

**Reconstructing collective action in the neoliberal era:
The emergence and political impact of social movements in Chile since 1990**

*Thesis submitted in partial fulfillment of the requirements for the
Degree of Doctor of Philosophy in Development Studies*

by

Sofia Donoso

Oxford Department of International Development
Queen Elizabeth House
University of Oxford

St Antony's College
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I hereby certify that this thesis is the result of my own work
except where otherwise indicated and due acknowledgment is given

SIGNED:

Sofia Donosok

DATE:

December 2013

ABSTRACT

This dissertation investigates the emergence and impact of social movements in Chile since the reinstatement of democracy in 1990. Seeking to make an important contribution to the understanding of the reconstruction of collective action in post-transition Chile, I focus on two cases which have been particularly successful in questioning the benefits of market-friendly policies introduced by the military regime (1973-1989) and continued to a great extent by the *Concertación* governments (1990-2010). The first case is the 2006 *Pingüino* movement, named after the secondary school students' penguin-like black and white school uniforms, which forced a substantial discussion on the education system's segregating effects and its neoliberal underpinnings. The second case is the 2007 *Contratista* movement, composed of subcontracted workers of CODELCO – Chile's main state-owned copper-extracting company. The *Contratistas* repoliticised a long-dormant debate on labour issues and revitalised a trade union movement which had been in decline in previous decades.

I draw on the Contentious Politics approach, which stresses social movements' interaction with the institutional terrain, and explain the emergence of the *Pingüinos* and *Contratistas* as the result of three distinct but intertwined processes: the opening up of the structure of political opportunities involved in the rise of President Bachelet; the deeply felt discontent with the education and labour reforms introduced by the military regime and kept largely intact by the *Concertación* governments; and the movements' adoption of non-hierarchical organisational forms as a way of reconstructing collective action 'from below'. In terms of political impact, I show that both the students and the contract workers were successful in introducing issues onto the public agenda that were not there before the emergence of the movements. The extent to which this was translated into bills that reflected the concerns of the movements, however, depended on their capacity to continue to exert pressure on the government and to forge political alliances. In this way, I argue that the impact of the movements was *indirect* and followed a two-stage process through which first the *Pingüinos* and *Contratistas* influenced aspects of their external environment, namely, public opinion and political alliances, and then the latter influenced policy.

Overall, my research shows the links between processes at the micro-level (the development of organisational resources and grievance interpretation) and their subsequent impact at the macro-level (agenda-setting and policy impact) – a development that has undoubtedly acquired greater relevance and analytical urgency since the wide range of protests that have taken place around the world since 2011.

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ACRONYMS AND ABBREVIATIONS

ACAS	Asamblea de Centro de Alumnos de Santiago (Assembly of Student Councils of Santiago)
ACES	Asamblea Coordinadora de Estudiantes Secundarios (Coordinating Assembly of Secondary School Students)
ACU	Asociación Cultural Universitaria (Cultural University Association)
AFD	Aporte Fiscal Directo (Direct Fiscal Contribution)
AFI	Aporte Fiscal Indirecto (Indirect Fiscal Contribution)
AGEST	Asociación Gremial de Empresas de Servicios Transitorios (Association of Enterprises of Transitory Services)
Alianza	Alianza por Chile
AUGE	Acceso Universal con Garantías Explícitas (Universal Access with Explicit Guarantees)
Bloque Social	Bloque Social por la Educación (Social Block for Education)
CAF	Collective Action Frame
Citizen Council	Consejo Ciudadano para el Fortalecimiento de la Sociedad Civil (Citizen Council for the Strengthening of Civil Society, henceforth Citizen Council)
CNTC	Coordinadora Nacional de Trabajadores Contratistas (National Coordination of Contract Workers)
CODELCO	Corporación Nacional del Cobre de Chile (National Copper Corporation of Chile)
CONFECH	Confederación de Estudiantes de Chile (Confederation of Chilean Students)
COSENA	Consejo de Seguridad Nacional
CPC	Colegio de Profesores de Chile (Teachers' Conference of Chile)
CPC	Confederación de la Producción y del Comercio (Confederation of Production and Commerce)
CTC	Confederación de Trabajadores del Cobre (Confederation of Copper Workers)
CUT	Central Unitaria de Trabajadores (National Workers' Union)
DEPROS	Direcciones Provinciales de Educación (Provincial Direction of Education)
DOS	División de Organizaciones Sociales (Division of Social Organisations)
EEII	Estudiantes de Izquierda (Left Students)
FECh	Federación de Estudiantes de la Universidad de Chile (Federation of Students of the Universidad de Chile)
FESES	Federación de Estudiantes Secundarios de Santiago (Federation of Secondary School Students of Santiago)
FOCH	Federación Obrera de Chile (Workers' Federation of Chile)
FSCU	Fondo Solidario de Crédito Universitario (Solidarity Fund of University Credit)
FTC	Federación de Trabajadores del Cobre (Federation of Copper Workers)
ISI model	Import Substitution Industrialisation model
LGE	Ley General de Educación (General Law of Education)

LOCE	Ley Orgánica Constitucional de la Enseñanza (Constitutional Law of Education)
MECE	Programa de Mejoramiento de la Calidad y Equidad de la Educación (Improvement of Educational Quality and Equality Program)
NSMT	New Social Movement Theory
PAC	Presidential Advisory Commission
PAC on Education	Presidential Advisory Commission of the Quality of Education (Consejo Asesor Presidencial para la Calidad de la Educación)
PAC on Labour	Presidential Advisory Commission on Labour and Equity (Consejo Asesor Presidencial Trabajo y Equidad)
PJ	Parlamento Juvenil (Young People's Parliament)
POS	Political Opportunity Structure
PPD	Partido por la Democracia
PPM	Political Process Model
PSU	Prueba de Selección Universitaria (University Entry Exam)
RMT	Resource Mobilisation Theory
RN	Renovación Nacional
RUT	Razón Unitaria Tributaria (Unitary Tax Identity)
SEREMI	Secretaría Regional Ministerial (Regional Ministerial Secretariat)
SIMCE	Sistema de Medición de la Calidad de la Educación (System for the Measurement of Educational Quality)
SIMCE	Sistema de Medición de la Calidad de la Educación (System for the Measurement of Educational Quality)
SINAMI	Sindicato Interempresa Nacional de Montaje Industrial, Obras Civiles y Actividades Anexas (National Inter-enterprise Trade Union of Industrial Installation, Civil Work and Annex Activities)
SITECO	Sindicato Interempresa de la Gran Minería y Ramas Anexas (Inter-enterprise Trade Union of the Mining Sector and Annex Activities)
Subcontracting Act	Ley de Subcontratación y Servicios Transitorios (Subcontracting and Transitory Labour Act)
SUTE	Sindicato Único de Trabajadores de la Educación (Unitary Union of Education Workers)
TIMSS	Trends in International Mathematics and Science Study
UDI	Unión Democrática Independiente

AUTHORSHIP STATEMENT

The analysis of the *Pingüino* movement was submitted by the author as part of the requirements for the degree of Master of Philosophy (MPhil) in Development Studies at the University of Oxford in May 2010. The title of the MPhil thesis was ‘Dynamics of change: The Chilean *Pingüino* movement and its impact on the education agenda’.

For the purposes of this DPhil dissertation, the original research results that were included in my MPhil thesis in 2010 have been verified, complemented and significantly improved in three ways. Firstly, and most importantly, my doctoral research expands my research on social movements in post-transition Chile by including a second case study, on the *Contratista* movement. The comparative slant that resulted from this methodological decision has changed the overall argument of the DPhil dissertation and allowed for a deeper understanding of both cases under scrutiny. Secondly, additional fieldwork was conducted during 2011 to include interviews with key actors of the *Pingüino* movement that had not been achieved in the previous year. These involved both leaders of earlier protest waves and education policymakers who had played a key role in the policymaking process which followed the protests staged by the secondary school students in 2006. These interviews were crucial for sharpening the overall argument of the DPhil dissertation and understanding the background of the *Pingüino* movement. Thirdly, the main arguments of the MPhil thesis were discussed with a small group of interviewees whom I had met during my fieldwork for the MPhil thesis. The DPhil dissertation includes some adjustments to the argument that resulted from this dialogue.

Notwithstanding the substantial additional research that was conducted for the DPhil dissertation, there are, however, parts of the MPhil thesis that have been included in this

new dissertation. These are incorporated in Chapter 5, which analyses the emergence of the *Pingüino* movement, and Chapter 6, which addresses the question of the impact that the secondary school students had. While the theoretical lens is the same in both the MPhil thesis and the DPhil dissertation, the theoretical chapter has been considerably revised and a vast amount of new material has been added. In addition, it has been complemented with an extensive literature review in Chapter 1. Overall, my estimation is that approximately 20% of the DPhil dissertation text was extracted from the MPhil thesis.

Lastly, it is worth mentioning that I have presented sections of this thesis at international conferences and that I have published the following article based on my MPhil thesis: Sofia Donoso, 'Dynamics of change in Chile: Explaining the emergence of the 2006 *Pingüino* movement', in the *Journal of Latin American Studies*, Vol. 45, pp. 1-29.

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‘The circumstances create the need, and the need,
when it is great enough, creates the circumstances’

José Saramago

INTRODUCTION: FROM DEPOLITICISATION TO REPOLITICISATION IN POST-TRANSITION CHILE

*‘We shall know that a new era has begun not when a
new elite hold power or a new constitution appears,
but when ordinary people begin contending
for their interests in new ways’¹*

I. INTRODUCTION

It began in Lota, a small ex-mining town next to the city of Concepción in Southern Chile.² It was late April 2006 and Michelle Bachelet, the fourth consecutive president of the *Concertación*³ – the centre-left, four-party coalition government in power between 1990 and 2010 – had been sworn in a few weeks earlier. The autumn had started with some major downpours and in *Liceo Matías Cousiño*, one of the country’s many public schools, the roof collapsed due to the rain, revealing the infrastructural problems that publicly-administrated schools in the poorest municipalities throughout the country still struggled with. On April 25, protests convened by secondary school students from three of the city’s public schools ended with 60 arrests (El Mercurio 26.04.2006). Yet, the following day 3,000 students and 200 teachers went out again to manifest their discontent (El Mercurio 27.04.2006). In the capital city of Santiago, in turn, these events coincided with the mobilisation of another 4,000 secondary school students who gathered to protest the delayed delivery of the school travel pass and rumours about an increased fee (La Tercera 27.04.2006). By spearheading street demonstrations and then taking over their schools, what would grow into the

¹ Charles Tilly, quoted in Auyero (2006:165).

² See map of Chile in appendix 1.

³ The *Concertación* is composed of the following political parties: *Partido Demócrata Cristiano* (DC), *Partido Socialista* (PS), *Partido Por la Democracia* (PPD) and *Partido Radical Socialdemócrata* (PRSD).

Pingüino movement – named after the secondary school students’ penguin-like black and white school uniforms – culminated in the largest protests Chile had witnessed since the reinstatement of democracy in 1990. While initially sparked by specific economic grievances and characterised by a handful of scattered demonstrations, the *Pingüinos* developed an elaborated critique of the education system inherited from the military regime (1973-1990) and exposed the difficulties of the *Concertación* in reforming it. Articulating a heartfelt discontent, the hundreds of thousands of secondary schools students that mobilised in 2006 forced a substantial discussion on the education system’s segregating effects and its neoliberal underpinnings.

A little more than a year later, in the midst of the boom of the copper price, Chile’s main export good, contract workers of the mining sector shook the country by staging what few imagined would become the longest labour strike – 37 days – in the country’s post-transition era. Starting in early June 2007, the *Contratistas* paralysed the five main branches of the National Copper Corporation of Chile (*Corporación Nacional del Cobre de Chile*, henceforth CODELCO), Chile’s biggest state-owned copper-extracting company, by blocking the highways leading to the divisions and preventing the buses that transported the workers from arriving at their destination. Never abandoning the blockades, hundreds of contract workers participated in the strike by organising shifts and spending all night guarding the take-overs. Sometimes staging cheerful demonstrations accompanied by flamboyant banners and singing and other times taking more violent forms, the *Contratistas*’ coordinated blockade of the *Chuquicamata*, *Salvador*, *Andina*, *Ventanas*, and *El Teniente* CODELCO divisions called attention to the unequal working conditions that they were subject to in comparison to the state giant’s permanent staff. Specifically, CODELCO’s contract workers demanded bonuses similar to those of the permanent workers and the right to collective bargaining. In doing so, they not only protested against the consequences

of the country's dramatic expansion of subcontracting arrangements but also against the institutional framework behind it. This way, they called into question the entire legal framework, largely based on the neoliberal model⁴, which had been introduced by the military regime and continued by the *Concertación* governments. Repoliticising a long-dormant discussion on labour issues and revitalising a trade union movement, which had been in decline in previous decades, the *Contratista* movement became the first real challenge to the country's model of labour relations after the reinstatement of democratic rule in 1990.

Clearly, as Della Porta and Diani note, '[...] movements and conflicts do not develop in isolation but tend rather to be concentrated in particular political and historical periods [...]' (1999:77). The nation-wide protests staged by the secondary school students and the contract workers of the mining sector during the Bachelet administration (2006-2010) initiated a protest wave in Chile which, until this day, has not ebbed. Questioning the institutional legacy of the military regime and the shortcomings of the *Concertación* in the fields of education and labour, the *Pinguinos* and *Contratistas* challenged the development path the country had undertaken since its transition to democracy.

These events in Chile prompt several puzzling questions that this dissertation addresses:

- Firstly, what motivated the emergence of the *Pinguino* and *Contratista* movements and how did they manage to stage the most significant protests the country had witnessed until then?

⁴ The terms 'neoliberal model' and 'free-market model' will be used interchangeably in this dissertation.

- Secondly, what was the impact⁵ of the movements on labour and education policy-making?
- And finally, what do these phenomena of social mobilisation tell us about the prospects of the moderate Left governments, such as the *Concertación*, in Latin America when it comes to dealing with key pending development challenges such as tackling socio-economic inequality through education and labour policies?

I aim to answer these questions by tracing how historical and institutional legacies in Chile have shaped both the space for social movements to emerge and the responses of the *Concertación* to social mobilisation. Identifying the interplay between structural factors and agency-related variables that facilitate or constrain collective action, I investigate the reconstruction of collective action in post-transition Chile and seek to elucidate its implications for pushing for policy reforms ‘from below’.

After this brief contextualisation of the research undertaken in the dissertation, the rest of the introduction is structured as follows. The next section seeks to situate the study within current scholarly debates, focusing on three topics: first, the implications on collective action of the transition to democracy and neoliberalism; second, the rising tide of social movements as a reaction to the fault lines of this double transition; and thirdly, the influence that the election of left-of-centre governments across the region had on this process. The subsequent section introduces the main arguments of the dissertation and outlines how they contribute to contemporary discussions. A methodological section then reviews the ontology, case selection, and research methods that the dissertation is based upon, and the final section outlines the structure of the remaining chapters.

⁵ Impact and outcomes will be used interchangeably throughout the dissertation.

II. FROM DEPOLITICISATION TO REPOLITICISATION IN LATIN AMERICA'S (POST) NEOLIBERAL ERA

i. The transition from authoritarian rule, neoliberal transformation, and the atomisation of collective action

The 'third wave of democratisation', which started in the late 1970s, has been the longest and most encompassing in the history of Latin America. The rise of a vast array of social movements calling for democracy – referred to as the 'resurrection of civil society' in the transition literature (O'Donnell and Schmitter 1986:48) – played a central role in enabling this transition from authoritarian rule. In many ways, as the literature has underscored, the early 1980s was *the* period of social movements in Latin America (Escobar and Alvarez 1992a; Hipsher 1998a:153; Shefner 2004). Emblematic cases such as the human rights movement *Madres de Plaza de Mayo* in Argentina (e.g. Navarro 1989), shantytown organisations in Chile (Hipsher 1996; Hipsher 1998a; Oxhorn 1995; Schneider 1995), indigenous movements, environmental movements, and women's rights movements (e.g. Lind 1992) have received particularly close scholarly attention (see Eckstein 1989 for a general overview). It has also been noted that organised labour catalysed the transition from authoritarianism in important ways, especially in the initial processes of political liberalisation (Collier and Mahoney 1997; Drake 1996; Valenzuela 1989; Payne 1991). As previous research has pointed out, labour mobilisation, in fact, tended to *precede* other social movement activity in the struggle to re-gain democracy (Foweraker and Landman 1997:133).

Few would take exception with the claim that the reinstatement of democracy brought about objective possibilities for more citizen participation. Most obviously, the

associational space for social actors to congregate publicly increased considerably (Silva 2009:30). At the same time, regime transitions involved new opportunities for societal demand-making, new expectations regarding the accountability of state officials, and a pledge for more inclusive and integrative politics (Berins Collier and Handlin 2009:3). In addition, the adoption of institutional forms of participation opened up new spaces (Avritzer 2008). For example, Brazil's participatory budgeting, arguably the most heavily scrutinised case, was introduced with the aim of strengthening social actors and to thereby reinforce democracy (Abers 1996; Abers 1998; Baiocchi 2001; Goldfrank 2011; Hochstetler 2000; Wampler and Avritzer 2004).

Nevertheless, once the transition from authoritarian rule had been completed and electoral democracy installed, social mobilisation tended to wane (Roberts 1998a:85). As a large body of literature has highlighted, the restoration of party politics and elite-level compromises frequently came at the expense of social movements (Almeida 2007; Hipsher 1996; Hipsher 1998b; Oxhorn 1996; Roberts 1998a). Many times, the interlinked relationships between the leaders of social movements and political parties also meant that party goals were translated into base-level action (Hipsher 1996:274). With the aim of preserving democratic stability, these party guidelines often put forward a limited definition of democracy that discouraged protest. More broadly, this motivated political parties to seek to moderate societal demands (Oxhorn 2009:222). This was an intentional and strategic response to the need of assuring the economic elites that the reinstatement of democratic rule would not threaten their interests (Paley 2001; Panizza 2009; Roberts 2008:330). Demobilisation thus signified that subordinate groups lost their capacity to pursue collective goals (Remmer 1980:276).

Political transitions, then, tended to leave pending the problems of social democratisation, that is meaningful social change that renders opportunities for social participation more equal (Garretón 1990:2). Put differently, while political rights were reinstated, the agenda on social rights tended to lag behind. The uncoupling of political and social rights reflected the shifts in relative power to varying degrees in different Latin American countries. But common causes were a weakened labour movement, the increased structural power of private capital, and states that had been scaled back and were consequently less capable of responding to social rights demands (Roberts 1998a).

This raises a second issue that is key to understand the waning of collective action in post-transition Chile and elsewhere in the region: the effects of free-market reform. The neoliberal economic approach, which gained momentum under President Ronald Reagan in the United States and Prime Minister Margaret Thatcher in the United Kingdom, was preceded by Chile, where the military regime had begun to introduce market reforms already in the mid-1970s. In other parts of Latin America it was only after the debt crisis of the early 1980s that governments introduced short-term stabilisation programmes, which then were followed by neoliberal reforms with more permanent consequences. According to a view which soon became hegemonic the origins of the debt crisis was caused by the excessive intervention of the state in the economy (Huber and Stephens 2012:156). Accordingly, international institutions such as the World Bank and the International Monetary Fund spearheaded policy initiatives that sought to scale back the state, reduce fiscal imbalances, and deregulate the economy. The so-called ‘Washington Consensus’ further promoted fiscal orthodoxy, liberalisation, and the privatisation of previously state-owned companies (Williamson 1990). With different timings and varying intensity, the vast majority of Latin American countries had adopted substantive market reforms by the early 1990s (Roberts 2008:328).

Free-market reforms discouraged social organisation and political engagement in at least two ways. Firstly, by reducing the scope of what is decided politically and accomplished through public policies, the neoliberal prescriptions arguably created disincentives for political action (Kurtz 2004:272). At the same time, the introduction of neoliberalism led to the withdrawal of government from many of its adjudicatory functions in the economy (Arce and Bellinger 2007:98). For example, trade liberalisation and enterprise privatisation, implemented for the sake of economic efficiency, transferred what used to be highly consequential policy decisions such as setting price and employment levels, to markets that were at the whim of the international economy (Kurtz 2004:273). Additionally, the increasing technocratisation that often accompanied free-market reforms had a depoliticising effect on the policy-making process, which was now considered a technical matter (Oxhorn 2009:220; Lechner 2002:119). As Oxhorn argues, '[p]roponents of neoliberal reforms viewed neutral or apolitical market mechanisms for deciding distributional issues as inherently superior to state (i.e., political) institutions, if not as panaceas' (2009:223). Finally, it is also important to note that in light of the high social mobilisation and polarisation that had characterised much of the 1960s and early 1970s in Latin America, a technocratic approach to policymaking was also promoted in the post-transition period as the only guarantee of 'rational and coherent' policies (Silva 1991b:386).

Secondly, the neoliberal reforms themselves complicated collective action in that they inhibited the formation of groups or the formation of collective interests that are crucial antecedents of political engagement (Kurtz 2004:272). In particular, they transformed the social, political, and cultural landscapes that had developed during the mid-twentieth century through the implementation of the state-led import-substitution industrialisation model (henceforth ISI model). Specifically, the introduction of the neoliberal model involved the weakening of the class-based collective actors of the ISI era, i.e. organised

labour and labour-based parties (Roberts 2007a; Roberts 2007b). The decline of the ISI model and the liberalisation of the markets across the region were followed by the loss of industrial jobs (Huber and Stephens 2012:158). In turn, the dismantling of the manufacturing sector – commonly the most heavily unionised economic sector – weakened the national trade union movements considerably. Additionally, the freeze in public employment that accompanied this economic shift also debilitated the trade unions in this sector. These processes went hand in hand with the expansion of the informal sector, which is much harder to organise (Panizza 2009:104; Roberts 1996:70).

The decline of the national trade union movements that resulted from the dismantling of the ISI model often coincided with the liberalisation of labour legislation. The flexibilisation of the legal frame, which had previously facilitated the organisation of workers and sometimes also peasants, further complicated collective action (Kurtz 2004:272). Legal changes also eroded the historical gains of the trade union movement by scaling back on job security and increasing contract work, amongst other things (Rice 2012:40). Efforts to abolish collective bargaining at the sectoral level and facilitate hiring and firing further undermined organisational rights (Kurtz 2004:287).

Neoliberal reform also had an impact on collective action in other ways, notably through the transformation of the region's party systems and political regimes (Murillo 1997; Murillo 2001; Roberts 2007a; Roberts 2012; Roberts and Wibbels 1999; Weyland 2004). Scholarship has shown that market reforms did not only weaken organised labour – a central constituency of the Left – but also eroded corporatist structures of interest representation. Moreover, by scaling back the state, the introduction of neoliberalism weakened and transformed clientelistic networks of party-society relations. Scholars have also investigated the relationship between the decline of organised labour and the

transformation of the political parties that historically supported labour movements (e.g. Levitsky 2003; Murillo 1997; Murillo 2001). For example, as noted by Roberts and Wibbels, the parties that had traditionally promoted state-led development have either collapsed (e.g. Peru's APRA and United Left coalition), been considerably weakened (e.g. Mexico's PRI, Venezuela's AD, the Chilean Communist Party, the Nicaraguan Sandinistas), or become defenders of free-market reforms (e.g. the Argentine Peronists under Menem, the Chilean Socialists, the MNR in Bolivia, and the Mexican PRI) (1999:585). Recognising that neoliberal reforms have challenged the privileged position of trade unions as interest mediators, a growing body of literature has sought to conceptualise the implications for political representation (e.g. Berins Collier and Handlin 2009; Hagopian 2009) and citizenship (e.g. Oxhorn 2011).

ii. Repoliticising the fault lines of democratic rule and neoliberalism: The flourishing of social movements in Latin America

The adoption of the neoliberal model in Latin America complicated collective action through various mechanisms. From the perspective of Oxhorn, '[t]his weakness in social mobilization and civil society more generally meant that alternatives to neoliberalism would take a long time, at best, to emerge' (2009:222). At the same time, however, the reinstatement of democratic rule raised great expectations, which then clashed with the persistence of inequality and socioeconomic exclusion. Latin America still has 189 million people living in poverty (Blofield 2011:1-2). The region also has the highest levels of inequality in the world, which manifests itself in most dimensions of people's lives, such as access to education, health and other public services, access to a decent employment and access to political voice (World Bank 2004). By the mid-1990s, survey data and academic analyses already highlighted existing disillusionment with democratic rule among Latin

Americans (Panizza 2009:89). The contradiction between democratic citizenship and socio-economic exclusion created a fertile soil of contention across the region (Rice 2012:42).

The articulation of this discontent has generated popular movements that seek to extend citizenship rights from the political to the social and economic spheres (Roberts 2008:329). Since the late 1990s, cumulative grievances stemming from the shortcomings of the neoliberal model and the unfulfilled promises of democratic rule have animated different protest movements which challenge both neoliberalism and the governments that attempt to impose it (Almeida 2007; Arce 2008; Bellinger and Arce 2011; Eckstein 2004; Kuecker 2004; Roberts 2008; Roberts 2009; Silva 2009; Stahler-Sholk, Vanden and Kuecker 2007; Vanden 2003). Instead of being staged under the trade union banner, protests have involved ethnic, civic, or sectoral identities (Rice 2012:10). Led by new and old actors – indigenous peoples, the unemployed, and neighbourhood associations, amongst others – these protests stemmed from the formation of new social movement organisations and reflect that while neoliberal reforms considerably weakened class-based actors such as organised labour, new actors have mounted a significant challenge to the flaws of the neoliberal transformation and of procedural democracy (Silva 2009; Silva 2012).

An ever growing literature on indigenous movements, for instance, has shown how the economic and socio-political transformations in Latin America have redefined the region's recurrent 'indigenous issue' (e.g. Almeida 2008; Madrid 2012; Rice 2012; Van Cott 2005; Yashar 1999; Yashar 2005). Yashar analyses the shift from what she refers to as a 'corporatist citizenship regime', which unintentionally enabled indigenous communities to carve out spaces of local autonomy, to a 'neoliberal citizenship regime' that threatens the autonomy that had previously been secured (2005). This process, she argues, has politicised ethnic cleavages and motivated social mobilisation (Yashar 2005:54).

Other particularly visible social movements such as the Argentine Unemployed Workers' movement – the *Piqueteros* – which has been the principal social actor in calling into question the mismanagement of the economy and the faults of the country's neoliberal model (e.g. Rossi 2011; Svampa and Pereyra 2003), has also received a great deal of scholarly attention. The *Piqueteros* were part of the mass mobilisation that rocked the country in late 2001, culminating in the resignation of President Fernando de la Rúa and paving the way for the articulation of social demands for the incorporation of the poor (Svampa 2005; Rossi 2011).

Argentina is not unique in having experienced processes of mass mobilisation against the existing economic and political order. In Bolivia, for example, different protest waves against the neoliberal model – triggered by the privatisation of water rights in 2000 and the exploitation of the country's vast natural gas reserves – sparked massive protests and came to a head in 2005 with the rise of the *Movimiento al Socialismo* (MAS), a leftist and indigenous party, and the electoral triumph of MAS leader Evo Morales (Madrid 2012). Venezuela and Ecuador equally experienced periods of mass mobilisation staged by social groups hurt by neoliberal reforms (Silva 2009). Much like in Argentina and Bolivia, these protest waves helped to bring leftist leaders to power.

Silva's comparative research focuses on the wave of anti-neoliberal contention in Latin America and seeks to explain what it is about neoliberalism that enabled the formation of linkages of disparate social groups which, in turn, paved the way for the aforementioned episodes of mass mobilisation in Argentina, Bolivia, Ecuador and Venezuela (2009). In his explanation of this phenomenon, Silva draws on the work of Polanyi who argued that market society, by fostering a process of commodification of social relations, created tensions that complicated the construction of a stable and just social order (2009:17). In

this way, the market society which results from the subordination of economic, political and social organisations to market norms incites people to seek to protect themselves from the often destructive consequences of the free-market. Within this frame, the current tide of social mobilisation represents an expression of a ‘double movement’ through which protectionist counter-movements arise as a reaction to the precarity that often accompanies neoliberal transformation.

Another interpretation suggests that the articulation of discontent by an emerging set of social actors can be understood as a ‘second’ historical process of mass political incorporation (Roberts 2008; Rossi 2011). This idea makes reference to the ‘first’ historical wave of incorporation of the popular sectors discussed in the work of Collier and Collier (1991), in which they set out to demonstrate that Latin America’s political development during the twentieth century was determined by the way in which labour was incorporated into the political arena. In particular, Collier and Collier showed that the ISI model led to an increased labour force, which made necessary a process of incorporation of the working class to the political arena. While it was highly contentious and played out with great variation across the Latin American countries, this process of political incorporation involved a close relationship between social and citizenship rights. Against this background, Roberts (2008) and Rossi (2011) argue that the present call for ‘re-incorporation’ expresses the dissatisfaction with the uncoupling of political and social rights that has followed the reinstatement of democracy and neoliberal reforms. It has materialised in social movements calling for the expansion of social citizenship rights, governmental efficiency and political inclusion (Dagnino, Olvera and Panfichi 2006a:15). In other words, contemporary movements contest the very terms under which popular sectors have been politically reincorporated after the reinstatement of democratic rule in Latin America (Roberts 2008:327).

iii. The ‘turn to the Left’ and post-neoliberal governance in Latin America

The demand to address the shortcomings of democratic rule and of the neoliberal transformation has not only surfaced at the mass level but also at the elite level. In fact, the rising tide of social movements referred to in the previous section has paved the way for the election of left-of-centre political leaders across Latin America who promise a new and more inclusive style of governance.⁶ The process of repoliticisation in the region has thus involved a reciprocal interaction between the rise of new actors and an expansion of the issues that are included in the agenda (Roberts 2009:2).

At the same time, the ‘turn to the Left’ or ‘pink tide’ as it has been referred to, has coincided with and been facilitated by the economic boom that Latin America has experienced since the early 2000s (Levitsky and Roberts 2011a). This has expanded the room of manoeuvre for left-of-centre governments who favour ‘statist, nationalist, and redistributive political projects and associated challenges to U.S. hegemony’ (Remmer 2012:953). The favourable economic scenario, in turn, has fostered citizenship claims that are framed in terms of rights (Grugel, Singh and Riggirozzi 2013). Crucially, current contentions have unleashed a process of repoliticisation as a reaction to both the *policies* and the *processes* of the neoliberal paradigm that has dominated Latin America for the past three decades (Roberts 2009:1). On the policy front, while the process of repoliticisation has by no means spelt the end of the neoliberal era or the return to previous development paradigms such as the ISI model, it has shown that ‘neoliberalism no longer is the only

⁶ Specifically, the ‘turn to the Left’, or ‘pink tide’, refers to the coming into power of the following left-of-centre governments: Argentina (2003, 2007, 2011), Brazil (2002, 2006, 2010), Bolivia (2005, 2009), Chile (2000, 2006), Ecuador (2006, 2009), El Salvador (2009), Nicaragua (2006), Paraguay (2008), Uruguay (2004, 2010), and Venezuela (1998, 2000, 2006). There is a considerable literature on Latin America’s turn to the left that seeks to explain both the country-specific differences and its impact on democratisation. For an overview, see the work of Panizza (2009), Weyland, Hunter and Madrid (2010), and Levitsky and Roberts (2011).

game in town' (Roberts 2009:1). In terms of processes, the ongoing repoliticisation has involved the emergence of new actors that challenge the technocratic dominance in the policy-making process, and demands for more participation. In sum, the 'end of politics' discourse that accompanied the neoliberal paradigm has lost its prevalence and a broader range of issues is now being debated and politically contested at both mass and elite levels.

The new regional scenario, characterised by the search for new development models that tackle the tension between the maxims of neoliberalism and democracy, is the focus of an ongoing and high profile scholarly discussion (Cameron 2009; Grugel and Riggirozzi 2009a; Mettenheim and Malloy 1998; Oxhorn 1995; Oxhorn 2009; Oxhorn and Ducantenzeiler 1998; Roberts 2009; Silva 2009). International organisations have also contributed to this debate and commissioned key studies which underline the importance of reducing inequality (World Bank 2004), constructing more inclusive democracies (UNDP 2004a), and improving social cohesion (ECLAC 2007). These scholarly efforts recognise that in contrast to the early 1990s, when the challenge was to reinstate democracy in the region, the current contention concerns the quality of the existing democracies (Dagnino, Olvera and Panfichi 2006b; UNDP 2004a; Weyland 1996).

Part of this debate has centred on determining what influence the 'turn to the Left' in Latin America has had on social movements (e.g. Garay 2007; Prevost, Campos and Vanden 2012; Rice 2012; Rossi 2011; Ruiz 2012). By way of illustration, according to Van Cott (2005), the re-emergence of the Left in the Andean countries is directly related to the capacity of social movements and civil society organisations to provide resources – from domestic and international allies to a professional staff able to articulate a coherent political programme – that are crucial for triumphing in the electoral arena. In addition, other scholars have argued that Latin America's turn to the Left has been facilitated by the rise of

different social movements and protests groups, which illustrated that there is a real demand for the implementation of policies that aim to go beyond the neoliberal model and counter the conservative modernisation project defended by the Right and many technocrats across the region during the 1980s and 1990s (e.g. Luna and Filgueira 2009b).

Closely related to this discussion, scholars have devoted much effort to identifying the impact of left-leaning administrations on democracy and economic development (Arnson and Perales 2007; Cameron 2009; Cameron and Hershberg 2010; Grugel and Riggirozzi 2009a; Levitsky and Roberts 2011b; Panizza 2005; Panizza 2009; Weyland, Madrid and Hunter 2010). The literature generally agrees on the distinction of two different types of left-of-centre governments: on the one hand, a ‘moderate’ variant which is characterised by a consensus-seeking approach and which does not eschew the policies of the so-called Washington Consensus, probably best exemplified by Chile’s *Concertación* and Brazil’s *Partido dos Trabalhadores* (PT); the ‘contestatory’ variant, on the other hand, is at odds with the idea of the free market and seeks to mobilise the masses to press for the implementation of far-reaching reforms in favour of socioeconomic redistribution. Democratically elected presidents such as Hugo Chávez and Nicolás Maduro in Venezuela, Rafael Correa in Ecuador, and Evo Morales in Bolivia are all examples of this much less moderate Left. Their governments have been marked by initiatives such as drafting a new constitution by setting up a constituent assembly, the nationalisation of economic resources, and the development of a new foreign policy against the interests of the United States. Given that many of these initiatives are highly contested and not few of them are at odds with the liberal democratic model, some scholars have claimed that the contestatory Left is on its way towards building competitive authoritarian regimes (e.g. Levitsky and Loxton 2013).

In addition, the search for new development models undertaken by Latin America's two lefts has also motivated a discussion about a possible shift to a post-neoliberal era (e.g. Grugel and Riggirozzi 2009b; Macdonald and Ruckert 2009; Oxfhorn 2009). Simply speaking, the notion of 'post-neoliberalism' refers to the distance from the prescriptions of the Washington Consensus that has characterised many of the left-of-centre governments in Latin America. While the neoliberal model adopted across the region is being contested at both elite and mass levels, it is not clear, however, whether an alternative development model has emerged as of yet (Roberts 2009). Although it is true that left-of-centre forces in the region have articulated an influential discourse on the faults of liberal democracy and economic neoliberalism, it is still too early to fully assess how these critiques are expressed in terms of an alternative political and economic model (Panizza 2005). So, rather than a coherent and alternative governance model, what we are observing in contemporary Latin America at present is a gradual effort to address the existing model's most salient shortcomings. Without a doubt, the 'turn to the Left' has redefined the possibilities of clustering collective action, which could enable broader social and political reform. The challenge to further deepen democracy and counteract socio-economic exclusion will however most likely be addressed at both the elite and mass levels.

III. THE ARGUMENTS AND CONTRIBUTIONS OF THE DISSERTATION

As argued above, the process of repoliticisation in Latin America has been expressed by a rising tide of social protests that have articulated the grievances that resulted from the unfulfilled promises of democratic rule and the hardship stemming from neoliberal reform. While the shift from depoliticisation to repoliticisation has inspired a large number of studies, the Chilean case has received less attention. In fact, when the country is mentioned

in the literature it is first and foremost invoked to highlight the demobilisation of its civil society (e.g. Luna and Filgueira 2009a:385). Different arguments have been set forth to support this claim. The influential work of Silva, for instance, maintains that what ultimately explains the ‘conspicuous absence of contentious politics, let alone mass mobilisation’ in the case of Chile is the combination of policies aimed at socio-economic and political inclusion with tempered market economics (2009:258-59). Another recurrent argument in the literature is that the phenomenon of depoliticisation in Chile is rooted in the memories of the democratic breakdown of 1973 and the historical legacies of 17 years of military rule (e.g. Oxhorn 1995; Paley 2001; Roberts 1998a; Silva 2004). Rice, in turn, argues that the void of major popular protests is partly explained by the country’s strong political institutions and their ability to contain and control conflict (2012:103).

These interpretations all hint at important reasons for the quiescent nature of Chile’s civil society since the transition to democracy in 1990. As I discuss in greater depth in Chapter 3 which analyses the achievements of the *Concertación*, the reinstatement of democratic rule and the coming to power of the centre-left coalition were followed by a highly successful economic and political trajectory that, in addition to historical and institutional legacies, contained social conflict. For good reason, the country is regularly pronounced a success story in terms of governance (e.g. The World Bank 2002) and social progress (e.g. Sandbrook et al. 2007) in both academic accounts and wider international circles. And yet, during the fourth *Concertación* government led by President Bachelet Chile witnessed an upsurge of social protests. How can this be explained if the Chilean model was really so effective in containing social conflict? As I show in this dissertation, under the veneer of success, there have been signs of citizen disgruntlement with the development path undertaken since the re-establishment of democracy in 1990. In a country with one of the highest Gini coefficients in the world, the education model and the labour market – both

of which underwent a sweeping restructuring along neoliberal lines during the military regime and have been kept largely intact since then – became the focus of contention. In my study of the *Pinguino* and *Contratista* movements, I trace the reconstruction of collective action among secondary school students and contract workers – the principal social actors calling into question the heady mood of optimism that ruled post-transition Chile. By offering a sociologically-grounded, in-depth account of the dynamics set in motion by the country's economic and political progress, and the interplay with historical and institutional legacies, I analyse the shift from depoliticisation to repoliticisation and its political impact in the particular case of Chile.

In doing so, I draw on the Contentious Politics approach elaborated by Charles Tilly, Sidney Tarrow and Doug McAdam, amongst others (e.g. McAdam, Tarrow and Tilly 2001; Tarrow 1994), which stresses the complementary nature of structurally-oriented and agency-related dimensions involved in the rise of social movements. In an effort to explain both the emergence and impact of social movements, this framework puts particular attention on movements' interaction with the institutional terrain. This facilitates the understanding of the ways in which institutionalised political actors' existence, action and structure are permeated by social movements (Goldstone 2003a:12). By emphasising the institutional frame in which social movements' demands are negotiated and social and political actors develop differential capacities to effect change, this approach further contributes to conceptualising the historical and institutional legacies involved in the dynamics that precede and delineate the outcomes of social movements.

As I discuss in Chapter 2, the Contentious Politics approach focuses on three dimensions that shape the rise and fate of social movements: the structure of political opportunities (political-institutional dimension), framing (cognitive dimension), and mobilisation

structures (organisational dimension). Employing this lens of analysis, I identify important parallels in relation to the upsurge of the *Pingüino* and *Contratista* movements. I explain their emergence as the result of three distinct but intertwined processes. The first is related to the political-institutional dimension. In the case of the secondary school students, I argue that the *Pingüino* movement knew to exploit President Bachelet's 'bottom-up' discourse and political platform on citizen participation to its advantage. The *Contratistas*, in turn, staged their strike in the midst of the high of the copper prices, the upcoming and aftermath of general elections, and a recently approved Subcontracting Act, all of which facilitated the emergence of the movement. Secondly, analysing the movements' framing activities I show how the maturing of the comprehensive reforms of the education model and the labour market, introduced during the military regime and continued throughout the *Concertación* governments, created a deeply felt discontent that motivated the mobilisation efforts spearheaded by the *Pingüinos* and the *Contratistas*. Thirdly, I trace the movements' organisational development and contend that the non-hierarchic organisational forms advanced by both movements as a way of reconstructing collective action 'from below' was central to engaging potential sympathisers.

Analysing the impact of the two movements – which in this dissertation focuses on the political sphere and specifically, on the different stages of the policy-making process – I argue that both the students and the contract workers were successful in forcing the government representatives to hear their concerns and introducing issues on the public agenda that were not there before the emergence of the movements. In each case, this agenda impact was expressed by the Bachelet administration's decision to establish a Presidential Advisory Commission. The discussion and policy proposals elaborated in this space, in turn, inspired a set of bills that sought to address some of the issues raised by the *Pingüinos* and the *Contratistas*. The extent into which these bills reflected the concerns of the

movements, however, depended on their capacity to continue to exert pressure on the government and to forge political alliances. I show that while the reconstruction of collective action among secondary school students and contract workers allowed for mounting the most significant protests Chile had witnessed until that day, the burgeoning organisation of these social actors also had its limitations. Additionally, the issues raised by them unearthed divergent positions within the *Concertación* which also restricted the possibilities of creating political alliances to pursue more far-reaching reforms in the fields of education and labour. In spite of these limitations, I contend that the *Pinguino* movement led to a second phase of education reforms more centered on the creation of institutional mechanisms to ensure quality education, and that while reforms to strengthen collective rights were stalled after the *Contratista* movement, there was nonetheless progress in terms of individual rights. In both cases the impact was *indirect*. Specifically, I show it followed a two-stage process through which the *Pinguinos* and *Contratistas* first influenced aspects of their external environment, namely, public opinion and political alliances, and then the latter influenced policy.

Developing these arguments, I aim to contribute to extant research on several fronts. First, my hope is to add to the debate on how the twin transitions to democracy and to neoliberalism have affected the prospects of collective action in Chile, and what the impact of the processes of repoliticisation studied in the dissertation has been. This analysis, I affirm, also contributes to Development Studies by enhancing our understanding of the institutional and structural constraints that social movements face when contesting development trajectories. The tensions between democratisation and neoliberal reforms witnessed in the Chilean case are without a doubt shared by a broad array of developing countries, where the expectation that the (re)instatement of democratic rule would translate

into socio-economic redistribution commonly has clashed with the unequal outcomes of neoliberal policies.

In addition, I wish to contribute to Latin American Studies by critically re-thinking the advancements and pitfalls of moderate left-of-centre governments such as the one of the *Concertación* in Chile. Although these governments are usually pointed out as success-stories, my research reveals that the very progress in economic and democratic development has led to rising expectations and demands for socioeconomic integration, political participation and the implementation of a new political agenda. Seen in this light, the case studies under analysis are relevant for scholars of other countries, whose very economic and political success could spark the formation of critical citizens who push for reform. Without a doubt, one such example is the recent protest movement in Brazil, which, amongst other things, campaigned for better services in education, health and sanitation.

Moreover, through this dissertation I aspire to contribute to the existing scholarship on social movements in general, and the Contentious Politics approach in particular. As will be reviewed in the next chapter, while there is an extensive literature on social movements in Latin America, the Contentious Politics framework has not penetrated much of the current work (Shefner 2004:220; an important exception is Silva 2009). In a similar vein, while there has been considerable theoretical and methodological development in the understanding of social movement impact, the empirical research has mostly been concentrated on North-American case studies and there is a dearth of attention on this issue in other regions of the world (Thompson and Tapscott 2010; Uba 2005; Uba and Bosi 2009; for important exceptions, see Hipsher 1996, 1998a, 1998b, and Almeida 2008). This dissertation, then, seeks to contribute to filling this research gap through the analysis

of the *Pinguino* and *Contratista* movements in the specific context of Latin America's double transition to democracy and neoliberalism.

Finally, by tracing the reconstruction of collective action in both movements under analysis and the ways in which these processes were defined by internal and external pressures and incentives, I also aim to add to theoretical debates on the weight of structure vis-à-vis agency. Seeking to identify how the neoliberal transformation and other institutional legacies have on the one hand constrained collective action, and on the other triggered discontent, I show that how once articulated by a social movement, disgruntlement can provide an important impulse for reform. In this way, my analysis shows the links between processes at the micro-level (the development of organisational resources and grievance interpretation) and their subsequent impact at the macro-level (agenda- setting and policy impact).

IV. METHODOLOGY

i. Some notes on ontology

As Sil posits, methodological choices rest on unverifiable assumptions about how the social world works and therefore, in making these elections, we are ultimately privileging a particular set of ontological and epistemological schemes (2004:310). Through a detailed case study-based enquiry into the emergence and impact of the *Pinguino* and *Contratista* movements, I seek to identify the formal and informal institutional constraints that complicate both the prospects for collective action and the impact that social movements can achieve. The analysis undertaken in this dissertation is based on my conception of

social movements as expressions of broader ongoing processes of social change. Underpinning this examination is a *reflexive* understanding of human agency that highlights how actors' expectations and actions are formed and modified by the use of structural resources and the changes that occur in these (Mahoney and Snyder 1999:24). In the words of Lichbach: '[i]ndividuals more or less purposefully make history, society, conditions, and rules, yet history, society, conditions, and rules make individuals. We are both autonomous creators and dependent creatures, innovators and prisoners. The world is both fact and counterfactual, constraint and construct' (1998:403). In the context of this dissertation, this involves providing an integral account of economic reform, social change, and the political responses to these processes. As I discuss with greater detail in Chapter 2 when outlining the theoretical framework that this dissertation draws on, this understanding also impels paying particular attention to the role of the historical legacies that shape the frame in which movement demands emerge, are negotiated, and institutionally channelled.

ii. Case selection and comparative perspective

There are two main reasons for my focus on the *Pinguino* and *Contratista* movements in this dissertation. As in other case study-based research, the selection of the cases is driven by their historical and political significance (Ragin 2004:127). As stated when introducing the research questions that this dissertation addresses, these two movements pioneered a rising tide of social mobilisation in post-transition Chile. Few would take exception to the fact that these two movements have been particularly successful in questioning the benefits of market-friendly policies introduced by the military regime and continued by the *Concertación* governments since 1990.

The second key reason for concentrating on the *Pingüinos* and *Contratistas* is that they repoliticised policy debates in arguably two of the most vital fields to counteract the persistently high level of inequality in the country (e.g. Cox 2010; World Bank 2004). It has been widely recognised that the disparity in the quality of education that Chile displays is translated into differential access to higher education institutions (e.g. Cox 2006; Cox 2012). This, in turn, effects future income inequality (e.g. OECD and World Bank 2009). In a similar way, as Sehnbruch notes, the labour market in any country, and especially in a developing one, is key to pass growth and economic development on to the individual (2006:8). Hence, the investigation of the emergence and impact of the *Pingüino* and *Contratista* movements allows for elucidating the prospects for redefining these policy fields ‘from below’.

Seeking to attain a balanced combination of descriptive depth and analytical leverage, this dissertation presents a paired comparison of the two movements. I analyse two different actors (secondary school students and contract workers) that challenged two different policy areas (education and labour), and that had dissimilar historical trajectories of collective action. As mentioned above, I explore three dimensions – political-institutional, cognitive, and organisational – when explaining the emergence of the two movements under examination. By comparing the two movements along these lines, the aim of the research is to find commonalities and differences that can help to characterise the nature and prospects of social movements in post-transition Chile.

iii. Research methods

Fieldwork for this dissertation was conducted between 2009 and early 2012 during three research trips of approximately 3 months each. While I am native speaker of Spanish and

had lived in Chile for several years, I still faced several challenges in the field. The first one was related to gaining access to high-level government officials who could tell me about the decision-making process that followed the emergence of the movements under study. I found that perseverance when contacting these informants most commonly helped to overcome this obstacle. The interviews that I was not able to conduct during my fieldwork trip in 2009 were undertaken during my two visits to Chile in 2011. I also did a set of complementary interviews with *Concertación* leaders in my last fieldwork trip to include their perspectives on the processes analysed in the dissertation when they were not in government (the right-centre coalition won the 2010 elections).

A second difficulty had to do with the frequently suspicious attitudes of the movement leaders interviewed. This was often related to the interviewees' concerns about how the information was going to be used. Taking time to explain the aim and scope of the dissertation helped to surpass this barrier. Above all, overcoming this obstacle required considerable emotional skills and 'common sense' to 'read' the interviewee. In the end, I often found that many leaders really wanted to 'tell their story' which also helped to overcome this difficulty. Finally, as a woman doing research on Chile's trade union movement, which is predominantly a 'men's world' (although the country's main trade union federation currently has a female leader), represented a challenge in the sense that I had to make a very conscious effort to be taken seriously. Again, as the interviews unfolded, I usually found that the movement leaders were keen on documenting their accounts and that I was, in a sense, 'useful' for them.

I applied two research techniques while conducting fieldwork. Semi-structured interviews provided the main source of information for this dissertation. In total, I conducted approximately 100 semi-structured interviews with movement leaders, policy-makers, party

members and experts, amongst others.⁷ A non-probabilistic method of sampling was used since the goal was to obtain information about a specific set of events and processes that only a limited set of persons can account for. Key informants were identified through a systematic review of the main media outlets before initiating fieldwork. I then used a sample method known as snowball or chain referral sampling, in which the initial set of interviews leads to the identification of more potential interviewees (Tansey 2007). As a standard procedure, I contacted potential informants via email or telephone, and all interviews were conducted in Spanish.

The length of the interviews varied between 45 minutes and four hours. All interviews were recorded after previous agreement with the informants who also were asked to sign an informed consent form. The interviews were semi-structured, i.e., based on an interview guide but with flexible questions that depended on the interaction during the interview process (Blee and Taylor 2002:92). This allowed for breadth and depth of information, and also facilitated the inclusion of follow-up questions on topics that had not been thought of while elaborating the interview guide. Importantly, a 'branching and building' strategy was employed, which means that the results of early interviews serve to restructure and refocus the type of questions in later interviews (Checkel 2005:367). The interview process was finalised when new interviews were not adding new information (Checkel 2005:367).

The interviews served to reconstruct the unfolding of the movements and the dynamics of the decision-making process that followed their emergence. Crucially, the interviews allowed for gathering first-hand information, which compensated for the lack of analytical literature on the two movements under study. Contrasting different accounts that emerged through the interviews helped me to counteract one of the dangers of the use of

⁷ See appendices for a complete list of interviewees and for sample questionnaires of movement leaders and of policy-makers.

interviews, namely, that the interviewees misrepresent or exaggerate the events (Tansey 2007:767).

The second research technique was a comprehensive revision of secondary literature, newspaper data, and documents facilitated by the interviewees. The secondary literature served to understand the main patterns of the policy-making of education and labour, the changing nature of state-civil society relations after the transition to democracy, and the problems of collective action in general. Newspaper data, a key data source in social movement research (Earl et al. 2004:65; Ortiz et al. 2005), helped me to triangulate the descriptions that emerged in the interviews. Chile's three main newspapers were searched online. These included *El Mercurio* (the main right-wing daily newspaper), *La Tercera* (the main centrist daily newspaper), and *La Nación* (the official daily newspaper). An effort was made to also include newspaper data from the regional newspapers, especially for the case of the *Contratista* movement, which unfolded in the North of the country.

The data gathered through interviews (most of which were transcribed), newspaper reports, and secondary literature was carefully coded using software for qualitative data analysis (NVivo). Together, the different sources of material served to complement and triangulate the story that emerged from the interviews. They also helped to compensate for the lack of scholarly accounts on the two cases under investigation, and through this, allow for an accurate reconstruction of both the unfolding of the movements, and the policymaking processes that followed their emergence.

The compiled information was put together through process-tracing analysis. This is a methodological approach which seeks to generate a theoretically informed historical explanation of one or more cases (Bennett and Elman 2006:460). Of particular importance

to answer my research questions, process-tracing is a method well-suited to the detailed investigation of the sequencing of within-case observations. Specifically, this helped me to identify constraints faced by the movements and reconstruct the policy-making processes that followed them. This focus also enabled me to understand the historical trajectory of the two policy fields under study, and through this, trace the interaction between structure and agency over time.

Finally, it is important to note that while the interviews constituted a key source of information for understanding the cases, it was the theoretically informed analysis, rather than single voices, which allowed me to craft the arguments that I present in this dissertation. In the words of George and McKeown, ‘process-tracing [...] involves both an attempt to reconstruct actors’ definitions of the situation and an attempt to develop a theory of action. The framework within which actors’ perceptions and actions are described is given by the researcher, not by the actors themselves’ (quoted in Payne 2000:xxix).

V. DISSERTATION OUTLINE

This dissertation is divided into four parts. The first part, which comprises this introduction, outlines and contextualises the research. In **Chapter 2** I review the theoretical approaches that have most commonly been used to analyse social movements in Latin America. I argue that a large bulk of this literature has tended to overemphasise subjectivity (especially in discussions of ‘new’ social movements), which has exaggerated the importance of identity politics and overlooked the larger significance of mass mobilisation as such. In an attempt to break down the false dichotomy between ‘new’

social movements, allegedly concerned with identity construction and symbolic demands, and ‘old’ social movements, emerging around material demands and based on class identities, I discuss the advantages of the Contentious Politics framework proposed by Sidney Tarrow (1994) and Charles Tilly (2001), among others. In particular, I show that the emphasis the Contentious Politics approach puts on social movements’ interaction with the institutional terrain is relevant for this study. Outlining a proposal to investigate the impact of social movements, I argue that the focus on the interaction with the institutional sphere is what ultimately allows us to understand their political impact. This, I conclude, helps to bridge structure and agency-related variables in the analysis of social movements.

The main objective of **Chapter 3** is to explain the origins and main features of what this dissertation refers to as the ‘governance formula’ of the *Concertación*. In particular, I discuss the historical legacy of the democratic breakdown in 1973, the military regime (1973-1990), and the transition to democracy. I also outline the economic model and institutional framework bequeathed by the military regime. Together, these elements help to understand the governance formula adopted by the *Concertación* governments, which was characterised by the acceptance of the neoliberal restructuring of the economy and of various policy areas pursued by the military regime during the 1970s and 1980s; its emphasis on consensus-seeking and on gradual reform; and the depoliticising stance towards social actors.

In the second part of the dissertation, I offer a detailed account of the background, emergence and impact of the *Pinguino* movement. In **Chapter 4** I take a closer look at the education system bequeathed by the military regime. I then discuss how the *Concertación*, mediated by its governance formula, sought to introduce changes within a frame of ‘continuity with change’. I argue that the *Concertación*’s consensus-seeking approach

signified that while additional resources were assigned and enrolment rates in both secondary and tertiary education were significantly boosted, the centre-left coalition failed to deliver on what had constituted its most essential pledge: to bring equity into the education system. I also examine bottom-up efforts to contest the unequal outcomes of the education model introduced by the military and continued by the *Concertación*. Focusing on organised teachers and university students – historically the key social actors in the field of education – I contend that while they had a critical account of the education system, the principal reason for mobilising were wages and more state funding for public universities, respectively. This, I argue, constrained the possibilities of mounting a joint campaign against the education policies pursued by the *Concertación* with other social and political actors.

In **Chapter 5** I seek to explain how and why the *Pinguino* movement emerged in 2006 and how it succeeded in repoliticising education policies. I argue that several distinct, but intertwined, dimensions explain the rise of the secondary school students. In 2006, a set of traditionally divided secondary school student organisations merged into a single one and adopted a more horizontal and participatory decision-making mechanism, which engaged many students. At the same time, the education reforms undertaken during the 1980s and 1990s were showing their limitations in terms of quality and equity, creating grievances that the well-prepared *Pinguino* leaders fed into the movement's collective action frame. Finally, President Bachelet's rhetoric regarding a 'government of citizens' as an attempt to counteract the elitist nature of the *Concertación's* governance formula signified an opening of the structure of political opportunities that the students took advantage of.

In **Chapter 6** I then analyse the policy-making process that followed the emergence of the *Pinguino* movement. With the aim of identifying the movement's impact, I examine the

institutional mechanisms that were used to channel the demands of the *Pingüinos*: a Presidential Advisory Commission with the participation of the main education actors, and the parliamentary negotiation of the bills introduced by the Executive to address some of the concerns of the students. Particular emphasis is put on the discourses and policy preferences that are expressed in these instances, and the alliances that were formed during the process. The chapter also analyses the decline of the movement. Notwithstanding the *Pingüinos*' inability to sustain their protests and exert pressure on the policy-making process that followed the work of the commission, I argue that they still had a policy impact. The student protests initiated a second phase of education reforms that focused on the institutional and regulatory frame of the education system. I conclude that this impact was *indirect*. In short, the policy impact was possible only through the resonance that they had in public opinion and the influence on a segment of the *Concertación*.

Part three of the dissertation is devoted to the analysis of the *Contratista* movement and is structured in the same way as the chapters on the secondary school students. In **Chapter 7** I explain the system of labour relations put in place by the military regime. This is followed by a review of the labour reforms pursued by the *Concertación*. I indicate that the structural transformation of the economy and of the labour market, initiated during the military regime and continued throughout the 1990s and 2000s, substantially increased the use of subcontracting arrangements. I further argue that the policy path undertaken by the centre-left coalition was not seriously challenged by the National Workers' Union (*Central Unitaria de Trabajadores*). I seek to explain the difficulties of workers federation and the general decline of the trade union movement by analysing both economic and political variables, and by showing their entrenched nature. I conclude that the continuity of the military regime's labour reforms under the *Concertación* governments and the absence of a strong

trade union movement left central policy tasks unresolved. At the same time, the labour market and employment relations were being deeply transformed.

The emergence of the *Contratista* movement is explored in **Chapter 8**, in which I also seek to show the capabilities and shortcomings of the reconstruction of collective action within Chile's trade union movement. I argue that the rise of the *Contratistas* was a reaction to the accumulation of discontent provoked by the dramatic expansion of subcontracting arrangements in previous years, and the failure of the National Workers' Union (*Central Unitaria de Trabajadores*) to address this issue. I show how the workers organised a strike across all CODELCO divisions through the articulation achieved by the Confederation of Copper Workers (*Confederación de Trabajadores del Cobre*). I conclude that while the extra-legal mobilisations staged by the *Contratistas* drew public attention to their grievances and repoliticised labour issues, they also unearthed distrust and opposition, thus limiting the possibility of constructing a broader alliance with other social and political actors.

In **Chapter 9** I analyse the policy-making process that followed the emergence of the *Contratista* movement by putting particular emphasis on the institutional mechanisms that were used to channel its demands and the predominant discourses on labour policies. I argue that while the rise of the *Contratistas* paved the way for a long-dormant discussion on labour issues, they were not able to influence the policy-making process that followed the 2007 strike. I explain this based on both internal and external factors. On the one hand, I contend that the movement's organisational development allowed for mounting important strikes but that the CTC was much more focused on stopping the production of CODELCO than on developing a strategy to influence the later discussion on labour issues. On the other hand, I show that the *Contratistas* unearthed opposed positions within the *Concertación* which limited the support to the movement. As a result, I argue that the

few policy reforms that followed the rise of the movement were related to individual rights, and that no progress was made in the field of collective rights.

The fourth and final part of this dissertation is composed of the concluding remarks offered in **Chapter 10**, which include a comparative analysis of the two movements. I identify important parallels in the emergence of the movements. Looking at the impact of the movements, I contend that the effects of the restructuring of the economy and of employment relations, in addition to the state's dependence on capital, restricted the impact of the *Contratista* movement even more than the *Pingüino* movement when seeking to forge alliances and influence the policy agenda. I also argue that while the governance formula of the *Concertación* was certainly highly successful in terms of achieving political stability and economic growth, it was much less effective when it comes to tackling socioeconomic inequality through education and labour policies, and maintaining grassroots linkages that can serve to push for reform. In this way, I set out the case that post-transition Chile is characterised by a central paradox: the country has achieved considerable political stability and undeniable social advancements during the last two decades, but the dynamics of change set in motion by this very success have also defined new challenges that the *Concertación* has not been able to address. I finish my conclusion by discussing the implications of this and by outlining possible venues for further research.

**THE EMERGENCE AND IMPACT OF SOCIAL MOVEMENTS:
A FRAMEWORK FOR ANALYSIS**

‘Political and mobilization opportunities are often created by cultural breaks and the surfacing of long dormant contradictions that reframe grievances and injustices and the possibilities of action’¹

‘Men make their own history, but they do not make it just as they please’²

I. INTRODUCTION

As discussed in the introduction, the transformation of Latin American countries that followed on from the transition from authoritarian rule to democracy and from state-led development models to the neoliberal paradigm had important consequences for social movements. I argued that while these twin processes atomised collective action in various ways, they also created a fertile soil for discontent that has been made evident by a rising tide of social movements across the region. At the heart of this shift from depoliticisation to repoliticisation is the long-debated question of structure vis-à-vis agency in social sciences in general, and in the study of social movements in particular. As Garner notes, ‘[m]ovements are always in part voluntary, an expression of human agency, but their formation and their outcomes also are determined, a result of structures and constituting processes that limit what is possible’ (1997:47). Thus, by investigating the emergence and impact of the *Pinguinos* and *Contratistas*, I seek to shed light on the weight of structure versus agency in the unfolding and institutional channelling of social movements.

¹ Zald (1996:595).

² Marx (1978:595).

In this chapter I outline a framework for such an analysis. I begin by reviewing how social movements in Latin America have been conceptualised in the scholarly debate. I argue that New Social Movement Theory, the predominant approach in the analysis of Latin American social movements, has overemphasised the role of subjectivity and identity construction. This has been at the expense of a more thorough comprehension of the structural determinants behind the rise of mass mobilisation and the analysis of what its impact ultimately is. In order to understand social movements' emergence and *political* impact, the focus of attention in this dissertation, I emphasise that we must consider their interaction with the institutional terrain and the formal and informal constraints that movements face when entering the political arena. I discuss the advantages of the Contentious Politics approach to undertaking this endeavour. I also stress that, given its focus on the engagement with the institutional sphere, this framework makes it possible to elucidate the historical and institutional legacies which shape the structural constraints that define social movements' room for manoeuvre when promoting social change. I conclude that the proposed framework of analysis constitutes a useful heuristic device to identify the political conditions that facilitate and restrain both the rise and impact of social movements, and through this, bridge structure- and agency- related variables.

II. THEORETICAL APPROACHES TO THE STUDY OF SOCIAL MOVEMENTS IN LATIN AMERICA

The longstanding social sciences debate on structure versus agency has always been an integral part of scholarship in the field of social movements. This was patent in the Latin American literature on social movements of the 1960s and 1970s. Influenced by theoretical advancements in Europe, which were deeply rooted in Marxism, social movements were

viewed as the result of structural elements such as repressive state policies and the precarious life conditions that had resulted from urbanisation processes (Foweraker 1995:843; Foweraker 2001). At the same time, social movement scholarship was informed by a broader debate on development in Latin America, which was largely dominated by the structurally-oriented Dependency Theory framework. Based on this approach, the majority of the studies focused on traditional actors such as the working class, who had fought for the control of the state (Escobar and Alvarez 1992a:3).

In the mid-1980s, in the context of democratisation, the Marxist influenced approaches to social movement research were increasingly criticised for their dearth of attention to either agency or identity dimensions. New Social Movement Theory (henceforth NSMT), in particular, argued against the predominance of structure in the analysis of social movements and highlighted that the objective of movements was not necessarily to promote a new mode of production but to overthrow authoritarian regimes. NSMT maintained that Marxist perspectives were too rigid to analyse the motivations behind the wave of mobilisation in the region after the 1960s and 1970s, namely, identity and subjectivity (Slater 1994:12). It soon became the most widely used theoretical model for social movements in the region (Rice 2012:26).

In light of these criticisms, NSMT sought to offer a framework for understanding the rise of 'new popular interests' and 'new ways of doing politics' in the region (Escobar and Alvarez 1992a:2). Within this framework, organised labour was portrayed as part of the 'old' social movements and as having largely been co-opted by the political establishment (Roberts 1998b:106). The predominance that NSMT acquired among scholars of Latin American social movements meant that in contrast to the previous theoretical trends, the analysis of class actors and class themes was abandoned (Roberts 1998b:101). As a

consequence, the literature on ‘new’ social movements and that on organised labour tended to overlook each other (Roberts 1998b:106).

Instead, NSMT-inspired research examined the ways in which ‘new’ social movements were contributing to the definition of democracy by bringing issues of identity, culture, ethnicity, citizenship and the environment onto the political agenda (e.g. Escobar and Alvarez 1992b; Jelin 1985). The understanding of this struggle was analysed in the domain of everyday life practices and based on a broad understanding of the political (Alvarez, Dagnino and Escobar 1998). Social movements, it was argued, ‘extended’ the political space available to citizens by ‘bringing into the public realm the concerns of “everyday life” and of the “personal”’ (Hellman 1992:53). Research within this framework thus particularly emphasised the links between culture and politics, understanding culture as political because of its role in the redefinition of social power (Shefner 2004:219). In the words of Alvarez, Dagnino and Escobar, cultural contestations ‘try to redefine the meaning and limits of the political system itself’ (1998:7).

The adoption of NSMT in Latin American scholarship on social movements followed the theoretical discussions in Europe, where NSMT had emerged as part of the post-Marxism debate, and had become the leading framework for the examination of issues of identity and autonomy in the construction of social movements (Cook 1996:6; Hellman 1992). Studies inspired by this thinking linked broader processes of social change such as the increase in access to higher education, and women’s growing participation in the labour market, to the creation of new stratification criteria, which brought with them new sources of social conflict (Della Porta and Diani 1999:11). An illustrative example of this process is environmental movements, which are associated with different socio-economic groups, and hence difficult to analyse from the angle of class relations. In light of the decline of

class-based social movements, the previously predominant Marxist-inspired frameworks provided an insufficient understanding of ‘the political’ (Mayer 1991:469). This way, the ‘newness’ of the movements was related to the causes behind their emergence and the types of demand put forward. Claims related to the environment, peace, and women’s and gay liberation were conceived of as a criticism of the institutional reproduction of modern societies. In a post-industrial society (Touraine 1971), it was argued, materialistically oriented demands were replaced by demands related to quality of life (Eder 1990).

Acknowledging the heterogeneity of identities emerging from the new processes of stratification in Europe and elsewhere, research using the NSMT model focused on the construction of identities as an *integral* part of claim-making. This also constituted a criticism of Marxist perspectives’ instrumental understanding of social movements (Wieviorka 2005:2). Rather than serving as an instrument, it was argued, new social movements reshaped predominant social values in both public and private spheres, and in doing so they *produced* social reality (Touraine 1985). Culture was conceptualised as the domain of agency and thus the core of resistance (Kuecker 2004:12). The main question, then, became that of *why* social movements emerged (Foweraker 1995:12). In the words of Melucci and Lyyra, ‘[...] before it becomes possible to evaluate the outcomes of actions, one must understand the action itself – what the actors are struggling for’ (1998:205).

NSMT certainly surmounted some of the difficulties entailed in Marxist approaches to social movement research by enhancing our understanding of the processes of identity construction of emerging social movements in Latin America. Thus it contributed to the examination of various self-contained issues around gender, sexuality, environment, ethnicity, race, urban landscapes, squatter movements, livelihood, culture, human rights, democracy and consumer protection (Silva 2009). It also showed the loose and non-

hierarchical organisational forms of emerging social movements, and underlined their fragmentation.

However, as Silva cogently argues, this emphasis and the insistence on identity and subjectivity obscured to a great degree NSMT's ability to analyse the links between disparate movements and the mass mobilisation against neoliberalism that the region has experienced during the last decade (2009:10). In part, this is explained by the underlying aversion of this approach to formal institutions of the state and political parties as spaces that can enable social change (Rice 2012:26). This aversion, in turn, was an expression of the European origin of NSMT. The call for more 'autonomy from the state' was a reaction to the nature of the European state – a highly centralised and redistributive welfare state – and citizens' experience of state regulations and institutions in their everyday lives (Davis 1999:611). Yet, in the case of Latin America, rather than distance themselves from the institutions and practices of the state, social movements frequently aim to gain access and proximity to the formal institutions of governance (Davis 1999:612). In this sense, while the application of NSMT in the study of social movements in Latin America made a valuable contribution in showing the heterogeneity of the forms of collective action that emerged in the 1980s, it failed to provide an adequate understanding of the political linkages that mediated the interaction of social movements with the institutional arena (Roberts 1998a:68). As a result, NSMT could not offer a framework for understanding how social movements can influence public policies (Rice 2012:26). In sum, by overplaying the extent to which identity politics replaced material concerns, and by failing to consider the central role of the state, NSMT overlooked the larger significance of mass mobilisation and how it relates to formal politics (Silva 2009:10).

These criticisms are central to the analysis of the two social movements investigated in this

dissertation. Only by scrutinising the interaction of the *Pinguinos* and *Contratistas* with the institutional terrain can we understand how changes at the structural level – in this case, democratisation and the neoliberal transformation of the education system and of the labour market – created grievances that the movements then articulated. Similarly, only through the examination of the interplay between the movements and formal politics can we grasp the impact of the movements. In short, in order to study the emergence and impact of social movements, it is necessary to employ an analytical lens which acknowledges the importance of agency and people’s individual motivations, but which also emphasises the interaction of movements with the institutional sphere. The Contentious Politics approach discussed below offers a framework for such an analysis.

III. THE CONTENTIOUS POLITICS APPROACH

i. Building blocks of a theoretical synthesis

As noted, structure-focused research on social movements has tended to underplay the role of identity dimensions, and vice versa. In more recent times both European and North American scholarship of social movements have heeded a call for the recognition of the interdependent and complementary nature of agency and structure in scrutinising social movements (Kolb 2007; McAdam, McCarthy and Zald 1996a; McAdam, Tarrow and Tilly 2001; McAdam, Tarrow and Tilly 1997; Whittier 2002). The Contentious Politics approach is the result of this discussion. It explicitly sets out to synthesise existing theoretical bodies by proposing a joint enquiry into both the why and the how of social movements. In doing so, it seeks to bridge the structure-agency divide that has marked social movement research (Lichbach 1998:404). Grounded on an understanding of social movements as inherently

defined by both structure and agency, these are understood as '[...] those sequences of contentious politics that are based on underlying social networks and resonant collective action frames and which develop the capacity to maintain sustained challenges against powerful opponents' (Tarrow 1994:4). Importantly, as Silva notes, this line of enquiry allows for widening the exclusive focus on movements and situating them within a broader frame of interaction with other socio-political actors (2009:31).

The Contentious Politics approach builds on three theoretical blocks. To understand the identity and agency-centred dimension behind the emergence of social movements, a first building block is the theory of Collective Action Frame (henceforth CAF). The concept of frame draws on the work of Goffman and is defined as a 'schema of interpretation' based on which individuals 'locate, perceive, identify, and label' reality (Benford and Snow 2000:614). Investigating social movements' CAFs involves identifying the struggles of ideas and meanings within social movements (Snow and Benford 1992:136). In contrast to NSMT, which devoted a lot of effort to the study of the *construction* identity within the movements, within the CAF model identity is conceived of as a *pre-condition* to collective action. Based on already existing identities, then, social movements strategically frame meanings, symbols and discourses (Tarrow 1994:17). With the aim of engaging constituencies not previously mobilised, recruiting new members and gaining access to other organisational resources such as public support, the role of CAFs is to publicise and mobilise a notion of 'us' and 'them' (Domínguez 2007:85). The underlying assumption of this approach is that the advancement of a common identity makes it more likely that previously non-mobilised individuals would engage in collective action (Opp 2009:235). As Jenkins and Form note, '[b]ecause all social movements have their 'perceptual frames' and collective identities, the social and cultural effectiveness of the messages that their leaders

convey to potential participants affect their identification with and their support of the movement, thereby strengthening its survival and ability to achieve goals' (2005:341).

Identification with social movements occurs when the claims of a movement resonate with the traditions, daily experiences and social realities of potential supporters and third-party audiences (Jenkins and Form 2005:341). CAFs have two central features in this regard. First, they fulfil a function of punctuating social reality, by embellishing and / or underscoring the significance and injustice of a social condition (Snow and Benford 1992:137). Secondly, they make a diagnosis of the problem being addressed, which includes the attribution of blame and the identification of culpable agents, followed by a prognosis that involves proposing how to solve the issue at stake. Through their punctuational and attributional functions, CAFs enable activists to articulate and align a vast array of events and experiences (Snow and Benford 1992:140-141). CAFs will resonate more with public opinion when there is an apparent evidential base for the diagnostic claims put forward by the CAF (empirical credibility); when the grievance addressed by the social movement is part of potential constituencies' everyday lives (experiential commensurability); and when the CAF rings true with extant beliefs, myths, folktales, etc. (narrative fidelity) (Snow and Benford 1992:140).

Besides the framing activities of social movements, and the ideational and motivational variables behind the rise of social mobilisation, the Contentious Politics approach includes a second building block to grasp the interplay between social movements and the institutional terrain: the Political Process Model (henceforth PPM). The weight given to the institutional sphere that underpins the Contentious Politics approach stems from the Tilly's 'polity model', originally developed in his seminal book *From mobilization to revolution* (1978). The framework proposed there relates contenders to a government and to other

contenders who are struggling for power and seeks to identify the coalitions that are forged.

This weight given to the analysis of the polity in Tilly's work marked an important difference from earlier scholarship on social movements. In particular, the PPM sought to distance itself from the structural-functionalist paradigm, probably best represented by the work of Smelser (1962), which conceived social movements as a side-effect of the high speed of social transformation, and, ultimately, as a threat to societal integration (Mayer 1991:461). In this framework, the African-American Civil Rights movement, the national liberation and decolonisation movements, the student movements and the peace movement, among others, were seen as a spontaneous reaction to structural strains that resulted from modernisation (Mayer 1991:461). Rather than assuming the existence of a one-to-one correspondence between strain and collective protest, and a view according to which societies normally are free of strain and only occasionally disrupted by social insurgency, PPM scholars argued that societies are constantly changing and that, in consequence, 'the forces which have the potential of producing social change are always present in some degree' (Wilson, quoted in McAdam 1982:11). The main contention of the PPM in this regard was that Smelser and his colleagues offered an inadequate characterisation of the broader political context in which social movements emerge. In other words, a mechanistic relationship between strains at the macro level and micro level behaviour is presumed without unpacking the interplay between these dimensions (Buechler 2007:51).

Addressing this fault, the work of Charles Tilly (1978), Doug McAdam (1982) and Sidney Tarrow (1989), amongst others, stresses the importance of changes in the institutional structure or informal power relations of the political system. Linking this dimension to the

emergence of social movements, the abovementioned authors propose the concept of Political Opportunity Structure (henceforth POS), which is defined as ‘consistent – but not necessarily formal, permanent, or national – *signals* to social or political actors which encourage them to use their internal resources to form social movements’ (Tarrow 1996:54, emphasis added). Through these signals, the argument goes, the POS shapes the broader set of constraints and opportunities of social movements and affects the chances of mobilisation. The more incentives provided by the POS, the greater the chances that social movements will succeed in engaging in political activity (Opp 2009:162). In specific terms, the POS model suggests concentrating on the following dimensions: the opening of access to participation; the evidence of political alignment within the polity; emerging splits within the elite; the appearance of influential allies; a decline in the state’s capacity or will to repress dissent (Tarrow 1994:77-80). By looking at the incentives for an incumbent government to please citizen groups, the *openness* of the political system to input from social movements can also be characterised. In other words, the more incentives for mobilisation that a political system provides, the more likely is it that people engage in political activity (Opp 2009:162).

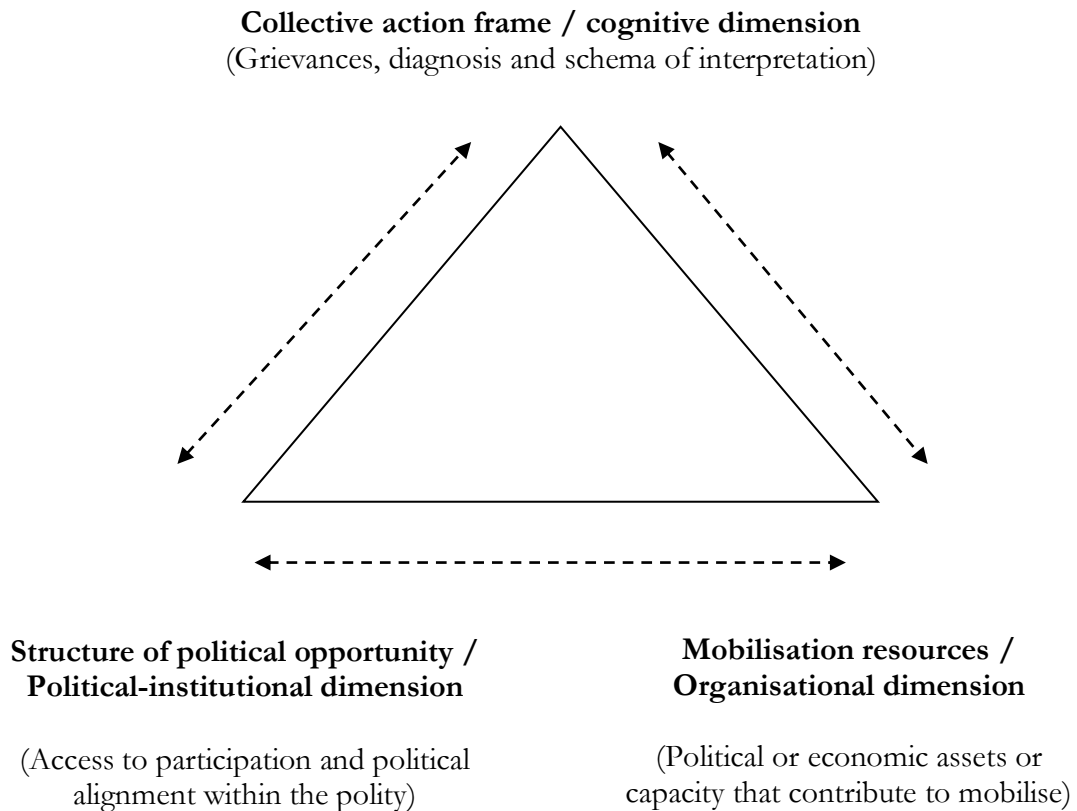
The third building block of the Contentious Politics framework, introduced to examine the organisational features of social movements, is Resource Mobilisation Theory (henceforth RMT). This theory, which inspired a great deal of North-American scholarship from the 1970s onwards, also emerged as a response to the research gap that early scholarship on social movements had left with regard to the understanding of social change, and in particular to address the ‘structural bias’ of influential perspectives such as that of Smelser (1962). Challenging the assumptions of early social movement scholarship, which conceived movements as another form of collective behaviour that stemmed from periods of strain, RMT focuses instead on social movements’ capacity to mobilise resources and

accomplish representation within the political system (McCarthy and Zald 1977). In particular, RMT maintains that social movements emerge and are able to produce change based on their 'mobilising structures', i.e., 'those vehicles, informal as well as formal, through which people mobilize and engage in collective action' (McAdam, McCarthy and Zald 1996b:3). Resources are broadly understood as any social, political or economic asset or capacity that could contribute to collective action (Smelser and Baltes 2001). This involves, for example, leadership and relationships with media, authorities and political parties. Indeed, it is only by putting pressure on third parties that social movements can achieve their goals (Opp 2009:36). Therefore, RMT scholars have argued that social movements are becoming increasingly professionalised in their interaction with government authorities, media, and other interest groups (Jenkins and Form 2005:336).

Focusing on these dimensions, the RMT perspective has produced a large body of literature on what it refers to as social movement organisation, which is defined as a 'complex, or formal, organization which identifies its goals with the preferences of a social movement or a countermovement and attempts to implement those goals' (McCarthy and Zald 1977:1218). Finally, as part of the effort to explain *how* social movements mount a challenge, RMT scholarship has insisted on a careful examination of social movements' rational use of 'repertoires of action'. These can be defined broadly as the culturally dominant ways in which people do their claim-making (McAdam, Tarrow and Tilly 2001). Specifically, this usually involves such repertoires of action as marches, boycotts, and occupations (Della Porta and Diani 1999:170). This way, the analysis of these elements facilitates the identification of activists' choices and how these define the ability of social movements to raise material resources, mobilise dissident efforts, and gain society-wide legitimacy (McCarthy 1996:141).

The following figure summarises the building blocks of the Contentious Politics framework.

Figure 2.1: Analytical building blocks of the Contentious Politics approach



Source: Own elaboration based on Tarrow (1994)

ii. Bridging structural and agency related variables

As Lichbach contends, the structure-action problem is ultimately about interrelating three dimensions of analysis, namely, the micro (individual), the meso (group), and the macro (societal) (1998:403). These levels of analysis, it bears underlining, are continuous rather than discrete (Staggenborg 2002:124). At the micro level of analysis, we seek to understand how unintended collective outcomes result from a set of individual actions. The meso

level, in turn, is concerned with the issue of institutionalisation, i.e., how emergent properties solidify over time into structures. The macro level of analysis, finally, focuses on the contextual problem, that is, how the solidified social order that arises from the institutionalisation of emerging properties constrains and enables individual consciousness and action (Lichbach 1998:403). In short, then, collective action processes are embedded in structures produced by historical forces, which, in turn, are constructed by collective action (Lichbach 1998:419).

The Contentious Politics approach is a useful heuristic device for bridging these dimensions in the study of social movements. More specifically, the combined analytical use of CAF theory, the PPM and RMT helps us to overcome NSMT's excessive focus on identity politics, which, as previously argued, comes at the expense of a more fine-grained view of social movements' engagement with institutions located at the meso and macro levels. Moreover, the joint application of the theoretical strands that the Contentious Politics framework seeks to synthesise helps us to understand the dynamics behind the emergence of social movements and avoid a static view of the micro and meso levels of strategic decision-making on preferences and costs – something that RMT was criticised for (Foweraker 1995:17; McAdam, Tarrow and Tilly 2001b:15).

In addition, thinking about political opportunities as something that social movements identify and take advantage of allows us to link the micro-level processes of interpretation of those opportunities to the meso-level process of articulation of collective action. As McAdam, Tarrow and Tilly remind us, underlying the definition of POS is a *subjective* understanding according to which no opportunity, however apparently open, will invite mobilisation unless it is visible to potential challenges and *perceived* as an opportunity by the movement participants (2001:43). At the same time, the Contentious Politics approach also

relates the macro and meso levels of analysis in the sense that it acknowledges that opportunities arising from social changes which render the established political order more vulnerable or receptive to challenge are not likely to be seized by a social movement if it is not sufficiently organised (McAdam, McCarthy and Zald 1996b:8).

The Contentious Politics approach bridges structure and agency related variables in other ways. In emphasising social movements' interaction with the institutional terrain, it contributes to surmounting one of the major blind spots of social movement research, namely, the institutional embeddedness of social movements (Jenkins and Form 2005:347). The focus on the broader set of political constraints and opportunities shapes the emergence and fate of social movements, brings our attention to the institutional terrain and invites us to examine the nature and effects of institutions. In sum, as Staggenborg puts forward: 'large scale political and social conditions influence the development of the meso-level movement and micro-level perceptions. Once meso-level groups have emerged, they influence individuals and political opportunities' (2002:125). Based on an understanding of social movements as meso phenomena, this dissertation examines these dynamics for the cases of the *Pinguinos* and the *Contratistas*.

It is, however, crucial to note that the understanding of institutions that underpins social movement theory is largely modelled on the experience of Western democracies (Davis 1999). Yet, as Slater argues, there are vast differences between the role of the state in Latin America and Western Europe in terms of the degree of state penetration of civil society, the state's welfare functions, and the level of centralisation of state power, amongst others (quoted in Hellman 1992:53). In the context of the economic, political and social transformation that accompanied the re-establishment of democracy and the introduction of neoliberal reforms in Latin America, these dissimilarities become central.

It is also key to analyse the historical legacies of and constraints involved in the double transition experienced by Chile and other Latin American countries in relation to the actors involved in producing change. In this respect, I concur with Goldstone's criticism of the notion of social movements as 'challengers' as opposed to the 'members' of a given polity (2003a). Rather than 'insiders' versus 'outsiders' of the political arena, there is a continuum between different forms of contention (Goldstone 2003a:1-2). Social movements should, in other words, not be considered extra-institutional actors as '[...] there is only a fuzzy and permeable boundary between institutionalized and noninstitutionalized politics' (Goldstone 2003a:2). As a consequence of this perspective, social movements are conceived of as a vital element of normal politics in modern societies. This diverges from a lot of scholarship which claims that once social movements gain access to the political system, they will (and indeed should) fade away (Goldstone 2003a:2).

Acknowledging the continuum between institutionalised and non-institutionalised actors and the structural context in which these are constituted does not mean that existing differences between institutions such as elections and court decisions on the one hand, and protests and boycotts on the other, should be ignored. Yet, just as the study of social movements needs to refer to the context in which they emerge, the reverse is also valid (Goldstone 2003a:2). The normal functioning of courts, legislatures, executives, or parties cannot be understood without referring to their 'intimate and ongoing shaping by social movements' (Goldstone 2003a:2). Illustrative of this are the movements that put pressure on the legal system to prevent, redress or punish illegal actions or inaction, which the literature refers to as 'social accountability' (O'Donnell 2004:37). Research has also shown how in emerging Latin American democracies citizenship rights and political parties are developing out of social movements (e.g. Foweraker and Landman 1997; Goldstone 2003b; Van Cott 2005). So, rather than thinking about groups being 'in' or 'out' in terms of

their proximity to institutional authorities, a consequence of emphasising the interlinked nature of institutionalised and non-institutionalised actors is thinking about their capacity to produce change as a continuum of alignment and influence (Goldstone 2003a:9).

At the same time, this also involves acknowledging that states and institutions also engage in action, construct meaning and legitimise certain discourses (Whittier 2002:289). Indeed, as Whittier notes, far from being a unified actor, states are constituted by specific organisations, ideologies, factions and individuals (2002:289). Thus, '[b]oth state and movement structures are constructed around ideological and symbolic imperatives, as well as those of power, resources, and efficiency; conversely, states and movements produce meanings – identities, discourses, representations – within structural contexts' (Whittier 2002:292). In sum, then, the analysis of the institutional arena engages with the ways in which 'societal and state actors are constituted, how they develop a differential capacity, and how they cooperate and compete across the public-private divide to produce purposeful change' (Houtzager 2003:2). This way, the institutional terrain shapes the two-way exchange that defines the capacity and nature of both state and societal actors (Houtzager 2003:2).

The relational nature underlying the concepts that compose the proposed framework point to the importance of the historical legacies and institutional framework in which movement demands emerge, are negotiated, and are channelled institutionally. To be sure, the idea that social change depends on historical and institutional alternatives is anything but new. For the case on Latin America, it has been lucidly developed in the work of Cardoso and Faletto (1979). In their seminal book *Dependency and development in Latin America*, the authors argue that there is dialectical determination between economic structures and political processes; they conceptualise history as movement and thus

indeterminate. It follows that since economic structures embody tensions between social classes and groups, they will always be dynamic. However, given that the economic structure implies a defined political game, history establishes a combination of structural possibilities that result in distinct patterns of development (Cardoso and Faletto 1979:154).

In a very similar way, scholars within the framework of Historical Institutionalism suggest that change can usefully be thought of as occurring in an incremental, bounded way *within* particular paths or as episodic large-scale shifts *between* paths (Houtzager 2003:3). So, taking a similar starting point of analysis as in the work of Cardoso and Faletto, historical institutionalists understand economic structures to be embedded in social and political institutions that are created through the political game (Thelen 1999:379). This approach further emphasises the structural context. Yet, avoiding a structural determinism, it draws particular attention to the role that contingency, political agency, conflict and choice play in the definition of particular development patterns (Thelen and Steinmo 1992:12). Moreover, central to the analysis that this approach undertakes is the path dependent strategy, which aims to identify the causal link between past historical events and present transformative institutional outcomes (Pierson and Skocpol 2002; Mahoney and Snyder 1999; Thelen and Steinmo 1992). Policy initiatives are key in this regard. As Pierson asserts, '[p]olicies may create incentives that encourage the emergence of elaborate social and economic networks, greatly increasing the cost of adopting once-possible alternatives and inhibiting exit from a current policy path. Major policy initiatives have major social consequences' (1993:608).

The focus on institutions allows structure and agency to be integrated, since these serve as 'carriers of the past', embodying actors' choices and decisions (Mahoney and Snyder 1999:17). Indeed, as Centeno notes, '[s]tates are not actors in and of themselves' (2002:166). Rather, states constitute an arena where actors struggle to enforce their

economic interest through political power. In this regard, ‘the ‘closeness’ of institutions to agency makes them a powerful optic to understand the role of human design both in creating institutional structures during critical junctures and in sustaining those structures after the critical junctures (Mahoney and Snyder 1999:17). In this way, political institutions constitute the ‘meso-structures that stand between actors and macro-level structures’ (Mahoney and Snyder 1999:17). Studying the impact of social movements, then, it is possible to shed light on the path-dependent nature of institutions and of policymaking, and also the role of actors and contingency in producing social change.

These assertions are essential to the analysis pursued in this dissertation. In fact, as shown in the following chapters, it is not possible to understand the emergence and impact of the movements under analysis without explaining their historical roots, the policy paths that they react against, and the interlinked nature of the relationships between the movement leaders and the *Concertación* establishment. As I will discuss in greater detail in Chapter 3, social movement actors and members of the *Concertación* fought side by side to regain democracy during the 1980s. The interconnection of state and non-state actors in Chile had long-lasting consequences. Because of these links, the emergence of social movements which were able to censure the *Concertación*’s political agenda was complicated. While surmounting this and other formal and informal constraints, once the *Pinguino* and *Contratista* movements had emerged, the intertwined nature of institutionalised and non-institutionalised actors also shaped the alignments around the policies that sought to address the concerns of the two movements.

IV. UNDERSTANDING THE IMPACT OF SOCIAL MOVEMENTS

i. The literature on the impact of social movements

During the last decade an increasing amount of literature has redirected attention from the emergence of social movements to their outcomes – both in empirical terms (e.g. Amenta, Caren and Olasky 2005; Andrews 2001; Cress and Snow 2000; Kolb 2007) and from a theoretical perspective (e.g. Giugni 2004; Giugni, McAdam and Tilly 1999). The bulk of this scholarship has concentrated on North-American cases, and, less frequently, on the consequences of social mobilisation in Western Europe (Uba and Bosi 2009:411). Recent publications have sought to address the dearth of attention to Latin American social movements in this regard. Almeida, for example, studies the conditions under which social movements were able to impede privatisation and austerity programs in El Salvador and Costa Rica in the 1990s and early 2000s (2008). Uba conducts a similar investigation into anti-privatisation protests in Peru (2007). Fernández, in turn, elaborates a comparative study of the impact of women's and human rights movements in Argentina, Uruguay and Chile (2011). Through these studies we are beginning to gain some purchase on the question of how movements matter to policy change in the context of Latin America. This dissertation aims to add to this literature. However, in contrast to these studies which focus on the outcomes of social movements, my investigation also traces the emergence of the movements and explores how the continuities between these processes influenced the impact that finally was accomplished.

Studying the impact of social movements, a first issue to define is the domain in which this is to be studied. As the following table shows, the literature has distinguished between

cultural, biographical and political outcomes. These can be further divided into their ‘internal’ and ‘external’ dimensions.

Table 2.1: A typology of social movement impact

	Internal	External
Political	Power relations within a movement or social movement organisation	Substantial (policy), procedural, institutional change
Cultural	Value change within a movement, organisation or social movement sector	Public opinion and attitudes
Biographical	Life-course patterns of movement participants	Aggregate-level life-course patterns Life-course patterns of movement targets

Source: (Giugni and Bosi 2012:3)

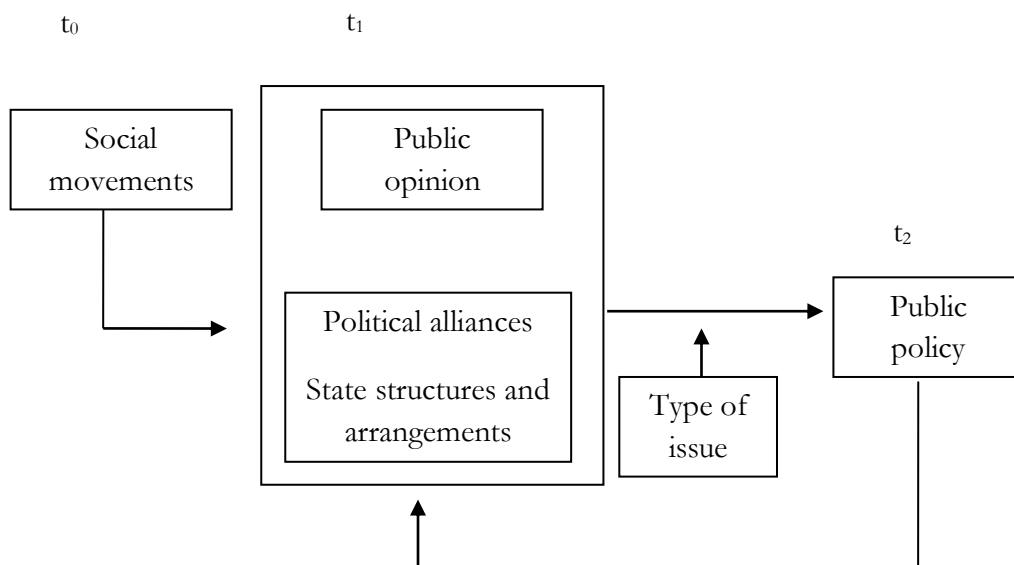
In this dissertation I am concerned with explaining the *Pingüino* and *Contratista* movements’ *political* impact in relation to the policy-making process. I am thus interested in the ‘external dimension’ of the study of social movement outcomes. As a working definition, the political and external impact of a social movement is understood as the response that it receives from the political system or other political actors (Kolb 2007:23). This notion implies that one must seek to identify the responses of the political system and of the political actors (MPs, government and political parties) to the activities of social movements. Furthermore, it involves understanding political leaders’ agendas prior to the emergence of a challenger (Amenta and Young 1999:37).

A second central question that social movement scholars have sought to address is related to the mechanisms and variables that explain the impact of social movements. These variables have also been conceptualised as ‘internal’ and ‘external’. ‘Internal variables’ refer to a movement’s mobilisation resources such as membership, organisation, and strategies. ‘External variables’, by contrast, are centred on the role of the broader political context in facilitating or constraining both a movement’s mobilisation and the potential outcomes. To be sure, as I show in my analysis, a combination of factors – internal and external, organisational and political, structural and strategic – must be present for the movement to succeed (Tarrow 1994:164).

A third topic that social movement scholarship has debated is whether the political impact of social movements is direct or indirect. Three main models have been advanced in this regard (Giugni and Yamasaki 2009:468). The first is the so-called ‘direct-effect model’, according to which social movements can have an impact on policy on their own, i.e., without external support. A second strand of research is based on the ‘indirect-effect model’, which, in contrast to the previous one, contends that the impact of movements is a two-stage process. In a first step, they influence external dimensions through, for example, establishing a political alliance and/or influencing public opinion. Always mediated by state structures and arrangements, this is what then allows for the impact on the policymaking process. Finally, a third prominent argument in the literature on the topic is the ‘joint-effect model’. According to this account, social movements have an impact only by *combining* social mobilisation with the creation of political alliances and/or the support of public opinion. As I show in chapters 6 and 9, which discuss the political impact of the *Pinguinos* and *Contratistas* respectively, the effect of the movements under study in this dissertation followed the indirect-effect model, given that the two movements were unable to sustain the protests throughout the policy-making process that followed their

mobilisation efforts. In other words, it was through their impact on public opinion and the political allies that the movements were able to forge that they managed to influence public debates and/or policies. As I discuss in Chapter 10 when comparing the *Pinguino* and *Contratista* movements, the policy issue at stake also influenced their policy impact. The following figure illustrates the path followed by the movements under analysis.

Figure 2.2: The indirect impact of social movements on public policy



Source: Own elaboration based on Giugni (2004:14)

A fourth dominant topic in the literature on social movement impact is the way in which this should be assessed. For example, scholars have argued that it is inadequate to evaluate the outcomes of social movements based on what their members stated as their goals (Kolb 2007:24). The problem with this is that, on the one hand, social movements are not 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. For example, as I show in Chapter 5 when analysing the emergence of the *Pinguinos*, the movement started with

concrete material demands, but, as the protests grew stronger, more structural demands were introduced into their petition.

In the influential work of Gamson, social movements' political impact is instead assessed along two dimensions (1975). Firstly, the acceptance of the social movement by its antagonist, which involves 'a change from hostility or indifference to a more positive relationship' (Gamson 1975:31). Indicators of this are consultation, i.e., some degree of initiative from the antagonist, such as a hearing; negotiations in which the challenging group is invited as representative of a constituency; formal recognition of the social movement by the antagonist in explicit terms, e.g. in writing; and inclusion of members of the social movement in positions of authority in the antagonist's organisational structure (Gamson 1975:32). Secondly, the impact of social movements can be studied by identifying the existence of new advantages, that is, if the challenging group received what it was claiming (Gamson 1975:34). This is usually translated into the adoption of a policy which is inspired by the demands of the social movement.

While Gamson's proposal is useful to understand social movements' interaction with the institutional terrain, it is unhelpful in several ways. The idea of acceptance obscures the fact that social movements might be listened to and then ignored again as the negotiations with state institutions unfold. While an important part of explaining the reconstruction of collective action in Chile is related to the acceptance of the movements under study along Gamson's analytical lines, the proposed notion of new advantage is problematic. These problems are similar to those that emerge when understanding the impact of social movements in terms of failure and success – which was the tendency in earlier contributions to the field (Giugni 1998:383). To begin with, because there may be a time-lag before a social movement's impact is apparent, their success or failure is easily either

underestimated or overestimated (Kolb 2007:22). For example, a movement could be considered successful due to a policy change that it has accomplished, but then the policy may be reversed. Conversely, the movement could be defined as a failure, but have a long-term impact that an analysis close in time to the movement's emergence could not observe. Moreover, by identifying the adoption of a particular policy as a new advantage gained by a social movement, the processes that led to that outcome are overlooked. Indeed, as Soule and King assert, '[t]he final passage of a bill is not the entire story and [...] a more nuanced approach to the study of state policy change necessitates an understanding of the "prepolicy" period' (2006:1872). The next section outlines a research strategy for such an investigation.

ii. A research strategy for studying the political impact of social movements

The task of studying the 'prepolicy' period presupposes unpacking the policy-making process into distinct phases. This also helps us to overcome the problems associated with Gamson's notion of new advantages, as we can distinguish the impact that social movements might have on different phases of the policy-making process. This is particularly important in light of recent scholarly contributions which show that each stage of this process is characterised by more stringent rules than the preceding stage (Soule and King 2006:1873). This is because while it is relatively easy for single legislators to introduce a bill, if it makes it to a vote, the support of a sufficient number of legislators is required.

In this dissertation I will draw on the classic work of Schumaker who refers to the *responsiveness* of the government to social movements at the different stages of the policy-making process (1975). According to this author, a social movement has obtained *access* to the government when any of its representatives is willing to hear its concerns. This

involves acknowledging the social movement (or the organisation behind the movement) as a valid representative of the constituency it claims to represent. A social movement has an impact on the government's *agenda* when authorities translate its demands into a policy issue and place it on the policy agenda. A *policy* impact, in turn, is accomplished when the government bill which was motivated by the movement's demands is ratified. I include policies that create institutions within the category of policy impact. Schumaker also refers to social movements' impact in terms of *output* to denote the extent into which the authorities in charge take measures to assure that the new legislation is fully enforced. Following these categorisations, I explore the *Pingüino* and *Contratista* movements' impact in chapters 6 and 9 respectively. Impact and structural outcomes, the final two types of outcomes included in Schumaker's framework, are not included in the analysis undertaken in this dissertation. These refer to the extent to which the underlying grievances of social movements are substantially alleviated and the transformation of the social and political arrangements respectively. Given the proximity of time of the events under investigation, however, it is difficult to assess these longer-term impacts of the movements.

It is worthwhile clarifying that I do not quantify the aforementioned dimensions by using specific indicators. Rather, what I intend to do in this dissertation is to reconstruct both the processes that motivated the emergence of the *Pingüino* and *Contratista* movements, and the policy-making processes that followed them. The impact of the *Pingüinos* and the *Contratistas* is analysed in the context of the still incipient reconstruction of the collective action of the two social actors under study. This fine-grained tracing, I argue, is what ultimately allows me to identify the formal and informal constraints that the movements faced when seeking to articulate a demand for reform in their respective policy sectors. Furthermore, when assessing the impact of the movements, I place particular emphasis on their historical antecedents. In order to assess the impact of the movements on the policy-

making process, I explain the background against which the movements must be understood in Chapter 4 (education) and Chapter 7 (labour). In this sense, the study draws on a *relational* notion of impact which understands the outcomes of social movements in the light of the broader socio-historical processes that have defined their capacity to produce change. As was discussed previously, the context of neoliberal reforms and democratisation has had a deep impact on the reconfiguration of collective action in Latin America, demobilising certain actors while repoliticising others. The challenge, then, is to identify the ways in which these transformations have created new structures of incentives for collective action, and how and why different actors have been able or unable to take advantage of these.

V. CONCLUSION

In the context of the twin processes of democratisation and neoliberal transformation, I explore the emergence and impact of social movements in Chile. Without a doubt, there is dialectical determination between economic structures and political processes, and the scholarly challenge is to identify how economic, political and social developments are related to one another. As I asserted earlier in this chapter, the examination of how social movements engage in the formal arenas of institutional politics where they seek to influence public policy is a fruitful avenue to shed light over these processes. In doing so, I seek to link changes at the structural level to the micro-level processes of articulation of discontent.

In this chapter I have sought to outline a framework of analysis for this undertaking. Reviewing the literature on social movements in Latin America, I argued that NSMT, the

predominant framework for studying social mobilisation in the region, tended to prioritise identity politics and agency related variables to the detriment of an analysis of social movements' interaction with the institutional sphere. With the aim of providing a more balanced approach to the study of agency and structure in the unfolding of social movements, I then introduced the Contentious Politics framework, particularly stressing its advantages when studying movements' interaction with formal institutions. The rest of the dissertation employs these insights to explain the emergence and impact of the *Pinguino* and *Contratista* movements, and by doing so, shed important light on the dynamics of change in post-transition Chile.

THE GOVERNANCE FORMULA OF THE *CONCERTACIÓN*

*‘Chile, la alegría ya viene’*¹

*[...] the study of collective action must [...] address what is at stake in societal conflicts. The analysis must account for the systemic field, its logic, the processes that enable it to reproduce and change*²

I. INTRODUCTION

In the previous chapter I outlined a framework for the analysis of the emergence and impact of social movements. I placed particular emphasis on the importance of analysing social movements’ interaction with the institutional terrain, and argued that the boundaries between institutionalised and non-institutionalised actors are blurred, often marked by intertwined relationships, and shaped by historical legacies that define different actors’ capacity to produce change. The importance of changes in the institutional structure of or informal power relations the political system were also underlined as a key dimension in the analysis of the emergence of social movements. Grounded on these premises, in this chapter I set out to depict the historical roots and institutional legacies that defined what I refer to as the ‘governance formula’ of the *Concertación*. Governance can be broadly understood as the complex ensemble of mechanisms and processes through which political institutions and citizens articulate interests and mediate differences (UNDP 1998:51).³ For

¹ ‘Chile, happiness is coming’: refrain of the theme song of the “No to Pinochet” campaign for the 1988 plebiscite, which paved the way for the general elections in 1989 and the re-establishment of democratic rule in 1990.

² Melucci and Lyra (1998:205).

³ The notion of governability, in turn, can be understood as the need to balance conflicting interests between those of social allies seeking socio-economic redistribution and concrete gains, and those of dominant strategic actors (e.g. Gómez-Bruera 2013:4).

a government in office, then, its governance formula comprises the way in which it handles obstacles, opportunities and challenges when addressing diverse interests. In this sense, a governance formula plays an important role in the shaping of what was referred to in Chapter 2 as the structure of political opportunities.

In this chapter I explore the *Concertación's* governance formula along two dimensions: firstly, the way in which policy is elaborated and implemented, and secondly, the policy orientation, i.e., the type of policies delivered to citizens. Both dimensions have historical and ideological roots that I seek to explain, centring on both informal and formal dimensions. On the one hand, I highlight informal aspects related to historical legacies such as the political learning undertaken by the *Concertación* leaders and its influence on their stances on governance and policy choices. On the other hand, I show the constraints involved in the institutional legacy bequeathed by the military regime. I argue that the *Concertación* adopted a governance direction in which popular participation was restricted to the electoral arena. This orientation led in turn to a propensity to exclude civil society actors from the policy-making process. At the same time, most aspects of the neoliberal model were embraced, although there were efforts to complement it with active social policies to address socio-economic exclusion. In this way, the governance formula of the *Concertación* can in general terms be characterised by a liberal democratic orientation towards governance, and a social liberal approach to policy (Roberts 2011:325).

This chapter is structured as follows. In the next section I analyse the historical roots and institutional legacies of the military regime in the shaping of the governance formula of the centre-left coalition. The third and fourth sections then review the nature of policy-making during the *Concertación* and its policy agenda, respectively. In section five I describe signs of

discontent with the political system, political parties and the type of policies that were delivered to citizens. I conclude that while the *Concertación*'s governance formula had positive effects in terms of economic and political stability, the wary approach of the centre-left coalition also limited the possibilities for more far-reaching reforms.

II. HISTORICAL ROOTS AND INSTITUTIONAL LEGACIES IN THE SHAPING OF THE *CONCERTACIÓN*'S GOVERNANCE FORMULA

i. Democratic breakdown and authoritarian rule

The governance formula of the *Concertación* cannot be understood without making reference to the historical memories left by the traumatic experience of the 1973 democratic breakdown and the longer term process of political polarisation that had preceded it. The latter was the result of decades of socio-economic transformation and differing conceptions of the development path to be followed by the country. After the economic crisis of the early 1930s, Chile embarked upon an 'inward-looking' economic model, which became known as the ISI model. This model involved important sources of revenue, including both high tariff protections enjoyed by the manufacturing sector and high import and export taxes (Huber and Stephens 2012:74). In the case of Chile and many other Latin American countries implementing the ISI-model, this additional income was used to finance social welfare policies.

Within the ISI-model, the state was ascribed an important distributive role. Implementing broad programmes of social policy, this active role of the state allowed large, previously

excluded social sectors to be integrated. Furthermore, industrialisation signified an increase in the labour force, which made necessary a process of inclusion of the working class into the political arena (Collier and Collier 1991). Therefore, this historical period was characterised by an increasing socio-economic and political incorporation. Given that the ISI-model encompassed a process of state-led industrialisation, another of its political side-effects was an expansion of union organising. The Socialist, Communist and Radical parties developed strong links among workers. Hence, the ISI-model also led to the strengthening of the Left's social base. In turn, the existence of a strong Left – which in electoral terms was one of the most important in the region – contributed to a party system which was characterised by a 'three-thirds' division (Roberts 1998a:86). In other words, resembling the party system of many European countries, Chile had a clear division between a leftist, a centrist, and rightist option, which each received approximately a third of the popular vote.

In 1958 the Left, spearheaded by Socialist leader Salvador Allende, lost the presidential elections to the Christian Democrats by only a small margin. This convinced the leftist leaders that it was not necessary to join the parties of the political centre to reach government (Roberts 1998a:89). Instead, the Left actively fostered social mobilisation to construct the necessary social forces to attain power on its own. Concurrently, important changes took place at the political Centre: the Radical Party, which had been the dominant centrist party, lost ground to the Christian Democratic Party. Unlike the Radicals, the Christian Democrats were highly programmatic and ideological as a party. The Christian Democrat-led administration of President Frei (1964-1970) had a clear objective of transforming the basic distribution of political and economic power (Borzutsky 2002:122). Land reform, expansion of health services and redistribution of fiscal resources were at the

top of the Christian Democratic political agenda. Through these measures, the Frei government also sought to expand its socio-political base (Garretón 1990:19).

In 1970 when Socialist Salvador Allende won the presidential election with a coalition of left-wing forces – the *Unidad Popular* (Popular Unity) – Chile was one of the most politicised countries in the region (Silva 2004:63). The international context of the time certainly contributed to this. The Cuban revolution had been highly influential among Chile’s left-wing leaders and rank-and-file (Angell 1998). The Allende government was operating in a context of a worldwide critical discourse on capitalism and an ongoing discussion about the most fruitful paths towards social transformation. At the same time, in the midst of the Cold War, the election of Salvador Allende in the 1970 elections was considered a threat to US geopolitical interests and its economic investments in Chile. Thus, US President Richard Nixon was active in staging opposition to the *Unidad Popular* government (e.g. Chavkin 1985).

The explicit aim of the Allende government was to initiate a ‘peaceful road to Socialism’. For this, its programmes contained reforms such as a new land reform and a complete nationalisation of the copper industry, amongst others (Borzutsky 2002:124-125). Inspired by social democratic values of universalism and solidarity, the agenda of the Allende administration also comprised a wide-ranging reform scheme that included a unified social security regime based on a tax-financed system (Huber and Stephens 2012:91). Seeking to make the state more efficient in its planning duties, President Allende also introduced reforms directed at increasing state control over the economy (Meller 1996:59). In an effort to respond to popular demands, Allende increased fiscal spending by more than 70%, especially on social services such as housing, education, health and sanitation (Valenzuela

1978:51). A large part of this was financed through credits issued by the Central Bank, and this accelerated inflationary pressures. At the same time, the *Unidad Popular* faced great opposition, not just from the business community but also from sectors of organised labour who were pressing for greater concessions from the government (Posner 2004:62). Indeed, as Valenzuela stresses, the process of polarisation was a dialectical one: '[g]overnment actions, taken to overcome political constraints and open opposition, often resulted in greater and more intense opposition, in turn forcing the government to take additional actions which could only worsen the political climate' (1978:60). This was accompanied by a loss the crucial support of the Christian Democrats, who traditionally had mediated compromising positions between the Left and the Right (Valenzuela 1978:73-77).

This high political polarisation in addition to international pressure undermined the stability of Chile's political system, which in previous decades had been hailed as a democratic example in the region (Oxhorn 1995:59). The difficulties in overcoming the political and economic deadlock precipitated the military coup d'état on September 11, 1973. During its 17 years in power, the military would radically change Chile's political, economic and social fate for decades to come.

From the perspective of the military regime, its task was to restore public order after years of political polarisation and economic instability (Silva 1991a:99). The junta, led by General Augusto Pinochet, attributed this crisis to the failure of the development model and the exacerbation of class tensions experienced during the previous decades (Silva 1991a:98). It therefore had the unambiguous objective of dismantling Allende's state-led development model. This was rather surprising because at the time most political forces, including those

which had supported the military coup, were supporters of an economic model based on state intervention (Kurtz 2004:275).

The military take-over led by General Pinochet had a high human cost. Repression of political leaders, party rank-and-file and civil society actors who had supported the Allende government followed the democratic breakdown. Any protest was rapidly suppressed. The years following the coup d'état saw the detention of more than 100,000 civilians – many of whom were tortured – and thousands 'disappeared' and were executed (Schneider 1992:60). However, the military regime was not able to contain the massive protest wave that followed the economic crisis of 1981-1983 – the worst in the country since the Great Depression of the 1930s. As in many other Latin American countries, it was Chile's organised labour that sparked off the cycle of protest that ultimately would pave the way for the country's transition from authoritarian rule (Foweraker and Landman 1997:133). Between 1983 and 1985, monthly protests which began as a reaction to the economic crisis rapidly grew into a protest movement that sought to end authoritarian rule. The call for democratisation was joined by people from both middle and upper class sectors, who banged their pans and honked on their car horns to show their rejection of the military regime (Hipsher 1998b:159). The demand for democracy was also expressed by students, shantytown dwellers and other social actors (Garretón 1986b:3). At the same time, increasing pressure for democracy was exerted by global actors such as the US, the United Nations and other multilateral organisations, and the Catholic Church (Mainwaring and Pérez-Liñán 2005).

Internal and international pressure forced the military regime to consider political liberalisation. It also convinced the Pinochet junta that coercion would be insufficient to

keep them in power. A model of 'protected democracy' had been envisioned by the military regime in the 1980 constitution, which had been designed to 'seal' the political agenda of the military regime (Kurtz 2004:414). For this, the 1980 charter established a set of 'transitional articles' which defined the nature of a 8-year long transitional period, providing specific rules for individual rights and defining the powers of the president and the junta (Navia and Heiss 2007:166). The latter was given a significant role in the legislative body. The constitution further instructed that there should be a plebiscite in 1988, for which the military regime would propose a candidate that Chileans could accept or reject as their president for the 8-year long transition phase. If approved, the nominee would initiate his presidential mandate in March 1989. If the junta's nominee was not ratified, presidential elections with civil candidates would be held in 1989.

Pinochet was confident of winning the plebiscite. From his perspective, the 1980 constitution conferred legitimacy on the military regime and he also trusted in the complicity of the armed forces, and the ambivalent attitude towards democracy of the greater part of the Right (Garretón 1986a). Against this background, in 1987 political parties were legalised again and exiled Chileans were gradually allowed to return to the country. Yet there were still considerable restrictions on political parties and labour unions, and limited freedom of press and freedom of expression (Navia and Heiss 2007:166).⁴

In the context of the transitional articles defined by the 1980 constitution, and recognising the insufficiency of the protest movement to force down the military regime, the leaders of the centre-left political parties confronted a crucial dilemma. One option was to operate

⁴ For example, the 1980 constitution includes provisions aimed at protecting privacy and 'honour' against abuses by the press, allows for the interception of private communications and the searching of private residences, and grants the government the right to constrain freedom of education on 'moral, good habits, public order, and national security' grounds (Navia and Heiss 2007:175).

within the institutional framework outlined in the 1980 constitution and try to defeat Pinochet by his own rules. A second alternative was to follow an insurrectionary path and attempt to overcome the military regime through militarisation. The opposition leaders, who would join in the *Concertación por la Democracia*, a centre-left, four-party coalition, opted for the first route. In 1988 they won the plebiscite with 56% of the votes. With this result and international pressure on General Pinochet to recognise the victory of the opposition, the military regime agreed to hold general elections in 1989.

ii. Political learning and transformation of the Left

The re-establishment of democratic rule that came with the electoral triumph of the *Concertación* in the 1989 general elections meant that citizens' rights to organise, assemble, and protest for political aims were reinstated. Yet the legacies of the authoritarian regime loomed large. The Pinochet regime still benefitted from considerable support in 1990 when democracy was reinstated. Although the *Concertación* had won the 1988 plebiscite, General Pinochet still received 44% of the votes. Not without reason, then, the fear of an authoritarian reversal was strong among the leaders of the centre-left coalition. Furthermore, the democratic breakdown in 1973 had an enduring influence on the politics of the post-transition era (Camargo 2012; Oxborn 1995; Roberts 1998). One common conclusion of this experience which was drawn by the vast majority of the *Concertación* members was that the ideological polarisation and inflexible stances that had marked the political developments of the 1960s and early 1970s had paved the way for the military take-over (Posner 2004:59). Crucially for the post-transition era, this process of political learning led to the construction of a moderate Left (Bermeo 1992:278). The moderate and

gradualist course undertaken by Chile's Left was conceived of as the most secure foundation for the consolidation of democracy (Roberts 1998a:120-1).

The process of moderation was particularly evident within the Socialist Party, which had constituted one of the most radical forces in the Allende government. It must be noted that the transformation of the Left in Chile was far from being an isolated case; rather, it corresponded to a general international trend that followed the fall of communism in the late 1980s. The decline of the Soviet Union and the fall of the Berlin Wall signalled the triumph of liberalism and the abandonment of leftist development models (Silva 2009:5). As prominent Chilean left-wing leaders are quick to underline, their experience of exile in Western countries and ideological discussions at international conferences of the Socialist International had shifted the discourse on the possibilities of democracy (e.g. interview with Arrate 2012).

In the broader context of the decline of Socialist models, two conceptions of democracy emerged within the Latin American Left. In the first one, democracy was understood as a process of popular empowerment, i.e. 'an arena for the self-constitution of popular political subjects and the exercise of popular sovereignty over collective decision making' (Roberts 1998a:19). In light of the abandonment of Socialist economic models, this conception reflected the Left's shift of focus to discussions on the most effective mechanisms for popular participation (Roberts 1998a:32). In contrast, in the second notion of democracy, this was more narrowly defined and understood, primarily as an institutional framework for managing social and political pluralism (Roberts 1998a:19). While the first conception was more closely linked to the failure of revolutionary Socialist models and the effort to reformulate a programme of radical change, the second version was strongly

influenced by the experience of authoritarian repression and the ensuing search for more consensual formulas of governance (Roberts 1998a:20). Chile's Left clearly belonged to this latter category. In the words of Boeninger, Minister of the General Secretariat of the Presidency in the first *Concertación* government: 'representative democracy such as the one that exists in Chile constitutes the best ever known democratic institutional organisation. Formulas of direct democracy, plebiscitary democracy, citizen government, threaten governability and democracy itself' (2007:120).

iii. The institutional legacy of the military regime

The *Concertación's* embracement of a moderate route was also shaped by the presence of many institutional legacies (Garretón 1996:42; Garretón 2003). The cost of accepting the transitional path proposed by the military regime was that even if the *Concertación* leaders finally triumphed in the elections and democratic rule was re-introduced, they had to govern within the institutional frame defined by the 1980 constitution. As Navia contends, '[this] carefully designed institutional system of checks and balances made it clear that, even if the military were not to remain in power, the constitutional order would protect private property and consolidate a neoliberal economic model' (2010:301). While the replacement of the charter introduced by the military had been advocated by a significant section of the centre-left coalition during the 1980s, the experience of the political deadlock that had preceded the military coup in 1973 convinced the opposition leaders of the need to negotiate divergent standpoints (Cavarozzi 1992). Within the elite settlement (Higley and Gunther 1992) that paved the way for Chile's transition to democracy, replacing the 1980 constitution was seen as unfeasible and a pragmatic approach was adopted.

In the words of Boeninger, emblematic *Concertación* leader:

‘In the context of 1989 it seemed impossible to think that one could compel the military forces, electorally defeated in the plebiscite but homogeneous and strongly united in the defence of their constitution, to accept its replacement. An attempt of social mobilisation on the streets to achieve this would have given the Pinochet regime a pretext to suspend the presidential elections and keep power, generating a conflict with unforeseen consequences, which, certainly, would not have allowed for a pacific transition to democracy’ (Boeninger 2007:25).

The 1980 constitution included a series of ‘authoritarian enclaves’ that put considerable restrictions on the policy-making process by giving the military a tutelary role and conferring on it a central place as the ‘guarantor’ of democracy (Garretón 1989; Garretón 2003). For example, it gave Pinochet the privilege of being a lifetime senator, which he exercised until the year 2002 when the Supreme Court decided that he was unfit to stand trial for human rights crimes due to dementia (Olavarría 2003:13). The charter also granted the Constitutional Tribunal the power to rule on whether individuals and political parties constituted a threat to the institutions and functioning of democracy (Navia and Heiss 2007:166). It furthermore conferred great power on the military in the National Security Council (*Consejo de Seguridad Nacional*, henceforth COSENA). Also decisive was the fact that the constitution established the appointment of nine designated senators. Of this group of senators, two were to be elected by the President, three by the Supreme Court, and four by the COSENA (Olavarría 2003:13).

The legal framework left by the military regime also defined a special status for constitutional laws that dealt with the issues that the military regime cared about the most, such as the economic system, the military, the approval of mining concessions, and education (Fuentes 2012:40). These areas were ‘locked in’ in so-called ‘organic laws’; to

modify them required 4/7 of the votes. In practice, this was very difficult to achieve given the electoral system, which also was bequeathed by the military regime. Chile's binominal electoral system is considered another authoritarian enclave by many scholars (e.g. Navia 2010). This electoral system is characterised by a two-seat proportional representation arrangement, which means that in an electoral contest with two electoral lists, the top list must receive at least 66 % in order to take both seats, while the runner-up list can win a seat and thereby get the same number of seats as the top list with slightly more than a third of the vote (Navia 2003:35). In practice, this allowed for significant over-representation of rural areas and of the Right (Angell and Reig 2006:496; Valenzuela and Dammert 2006), composed of the *Unión Democrática Independiente* (henceforth UDI) and the centre-right party *Renovación Nacional* (henceforth RN), which together form the *Alianza por Chile* (henceforth *Alianza*).

The underlying political engineering of the binominal system was also designed to limit the number of political parties in Congress, and came at the expense of minority parties such as the Communist Party (Pastor 2004:39). To address this, the Communists and other smaller parties such as the *Partido Humanista* formed the 'extra-parliamentary' Left – but had great difficulty entering parliament until the 2009 elections. The electoral system introduced incentives for coalition-building, which defined a political game dominated by two broad political blocks; the *Concertación* and the *Alianza*.

Table 3.1: Vote and seat distribution in Congress (in %), 1989-2005

Election year	<i>Alianza</i>				<i>Concertación</i>			
	Chamber of deputies		Senate		Chamber of deputies		Senate	
	Votes	Seats	Votes	Seats ^a	Votes	Seats	Votes	Seats
1989	34.2	40.0	34.9	42.1 (52.3)	51.5	57.5	54.6	57.9 (46.8)
1993	36.7	41.7	37.3	50.0 (54.3)	55.4	58.3	55.5	50.0 (45.7)
1997	36.3	39.2	36.6	47.4 (51.1)	50.5	57.5	49.9	52.6 (48.9)
2001	44.3	47.5	44.0	50.0 (50.0)	47.9	51.2	51.3	50.0 (50.0)
2005	38.7	45.0	37.2	44.7	51.8	51.7	55.7	52.6

^a Including non-elected senators

^b Ibid.

^c Not including a senator elected as independent

Source: (Navia 2010:307)

As table 3.1 shows, the *Concertación* had majority support in all parliamentary elections between 1989 and 2005. Nonetheless, by adding the seats of the designated senators the Right stripped the centre-left coalition of its electoral majority in the upper chamber. In this way the institutional framework bequeathed by the military regime was translated into a conservative majority in Congress until the fourth *Concertación* government, under Michelle Bachelet (Angell 2007). Just as the military junta had intended, the non-elected senators and the binominal electoral system could effectively thwart constitutional reform and avoid any attempt at reversing their ‘revolution’. As Posner notes, the designated senators together with the binominal system have limited the ability of the *Concertación* parties to enact beneficial legislation or democratic reform and increased their reluctance to respond to popular sector demands (1999:75). These institutional constraints have also contributed to their conviction of the need to build consensus with the right-wing opposition on all important legislation (Huber, Pribble and Stephens 2010:78). In light of

this, a ‘democracy of agreements’ and a ‘democracy to the extent possible’ became the hallmarks of the *Concertación* governments (Hurtado 2004:302).

III. ‘DEMOCRACY OF AGREEMENTS’ AND THE NATURE OF POLICY-MAKING UNDER THE *CONCERTACIÓN* GOVERNMENTS

i. The importance of technocrats

The commonly praised Chilean ‘democracy of agreements’ was the result of the delicate power balance that ensued from the transition from authoritarian rule and the institutional constraints described above. In this context, the democratic leaders acknowledged the need for unity, coalition governments, flexibility and pragmatism (Oxhorn 1995:179). Part of this pragmatism, in turn, was a favourable stance towards ‘technocratisation’ of policy elaboration and implementation. To be sure, this was not unique to Chile. Technocrats – understood as individuals who, based on their high level of specialised academic training, are selected to occupy key decision-making or advisory roles (Collier, quoted in Silva 2008:4) – gained increasing influence in policy-making across Latin America and elsewhere (Centeno and Silva 1998).

Furthermore, the technocratisation of the policy-making process in the *Concertación* governments followed a tendency that had been stepped up during the military regime, in which technocrats played an influential role. The so-called ‘Chicago Boys’ in particular – named after the alma mater of Milton Friedman, the University of Chicago – earned the position of the military junta’s organic intellectuals based on an agenda of neoliberal

reforms (Silva 1991b:393). Strongly swayed by the thoughts of Friedman, this group of neoliberal technocrats designed and executed the vast majority of the policies that were implemented during the Pinochet regime, and also contributed to formulating its official ideological discourse (Silva 1991b:386). As Winn comments:

‘[the Chicago Boys]’ stance as technocrats who were above politics and private interests [...] fit Pinochet’s own self-image, as did their desire to make a “revolution” that would change Chile forever. Even their readiness to impose harsh measures on their people in order to “save” Chile matched the military’s sense of mission, as did their identification of their measures with “efficiency” and “modernization” (2004:27).

It should also be stressed that when taking over power in 1973, the regime had no well-defined economic plan (Winn 2004:25). In fact, apart from its commitment to national security and its anti-communist stance, the military regime had few orienting ideological beliefs (Kurtz 1999:402). Rather than being proactive, the military regime was above all a reaction to the Allende government (Martínez and Díaz 1996:11). In this way, the programme of neoliberal reforms proposed by the US-trained economists was also considered necessary for dismantling Allende’s state-led development model, which the Pinochet regime believed to constitute a central part of the chaos that had preceded its take-over of the country. Likewise, giving an important role to the Chicago Boys and their supposedly technical agenda was, within this conception, regarded as a way of replacing the ‘ideological’ dominance that had prevailed in previous years by a ‘rational’ *modus operandi* (Ensalaco 1994:411). Hence, the Chicago Boys’ assistance was welcomed by the military regime who, as already noted, regarded it as its duty to restore public order after years of political polarisation and economic instability.

In the democratic era, the important role given to technocrats was continued for manifold reasons. To begin with, basing the appointment of top-level positions in the government on technical criteria served to manage power balances within the coalition (Silva 1991b:405). In fact, this function had been present from the very beginning of the collaboration of the four parties that would form the *Concertación*. In the 1980s when political parties still were banned, existing research centres had provided some of the few places for political discussion and opposition to the military regime. There, important consensus on various policy fields had been forged, which contributed to the elaboration of the coalition's common political agenda (Silva 1991b:404). At the same time, embracing a technocratic approach to policy-making accorded with the *Concertación* leaders' memories of the pre-coup period. One of the most (self-)criticised aspects of the *Unidad Popular* was the tendency to appoint government positions based on party quotas instead of technical expertise (Silva 1991b:405). Reacting to this experience, the centre-left coalition aimed to award government posts based on the criteria of 'the most capable'. Finally, the technocratic nature of the *Concertación* governments was also linked to many of its members' 'academic upgrading', which was pursued both during the long periods of exile and through the institutional collaboration that was developed between national and international research centres (Dezalay and Garth 2002). Together, these experiences meant that there was an extensive pool of *Concertación* leaders with high-level academic degrees that could serve the governments of the centre-left coalition.

ii. **The *Concertación*'s detachment from social actors and the top-down nature of the policy-making process**

Through the technocratic approach of the governments of the centre-left coalition, the state gained a degree of relative independence from the political parties. In turn, a technocratic approach to delivery of social policies, implemented through non-partisan state bureaucracies and targeted at atomised beneficiaries, prevented political parties claiming credit for programmes of social policies (Handlin 2012:8). As Handlin argues, in contrast to other Latin American countries such as Venezuela, where state policies have been used to mobilise social constituencies and garner electoral support, in Chile the technocratic approach to the delivery of social policies has made it more difficult for political parties to engage beneficiaries for electoral recruitment purposes (2012:8).

This consequence for the nature of party-society linkages in the post-transition setting must be understood within the broader context of a shift of the structural foundations of the *Concertación* parties' social bases. This shift resulted from the social and economic changes of the previous decades, and the increasing importance of technology, mass media and consumer culture (Roberts 2002:11). Crucially, the net effect of this reformulation was that political parties were more detached from organised social constituencies (Roberts 2002:9).

In addition, the moderation of the Left meant that the Socialist Party and the *Partido por la Democracia* (henceforth PPD) – which was created in 1987 as an outsprint of the Socialists – were constituted in a much more elitist form after the end of the military regime (Roberts 1998a:53; (Roberts 1998:53; Huber, Pribble and Stephens 2010:80). This was partly a legacy

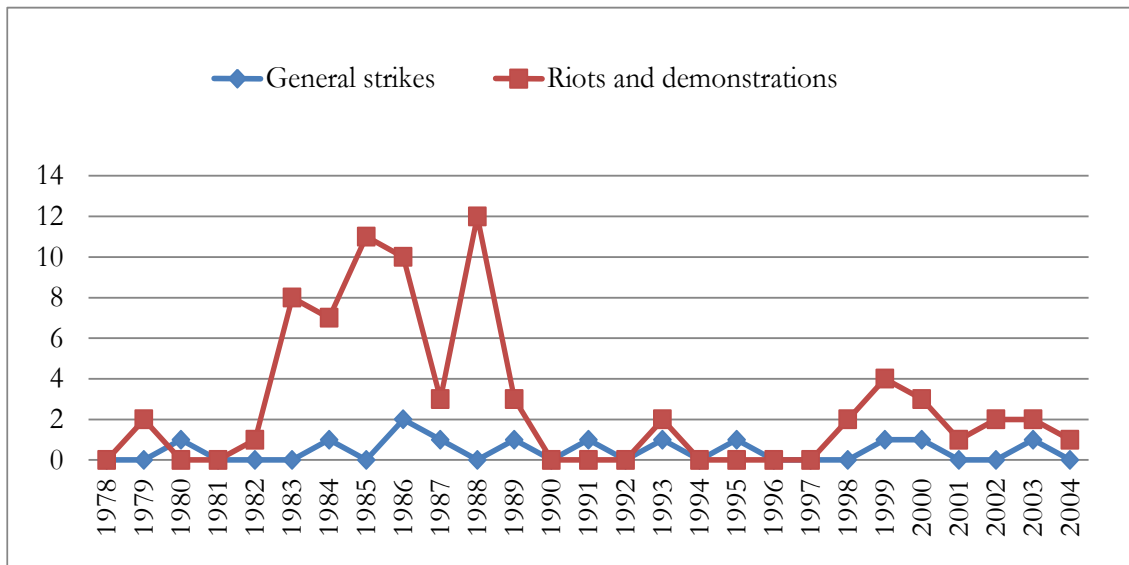
of the repressive nature of the authoritarian regime, a context which motivated the coalition parties to favour a top-down approach over open consultation with the party rank-and-file (Silva 1991b:404). On the other hand, from the perspective of both the Socialists and PPD leaders the democratic breakdown in 1973 was partly a result of excessive pressure from popular sectors. This motivated an aversion to popular mobilisation among the *Concertación* leaders. By actively discouraging social mobilisation, the centre-left coalition sought to ensure governability (Drake and Jaksic 1999:34). Their wary approach was intended to avoid political pressure for more far-reaching reforms, which could take the country back to the escalation of societal demands that had characterised the pre-coup period. Demobilisation of social actors was in this sense widely regarded as a prerequisite for democratic consolidation (Silva 2004:70; Hipsher 1996:274). Thus, a large sector of the *Concertación* favoured a party organisation without strong ties to the social base, i.e., they no longer sought to base their constituencies on political mobilisation (Posner 2004:59; Huber, Pribble and Stephens 2010:80). This certainly contrasted sharply with one of the key characteristics of the Chilean political system before the democratic breakdown in 1973, namely, the political parties' active efforts to organise their social bases with the aim of exerting pressure over or take control of the state (Garretón 1989:12).

The detachment of the *Concertación* parties from their social bases, and from civil society actors more generally, only increased once democracy was re-instated (Posner 2004:71). Organised civil society actors did not generally participate in the definition of the political agenda (Fuentes 2012:56). Instead, the *Concertación* sought to anticipate popular demands rather than to respond to them (Foweraker 2001:857). This reinforced the inclination to avoid any deviation from the status quo, and, at the same time, to exclude the possibility of

mobilising popular support for more far-reaching policies that the Right had opposed (Huber, Pribble and Stephens 2010:81). According to this liberal democratic governance approach, then, popular participation in the political process was restricted to the electoral arena (Roberts 2011:325).

The distance between the *Concertación* parties and social actors is also related to the weakening of the latter. As the following graph shows, while the economic crisis in 1982 was followed by massive protests which continued throughout most of the 1980s, as democratic rule was reinstated in 1990, there was a sharp decline in both general strikes and demonstrations.

Graph 3.1: Major Social Protests in Chile, 1978-2004



Source: (Rice 2012:104)

Indeed, the paradox of Chile's civil society is that it was stronger under authoritarian rule than after the transition to democracy (Oxhorn 2011:104). There are many reasons behind this. From the perspective of the social movements that had struggled against the Pinochet

regime hand-in-hand with the coalition parties, backing the *Concertación* in the post-transition era was commonly conceived of as supporting democracy (Burton 2009:60). As Hipsher contends, this experience also made social movements and their members more likely to withhold demands and to avoid pursuing strategies that could threaten democratic stability (Hipsher 1998b:155). Thus, the memory of military rule also shaped the attitudes of social movement activists who often envisioned a long-term rationality in demobilising (Hipsher 1998b:157). At the same time, social actors' gradual demobilisation after the transition was also facilitated by the fact that the two leading parties of the *Concertación*, the Christian Democrats and the Socialists, maintained great internal discipline and kept control over their followers (Weyland 1999:70). As will be discussed in detail in Chapter 7, this was not least the case with the foremost workers' association, the *Central Unitaria de Trabajadores* (United Workers' Federation).

In addition, the leaders of social organisations were alienated by the dearth of transparent and democratic mechanisms of dispute resolution within the left-wing parties of the centre-left coalition (Huber, Pribble and Stephens 2010:81). The *Concertación* parties' social constituencies were put off by the tendency to disregard their voice (Huber, Pribble and Stephens 2010:81). Finally, it must be noted that the demobilisation of social actors was also related to the significant overlap between social movements and political leaders (de la Maza and Ochsenius 2004). Many social movement leaders occupied key roles in the new democratic government, hence enabling the *Concertación* parties to influence the goals, tactics and strategies of social movements (Hipsher 1998a:170).

iii. Social actors' institutional access to policy-making

Notwithstanding the detachment pattern of party-society relations described above, from a rhetorical point of view the *Concertación* supported the existence of an autonomous and active civil society (de la Maza and Ochsenius 2004; Oxhorn 1995:179). In the words of the coalition's first president, Patricio Aylwin, 'there is no true democracy without participation' (quoted in Rindeljäll 2005:101). This was also translated into a series of initiatives to open up channels for citizen participation. In 1990 the Division of Social Organisations (*División de Organizaciones Sociales*, henceforth DOS) was created with the specific mission to 'strengthen and promote the diverse forms of organization that the society creates', and, at the same time, to 'help ensure that the expectations created by the democratic process are realistic and not the precursors for new frustrations' (DOS, quoted in Oxhorn 1995:262).

In addition, the *Concertación* established a number of national agencies to protect the interests of vulnerable groups: the *Servicio Nacional de la Mujer* (National Women's Bureau, SERNAM), the *Comisión Nacional de Desarrollo Indígena* (National Corporation for Indigenous Development, CONADI), and the *Corporación Nacional de Medio Ambiente* (National Corporation for the Environment, CONAMA). These institutions, however, were consultative and mainly devoted to the dissemination of information (Serrano 1998). As a result, as Rindeljäll asserts, '[...] the most imposing feature of participatory practices in Chile during the 1990s was their limited scope – they very rarely handed over any decision-making powers to the citizens' (2005:110). From the perspective of Silva, in turn, given that each organisation entered an individual contract with the state, the founding of this dense network of government agencies to service diverse social groups had as an effect

that they were isolated from each other (2009:263). Thus the creation of horizontal linkages between the social groups represented by these state agencies was complicated.

Further initiatives to foster citizen participation were undertaken during succeeding *Concertación* administrations, especially from the presidency of Socialist Ricardo Lagos (2000-2006) onwards (Aguilera 2007:122). At the beginning of his government – the third consecutive of the centre-left coalition – Lagos declared: ‘[i]n order to grow with equity we must grant more power to the citizenry so that it can participate more actively in the decisions that concern them’ (quoted in Rindeljäll 2005:95). With this objective, the Lagos government created the Citizen Council for the Strengthening of Civil Society (*Consejo Ciudadano para el Fortalecimiento de la Sociedad Civil*, henceforth Citizen Council). Composed of 28 representatives from civil society, the Citizen Council was tasked with the elaboration of proposals on ways to foster citizen participation. Nevertheless, very soon participants became disillusioned with the bureaucratic and restrictive space provided by the Citizen Council (de la Maza 2005:105).

The Lagos administration also instituted the Presidential Instructive for Citizen Participation (*Instructivo Presidencial sobre Participación Ciudadana*), which aimed at making the functioning of public administration more participatory (Aguilera 2007). In other words, the activities of public administration were to become more participatory by providing channels of dialogue such as round table discussions between civil society actors and public officials and politicians, and a strong focus on the diffusion of details of policy programmes through the creation of webpages, amongst others (Rindeljäll 2005:118). Although an important step forward in terms of providing citizens some sort of forum to

engage in policy-making, the presidential directive was largely consultative and lacked any form of binding mechanism for the implementation of citizens' inputs.

IV. 'GROWTH WITH EQUITY': THE POLICY AGENDA OF THE *CONCERTACIÓN*

i. The inheritance of the neoliberal model

Indeed, historical and institutional legacies not only shaped the *Concertación's* approach to policy-making, but also had important consequences for the type of policies pursued by the centre-left coalition. During the military regime Chile was the first Latin American country to adopt the neoliberal model and also experienced one of its most radical implementations. The fact that the country introduced neoliberalism under military rule was exceptional and this allowed its fast pace of implementation (Cook 2007:116). As Silva notes, Chile became *the* experiment in free-market economics (2009:248 italics in original text).

When the *Concertación* took over government, it inherited an economy that had been restructured along the neoliberal lines since the mid-1970s. Many policy reforms pursued by the military had been 'locked in' through constitutional laws, which, as mentioned, required high quorums to reverse. In this way, as Foweraker notes, 'the political pacts that underwrote the transition, bolstered by constitutional constraints, left little room to amend the neoliberal model' (2001:850).

It is important to note that the struggle to overcome the military regime, and the creation of a broad political alliance for this purpose, had instituted a logic within the *Concertación* of privileging overall systemic goals such as the consolidation of democracy over partisan interests (Weyland 1997:56). In the immediate post-transition period, the coalition was indeed united by its common pro-democracy stance, and the differences between the coalition parties in ordinary policy issues were narrower than in their ideologies (Hagopian 2009:15). For example, research shows that during the first *Concertación* government there was no difference in preference for state intervention versus market-friendly alternatives between members of parliament from the Christian Democratic Party and the other two coalition parties (Huber, Pribble and Stephens 2010:79). In the context of the broad political spectrum represented in the *Concertación*, this certainly helped to accommodate co-existing divergent interests within the coalition. Nonetheless, as time passed by internal differences in the coalition became more apparent (Huber, Pribble and Stephens 2010:79). Both in the second and the third coalition governments, Christian Democratic members of parliament expressed a lower preference for state intervention compared to their colleagues from the Socialist Party and the PPD (Huber, Pribble and Stephens 2010:79).

At the same time, the *Concertación* leaders were convinced that democratic rule would not be consolidated if the coalition was not able to uphold macro-economic stability, and that this, in turn, was subject to the maintenance of the neoliberal model introduced by the military regime. From the perspective of the centre-left coalition, not reversing these economic measures was intended to allay the apprehensions of the Chilean economic elites and reassure them that there would not be a return to earlier statist or nationalist development strategies (Siavelis 2009:16). This was thought of as crucial in order to avoid political opposition that could destabilise the transition to democracy. Similarly, keeping

the neoliberal model sought to calm the concerns of the Right and their sympathisers, who feared that the centre-left coalition in power could signify a return to the macroeconomic instability and the lack of political governance that had characterised the period prior to the coup d'état in 1973 (Valenzuela and Dammert 2006:69).

While any radical change to the economic model would have involved great political difficulties, it is necessary to stress that there was, at the same time, a dearth of alternative options. The experience of socialist-oriented economic policies during the *Unidad Popular* government in Chile, and also in Eastern Europe, which were considered an economic failure, left left-wing forces without a convincing economic agenda. As Jorge Arrate, prominent Socialist leader during the first *Concertación* governments, admits, 'we did not have enough alternative economic ideas' (interview 2012). Thus, while the Chilean Socialists had re-assessed the possibilities of democracy, they had put much less effort into elaborating an economic alternative to neoliberalism (Roberts 1997:313).

It is also true, however, that the Chicago Boys had been successful in gaining public support for their economic model (Silva 1991b:399). Even some sectors of the Left had embraced free-market principles such as the need to subordinate the state to a subsidiary role in the economic sphere, a central role for market mechanisms and efficiency criteria in allocating and supporting certain economic activities, and the importance of healthy public finances in order to consolidate macroeconomic stability (Silva 1991b:399). The Socialist Party was thus quick to adopt a language of efficiency and competitiveness (Motta and Bailey 2007:117).

It is furthermore important to highlight that when democratic rule was reintroduced in 1990, Chile had the best economic performance and the freest market economy in Latin America (Mesa-Lago 2008:377). In this sense, while the party leaders did not fully subscribe to the neoliberal model – and had been very critical of it earlier in the 1980s – they were wary of ‘killing the goose that could lay the golden egg’ (Weyland 1999:68). Indeed, as briefly mentioned in the introduction to this dissertation, the *Concertación* benefitted from a positive economic climate throughout its different administrations, with an average annual growth rate of 4.1% between 1991 and 2005 (Schmidt-Hebbel 2006:5). The following table specifies the average rate of growth between 1990 and 2006:

Table 3:2: Average growth rate of GDP, 1990-2006

Presidency	Average growth rate (as % of GDP)
Patricio Aylwin (1990-1994) ^a	7.3
Eduardo Frei (1994-2000)	5.3
Ricardo Lagos (2000-2006)	4.3
Michelle Bachelet (2006-2010)	4.2

^a The presidency of Patricio Aylwin was four years long as instituted by the transitional articles in the 1980 constitution. In 2005 the Lagos administration pushed through a set of constitutional amendments, which, amongst other things, cut down the presidential period from six to four years. This explains the length of the Bachelet government.⁵

Source: (Huber, Pribble and Stephens 2010:85)

⁵ For the most complete analysis of this process, see Fuentes, Claudio. 2012. *El pacto. Poder, constitución y prácticas políticas en Chile (1990-2010)*. Santiago: Ediciones Universidad Diego Portales. It is worthwhile mentioning that while a set of constitutional reforms was promulgated during the presidency of Ricardo Lagos, no agreement was reached with regard to the binominal electoral system, which remains in place.

ii. Social policies under the *Concertación*

As Pribble notes, ‘previous design of policies has long-lasting effects on the ability of reformers to alter the design and scope of social protection’ (2013:27). The neoliberal transformation of Chile’s economy pursued by the military regime also involved introducing market principles into the provision of social security (Silva 1991a:101). Privatisation, competition and subsidiarity became the key pillars of the military regime’s restructuring of the country’s welfare system (Borzutsky 2002:176). A consequence of replacing the state’s distributive role with a subsidiary one was a tendency towards assistentialist policies (Garretón 2003:66). From the 1970s onwards, privatisation proceeded apace and included not only state enterprises, but also the so-called ‘seven modernisations’, the objective of which was to decentralise government services in the areas of labour, healthcare, social security, education, the judiciary, agriculture and local government (Stillerman 1997:8).

The centre-left coalition’s room to manoeuvre was greatly constrained by the adoption of the free-market model, which set the overall parameters for social reform (Weyland 1999:70). The requirements of the market model limited the available resources and precluded redistributive disagreements which could trigger capital flight (Weyland 1999:70). This path was reinforced by the political hurdles previously referred to, which allowed the business-connected Right to enjoy an artificial majority in the Senate and block any economic policy that deviated from the free-market model. In this context, as Weyland formulates, ‘rather than rock the boat, the *Concertación* decided to seek further improvements, especially social reforms, with “prudence”’ (1999:70). The political corollary of this was the moderation of sectoral demands, which, if met, could have led to

an ‘irresponsible’ increase in public spending and/or created social and political conflict (Weyland 1999:71). To this end, prominent *Concertación* leaders gained key government positions that also involved responsibility for containing conflict. As Joignant asserts, this was particularly the case for the Minister of Education and the Minister of Labour, who were in charge of policy fields in which the *Concertación* had predicted the emergence of redistributive demands during the early years of the transition to democracy (2011:537-538). At the same time, economists gained a central role which served as a protection for the centre-left governments from accusations of politicisation (Montecinos 1998).

Alongside governability and macroeconomic stability, the third pillar of the political agenda of the *Concertación* was social equity. The efforts to pursue redistributive policies at the same time as orthodox fiscal, monetary and trade policies were being implemented makes Chile a paradigmatic case of a social liberal policy approach to policy (Levitsky and Roberts 2011:24). This combined effort, famously promoted under the slogan ‘growth with equity’, was to be accomplished through a substantial programme of social welfare policies (Angell 2007:193). Addressing existing social inequalities was regarded as a way of ‘paying’ the ‘social debt’ towards workers and lower-income sectors who had suffered under military rule and the neoliberal transformation (Mesa-Lago 2008:377). Importantly, by addressing poverty and inequality the *Concertación* also wanted to anticipate social demands and counteract potential sources of discontent that could threaten the consolidation of democracy. The following table shows that while the centre-left coalition was highly successful in reducing poverty and extreme poverty, inequality remained largely constant throughout its four consecutive governments.

Table 3.3: Poverty and extreme poverty in Chile, 1990-2006 (% and Gini coefficient)

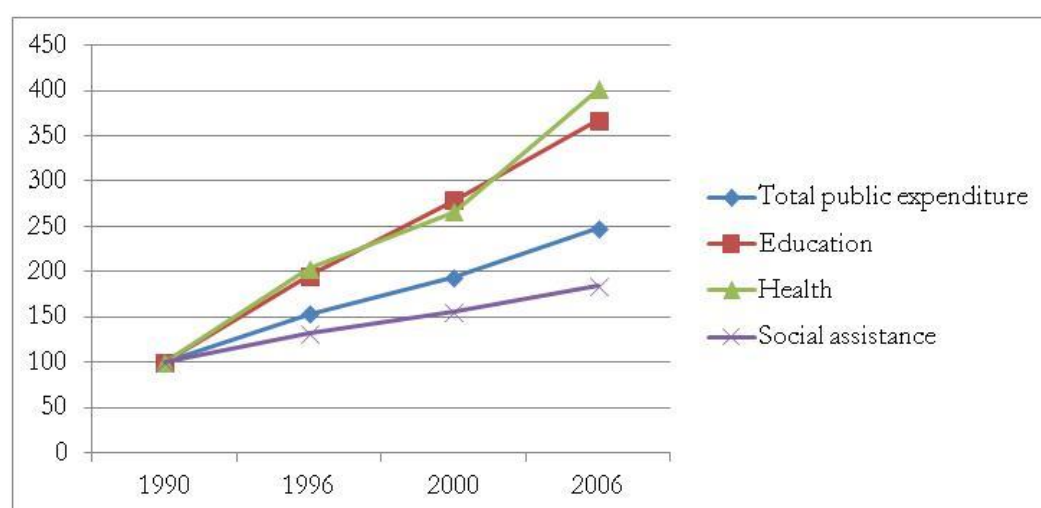
	1990	1992	1994	1996	1998	2000	2003	2006	2009
Poverty	38.6	32.9	27.6	23.2	21.7	20.2	18.7	13.7	15.1
Extreme poverty ^a	13.0	9.0	7.6	5.8	5.6	5.6	4.7	3.2	3.7
Gini coefficient	0.57	0.58	0.58	0.57	0.58	0.57	0.55	0.54	0.55

^aExtreme poverty is included in poverty

Source: (Navia 2010:306)

Instead, it attempted to ‘repay’ the ‘social debt’ by considerably increasing public expenditure (Huber and Stephens 2012:161). During the first two coalition governments, public expenditure on social programmes more than doubled in real terms, especially in prioritised sectors such as public health and education, which saw an increase of 179.3% and 115.7% respectively (Weyland 1999:81). As the following graph depicts, this trend also continued under the administrations of Socialist presidents Ricardo Lagos and Michelle Bachelet.

Graph 3.2: Increase of public expenditure in real terms (1990 = 100), 1990-2006



Source: (Larrañaga 2009)

The *Concertación* governments were very efficient in reaching the most-deprived groups with public expenditure; in comparative terms, Chile has one of the best patterns of distribution of social transfers in Latin America (Aninat et al. 2006:17). So, while the top quintile's income is 13 times higher than that of the bottom quintile, when social transfers are added, this gap is reduced by about half (Borzutsky 2010:106). Yet, as noted, inequality gaps remain wide.

The increase in public expenditure was partly financed by the considerable economic growth that Chile enjoyed throughout the *Concertación* governments. Another source of income was the 1990 fiscal reform, which raised the tax burden as percentage of GDP by 2 percentage points, principally targeting business sectors and the upper middle class (Weyland 1999:74). The right-wing parties' reluctant acceptance of higher taxes can be explained as a result of their defeat in the 1988 referendum, and their need to enhance the legitimacy of the free-market model (Weyland 1999:74). The increase in public expenditure paid for by this tax reform, however, had to be achieved in a fiscally responsible way which avoided the inflationary experiences of the past. Any rapid change in property and state-market relations was also to be avoided at all costs. Also the *Concertación's* fiscal austerity is explained by its policymakers' political experiences and ideology (Huber, Pribble and Stephens 2010:83). Against the background of the Allende government, expansionary economic policies in response to popular pressures were to be avoided at all cost. As Roberts asserts in this regard, '[o]nce again, historical experiences and political learning loomed large' (Roberts 2011:335). Fiscal caution became the watchword of the *Concertación* governments (Kurtz 2002:302). The importance placed on keeping healthy fiscal accounts strengthened the role of the Minister of the Treasury, a position which throughout the *Concertación* governments was occupied by figures who could stabilise the confidence of

economic agents and promote the aforementioned gradualist and consensus-seeking approach (Joignant 2011:537).

For Weyland, the first two *Concertación* governments did not exhaust the existing margin for political manoeuvre; their ‘responsibility for persistent inequality arose more from problems of omission than of commission’ (Weyland 1999:84). Otherwise stated, the administrations presided over by Christian Democrats Patricio Aylwin and Eduardo Frei prioritised the less politically risky policies of poverty reduction over redistributive reforms. Lacking political traction, and, as argued, partly convinced about their benefits, these two first *Concertación* governments did not alter the market principles which governed the design and implementation of social policy (Schild 2000:289).

On the positive side, the booming economy allayed the worries of the business sector and contributed to the consolidation of democracy. This arguably increased the room for manoeuvre of the third and fourth *Concertación* governments, led by Socialists Ricardo Lagos and Michelle Bachelet. The Asian crisis at the end of the 1990s, however, restricted this political space again. The resumption of economic growth became the top priority of President Lagos when he came into power in 2000 (Roberts 2011:338).

In spite of the economic obstacles, significant efforts were made during the Lagos and the subsequent Bachelet administrations to advance towards the construction of social citizenship rights. In the policy field of health, the Aylwin and Frei governments significantly increased spending, but no efforts were made to alter the overarching structure of the system (Pribble 2013:46). After campaigning on the health issue, the Lagos government introduced the Universal Access with Explicit Guarantees (*Acceso Universal con*

Garantías Explícitas, henceforth AUGE), which lists 56 diseases with guaranteed free treatment. However, the AUGE reform was not accompanied by a change in how access to healthcare is gained in Chile, namely, through payroll contributions or means-testing (Pribble 2013:54). This left informal workers out of the new scheme. In light of this, while an important advance, the AUGE cannot be considered a change to the overall institutional structure of the health system. Another important policy initiative during the Lagos administration was the *Chile Solidario*, a conditional cash transfer programme which, by paying female heads of household who committed to keep their children at school, aimed to raise the living standard of the 225,000 poorest Chileans (Roberts 2011:340).

President Bachelet, who had been Minister of Health in the Lagos administration, expanded the list of diseases with universal coverage in the AUGE. Her political capital, however, was concentrated on fulfilling her most important electoral pledge, namely, to introduce a major pension reform. With this aim, one of her first initiatives on coming to office was to create a Presidential Advisory Commission, composed of leading experts on pension systems, to elaborate policy proposals in this matter.⁶ The fifteen commission members met for three months and submitted a report to the government. Two years later, in July 2008, the new pension system was launched. This introduced a minimum pension for the two poorest quintiles (Arenas 2010:92). The legislation further confirmed that the minimum pension would be extended to the three poorest quintiles by 2011.

The progress made in the field of social policy throughout the *Concertación* governments should not be underestimated. Chile has, as previously mentioned, been lauded in both

⁶ The PAC to discuss a pension reform was composed of 15 members, out of whom 13 were experts (held a postgraduate degree in a related academic field), 6 had held government posts, and 2 represented interest groups. 7 commission members worked for think tanks, among which the following *Concertación*-friendly included *Chile 21*, *CIEPLAN*, *Proyectamerica*, and *Expansiva*. Representing the Right were researchers from *Libertad y Desarrollo* and the *Centro de Estudios Públicos* (see Aguilera 2009).

academic accounts and wider international circles for achieving not only economic and political stability (Oxhorn 2011:109) but also significant improvements according to most development indicators (e.g. The World Bank 2002) and in social progress (e.g. Sandbrook et al. 2007). The favourable economic scenario allowed a consistent decline in Chile's unemployment rate, reaching a low of 5.3% in 1998 (Weyland 1999:74) and then, after recovering from the Asian crisis, 8.3% in 2006 (Sehnbruch 2010:138). Minimum wages increased by 95.4% between 1990 and 2005 (Sehnbruch 2010:138). Inflation declined significantly from 27.3% in 1990 to below 5% in the period 1998-2006 (Huber, Pribble and Stephens 2010:86). In turn, the *Concertación's* commitment to tackling the 'social debt' was expressed in a substantial reduction of poverty rates, as previously shown in table 3.3.

Yet, as scholars have also argued, the bulk of the achievements in poverty alleviation were a result of continuous economic growth rather than redistributive policies (Roberts 2011:338; Sehnbruch 2006). In addition, while increased expenditure allowed the introduction of gradual changes and complemented the neoliberal model through welfare provision, the *Concertación's* cautious approach to policy-making did not permit it to address the underlying structure of the inherited neoliberal model. Furthermore, although the coalition tried to reduce inequality through various measures such as the Plan AUGE, it never managed to gather sufficient support for other redistributive policies such as labour or tax reforms (Huber, Pribble and Stephens 2010:96-97). As a result, the policies delivered by the *Concertación* throughout its four consecutive governments did not manage to reverse inequality, which has persisted at worryingly high levels. As Huber, Pribble and Stephens note, this critical failure to reduce inequality is:

[...] related to omissions, that is, areas where the governments did not develop any initiatives, specifically in strengthening unions and other social

movements and in establishing links between parties and civil society. Leaving these movements weak and disconnected from left parties means that the governments failed to shift the balance of power in society [...]’ (2010:96-97).

This way, while securing economic and political stability, the wary approach of the *Concertación* governments has also placed constraints on the possibilities for further structural reforms in various policy areas.

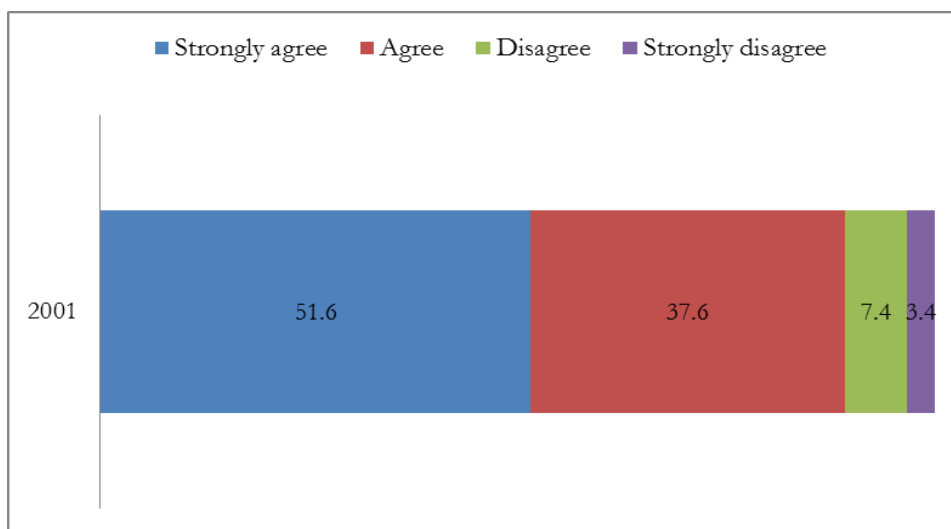
V. SIGNS OF DISCONTENT IN POST-TRANSITION CHILE

As I have shown in this chapter, the governance formula of the *Concertación* involved maintaining the central features of the neoliberal model that had been introduced by the authoritarian regime in the 1980s while trying to tackle the severe problems of poverty and inequality that historically have afflicted Chilean society. After more than two decades of democratic rule, Chile is usually considered to be the exemplary case in the region in terms of political and economic stability, and poverty reduction. Yet, as Luna and Filguiera note, ‘[a]lthough the Chilean case might be seen as normatively desirable and/or as a model for creating a more legitimate order through the combination of formal democratic politics and market incorporation, this case also confronts significant tensions between both spheres’ (2009a:383). Importantly, the unwillingness or incapacity of the *Concertación* to reverse the high levels of inequality and to generate more inclusive patterns of economic policies created a general trend of discontent (Siavelis 2009:17).

To be sure, the great majority of Chileans believe that the country is making progress. This is expressed in the Latinobarómetro surveys between 1995 and 2009 in which Chile leads (65% in average) when compared to other Latin American countries in terms of having the

greatest proportion of people who believe that the country is doing well. It is also true, however, that Chileans feel that progress is not equally distributed. In a survey from 1996, for example, it was showed that 78% believed that economic growth only benefitted a minority (UNDP 1998:50). In a poll from 2001, in turn, 75% of Chileans expressed negative feelings towards the country’s economic system (UNDP 2004:257). Specifically, when asked if people felt as a ‘loser’ or a ‘winner’ from the country’s economic development, 52% stated that they felt like a ‘loser’, compared to a 38% who expressed feeling like a ‘winner’ (UNDP 2004:257). This self-perception was closely related to the person’s socio-economic position, i.e., the higher the socio-economic level, the higher the chances that the person perceived him or herself as a ‘winner’ (UNDP 2004:256). Importantly, Chileans have also indicated that the state allocates insufficient resources to social welfare. In a survey from 2002, 83% held this opinion in relation to healthcare, 70% in relation to education, 67% in relation to public safety, and 60% in relation to housing (CERC quoted in Posner 2008:83). Available data from the Latinobarómetro confirms this preference in the area of education.

Graph 3.3: ‘The state should be in charge of education’, 2001 (%)

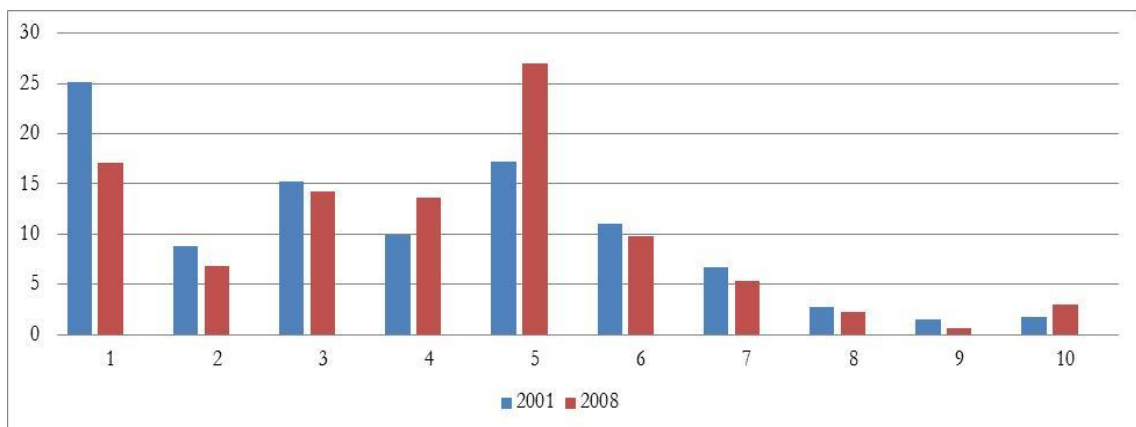


Source: (Latinobarómetro 2001)

As graph 3.3. shows, 51.6% strongly agree and 37.6% agree with the announcement ‘the state should be in charge of education’.

Moreover, as graph 3.4 indicates, Chileans tend to favour ‘state solutions’ rather than ‘market solutions’ to policy arrangements. While this tendency seems to be in decline when compared to the figures of 2008, there is still a marked trend towards favouring state involvement in the provision of social policies.

Graph 3.4: ‘On a scale from 1 to 10, in which 1 means ‘the state should solve the problems’ and 10 stands for ‘the market should solve the problems’, where do you place yourself?, 2001- 2008 (%)’



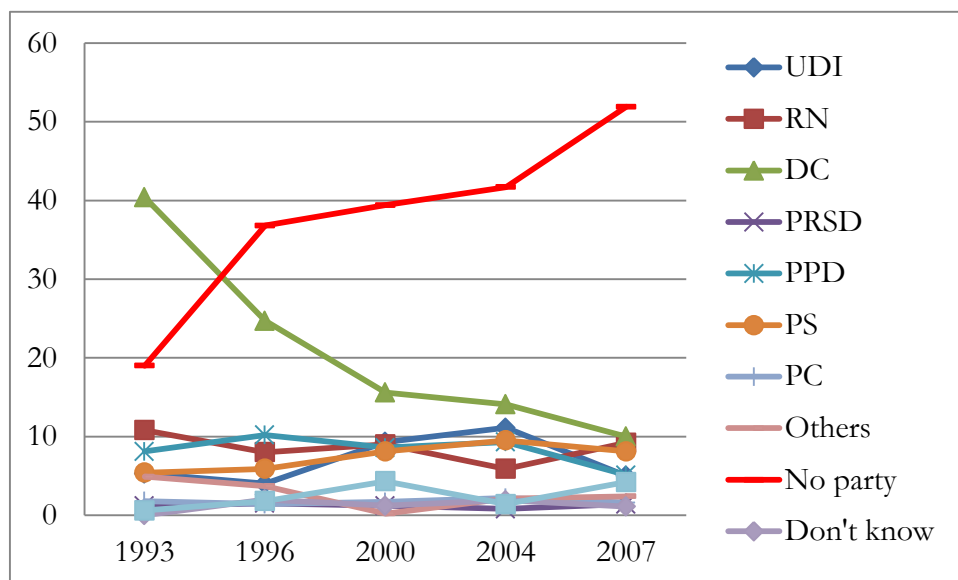
Source: (Website of LAPOP)

At the same time, Chileans are discontent with their political representatives. In a survey from 2002 the vast majority of Chile’s population considered that the political parties do not share their worries (85%) and only concern themselves with the people at the time of elections (92%) (CERC, quoted in Posner 2008:83). In the 2004 UNDP Report for Chile, in turn, 49% expressed the opinion that ‘to know the needs of people like me’ was the main challenge for the country’s economic and political leaders (UNDP 2004:257). In the

2006 LAPOP survey, 53.6% indicated that Chile's political parties are closed groups to which it is difficult to gain access. In a similar vein, only 21% of Chileans thought that the political parties were doing a 'very good' or 'good' job in 2006 (Latinobarómetro 2006:80).

Not surprisingly, then, citizens' confidence in political parties dropped by 66% between 1997 and 2002 (Valenzuela and Dammert 2006:73). Electoral participation waned also steadily from 85% in the 1989 elections to 63% in 2005 (Márquez and Moreno 2006:279).⁷ Furthermore, as the following graph shows, the amount of people that do not identify with any political party has increased markedly.

Graph 3.5: Which of the following parties do you identify most with? (%)



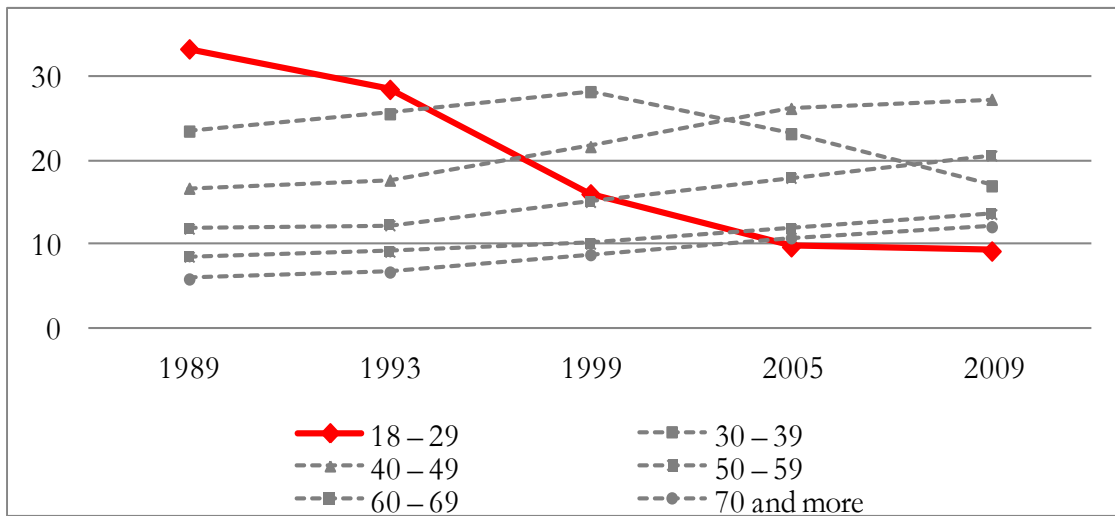
Source: Own elaboration based on Centro de Estudios Públicos, various years

It is important to note that dissatisfaction is particularly rife among Chile's youth. One clear expression of this disenchantment is the systematic decrease in electoral participation,

⁷ It should be clarified that voting has been conditional upon prior registration, which arguably constitutes a disincentive for voting. This changed in December 2011 when automatic registration was approved in parliament.

which declined significantly after the mid-1990s. The 1980 constitution instituted a mandatory voting system, in which electoral participation is conditional upon prior registration. This feature contributes to the electoral abstention of youth as shown in the following graph.

Graph 3.6: Distribution of the Chilean electorate in terms of age cohorts (%), 1989-2009



Source: Own elaboration based on information on the website of the *Servicio Electoral*

It is, moreover, possible to observe widespread dissatisfaction with political institutions. A survey from 2002 showed that 22% of the public had confidence in the Senate, 18% in the Chamber of Deputies, 20% in the judiciary, and 9% in political parties (Posner 2008:83). Finally, dissatisfaction with the performance of democracy has also been apparent. In 2005, 47% of Chileans were ‘not very satisfied’ or ‘not satisfied at all’ with the overall functioning of the democratic regime (Latinobarómetro 2005:53). As this evidence shows overwhelmingly, after two decades of democratic rule, Chileans still express their dissatisfaction with the political parties and with the socio-economic exclusion of the country’s political and economic model. This, if anything, embodies the shortcomings of the governance formula of the *Concertación*.

VI. CONCLUSION

'Chile, la alegría ya viene' (Chile, happiness is coming) was the chant that the *Concertación* used in their emblematic electoral campaign for the 1988 plebiscite through which it defeated the Pinochet regime. As I have shown in this chapter, the governance formula of the centre-left coalition did indeed bring about noteworthy socio-economic and political progress. However, this came at a cost, and this was that the underlying institutional frame bequeathed by the military regime remained, with few exceptions, intact. In this chapter I have set out to explain the difficulties in carrying out far-reaching reforms in light of what has been referred to as the governance formula of the *Concertación*. This was analysed in relation to both the way of pursuing policies and the type of policies implemented. Was embracing this governance approach voluntary or an imposition? Tracing the interplay between the institutional legacies bequeathed by the military regime and the historical roots of the processes of political learning that motivated the cautious approach of the *Concertación* parties, I have sought to set forth a nuanced answer and argued that it was both, to some extent. Yet, as others have argued, while the moderate and gradualist route undertaken by the centre-left coalition might have been the most secure foundation for the consolidation of democracy, the conditions that favoured development and democratisation in the initial phase of democratic rule may in fact be precluding future democratic self-transformation (Valenzuela and Dammert 2006:71; Angell 2006:163). This issue is explored further when analysing the emergence and impact of the *Pinguino* and *Contratista* movements.

THE POLITICS OF EDUCATION BEFORE THE *PINGÜINO* MOVEMENT

‘In the Concertación we did not understand the depth of the crisis of the education system’¹

‘Without a dictator, the main enemy of democracy becomes diffuse and the swift strategies of neoliberal refoundation prevail amply over society’s slow reaction to such dictates’²

I. INTRODUCTION

In the previous chapter I examined the political and economic legacy of the military regime and its importance in the shaping of the *Concertación*’s governance formula. I then showed what the latter signified both in terms of the way of pursuing policies and the type of policies implemented. Against this background, in this chapter I aim to explain both the centre-left coalition’s difficulties in introducing major changes to the education system bequeathed by the Pinochet junta and the problems of collective action that impeded pushing for far-reaching reforms. I argue that while the *Concertación* made significant advancements in the field of education, especially in relation to the expansion of student enrolment at all levels, the pillars of the education system remained largely untouched. I also examine bottom-up efforts to contest the unequal outcomes of the education model introduced by the military and continued by the *Concertación*. Focusing on organised teachers and university students – historically the key social actors in the field of education – I contend that while they had a critical account of the education system, the principal objectives in mobilising were higher wages and more state funding to public universities,

¹ Camilo Escalona, President of the Senate and former president of the Socialist Party, interviewed in *El Mercurio*, 28.11.2011.

² Cornejo, González and Caldichoury (2007:101).

respectively. This, I argue, constrained the possibilities of mounting a joint campaign with other social and political actors against the education policies pursued by the *Concertación*.

Scrutinising the broader socio-historical and political processes that have defined top-down and bottom-up efforts to influence the education agenda, this chapter is structured as follows. After this introduction, I review the education system bequeathed by the military regime. In the third section, I look at the consensus on education that resulted from the *Concertación's* governance formula, what this involved in terms of education outcomes, and their impact with regard to inequality. In the fourth section, I then turn to organised teachers and university students and examine their relationship with the *Concertación* and their own internal difficulties in mounting a serious challenge to the post-transition consensus on education policies.

II. THE EDUCATION SYSTEM BEQUEATHED BY THE MILITARY REGIME

During most of the first half of the twentieth century, the main objective of education policies in Chile was to increase access. A law on mandatory primary education (*Instrucción Primaria Obligatoria*) was promulgated in 1920, even if its aim was not fulfilled until the 1960s. In 1965, President Frei Montalva introduced an education reform which not only involved an expansion of access, but also an increase in the number of years of primary education (from 6 to 8), significant improvements in infrastructure, and the modernisation of curricula (Cox 2005:22). The 8-years education cycle and the introduction of double shifts in the schools virtually universalised the access to primary education (Carnoy and McEwan 2001:153). At the same time, secondary education enrolment increased from 18% in 1960 to 49% in 1970 (Cox 2005:22). When Allende arrived to power, one of his

principal objectives was to pursue a comprehensive restructuring of the education system. Specifically, his plan was to merge the various levels of schools (primary, secondary, humanities, and 'technical-professional) into one centralised organisation, the Unified National School (*Escuela Nacional Unificada*). However, the proposal was rejected in parliament.

The result of all the accumulated reforms was a rather statist and centralised education system. This would undergo drastic changes after the 1973 coup d'état. Following the prescriptions of its civilian partner, the Chicago Boys, the Pinochet junta introduced major reforms along neoliberal lines. The restructuring of the education system was enabled by a law in 1979 which began the process of the decentralisation of the provision of social services (interview with Nuñez 2009). Given that Chile is a unitary state, the only sub-national level that could serve the efforts to decentralise were the country's 345 municipalities. Accordingly, functions of the Ministry of Education such as the management of primary and secondary schools were delegated to the municipal level. The Ministry was kept in charge of the curriculum and the assessment of the students (Matear 2007:104). In addition, the regime created the Regional Ministerial Secretariats (*Secretarías Regionales Ministeriales*, henceforth SEREMIs) and the Provincial Direction of Education (*Direcciones Provinciales de Educación*, henceforth DEPROS) as a way of decentralising powers from the Ministry of Education (Assaél and Inzunza 2008:10). Through legal mandates and political coercion, the military regime could implement its education policies at a remarkable pace (Delannoy 2000:9). Between 1980 and 1981 87% of public schools were transferred to the municipalities (Kubal 2003:5). At the same time, the Ministry of Education was among the five ministries that lost most personnel; by 1986 it had 74.2% of the staff that it had employed in 1973 (Lomnitz and Melnick 1991:37).

Concomitant to decentralisation reforms, the military regime also created strong incentives for the expansion of a private market of education. Since independence, the *Universidad de Chile* and the *Pontificia Universidad Católica de Chile* (with satellite campuses across the country) had constituted the country's two biggest public universities (of eight in total). Until 1980 when the General Law of Universities (*Ley General de Universidades*) was introduced, the finance system of higher education was based on state funding and student payments according to their financial capacity. The 1980 reform had a two-fold objective: it instated a financial frame which aimed to gradually reduce state support to public universities and it allowed creating new universities to expand the private provision of higher education (Garretón 1985:110). Both aspects also sought to undermine the status of the *Universidad de Chile* – renowned for its liberal humanities tradition and a stronghold for left-leaning political forces during the Allende government – as the principal national university (Monge, Madariaga and Blanco 2006:58). The slashing of state funding to higher education translated into a sharp increase in university fees (Austin 1997:39). In addition, the new finance system was based on both direct grants to higher education institutions and on the competition between them for students and research projects (Cox 1996:30). The new law established that public universities³ have to compete for the Direct Fiscal Contribution (*Aporte Fiscal Directo*, henceforth AFD), while the growing number of private university can access to the Indirect Fiscal Contribution (*Aporte Fiscal Indirecto*, henceforth AFI) based on their success at enrolling students with the best results in the university entry exam.⁴

Central to the topic of this dissertation and thus the focus of this section, sweeping reforms were also undertaken in the system of primary and secondary education. In 1981

³ Public universities are those which are part of the *Consejo de Rectores* (Council of University Rectors).

⁴ The National Research Council (*Comisión Nacional de Investigación Científica y Tecnológica*, CONICYT) is responsible for the research funding that public and private institutions can apply for.

Chile became the first country in the world to introduce the ‘education voucher’, originally developed by Milton Friedman, at the national level (Cox 2005:25).⁵ From the perspective of the military regime’s education experts, the introduction of the voucher system increased the choice of the consumer. To facilitate the provision of information about the schools to parents, the junta introduced the Program of Assessment of School Performance (*Programa de Evaluación del Rendimiento Escolar*) in 1982 (Carnoy and McEwan 2001:156). Due to budgetary difficulties after the economic crisis, this program was discontinued in 1985 but resurrected again in 1988 under the name System for the Measurement of Educational Quality (*Sistema de Medición de la Calidad de la Educación*, henceforth SIMCE). An additional aim of the 1981 reform was to augment competition between private and public schools, and thereby drive down the costs of education (Carnoy 1998:309). Within this scheme, the voucher, its value based on average monthly student attendance, is paid by the Ministry of Education.⁶ The voucher system introduced strong incentives for the expansion of a private market of education given that the state subsidy is paid to *both* public and privately administrated schools (Cox 1997:3).

One of the few conditions put by the Ministry of Education to pay the subsidy was that schools did not charge fees.⁷ As a consequence, some private schools stayed out of the voucher scheme. Even so, subsidised private schools proliferated throughout the 1980s. This structured the education system in three main administrative categories:

1. *Public schools* are financed through the per-student, attendance-based voucher

⁵ As Arellano points out, while the ‘voucher system’ was part of the neoliberal agenda, it has historical antecedents. Private schools had received subsidies from the state since the early 1950s. However, within that system public schools were paid double the amount paid to private but free-of-charge education institutions (2001:85).

⁶ This diverged from Friedman’s original idea which proposes that the voucher should be paid directly to the families to be used to pay for the school chosen to their children.

⁷ As will be explained later, this changed with the introduction of a co-financing scheme in 1993, through which subsidised private schools could start charging fees and still receive the voucher.

and owned and administered by the municipalities.

2. *State-subsidised private schools* are also financed through the per-student, attendance-based voucher, but privately owned and administered. They can be both non-profit and for-profit.
3. *Privately paid schools*: do not receive government subsidies and operate entirely on parental contributions. In practice, they do not compete with public schools given the fact that they charge a fee that on average is about five times the per-student subsidy.

The effects of the introduction of the voucher system rapidly became notorious. As the following table shows, the military regime's education reforms in general succeeded in expanding student enrolment.

Table 4.1: Educational achievements, 1970-1990

Year	Enrolment rates (%)		Average years of school	Literacy rate (%)
	Primary	Secondary		
1970	93,3	49,7	4,3	89,0
1982	95,2	65,0	7,7	91,1
1990	91,3	77,0	8,6	94,6

Source: Adapted from Cox 2005:23

At the same time, the reform had a negative impact on public education (Torche 2005:322). After only one year of implementation, the student population attending public primary schools had fallen from 82% to 73.8%, while attendance to state-subsidised private schools increased from 14% to 21.5% (Carnoy 1998:318). During the first five years of its implementation, more than 1,000 new state-subsidised private schools were created (Kubal 2003:6). Overall, between 1981 and 1990, student enrolment in subsidised private schools

increased from 15.1% to 32.4% , i.e., a boost of approximately 50% (MINEDUC 2003-2004:35). The percentage of students enrolled in municipal education declined from 78% in 1981 to 57.8% in 1990 (MINEDUC 2003-2004:35). A central explanation of this development is that the newly created subsidised private schools mostly spread in urban and highly populated areas (Delannoy 2000:11). As a result, they attracted middle-income families that could not afford the private non-subsidised schools (Torche 2005:322). Moreover, while the municipalities had been given a key role in the administration of schools, they clearly lacked organisational and financial capacity to perform the task. This was further complicated by the 1982 economic crisis, after which public spending fell sharply and never recovered again. In fact, spending fell by 27% between 1982 and 1990 in real terms (Delannoy 2000:11).

While the lack of comparable data makes it difficult to evaluate the results of the military's education reforms in terms of quality and equity, there is evidence to suggest that socio-economic segmentation increased significantly as a result of the introduced mechanisms of selection and competition (Cox 2005:34; Pribble 2013:92). Studies show that 55% of state-subsidised private schools applied some process of selection (García-Huidobro 2007:74). This way, the worst students were left at the public schools, which could not deny them access (Burton 2012:37). This generated a so-called 'creaming' or 'peer-effect', i.e., the enrolment of the most academically talented students and those with highly motivated parents in state-subsidised private schools to the detriment of the more academically weak students, who stay in the public schools and are left without the positive incentive of the good students (Arenas 2004:382). This 'creaming' effect was expressed in public schools' test scores which fell in both maths and Spanish between 1982 and 1988 (Carnoy 1998:320). As a result, pupil performance at different types of schools – public, state-

subsidised private, and private – diverged significantly. This, in turn, conditioned students' chances of accessing higher education.

The logic underlying the transformation of the education system was supported in the 1980 constitution. Among the 26 rights and obligations established there, some enjoy legal protection which means that in case of a threat to these rights, a citizen who is affected can make a court appeal. While the principle of 'freedom of education' (*libertad de enseñanza*) enjoys this constitutional guarantee – in addition to the right to develop any economic activity, the right to not be discriminated by the state in economic matters, property rights, amongst others – the right to education does not enjoy such legal protection (Cornejo and Reyes 2008:16). The ideological motivation behind this is evident in the comment of Mónica Madariaga, Minister of Education during the military regime: 'the true prisons of the *estado docente* [state-as-educator] had to dispense with their bars and follow the imperative mandate of a modern and innovative legislation so that freedom of education and teaching could predominate in our sovereign land, where the dark seeds of educational slavery had flourished' (quoted in Lomnitz and Melnick 1991:44). In this sense, the education reforms of the military regime sought to shift the role of the state from the provider of quality education to a subsidiary role (Cornejo and Reyes 2008:17). On its last day in power, the 'big-bang system change' – as Delannoy refers to it (2000:7) – pursued by the military regime throughout the 1980s was 'locked in' in a Constitutional Law of Education (*Ley Orgánica Constitucional de la Enseñanza*, henceforth LOCE).

III. GOVERNANCE AND EDUCATION REFORMS UNDER THE *CONCERTACIÓN*

i. Crafting a consensus in the field of education

As Pribble notes, ‘one of the most notable characteristics of education policy enacted by the four *Concertación* governments [...] is the fact that while important changes were enacted, there was never an attempt to alter the general structure of the education sector’ (2013:97). The reasons for this are manifold. For one, in light of the ‘authoritarian enclaves’ described in Chapter 3, the *Concertación* leaders recognised that there were huge obstacles to attaining the majoritarian parliamentary vote that they would have needed to pursue any effort to modify or reverse Pinochet’s education reforms. As an OECD report expounds, ‘trying to restructure school financing in Chile would fracture the fragile balance between left and right that was an implicit part of the accord that restored democratic rule’ (2004a:100). In this sense, major changes to the education system were considered unviable after the return to democracy in 1990 (interview with Cox 2009).

At the same time, it is important to underline that given the multi-party nature of the *Concertación*, different stances on education co-existed and had to be accommodated. As stated by Ernesto Águila, education expert and Director of Research of the Ministry of the General Secretariat of the Presidency during the Bachelet administration, ‘the *Concertación* always had at least two souls in relation to education’ (interview 2011). While some figures of the coalition supported a more state-led form of education, others favoured further promotion of market mechanisms in the field of education (Burton 2012:38). Moreover, the most liberal sectors within the coalition favoured the voucher system and did not want to push for a more centralised education system that privileged public education (Pribble 2013:99). Initiatives to craft a common education agenda had begun in the 1980s when

many *Concertación* leaders returned from exile and engaged in the debates taking place in the research centres of the opposition. These shared experiences allowed them to overcome existing ideological differences – especially between the Socialists and Christian Democrats – and contribute to the development of the *Concertación*'s education program (Burton 2012:38). This way, as in other policy areas, consensus-seeking, reconciliation, and moderation became the hallmarks of the policy-making of education.

Another reason for not pursuing structural changes to the education model inherited from the military regime was that many *Concertación* leaders and education experts genuinely believed that quality and equity could be achieved through targeted programs (interviews with Montes 2009; Nuñez 2009). As a senior education officer of the Aylwin administration states, 'while we [the *Concertación*] didn't like how the system was performing, we were quite sure that we could make the system work well' (quoted in Pribble 2013:98). Furthermore, as Pribble contends, the education reforms pursued by the military regime had fragmented users, preventing the identification of a clear majority of the population that could benefit from a reform that strengthened public education (2013:100). This reduced the incentives for the *Concertación* leaders to invest their political capital in such a reform.

In light of these obstacles, the centre-left coalition embraced of a path of 'continuity with change' (Delannoy 2000:13). As Burton argues, the consensus forged among the leaders of the centre-left coalition signified that they neither assumed full responsibility for the provision of education nor accepted the distortions produced by the market (2009:83). In broad strokes, it involved maintaining the education system left by the military regime while introducing reforms that could ameliorate their negative effects in terms of inequality.

Any consensus in the field of education was, however, subject to the *Concertación*'s ability to allay the apprehensions of stakeholders who had been particularly hit by the military regime and its education reforms, namely, teachers. The decentralisation of the education system and the expansion of a private market of education had not only reduced teachers' salaries, but it also created great disparity in terms of wages and working conditions (Bellei 2001:132). Attempting to satisfy the aspirations of the teachers while working within a restricted institutional frame, some of the first measures taken by *Concertación* were to legalise unions again and introduce the Teachers' Statute (*Estatuto Docente*). The latter, inaugurated in 1991, sought to centralise and improve teachers' working conditions (Burton 2012:39). Besides reorganising their remuneration schemes and, above all, increasing their labour stability, the new statute removed teachers from the Labour Code which regulates the rights and duties of the employees in the *private* sector (Arellano 2001:85). The statute also introduced a minimum salary for teachers at the national level and included special provisions according to experience, training, and geographical location, amongst others (Bellei 2001:133). The new statute allowed for a continuous increase in the salaries of the teachers during the 1990s. However, it is important to note that teachers' average salaries rose only 23% between 1960 and the end of the 1990s (Rojas 1998:124). This stood in contrast with the average evolution of wages in the country, which had more than doubled during the same period (Rojas 1998:124).

Without a doubt, the *Concertación* had to invest much of its political capital in passing the Teachers' Statute. It involved a tough bargaining process with the right-wing leaders who opposed the statute, arguing that it introduced few incentives for teachers to improve their teaching and implied an increased financial burden for the municipalities. Their ultimate support was facilitated by the fact that some of their allies in the private school associations supported the statute (Burton 2012:40).

At the same time, within the *Concertación* there were also divergent policy stances in relation to the teachers. In particular, while officials of the ministries of the treasury and labour defended a decentralised wage negotiation – i.e., at the municipal level – the Ministry of Education preferred a system of bargaining at the national level (Burton 2012:40). In this context, the promulgation of the new statute was motivated by an ethical and moral commitment with the teachers for what they had gone through during the military regime (Bellei 2001:134). The Teachers' Statute was viewed as a historical conquest of the Teachers' Conference of Chile (*Colegio de Profesores de Chile*, henceforth CPC).⁸

The government's investment of political capital in the approval of the Teachers' Statute was certainly necessary to address teachers' claims on due raises and their arguments over the 'historical debt owed to them for the losses they incurred in the 1980s' (Grindle 2004:131). It also served as a base on which teachers could negotiate future pay rises. At the same time, the Teachers' Statute also sought to maintain a lower level of conflict within the educational system (Mizala 2007:11). As Iván Núñez, policy advisor at the Ministry of Education between 1990 and 2006, states, 'we preferred the constitution of a grand national actor with whom we, as a democratic government, could engage, negotiate common [working] conditions at the national level, and [avoid] social explosions all over the place between the teachers and their majors' (Assaél and Inzunza 2008:28). In other words, by allowing for wage negotiations at the national level conflicts between the municipalities and local teachers' associations were avoided (Burton 2012:40). The low number of teachers' strikes suggests that this aim was accomplished: between 1990 and 2003, there were 48 days of teacher strikes, of which 20 were due to one conflict in 1998 (Cox 2005:53).

⁸ Criticisms grew in the years that followed the approval of the statute, especially for making the administration of teachers more rigid and consequently, the labour market less flexible. In 1995, modifications were introduced which increased the mobility of contracts (see Bellei 2001).

ii. The education policies of the *Concertación*

Greater equity and quality in the education system was a central component of the *Concertación's* education agenda (Bellei 2001:129). While costly, increasing public resources was a way of achieving this aim. Between 1990 and 2006, public expenditure on education as a share of GDP increased from 2.4% to 3.4% (MINEDUC 2006:39).⁹ Augmenting public resources in education also allowed the circumvention of complicated processes of negotiation as this was less subject to the passage of new laws (Cox 2005:39; Mizala 2007). Moreover, it was endorsed by families and teachers and constituted a popular measure for the Executive and the Legislative as it involved concrete outputs (Cox 2005a:39; Burton 2012:39; Mizala 2007:3).

In the field of higher education, where the military had pursued deep reform, the *Concertación* increased the amount of funding but kept the structure, including its coordination and finance mechanisms. During the period between 1990-2005, the AFD increased by 77% while the AFI to private universities was reduced by 12% (UNDP 2005:24). Different types of student subsidies, among which scholarships to cover fees was the most important, increased by 95% (UNDP 2005:25). Yet institutions of tertiary education continued to charge fees and the system of fiscal contribution (AFD to public universities and AFI to private universities) remained untouched. In part, this lack of reform was motivated by the fact that the university reform had expanded the educational opportunities significantly. Enrolment rates in institutions of higher education more than doubled between 1980 and 1990 (113.3% growth) (Cox 1996:32). However, this sharp increase was mainly due to the growth of private resources in the system of higher education (UNDP 2005:22).

⁹ However, it is important to note that besides Mexico, Chile had the lowest per student spending as a percentage of GDP per capita in 2006 (OECD 2010:106).

Private resources also increased significantly in primary and secondary education. In 1993, a co-financing scheme for public and state-subsidised private schools was introduced with the aim of increasing the *private* contribution to education. This reform was approved as part of a negotiation with the Right for a tax reform, which was essential to increase fiscal resources. In 1991, the Value Added Tax had been raised temporarily from 18% to 20% and the *Concertación* wanted to make it permanent (Pribble 2013:102). The Right strongly favoured the establishment of a co-finance scheme. Keen on having the votes of the opposition on the tax bill, the government decided to approve the introduction of co-payments (interview with Arrate 2012). At the same time, many *Concertación* leaders argued that the scheme would introduce incentives for parents to control the quality of the education provided to their children and allow for collecting fees from those who can afford to pay and redistribute them to people that need them more (García-Huidobro 2007:73).

The co-financing scheme involved charging fees to the parents, a practice which grew rapidly throughout the 1990s. By 2003, the private sector accounted for 46% of the total spending in primary education, 49% in secondary, and 72% in higher education (Burton 2009:187). This meant that by 2004, co-payments provided revenue of more than US\$200 million (Pribble 2013:100). Even so, the benefit of this scheme in adding private resources to education came at the expense of increased social segmentation given that it differentiated on the basis of the resources of the family (OECD 2004a:63). In this sense, as Pribble argues, the introduction of the co-payment scheme ‘provides an example of how the liberal-leaning elite of Chile’s left/center-left *Concertación* parties have tended to prioritize fiscal issues over equity’ (2013:101).

In 1994, the *Concertación* created the Commission on the Modernisation of Education, which sought to provide a new impulse to the education agenda (Burton 2009:61). Yet, as acknowledged by the commission members themselves, the commission mainly discussed improvements to the already existing system such as better financing and management schemes (Burton 2012:40). The commission reasserted that the education system needed to be modernised and that it required stronger measures to reinforce the quality of education, reforms to secondary education, the strengthening of the teaching profession, an increase of school autonomy as a means to improve efficiency, and continued expansion of the total public expenditure of education (Comité Técnico Asesor del Diálogo Nacional sobre la Modernización de la Educación Chilena 1995). As a result of the commission's work, a cross-party agreement was signed in 1995. As Burton notes, this accord confirmed the government's acceptance of the main pillars of the education model bequeathed by the military regime (2009:61).

The two principal reforms that were introduced as a result of the commission report were a comprehensive curricular reform and the 'Full school day' (*Jornada Escolar Completa*) reform. As for the latter, it was established that by the year 2002, all schools should have increased the number of hours of teaching from 6 pedagogic hours to 8.¹⁰ Importantly, given that the time spent on schoolwork and learning was particularly important for students from socially vulnerable backgrounds, the 'Full School Day' reform addressed both the equity and quality concerns of the *Concertación* (Cox 2005:75).

The increased public expenditure on education was also spent on programmes of pedagogic improvement and innovation and the professional development of the teachers. Additional efforts to improve both the quality and equity dimensions of the education

¹⁰ One pedagogic hour is equivalent to 45 minutes.

system were introduced through the Improvement of Educational Quality and Equality Program (*Programa de Mejoramiento de la Calidad y Equidad de la Educación*, henceforth MECE) for primary and secondary education, a program to improve internet access in the schools (*Enlaces*), and the ‘Rural Education Program’ (*Educación Rural*) P-900, which all were targeted to the most vulnerable social groups (OECD 2004a:100).

Table 4.2: Summary of the main education reforms, 1990-2006

Programs to improve equity and quality	
Objective	Component
Improve the material provisions and the didactic means of the schools	P-900 MECE-Rural MECE-Media
Introduce pedagogic innovation that transforms the predominant modes of teaching and learning	Red Informática Enlaces Montegrande Programas Transversales
Strengthening of the teacher profession	
Objective	Component
‘Professionalise’ teaching in order to ensure teachers commitment to the promoted changes and the high quality of their pedagogic labour	Training Undergraduate studies (improvement of the faculties and scholarships for pedagogy students) Improvement of salaries and working conditions
‘Full school day’ reform	
Objective	Component
Increase the time spent on learning Consolidate the educational communities by promoting a sense of belonging	Full school day projects Investment in infrastructure Increase of educational subsidies
Curriculum reform	
Objective	Component
Bring up to date the objectives of the training of students with the requirements of contemporary society in terms of	Establishment of the ‘Fundamental Objectives and Mandatory Minimum Contents’ (<i>Objetivos Fundamentales y Contenidos</i>)

competencies, abilities, and knowledge	<i>Mínimos Obligatorios</i> Definition of new study plans and programs Improvement of the SIMCE
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Source: Bellei 2001:130

The policy program summarised in Table 4.2 contributed to significant progress in the development of the education system between 1990 and 2006 – the year when the *Pinguino* movement arose. The working conditions of teachers and their professional development improved, as did the infrastructure and the material supplies of the schools. The curriculum reform in 1996 and the introduction of the full school day in 1997 brought considerable changes to the content taught at the schools and an increase of the hours of learning per day. Crucially, the percentage of Chileans with secondary school education increased from 79.8 % in 1990 to 96.5 % in 2006 (MINEDUC 2006:26), a feat that still eludes many Latin American countries (ECLAC and OEI 2009:39-42). Importantly, as the following table shows, this increase was spread across all quintiles of income.

Table 4.3: Secondary school education enrolment rates, 1990-2006 (%)

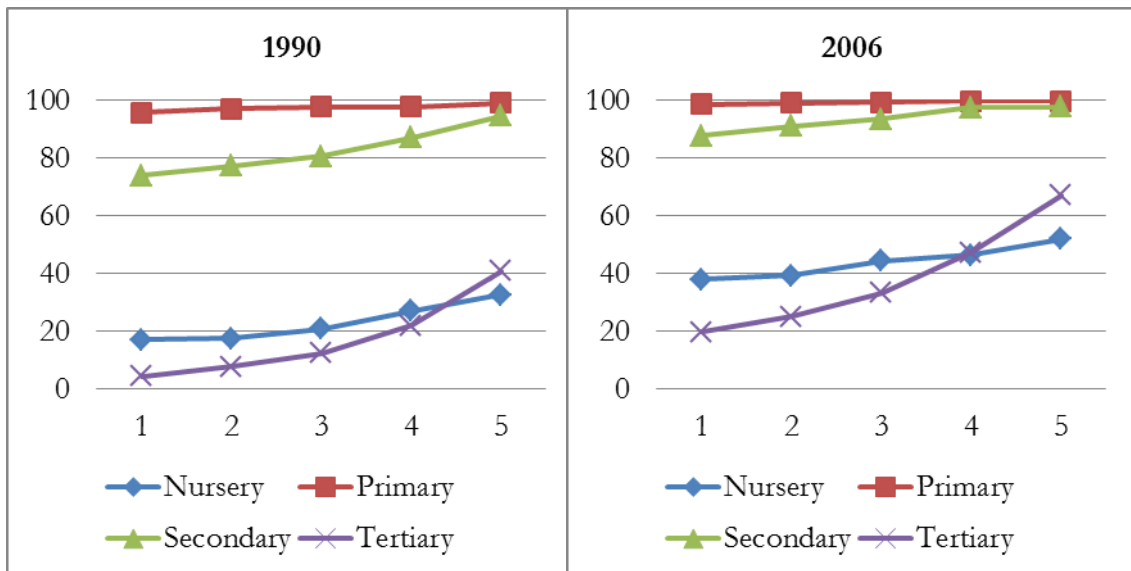
	Quintile					Total
	I	II	III	IV	V	
1990	73.8	77.1	80.6	87.0	94.5	80.8
1992	74.7	78.8	83.8	89.3	96.8	83.2
1994	74.5	80.5	87.2	91.2	96.8	84.6
1996	75.5	81.8	89.5	95.4	96.9	86.2
1998	77.3	84.4	88.5	94.5	97.7	87
2000	82.1	89.4	92.8	96.3	98.6	90.2
2003	87.7	92	94.2	96.9	98.8	92.8
2006	87.7	90.9	93.4	97.3	97.6	92.4

Source: CASEN, various years

Finally, besides increasing the enrolment rate of secondary school education, the *Concertación* also managed to augment the coverage of nursery, primary and tertiary levels.

Graph 4.1. summarises this evolution between the years 1990 and 2006. As illustrated, while the increase in the coverage took place in all income groups, it was most marked in the two poorest quintiles (Cox 2006:81).

Graph 4.1: Increase in the coverage by quintiles, 1990-2006



Source: National household surveys (CASEN 2000; CASEN 2006)

iii. Inequalities within the education system

Education experts acknowledged the advancements achieved during the 1990s. Yet, from the early 2000s onwards, voices critical of the education system were increasingly raised. In the field of higher education, enrolment rates augmented dramatically throughout the 1990s but concurrent with this development, tuition fees rose by approximately 50% in the case of many universities (UNDP 2005:42). As a result, Chile's current system of higher education has some of the most expensive tuition rates in the world together with Korea, New Zealand and the USA (UNDP 2005:42). The biggest share of the fee is paid by the students and their families. According to the UNDP, only 20% of Chilean families can pay for higher education fees without considerably affecting their family income (2005:50). In addition, access to higher education between students from different backgrounds has

remained unequal: 14.5% from the poorest quintile and 73.7% from the richest one is enrolled in a higher education institution (UNDP 2005:11).

The unequal results of education system were also clear in primary and secondary education. For example, in the Program for International Student Assessment (PISA), the variance of test scores that was explained by socio-economic background was stronger in Chile than in any other OECD country (OECD 2010:106). International studies also demonstrated that Chile's education system was performing poorly from a comparative perspective. In the Trends in International Mathematics and Science Study (TIMSS), Chile ranked thirty-fifth out of thirty-eight countries (Mizala et al. 2002:221). This result was significantly lower than both the international average and the ranking attained by other countries with a similar per capita income (Mizala et al. 2002:221). In the debate that followed these international assessments, the crisis of public education became a recurrent topic to explain the unequal outcomes of the education reforms of the previous decades. Following the trend of the 1980s, public schools had continued their sharp decline in student enrolment throughout the 1990s. In 2006, 46.8% of the student population was enrolled in public schools, 45% in state-subsidised private schools, and 6.7% in private schools without state-funding (MINEDUC 2006:29).

Education experts further denounced the segmentation effects of Chile's education system. As shown in table 4.4, the three-tier education model that had resulted from the education reforms in the 1980s and their continuation throughout the 1990s had created an education system in which the vast majority of students from the most deprived economic groups attend public education. Students from middle income groups, on the other hand, are split between public and state-subsidised private education, while upper-middle and upper-class students mostly attend private education.

Table 4.4: Social class segregation by type of school (%) for the year 2003

Quintile	Public	State-subsidised private	Private
Low	79.4	20.6	0
Lower-middle	81.9	18.1	0
Middle	47.8	52.3	0
Upper-middle	13.0	81.6	5.4
Upper	0	6.1	93.9

Source: Burton 2012:37

It is important to note that the education system's segregation effects were intensified by the co-financing scheme introduced in 1993 by the *Concertación* (Cox 2012:35). As previously mentioned, this allowed parents to pay an additional fee for education in public and state-subsidised private schools. When introduced in 1993, only 5.1% of the state-subsidised private schools instituted the scheme. However, 12 years later, in 2005, this percentage had increased to 70% (García-Huidobro 2007:77). While public schools are also allowed to apply the co-payment scheme at the secondary level, only 24.7% of public schools are using it.

Not surprisingly, the introduction of the co-finance scheme is in hindsight regarded as a mistake by prominent *Concertación* leaders (e.g. interviews with Arrate 2012; Montes 2009). Jorge Arrate, Minister of Education at the time of the scheme's promulgation, declares: 'if I had to do what I did in '93 again, I would do it differently [...]. I was never in charge of the tax reform [which was approved in return for the *Concertación's* concession on the co-financing scheme], I never participated in any meeting, that was handled by the Minister of the Treasury' (interview 2012). Similarly, when asked about the main errors in the education policies pursued by the *Concertación*, Camilo Escalona, former president of the Socialist Party, states: 'first of all, the co-finance scheme, which, involuntarily led to the segregation of the educational structure [...]. We did not react in an appropriate way, we underestimated the seriousness of the problem' (quoted in El Mercurio 28.11.2011).

As a result of segregation and the unequal distribution of resources, there were sharp inequalities in outcomes. Studying the evolution of the learning results (measured through the SIMCE) achieved by the three different administrative categories of schools between 1996 and 2003, it is clear that public schools attained the poorest results in terms of the quality of the education:

Table 4.5: SIMCE learning results for tenth grade (2006)

	Public	State-subsidised private	Private
Average Language (Spanish)	473.4	499.9	585.2
Average Mathematics	475.4	496.8	594.9
N	72347	77641	24050

Source: (DEMRE 2006)

The segmentation of academic achievements in the three types of schools is also expressed in the results of the university entry exam (*Prueba de Selección Universitaria*, henceforth PSU). In 2006, more than 90% of the students from private schools got over 450 points (DEMRE 2006). The equivalent percentages were 69% for state-subsidised private schools and 58.4% for public schools (DEMRE 2006). Crucially, the disparity in learning outcomes expressed in the PSU results is translated into differential access to different types of higher education institutions. The following table illustrates the enrolment rates per quintile and type of institution.

Table 4.6: Enrolment rate (%) in higher education institutions per quintile of income, 2003

	I	II	III	IV	V	Total
Universities	6.2	10.7	17	26.1	39.9	100
Public Universities	7	13.6	19.3	26.8	33.3	100
Private Universities	4.9	5.9	13.2	25	51	100
Professional Institutes	6.3	12.8	22.4	30.4	28.2	100
Technical Training Centre	16	22.5	26.9	17.1	17.5	100

Source: (UNDP 2005:49)

As there is a huge variance in the rate of return of higher education degrees, this has a great impact on income inequality (OECD and World Bank 2009:47). As a way of illustration, in comparison to students who do not have a higher education degree, students with a degree from a Technical Training Centre earn 26.2% more; students with a degree from a Professional Institute earn 10.2% more; and students with a university degree earn 73.6% more (OECD and World Bank 2009:47). It is also important to note that while access to higher education increased significantly for all socio-economic groups, differences were maintained: in 1990, 4.4% of the students from quintile 1 and 40.7% from quintile 5 had access to higher education; in 2003 the percentages had increased to 14.7% for the case of the students who belonged to quintile 1 and 73.4% for those of quintile 5 (Vergara 2007:146).

In the context of the growing criticisms that the education system was facing, in 2004 the Ministry of Education commissioned the OECD to conduct an external evaluation (interview with Montt 2009). The final report of the study stated that ‘Chilean education was influenced by an ideology that gave an undue importance to market mechanisms to improve teaching and learning’ (OECD 2004b:290). The report further underlined the existence of ‘weak links’ between government policies and praxis in schools due to the

absence of institutions through which the state could oversee the progression of the quality of education. Several of the education experts and policy-makers that I interviewed asserted that the 2004 OECD report was vital for accepting the exhaustion of the type of reforms that had been implemented and consequently, making clear the need of introducing reforms on the regulatory framework, i.e. the LOCE (interviews with Cox 2009; Montt 2009; Romaguera 2009). Several other international assessments, summarised in table 4.7, later confirmed the conclusion of the OECD report. This way, the *Concertación* took a renewed interest in reforms that could address the structural shortcomings underlined by the international evidence.

The evidence on the shortcomings of the education system mounted throughout the 1990s and early 2000s. This motivated a debate on the importance of strengthening the pedagogic elements of the school experience and making a bigger effort to improve the continued enrolment of students from poorer groups (Cox 2006:22). As a consequence of this discussion, the *Concertación* sought to initiate a new phase of education reforms which was marked by the growing awareness of the difficulty of achieving both quality and equity of education based on the uniform per-student voucher received by the schools (interviews with Castro 2009; Cox 2009; Montt 2009). In 2005, President Lagos sent the ‘Preferential Subsidy Bill’ (*Ley de Subvención Preferencial*) to parliament. This bill sought to correct the distortions that resulted from the uniform per-student based voucher by increasing the voucher in favor of the students belonging to the lowest two quintiles who, as table 4.4 showed, attend both public and state-subsidised schools. As an exchange for receiving the extra subsidy – which was arguably a strong incentive to accept students from the most vulnerable backgrounds – it was proposed that these schools commit to an ‘equal opportunities and education excellence’ agreement with the Ministry of Education. As the Sub-secretary of Education at the time Pedro Montt contends, this was a way of

introducing a mechanism of accountability of state-subsidised private schools since the education authorities would gain more insight into the quality of the education provided by them if the proposed agreement was signed (interview 2009). Furthermore, the proposal aimed to increase the resources designated for the students that are most expensive to educate, that is, those who come from the most vulnerable backgrounds.

Table 4.7: Institutional deficiencies of the Chilean education system

Weak institutional links between the central government and the schools (OECD 2004b).
Regressive finance mechanism of the enrolment of students of different socio-economic backgrounds due to the co-payment scheme that introduces an additional contribution from the families (CEPP and K. Adenauer Stiftung 2007).
Inoperative mechanism of competition for the enrolment of students in the municipal schools due to the fact that a decrease of number of students does not have any consequences (OECD 2004b; World Bank 2007).
The division of responsibilities between the Ministry of Education (curriculum and pedagogies) and the municipalities (administration) has had as a consequence that, on the one hand, the programs developed by the Ministry are voluntary, and, on the other, that the main task of the municipalities is not the quality of education (CEPP and K. Adenauer Stiftung 2007; OECD 2004b).
The municipalities are forced to follow the finance and regulation scheme provided by the Teacher's Statute without access to mechanisms to improve the quality of the education in the schools (OECD 2004b).
The majority of the private-subsidised schools select their students, which distorts the competition with the municipal schools and contributes to the segmentation of the schools (OECD 2004b).

Source: Cox 2007:183-184

From different perspectives, the 'Preferential Subsidy Bill' was highly criticised. Some *Concertación* members and other left-leaning social groups argued that the subsidy-based

system was the root of the segmentation produced by the education system, and thus that a revision of the system as a whole was required to deal with the problem. From the Right, the project was considered to be excessively interventionist and a threat to the autonomy of the schools, due to the agreement that the schools were required to sign in order receive the extra payment to provide education to the most vulnerable student population as stipulated by the preferential subsidy bill (interviews with Beyer 2009; Chadwick 2009; Montt 2009). Pedro Montt comments:

‘We [officials of the Ministry of Education] were extremely criticised for trying to introduce *two* different objectives into one law: on the one hand, more resources for the most vulnerable students, and, on the other, a mechanism of accountability. But this was necessary; it was the only way of introducing some control over the resources that were provided by the ministry’ (interview 2009).

Indeed, what the education authorities were trying to accomplish was to give more resources to the students who were more expensive to educate at the same time as introducing mechanisms that allowed the Ministry to have more control over the subsidies it was paying, and thereby regulate the quality of the education. Given the hesitant stances of both left-wing sectors within the *Concertación* and the Right, the Lagos administration failed to pass the ‘Preferential Subsidy Bill’. The bill became instead a top priority of the education agenda of President Bachelet (interview with Romaguera 2009). Nonetheless, as Pilar Romaguera, sub-secretary of education between 2006 and 2010, points out: ‘when the new government [of Bachelet] initiated its work, it was viewed as rather unlikely that the law would be passed since both the Right *and* sectors within the *Concertación* were opposing it’ (interview 2009).

As argued, the *Concertación* sought to counteract the unequal outcomes of the country’s education system through various mechanisms. Nonetheless, in 2005, that is, just before

Michelle Bachelet was about to initiate the fourth government of the centre-left coalition, the difficulties of introducing more regulation and accountability to improve the quality of the education were clear. In sum, as Carlos Montes, Socialist Member of Parliament notes: ‘we had a lot of changes *within* a model and as a result we were not able to make that jump in quality that was expected’ (interview 2009).

IV. UNABLE TO CONTEST THE EDUCATION SYSTEM: TEACHERS AND UNIVERSITY STUDENTS SINCE 1990

i. Teachers

Despite the evident weaknesses of the education system and the *Concertación*’s inability to improve its equity-related dimension, social movements failed to push for a shift in strategy. This was certainly the case of organised teachers reviewed in this section.

Teachers started organising at the beginning of the twentieth century in parallel with the continuous expansion of the education system. Forming an important part of the labour movement as a whole, teachers founded the Federation of Teachers of Chile (*Federación de Educadores de Chile*) in 1944. In 1970, this organisation was replaced by the Unitary Union of Education Workers (*Sindicato Único de Trabajadores de la Educación*, henceforth SUTE), which became a close partner of the Allende government (Inzunza 2009:61). The importance of teachers during the Allende administration was not the least due to their weight in the total workforce. In 1971, teachers constituted 14.8% of the workers of the tertiary sector and 20% of all public employees (Lomnitz and Melnick 1991:33). 80% of teachers worked in the public sector in 1973 (Lomnitz and Melnick 1991:34). Hence, working conditions such

as job stability, health insurance, retirement pension, amongst others, were defined by the Administrative Statute (*Estatuto Administrativo*), which governed public sector administration.

The situation of teachers changed drastically after the military coup in 1973. To begin with, the military regime pursued a process of ‘cleaning up’ the education system by dismissing thousands of teachers who were considered to be overly politicised (Lomnitz and Melnick 1991:36). Many teachers were detained and later disappeared. At the same time, the implementation of the decentralisation reforms previously referred to modified teacher working conditions. The municipalities, administratively responsible for public schools, were also in charge of the personnel, which involved the hiring and firing of teachers. Critically, by delegating control over the teachers to the municipalities, teachers were stripped of their special status as civil servants. In other words, they were made subject to private sector labour laws which radically altered the mechanisms of determining wages.

As a result of the reform, teachers’ working conditions deteriorated. Between 1981 and 1990, the salaries of public school teacher decreased by an average of 7% a year in real terms, and, in total, teachers’ salaries decreased by 32% during this period (Grindle 2004:130-131). Furthermore, part of the military’s reforms in the area of higher education involved stripping pedagogy from its university degree status. Beyond the symbolic nature of this decision, it translated into a sharp decline in number of students completing this degree (Cox 2005:28).¹¹ The decentralisation of the education system and the ensuing ‘privatisation’ of the teaching profession not only led to economic losses and the removal of a series of benefits, but it also involved the dismantling of teachers’ professional identity. By transferring the administration of the teachers from the Ministry of Education

¹¹ Pedagogy was only reinstated as a university degree with the promulgation of the LOCE in 1990.

to the municipalities, teachers stopped being ‘teachers of the state’ (*profesor de estado*) and lost part of their social status (Bellei 2001:134). Finally, by banning and dismantling SUTE, the main teachers’ union, any resistance to the education reforms was hugely constrained. In 1974-1975, the military regime replaced SUTE with the CPC, the leader of which was appointed by the military regime until 1986.

During the 1980s, teachers organised through the CPC but were nonetheless critical of the military regime. After having fought alongside the *Concertación* parties against the military regime, teachers’ expectations on the re-establishment of democracy were high. In comparison to the years under authoritarian rule, teachers were considerably empowered by being regularly consulted on issues related to education and their profession. Importantly, many teachers and members of the union gained posts at the Ministry of Education. In the opinion of Grindle, ‘in some sense, the teachers became the ministry and the ministry the teachers’ (2004:123). Nonetheless, the need for moderation in the post-transition scenario applied to all sectors of organised labour, amongst others the CPC, which complied (Assaél and Inzunza 2008:29).

While there was a well-defined discourse on the need to ‘recuperate the dignity of Chilean teachers’ and ‘fight to make education an object of preferential attention of the state’ (president of the CPC, quoted in Lomnitz and Melnick 1991:33), in the absence of the military regime as a common enemy, these objectives were in the main understood as an economic matter (Assaél and Inzunza 2008:29; Cornejo, González and Caldichoury 2007:101). By calling for better wages, teachers sought a symbolic recognition that compensated for their deeply felt loss of social status during the military regime (Bellei 2001:143). Notwithstanding the improvements achieved in the early 1990s, survey data from the late 1990s shows that approximately 75% of teachers found that the increase of

salary was less than expected, 92% expressed that teachers were not valued as they used to be in the past, and 90% thought that their low salaries reflected society's appreciation of their work as teachers (Bellei 2001:134-135, 143).

A central component of the CPC aim of improving teachers' working conditions was, of course, the instatement of the Teachers' Statute in 1991. While the new statute was celebrated as an important concession to teachers, the CPC still raised its concerns. As Jorge Pavez, who later headed the organisation, argues:

'The Teaching Statute did not achieve the expected outcomes [...] because, given that it discriminates between the teachers that work for the municipalities [in public schools] and those who work for state-subsidised private schools, it does not contain a legal framework to regulate the general performance of teachers [...]. For this latter group [teachers of state-subsidised private schools], the statute only contemplates a minimum salary but its working conditions are regulated by the labour code and the laws of the market' (quoted in Cornejo, González and Caldichoury 2007:102).

Teachers also recognised the problems of the education system and criticised the insufficient space for participation in the development of education reforms (Bellei 2001:136; Cornejo, González and Caldichoury 2007:103). Their criticisms intensified with the years. While 38.3% of the teachers responded positively in 2001 when asked if they considered the quality of education to be 'very good' or 'good', five years later, in 2006, only 22.9% did so (Centro de Investigación y Desarrollo de la Educación 2013:7). In the opinion of the CPC president Jorge Pavez, the predominant view among the policymakers of the Ministry of Education was that while the technical definition of education policies corresponded to the ministry officials and the politicians, the place for teachers' engagement was in the classroom (quoted in Cornejo, González and Caldichoury 2007:103). Teachers' critical stance is recognised among prominent *Concertación* leaders. Socialist deputy Carlos Montes reflects on the first government of the centre-left coalition:

‘I think that teachers really wanted to contribute to improving education [...] but the technocracy of the Aylwin government took over the energy for transformation and disconnected the impulse ‘from below’, teachers did not feel the proposals as theirs, there was no dialogue even if there could have been one [...] the model of the reform was a model ‘from above’, and it gradually switched off the energy ‘from below’” (quoted in Assaél and Inzunza 2008:29).

In the context of the existing discontent among teachers, Jorge Pavez, active member of the Communist Party, was elected president of the CPC in 1995. Under this new leadership, the teachers’ union articulated a clear demand for more democratisation and participation and prioritised the development of pedagogic practices through which teachers could contribute to the defence of public education (Assaél and Inzunza 2008:29). Importantly, the election of Pavez also marked the initiation of a strategy that sought to push for the autonomy of social movements of the education sector from both the *Concertación* and the Communist Party (Burton 2012:41). In 1996, teachers staged the first big demonstration since the re-establishment of democracy in 1990. The specific petition was to increase teachers’ minimum wage, enforce long overdue training programs that had been previously agreed upon with the municipalities, and implement a retirement and pension scheme, amongst others (Assaél and Inzunza 2008:31). With the participation of the National Workers’ Union (*Central Unitaria de Trabajadores*), organisations of the health sector, and student federations, a national strike was initiated on October 1st. According to the CPC, approximately 20.000 people participated in the 15 day long strike which forced the *Concertación* authorities to accept the petition (Assaél and Inzunza 2008:31).

The more critical stance of the CPC leadership was also reflected in the discussions undertaken during the union’s 1997 national congress, which initiated a new phase in the relationship between the CPC and the *Concertación* governments (interviews with Assaél 2011; Pavez 2009). On this occasion, teachers had the opportunity to analyse the transformation of the education system, construct a common diagnosis and generate policy

proposals for the first time in almost thirty years. The education reforms of the *Concertación* were criticised for ‘not changing the model designed during the Pinochet regime’, against which it was proposed to pursue ‘a real educational change that allowed for addressing the serious problems of quality and equity, and surmount the authoritarian traits [of the education system]’ (Pavez, quoted in Cornejo, González and Caldichoury 2007:104). In other words, it was openly declared that the education system was in crisis and that it therefore needed structural reforms (interview with Assaél 2011). Consequently, in the widely circulated final report of the Congress the CPC enlisted the following objectives:

1. Change the 1980 constitution
2. Abolish the LOCE
3. Change the financial frame of the education system to assure an universal access to public, free-of-charge, and secular education of quality
4. Reorient decentralisation by abolishing the process of ‘municipalisation’ and returning functions to the Ministry of Education
5. Invigorate the teaching profession

At the same time, the CPC recognised that it was indispensable to ‘unify salary demands with political demands more systematically’ (Assaél and Inzunza 2008:31). The strategy to achieve this aim was centred on establishing a permanent dialogue with the government authorities at all levels, the endorsement of both mobilisation and strikes as vehicles to exert pressure, and the affiliation to international institutions (Assaél and Inzunza 2008:22).

Importantly, the repoliticisation of the teachers’ union involved putting forward demands that went beyond the issues of wage and working conditions. As CPC president Pavez explains:

‘We realised that while we had achieved some progress in the issue of the salaries, which was really not for free and rather the result of negotiations and even some strikes, the overall framework inherited from the dictatorship was not going to change [...] [because of] the pretty solid argument that independently of the political will [of the *Concertación*] that you could express in parliament, there was no majority that could allow for such a path’ (interview 2009).

While the CPC maintained a more politicised stance towards the *Concertación* from the mid-1990s onwards – which amongst other things, was expressed in another strike for wage rises in 1998 – it faced important organisational constraints against pushing for deeper reforms. To begin with, mounting a more advanced challenge to the education system was complicated by the CPC’s internal organisational structure. While the organisation had approximately 140.000 affiliated members¹² in 2006 and approximately 1.500 leaders around the country, only those who are national leaders were dedicated to the work of the CPC full time (Cornejo, González and Caldichoury 2007:98). This way, local leaders have to combine their duties as teachers with fulfilling their tasks for the CPC. This division has also created a growing distance between the national leaders and those ‘on the ground’ (Cornejo, González and Caldichoury 2007:108).

Additionally, while the CPC saw the need to develop an organic relationship with the CUT, this relationship was uneasy. As former Minister of Education Scheifelbein notes, ‘the CUT [...] declined [to give the teachers] a more active role given that the teachers’ union represented some 20% of their members’ (1997:600). Collaboration was also complicated by the teachers’ union criticism of the CUT leadership. In the words of CPC president Pavez: ‘it seems to me that that there is an important degree of collusion with the government [...] in one way or another, they [the CUT] are very functional to the government’s policies’ (interview 2009).

¹² Out of which 80.000 paid their annual fees.

At the same time, the promotion of greater autonomy from the political parties promoted by the Pavez-led CPC created a lot of tension not only with the *Concertación* but also with the Communist Party which had dominated the teachers' union in the first half of the 1990s. This tension culminated in a split between Pavez and his supporters on the one hand and the members of the CPC who were close to the Communist Party on the other. Pavez himself left the Communist Party.

Moreover, the CPC had limited success in articulating their demands with other social actors. In 2001, CPC president Pavez spearheaded the creation of a network of social organisations which was given the name *Fuerza Social* (Social Strength). The main objective of this initiative was to go beyond material and corporate interests and push for education reforms that improved the overall quality of the education system (Burton 2012:41). Yet, *Fuerza Social* remained limited in size and had only partial success in constructing alliances with other unions (Burton 2012:41). In sum, while the CPC became increasingly critical of both the *Concertación* and the policy-making of education throughout the years – which was expressed in demands that went beyond wages and working conditions for teachers – it was not able to mount a serious challenge to the existing education model. Importantly, as the president of the CPC himself recognises, while the union sought to articulate a discourse that went beyond issues concerning the teachers, 'society regards our demands as a struggle which is fundamentally focused on wages, not as a petition for a change of the system' (interview with Pavez 2009). Therefore, Pavez asserts, 'we have an image of fighting for money' (quoted in Cornejo, González and Caldichoury 2007:109). Together with the few initiatives to call for protests to contest the *Concertación's* education policies, this certainly restricted the efforts to articulate a common demand with other key actors of the education sector such as university students and secondary school students.

ii. University students

During the 1960s and early 1970s, universities were a focal point of political life (Garretón and Martínez 1985). During this period, the main rallying cry of the students based at the country's leading universities became the 'University Reform' (*Reforma Universitaria*), which sought to democratise the institutional framework that defined the universities. In 1970, the Federation of Students of the Universidad de Chile (*Federación de Estudiantes de la Universidad de Chile*, henceforth FECh) – historically one of the leading student federations – supported the presidential candidacy of Salvador Allende (Tironi 1985:103). Symbolically, after winning the presidential elections, Salvador Allende pronounced his victory speech at the headquarters of FECh. During the years that followed, universities became a central space for the vivid political discussions of the *Unidad Popular* era. Not surprisingly, then, the military coup had immediate consequences for the Chile's student movement. FECh was banned on the first day of the military regime. Alejandro Rojas, FECh president at the time, was put on the military's 'most-wanted' list and many other FECh leaders were persecuted (Monge, Madariaga and Blanco 2006:11-12). The process of 'purification' of the universities also involved the dismissal of teaching and administrative staff, as well as students, based on first political-ideological grounds and, later, for economic reasons (Garretón 1985:105).

After a first phase of the dissolution and repression of the country's main student federations, the student movement re-emerged in 1976 and universities became the first site of rebellion against the Pinochet junta (Schneider 1995:120). That year, the military regime introduced a tuition policy, according to which students had to pay for the university fees previously covered by the state. This created great discontent among Christian Democratic students who joined left-wing groups in their anti-military regime

stance (Schneider 1995:121). To resist the tuition policy, student members of the Christian Democratic Party created the so-called Committees of Participation (*Comités de Participación*). Spaces of opposition to the military regime also emerged around cultural events. In 1978 the University Cultural Association (*Asociación Cultural Universitaria*, henceforth ACU) was created at the Teachers' College (*El Pedagógico*), which had the largest proportion of working class students. In the cultural events organised by the ACU, criticisms of the military regime were subtly expressed in the lyrics of songs, poems, theatre plays, etc. (Tamayo 2002:50).

Adding to the dissatisfaction with the tuition fees and the universities' authoritarian leadership, the economic crisis of the early 1980s paved the way for the first public student demonstrations. From this moment onwards, organised students formed a central part of the broader protest movement which helped to transition to democracy. Fighting alongside the *Concertación* parties, the student movement struggled to disentangle its own aims from the ones of the centre-left coalition which sought to reinstate democratic rule (interviews with Ljubetic 2011; Tohá 2011). Tellingly, one of the students' most recurrent slogans was 'there is no free university without a free country'. At the same time, however, students were concerned about their autonomy from the political parties. As Carolina Tohá, an important student leader in the 1980s and later a prominent *Concertación* figure, notes:

'While the bulk of the student movement was linked to the political parties – because the parties had a clear propensity to use the student movement and the student leaders as pawns in their more global strategies – we fought this issue [our autonomy] a lot [...]. That conflict was always very present and there was always this contradiction between doing the politics of the party or pursuing the strategy of the students' (interview 2011).

This difficulty remained very present after the reinstatement of democracy in 1990. Similarly to what happened with the leaders of the teachers' union, many members of the

student cadre that had mobilised side by side the *Concertación* leaders gained positions in the state apparatus of the newly established democratic government (Roco 2013:2). While the expectations on the return to democracy were high and the university system faced important difficulties in relation to its finances and internal democratisation, there were evident disagreements among the student leaders in relation to whether to push for structural changes to the education system bequeathed by the military regime, or to follow the *Concertación's* path of continuous perfection (Roco 2013:3).

In 1992, university students staged protests demanding structural changes to the system of student loans and for the return of the fee-system that had existed before the military regime which established a payment according to financial capacity (*arancel diferenciado*). These demonstrations motivated a negotiation with the education authorities, who, as a way of responding proposed a new system of student loans, named Solidarity Fund of University Credit (*Fondo Solidario de Crédito Universitario*, henceforth FSCU). This system, to be administered by the universities, replaced the law that the military regime had instituted to dictate student loans. While this law, which was approved in 1994, signified improvements such as charges that were proportional to income instead of fixed, it consolidated the role of the universities as loan-providing institutions and inequalities in the access to loans across the country (Roco 2013:3). Moreover, the negotiations that led to this new law, mainly in charge of student leaders who were close to the *Concertación*, were discredited among the student base. The student leaders of the parties of the centre-left coalition were hugely criticised throughout the country for 'subordinating the demands of the student movement to the policies and capacities of the Executive' (Roco 2013:3).

These criticisms and the organisational fragmentation that Chile's student movement experienced with the return of democracy was very patent in FECh, which was

significantly weakened between 1992 and 1993 (interview with Roco 2011). A highly publicised financial and administrative mismanagement scandal was added to this already disadvantageous scenario. The weak leadership culminated in the closure of FECh in 1993 due to a lack of quorum in the elections. At the end of the 17-year long military regime, the crisis of FECh was widely acknowledged among its leaders (Monge, Madariaga and Blanco 2006:342; Roco 2013). Rodrigo Roco, FECh President between 1995 and 1997, explains this as partly the result of the absence of a common enemy (interview 2011). He also points to a search of identity:

‘In the beginning of the 1990s, the leaders did not gather many people to FECh assemblies. We held assemblies to inform and to debate. We did not really need to vote for anything, that was not what was at stake at the assembly; the issue was that there *was* an assembly. In fact, more than to inform [about demands], the issue was to *construct* the demands, to try to visualise where the problems were’ (interview 2011).

Similarly to the case of the teachers’ union revised previously, from the mid-1990s, FECh saw the rise of a leadership that was not aligned to the *Concertación* (Burton 2012:40). ‘Our discourse was that this organisation [FECh] had to overcome the vices that had contributed to the fall of the previous organisation, namely, the extreme co-optation by the political groups with ample representation, those who had historical trajectory and resources’, Rodrigo Roco, FECh president between 1995 and 1997, comments, referring to the *Concertación* (interview 2011). In 1995 FECh was reinstated under his leadership. Rodrigo Roco was a member of the Communist Party but formed an alliance with a non-party but left-leaning social movement base, the Left Students (*Estudiantes de Izquierda*, henceforth EEI). A new statute and declaration of principles was signed. This responded to FECh’s search for its role in the democratic era. As Roco reflects:

‘The epic of FECh in the 1980s and beginning of the 1990s was sustained on its own trajectory of struggle. Many of us who participated

in the period 1994-1998 were young enough to have been part of that struggle while at secondary school, however, as a generation that was trying to be in charge of the university student movement, we could not recognise ourselves in that same identity. It was necessary to generate a new 'reading' in accordance of what was happening in Chile (and the world) post dictatorship' (Roco 2013:16).

This redefinition of the role of the student movement involved defining its stance on the education system and building its organisational capacity. In this regard, Rocco states:

'Between 1994 and 1997 we felt part of a construction that was related to the comprehension of why we needed to resist neoliberal politics. We stated that our historical duty, the main responsibility of the student movement, was to be able to generate proposals and resistance to that 'neoliberalisation'. For that movement to be expressed it was crucial to build organisation [...]. You said, I hope that 100 people show up to the assembly but they did not arrive. So, the prospect of constructing a student organisation was a way of giving oxygen to the movement; the diagnosis that we made was that organisation was the lung of the student movement, it was what would allow for some continuity (interview 2011).

With this aim, FECh sought to coordinate with other university federations through the Confederation of Chilean Students (*Confederación de Estudiantes de Chile*, henceforth CONFECH), which gathered the student unions from the 25 universities that form part of the so-called Rectors' Council (*Consejo de Rectores*).¹³ However, CONFECH did not have a formal statute and was dependent on the cycle of mobilisation (interview with Roco 2011). Therefore, it depended on the student organisations' capacity to mobilise, which was still weak. The possibilities of putting forward a significant mobilisation were further complicated by the growing importance of the private sector in tertiary education, in which there were restrictions for students to organise (Burton 2012:38).

In the 1996 FECh elections, the EEII won again with a large margin over the *Concertación* parties. In June 1997 CONFECH convened the main student federations to protests

¹³ The Rectors' Council groups the country's principal public universities and manages a common admission test.

against the lack of commitment by the state to finance the country's public universities. Among the most important demands were new resources to cover the deficits of the Solidarity Fund of University Credit, an increase of scholarships to cover university fees, and a boost worth 1.5% of the GDP to higher education, research, and development (Roco 2013:24). To these demands, FECh students added the issue of democratising the university statute. The demonstration convened around 15,000 people across the country and almost 10,000 in Santiago alone (La Época 13.06.1997; La Tercera 13.06.1997). At the time, it was the largest protest since the reinstatement of democracy in 1990. As a result, the government conceded to increase resources for higher education and to cover the deficit of the FSCU. 'Not a radical triumph but a political triumph and some advancement in the ideological debate', FECh president of the time contends (Roco 2013:26). Moreover, 'FECH was constituted as a valid actor as a result of the protests in 1997' (interview with Roco 2011).

The construction of an alternative Left to the one represented in the *Concertación* continued after the 1997 protests (Bustos 2013:1). In FECh, the presidencies were held by leaders of either the Communist Party or the EEII throughout the 2000s with the exception of 2004 when a Right-wing candidate won the elections. In 2002, FECh spearheaded new protests demanding the increase of state funding to public universities (Rodrigo Bustos, FECh president in 2001, quoted in El Mercurio 05.04.2001).

As showed, the demands of FECh and of the other public universities that participated in CONFECU throughout the 1990s and early 2000s mainly evolved around the issue of state funding. The student movement was thus largely sectorial and this hindered a common platform with other social actors. As one university student leader expresses in relation to secondary school students discussed in the next chapter: 'there was never a

platform that was not sectorial. They [the secondary school students] fought for their school passes, for scholarships, and we mobilised for our equivalent; our pass and our scholarships' (interview with Boccardo 2009).

In 2005 FECh saw the gains of a struggle that the federation had pursued as part of CONFECH, the umbrella organisation of the public university federations. In September that year, the CONFECH and the Ministry of Education signed an agreement which duplicated the number of scholarships and student loans with public funds (*Fondo Solidario de Crédito Universitario*) (Melo and Grau 2012:10). This signified that students from the poorest three quintiles gained access to funding for tertiary education. In terms of financial resources, the agreement with the education authorities involved a 40.2% and a 17.1% increase in relation to scholarships and student loans, respectively (Melo and Grau 2012:10). This financial boost not only constituted an important victory for the university students but also raised their moods. While the aim of introducing a system of 'differentiated payment' was not attained, in practice, the increase of the scholarships signified that students from the most vulnerable families gained access to funding. In addition, with regard to the university's internal democratisation, important changes were introduced into the statutes of the *Universidad de Chile* in 2005. Amongst other things, a new statute was established which included the so-called University Senate (*Senado Universitario*) through which students could participate in the definition of the future of the university (Grau 2005:2).

These achievements convinced the university student leaders that they were facing the end of cycle and the need to reformulate the political platform of the FECh in particular, and the student movement in general (interviews with Grau 2013; Huneeus 2013). Yet, the

obstacles to mount a real challenge to the government were acknowledged by the university leaders. As Nicolás Grau, FECh president, expressed in 2005:

‘In current times, the federation is deeply marked and limited by the general features of national politics. Today we live in a country in which subjects are much more observers of what is happening in their lives than builders; there is a low level of politicisation within the citizenry [...]. At the same time, the institutional design installed after the return of democracy in the 1990s was carried out in the context of a deep fear of an organised social world, a sector which, paradoxically, was key for the construction of the transition’s political base. In other words, democracy was constructed in Chile without acknowledging the role of social organisations in its deepening and in the identification of injustices and strategies to surpass such problems. Summarising the context, we can say that the current endeavours of the FECh are developed within a frame in which the political space of social organisations is in deep crisis. On the one hand, the design of the representative democracy does not consider a role to be played by social organisations in the definition and development of the relevant transformations of the country. On the other hand, there has not been a political questioning of the fundamental aspects determined by the dictatorship, that is, we live in democracy but [...] the main features were defined by the dictatorship’ (Grau 2005:1-2).

It was in the midst of this process of reflection and redefinition that the emergence of the *Pinguino* movement – examined in the next chapter – found the university students.

V. CONCLUSION

In this chapter I examined the neoliberal transformation of Chile’s education system during the military regime and the difficulties of the *Concertación* in reforming its main pillars throughout its governments. Indeed, as maintained by Cristián Cox, advisor to the Ministry of Education during the 1990s, there was a clear path-dependent effect in the policy-making of education throughout the governments of the centre-left coalition: ‘if the courses of action with respect to the regulations established in 1981 were politically limited in the circumstances of the transition, later they became even more constrained because of

the socio-cultural roots that the model developed' (2012:28). As I show in Chapter 6 when exploring the impact of the *Pinguino* movement, this had important consequences for the prospects of building alliances for advancing the education agenda.

In this chapter I also discussed teachers' and university students' difficulties in contesting the education model bequeathed by the military regime and continued throughout the governments of the centre-left coalition. In particular, I showed that internal fragmentation and sectoral demands complicated any effort to mount a challenge to the existing consensus in the field of education. While more critical voices were raised from the mid-1990s onwards, the organisational capacity of the representative organisations of both the teachers and the students remained weak. In contrast, as I discuss at length in the next chapter, it was secondary school students who would lead the repoliticisation of the education system and the politics behind it.

‘WE ARE THE CHILDREN OF DEMOCRACY [...] AND WE WILL CONTINUE FIGHTING FOR WHAT WE CONSIDER IS FAIR’¹: THE EMERGENCE OF THE *PINGÜINO* MOVEMENT

‘Everything for them, nothing for us’²

‘Political and mobilisation opportunities are often created by cultural breaks and the surfacing of long dormant contradictions that reframe grievances and injustices and the possibilities of action’³

I. INTRODUCTION

In Chapter 4 I discussed the neoliberal transformation of the education system during the military regime, and I explained why major changes were not considered feasible once democratic rule was reinstated in 1990. I also showed the difficulties of teachers and university students, historically the most important social actors of the education sector, in pushing for reforms that went beyond their specific concerns. In this chapter I analyse the emergence of the *Pingüino* movement and its call for structural reform in the education sector. I argue that several distinct, but intertwined, dimensions explain the rise of the *Pingüinos*. In 2006, a set of traditionally divided secondary school student organisations merged into a single one and adopted a more horizontal and participatory decision-making mechanism, which engaged many students. At the same time, the education reforms undertaken during the 1980s and 1990s were showing their limitations in terms of quality and equity, creating grievances that the well-prepared *Pingüino* leaders fed into the movement’s collective action frame. Finally, President Bachelet’s rhetoric about a ‘government of citizens’ as an attempt to counteract the elitist nature of the *Concertación*’s

¹ César Valenzuela, *Pingüino* leader, quoted in García-Huidobro (2008:3).

² Slogan of the *Pingüino* movement

³ Mayer N. Zald, ‘Culture, ideology, and strategic framing’, in Doug McAdam, John D. McCarthy and Mayer N. Zald (eds.), *Comparative perspectives on social movements: political opportunities, mobilizing structures, and cultural framings* (Cambridge: Cambridge University Press, 1996), p. 268.

governance formula signified an opening of the structure of political opportunities that the students knew to take advantage of. Analysing these dimensions, I link macro level processes such as the neoliberal restructuring of the education system and its unequal outcomes, and meso and micro level dynamics of articulation of grievances and mobilisation.

Developing this argument, I begin by referring to the background of the *Pinguino* movement and its organisational development. In the third section I then examine the role played by the students' mobilisation resources. This is followed a fourth section that discusses the grievances that motivated the rise of the protests and the movement's construction of a collective action frame. In the last section I link the emergence of the *Pinguino* movement to the opening of the structure of political opportunities involved in the 'bottom-up' discourse of President Michelle Bachelet, who had been elected just a few months earlier.

II. RECONSTRUCTING COLLECTIVE ACTION AMONG SECONDARY SCHOOL STUDENTS

i. The origins of the secondary school student movement

While university students historically have been the dominating actor in student politics, secondary school students have in spite of their young age played a role as well. In the climate of political agitation of the 1960s, secondary school students took to the streets under the direction of the Federation of Secondary School Students of Santiago (*Federación de Estudiantes Secundarios de Santiago*, henceforth FESES) (Flores 2009:472). Different

political tendencies – Radicals, Socialists, Communists, Christian Democrats, and Conservatives – coexisted within the student organisation. At the time of the ascension of Salvador Allende as the country's president, however, the FESES was markedly dominated by left-wing forces (Flores 2009:473). Given this support, the first years of the military regime signified the recoil of the secondary school student organisation. In 1973 the FESES was banned and the only remaining space for participation became that of the student councils in the schools which were ruled by a decree crafted by the military. Similar to the member of other social organisations that had been active during the *Unidad Popular*, secondary school students suffered repression and the dispersion of their leaders (Garretón and Martínez 1985:105).

In the early 1980s, students started to create parallel organisations, which were predominantly left-leaning (Álvarez 2005:89). In the midst of the protests against the military regime, the FESES was reinstated in May 1985.⁴ Under the slogan 'Security to study, liberty to live' – tellingly expressing the interlinked nature of the sectorial demands and those related to the country's democratisation – the FESES mobilised thousands of secondary school students against the Pinochet junta.

After the re-establishment of democracy in 1990 the FESES became a stronghold for the political parties' youth sections (interviews with Moraga 2011; Orellana 2011; Reyes 2011). The Communist Party was particularly influential. While the intense period of protests that had preceded the defeat of the military regime had faded away, secondary school students staged smaller protests every year. These usually started with the academic year in March and were couched as a general criticism of the education system but mostly motivated by specific economic demands such as the costs of the university entry exam and the cost of

⁴ It was originally reinstated under the name *Comité Pro-FESES*.

the travel pass. For the most part, it was the FESES that convened these demonstrations. While being the indisputable representative of the secondary school students, the hierarchical organisation of the FESES and its lack of an agenda on the students' everyday life issues became increasingly criticised. The organisation's difficulties in garnering support were expressed in the low turnout of their events and demonstrations (interview with Reyes 2011). Also a second organisation, the Assembly of Student Councils of Santiago (*Asamblea de Centro de Alumnos de Santiago*, henceforth ACAS) – which coordinated the student councils of the schools based on the decree left by the military regime to define student participation in the schools – sought to gain influence among secondary school students. More than a space for political engagement, however, the main function of the ACAS was to organise student events such as anniversaries or parties (interview with Moraga 2011). Besides, the authoritarian origin of the ACAS was very unpopular among the students (interview with Schüler 2011).

In 1997 the lower chamber in Congress created the so-called Young People's Parliament (*Parlamento Juvenil*, henceforth PJ). The idea behind this initiative was to establish a platform for the preparation of future political leaders. Given that the secondary school students mobilised yearly, the establishment of the PJ was also a way of responding to the need of having an organisation with whom to negotiate when conflicts arose (CESC 2006:3). The composition of the PJ reproduced the one of the real parliament, i.e., 120 representatives, two per electoral district (CESC 2006:3). These delegates were elected by the student councils of each school in the country and met twice per year. While the PJ prevailed as a formal institution, the interviewed student leaders of the time assert that the top-down nature behind both its creation and organisation meant a great distance to the student bases (interviews with Moraga 2011; Orellana 2011; Reyes 2011; Schüler 2011). Underscoring the top-down functioning of the PJ, one student leader noted, 'it was just

like the *Jota* [the communist youth] but with state money' (interview with Orellana 2011).

ii. **Repoliticising secondary school students: The creation of the *Asamblea Coordinadora de Estudiantes Secundarios (ACES)* in 2000**

During the 1990s, the FESES, the ACAS and the PJ constituted the three spaces for participation available for secondary school students. In late 2000, students from a number of public schools in Santiago who disapproved of all of three organisations joined and created the Coordinating Assembly of Secondary School Students (*Asamblea Coordinadora de Estudiantes Secundarios*, henceforth ACES). These leaders all came from the so-called 'emblematic schools' and were critical of the partisan domination in the existing student organisations. One ACES document of the time expresses the students' critique of the PJ:

'The PJ is anti-democratic and unrepresentative because its elections are defined by the presidents of the student councils, and then, between the people that has been elected they vote and make decisions with an alarming level of disinformation and without any type of participation of the bases which they claim to represent. It is worthwhile underscoring the weight of the parties' political commands in their decision processes [...] to be considered in the PJ [...] you need to belong to the youth section of a party' (ACES 2001).

In a similar vein, the ACES leaders were critical of the Left represented in the FESES. Úrsula Schüller, a key figure in the launching of the ACES reflects on the start of her political engagement, which was greatly defined in *opposition* to the FESES:

'I was in second year of high school [...] I started to attend the meetings of the FESES and to access another world. I went to these reunions where I met what was left of the world of the directive class of the secondary school students; like inherited from the 1980s and disarticulated in the 1990s by the *Concertación* [...]. I met a FESES which talked about human rights, about the 'disappeared' [by the military regime], about the 'right to education' in abstract terms, all the post-dictatorship flagships, disarticulated, they [the

military] had killed their leaders, their intellectuals, and they hang onto the ‘museum’ of all of that force. We felt part of those demands but we understood that they did not serve to reconstruct a secondary school student actor’ (interview 2011).

Hence, the foundation of the ACES responded to a general discontentment with the existing spaces for participation and to the conviction of the need of buttressing the constitution of secondary school students as a relevant social actor again. The diagnosis shared by the student leaders behind the creation of the ACES was that, as they referred to it, ‘the social and the political were disassociated’ among the students (interviews with Orellana 2011; Schüler 2011). In their account, the few spaces for political engagement were either apolitical such as in the ACAS that just dealt with parties and the like, or ‘overly’ political in the sense that they did not connect to the social experience of the students. This did not mean that the ACES wanted to adopt an ‘apolitical’ approach; rather, the challenge was to politicise secondary school students but based on their everyday grievances and not on the historical flagships of the Left or through the PJ’s top-down approach to student participation.

The conception that motivated the creation of the ACES had important consequences for the type of demands that the organisation would mobilise for. While there was a shared critical diagnosis of the education system, the ACES proposed to focus on very specific demands and ‘construct a movement from there’ (interview with Orellana 2011). Such requests included male students being authorised to wear long hair, less restrictions in relation to the clothing, access to computers and facilities for leisure time in the schools, and more democratic spaces for organisation (interview with Schüler 2011). As explained by Julio Reyes, the last president of the FESES before its suspension and later ACES leader:

‘While we had a certain critical vision of the LOCE, in reality we could not

do politics with such transcendental and structural issues. Our only way of beginning [to construct a movement] – and we felt that we were starting from *scratch* – was to start based on more immediate demands that appealed to the ordinary bloke with whom we were working. Because we were working with blokes with neither political tradition nor from the traditionally politicised spaces provided by the traditional schools [...] we started with the quotidian, with the immediate and from there we wanted to construct a change in the vision of things [...] that could lead to a more critical global conception. At that time, people started in an *opposite* manner [...] in fact, all the strands that were more ideological [such as the FESES] started with the general criticisms [...]. It is not difficult to make criticisms, you only have to know a little bit; what is difficult is to create association (interview 2011).

The diagnosis of the secondary school students behind the creation of the ACES and their attempt to construct a movement ‘from below’ also had an organisational corollary. Reacting against the hierarchic organisational form of the FESES, a horizontal methodology was proposed. This was expressed through the election of spokespersons instead of a president, and through the assembly as a decision-making mechanism. Víctor Orellana comments: ‘the spokesperson is someone that does not have the capacity to make the political mistakes that he wants. It responds to a scenario in which the leadership is not stable [...] and the spokesperson is more subject to the social control of the bases’ (interview 2011). In a similar vein, another ACES member notes, ‘one of the moral rules of the ACES is that things originate from the bottom-up’ (quoted in Revista Punto Final 2001b). This orientation also explains why the ACES leaders did not consider an option to try to transform the FESES from within in order to make it a more horizontal organisation. ‘To try to resuscitate the FESES would have been to contradict our discourse and our ideas’, an ACES member remarks (quoted in Revista Punto Final 2001b).

The more horizontal organisational structure of the ACES also signified an opening to include not only the representatives of the student councils of the schools, but also the so-

called ‘social collectives’ (*colectivos sociales*). These were smaller groups of students that represented the ‘inorganic’ Left, i.e., left-leaning groups that were not associated to the socialist and communist parties. Reacting against their hierarchical nature, the ‘social collectives’ were characterised by their informal and loosely institutionalised organisation (La Segunda 12.04.2001). As the interviewed student leaders attest, there was a growing number of different ‘social collectives’ in Santiago’s public schools, which they attribute to the students’ search for autonomous spaces for participation (interviews with Orellana 2011; Schüler 2011). While militancy in political parties remained a key characteristic of the student leaders of the FESES, ACAS and the PJ, the proliferation of ‘social collectives’ signified that at least political representation was becoming a disputed issue. One student engaged in the ACES at the time explains the inclusion of the ‘social collectives’ in the following way:

‘We learned from the FESES and we don’t want to repeat the same [...] we want the blokes to start organising in their schools and that they coordinate with others [...]. We want to create something new, an organisation based on assemblies, which is parallel and autonomous from the state and the organisations it has created such as the PJ’ (quoted in Revista Punto Final 2001a).

There was also a central cultural dimension to the ‘social collectives’. Many of them were shaped by followers of different music trends such as punk rock and hip hop, and also by countercultural movements, among which anarchism was the most important (interview with Orellana 2011). Víctor Orellana, one of the founding leaders of the ACES, describes the ‘social collectives’ as ‘anarchism with a taste of mass culture’ (interview 2011). So, in conjunction to the effort to surpass the political disconnection of the FESES and also the ACAS and the PJ, the other two spaces for participation available, the ACES sought to be an open organisation which gathered the cultural dimensions of secondary school students’ identity construction.

iii. The 2001 *Mochilazo*⁵ protests

Many of the ‘social collectives’ that joined the ACES were not only present in the emblematic schools, which historically had spearheaded the secondary school students, but also in the schools in the periphery. Hence, the inclusion of the ‘social collectives’ in the ACES led to more students joining the protests convened by the new organisation (interview with Schüler 2011). In early April 2001, the more horizontal and participatory organisation proposed by the ACES proved to be fruitful in what became known as the *Mochilazo* protests. It was the first year of Socialist President Ricardo Lagos’ government and a fee of \$3.500 Chilean pesos (approx. £4) per year to be paid by the students was introduced to cover for the costs of the implementation of automatic pass readers in the buses (El Mercurio Online 04.04.2001). Also due to this technological innovation, the Ministry of Education became delayed in issuing the passes to the students. As one student leader of the time recalls:

‘Until that time, the mobilisations of secondary school students were always motivated by price of the travel pass. But that year [2001] there was also a delay in the delivering of the passes. That created a huge problem. [...] it was May and the passes still had not arrived. They [the bus drivers] refused to let you to get on the bus [...]. In the subway you had to put up with a whole show. Some guards let you in if you showed the school communication notepad with your photo and a stamp on, that was the trick. So it was a mess. Some were forced to pay adult fees. They kicked you out from the buses three or four times when you wanted to get home [...]. Therefore, my primary reading of this [the *Mochilazo* protests] is one of necessity (interview with Moraga 2011).

In addition to the fee that the government wanted to charge the students for the modernised travel pass and the delay in their delivering, students were exasperated when they realised that the passes issued in fact were recycled old passes that had been painted

⁵ *Mochilazo* is derived from *mochila*, which means backpack.

with a cheap black material. One ACES leader explains: ‘as a result of the painted passes, when you scratched on the surface of the new passes the face of another person appeared! This made us think ‘why was the student pass in charge of private hands?’ It is a student pass, it did not have much sense [...]’ (interview with Moraga 2011). In the context of the scandal of the *raspapas* (‘scratching passes’), as the students referred to them, the ACES demanded to transfer the administration of the school transport pass from the umbrella organisation of the private transport enterprises (*Consejo Superior de Transporte Terrestre*) to the Ministry of Education. Responding to this petition, the dominant discourse of the education authorities was that ‘we don’t have anything to do with this; this is a problem between you and the transport guild’ (interview with Moraga 2011). In the words of the Minister of Education at the time, Mariana Aylwin, ‘[the government] has very few legal faculties and only acts as a mediator between two private entities, that is, the bus companies and the students’ (El Mercurio 04.04.2001). With regard to the additional fee that the government wanted to charge the students, Minister Aylwin was emphatic: ‘in primary and secondary education, the students have always paid for the passes. The government will not pay’ (El Mercurio 04.04.2001).

The government’s negative response to the secondary school students motivated the creation of the so-called Anti-Increase Front (*Frente Anti-Alzas*) initiative, spearheaded by the ACES. The ACES leaders were in the midst of seeking to articulate the students’ discontent with the ‘scratching passes’ when the PJ president surprised the ACES by calling for a demonstration in one of the main parks of the city centre of Santiago. This irritated the leaders of the ACES, who considered this to be a way of jumping on the bandwagon. Yet, the ACES decided to make a call to join the protest and hundreds of students that participated in ‘social collectives’ arrived to the demonstration programmed for April 4. One interviewed student leader suggests that this was a rather spontaneous

evolution: ‘at some point, I don’t know if it was discussed much, but they [the students from the schools in the periphery of Santiago city] arrived. And we were happy about that’ (interview with Moraga 2011). The demonstration gathered around 7.000 students and was the subject of big headlines (La Segunda 12.04.2001).

Convinced that the PJ was the secondary school students’ legitimate interlocutor, the government convened its president and reached an agreement with him. This accord proposed to reduce the cost of the travel pass by \$1.000 Chilean pesos (approx. £1.5) (Domedel and Peña y Lillo 2008:47). Infuriated, the ACES called for a new protest and an indefinite paralysation of the schools in which the organisation was represented. On April 9, the ACES gathered around 10.000 students and made evident its capacity to articulate existing discontent (Domedel and Peña y Lillo 2008:48). Importantly, after this event, it was clear that the ACES had constituted itself as an unmistakable reference among secondary school students. A few months later, the FESES was closed down and its last president, Julio Reyes, joined the ACES. As one ACES leader maintains, ‘we killed the FESES and convinced the *Jota* [Communist Youth] by the force of the events’ (interview with Orellana 2011).

The ACES also attained another important victory. Concurrent to the protests spearheaded by the new organisation, it had been revealed that the umbrella organisation of the private transport enterprises had received 3.000 million Chilean pesos (approx. £4.5 million) in 2000 to manage the student passes, and that the money had been paid into the personal account of one of the board members of the organisation. This motivated legal action by a group of MPs and their support to the secondary school students in their demand for the pass to be transferred to the Ministry of Education. In light of this and the weeks of conflict with the secondary school students, the government gave into the

movement's demands. The Ministry of Education committed to administering and reducing the price of the students' travel pass. Additionally, after a series of questionable actions such as the publication of pictures of PJ members partying naked at their annual reunion, the PJ was closed by parliament in April 2002 (Domedel and Peña y Lillo 2008:46).

In spite of the specific character of the issue at stake, namely, the students' travel pass, the ACES leaders who participated in the 2001 *Mochilazo* considered it a significant accomplishment (Moraga 2011; Orellana 2011; Reyes 2011; Schüler 2011). In the words of Daniela Moraga, student leader at the time:

‘It is a big satisfaction to be able to say ‘it was possible, it was possible to do’. Ok, in between you had to fight with half of Chile, but it was possible [...]. But to even suggest that the [administration of] travel pass was returned to the Ministry of Education, *for that time*, was to be really astute. It was something really *pro* [*idiom* for professional]’ (interview 2011).

With hindsight, the interviewed *Mochilazo* leaders acknowledge that the time was not ripe for pushing for more structural reforms. As Julio Reyes asserts:

‘In 2001, the reforms [of the *Concertación*] still had to show their merits. We did not criticise fundamental aspects of the system but rather the fact that we were not invited as an actor when the reforms were elaborated. We criticised the LOCE for its authoritarian origin; not because we knew which aspects were contributing to inequality’ (interview 2011).

Other leaders also recognise that the ACES also lacked the organisational capacity to mobilise for more structural reforms (interview with Schüler 2011). Rather, as explained by Víctor Orellana who played a prominent role in the 2001 protests, ‘the idea was to have *one* victory and accumulate forces for future mobilisations’ (interview 2011). He further notes: ‘the creation of the ACES can be considered as the founding moment, as the rupture with

the old logics’ (personal communication 2012). In a similar vein, Úrsula Schüler remarks: ‘from a political vision, that is, trying to unify the political and the social, I would say was the qualitative jump that our generation was able to make’ (interview 2011).

III. ‘THE MORE DEMOCRATIC THE ORGANISATION GOT INSIDE THE SCHOOLS, THE MORE PEOPLE JOINED’⁶: MOBILISATION RESOURCES AND THE UNFOLDING OF THE *PINGÜINO* MOVEMENT

i. The 2005 dialogue platform with the education authorities

After the 2001 *Mochilazo* protests, the ACES persisted as an organisation but abated due to internal clashes. In the years ahead, it was however common to see protests against the deteriorating infrastructure of the schools, raising fees of public transport and other specific demands. Given that the PJ – which as mentioned was created to channel the demands of secondary school students – had been dissolved, it was the *Secretaría Regional Ministerial de Educación*⁷ (Regional Ministerial Secretariat of Education, hereafter referred to as SEREMI of Education) that was in charge of solving the annual clashes with the students. Tired of ‘initiating a dialogue from scratch’ every year, in 2005 the director of the SEREMI of Education set up a dialogue platform and outlined a schedule of meetings with the students for the whole year (interview with Traverso 2011). Conscious of the partial representation provided by the ACAS, the umbrella organisation of the schools’ student councils, the SEREMI director also invited the ACES which still gathered the

⁶ Interview with María Jesús Sanhueza.

⁷ With a few exceptions, all ministries have a SEREMI in each region to represent and implement the ministries’ policies at the regional level. As was the case of the SEREMI of Education of the Metropolitan Region, the SEREMIs also often fulfil the task of solving conflicts that emerge in the region they are responsible for.

‘social collectives’. As Pedro Montt, sub-secretary of education at the time comments:

‘Given the characteristics of the student organisation, which was not the traditional one, it was very hard to work with them. Furthermore, we had to construct trust. We create a working mechanism with them. The objective of the ministry was to have a direct communication channel, construct trust and have a certain capacity to administer potential partial conflicts. The objective of the students was to have a sort of direct line with the ministry’ (interview 2009).

Weekly meetings held between April and December 2005 culminated in a written proposal that the SEREMI elaborated in a joint effort with the students. The document defined a short-term and a long-term agenda of issues to address (Estudiantes de la Región Metropolitana 2005). While the former included specific matters such as the cost of public transport and food allowances for the most vulnerable students, the latter centred on the need to reform the general institutional frame of the education system, i.e., the LOCE. Nevertheless, as noted by Iván Núñez, ministerial aide at the Ministry of Education between 1990 and 2006, the proposal was soon forgotten by the government authorities due to the presidential elections in late 2005 and the formation of a new *Concertación* government in March 2006 (interview 2009). When it became evident that new Minister of Education Martín Zilic ‘did not have a clue about the existence of the proposal’, secondary school students were infuriated (interview with Sanhueza 2009).

Besides the students’ resentment, the dialogue platform set up by the SEREMI of Education in 2005 would turn out to have additional unintended consequences. It trained the leaders of the 2006 *Pingüino* movement in liaising with the government authorities. Furthermore, it gave the students more expertise on the problems of the education system, which, by contrast to the 2001 *Mochilazo*, made the petition of the *Pingüino* movement much more focused on the structural problems of the system as whole (interviews with

Almeyda 2012; Cuevas 2011). As one university student leader notes, while secondary school students had traditionally been more reactive to the government's reforms than active in proposing changes, the experience gained in 2005 allowed them to proactively build an agenda that emphasised the quality of education (interview with Boccardo 2009). Finally, the regular meetings at the Ministry of Education helped to organise the students and provided a forum for them to make each others' acquaintance. This way, the dialogue platform contributed to the construction of social networks and a resonant collective action frame, which, following Tarrow's definition of a social movement, constitute the necessary elements to maintain a sustained challenge against powerful opponents (1994:2).

ii. **The internal organisation of the *Pingüino* movement**

In late December 2005, the Revolutionary Coordination of Autonomous Students (*Coordinación Revolucionaria de Estudiantes Autónomos*, CREA) – one of the most influential 'social collectives' within the ACES – convened an open assembly and invited leaders of the ACAS. As some interviewees note, the habitually opposing agendas of the ACAS and the ACES were put aside at this key reunion (interviews with Delfino 2009; Sanhueza 2009). There was a generalised sense of disappointment about the forgotten proposal that the students had worked on in 2005 with the SEREMI authorities. Spurred by this, the students decided to join forces and create a single organisation: the Assembly of Secondary School Students of Santiago (*Asamblea de Estudiantes Secundarios de Santiago*, hereafter referred to as AES). With this, the '*Pingüino* revolution' began. As one of the AES leaders comments:

‘There was an important work that had been done, there had been important progress in the issues [discussed at the 2005 dialogue platform]. So it was not explicable that we had to start everything from the beginning just because of a

bureaucratic problem, because there was a change of government. That motivated the union of all secondary school organisations for one and same struggle' (quoted in Gutiérrez and Caviedes 2006:83).

The mobilisation resources of the *Pinguinos* would play a central role in the unfolding of the movement. In terms of internal structure, the AES adopted the ACES' non-hierarchical decision-making mechanisms and model of leadership. In the words of one of the *Pinguino* leaders, the experience of the ACES had demonstrated that 'the more democratic the organisation got inside the schools, the more people joined', and that 'the assembly as a mechanism of participation was extremely valued by the average student' (interview with Sanhueza 2009). In view of this, and as a way of reflecting the power balances between the different sectors of the organisation represented by the ACAS and ACES leaders, the assembly elected four spokespersons. Two of them, César Valenzuela and Karina Delfino, were linked to the ACAS. They had strong ties to the Socialist Party and were thus more *Concertación*-friendly than the representatives of the ACES. The other two, Juan Carlos Herrera and María Jesús Sanhueza had leadership experience in the ACES. Sanhueza had previously been a member of the Communist Party. Other leading figures from the most famous 'emblematic schools' included sympathisers of the *Unión Demócrata Independiente* (Democratic Independent Union, UDI), which is Chile's strongest right-wing party. While these leaders did not act as spokespersons, they were active in the media and as representatives of the movement. All the *Pinguino* leaders and other noticeable representatives were enrolled at municipal schools. With the exception of Sanhueza who was in her penultimate year, the other three spokespersons were in their final year and hence not more than 18 years old. Considering their young age, these leaders already had considerable political experience, which three of them had partly gained in the 2005 dialogue platform set up by the SEREMI of Education.

The resulting internal structure of the organisation had several implications for the evolution of the *Pingüino* movement. First, when the movement gained force, the many political interests represented by the spokespersons made it more difficult for a specific political party to attempt to co-opt it (interview with Montt 2009). Secondly, the breadth of the political spectrum had a positive impact on public opinion, and thus helped to legitimise the movement. As one university student leader contends, ‘the *Pingüinos* got rid of the stigma that characterises mobilisations merely as a left-wing thing. This protected them and contributed to gaining the support of public opinion’ (interview with Boccardo 2009). Thirdly, the weight that the ACES had in the AES meant that greater capacity for mobilisation was incorporated into the organisation. Much as in 2001, the sphere of influence of the ‘social collectives’ went beyond the ‘emblematic schools’, which traditionally mobilised secondary school students. Herrera, one of the four spokespersons, played a key role in giving a voice to the schools at the periphery of Santiago in the work of the assembly (Domedel and Peña y Lillo 2008:79).

iii. Repertoires of action and the unfolding of the *Pingüino* movement

The organisational features adopted in 2006 certainly played a central role as a vehicle to mobilise secondary school students in collective action. Equally important, however, was the strategic use of different repertoires of action, through which the *Pingüino* leaders engaged more students in the demands of the movement. Only when the *Pingüinos* increased in numbers – bringing with it an increase in their bargaining power – more structural demands such as the abolition of the LOCE could be incorporated into their petition to the government.

The *Pingüino* movement began with street protests. As mentioned in the introduction, what

grew into the first large-scale protests in Chile after the reinstatement of democracy in 1990 started in late April 2006 with some diffused protests in Lota in southern Chile. Favourable to the AES which in light of the discontent with the forgotten proposal envisioned a start of the year with protests, the Ministry of Education was delayed in the delivering of the travel passes to the students (Publimetro 06.05.2006). In late April, the AES convened its first demonstration in Santiago and demanded a free-of-charge travel pass and the extension of its validity to also include vacation days and weekends. In the words of one student, 'the state should be responsible for the access to the educational institutions, which necessarily implies the transport of the students' (quoted in Domedel and Peña y Lillo 2008:16). The protest gathered around 4,000 students (La Tercera 27.04.2006). This was followed by more demonstrations in the subsequent days in which the high cost of the PSU, problems related to the length of the school day and with the school meals, and the abolition of the decree that regulated the participation the student councils were incorporated into the students' complaints.

After several days of mobilisation, a national strike was convened for May 10. In Santiago nearly 2,000 people marched demanding a free-of-charge travel pass and university entry exam. The rallies started peacefully but both in Santiago and in the regions they ended with violent clashes with the police forces and significant damage to public spaces. 930 people were detained in Santiago and another 357 in the rest of the country (Domedel and Peña y Lillo 2008:15). In light of the seriousness of the situation, the day after the national strike the SEREMI of Education and the Minister of Education called for a meeting with the AES leaders and conceded to extend the validity of the travel passes for the whole year and to increase the scholarships to cover for the fee of the university entry exam (Gutiérrez and Caviedes 2006:112). However, the AES stated that they would not stop protesting until all of their demands were met and the protests were continued. Annoyed,

the SEREMI of Education declared: ‘we are constructing trust bit by bit but this is destroyed when there are irresponsible protests. We are responding to the demands of the students. We ask for seriousness and coherence’ (quoted in Domedel and Peña y Lillo 2008:16). Also annoyed by the students’ insistence to continue with the protests, the Minister of Education decided to suspend the dialogue.

At the same time, the students were receiving a negative coverage in the media. Mostly, they were portrayed as vandals (Domedel and Peña y Lillo 2008:24). In an editorial of *El Mercurio* for example, the right-wing newspaper expressed that ‘it is inevitable to presume that, eventually, a strategy of [...] anti-systemic agitation such as the ones observed in the 1960s and 1970s might be brewing or even being applied within the extreme Left’ (quoted in Domedel and Peña y Lillo 2008:24). The negative press coverage of the *Pinguino* movement, in addition to the failed attempt to dialogue with the education authorities, motivated a change of strategy and the initiation of school sit-ins. This was also a way of avoiding the violent clashes with the police. In the AES assembly of May 17, the students voted for the initiation of the school take-overs in three of the ‘emblematic schools’ in Santiago: *Confederación Suiza*, *Instituto Nacional* and *Liceo de Aplicación* (interview with Delfino 2009). As one ACES leader notes, ‘we considered that it was legitimate to take over our schools if we could not manifest our discontent on the streets’ (quoted in Gutiérrez and Caviedes 2006:23). Being at the schools rather than on the streets was important to gather public support. The ample media coverage gained by the *Pinguinos* allowed them to discuss the structural problems of the education system and get through with their message to Chileans households. Additionally, in the 17 May assembly the students decided to incorporate the abolition of the LOCE into their petition (Gutiérrez and Caviedes 2006:113). While this objective had always been discussed among the students, the *Pinguino* leaders knew full well that it only made sense to mobilise for such a structural demand

when the students were sufficiently politicised (interview with Orellana 2011). This strategic dimension of the *Pinguino* movement owed much to the ACES working logic, which, as previously referred to, had as a primary aim to ‘politicise the social’.

On May 21 2006, the annual presidential address in parliament was due, and the students were eager to see if President Bachelet would address their demands in her speech. To their great frustration, Bachelet brushed them aside. Incensed by Bachelet’s lack of response, the sit-ins ‘spread like flames’ (interview with Delfino 2009). In the words of one of the *Pinguino* spokespersons, from this point onwards, ‘everybody wanted to jump on the bandwagon of the movement; nobody wanted to be left out; everybody wanted to say ‘I was there, I was part of the movement’” (interview with Valenzuela 2009). A few days after the presidential address, 70,000 students were engaged in the movement either by taking over the schools or not attending the classes (Gutiérrez and Caviedes 2006:114). At the same time, both the CONFECH, the umbrella organisation of the university student federations, and the CP who gathered the teachers, publicly manifest their support to the *Pinguinos* (Gutiérrez and Caviedes 2006:114).

The development of the mobilisations became a cause of concern at the Ministry of Education, which tried to reach an agreement with the students on several occasions.⁸ One of these attempts was made on May 29. This crucial day, however, began with the Minister of Education announcing that the sub-secretary of education would conduct the negotiation instead of him. This decision was ill-received by the *Pinguino* leaders. In their account, this was an attempt to return the discussion into a more technical domain, in which the arguments of the education experts would gain more weight than theirs. ‘We

⁸ The meetings between the students and the government authorities will be discussed in more length in Chapter 6 when referring to the access impact attained by the *Pinguino* movement.

don't want to speak with technocrats, because the solutions are political', the student leaders declared (Karina Delfino, quoted in Domedel and Peña y Lillo 2008:108). Abandoning the negotiations with the authorities, the biggest protest to that day took place on May 30. Nearly a million students and sympathisers of the movement participated in demonstrations across the country, making this protest the largest of its kind since the re-establishment of democracy in Chile in 1990 (Kubal 2010:118). Concurrently, by this date over 130,000 students were participating in the school sit-ins, paralysing this way the normal functioning of the country's secondary schools (El Mercurio 30.05.2006). The disapproval of the government was handling the conflict was expressed by President Bachelet's approval rate, which fell from 60% to 44% between April and June of 2006 (Navia 2009:122).

The development of the *Pingüino* movement forced the government to issue a firm response. On June 1, through a TV-broadcast, President Bachelet addressed the nation, declaring that the government would meet the students' short-term demands such as extended hours of validity of the travel pass and scholarships to pay the PSU fees. As for the long-term demands, it was announced that an Advisory Presidential Commission would be created to discuss the replacement of the LOCE, and reforms to the 'full school day', the administration of the school, and the regulation of the quality of the education provided by publicly administered and publicly subsidised schools. In contrast to previous commissions of this kind, which were predominantly composed of experts on the matter at stake, the origin of the Commission compelled the authorities to invite both members of the *Pingüino* movement and other actors from the field of education. Undoubtedly, as I discuss in the next chapter which analyses the political impact of the *Pingüinos*, the offer of President Bachelet unmistakably expressed the access impact that the movement had accomplished.

The proposal of the government left the movement dispirited and in disarray. When facing the decision of how to respond to the government the internal factions and competing discourses within the AES that had been skilfully balanced throughout the mobilisations were unearthed. The broad spectrum of interests represented in the ACAS and the ACES – the two main factions within the AES – that had previously served to strengthen the movement, contributed to its division when deciding on the most convenient way to respond to the offer of President Bachelet. The students were most divided in relation to their standpoint on the LOCE. While the students identified the LOCE as the source of the problems involved in the education system, they did not necessarily have a common agenda for reform. ‘*Sólo sé que no LOCE*’ – a rhyme that literally translates as ‘I only know, no LOCE’ – had been seen frequently on banners during the marches and school take-overs. It clearly expressed that the LOCE was identified as the source of the problems involved in the education system. If education was bad, it was for structural reasons. Nonetheless, as one *Pinguino* leader maintains, ‘the only thing they [the students] knew was that education was bad, that it was precarious because they experienced it’ (interview with Herrera 2009). This way, ‘while there was an unspoken agreement between everyone about asking for the abolition of the LOCE, nobody ever said exactly *what* we wanted to change’ (interview with Valenzuela 2009).

There was a reason for the absence of this discussion. As an experienced university student leader observes, ‘ultimately, while material demands are transversal, political demands always divide’ (interview with Boccardo 2009). Other factors such as the fast pace of the movement’s proliferation also explain the lack of debate on the law. With so many students mobilised, it did not seem to be the right time for internal negotiations and definitions of what to demand. Clearly, as one of the *Pinguino* spokespersons expresses, ‘fervency is not a good space for reflection’ (interview with Herrera 2009).

The divisions crystallised when the students that decided to continue the mobilisations called for a general strike on June 5, in which the extreme-left movement *Frente Patriótico Manuel Rodríguez* participated. This was strongly disapproved by the movement's *Concertación*-friendly sectors, causing the resignation of César Valenzuela and Karina Delfino, two of the spokespersons. After more than one month of school sit-ins, the split was further reinforced by tiredness and eagerness to return to normality. Moreover, the radicalisation of the protests and the government's efforts to channel the conflict through the creation of the Presidential Advisory Commission contributed to a gradual process of de-legitimisation of both the *Pingüinos* and the protests as a mechanism to vent their discontent.

IV. 'EVERYTHING FOR THEM, NOTHING FOR US': THE *PINGÜINO* MOVEMENT'S COLLECTIVE ACTION FRAME

i. The *Pingüino* movement's criticism of the education system

As important as the organisational features and forms of claim-making may be to explain the rise of the *Pingüino* movement, it is also necessary to refer to the crucial role played by its CAF. As I stressed in Chapter 2 when sketching the framework of analysis of this dissertation, this involves investigating social movements' construction of shared understandings of the world and of themselves with the aim of legitimising and motivating collective action. In turn, this requires examining both the structural elements a movement is reacting against and the strategic efforts made by its participants in outlining a common diagnosis.

Like in mobilisations of previous years, the *Pingüino* movement's petition involved a series of specific sectoral demands such as a free-of charge travel pass and university entry exam. However, as I noted earlier, when the protests grew bigger the students also incorporated structural demands related to the institutional framework of education inherited from the military regime. In fact, the *Pingüinos* would point out time and again during the 2006 protests that the *Concertación* had failed to deliver on what had constituted its most essential pledge, namely, to bring in equity to the education system. Indeed, as shown in Chapter 4, while more secondary school students than ever before were being educated, there were important differences in the quality of the education provided by the three main administrative categories of the education system. In the words of María Huerta, who was enrolled at a public school and one of the leading figures of the 2006 mobilisations, 'we felt tired of confirming that we did worse than the students from private schools on the PSU [the university entry exam]' (quoted in García-Huidobro 2008). Another *Pingüino* leader puts it this way: 'you feel that you are almost [...] I don't want to be deterministic [...] but that you are destined to something. That if you go to school A68 [a municipal school] you are destined to get 400 points in the university entry exam and then the rest is determined' (interview with Delfino 2009).

Decisively, there was an apparent evidential base for the diagnosis expressed by the movement. As existing survey data show, the problems of the education model to deliver quality education to everyone were increasingly acknowledged by secondary school students. While in 2000, 35.9% considered the quality of education to be 'very good' or 'good', in 2006 this proportion had declined to 19.6% (Centro de Investigación y Desarrollo de la Educación 2013:7). Secondary school students were also aware of the consequences of being enrolled at the different types of schools. When asked if they believed that they would complete higher education at a university, 46.2% of the surveyed

students from municipal schools, 69.3% from state-subsidised schools, and 87.1% from private schools responded affirmatively (Baeza 2005:16).

As the *Pinguino* movement insisted upon, the education system had laid the ground for polarised realities. ‘Everything for them, nothing for us’ was perhaps one of the students’ most succinct catchphrases, tellingly expressing clear notions of ‘us’ and ‘them’. One of the spokespersons of the movement explains:

‘There is a very widespread recognition among students that the schools are bad, that there are very few chances of accessing higher education [...] and that is a source of engagement for 16-17 years old subjects; to have an income that in the future allows for the so-called social mobility which in reality does not work like this. That was our main claim [...] that there are schools for rich and schools for poor. That is of public knowledge and of national sensitivity [...] everyone knew about the existing inequality (interview with Sanhueza 2009).

Likewise, another leader notes:

‘Chile’s education is in crisis. That it is in crisis signifies that existing inequality in the education system is abysmal. Students of municipal [public] schools achieve much inferior results than those of students of private schools. A reduced number of students from municipal schools initiate tertiary education degrees. And this way, educational inequality is perpetuated’ (quoted in García-Huidobro 2008:6).

The awareness of the inequalities produced by the country’s education system also served to link previously disunited groups of students. As one student leader asserts:

‘The education system did not favour us, we all had problems with the quality of education received, we had different problems that made us generate an idea that surpassed the political differences [...]. What united us was that we all were clear about not wanting to continue living in an unequal world, that if we fought for education, we also were reducing the social gap’ (quoted in Domedel and Peña y Lillo 2008:121).

In a similar vein, María Jesús Sanhueza, one of the *Pingüino* spokesperson, succinctly formulates: ‘from Arica to Punta Arenas [...] without physical contact there was a political contact’ (interview 2009).

Besides a clear denunciation of the education system’s reproduction of inequality, the *Pingüino* movement’s CAF also identified the source of this problem. The LOCE, the *Pingüinos* repeated with unswerving commitment, was on the one hand illegitimate due to its promulgation under authoritarian rule, and on the other, the legal framework that defined the injustices that they encountered daily while at school. Pedro Montt, sub-secretary of education in 2005, remarks:

‘[The *Pingüino* movement] was a very peculiar movement because it called for *quality* education and it succeeded in representing a simple but very ideological idea in a concept: the LOCE. And the LOCE identified as the *system*. The ideas that education is a business; that a poor child is worth the same as a rich child; that all of that is unjust’ (interview 2009).

Including the LOCE into the *Pingüinos*’ petition was part of what social movement scholars refer to as frame amplification (Snow et al. 1986:469). This involves clarifying the relationship between the different concepts within an interpretative frame; in this case the LOCE, the quality of education, and inequality.

In a similar way, the *Pingüino* movement’s CAF linked the problems of the education model to its neoliberal underpinnings. As expressed by one of the most recurrent slogans of the movement – ‘we are students, not clients’ –, the CAF of the students had a clear anti-neoliberal stance. The students were critical of the neoliberal logic of the voucher system, which signified that ‘anyone can open an educational institution and profit from the state subsidy’ (movement leader, quoted in García-Huidobro 2008). The neoliberal

base of the education system was in other words identified as the cause of its failing. María Huerta, AES leader, comments:

‘I believe in free will [...] but education cannot be in the hands of a neoliberal economy [...] we understand neoliberalism in the economy to be that anyone can open an educational institution, teach what they want, and do what they want with the students that attend [the establishment]. It is a matter of looking around and confirm that the neoliberal system that guides us only allows those who have money to access a quality education [...]’ (quoted in García-Huidobro 2008).

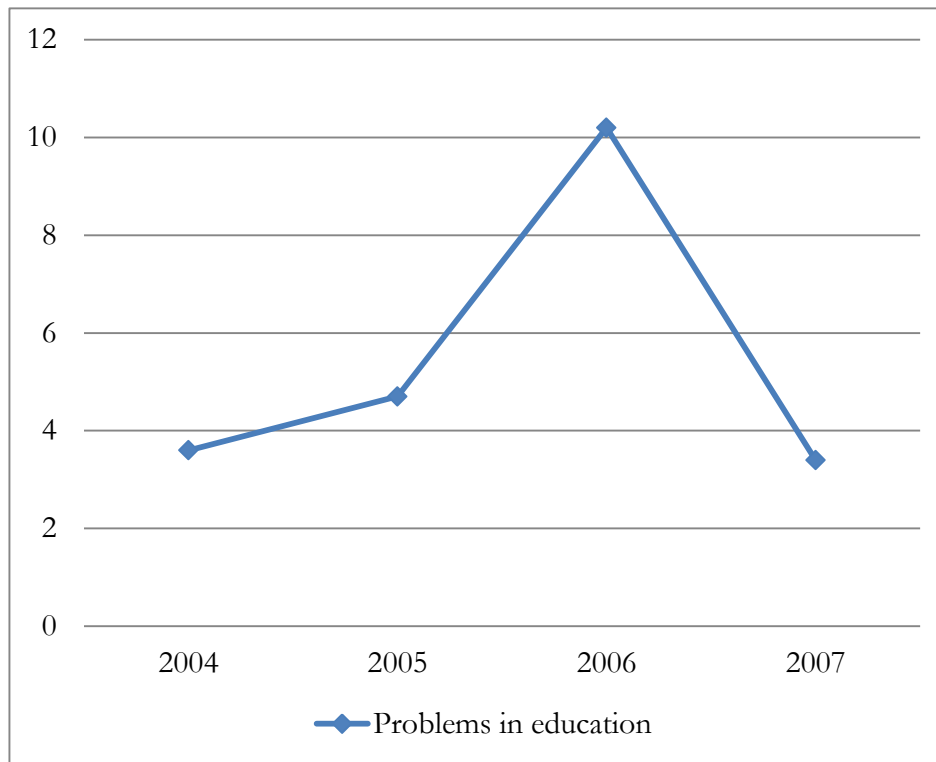
In contrast to the existing voucher system that provided incentives to the expansion of the private market of education, the *Pingüinos* wanted to replace the LOCE framework for one that privileged public education.

Finally, to the demand for the abolition of the LOCE, the discourse elaborated by the *Pingüinos* also involved a value amplification by which education was emphasised as a right. As one of the student leaders argued: ‘they [the students] are tired of the feeling of ‘why did the government not give me the education that I deserve or want’. It is time that it is understood that we are fighting for a right and not a privilege’ (María Huerta, quoted in García-Huidobro 2008:6).

‘We are right and we are a majority’, the *Pingüino* leaders claimed (César Valenzuela, quoted in *El Mercurio* 27.05.2006). The evidential base and secondary school students’ awareness of the differential opportunities provided by the education system’s three main administrative categories certainly contributed to construct a CAF that resonated with public opinion. Indeed, as survey data of the time showed, the movement’s calls for equity-enhancing education reforms resonated with public opinion: 87% of Chileans supported the students’ demands (OECD and World Bank 2009:29). As the following

graph shows, the percentage of people that considered education to be the most important problem of the country also increased drastically in 2006.

Graph 5.1: In your opinion, what is the most important problem of the country? (%)



Source: Own elaboration based on Latinobarómetro, various years

At the same time, opinion polls showed that only 15% of Chileans believed that the government had handled the protests in an adequate way (La Tercera 05.06.2006).

At the same time, members of the government seemed to have been convinced by the discourse of the *Pingüinos* and prominent *Concertación* leaders publicly backed the students. Socialist leader Camilo Escalona, for example, stated that ‘this is the ideal occasion to reach agreements that allow for reforming education’ (Las Últimas Noticias 31.05.2006). From the perspective of Pedro Montt, sub-secretary of education until 2005: ‘the support of this movement was huge, almost immature. What happened? The whole adult world

said ‘yes, we are idiots. How did Chile not realise what the students are saying? That the quality of education is bad. Why have we not done anything?’ (interview 2009). In sum, as one university student leader formulates it, ‘from a political point of view, at one moment it was impossible to be opposed to their demands’ (interview with Boccardo 2009).

ii. Strategic framing efforts

The analysis of frames involves both structural elements and agency. As William Gamson and David Meyer argue, ‘[f]rames are on the one hand, part of the world, passive and structured; on the other, people are active in constructing them’ (Gamson and Meyer 1996:276). In this sense, it is important to note that notwithstanding the apparent evidential base for this diagnosis, the *Pingüino* leaders also actively attempted to reach potential constituencies with their claims.

The strategic construction of a collective action frame implies a central role for movement leaders and this was evident in the case of the *Pingüino* movement. Although the *Pingüinos* were following the logic of an assembly and had spokespersons instead of a hierarchical structure, the political experience of the four spokesmen signified that they were able to identify a common diagnosis and a shared social experience at the grassroots level: rich and poor kids accessed different qualities of education. The experience of the spokespersons allowed for the articulation of a political discourse on the ‘big topics’, which further legitimatised the demands of the movement among the students who were participating in the mobilisation.

It is important to note that while for most public school students the deficiencies of the education system were part of their daily experience, the main reason to engage in the

Pingüino movement was not necessarily a comprehensive knowledge about the LOCE or other related legal issues. Aware of this, the AES leaders, organised so-called ‘awareness committees’ in the schools that had been taken over. In these, information about the roots of existing educational inequalities was spread. As one student explains, ‘the representatives [of the AES] had the responsibility to inform in the schools. Not only about the decisions that were being taken but also about everything else that they [the students] did not know – which was a lot. Very few knew about the LOCE, that is undeniable [...] we were very young so we had to do an important effort to inform’ (interview with Sanhueza 2009). As some of the interviewed *Pingüino* leaders admit, the experience acquired at the 2005 dialogue platform helped them to elaborate a refined understanding of the segregating effects of the education system and hence pursue this central information duty (interviews with Delfino 2009; Valenzuela 2009).

At the same time, there was a clear divide between the ‘emblematic schools’ and the schools in the periphery with regard to the demands that were prioritised. María Huerta, one of the most visible faces of the movement, explains:

‘There were some schools which cared more about the issues of the meals and of the university entry exam. These were the most vulnerable schools [...]. Others were more concerned about the LOCE, the reversal of the municipalisation [of the schools], and the ‘full school day’. These were the *Lastarria*, the *Carmela Carvajal*, the *Instituto Nacional* [emblematic public schools] [...]. While the blokes might not have been convinced about all points in our petition, they knew that unity made us strong so they respected that the other school thought differently’ (quoted in Domedel and Peña y Lillo 2008:120).

The strategic efforts behind the construction of the *Pingüino* movement’s CAF were also manifest in other ways. As noted, the abolition of the LOCE and the formulation of a critique to the education model as a whole were not initially on the movement’s list of

demands. Importantly, this overarching critique was strategically incorporated by the movement leaders after the first important demonstrations. The logic of ‘politicising the social’ by addressing the specific demands of secondary school students that had motivated the creation of the ACES back in 2000 was very much present among the *Pingüino* leaders. Based on previous experiences, the 2006 leaders knew full well that what usually mobilised the students were immediate demands such as the travel pass, the cost of the university entry exam or the food at the schools (interviews with Delfino 2009; Sanhueza 2009). The successful call of the first demonstrations in Santiago validated the *Pingüino* leaders’ strategy of engaging more people by demanding specific issues that influenced the students’ everyday life. Thus the long-term demands such as the overhaul of the LOCE and the municipal based education could be incorporated.

iii. Frame contest

Indeed, as Tilly notes, ‘[s]ocial movements may appear coherent to governments, but seen from the ‘bottom up’, they are usually much more fragmented and heterogeneous: shifting factions, temporary alliances, diverse interests, a continuous flux of members and hangers on’ (quoted in Foweraker 1995:12). The *Pingüino* movement was no exception to this assertion. The joint efforts of the ACAS and the ACES which underpinned the rise of the *Pingüinos* signified that different standpoints co-existed within the movement. The internal differences had been latent all along the crucial weeks of protests in May 2006 but they had been successfully put out of sight of public opinion. As mentioned, while the movement had criticised the LOCE for being the source of the education system’s unequal outcomes, there had been less discussions about what could replace this model. In the face of the offer made by President Bachelet, divergent opinions surfaced.

One extreme of the spectrum can be represented by some sympathisers of the UDI, Chile's biggest right-wing party, who also participated in the movement. Julio Islamit, a member of an emblematic school's student council and linked to the ACAS, was one of the right-wing student leaders who gained most notoriety during the protests. He argued that the low quality of public schools was principally due to the fact that they are free of cost, which 'strengthens the feeling that you cannot complain about it' (interview 2009). In addition, Islamit identified the Teacher's Statute as a central factor in the low quality of education, since poorly performing teachers cannot be dismissed. The LOCE could from this perspective be improved by more market mechanisms. On the other extreme, Juan Carlos Herrera, spokesman of the movement and associated with the ACES, thought about the LOCE as a way of providing stability, control and reproduce already existing inequalities among the students (interview 2009). From this account, then, 'the structural demands [of the movement] went to the bottom [of the model]. It was not possible to change [...] because the economic model is designed so that the educational structure serves the market' (interview with Herrera 2009).

The internal differences became most notorious when the assembly decided to convene an additional national strike, which motivated the resignation of César Valenzuela, one of the four *Pinguino* spokespersons. Shortly thereafter, Karina Delfino also left the movement, alluding to personal reasons. As mentioned, discontent was further fuelled by the participation of extreme-left movement *Frente Patriótico Manuel Rodríguez* in the June 5 national strike. This turn of events signified a turning point in media coverage, which shifted focus towards the divisions of the movement and its radicalisation.

Without a doubt, the relationship with the media and the latter's role in contesting and/or diffusing the principal elements of the *Pinguinos'* CAF played a key role not only at this

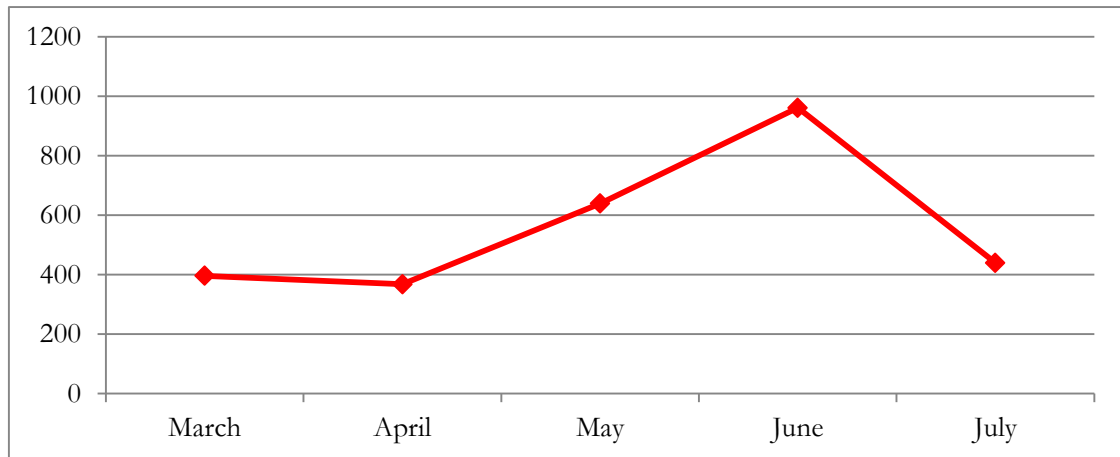
phase of the unfolding of the movement but throughout the conflict. Existing literature has pointed out at least three ways in which media influences social movements (Klandermans and Goslinga 1996). First, it facilitates the knowledge of the movement's existence to public opinion and potential participants; secondly, it can help to link the movement to other political and social actors; and, finally, it can provide psychological support for the members. I will focus on the first two dimensions since the last dimension is less relevant for the movement under study (interviews with Herrera 2009; Sanhueza 2009; Valenzuela 2009).

As for the spread of information about the movement, media coverage was central. In spite of what the authorities claimed, the *Pinguinos* I interviewed highlighted that the movement did not have many technological resources to organise what was happening in Santiago and in the regions. Instead, the students announced the next steps to be taken in the televised press conferences that they convened, which fulfilled a central informative function and which allowed for the coordination of the students' action (interviews with Delfino 2009; Valenzuela 2009). This was facilitated by the substantial increase of the coverage of education during the weeks of most massive protests, shown by graph 5.2.

The media also served to win public support. Through the televised interviews and reports from the school take-overs, people could see with their own eyes that the students' claims about the deteriorated conditions of public schools were accurate, adding this way empirical credibility to the account of the *Pinguino* leaders and facilitating experimental commensurability. As one policy-maker of education notes, 'they [the *Pinguinos*] had the acceptance of the citizenry. There had already been denunciations of schools that were being affected by the rain, of professional schools that were supposed to teach mechanics

that did not have the infrastructure [...].there was a lot of empathy in society' (interview with Medrano 2009).

Graph 5.2: Number of articles on education in the main newspapers per month (2006)⁹



Source: (OPECH 2006)

At the same time, the media attention served as a means to garner the support of the students' parents. As César Valenzuela, one of the *Pingüino* spokespersons, comments: 'we were criticised [by some secondary school students] for appearing in *Buenos días a todos* [a popular TV morning show]. But how, otherwise, could you inform the guys' mother about why her kid didn't go to school? The only way was through television' (interview 2009). At another occasion, the AES assembly voted in favour of attending *Gigantes con Vini*, another widely watched TV-show, but with the condition of talking only about the movement (Gutiérrez and Caviedes 2006:89).

Handling the media was something that the *Pingüino* leaders had to learn by doing. The ample media coverage that they received was not something that they had planned. As one

⁹ The media analysis undertaken by OPECH includes the following newspapers: *La Tercera*, *El Mercurio*, *La Nación*, *La Cuarta*, *Las Últimas Noticias*, *Estrategia*, *Diario Financiero* and several regional newspapers.

student leader comments: ‘when people recognised me on the streets I realised that we actually had had an impact, that we were on the mass media every day’ (quoted in Domedel and Peñay Lillo 2008:112). Eventually, as Karina Delfino remarks, all four spokespersons ‘knew what they could say and not say, that they had to talk fast and get straight to the point in order to make sure that their message appeared in the media (interview 2009). In sum, as the interviewed *Pingüino* leaders attest, in a context of limited technological and financial resources, media attention facilitated to create public awareness of the existence of the movement and its main claims (interviews with Delfino 2009; Valenzuela 2009).

Nonetheless, the interviewees agree on the fact that the coverage of the movement changed drastically throughout the conflict (interviews with Delfino 2009; Sanhueza 2009). In the first phase, when the *Pingüinos* were still on the streets protesting, the media focused on the violence that characterised the protests. Already at this time though, the spokespersons attracted attention for their competence, and for the wide range of political tendencies that they represented. When the movement changed strategy and the school take-overs began, the media coverage on the leaders only increased; they started to be depicted as heroes and a friendly relationship developed between the movement leaders and media (interview with Delfino 2009). It is important to note that this more favourable stance might have been influenced by a violent incident with a group of reporters covering the May 30 demonstration and the police. The violence used by the police was condemned by the main reporters’ association and President Bachelet called the General Director of the Police for a meeting at the presidential palace. The day after the massive protests a high-ranked official was dismissed. This day also marked an important turning point in the response of the government who declared that the use of violence by the police had been unacceptable (La Cuarta 31.05.2006).

As the *Pingüinos* became a ‘story’, TV-channels and newspaper wanted to know more about the leaders rather than focusing on their message, which contributed to diffuse the message of the movement leaders. As noted, the relation with the media deteriorated after President Bachelet’s televised speech and the *Pingüinos*’ refusal to accept the government’s offer. The shift in the narrative of media can best be expressed by the headline of *Las Últimas Noticias*, the country’s main tabloid, after the announcement. This stated: ‘*no se suban por el chorro*’s (idiom) which is an expression that makes reference to what was thought of as the *Pingüinos*’ ungratefulness to the governments’ proposal. Moreover, as mentioned the influence of left-wing extremists started to be increasingly covered and described as a probable cause of both the divisions and the radicalisation of the movement.

This way, as in other cases, the elaboration of *Pingüinos*’ CAF involved an *internal* power struggle about the salience of certain discursive strands and a frame contest with *external* actors such as the media. The government is another key external actor and I refer to its counter-frames in greater detail in the next chapter when analysing the access impact accomplished by the *Pingüino* movement.

V. ‘WE KNEW THAT THIS WAS THE MOMENT’: THE ‘BOTTOM-UP’ DISCOURSE OF PRESIDENT BACHELET AND THE EMERGENCE OF THE *PINGÜINO* MOVEMENT

As I noted in the introduction, the post-transition scenario in Chile was characterised by very limited input from social movements into the policy agenda. And yet, the Bachelet government decided to respond to the movement’s petition by establishing a commission with the task of discussing the overall malaise of the country’s education model. To

understand this government response requires going back to the *Concertación*'s governance formula and the ascension of Michelle Bachelet as an expression of the attempt to address its elite-centred nature. This development, I argue, signified an opening of the structure of political opportunities that the *Pinguino* leaders knew to take advantage of and that favoured the rise of the movement.

During the presidential candidacy of Michelle Bachelet in 2005 had been driven by the polls rather than the decisions of narrow party elites. Accordingly, her presidential campaign promoted her as a candidate of 'the people'. Her candidacy was explicitly conceived of as a departure from the elite-centred governance formula of the *Concertación*. 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 with Díaz 2009). Seeking to be coherent with this, her electoral promises included the appointment of 'new faces', i.e., politicians from outside the party elites that had not occupied key positions in the previous governments (Valenzuela and Dammert 2006:75). Bachelet also committed to addressing the difficulties posed by the *Concertación*'s governance formula by introducing a strong emphasis on participation and consultation (Siavelis 2010). In her own words, 'a country's vision is not constructed behind closed doors; it is constructed with everybody's opinions' (quoted in García-Huidobro 2008).

Expectations on President Bachelet were high and her 'new' political style undoubtedly had a series of consequences for the unfolding of the *Pinguino* movement. Firstly, although the student uprising emerged too early after the ascension of Bachelet to benefit from any concrete initiative to foster citizen participation, at a discursive level, the new government was signalling its willingness to open up spaces for citizen participation. From the perspective of the movement participants, there was a clear awareness of the possibilities

that the new administration's political style meant for any mobilisation efforts. The rise of the *Pingüinos* provided an excellent opportunity to scrutinise whether the government would keep its promise and put Bachelet's 'bottom-up' discourse into practice. As one of the student leaders explains, 'we all said: Bachelet can't just throw the police on us, her whole citizen discourse would have been destroyed. We knew that this was the moment [...] thus the idea was to take advantage of this as much as possible' (interview with Delfino 2009). The quote illustrates that the *Pingüinos* were aware of the possibilities opened up by the new government's rhetoric of citizen participation. Clearly, it also shows that, as Gamson and Meyer note, "[...] opportunities sometimes present themselves with no movement provenance, but movements are active in structuring and creating political opportunity" (1996:276).

Secondly, in the context of the proposed 'bottom-up agenda', the student protests provided an opportunity for the media and the opposition to question the new administration. The extent to which the government found a solution to the movement that was coherent with its 'government of citizens' formula was tested (e.g. *La Tercera* 02.05.2006). At the same time, right-wing media such as *El Mercurio* criticised the government, suggesting that it was failing to fulfil its most elemental function, that is, to guarantee public order (*El Mercurio* 02.05.2006).

Thirdly, the introduction of 'new' faces that did not necessarily come from the party elites but had less political experience signified that a series of mistakes were made in the government's response to the movement (interviews with Cox 2009; Delfino 2009; Nuñez 2009). As Cristián Cox, education advisor in many *Concertación* governments notes: 'the leadership of the minister [of education] accelerated the crisis. The students did not respect him from the first day' (interview 2009). A critical example was the Minister of

Education's appeal to the students that were *not* taking part in the mobilisation on one occasion, which was interpreted as an attempt to split the movement. This aggravated the *Pingüinos'* anger and let the school sit-ins spread further. As the conflict escalated, there was also a poor coordination between the ministries involved in handling the protests. Francisco Javier Díaz, advisor of President Bachelet, points out the lack of information about the *Pingüinos* that the Ministry General Secretariat of the Presidency¹⁰ received from the Ministry of the Interior (interview 2009). This certainly contributed to the poor performance of the Minister of Education who later stated that 'if I have made any mistake it is to not have foreseen the magnitude of the issue' (El Mercurio Online 13.06.2006). Not surprisingly, the student protests forced the replacement of both him and the Minister of the Interior when President Bachelet modified part of her cabinet in July 2006 (Navia 2009:122). In education, she designated Christian Democrat Yasna Provoste, who was known for her favourable stance to the students.

Lastly, the new administration also brought important political allies to the student movement. The *Pingüinos* were aware of the legitimacy that their demands had at the elite level. César Valenzuela, one of the spokespersons of the movement, asserts that 'for the most part, they [the student demands] were their own ideas; a great part of what we called for is what the *Concertación* wants today' (interview with Valenzuela 2009). I will refer to this dimension in the next chapter when discussing the movement's political impact.

¹⁰ The Ministry General Secretariat of the Presidency (*Ministerio Secretaría General de Gobierno*) is the equivalent to a president's chief of staff, i.e., it concentrates the advisory tasks and the strategic planning.

VI. CONCLUSION

Focusing on the first large-scale protests in Chile after the reinstatement of democracy in 1990, in this chapter I showed how and why the 2006 *Pingüino* movement mobilised hundreds of thousands of secondary school students against the shortcomings of the neoliberal education model, and succeeded in placing education on the government's agenda. I argued that three interlinked processes explain the emergence of the movement. First, the internal restructuring process undertaken by the student organisation, which culminated in the creation of the AES in late 2005, contributed to engaging more students. Not only was the distribution of interests between the spokespersons favourable to the unity of the movement, but the assembly as a participatory mechanism was also greatly appreciated by the students.

Secondly, the maturing of education policies pursued during the previous two decades signified a dramatic increase in the rate of graduation of secondary school students. Although more students benefited from this, the daily experience of injustice with regard to the quality of the education provided by different types of schools created a shared diagnosis that the *Pingüino* leaders effectively incorporated into the movement's CAF. The *Pingüino* spokespersons' capacity to gradually include structural demands into the movement's petition, linking together loose concepts such as the LOCE, unequal learning results and fewer opportunities to access higher education was of central importance. I argued that this was only possible through the accumulation of discontent and the organisational development that followed from prior experiences of mobilisation.

Thirdly, the *Pingüino* movement faced a favourable structure of political opportunities due to newly elected President Bachelet's 'bottom-up' discourse – and knew how to take

advantage of it. 'Bachelet - ¿estás con nosotros?' (Bachelet - are you with us?), the students asked, thus paraphrasing Bachelet's main presidential campaign slogan '*Estoy contigo*' (I am with you). Indeed, the shared meanings and definitions that compose a movement's CAF always mediate between the structural requirements of opportunity and organisation (Clemens 1996:211). But this involves a subjective notion of structure of political opportunities, where opportunities only became such because the *Pinguinos* were aware of the possibilities that the new government's 'bottom-up' rhetoric involved and incorporated this insight into their collective action frame. In this sense, the analysis undertaken in this chapter points to the importance of the structural level when analysing the relational and cognitive elements involved in social movements' CAF. Hence, only by linking macro level processes of transformation and their consequences at the micro level, can we fully grasp the dynamics behind the emergence of social movements. In the next chapter I analyse the extent into which the movement, once it had emerged, was able to influence the politics of education.

**THE POLITICAL IMPACT OF THE *PINGÜINO* MOVEMENT:
TOWARDS A SECOND PHASE OF EDUCATION REFORMS**

*‘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’¹*

I. INTRODUCTION

In Chapter 5 I showed how and why the *Pingüino* movement emerged. Investigating its organisational development and framing activities, I showed that the rise of the *Pingüinos* responded to the unequal outcomes that followed from the long-term neoliberal restructuring of the education system, and the opportunities associated with the election of Michelle Bachelet as the *Concertación*’s fourth president. In this chapter I examine the political impact of the protests. The main argument is that the secondary school students motivated a national debate about the faults of the education system and forced the government to address this policy area, although it was not part of Bachelet’s electoral programme. I contend that the Bachelet administration regarded the student protests as an opportunity to advance an agenda on education that it did not consider feasible before the rise of the *Pingüinos*.

Nonetheless, the student movement was much less effective when it came to pushing for the introduction of the specific reforms it wanted. How can we understand the success of the *Pingüino* movement in shaping the political agenda? Conversely, what are the reasons for the little progress the students made in fostering the policy changes they demanded?

¹ Francisco Javier Díaz, senior policy advisor to President Bachelet (interview 2009).

Examining the policy-making process of education that followed the student protests, I identify three main factors that restricted the movement's ability to shape the content of the policies that it had motivated. First, once the students entered the institutional terrain by participating in the Presidential Advisory Commission of the Quality of Education (henceforth PAC on Education) the technocratic discourse overshadowed the discourse of the students and their allies in the commission. Second, after the work of the PAC had been completed, the *Pingüinos* were not able to sustain their organisation and mobilise to put pressure on the government. Third, within the *Concertación* there was a lack of consensus on the path to follow. Developing this argument, I underscore the importance of political alliances for social movements to shape the policy-making process. In particular, I contend that the policy impact accomplished by the students was *indirect* and followed the two-step model outlined in Chapter 2. In short, it was possible only through the resonance that they had in public opinion and their influence on a segment of the *Concertación*.

The chapter is divided in four sections. Following the proposal outlined in the theoretical chapter, in section two I discuss the *Pingüinos'* access impact, that is, the responsiveness of the political authorities to the issues brought up by the movement. In section three I then examine the impact of the students' agenda, which I argue was unmistakable in the government's decision to create a PAC on Education. At the same time, the establishment of the PAC transferred the discussion on education brought up by the *Pingüinos* to the institutional terrain. This, I assert in section four, marked the beginning of the gradual demobilisation of the movement and as a consequence, their incapacity to sustain the pressure on the government. In section five, I finally refer to the policy outcomes that resulted from the student protests.

II. ACCESS IMPACT: ‘THE GOVERNMENT HAS LISTENED TO THE PETITION OF THE SCHOOL STUDENTS’²

Only a few days after the start of the student protest, on May 5, the Minister of Education called for a meeting with the AES leaders to discuss the issue of the travel pass and the scholarships to cover the fee of the university entry exam. This not only meant that the students had attained a response from the highest authority of the education sector, but was also an acknowledgement of the AES as a valid representative of the constituency it claimed to represent. At the same time, however, the minister was emphatic in clarifying that ‘obviously, one has to ask what it is possible to obtain’ (quoted in *Publimetro*, 06.05.2006). Discontented with the tone and content of the discussion with the education authorities, after this meeting the AES called for the May 10 national strike. While annoyed with the *Pinguinos*’ insistence on staging street protests, the education authorities convoked a new meeting just a few days after the successful national strike call. This time, Minister Zilic did not attend the meeting but the students were offered an unlimited number of trips per day with their student travel passes and an increase in the university entry exam scholarships. Nonetheless, as mentioned in Chapter 5, the national strike on May 10 had shown the strength that the movement had acquired. Spurred by its success, the AES incorporated the abolition of the LOCE into the students’ petition.

On May 29, in the context of the proliferation of the school take-overs that President Bachelet’s annual address in parliament had provoked, the Minister of Education called for another meeting. As noted, the Sub-secretary of Education was requested to lead this meeting, which increased the discontent of the *Pinguinos*. The students’ anger only augmented when Minister Zilic announced that only those students that were *not*

² President Bachelet, quoted in *El Mercurio*, 02.06.2006.

participating in the take-overs were invited to the meeting with the education authorities. It was in the context of these responses of the Minister of Education that the biggest protest to that day took place on May 30 when close to a million people took to the streets. Without a doubt, the 30 May manifestations marked a turning point for the government authorities. In the words of President Bachelet:

‘During these days, the mobilisations of the students have redirected the attention of the whole society towards education and its challenges. This is a great opportunity to generate new and ample consensus. The government has listened to the petition of the school students because this is a government that dialogues, and after listening and dialoguing, decides’ (El Mercurio 02.06.2006).

While it might be deduced from the government reactions described above, it bears stressing that the responsiveness of the government was far from clear or uniform during the weeks of most intense mobilisation. In her May 21 annual speech in parliament, President Bachelet not only omitted the demands of the *Pingüinos* but also highlighted the violence of the protests: ‘I want citizens that are critical and conscious [...] but those criticisms must be made with a constructive spirit, with proposals on the negotiation table, and, above all, with unmasked faces and without violence’ (El Mercurio 31.05.2006). When the school take-overs started to proliferate, and with these the government’s urge to negotiate an end to the conflict, the President publicly complained about the pressure exerted by the students: ‘they apply pressure at the same time as they negotiate, that is very strange, especially since the government is open to dialogue’, she declared (El Mercurio 31.05.2006). As the mobilisations added adherents, the discourse changed, however. Very soon, President Bachelet acknowledged that ‘in this government we will need to undertake a reform to augment the quality of education’ (El Mercurio 31.05.2006). A senior policy adviser to the government explained the shifting government responses in the following way:

‘Not every demonstration has a political significance. Most of them are just a matter for the Home Office to take care. But this case was the exception, thus we had to deal with it in a more political way. All mobilisations are public order issues until you realise that there is a legitimate and heartfelt demand involved [...]. We realised that they [the *Pingüinos*] had a certain level of legitimacy and that the subject of the quality of education was felt on a national scale’ (interview with Díaz 2009).

Importantly, as this quote suggests, the government authorities were aware of the resonance that the demands of the *Pingüinos* had in public opinion. As mentioned in the previous chapter, surveys at the time showed that almost 90% of Chileans supported the demands put forward by the secondary school students. I also indicated that there was an obvious evidential base for the diagnosis of the education system précised by movement and that existing studies demonstrated that there was a widespread dissatisfaction with the quality of education delivered by the country’s schools. In addition, surveys conducted among students from all socio-economic sectors *after* the movement showed that there was virtually a consensus on the importance of education (Cox 2008:33). 90.3% of secondary school students surveyed expressed that a good education allows for a better job, 84.9% also stated that it increased income, and 90% believed that it would enable them to continue their studies at a university (Cox 2008:37).

From the government’s perspective, while acknowledging the legitimacy of the demands of the *Pingüinos*, Bachelet’s June 1 announcement equally signified that the time for the students to abandon the protests had arrived. The establishment of the PAC on Education was conceived of as a mechanism to ‘decompress the mood’ (interviews with Águila 2011; Díaz 2009; García-Huidobro 2009). On the one hand, an institutional mechanism to channel the discontent of the students had been proposed. On the other hand, as noted in the previous chapter, the internal divisions caused by the offer of the government radicalised the movement. For the government, then, ‘the presidential address and the

violent members [of the movement] contributed to the loss of legitimacy of the *Pinguinos* in public opinion' (interview with Díaz 2009). In light of this, it was the right moment to transfer the discussion on education to another terrain.

As showed in Chapter 4, education reform was not on the government's agenda before the movement emerged. In fact, the Bachelet administration was immersed in the preparation of a major reform to the pension system which had constituted one of the main electoral proposals formulated by the *Concertación* in 2005. The shifting responses of the government to the student protests can thus to a great extent be explained by the fact that they took most of its members by surprise. At the same time, for an important sector within the *Concertación* the student protests provided an excellent opportunity to advance the education agenda. Seizing the political momentum created by the *Pinguino* movement, the Bachelet administration sought to create the political conditions to introduce a set of education reforms that had not been part of its initial plan. As Socialist leader Camilo Escalona noted at the time, 'I think that this is the ideal occasion to reach agreements that allow for reforming education' (Las Últimas Noticias 31.05.2006). In sum, then, as one education expert notes, the constitution of the commission was both 'a political route to calm the situation and a political opportunity' (interview with García-Huidobro 2009).

III. AGENDA IMPACT: ‘TODAY IS THE MOMENT FOR A REFORM ON THE QUALITY OF EDUCATION’³

i. Objective, composition, and functioning of the PAC on Education

As close collaborators to the Bachelet administration affirm, given the positive experience with previous PACs and the need to be coherent with President Bachelet’s ‘government of citizen’ discourse, the establishment of a PAC on Education was the solution at hand to place education reform on the agenda (interviews with Díaz 2009; Landerretche 2011). Thus, the establishment of the PAC on Education was not the result of a previously designed plan, but rather an ad hoc solution that involved important challenges that will be discussed in this section.

President Bachelet inaugurated the PAC on Education on June 14. By inviting the main actors of the education system – 81 in total – to discuss possible education reforms during six months, the government sought to legitimise the PAC on Education as a dialogue platform. Its creation unmistakably was a product of the agenda impact that the *Pinguino* movement had achieved.

The students, however, doubted the potential of the commission as a dialogue platform due to both its composition and mandate (interview with Orellana 2009). They wanted their participation to constitute 50% + 1 of the total number of commission members as a way of guaranteeing that their voice was heard (interview with Valenzuela 2009). The *Pinguino* representatives also requested the resolutions taken within the frame of the commission to be binding rather than consultative as designed by the government. Both

³ President Bachelet, quoted in *ibid.*

these proposals were rejected by the Bachelet administration which argued that the commission was a consultative body that should include diverse points of view.

At the same time, the *Pingüinos* were conscious of the damage to the movement's reputation that an auto-marginalisation from this space would signify. Hence, through an open assembly in which the representative of each school voted, the movement members decided to participate in spite of their doubts (interview with Orellana 2009). At the same assembly, the secondary school students also elected the eight representatives in the commission.⁴ As one *Pingüino* leader explains, 'we knew that we would be disadvantaged but it was a fairer end than a simple demobilisation would have been. At least we gained the opportunity to formulate proposals' (interview with Sanhueza 2009). In a similar vein, another of the AES leaders expressed, 'it is indispensable that the voice of the secondary students is heard through us and not intermediaries' (María Huerta, quoted in García-Huidobro 2008:5). Importantly, many of the students were aware and pleased with the agenda impact that their mobilisation efforts had generated. Karina Delfino, one of the *Pingüino* spokespersons, expressed it in the following way:

'Our big achievement was that we installed our demands in the public debate. The value and importance of what we have done is that our generation, as a result of the discontent and constant struggle for historical demands, has made history. We are the aptly-named 'children of democracy', without fear to say what we think, without repression nor silenced by anyone' (quoted in Falabella 2008:10).

With the participation of the *Pingüinos*, the work of the commission commenced. Juan Eduardo García-Huidobro, who previously had worked as an adviser at the Ministry of

⁴ These were Pablo Orellana, Juan Carlos Herrera, Isaac Stevens, Luis Toro, Francisco Jiménez, Juan Bostelman, María José Igor, and Yaser Rojas. As mentioned in Chapter 5, Juan Carlos Herrera was one of the AES spokespersons. In addition, interviewees highlight that María Jesús Sanhueza, another of the four *Pingüino* spokespersons participated actively in the meetings of the PAC on Education (interviews with Sanhueza 2009; Herrera 2009).

Education and then pursued an academic career in the field of education, was requested to chair the PAC. The commission's 81 members included representatives from educational interest groups, experienced policy-makers from the education sector, and experts on education (Aguilera 2009:25).⁵ Among this group of people, only four had formal political party affiliation. The commission also included representatives from think tanks close to the *Concertación*⁶, the *Alianza*⁷, and what often is referred to as the extra-parliamentary Left⁸. As one advisor to the Bachelet administration comments, the idea was that the incorporation of many education experts who also advised members of parliament would facilitate that the agreements reached within the PAC were respected in parliament (interview with Díaz 2009).

The government authorities were aware of the difficulties involved in incorporating such a high number of participants from diverse backgrounds. Yet, experts and policy-makers were included to provide technical evidence and concrete policy recommendations, and social actors were invited in the hope that by sharing their daily experiences in the educational sector, the commission members would confirm the need for urgent changes (interview with Díaz 2009).

The commission was free to direct the dialogue in the way its members deemed appropriate and was indeed encouraged to have a dialogue as far-reaching as possible. While the commission members were asked to list their priorities, President Bachelet also defined 'essential' components to be debated. These included the regulatory framework for education, focused on quality and equity issues involved with the LOCE, the institutional

⁵ For a full list of the members, see Consejo Asesor Presidencial para la Calidad de la Educación (2006c).

⁶ Chile 21, *Expansiva* and *Proyect-América*.

⁷ *Centro de Estudios Públicos* and *Libertad y Desarrollo*.

⁸ *Centro de Estudios Nacionales de Desarrollo Alternativo* (CENDA).

setting of the education system, and the resources available to municipalities seeking to provide high-quality education. Finally, in relation to the quality of education, it was requested that special attention be given to teachers and their skills, and the conditions required to provide high quality education (Consejo Asesor Presidencial para la Calidad de la Educación 2006a). To address these topics, three sub-commissions were created: one on the regulatory framework, one on the institutional setting, and one on the quality of the education provided by the education system. The 81 members chose which subcommission they wanted to participate in and appointed a person to preside each.

The commission had six months to submit its final report. During this time the members met weekly.⁹ Normally, a presentation given by one of the members initiated the weekly debate. Public audiences were held, and opinions were compiled and distributed by the executive secretary to the rest of the commission. These minutes served as additional discussion material to the members' own presentations and proposals. The government advisers provided key technical studies, statistics, and legal advice when requested. In addition, regional debates were organised in order to collect the opinions of local representatives from the educational sector. Key advisers to President Bachelet followed the discussion through meetings with the president and executive secretary of the commission, and the Sub-secretary of the Treasury and Sub-secretary of Education (interview with García-Huidobro 2009).

⁹ This was indeed a very heavy workload for the participants of the commission. It is also worth noting that the commissioners did not receive any monetary compensation for participating (interview with García-Huidobro 2009). I do not have statistics on the number of times that each member participated in the meetings. Yet, it was clear from the interviews that to be appointed as a member of the commission was regarded a great honor and a great responsibility. Both Juan Eduardo García-Huidobro, chair of the commission, and Patricia Medrano, Executive Secretary, noted that the members took this assignment very seriously, as was expressed in their attendance to the weekly meetings (interviews 2009).

ii. Consensus-building in the PAC on Education

The *Pinguinos* and the social organisations that had supported the mobilisations decided to create what became known as the Social Block for Education (*Bloque Social por la Educación*, henceforth *Bloque Social*). This was an attempt to counterbalance the lack of influence that the students feared could result from the composition of the commission. The *Bloque Social* represented key educational actors, inter alia university and secondary school students, teachers and the parents' associations.¹⁰ Their decision to join forces was also a way of counteracting the commission's more technocratic stances represented by many university professors, economists, and civil servants from the Ministry of Education (Burton 2012:10). As Giorgio Boccardo, vice-president of the FECH at the time, affirms: '[the *Bloque Social*] was a defensive response to the elite's initiative to transfer the educational conflict to the institutional sphere. From this perspective, we said, here we are fewer, if we do not propose a common platform we do not stand a chance' (interview 2009).

The *Bloque Social* presented their diagnosis of the education system to the rest of the commission members. Its members criticized both the state's inadequate provision of quality education (interview with Pavez 2009) and the *Concertación's* technocratic approach to policy-making (interview with Orellana 2009). The representatives of the *Bloque Social* assembled before the weekly PAC meetings to discuss material that had been circulated previously. This allowed for the alignment of standpoints prior to meeting with the other commission members (interview with Pavez 2009). The *Bloque Social* also organised more than 150 congresses around the country, gathering proposals from teachers and authorities of schools and universities (interview with Boccardo 2009). The objective of this work was

¹⁰ This included the *Confederación de Estudiantes de Chile* (CONFECH), the *Consejo Nacional de Educación Superior* (CONESUP), the *Colegio de Profesores*, and the *Asociación de Apoderados* and *Consejo Nacional de Codocentes*, amongst others. See *Bloque Social por la Educación* (2006).

to extend the discussion on education that had been motivated by the students' protests and to let more social organisations with an education agenda to express their concerns. In parallel, the *Pingüinos* also continued their work in the AES assembly, feeding back the discussion that was taking place both within the *Bloque Social* and in the commission.

The commission had six months to submit its final report. Yet, public attention pressed for answers to the many of the questions being discussed in the commission (interview with Medrano 2009). Consequently, although it had not been part of the original request, President Bachelet asked for a preliminary report to be delivered in September, i.e., only two months after the inauguration of the commission. This call for a report revealed existing divides. Three different 'blocks' emerged among the 81 commission members (interview with García-Huidobro 2009). Two sectors were formed by experts and policy-makers who had divergent opinions on the key topics being discussed; one closer aligned to the *Concertación* and the second to the *Alianza*. The *Pingüinos* and the social organisations that formed part of the *Bloque Social* composed the third group. The following table summarises the main positions.

Crucially, the three blocks agreed on the need to replace the LOCE with a new regulatory framework. The agreement by the *Alianza* to pursue this path was by all standards startling. Senator Andrés Chadwick (UDI) explains, 'the reform of the LOCE was not part of our priorities. Yet we were not happy with the LOCE and how things were working' (interview 2009). Cristián Cox, policy adviser at the Ministry of Education during the first three *Concertación* governments, offers a different explanation of the surprising shift within the Right in relation to the LOCE: 'in May 2006 the *Alianza* discovered that whatever critique they might have had of the *Concertación*, there was a sector that was ten times worse and this was composed of the *Pingüinos*, the extra-parliamentary Left and the Left within the

Concertación' (interview 2009). From this perspective, then, the *Alianza* parties realised that by allowing a reform to the LOCE they could protect other, more vital interests such as 'freedom to educate' and the existence of for-profit state-subsidised private schools.

Table 6.1: Agreements and disagreements in the PAC on Education

Key issue	Political block		
	<i>Bloque Social</i> (linked to the 'extra-parliamentary Left')	<i>Concertación</i> (Centre-Left-wing)	<i>Alianza</i> (Right-wing)
LOCE	Reform	Reform	Reform
Public / private education	Opposed to for-profit schools fees and co-financing	Differing internal positions on for-profit schools	Defend for-profit schools
Causes of the bad quality of public education	Decentralisation of the education system and lack of priority given to public education	Decentralisation of the education system and lack of priority given to public education Teachers' Statute	Teachers' Statute Weaker state role/ municipalised system and greater school autonomy
Role of the state and the municipalities	Stronger state role/less 'municipalised' system	Stronger state role/maintain 'municipalised' system	
Selection of students	Internally divided on selection	Regulate selection (in municipal and subsidised private schools)	Defend selection

Source: Based on Burton (2009) and interviews with commission members

A second question was whether the state should privilege public vis-à-vis private education. Regarding for-profit schools that receive state subsidies, the extra-parliamentary Left and a group of experts close to the government aspired to separate profit from state-subsidised private education. They argued that public funding to private schools sustained

existing segregation within the education system, and that profit-making ultimately diminished educational resources. In other words, they wanted to eliminate the state subsidies to private schools that then also could charge parents an additional fee, as was the case in the state-subsidised private schools. Reacting against this position, the Right displayed increasing concern with regard to the importance of private education vis-à-vis public education (El Diario Financiero 03.10.2006). This worry was echoed by experts close to the *Concertación* who, together with the right-wing sectors within the commission, stressed that the quality of the education supply should be the principal focus regardless of what type of institution was providing it. From their perspective, prohibiting profit-making would threaten 'freedom to educate' (García-Huidobro 2007). The divergent positions within the *Concertación* on education matters crystallised in the commission.

A third issue of contention was the causes of the bad quality of public education. The left-wing leaning segment of the commission represented both by the extra-parliamentary Left and some sectors of the *Concertación* attributed this to the administrative and efficiency problems that had resulted from the decentralised education model. Specifically, they argued that spending public resources on state-subsidised private schools was detrimental to public education (interview with Scherping 2009). As a solution, the Left proposed that the state should apply positive discrimination in public education and concentrate on the most vulnerable students. Representatives of the Right emphasised the negative role of the Teachers' Statute, and highlighted its rigidity when there was a need to dismiss a teacher (interviews with Matte 2009; Velasco 2009). Moreover, in contrast to the sector represented by the *Bloque Social*, the Right argued for maintaining the system of subsidy based on the demand-side (i.e., imparting equal conditions to public and private providers of education), but supporting the most vulnerable students through a higher subsidy (interviews with Matte 2009; Velasco 2009). As for the role of the state and the

municipalities in the provision of education, there was a wide consensus on the insufficiency of the municipalities as providers of education and the need to create new institutions in charge of public schools. However, the commission's members disagreed on the form these institutions were to take.

Finally, with respect to the schools' right to select their students, three main positions were defended. The *Bloque Social* was internally divided as representatives of the 'emblematic schools' wanted to defend the principle of selection, highlighting that it constitutes a mechanism of social mobility for talented students without economic resources. The *Concertación*, on the other hand, stressed the importance of regulating selection, and the *Alianza* advocated its existence as a defence of the 'freedom to educate' principle.

The commission continued its work until mid-December 2006 when an extensive report was submitted to the government. The areas of discrepancy were maintained, though the commission agreed on the following principles and recommendations (Consejo Asesor Presidencial para la Calidad de la Educación 2006b:107):

1. Propose 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.
2. Improve public education. It was recognised that public education is frequently the only choice available to the most vulnerable sectors of society.
3. With regard to the improvement of the quality of education, it was acknowledged that this 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. The report

also acknowledged that there was an urgent need to introduce institutional mechanisms to assure the quality of education.

4. Create additional agencies, required to accomplish a prolonged and durable improvement of public education. These public agencies would need to concentrate on administrative and technical-pedagogical responsibilities, which in the former system were divided between the municipalities and the Ministry of Education.
5. Maintain a mixed provision of education.

When asked about the process of consensus-building, García-Huidobro, the chair of the commission maintained that prior to the submission of the preliminary report in September, ‘a process of citizen deliberation in which everyone respected each other had been generated’ (interview with García-Huidobro 2009). Both García-Huidobro and Pavez, head of the teachers’ union, explain the shift of the discourse within the commission as a result of the incorporation of José Joaquín Brunner, renowned education advisor to the *Concertación* government who in 1994 had chaired the ‘Commission on the Modernisation of Education’ mentioned in Chapter 4 (interviews 2009). While invited to participate in the commission, Brunner had been abroad during the first weeks of meetings. His arrival coincided with the elaboration of the preliminary report. The incorporation to the weekly reunions of this public figure and the submission of the preliminary report, García-Huidobro and Pavez argue, turned public attention to the commission (interviews 2009). This spotlight impelled members to adhere to their positions in a more intransigent manner (interviews with García-Huidobro 2009; Pavez 2009). The chair of the commission commented on this in the following way:

‘The more academic positions represented a break with the previous conversation, they place the conversation within a type of jargon, conceptual terrain that we somehow had avoided previously with the aim of

generating a consensus. In the second part [of the work of the commission, i.e., after the preliminary report] the main issue was how to express disagreement and consensus whilst in the first part it was more about listening to each other to see in which parts we agreed with each other' (interview with 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 *Pinguinos* and the other groups of the *Bloque Social*, raised obstacles to reach agreements. Jorge Pavez, for example, lamented the role played by José Joaquín Brunner: '[...] when he arrives he disqualifies everything that had been done with an intellectual arrogance that is truly irritating' (interview 2009). Harald Beyer academic director of one of Chile's most important think tanks and Minister of Education during the right-wing government that succeeded the administration of Bachelet, offered a different account:

'When you have technocrats with various visions, the ideological differences are neutralised through the technical evidence put forward and thus the debate is simplified. They [the representatives of civil society organisations] 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).

In a similar vein, Patricia Medrano, the Executive Secretary of the commission argues: 'there was an over-representation of the social forces, of the secondary school students and we lost content in the technical discussion. We did not reach a consensus like in the previous commissions that were more technical in character' (interview 2009).

From these perspectives, then, the discourse of many of the representatives from civil society organisations was excessively politicised, making consensus more difficult to attain. For the *Bloque Social*, on the other side, the technocratic discourse was an attempt to place the weight of the discussion on technical skills rather than political consequences

(interviews with Orellana 2009; Scherping 2009). The representatives of the *Pinguinos* felt frustrated. In the words of María Jesús Sanhueza, one of the *Pinguino* spokespersons that participated in the commission: ‘it was not a dialogue, it was a presentation of technical proposals’ (interview 2009). When asked about the dissonance between the different sectors, Patricia Medrano recognises that it was a consequence of the composition of the commission (interview 2009). Yet, she adds, ‘while the commission was created because of the demands of the *Pinguinos*, no one could seriously expect that they would know the legal changes that were necessary’ (interview with Medrano 2009).

A related, additional problem stemmed from representational issues within the commission. UDI Senator Andrés Chadwick recounts, ‘the commission was ill-designed to accommodate so many participants. These [educational] topics generate so much conflict and people are not prepared to solve them through majorities’ (interview 2009). However, an alternative perspective is presented by members of the *Bloque Social*; in their interpretation. From their perspective, while the representatives of the *Pinguino* movement, the president of the teachers’ union, or the president of different university student federations all represent the interests of their respective members, it is less clear whose interests the experts are aligned with (interviews with Boccardo 2009; Pavez 2009; Catalán 2009). And yet, within the commission, each technocrat represented one vote. In this sense, technocrats became as representative as the leaders of social organisations and the *Pinguino* movement although they had not been elected to represent anyone.

Discontent with the functioning of the commission and the alignments that were being formed finally motivated the *Pinguinos*’ withdrawal the night before the final report was due. They had nonetheless participated until the very end in its drafting (interview with Medrano 2009). The university students also stepped out as a sign of solidarity. Giorgio

Boccardo, Vice-president of the FECH in 2006 remarks: ‘the consensus between the *Concertación* and the *Alianza* was unacceptable; therefore, we decided to leave the commission’ (interview 2009).

IV. THE AFTERMATH OF THE *PINGÜINO* MOVEMENT AND ITS INABILITY TO INFLUENCE THE EDUCATION AGENDA

As social movement scholars have argued, there are ambivalent implications for the development of a social movement when establishing a working relation with the authorities (Della Porta and Diani 1999:162). On the one hand, the public recognition that this involves and the access to decision making procedures illustrate their impact. On the other hand, the discontent provoked by the integration with an institutional system of interest intermediation can limit the movement’s mobilisation capacity, thus weakening the movement in the long run. This tension was evident in this case: the offer of President Bachelet to establish a commission to discuss education policies left the secondary school students facing the crucial question about whether to participate or not. This unearthed divergent positions within the movement and paved the way for its eventual decline. On the one hand, after weeks of intense protests and in light of the government response, for an important sector within the movement, it seemed like the right moment to end the school take-overs and return to the normal pace of the daily schoolwork. As one *Pingüino* leader recalls when asked about this process, ‘mobilisations are tiring and the mood was low’ (interview with Orellana 2009). Ending the sit-ins signified less media attention, however: ‘what was shown on TV and in the newspapers were the sit-ins. The sit-ins died and after that there was like a void’, one student comments (quoted in Domedel and Peña y Lillo 2008:175). Paradoxically, then, while the creation of the PAC on Education

reflected the agenda impact that the secondary school students had attained, it also instigated the gradual demobilisation of the *Pingüinos*. In other words, while the movement entered the formal terrain of politics, it steadily lost its capacity orchestrate protests and thus to put pressure on the political establishment.

After eventually having decided to participate in the PAC on Education, the *Pingüinos* faced a large set of definitional discussions, which divided the already weakened movement. As previously noted, one faction among the students favoured the radicalisation of the movement, which was expressed in the participation of extreme left-wing organisation *Frente Patriótico Manuel Rodríguez* in the June 5 protest. The more radical students were all part of the ACES which as shown in Chapter 5 was created by the inorganic, non-partisan Left among the secondary school students. The ACES members who took over the leadership after the 2006 protests were part of this more uncompromising faction. So, while the AES assembly had resolved to be part of the PAC on Education, this more radical sector represented in the ACES gained voice and put off a lot of students (interview with Valenzuela 2009). As one student maintains: ‘the ACES lost people bit by bit and it turned increasingly sectarian. In 2010 it decided to expel the emblematic schools [...]. At the end of 2010 they kicked out everyone that was a member of a party’ (quoted in Gutiérrez and Caviedes 2006:86).

The divisions among the *Pingüinos* became ever more notorious when the PAC on Education submitted its preliminary report in September 2006. As stated in table 6.1, the *Bloque Social* was divided around the issue of selection of students. While many students from the so-called ‘emblematic schools’ wanted to keep this option, others considered that schools’ ability to select contributed to existing segregation.

Divisions within the *Bloque Social*, which weakened the position of the *Pingüinos*, also emerged for other reasons. In October 2007, the teachers, represented by the CPC, pursued their wage negotiations with the government. As the President of the CPC notes, ‘it was perceived that we were taking advantage of the student movement to generate greater opportunities to succeed in our negotiations and this provoked incredulity’ (interview with Pavez 2009). Illustrative of the existing tensions between the *Pingüinos* and the teachers was one incident in which the president of the CPC arrived to a school that was taken over to mediate between the students and the police. Clearly irritated by his presence, the students in the school shouted that he was a *vendido* (that he had sold out) for participating in the *Bloque Social* at the same time as he was negotiating salaries with the government (Cornejo, González and Caldichoury 2007:109). The university students confirm the splits and were also suspicious of the teachers’ intentions. One student leader notes: ‘this [the negotiation between the CPC and the government] contributed dissolve it [the *Bloque Social*]. And the logic of the *Colegio de Profesores* reigned again [...]. That year they obtained a very good deal through their negotiations. Trust was dismantled’ (interview with Boccardo 2009). University students, on the other hand, also faced internal ruptures and weakening as a result of the intense work involved in their participation in the commission. As Federico Huneeus, who would head the FECh in 2008, comments: ‘there was little capacity to install a common discourse, we were worn out. There was no clarity about how to be able to rearticulate’ (interview 2013).

At the same time, though, the participation in the PAC on Education signified that regular assemblies were organised in which the *Pingüino* representatives could report back to the bases what was being discussed in the commission. As one of the student leaders expresses, ‘the commission allowed us to stay alive’ (interview with Sanhueza 2009). When

the work of the commission was completed this incentive to keep the secondary school students together was lost.

Finally, the transfer of the discussion on education reforms from the streets to the PAC signified that the students lost important allies within the Ministry of Education (interview with Medrano 2009). As showed in Chapter 5, the dialogue platform established by the SEREMI of Education in 2005 had involved an intense collaboration between the *Pingüinos* and the education authorities. Through this dialogue close relationships had been developed. In fact, as affirmed by the interviewed officials of the SEREMI of Education who worked with the students in 2005, aware of their sympathetic approach to the students, many *Concertación* members accused them of having triggered the *Pingüino* movement (interviews with Almeyda 2012; Cuevas 2011; Traverso 2011).

The literature on social movements is categorical about the importance of the strength of social movements in order to impact decision-making processes (e.g. Gamson 1975; Minkoff 1997; Soule and King 2006). In addition to a strong organisation to mobilise protests, the use of institutional channels and lobby for support are also key (Soule and King 2006:1878-79). In light of the factors described above, the secondary school students did not have a strong and united organisation. As a consequence, when the bills which were proposed to respond to the *Pingüinos'* agenda-impact were discussed in parliament, the students were not only absent; the government and opposition had also reached an agreement that did not satisfy the demands of the movement. The fate of the secondary school students, it is important to stress, was far from an exceptional one. Rather, it confirmed existing scholarship which shows that social movements are most likely to influence the policy-making process at the early stage of policy formulation (Soule and King 2006:1877).

V. POLICY IMPACT: ‘TO ABOLISH THE LOCE BECAME INEVITABLE’¹¹

i. The government’s first bill

Though the *Pinguino* movement was in decline, the ideas put forward by the students had resonated both with public opinion and with an important sector within the *Concertación*. The secondary school students were aware of the legitimacy that their demands had at the elite level. As César Valenzuela, one of the spokespersons, posits, ‘to some extent they were their own ideas; a great part of what we asked for is what the *Concertación* wants today’ (interview 2009). Indeed, the policy impact achieved by the students can be explained by the external support that the movement eventually received from an important part of the government authorities in addition to the resonance of their claims with public opinion. In this sense, the *Pinguino* movement had an indirect policy impact as defined in Chapter 2.

While the government’s response to the students included granting some of their short-term demands, the creation of the PAC on Education also signified that their long-term concerns were placed at the heart of the public agenda. From the perspective of the government, the creation of the PAC on Education constituted an excellent opportunity to advance the agenda in a direction that had been conceived of as unfeasible only a few months earlier. As Francisco Javier Díaz, senior policy adviser in the Bachelet administration asserts: ‘the commission was a way of showing the right-wing parties that it was *impossible* to *not* abolish the LOCE, to *not* introduce stronger standards, and to *not* introduce institutional mechanisms to secure the quality of education’ (interview 2009).

¹¹ Interview with senior policy adviser Francisco Javier Díaz.

After receiving the final report of the commission in December 2006, President Bachelet called a committee of ministers and gave them an ambitious deadline, namely, to have a bill by March 2007. This forced the technical experts at the Ministry of Education, together with personnel from the Ministry of Economy and the Ministry of the General Secretariat of Government, to develop a bill in record time. The government had to define its position on the many subjects in which the commission had been unable to reach a consensus. As Ricardo Núñez, who at the time presided the education commission in the upper chamber in parliament, notes: ‘while it is true that a very clear proposal never emerged from the student protests, we all understood that there were some key issues such as the municipalisation, the end of profit-making, and the improvement of the quality or the strengthening of public education’ (El Mostrador 23.04.2013). Therefore, the inter-ministerial committee drafted a proposal on the regulatory framework of the education system, the institutional context to secure high quality education, and the administration of public education. The main objectives were to introduce mechanisms to control the quality of the education, more accountability, and stricter requirements to create a state-subsidised private school.

In early April 2007, the government presented a bill which aimed to replace the LOCE. In her speech, President Bachelet declared that while the law reflected the need to expand the coverage of education, it did not foresee the demands of Chile’s current challenges (Domedel and Peña y Lillo 2008:204). The proposal of the government, as the Sub-secretary of Education in the Bachelet administration asserts, involved an education system focused on quality and equity (interview with Romaguera 2009). This was expressed in the 2007 presidential address to parliament, which, in contrast to the previous year, was largely focused on the issue of education: ‘today I come to propose a national effort to guarantee the quality of education. And I say this solemnly to this parliament and in front of all

citizens: this is the central commitment of my government' (Domedel and Peña y Lillo 2008:204).

Besides reworking the LOCE by putting strong emphasis on quality, the bill presented by President Bachelet eliminated profit-making with the resources of the state, i.e., state-subsidised private schools could only be instituted by non-profit corporations. It also proposed to abolish the selection of students in both public and state-subsidised private schools, and to maintain the mixed provision of education that was established in the LOCE, but with more rigid requirements for schools with subsidies from the state.

The underlying principles were significantly different from the prevailing regulatory framework for education. They were also hugely polemical, which the government was aware of. In particular, the elimination of profiteering with public resources and the end of selection were regarded as highly ideological. From the perspective of Pedro Montt, who acted as the technical secretary of the inter-ministerial committee, this aspect of the bill was a gesture to *Pinguinos* and their adherents: 'It was brave to incorporate these issues into the bill. From a political point of view, it was an issue. If we had not included this, we would have had the students on the streets again. Yet, many read this process in completely the reverse way, that is to say, that we were not sufficiently audacious' (interview 2009).

The bill needed 4/7 of the votes in parliament to be passed. Once the parliamentary discussion was initiated, however, it soon became clear that the bill barely counted with the support of the members of the *Concertación*. In this way, the government's first law proposal, which revised some of the demands of the *Pinguino* movement, faced a major *formal* constraint. From the standpoint of Eduardo García-Huidobro, Chair of the PAC on Education, the government lacked a political strategy to assure continuity between their

work and the parliament (interview 2009). In contrast, Pedro Montt, asserts: ‘the petitions of maximalist nature [of the *Pinguinos*] clashed with the cruel reality of politics, namely, the lack of political force to pursue their demands. The demands were re-interpreted by the political actors and those mediations seemed opaque [...]’ (interview 2009).

iii. The intra-parliamentary agreement between the *Concertación* and the *Alianza*

Bachelet’s education bill provoked strong reactions within the *Alianza*. After immediately rejecting the initiative in parliament, the *Alianza* parties decided to elaborate their own law proposal. It is worthwhile clarifying that this proposal constituted a real break with the *Alianza*’s previous parliamentary work on education (interviews with Beyer 2009; Chadwick 2009). As one Senator from the right-wing party UDI explains:

‘When the government presented its law 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 kept as they were. Now we decided to create an alternative law. It was too important’ (interview with Chadwick 2009).

Moreover, as an adviser close to the Right contends, the presentation of an alternative project was also motivated by the fact that the *Alianza* had a clear chance of winning the coming elections and therefore wanted to clearly express its abilities in this subject area (interview with Beyer 2009). The *Alianza*’s alternative law was elaborated by a group of members of parliament, as well as advisers from three closely linked think tanks: *Centro de Estudios Públicos*, *Libertad y Desarrollo* and *Fundación Jaime Guzmán*.

For the government, the rejection of the education bill and the elaboration of an alternative one were like a ‘cold shower’ (interview with Provoste 2011). In the words of

the second Minister of Education during the Bachelet administration, Yasna Provoste, ‘in spite of all the efforts of the students to permeate public discussion, they were not able to shift the consciousness and hearts of those who have been behind the educational system, which is absolutely perverse and discriminating’ (interview 2011). In this context, the government had to deal with the situation with ‘a sense of reality’ (interview with Provoste 2011). When the *Alianza* presented its law proposal in mid-July 2007, the government was forced to impulse an intra-parliamentary negotiation team to decide on the two competing projects. The announcement was immediately highly criticised for undermining the efforts of the PAC on Education (interviews with García-Huidobro 2009; Pavez 2009).

Yet, the government did not even count with all the votes of the *Concertación* in parliament. President Bachelet’s bill was particularly criticised among the Christian Democrats who feared that the elimination of selection would threaten religious schools, and who disagreed on the elimination of profit-making among state-subsidised private schools. This stance of the centre force within the *Concertación* had been counterweighted by Minister of Education Yasna Provoste who not only favoured the bill proposed by President Bachelet, but was also open about her admiration of the *Pinguino* movement. After irregularities with the payment of the vouchers to the state-subsidised private schools, however, Provoste faced a constitutional impeachment and was removed from her post in April 2008. For her replacement, the government chose Mónica Jiménez, another Christian Democrat, but who had a much more hesitant stance towards the reforms proposed by Bachelet. In addition to the opposition among the Christian Democrats, the Party for Democracy (PPD) had vested interests since some of the party members were managers of state-subsidised private schools (Burton 2012:38).

In November 2007, the negotiation team presented its agreement at a conference widely

covered by the press. It contained the following aspects:

1. Replacement of the LOCE by the General Law of Education (*Ley General de Educación*, henceforth LGE).
2. Guaranteed provision of quality education by creating the Agency of the Quality of Education (*Agencia de Calidad de la Educación*) which had formed part of the original bill of President Bachelet.
3. Creation of the Education Inspectorate (*Superintendencia de Educación*) with the objective of regulating the use of public resources assigned to education, examining the standards, providing support for schools and applying sanctions when necessary.
4. Approval of the bill on preferential subsidy, which had been introduced in parliament in 2005 to add resources for students from the most vulnerable family households.
5. Creation of a National Education Council with the task of defining rights and responsibilities of the actors of the system.

The agreement was hailed as historic by many of the policy-makers of education that had sought to push for equity-enhancing reforms in the previous *Concertación* governments (interviews with Montt 2009; Romaguera 2009). Harald Beyer, who participated both in the PAC on Education and the negotiation team, remarks on the key role played by the technocrats in making possible this accord:

‘In Chile you have huge ideological barriers [...] the *Alianza* thought that abolishing the LOCE would imply an end to the ‘freedom to educate’ principle. By contrast the *Concertación* thought that the *Alianza* did not care at all about the quality of education. What made this possible was that a group of technocrats took charge [...] and this work started already in the commission’ (interview 2009).

To be sure, each political block had to concede something. The *Concertación* compromised the idea of giving preferential treatment to public education, i.e. that public schools should receive more resources. Arguably, this was a huge concession. Yet, the government knew that the members of the *Alianza* were not prepared to accept that state-subsidised private schools did not receive the same financial support as public education. From the Right's point of view, parents have the right to select their children's education. Therefore, it is not acceptable to prevent parents from investing in the education of their children (interview with Montt 2009). The centre-left coalition also had to abandon the idea of eliminating profit-making with public resources, as had been presented in the initial law proposal. However, the *Concertación* succeeded in introducing the so-called *giro único* system, which required a lot of negotiation with the right-wing leaders who 'considered 'the model' to be at risk' (interview with Montt 2009). The institution of the *giro único* obligates private schools with public funding to use their subsidies *exclusively* on education. In practice, this constrained profit-making with public resources as state-subsidised private schools were forced to spend the voucher received by the state on the school which was not always the case previously. The *Alianza* on the other hand, had to accept that an education system without state regulation on the quality provided by the state-subsidised schools was not acceptable anymore (interview with Velasco 2009). This aspect was embodied in the set of institutions proposed to regulate and guarantee the quality of the education provision.

While the agreement was praised as a major breakthrough by the government and the *Alianza*, a significant sector within the *Concertación* felt disappointed. The accord reached by the negotiation team was further criticised for undermining the work that had been undertaken in the PAC on Education. The discontent of the students was clear: 'the agreement had nothing to do with the report [of the PAC on Education] and that was already not much' (interview with Boccardo 2009). In a similar vein, Julio Isamit, one of

the most visible faces of the *Pinguino* movement asserts, ‘the 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).

Pedro Montt, who negotiated with the *Alianza* on behalf of the government comments on the criticisms received:

‘The dilemma was the following: is it possible to keep education in the realm of political disputes, [...] or is education a public good that needs to be taken care of, and needs stable policies and broad agreements? [...]. 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*’ (interview 2009).

iv. Policy outcomes

After more than a two year long process in parliament, the new General Law of Education (LGE) was passed in August 2009. Several additional bills were approved as late as in 2011. In table 6.2 I summarise the main bills that were promulgated after the rise of the *Pinguino* movement in 2006.

Table 6.2: Policy outcomes of the *Pingüino* movement

Problem that is tackled		Proposed changes
Before the <i>Pingüino</i> movement		
<p>Bill on Preferential Subsidy Presented: 10/2005 Promulgated: 2/2008</p>	<ul style="list-style-type: none"> - Deficiencies of the per-student based voucher system. - Management deficiencies 	<ul style="list-style-type: none"> - Additional subsidy per student belonging to vulnerable socio-economic groups - The school signs a contract for better management in exchange for the subsidy
After the <i>Pingüino</i> movement		
<p>General Law of Education (<i>Ley General de Educación</i>) Presented: 4/2007 Promulgated: 8/2009</p>	<p>Weaknesses of the regulatory frame that is established by the LOCE</p>	<ul style="list-style-type: none"> - Abolition of the LOCE - The state has to monitor the quality of education - Prohibits the selection of students in nursery and primary education - Establishes National Council of Education - Defines rights and duties of the actors of the educational system
<p>Bill that creates the Agency of the Quality of Education (<i>Agencia de Calidad de la Educación</i>) Presented: 5/2007 Promulgated: 8/2011</p>	<p>Lack of oversight of the quality of the education provided by public and state-subsidised private schools</p>	<ul style="list-style-type: none"> - Measures learning process achievements - Validates teachers' evaluation instruments - Sanctions schools with negative evaluations
<p>Bill that creates the School Inspectorate (<i>Superintendencia de Calidad de la Educación</i>) Presented: 7/2007 Promulgated: 2/2011</p>	<p>Weakness of the public institutions to regulate and assess education</p>	<ul style="list-style-type: none"> - In charge of regulating the standards in the schools by assessing the students, the provider of the education (municipal and state-subsidised private schools) and the teachers - Can sanction if necessary (closure in the case of municipal schools, and withholding of voucher in the case

		of state-subsidised private schools)
Bill on the Increment of Subsidy Presented: 5/2007 (Promulgated with the law on Preferential Subsidy)	Insufficient subsidy amount for municipal education	- General increment of the subsidy by 15% - Amendment to the Bill on Preferential Subsidy to further increment the subsidy of the educational institutions with more than 15% of their students from vulnerable socio-economic groups -Increase of 10% of rural subsidies - Support to the municipal management

Stalled reform

Bill on the Reinforcement of Public Education (<i>Ley de Fortalecimiento de la Educación Pública</i>) Presented: 12/2008 Filed.	- Insufficient quality in the provision of public education - Lack of clearness regarding who is responsible of guaranteeing quality education	- Create the National Service of Education - Create Local Corporations of Education that watch over one and sometimes many municipalities - Define the responsibilities of the Ministry of Education vis-à-vis the municipalities
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Source: Based on (Cox 2007) and on the website of Parliament

To begin with, the Bill on Preferential Subsidy, which was very polemical when it was proposed, was approved in 2008. The schools that receive the extra subsidy are required to subscribe to a ‘Plan for Educational Improvement’ which targets for progress in educational outcomes in a period of 4 years (OECD 2010:126). The new Constitutional Law of Education and the bills presented in table 2 seeks to introduce mechanisms that give the state a more central role in the provision of education. Moreover, it 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. While emphasising the quality of education, the LGE consolidated the mixed provision of education, i.e., the existence of public, state-

subsidised, and private education. The Agency on the Quality of Education aims to guarantee that both the learning process and the learning achievements achieve a high quality. This is accomplished through periodic measurements, regulation, and accountability of the education system. The agency will also validate teachers' evaluation instruments and sanction schools with negative evaluations.

The bill on the School Inspectorates is responsible for ensuring the compliance of schools with laws and regulations. When deficiencies are identified, the Inspectorate will be able to ask the Ministry to nominate a provisional administrator for the school involved. It will also be able to apply other sanctions that can result in the withdrawal of the official recognition of the school. The inspectorate will also respond to inquiries and investigate complaints from members of the school community and can function as a mediator.

Finally, as for public education, the government decided to present a separate bill on public education given its contentious nature. The bill was much later, in December 2008, and only after a group of *Concertación* members of parliament threatened to not approve the LGE if President Bachelet did not send a bill to also strengthen public education (El Mostrador 23.04.2013). The Bill on the Reinforcement of Public Education sought 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, which was part of the strategy to improve the quality of public education. Specifically, it proposed to transform public schools into corporations led by a board composed of the mayor, the council members and representatives from the Ministry of Education. However, the bill unearthed definitional issues about public education. For the Right and an important part of the *Concertación*, both public and state-subsidised schools provide public education (interview with Medrano 2009). In this sense, any measure that provided a

special treatment to municipal schools and not to state-subsidised schools was rejected. The Right and part of the *Concertación* perceived that the Bill on the Reinforcement of Public Education threatened the freedom of the schools. Indeed, this was also the argument that had been used against the Preferential Subsidy Bill which, as mentioned, sought to increase the subsidy to the most vulnerable students (interview with Montt 2009). In the midst of the second round of the presidential elections in late 2009 when the polls already showed that right-wing leader Sebastián Piñera would triumph, the government withdrew the bill, considering it futile.

Indeed, the reforms implemented in the years that followed the rise of the *Pinguinos* seek to introduce more accountability and regulation in an education system that previously was highly unregulated (Bellei, Contreras and Valenzuela 2010). In the words of Tania Hernández, education adviser to the Minister of the Treasury in 2006, ‘without the movement, the regulatory institutions would not have existed today’ (interview 2011). The impact that this will have in terms of providing better quality education for students from more vulnerable households remains to be seen.

From the perspective of the *Pinguinos*, however, the agreement between the *Concertación* and the *Alianza* constituted a betrayal. The students considered that while their short-term demands had been met, their long-term demands were far from fully addressed. Yet, as I argued in my theoretical framework, the impact of social movements cannot be evaluated based on their stated goals. These can change over time and there are always divergent opinions within the movement on the issue at stake. Instead, the impact of social movements needs to be understood as a relational concept that is assessed in light of the broader socio-historical processes that have defined their capacity to produce change. In turn, this involves accounting for prior top-down and bottom-up efforts to influence the

policy agenda at stake. For example, it bears repeating that the bill on a preferential subsidy proposed in 2005 during the Lagos administration had been delayed in parliament as the Right considered it to involve too much intervention from the state. Against the background of the education system reviewed in Chapter 4, the regulatory institutions agreed on were an important step forward. While the *Pinguinos* were not convinced about the reforms, their protests had motivated the initiation of a second phase of education reforms which concentrates on the institutional and regulatory framework of the education system with the aim of improving its quality and equity-enhancing components.

V. CONCLUSION

As argued in Chapter 2, while scholarship tends to focus on the final approval of the bills that were motivated by a social movement, the ‘prepolicy’ period can shed important light on the idiosyncrasies of a particular policy and the constraints involved for social movements to push for reform. In this chapter I showed that neither the institutional channelling of the demands of the *Pinguino* movement nor the political support that it was able to garner followed a clear-cut trend. These shifting paths were manifest in the students’ access impact. They were also expressed in the PAC on Education, which reflected the agenda impact of the movement. 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 that of their allies. In addition to this informal constraint, the students also faced formal barriers. These were expressed by the lack of political support for the bill that President Bachelet sent to parliament. Overcoming the formal and informal constraints that the movement met at different stages of the policy making process would have required a build-up of mobilisation resources but as I argued,

the *Pinguinos* were not able to sustain their organisation or stage protests such as the ones in 2006. So, while the PAC on Education signified that education reforms were at the heart of the public agenda, in the absence of the pressure that only a strong movement could have exerted, and the divided stands within *Concertación*, the demands of the *Pinguinos* were not fully addressed. As shown in the last section of the chapter, the debate initiated by the movement led nonetheless to significant policy outcomes. In sum, the *Pinguino* movement demanded structural change to the education system and did indeed repoliticise the process through which the reforms were formulated – yet not to the extent into which they would have wanted. This should not surprise us. As Tarrow states, ‘[...] although the term ‘structure’ has frequently been used to characterize political opportunities – most opportunities and constraints are situational, and cannot compensate for long weaknesses in cultural, ideological and organizational resources’ (1994:77).

THE POLITICS OF LABOUR BEFORE THE *CONTRATISTA* MOVEMENT

‘We did not realise that we in practice had constructed an apartheid of labour rights’¹

‘In Chile there is a great demagoguery about the theme of participation, but actually none of us have the will to make it effective’²

I. INTRODUCTION

In the analysis undertaken so far, I have sought to explain how the historical and institutional legacies from the military regime shaped the *Concertación*’s governance formula. To what extent has this governance formula affected labour relations in post-transition Chile? To address this question, in this chapter I examine the transformation of the labour market during and after the dictatorship. I show that, mirroring the incremental approach they took in the area of education, the *Concertación* introduced a series of improvements such as a substantial increase in the minimum wage and the implementation of a new unemployment insurance, but it did not undertake major changes to the institutional and legal framework inherited from the military regime. At the same time, the close relationship between the leaders of the National Workers’ Union (*Central Unitaria de Trabajadores*, henceforth CUT), Chile’s main trade union federation, and the *Concertación* facilitated a post-transition consensus centred on the consolidation of a market-friendly approach to labour issues. In turn, this paved the way for a dramatic expansion of subcontracting arrangements, which fostered the creation of a two-tier system of labour relations: on the one hand, permanent workers who enjoyed both the stability of their positions and the

¹ Daniel Sierra, Director of Human Resources of CODELCO (interview 2011).

² Arturo Martínez, president of the CUT (2000-2012), quoted in Ugglá (2000:157).

resulting benefits, and on the other, contract workers suffering a precarious economic situation stemming from the short-term nature of their contracts. As I show in this chapter, the proliferation of subcontracting became especially evident in the mining sector in general and CODELCO, the country's largest state-owned copper-extracting company, in particular.

With the aim of explaining the limited advancements in the field of labour policies and their consequences, this chapter is structured as follows. The next section revises the sweeping transformation of the labour system undertaken during the 17 years of military rule. In section three I then examine the crafting of the post-transition consensus on labour between the *Concertación* and the CUT. I also revise the centre-left coalition's labour policies before the Bachelet administration, during which the *Contratista* movement emerged, showing that the absence of reform signified that subcontracting arrangements expanded considerably. In the last section I discuss the CUT's difficulties in contesting the general policy path undertaken in the field of labour post the transition to democracy in 1990.

II. THE LABOUR SYSTEM BEQUEATHED BY THE MILITARY REGIME

Modelled on the existing European legislation, Chile was the first country in Latin America to introduce a Labour Plan in 1931 (Sehnbruch 2006:51). This legal framework was in force until the democratic breakdown in 1973. Workers also started to organise early. The Workers' Federation of Chile (*Federación Obrera de Chile*, henceforth FOCH), strongly dominated by the Socialist Workers Party (*Partido Obrero Socialista*), was created in 1909 (Ulloa 2003:2). This organisation was replaced in 1936 by the Workers' Confederation of

Chile (*Confederación de Trabajadores de Chile*) and then in 1953, by the CUT, still in force today.

The rise of political and social mobilisation in the 1950s and 1960s was expressed in rising unionisation rates. In fact, the number of unions increased from 629 in 1940 to 1,982 in 1952 (Roberts 1998:90). Up until the democratic breakdown in 1973, the demands of the CUT focused on improving workers' employment and living conditions through measures such as indexing wages to the cost of living, stabilising the cost of subsistence and housing, promoting full employment policies, protecting female and young workers, and defending the participation of the CUT in the institutions of social security, among other measures (Barría, Araya and Drouillas 2012:86).

In general, organised labour had a positive response from the government authorities during the 1960s and 1970s, which translated into labour-friendly reforms and a system of employment relations characterised by its emphasis on worker protection (Romaguera, Echeverría and González 1995:87). For example, there were important bureaucratic and economic impediments to prevent layoffs (Etchemendy 2004:277). Workers also enjoyed other measures such as high severance pay, permission to hold indefinite strikes, pay-rates for certain occupations and sectors and state intervention in the setting of salaries (Campero 2004:54). Through these policies, achieved after decades of struggle, the Chilean trade union movement earned the reputation of being one of the strongest in Latin America (Palacios-Valladares 2010:73).

Before the 1970 electoral victory of Salvador Allende, the CUT constituted the country's most powerful workers' confederation (Angell 1972:213). It supported the pro-labour platform that Allende mounted for his presidential campaign. Once Allende was elected, an

agreement of mutual cooperation was signed between the *Unidad Popular* government and the CUT, and in 1971 a bill was passed that established permanent public mechanisms to finance the trade union confederation. Due to the government coalition's lack of majority in parliament, however, another bill which outlined a new Labour Plan was rejected. Through executive decrees, the Allende administration was still able to introduce policies favourable to labour such as the creation of a tripartite commission in charge of fixing minimum wages, and the mandate to define industry-level conditions that enabled trade unions to bargain at the national federation level (Cook 2007:109-110).

Union-government relations were stronger than ever before in Chile's history during the Allende administration and this period marked the highpoint of influence and organisation of the country's trade union movement (Leiva 2012:110; Winn 2004c:17). Nevertheless, while labour-friendly policies were pursued and union strikes were implicitly and sometimes explicitly supported by the government authorities, the relationship with trade unions did not remain unproblematic (Epstein 1993:54). Wage increases, for instance, widely regarded as a reward to Allende's strong labour base, were detrimental to the *Unidad Popular's* economic success (Cook 2007:109). As the economy began to deteriorate due to political difficulties, resistance to the Allende administration grew. In particular copper workers and truck drivers of the state-owned CODELCO mobilised to oppose the *Unidad Popular's* platform. Spearheaded by union leaders from the ranks of the Christian Democratic Party – which, at the national level also was opposing Allende – these protests were detrimental to the survival of the *Unidad Popular* government.

The radical political and economic changes that came with the military coup in 1973 had long-lasting consequences for Chile's trade union movement. In spite of the opposition that some sectors had staged against Allende, the trade union movement was considered a

primary target for the military regime's 'internal war' of 1973-1978 (Winn 2004:21). Furthermore, the open identification of the CUT with the Allende government magnified the level of repression inflicted upon the trade union movement after the military coup (Bastías and Henríquez 1984:102). In accordance, the headquarters of the CUT were among the first buildings to be taken over by the military forces, many trade union leaders were put in prison or forced into exile (Winn 2004:21), and the CUT was soon made illegal.

In addition to the repression exerted on workers, the military junta suspended all existing labour contracts (i.e. specifications of salaries, benefits and other remunerations were no longer valid) (Berg 2006:36). As table 7.1 shows, the rate of unionisation plummeted from a peak of 33.7% in 1973 to 11.4% in 1989 when the military left power. At the same time, the average union size decreased from 140 members in 1973 to 71 members in 1989.

Table 7.1: Rate of unionisation and average union size, 1973-1989

Year	Rate of unionisation (%)	Average union size (number of members)
1970	23.1	132
1971	28.1	146
1972	31.1	140
1973	33.7	140
1980	11.6	84
1981	11.4	100
1982	11.1	86
1983	9.8	73
1984	10.0	73
1985	9.8	72
1986	10.0	72
1987	10.6	72
1988	10.4	69
1989	11.4	71

Source: (Posner 2011:29)

In the highly suppressive context of the military regime, the trade union movement was left dispirited and in disarray, which also is illustrated by the dramatic decline in strike activity. The number of strikes dropped from around 3,000 per year during the *Unidad Popular* to between 28 and 101 between 1979 and 1989. As the following table shows, also the number of workers involved in the strikes decreased dramatically.

Table 7.2: Strike activity, 1970-1989

Year	Strikes	Workers Involved	Total Days Duration	Average Days Duration
1970	1,819	656,170	*	*
1971	2,709	304,530	12,461	4.6
1972	3,289	397,142	13,814	4.2
1973	*	*	*	*
1979	28	10,700	560	20
1980	68	22,500	1,428	21
1981	57	14,900	1,197	21
1982	31	6,900	589	19
1983	36	3,600	468	13
1984	38	3,600	456	12
1985	42	8,500	882	21
1986	41	3,900	615	15
1987	81	9,900	1,134	14
1988	72	5,600	1,008	14
1989	101	17,900	1,616	16

* Data not available

Source: (Posner 2011:31)

Not only repression but also the economic restructuring pursued by the military weakened Chile's trade union movement (Martínez and Díaz 1996:138). As revised in Chapter 3, in the mid-1970s the ISI model which had been pursued since the end of the Second World War was abandoned and the country pioneered the adoption of the neoliberal economic model. The opening up of the economy to international trade, and the extensive privatisation of state-owned enterprises and of the social security system, had a negative impact on organised labour. Of central importance was the dramatic fall of employment in

the manufacturing sector, historically the one with the highest rate of unionisation (Angell 1972:50). In the face of the hardship experienced by trade unionists in the post-coup period, however, the movement could do little to resist either this situation, or the reversal of labour rights that workers had acquired during decades of struggle (Winn 2004a:3).

The military regime also pursued changes at the firm level which introduced additional difficulties for workers to organise. From 1975 onwards, firms were deeply transformed through massive dismissals, elimination of outdated machinery – and crucially for the case study investigated in this dissertation – a systematic policy of contracting out tasks that previously had been performed by permanent staff (Martínez and Díaz 1996:70). Following the neoliberal paradigm, this was part of a programme of labour market flexibilisation which can be defined as the ‘capacity for downward adjustment of terms of employment, quantitatively, through wage cutting and substandard contracts, and qualitatively as the restoration of managerial authority’ (Streeck quoted in Durán-Palma and López 2009:247). Specifically, this process signified three distinct forms of flexibilisation at the firm level: the capacity to relocate workers within the firm; the capacity to hire or dismiss with few legal restrictions; and finally, given the weakening of trade unions and of the movement, the capacity to reduce salaries in the face of economic difficulties (Martínez and Díaz 1996:71).

These tendencies were further intensified during the military regime’s second wave of economic restructuring, which was initiated with the economic crisis of the early 1980s and the implementation of programs of structural adjustment. The economic difficulties motivated the continuation of lay-offs in the tradable goods sectors such as manufacturing (Martínez and Díaz 1996:103). Structural reforms were also accompanied by a large reduction in government spending, which in turn spurred lay-offs in the public sector. While in 1972 public sector employment mounted to 12% of the total work force, in 1990

this proportion had decreased to 6% (Martínez and Díaz 1996:121). This corresponded to a reduction from 360,000 to 280,000 public employees (Martínez and Díaz 1996:121). At the same time, as Roberts notes, by shrinking the state, the military ‘[...] also sought to extricate the state from sectoral conflicts and thus insulate it from the social and economic demands that historically undergirded the mobilizing strategies of the partisan Left’ (1998:112).

In parallel to the military regime’s agenda of economic liberalisation, important initiatives were undertaken to cement the changes that it had introduced in the initial post-coup period. Until 1978, guided by the its civilian arm, the Chicago Boys, the Pinochet junta had introduced changes in employment relations based on a de facto system of ‘emergency measures’ (Romaguera, Echeverría and González 1995:89). Modelled on neoliberal prescriptions, the 1979 Labour Plan aimed at institutionalising these changes. At the same time, in the context of an opening economy, the introduction of a new labour code aimed to signal to investors that previous changes in employment relations would be permanent (Winn 2004:31). In contrast to other countries in Latin America and elsewhere in which the flexibilisation of the labour market was applied to *new* contracts, in Chile the introduction of the new Labour Plan under military rule allowed for the implementation of measures to the *entire* workforce (Etchemendy 2004:278).

The economic advisors of the military regime believed that job creation was harmed by excessive regulation, and non-salary related labour costs such as unionisation, minimum wage and other factors contributing to increase the cost of labour (Campero 2004:3). Therefore, measures introduced in 1978 (D.L. 2200) and in 1981 (Law 18,018) changed labour contracts to allow for greater employer flexibility, less job security, and reduced labour costs (Winn 2004:32). Flexibility required the abolition of the market distortions

caused by the industrialisation model of the Allende government. In general, it was believed that the single most important variable for employment creation was the economic growth that the restructuring of Chile's economic model would bring forth (Campero 2004:3). Therefore, the reforms to the system of employment relations aimed to liberate it from the emphasis on protection that had characterised the 1960s and 1970s. In this vein, the Ministry of Planning of the time explicitly stated that the objective of the new labour legislation was to progressively eliminate 'existing barriers that artificially increase the cost of labour and hinder a greater level of hiring, becoming the principal causes of the chronic unemployment that has affected the country' (quoted in Campero 2004:10).

This had important consequences for organised labour as the new Labour Plan fundamentally reduced the possibilities of collective bargaining, restricting it to negotiations about the initial wage readjustment, the level of inflation adjustment, and the period for inflationary adjustment (Frank 2002:8). The new legal framework added restrictions on collective bargaining by giving employers the right to replace striking workers subject to two conditions: that they offered identical stipulations to those in the striking worker's contract, and that there was a minimum wage adjustment based on the inflation level (Frank 2002:9). While the law also defined that workers could not be fired between ten days prior to the trade union's presentation of its demands and the signing of the new contract, the new law included other articles based on which the employers could justify the dismissal if needed (Campero 2004:10).

Supplementary decrees introduced in 1979 (D.L. 2756) and 1980 (D.L. 3355) recognised four types of trade unions: enterprise level, inter-enterprise level, composed by independent workers, and composed by construction workers (Winn 2004:33). The decrees restricted collective bargaining even more as they established that only the enterprise

unions could engage in collective bargaining (Winn 2004:33). Finally, in contrast to the prior legal frame in which all the workers of a company automatically became members of the union if 55% of the workers approved its creation, the new Labour Plan established voluntary union membership. It also introduced inducements for the creation of parallel unions within the same enterprise as it was sufficient to have 25 workers to form a union.³ In sum, the new Labour Plan expressly stated that the limits of the agreements were ‘any provision that restricts or limits the employer’s ability to organize, direct and administer the firm, and any matter alien to the firm’ (Romaguera, Echeverría and González 1995:100). Without a doubt, the political context of authoritarianism facilitated the implementation of such a radical agenda of flexibilisation (Etchemendy 2004:278).

Through these measures, the new labour legislation had the explicit aim to *depoliticise* labour relations (Kurtz 2004:273). As stated by José Piñera, Minister of Labour during the military regime and the intellectual author of the Labour Plan:

‘[The Labour Plan] situates the negotiation where it belongs, the enterprise, and it prohibits negotiations at the sector level. If collective bargaining is a mechanism to determine remuneration according to productivity, then, it is logical that it takes place within the enterprise. This has clear advantages: it de-dramatises the negotiation, and, given that the ‘class struggle’ (workers versus employers) is replaced by the ‘enterprise struggle’ (workers and employers of a same enterprise versus those who compete with them), it produces a greater identification of the worker with his enterprise, which is functional to a free market economy [...] The Labour Plan de-dramatises the social conflict. The strike is no longer a weapon for imposing new rules of the game, it ceases to be that terrible instrument of pressure through which the workers force an artificial improvement of the remunerations – and doing so, harm the community, and generate political and social commotion (Piñera 1990:50-51).

³ The only restriction was that the 25 workers represented at least 10% of the total workforce.

III. GOVERNANCE AND LABOUR REFORMS UNDER THE *CONCERTACIÓN*

i. Crafting a consensus in the field of labour

Chile's trade union movement emerged from the throes of authoritarian rule in a markedly disadvantaged position. When democracy was reinstated in 1990, its main organisation, the CUT, was weak at both the local and national levels. Seeking to recoup, the confederation established 39 provincial offices and 12 secretariats, which were responsible for different topics. In its 'Proposal for the transition to democracy', the CUT also articulated its general guidelines for the new democratic period (CUT 1989). Given that workers in general and the CUT in particular had played an important role in the struggle against the military regime, there were high expectations for the return of democracy (Winn 2004:48; Frank 2004:72; Campero 2007:7). Crucially, leaders of the centre-left coalition and of the trade union movement had mounted a joint campaign to defeat the military regime. Moreover, many predominant *Concertación* leaders that formed part of the first democratic government had worked side-by-side with the trade unions throughout the 1980s, both in advisory roles and through academic endeavours. This was for example the case of René Cortázar, a Christian Democrat and the *Concertación's* first Minister of Labour, and of Eduardo Loyola, a Socialist, who took on the Sub-secretary of Labour. As the latter comments:

'Cortázar and I had been advising the trade union movement [...] we came from two distinct worlds; René had a PhD in economics and contributed with the theoretical bit and I had a 'PhD in life' and contributed with the 'street' experience. But both, via different avenues, had built a long relationship with the trade union movement throughout the struggle to regain democracy [...]' (interview with Loyola 2011).

As Yerko Ljubetic, Sub-secretary and Minister of Labour at the beginning of the 2000s, highlights, the hopes of what the reinstatement of democracy would involve for labour

relations were enhanced by these close relationships between the leaders of the CUT and of the *Concertación* (interview 2011). Furthermore, as table 7.3 indicates, with exception of a period at the end of the 1990s, the CUT leadership was dominated by members of the *Concertación* parties. Arturo Martínez, from the Socialist Party, for example, headed the organisation for 12 years.

Table 7.3: Party affiliation of the presidents of the CUT, 1988-2006

Years	Name	Party affiliation
1988-1996	Manuel Bustos	Christian Democratic Party
1996-1998	Roberto Alarcón	Socialist Party
1996-2000	Ethiel Moraga	Communist Party
2000-2012	Arturo Martínez	Socialist Party

Source: Website of the CUT

It is important to note that the relevance of the Christian Democrats within the CUT was a relatively new phenomenon within Chile's trade union movement. As table 7.4 shows, the number of Christian Democratic executives in the CUT increased considerably in the late 1980s. This contributed to a process of alignment of policy positions between the Christian Democrats and the Socialists within the CUT which paralleled the one undertaken within the *Concertación*.

Table 7.4: Percentage distribution of elected CUT executives by party affiliation, 1953-1991

Year	Party affiliation	
	'Popular Unity' and other leftist parties	Christian Democrats
1953	61	6
1957	79	15
1959	80	15
1962	68	18
1965	81	12
1968	80	10
1972	71	26
1988	64	36
1991	54	45

Source: (Drake 1996:143)

The importance of these close relationships and of the predominance of Socialists and Christian Democrats in the CUT certainly gave the *Concertación* a direct interlocutor to organised labour. Yet, the participation of the national trade union federation in the programmatic debate of the *Concertación* parties was limited and the confederation approved the coalition government's programme without having had the chance to discuss it at length (Albuquerque 1991:6; interview with Salinas 2011). Moreover, although the centre-left coalition sought to rebalance workers' rights vis-à-vis the ones of the employers, the first priority was political stability. As Loyola states:

'Our first period [...] was fundamentally about re-establishing the equilibrium between a state that was administered by the first democratic government but with Pinochet alive and active, and a very strong business sector that was not used to conceding protagonism to the trade union movement' (interview 2011).

At the same time, after 17 years of military rule which had significantly diminished the trade union movement, the *Concertación* leaders acknowledged a 'social debt' (*deuda social*) to the workers. Part of this debt was the lost wages that the economic program of the Pinochet regime had signified. In light of this, the strategy of the *Concertación* government

involved a national social pact with the CUT and the primary business association, the Confederation of Production and Commerce (*Confederación de la Producción y del Comercio*, henceforth CPC). In collaboration with the CUT and its dominant consultative bodies, the government and the trade union leaders elaborated the so-called ‘social agreements’ (*acuerdos marco*), which among other things addressed the issue of the minimum wage (Haagh 2002:72).

Tripartite negotiations culminated in a first accord, signed at the end of January 1990, and a detailed version was then presented at the end of April that same year. The agreements included proposals for labour legislation that could be acceptable to both workers and business, and contained formulations referring to the need of a ‘healthier and safer workforce’, which were vague enough to avoid conflict between the two sides (Epstein 1993:50). Additionally, they included important benefits such as an increase in pension and family subsidies of 10.6% and 25%, respectively (Frank 2004:117). Crucially, a national minimum wage accord was signed in 1991, linking adjustment levels to productivity increases and future inflation. As a result of the accords, the minimum wage was raised by 17% in 1991 and by approximately 15% in 1992 (in real terms) (Frank 2004:76). The underlying idea was that connecting salaries to productivity would improve employment relations and benefit the workers (Haagh 2002:73). At the plant level, however, the accords did not contribute to improving labour-management relations. Neither did the accords establish permanent bilateral or trilateral institutional arrangements in which labour reforms could be discussed (Frank 2004:77). As a result, apart from increasing the minimum wage, the general accords were mostly symbolic. Assessing the progress made through the agreements, Sehnbruch is categorical: ‘[t]he agreements were important positive contributions to the process of democratic transition but lacked specific practical

content and therefore contributed little or nothing to the ambitions of labour reforms except as a demonstration of good will' (2006:62).

Indeed, the 'social agreements' were first and foremost part of a general aim of appeasing the relationship between the business sector and workers in order to contribute to political stability. In this way, the accords were illustrative of the *Concertación's* governance formula. As discussed in Chapter 3, the political learning undertaken by prominent *Concertación* leaders led to a conception according to which excessive social mobilisation had to be avoided at all costs to not repeat the experience of the 1973 democratic breakdown. While this political learning might have begun as an intuition based on personal references and/or the understanding of the 1973 coup d'état, it was also further elaborated in numerous academic accounts that later informed the political platform of the centre-left coalition. Minister of Labour Cortázar, for example, identifies two main 'logics of union action' (Campero and Cortázar 1986). He states that the first 'global option for the integration and orientation of the labour movement' is the political logic according to which unionism recovers its role as an active agent in a negotiated political system (Campero and Cortázar 1986:31). In this conception, the emphasis is on the political plurality and respect for basic agreements that allow for power balances and assure governability in a democratic context. A second alternative for the trade union movement is to adopt what Cortázar refers to as an 'autonomous confrontational' approach that first and foremost bases its action on a 'principle of community identity and self-protection vis-à-vis other social classes' (1986:34). This perspective is characterised by doubt in the political system's capacity to aggregate different class interests due to the predominance of the interests of the capitalist classes. In the case of Chile, the interlinked leaderships between the leaders of the *Concertación* and those of the CUT signified that the first route was chosen.

The CUT's focus on democratic stability was certainly acknowledged and well-received by the leaders of the *Concertación*. In the words of Patricio Aylwin, the first president of the centre-left coalition:

[...] I feel the duty of reiterating [...] my personal gratitude and the acknowledgement that we Chileans, in my view, owe to the sense of responsibility that our workers demonstrated in the process of transition to democracy that I had the honour to spearhead. Without their loyal disposition to participate and collaborate in the effort of social concertation that we then fostered, the national path of reunion that we set in motion would not have been possible. The country's social debt and, especially, of the business sector to the workers was very high; the workers would have been in their right if they had opted for demanding preferential payment and for promoting actions to put pressure to achieve this. The temptation to do so was very big. However, the trade union leadership in Chile, spearheaded by Manuel Bustos [CUT President 1988-1996], understood the risks and dangers that such a conduct would have signified to the very peaceful and institutional process of transition, and to the transcendental challenge that we as a country were facing at the economic level' (1999:14-15).

ii. The labour policies of the *Concertación*

During the first *Concertación* government the main outcome in terms of labour policies was as mentioned the raise of the minimum wage introduced as part of the social accords. During the presidency of Eduardo Frei (1994-2000), the second consecutive administration of the centre-left coalition, a new package of labour reforms was elaborated. Amongst other things, this included giving legal status to associations of public employees, which was approved in 1994. This enabled the increase of the rate of union membership from 75,000 in 1989 to 130,000 in 1997 (Rojas and Aravena 1999:188). As for individual labour legislation, severance pay limits were re-established to levels similar to those of pre-1973 (Sehnbruch 2010:6), and it was made mandatory to justify dismissals as it had been before the military regime and its 1979 Labour Plan. Nevertheless, this reform was rendered

ineffective as in practise employers could refer to the principle of ‘company needs’ (*necesidad de la empresa*) to excuse sacking (Buchanan 2008:76).

In 1995, CUT President Manuel Bustos expressed the confederation’s interest in instituting collective bargaining at the sector level and requested that the Frei government make it a political priority (Barría, Araya and Drouillas 2012:90). President Frei responded by sending a bill to parliament that sought to extend the set of issues that could be negotiated through collective bargaining to include issues such as working conditions and incentive pays. This bill, however, was resisted by the employers’ association and finally rejected in parliament. To a great extent, this was due to fact that the bill was perceived as pro-union as it established that the measures proposed had to be negotiated with the company’s trade union (subject to an 80% affiliation). Another bill sent during the Frei administration addressed the existing regulation on cessation of contracts and union rights. In return for having this approved, the Frei administration committed to more measures of flexibilisation such as the option to dismiss workers or lower their wages in difficult economic circumstances, and a more flexible working week (Sehnbruch 2006:64).

In the year 2000 Socialist Ricardo Lagos won the presidential elections. Two consecutive *Concertación* governments with scant progress in the labour agenda created high expectations for his administration (Taylor 2004:88). After all, his coming into power was reflective of the ‘turn to the Left’ that Latin America started to witness at the end of the 1990s. During his electoral campaign in 1999, Lagos promised to prioritise labour reform and challenged the Right to respond on specific labour related policy issues as a way of exerting pressure and introduce reforms in this field into the policy agenda. Once elected, Lagos announced that matters such as temporary workers’ rights to collective bargaining and to negotiate at the sector level were going to be revised, which, once again, unearthed

huge opposition in the business sector (Sehnbruch 2006:65). Not surprisingly, the announced reform package met great resistance in parliament, and given that the government did not have a majority, it was forced to drop the issues related to collective bargaining. In compensation, the reform that finally was passed in September 2001 included other aspects related to individual labour law such as a reduction of the working hours per week (from 48 to 45). As for pro-union reforms, the 2001 package introduced paid time for union officials to dedicate to the work related to the unions (*fuero sindical*) (Barría, Araya and Drouillas 2012:91).

At the same time, with the aim of ‘making Chile competitive in the modern world’, the reforms undertaken during the Lagos government further flexibilised the labour market. Specifically, President Lagos introduced measures to facilitate the hiring of workers on a part-time basis, legislating on the so-called telecommuting (*teletrabajo*), and allowing contracts to specify multiple tasks (Sehnbruch 2006:66). In this way, while the *Concertación* stated as a goal to combine labour flexibility with worker protection, in practice, the policies of the centre-left coalition prioritised flexibilisation as it was conceived of as central to the country’s competitiveness (Barrett 1999:16). This was also rooted in the firm and widespread belief within the *Concertación* that economic growth would resolve employment-related problems in the country (Sehnbruch 2006:137).

Together, the reforms undertaken during the military regime and during the *Concertación* transformed the Chilean labour market into one of the most flexible in the world (Sehnbruch 2006:143). Among the countries measured by the ‘Labour Flexibility Index’ elaborated by the Fraser Institute, for example, the labour market in Chile is the 7th most flexible in the world (quoted in Fortin:11).

While further flexibilising the labour market, the Lagos administration made significant progress in the field of compensatory programs by introducing compulsory unemployment insurance for salaried workers. This had already been attempted by the Aylwin and Frei governments, but the project had been stalled for 12 years because of disagreements over its structure and financing. The final bill that was approved was predominantly based on individual savings accounts paid out in case of dismissal. The system also includes a ‘solidarity fund’ for cases in which the individual saving falls below an established minimum. Nonetheless, the fund has been highly criticised by labour experts who claim that the unemployment insurance is in fact a compulsory savings scheme (Sehnbruch 2012). In addition, the new unemployment insurance system – which arguably constitutes the most important piece of Chilean labour legislation during the last decade and a half – does nothing for people without a work contract (Sehnbruch, 2006:241). This is not a trivial issue: according to conservative estimates, at the end of the 1990s almost 40% of Chile’s urban employment was in the informal sector (Klein and Tokman 2000:14).

President Lagos also wanted to address the issue of subcontracting, which, in spite of having expanded considerably was not regulated in the existing legal framework. As the experts in charge of developing the bill attest, the Subcontracting and Transitory Labour Act (henceforth, Subcontracting Act), introduced in 2002, was strongly lobbied for by the Association of Enterprises of Transitory Services (*Asociación Gremial de Empresas de Servicios Transitorios*, henceforth AGEST) (interview with Melis 2011). This peak association unites companies such as *Manpower*, which subcontract labour force to third companies. As the president of the association, Alberto Finlay, asserts, enterprises in which the main activity was to supply labour force were concerned about the legal vacuum in which they operated (interview 2011). The AGEST contributed to the discussion with a proposal, which was later presented to the National Labour Bureau, the principal state body in charge of

enforcing labour legislation (interviews with Feres 2011; Silva 2011; Vergara 2011). Despite the Subcontracting Act's importance for the Chilean workforce, the CUT remained largely absent from the discussion of the bill (interviews with Melis 2011; Silva 2011). The bill, which was sent to parliament in 2002, met huge legislative resistance and partisan bickering delayed its approval. Among other contentious issues, the bill included a definition of enterprise that no longer was based on an individual registered name and tax code. This had important consequences for the size of the enterprise, which, in turn, defined its obligations towards workers. Unable to reach an agreement in Parliament, the bill would stagnate in parliament until early 2007. I return to the ratification of the bill and its consequences for the contract workers of CODELCO in the next chapter.

Overall, apart from the *Concertación's* rhetoric and the policies mentioned above, policy-makers of labour generally agree that the labour agenda of the centre-left coalition was timid (e.g. interviews with Feres 2011; Godoy 2011; Silva 2011). The modesty of the changes established by the aforementioned reforms is confirmed by existing scholarship (e.g. Cook 2007; Frank 2004; Haagh 2002; Posner 2011; Posner 2008; Sehnbruch 2006). One reason for this limited progress was the need to accommodate different standpoints on labour within the *Concertación*. As others have argued, a significant part of the compromises made by the political parties that formed the *Concertación* – and indeed the very coherence of the coalition – was related to their previously divergent stances on labour (Haagh 2002:74). Moreover, as affirmed by Dante Contreras, a leading economist and expert in labour issues, when explaining the lack of substantial reform to the existing legal frame:

“There are two determinant factors. There is no consensus within the *Concertación* and at the same time you have an opposition [the Right] that has a very clear picture: the more flexible the labour market, the better [...]. In contrast, within the *Concertación* you have people that are very Left

if you like, that have a conception of the labour market in which there has to be decent work, decent salaries, and that there should be a series of reforms that the technocrats of the *Concertación* have not executed [...]. In the end, it was quite pragmatic to take what existed and adjust it marginally [...]. As a result, at the end of the day, the predominant axis is an economic one, it is a roadmap that is first and foremost at the Centre [of the political spectrum] [...]. In the end, the only space of consensus was that we take what came from the dictatorship and we try to improve it bit by bit [...] but not distorting the labour market too much' (interview 2011).

Going further, Roberto Godoy, Chief of Cabinet of the Minister of Labour during the Bachelet government affirms:

'If there was not more progress, it was on the one hand because the *Concertación* for a long time had a deep fear. The extortion by the business sector was always there if certain issues were raised. But on the other hand, within the world of the *Concertación* there was also a consensus and the politics of consensus was very installed within the coalition [...] and yet, to change things, you needed important modifications (interview 2011).

Former Minister of Labour Ricardo Solari expresses a similar view: 'to be sure, there was never an agreement within the coalition on issues related to collective bargaining or trade union matters [...]. There was an emphasis on improving employment rates and productivity [...] there has been a tension, that which was called 'the two souls' [of the *Concertación*]' (interview 2011).

Against the background of the general path followed in the field of labour, expectations for the fourth consecutive government of the *Concertación*, led by Michelle Bachelet, were not high (interviews with Feres 2011; Melis 2011; Ljubetic 2011). In the political programme presented in the presidential elections in 2005, Bachelet signalled that her government would be one of continuation. Specifically, she noted that '[t]he main source of employment generation is economic growth. There is no public policy, government subsidy, or labor reform that can compete with the capacity of a healthy economy to

generate growth [...]. This is why macroeconomic growth and stability have been a priority of the *Concertación*' (quoted in Sehnbruch 2006:137). Specific measures listed in Bachelet's program included increasing the participation rate of young people and women in the labour force by encouraging flexible and part-time work and introducing vocational programmes, amongst others. Importantly, the political platform of the presidential election campaign in 2005 essentially amounted to using existing institutions (Sehnbruch 2010:143-144).

iii. Inequalities within the labour market

After three consecutive *Concertación* governments, the general outlook of the labour agenda was especially grim for the strengthening of trade union movement. Measures such as training programs that potentially could have promoted the development of human resources and indirectly empowered workers were not particularly successful either (Haagh 1997). Moreover, the scarce progress made in collective bargaining signified that a playing field steeply tilted towards business interests was not reversed. In the view of Yerko Ljubetic, Sub-secretary and Minister of Labour in the Lagos administration: 'from the very first day, this [collective bargaining] was presented as a non-negotiable issue. I would even say that this area is the one in which we have made the least progress' (interview 2011). Óscar Landerretche, labour economist, coincides with this diagnosis and adds that the *Concertación* was also not successful in implementing policies that could strengthen the workers' capacity to negotiate:

'The trade union movement was profoundly weakened [...] no policies that could have strengthened its organisation in terms of their negotiating capacity were undertaken [...]. Small unions don't have accountants, lawyers, [they don't know] the legal frame of the strikes, etc. [...]. All of this requires negotiation skills, political skills, diffusion technics, to know how to

deal with the political parties and to analyse the legal and economic issues. There are many faults. If you want to move towards a world in which we are able to replace the Chilean Labour Code for one that is more modern [...] we need stronger trade unions [...]. But the *Concertación* did not foster this because that was part of the business of the transition (interview 2011).

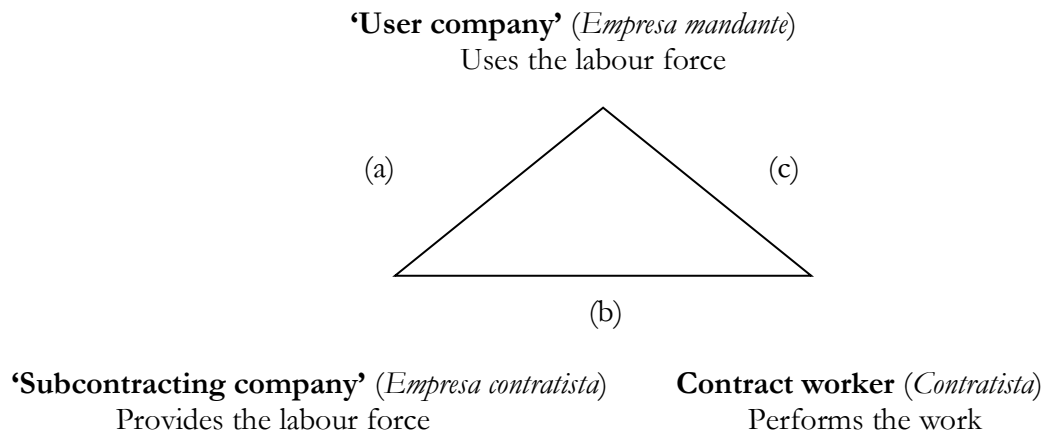
Together with the legal restrictions involved in the 1979 Labour Plan, the lack of advancements enhancing trade unionism in the post-transition era made the Chilean legal framework one of the least union-hospitable in the democratic world (Sehnbruch 2011:11).

At the same time, while Pinochet's legal and institutional framework for the labour market in Chile was kept largely intact, employment relations were deeply transformed during the *Concertación* governments and these changes further weakened the national trade union movement. In particular, as demonstrated by a survey undertaken by the National Labour Bureau, the government body in charge of inspecting working conditions, since 1990 there has been a gradual but marked fall in the proportion of indefinite contracts and a rise of short-term contracts (Sehnbruch 2011:13). Crucially, the proportion of employment relationships based on subcontracting arrangements increased by 50% throughout the first three *Concertación* governments (Sehnbruch 2011:13).

The growth of outsourcing can be seen in most economic areas. In the manufacturing sector, the percentage of contract workers increased from 32.8 % in 1999 to just under 50% in 2006 (Durán-Palma and López 2009:248). While a recurrent argument in the debate on outsourcing is that it allows companies to specialise, it is important to note that in the case of Chile, the practice of outsourcing is concentrated in the companies' core activities and functions (Echeverría 2010:73). Moreover, National Labour Bureau data shows that in 2006, more than 50% of all companies outsourced at least one function and 35 % of all employees were outsourced workers (Durán-Palma and López 2009:248).

When analysing the phenomenon of outsourcing and its impact on working conditions, it is important to distinguish between two existing modalities. In a first scheme, the contract worker is employed by a subcontracting firm, which, in turn, subscribes to a contract with a ‘user company’ to perform a certain task. The contract worker who fulfils the required task receives direct instructions, salary and pension benefits from the subcontracting firm. In a second scheme, enterprises such as *Manpower* supply labour (*suministro de trabajadores*) to the ‘user company’. The ‘user company’ directs and manages the contract worker but the latter receives salary and benefits from the subcontracting company. Otherwise stated, the difference between the two schemes is that in the first one the contract worker not only receives salary and benefits from the ‘subcontracting company’ but also the instructions needed to perform the required task. While the labour legislation until 2007 recognised the first scheme – albeit with very precarious regulation – it did not refer to the second scheme, thus making it illicit and sanctioned as labour fraud (Echeverría 2006; López 2008). Hence the previously mentioned concern of the AGEST. However, by covering or simulating the real employer, labour fraud often occurred under the first scheme as well. This was interpreted as an attempt to disguise permanent labour relations by the existing legislation. The contract workers analysed in this dissertation were subject to the second type of subcontracting arrangement, which is illustrated by figure 7.1.

Figure 7.1: Employment relations in the subcontracting scheme



Source: (Based on Echeverría 2006:12)

As shown by figure 1, the subcontracting of labour force involves a triangular employment relationship: one between the 'user company' and the 'subcontracting' company (a); one between the 'subcontracting company' and the contract workers (b); and one between the 'user company' and the contract workers (c). While the first two relations, (a) and (b), have a clear legal framework in which to operate, the last relationship, (c), between the company that 'uses' the labour force and the worker that performs the task, is more than ambiguous and has a negative impact in terms of the labour conditions the workers. In particular, the National Labour Bureau identified the following problems in the subcontracting regime (Dirección del Trabajo 2007):

1. Covering or simulation of the real employer: disguising of permanent labour relations (labour fraud)
2. Increasingly precarious working conditions in the attempt to reduce labour costs
3. Disparity in the working conditions of permanent staff and contract workers
4. Increasingly precarious hygiene and security conditions

5. Proliferation of ‘shell companies’: given that the Labour Plan defines an enterprise as individual registered name and tax code (*razón social*), enterprises tend to operate with various registered names – Unified Tax Identity (*Razón Unitaria Tributaria*, henceforth RUT) – with the aim of eluding labour responsibilities and weakening collective bargaining, which can only be made within the realm of the registered name (Durán-Palma and López 2009)
6. Increasingly precarious collective rights: fragmentation and atomisation of trade union organisations and collective bargaining

Importantly for the discussion undertaken in this dissertation, available data also shows that it is the biggest companies that subcontract the most (Echeverría 2010:74). In the mining sector, Chile’s flagship commodity-export sector – and historically, the bastion of the trade union movement – subcontracting arrangements have increased the most (Echeverría 2010:75). According to the data of the National Labour Bureau, 38% of the employees in the mining sector are contract workers. This can be compared to the construction and fishing sectors, where the equivalent percentages are 22 and 19, respectively (Echeverría 2010:75). The importance of subcontracting arrangements in the mining sector is mirrored by the expansion of subcontracting companies in this area. In 1998 there were 1031 enterprises that offered work force to the ‘user’ mining companies; 10 years later, in 2008, this number had increased to 2990 (Echeverría 2010:72).

As highlighted in table 7.5, the increase in outsourcing began during the military regime and continued markedly throughout the *Concertación* governments. While contract workers constituted 0.53% of the total numbers of workers in the mine industry in 1982, in 2007, the year the *Contratista* movement sparked off, this had increased to almost 65%. Put

differently, while there were 0.005 contract workers for every permanent worker in 1982, in 2007, there were 1.85 contract workers for every permanent worker.

It is important to note that until the introduction of a new Labour Plan in 1979, subcontracting of workers had existed but it had been restricted to maintenance work and the staging of new mines. This changed when the military regime abolished Law 16.757, which stated that tasks related to the main area of production of a company could not be delegated to a subcontracting company (Núñez 2009:47). The elimination of this law paved the way for the expansion of subcontracting to other spheres of the production. Initially, above-ground ‘support’ functions such as cleaning, catering, etc. – previously performed by permanent staff – were privatised, and very soon this trend was extended to also include activities directly related to production inside the mines (Klubock 2004:220).

Table 7.5: Number of workers in ‘user companies’ and ‘subcontracting companies’ in the mining sector, 1975-2004

Year	Number of workers in ‘subcontracting companies’	Number of workers in ‘user companies’	% Contract	Proportion Contract/Permanent	Total
1975	0	74,782	0	-	74,782
1976	0	75,535	0	-	75,535
1977	0	72,967	0	-	72,967
1978	0	67,369	0	-	67,369
1979	0	64,746	0	-	64,746
1981	0	59,777	0	-	59,777
1982	290	54,206	0.53	0.005	54,496
1983	450	54,006	0.83	0.008	54,456
1984	1,869	61,311	2.96	0.03	63,180
1985	3,174	63,926	4.73	0.05	67,100
1986	4,119	65,976	5.90	0.06	70,095
1987	5,489	74,239	6.88	0.07	79,728
1988	6,819	70,931	8.80	0.01	77,750
1989	9,075	74,492	10.86	0.12	83,567
1990	10,751	74,508	12.60	0.14	85,259
1991	11,706	70,038	14.32	0.17	81,744
1992	10,391	65,719	13.65	0.16	76,110
1993	17,294	38,090	31.23	0.45	55,384

1994	22,118	53,123	29.40	0.42	75,241
1995	27,300	54,938	33.20	0.50	82,238
1996	34,737	51,166	40.44	0.68	85,903
1997	41,976	51,284	45.00	0.82	93,260
1998	47,738	48,839	49.43	0.98	96,577
1999	38,031	46,186	45.16	0.82	84,217
2000	39,476	46,621	45.85	0.85	86,097
2001	48,418	44,794	51.94	1.08	93,212
2002	54,633	45,056	54.80	1.21	99,689
2003	57,437	42,457	57.08	1.33	99,894
2004	68,120	44,341	60.58	1.54	112,461
2005	86,018	48,102	64.14	1.79	134,120
2006	86,392	47,993	64.29	1.80	134,385
2007	101,128	54,743	64.88	1.85	155,871
2008	108,942	58,567	65.04	1.86	167,509

Source: (Based on Echeverría 2006:48; COCHILCO 2009:6 and own calculations)

In the specific case of CODELCO, the practice of outsourcing is notorious. While the state company had 24,000 permanent workers in 1989, in 2006, this number had decreased to 17,936 (Durán-Palma and López 2009:252). Conversely, the number of contract workers increased from 1,371 in 1989 to almost 30,000 in 2006 (Durán-Palma and López 2009:252). Table 7.6 shows the amount of permanent and contract workers in the CODELCO different divisions in 2006, the year before the *Contratista* movement emerged.⁴

Table 7.6: Permanent versus contract workers in the CODELCO divisions, 2006

	CODELCO Norte	Salvador	Andina	Venta- nas	El Te- niente	Head- quarter	Total
Permanent	8,142	1,645	1,317	946	5,050	836	17,936
Contract	12,658	2,994	4,485	1,001	8,259	309	29,706

Source: (CODELCO 2006)

CODELCO's contract workers receive significantly lower wages (Singh 2012:193). While the permanent staff of the state giant earn between £900 and £1200 per month, a standard

⁴ For an overview of the geographical location of each division, see map 1 in the appendix.

contract worker receives on average £250 per month, and many of them work for salaries that are close to the minimum wage (Durán-Palma and López 2008:252). In addition, contract workers receive worse benefits, have little job security and frequently have to work extra hours (Calderón 2008:116-17). Not surprisingly, the expansion of subcontracting arrangements and the creation of a system of dual working relations created resentment and distrust between the contract and permanent workers (Calderón 2008:116-17). Furthermore, this dual system also limited the possibilities for contract and permanent workers to organise collectively as they were lodged in different barracks, were provided food in separate canteens, etc. (Klubock 2004:21). In the words of the Director of Human Resources of CODELCO: ‘we did not realise that we in practice had constructed an apartheid of labour rights’ (interview with Sierra 2011).

IV. UNABLE TO CONTEST THE LABOUR SYSTEM: THE CUT SINCE 1990

In 2004, a survey conducted by the National Labour Bureau among trade union leaders showed that 46.6% perceived that the labour conditions of contract workers were worse than those of the plant workers; 62.1% believed that subcontracting practices affected trade union action negatively; and 43.1% thought that the salaries of the contract workers were lower than those of the permanent staff (Echeverría 2006:20). In spite of the discontent caused by the expansion of subcontracting arrangements, CUT leaders acknowledge that the issue of subcontracting never was on top of the confederation’s agenda (interviews with González 2011; Salinas 2011; Scherping 2011). There are numerous reasons for this. One was the deeply rooted conviction of the need to moderate demands in order to assure democratic stability (Epstein 1993:54). The aforementioned support of the CUT for the ‘social agreements’ signed in the early 1990s was undoubtedly a

signal of its willingness to engage and negotiate within the parameters of the political system and to do so in the spirit of moderation. As recalled by Rodolfo Seguel, a Christian Democrat and emblematic trade union leader in the early 1980s, and who won a seat as a Representative in the first parliamentary elections in 1990: ‘we asked ourselves, what are we going to defend: democracy or social demands? And we concluded that democratic stability was more important’ (interview 2011). Like the members of the *Concertación*, the CUT leaders had undertaken a process of political learning and were convinced of the need to abandon mobilisation (Haagh 2002:73). Moreover, as Miguel González, trade union leader of the copper workers and member of the Communist Party, reflects: ‘we were exiting the dictatorship, the Socialist International was encountering many problems, the Berlin wall had fallen and there was a lot of rethinking with regard to the future’ (interview 2011). In this sense, the ‘renovation’ of the trade union leadership was also a response to a general trend in which trade union movements around the world sought to redefine themselves in the face of the attenuation of power that they had experienced.

The view that the CUT failed to impulse a debate on subcontracting is also shared by those who have dealt with the trade union movement during the *Concertación* governments. As Eduardo Loyola, CODELCO executive, notes: ‘The most important leaders of the resistance [to the dictatorship] and of the first years of democratic life correspond more to the Chile of the 1970s than to the phenomena that are emerging in the world of labour. Hence, they seek to respond to that old reality’ (interview 2011). A similar reflection is made by former Sub-secretary and Minister of Labour Yerko Ljubetic:

‘Already back then [return of democracy in 1990], and today much more, the CUT had little capacity to detect the relevant problems of the world of labour. They got trapped in historic slogans [...]. To insist on those [slogans] today and not on the high rotation of workers [...] is a good example of the weight of tradition in those matters and of the fact that the CUT never

developed, never professionalised their practices of analysis and research [...] its work was rather based on intuitions and on the personal aspirations of the CUT leaders' (interview 2011).

An additional reason for the CUT's moderation was that it remained financially weak, and, as Epstein notes, 'dependent for its day-to-day operations on outside largesse, including that coming from [...] a sympathetic government' (1993:16-17). In fact, the re-establishment of democracy signified an important withdrawal of the financial aid of international organisations, which during the military regime had contributed to fund trade unions as a way of supporting the struggle for democracy. This way, the need for moderation was also a result of the confederation's dependence on financial support from external bodies, not the least the government (Leiva 2013:7). As such, as Leiva asserts, the CUT 'endorsed the institutionalization of the politics of the labor movement in the face of the actual transfer of resources to the CUT and the perspective of a future steady income stream resulting from such institutionalization' (2013:7).

To direct the trade union movement in a pragmatic and non-confrontational direction such as the one conceived by the CUT leaders hinged upon their capacity to persuade their bases. In particular, they needed to put forward a convincing argument about the need to postpone more structural demands in relation to the reform of the Labour Plan. The efforts of the CUT leadership to guide the trade union movement through this route are expressed in the following excerpt from an official CUT document presented at the confederation's third National Conference in 1992:

'In effect, it would seem that the labor movement has developed a certain capacity to assume as a defeat whatever situation in which its proposal are not totally accepted, instead of appreciating that it can be understood as a partial victory. We ought to understand that the major union gains will not be the product of a great victory in the final battle, but rather the sum of small partial victories that bring us every time closer to our final objectives. Thus to the

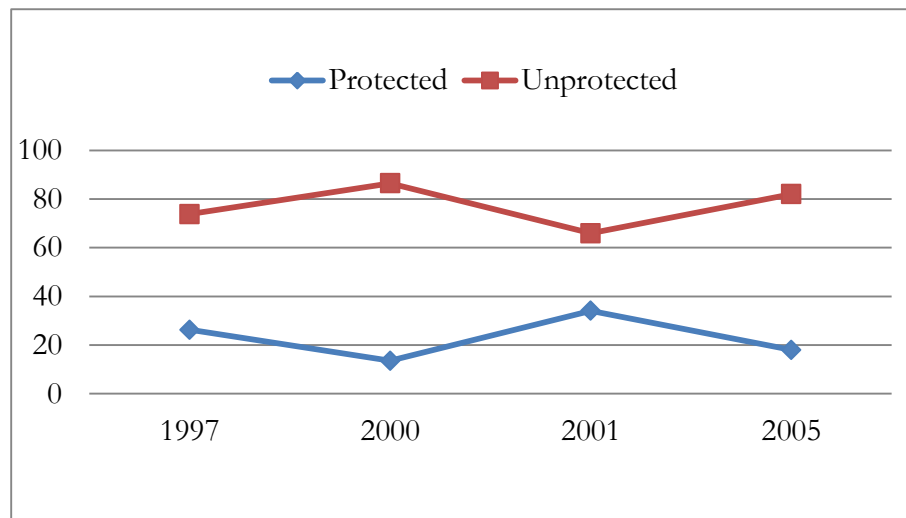
extent that we do not appreciate it, we not only cease to value that which we are accomplishing, but we generate increasing levels of frustration, apathy, and disinterest among those we claim to represent' (quoted in Epstein 1993:54).

It is important, however, to note that there were dissident voices insisting on the need to aspire for more drastic changes had been heard early on after the reinstatement of democratic rule (interview with Ljubetic 2011). Miguel González, a trade union leader at the fore of the CUT in the beginning of the 1990s, comments on this particular period:

'We were a group [of trade union leaders] who claimed that democracy was only going to be restored to the extent to which we had a strong trade union movement. We were only going to demonstrate to the workers that democracy was good to the extent to which they also benefitted from it – beyond the discourse. Because in concrete terms the workers continued in the same situation [post the transition to democracy] [...]. We lost an opportunity [to advance more reforms] because people were eager to organise but the trade union movement continued the discourse of the dictatorship versus democracy' (interview 2011).

Trade union leaders' critical stance towards the achievements made by the CUT during the first years after the re-establishment of democracy was also expressed in surveys conducted at the time. In 1992, for example, 200 trade union leaders were asked about the advancement made so far in the field of labour. 67% responded that the 'social debt' inherited from the military regime had not been compensated for (Chain 1993:36). In the same vein, 93% of the leaders affirmed that the salaries had not increased according to the country's level of development (Chain 1993:37), and 90% stated that they did not consider the 'social agreements' to be just (Chain 1993:69). Finally, 85% believed that the existing Labour Plan did not provide a base for a real equality between employer and employed in collective bargaining (Chain 1993:82). As graph 7.1 shows, beyond the disapproval made by trade union leaders, Chileans in general felt unprotected by existing labour law throughout the *Concertación* governments.

Graph 7.1: How protected do you feel by the Chilean labour law?



Source: Own elaboration based on Latinobarómetro, various years

Disapproval of the CUT grew stronger throughout the 1990s. Many leaders disagreed with the close relationship that the national confederation had with the *Concertación*. As one trade union leader formulates it, ‘the CUT adapted its discourse during the government of Aylwin, then to the needs of the Frei government and then to the one of Lagos ‘[...] we were like the ‘wife’ of the political world’ (interview with Sáez 2011). Prominent CUT leaders themselves recognise the snares of this relationship. Guillermo Salinas, CUT General Secretary, comments: ‘the confederation was much drained by the issue of the social agreements, which, ultimately, functioned as a sort of cushion [of contention] for social demands’ (interview 2011).

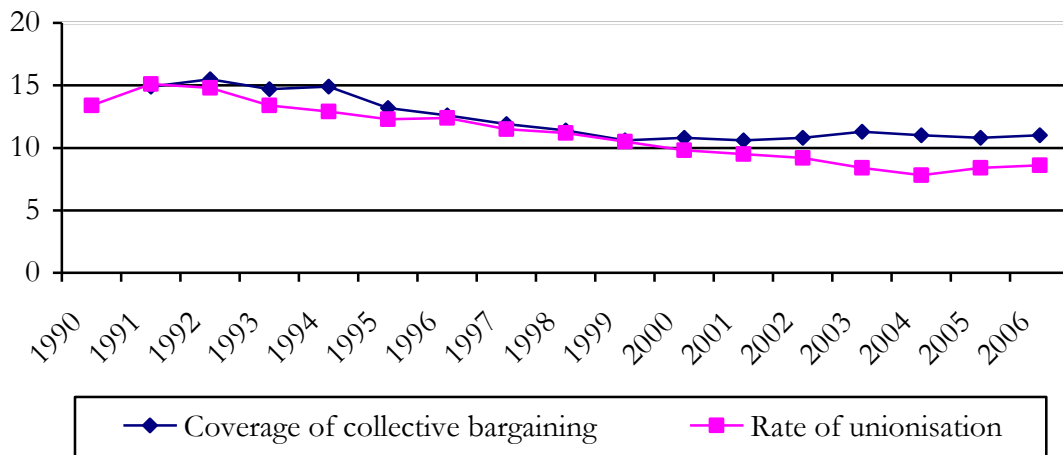
To be sure, as Silva affirms, ‘[i]t took the CUT some time to conclude that, despite its linkages to the *Concertación’s* centre-left parties, its central demands were effectively excluded from the policy agenda’ (2009:264). Yet after several failed reforms during the Frei administration, especially in relation to collective bargaining, frustration arose within the confederation. A more confrontational attitude was endorsed, especially after the

ascent of Socialist Arturo Martínez to the presidency of the CUT in 2000, based on the alliance with the Communist Party (Barría, Araya and Drouillas 2012:91). In the words of CUT President Martínez: ‘trade union organisations have limited themselves to workplace demands, assuming that nothing can be done because this is our destiny. This is the main challenge: to make the working class once again dream and imagine a society with values and principles’ (quoted in Leiva 2012:116). In this vein, at the confederation’s fourth re-foundational Congress in 2003, it was resolved to do away with the paragraph in the CUT statute that stated that its primary objective was democratic consolidation (interview with Salinas 2011). Prolonged discussions about the need to propose an alternative to neoliberalism also followed this attempt to mount a more critical stance to the labour system (interview with Salinas 2011).

In August 2003 the CUT convened its first national work stoppage since 1987. The rallying cry of the protest was the confederation’s rejection of the Lagos administration’s flexibilisation agenda, in addition to low salaries and poor working conditions (La Nación 22.08.2011). The CUT claimed that 15,000 people participate in the protest (OSAL 2003:5). However, a survey showed that 64.5% of Chileans believed that the national strike had failed (La Nación 20.08.2003). After more than a decade of a CUT which had favoured institutionalised politics instead of constructing organisational strength, once it started to mobilise again, its weakness was exposed (Posner 2011:17).

As shown by the following graph, the debility of the CUT was expressed in decreasing levels of unionisation and of coverage of collective bargaining.

Graph 7.2: Unionisation and coverage of collective bargaining (%)



Source: (Riesco and Draibe 2008:11)

At the same time, unions had become smaller in terms of number of members and consequently less influential: while the average union size was of 68 members in 1990, by 2004, it had shrivelled to almost half of this size (Posner 2011:30). Moreover, in the early 2000s, only 44% of the country's trade unions belonged to the national federation (Taylor 2004:78). Finally, as the following table shows, decreasing strike activity also made evident the loss of strength of the CUT.

Table 7.7: Strike activity, 1990-2006

Year	Strikes	Workers involved	Total days of duration	Average days of duration
1990	176	25,010	2,643	15
1991	219	45,910	2,725	12.4
1992	247	26,962	2,975	12.0
1993	224	25,098	2,578	11.5
1994	196	16,209	2,640	13.5
1995	187	24,724	2,324	12.4
1996	183	25,776	1,795	9.8
1997	179	19,278	1,850	10.3
1998	121	12,608	1,204	10.0
1999	108	10,667	1,308	12.0
2000	125	13,227	1,121	9.0

2001	86	11,591	805	9.4
2002	117	14,662	1,363	11.6
2003	92	10,443	802	8.7
2004	125	13,013	1,586	12.7
2005	101	11,209	1,131	11.2
2006	134	15,602	1,501	11.2

Source: (Posner 2011:31)

While strikes increased in the first years of democratic rule, they then began to reduce in number. Although not as constant, the same general tendency can be identified for the number of workers involved, and the average days of duration.

The figures presented above show that effective collective representation became a rarity in the post-transition Chile and that the country's workers had been left without a strong social force that could push for changes in the labour agenda. Indeed, as asserted by Roberto Godoy, chief of cabinet at the Ministry of Labour during the Bachelet administration: 'there was little progress in labour [under the *Concertación* governments] and this is true not only because of the *Concertación* but also because of the fact that there were no social actors with sufficient capacity to put pressure to move the frontiers' (interview 2011). In a similar vein, the general secretary of the CUT, Guillermo Salinas, states, 'the *Concertación* embraced the neoliberal ideas [...] but I think that the principal responsibility is ours because we did not have the strength to oppose it [...] the *Concertación* as an idea of government started that way and they left our forces outside' (interview 2011).

V. CONCLUSION

In this chapter I emphasised structural and institutional constraints as well as crucial political choices in explaining the limitations of top-down and bottom-up efforts to alter

the labour system bequeathed by the military regime. I argued that the delicate power balance post-transition justified the lack of far-reaching reforms – a view shared by both the leaders of the centre-left coalition and the CUT. As the multiple incentives for union fragmentation remained untouched, the prospects for the trade union movement to remount after being weakened during the dictatorship were further reduced. At the same time, I showed that in spite of the paltry results of almost two decades of policy-making of labour, employment relations were deeply transformed. An important reason behind this process was the proliferation of outsourcing, a practice that had increased during the military regime and continued to expand throughout the *Concertación* governments as a prominent tool to make the labour market more flexible. Of central importance for the analysis of the *Contratista* movement undertaken in the next chapter, the lack of alterations to the institutional framework of the labour market signified that subcontracting arrangements expanded dramatically. The fact that the CUT was neither willing nor able to take issue with the reality of the ever growing number of contract workers was also a triggering factor of the protests staged by the *Contratistas*. Before these protests could happen, however, a favourable structure of political opportunities and organisational development were needed among CODELCO's contract workers. Chapter 8 provides an in-depth analysis of the reconstruction of collective action within Chile's trade union movement and the emergence of the *Contratista* movement in 2007.

**‘ONLY THE STRUGGLE GIVES US WHAT THE LAW DENIES US’¹:
THE EMERGENCE OF THE *CONTRATISTA* MOVEMENT**

*‘We are the engine of enterprise. It depends on us;
and yet, we are like its illegitimate children’²*

*‘The process of subcontracting on such a massive scale in some
industries has backfired [...] if the subcontracted workers
get together, they can paralyse an entire industry’³*

I. INTRODUCTION

As I showed in the previous chapter, the sweeping economic reforms and institutional changes undertaken during the military regime, and largely maintained during the democratic governments of the *Concertación*, had profound implications for the shaping of the labour market and the fate of Chile’s trade union movement. At the same time, the conviction of the need to keep levels of social conflict low as a way of assuring the consolidation of democracy was embraced by both the leaders of the centre-left coalition and of the CUT. The alignment of the country’s main workers’ federation with the *Concertación*, in turn, complicated any attempt at labour reform that could strengthen the position of workers and contribute to social equity. Experiencing the consequences of the reshaping of employment relations – amongst others the expansion of subcontracting arrangements – many workers were left with the feeling that the CUT was failing them.

In this chapter I investigate the most important reaction in the post-transition setting to both the changing nature of employment relations and the failure to the CUT to address

¹ Slogan of the *Contratista* movement.

² Quoted in Matus (2008).

³ Sehnbruch (2010:145).

this new reality. By offering a fine-grained analysis of the emergence of the *Contratista* movement, composed of contract workers of CODELCO, I seek to shed light on the prospects and limitations of the reconstruction of collective action within Chile's trade union movement. I contend that the timing of the emergence of the movement can best be understood by the expectations created by the ascent of President Bachelet and by the approval of the Subcontracting Act, which sought to address some of the concerns of the contract workers. This disgruntlement was articulated by the Confederation of Copper Workers (*Confederación de Trabajadores del Cobre*, henceforth CTC), which organised contract workers of the different CODELCO divisions by drawing on a 'grassroots unionism'. As I explain in the chapter, the very critique of the role of the CUT motivated the adoption of an organisational structure that put much more emphasis on the trade union base. Additionally, the restrictions on mobilising in the Labour Code convinced the CTC leaders of the need to employ a repertoire of action situated at the margins of legality. I argue that that while the extra-legal repertoire of action drew public attention to the grievances of the *Contratistas*, it also unearthed distrust and opposition. In particular, as I discuss in the conclusions, this limited the possibility of constructing a broader alliance with other social and political actors.

After this brief sketch of the argument presented in this chapter, I examine the background of the *Contratista* movement. In the third section, I then discuss the particular political and economic moment in which the contract workers articulated their discontent and the ways in which the ascension of President Michelle Bachelet facilitated the emergence of the movement. The creation of the CTC, its organisational structure, and the unfolding of the movement are reviewed in the fourth section. In the fifth and last section I discuss the *Contratistas'* CAF, and through this, the construction of a shared identity which motivated their action.

II. RECONSTRUCTING COLLECTIVE ACTION AMONG THE CONTRACT WORKERS OF THE MINING SECTOR

i. The origins of the *Contratista* movement

The roots of the *Contratista* movement can be found in the National Inter-enterprise Trade Union of Industrial Installation, Civil Work and Annex Activities (*Sindicato Interempresa Nacional de Montaje Industrial, Obras Civiles y Actividades Anexas*, henceforth SINAMI), created in 1970.⁴ This organisation is to this day composed of high-skilled contract workers in the mining industry, who are employed to perform technical tasks in a very particular phase of the copper production process, namely, the industrial installation of the mines (interview with Saldía 2011). A second key feature of SINAMI is that it kept its *inter-enterprise* organisational form in spite of the legal changes introduced in 1979 by the military's Labour Code. As was noted in Chapter 7, the new code prohibited collective bargaining at the sector level, i.e., through inter-enterprise negotiation. Yet, SINAMI had been created with this organisational structure and it survived both the wave of repression of the trade union movement during the military regime and the changing nature of the legal framework.

In the beginning of the 1980s, SINAMI leaders observed that the mining companies were employing an increasing number of contract workers to perform tasks that previously were undertaken by their permanent staff. In contrast to the contract workers that typically were members of SINAMI, these *Contratistas* were not specialised workers. Instead, they performed non-skilled jobs in the mines and were in charge of services such as such as

⁴ SINAMI was created under the name *Sindicato Nacional de Mecánicos, Soldadores, Electricistas y Ramos Similares de Montaje Industrial* but changed it to the name referred to in the text due to the diversification of type of tasks undertaken by the workers represented by the SINAMI.

cleaning and catering the mining camps. Nevertheless, due to their contractual relations to the mining companies, there was a strong connection to the SINAMI workers. In 1984, SINAMI openly declared their solidarity with the contract workers in *El Teniente*, one of CODELCO's main divisions, who had undertaken a hunger strike in protest to the high number of dismissals of *Contratistas* carried out by the state giant (interview with Jorquera 2011). As asserted by Miguel González, SINAMI's president at the time, through this and other initial interactions with CODELCO's contract workers, he and other leaders of the organisation decided to try to help articulate the demands of this emerging group of workers (interview 2011). Without a doubt, the fact that both the president of SINAMI and many of the leaders of the contract workers in *El Teniente* were members of the Communist Party contributed to the close association.

Due to these links, non-specialised contract workers based in *El Teniente* were also allowed to affiliate with SINAMI and came under the protection of the organisation (interviews with González 2011; Saldía 2011). Yet, while SINAMI leaders felt connected to the growing sector of non-specialised *Contratistas*, they were also fully aware of the vast differences between them and the specialised contract workers traditionally represented by the organisation. In the words of Miguel González, who has headed SINAMI since the 1980s:

‘In Chile you have to differentiate two types of contract workers: the *Contratista* that fulfils a task that is similar to the one of the plant workers [...] and those *Contratistas* that come from *before* [i.e. those initially represented by the SINAMI] the claims are of course very different in these two worlds of *Contratistas*’ (interview 2011).

In this way, it was clear for the SINAMI leadership that the two groups of contract workers responded to very different processes and had followed distinct historical

trajectories. As a consequence, in 1987 SINAMI decided to separate its historical core of high-skilled workers from the increasing number of contract workers that were operating in the CODELCO divisions (interviews with Jorquera 2011; Salinas 2011). In Rancagua, where *El Teniente* is located, SINAMI helped organising the latter group of contract workers, that is, the *recent ones*, in a separate inter-enterprise trade union, named Inter-enterprise Trade Union of the Mining Sector and Annex Activities (*Sindicato Interempresa de la Gran Minería y Ramas Anexas*, henceforth SITECO) (interview with Salinas 2011). Essentially, its roots in SINAMI meant that from its foundation SITECO sought to be an *inter-enterprise* trade union and thus respond to the need of representing the workers employed by different subcontracting companies performing tasks for CODELCO (interview with González 2011). In other words, SITECO was not created as the trade union of a particular enterprise but oriented towards the integration of all contract workers of the Rancagua region (Bascopé and Krüger 2008:15). As the president of SINAMI expounds:

‘It was critical to create an organisation where the worker could stay. You have to follow the work, you cannot imagine yourself working in the same company for 50 years as you did before. Today, people that do not belong to an inter-enterprise trade union have to create a trade union at every new job. And the trade union is likely to be small because companies have fewer and fewer workers, so the trade union will be weak’ (interview with González 2011).

Early during the reinstatement of democracy, and in the midst of the crafting of social pacts between the CUT and the *Concertación*, both SINAMI and SITECO engaged in shorter strikes and sit-ins. As asserted by the Sub-secretary of Labour at the time, during this period, these trade unions constituted organised labour’s most important challenges to the *Concertación* (interview with Loyola 2011). In 1991, for example, the SITECO workers

staged a one-day sit-in calling for pensions, an end to the companies' so-called black lists⁵, and better living conditions in the mining camps. However, as Klubock notes, the workers' ability to have their demands met was considerably constrained by their 'temporary' status (2004:221). Their contracts were rarely for long enough to develop close ties in the mining camps and organise with other contract workers. Furthermore, the existing legal framework inherited from the military meant that protests often ended with mass dismissals. Rafael Carvalho, the president of the Association of Labour Lawyers of Chile (*Asociación de Abogados Laboralistas de Chile*), the country's chief association of this field, and heavily involved with SINAMI and SITECO workers in the early 1990s, comments:

'We collaborated a lot with legal support during the strikes, and afterwards, by picking up the pieces. Because after these mobilisations [...] there were always reprisals such as dismissals, with the pretext that there had been violence [...]. In Chile, contrary to what the International Labor Organisation establishes, *any* occupation of the workspace is violent' (interview 2011).

In 1996, SINAMI organised a strike at the installation of a new mine in El Abra, close to CODELCO's subdivision *Chuquicamata*. That year, halfway through the second *Concertación* administration, presided over by Eduardo Frei, the government decided to expand the operations of CODELCO – something unheard of since the 1960s. During the development of the copper deposit, the construction company BSK made 70 employees redundant and announced another 2,000 dismissals. SINAMI initiated a take-over of the construction site (Dirección del Trabajo 1996:43). After negotiating with the BSK authorities, the workers that had occupied the mine site were evacuated and in conjunction to this, a truck accident caused the death of 9 workers and injured another 40 (Dirección

⁵ The circulation of 'black lists' of workers that are 'complicated' among the departments of human resources of the mining industry is a common practice in Chile (Calderón 2008:15). It is worth noting that this phenomenon is not restricted to the Chilean context. As recent as in early 2012, its usage was revealed in Great Britain. See, for example, 'Police are linked to blacklist of construction workers', in *The Guardian*, March, 3, 2012.

del Trabajo 1996:43). This tragic accident incensed the SINAMI workers, who threatened to paralyse the entire El Abra project. In charge of negotiating with the workers was Eduardo Loyola, who after his stint as Sub-secretary of Labour between 1990 and 1994 had been appointed vice-president of Human Resources at CODELCO. Incidentally, Loyola had been the legal representative of SINAMI during the 1980s, again, very illustrative of the close relations that many *Concertación* leaders had with the trade union movement. At this occasion, as both Loyola and SINAMI President González admit, this close relationship contributed to reaching an agreement between the CODELCO authorities and SINAMI (interviews 2011). This way, in addition to the *Contratistas*' temporary status and a restrictive legal frame, the close links to many *Concertación* leaders worked as an appeasing mechanism.

The protests associated with the El Abra project were also illustrative of the less combatant path followed by SINAMI from the late 1990s onwards. An important reason behind this moderation was the high level of specialisation of the contract workers affiliated to SINAMI. This empowered them significantly, especially after CODELCO initiated a phase of new projects that required their skills. CODELCO executive Eduardo Loyola asserts:

‘In those years [1990s] CODELCO was not involved in the construction of many new sites so the staging of new projects was not an everyday issue for us. Today, of course, we are extending *Andina*, *El Teniente* [...] today it is a phenomenon [...] there are different historical circumstances [...]. Today Miguel González [SINAMI's president] has a consolidated thing; he does not need the conflict. Why? Because the market speaks for him. Miguel says, ‘look, I have a thousand ‘old hands’ [*viejos* -idiom] available for this project but it turns out that the thousand men for project A are also being demanded by project B and C, so if you want to undertake your project, I want these conditions for my workers’ [...]. The companies themselves generated a boost in their salaries and working conditions’ (interview 2011).

The privileged situation of the *Contratistas* represented by SINAMI contrasted greatly with that of the SITECO contract workers. As Núñez indicates, in the late 1990s this latter more precarious group filed in countless denunciations of non-fulfilment of basic labour norms by CODELCO (2009:51). Low salaries, exhausting shifts, unpaid overtime, lack of job security, and contract workers who had gone without vacations for 10-15 years because the state giant hired them for short periods on a continuous basis to avoid paying for their vacations were just a few of the problems that the CODELCO's contract workers faced (Núñez 2009:51). In the mid-2000s, discontent among contract workers with this type of issues had not vanished. In a study conducted by the National Labour Bureau, it emerged that 32% of the complaints made by contract workers were centred on their shifts, 19% were related to issues of hygiene and security, and 19.4% to their contracts (Echeverría 2006:42). Not surprisingly, SITECO, which represented many of these workers, would become the stronghold of the *Contratista* movement.

ii. Repoliticising contract workers: The creation of the *Coordinadora Nacional de Trabajadores Contratistas* (CNTC) in 2003

In the early 2000s, SITECO underwent a change of leadership. Led by Jorge Peña, the primary objective of the federation was to put territorially based grassroots unions at the forefront. This translated into increased efforts to mobilise. With a total of 3,000 members (Bascopé and Krüger 2008:15), from the year 2002 onwards the organisation started to become more militant which was expressed by the staging of several strikes in *El Teniente*. The protests were motivated by specific demands such as severance pay according to number of years of employment, transfer buses that replaced the trucks that were used to transport the contract workers, overtime pay, minimum wages according to specialisation which started at 350.000 Chilean pesos (approx.. £450), health benefits similar to those of

the permanent staff, and the right to collective bargaining, among others (interview with Peña 2011).

With the aim of forcing an inter-enterprise collective bargaining process, in July 2003 the *Contratistas* from the many subcontracting companies providing labour to the *El Teniente* CODELCO division – organised through SITECO – formally presented their list of demands to CODELCO (Echeverría 2010:179). This was followed by several assemblies and one-hour strikes to put pressure on the CODELCO authorities. After a few weeks without response by the authorities of the state giant, approximately 1,000 contract workers staged a 10-hour strike on July 22, 2003. CODELCO agreed to pay a bonus of 150.000-200.000 Chilean pesos (approx. £190-250) and the expense of the *Contratistas*' travel time to the mine which was not previously paid for (Núñez 2009:52).

Another specific but nonetheless heartfelt demand was the right to leave the working clothes at the subdivisions' changing rooms and have them washed there by the CODELCO personnel, just as the permanent staff did. Also in 2003, the contract workers staged the so-called 'Omo-protests', named after a mainstream washing powder. On that occasion, the workers complained about having to bring back home their highly contaminated working clothes. This, they argued, signified that their homes and their families were affected by the pollution from the mine, in addition to the extra work involved in washing the work uniforms (interview with Jorquera 2011). Similar to the previous protest, after negotiating with the CODELCO authorities the *Contratistas* were conceded this right (interview with Jorquera 2011). While specific matters, these were important victories. As Danilo Jorquera, *Contratista* leader at the time, asserts, 'to have people convinced, you need specific issues that "reactivate" them' (interview 2011).

It bears repeating that these events were followed by severe reprisals which most commonly signified that the *Contratista* leaders were dismissed (interview with Carvallo 2011; Echeverría 2010). Sometimes this led to additional shorter strikes with the aim of reincorporating the workers that had been laid off (Núñez 2009:53). Another huge challenge for the contract workers was to force the involved authorities to the negotiation table (Echeverría 2010:177). As outlined in Chapter 7, while the ‘user company’, in this case CODELCO, had a contractual relationship with the subcontracting company, the legal frame that regulated the links with the contract workers was ambiguous. Most frequently, when the *Contratistas* demanded to negotiate with the CODELCO authorities, they simply refused this call stating that ‘they had nothing to talk about since it was a problem between two private bodies [i.e. the subcontracting company and its contract workers]’ (Contratista leader, quoted in Echeverría 2010:178).

At the same time, although mostly ignored by the CODELCO authorities, except for the aforementioned examples, the protests staged by SITECO in *El Teniente* in Rancagua attracted the attention of contract workers in other subdivisions and several smaller trade unions of contract workers were formed (interviews with Ahumada 2011; Cuevas 2011; Jorquera 2011). Especially in the CODELCO division *Andina*, close to the city of Los Andes, contract workers from different subcontracting companies that provide services to the state giant paid close attention to the developments in *El Teniente* (interview with Zarate 2011). CTC leader Emilio Zarate acknowledges:

‘They were important from a political point of view because the workers understood that strikes existed [...]. Many workers in this subdivision [*Andina*] did not know that you could strike, had never seen a strike [...] there was no trust [...]. This [the strike] allowed for more trade unions to emerge, and the workers started to lose fear with this strike’ (quoted in Núñez 2009:58-59).

Inspired by the events in *El Teniente*, workers from subcontracting companies such as INSITU, Sodexho, AUDA, and RINASA started to meet regularly and generate a common list of demands to present to the CODELCO authorities (Núñez 2009:54). The *Contratistas* in *Andina* also contacted the SITECO leaders in Rancagua. As one *Andina* contract worker notes, ‘we saw the events in *El Teniente* and searched for a way of coordinating at the national level’ (quoted in Echeverría 2010:179). In a similar vein, Manuel Ahumada, a prominent leader among the contract workers of this CODELCO division comments: ‘we realised that we needed to make a bigger effort, so we started to first coordinate with other smaller trade unions of the same company [CODELCO] and then we created a federation [...]. This was the first time that a transversal movement was created, with all of the contract workers working at the different areas of the copper production (interview 2011).

Based on the experience gained through the handful of protests mounted by the *Contratistas* in *El Teniente* since the early 2000s, in late 2003 the contract workers of the different CODELCO divisions decided to unite in the National Coordination of Contract Workers (*Coordinadora Nacional de Trabajadores Contratistas*, henceforth CNTC) (interview with Cuevas 2011). Cristián Cuevas, who would play a key role in the 2007 *Contratista* movement comments of this process of collaboration:

‘El Teniente had more experience in the work of trade unions [...] but we realised that in all of our previous experiences we had been defeated [...] and acknowledged that we had to find a way of organising to confront the model and finish the discrimination that we were experiencing [...]. We saw that the model had destroyed our social fabric, our whole social struggle as workers, and the articulation of the trade union movement as we would have liked it to be [...]. We wanted to overcome the issue of disarticulation and individualism that was installed in all of us’ (quoted in Echeverría 2010:179).

The creation of the CNTC was the first joint attempt to address the problems faced by the contract workers of the different CODELCO divisions and it would turn out to be a turning point for the country's trade union movement.

iii. The 2006 protests

The organisational development of the *Contratistas* of CODELCO would become notorious during the general election campaign in 2005. Due to the rise of copper prices, some private mining companies had paid a 'performance bonus' – at times worth up to 2 million Chilean pesos (approx. £3,000) – to their workers (Núñez 2009:58). Sometime thereafter, CODELCO's plant workers received a similar reward. In the midst of the electoral campaign, a group of Members of Parliament who competed for the electoral district where Rancagua and *El Teniente* are located raised the issue of paying a 'performance bonus' (*bono por desempeño*) also to the contract workers of the state company, arguing that 'every contract worker has the right to the bonus' (El Mostrador 03.01.2006). Aware of the favourable circumstances of the high price of copper at the world markets, the contract workers immediately reacted to this opportunity (interview with Santana 2011). In light of CODELCO's increased profits, not only did it seem fair that the contract workers received the same benefits as the state giant's permanent staff, but there was also a concrete background to this reasoning. During the Asian crisis in the end of the 1990s, CODELCO had lowered the price of the contracts of the subcontracting companies, which, in turn had impacted on the salaries received by the *Contratistas* (interview with Santana 2011). So, given that copper prices were up again, the contract workers sought to make up for this.

Adding to the debate of an additional payment to *all* workers of CODELCO due to the rise of copper prices – and as a way of putting pressure on the Right and tilt a very tight presidential election in favour of the *Concertación* – the then presidential candidate Michelle Bachelet declared that she was in favour of the bonus, and more generally, of improving the rights of contract workers. Sebastián Piñera, the candidate of the right-centre coalition that was competing against the *Concertación*, also manifested his support for the workers. ‘CODELCO has autonomy in its collective negotiation with its permanent workers, and with the subcontracting companies; therefore it is perfectly possible that it establishes an agreement and gives the ‘performance bonus’ to the contract workers’, he stated (La Nación 30.12.2005).

The public support of leading politicians, including the presidential contenders, created expectations among the contract workers in *El Teniente* in Rancagua. On January 4, 2006, in the middle of the second round of the presidential election, the *Contratistas* initiated an indefinite strike to demand an additional payment of approximately £650 per worker (El Mostrador 04.01.2006). The public attention and the open support of important *Concertación* candidates received by the contract workers forced CODELCO’s authorities to sit and negotiate with the CNTC leaders. Taking advantage of the encouraging state of affairs, the *Contratistas* requested the fulfilment of the law concerning ‘heavy labour’ (*trabajo pesado*), the introduction of an insurance for work-related diseases, and the provision of special safety clothing that already was given to CODELCO’s plant workers, among other demands (Acuerdo Marco 2006). The state-owned company conceded and an agreement was signed. This was an important victory for the CNTC and its efforts to articulate the demands of the contract workers. The negotiation with the CNTC also signified that the CODELCO authorities were recognising this emerging organisation as a valid interlocutor. Moreover, as Cuevas, *Contratista* leader, reflects:

‘This was a crucial triumph for us because CODELCO committed to creating a negotiation table in each subdivision. This allowed different leaders to emerge across the country, especially in Calama and El Salvador where the movement traditionally had been weak’ (interview with Cuevas 2011).

Claiming to represent a total of 28,000 contract workers (La Tercera 04.01.2006), the mobilisation organised by the CNTC provided a strong signal of what would happen in 2007. With hindsight, as Roberto Godoy, advisor to the Minister of Labour in the Bachelet administration, comments: ‘the high price of copper should have signalled that the mining sector would have a high level of conflict’ (interview 2011). At the same time, as admitted by Yerko Ljubetic, Minister of Labour at the time, and also other government authorities, there was much ignorance of the burgeoning organisation of the contract workers in the CODELCO divisions (interviews with Ljubetic 2011; Luksic 2011; Silva 2011). The mobilisations that would follow the ones of 2006 would, however, make this very clear.

III. ‘I HAVE A COMMITMENT TO YOU’: THE ASCENSION OF MICHELLE BACHELET AND THE APPROVAL OF THE SUBCONTRACTING ACT

To be clear, it was no coincidence that the upsurge of a more militant trade unionism emerged in in the copper sector; it has historically been one of the economic sectors with the highest rates of unionisation. In addition, copper has been the most important pillar of the Chilean economy since early twentieth century. Between 2000 and 2006, Chile’s copper exports represented 49% of the country’s total (Flores-Macías 2010:419). In the words of Rodolfo Seguel, renowned trade union leader in the 1980s and later Representative for the Christian Democratic Party between 1990 and 2006: ‘copper is the Achilles’ heel of any government in this country’ (interview 2011).

Nor was it a coincidence that the *Contratista* movement surfaced within the ranks of CODELCO. The state-owned company is the world's largest copper producer. In 2006, a year before the *Contratista* movement emerged in force on the national stage, CODELCO's sales reached approximately £11 billion, and profits mounted to around £6 billion (Durán-Palma and López 2009:252). As the country's most important state-owned company, CODELCO receives considerable public attention. Indeed, as former Minister of Labour Yerko Ljubetic asserts: 'CODELCO simply cannot employ the repressive tools sometimes used by private conglomerates. CODELCO is managed as a private company but it is public. The workers can go to the MPs and the MPs then call the CODELCO authorities who have to respond to this call' (interview 2011). While this statement probably overplays the influence of workers in Chile, it is nonetheless true that, as one CODELCO executive put it, 'in general, we have to be an avant-garde enterprise in the world of employment and you have public opinion on you' (interview with Loyola 2011).

As discussed in Chapter 5 in relation to the emergence of the *Pinguino* movement, the election of Michelle Bachelet signalled that important changes in the governance formula of the centre-left coalition were under way. Furthermore, the public support for the *Contratistas* during the electoral campaign created high expectations. As Manuel Ahumada, one of the most visible faces of the *Contratistas* in *El Teniente*, states:

'When she [Michelle Bachelet] was a candidate, she always recognised us as the CNTC and she said that she would obtain the bonus [the performance bonus]. She also said that she did not want to have workers of first and second class. We were not sure about if she won [the elections] this would be taken into consideration, but at least we could hold her to her promise' (interview 2011).

Moreover, in light of the Bachelet administration's strong focus on participation and public attention received by the contract workers during the electoral campaign, it was not far-

fetched to believe that the new *Concertación* government was aware of their grievances and that efforts would be made to address them. An important sign of this direction was the appointment of Socialist Osvaldo Andrade as the Minister of Labour. Most of the interviewees for this study agree that this was an unambiguous sign of realignment within the *Concertación* towards the Left, which had the potential to strengthen the labour agenda (interviews with Barrera 2011; Díaz 2011; Godoy 2011). To begin with, the new Minister of Labour had a close relationship with President Bachelet herself, and was therefore regarded as the most empowered minister of labour of all *Concertación* governments (interviews with Contreras 2011; Godoy 2011; Silva 2011). Additionally, in contrast to previous ministers of labour who had most commonly been economists, Andrade was a lawyer specialised on labour issues and with close links to the trade union movement. Only three days after beginning his term, the new Minister of Labour declared that he had 'laid to rest any possibility of an eventual labour flexibilisation project' (quoted in Barría, Araya and Drouillas 2012:93). Andrade also stated that the country needed to facilitate collective bargaining, increase communication between labour and business, and create institutional spaces for social dialogue.

Part of the agenda of President Bachelet and her Minister of Labour was to pass the Subcontracting Act, which, as noted in the previous chapter, had been stalled in parliament since 2002. In fact, during her electoral campaign, Bachelet had been very specific in her pledge to the contract workers of the state-owned company: '[...] I have a commitment to you. The *Contratistas* of CODELCO should advance towards a decent treatment, with more security, better salaries and fewer working hours' (quoted in CTC 2007). This promise would neither be forgotten by the *Contratistas* nor by the new administration. Once elected, the new *Concertación* administration called upon right-wing leader Sebastián Piñera and his political alliance to approve the Subcontracting Act. Challenging the opposition,

former President Lagos declared: ‘the *Concertación* has tried to have this bill approved since 2002 and the Right has always rejected it. Yet, we saw that during the campaign, the Right demonstrated a great concern about the *Contratistas*. Therefore, I hope that that discourse takes concrete forms’ (El Mercurio Online 10.01.2006).

The bill prompted months of partisan bickering. Like in previous years, the discussion over the legal concept of ‘enterprise’ in relation to the outsourced employment relationship was especially passionate. As mentioned in Chapter 7, the use of ‘paper enterprises’ was a common way for business to evade their responsibilities to the workers. While the original bill contained an article that defined a concept of enterprise that no longer would be based on an individual registered name and tax code (RUI), this was withdrawn after the ruling of the Constitutional Tribunal which declared that this represented ‘problems of form rather than of substance’ (Durán-Palma and López 2009:254). In January 2007, the Subcontracting Act was finally approved. Content with this achievement, President Bachelet declared that the new law represented ‘a definite, decisive, and clear step in revising the division between first and second class workers’ (quoted in Durán-Palma and López 2009:249).

The approval of the Subcontracting Act had crucial consequences for the emergence of the *Contratista* movement. For one, the *Contratistas* considered it to be one of the most important victories of the movement (interview with Cuevas 2011). Equally important, the approval of the bill created high expectations among contract workers, who believed that the implementation of the new law would signify that many of them would be employed directly by the ‘user company’⁶, that is, by CODELCO. This reasoning was not as implausible as it might seem. The Subcontracting Act makes a distinction between the two

⁶ See Figure 1 in Chapter 7.

schemes of outsourcing referred to in Chapter 7: on the one hand, the externalisation of the performance of work and services, and on the other, the ‘supply of labour’. The new law establishes that subcontracting is legal *only* when the workers are dependent on, and subordinated to the subcontracting firm that legally employs them. If the worker is subordinated to the ‘user enterprise’ – as in the case of the *Contratistas* who perform a task for CODELCO – the latter must employ him or her directly. Furthermore, the new legislation introduces the principle of ‘subsidiary liability’ (*responsabilidad solidaria*), which applies to the ‘user enterprise’ towards the workers that it subcontracts. According to this principle, the worker can sue the ‘user enterprise’ in the case that the ‘subcontracting company’ – which is the direct employer of the contract worker – fails to fulfil its responsibilities to the contract worker. In other words, in practice the new law made the ‘user enterprise’ *co-responsible* for the contract workers’ salaries and benefits such as pension contributions and redundancy payments.

Once the law was enacted, the National Labour Bureau, responsible for the fulfilment of the new legislation, developed a gradual plan of inspection of different economic sectors. The audit of the mining sector was scheduled for April 2007 (interview with Silva 2011). As the highest authorities of the National Labour Bureau at the time testify, they felt great pressure from the contract workers of CODELCO to initiate the regulation programme in state company as soon as possible (interviews with Melis 2011; Silva 2011). Through calls, emails and letters, the contract workers, then organised in the CNTC, manifested their interest in the implementation of the new law in the mining sector. The delay in this duty was perceived as the government’s unwillingness to deliver on its promise to the contract workers. As one *Contratista* leader asserts regarding the movement that would emerge in 2007, ‘the fact that she [Bachelet] did not fulfil her pledge to the workers accelerated the mobilisations’ (interview with Huerta 2011). From another perspective, as an authority of

the National Labour Bureau argues, ‘the miners intelligently used the law to raise an issue and emerge as a movement’ (interview with Melis 2011).

In sum, consistent with the definition of structure of political opportunities discussed in Chapter 2 – which puts emphasis on the *signals* perceived by social and political actors – the beginning of the Bachelet administration indicated a re-alignment of powers within the centre-left coalition. Together with the expectations created by the approval of the Subcontracting Act, this created a favourable political environment which certainly explains the timing of the emergence of the *Contratista* movement. Further grievances and an ensuing process of politicisation would be caused by CODELCO’s attempt to pull out from the accord signed with the CNTC in 2006 after the protest during the election campaign.

IV. ‘EATING DUST JUST LIKE EVERYONE ELSE’: MOBILISATION RESOURCES AND THE UNFOLDING OF THE *CONTRATISTA* MOVEMENT

i. The creation of the CTC

‘To what did CODELCO say no? They said we did not deserve more just salaries; they said we did not deserve a bonus for the recognition, for the fundamental contribution that we – the *Contratistas* – make towards the objectives of CODELCO; they said no to an inter-enterprise negotiation. But we will negotiate with or without law, on the streets or wherever it may take place’ (CTC 2007).

With these fervent words, Cristián Cuevas instituted the CTC in early June 2007 in Machalí, close to Rancagua and the CODELCO subdivision *El Teniente*. In addition to the perceived sluggish pace of the National Labour Bureau, the agreement that the CNTC had

reached with the CODELCO authorities after the 2006 protests was not being observed by the state company. In light of this and the frustrated expectations that resulted from what was perceived of as a sluggish pace in the application of the recently ratified Subcontracting Act, the *Contratista* leaders decided to follow a wider mobilisation strategy. A key part of this agenda was the foundation of a new and larger umbrella organisation that replaced the CNTC (Durán-Palma and López 2009:252). Another central part of this agenda was the planning of a strike across all the CODELCO subdivisions.

Both the place chosen to inaugurate the new organisation and the name adopted were highly symbolic. The *Confederación Nacional de Trabajadores del Cobre* (National Confederation of Copper Workers), inaugurated in 1951, also in Machalí, was the name of the umbrella organisation that historically had represented CODELCO's *permanent* workers. Thus, the *Contratistas* sought to send a clear message to the plant workers of the state company: the contract workers of CODELCO were copper workers just like them, and consequently, they should have the same rights and working conditions (interview with Cuevas 2011).

Approximately 200 delegates from CODELCO's five subdivisions and from private mining companies participated in the Machalí meeting. In general terms, the organisation stated as its objectives: to fight against any form of labour discrimination; to defend the status of CODELCO as a state-owned company; to re-nationalise the production of copper and other natural resources of the country; and, finally, to address the concerns, needs, and aspirations of all the trade unions that form the confederation (CTC webpage). This also involved the application of the Subcontracting Act 'without make-up' (Núñez 2009:60). As for specific demands, the petition agreed upon in the inaugural assembly included minimum salaries for different types of work; health, education, and housing benefits similar to those of the plant workers; and an additional bonus from the state-

owned company in compensation for the *Contratistas*' 'essential contribution to the objectives of CODELCO' (interview with Cuevas 2011).

ii. The critical account of the CUT

What was the role of the CUT during the gradual process of organisation of the *Contratistas*? To be sure, the national confederation tried to support the emerging movement. Present at the inauguration of the CTC, CUT President Arturo Martínez addressed the contract workers:

'In a time when trade unions in many places are divided, when many federations of workers emerge, here in Machalí, the *Contratistas* of CODELCO have sealed the unity of the trade unions. This is an example to all Chilean workers who tomorrow will have to start working to imitate you' (CTC 2007).

Furthermore, while organised through the CNTC, the provincial CUT offices sought to help the organisation of the contract workers by for example lending them their infrastructure (interview with Mardones 2011). Leading figures of the *Contratista* movement were also engaged in the work of the CUT. One illustrative example is Danilo Jorquera, one of the founding members of the movement before the creation of the CTC in 2007, who was the provincial president of the CUT office in Rancagua. The close links with the national confederation were also expressed by the fact that Cristián Cuevas, the current CTC President, was until recently the CUT's 'Secretary of Collective Bargaining'. Not surprisingly, then, the CTC became a member of the CUT from its very foundation.

Notwithstanding these intertwined leaderships between the CUT and the CTC, the *Contratista* leaders were profoundly critical of the role played by the national trade union confederation during the first decade and a half of democracy in Chile. To begin with, the young contract workers perceived that the CUT leadership was worn out (interviews with Sáez 2011; Ahumada 2011). They were also highly resentful of CUT President Arturo Martínez' personalistic style, which was perceived as a direct cause of the confederation's weak capacity to mobilise workers (interview with Saez 2011). More generally, the national CUT leaders were seen as 'elitist leaders' (interview with Velis 2011) and the lack of consultation with the workers was highly begrudged (interview with Huerta 2011). In terms of organisation, the CUT was regarded to be excessively bureaucratic and thus too distant from what was happening 'on the ground' (interview with Saez 2011). As one *Contratista* leader succinctly put it:

[The problem with the CUT was that] it kept its old structure; it remained a big confederation without any concern about the pith of the trade union [...]. They [the CUT leaders] are not present in the workspace, 'smelling' how the mood is, talking to the 'old hands' [*viejos* -idiom] in the canteen, etc.' (interview with González 2011).

This feature of the CUT organisation, all interviewed trade union leaders agree, led to a disconnection from 'the roots' of the trade union movement.

What is more, the CUT was perceived to have been co-opted by the *Concertación* governments, which contributed to the 1990s as a lost decade for social movements in general and the trade union movement in particular (interview with Jorquera 2011). As one CTC leader poignantly expresses it, the trade union movement spearheaded by the CUT 'kneeled for the *Concertación*, convinced of the threat of an authoritarian reversal involved in

mobilising' (interview with Sáez 2011). Some went even further affirming that 'they [the CUT] have a pact and their central objective is to *avoid* conflict' (interview with Peña 2011). Quite to the contrary of the CUT's conciliatory nature during the first decade of the democratic era, the roots of the CTC in SINAMI, SITECO and the CNTC had left important lessons about the importance of 'operating at the margin of legality'. The accumulation of experiences of mobilisation during the previous years had confirmed the need to circumvent the restricted room of manoeuvre defined by the 1979 Labour Plan examined in the previous chapter. 'If you understand participation as the use of the institutions provided by a certain regime, then participation is what you are allowed to do within this field. One of the big underlying principles of 2007 was that we had to go beyond this', CTC vice-president Ahumada explains (interview 2011).

Indeed, both the negotiations with the 'user company' and some of the CTC leaderships were in strict terms illegal. Many of the most visible faces of the 2007 *Contratista* movement had been dismissed in the protests of previous years. Yet, they had continued to represent the workers in spite of the legal requirement that states that in order to preside over a trade union, the person has to be employed by the company whose workers the trade union represents. CTC president Cristián Cuevas, for example, was dismissed in 2006 from the company where he worked but, by the request of the *Contratistas* in that subdivision, he carried on coordinating the protests in Los Andes. From his perspective, 'we legitimised our leadership beyond the established legal framework, with the loyalty of the workers' (interview 2011). Finding the loopholes through which the contract workers could organise their actions required not only experience but also learning the legal framework. As one CTC leader remarks, 'when I started to realise the importance of how to infringe what is established by the law; how to go beyond legality [...]. I read the Labour Plan and took several courses on labour legislation' (interview with Santana 2011).

When analysing the CTC's relationship to the CUT, it is also important to call the attention to the fact that there was a generational divide between the two organisations (Calderón 2008:125; Abarzúa 2008:83). Most of the *Contratista* leaders were in their early thirties (Núñez 2009:55). 'When the youngsters were incorporated into the movement [...] they took over the movement and they did it with a lot of strength', one older *Contratista* leader affirms (interview with Jorquera 2011). As CTC President Cristián Cuevas states in relation to the CUT, '[...] this new generation will displace those who have acted as a retaining wall' (Punto Final 27.07.2007). The CTC, it was alleged, represented a new generation that had learnt the mistakes and misdeeds of the past. Importantly, as Calderón notes, this meant that the movement was constructed based on young workers' experience of 'precarisation' and not from the point of view of nostalgic references of the 'glories of the past' (Calderón 2008:128). So, in contrast to the thinking of the CUT, which as discussed in the previous chapter, aligned with the *Concertación* in the effort to consolidate democracy, the young *Contratista* leaders believed that any attempt to reignite the trade union movement necessarily would involve mounting a challenge against the *Concertación*. As Eduardo Loyola, former Sub-secretary of Labor and current senior executive of CODELCO, reflects:

'Today the historical leaders are old [...] and there is an upsurge of people that did not have and don't have the concern of protecting democracy from dictatorship. Instead they say, this democracy is unjust and among all injustices they put as an example the phenomenon of outsourcing' (interview 2011).

iii. The internal organisation of the *Contratista* movement

Without a doubt, the creation of the CTC was the result of the accumulation of past mobilisation experiences but decisively, also of the disapproval of the role played by the

CUT within the trade union movement in general, and in relation to the concerns of the *Contratistas* in particular. As a consequence, the CTC adopted an organisational form that sought to address the deficiencies of the CUT. It put strong emphasis on horizontality and gave a central space to rank-and-file members. Explicitly, it declared as an objective the guarantee of necessary spaces for democratic participation within the organisation. As in the case of the secondary school students and the ACES examined in Chapter 5, the assembly was adopted as decision-making mechanism with the aim of giving the workers leverage vis-à-vis the CTC leaders. For Cristián Cuevas, President of the CTC, this meant ‘a resumption of the *old* way of constructing a trade union, with the assemblies, the leader and the directors on the ground with the worker, viewing with their own eyes what is missing’ (interview 2011). To ensure this, each national leader had the mandate to strengthen ‘their territory’ on a daily basis. They had to ‘be present on the streets, in the marches, and did not only arrive to the gallery right before the performance of a discourse’ (interview with Zarate 2011). Metaphorically, the trade union leaders had to ‘eat dust’ just like all the other workers in the mines did (interview with Cuevas 2011).

The insights provided by the experience of SINAMI, SITECO and the CNTC contributed to making the CTC a national organisation, which allowed for the coordinated strike throughout all CODELCO divisions in June 2007. As one CTC leader notes, ‘our demand is national and consequently, if our organisation does not go national, we won’t be able to negotiate with anyone’ (interview with Velis 2011). To respond to this need, the CTC adopted an organisational structure that is based on an 8-man directorate – the so-called ‘national directors’ – which is elected bi-annually. Each subdivision of CODELCO corresponds to a ‘zone’ in the charge of a national director of the CTC.⁷ Besides the national directors and the president, the new organisation also included a vice-president, a

⁷ Also Antofagasta was included as a zone in 2011 due to the important presence of *Minera Escondida* (a private mining company) in the city.

general secretary, a treasurer, a director of organisation, and a director of international relations.⁸

iv. Repertoires of action and the unfolding of the *Contratista* movement

Spurred by their discontent with the CUT and based on the organisational form outlined above, the young *Contratistas* initiated their strike on June 25, 2007. On this crucial day, few of them imagined that it would become the longest strike staged by workers in the new democratic era (interviews with Cuevas 2011; Velis 2011). As one of the leaders recalls: ‘in 2007, no one had experience [...] this type of strike did not exist in contemporary Chile [...]. When we blocked the highway we thought that we would have to stay there 2-3 days. Then, after 20 days, nothing had happened yet’ (interview with Zarate 2011). To the surprise of both the CTC and the rest of the country, the strike would last for 37 days.

In their effort to keep the divisions paralysed, the CTC leaders coordinated the strike via email and telephone, and through visits to the different take-overs. Daily reports on the developments in each CODELCO subdivision were shared among the national directors. The CTC leaders in each subdivision organised different shifts to ensure that the entrances of the CODELCO subdivisions were blocked. One commission was in charge of identifying the point of departure of the buses that drove the workers up to the mines since one of the strategies employed was to prevent them from arriving at their destination. In *Chuquicamata*, three roads were taken over to hinder the buses with the workers from reaching the mine. Also in El Salvador, some of the roads leading to the mine were taken over, and, in addition, the entry to the mine was blocked. In *Ventanas*, which is a

⁸ Later, in 2009, a unit of ‘Research and Communication’ was created with the aim of supporting the CTC directory and train new CTC leaders (interview with Santana 2011).

considerably smaller division, along with preventing the workers from entering the mine, more cheerful manifestations with flamboyant banners and singing were organised outside the subdivision (interview with Huerta 2011). As the blockades of the roads could not be abandoned, the workers organised shifts and spent all night guarding the take-overs (interview with Velis 2011). There were approximately 2,000 workers participating in the blockade of each division, preventing the plant workers and the *Contratistas* that had not joined the strike from entering the mine (interview with Velis 2011; Zarate 2011).

As events unfolded, the *Contratista* leaders divided the workers into commissions in charge of different tasks such as cooking, collecting donations, and cleaning (interview with Peña 2011). Many workers arrived to fulfil their shifts but instead of going to the mines, they took turns in taking care of the soup kitchens that were set up outside the divisions (interview with Huerta 2011). The spouses of the workers also contributed to the strike by providing meals to the workers that were participating in the blockades. As had been the case during the economic crisis of the early 1980s (Klubock 2004:214), the workers' wives and their familial responsibilities placed them in conflict with the company and on the side of their husbands.

The workers also staged marches and rallies in the neighbouring cities of the CODELCO divisions, in which other social organisations participated (interview with Peña 2011). In these protests, the *Contratistas* and their family members informed the community about their demands and about the consequences of the subcontracting practices and the 'precarisation' of labour. This, the CTC leaders argue, helped to gain the support of the people in their local communities (interview with Ahumada 2011; Cuevas 2011). In addition, the *Contratistas* participated in the assemblies which were organised on a daily basis. In the morning, the assembly focused on the coordination of the strike and at night,

a second assembly discussed topics such as class struggle, the repoliticisation of workers' demands, etc. (interview with Peña 2011). The CTC leaders also used the assemblies to inform about the development and motives behind the protest and about the latest statements by CODELCO (interview with Velis 2011). These daily events certainly kept the energy flowing, turning public spaces in the neighbouring cities into a place where information about what was happening at the occupations was shared.

Throughout the strike, the police hit back with force, and running battles broke out, especially in *Andina* and in *El Teniente*, two of the subdivisions. In the latter, approximately 8,000 workers participated in the protests. The local newspaper in Rancagua described the balance after one day of blockade: 50 detained workers, 10 buses and 1 sentry box burnt down, and 2 vans turned over (El Rancahuaso 26.06.2007). The violence used when blocking the highways leading to the mine entries was highly criticised by government authorities. They threatened but finally did not proceed to apply the Law of Internal State Security (*Ley de Seguridad Interior del Estado*), which punishes offences against public order and bestows the president with additional powers to guarantee the normal function of national activities.

In spite of the difficulties, the *Contratistas* resisted and kept CODELCO paralysed. On July 23, when the strategy of vacating the workers and freeing the roads and entrances of the mines did not work, CODELCO sought to reach an agreement with a minority group of *Contratista* workers. The CTC, however, denied the possibility of any such accord and denounced CODELCO for trying to divide the movement (interview with Cuevas 2011; Velis 2011). To the despair of the authorities of CODELCO, this event further radicalised the protests and turned out to be counterproductive for the state enterprise. More workers

joined the demonstrations, preventing workers from entering the subdivisions and guaranteeing the stoppage of production.

After 20 days of stoppage of the normal functioning of CODELCO's activities, the conflict between the *Contratistas* and the state giant seemed far from a solution. In the midst of this deadlock, on July 25, the government asked the Archbishop of Rancagua Alejandro Goic, representing the Catholic Church, to mediate between the CTC and CODELCO. Archbishop Goic was a well-known figure among the contract workers in Rancagua and he had on previous occasions expressed his support to the cause of the *Contratistas*. The CTC was thus thankful for his contribution in facilitating the dialogue with the state company (interview with Zarate 2011). At the same time, the CTC regarded his involvement as an effort by the government to avoid appearing to negotiate with the *Contratistas* (interview with Cuevas 2011). Beyond these speculations, what was crucial for the development of events was the support of Archbishop Goic for the concerns of the contract workers:

'The *Contratistas* experience a situation of inequality that has not been solved by society. The workers have the legitimate right to mobilise through their representative organisations to demand what [...] in justice belongs to them' (Archbishop Goic, quoted in CTC 2007).

'It is necessary to advance the issue of collective bargaining in the subcontracting system [...]. The recent episodes [the *Contratista* protests] are proving the insufficient legislation in this matter. The right to collective bargaining in effective terms is a basic right that the international public and the Church confer to the workers. This recognition is not being observed if, by a formality, the workers are impeded from dialogue with those who most directly are benefitted with the product of their effort' (Goic and Contreras 2007).

After the dialogue facilitated by Archbishop Goic, CODELCO announced that it would respond to the CTC demands. Importantly, while the CODELCO authorities initially did

not seem prepared to budge from its prescribed stance – i.e., that it did not negotiate directly with the contract workers – they agreed to initiate a dialogue. At this instance, the parties signed a framework agreement, which included a ‘productivity bonus’ of £575 per *Contratista* and their corresponding salaries for most of the strike days. Additional health and insurance benefits for work-related casualties and disabilities were incorporated in the accord (Acuerdo Marco 2007).

From the perspective of the CTC leadership, the agreement with CODELCO was a triumph. The president of SITECO, one of the most central trade unions within the CTC, noted: ‘we involved the Catholic Church, which, through one of its main leaders supported our demands [...]. It was a great victory, not only for us but for all workers’ (interview with Peña 2011). In a similar vein, Cuevas, the president of CTC, stated: ‘we have taught a lesson to the country and to millions and millions of workers. For the first time in 35 years, it is possible to negotiate on a sectorial basis in our country. This was thanks to the struggle, the barricade, the *piqueteros*⁹, and the thousands of workers of Chile’ (CTC 2007).

⁹ The word *piquetero* stems from *piquete* (‘picket’), which denotes a standing or walking demonstration of protest on a significant spot. The word *piquetero* became well known due to its application to protesters during the post-2001 crisis in Argentina, where they blockaded roads and streets.

V. **‘WE ARE THE ENGINE OF ENTERPRISE. IT DEPENDS ON US; AND YET, WE ARE LIKE ITS ILLEGITIMATE CHILDREN’¹⁰: THE *CONTRATISTA* MOVEMENT’S COLLECTIVE ACTION FRAME**

i. **The CUT’s absent agenda on subcontracting**

The creation of the CTC was motivated not only by the criticisms of the CUT’s organisation, but also to its lack of agenda on the problems associated with the expansion of subcontracting. As noted in Chapter 7, while there was a widespread perception of the detrimental impact of subcontracting arrangements on contract workers and on the prospects of the trade union movement in general, the issue was largely absent from the discussions promoted by the CUT (interviews with González 2011; Salinas 2011; Scherping 2011). There had been prior attempts to introduce the issue of subcontracting by emblematic leaders of the *Contratista* movement who also were members of the national confederation. Notwithstanding the efforts in this direction, the CUT never engaged with the issues raised by the *Contratistas* (interview Jorquera 2011).

From the perspective of the CTC, the low importance attributed by the CUT to the issue of subcontracting was caused by its ‘lack of a ‘reading’ of the new forms of exploitation and of production’ (interview with Ahumada 2011). Furthermore, as one CTC leader categorically put it, ‘the CUT does not offer a solution to the problems faced by Chile’s workers, let alone the specific ones of the contract workers’ (interview with Huerta 2011).

It is important to note that while the CTC was highly critical of the CUT’s inability to pressure the *Concertación*, it was not its intention to replace the national confederation. On

¹⁰ Quoted in Alejandra Matus (2008).

the contrary, the CTC leaders believed in the need for a strong national workers' confederation. In fact, to change that image became part of the mission of the CTC leaders:

‘Before there was a widespread anti-CUT sentiment [...]. When the CUT was mentioned in assemblies, the workers would boo and there would mainly be rejection. We decided to try to change that vision [...]. We could be in disagreement with the direction of the CUT but we could not disagree with the *existence* of the CUT. We had to be part of the confederation [...] we had to fight from *inside* [...] (interview with Peña 2011).

At the same time, the CTC aimed at garnering enough strength and support to force an agenda on their concerns. This was partly gained through the 2007 mobilisation. As one *Contratista* leader states, ‘before, they [the CUT] did not care; then, from 2007 onwards, we started to become more well-known. [...] it was by mobilising that we forced the CUT to listen to us – just as we had forced CODELCO to sit and negotiate ’ (interview with Jorquera 2011).

ii. ‘Equal work, equal salary’

The construction of a common identity constitutes a central aspect in the emergence and survival of social movements. As discussed in Chapter 2, movements' CAF, which identify an organising principle that dignifies discontent and identifies a target for grievances, play a crucial role in this regard. In light of the CUT's lack of engagement with the issues that concerned the *Contratistas*, part of the diagnosis of the CTC leaders was the need for an organisation that could address the particular grievances of the contract workers. The principal source of discontent in this regard was the lower economic rewards that the *Contratistas* received in comparison to CODELCO's permanent staff. Equal salary and working conditions for equal work was the overarching principle of the *Contratista*

movement CAF. As Cristián Cuevas stated when inaugurating the CTC in June 2007: ‘We cannot tolerate that workers breathing the same dust as the plant workers [...] have to live with a fourth of their salary [...]’ (CTC 2007). Other demands such as the ‘productivity bonus’, health benefits, and the observation of the Subcontracting Act were all, in one way or another, based on the idea of equality of working conditions. If the permanent workers of CODELCO received these benefits, then why should the *Contratistas*, who very commonly performed the same tasks and ‘ate dust’ just like everyone else, not obtain them? This was a simple principle, but one which symbolic content provided the necessary motivation and incentives needed for engaging potential constituencies.

As in the case of the secondary school students analysed in Chapter 5, the *Contratistas* had a set of very specific demands. ‘You can be very convinced about the fact that the problems of the workers will only be solved with far-reaching reforms, but if you only talk about this and the changes that are required, it is like you are speaking in Chinese to the workers’, asserts Manuel Ahumada, vice-president of the CTC (interview 2011). Specific demands were related to the dissimilarities experienced in the everyday life of the workers. One such example are facilities such as food provision, which always were of higher standard for the permanent CODELCO staff when compared to the one received by the contract workers.

‘We, who worked as chemists, were in the ‘civic neighbourhood’ of the mine and had lunch in the CODELCO canteen. We had unlimited access to the soda machines. We had a very good menu. Once we had to go to the canteen of the *Contratistas* and it was completely different. They had *YooPi* juice [a very cheap artificial juice]. I realised the huge differences that existed’ (interview with Santana 2011).

Similarly, CTC President Cristián Cuevas recalls: ‘the plant workers lived in conditions of two beds per room with cable TV [...] we slept 16-17 people in each room’ (interview 2011). It was this sort of everyday injustices that nourished the *Contratistas*’ sense of

workers of ‘first’ and ‘second’ category, which President Bachelet had proposed to end with the introduction of the Subcontracting Act.

While the petition of the *Contratistas* has combined various benefits, the principle of ‘equal work, equal salary’ often translated into economic demands. Monetary rewards have without a doubt constituted a central motivation for contract workers to participate in the mobilisation efforts spearheaded by the CTC. As CTC leader Santana expresses:

‘Many workers only think about money. The discussions in the assemblies were rarely political or about values and social issues, they were always economic, ‘what happens with the bonus?, what happens with the payment of extra hours?, what happens with benefit X? Those were the typical issues [...] if you don’t show the ‘old hands’ some money, they will not mobilise’ (interview 2011).

Yet, while the payment of the bonuses in 2006 and 2007 served the purpose of ‘hooking’ more contract workers, it complicated the sustainability of the movement given that once the bonus was paid, many workers disengaged. In the view of Danilo Jorquera, one of the founding members of the *Contratista* movement: ‘the issue of the bonus was what killed us. Because the ‘old hands’ [*viejos* -idiom] only think about the bonus [...]. In the end, when the ‘old hand’ asked for more money, it is not a social struggle’ (interview 2011).

iii. ‘Us’ and ‘them’

As Della Porta and Diani have argued, ‘[c]ollective action cannot occur in the absence of a ‘we’ characterized by common traits and a specific solidarity’ (1999:87). While the previous organisational development undertaken by CODELCO’s contract workers had contributed to a gradual construction of a political identity, the experience of the 2007 mobilisations certainly intensified this process. At the same time, though, as Nem Singh notes,

‘subcontracting [...] has not only broken down the traditional relationship between the principal company and the worker, it has also produced fragmentation, tensions, and conflicts *between* unions and workers who are at different positions in the structure of production’ (2012:194; emphasis added). This fragmentation was manifest during the articulation of the *Contratista* movement, which triggered discontent among other trade unions of the mining sector. In this way, the protests staged by the contract workers also contributed to clearly delineate a ‘them’, comprised of several categories of workers that included the plant workers of CODELCO, but also federations of more privileged contract workers. SINAMI, which as previously mentioned was the organisation that originally promoted the articulation of the contract workers, belonged to this latter category. As noted, SINAMI moderated its stance in the late 1990s (El Mercurio Online 18.05.2008). When asked about the reasons behind this restraint, Miguel González, who has headed the organisation since the 1980s, remarks:

‘Ideologically, you can think of two types of trade unions, the one that conceives of the enterprise as the enemy that will try to trick you whenever it is possible, and the one that realises that it actually needs the enterprise to improve the conditions of the workers. I used to belong to the former group, now we are of the second sort. For this, I have to be trusting; when I sign any agreement I have to stay calm’ (interview 2011).

The CTC *Contratistas* were highly critical of SINAMI, their predecessors. From the perspective of many prominent *Contratista* leaders, SINAMI had become a ‘trade union of the enterprises’ (interview with Peña 2011). It was therefore clear that SINAMI would not form part of any alliance that they could hope to construct. The divide was unmistakable in 2007 when SINAMI opposed the strike staged by the CTC. SINAMI’s president explains the rejection of his organisation rejection in this way:

‘More than anything, for the manner in which it took place. To give you an example, in *Chuquicamata* we had 3,500 SINAMI members [...] and they [the CTC *Contratistas*] stopped production and I as a trade union had collective agreements to live up to. Why did they not ask? [...] We had huge discussions between our people and their people; they even fought with their fists. I have been involved in this movement since its origins and all of the sudden they show up [...] everything that you have done throughout these years [...] and they don’t even ask’ (interview with González 2011).

The president of SINAMI further criticises the leadership of the CTC:

‘They were irresponsible. There are several ways of damaging the trade union movement; one of them is to promise things which later are not fulfilled like saying that ‘we will all be upgraded and become part of CODELCO’s permanent staff’. I was in *Andina*, at the restaurant there, and there were the ‘old hands’ who served the food saying ‘I support the movement wholeheartedly because when this is over we will all be hired’ [by CODELCO]. What happened with this same ‘old hands’ when they realised that CODELCO was not going to hire them? (interview with González 2011).

Similarly and in spite of close, often familiar, links, distrust reigned between the *Contratistas* and CODELCO’s plant workers, organised through the Federation of Copper Workers (*Federación de Trabajadores del Cobre*, henceforth FTC). As one CTC leader remarks:

‘Many times the son [of a permanent worker] is *Contratista*. Or the brother. In the North it was established that the sons of plant workers had preference to be employed by CODELCO as plant workers. But then they initiated a program of early retirements, and many ‘old hands’ [*viejos* -idiom] who have joined the retirement program then agreed to come back to the enterprise as *Contratistas*’ (interview with Santana 2011).

In spite of the tight connection, which as the quote shows, even signified that some *Contratistas* were former plant workers, resentment predominated between the two groups of workers. For one, the FTC was, in fact, highly resentful of the CTC for ‘taking over’ the name of the federation that traditionally had represented the workers of the mining industry. At the same time, the FTC was part of the ‘Strategic Alliance’ (*Alianza Estratégica*)

established with the CODELCO authorities in 1994. This agreement guaranteed the participation of the FTC in parts of the company's decision-making. As Vergara argues, the Strategic Alliance, which was renewed in 2000, explains the uncritical stance of the FTC in relation to CODELCO's modernisation process, which, among things, involved the increase of contract workers (2008:191). Instead, the FTC has focused on defending the rights and economic benefits of the state company's permanent staff. At the same time, through the benefits granted to the state giant's permanent workers represented by the FTC, the Strategic Alliance definitely fulfilled its aim of maintaining low levels of conflict.

The *Contratistas* perceived a lack of solidarity with their cause. 'Instead of being *with* us, they were *between* us and CODELCO', CTC leader Santana complains (interview 2011). Moreover, many CTC leaders believed that the FTC was responsible for part of their grievances since the early retirement agreements that it had signed with CODELCO throughout the 1990s had allowed for the replacement of plant workers who retired in advance by contract workers (interview with Santana 2011). 'They exchanged many of their benefits for money; they omitted their rights', CTC leader Santana affirms (interview 2011). Furthermore, as one *Contratista* leader expresses it, 'they [the permanent workers] mark their difference; 'given that I am a plant worker, I do not mix with you'' (interview with Santana 2011). When asked about the reasons behind this, one *Contratista* leader comments, 'when you have certain conditions [...] when you are comfortable and have a permanent job, all the benefits, all the struggles are transformed into a matter of how to obtain more – but only for *them* [the plant workers] as a group' (interview with Velis 2011).

As these accounts suggest, the notions of 'us' and 'them' of the *Contratistas* can be found in the material differences which created grievances that fed into the movement's common identity. Without a doubt, as others have noted, 'there is no evidence that the

material and redistributive dimension has lost all significance' (Della Porta and Diani 1999:55). While constructing a movement, the contract workers were also engaging in 'boundary-making activities' (Hobson 2003:65). It is against the reality of the 'other' more privileged workers that the conception of an 'us' is constructed among the *Contratistas*.

iv. Framing contest

The CTC leaders knew that to get the attention of CODELCO, they needed to paralyse the production of the state-owned company, which required blocking roads, stopping buses and taking over the entrance to some of the divisions. In short, it involved infringing the law. This further undermined the already tense relationship between the CTC and CODELCO's permanent workers, represented by the FTC. As one CTC leader recalls: 'when we were in the middle of the strike, the leaders of the FTC went to *La Moneda* [the presidential palace] to request that the government apply the *Ley de Seguridad del Estado* [Law of Internal State Security] because we were 'threatening' their work' (interview with Peña 2011).

When asked about the reasons behind the lack of support from the plant workers, and thus the issues that complicated the construction of an alliance with them, one CTC national director explains, 'there were leaders that thought we were hurting the company and that we were altering the integrity of the plant workers' (interview with Zarate 2011). According to the *Contratista* leaders, the plant workers were also afraid of losing some of their benefits by the demands put forward by the CTC:

'The plant workers understood, in one way or another, that there was disparity [in working conditions]. Some leaders kept some distance to us because they thought that we claimed that they had a lot and that we had

little. But our objectives were pretty clear; we did not want to take from some people to give to others. We were denouncing the abysmal gap that existed between the plant worker and us but at no point did we expect that they would have less and we said so. We said that what they have is the result of many years of trade union organisation and what they have is well-deserved [...]. What is wrong is that the *Contratistas* don't have a just salary nor just conditions, we said' (interview Velis 2011).

Also the violence that characterised the protests deepened the mistrust between the FTC and CTC members. CODELCO Executive Eduardo Loyola says:

'Our workers were very much against the mobilisations, not because they were 'yellow' [i.e. moderate, co-opted] but fundamentally because of the use of violence [...] when they took over the roads, damaged the buses, burnt off the buses, they used violence as a practice of the trade union [...] in general the trade union movement is victim and not victimiser but here this changed' (interview 2011).

As the quote denotes, the violent nature of the *Contratista* movement was a double-edged sword. Indeed, as Tarrow claims, '[t]he threat of violence is a major power in movements but it turns into a liability when potential allies become frightened [...]' (1994:95).

At the same time, the question of whether to use violence or not, which has always been a source of division in social movements, also created fissures *within* the *Contratista* movement. Many interviewed contract workers who participated in the 2007 strike attest that acts such as the burning of the buses were not planned, but rather the result of the lack of control that followed the rapid development of the protests and the frustration of the *Contratistas* with the CODELCO authorities. As one leader notes, 'there were accumulated moods, eagerness to make something powerful, there was [...] effervescence' (interview with Peña 2011). Spurred by this, the young workers remained on the roads blocking the passage to the divisions. However, older workers were hesitant to participate in the blockade of the roads and the violence (Núñez 2009:62). Also historical *Contratista*

figures disapproved. Danilo Jorquera, who had previously led the CNTC, the organisation that preceded the CTC, states:

‘In the assembly, in practice, the most radicals got away with their agenda and they killed, I believe, the movement. I had relatives that drove those buses [that got hit by stones and burnt off] [...] so, really, to attack other workers, I do not agree. There was a struggle between the ‘yellow’ [not so radical, co-opted] leaders and the more revolutionary ones’ (interview 2011).

In addition, just like in the case of the *Pinguino* movement, resistance and competing frames also emerged from the government, and unsurprisingly, from CODELCO. Among the authorities of the state company, one of the most recurrent arguments throughout the 37 days long strike was related to the illegality of any negotiation between the *Contratistas* and CODELCO. According to the law, the *Contratistas* would have to bargain with their employers, who in their turn would have to negotiate with CODELCO. Hence, the CTC’s request to negotiate directly with CODELCO was in strict terms illegal. In light of this, the negotiation between the *Contratistas* and CODELCO was anomalous both in the sense that it was between workers that were not directly employed by the state-company, and due to the existence of multiple trade unions organised through the CTC.

The possibility that inter-enterprise collective bargaining would expand to other sectors of the economy was certainly regarded as a threat within the business community. Both the president of the CPC, the main business association, and the president of the Mining Council (*Consejo Minero*)¹¹, expressed their deep concerns about the unfolding of the *Contratista* protests, and contended that there was a great economic risk in extending collective bargaining rights to contract workers (e.g. *Diario Financiero* 20.06.2007).

Resistance was also vented in the media. As a local newspaper in Calama stated:

¹¹ The *Consejo Minero* was founded in 1998 and associates both public and private copper-producing companies in Chile, representing more than 90% of the national production.

‘To attempt to assimilate the contract workers into the plant staff would be a huge error that would not only damage the competitiveness of the company, but also future employment. The creation of the negotiation table should not have been promoted by the government authorities [...]. The idea was wrong and, eventually, it damages not only CODELCO but also the national economy (Estrella de Iquique 20.07.2007).

This view was echoed by a sector within the Bachelet government that opposed the *Contratista* protests and the idea of CODELCO negotiating with them. This group was headed by the Ministry of the Treasury Andrés Velasco (e.g. interviews with Silva 2011; Cuevas 2011). The standpoint represented by him and his allies in this matter caused great disappointment. Making reference to the struggle to regain democracy during the 1980s when the *Concertación* leaders, had fought hand in hand with the trade union movement, the CUT leader María Rosas complained:

‘It seems like being in power is contagious. We [the CUT] also heard these epithets [like the ones pronounced against the *Contratistas*] during the dictatorship. They are painful because they demonstrate that having been in academia, at university [...] they do not know what it signified that they [the military] treated us as delinquents [...]. And that this is currently being done by those who supposedly or ideologically were close to us is upsetting, hurts us, and make us feel uncomfortable, and demonstrates that we are not speaking the same language’ (quoted in CTC 2007).

At the same time, the violence and in general, the public disruption that characterised the protests of the *Contratistas* in each of the subdivisions, but especially in *El Teniente*, meant media coverage the likes of which the contract workers had never received before. To handle the media was something that Cuevas and other CTC leaders had to learn along the way. Apart from their own experience as trade union leaders, they also received support from sympathetic journalists, lawyers, and economists who voluntarily helped them to prepare their TV appearances (interviews with Cuevas 2011; Zarate 2011). This provided an opportunity for reflection on the problems involved in subcontracting practices. Contract workers of other industries could easily empathise with the petition of the

Contratistas. In the words of the CTC's president, 'when the workers started to recognise themselves on the television, then solidarity emerged; then our demand became the demand of the country [...] of the workers that did not have the possibility of organising; those with short-term contracts [...]' (interview with Cuevas 2011).

The polls at the time showed that the intuition of the CTC leaders was not far from reality. In July 2007, a survey showed that 71% of Chileans believed that workers should negotiate better salaries collectively through a trade union (CERC 2007:3). This support had increased by 17% since the previous measurement in 2003. Support was even stronger among independent and self-employed workers (83%) and public sector workers (80%) (CERC 2007:3). Furthermore, 53% of Chileans expressed that they felt solidarity, 15% compassion, and 14% indignation with regard of the situation faced by the *Contratistas* (CERC 2007:3). Finally, 86% indicated that they agreed with the assertion 'in a democracy it is normal that workers protest to obtain better economic conditions' (CERC 2007:3). As I show in the next chapter, public attention to the *Contratistas'* working conditions motivated the government's decision to create a Presidential Advisory Commission on Labour and Equity.

VI. CONCLUSION

Analysing the organisational development of CODELCO's contract workers, in this chapter I scrutinised the background and unfolding of the most important strike since the reinstatement of democracy in 1990. As previously asserted, any account of the emergence of social movements requires consideration of the interacting effects between the role played by the political and institutional context, the mobilisation resources available in the

mobilisation efforts, and the ways in which the movement participants framed their demands. Only this way can we unpack the processes leading up to the rise of the movement, and identify how changes at the macro level have motivated organisational development and articulation of grievances.

In this chapter, I showed that the approval of the Subcontracting Act and the open support to the cause of the *Contratistas* created expectations that were skilfully used to give rise to a movement. In addition, the strength with which the *Contratistas* arose was made possible by the experiences accumulated in prior mobilisation efforts and the irritation provoked by CODELCO's non-compliance with previous accords.

At the same time, as Roberts cogently argues, organisational strength is heavily conditioned by structural and institutional forces (1998:102-103). Without a doubt, the organisational development that motivated the emergence of the *Contratista* movement was the result of the creation of new, more precarious working conditions, which had resulted from the neoliberal restructuring of the labour market. As the accounts of the *Contratistas* show, for them, the flexibilisation of employment relations signified lesser economic rewards and benefits. In this sense, economic restructuring facilitated the emergence of a social group with a specific structural location in the economy and common grievances. In examining how the *Contratistas* came to reinvent themselves as social actors endowed with a sense of identity and capacity to act, I argued that the grievances stemming from the unequal working conditions that they were subject to were a key motivational factor. Also the feeling of the lack of representation by the CUT stimulated the organisational development of the *Contratista* movement. In particular, the critical account of the top-down nature that characterised the CUT paved the way for an organisational form that emphasised the

construction of a movement 'from below' and were leaders 'on the ground' and addressed specific issues that were part of the *Contratistas* every-day life at work.

Moreover, in order to emerge, the *Contratistas* needed to go beyond the institutional frame defined by the 1979 Labour Code. Learning how to operate at the margin of the law was a central aspect of the *Contratista* movement. As noted, the creation of the CNTC and then the CTC as vehicles for mobilisation was crucial and largely motivated by the restricted room of manoeuvre delineated by the legislation introduced by the military and kept by the *Concertación*.

While the approval of the Subcontracting Act, the creation of an egalitarian organisational culture and the construction of a CAF based on the idea of 'equal work, equal salary' all facilitated to activate the movement, the use of a many times violent repertoire of action was highly problematic. Indeed, as Tarrow asserts, '[v]iolence has a polarizing effect on conflict and alliance systems' (1994:95). As shown in this chapter, the stoppage of CODELCO's production was effective in terms of forcing the state company to negotiate with the *Contratistas*. Yet, the strike also unearthed resistance from other workers and also within the movement. The absence of alliances considerably constrained the chances of constructing a broader trade union movement. While the *Contratistas* had gained public attention and motivated the Church authorities to refer to their reality, as I discuss in the next chapter, the lack of alliances also restricted the policy impact of the movement.

**THE POLITICAL IMPACT OF THE *CONTRATISTA* MOVEMENT:
IMPROVEMENT OF INDIVIDUAL RIGHTS, STALLED COLLECTIVE RIGHTS**

‘There was nothing to do about it; this whole agenda [on labour issues] was falling upon us’¹

I. INTRODUCTION

In Chapter 8, I analysed the emergence of the *Contratista* movement and showed that it responded to the expectations generated by the newly approved Subcontracting Act, a significant organisational development, and the creation of a collective action frame that clearly outlined the problems faced by the contract workers of the mining sector. I further argued that the same organisational traits and discursive features that allowed for the movement’s rise also limited the possibility of constructing a broader socio-political alliance that could push for labour reforms.

As social movement scholarship has highlighted, there is great continuity between the processes that shape the emergence of social movements and those which influence their eventual development and impact (e.g. McAdam, McCarthy and Zald 1996:12; Amenta and Caren 2004:475; Amenta et al. 2010). Investigating this connection in this chapter, I examine the labour policy-making which followed the 2007 strike with the aim of identifying the impact of the *Contratista* movement on it. The central contention is that while the rise of the *Contratistas* motivated a long-dormant discussion on labour issues, they were not able to influence the content of the policy proposals that followed the 2007

¹ Óscar Landerretche, executive secretary of the Presidential Advisory Commission on Labour and Equity (interview 2011).

strike. Referring to the dispute around the interpretation of the Subcontracting Act that emerged between CODELCO and the National Labour Bureau, I also show that the contract workers were unable to have an impact in terms of output, i.e. to ensure that legislation is fully enforced. This lack of influence was due to both internal and external factors. Regarding the internal dimension, while the movement's organisational development allowed mounting important strikes, the CTC was more focused on ensuring that the agreements signed with CODELCO in previous years were followed than on developing a strategy to influence the discussion on labour issues that followed its mobilisation efforts. As for the external factors, I show that if the emergence of the *Contratista* movement unearthed latent conflicting positions within the *Concertación*, the ensuing policy-making process even more clearly revealed the co-existence of diametrically opposed stances between the members of the centre-left coalition. I argue that as a result of the *Contratista* movement's eventual decline and the insufficient political support received, the few policy reforms that *indirectly* can be attributed to the rise of the movement and the discussion it motivated are related to individual rights. Hence, no progress was made in the field of collective rights which could have empowered workers and contributed to reversing employment relations deeply tilted in favour of business.

The chapter is structured as follows. In the next section I examine the access impact of the *Contratistas* by briefly discussing how both the CODELCO and government authorities responded to the movement. As for the debate on labour issues that followed the *Contratista* movement, I scrutinise the Presidential Advisory Commission on Labour and Equity (henceforth, PAC on Labour), which, as in the case of the *Pinguino* movement, was the institutional channel chosen by the government to decompress the tension created by the *Contratista* movement. In parallel with this work, as examined in the fourth section, CODELCO began a dispute with the National Labour Bureau which considerably

restricted the scope of application of the Subcontracting Act. In the fifth section, I analyse the upsurge of the movement in 2008 and explain why this wave of protest was more easily contained than the 2007 strike. In light of this background, I conclude the chapter by reviewing the policy impact of the *Contratista* movement.

II. ACCESS IMPACT: THE RESPONSE OF CODELCO AND GOVERNMENT AUTHORITIES TO THE *CONTRATISTAS*

As posited in Chapter 2, a social movement has had an impact in terms of access when it is recognised as a valid interlocutor for the constituency that it claims to represent by the authority that it has challenged. In the case of the *Contratista* movement, this meant a response from both the government and from CODELCO. By means of its capacity to coordinate and sustain the strike, the CTC forced CODELCO to respond to the movement. Yet, as mentioned in Chapter 8, the authorities of the state giant tried several strategies to demobilise the *Contratistas* before agreeing to negotiate with them. This latter response always had the support of two key parts of the government, namely, the Minister of the Treasury and the Minister of Mining, which form part of the board of CODELCO.² At first, both CODELCO and government authorities also highlighted the violence of the *Contratista* protests to discredit them. A second strategy, which also failed, was the attempt to reach an agreement with a minority group among the contract workers. A senior CODELCO executive explains the fluctuating response of the state giant in the following way: ‘ [...] CODELCO has had the attitude of confronting the reality [...] [but] you have to understand, the issue of subcontracting presupposes a revolution inside of the company

² CODELCO’s board structure includes a total of seven directors. Besides the Minister of Mining, who is the chair of the board, and the Minister of the Treasury, it includes two representatives of the president, one member of the Armed Forces, and two union representatives (Nem Singh 2012:220).

while the company is *running*' (interview with Loyola 2011). In other words, CODELCO was struggling to deal with the problems that had resulted from the expansion of contract workers while in operation, and therefore it had to balance addressing the conflict with operational realities.

When the organisational capacity of the CTC was made evident through the paralysis of the production across CODELCO's divisions – leading to huge economic losses – the strike became a central cause of concern for the government. As with the *Pinguino* movement, President Bachelet sent ambiguous signals of her position to the *Contratistas*. On the one hand, as referred to in the previous chapter, during her electoral campaign she openly declared her will to end with the existence of 'workers of first and second category'. Furthermore, while there had been an unwritten rule throughout the *Concertación* governments according to which the Treasury managed the conflicts with public sector workers (including CODELCO's workers) and the Ministry of Labour those with private sector workers, by the specific request of President Bachelet the protests staged by the *Contratistas* had mostly been dealt with by the Minister of Labour (interview with Godoy 2011). Osvaldo Andrade, who as previously noted was regarded the most union-friendly Minister of Labour of all *Concertación* governments, had on numerous occasions referred to the CTC and the contract workers in positive terms. He had thus publicly acknowledged the organisation as a valid intermediary to represent the contract workers. In this way, the fact that President Bachelet let the Ministry of Labour handle the conflict with the *Contratistas* can be regarded as support of the movement. On the other hand, the Bachelet administration also threatened to apply the Law of Internal State Security (*Ley de Seguridad Interior del Estado*) to end the strike staged by the *Contratistas*. Yet, the government was forced to recognise the strength of the *Contratistas* and this was when Archbishop Goic was requested to mediate with the workers. His support of the contract workers' demand for

more equal working conditions invited a dialogue on the labour market and the insufficiency of existing wage levels. Archbishop Goic expressed his concerns in the following way:

‘The idea is to put myself into the situation of the most needy and to ask myself if I could live with my wife and child on 120,000 pesos [approx. £200]. I’m not saying that we’re all going to be equal, because that would be utopian [...] but there can be no doubt that there are large companies which earn a lot of money. How can they not allow their workers to participate more in these earnings? They [the workers] are the one who help generate the wealth of this country’ (quoted in Sehnbruch 2010:146).

With these arguments, Archbishop Goic proposed an increase in the minimum salary to 250,000 pesos per month, that is, to a level that was 40% higher than the existing one. The intervention of Archbishop Goic was of central importance to the government (interviews with Barrera 2011; Godoy 2011). As one advisor of the Bachelet administration argues:

‘The mobilisations of the *Contratistas* created a political opportunity but so did the intervention of the Church. The Church created a rupture within the Chilean elite [...] a space was created in which the more liberal sectors of the government were left in a defensive position. There was nothing to do about it; this whole agenda [on labour issues] was falling upon us’ (interview with Landerretche 2011).

In this way, as in the case of the secondary school students, the political impact of the *Contratistas* followed a two-stage process through which the movement first gained the backing of external actors and public opinion and then influenced the policy agenda. The support of the Catholic Church was undoubtedly indispensable to legitimising the claims of the *Contratistas*.

III. AGENDA IMPACT: ‘A PROFOUND AND IMPORTANT DEBATE HAS BEEN OPENED’³

i. Objective, composition, and functioning of the PAC on Labour and Equity

President Bachelet referred to the motivation behind the creation of the PAC on Labour in these words when inaugurating it on August 23, 2007:

‘For some time, because of what is happening in the world of labour and the working conditions of our workers, a profound and important debate has been opened about the ethics and the values that inspire and should inspire the construction of our society. And I have been very clear: this is a debate that I identify with, that I value, and that I feel opens a great opportunity for our country’ (quoted in Consejo Asesor Presidencial Trabajo y Equidad 2007:ix).

The creation of the PAC on Labour was, as Sehnbruch notes, an attempt to establish a new consensus in the field of labour (2010:147). The title of the commission – ‘Labour and Equity’ – signalled the recognition of the direct impact of employment on Chile’s vast socio-economic inequalities (Sehnbruch 2010:147). In the words of President Bachelet herself, it was ‘time to achieve agreements in favour of equity’ (quoted in Consejo Asesor Presidencial Trabajo y Equidad 2007:x). Thus, recognising that ‘economic growth is a necessary but not sufficient condition to solve [...] the high levels of inequality’, the assignment of the PAC on Labour was to create proposals which could lead Chile on a path to ‘a level of equity similar to those of modern countries’ (Consejo Asesor Presidencial Trabajo y Equidad 2007:9, 16).

Given that the *Contratista* movement and the support it had garnered had motivated the formation of the commission, trade union organisations were asked to participate (Consejo

³ President Bachelet when inaugurating the PAC on Labour, quoted in Consejo Asesor Presidencial Trabajo y Equidad (2007:ix).

Asesor Presidencial Trabajo y Equidad 2007:xiii). Notwithstanding the public request made by President Bachelet, the CTC, which had spearheaded the protests that had led to the discussion on labour and equity reforms in the first place, decided to decline the invitation. From the perspective of the CTC leaders, the establishment of the commission was above all a way of avoiding dialogue between the CODELCO authorities and the contract workers (interviews with Ahumada 2011; Sáez 2011). In light of this, they did not want to legitimise the PAC on Labour as a platform for the debate on labor relations through their participation. Furthermore, there was a widespread perception of the commission as a space that was ‘full of economists’ and in which the participation of the workers would not be based on ‘equal conditions’ (interviews with Ahumada 2011; Sáez 2011).

The questioning of the commission was also shared by the CUT, whose president referred to it as ‘pure bureaucracy’ (quoted in Posner 2011:20). At the same time, attributing too much importance to the commission would also have meant that the CUT was legitimatising the view that the confederation was just one of many organisations with which the government needed to discuss labour reforms. With irony, Arturo Martínez, leader of the CUT, stated that the organisation represented workers and ‘was not a think tank’ and then clarified that the national confederation only ‘dealt directly with more important actors, such as the government itself, business leaders, and the political parties’ (quoted in Barría, Araya and Drouillas 2012:97).

It is important to note that the unenthusiastic appraisal of the advisory commission shared by union members was largely founded on an assessment of previous commissions of this sort during the Bachelet administration. The experience of the PAC on Education, for example, was referred to in negative terms in the interviews with the *Contratista* leaders. As one member of the CTC noted with a degree of evident scepticism: ‘we faced the following

disjunctive: if we participated we had on the one hand a chance to generate connections, and maybe a slim chance of imposing a thesis such as ours. But then, what consequences have these Bachelet commissions had?’ (interview with Ahumada 2011). Not even the attempt by the Minister of Labour to convince the union leaders, by amongst other things arguing that the commission’s executive secretary was a well-known member of the Socialist Party, reversed the CTC’s decision (interview with Landerretche 2011).

In the case of the CUT leaders, their hesitation was rooted in previous experiences of participation, in particular, in the PAC on Pension referred to in Chapter 3. That commission had been almost exclusively composed of experts on pension reform, who were either from the academic sphere or from the world of think tank research. While the commission held public hearings with social actors, amongst others the confederation, the topics to be discussed were always predefined by the commission members (Aguilera 2007; Aguilera 2009). Disappointed with this experience, the CUT decided to not participate in the PAC on Labour (Barría, Araya and Drouillas 2012:95).⁴ As pointed out by Roberto Godoy, advisor to the Minister of Labour, the weak participation of union leaders in the PAC on Labour created a problem that never was surmounted:

‘While the commission was interesting from a technical point of view, social actors did not legitimise this space of dialogue. The CUT hardly participated, and the guilds, the important workers’ organisations did not attend to present their proposals. This way, it was rather a space for academic reflection’ (interview 2011).

In spite of the absence of the CTC and of the CUT, the commission initiated its work in late August 2007. As Roberto Godoy highlights, the establishment of the PAC on Labour was a way of ‘cooling down’ the labour agenda (*poner paños fríos*) (interview 2011). On the

⁴ Three commission members were former advisors to the CUT but did not have formal appointments in the national federation at the time of the establishment of the PAC on Labour.

one hand, it showed the government's willingness to provide an institutional channel to discuss labour issues. On the other hand, the establishment of the commission also moved away the labour agenda from the manifestly union-friendly Minister of Labour who had been at the centre of the spotlight after the approval of the Subcontracting Act when announcing his willingness to advance collective bargaining reforms. By instituting the PAC on Labour and bestowing it with the necessary expertise, time, and resources to develop policy proposals, the debate on labour policies was concentrated there instead of at the Ministry of Labour. In the opinion of many, this move also constituted a small victory for the Minister of Treasury Andrés Velasco, whose differences with his peer at the Ministry of Labour were notorious (El Mercurio 17.10.2007).

As the chair of the commission the government appointed Patricio Meller, a well-regarded economist and senior member of CIEPLAN, which, as previously mentioned, is one of the think tanks with the closest links to the *Concertación*. Óscar Landerretche, member of the Socialist Party and also an economist, was asked to head the Executive Secretariat. Besides the coordinators, the PAC on Labour was composed of 48 members.

As for the work of the commission, it was developed in full-day sessions every Wednesday over 37 weeks. These sessions were divided in general meetings that all commission members attended, and the meetings of the sub-commissions. While the latter served as the main space to elaborate the technical proposals, the former were used for the more strategic discussions. In addition, extraordinary meetings were periodically held with the participation of the coordinators of each sub-commission and some of the commission members. These served to make agreements over the issues examined in the sub-commissions (Consejo Asesor Presidencial Trabajo y Equidad 2007:237). Like in the PAC on Education, the commission members did not receive payment for their participation.

Special studies on topics that required clarification and could serve as an input in the discussion were commissioned. The PAC on Labour also organised regional meetings to ensure that local actors' viewpoints were considered. Special featured events were arranged with international experts and papers which provided comparative evidence were commissioned by the executive secretary. These initiatives aimed at 'de-mystifying' many of the most contentious issues raised within the realm of the commission by putting the Chilean experience in a comparative perspective (interviews with Meller 2011; Mizala 2011).

The commission also made wide use of public audiences. In total, 41 audiences were held, which involved the participation of 160 people during a period of two months (Consejo Asesor Presidencial Trabajo y Equidad 2007:238). The aim behind this initiative was to enrich the discussion and the proposals with the insights provided by trade unions, different guilds, political organisations, civil society actors, academic institutions, and research centres. While this mechanism was resisted by many commission members, it was defended by the executive secretary of the commission. He argued that providing this space was a central piece of President Bachelet's 'citizen of government' agenda: 'I simply used the presidential authority and said 'the President says so this has to be done'', he comments (interview with Landerretche 2011).

The work of the commission was divided into the following four sub-commissions:

1. Sub-commission on Labour Market and Labour Policies: coordinated by economist Andrea Repetto.
2. Sub-commission on Institutions and Employment Relations: coordinated by Alejandra Mizala and Humberto Vega, both economists.

3. Sub-commission on Equity and Social Policies: coordinated by economist Dante Contreras.
4. Sub-commission on Medium and Small Enterprises: coordinated by economist Mario Astorga.

Each of these sub-commissions was strongly dominated by experts⁵. In fact, of the 48 members who participated, 75% were experts, 22.9% had experience working in state institutions⁶, and 16.7% represented interest groups⁷ (Aguilera 2009:24). In terms of academic background, 26 of the commission members had degrees in business administration, 8 were lawyers, 5 were sociologists, 2 did not have profession, and the remaining 7 had diverse professions such as accounting, economy, publicity, theology, and philosophy (Garretón, Cruz and Aguirre 2010:9). Four types of interest groups participated in the commission: civil society organisations, former trade union advisers, Church authorities, and board members of big companies and holdings (Garretón, Cruz and Aguirre 2010:11).

From an ideological point of view, the majority of the commission members (28 out of 48) were close or members of a *Concertación* political party, and 10 had ties to the right-wing opposition (Garretón, Cruz and Aguirre 2010:10). In contrast to the PAC on Education, there were no representatives of the extra-parliamentary Left. All the experts that were appointed in the directing positions of the commission, i.e., the chair, the executive

⁵ This category includes academics, members of research centres, directors and experts working for NGOs, members of think tanks and foundations, and experts and consultants working for consultancies specialised in the development of policies and political strategy (Aguilera 2009:24).

⁶ This category includes commission members with relevant experience within state institutions who have held important positions at the institutions relevant to the topics discussed in the commission (Aguilera 2009:24).

⁷ This category includes members and representatives of interest groups and social organisations (Aguilera 2009:24).

secretary, and the chairs of the sub-commissions, were close to the *Concertación*. Arguably, the reservations of the *Contratistas* when deciding whether to participate were not without foundation: the commission was heavily dominated by economists with close ties to the centre-left coalition who they deemed unlikely to receive support from. This apprehension was in fact also shared by many prominent *Concertación* leaders. For example, Yerko Ljubetic, Sub-secretary of Labour during the Lagos government, commented: ‘my expectations [for the commission] were not completely fulfilled [...] basically because of its composition; what you see there united is the same transversal hegemonic distribution of thinking’ (interview 2011).

ii. Consensus-building in the PAC on Labour and Equity

As in previous presidential advisory commissions during the Bachelet administration, the intention behind the selection of commission members for the PAC on Labour was to establish close links to Members of Parliament in order to facilitate and make the commission’s proposed reforms politically viable (interview with Díaz 2009). As Dante Contreras, one of the coordinators of the sub-commissions put it:

‘Before you enter the playing field, you look at the size of the playing field, which are the players, the time of the play [...]. If you convene the group well, with good representation and good timing, in the end, you have saved the whole discussion that follows [in Parliament]. That was the spirit; because everyone could talk to the political sector that was closest to him / her [...] it [the PAC] is not supposed to replace the discussion in Parliament but to help it’ (interview 2011).

As a result of the composition previously reviewed, the PAC on Labour was not internally divided along political lines in the same clear way as the PAC on Education discussed in Chapter 6. In the four sub-commissions, the members addressed different sources of the

inequalities produced by the labour market. These included issues such as employability and income of poorer and vulnerable sectors, training, unemployment insurance, institutions of labour mediation, measures to foster the integration of women and youths into the labour market, the strengthening of entrepreneurship in the most vulnerable sectors, collective rights, and the labour institutional framework. The following table summarises the main areas of discussion and competing proposals elaborated within the frame of the commission.

Table 9.1: Agreements and disagreements in the PAC on Labour and Equity

Key issue	Competing proposals		
Commission on a minimum salary	Create a permanent and independent governmental agency to advice the process of deliberation of the readjustment of the minimum salary and for the generation of recommendations in this regard	This process of deliberation should be part of the endeavours of the Council on Socio-Economic Dialogue (see below)	The instatement of such an institution is not necessary
Certification of 'good labour practices'	Create a new institution, the Direction of Labour Relations, to be responsible for this. It would establish a public register of certifying institutions that can assess good labour practices	Leave certification in the hands of specialised private certifying enterprises	Establish a system of certification in the purview of the National Labour Bureau
Replacement of workers in the case of a strike	Create a system of mutual rights and obligations which guarantee the protection of both the freedom of association and the right to strike, and the public economic order	Maintain the right to replace workers in the case of a strike	Abolish the articles of the Labour Code which refer to the replacement of workers in the case of a strike

Definition of enterprise	Create an independent expert panel which differentiates, case by case, between those enterprises that have extended their activities and therefore require multiple tax identities from those which have distributed their activities in different management units to avoid their responsibilities towards workers	Maintain the current definition of enterprise	Reform the Labour Code. A group of enterprises should be considered an economic unit when they are organised under the same direction. Thus workers should be able to address this unit and exert their collective rights
‘Pacted adaptability’ <i>(Adaptabilidad pactada)</i>	Additional mechanisms are necessary to prevent fraud through the artificial division of enterprises with the aim of avoiding collective bargaining	The current legislation is sufficient to confront this problem. There is neither consensus on the trade union fee that workers should pay and the right to replace workers in case of strike.	-
Collective bargaining	Keep current legislation (should only be allowed at enterprise level)	Introduce inter-enterprise collective bargaining (reform the Labour Code)	-
National Labour Bureau	Separate the roles of supervision of compliance with labour legislation on the one hand, and the protection of labour rights, on the other	Maintain current form but strengthen its faculties. Establish a special normative framework for the case of the supervision of atypical contracts (such as subcontracting arrangements). This should clearly establish the faculties of the Bureau	-

Creation of a Council on Socio-Economic Dialogue	Create a council that focuses on deliberating on issues related to the labour market and employment relations, which contribute to the building of longer-term confidence between the workers and employers representatives	A permanent dialogue platform of this nature is not necessary. It can lead to domination of corporatist groups	-
Training	Amplify access to pertinent and high-quality training in order to increase both the salaries of workers and the productivity of enterprises	-	-
'Income subsidy' to poorest quintile	Introduce a subsidy of 30% of the workers' income (20% is paid to the worker and 10% to the employer). Complement this with a monthly subsidy of 0.5 <i>Unidades de Fomento</i> ⁸ per child	-	-
Improvement of unemployment insurance	Complement the fund of severance pay with a payment of half a month per year of employment (with a cap)	Complement the severance pay but the specific characteristics of this reform should be discussed in a tripartite forum	-

Source: Based on interviews with commission members and final report of the commission (Consejo Asesor Presidencial Trabajo y Equidad 2007)

The proposal of establishing a permanent commission in charge of reviewing of the development of minimum salaries was not accepted by all commission members. Neither was there a consensus on the idea of introducing a system of certification of 'good labour

⁸ The *Unidad de Fomento* is a unit of account used in Chile. The exchange rate between the UF and the Chilean peso is adjusted on a constant basis to inflation. One UF corresponds to approximately £32.

practices'. While one group preferred this policy to be the responsibility of an empowered National Labour Inspectorate, others wanted to outsource this to private agencies, and yet another group preferred to create a new state institution to be in charge of this. The state versus market divide among the commission members was without a doubt present in this discussion.

While the final report of the PAC on Labour explicitly stated that collective bargaining 'serves as a counterweight to the existing power asymmetry between workers and employers', and advocated measures to 'ensure that increases in productivity are transformed in increases in the salaries of the workers' (Consejo Asesor Presidencial Trabajo y Equidad 2007:16), the sub-commission which debated institutions and employment relations was the one that reached the fewest accords among its members (interviews with Contreras 2011; Landerretche 2011; Meller 2011; Mizala 2011). The issue of the replacement of workers during strikes, for example, unearthed divergent positions. The option of creating an expert panel that could examine disputes in which enterprises were accused of artificial divisions also failed to gain majority support (interview with Mizala 2011). Neither was there an agreement in the conceptual discussion of how to define an enterprise, which has crucial consequences for the issue of collective bargaining. As referred to in Chapter 7, there is a widespread practice in Chile among companies to create so-called 'shell companies' and operate with various registered names as a way of eluding their responsibilities towards workers. In this way, the lack of a common proposal in this matter directly affected the chances of counteracting the abuse of subcontracting arrangements that the *Contratistas* had called into question.

A better response was received by the proposal of creating a system of so-called 'pacted adaptability' although a group of commission members did not agree with its need.

Specifically, it was suggested to include issues of collective bargaining within a broader process of negotiation to include things that interest both the enterprises and the workers (interview with Mizala 2011).

Collective bargaining as a separate policy was also discussed in the sub-commission on the institutional framework of labour relations. It failed to garner support. To begin with, there was no consensus on the need to introduce changes to the current legislation and allow sector-wide collective bargaining. A common argument was that ‘a negotiation which [...] a medium or big enterprise can pursue without any problem can liquidate [...] a small enterprise’ (interview with Mizala 2011). Another recurrent standpoint, here expressed by the chair of the commission, Patricio Meller, was the following: ‘equity goes beyond collective bargaining; it is not that it is not important but the issue of equity corresponds to all social groups of society and not only to those who negotiate collectively, who generally are the trade unions of medium and large size enterprises’ (La Nación 06.05.2008).

Another discussion crucial to workers’ right was the issue of strengthening the National Labour Bureau. As noted in the table, the main dispute revolved around the possibility of separating the supervising faculty of the Bureau from its role as a mediator in labour disputes. This reflected the repeated accusation of being overly politicised. One group of commissioners advocated the separation of the roles of supervision of compliance with labour legislation from the task of protecting labour rights, arguing that this actually could serve to overcome some of the accusations that the Bureau often received (interview Mizala 2011). As asserted by Alejandra Mizala who led the sub-commission in which this issue was discussed: ‘if you have a Bureau that is too associated to the interests of the workers, then you have a weaker position with the rest of the actors involved’ (interview 2011). Others preferred to maintain the current format while strengthening its faculties.

From this perspective, the reduction of the responsibilities of the Bureau could lead to its weakening. There was also a lack of agreement in relation to the possibility of creating a council responsible for deliberating on issues related to the labour market and employment relations, which the aim of strengthening the longer-term confidence between the workers and employers representatives.

An area that did reach a consensus was that of training received by workers. One suggestion, argued to empower workers, was to introduce a voucher that they could use to train themselves in skills that could increase their employability (interview with Meller 2011).

The most important agreement was attained in relation to the proposal of an ‘income subsidy’. This comprised a 30% wage subsidy for the lowest-income groups, as well as a per-child cash transfer to those belonging to the lowest quintile. This proposal responded to Archbishop Goic’s call for an increase in minimum wages which had initiated a debate on an ‘ethical salary’. Crucially, an important section within the commission regarded the proposal of an ‘ethical salary’ as an alternative to collective bargaining to achieve an increase in salary. As one of the commission coordinators remarks:

‘Note how the discussion converges; it converges on the issue of the ‘ethical salary’, you see? That is, the view is that the labour market is part of the source of people’s income, and hence, if the labour market is not capable of generating an income that suffices for that person to have a reasonable living, then, that income should be complemented. But intuitively, what is behind that conception is that if the labour market is incapable of generating those resources, then they should be taken from elsewhere [...]. And you see how the issue of an ‘ethical salary’, which is directed to the enterprises, becomes a public policy through which salaries are complemented with other sources of income [...]. The labour market plays a crucial role when explaining people’s incomes and that is translated into levels of inequality. Improving equality, however, is not to be

achieved by distorting the labour market [...]’ (interview with Contreras 2011).

This way, underlying the proposal of introducing an ‘ethical salary’ – which became the flagship proposal of the commission – was the idea that the labour market mechanisms should not be altered and that therefore, if the salaries offered by employers were not sufficient for a decent living, the state should pay a complementary subsidy. As will be shown later in this chapter, the government later translated this proposal into a bill that introduced a subsidy to complement existing wages.

Many were particularly disappointed with the lack of progress in relation to workers’ collective rights. Socialist Member of Parliament Juan Pablo Letelier declared his outright frustration, stating that the proposal did not ‘tackle the bottom of the issue’ and that while he acknowledged the importance of direct fiscal transfers to the poorest sectors, the most efficient tool to promote equity is to strengthen workers’ capacity to negotiate (El Mercurio 12.05.2008). For others, the difficulties in achieving consensus in the field of collective rights were explained in the following way:

‘The technocratisation of the commission [...] ultimately transformed this into a discussion on the country’s productivity, on economic growth. And certainly, within the technocratic sectors the existence of a trade union movement is a problem [...] so the final aspiration was the absolute flexibilisation; flexibilisation of labour, flexibilisation of the wages, flexibilisation of the contracts, flexibilisation of the social provision, etc.’ (commission member, quoted in Garretón, Cruz and Aguirre 2010:16).

Indeed, while the *Contratistas* had motivated a debate on labour issues, the commission was not able to move past some of the most contentious issues around labour policy which potentially could have improved their working conditions. Notwithstanding many criticisms, the establishment of the commission put employment relations and inequality at

the heart of public debate. In the words of Carlos Peña, a renowned academic and influential contributor to public debate through media outlets:

“The commission concurs that the existing level of inequality is intolerable and that the market will not be able to tackle it by itself. Everyone agrees on that assertion: people of the Right and of the Left. No one doubts the market but no one attributes it demiurgic powers anymore. This is worth highlighting in a country which until recently lived hypnotised or overwrought – depending on the position – by the ‘trickle-down theory’ [*teoría del chorreo*] [...]. It is not a small thing. It is much more than anyone would have dared to say just five years ago’ (Peña 2008).

At the same time, defending the work of the commission, its chair argued that ‘they are asking the commission to solve in seven months what the political system, the business and trade union leaders have not resolved in 18 years. What we did was to clarify and say ‘this is the puzzle: build it’’ (Patricio Meller, quoted in Aguilera 2009:22). He also asserted: ‘Maybe, who needs to resolve this topic should not be a commission but there should be a political solution’ (quoted in *La Segunda* 06.05.2008). This, however, required forceful action by the government. Instead, as I show in the next section, additional conflicts on labour issues emerged. Once again the conflicting positions within the *Concertación* were exposed.

IV. CODELCO VERSUS THE NATIONAL LABOUR BUREAU

While the PAC on Labour was working on developing proposals that could generate ‘a new frame of interaction between workers and employers’ (Consejo Asesor Presidencial Trabajo y Equidad 2007:16), important developments for the fate of Chile’s contract workers were taking place elsewhere. These would show the *Contratistas*’ lack of impact in terms of output, that is, in relation to forcing the authorities to implement policy-

responsive actions. As discussed in Chapter 8, starting in January 2007 the Subcontracting Act sought to counteract the negative impact that Chilean labour legislation had on contract workers by establishing a set of legal protections. In doing so, the new piece of legislation introduced limits on the use of temporary contracts. If put into effect, the Subcontracting Act had the potential of significantly reduce subcontracting employment arrangements and strengthen permanent employment (Posner 2011:18).

After being approved in January 2007, the National Labour Bureau, which was in charge of supervising compliance with the new law, outlined a schedule to progressively inspect different economic sectors. The strike in CODELCO divisions in June 2007 by the *Contratistas* delayed the Bureau's inspection work in the mining sector (interviews with Melis 2011; Silva 2011). The Bureau had previously investigated the banking and retail sectors and submitted a report in which the implications of the application of the Subcontracting Act were noted. In other words, the work of the National Labour Bureau involved identifying the number of workers in each economic sector who, according to the new legislation, should in fact be employed by the 'user company'. Because the Bureau's report on the mining sector was not due until December, when the CTC and CODELCO signed the framework agreement with which the 2007 strike was put to an end, the involved parts decided to not include anything related to the Subcontracting Act.

In December 2007, however, the National Labour Bureau submitted its report on the mining sector. To the shock of CODELCO, the investigation established that the application of the Subcontracting Act signified that the state company had to 'internalise' 4,934 contract workers. Hence, in order to abide by the new legislation on subcontracting arrangements, CODELCO needed to employ almost 5,000 workers that previously were on temporary contracts. The Bureau's report suggested that this could take place gradually

(interview with Silva 2011). Yet, the ‘internalisation’ of the contract workers by CODELCO would signify a 27% increase in its permanent staff (El Mercurio 14.12.2007). The state giant protested, arguing that the Bureau was ‘leading the country to bankruptcy’ (interview with Ramírez 2011). What was worse, the report included a list with the specific names of the contract workers that according to the Subcontracting Act needed to be incorporated into the ranks of CODELCO’s permanent staff. This list included some of the leaders of the 2007 mobilisations, which generated strong opposition from CODELCO’s authorities (El Mercurio 14.12.2007).

This drastic consequence of the new law provoked an equally striking response by CODELCO. In an unprecedented move for a state company, in mid-December 2007, the company decided to take legal action and challenge the Bureau’s power to issue such a statement. Specifically, CODELCO appealed for legal protection (*recurso de protección*) in court, arguing that the Bureau did not have legal authority to instruct the state company to employ its contract workers. Initiating a political battle once again, CODELCO was questioning a key law which had been approved after years of partisan bickering, and, in fact, promoted by the same government in charge of managing the company.

It is important to note that there was a long history of conflict between the judiciary and the National Labour Bureau, in which the latter’s authority to verify the employment arrangement of contract workers was questioned (interviews with Feres 2011; Vergara 2011). This is why the role of the Bureau had been widely discussed in the PAC on Labour.

The unfolding of these events triggered an open dispute within the government. As noted earlier, CODELCO’s board is partly composed of the Minister of Mining and the Minister of the Treasury. Being part of the board and at the same time members of the Bachelet

administration, these ministers strongly opposed the Bureau's order to 'internalise' some of CODELCO's contract workers. Defending the Bureau's undertaking, its director at the time, Patricia Silva, argued that CODELCO's authorities had had the chance to present their objections in the permanent commission on mining in Parliament but that it 'never asked to make a statement on the specific juridical aspects [of the new legislation]' (El Mercurio 14.12.2007). Osvaldo Andrade, the union-friendly Minister of Labour, decisively supported the Bureau's interpretation of the new legislation and the right of many contract workers to be employed by the state company. This support was greatly appreciated by union leaders. In a public declaration signed by the CTC, the CUT, and close to twenty other trade unions, the union leaders manifested their appreciation of Andrade's support and, criticising the *Concertación*, stated that it was 'unacceptable that MPs and ministers who advocate social equality are the ones that oppose people such as Osvaldo Andrade' (El Mostrador 02.05.2008). The 'two souls of the *Concertación*' were more in conflict than ever before. As put by the CUT president, the government was acting with 'two policies', which was part of its internal contradiction (El Mercurio 14.12.2007).

In face of the legal battle initiated by CODELCO, a government spokesperson declared that it was the Bachelet administration's expectation that CODELCO should pursue the process of 'internalisation' of its contract workers in accordance with the Subcontracting Act (El Mercurio 14.12.2007). At the same time, however, the spokesperson affirmed that 'this does not necessarily mean that the 5,000 workers will be incorporated [by CODELCO] because the application of the law is related to the specific circumstances of each company' (El Mercurio 14.12.2007).

However surprising it might sound in retrospect, interviewees agree that the conflict between the Bureau and the CODELCO authorities was not foreseen (interviews with

Godoy 2011; Melis 2011; Silva 2011). While the Bureau has the power to denounce infringements directly to the courts if it detects cases of, for example, anti-trade union practices, the Subcontracting Act did not bestow the Bureau with such authority in the case of illegal subcontracting arrangements. In fact, the law only specifies the amount of the fine to be paid by the enterprise making the infraction but it does not detail the procedure to follow in the case that the Bureau finds ground for the existence of an illegal supply of labour force. Rather, the law suggests that the Bureau can give the compiled antecedents to the workers who then can initiate legal action. This, however, is a very difficult mission to undertake. On the one hand, this has an economic cost that very few workers can afford. On the other hand, as the director of the Bureau affirms, 'no worker with an employment contract in force will risk himself in a trial with his boss' (La Nación 14.09.2008). In this way, given that the National Labour Bureau does not have the ability to define when enterprises are infringing the Subcontracting Act, workers were left without protection in this respect.

In addition to not bestowing the National Labour Bureau with additional powers to determine cases of illegal subcontracting, the Subcontracting Act did not foresee the additional resources that would be required by the Bureau to be able to fulfil its objective of overseeing compliance with the new legislation. The regulating institution had prepared its personnel for its new task (interviews with Melis 2011; Silva 2011). Yet there was not an adequate provision of resources. As a way of illustration, while 47.3% of Chile's companies are visited by tax inspectors, only 11.3% of companies received labour inspections (Durán-Palma and López 2009:254). Statistics also show that in 2007 the average number of labour inspectors is 19 for every 100,000 workers (Durán-Palma and López 2009:254).

After a rocky legal process, the issue reached the Supreme Court which in May 2008 found in favour of CODELCO. Upholding the position of employers, the court declared that the existence of an employment relationship could not be determined solely based on the Bureau's inspection but had instead to be the determination of an employment tribunal (Durán-Palma and López 2009:250). In other words, the court verdict meant that the National Labour Bureau did not have the authority to order the state company to employ its contract workers. The ruling further stated that forcing the state giant to internalise the *Contratistas* 'violated the employer's right to freely contract labour (*libre contratación*), the right of enterprises to develop their activities in accordance with market fluctuations, and the right to property' (Posner 2011:19). As the two former directors of the Bureau argue, in practice, by stripping the Bureau of its authority to enforce the new piece of legislation, the verdict of the Supreme Court eviscerated the Subcontracting Act (interviews with Silva 2011; Feres 2011). As Patricia Silva, the Bureau's director at the time, states, 'this left the workers in the worst of worlds [...]; if we do not regulate, *who* will?' (interview 2011). As Durán-Palma and López note, '[...] these rulings oblige individual workers to file lawsuits against employers, which is not the best route to ensure compliance, as the process is long, complex, and expensive' (2009:254).

This perspective was shared by the officials of the National Labour Bureau. As argued by the head of the Bureau in Antofagasta, one of Chile's main mining cities: 'we need more authority, the workers will not be able to do it [pursue a law suit to force the implementation of the law]. As long as the Bureau cannot represent the worker in this regard, it [the Subcontracting Act] will remain a 'dead' law' (interview with Ramírez 2011). The ruling of the Supreme Court also represented an important antecedent for mining enterprises of the private sector, which felt vindicated by a verdict favourable to

CODELCO. Without a doubt, as Durán-Palma and López formulate, ‘what was not good for the public sector could not possibly be good for a private company’ (2009:253).

Interviewed Bureau officials agreed that their institution had been considerably weakened after the dispute with CODELCO (e.g. Melis 2011; Silva 2011; Vergara 2011). At the same time, there is recognition of the mistakes made by the Bureau at the juridical, political, and administrative levels. Mónica Vergara, one of the Bureau’s lawyers involved in the dispute with CODELCO, comments:

‘If an entity of medium level hierarchy as the Bureau enters a juridical-political conflict with the Supreme Court, it has to take this seriously and the highest-ranked authorities [i.e. the government] have to be committed to this decision. If you add to this that you will face the most important state enterprise [...] the activity of which is central for the functioning of the economy [...] you have to have a strategic plan that was never there. Second-ranked employees [of the Bureau], who were not lawyers, who did the best they could, committed nonetheless multiple juridical and administrative mistakes’ (interview 2011).

As for the political factors that defined the outcome of the dispute, Vergara further reiterates: ‘the Subcontracting Act could have had a more profound application but this would have required the adoption of a socio-political accord pursued by the President [Bachelet]’ (interview 2011). At the same time, as another senior Bureau official argues, ‘if it had not been the mining sector maybe it would have worked, but no one touches mining in this country’ (interview with Ramírez 2011).

As a result of the dispute between CODELCO and the Bureau, the Subcontracting Act approved in January 2007 served to advance individual rights related to security and hygiene for contract workers – which as noted were matched to those of the permanent staff – but it could not do much in terms of internalising contract workers and thus equalling the differences of working conditions of CODELCO’s plant workers and the

Contratistas. In this sense, the Supreme Court's verdict in favour of CODELCO undermined the Subcontracting Act's aim of 'ending the division between first and second class workers'. So, while the Bachelet administration had attained the approval of the law, CODELCO, the most emblematic state company, had diluted its application by challenging the state agency in charge of enforcing the new piece of legislation (Durán-Palma and López 2009:259).

Prominent members of the *Concertación* who had hoped for improvements in the working conditions of the *Contratistas* were outraged by the court ruling. Senator and president of the Socialist Party Camilio Escalona deplored the decision with strong words: '[...] the bloodsuckers (*chupasangres*) have a new reason to celebrate because this [the court ruling] severely weakens the subcontracting law passed by the National Parliament [...] workers of this country will continue to be victims of all types of abuses' (Posner 2011:19). In spite of the support of some sectors of the political establishment, the lack of a common stance within the coalition, or, the 'two souls of the *Concertación*', certainly restricted the possibilities for the *Contratistas* to have an impact in terms of output, which, as previously defined, means that the authorities implement policy-responsive actions that favour the challenger. At the same time, as I discuss in the next section, the inability of the contract workers to put pressure on the government was also related to their gradual weakening as a movement.

V. THE AFTERMATH OF THE *CONTRATISTA* MOVEMENT AND ITS INABILITY TO INFLUENCE THE LABOUR AGENDA

In spite of the support from certain sectors of the *Concertación*, the CTC leaders were also furious by the behaviour of CODELCO and the ruling of the Supreme Court, the CTC leaders expressed their feeling of abandonment by the centre-left coalition (interview with Santana 2011). As a *Contratista* leader asked himself: ‘what happened? It is like the world’s been turned upside down, the same government that proposed the law [...] using the trade union movement for political purposes in the middle of the campaign [...] then reverses it’ (interview with Ahumada 2011).

In addition to the discontent generated by this situation, the triumphant feeling left after the 37 days long strike staged across the CODELCO divisions in 2007 proved brief. In particular, the *Contratistas* complained that CODELCO was delaying the fulfilment of the accord signed after the 2007 strike. ‘Months have gone passed and the main state company, CODELCO Chile, has pursued a thousand ways of prolonging the comprehensive implementation of the frame agreement’, the CTC leaders declared (quoted in CTC 2008). With the aim of ratifying the agreement of the previous year, and also the concessions that had been reached after the 2006 protests, the *Contratista* movement re-emerged with renewed vigour (interview with Peña 2011). A new general strike was initiated on April 9, 2008. This time the strike lasted for 20 days and involved more than 25,000 workers (Durán-Palma and López 2009:253) and caused an economic loss of approximately £65 million (La Tercera 02.05.2008).

The organisation of the 2008 strike demonstrated that the force displayed in 2007 was at least in part still in place. Movement strength, which scholarship on social movements

defines as a key variable for movements to produce an impact, has most commonly been understood as either a function of the level of mobilisation measured as the number of protest events, or the level of organisation (e.g. Giugni 2004). As I discussed in detail in Chapter 8, the *Contratista* movement's capacity to sustain and coordinate a 37 days long strike across the five CODELCO divisions in 2007 was the result of a longer-term process of organisational development, which the movement also benefitted from in 2008. Yet the external conditions that the *Contratistas* faced had changed. In contrast to the previous year, in 2008 the CODELCO authorities were consistent in their refusal to negotiate with the CTC (Durán-Palma and López 2009:253). Aware of these changing circumstances, the CTC leaders noted: 'this time [...] the business sector and its political allies have hardened their positions' (CTC 2008).

The government, however, which after two years in power had already been hit by the *Pinguino* and the *Contratista* movements really could not afford another conflict, publicly requested the CODELCO authorities to resume negotiations with the contract workers. Underscoring the violence of the *Contratista* protests, the state company did not want to appear negotiating with the contract workers. As a consequence, the CUT was called in to act as a mediator in the dialogue (La Tercera 02.05.2008). Pressure by the Minister of Labour was also put on the CTC to negotiate and to let the CUT act as a mediator in the talks with CODELCO (interviews with Ahumada 2011; Zarate 2011). The CTC finally conceded. The vice-president of the CTC explains this decision in the following way:

'You have to consider that this confederation had mobilisations in 2006 and 2007 [...]. In 2008? Maybe we rushed into it; maybe there were no real conditions to pursue this, there was a certain weakness, we did not have the same strength as in 2007 [...]. Obviously CODELCO took advantage of these circumstances by trying to delay the payment of the bonus that was due in March. We think, we are sure that they [the CODELCO authorities] in fact provoked us to pursue this mobilisation to give us the

punch that they were not able to give us in 2007' (interview with Ahumada 2011).

On May 2, 2008, a new agreement was signed between the CTC, the CUT, and the government. To avoid the already prolonged conflict in the mining sector, Bachelet herself ensured the *Contratistas* that the accords with the state giant would be followed (Durán-Palma and López 2009:253). The agreement included a bonus of £640 and the re-examination of the application of the Subcontracting Act (El Rancahuaso 06.05.2008). The CTC also demanded that the Minister of Internal Affairs, the Minister of Labour and the CUT president acted as guarantors of the accord.

The agreement with CODELCO unearthed a series of criticisms among the contract workers (interviews with Cuevas 2011; Mardones 2011). As the president of SITECO recalls:

'It did not make any sense to cast your vote [in the assembly] because the decision [about signing the agreement] was already made [...]. This led many trade unions to abandon the CTC, not because there was a lack of strength or because they had been defeated by their enemy but because they had been betrayed by their own colleagues. They left very disappointed' (interview with Peña 2011).

Discontent also spread after the decision of CTC President Cristián Cuevas to run for representative in the 2009 elections. Furthermore, in contrast to 2007, when the strike was abandoned after a promise on the part of CODELCO that there would not be any reprisals – which signalled to the workers that it was possible to mobilise and also allowed for a certain continuity of the leaders of the movement in the divisions – the 2008 protests were followed by wide-scale dismissals among those who had participated in the strike (interviews with Ahumada 2011; Cuevas 2011; Santana 2011). While this is illegal, it was not an unusual practice either in CODELCO nor in private mining companies (interview

with Carvallo 2011). Being fired, many of the CTC leaders lost contact with the workers at the divisions (interview with Santana 2011). As the CTC director in the *Andina* division confirms:

‘The strike ends, we reach an agreement, here we have like 700 ‘old hands’ [*viejos* - idiom] [who were fired], and the federation is left on the floor. There is a stampede of trade union leaders, disappointed with the issue. It was a mess; in 2008 it was a mess [...] the division in Rancagua collapsed [...]. Today the trade union is totally contaminated and everyone does what they want, there is no uniform position, there is no coordination. It was so hard to mount the organisation again’ (interview with Zarate 2011).

In addition, SITECO, which, as stated in Chapter 7 was one of the founders of the *Contratista* movement, decided to disaffiliate from the CTC in protest against what its leaders regarded as a mismanagement of the 2008 strike and the CTC’s lack of defence of the dismissed workers (interview with Peña 2011). A last setback for Chile’s workers in general was the resignation of Minister of Labour Andrade in December 2008, in order to participate in the parliamentary elections of 2009. Claudia Serrano, the new Minister of Labour, had a less trade union-friendly profile. As Arturo Martínez, president of the CUT, maintained, ‘[i]t is true that [the appointment] will begin to dilute the double-soul issue. Although [Serrano] has firm convictions, she will not play the role that Andrade played’ (quoted in Borzutsky 2010:93).

At the same time, while the 2008 protests were costly for the CTC, President Bachelet maintained high approval rates. As for the Minister of the Treasury Andrés Velasco, who had supported CODELCO throughout the conflict with the *Contratistas*, polls from 2009 showed that he was the second most popular politician with 50% of the population expressing a positive assessment of his performance (Huber, Pribble and Stephens

2010:84). Indeed, as Huber, Pribble and Stephens affirm, this arguably shows that Chileans appreciate the *Concertación*'s commitment to prudent fiscal policy (2010:84).

V. POLICY IMPACT

i. CODELCO's creation of the Unit of Management and Auditing of Subcontracting Companies

As Tarrow notes, '[...] authorities [...] do not sit idly by as challengers contest their rule' (1994:141). In addition to the process described above, another crucial external condition which had changed in 2008 in comparison to the 2007 strike was the institutional adaptation undertaken by CODELCO. There had been an important learning process in the state company after the events of that year. Decisively, CODELCO had created a new division specially in charge of dealing with the contract workers. As Daniel Sierra, Director of Human Resources at CODELCO, comments: 'as a consequence of what we experienced in 2007 [...] we realised that we required a specialised unit that is primarily devoted to leading the control of the contract workers and to collect the demands of the trade union movement' (interview 2011). Therefore, CODELCO created the Unit of Management and Auditing of Subcontracting Companies in 2007. This decision had positive consequences for the *Contratistas*. In an effort to avoid the conflict with the contract workers, CODELCO became more careful in the election of the subcontracting companies that it employed (interviews with Ramírez 2011; Loyola 2011). Hence, CODELCO tried to improve the working conditions of its contract workers by sharpening the standards of the contracts that it signed with the subcontracting companies that employed the *Contratistas*.

At the same time, the creation of the unit had as a clear objective to prevent a conflict with the contract workers as the one experienced in 2007. This was facilitated by the appointment of the director of the unit. In charge of the new division was Eduardo Loyola, who, as mentioned in Chapter 7, was the first Sub-secretary of Labour after the return of democratic rule and had long-term connections with the trade union movement. According to his description:

‘The work of this unit is to monitor the reality of the [subcontracting] enterprises, talk to them [the contract workers], and identify potential zones of conflict [...]. We established a political line to know how to move and this was validated by the authorities [...] we had *La Moneda* [presidential palace] with us [...]’ (interview 2011).

As Loyola suggests, another way of avoiding a conflict such as the one in 2007 was to make an important effort to align the authorities involved. In relation to the 2008 strike, Loyola confirms that the creation of the unit defined the response of CODELCO during the upsurge of the conflict in 2008 (interview 2011). Specifically, the creation of the unit meant that a ‘political line was defined to know how to act [in relation to the *Contratistas*]’ (interview with Loyola 2011). When asked about the aftermath of the *Contratista* movement, Loyola further reflects:

‘We have all learned from the conflicts [...]. We have learned that even if there is a contractual relationship with the [subcontracting] enterprises, we have to be there observing and monitoring [...]. We [the CODELCO unit in charge of the relationship with the company’s contract workers] play a crucial pacifying role in CODELCO, which today is much calmer [...]. Cuevas’ CTC has also learned that not only the road of rupture allows making progress [in labour issues] but also the road of agreements [...]. I think all parts have matured’ (interview 2011).

ii. Policies

Although eventually weakened, the contract workers of CODELCO had revived both trade unionism and the discussion of labour issues. As the Minister of Labour reflected in 2007, ‘this has been the year of social debate, from the perspective of equity, into which an actor that had been absent – the world of labour – has been incorporated’ (El Mercurio Online 28.12.2007). Besides the unit created by CODELCO to handle the relationship with its contract workers – which led to an institutional change within the state enterprise – specific policies also followed the emergence of the *Contratista* movement. In fact, the creation of the PAC on Labour which was motivated by the *Contratista* strike sparked a series of bills that sought to address some of the concerns of the contract workers. As previously discussed, the area of most disagreement in the commission was that related to workers’ collective rights. However, many hoped that this would be remedied by the government. Yet, as the following table illustrates, the main bills that were finally approved during the Bachelet administration were related to individual rights. In this sense, following the tendency of previous *Concertación* governments, the agenda on workers’ collective rights largely stalled.

The Subcontracting Act has already been discussed at length. Its approval followed years of partisan bickering after which the issue of subcontracting had been presented in a separate bill in 2006. As examined in the previous section, however, the ruling of the Supreme Court restricted the enforcement of the law considerably.

Table 9.2: Policy outcomes of the *Contratista* Movement

Problem that is tackled	Proposed changes	
Before the 2007 <i>Contratista</i> strike		
<p>Subcontracting Act Presented: 10/2006 Promulgated: 1/2007</p>	<ul style="list-style-type: none"> - Ambiguity in the definition of the responsibilities of the ‘user company’ towards its contract workers 	<ul style="list-style-type: none"> - ‘Subsidiary liability’: the ‘user company’ is obliged to respond when the subcontracting company fails to comply with the labour and social obligations to the contract workers
After the <i>Contratista</i> movement		
<p>Bill on the Improvement of the Mandatory Unemployment Insurance Presented: 8/2008 Promulgated: 1/2009</p>	<ul style="list-style-type: none"> - Insufficient coverage 	<ul style="list-style-type: none"> - Creates the Solidarity Unemployment Fund through which insurance also covers workers with non-indefinite contracts - Institutionalises a National Employment Bureau - Introduces a System of Labour Information
<p>Bill on a Subsidy to Employment Presented: 1/2009 Promulgated: 4/2009</p>	<ul style="list-style-type: none"> - Insufficient income 	<ul style="list-style-type: none"> - Introduces a subsidy of 30% of the income for people from the poorest quintile, who earn less than 150,000 pesos
Stalled reforms		
<p>Constitutional Reform on Collective Bargaining Presented: July 2007 Filed.</p>	<ul style="list-style-type: none"> - Modify the Labour Code’s restrictions in relation to collective bargaining 	<ul style="list-style-type: none"> - Universal recognition of trade union freedom and the right to collective bargaining

National Labour Bureau (was never sent as a bill to Parliament)	- Insufficient powers to denounce irregularities	- Establish an obligation to denounce cases in which the Bureau suspects that the enterprise is abusing of subcontracting arrangements
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Source: Based on interviews with Melis 2011; Vergara 2011;

Silva 2011 and webpage of the Parliament

Two bills were sent to Parliament after receiving the report from the PAC on Labour. The first one sought to improve the mandatory unemployment insurance that had been introduced during the presidency of Lagos (Biblioteca Nacional del Congreso 2009b). This bill stemmed from the discussion undertaken in the sub-commission on the labour market and labour policies. The new law broadened the coverage of the insurance to also include workers with short-term contracts, or with contracts linked to the fulfilment of a particular job or service (*trabajadores a plazo fijo, obra o servicio determinado*), who with the new legislation can access the Solidarity Unemployment Fund (*Fondo de Cesantía Solidario*). The new requirement to access this fund is to have paid 12 contributions in the last 24 months after the end of the employment contract, and that the last three contributions are continuous and with the same employer. In addition, the law established the finance of special programs to the beneficiaries of the Solidarity Unemployment Fund with the lowest level of employability. The law also institutionalised the National Employment Bureau (*Bolsa Nacional de Empleo*), the administration of which lies in the hands of a private administrator selected through a bidding process. Finally, the law introduced a System of Labour Information (*Sistema de Información Laboral*), to be administered by the sub-secretariat of the Ministry of Labour. The information provided includes key indicators such as the evolution of labour demand and information about salaries and about employment opportunities organised by region and by economic sector.

The second advancement made by the Bachelet administration was the promulgation of the Bill on a Subsidy to Employment, which introduced a subsidy of 30% of the income for people from the poorest quintile who earn less than 150,000 pesos (approx. £215). As acknowledged by President Bachelet when launching this new piece of legislation, the bill resumed the discussion of the 'ethical salary' that had taken place in the sub-commission on equity and social policies (Bachelet 2009:168). Yet, many perceived that the bill ultimately had scaled back the discussion undertaken in the PAC on Labour. Dante Contreras who coordinated the sub-commission that had addressed this issue, for example, argued that the bill 'reflects the spirit but not the magnitude' of the proposal on a subsidy to the salary originated in his commission (interview 2011). While the support of the CUT to the bill is highlighted in the parliamentary discussion on the subsidy (Biblioteca Nacional del Congreso 2009c:41, 47), the *Contratista* leaders were more hesitant to the new legislation. From the perspective of CTC President Cristián Cuevas, the proposal on an 'ethical salary' did not correspond to the pledge made by President Bachelet neither in terms of the amount suggested nor in terms of the form in which it was proposed to be paid:

'The bill does not fulfil the ethical criterion given by Archbishop Goic after the strike staged by the *Contratistas* in 2007. Firstly, because it replaces the concept of salary (*salario*) for that of income (*ingreso*), which means reducing it from a right that workers have to receive a salary with which they and their family can subsist, to a series of transfers or subsidies granted by the state, which is the politics based on assistencialism that has prevailed. Secondly, because the resources for these subsidies do not stem from the pockets of the businessmen; instead of paying their workers better, they keep economic growth in their wallet. It is the state which provides the money [for the subsidy] and consequently, all Chileans are subsidising the profits of these bad businessmen' (Cuevas 2011).

Despite the criticisms, it is important to recognise that the bill also addressed some of the proposals discussed in the commission in relation to the incorporation of the youth in the

labour market. For instance, the law established a subsidy for youth employment, which benefits workers belonging to the poorest 40% of people, who earn a gross salary less than 360,000 pesos (approx. £515), and that are in the age group 18-25 (Biblioteca Nacional del Congreso 2009a). The subsidy also benefits these young workers' employers as one third of the subsidy is paid to them (Biblioteca Nacional del Congreso 2009c).

While the Bachelet administration was able to advance the labour agenda through these two new pieces of legislation, which arguably improved workers individual rights, in the field of collective rights which could have empowered workers, no progress was made. As interviewed labour policy-makers argue, this is not surprising given the level of disagreement in this field before the emergence of the *Contratista* movement, which, as noted, also was expressed in the discussion undertaken in the PAC on Labour (e.g. interviews with Godoy 2011; Silva 2011). Indeed, as affirmed by the General Secretary of the Presidency: 'I am sure that everything that means a direct transfer of funds to the most disadvantaged sectors will be easier to approve [...]. In contrast, any discussion about labour relations is much more arduous, more complex' (quoted in *El Mercurio* 12.05.2008).

To be sure, attempts were made to also improve workers' collective rights. For example, in July 2007, the Ministry of Labour proposed a bill that sought to introduce a constitutional reform on collective bargaining. The project proposed the rewriting of the normative constitutional frame with respect to the right to collective bargaining and to complement the recognition of the right to strike to make the existing legislation more in line with international standards, especially those set by the ILO. This bill was however filed away in October 2007 (Biblioteca Nacional del Congreso 2007). In addition, the previously discussed problems encountered by the National Labour Bureau did not find a legislative solution during the administration of President Bachelet. In reaction to the conflict with

CODELCO, a group of Socialist Senators asked the Minister of Labour to draft a proposal that addressed the powers of the National Labour Bureau with the final goal of ensuring that ‘the Subcontracting Act is followed’ (Senator Pedro Muñoz quoted in *La Nación* 14.09.2008). Minister Andrade prepared a bill that established the Bureau’s obligation to denounce companies in cases in which it suspects that the enterprise is abusing of a subcontracting arrangement (*titularidad activa*) (*La Nación* 14.09.2008). This bill, however, was not approved in Parliament and the Bureau remained weak in its capacity to denounce irregularities.

In spite of the setbacks, the interviewed CTC leaders acknowledged the policy advancements made after the 2006, 2007, and 2008 protests (e.g. interviews with Cuevas 2011; Santana 2011). As the organisation remarks on its website, the protests of 2008 and of the two previous years are regarded as the *Contratista* movement’s founding episodes, which provide the ‘historical framework of the contemporary and future struggles of the CTC’ (CTC webpage). Interviewed policy-makers of labour also recognised that the labour agenda was advanced with regard to individual rights (e.g. interviews with Ramírez 2011; Silva 2011; Vergara 2011). At the same time, as commented by Roberto Godoy, Chief of Cabinet of the Minister of Labour during the Bachelet administration:

‘Without a doubt, the movement had the capacity to articulate and to present a more comprehensive demand [...] but if there was not more progress in labour issues, it was not only because of the *Concertación* but also because there were not social actors with the sufficient strength and capacity to exert social pressure to move the frontiers’ (interview 2011).

Indeed, both the incapacity of the contract workers to exert pressure to advance the labour agenda further and the lack of a common stance within the *Concertación* ultimately explain why the impact of the *Contratista* movement did not follow a ‘joint-effect’ pattern. As

mentioned in Chapter 2, this would have required that there was *combination* of social mobilisation with the creation of political alliances and/or the support of public opinion.

VI. CONCLUSION

The *Contratista* movement succeeded in repoliticising a long-dormant labour agenda. Yet, as I showed in this chapter, while the protests staged by the *Contratistas* called into attention existing inequalities between contract and permanent workers, they were less influential in the actual content of the discussion on labour they had triggered. Naturally, this was partly a result of the CTC's refusal to participate in the PAC on Labour. As the staging of a new strike in 2008 indicated, the confederation was clearly more concerned about forcing CODELCO's authorities to comply with the agreements from previous years. At the same time, the *Contratista* movement showed that after almost thirty years in practice, fundamental changes to the 1979 Labour Code which could strengthen organised labour did not have sufficient support among the governing elite. As Frank rightly remarks, a government is not necessarily a unitary actor (2002:5). As I showed in this chapter, the *Contratista* protests unearthed long-standing opposing stances on labour present within the realm of the *Concertación*. As a result of the *Contratistas'* lack of involvement and the contrary standpoints on labour and employment relations present within the centre-left coalition, the potential to create an alliance to pursue a far-reaching labour reform. So, while some reforms that improved workers' individual rights were accomplished, any progress in relation to collective rights stalled. Aware of the importance of the pressure put by social actors to advance policy agendas, Roberto Godoy, advisor to the Minister of Labour, concludes:

‘We [the *Concertación*] made many mistakes. Many times we called on the Ministry of Labour and on the Cabinet to demobilise mobilisation efforts in virtue of appealing to [...] the supreme good of democracy, of the *Concertación*, governability, insisting that the social actors sacrificed their interests [...]. Today, clearly, everyone has understood that it [the discouragement of mobilisation] was a mechanism that was useful for a while but that it seems that we abused it and that maybe, if we had let these social movements mature, they would have had more strength to make progress in these matters [labour issues] [...]. With regard to how to advance the public agenda, the blokes (*los cabros*) [the *Contratistas*] have taught us a lesson’ (interview 2011).

**CONCLUSION: THE POSSIBILITIES AND LIMITATIONS
OF SOCIAL MOVEMENTS IN POST-TRANSITION CHILE**

‘What lies ‘beyond neoliberalism’ is unlikely to be determined by grand ideological visions or political blueprints; instead, it will be constructed piece by piece, from below, through the grassroots participation and decentralized experimentation of new popular subjects’¹

‘Inequality is a constant in political life, but its salience in political discourse rises and recedes’²

I. INTRODUCTION

Almost two decades ago, Martínez and Díaz lucidly noted that the concomitant processes of democratisation and consolidation of a market economy in Chile had ‘opened the way for a subjective reshaping of Chilean society’, and that the characteristics of this would ‘take years to acquire a more definitive form’ (1996:102). This dissertation has tried to make sense of these new subjectivities by scrutinising two crucial social movements that can be read as expressions not only of that subjective reshaping, but also of the articulation of the disgruntlement that arose from the fault lines of the double transition to democracy and to neoliberalism. The analysis undertaken has thus underscored how socio-economic and socio-political transformations created a fertile soil of discontent which, in turn, paved the way for the rise of the *Pinguinos* and *Contratistas*. At the same time, by studying the impact of the movements staged by secondary school students and contract workers, I examined their possibilities and limitations when trying to produce a change at the macro level. To put it differently, in this dissertation I looked at the interplay between market reform and political change by analysing how processes at the macro level reshaped the prospects for collective action and how this in turn, once articulated in the form of a social

¹ Roberts (2009:3).

² Bermeo (2009:21).

movement, sought to influence the policy path that Chile has followed since the reinstatement of democracy.

As the findings of this dissertation suggest, both the *Pinguino* and *Contratista* movements emerged as a reaction to failings in their respective policy fields and the unequal outcomes that these faults entailed. In explaining why the education and labour systems bequeathed by the military regime were kept largely intact by the *Concertación* governments, I emphasised both the historical and institutional legacies that limited their capacity to produce change. These legacies, in turn, not only shaped the nature of policy-making and of the type of policies *before* the upsurge of the *Pinguino* and *Contratista* protests but also the opportunities for building socio-political alliances through which far-reaching reforms could be advanced *after* the movements had emerged. These opportunities were partly mediated by the dissimilar set of constraints involved in the policy *sectors* that the two movements challenged. Furthermore, as I showed when analysing the processes that followed the rise of the *Pinguino* and *Contratista* movements, while their organisational development allowed for mounting the protests, it was insufficient to sustain their mobilisation efforts and exert pressure in subsequent stages of policy-making. Once they had entered the institutional arena, the impact of the secondary school students and the contract workers was *indirect* and could only be achieved through the mediation of the political alliances that they were able to forge: hence the importance of understanding the historical and institutional forces that shaped the cautious approach of the *Concertación* which, in turn, left social movements with a reduced amplifying chamber for their views.

With the aim of unpacking the findings and discussing their broader implications for Chile and for current academic debate, this concluding chapter is structured in four parts. Following this introduction, in the second section I summarise my answers to two of the

questions outlined in Chapter 1: first, what motivated the emergence of the *Pinguino* and *Contratista* movements? And second, what impact did the movements have on labour and education policy-making? In section three I then seek to bring together for comparison the various dimensions of the research. In light of my findings and comparative analysis, in the fourth section I discuss the final question that this dissertation seeks to address, namely, what these phenomena of social mobilisation tell us about the prospects of moderate left-of-centre governments in Latin America, such as the *Concertación*. To answer this question I analyse the limitations of the governance formula of the centre-left coalition and link this to the upsurge in social mobilisation since 2011. Finally, in section five, I refer to the limitations of my research and suggest areas for future research.

II. SUMMARY OF THE FINDINGS

In this dissertation I explored the organisational development and articulation of grievances that paved the way for the emergence of the *Pinguino* and *Contratista* movements. In Chapter 1 I placed the Chilean case within the broader Latin American scene and contemporary debates on the shift from depoliticisation to repoliticisation that followed the processes of economic and political transformation during the last decades, and the more recent ‘turn to the Left’. To link the rise of the *Pinguino* and *Contratista* movements to the shortcomings of the twin transition to democracy and neoliberalism, in Chapter 2 I outlined a framework for analysis that bridges structurally-oriented and agency-related dimensions. The synthesis of the political-institutional, cognitive and organisational dimensions offered by the Contentious Politics approach, I argued, recognises that social movements are always expressions of agency and a reaction to the external environment, and at the same time, also result from structures that define the boundaries of the possible.

In Chapter 3 I explored the shaping of these boundaries by scrutinising the historical roots and institutional legacies of the military regime and what I referred to as the governance formula of the *Concertación*. I emphasised the consequences of this governance formula both in terms of its ability to contain social conflict and with respect to policy orientation.

Having positioned the analysis in both theoretical and empirical terms, in chapters 4, 5, and 6 I explored the background, emergence and impact of the *Pinguino* movement. I argued that the post-transition consensus in the field of education was based on maintaining the education model left by the military regime, while at the same time steadily incrementing resources to facilitate the extension of education coverage to all social sectors. I also showed that both teachers and university students, historically the most important actors in the field of education, were unable to mount a serious challenge, which certainly contributed to the lack of structural reform to the education model. To explain the emergence of the *Pinguinos*, I traced their organisational development. I argued for the importance of the creation of the AES in 2006, which united traditionally opposing secondary school student organisations and engaged many students through its horizontal and participatory decision-making mechanisms. Additionally, I contended that the education reforms of the 1980s and 1990s were now showing their shortcomings in terms of quality and equity, creating grievances that were strategically fed into the movement's CAF. Finally, I stated that President Bachelet's rhetoric on a 'government of citizens' was an attempt to counteract the elitist nature of the *Concertación's* governance formula, which signified an opening in the structure of political opportunities that the students knew how to take advantage of. By demonstrating how cognitive and relational processes were constituted as reactions to processes placed at the macro level, I sought to show the interlinked nature of structure- and agency-related variables when explaining the emergence of the *Pinguino* movement.

In terms of impact, I affirmed that the protests staged by the *Pingüinos* gave impetus to a national debate on the shortcomings of the education system. The decision of the Bachelet administration to create a presidential advisory commission to discuss education reforms allowed the movement to introduce issues onto the policy agenda that were not there before its emergence. This initiated a second phase of education reforms which was much more focused on creating institutional mechanisms to ensure quality education for everyone, and thus to seek to contribute to counteract existing inequalities. Nevertheless, the student movement was much less effective when it came to pushing for the introduction of the specific reforms it wanted. The strengthening of public education and the elimination of profit-making with state subsidies, for example, were not included in the reforms that followed the *Pingüino* movement. Seeking to explain why the secondary school students were not able to shape the policy outcomes in the way they would have wanted, I identified both informal and formal constraints. A first limitation was the importance of the technocratic discourse in the PAC on Education, which was established to discuss education reforms. This, I argued, overshadowed the discourse of the students and their allies and ultimately motivated the withdrawal of the secondary school students from the commission. The policy influence was then further restricted by the *Pingüino* movement's incapacity to sustain its organisation and to mobilise to put pressure on the government. Finally, the policy-making process that followed the student protests unearthed divergent positions within the *Concertación*, which considerably restricted the possibilities for the students to construct broader alliances for pushing for reform.

Chapters 7, 8 and 9 were concerned with the *Contratista* movement. Using the same process as for studying the secondary school students in the previous three chapters, I showed that the institutional constraints that characterised post-transition politics and the wary approach of the *Concertación* meant retaining the labour model bequeathed by the military

regime. The post-transition consensus on labour issues, crafted by the leaders of the centre-left coalition and the CUT, also implied maintaining a low level of social conflict in the field of labour as a way of assuring the consolidation of democracy. I showed that the dearth of efforts to reform the institutional framework of the labour market paved the way for a considerable expansion of subcontracting arrangements which created great inequality between the working conditions of permanent staff and those of contract workers. The organisational development of the *Contratistas* of CODELCO, which culminated in the foundation of the CTC, allowed articulation of discontent both with the existence of workers of first and second category, and with the inability of traditional trade unionism (the CUT) to get their concerns onto the agenda. I explained that the emergence of the *Contratista* movement was facilitated by the rise of President Bachelet, both because of the expectations that this created and because of the approval of the Subcontracting Act. Reacting against the elitist nature of the CUT leadership, the contract workers also chose an organisational structure that was much more concerned with the trade union base. Studying the framing processes and the extra-legal repertoires of action employed by the *Contratistas*, I showed how these contributed to mounting the strike but, at the same time, limited the possibilities of garnering support for other social and political actors.

As I argued when revising the policy-making process that followed the *Contratista* movement, the CTC was absent from the discussions on labour reforms which, for obvious reasons, restricted both the agenda and policy impact of the contract workers. At the same time, though, the strike staged by CODELCO's *Contratistas* had unearthed opposing positions within the *Concertación*, which was most patently manifested in the dispute between the Minister of the Treasury and the Minister of Labour. The lack of a common stance on labour issues, I contended, further reduced the opportunities for pushing for reforms to the Labour Code drafted by the military, which greatly restricted

workers' collective rights. Nonetheless, the protests of the contract workers and the discussion that ensued contributed to advancing the policy agenda on individual rights – arguably a less contentious and thus easier subject on which to reach a consensus.

III. COMPARATIVE PERSPECTIVES ON POST-TRANSITION SOCIAL MOVEMENTS IN CHILE AND THEORETICAL IMPLICATIONS OF THE FINDINGS

i. The emergence of the *Pingüino* and *Contratista* movements

As observed in Chapter 2, the Contentious Politics approach defines three dimensions that shape the rise and fate of social movements: framing (cognitive dimension), mobilisation structures (organisational dimension), and the structure of political opportunities (political-institutional dimension). Using this lens of analysis, my research identified important parallels in the rise of the *Pingüino* and *Contratista* movements.

To begin with, the emergence of both movements is closely linked to the governance formula of the *Concertación*. As I argued in Chapter 3, the wary approach of the centre-left coalition was expressed both in the type of policies it pursued and in how it elaborated and implemented them. As for the policy orientation of the *Concertación*, I showed that it embraced a path of continuity in the fields of both education and labour. While the *Concertación* arguably had good reasons for moving cautiously during the first years after the reinstatement of democratic rule – one need only think about the staunch support for Pinochet in the 1988 plebiscite – its wary approach became increasingly counterproductive for introducing changes to the institutional frameworks inherited from the military in different policy fields. In the field of education, while increased financial resources allowed

a remarkable expansion of the coverage of education at all levels, the absence of reforms to the LOCE, the regulatory foundation of the education system, had a negative impact on the *quality* of education that students from different socio-economic groups received. Similarly, in the area of labour, while economic growth allowed for maintaining low levels of unemployment and raising the minimum wage, the lack of a structural reform to the Labour Code, which had been introduced by the military, signified a dramatic expansion of subcontracting arrangements. With this came a two-tier system of labour relations in which permanent workers enjoyed the benefits of their positions and contract workers suffered a precarious situation as a result of the short-term nature of their contracts. Hence, changes to counteract these unequal realities were urgently needed and both movements emerged as a reaction to the injustices their members faced in their daily lives.

At the same time, the governance formula of the centre-left coalition also involved appeasing mechanisms to contain social conflict. In this sense, it contributed to demobilising social actors and aligning them with the cautious path adopted by the coalition. The co-optation of actors such as the CUT and the *Colegio de Profesores* was clear, and so were the general difficulties social organisations had in regrouping once the dictatorship, the main enemy of democracy, became diffuse. This weakness also precluded an equity-enhancing agenda in post-transition Chile as there was no social force strong enough to push for reform. In light of the incapacity of social actors to mount a serious challenge to the policy consensuses in the areas of education and labour, another commonality between the emergence of the *Pinguino* and *Contratista* movements is that they were preceded by a process of reconstruction of collective action, which was a reaction to the unrepresentative nature of the existing organisations in their respective fields. Thus, the need to establish new representative bodies in the case of both the secondary school students and the contract workers illustrates the strength of the institutionalised

relationship between the *Concertación* and social actors; the *Pinguinos* and the *Contratistas* simply did not see the existing organisations as vehicles for putting forward their demands.

The fact that both movements emerged partly as a reaction to the shortcomings of the existing organisations in their respective policy fields also explains the organisational forms that they adopted. Another important similarity between the movements is their effort to introduce more participatory forms of organisation and foster closer links with the bases of their respective constituencies. In the case of the secondary school students, organised through the ACES and then the AES, this was expressed by the use of spokespersons instead of a president, and by an extensive use of assemblies as a decision-making mechanism. Similarly, the CTC which represented the contract workers drew on what was referred to as a ‘grassroots unionism’ that sought to counteract the elitist nature of the CUT leadership. I argued that the non-hierarchical organisational forms advanced by both movements as a way of reconstructing collective action ‘from below’ was central to gaining the support of potential participants.

Indeed, actors’ responses to their environment and their capacity to articulate discontent to produce change within that same environment constituted one of the main analytical threads of this dissertation. I also explored this connection by analysing the CAFs of the *Pinguinos* and *Contratistas*. Their elaboration of a CAF that underscored and embellished the seriousness and injustice of their realities was rooted in the maturing of the education and labour reforms introduced by the military regime and continued by the *Concertación* governments.

ii. The impact of the *Pingüino* and *Contratista* movements

The Bachelet administration decided to create an advisory presidential commission to provide an institutional channel for the issues raised by the *Pingüino* and *Contratista* movements. As previously discussed, this government decision was in part improvised as a way of responding to the movements, that is, there was no such participatory commission in the government programme of President Bachelet. But it also sought to be coherent with the ‘government of citizens’ approach that the government promoted. Thus, the creation of the commissions indicated both that the Bachelet administration was listening to the concerns of the secondary school students and contract workers and that it was seeking to place their demands on the policy agenda. Put shortly, it demonstrated the access and agenda impact of the movements.

When comparing the policy impact of the two movements, however, I contend that the *Pingüinos* were more influential than the *Contratistas* in pushing for reform. While the protests staged by the secondary school students motivated the initiation of a second phase of education reforms, the contract workers failed to enforce the application of the recently ratified Subcontracting Act. Based on an analysis of the political-institutional, cognitive and organisational dimensions involved in the emergence of the two movements, I found the following three differences when explaining their divergent impact.

As I argued in chapters 6 and 9, both movements were unable to sustain their protests and exert pressure on the later stages of the policy-making processes of their respective fields. The internal divisions and difficulties experienced by the secondary school students and contract workers were, in part, explained by their burgeoning organisations. As well as the organisational capacity of the movements, though, their impact in terms of policy

outcomes depended on the support that they received within the political establishment which could progress the issues along the legislative route. Here I note the first difference between the *Pingüinos* and *Contratistas*. Although they emerged during the same *Concertación* administration and took advantage of the opening in the structure of political opportunity that the ascent of President Bachelet involved, the policy *sectors* that they challenged involved dissimilar sets of constraints. Undeniably, both sectors contained opposing interests and actors resisting reform. Likewise, both movements also had important allies within the government who regarded them as an opportunity to advance the education and labour agendas in ways that they had not considered feasible before the protests staged by the *Pingüinos* and the *Contratistas*. Nonetheless, the contract workers challenged a sector that constitutes the heart of Chile's development model and its main source of national income, namely, copper extraction. Moreover, the labour flexibilisation that they felt the consequences of is one of the defining features of Chile's resource governance model (Singh 2012:193). This certainly contributed to holding down wages and ensuring the international competitiveness of Chilean commodities (Silva 2009:264). In this way, as Durán-Palma and López maintain, '[...] the largely orthodox maintenance of the economic model by the *Concertación* has constrained the possibility of systemic reform inter alia in the area of employment relations because cheap and flexible labour with few rights to collective action are critical to the model' (2009:255).

This reality faced by the *Contratistas*, I argue, restricted their impact in at least two ways. From the perspective of the political authorities involved in responding to the movement, there were vast political difficulties associated with addressing the more substantial demands of the contract workers, such as 'same work, same salary'. As I showed in chapters 8 and 9, this would have involved employing many contract workers as part of CODELCO's permanent staff, which would have come at a high economic cost for the

state enterprise. Moreover, the importance of copper production – and the financial losses that were being made due to the *Contratistas*' strike – also inclined the CODELCO authorities toward concession, which in this case was the offer of a financial bonus to the contract workers. From the latter's perspective this was very attractive, and as a consequence, the escalation of the matter into a broader struggle was constrained. In this sense, the prospects for bringing together political and social actors in co-coordinated pursuit of a far-reaching reform of employment relations were dire.

The centrality of economic demands in the case of the *Contratistas* leads me to a second difference when comparing the movements and explaining the variance in their impacts. As I showed in chapters 5 and 8, the movements had both specific economic requests and more structural demands. Yet the call for changes in the institutional frame was clearly more marked in the case of the *Pingüino* movement, which had as one of its central demands the abolition of the LOCE. While a key element of the CAF of the *Contratista* movement was the issue of 'same work, same salary', it did not push for the institution of a new Labour Code or anything similar. Clearly, the CAF propounded by the *Pingüinos* was much more focused on the unequal outcomes of the education system, which resonated with both public opinion and an important sector within the *Concertación*. In contrast to this, although the *Contratista* leaders talked about substantial reforms to employment relations in Chile, ultimately their demands were framed predominantly around economic matters.

This different emphasis was also expressed in how they were disposed to participate in the presidential advisory commissions established by the Bachelet government after the rise of each of the movements. In the case of the *Pingüinos* – although they withdrew the day before the submission of the final report – the PAC on Education was conceived as a

space in which they could participate and contribute to shaping the discussion and developing policy proposals that addressed their demands. In contrast, although requested by the government, the *Contratistas* decided to not participate in this instance. As suggested in Chapter 9, though, this was also partly a consequence of the assessment of the functioning of previous commissions of this sort – amongst others, that of education. Thus, while the Bachelet administration was trying to open up spaces for participation, consistent with its ‘government of citizens’ discourse, in light of the social actors’ political learning this turned out to be an insufficient measure to remedy the dearth of participatory spaces that characterised post-transition politics in Chile.

The third and final difference that I identify is related to the organisational dimension of the movements. I argued that an often violent repertoire of action employed by the *Contratistas* delegitimised the movement and limited their prospects for support from potential allies. The *Pingüinos*, by contrast, were very much aware of the detrimental effects of violence. As I referred to in Chapter 5, this consciousness motivated the movement’s change of repertoire of action when street protests ended up in clashes with the police. Initiating more peaceful sit-ins in the schools in turn contributed to concentrating public attention on their demands. At the same time, the eloquent discourses of the *Pingüino* leaders and the reality of the schools shown in the media helped the movement to get its message through to the public and make it politically more difficult to oppose the movement’s demands. This certainly facilitated that the *Pingüinos* were seen as legitimate actors who were fighting for the implementation of equity-enhancing reforms that were relevant not only for the students but for the society as a whole.

iii. How the findings inform current debates

The findings of this dissertation inform debates on several fronts. In the broad field of social movement research, the cases illustrate the advantages and disadvantages of the use of a violent repertoire of action. A large body of literature has shown, empirically, that disruption or violent action increases the probability that social movements will have an impact in terms of policy change (e.g. Gamson 1975; Piven and Cloward 1979; Uba 2005). This is because mobilisation efforts which disturb civic life or cause economic damage force a response to the movement. The analysis of the *Contratista* movement shows that while the disruption to the normal functioning of CODELCO's production was central to gaining the attention of both the public and the relevant authorities, the violent forms that the protests often took ended up limiting the chances of building alliances with other social and political actors. Thus, while not rejecting extant research which claims that disruptive mechanisms might be conducive to achieving social movement goals, my dissertation also shows the disadvantages for alliance-building that such disruption can have. It further suggests that any analysis of this matter is context-specific and needs to take into account the historical legacies that shape the judgement made by the public and which define the likelihood of political authorities indirectly legitimising this kind of practice through their support of the movement.

Likewise, my findings underscore the importance of issue salience when investigating the impact of social movements. This point is anything but new within social movement scholarship (e.g. Fernández 2011; Giugni 2004; Uba 2005). Yet as I noted in the introduction to this dissertation, there is generally a dearth of research on the impact of social movements in the global south. As previously argued, the political support of the contract workers was more limited than that of the students. Hence, the cases of the

Pingüinos and the *Contratistas* show that the possibilities of constructing alliances to push for reform will in part be determined by the type of policy issue at stake.

Notwithstanding the constraints faced by the movements scrutinised in this dissertation, one of the principal findings is that the *Pingüinos* and *Contratistas* advanced their respective policy agendas in ways which were very unlikely prior to the movements. This confirms extant research which has suggested that the agenda-setting phase of the policy-making process is the one that social movements are most likely to influence (e.g. Andrews 2001; Soule and King 2006). The reason for this is relatively simple: while it is comparatively easy to convince a legislator (and also the government in presidential systems) to introduce a bill, as the bill makes its way through the successive stages of the legislative process, a social movement must garner more and more support to have it approved (Soule and King 2006:1877). Furthermore, given that social movements normally have difficulties in maintaining a high level of mobilisation for a long period of time, their impact tends to be stronger in terms of initiating a policy change than in controlling its technical discussion and implementation. Therefore, as underlined in this dissertation, political alliances are crucial for social movements to be able to push for reform.

The understanding of the dynamics of collective action to push for policy reforms is also of central importance for Development Studies. On the one hand, it can contribute to extant research on the prospects for broader citizenship demands in the global south, and how these are shaped by historical and institutional legacies (e.g. Cornwall and Coelho 2007; Grugel, Singh and Riggiozzi 2013; Thompson and Tapscott 2010). On the other hand, the findings of my dissertation could also be interesting for scholars who study processes of empowerment, whereby less privileged sectors of society organise for

socioeconomic inclusion and more responsiveness from the political system (Hickey and Mohan 2004; Houtzager 2003; UNDP 2004b; UNDP 2009).

In addition, through the analysis of these dynamics in the Chilean case, I have sought to contribute to ongoing discussions on Latin America where the processes of alliance building between social and political actors have allowed for the scaling-up of reform processes and also the coming into power of left-of-centre forces with agendas that go beyond the Washington Consensus (e.g. Silva 2009). As shown in this dissertation, while the twin transition to neoliberalism and democratic rule constrained and fragmented collective action in many ways, social actors reacted to the fault lines of this double transition, and after a process of reconstruction of collective action, social movements re-emerged in Chile with renewed vigour. Yet the renovation at the mass level was not mirrored by a similar process at the elite level. Divergent stances and wariness within the parties of the centre-left coalition clearly acted as a constraint once the *Pinguinos* and *Contratista* movements had emerged. As Roberts argues, the governance approach and policy orientation pursued by the *Concertación* contributed to Chile's political and economic stability, 'but at the price of abandoning commitments to more far-reaching change' (2011:325). Ultimately, this failure in translating social majorities into political majorities has profound consequences for the strengthening of democracy (Roberts 1998a:54). In this sense, through the analysis of the emergence and impact of the *Pinguino* and *Contratista* movements, this dissertation also seeks to contribute to current discussions in Latin American Studies by shedding light on the limitations of moderate left-of-centre governments such as the *Concertación*.

In accordance with the work of Levitsky and Roberts (2011c), my dissertation shows that moderate left-of-centre administrations, such as those of the *Concertación* between 1990 and

2010, experience problems in governing and maintaining grassroots linkages. Otherwise stated, the moderate Latin American left needs to strike a difficult compromise between programmatic moderation (usually driven by party officials and economically orthodox cadres) and more audacious policy proposals (normally demanded by specific constituencies and more radical leaders in the leftist coalition). As Gómez Bruera has shown for the case of the *Partido dos Trabalhadores* in Brazil, it is not unusual for leftist actors and parties that originally promote a progressive agenda to end up winning power by forming legislative alliances with conservative forces and altering their relationship with civil society (2013). While this pragmatic shift enables the implementation of certain policy changes, it hinders the realisation of broader reforms that are necessary to overcome fault lines in the neoliberal model. The more the left-of-centre parties detach from their social bases and civil society, the more difficulties they encounter in obtaining the political power and electoral majorities required to move towards a post-neoliberal governance formula. Whether this will happen in the near future in Chile is one – if not the main – subject that is dominating the political agenda in the presidential elections of this year (2013), in which the *Concertación* has launched a new coalition which is headed by Michele Bachelet and which includes the Communist Party. This is the topic that I analyse in the next section.

IV. ‘THE *CONCERTACIÓN* HAS TWO SOULS BUT ONE ALWAYS LOSES’³: THE RISE OF THE STUDENT MOVEMENT IN 2011 AND THE PROSPECTS FOR POST-NEOLIBERAL GOVERNANCE IN CHILE

While the emphasis on political stability in Chile was certainly necessary in the initial stages of the reinstatement of democratic rule, further democratisation involves the introduction of new channels of participation and new mechanisms of accountability, through which the policy-making processes can be influenced (e.g. Avritzer 2008; UNDP 2004a). This assertion is, of course, based on an understanding of democracy that goes beyond its procedural definition and that emphasises the democratic regime’s capacity to accommodate broad, equal, protected and mutually binding processes of consultation between the state and its citizens (Tilly 2007:13-14). For the Chilean case, this would arguably require counteracting ‘politics behind closed doors’, the predominance of a top-down approach, and the revision of the binominal electoral system, among other things. The problems of representation that Chile’s political system struggles with, which were reviewed in Chapter 3, have been widely discussed in the scholarly literature (e.g. Borzutzky and Weeks 2010; Luna and Altman 2011; Navia 2010; Valenzuela and Dammert 2006). In their analysis of this subject, Valenzuela and Dammert, for example, conclude that in addressing this fault line of post-transition politics in Chile ‘[a] new electoral law shorn of the former military regime’s distortions will be an excellent place to start’ (2006:78). Distancing itself from such voluntaristic accounts, the contribution of this dissertation is to understand *how* this and other changes to both the *way* in which policies are elaborated and implemented, and the *type* of policies delivered to citizens, can be accomplished. As I have argued throughout the dissertation, such an explanation must trace the (re)construction of

³ Interview with Víctor Orellana, student leader.

the social forces that can push agendas forward, and identify the formal and informal constraints upon the process of alliance-building that can enable this.

To be clear, social movements are not intrinsically constructive powers in the promotion of democratising causes (Payne 2000; Tilly 2003). Yet by repoliticising education and labour policies, the *Pingüinos* and *Contratistas* became pioneers in countering the *Concertación's* insistence on consensus and gradual reform that had characterised post-transition politics and arguably constrained transformational change. If anything, the cases analysed in this dissertation showed that social movements can provide a significant impetus to advance – but not determine – policy agendas. Without the political parties providing an amplifying chamber for the movements' demands, however, the scope for reform was considerably restricted. As Levitsky and Roberts suggest, there might have been an 'over-learning' of the lessons of the democratic breakdown in the 1970s, which led moderate left governments such as the *Concertación* to eschew social mobilisation (2011:425).

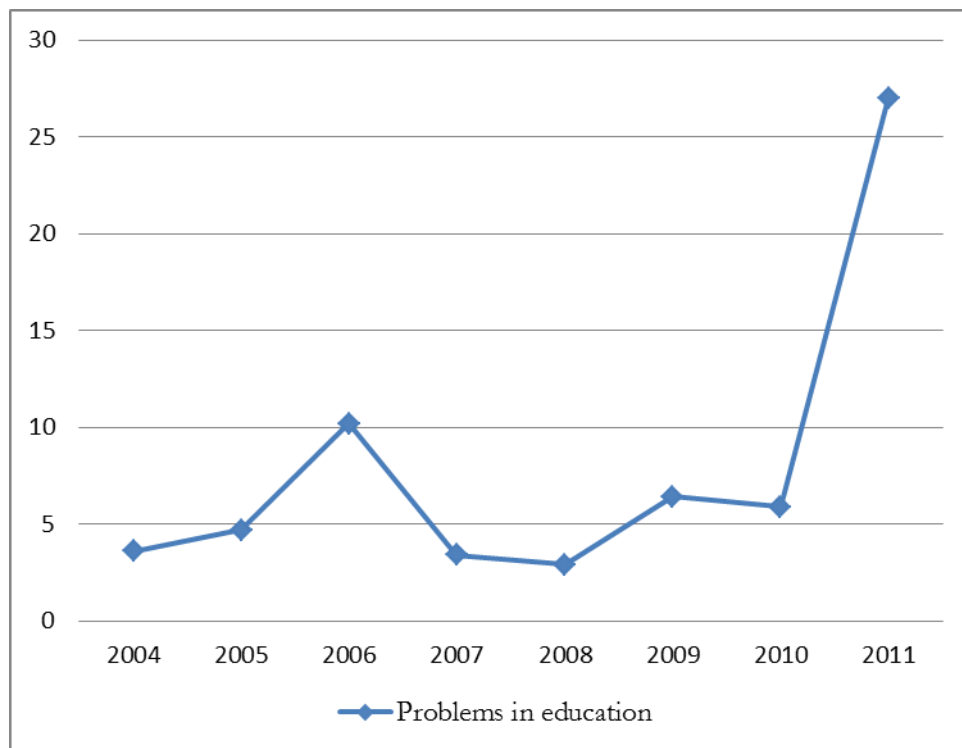
The need to reconnect to its social bases has been acknowledged by the leaders of the *Concertación*, especially after their electoral defeat in 2010. In the words of Fulvio Rossi, former president of the Socialist Party, 'we are all responsible for not having been capable of reading the profound transformations that we as the *Concertación* fostered during the last 20 years. We departed from the people [...] and we forgot the citizen movements' (La Tercera 19.04.2010). In fact, the electoral victory of Sebastián Piñera in 2010 can to a great extent be related to the growing problems of the *Concertación*, particularly when it comes to renovating not only its policy proposals but also its leadership structures in order to be able to represent the ideas and interests of contemporary Chilean society (Luna and Mardones 2010).

The lost bond with social movements in particular, and civil society in general, has been evident in the massive protests that have shaken Chile since 2011. These demonstrations, unlike any other since the 1980s, and the struggle to overcome the military regime, have been staged by a vast array of actors. Among others, environmentalists mobilised against the construction of *HydroAysén*, a five-dam hydropower project in Patagonia, and the citizens of the small town of Dichato, which was destroyed by the 2010 earthquake, protested against the extremely slow process of reconstruction. Miners from both CODELCO and private companies organised several strikes during the centre-right administration of Sebastián Piñera. In July 2011, for example, permanent staff *and* contract workers of CODELCO organised a peaceful one-day stoppage and mobilised more than 30,000 workers altogether across the divisions to protest against what was considered as an attempt by the government to privatise the state company (La Tercera 12.07.2011). The CUT, however, have remained in a secondary role, which has been much criticised by the workers. In 2011, a group of sector-specific trade union federations, amongst others the CTC, published a public letter that stated that ‘the CUT had been absent from the public agenda’, and that it had to be recognised that the federation ‘was not up to the task of the times that the country was experiencing’ (quoted in Leiva 2013:1).

While different concerns have been expressed through these protests, it is the university students who have spearheaded the call for far-reaching transformation which, to this day, has not been silenced. The protests were initially triggered by the high levels of indebtedness generated by a credit scheme (Credit with State Guarantee) introduced in 2005 during the Lagos presidency. With the same aim behind the introduction of the co-finance system in secondary education in 1993, that is, to increase private resources to education, the credit scheme for university students, available to the poorest quintiles, involved student loans facilitated by private banks but with the state as a guarantor.

Together with an increase in scholarships which was also implemented in 2005, the scheme meant that social sectors that previously had not been able to afford it could now access tertiary education. In 2006, the first year of the scheme, almost 21,000 students obtained funding for the remainder of their degree courses (Larraín and Zurita 2008:685). Yet, as the university student leaders of the time warned, the policy led to a high level of debt among students. In 2009, almost 40% of all Chileans in the cohort 18-24 attended a higher education institution (OECD and World Bank 2009:66). While it is remarkable that 7 out of 10 these students were the first in their families to do so (UNDP 2005:5), it is also true that tertiary education became increasingly expensive throughout the 1990s and 2000s. Just between 1995 and 2003, many universities increased their fees by almost 50%, making tertiary education in Chile one of the most expensive in the world, along with South Korea, New Zealand and the USA (UNDP 2005:42). The biggest share of the fees, approximately 84%, is paid by the students and their families (OECD and World Bank 2009:24). Yet according to the UNDP, only 20% of Chilean families can pay for higher education fees without considerably affecting their family budgets (2005:50). In a similar way to the 2006 protests headed by the *Pingüinos*, the economic consequences of education reform created an obvious evidential base for the construction of a common CAF. This way, the students' CAF had not only empirical credibility but also what was referred to as experimental commensurability in Chapter 2. As the following graph shows, the importance attributed to education among Chileans has rocketed since 2011.

Graph 10.1: In your opinion, what is the country's most important problem? (%)



Source: Latinobarómetro, various years

But since 2011 not only education reforms but also the politics behind them have been repoliticised. In fact, the demands of the student movement have gone beyond public, free and quality education and also included a new political constitution that will allow for more citizen participation. As explained by one university leader: ‘we are attempting to build a more participatory democracy with a universal system of rights. A new education system requires new political alternatives’ (quoted in Punto Final 16.10.2011). Therefore, as a student commented by making an analogy with the *Pinguino* movement: ‘what was the LOCE for them, is a change of constitution for us’ (La Tercera 20.06.2011). Additionally, countering arguments about the regressive outcome of a not-for-profit (and hence publicly financed) education system, the Confech, the cross-university students’ union, also

included a tax reform in its petition as a way of providing a financial basis for its proposals (Confech 2011).

The relevance of the 2011 student movement should not be underestimated. As Kriesi and Wisler note, '[...] the old political paradigm is put into question only when people diagnose the problems they face as anomalies or deficiencies produced by the established political institutions and when they believe that the adoption of a new institutional paradigm will dramatically improve their situation' (1999:48). Clearly, this process entails a central role played by ideas. The broadening of the demands put forward by the university students has involved a frame extension of the movement's CAF by which issues that were new and not directly tied were incorporated into the student petition. As Francisco Figueroa, vice-president of the FECh in 2011, states:

'Before 2011, and even more before 2006 [and the *Pinguino* movement], the mobilisations spearheaded by students were confined to the problems of the education sector. Since the 'Penguin revolution', however, and particularly from the 2011 social protests onwards, the fight of the students has succeeded, like no other actor has been able to do previously, to expose to the whole society the democratic debts of the transition in the social and political terrains' (El Mostrador 08.11.2012).

At the same time, the coming into power of the first centre-right government since the reinstatement of democracy meant that the *Concertación*, now in opposition, immersed itself in a search for a new political agenda. Some members of the centre-left coalition emphasised that the loss in the 2010 elections meant the 'end of a political cycle' (interviews with Águila 2011; Godoy 2011). Part of this reflection, as suggested above, was related to the question of how the centre-left coalition can reconnect with its social base and develop a new policy agenda in order to deal with the fault lines of the neoliberal model and democratic rule.

While the rise of the centre-right to power arguably introduced incentives for the *Concertación* parties and the student movement to align their interests in the face of a ‘common enemy’, this was complicated by the experience of the *Pingüino* movement. As one student leader put it at the time of the secondary school student protests, the response of the government to this mobilisation provided a good opportunity to ‘[...] learn how progressive the ruling coalition [the *Concertación*] really is’ (La Segunda 08.08.2006). In a similar vein, more recently another university student leader noted that ‘there are good reasons to have [...] a legitimate scepticism given that the *Concertación* [...] showed that it did not have the political will to push for deep transformations’ (El Mostrador 09.08.2013). In this way, the *Pingüinos* had not only unravelled the crisis of the education system and existing discontent, but also made evident the *Concertación*’s ambiguous stances on structural reforms in the education sector. For the university students, the Credit with State Guarantee introduced in 2005 became another paradigmatic case of what they referred to as collusion between the political and economic powers (interview with Huneus 2013). This implies, as one student leader puts it, that the interests of businesses involved in education and those of our lawmakers coincide since ‘both the *Concertación* and the right-wing are owners of private schools and universities’ (quoted in Punto Final 16.10.2011).

In short, the frustration for the 2006 *Pingüino* movement was that although they had convinced public opinion about their demands, the political class and political system did not allow for policy reforms as far-reaching as they would have wished. The conclusion from this experience, then, was that in order to introduce any structural change to the education model inherited from the military regime and continued by the *Concertación* governments, it was first necessary to undertake a major reform that could allow those social majorities to at least have the opportunity to be translated into political majorities:

hence the students' call for comprehensive transformations that would necessarily involve the crafting of a new constitution.

The organisational capacity of the student movement, and the resonance of its discourse, has had a profound impact on public debate. In fact, the discussion that has preceded the general elections in November this year has so far been centred on two main topics: on the one hand, whether and how the 1980 constitution should be replaced by a new constitutional order, and on other hand, which type of education reforms should be implemented and how these should be financed. As ever, the 'two souls' of the *Concertación* have led to different views regarding these two topics. However, earlier this year Michelle Bachelet won the primary elections by a wide margin and so far she seems to be interested in developing a new approach to pursuing far-reaching reforms, namely, the construction of a 'New Majority' (*Nueva Mayoría*). This phrase is more than a rhetorical tool. Besides actively trying to bring together those social forces that have mobilised since 2011, amongst others the student movement, this fifth *Concertación* government would also include the Communist Party. In this way, this time Michelle Bachelet's campaign is centred on the idea that she needs a broad majority in the congress to implement a new set of the policies that aim to go beyond the key prescriptions of the Washington Consensus. Although her proposals are far from those advanced by the 'contestatory Left' in countries such as Ecuador and Venezuela, it is also clear that she is developing a much more progressive agenda than in 2006. Illustrative of this is her team's discussion on public free education, constitutional reform, and the undertaking of a major tax reform. Without a doubt, the electoral strategy adopted by Bachelet now has the clear intention of changing not only the type of policies but also the way in which policies have been elaborated and implemented by the previous *Concertación* governments. Although it is too early to assess this electoral strategy, it is quite evident that the centre-left coalition is at a crossroads

today. The inclusion of the Communist Party in the coalition could help to establish a better link with some sectors that led the social movements, and this could contribute to avoiding the emergence of new waves of protest. At the same time, by establishing a broader political alliance, Bachelet will have serious problems in finding a middle ground in order to satisfy the different parties and leaders that are behind her.

A final point can be made based on the research undertaken for this dissertation. Extreme polarisation paved the way for Chile's democratic breakdown in 1973 through a violent coup d'état. While this experience had long-lasting consequences that partly explain the *Concertación's* model of governance, democracy cannot survive without political conflict. As Dahl maintains: '[...] there are great gains to be secured from cooperation, but because one cannot agree with everyone some conflict is inevitable. Nor is conflict necessarily bad; it is often a part of a larger process in which the actors in conflict all end up better off' (1971:155). The question of the 'right balance between conflict and accommodation' that is most healthy for democracy is ultimately a question about the balance between demands from below that advance democracy and social justice but do not threaten the fundamental interest of the dominant classes (Panizza 2009:6; Roberts 1997:319). Rather than being static, these fundamental interests are constantly redefined politically and by repoliticising both specific and broader issues, social movements can play an important role in this process.

V. LIMITATIONS OF THE DISSERTATION AND FUTURE RESEARCH

The analysis undertaken in this dissertation, which linked social movement scholarship with current discussions of repoliticisation in Latin America, has proved fruitful for shedding light over the possibilities and limitations of social movements in post-transition Chile. While focusing on the Chilean context allowed for an in-depth study of two iconic social movements and contributed to fill an important research gap in the literature, there are obvious restrictions with single-country studies. For one, it is difficult to generalise the findings of the dissertation. The specificities of the relatively successful economic and political trajectory followed by Chile set in motion dynamics of change that differ from those of other countries in the region, in particular from those which have seen the rise of ‘contestatory’ left-of-centre governments in the last years. This leads me to another limitation of the research. While the dissertation indicated the changes in party-society linkages, it did not explore this in detail. There are always two sides of the coin when studying this matter and the ‘bottom-up’ approach undertaken in my investigation could be complemented by a ‘top-down’ perspective through which the *Concertación* parties are scrutinised in greater depth. This would also allow for comparisons with other countries in Latin America which in this respect have followed more similar patterns to that of Chile, namely, the *Partido dos Trabalhadores* in Brazil and the *Frente Amplio* in Uruguay.

At the same time, the limitations of the dissertation are useful starting points for further research. While not intending to list the options exhaustively, here I focus on four potentially fruitful avenues for future investigation. Firstly, as shown in this dissertation, social movements can play a central role in pushing forward processes of repoliticisation, which, when combined with organisational development, can give an important impetus to policy agendas. Beyond the case of Chile, comparative research could investigate the

processes of the repoliticisation of inequality in a systematic way. Without a doubt, in the context of the persistent socio-economic inequalities that characterise Latin America, this process of repoliticisation is crucial for enabling processes of alliance-building to advance equity-enhancing reform. An appropriate comparison to the Chilean case would be that of Brazil, and the recent protests which grew from a specific complaint about rising bus fares to wider demands for better services in education, health and sanitation across the country. This comparison could explore how organisations and frames are defined by structural processes and, in turn, transform extant meanings and the possibilities for social change. Research in this line could seek to emulate the work of Benford (1993) and investigate the power dynamics that have brought to prominence certain discursive strands in the cases of Chile and Brazil. Finally, a comparative analysis could also focus on the organisational features that characterise the Chilean and Brazilian protest movements. Such a study could contribute to positioning the movements in the context of current debates on social movements around the globe, the increasing tendency towards diffuse and horizontal modes of organisation, and the importance of modern social networks as products of the digital era. These issues have undoubtedly acquired greater relevance and analytical urgency since the wide range of protests that took place around the world during 2011 and show no signs of abating.

A second line of enquiry, which could contribute significantly to current debates in Latin American politics referred to in Chapter 1, is the prospects and challenges of a post-neoliberal governance agenda in Chile. As noted above, the political platform of presidential candidate Michelle Bachelet is much more focused on the provision of social services, understood as social rights, than in previous *Concertación* governments. While it remains to be seen if these changes will be implemented, the search for a new development model that is currently being undertaken in Chile could offer important lessons for other

countries in Latin America and in the developing world more generally. It is worth noting that both the neoliberal reforms undertaken by the Pinochet regime in the 1970s and 1980s and the governance formula applied by the *Concertación* between 1990 and 2010 had been seen by an array of different academics and practitioners as a promising path that should be emulated by other nations (e.g. Edwards 2010). Seen in this light, if the left-of-centre coalition is able to win the elections this year and establish the foundations for the development of a post-neoliberal model, the Chilean case could offer interesting lessons regarding not only how to overcome some of the fault lines in the neoliberal agenda, but also how to maintain grassroots linkages in order to build the necessary majorities to advance broader reforms. Related to this, further research specifically focused on continuity and change in different policy fields and the prospects of advancing an agenda of social rights would benefit from drawing on the Historical Institutionalist framework and explore the role of actors vis-à-vis structure in changing policy paths (e.g. Pierson and Skocpol 2002; Mahoney and Snyder 1999; Thelen and Steinmo 1992).

Thirdly, while the *Contratistas* as a social actor have not acquired the same centrality as the students in the forefront of calls for structural transformation, there are important aspects in Chile's trade unionism which should be investigated in more depth. The issue of precarity as a result of the transformation of the Chilean labour market could be explored in greater detail and compared to other countries in the region. Another fruitful venue for research is that of more 'privileged' trade unions. My doctoral research referred to both the FTC (composed of CODELCO's permanent staff) and SINAMI (composed of highly-skilled contract workers). Yet it did not explore whether Chile is experiencing a process of 'segmented neo-corporatism' in the mining sector as has occurred in other resource-rich countries, such as Argentina and the oil sector (Etchemendy and Collier 2007). Future scholarship could also examine the previously mentioned resurgence of unionism in the

mining sector, and specifically, the prospects for permanent staff and contract workers mounting joint mobilisation campaigns. Investigations in this field can draw from the emerging body of literature which explores the rise of social movements in relation to extractive resources (e.g. Bebbington et al. 2008; Bebbington 2012).

Finally, the historical and political significance of the student movement in Chile justifies further examination. One key task of social movement research is to contribute to the understanding of how long-lived challenges both persevere and are continually renewed (Whittier 1997:760). An in-depth study of the student movement could build on the research undertaken in this dissertation and incorporate an analysis of the legacies and continuities with the ongoing protest wave. Furthermore, the theoretical lens chosen to guide my analysis has emphasised the movement's impact at the expense of other aspects, such as the process of construction of collective identities and call for recognition. Thus besides expanding my study on the *Pingüinos* with an analysis of the university students, this could be complemented with a more comprehensive account of the constitution of a collective actor and the interplay between demands for redistribution and recognition that are involved in this process. Social network analysis, on the other hand, could show the relationships between the different student organisations that compose the movement and reveal patterns of exchange of material and non-material variables. Lastly, given the importance acquired by Chile's student movement and the continuities between different protest waves that this dissertation has highlighted, but not explored in a systematic manner, future investigations could address the question of whether the student movement has paved the way for the constitution of a post-transition political generation in the country.

Appendix 1: Map of Chile



Source: The World Fact book
www.cia.gov/library/publications/the-world-factbook/graphics/maps/ci-map.gif

Appendix 2: The main subdivisions of CODELCO



Source: Website of the *Confederación de Trabajadores del Cobre*
www.confederaciondelcobre.cl/organizacion.php

Appendix 3: List of interviews

Águila, Ernesto. Face-to-face and semi-structured interview, Santiago de Chile, 16 November 2011. Adviser at the Ministry Secretariat of the Presidency. Expert on education issues. Involved in Bachelet's first education law proposal.

Aguiló, Sergio. Face-to-face and semi-structured interview, Valparaíso, 10 May 2011. Representative and president of the permanent commission of labour and social security of the lower chamber. Was one of the MPs that defended the subcontracted workers' protests in 2007.

Ahumada, Manuel. Face-to-face and semi-structured interview, Santiago de Chile, 22 March 2011. Vice-president of the CTC.

Arrate, Jorge. Face-to-face and semi-structured interview, Santiago de Chile, 3 January 2012. Minister of education (1992-1994) and Minister of Labour (1994-1998). During his administration the co-financing scheme of secondary education was approved. He later left the *Concertación* and ran as a presidential candidate for the extra-parliamentary Left.

Assael, Jenny. Face-to-face and semi-structured interview, Santiago de Chile, 11 November 2011. Advisor to the President of the *Colegio de Profesores* between 1996-2007.

Barrera, Alberto. Face-to-face and semi-structured interview, Santiago de Chile, 25 November. Adviser to the Minister of Labour Osvaldo Andrade during the Bachelet administration.

Beyer, Harald. Face-to-face and semi-structured interview, Santiago de Chile, 22 August 2009. Academic director of *CEP Chile*, a liberal and very influential think-tank. Member of the PAC on Education (and has also experience in other commissions of this character). Minister of Education during the administration of Sebastián Piñera.

Boccardo, Giorgio. Face-to-face and semi-structured interview, Santiago de Chile, 17 August 2009. Treasurer of the FECH the year 2006 and president of FECH in 2007. Participated in the PAC on Education and the PAC on Higher Education.

Brzovic, Daniel. Face-to-face and semi-structured interview, Santiago de Chile, 18 August 2009. Journalist. In charge of the social movement unit of the *Observatorio de Políticas Educativas de la Universidad de Chile* (OPECH).

Castro, Abelardo. Face-to-face and semi-structured interview, Concepción, Chile, 25 August 2009. Coordinator sub-commission of quality of education of the *Presidential*

Advisory Commission of Education. Dean of the Education Department of *Universidad de Concepción*.

Carvajal, Osvaldo. Face-to-face and semi-structured interview, Santiago de Chile, 18 July 2011. Vice-president of *Renovación Nacional* (centre-right wing party). Advises on labour issues.

Carvalho, Rafael. Face-to-face and semi-structured interview, Santiago de Chile, 4 April 2011. President of the *Asociación de Abogados Laboralistas*, the main labour lawyers' association. Worked closely with *Contratista* trade union leaders during the 1990s.

Catalán, Eduardo. Face-to-face and semi-structured interview, Santiago de Chile, 11 August 2009. President of *Asociación Metropolitana de Padres y Apoderados* (Parent's Association).

Chadwick, Andrés. Face-to-face and semi-structured interview, Santiago de Chile, 30 August 2009. Senator, member of *Unión Demócrata Independiente* (right-wing party) and permanent member of the commission on education of the Senate.

Contreras, Dante. Face-to-face and semi-structured interview, Santiago de Chile, 20 April 2011. Coordinator of Sub-commission of Equity and Social Policies of the PAC on Labour.

Cox, Cristián. Face-to-face and semi-structured interview, Santiago de Chile, 28 August 2009. Advisor of the Ministry of Education between 1990 and 2006. Professor and director of the *Centro Interdisciplinario para la Educación* at the *Pontificia Universidad Católica de Chile* and member of the PAC on Education.

Cuevas, Cristián. Face-to-face and semi-structured interview, Santiago de Chile, 15 March 2011. President of the CTC.

Cuevas, Marco. Face-to-face and semi-structured interview, Santiago de Chile, 2 January 2012. Worked at the SEREMI of Education in 2005-2006. Led the dialogue platform with the secondary school students in 2005.

Delfino, Karina. Face-to-face and semi-structured interview, Santiago de Chile, 5 August 2009. Spokesman of the AES. Was associated but not member of the Socialist Party.

Díaz, Alicia. Face-to-face and semi-structured interview, Santiago de Chile, 20 April 2011. Was director of the research unit of the Ministry of Labour under the administration of Osvaldo Andrade in 2007.

Díaz, Francisco Javier. Face-to-face and semi-structured interview, Santiago de Chile, 11 August 2009. Advisor on public policies of President Bachelet.

Díaz, Jaime. Face-to-face and semi-structured interview, Santiago de Chile, 20 July 2009. Director of the documentary *La Revolución de los pingüinos*. Was in charge of the only camera allowed in the school take-overs.

Durán, Juan Carlos. Face-to-face and semi-structured interview, Rancagua, 31 March 2011. Trade union leader during the 1980s in Rancagua.

Echeverría, Magdalena. Face-to-face and semi-structured interview, Santiago de Chile, 7 April 2011. Researcher. Has written extensively on subcontracting of labor in Chile

Feres, María Ester. Face-to-face and semi-structured interview, Santiago de Chile, 3 May 2011. Former director of the National Labour Bureau (1994-2006).

Ffrench-Davis, Ricardo. Face-to-face and semi-structured interview, Santiago de Chile, 19 April 2011. Participated in the PAC on Labour.

Figuroa, Francisco. Face-to-face and semi-structured interview, Santiago de Chile, 15 November 2011. Vice-president of the FECh in 2011.

Finlay, Alberto. Face-to-face and semi-structured interview, Santiago de Chile, 5 May 2011. President of the *Asociación Gremial de Empresas de Administración y Externalización de Recursos Humanos* (AGEST). Was involved in the elaboration of the Subcontracting Act.

Fonseca, Juan. Face-to-face and semi-structured interview, Santiago de Chile, 12 April 2011. President of the *Federación de Trabajador es Forestales* (FETRAFOR).

García-Huidobro, Juan Eduardo. Face-to-face and semi-structured interview, Santiago de Chile, 21 August 2009. Chair of the PAC on Education. Dean of the Education Department of *Universidad Alberto Hurtado*.

Godoy, Roberto. Face-to-face and semi-structured interview, Santiago de Chile, 9 November 2011. Chief of cabinet of the Minister of Labour Osvaldo Andrade.

González, Miguel. Face-to-face and semi-structured interview, Santiago de Chile, 1 April 2011. Heavily involved in the organisation of the *Contratista* movement since the 1980s. Former president and current vice-president of SINAMI.

Grau, Nicolás. Skype interview, 26 April 2013. President of the FECh 2005-2006. Was coordinator of studies of the PAC on Labour.

Hernández, Tania. Face-to-face and semi-structured interview, Santiago de Chile, 16 November 2011. Education adviser to the Minister of the Treasury during the Bachelet administration.

Herrera, Juan Carlos. Face-to-face and semi-structured interview, Santiago de Chile, 20 July 2009. Spokesman of the AES. Participated in the dialogue platform at the SEREMI of Education in 2005 and in the PAC on Education in 2006.

Huerta, Luciano. Face-to-face and semi-structured interview, Santiago de Chile, 19 April 2011. National director of the CTC.

Hunneus, Cristóbal. Face-to-face and semi-structured interview, Santiago de Chile, 8 November 2011. Adviser to the Minister of the Treasury during the administration of Bachelet.

Hunneus, Federico. Skype interview, 29 April 2013. President of the FECh in 2008. Worked in the coordination team of the PAC on Labour in 2007.

Isamit, Julio. Face-to-face and semi-structured interview, Santiago de Chile, 20 August 2009. Member of the political commission of the AES. Was associated but not member of with right-wing party *UDI*.

Jorquera, Danilo. Face-to-face and semi-structured interview, Santiago de Chile, 31 March 2011. Trade union leader in the 1980s and 1990s. Heavily involved in organising the *Contratistas* in Rancagua. President of the CNTC in 2005. Currently he is Council of Rancagua. One of the founders of the CTC.

Landerretche, Óscar. Face-to-face and semi-structured interview, Santiago de Chile, 9 November 2011. Executive secretary of the PAC on Labour.

Leiva, Cristóbal. Face-to-face and semi-structured interview, Santiago de Chile, 3 January 2012. Worked at the SEREMI of Education in 2005-2006. Led the dialogue platform with the secondary school students in 2005.

Ljubetic, Yerko. Face-to-face and semi-structured interview, Santiago de Chile, 16 November 2011. Sub-secretary and Minister of Labour (2000-2005). Worked for the National Labour Bureau, in charge of the inspection unit, between 1996 and 2000.

Loyola, Eduardo. Face-to-face and semi-structured interview, Santiago de Chile, 17 November 2011. Used to advise the CUT during the 1980s. Former sub-secretary of labour (1990-1994). Current director the 'Unit of Management and Auditing of Subcontracting Companies' which CODELCO created in 2007.

Luksic, Zarko. Face-to-face and semi-structured interview, Santiago de Chile, 16 November 2011. Former sub-secretary and Minister of Labour.

Mardones, José. Face-to-face and semi-structured interview, Calama, 21 November 2011. CTC national leader in Calama.

Matte, Patricia. Face-to-face and semi-structured interview, Santiago de Chile, 30 August 2009. Key advisor on education of the right-wing parties coalition since 1990. President SIP (*Sociedad Primaria de Instrucción*). Member of the PAC on Education.

Matus, Alejandra. Face-to-face and semi-structured interview, Santiago de Chile, 5 December 2011. Communication adviser to the Minister of Labour during the Bachelet administration.

Medrano, Patricia. Face-to-face and semi-structured interview, Santiago de Chile, 27 of August 2009. Executive secretary of the PAC on Education. Professor of economics at the *Universidad de Chile*.

Melis, Christian. Face-to-face and semi-structured interview, Santiago de Chile, 11 November 2011. Senior lawyer of the National Labour Bureau. Was heavily involved in the elaboration of the Subcontracting Act and the dispute with CODELCO in 2007.

Meller, Patricio. Face-to-face and semi-structured interview, Santiago de Chile, 9 November 2011. Economist and senior member of CIEPLAN, a *Concertación*-friendly and influential think tank. Chair of the PAC on Labour.

Mizala, Alejandra. Face-to-face and semi-structured interview, Santiago de Chile, 18 November 2011. Co-coordinator of sub-commission of Institutions and Labor Relations of the PAC on Labour.

Montes, Carlos. Face-to-face and semi-structured interview, Santiago de Chile, 30 August 2009. Representative, member of the *Socialist Party*, permanent member of the Economic Commission of the House of Representatives. Was very active proposing changes to the new *General Law of Education*. Member of the commission of education of the Lower Chamber.

Montt, Pedro. Face-to-face and semi-structured interview, Santiago de Chile, 20 August 2009. Sub-secretary of former Ministry of Education Sergio Bitar (2003-2005). Currently in head of the Unit of Curriculum and Evaluation of the Ministry of Education.

Moraga, Daniela. Face-to-face and semi-structured interview, Santiago de Chile, 8 November 2011. President Centro de Alumnas Liceo Carmela Carvajal de Prat (2000). President Centro de Estudiantes de Ciencias Sociales – Cecso, Universidad de Chile (2005-2006). Leader of the *Mochilazo* protests in 2001.

Nuñez, Iván. Face-to-face and semi-structured interview, Santiago de Chile, 24 August 2009. Adviser of the Ministry of Education since 1990.

Olivares, Diego. Face-to-face and semi-structured interview, Santiago de Chile, 3 May 2011. President of the *Unión Nacional de Trabajadores* (UNT), a trade union by a group of leaders who left the CUT.

Orellana, Pablo. Face-to-face and semi-structured interview, Santiago de Chile, 11 July 2009. Member of the political commission of the AES. Participated in the PAC on Education. Member of the Communist Party.

Orellana, Victor. Face-to-face and semi-structured interview, Santiago de Chile, 6 May 2011. President of the Student Council of one ‘emblematic school’ in 1999-2000 where he spearheaded the first school take-over since the reinstatement of democracy in 1990, and then contributed to the 2001 *Mochilazo*. Once at university, Orellana headed the Student Council of the Faculty of Social Sciences of the Universidad de Chile in 2003-2004, and between 2004 and 2005, he was the General Secretary of the FECh as part of the grouping that then founded the *Izquierda Amplia*.

Pavez, Jorge. Face-to-face and semi-structured interview, Santiago de Chile, 12 August 2009. President of the *Colegio de Profesores* between 1995 and 2007. Member of the PAC on Education.

Peña, Jorge. Face-to-face and semi-structured interview, Rancagua, 15 November 2011. President of SITECO.

Pizarro, Álvaro. Face-to-face and semi-structured interview, Rancagua, 24 April 2011. Labour lawyer. Advises the SOFOFA (Federation of Chilean Industry) regularly. Represented the business sector in the processing of the Subcontracting Act in Parliament.

Provoste, Yasna. Face-to-face and semi-structured interview, Santiago, 22 November 2011. Minister of Education 2006-2008.

Ramírez, Viviana. Face-to-face and semi-structured interview, Antofagasta, 23 November 2011. Regional direction of the National Labour Bureau during the administration of Bachelet.

Reyes, Julio. Face-to-face and semi-structured interview, Santiago de Chile, 15 November 2011. The last president of the FESES in 2000, the organisation that preceded the ACES. President of the Centro de Alumnos Liceo de Aplicación A-9 (1999). Member of the Communist Party.

Riquelme, Verónica. Face-to-face and semi-structured interview, Santiago de Chile, 4 May 2011. Director of the Research Department of the National Labour Bureau.

Roco, Rodrigo. Face-to-face and semi-structured interview, Santiago de Chile, 8 November 2011. Presidente of the FECh in 1997 when the student federation remounted.

Romaguera, Pilar. Face-to-face and semi-structured interview, Santiago de Chile, 14 August 2009. Sub-secretary of Education 2006-January 2008.

Ruiz Esquide, Mariano. Face-to-face and semi-structured interview, Santiago de Chile, 2 January 2012. Senator since 1990 for the Christian Democrats. President of the education commission of the Senate.

Sáez Sáez, Esteban. Face-to-face and semi-structured interview, Santiago de Chile, 22 March 2011. Legal expert CTC.

Salamé, René. Face-to-face and semi-structured interview, Santiago de Chile, 24 August 2009. Last Minister of Education of the military regime. Former sub-secretary of Education and Minister of Education between 1988 and 1990. Currently he is the vice-academic rector of *Universidad Mayor*.

Saldía, Roberto. Face-to-face and semi-structured interview, Santiago de Chile, 16 April 2011. President of SINAMI.

Salinas, Guillermo. Face-to-face and semi-structured interview, Santiago de Chile, 13 April 2011. Vicepresident of the CUT.

Sanhueza, Maria Jesús. Face-to-face and semi-structured interview. Santiago de Chile, 28 July 2009. Spokesman of the AES. Was associated to but not member of the Communist Party.

Santana Hidalgo, Miguel. Face-to-face and semi-structured interview, Santiago de Chile, 23 March 2011. Director of Research and Training of the CTC.

Scherping, Guillermo. Face-to-face and semi-structured interview, Santiago de Chile, 20 August 2009. Advisor of the *Colegio de Profesores*. Member of the PAC on Education. Second interview on 22 March 2011.

Schüler, Úrsula. Face-to-face and semi-structured interview, Santiago de Chile, 3 November 2011. Spokesperson and leading figure of the ACES in 2001, president of the Student Council of the Universidad de Chile's Department of Journalism in 2006-2007, and then, between 2007 and 2009, the vice-president of the FECh in representation of the *Izquierda Amplia*.

Sehnbruch, Kirsten. Face-to-face and semi-structured interview, Santiago de Chile, 6 April 2011. Expert on labour issues.

Sequel, Rodolfo. Face-to-face and semi-structured interview, Santiago de Chile, 10 November 2011. Emblematic trade union leader during the 1980s. Former Representative (1990-2006) and former President of the commission of social security at the Lower Chamber.

Sierra, Daniel. Face-to-face and semi-structured interview, Santiago de Chile, 14 November 2011. Director of Human Resources at CODELCO.

Silva, Patricia. Face-to-face and semi-structured interview, Santiago de Chile, 15 November 2011. Former director of the National Labour Bureau (2006-2010).

Solari, Ricardo. Face-to-face and semi-structured interview, Santiago de Chile, 25 April 2011. Former Minister of Labour (2000-2005).

Tohá, Carolina. Face-to-face and semi-structured interview, Santiago de Chile, 2 January 2012. FECh leader in the 1980s. Member of the PPD. Former Representative (2002-2009). President of the commission of education of the Lower Chamber in 2006.

Traverso, Alejandro. Face-to-face and semi-structured interview, Santiago de Chile, 27 December 2011. Former director of the SEREMI of Education. Initiated the dialogue platform with the secondary school students in 2005.

Uribe, Verónica. Face-to-face and semi-structured interview, Santiago de Chile, 19 April 2011. Lawyer at the National Labour Bureau.

Ugarte, José Luís. Face-to-face and semi-structured interview, Santiago de Chile, 21 April 2011. Lawyer expert on labour issues.

Valenzuela, César. Face-to-face and semi-structured interview, Santiago de Chile, 15 July 2009. Spokesman of the AES in 2006. Member of the Socialist Party and currently the president of its youth section.

Velasco, Carolina. Skype interview, 21 August 2009. Researcher on higher education *Libertad y Desarrollo* (right-wing think tank). Member of the PAC on Education.

Velis, Jedri. Face-to-face and semi-structured interview, Santiago de Chile, 20 March 2011. Director of the CTC in Calama (*Chuquicamata* division of CODELCO).

Vergara, Mónica. Face-to-face and semi-structured interview, Santiago de Chile, 29 April 2011. Lawyer expert on labour issues. Represented the National Labour Bureau in the processing of the Subcontracting Act in Parliament.

Weinstein, José. Face-to-face and semi-structured interview, Santiago de Chile, 18 August 2009. Advisor of Education Minister Ricardo Lagos (1990-1992) in youth related issues and Sub-secretary of Education (2000-2003).

Zarate, Emilio. Face-to-face and semi-structured interview, Los Andes, 11 November 2011. CTC national leader in Los Andes (*Andina* division of CODELCO).

Zilic, Martín. Face-to-face and semi-structured interview, Concepción, Chile, 25 August 2009. Minister of Education March-July 2006.

Appendix 4: Interview questionnaire for policy-makers and education experts

I. Stances on education

- What is 'progressive' education for you?
- How would you evaluate the education reforms pursued by the *Concertación*?
- Which social groups are relevant in the elaboration of education policies?

II. Expectations on advancing reform before the Bachelet government

- Which expectations did you have regarding your participation in the government? (if applicable)
- Which were the expectations of advancement of the education agenda with the Bachelet-administration?
- Which was the minimum that was expected to be achieved?
- Which was the diagnosis of the right regarding the education advances of Chile before the *Pingüino* movement?

III. Perception of the *Pingüino* movement

- Were the student-led protests in Chile during 2006 accidental? Why did they happen and what sustained them?
- Which were the contingent and structural factors behind the emergence of the movement?

IV. Post *Pingüino* movement policy-making of education

- Which are the advantages and disadvantages of using the presidential advisory commissions as a mechanism to achieve consensus regarding contested topics?
- Would you say that it was possible to achieve more than the LGE or this was the maximum to be achieved at that time?
- In which sense does the LGE improve the quality of education?
- It has been said that the discussion in the commission concerning the regulatory framework started very consensual and afterwards transformed into a technical debate. Do you agree with this statement?
- How do you evaluate the agreement between the government and the *Alianza* in 2007?
- Which were the main disagreements that delayed the approval of the constitutional law of education?

V. Additional questions for those who participated in the Presidential Advisory Commission

Constitution of the PAC on Education

- How were arranged the different sub-commissions that constituted the PAC?
- How were decided which topics will be debated?

- Which were the minimal points of agreement that were expected to be achieved in the topics included in the debate?

Consensus building in the PAC on Education

- With which sector did you feel more identified with?
- In which area it was more possible to build consensus?

Appendix 5: Interview questionnaire members of the *Pingüino* movement

I. Social and political identity

- What does democracy mean to you?
- Since when are you interested in politics and which were the instances in which you have participated?
- Are you member of any political party?
- What is your opinion about the successes and shortcomings of the Concertación?
- Which were your expectations regarding Bachelet's government?
- In which sense was the *Pingüino* movement different from other (secondary and university) student movements?

II. Perception of the education system

- Which education have you received?
- Which role does education play in contemporary Chilean society?
- How would define high quality education?
- Which are the advances on education achieved by the governments of the Concertación?

III. Structure of the mobilisation

- Did you participate in the dialogue platform, which was coordinated by the SEREMI of Education in 2005?
- Were there any *colectivos sociales* in your school? If yes, which relationship did they have with the student organisation?
- How was the horizontal structure that was formed at the beginning of 2006?
- How did the declining presence of student leaders attached to political parties and the growing presence of representatives of the *colectivos sociales* influence this increasing horizontal organisation?
- How did the scaling up of the movement influence changes of the student organisation and its new horizontal structure?
- Which were the points of agreement reached on 2005?
- When the mobilisations were organised in March 2006, which were the main aims?
- Which were the main reasons behind the transit from street protests to the takeovers of the schools?
- How were contacted the schools in regions? It was a centralist movement?
- How was the relationship with the university movement?
- Which lessons had been drawn from previous mobilisations, such as for example the *Mobilazo* in 2001?
- What did you do in the schools during the sit-ins?

IV. Demands

- The movement started with specific demands related to the high cost of the PSU and the restrictions on the travel pass. When and how did you decide to expand the demands and include structural topics?
- How was the process of incorporating more structural demands related to the LOCE?
- Which sectors of the movement did push for the incorporation of more structural demands?

V. Mass media

- What is your perception about the role played by the mass media?
- There was a discussion within the movement about the development of a strategy for maintaining a relationship with the mass media?

VI. Institutional response to the movement

- Which was your first reaction to the announcement of the president that a commission on education will be created?
- How were selected the representatives of the secondary students that would participate in the PAC on Education?
- What is your opinion on the LGE?
- Which are the advantages and disadvantages of the use of commissions for building a consensus on 'country topics' (*'temas país'*)?

VII. Legacy of the movement

- Which were the main reasons for the demobilisation?
- Since the facts occurred in 2006, which are the main legacies of the movement?
- Would you recommend me talk with someone else?

Appendix 6: Interview questionnaire for policy-makers and labour experts

I. Evaluation of the Concertación

- Do you think that there has been a consensus on Concertación regarding labour issues?
- According to you, which had been the main obstacles of the Concertación to advance its agenda on labour issues?
- And which had been its major advances?
- How do you see the internal disputes of the Concertación and their relationship with the role that the labour movement should play?
- Which were your expectations regarding your participation in the government? (if applicable)
- Which were the expectations of advancement of the education agenda with the Bachelet-administration?
- Which was the minimum that was expected to be achieved?
- Was this minimum achieved?
- Which was the diagnosis of the right regarding the education advances of Chile before the *Contratista* movement?

II. Characteristics of the labour movement

- Which characteristics should the leadership of the labour movement have today?

III. Mobilisation of the subcontracted workers

- Given that there are many subcontracted workers in different areas, why do you think that the protests of the copper workers were the ones that opened a more serious debate about the working conditions in Chile?
- Which were the contingent and structural factors behind the mobilisations?

IV. Post *Contratista* movement policy-making of labour

- Which are the advantages and disadvantages of the use of commissions for building a consensus on 'country topics' (*temas país*)?
- Which was the impact of the labour movement in the content of the laws that were negotiated in parliament after the work of the commission? Did you participate in an active way in working commissions in the parliament?
- In which areas it was possible to reach more?
- In your opinion, what does occur with the Subcontracting Act?
- In general terms, do you think that there were advances in the labour agenda during Bachelet's government?

V. Additional questions for those who participated in the Presidential Advisory Commission

Constitution of the PAC on Labour

- How were the different sub-commissions that constituted the PAC on Labour arranged?
- How were decided which topics will be debated?
- Which were the minimal points of agreement that were expected to be achieved in the topics included in the debate?

Consensus building in the PAC on Labour

- With which sector did you feel more identified with?
- In which area it was more possible to build consensus?
- Could you please classify the different positions within the PAC regarding the following topics?
 - Relationship between labour market and inequality
 - The role of the state in managing the labour market
 - Institutional framework that regulates labour issues, such as collective bargaining
- How did the positions regarding these topics evolve along time within the PAC?

Appendix 7: Interview questionnaire members of the *Contratista* movement

I. Social and political identity

- What does democracy mean to you?
- Since when are you interested in politics and which were the instances in which you have participated?
- Are you member of any political party?
- What is your opinion about the successes and shortcomings of the Concertación in the area of labour?
- Which were your expectations regarding Bachelet's government?
- In which sense was the *Contratista* movement different from other movements?

II. Transformation of the labour unions

- Which are the main difficulties for achieving coordination within the labour union and with other labour unions?
- How has been changing this during the governments of the Concertación?
- Which had been the main initiatives to the rethink the role of the labour movement and give it more protagonism?
- How has had the leadership of the labour movement adapt to this new reality?
- Which is your main criticism to the leaders of the labour movement since the return to democracy?

III. Demands of the labour movement

- How have changed the nature of the demands of the labour movements during the governments of the Concertación?
- Which has been the impact of the structural reforms that had been implemented in the labour area on the labour movement?
- Which was the nature of the demands? There were economic oriented or did you also try to introduce political and social reforms? A new institutional framework was part of the demands?
- How it was possible to develop a common discourse?
- Which sectors were the ones that pushed for the incorporation of more structural demands?
- Which were the arguments that were more attractive to the workers?

IV. 2007 mobilisation

- Given the content of Bachelet's presidential campaign and the introduction of the subcontracting topic as a way to mark a difference with the right, which were the expectations of the CTC regarding the achievement of reforms during Bachelet's administration? In which areas?
- Which was the agenda of the CTC for Bachelet's administration? To what extent there was a sense that this government would be different from the previous ones?
- Which was you role in the organisation of the protests?

- To what extent did the protests in Arauco have an influence in the emergence of the protests of the subcontratistas?
- Please tell me a bit about the beginning of the protests.
- How do you coordinate the work? Vote in the assembly? Has the labour organisation turned more horizontal?
- Which were the resources you had? In general, which financial resources do you have?
- Which is the level of coordination with other labour unions?
- What was achieved?

V. 2008 mobilisation

- Which were the main aspects that led to a new wave of protests in 2008?
- To what extent did the same workers mobilise?
- Which were the main differences between this and the 2007 mobilisation?
- What was achieved?

VI. Framing processes

- What are the main discussions within the union?
- How do these take place?
- In which ways does the union help to improve the knowledge that workers have about their labor rights?
- How would you characterise the relationship with the media?
- There was a discussion within the movement about the development of a strategy for maintaining a relationship with the mass media?
- Which are the main channels of diffusion of your activities and demands?
- What do you think are the most effective means to communicate your demands to the members of the union? And to the general public?
- Which instances of participation contributed to a notion of a shared experience?

VI. Post *Contratista* movement policy-making of labour

- In your opinion, was the movement successful in terms of introducing the topic of labour in the public debate?
- Which is your evaluation of the response of the ministry of labour?
- Which is your evaluation of the response of CODELCO?
- Which is your evaluation of the response of the President?
- And the collective bargaining? Did the people understand the relationship between this and how to advance in the area of equity?
- Which are the advantages and disadvantages of the use of commissions for building a consensus on 'country topics' (*'temas país'*)?
- Which did you decide not to participate in the commission?
- And which was the impact of the movement in the content of the laws that were discussed in the parliament after the work of the commission? Did you participate in an active way in the working commissions of the parliament?
- In which aspects if was possible to reach more?
- In your opinion, what happens with the Subcontracting Act?

- In general terms, do you think that there was an advance in the labour agenda during Bachelet's government?
- Have you been active to guarantee that the legislation that emerged due to the protests of the subcontractistas is respected?

VII. Legacy of the movement

- Which were the main reasons for the demobilisation?
- Since the facts occurred in 2007, which are the main legacies of the movement?
- Would you recommend me talk with someone else?

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