

## *The Neoliberal Educational Agenda and the Legitimation Crisis: old and new state strategies*

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**ABSTRACT** *In the context of globalisation and hegemonic neoliberalism, the state's ability to legitimate the economic system and its own policies cannot be assumed as a positive automatic effect. The economic and political conditions that once framed state action have changed, and it is reasonable to think that the emergence of a new accumulation regime implies also a shift in the traditional strategies used by the nation-state to legitimate its policy-making. This paper reviews how the neoliberal educational agenda develops a new political rationality that changes the traditional forms in which the state has managed its legitimation crisis. In addition, the paper argues that context-based factors, nationally specific, show that this political rationality may not be uniformly applied among different nation-states. The case of semiperipheral countries provides some evidence on the necessary combination of old and new strategies developed by the state to legitimate a neoliberal agenda.*

### **Introduction**

Recent analyses within the educational policy field have reported significant changes in the traditional modes of state intervention in education. It is usually argued, although scarcely demonstrated, that these changes are related to changes in the global economy (McGinn, 1997; Held *et al.*, 1999). Globalisation affects the educational process in many ways [1] but, among its wide range of impacts, it is probably the changing role of the state that has deeper social and economic consequences. The role of the state in educational and other intervention areas of policy-making, provision and funding is being challenged by changes in the global economy that have consequences on the scope and mode of operation of the state. Of course, not all the authors agree with this position. As Held *et al.* (1999) argue, the globalisation debate shows hyperglobalist, sceptical and transformational positions. Authors classified in the first category sustain that the nation-state practically disappears because global economic networks overcome its power (Ohmae, 1995); sceptics do not see globalisation as something new from internationalisation, thus globalisation hardly challenges the role of the state (Hirst & Thompson, 1996). Transformational approaches, on the other hand, recognise the existence of global economic, political and cultural processes that modify the role of the

capitalist state. However, these authors sustain that the globalisation process implies substantial changes but not the demise of the state. Within the educational policy field, this position is defended, among others, by Dale (1997, 2000)[2]. As he argues, recognising the existence of globalisation does not mean that the state has less presence or that its presence is less significant in the provision, funding or regulation of public services. The forms in which the state, the market and the community combine in the provision, regulation and funding of education makes clear that the globalisation effect on educational policy is not a simple transfer from the public to the private sector. The re-structuring of state intervention can take different forms depending upon a range of factors that, in many cases, remain nationally based. We cannot assume, therefore, either that globalisation does not have effects on the state role and intervention strategies or a necessary convergence effect as a result of the globalisation process. That is, institutional factors play a crucial role in the form that ‘globalisation’ effects are recontextualised. The history of the education system, the articulation and strength of civil society, the state administrative and bureaucratic culture, etc., are possible divergence factors among capitalist states.

This paper departs from this perspective to develop an analysis about how the new context of policy-making shapes one of the core problems of the capitalist state: its legitimation capacity. In the context of globalisation and hegemonic neoliberalism, the state’s ability to legitimate the economic system and its own policies cannot be assumed as a positive automatic effect. The economic and political conditions that once framed state action have changed, and it is reasonable to think that the emergence of a new accumulation regime implies also a shift in the traditional strategies used by the national state to legitimate its policy-making. However, recognising the existence of that change does not mean that national states react to their legitimation problems using the same instruments and strategies. Institutional and national factors play a crucial role in determining the state legitimation strategies in education as well as in other policy fields. Thus, this paper aims also to provide some evidence on possible sources of different legitimation strategies developed by states that are currently implementing neoliberal economic and social policies. To fulfil these objectives, the paper is structured in the following sections. The following section reviews basic theoretical arguments on the legitimation crisis of the Keynesian Welfare State (KWS) and the legitimation management strategies within the educational policy field. The third section analyses main changes in state political rationality led by the emergence of the competitive state, and opens questions about the possible consequences on the legitimation strategies in neoliberal contexts. The following section builds on the work of Robertson and Dale (2002) to provide a theoretical description of the relationship between neoliberal political rationality and the state response to the core problems of legitimation and social control. The final section highlights some of the shortcomings of the previous analysis in order to provide a full account of the state legitimation problems and legitimation management strategies developed by semiperipheral states in the educational policy field.

### **Educational Policy and State Legitimation**

Dale’s (1989) analysis of the state and education policy highlighted three core problems of the capitalist state:

- (a) To give support to the process of capital accumulation.

- (b) To provide the necessary social cohesion to reproduce the capitalist mode of production.
- (c) To legitimate the capitalist mode of production and the state itself.

A number of specifications accompanied the three core problems (Dale, 1989, p. 29); for example, the identification of the core problems did not entail identifying the particular means by which they would be tackled, the difference between problem identification and the state capacity to solve it, the non-exhaustion of the state agenda by the three core problems and, most importantly, the contradictory rather than complementary character of the actions addressed to solve the three core problems.

The state problems within the educational policy field were structurally the same as those the state had to face in each area of public intervention. In late capitalism, the growing presence of the state in the production process and its responsibility for ensuring the reproduction of the system puts pressure on both the effectiveness of state decision-making and the maintenance of mass loyalty as a legitimation input for those decisions. These two normally contradictory goals are simultaneous objectives of the state agenda. Habermas describes it with the following words:

The state apparatus thus has two simultaneous tasks. It has to levy the necessary taxes from profits and income and employ them so efficiently as to prevent any crises from disturbing growth. In addition the selective raising of taxes, the recognisable priority model of their utilisation, and the administrative performance have to function in such a way to satisfy the resulting need for legitimation. If the state fails in the former task, the result is a deficit in administrative efficiency. If it fails in the latter tasks, the result is a deficit in legitimation. (1984, p. 145)

The work of Habermas on the legitimation crisis in late capitalism, Offe's analysis about the contradictions of the welfare state (Offe, 1984), and Dale's theory of the capitalist state and education policy gave us a critical theoretical framework from which to focus empirically on the contradictory nature of state decision-making in education. Some of the attempts to meet the accumulation goal would usually be accompanied by an effect of undermining the state's legitimation capacity. Within the education policy field, this last point can be illustrated by the traditional tension between selective or open-access policies. Policies that would strengthen the selective character of the education system would have the predictable effect of creating resistance and contestation from those excluded by the system.

The central question became, therefore, to identify how the state could manage its legitimation deficits in the process of implementing a policy agenda. Understanding how the state solved the erosion of its political authority to achieve the necessary consent was central to interpret the direction and meaning of educational policies and discourses. It was the work of Hans Weiler that did most to illuminate this area. Weiler (1989, 1990) coined the notion of compensatory legitimation to analyse the need for the state to develop compensatory measures caused by the continuous failure of educational policies and reforms. A considerable part of state intervention in education would thereby be understood as legitimation crisis management. This would include initiatives like developing strategies of designing, planning and experimenting with educational reform, the symbolic production of modernisation discourses, the incorporation of experts' opinion into specific areas of decision-making or, indeed, decentralisation policies to reduce the state political and economic burden in educational provision.

Independently of the type of compensatory legitimation measures that had to be

developed by the state, it is noteworthy that the source of state legitimation problems within the KWS mode of regulation was related to the importance of formal education to explain both the basis of economic growth and the allocation of social positions within the social structure. The state assumed responsibility for making the education system efficient by embracing human capital theory, and thereby the correspondence between education, productivity and private earnings, and social benefits. In addition, the ideology of equality of educational opportunity appeared adequate to legitimate meritocracy and social justice. The state carried the burden of being responsible for, at least rhetorically, neutralising the effects of class, gender or ethnic differences on educational performance, mainly because it was the only way to justify a 'fair' but unequal social structure as a result of educational performance distribution.

As it is known, in Western societies the education crisis of the 1970s provoked different reactions depending on the position and ideologies of different sectors of the economy and civil society. Education received severe criticism for being responsible for the low productivity of labour and the economic crisis. At the same time, as theories of reproduction and correspondence pointed out, the education system was not only incapable of ending the reproduction of the class structure, but was actually responsible for ensuring that reproduction as a central rule of the capitalist (or bourgeois) class hegemony. The education crisis made more explicit than ever the contradictory nature of the core problems of the capitalist state. Criticisms of poor education system performance to favour the accumulation process were simultaneous to criticisms for the lack of neutrality of formal education and claims to democratise it.

Interestingly, tensions caused by simultaneous and contradictory demands took place when the state was economically and politically less capable to respond to them. The fiscal crisis of the state, on the one hand, and the continuous increase in educational demand, on the other, made it extremely difficult for the state to maintain the necessary mass loyalty to legitimate its policies. As Codd *et al.* point out:

This produces a structural contradiction in state policies which adopt non-market or *decommodified* means for achieving specific social goals, while being dependent upon the processes of commodity production and exchange for their continued viability. (1997, p. 265; original emphasis)

In these circumstances, the state political rationality to solve its efficiency or legitimation deficits becomes more and more obsolete or, using Offe's words, the situation is that in which the state faces a 'crisis' of crisis management (Offe, 1984). The political instruments (discourses, regulations, etc.) normally used to compensate for the legitimation crisis are less effective, because of the economic structural conditions (e.g. the growth of graduate unemployment) and because of the masses' lack of credibility of state policies and discourses. What is more, Keynesian political rationality leads the state to the unavoidable need to change it, because it is a type of rationality that, in a context of economic crisis, accentuates the fiscal and legitimation problems of the state. The reason for this is that, under the KWS mode of regulation, the state assumes full responsibility for the protection of national citizens. Thus, it is socially expected that it is a duty of the state to respond to the inefficiencies of the system as it is to solve all possible crises and ensure citizens' rights. In addition, since social entitlements are linked to individuals' labour market position, the growth of unemployment and underemployment makes it not only economically, but also legally difficult for the state to maintain the welfare of a growing number of citizens.

While the circumstances of the crisis of Keynesian political rationality are quite clear,

it is less evident whether the state has been able to develop a new political rationality to cope with legitimation problems. Claus Offe referred to a change in state political rationality in the shift from 'conjunctural' to 'structural' policies. The first type of policies 'seek to maximise the adequacy of policy responses to problems as they emerge and appear on the agenda' (Offe, 1985, p. 226). The 'structural' mode of political rationality, on the contrary, intends to maintain a certain level of output while trying to channel demand inputs in a way that is affordable within the available resources. Dale (1989) used Offe's distinction between conjunctural and structural policies to interpret some of the strategies of Thatcherism to re-structure the educational mandate. He identified the Technical and Vocational Education Initiative (TVEI) experience as a clear structural mode of political rationality. By developing the TVEI initiative, the state intended to change from a reactive to an active mode of educational policy-making; that is, as a strategy to pre-define the goals and the means through which those goals should be achieved. But as Dale argued, the TVEI experience and other policies were not sufficient to affirm that a new mandate and a new political rationality had been fully implemented. In addition, it is not clear whether the adoption of a structural mode of political rationality, which might certainly contribute to solving administrative and efficiency problems of the state agenda, would entail either the resolution of the chronic legitimation problems of the state or facilitate the emergence of new strategies to manage the legitimation crisis.

### **State Legitimation in the Neoliberal Context**

The 1990s have been a decade of growing hegemonic neoliberalism. Neoliberalism has been pushed by multilateral agencies and most powerful states as the major global project for economic growth and development. Despite major setbacks in recent years (East Asia financial crisis, economic polarisation, global resistance), the neo-liberal project has not been deeply challenged as the dominant economic doctrine for growth and distribution—largely because of its ability to reconstruct its strategies and tactics (Jessop, 2001). Developed and developing states have voluntarily or compulsorily embraced neoliberalism (with, certainly, different variants) as 'the best' economic and political strategy to keep up with the challenges of the global economy—see Samoff (1994) and Gwynne and Kay (1999) for an account of the impact of neoliberal policies in developing countries.

Generally speaking, this economic and political orientation entails a number of policies that are actually challenging the traditional role and function of the state. Cerny (1997), for example, has referred to these changes as the emergence of the competitive state as opposed to the traditional Keynesian state form. The state must be competitive externally, following the rule of competitive advantage. According to this pattern, the state has to facilitate a regulative framework in which the national economy can compete in the international market (usually by facilitating innovation and the conditions for a high value added production). It has to create conditions for attracting capital and facilitating technological innovation and investment. There are, therefore, increasing pressures from capital for keeping salaries and taxes and transaction costs as low as possible, and for reducing the fiscal pressure on capital benefits and labour costs. At the same time, the unique and mainstream form to be externally competitive is by developing internal competitive modes of governance. Distribution of goods and services and modes of public administration are now guided by the adoption of market mechanisms within the state. The traditional form of welfare state seems no longer adequate to a capital accumulation regime that 'needs' the withdrawal of the state from

a number of activities and services, and the re-definition of the normative rules in which capital can operate. Quasi-market forms of provision, greater accountability, contractualism, decentralisation, etc. are new forms of public management that are drastically changing the nature of the capitalist state.

How do these processes impact on state legitimisation capacity? Does the state experience new or fewer problems in achieving the necessary credibility to implement a new agenda? From the preceding review, it is not possible to infer an automatic effect on the state's ability to solve or to manage its legitimisation problems. Indeed, at a purely theoretical level there is not a clear answer to these questions. On the one hand, it would be possible to think that if the state removes its centrality from some areas of welfare provision, its political burden will be also reduced. In this case, the state would solve its legitimisation crisis by withdrawing from those areas more vulnerable to political contestation. On the other hand, from an extreme version of a neo-Marxist theory of the state, it could be also argued that in a neoliberal context the state would experience more problems in legitimating its actions because tensions within the capitalist accumulation process and the worse working conditions of the labour force will reinforce the internal contradictions of capitalism.

Neither of these theoretical extremes have been empirically contrasted, and none of them are actually plausible. The first one assumes that neoliberal hegemony works well enough to saturate people's consciousness. Thus, from this perspective, neoliberal discourses would be embedded with certain properties that *per se* could persuade individuals and social groups about the goodness of the market to allocate and distribute resources. Discourses about the positive *trickle-down* effect of market distributive mechanisms would convince the masses about the benefits of minimising state intervention, and thereby would incorporate its own legitimisation capacity. From this perspective, the legitimisation problems of the state would be over because policies oriented to the accumulation process would incorporate the necessary political consent for their implementation. Since, at a discursive level, accumulation *is* legitimisation, the classical tension of neo-Marxist state theories would constitute an inadequate framework to understand the problems faced by the capitalist state in a global and neoliberal context. This theoretical extreme seems to ignore the fact that neoliberal policies generate greater social inequalities, which are normally a source of social struggle and political conflict. In addition, by reducing its presence, it cannot be assumed that the state does not have to legitimate the results of economic performance and re-distribution. Deregulation is in itself a type of policy-making, and citizens still have the power of showing their discontent by voting against the government. The market does not have to respond politically for its success or failure; rather, it is the state that is responsible for the politics of non-decision-making and for introducing market mechanisms in the processes of resource allocation and distribution.

The second perspective maintains the assumption that contradictions within the capitalist system will increase because profit maximisation may only be achieved at the expense of greater labour exploitation. By withdrawing from key areas of welfare provision, the state would actually remove the necessary net that has buried the contradictory nature of capitalist expansion. As a result, the state will face more difficulties to legitimate an economic system that generates increasing inequalities and inhumane living conditions for a growing number of people. The problem with this interpretation is simply its blindness in the face of the evidence of the historical ability of capitalism to mitigate its internal contradictions and to generate the necessary conditions for its reproduction as a dominant mode of production. Therefore, it would

be naive to consider that the legitimation crisis of the state would be structurally more acute along with the extension of a neoliberal agenda.

These reflections lead us to focus on two central questions to analyse changes in the legitimation problems and the legitimation management strategies developed by the capitalist state within the educational field. The first question refers to the need to consider qualitative rather than quantitative changes in the legitimation crisis. That is, since globalisation produces changes in the economic regime of accumulation and in the associated mode of social regulation (Jessop, 1994; Aglietta, 1998), there is no reason to think that state legitimation problems will be either marginal or more acute in the post-Keynesian era. Rather, they will probably be different and linked to the development of a new political rationality. That is, the relevant question is not if the state experiences greater or fewer legitimation problems because of the implementation of a neoliberal agenda. Rather, the central aspect becomes that of understanding how a new political rationality works and how does it incorporate its own logic of legitimation. The analysis of the symbolic production of state discourses underlying innovative policies becomes a crucial aspect in understanding the 'new management of legitimation problems'.

The second question refers to the intersection between possible tendencies towards convergence in policy styles and agendas caused by globalisation mechanisms, and possible national divergences due to factors like the structure and history of educational systems or the role and influence of interest groups within the civil society. My point is that state legitimation crisis in education is particularly subject to specific factors of national educational systems. That is, although the globalisation of a neoliberal agenda may produce a tendency towards policy uniformity, legitimation problems still arise as a response by national citizens to decisions taken by the nation-state. The question of how globalisation is nationally recontextualised becomes crucial to understanding the strategies developed by the state to manage its legitimation problems. It is to these questions that we now turn. The first—the logic of legitimation from a neoliberal political rationality—will be addressed by looking at the work of Robertson and Dale (2002) on '*local states of emergency*'. The second question will build on examples from semiperipheral states to illustrate how national factors may introduce variations in the nature of legitimation problems and in the forms in which the state manages those problems.

### **Neoliberal Political Rationality and the Management of Educational Conflict**

Susan Robertson and Roger Dale (2002) have explored the implications of the economic rationality of the competition state for state legitimation strategies. This topic was lightly explored in some of their previous works (Dale, 1998; Robertson & Dale, 2000), where they stated that, with the rise of the competitive state, the state's legitimation burden was increasingly being managed through prioritising accumulation over legitimation. This argument relied on the evidence that, with the globalisation process, states were enhancing economic competitiveness and commodification in almost all spheres of life. Within education, this process could be seen in a policy-making strategy that emphasises school markets, entrepreneurialism, international testing, etc. It was by removing its presence from many areas of life that the state could consequently reduce its chronic legitimation deficit. As Dale argued:

The problem of legitimation is now quite different. One of the major impulses

of the competition state is to minimise public expenditure, both as an act of fiscal prudence and orthodox and as a political preference in favour of removing the state from all but a necessary minimum activity. These motives coincide in the withdraw of the state from responsibility for a very wide range of public services which thereby reduces, or even removes, the chronic legitimisation deficit it suffered under welfare state regimes, reduces public expenditure and increases the scope of profit making activities. The legitimisation problem becomes converted into one of efficient delivery of public services to individual citizens. (1998, p. 102)

In Robertson and Dale (2002), this initial position is partially reviewed. In this paper the authors maintain that, although this argument may be correct at one level (that of the rhetorical promotion of the benefits of the market), it is also the case that ‘there is considerable evidence being amassed that the working and middle classes have faced a decline in their standard of living, their situation in the labour market is more precarious, and access to state provision such as education, health and housing and other welfare services, has become more tenuous. At the same time, the state faces growing problems of unruliness and social disorder, particularly in those communities that have borne the brunt of the economic and social restructuring’ (Robertson & Dale, 2002, p. 464).

From that point they proceed to analyse how the new political rationality of the competition state produces the emergence of a new logic of legitimisation and social control management, and the type of contradictions embedded in this logic. This is developed by analysing the problem of social order in capitalist societies and the logic of neo-liberal rationality to deal with it. This analysis is specifically applied to the New Zealand state. Following Jessop (2000) and Offe (1997), Robertson and Dale argue that the problem of social order in capitalist societies is a structural one within societies where the system of stratification and unequal social relations create conditions for conflict and instability. Since social order has been and continues to be based on the labour contract, the persistence of unemployment and the associated growth of precariousness in capitalist societies creates problems of social control that can no longer be based on a political rationality that centres its credibility on the goal of full employment. Herein, the authors contemplate how neo-liberal political rationality is used by the state as a useful doctrine to manage social conflict because ‘it can be mobilised to alleviate the problem of precariousness through privileging the self, as entrepreneur, as responsible for both creating and participating in productive activity and that this activity is the basis for distribution. The labour contract is thus located within the self rather than the state and citizen; the self ideologically internalises the state and with it the potential risk of precariousness’ (Robertson & Dale, 2002, p. 467).

Thus, it is from this political rationality that the state develops new modes of governance that seek to create a ‘regime of truth’, which is necessary to achieve loyalty and consent. In this way, the state seeks to reconstruct the basis of its legitimisation through relocating, and thus depoliticising, state power to individuals and to groups. Neo-liberalism, with its emphasis on the ‘enterprising self’, becomes a key mechanism to the depoliticisation process.

However, as the authors argue, that process does not happen without contradiction. There are areas, like education, that cannot be easily depoliticised through the creation of markets. After all, state intervention in education has been historically and politically grounded in the chronic failure of markets. Thus, for the neoliberal state, managing the

contradictions of governance is not a straightforward matter. As Robertson and Dale argue:

The neoliberal paradigm insists upon (rhetorically at least) a greatly reduced role for the state in intervening in social and economic life. The problem for the state is this: it is unable to withdraw as it had hoped and nor could it continue to act only as a coordinator of social policy (rather than funder/provider/regulator) as the two new players in the social policy governance framework, the 'market' and the 'community' have also failed and where their failure is a result of the new governance framework. However, in order to secure legitimacy and social order to enable accumulation the state must intervene more strongly. (2002, p. 464–465)

This contradiction, as the authors show, has actually shaped neoliberal educational policies in many places. Educational markets, for instance, have been largely regulated by the state or other public bodies. Neoliberal political rationality, however, develops mechanisms through which the state can manage to reduce its presence as well as its legitimation burden, while at the same time uses new modes of governance to intervene in the affairs of individuals and communities. The state, for instance, reconstructs the meaning of concepts like 'community' or 'civil society' in a way that they can actually appeal more to citizens' duties than to citizens' rights. Thus, rather than subjects of rights, individuals become subjects of duties having to demonstrate that they deserve their rights and entitlements. Individual and collective behaviour are formally free, but new forms of governance are able to shape that behaviour. In other words, 'the state has tried to continue to centrally organise through its governance strategies directed at individuals: through markets and choice (individuals believe they are acting as autonomous choosers in a free marketplace); contracts and audit (where individual and collective behaviour is a matter of public accountability); New Public Management (where the behaviours of individuals and local organisations are shaped through targets, standards, outputs and outcomes); and social capital (where the notion of community as a political subject and territory to be governed are the new sites for legitimating for states)' (Robertson & Dale, 2002, p. 469).

Finally, since there is evidence that neoliberal policies produce losers and victims, the state must develop a concrete mechanism to control their dislocation and potential risk. Robertson and Dale describe five forms of '*local states of emergency*' that are examples of technologies of power developed by the neoliberal state to secure social control and to manage its legitimation problems. These local states of emergency (managing the self, patching the safety net, emergency services, 'hot spots' and zones of emergency [3]) are discursive and strategic tools developed or sponsored by the state to manage risk and deviance that result from the implementation of a neoliberal agenda. By using local states of emergency, the state is able to respond to a range of educational problems and conflicts like students' violence, school drop-outs, teacher shortages, educational and social problems in deprived zones, and so on.

Interestingly enough, local states of emergency imply a substantial presence of the state in the resolution of educational conflicts. This is so even though its legitimation rationality is based on the minimum state. However, the type of responses through local states of emergency appear like immediate 'therapies' to specific problems, rather than rational and bureaucratic state strategies. If possible, the state tries to 'pass the ball' to the school and to the community in order to solve the problem, normally by using contractual strategies that position schools and communities as responsible for school

*performance*. Sometimes, the state cannot escape from assuming a direct role in conflict resolution, as in the case of teachers' shortages. However, this role is always presented as an *emergency* role. That is, once the problem is solved, the state may disappear because markets and their trickle-down effect will allocate and distribute much better than any bureaucratic body.

Now, it is somewhat paradoxical that a 'structural' mode of state intervention (in the sense defined by Offe) that tries to channel demands towards the achievement of an affordable output has to be accompanied by an emergency (or 'conjunctural') mode of response to deal with risk and market failure. This apparent contradiction is actually logical when we look at the contradictions embedded in neoliberal political rationality. The state attempts to depoliticise education through discursive and policy strategies that emphasise self-responsibility and self-regulation. Schools and communities are told to act as entrepreneurs that, as such, must pursue their own interest in order to be competitive and more efficient. At the same time, neoliberal rationality claims that this behaviour also serves the general will of society, hiding the evidence of exclusion, school failure and segregation provoked by educational markets. The neoliberal state must therefore deal with its own failure, which forces it to intervene occasionally to solve its risks by developing local states of emergency, something that is essentially contradictory with its basic moral precept of non-intervention.

In summary, Robertson and Dale's arguments are an accurate description about the forms used by the competitive state to manage educational conflict and the contradictions embedded in the neoliberal modes of governance. Local states of emergency represent powerful technologies that appear as adequate means within neoliberal political rationality. However, in my view, there are two aspects of their argument that can be questioned. The first refers to their conception of legitimation problems within the competitive state as a secondary problem *vis-à-vis* the priority of accumulation problems. That is, although legitimation problems are incorporated as an important aspect that the neoliberal state has to deal with, they are basically understood as a consequence of implementing an agenda that is exclusively set up by education policy-making that supports the capital accumulation process. By using this approach, the authors undermine how legitimation problems may themselves shape the state educational policy agenda. Second, their arguments assume that competitive states use the same neoliberal discursive and policy strategies to manage social control and legitimation problems. Local states of emergency are presented as a resource to deal with both sets of problems, which are not distinguished in the article. While social control problems may cause problems of legitimation to the state, not all state legitimation problems may be reduced to problems of social control.

Robertson and Dale construct their arguments building on a country (New Zealand) that is currently implementing strong and extreme versions of neoliberal policies. My point is that the earlier statements may not have the same meaning if we look at other countries that are also implementing clear neoliberal economic policies (like Spain). In the final section of this paper, I will focus on some aspects of the Spanish state and educational policy in order to give a response to the two problems. The section will focus on providing some evidence on how the Spanish educational policy agenda has been largely shaped by its legitimation problems, a set of problems that result from the structural and historical distinctiveness of the semiperipheral form of the Spanish State. By developing this argument it will be also possible to show that, although the Spanish State has used 'local states of emergency' to deal with problems of educational risk and social control, the state has developed a different rationality to deal with legitimation

problems. This analysis will allow us to conclude with some reflections on the importance of the recontextualisation process of global trends in education policy in understanding local and national impacts.

### **Legitimation Problems and the Process of Agenda Setting: is there a Semiperipheral Type of Neoliberalism?**

It is not within the scope of this article to review the specific characteristics of mass schooling in Southern European countries like Spain or Portugal. In this section, I will concentrate only on some theoretical or empirical aspects that may be useful to illustrate how semiperipheral states have recently dealt with legitimation problems during the implementation process of a neoliberal agenda.

The Portuguese sociologist Boaventura de Sousa Santos has fully developed the concept of semiperiphery to interpret the specific historical, political and socio-economic conditions of Southern European countries (Santos, 1992). His theoretical framework has been also used to analyse education policy-making and the structure and content of educational systems in Portugal (Stoer & Araújo, 1992; Stoer, 1994; Gomes, 1996), Spain (Bonal, 1995; Bonal & Rambla, 1996) and Greece (Kanakis, 1996). According to Santos (1992, p. 109), semiperipheral societies are characterised by what he calls an articulated mismatch between production and social consumption. That is, while consumption patterns are closer to core capitalist countries, there is a lower development of the production system. This is an articulated mismatch because there are two factors that enable society to cope with it. On the one hand, buffer groups in the social structure help to meet some of the deficits of public provision. They fulfil the needs that markets and the state fulfil in other economies. Examples of these are the importance of women's domestic labour to substitute welfare state provision, underground economic activities to complement low family incomes or the role of family support in substituting community services. Semiperipheral social formations are thereby supported by what has been named welfare societies—family and community networks—which substitute for welfare state services. On the other hand, in semiperipheral societies, Santos argues, the State is central in social and economic regulation, even though its direct intervention in production or in service provision may be very narrow. For instance, legislation allows some private institutions to provide education, health or social services, but maintains bureaucratic control over their organisation. The main consequence of this action is that the state is internally strong because of its wide scope of activities, but it is often weakened by its own regulation: due to the heterogeneity of its policies, its legitimation is continuously strained.

Now, it is this second aspect of the semiperipheral state that interests us most. My argument is that the specific characteristics of the semiperipheral state extremely influence the process of agenda setting and have consequences for the management of legitimation problems. Within the educational policy field, the clearest tension between accumulation and legitimation goals have been related to the simultaneous process of crisis and consolidation of mass schooling. That is, in Southern European countries, the demand for education and social mobility expectations only started in the mid-1970s; that is, once core capitalist countries had already expanded their education systems and were facing economic and educational crises. Thus, the semiperipheral state had to deal with the acute contradiction of modernising and adapting the education system to the needs of the productive system, and at the same time providing for the first time in history a real equality of educational opportunity for the masses. On the other hand, as

I have argued elsewhere (Bonal, 2000), in countries like Spain the semiperipheral state had to deal with multiple and complex demands coming from very heterogeneous interest groups whose configuration, power resources and position within the educational policy field were the result of the historically dual Spanish education system (a system divided between a private, and mainly religious, sector; and a public, historically abandoned by the Francoist state, sector).

The referred structural and historical contingencies have conditioned the process of agenda setting. The state has had to cope with very contradictory demands that have saturated its own capacity to construct an autonomous education policy agenda: teachers' claims for better work conditions and better wages, pressures from the private sector to preserve its privileges, political platforms defending public schooling, pressures from the Catholic Church to include religion as a compulsory subject, claims from regional administrations to expand their control capacity over the education system, and claims from the university system for more funding and administrative autonomy, are some examples that have conditioned the development of the education policy agenda.

Structural contradictions and the contradictory nature of a range of demands coming from different parts of civil society have produced a particular mode of state intervention in education. Elsewhere I have referred to this type of intervention as a *conditioned* relative autonomy of the state (Bonal, 2000, p. 215). That is, the result of the specific recursive effect between the structure and intervention strategies of interest groups and the educational policy developed by the state. The multiple educational interests and their forms of interaction affect in some way the educational policy agenda. At the same time, educational policy-making and policy processes have effects on the actors' interactions, even on their political survival [4]. Despite this reciprocal effect, the fact that groups' actions affect the state agenda does not imply that this agenda is determined by educational organisations' interests. Actually, the state agenda in education has to be necessarily and relatively autonomous *because* of the existence of a plural civil society. The relative autonomy of the state in educational policy-making has to be understood as an unavoidable and unintended consequence. That is, the state does not develop an autonomous policy agenda *deliberately*, but actually as a necessary consequence of the complexity of civil society and their diverse demands. This situation does not account for a pluralist vision of the state where the state tries to respond to different interests and tries to pursue the 'common good'. Of course, not all the groups have the same power resources to influence policy-making. However, the arrival of democracy brought about visibility and recognition of a range of political claims that the state could not ignore. New claims had to struggle with those interest groups—like the Catholic Church—whose main concern was to preserve its historical privileges within the educational sector.

Nevertheless, this conditioned relative autonomy of the state does not ensure the state legitimation capacity. Actually, the state agenda is constantly subject to political contestation. Interestingly enough, the state does not adopt a clear 'conjunctural' or 'structural' mode of policy-making (Offe, 1984). Actually, it combines both strategies in order to deal with the contradictory nature of educational demands. Thus, the state may, for instance, use conjunctural strategies to negotiate with teacher unions, private-school owners, parents' associations or the Catholic Church. In a clientelist mode of operation, the state responds, when possible, to different demands. On the other hand, the state certainly uses a structural mode of policy-making. That is, the state tries to define in advance the needs of the education system and to channel social groups' demands. For the past 15 years or so, official educational reform discourses have mostly concentrated on a rhetoric of curriculum change and modernisation. Educational reform has actually become the

main preoccupation of the state and the education sector discourses. Reform rhetoric has shaped what schools should think and do about. However, and here lies the semiperipheral specificity, even the structural mode of state policy-making is largely the result of the legitimation problems of the state. That is, what causes a change from a reactive to an active mode of policy-making is educational conflict and the legitimation crisis. The plurality of the interests of civil society can make it impossible to follow a clientelist mode of operation. Thus, the state develops active strategies to cope with a set of different problems.

How, therefore, can the semiperipheral state escape from a permanent legitimation crisis? How does it respond to pressures coming from different interest groups without appearing to be partial? Following Santos, the answer to this question may be found in the distance between the type of regulations produced by the state and its potential translation into real institutional and social practices. In order to cope with a range of opposed demands and to compensate for its legitimation problems, the semiperipheral state produces legal measures that are beyond its own fiscal and political capacity. That is, the state develops policies and discourses that are closer to central capitalist countries (representing what Santos calls an *image of the centre*), but political or economic reasons prevent its actual fulfilment. The distance between legal regulations and institutional practices is managed by what Santos calls the 'Parallel State'. The parallel state works under the formal state and its role is to instrumentalise, apply selectively or simply not to implement the law that the formal state has previously approved. While the formal state develops policies and discourses to carry out an agenda that is largely shaped by its legitimation problems, the parallel state 'works in the underground' to keep the formal state apart from political conflict and contestation. The parallel state is actually the arena where interest groups can exercise their ability to influence the policy process and can instrumentalise regulations for their own benefit.

Education has been one of the sites where the parallel state has been more active. For instance, since the beginning of the 1980s, the Spanish state has developed a regulative framework to set the conditions under which private schools are allowed to receive public funding. These include a range of aspects like student admission policy, non-user fees at the compulsory level, co-education or school participation structure. Although the regulative framework is clear, the actual fulfilment of legal conditions is frequently overlooked by school inspection. Most private schools receiving public money charge fees and are highly selective in their admission policy. Regulations are thereby instrumentalised with the state acquiescence. Another example of parallel state intervention may be found in a number of promises that are constantly postponed. These include aspects like a rise in teacher salaries, more resources to public schools or more pre-school places.

How does the current context of global neoliberal policies affect this mode of state policy-making? Does the semiperipheral state adopt the neoliberal political rationality described by Robertson and Dale to manage its legitimation problems? There is not an easy and immediate answer to these questions. However, recent evidence suggests that, rather than converting its discourses and policies into a neoliberal political rationality, the semiperipheral state integrates certain aspects of the global-neoliberal rationale into its specific mode of state operation. On the one hand, the state is not always forced to produce a neoliberal political rationality because many aspects of what neoliberal policies aim to achieve are in fact already operating. The clearest example of this are educational markets. The size and the power of the private school sector (the largest in Europe at the non-university level) and the absence of real control on school choice policies—which is itself a policy—makes it unnecessary to develop strong market-oriented policies and

discourses. That is, the real lack of control on how subsidised private schools develop school admissions policy (discretionary criteria to include or exclude new pupils) produces an ‘informal market’. So, although subsidised private school must follow the same rules as state schools in a number of policy areas, the lack of accountability transforms a regulated dual system of private and state schools into an unequal educational market where the state provides funding for a number of schools that can be socially and economically very selective. In these circumstances, rather than developing a neoliberal political rationality, the semiperipheral state is forced to use compensatory legitimisation discourses to reduce the unequal effects of a *de facto* educational market.

On the other hand, a purely neoliberal political rationality may not always be adequate within an educational policy agenda largely shaped by the need to manage conflictive interests. For instance, policies and discourses that celebrate the virtues of decentralisation may provoke problems of national unity and social cohesion, and may also weaken the control capacity of the state over regional educational policies (a priority of the central government agenda). Another example is teachers’ accountability. While there have been some attempts to develop schools and teachers’ work evaluation, these have been very soft compared with the accountability system developed in, for instance, the UK. This can be explained by the potential danger that a strong system of teachers’ evaluation would entail in terms of political conflict and, overall, in terms of introducing differentiation within a profession that the Spanish State has permanently intended to keep as homogeneous as possible in order to avoid regional differences in teacher salaries.

Certainly, it is also the case that neoliberal political rationality has been introduced in educational policy-making, but this has only happened when that political rationality has not damaged the legitimisation problems of the semiperipheral state. For instance, there are educational discourses and policies that stimulate the role of educational community and the development of school autonomy, which are aspects that neoliberal political rationality has appropriated as part of its virtues. These policies have become a useful strategy for the state to reduce its economic and political burden. They have actually contributed to managing its legitimisation problems while the state has been able to avoid the potential conflict that these policies may carry. Thus, in this case, a discourse based on individual autonomy and less bureaucratic control operates as a strategic instrument to manage the problems of state legitimacy. However, it is so because that strategy fits into the specific context of the semiperipheral state policy agenda. That means that neoliberal political rationality does not carry a set of properties that have an embedded power to shape people’s consciousness and practices. Rather, it only does it when certain conditions are met, which in this case are clearly related to the mode of intervention of the semiperipheral state.

Let us now briefly analyse the aspect of social control compared with the legitimisation problems of the state. As this section has shown, the management of legitimisation problems cannot be reduced to the problem of ensuring social control and social order in society, although of course problems of social control erode the state’s legitimisation capacity. The legitimisation problems of the semiperipheral state in education are complex, leading from different contradictions. This implies a very flexible and, at the same time, quite contradictory mode of crisis management. Neoliberal rationality becomes another resource to be used by the state rather than a new and incontestable discourse to legitimate its action.

Now, it is certainly the case that, in present times, capitalist states are facing increasing problems of social control and social order caused by the uneven effects of neoliberal

economic and social policies. Of course, semiperipheral states are not immune to this. The state is facing increasing problems in managing social exclusion and violence caused by market failure. Thus, semiperipheral states also develop 'local states of emergency', to deal with these type of problems. These policies may have a legitimatory effect as far as they serve to locate, label, and sometimes 'remove' those individuals, groups or even institutions that can interfere with the normal market-delivery of wealth. Within Spanish education, for example, the state has responded to the pressures of a number of public secondary school teachers that sought to separate the most conflictive and low-achieving students from the ordinary classrooms. The state has responded to that pressure by providing external school units and by allowing the schools to organise and teach different curricula to those problematic students, thus silencing teachers' voices.

However, there are some circumstances under which the use of 'local states of emergency' although it can solve social control problems, does actually erode the legitimation capacity of the state. The clearest example is provided by the predictable effect that a growing use of 'local states of emergency' has on the concentration of poverty, violence and disruption into specific areas. By labelling groups and zones, the state increases the segregation of society, which in turn produces social and racial conflict. Every Western society has a number of examples of urban areas that have become sites of social conflict. These are places in which teachers are not willing to work and where many parents, rather than engaging in 'community work', call for greater segregation to socially differentiate their children from the others.

## **Conclusion**

The hegemony of neoliberalism as an economic doctrine to orient policy-making is affecting education as other areas of public sector intervention. This paper has focused on the consequences that the adoption of a neoliberal agenda is having on the state legitimation problems and on the management of those problems. As it has been argued, the re-structuring of the state role in education caused by globalisation and neoliberalism alters the sources and the nature of the state legitimation problems, and also implies changes in the type of political rationality needed to manage those problems. This article has reviewed the arguments that sustain these changes. From a source of legitimation problems that, under the KWS, were based on state responsibility for the outcomes of the education system in terms of social mobility and labour productivity, the adoption of a neoliberal agenda based on the rhetoric of market benefits transfers the sources of legitimation problems to the question of the 'inefficiency' of the trickle-down effect to deliver opportunities to individuals. The neoliberal political rationality, as described by Robertson and Dale, with its emphasis in possessive individualism and self-entrepreneurialism, becomes a useful rhetoric to make individuals and communities responsible for their decisions and for the outcomes of those decisions. This rationality serves the state by depoliticising educational decisions, and therefore reducing its political burden. However, since market delivery mechanisms cause exclusion and dislocation, the neoliberal state is forced to use 'local states of emergency' to manage problems of social control and social cohesion.

While these arguments provide the necessary analytical tools to understand the mechanisms through which globalisation and neoliberalism have impacted on the changes in educational policy-making and on state political rationality, this article has argued that it is necessary to take a further step to understand how those mechanisms are recontextualised in specific national education systems. To illustrate this, the paper

has focused on semiperipheral states to observe how national characteristics and a specific mode of state intervention mediate in the process of adopting a neoliberal agenda and in the legitimisation problems of the state. The importance of legitimisation problems in shaping the educational agenda and the specific contradictions faced by the semiperipheral state in the policy-making process are important factors in the recontextualisation process of neoliberal political rationality. Thus, neoliberal political rationality is not simply adopted by the state to manage its legitimisation problems. Rather, it is the legitimisation problems of the semiperipheral state that mainly explain which aspects of the neoliberal political rationality are incorporated into the state rhetoric and policies, and which ones are simply excluded or even reconstructed. The recontextualisation level of analysis becomes crucial to understand how hegemonic processes, like neoliberalism, are locally adapted or, indeed, how they can be resisted and contested.

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### NOTES

- [1] For an analysis of the mechanisms of influence through which globalisation impacts on education, see Dale (1999).
- [2] See Tikly (2001) for an application of Held *et al.*'s typology to the globalisation and education debate.
- [3] Despite the very interest of its content, the purpose of this article does not make necessary a concrete description of the five forms of the local states of emergency. That description is included in Robertson and Dale (2002, pp. 471–479).
- [4] For instance, the state has actually developed strategies to either give status and recognition or to ignore specific interest groups (teacher unions, private school representatives, etc.) (Bonal & González, 1999).

### REFERENCES

- AGLIETTA, M. (1998) Capitalism at the turn of the century: regulation theory and the challenge of social change, *New Left Review*, 232, pp. 41–90.
- BONAL, X. (1995) Curriculum change as a form of educational policy legitimisation: the case of Spain, *International Studies in Sociology of Education*, 5 (2), pp. 203–220.
- BONAL, X. (2000) Interest groups and the state in contemporary Spanish education policy, *Journal of Education Policy*, 15 (2), pp. 201–216.
- BONAL, X. & GONZÁLEZ, I. (1999) Sociedad civil y política educativa actual, in: J. SUBIRATS (Ed.) *Existe sociedad civil en España? Responsabilidades colectivas y valores públicos* (Madrid, Fundación Encuentro).
- BONAL, X. & RAMBLA, X. (1996) Is there a semiperipheral type of schooling? State, social movements and education in Spain, 1970–1994, *Mediterranean Journal of Educational Studies*, 1 (1), pp. 13–27.
- CERNY, P. G. (1997) Paradoxes of the competition state: the dynamic of political globalisation, *Government and Opposition*, 32 (2), pp. 251–271.
- CODD, J., GORDON, L. & HARKER, R. (1997) Education and the role of the state: devolution and control post-Picot, in: A. H. HALSEY, H. LAUDER, P. BROWN & A. S. WELLS (Eds) *Education, Culture, Economy and Society* (Oxford, Oxford University Press).
- DALE, R. (1989) *The State and Education Policy* (Buckingham, Open University Press).
- DALE, R. (1997) The state and the governance of education: an analysis of the restructuring of the

- state-education relationship, in: A. H. HALSEY, H. LAUDER, P. BROWN & A. S. WELLS, (Eds) *Education: Culture, Economy, Society* (Oxford, Oxford University Press).
- DALE, R. (1998) Globalisation: a new world for comparative education? in: J. SCHREIWER (Ed.) *Discourse Formation in Comparative Education* (Berlin, Peter Lang).
- DALE, R. (1999) Specifying globalisation effects on national policy: focus on the mechanisms, *Journal of Education Policy*, 14 (1), pp. 1-17.
- DALE, R. (2000) Globalisation and Education: demonstrating a common world education culture or locating a globally structured education agenda? *Educational Theory*, 50, pp. 427-448.
- GOMES, R. (1996) The reform of mass schooling in Portugal, 1974-1991, *Mediterranean Journal of Educational Studies*, 1 (1), pp. 13-27.
- GWYNNE, R. & KAY, C. (Eds) (1999) *Latin America Transformed. Globalisation and Modernity* (London, Arnold).
- HABERMAS, J. (1984) What does a legitimation crisis mean today? Legitimation problems in late capitalism, in: W. CONNOLLY (Ed.) *Legitimacy and the State* (Oxford, Basil Blackwell).
- HELD, D., MCGREW, A., GOLDBLATT, D. & PERRATON, J. (1999) *Global Transformations* (Cambridge, Polity Press).
- HIRST, P. & THOMPSON, G. (1996) *Globalization in Question: the international economy and the possibilities of governance* (Cambridge, Polity Press).
- JESSOP, B. (1994) The transition to post-Fordism and the shumpeterian Workfare State, in: R. BURROWS & B. LOADER (Eds) *Towards a Post-Fordist State?* (London, Routledge).
- JESSOP, B. (2000) The changin, governance of welfare: recent trends in its primary functions, scale and modes of coordination, *Social Policy and Administration*, 33 (4), pp. 348-359.
- JESSOP, B. (2001) *Good Governance and the Urban Question: on managing the contradictions of neo-liberalism*, Department of Sociology, Lancaster University, <http://www.comp.lancaster.ac.uk/sociology/soc075rj.html>.
- KANAKIS, E. (1996) The university in semi-peripheral countries. Paper presented at the 17th CESE Conference, Athens, 13-18 October.
- MCGINN, N. F. (1997) The impact of globalization on national education systems, *Prospects*, 27 (1), pp. 41-54.
- OFFE, C. (1984) *Contradictions of the Welfare State* (London, Hutchinson).
- OFFE, C. (1985) *Disorganized Capitalism* (Oxford, Polity Press).
- OFFE, C. (1997) Towards a new equilibrium of citizen's rights and economic resources, in: OECD (Ed.) *Social Cohesion and the Globalising Economy* (Paris, OECD).
- OHMAE, K. (1995) *The End of the Nation State* (New York, Free Press).
- ROBERTSON, S. & DALE, R. (2000) Competitive contractualism: a new social settlement in New Zealand education, in: D. COULBY, R. COWAN & C. JONES, (Eds) *World Yearbook 2000. Education in transition* (London, Kogan Page).
- ROBERTSON, S. & DALE, R. (2002) Local states of emergency: the contradictions of neo-liberal governance in education in New Zealand, *British Journal of Sociology of Education*, 23 (3), pp. 463-482.
- SAMOFF, J. (Ed.) (1994) *Coping with Crisis. Austerity, adjustment and human resources* (London, Casell).
- SANTOS, B. S. (1992) *O Estado e a Sociedade em Portugal (1974-1988)* (Porto, Edições Afrontamento).
- STOER, S. (1994) O Estado e as Políticas Educativas: uma proposta de mandato renovado para a Escola Democrática, *Revista Crítica de Ciências Sociais*, 41, pp. 3-33.
- STOER, S. & ARAÚJO, H. (1992) *Escola e Aprendizagem para o Trabalho num País da (Semi)periferia Europeia* (Lisboa Escher).
- TIKLY, L. (2001) Globalisation and education in the postcolonial world: towards a conceptual framework, *Comparative Education*, 37 (2), pp. 151-171.
- WEILER, H.N. (1989) Why reforms fail: the politics of education in France and the Federal Republic of Germany, *Journal of Curriculum Studies*, 21 (4), pp. 433-448.
- WELLER, H.N. (1990) Curriculum reform and the legitimation of educational objectives: the case of the Federal Republic of Germany, *Oxford Review of Education*, 16 (1), pp. 15-27.

