

Democratising education policy making or legitimising discourse? An analysis of the new Lifelong Learning Law in the Basque Country

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ABSTRACT

This paper looks into the orientation and purposes of a Lifelong Learning Law that was sanctioned in the Basque Country in 2013, and whose formation process entailed a year-long consultation with different local stakeholders. Although the consideration of diverse agents - other than political players - in policy making is a very valuable element for the democratisation of public policy, grounded on examination of the Basque experience, the paper poses serious questions as to the extent to which non-state actors may take part in the policy and decision making processes, and underscores the differences in the scope and influence of their actions, perspectives and proposals. From a social construction framework, it is argued that the incorporation of experts to policy making belongs to a certain way of crafting policy, one that is top-down, while the idea of democratic policy making requires an inverse design; a bottom-up method that may enable the practitioners who implement programmes and strategies, and those receiving the educational services, to be co-participants and to share responsibility in the ideation and effectuation of education policy.

Keywords: Policy Making – Democratization - Lifelong Learning - Adult Education - Learners' Voice

Democratizzare le decisioni politiche o legittimare il discorso politico sull'educazione? Un'analisi della nuova legge per l'apprendimento permanente nel Paese Basco

Questo articolo esamina l'orientamento e le finalità di una legge sull'apprendimento permanente approvata nei Paesi Baschi nel 2013, il cui processo di elaborazione ha comportato un anno di consultazioni con i diversi attori locali. Anche se l'inclusione di diversi attori - altri dai decisori politici - nella definizione delle politiche è un elemento molto importante per la democratizzazione delle politiche pubbliche, sulla base dell'esperienza dei Paesi Baschi, l'articolo solleva seri interrogativi sul livello di coinvolgimento degli attori non statali nello sviluppo di politiche e nei processi decisionali collegati ed evidenzia differenze nelle finalità e nell'influenza che diversi attori possono esercitare su azioni, prospettive e proposte. In un quadro socio-costruttivista, si sostiene che il coinvolgimento di esperti nell'elaborazione di politiche appartiene ad un modo top-down di intendere la politica, mentre l'idea di sviluppo democratico delle politiche richiede una progettazione inversa: l'adozione cioè di un

modello decisionale bottom-up che consenta tanto a coloro che implementano programmi e strategie educative, quanto a coloro che ne usufruiscono, di essere co-partecipanti e di condividere la responsabilità dell'ideazione ed implementazione delle politiche educative.

Parole chiave: Creazione di Politiche Educative – Democratizzazione - Apprendimento Permanente - Educazione degli Adulti

Introduction: Lifelong learning and public policy

The transition from education to lifelong learning and the conceptualisations of the latter can be read from many different angles, the most frequent being that of pedagogical changes. However, the shifts in educational discourse have not often been accompanied by an understanding that lifelong learning, like education, is itself a public affair which, as such, is also a matter of public concern since the repercussions of learning – or the lack of learning opportunities and capabilities - transcend the individual spectrum and have societal consequences that affect us all. Inasmuch as lifelong learning contributes to the betterment of quality of life, and enhances human development and economic growth, it is a matter of public attention and an object of public policy, particularly in a learning society.

Lasswell (1956) described the public dimension of life as all human activity which is regarded as requiring governmental or social regulation, intervention, or at least common action. That is the case of lifelong learning today. The fact that lifelong learning is a public affair can be explained, at least, by three factors. Firstly, because, like education, it is a human right; secondly, because the wider benefits of learning have proven to be ample; and thirdly, because the operationalization of lifelong learning entails cross-sectoral efforts, and the convergence and action of many different stakeholders.

Lifelong learning as an object of public policy demands a multifocal and intersectoral approach. One that includes the areas that constitute lifelong learning (e.g. formal and non-formal education, and informal learning) or that may be affected by it (e.g. health, employment, democratization, security), and that includes the different actors at the governmental (ministries, agencies), and non-governmental (civil society organisations, industry, think-tanks, international agencies and associations) levels. However, public policy has been traditionally thought of as a field concerning solely governments. Examples of this may be found in several sources. For example, Sabatier states that:

In the process of public policymaking, problems are conceptualized and brought to government for solution; governmental institutions formulate alternatives and select policy solutions; and those solutions get implemented, evaluated, and revised.

(Sabatier, 2007, p. 3)

The consideration of different actors other than political players in the policy formation process has been a trend in policy studies for a few decades now. Certainly the works of Harold Lasswell pioneered the democratisation of policy making and the public character of certain issues that, as such, may not be solely decided upon by politicians and government officials, not without due consideration of their constituents and of their target populations and overall stakeholders.

As put forth by Luis F. Aguilar

Policy is more than the supreme decision of the legitimately elected or appointed authorities, the great decision is conditioned and limited by the preceding decisions of multiple governmental, political and social actors, who, from their interdependent positions, prepare, configure, focus or broaden the policy.

(Aguilar, 2005, p. 24; Cited in Flores-Crespo, 2008)

Still, there are serious questions in the field of policy analysis as to how much these other non-state actors can take part in the decision and policy making processes, and there are also differences in the scope and influence of their actions, analyses and proposals (Vargas, 2009). A paradigmatic example is that of evidence based policy making, an approach that relies on the evidence gathered by research and inquiries usually carried out by experts and academicians that aim at informing the policy development process. Although this is certainly a right way of identifying good practice, and of shedding light on a particular issue, there is concern as to the extent to which the role of experts, usually called in by politicians, democratises the policy and decision making processes. Santizo (2008; cited in Flores-Crespo, 2008, p. 14) sustains that the incorporation of experts belongs to a certain way of crafting policy, one that is top-down, while the idea of governance requires an inverse design; a bottom-up method that may enable the practitioners who execute programmes and strategies, and those receiving the educational services, to be co-participants and to share responsibility for the realisation of such actions.

Thinking of policy making as an evidence based practice requires, of course, gathering evidence, but doing so cautiously; defining what counts as evidence and whose evidence is sought and taken into consideration to inform policy making. As Parsons puts it

‘what works’ is about what works for whom, when and how? or what kind of evidence works for what kind of problem or policy in what context, and for whom?

(2002, p. 57)

This post-positivistic approach to evidence based policy making complements the usual ‘hard facts’ with analyses of policy orientations and narratives; it aims at clarifying values and contextualising problems; it tends to look further and reach out to different stakeholders in addition to experts and bureaucrats.

The narratives that are accounted for in the process, starting with the formulation of the policy object, are paramount in identifying the phenomena that a certain policy is meant to address. The active participation of all stakeholders is desirable starting from the formulation phase, more so in the presence of power imbalances, and when meanings need to be negotiated. However, not all stakeholders’ narratives carry the same weight. These power differentials and their effects will be discussed in the following section by using a social construction framework.

The social construction of target populations

In analysing the construction of a Lifelong Learning Law for the Basque Country (i.e. Euskadi) that was passed in October 2013, I have chosen to use a social construction framework in order to analyse the actors that took part in such endeavour, and the narratives and agendas inscribed in the final text. At the same time, I attempt to examine how robust and useful this approach might be when applied to

education policy, considering that the esteem by which certain groups are held might be highly dependent upon the outcomes of education itself. This framework posits that the target populations of any given policy are socially constructed by policy makers and society at large; this means that policy makers typically deem different social groups in positive and negative terms, and that they distribute benefits and burdens so as to reflect and perpetuate these constructions (Ingram, Schneider & DeLeon, 2007).

The analysis of target populations proposed by Ingram and Schneider (1991; 1993; 1995; 2005) rests on the assumption of social constructionists that social problems are deemed problems (are constructed) by different groups of society by means of political actions and understandings; and as such, social problems are never neutral or objective phenomena that are passively waiting for examination and resolution. Rather, the interpretations and definition of problems, and their placement in the public agenda, depend upon how reality is observed and understood. This includes, of course, the narratives, values and beliefs that shape our worldviews, and what we consider to be a problem worth of public attention; a policy object.

Evidently, these values and the ways in which we conceptualise social problems vary amongst societies and social groups. The same can be said about how we envision the solutions to any given problem; that is, how policy is formulated, and who benefits – or suffers- from the effectuation of policy. This is what the proponents of the framework call target populations. They identify them as “those groups actually chosen to receive benefits and burdens through the various elements of policy design” (Ingram, Schneider & DeLeon, 2007, p. 95). This includes how policy objectives and implementation mechanisms (e.g. tools, rules, legislation, programmes) are defined and legitimated. In turn, policy legitimation depends upon the coherence of these conceptualisations with those of the general public, and on a certain consensus around the logic and soundness of the problem construction and of the solutions ideated for it.

These policy designs, the authors claim, are pondered by target groups as reflecting their needs (or not) and as relevant or irrelevant to the problems they perceive. This

sends implicit messages about how important their problems are to government and whether their participation is likely to be effective.

(Ingram, Schneider & DeLeon, 2007, p. 96)

Consequently, policy designs, according to this framework, also have symbolic and instrumental means of shaping institutions and influencing culture, public opinion, and government decisions. The symbolic means have to do with how target populations are constructed, while the instrumental relates to how institutions (e.g. government) conform with and reinforce these constructions. A clear example, as we shall see further on, is how government may give preference to certain groups (e.g. scientist, entrepreneurs) over others in the policymaking dynamics.

The social construction of target populations means that policymakers construct different population groups as deserving or undeserving (Ingram & Schneider, 2005) of policy attention and, I argue, of participating in the formulation or effectuation of public policies. Ingram and Schneider (1991) suggest a typology of target populations that includes four categories: advantaged, contender, dependant, and deviant target populations. Ingram, Schneider and DeLeon (2007, pp. 101-104) explain the typology as follows:

- a) Advantaged groups have high levels of political power resources and enjoy positive social construction as deserving people. They are deemed important in the political and social hierarchy and are likely to receive benefits in public policy and to be treated with respect.
- b) Contender groups have substantial political resources but are negatively regarded as relatively selfish, untrustworthy, and morally suspect; and thus politically powerful but undeserving. They are likely to receive benefits because of their political power but these tend to be difficult to locate in the midst of obscure and complicated legislation. They are also subjected to harsh rhetoric about their shortcomings.
- c) Dependents are positively constructed as deserving, at least in terms of sympathy and pity. Their lack of political power significantly limits the benefits they may receive. They are perceived as good people but less deserving than advantaged groups due to the fact that, unlike the latter, they do not play a role in the creation of national wealth. This group is usually the first to suffer from budget cuts in economic downturns, and the last to enjoy the benefits of growth. These benefits, when provided, tend to be heavy on rhetoric and low on financing.
- d) Deviants lack both political power and a positive social construction, and tend to receive a disproportionate share of burdens and sanctions; they are blamed for the ills of society and usually punished through public policy.

It is reasoned that these constructions count when allocating benefits and burdens, but also in choosing policy partners with whom to share decision-making processes. These groups are defined by two main factors. On the one hand, by their political power and resources; for example, their size, cohesion, wealth, skills, mobilisation and interlocution potential, and, on the other, by their valence i.e. how they are positively or negatively constructed as more or less worthy and deserving (Ingram & Schneider, 2003).

I have chosen to use this approach because the social construction framework seems to be useful not only for understanding who benefits from change, but also - and most importantly for the purpose of this paper - whether change impacts the conditions of democracy and vice versa. I pay particular attention to these constructions and how they play a part of policy design because it may help

...explain why public policy, which can have such a positive effect on society, sometimes - and often deliberately - fails in its nominal purpose, fails to solve important public problems, perpetuates injustice, fails to support democratic institutions, and produces an unequal citizenship.

(Ingram, et al., 2007, p. 93)

With the aim of unveiling the unstated reasons behind the obliteration of the most vulnerable learners in the construction of the new Lifelong Learning Law in the Basque Country, and in order to explore the possibility for their voices to be heard, this framework is used in analysing the participation of different target groups in the formulation process and the implementation mechanisms.

Social constructions may become viewed as natural conditions, which bring into consideration the concept of hegemony - when the perspective of the dominant social group is taken for granted as the right way of interpreting events and circumstances. This, in turn, poses the classical question "Can the subaltern speak?" (cf. Spivak, 1990), and to what extent the possibility of the subaltern subject to raise their voice and be heard depends on personal and social agency, or on systemic impossibilities.

Methodology

The analysis undertaken is part of an ongoing project that researches policy making in the field of lifelong learning, and which takes the Basque Country as a case study. The theoretical perspectives utilised include ideas derived from social constructivism (cf. Bernstein, 2000; Young, 2008) about democratic access to knowledge - other than vocational and pragmatic - as a necessity for individuals to draw from and contribute to society. Also, theories of policy design, like the above mentioned framework, are tested in an attempt to understand the logics and power relations underpinning the democratization of the policy processes.

Primary and secondary data have been collected and subjected to content analysis using a collaborative social research approach which according to Berg (2001) may be undertaken if the research aims at accomplishing some change or action. This approach has also been used in the selection of interviewees who have provided valuable primary data about the construction of the Lifelong Learning Law at hand. A total of 12 interviews were carried out with current and former policy makers in charge of education and lifelong learning in the Basque Country, and with coordinators and teachers of different lifelong learning programmes who took part in the consultation process toward the LLL Law. Likewise, the content and discourse of Basque policy documents and reports regarding LLL legislation, directives, programmes and initiatives were analysed by “systematically and objectively identifying special characteristics of messages” (Berg, 2001, p. 240). Both policy documents and interview transcripts have been treated as text for the purpose of content analysis.

The construction of the Basque LLL Law

LLL is not new to the Basque Country. Ever since the consultation of the European Commission on its proposed Memorandum on LLL, and its ensuing publication (2000), the term has been part of the government’s and other social actors’ discourse and preoccupations. The Basque Government has been very active in promoting LLL as an organising principle of education policy. The buy-in was such that, in 2001, the Basque Ministry of Education’s (MoE) structure was changed to accommodate a new Vice-ministry for VET and LLL. The new Vice-ministry had among its functions to

design, define, and perform the necessary LLL actions for the implementation of a model that may introduce us into the new knowledge society, so that we may benefit from its opportunities.

(Basque Government, 2001)

A year later, the Government passed a decree (298/2002) under which the MoE offered financial aid to support

...the development of useful learning actions in any area of knowledge, in the context of LLL, with the purpose of promoting active citizenship by enhancing the professional qualifications; the competencies, and aptitudes of people over 25 years old.

(Basque Government, 2002, p. 233)

This financial aid has been provided almost uninterruptedly (2013 being the exception), on a yearly basis. The decree justifies the object of the financial aid in the structural changes implied in the transition towards a knowledge economy

...in which it is increasingly important that the population acquire an adequate, appropriate, and varied level of knowledge, aptitudes and competencies.

It is argued that

the improvement in people's competencies and abilities has a positive impact on the region's economic performance, and on social cohesion, contributing to the permanent employability of people and their active citizenship.

(Idem)

One constant tension in the Basque initiatives has been that of adopting LLL, on the one hand, as a means for taking part in the knowledge society and improving employment rates and economic growth, while on the other promoting active citizenship and personal wellbeing among the citizenry. This tension was addressed in the White Paper on Lifelong Learning "The Basque Country: a Learning Region" produced in 2003, which conceptualized LLL in a so-called triple dimension that included innovation, social inclusion, and active citizenship. Although the white paper defined specific objectives for each of the three dimensions, and urged "all institutions working in the LLL area to prepare a strategic plan for the 2004-2006 period" (Basque Government, 2003, p. 37), these plans were never monitored, and the white paper, along with LLL, remained at an impasse in education policy until 2009, when the MoE decided to write a new law for LLL.

In November 2009, the MoE and the Basque Agency for Innovation (Innobasque) organized a consultation process to define the "strategic axes", contents, purpose, and scope of the legal text. A total of 146 public and private institutions from the Basque Country were invited along with economic and social agents that "are committed to education and LLL and to the implementation of a learning culture" to contribute to the basis and foundations of the law, and to posit their concerns (Innobasque, 2010). Among the most numerous participants were representatives of schools and education institutions (37% of the total), Adult Education Centres (18%), Enterprises and training centres (12%), Government officials (9%), NGOs (8%), and *Berritzegunes* i.e. Training and Educational Innovation Support Centres (7%). Surprisingly, none of the participants in the discussions were learners from these institutions and organizations.

The consultation process consisted of 8 working sessions dedicated to arriving at a consensus around the mission and vision of LLL in Euskadi (LLL culture and Euskadi as a learning country); completing the basic factors that must be included in Euskadi's LLL Law, and defining the content, development and scope of such factors (Innobasque, 2010, p. 14). The abovementioned factors refer to three challenges and the "areas to be included" in the LLL Law, as determined by workshop participants.

The three challenges included were; firstly, cultural change, the valorization of LLL and the obstacles to pursue LLL. Secondly, an integrated system for the recognition and accreditation of LLL and priority groups for the system, and lastly, the resources and quality of the LLL system.

The legal text

The final text of the LLL Law was passed in October 2013 and, like many other European countries, it assumes the definition, goals, and benchmarks inscribed in European Commission documents and

directives (e.g. Lisbon Strategy, Europe 2020, Memorandum on LLL), and adapts them to the Basque context; “the promotion of LLL to enable the personal, social and professional development of individuals, and their contribution towards the social and economic development of Euskadi” (BOPV, 2013, pp. 5-6). Whereas the objective of the law is clear, the definition of its target population is not. The document defines the target population as

...every person residing in the Basque Country that undertakes a learning activity subsequent to their initial training, or those who continue with their trajectories of personal and social development, or of improvement and updating of their professional qualifications.

(BOPV, 2013, p. 7)

This definition of the target population is rather vague considering that the glossary of the law defines ‘initial training’ as

the training carried out within the education system, regardless of its duration, including higher education, from the beginning of schooling until its end due desertion or the transition to the labour market.

(BOPV, 2013, p. 6)

From this definition, it can be presumed that the target population includes school leavers, including those who do not complete higher education; school and/or university graduates who went into employment at any stage of their education; anybody who pursues their social or personal development, or who want to improve and update their qualifications. Following this formulation, every person living in the Basque Country would fall under the stated target population of the law. Although this is a very commendable feature of the law, it is very difficult to implement specific programmes targeting such a large and diverse target. This is probably why the legislation mandates that

those with lower qualifications or at risk of social or labour market exclusion, and those with special learning needs, be object of preferential attention.

(BOPV, 2013, p. 7)

The emphasis in this particular target population is reaffirmed in the action areas defined by the legislation, these include: the acquisition and development of basic competences; the attainment of non-tertiary certificates from the education system; professional qualifications and certificates; higher education degrees; linguistic competences in the official languages of the Basque Country and other languages; and non-formal education for personal and social development as well as for cultural enrichment (BOPV, 2013). The programmes that take priority for public funding, as stated by the law, also reflect this spirit. They comprise basic education and literacy (in both Spanish and Basque), vocational education and training (VET), professional certificates (continuing education), programmes conducive to access to VET and higher education, continuing professional development (up-skilling and re-skilling), and basic ICT training (BOPV, 2013).

Although the programme areas prioritised by law are diverse and would probably fit the needs of the target population (i.e. learners at risk of social exclusion), the mechanism set forth by the same legal text show a predisposition for vocationalism. Amongst others, the instruments foreseen entail the establishment of an Integrated System for VET; a mechanism for the recognition and accreditation of

non-formal and informal learning; a Lifelong Guidance System; a Distance Education Institute, and a Council for LLL. It remains to be seen how these mechanisms and bodies will be instrumented, and how the Basque Lifelong Learning Plan will be crafted. Regarding the latter, the law stipulates that the plan should promote universal and equitable access to LLL to foster social inclusion; promote a solid culture of LLL; and improve skills, knowledge, and competences for employability. However, it remains uncertain how the Plan will foster social inclusion and a LLL culture since, as stated by law, the Plan will be the responsibility of the Council which must "...attend to the directives derived from the Basque Employment Service, and the Basque Council for VET" (BOPV, 2013, p. 26).

This impetus for employment and the consequent absence of other forms of promoting social inclusion and active citizenship in the law, its areas and instruments, may well be a result of the different levels of influence of the interlocutors that participated in the formulation process of the text, and in the consultation process. Following the taxonomy proposed above, we may be able to identify at least four advantaged and two contender groups that took part in consultation and formulation processes, and one dependent group who did not.

The advantaged groups included: university professors; school teachers; government officials; business and employer associations. According to Ingram and Schneider, these target population enjoys a positive social construction and is well respected; their opinions are considered expert, based on science and/or experience. Both during the consultation process and in the final text, the recommendation of these actors can be easily identified: the emphasis on competence development and accreditation and the overall role of education institutions are an illustration of the inputs educationist were able to put forward. Likewise, the impetus for employment, VET, and meeting the labour market needs were posited, mainly, by the productive sector and the government. The latter also promoted issues regarding the governance of the system and a relevant role of the Employment Services Agency in the whole process. While the suggestions elaborated by these groups made it to the final legal text, many of those put forth by the contender groups did not.

The contender group was formed mainly by some civil society associations and unions. Even though these actors were invited to the consultation process, some of their recommendations were not recollected in the legal text. Some examples of these was the need to address work-life balance and learning times and formats so that they would benefit – instead of burdening - workers (Innobasque, 2010). The same happened to some NGO suggestions concerning promoting equity and participation of the most vulnerable groups. In particular, it was suggested that the groups at risk of social exclusions be identified and explicitly referred to in the legal text; that the obstacles they face towards social inclusion be made explicit and addressed by the law and the learning areas and programmes proposed (Innobasque, 2010, p. 104). These and other suggestions, like the implementation of affirmative action policies, and the provision of educational services free of charge – including indirect costs of participation - were also dismissed in the final legal text.

Concerning the dependent group, this is composed by the social groups at risk of social exclusion. As has been mentioned, this group of learners and potential learners was not invited to the consultation process, and although some NGOs tried to represent them in the process, their views were obviously not taken into consideration. These will be evidenced in the following section.

Consultation results; contradictions and omissions

In the consultation structure, preliminary basis, and results, a series of recommendations have been identified which necessarily call for the inputs from learners.

For instance, it was concluded that the strategies to be followed in order to develop the future LLL Law must be both coherent and global. Coherence was viewed as complying with some European Commission recommendations¹ which, according to Innobasque, were ratified by those participating in the consultation. For the purpose of this article, it is curious to notice that these recommendations stress that LLL is a task that “concerns society as a whole, and that the responsibilities of each party need to be defined” (Innobasque, 2010, p. 16). Accordingly, the document affirms that the responsibility of public administrations lies in “providing the necessary means to guarantee educational opportunities to all citizens” (idem). It is also stated that social interlocutors (i.e. third sector and unions) are responsible for promoting agreements and collective negotiations that might enable workers’ participation in LLL. Finally, it argues that it is the citizenry’s responsibility to “...become aware of the value of training in order to access employment, to keep their jobs, and to participate actively in society” (idem).

Likewise, in creating a learning culture, the document stresses the importance of active citizenship, and of promoting participatory attitudes among all citizens (p.17). In this respect, the document emphasises that the LLL system must “prioritize those actions that ensure equity in access and participation of excluded groups” (p. 19). Universal access requires these groups to be identified along with the barriers they face to access education. It would seem that the most accurate way of finding this out is through the active participation of these collectivities in the process of designing and implementing the law. Sadly, these groups were not invited to the discussion table.

Another element that was present in the discussion of the LLL Law is that of motivation. The discussants were concerned as to how much of the success of LLL depends on how motivated learners may be to look for and enter educational programmes, and to make the best of learning opportunities. They argued that “without motivation, there will be no achievement or commitment” (p.21); however, no remarks are made as to what this motivation depends upon, or how motivations may vary across learners and groups.

In addition to a vast and dynamic offer of education and learning opportunities, there was discussion on the importance of orientation and information services for learners that may allow them to shape their own learning paths and itineraries. These services were thought of with the idea of linking formal and non-formal education, establishing professional profiles, favoring continuity and progression in education. The results of the consultation made clear reference to a threefold objective of counseling and orientation: a) informing the public about the labour market demands for qualifications; b) informing institutions so that they may redesign their education programmes and policies; c) informing the productive sector so that “social consensuses” may be reached (p. 22).

¹ The recommendations stated in Innobasque’s conclusions do not belong to one single European Commission document; rather they have been mentioned in a multiplicity of EU directives, memoranda, white papers, and recommendations. Among others, these include: collaborative work; creating learning culture; the search for excellence; the continuous, social, flexible, integrating, and innovative nature of LLL.

Although promoting “the autonomy of the person and their capacity to decide as to their personal and professional development” was seen as the main objective of the orientation services, the first opportunity for deciding the kind of system learners would like to be involved in was cancelled along with the possibility of them introducing their aspirations and motivations in the consultation.

The consultation stated that continuous assessments of education needs should be carried out, and that some sort of mechanism should be put in place in order to adapt the educational offer to the country’s social, labour, and economic needs; to adapt education to local reality; and to adapt the education catalogue to the needs of people in the different stages of their lives. The discussants concluded that these analyses should be based on social dialogue and rigorous studies and that an observatory that might be able to diagnose the learning needs and expectation of the general public and of organizations should be put in place.

A shift in mindsets and cultural change were regarded in the consultation as fundamental elements in promoting and valuing LLL. This, along with the intentions of building learning communities and a learning society stated in both the consultation and the legal text, are difficult to imagine without the participation of learners. The conclusions of the consultation process also cite the need of promoting “...proactive attitudes towards LLL among the Basque society...and the acknowledgment of the value of participatory learning processes” (p.31).

Another one of the conclusions reached by those consulted was the need “to move from the conception of the person as an object of education, to be a subject in education” (p. 33). This is possibly one of the most representative conclusions regarding learner participation reached in the process, and, at the same time, an example of the incoherence between the consultation, its recommendations, and the actual legal text passed in October 2013. In the perspective of the discussants, this entails the possibility of allowing people to “define their own learning itineraries...and to be protagonist of the process” (idem). Placing the person at the centre of learning also means responding to individual needs, and this in turns means creating a system that is adaptable to such needs, according to the different situations and characteristics of learners and employers. This adaptability and flexibility concerns the contents, schedules, methods and places of learning, as well as identifying the obstacles that people face in accessing the LLL system.

The discussants also addressed the areas and social groups that should have taken priority in the new LLL law. One of which is those who are vulnerable and who have been excluded from learning opportunities.

As to the omissions, these represent the critiques and ideas that, although expressed repeatedly in the consultation, did not make it to the final text of the law. Some of the most important are:

- a) That the definition of LLL tends to be too instrumentalist and economic driven. The discussants argued that LLL goes beyond the economic rationality and that a more holistic approach should be taken in defining the purpose of the LLL law. It was mentioned that the bottom-line of the system should be personal development and that of society as a whole. It was suggested that clarifying this would allow to frame the kind of actions and support that could be derived from the law (Innobasque, 2009, p. 20)
- b) That when speaking of education, it is natural that the discussions circulate around the institutions providing education and training and their coordination and organizational

processes; but that if we want to address learning the debates should resonate the learners' interest. It was mentioned that "in a learning system, the persons and their learning needs –not educational institutions - should be at the center" (Innobasque, 2011, p. 11).

- c) That the specific groups that the LLL law is supposed to address are not mentioned in the text of the legislation. It was mentioned that target groups should have been defined.
- d) That although discussants were happy to take part in the consultation, some of them presented a certain disillusion regarding what happened to their inputs. They argue that, even though some of their testimonies were picked up in the first part of the legal text (the opening remarks and consideration in the preamble) these inputs have not been further developed or addressed in the actual legal text (the binding articles). Participants mentioned that they thought their insights had been accepted by the MoE, and therefore expected a text that was closer to their contributions, certainly not what has been published.

From the testimony of participants gathered through the discussions sessions organized by Innobasque, and through fieldwork and data collection, it is clear that the arguments posed by certain groups were incorporated into the final text of the law (overall, the contributions from universities, enterprises and government agencies) while others were left out or marginalized to the least substantive sections of the document (those of NGOs, unions, and cooperation agencies).

Power Imbalance and Agenda Setting

Looking at the final text of the law, it is easy to see the preeminence of the economy over some other valuable goals and purposes of LLL; namely those aiming at promoting democracy, active citizenship, and personal fulfilment. The final legal text also places great emphasis on professional competences, and when the civic and personal dimensions of learning are recalled, they are orientated towards the labour and productive returns they encompass.

Besides the inspirational sources of the law; visibly, human capital development and competition in the knowledge economy, the instruments of the system of LLL also underscore professional development and, particularly, vocational education and training for which there is one complete section of the law, as there is another for the creation of a Distance Education Institute.

Likewise, there are important absences in the legal text as to the target populations. While the text mentions that preference will be given to learners "with low qualifications, in risk of social exclusion; excluded from the labour market; and those with special education needs" (Basque Government, 2013, p. 7), the diversity of these and the larger public is not accounted for. The issue of multi- and interculturalism is not present in the Basque law, and neither are other important issues. Lacking in the legal text are notions of justice, critical thinking, democracy, empowerment, peace, and sustainability as purposes or challenges of LLL under the new law (Vargas, 2013).

The fact that some groups have more power than others and that they can put forward their views and agendas over those of less powerful groups, is nothing new. The legal text reflects this differential between the emphasis on employment and vocationalism, and the overall absence of the social dimension of learning. Even though a vast majority of participants in the consultation came from the realm of education and civil society organisations, and that only 13 percent came from enterprises and a mere 3% from commerce chambers (i.e. an accumulated 15% of economic agents), the employability agenda succeeded to permeate the LLL law. It should be mentioned, however, that

most interviewees – including educators and those from the third sector - also mention employment as one of the most important purposes of LLL, and that in the current economic downturn, the employability agenda has gained momentum in the Basque Country.

In addition to the power imbalances between those who participated and defined the LLL law, another preoccupation of this paper is the disregard for learners. Civil society organisations and educators have mentioned that they tried to carry the voice of learners to the consultation, particularly that of the most underprivileged; however, it is worrisome that learners themselves were not invited to the consultation process, and that their problems, needs and expectations have thus been overlooked. It remains to be seen, however, to what extent this impetus might have been different had learners taken part in the consultation. On the one hand, there is the issue of the subaltern subjects and the possibility of dominant discourse reproduction, while, on the other, the situation of disenfranchisement of learners (e.g. adults taking part in the subsidised LLL programmes) that might lead to a confirmation of employment and qualifications as the most important goals of the law.

As held by social constructionists, it can be viewed that the allocation of benefits and burdens to target groups in public policy depends upon the extent of their political power, and their positive or negative social construction on the deserving or undeserving axis. Interviews with former policy makers confirm that the most marginalized groups and adult learners were “harmless politically” and could therefore be disregarded without much farther ado. Also it has been mentioned that

investing in non-productive citizens could be viewed as a luxury...particularly because they did not make a public demand of educational services.

(Informant 4)

This point confirms some of the assumptions of the social construction framework.

In the case of adult learners, particularly those who are most marginalized, this lack of power represents a vicious circle, since they cannot claim their right to education and hence be able to access educational and learning programmes that may enhance their capabilities for active citizenship and critical thinking. Once again, we are reminded that policy design elements, including tools, rules, rationales, and delivery structures, differ according to the social construction and power of target groups. According to Ingram and colleagues

the way clients [learners, in this case] are treated...during implementation differs significantly depending upon the power and social construction of target groups.

(2007, p. 104).

Typically, groups that are constructed as deserving are served by government programs with professionalized services and specific rules of allocation. It follows that if adult learners, especially those at risk of social exclusion, are to be deemed as a deserving target group, their political power needs to be enhanced.

Conclusions

As illustrated above, vulnerable adult learners can be said to constitute a dependent target group; one that has traditionally been ill served by public policy and that has historically lacked the power to

contend, to reverse this situation, and to claim their right to education. Traditionally, those with lower qualifications and at risk of social exclusion have been constructed as objects of charity instead of right holders who can and should take part in decision making processes concerning their lives and opportunities. Especially when it comes to education, this target group is often considered as not knowledgeable enough, or as not having the skills or experience to be policy partners. This situation begs for a strategy for adult learners, especially for the most vulnerable, to move up the 'target group ladder' from a dependent position to become, at least, a contending group. This, in turn, needs participation mechanisms and spaces to be developed, and to formulate policy options for the empowerment and participation of the most vulnerable adult learners in their own educational processes.

As we have seen, according to the proponents of the social construction framework a target group's political power determines its opportunities for lobbying and pursuing benefits. However, this remains to be put to the test under, for instance, postcolonial frameworks. The works by Gramsci on domination and by Spivak on postcolonialism would suggest that when the subaltern subjects gain power (e.g. skills and wealth) they might cease to be part of the subaltern. Another theoretical perspective that might complement the social constructions framework is that of critical pedagogy (cf. Freire, 1970), whereby the oppressed develop a critical consciousness that may allow them to "read the world and speak their word"; that is, to insert themselves in the world as subjects who can transform it; to overturn the situations which oppress them and assign them a subordinate role in society, and which alienate them by prescribing, for example, what to learn or what paths to follow. Freire's liberation pedagogy could be a fruitful path to further elaborate on the non-neutral and political nature of education and learning, on the power asymmetries among target populations, and on the role of education in perpetuating or transforming the conditions that make learners at risk of social exclusion dependent upon the formulations of more advantageous groups.

Likewise, stock could be taken from different initiatives aiming at boosting the learners' voice. One such example is the UK's National Institute for Adult and Continuing education (NIACE) initiative 'The Learner Voice'. NIACE define their initiative as "the involvement of learners and potential learners in shaping the learning opportunities that are available to them. It means involving learners in reforming the lifelong learning system at all levels, by supporting them to act as partners with policy makers, providers, practitioners and other agencies". According to NIACE, Learner Voice initiatives enable learners to express their views, needs and concerns and also ensure that organisations respond appropriately to the issues that they rise".

Another inspiring initiative has been undertaken by the Latin American Campaign for the Right to Education (CLADE). Their initiative called 'Enhancing Voices: views and proposal for the education of youth and adults from the perspective of their subjects' aims at providing an open space for dialogue and critical thinking, where learners are the central actors of the process. The initiative also advocated for the participation of learners in all aspects of education policy; from the design, to the monitoring, implementation and evaluation (Modé & Lotierzo, 2014). The Campaign recalls that, paradoxically, the voices of the actors who are directly affected by education policy are the ones that receive the least attention. At least in Latin America and the Caribbean, "recent demonstrations demanding free public education for all unveiled the lack of truly participatory spaces for the citizenry to express their opinion and make recommendations on the mechanisms that may improve education" (Modé & Lotierzo, 2014, p. 3).

This sort of initiatives have a common foundation; the acknowledgement that learners are right holders whose voices should be heard in the policies and processes that affect them, and the value of the participation of learners in deciding the kind of education on which they want to embark.

In this paper the narratives of learners themselves have not been included, as space is limited and the main focus was to examine the social construction framework as an approach to the problem of underrepresentation of learners in policy making. Further analyses need to be undertaken regarding the potential and limitations of learner voice-like strategies and the elements that allow a target group to gain empathy, esteem and to be constructed in such a way that policy makers may not be able to overlook their demands.

The potential for the participation of learners in crafting LLL policies transcends the already commendable goals of attaining quality, relevance, and good governance in a given education system. It aims much higher as it strives to break the disadvantage cycle in education and, ultimately, the power asymmetries in society.

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