsible for the quality of the results obtained by the students, and through this, also contribute to improve the quality of public education. However, it has not been approved yet. Moreover, it is worthwhile noting that the other policies listed in table 2 have been promulgated after long debates in parliament, which have delayed their implementation. It is not surprising then to observe, as I write, how the frustration of Chile’s students once again has led to massive protest; this time staged by university students who demand the state to be in charge of the provision of education.

**CONCLUSION**

To be sure, the channelling of the *Pingüinos*’ demands did not follow a clear-cut development. The creation of a presidential advisory commission to impulse a national debate on education expressed the *Pingüinos*’ agenda impact. Yet, the commission’s work, highly influenced by the weight of technocrats, did not necessarily support the critical account of the students. Instead it limited their influence, as well as their allies’. In addition to this informal constraint, formal constraints were also met. These were expressed by the lack of political support for the bill that President Bachelet sent to the parliament. So, as Amenta and Young underline, ‘*[g]etting an issue on the political agenda increases only the probability of action […]*’ (1999: 39).
To overcome the formal and informal institutional constraints that the movement faced at different stages of the policy making process, the building-up of mobilization resources is needed. For example, to be able to have an alternatives impact would have required having more expertise to write credible proposals and, above all, the capacity to create the necessary political alliances in parliament to channel the movement’s demands. In the absence of these resources, while acknowledging the importance of improving the quality of education as a key challenge of the country, the demands of the movement were scaled back. As a consequence, the Pingüinos were not able to change the structure of the education by abolishing the subsidiary role of the state.

This is not meant to suggest that the Pingüino movement did not have a policy impact. As argued in the conceptual section, the evaluation of the impact of social movements must be based on a comparison with a benchmark. In this vein, while the policies implemented far from fully address the Pingüinos’ demands, in comparison to the reform efforts prior to the movement, the policies listed in table 2 introduce institutional mechanisms that seek to guarantee the quality of education, which was one of the central long-term demands of the students. Yet, the policy impact is to be distinguished from the goods impact. As defined in the conceptual section, this refers to the extent to which social movements influence the provision of collective or public goods. As it certainly is too early to estimate the effects of the education system’s new regulatory framework on the quality of education, this cannot be analysed yet.

Moreover, only a long-term perspective will allow us to assess how important the Pingüinos are as an antecedent for later movements. Studying the movement in particular might lead to different conclusions than studying it as part of a broader cycle of protest, in which small victories, lessons and pending tasks that form the base for future, more structural gains that constitute the next benchmarks. Studying the movement as part of a broader cycle of protest, one can seek to identify how processes of social and political learning allow social movements to overcome these same constraints. The massive student protests that have taken place the last three months in Chile will be an interesting point of contrast in this regard when time allows assessing their impact. This research agenda is of particular interest in the context of newly established or re-established democracies, where civil society in general and social movements in particular, has the potential to play an important role as a democratizing force.
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