

## PRIVATE INTEREST DEFENSE AND PUBLIC INTEREST RHETORIC IN THE STRATEGY OF A PROFESSION. THE CASES OF PUPILS' COMPRESSED SCHOOL DAY AND TEACHERS' EARLY RETIREMENT <sup>61</sup>

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What could be easier than to identify education with the common good? It is certainly part of it, that's why our societies built the chapter on social rights that characterize the welfare state, we invest in it much of our individual and collective income and wealth and we entrust it our national futures in a global society information and knowledge, as we keep hearing and saying day after day. On the other hand, personal experience seems to confirm such social perception: our childhood and youth pass mainly within the walls of the school and through activities dictated or influenced by it, our individual future depends largely on credentials issued by the school system and if, for whatever reason, we end up as professional educators, then a tautological circle just closes itself: there will be no other world for us than the world of education, in which we will have first grown and then developed all of our working life, taking that path as the paradigm of life altogether.

Not everybody is so lucky. In most occupations workers may find that the product and the process of their work are widely rejected or at least questioned (for example, if they work in the nuclear or pornographic industries), or that they simply supply alternative goods or services that may be preferred to others or be not (*e.g.*, furniture versus appliances, guns versus butter), or that even offering something of public interest they simply cannot claim unlimited resources to do it. In the case of education, however, it does not appear to be so: all resources are few, all claims are justified and any additional expenditure is an improvement.

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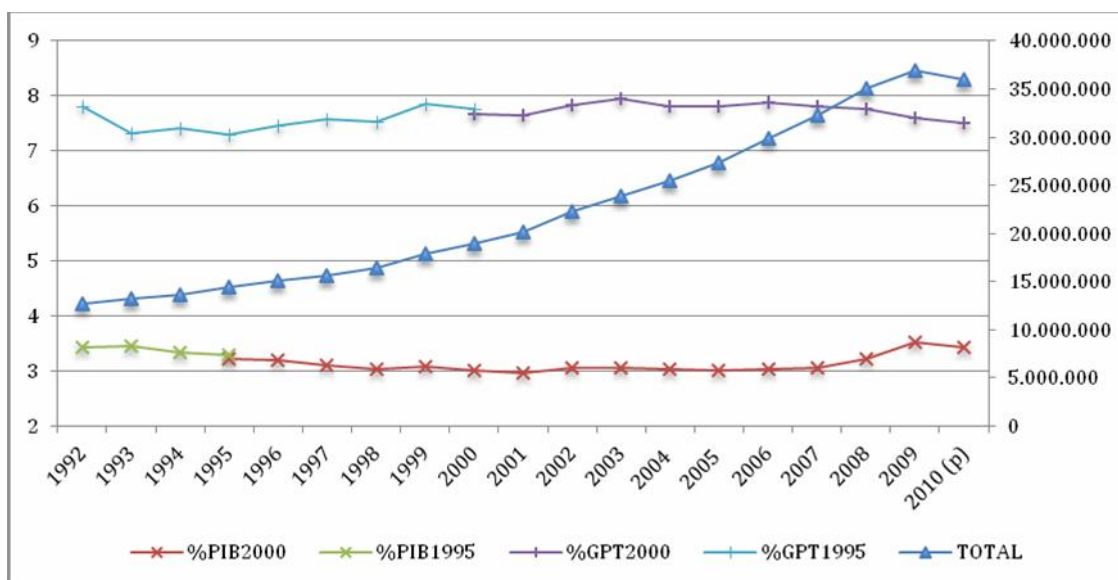
<sup>61</sup> This article is part of project CSO2008-06194, La evolución de la cultura profesional del docente en España (The evolution of teachers' professional culture in Spain), sponsored by the Spanish Plan Nacional de I+D 2008.

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This is not to say that education has all now the resources it needs, or that teachers do never have any reason, or to deny that they usually have some. To say so would be inadequate probably anywhere in the world, but much more in Spain and in the countries of our closest economic and cultural environment, where the quantity and quality of education is far behind that of the richest and most advanced countries and, no doubt, behind our own needs and possibilities. I intend to simply point out the evidence of a unilateral discourse, a purely ideological one, in which the other side of so many half-truths are necessarily formed by as many half-lies, something especially shocking provided that it comes from where it comes, from the collective voice of a profession to which society has entrusted much of its heritage and its future.

Spanish education spending is comparatively low. In 2008 it was 5.11% of GDP, in contrast with 5.71% on average in the OECD, which is not to be over the moon. However, it is an increase over 2000, when it was 4.8% versus 5.5% in the OECD -in this period, GDP increased by 27.0%, but education spending did by 32.3%-. Earlier, in 1995, spending had come to reach 5.3% of GDP, which implies a strong reduction by 2000, but this was due, given the stiffness and ultimate involvement in the education budget, to essentially demographic reasons, as the total number of students in the general education system went down from 8.2 million in 1991-1992 to 6.8 in 2002-2003 -a decline of 17%!- and then bounced (primarily due to immigration) up to 7.9 in 2011-2012 (7.4 in 2008-2009). In summary, a rather low educational expense as compared to the average in our environment temporarily pressed down by demographic factors but that, in the long run, finally evolves upwards in absolute terms and relative to the economic capacity of the country and always relative to the number of students. Chart 1 shows the recent evolution of absolute (right vertical axis, euros) and relative (left, percentage) government expenditure (central and regional altogether) in education.

Chart 1. Public spending in education: total and as a percentage of GDP and of total public expenditure



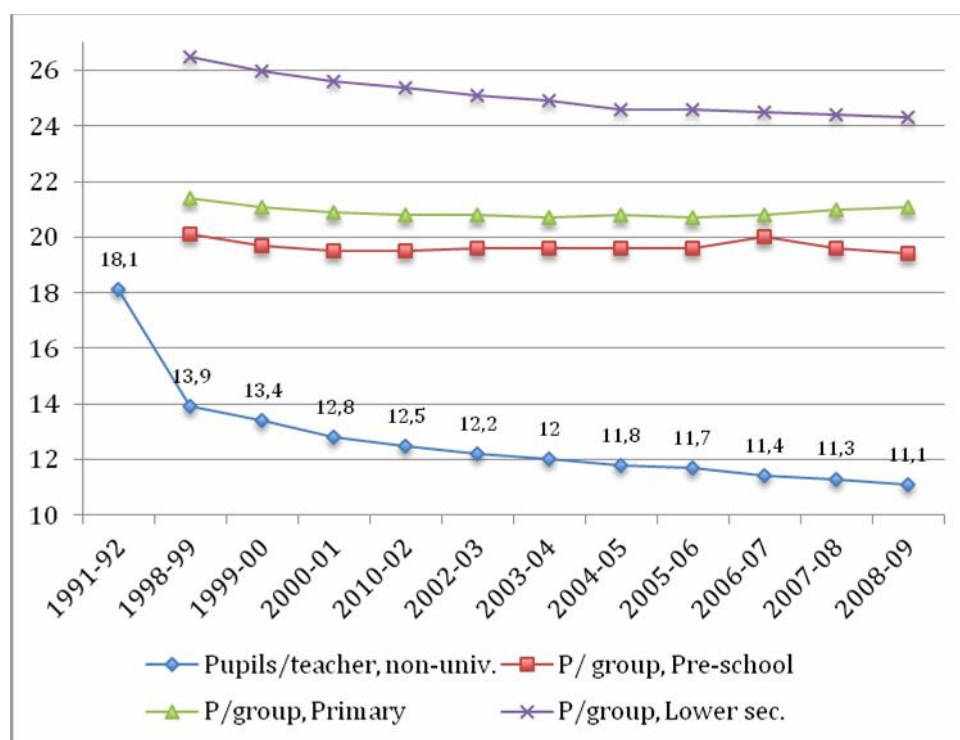
Source: Elaborated with data from MEC D 2012a, tables 2.1, 9.1 and 11.1

Chart 2 probably grasps much better than the former the improvement in teachers' professional working conditions. Even if the number of pupils per classroom has remained fairly stable in recent years, the ratio of pupils to teachers has been dramatically diminished (from

eighteen to eleven in two decades), and this is mainly due to the reduction of individuals teachers time in the classroom, the addition of auxiliary and specialized teachers and other educators, etc.

Approximately eighty percent of education spending goes to the remuneration of teachers, so that variations in the first greatly affect the second and, conversely, depend on it. Every salary is, of course, susceptible of improving, but, according to Eurydice (2010), the all-European data base on education, Spanish teachers receive Europe's third highest salary (in purchasing power parity, *i.e.* in terms of per capita GDP) in primary education, third also in the lower secondary school and fourth in upper secondary, which does not seem to be a bad situation in general (in fact, the relative merits of being a teacher seem to vary inversely to wealth -and, I would add, to social cohesion: the highest paid teachers in Europe, in relative terms, are by far those of Portugal. Without going into detail, it can be argued that increased education spending has gone essentially to improve teachers working conditions: reducing the proportion of time in the classroom as well as in the workplace -so increasing the hours supposedly available, inside or outside the school, to prepare the classroom-activity-, group splitting (*i.e.* the partition of ordinary groups into smaller ones for some subjects), multiplication of supporting educators, etc., besides those directly concerned with labor compensations: wages, pensions, paid leaves, tolerance to some degree of absenteeism, etc.

Chart 2. Teacher pupil ratio and pupils per class group recent evolution



Source: Elaborated with data from Instituto de Evaluación 2011, table 3.E4.1 and figure 3.E4.2

This picture has changed radically in the last two years. Education spending fell from 4.98% of GDP in 2009, 4.91% in 2010 and no doubt lower in 2011, even if there is no available official data yet for this last year. For 2012, the budget of the Ministry of Education is reduced by 21.2%, while that of the whole government is downsized by only 16.9%, but the cuts will come mainly from the seventeen autonomous communities, which concentrate the bulk of

decision power in education. Therefore, if complaints about the low level of resources devoted to education could be exaggerate three or more years ago, they are now beginning to -or they will be soon- finally accurate by the combined effect of the crisis and the progress of the agenda of public -especially social- spending reduction, driven by the conservative party (*Partido Popular*) today governing the nation and most of its regions (*comunidades autónomas*). But this does not affect our general argument; it just shows that, if you are asked the time and give always the same answer without looking at the clock, you'll end up hitting at least once a day.

Our issue is not the actual evolution of educational resources, but a kind of discourse about them. During the last thirty years, the attitude of teachers organizations, especially trade unions, has been the same: more resources hat to be devoted to education, no policy initiative or educational innovation could do without additional resources, any additional resources dedicated to education are justified and will find good use, buy any reduction in the extent or the intensity with which the main resource of the education system, which is no other than teachers' work (*i.e.*, any reduction in the length of their working lives, their working year o the working day, but maintaining salary and other compensations), will result in higher quality of education without being costly for the public treasury.

To address this topic I will focus on two issues that have been of great significance for teachers in Spain but are also present in other countries: school day and early retirement. In the first case it is a measure amending students time with professed educational and social arguments that has a dramatic effect on improving teachers schedule, although arguments oscillate between saying that this is merely a side effect -good luck to them-, and claiming that it is a workers' right and the school system should so employ additional resources for students not to be affected - putting it bluntly: if you want students to stay longer, just hire other people. The second claim is a purely labor plea, but extraordinary if compared to the general conditions of the working population, that would be justified in the case of teachers, also with oscillating arguments, now between the particularly harsh conditions of teachers' work and the social -because solidary- and the pedagogic -because innovative- desirability of rejuvenating the ranks of teachers.

Both conflicts have strongly marked the last two decades of education in Spain. The school day has been the center of a conflict that, since 1988, has been spreading and will slowly spread further from south to north causing prolonged clashes, depending of the case, between teachers and public authorities and/or families, and has been and will be the main trick of successive regional governments to buy labor peace in the public school system. Early retirement was not in itself the focus of any conflict, but it was a very important element in the pacification of the unions after the long and hard sectorial strike of 1988 and to carry forward the reform contained in the Act of 1990 (LOGSE) and, once it has become an indispensable candy to keep it was extended once and again (told the other side, a permanent risk object of *unfairness* and, so, of unrest) as the great demand of the organized profession in 1994, 2001 and 2005.

### **School day: à la guerre comme à la guerre**

School day in Spain was and is by law in most of the territory, but really in just under half, which is called a split shift: three and a half or four hours in the morning, a long break at midday, and one or one an a half hours in the afternoon, for a total of five hours in primary education. However, throughout the southern half of the peninsula (and the Islands, especially the Canary

Islands, which pioneered it) and part of the northern, the so-called *continuous* school day prevails, so that the total of five hours is concentrated along the morning with some brief break about the middle. *Continuous day* is actually a euphemism that means its conversion into a school morning, or its concentration in the morning, which allows pupils and especially teachers to leave the school between 14 and 15h until the next day.

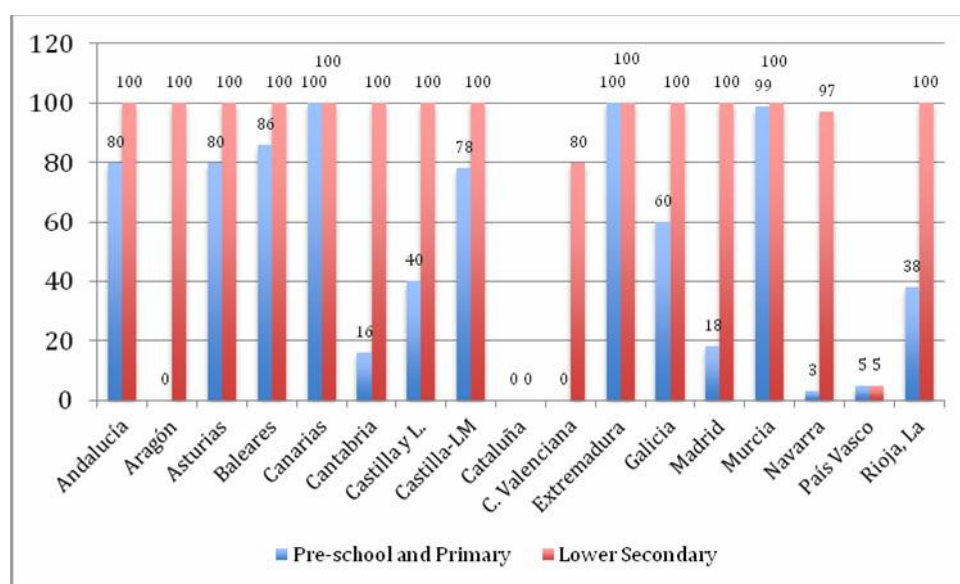
The assessment of continuous versus split school day is anything but clear. Studies of chronobiology and chronopsychology support negative conclusions about it, as far as, contrary the myth that early morning hours are the best for studying and learning and those in the early afternoon the worst, they show the last hour of the morning (and first) as trough hours and instead, the evening hours as crest hours: in other words, they show that the day schedule that best fits the student's natural rhythm is the split one, both because of its discontinuity and because of its better adjustment to human circadian rhythms. However, this is not, of course, the only criteria to be considered: although the natural and spontaneous rhythm fits better with the split day, continuous one may happen to be advisable due to other factors such as parents' working hours (especially in the case of mothers with part-time jobs), school boredom for more advanced students, the desirability of a free afternoon for or other educational or social activities, etc., which probably means that it suits some students and families but not others. But this is not the issue here.

Our proper issue is militant and, much worse, largely sincere teachers' unanimity in favor of the continuous school day, as well as their willingness to defend, and even to believe, that this was the best option for pupils. Twenty years of conflict about the continuous (morning) school day have not changed the terms. On the one hand, teachers, or mainly their unions but with a wide consensus behind them, unconditionally defending the concentration of school time in the morning; on the other, opposing or skeptical parents, although in some cases also conforming ones. The dynamics has always been that of a growing confrontation between teachers and parents, with a high cost for coexistence and cooperation possibilities in the so-called *school community*. Generally the confrontation has been also between teachers and the authorities, the former eager to change the school schedule and the later more or less opposed to it or, at least, zealous about due process; it has been also among parents, because sooner or later a section of these has aligned with teachers, has taking their side and, above all, receiving their full support versus opposing families; and it has even been, in some rare occasions, between teachers themselves, neither only nor mainly because of the goal itself, hard to resist both for its attractiveness as for its steamroller dynamics, but for the pace and the ways of its implementation, usually in the form of frictions between principals and staffs or between different teacher unions. An additional cost has been the flight of students from public to private school, as far as this this concentration has taken place always in the former and part of the unhappy families have chosen to move to the later. This, however, has had no visible impact on the overall quantitative distribution of pupils between both networks, as it has been offset by an increased recruitment in early childhood education, a higher retention rate in secondary education and the first time schooling of formerly reluctant or unattended sectors such as the poorest, the immigrant and the Gypsies.

Chart 3 shows the percentage of public schools in pre-school and primary (6-12 years of age) or lower secondary education which have adopted the continuous (morning) school day. Percentages vary among autonomous communities (regions) because, with two exceptions, Extremadura and -for practical effects- Castilla-La Mancha, in which it was decided as a general

policy by left-wing regional governments, in other regions it has been -and it keeps being- a slow and painful, but creeping and unstoppable, process of adoption school-by-school. On the other side, morning school day for lower secondary education (12-16 years of age) has been fully adopted by all but two regions: Catalonia and the Basque Country. The motive for this is that lower secondary education is with very few exceptions offered in the same schools as upper secondary -in fact, in those high schools, *institutos*, which, formerly, just offered upper secondary-, and lower secondary teachers come from the ranks of both former higher secondary and former primary ones, fifty-fifty. But higher secondary school had got much before the morning school day, in part because of necessity -many high schools hosted two shifts- and in part simply because higher secondary teachers were stronger as a lobby; on the other side, higher secondary students, aged 16 or older, can be allowed and are more eager for their autonomy. What happened, then, was that in the transition from primary to lower secondary education and from one (public) establishment to another, 12 year olds were suddenly moved to the continuous school day, without consultation, without any possibility for parents to have a say in the decision and with no consideration for the social or educational effects of such a change. Everywhere but in Basque and Catalan autonomous regions, both early decentralized and detached from the central educational administration and both usually governed by nationalist parties. As for private schools, be them higher or lower secondary, primary or infant -they are usually all-through-, which represent one third of non tertiary schooling, they keep being full day venues for teachers and pupils, with only some scattered exceptions

Chart 3 Percentage of elementary and lower secondary schools with continuous (morning) by autonomous region



Source: Elaborated on data from CEAPA 2009

The mobilization of teachers came into being over time and across the territory legitimized by alleged previous studies with conclusions favorable to the continuous school day that, in fact, simply did not exist and do not exist even today (a different point is that there is no overwhelming evidence to the contrary, but the existing one does always point in that direction, against compressed or continuous or morning school day); by alleged assessments that would have shown its virtues *a posteriori*, but that indeed have never been made (a different issue is that no one asks for them, as far as teachers will not do it, parents do not want to revive the conflict and the government would rather not have more problems). The truth is that there is no single

known study that supports the benefits of the continuous school day, while there are many that point to evidence of its drawbacks, starting with its effects on performance (Testu 1981, 1989, 2001; Fernández-Enguita 2000, Caride 1993, Gimeno 2008); furthermore, there has never been any assessment (at least not a public one) of its implementation in Spain, except one by the School Board of the Canary Islands (1990), downright negative.

However, teachers unions (only teachers', because general workers unions are rather contrary or, at least, reluctant whenever they hear about) speak with one voice praising the continuous school day virtues, not only for their members as workers, something that anyone would understand (even if they become privileges as compared to other working sectors), but also in a pedagogical and social sense for the rest of stake holders. Usually one can find simply scripts (*e.g.* this unitary diptych by all teacher unions in Aragon: <http://bit.ly/PRNZsi>) which attributes to it some really balsamic virtues: students will learn more, families will be happier, society will be fairer... and, at the same time, denies any negative direct or side effects that have been identified and verified until exhaustion, such as the reduction of instructional time due to the pressure of intensification, the underutilization of school venues and resources, the closure of school restaurants and the suppression or decay of extracurricular activities, etc. The most belligerent union about this demand, ANPE, for which it has become almost its reason for living, claims for the continuous school day "an improvement of educational performance", a role in the "energizing and sticking together the educational community", "improving the school and learning climate", "the concentration of teaching activities in the moments of highest receptivity", "the easing of work and family life conciliation", and so on, so forth, without a single datum of their own as well as ignoring all the existing evidence (*Congreso sobre la Jornada Continua*, ANPE-Catalonia: <http://bit.ly/O8ASQo>).

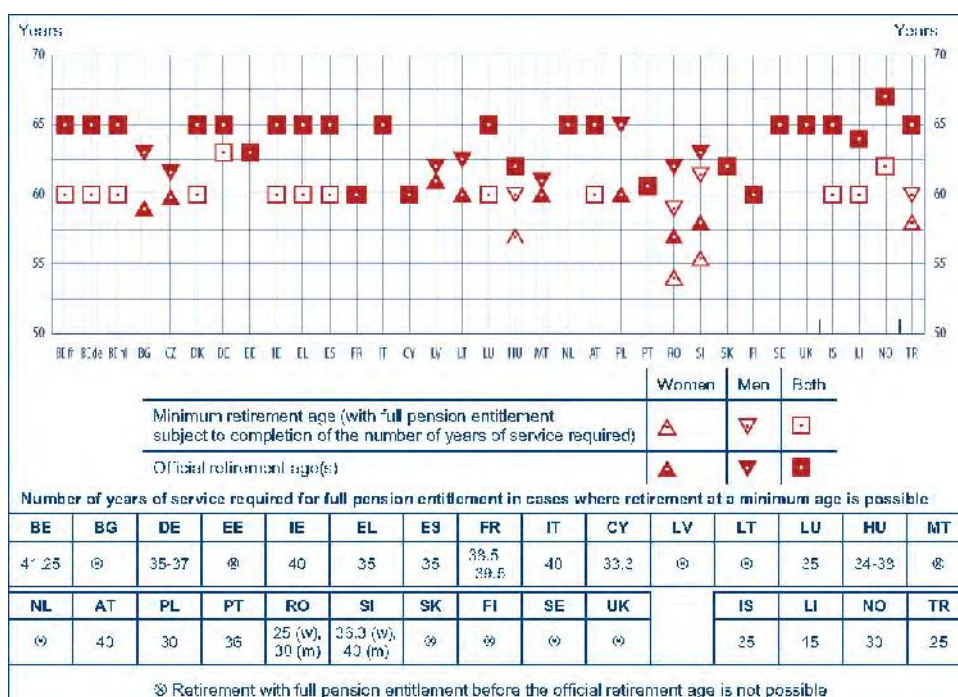
### **Early retirement: a controversial privilege**

In Spain retirement takes place, except for some special occupations, at sixty-five, subject to certain restrictions on the contribution period (now, due to population aging, to OECD advice, to the economic crisis and to EU pressure in exchange for financial help with the burden of Spanish debt, the goal is to postpone it as soon as possible until sixty-seven). However, teachers enjoyed for two decades the so-called LOE-retirement (before LOGSE-retirement, from the respective acronyms of the fundamental education laws of 1990 and 2006: <http://bit.ly/O8EhP6>), that allows them to retire at 60 years of age, after 30 years of service, with full pay (achieved through the addition of a *gratification* equal to the difference between the new pension and the old salary) plus the full contribution to social security (in this case, the state keeps paying to social security the full contribution for the teacher, as if he or she kept working until ordinary retirement age) secured for the next five years (*i.e.*, it lets them stop working five years earlier without any effects on present or future income). No need to explain that, in a country where the rest of the population retires at age 65 -although there are other exceptions, but none for a so large a group- and life expectancy at age 65 (INE: <http://bit.ly/OER7rh>) has already gone up to 83.3 years for men and 85.3 for women -and probably somewhat higher for teachers, both because of their working conditions and, in any case, due to their high level of feminization-, this is a quite meaningful privilege and it has a huge economic cost. Compared to other countries it is also an advantageous arrangement: most European countries set teachers' retirement age at 65 years, such as Spain, and some of them allow the retirement of teachers

from 60, with full pension, but usually after 35 years of effective service (Eurydice 2009: fig. D31).

Chart 4(Eurydice 2009) shows data on the retirement age for teachers in Europe. Out of twenty-nine national school systems fourteen have fixed official retirement at 65, one later and the rest somewhat earlier. Ten of them do not allow retirement with full pension entitlement before the official age, and the rest do allow it some way or the other, but subject to the completion of a minimum period of service. Among these, five require forty or more years of service, nine require between thirty-three and thirty-eight years, three of them require thirty years and only two ask for shorter periods of twenty-five and fifteen. Saying it otherwise, only five out of the twenty-nine countries considered require a service period of thirty years or less. Spanish teachers, therefore, are part and parcel of a really privileged group, even if they have not reached to the paradise of those privileged among the privileged.

Chart 4 Retirement age of teachers in primary and secondary education (ISCED 1-3), 2006-2007



Source: Eurydice, *Key Data on Education in Europe 2009*, figure D.31

Early retirement was granted at the time, after a long and bitter teachers strike, as a sort of compensation or pressure valve for those older teachers that, with the 1990 Act (LOGSE), were required to sensibly change their way of teaching after a lifetime of doing otherwise. It was presented, therefore, as an agreement that would save high personal costs for older teachers and, in turn, it would allow the renewal of the teachers corps and thus, it would make easier the implementation of educational reforms. Whatever the value of this argument, which is rather limited (in fact, teachers can keep teaching *the old way*, be it right or wrong and no matter what do *old* and *new* really mean, as much and as long as they like), it seems clear that its recurrent application twenty years after does not make a lot of sense, as far as what at the time was a novel approach later ceased to be so in order to become a professional routine. It could look self-evident to add that, after a certain age, a person loses the ability to work as a teacher, but in fact that is something that no one has said. Moreover, various surveys among teachers that take into



account the age variable show that the association between age and innovativeness among them is not at all clear, probably because the hypothetical reasonable age effect overlaps with some opposite generational effect (maybe that new teacher cohorts are becoming less vocational), so that at the end of the day the education system loses its most experienced teachers, who often are also more innovative or at least as much as those who follow them.

There are no official data on how many teachers have opted for this formula of early retirement, only fractional data for some regions some years. Teachers' unions have declared at some point that they reached that up to 50%, even to 70% in some regions (Comunidad Escolar 2010). Teachers in the age group of 60-64 are just 3% of the whole in the so called "general regime" education (infant, primary and both levels of secondary), but those in the group of 55-59 are 23% (MECD 2012b): this is seven out of every eight teachers gone, so that even assuming a low rate of mortality, a few retirements due to work disabilities, some more obtained without wage or pension compensations and a possible imbalance by the time and age of entry, it keeps being a lot of people.

Our interests at this point, as above, is not the debate itself on which should be the adequate retirement age for teachers, much less at what age should they be obliged or allowed to leave the classroom, totally or partially, for other tasks, if any. It could be argued that this is a highly wearing profession for their practitioners (the thesis of teachers *burnout*), or maybe that it requires some degree of youth or of some characteristics associated to it in order to be able to adapt oneself to foreseeable and necessary change, and so retirement should take place among teachers before than in other professional groups, or if, on the contrary, it is a profession that involves little physical wear, one which offers relaxed labor calendar and work schedules, and so it allow those who practice it to retire later than the common worker. We only care about the absolute character of teacher's arguments, and especially teachers' unions', when defending this sectorial privilege as the most desirable good for the public interest.

As in the case of the school day, unions have developed and deployed an entire professionalist and altruist script: in search of the best for pupils and for the quality of teaching, FETE-UGT explained that the consolidation of early retirement, but badly paid as if it were at mandatory age, is essential in order to motivate teachers; CCOO adds to this that it will make possible "an extensive renovation of the existing staff in order to facilitate the implementation of new educational methods and goals as well as the introduction of new ICT"; STES solemnly declare that "this will help pedagogical and technological adaptations that requires a new teaching era"; for CSIF, it is one of the five "aspects... [which are] essential in order to improve education." As for working class solidarity, FETE-UGT assures that early retirement "enables access to teaching to a large number of young graduates, which promotes job creation"; CCOO says that, were it not for that, "for the next five years... no new teachers would begin to work in the school system, condemning almost all of the next generation of young graduates to absolute unemployment"; STES affirm that this way "new jobs will be generated". Currently they are concentrating their forces in maintaining what they had already achieved, but just two years ago, when the general pension reform had not made those claims in a slap to the rest of the citizenship, already warned that general retirement age would be delayed from 65 to 67, and the economic crisis had not yet made of it an impossible demand, teachers' unions competed against each other on who asked for more: CCOO proposed the "right to retire when the sum of the years of service and age was equal to or greater than 85", which means that a teacher that ended her study at age 21, as planned, and then got a job, which was not difficult three decades ago,

could retire at 53 of age, or that someone who had entered at 43 should be able to retire at 63, after just twenty years of contribution. The STES, meanwhile, asked for voluntary full retirement at 60 years of age or 30 of service, which for the two hypothetical cases just considered would have meant to retire at the age of 51 or after 17 years of contribution (Fernandez-Enguita, 2010).

Year 2010 was a turning point for the various stakeholders groups in the Spanish education system. After a long season of bad news (high rates of school failure and early school leaving, poor results PISA reports, various conflicts around public and private education, the teaching of religion or citizenship education, etc.) the Department of Education proposed to the opposition parties, regional governments, teacher unions, the private educational sector and the Catholic hierarchy a *social and political State agreement for education*, i.e. a basic covenant in order to stabilize education beyond regional differences, electoral upturns, labor disputes, etc. Of course, this is the kind of proposal to which nobody can say overtly no, but of which everybody suspects that it can only benefit the adversary. The proposal foundered because nobody put the slightest interest in it, and in particular due to the open negative of the main opposition party (today in government, as then foreseen, which was a strong reason not to agree), but we will limit ourselves to the response from teachers' unions, which since the very beginning presented themselves as strong supporters of the agreement (assuming that their base would be the main beneficiary if a stable framework could be created for their work and, presumably, a sustained increase in resources was added), but with one single and indispensable condition: early retirement for teachers was something to be kept.

The other major union argument was that a new teacher should fill every new vacancy, so that early retirement became also a form of solidarity between the oldest and the youngest generation, as far as it liberated jobs from the former to the later. This line of reasoning assumes that the number of jobs is fixed (one goes and another comes) but economic resources are unlimited (both the salary and the pension can be paid, no problem), but reality is quite the opposite: financial resources are limited and employment is variable, because it depends on how resources are assigned (it seems reasonable to think that if limited money is spent in anticipating retirement, then it may not be dedicated to create additional jobs). But our interest of this line of reasoning, once again, is not about its intrinsic value, really insignificant, but about its ability to present the defense of a privilege funded by the public treasury as a gesture of solidarity.

## **Conclusions**

The struggle for group interests in the public sphere depends largely on the ability of each group in conflict to define reality. In the field of industrial and labor relations, most groups have no choice but to present their goals as the outcome of their own interests and to try to justify their legitimacy the best they can. In public services, things can run differently, because the increase in resources per beneficiary, in particular of human resources or those dedicated to salaries and other labor compensations, are certainly beneficial to service workers and it is not difficult to present them as equally beneficial to the end user, be it so or not. This facilitates that professional claims can be submitted wrapped in a universalistic rhetoric. As I have explained elsewhere, the *quid pro quo* happens to be particularly easy in the field of education, where service expansion is almost automatically identified with the public interest, welfare for the younger generation, the future of society and the demands of de-commodification from the left (Fernández-Enguita, 2008).

Claims for continuous school day and teachers' early retirement are two perfect examples of this. Continuous school day is a compressed school day for pupils which can either benefit or damage them, depending on their learning capacities, their attitudes towards academic work, the economic and cultural level of their families, the span of learning and leisure opportunities in their communities, etc., but it is also a compressed labor day of general interest all for teachers, whoever they are, and even more when most of them women bearing an unfair share of the domestic and familiar responsibilities burden. But the best way to push forward this goal is to pack it into the discourse of general and undifferentiated pupils' interest, even without any evidence for it and with some or much against. Given the high visibility of the topic and the direct confrontation between teachers and parents this usually leads to a dramatic deployment of pedagogical rhetoric, union mobilization, in-school politics, etc.

Early retirement with no life-income reduction is an exceptional group privilege, much more amidst a general pressure for the postponement of retirement age for all workers and in the presence of ample layers of the population, even of ex regular wage workers, with just subsistence or extremely low pensions. However, this battle is not played in broad daylight. On the one side, there is no direct antagonist to teachers' pretensions, as far as funds will be taken from the common pool, that is, from the treasury. On the other side, those who have the key to those funds, namely political authorities, are not just to weigh economic costs and benefits but also a political trade-off. Then, provided a not excessively high economic cost of the measure, a high enough political risk of a costly enough social conflict, and the lack of awareness of the public opinion, the trade-off can be taken for granted.

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Fecha de recepción: 01/09/2012. Fecha de evaluación: 15/09/2011. Fecha de publicación: 30/09/2012