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# The national management of public and Catholic schools in France: moving from a loosely coupled towards an integrated system?

Xavier Pons, Agnès van Zanten  
and Sylvie Da Costa

In this article, we analyse changes in the contemporary management of private Catholic schools under State contract in France since the 1980s. Writing from a 'policy sociology' perspective, we use data from previous studies on policy and on public and private schools as well as from an ongoing research project comparing policies of accountability in France and in Quebec. After presenting an outline of the constitutional, legal and institutional context in which public and religious schools operate, we show that the introduction of new public management approaches and instruments in the field of education has not exerted a significant influence either on the public management of State-controlled private schools or on the coupling between the public and the private sector. The management of Catholic schools is still mainly based, on the one hand, on regulation through inputs and limited intervention by public authorities and, on the other hand, on a complex system of internal moral controls by the private authorities themselves. However, although the management of public and private schools remains loosely coupled, some moves towards a closer interaction between the authorities in charge of both systems have taken place in the last decade.

## Introduction

A growing body of research now stresses the increasing privatisation of school systems in various parts of the world (Whitty and Power 2000; Ball 2007). Be it 'endogenous' (through the introduction of quasi-markets, new public management (NPM) or account-ability policies) or 'exogenous' (through various forms of contracting, partnerships or international capital building), these processes frequently redefine the links between private schools, including private faith schools, and political authorities (Ball and Youdell 2007). In many OECD countries, these trends are indeed leading governments to implement both new policies favouring private sector supply of education and various instruments to control and monitor its activity (Mons 2011). A central issue is therefore that of the tension between respecting and encouraging the autonomy of the private (religious) sector and of private schools and increasing public scrutiny of and intervention in their functioning (Glenn and Groof 2002).

The aim of this article is to bring new data and interpretations to this issue by focus-ing on a specific national case study: France. France is an interesting case for the study of this tension for three reasons. Historically, the strong implication of the State in the

field of education brought about the institutionalisation of a secular Republican school created to a large extent in opposition to religious congregations (Lelièvre 1990). Ideologically, many civil servants, teachers from the public sector and common citizens show a strong attachment – at least in discourse – to public services and strongly contest privatisation and neoliberalism, notably in education (Laval et al. 2011). At the same time, parents and citizens have also demonstrated against attempts to reunify public and private schools and brought about the resignation of a Minister of education who made such a proposal under the first Socialist government of François Mitterrand (Prost 1993). There is also presently a growing political and scientific concern about the contribution of private schools to a ‘ghettoisation at the top’ of the French education system due to their increasing attractiveness and social selectivity (Merle 2012). This concern is in turn leading some observers to criticise the limited supervision of Catholic schools under State contracts.

We focus in this article on changes in the contemporary management of private Catholic schools under State contract in France since the 1980s using data and new information collected through interviews and a case study,<sup>1</sup> and writing from a ‘policy sociology’ perspective (Ozga 1987; Ball 2006). These schools represent about 95% of State-subsidised private schools and in 2011–2012 they hosted about 97.2% of the pupils registered in a private school (MEN-DEPP 2012). The importance of this State-subsidised private sector and its specific form of institutionalisation, examined below, are two factors that contribute to make its comparison with the public sector an interesting object of study. Our leading questions are the following: To what extent is there a central State management of Catholic schools and what are its main characteristics? Has this management been affected by the introduction of NPM principles and techniques in the public sector and become more similar to the management of public schools? To what extent is there a specific internal management of private Catholic schools and how does it relate to public management? And finally, is there a movement towards greater integration of the two systems or do both systems remain loosely coupled?

Except for some recent accounts of the relationship between the State and private education provided by high civil servants (Toulemonde 2009) or by researchers, mainly through historical approaches (Poucet 2001, 2011; Verneuil 2011), these questions have attracted very little attention in France as evidenced by their virtual absence from a recent review of research on private education (Poucet 2012). Studies on private education deal with three topics that are not directly related to its management: parental switching of children from public to private schools and vice versa, especially in big cities and the motives and impact of their choices (Ballion 1980, 1991; Héran 1996; Langouet and Léger 1997; van Zanten 2009; Merle 2010, 2011), the comparison of pupils’ success and school careers in public and private schools (Ben Ayed 2000; Tavan 2004) and, more exceptionally, the current transformations of non-Catholic faith schools, for instance Jewish schools (Cohen 2011).

In the following pages, we first present an outline of the legal and institutional context in which private Catholic schools operate. This outline clearly highlights the growing ‘public character’ of Catholic schools in France even if this trend is not hegemonic.<sup>2</sup> In a second section we show that the introduction of NPM approaches and instruments – including a focus on outcomes rather than inputs and the introduction of projects, contracts and evaluations – in the field of education has not until now exerted a significant influence either on the public management of State-controlled private schools or on the coupling between the public and the private sector. This

management, based on regulation through inputs and little direct intervention, has allowed to a large extent private authorities to develop their own modes of formal and informal regulation and contributed to the persistence of a loosely coupled system of management of private and public schools despite some minor recent changes towards a closer interaction.

### **The growing public character of French Catholic schools**

The first official texts – the Education Act of 1806 and the Education Decree of 1808 – that founded the French contemporary school system did not mention Catholic schools specifically (Poucet 2011). The subsequent imposition by the political leaders of the Third Republic of a system of public education through the secularisation of teaching and curriculum (Education Act of 1882), the secularisation of education staff (education Act of 1886) and the official separation of the Church and the State (Act of 1905) were to a large extent decisions taken against religious congregations and were accompanied by major social conflicts. These conflicts have sometimes been revived by mass demonstrations against various reform projects concerning private education, for instance those of 1984 and 1994,<sup>3</sup> at least in the national imaginary. Nevertheless, the Debré Act of 1959 established a durable political balance between both sides (Toulemonde 2009, 253). The maintenance, but also the evolution, of this balance have progressively driven Catholic schools to become more ‘public’ at two levels. On the one hand, the Act underlined their contribution to the public service and, on the other, it constrained their autonomy by increasing the degree of formal State regulation.

### ***The durability of a soft compromise: the Debré Act (1959)***

The Constitution of 1958 defining the current French 5th Republic asserts two founding principles in education. The first one is secularism (*laïcité*), also mentioned in the article L. 141-1 of the French code of education: ‘the Nation guarantees equal access of children and adults to instruction, training and culture: the organisation of a free and secular education at every level is a State duty’. This principle implies the secular nature of teaching, curriculum, staff and school premises and the optional character of religious teaching in private schools. But it also requires that the State is neutral towards religion and that public education must not be developed at the expense of religious instruction, hence for instance the obligation for the State to keep one day free during the week for parents who would like to provide their children with religious instruction.

The second principle is educational freedom leading to the protection of alternative forms of education such as private education, but also home schooling. Article L. 151-3 of the French code of education therefore states that primary and secondary schools can be public or private, the former being financed by the State and local political authorities whereas particular actors or associations support the latter.

The Debré Act of 1959 – which is still the legal reference despite several attempts to reform it – tried to reconcile these two partially contradictory principles in three ways. First, it (re)asserts the founding principles while slightly reformulating them: the State must provide an education to all children according to their aptitudes ‘with equal respect for all beliefs’. It must respect freedom of religious practice and religious instruction (*liberté des cultes et de l’instruction religieuse*) among pupils attending public schools (art. L. 141-2) and it must preserve the educational freedom of private

schools abiding official norms (art. L.151-1). Second, the Act introduces the possibility for private schools to sign a contract with the State. There are two kinds of contracts: the ‘simple contract’ and the ‘association contract’. Their characteristics are synthesised in Table 1.

These contracts imply that private schools have to comply with specific State requirements (for instance the obligation to accommodate all kind of pupils, not only those who have the same religion, or the possibility for each teacher to be inspected by State inspection bodies) but also that their ‘specific character’ (*caractère propre*) must be preserved. Private schools that sign a contract can therefore organise and manage various activities according to their religious orientations, but only if these activities do not affect the transmission of the national and secular curriculum. Finally, the legal framework of the Debré Act also stipulates that the State does not recognise private education as such but only a variety of private schools whose activity is framed by specific contracts and official texts.

Retrospectively, the Debré Act seems to have been quite successful in favouring the maintenance and development of the private sector. About 13% of pupils in primary education in France and 21% in secondary education have been registered each year in a private school since the beginning of the 1990s. The proportion of pupils using the private sector is even much higher if pupils’ movements from one sector to another are taken into account as two pupils out of five (belonging to almost 50% of families) spend at least one year in a private school (Langouet and Léger 1997). Given that about 95% of private schools under State contract are Catholic (Toulemonde 2009, 254) and that there has been in France a long process of secularization of social life, some observers have argued that this Act has prevented the otherwise fatal decline of French Catholic schools (Poucet 2011). For instance, despite secularization, the number of secondary private schools has remained stable (around 3500) since 2000

Table 1. Two kinds of contracts for private schools.

	Simple contract	Association contract
Conditions required	The school has been in operation for at least five years Teachers have the required qualifications The number of pupils is sufficient (there exists a ‘recognised education need’) Buildings are appropriate	
Scope	Primary education only	Primary and secondary education
Status of teachers	The school recruits teachers with the same level of qualification as their public counterparts on the basis of a private contract, but paid by the State	Teachers, with the same level of qualification as their public counterparts, are either civil servants ( <i>‘maîtres titulaires de la fonction publique’</i> ) or State contract teachers
Curriculum	The school must comply with 80% of the national curriculum	Total respect of the national curriculum and associated requirements (hours of teaching, examinations, inspections, etc.)
Funders	Parents and schools raise and manage budgets. Municipalities are not obliged to provide financial support to schools	Same organisation as in the public sector

(MEN-DEPP 2012). However, at the same time, the Debré Act and the modifications that were introduced later to it, as well as other factors addressed in the following sections, have progressively increased the ‘public character’ of Catholic schools.

### *Catholic schools increasingly ‘public-dependent’*

The growing public character of private schools takes various forms. It is first visible in the number of pupils’ attending private schools under contract with the State. Since the 1980s, the average proportion of primary and secondary education pupils registered in private schools under State contract has been above 90% (97.2% in 2011–2012). The association contract is far more widespread although it imposes more constraints on private schools.<sup>4</sup> It is dominant in secondary education but also, to a lesser extent, in primary education. According to the French association of education administrators (AFAE), only one-third of private education pupils are registered in schools with a simple contract.

Another key factor is the substantial and fast decline of religious staff among teachers in Catholic schools since 1950. As noted by Jacqueline Lalouette (in Poucet 2011), in 1952, nearly all of the 50,000 teachers in Catholic schools were priests or nuns. In 1973–1974, 87.1% of the 100,000 teachers were lay teachers.<sup>5</sup> This author also points out that this change has led Catholic authorities to regularly question the motives of teachers who choose to teach in Catholic schools. These motives tend to become more diverse and less related to religion and ideology (for instance, avoiding an official appointment in a disadvantaged public school, being sure to be recruited locally, working in a more ‘humane’ organization, etc.). She also reports Catholic authorities’ difficulties to find teachers who meet their expectations concerning Catholic education. Furthermore, the Lang-Couplet agreements enacted in 1992 for primary education and in 1993 for secondary education have, among other things, transferred to the State the obligation to train private schools teachers and modified their recruitment by State-subsidised private schools. Headteachers in private schools, who still have the final say concerning the appointment of teachers, must now choose among a list of candidates who succeeded at a competitive national examination (*concours*), very similar to the one taken by students preparing to teach in the public sector (Verneuil in Poucet 2011).<sup>6</sup>

Also, State-subsidised private schools must comply with a series of requirements guaranteeing the transmission of a secular curriculum. According to the high central inspector Toulemonde (2009), even schools under simple contract rarely take the liberty that they were given to comply with only 80% of the national curriculum to develop their own curriculum since it would be a risk to disadvantage pupils in their school career. Catholic and other faith schools have indeed the possibility to provide curricular and extracurricular activities allowing for the expression of their ‘specific character’ (*caractère propre*) but these activities must be implemented in addition to the transmission of this national curriculum. In addition to this, this ‘catch-all’ notion, which was not precisely defined in the Debré Act, is supposed to integrate different dimensions, not only the religious and spiritual ones, and in fact forced Catholic authorities to more clearly define their educational project. If some Catholic texts underlined the ‘Gospel spirit’<sup>7</sup> and the ‘Christian conception of reality’ that must prevail in schools in the 1960s and the 1970s (Lalouette in Poucet 2011, 88–89), the status of the French Catholic education adopted in 1992<sup>8</sup> emphasises the fact that Catholic education pursues two main goals (teaching for the Nation and society and

teaching Catholic faith) and that its educational project integrates ‘all noble causes’ and takes into account the diversity of cultures beyond the fundamental reference to the Gospel. The last status adopted in April 2013 confirms Catholic education’s mission of serving the ‘general interest’ by reasserting the need to meet this goal through a specific and original curricular provision.<sup>9</sup> All of these elements contribute to a growing formal separation between teaching and religious activities.

It is also important to note that the possibility to refer to their ‘specific character’ was perceived by Catholic schools, at least since the 1970s, as an opportunity to provide and market alternative educational models. This was done through the blending in their educational projects of their original Catholic mission with other dimensions and the creation of new market niches responding to different parental demands concerning school results, pedagogy and discipline (Ballion 1981; Prost 1981; van Zanten 2009; Costa and van Zanten in Poucet 2011).

A fourth important factor is related to funding, which is increasingly public even if registration fees for parents may be high. Under the association contract, funding is almost the same as in the public sector: the State-subsidises teachers, curriculum, organization of diplomas, etc. and local political authorities have in charge the school premises, classroom equipment and school meals. The funding by local authorities often allows private schools to pay the salaries of non-teaching members of staff. Under the simple private contract, in principle municipalities are not obliged to fund private primary school but this is decreasingly the case. In primary education, municipalities must even pay for pupils who want to study in a private school outside the city (Toulemonde 2009).

Finally, as shown by various studies, the motives of parents who choose private Catholic schools are decreasingly religious<sup>10</sup> (except for Catholic families who attend Church regularly) and increasingly diversified. The search for a better quality as measured by school results plays a central role (globally, private schools tend to outperform public schools although this is to a large extent due to their selectiveness) (Ballion 1981; Langouet and Léger 1997). Parents, however, also tend to think that private education proposes more diversified educational provision and more opportunities for an education ‘patterned’ to the needs and tastes of each child, allowing pupils to develop and express their personality and forming all-round subjects (van Zanten 2009).

### **Does the state only ‘pay and withdraw’?**

Has this increasing public character led the State to renew its management of Catholic schools? And if this is the case, what are the main features of this new State management? Does it contribute to bridge the gap between private and public education? To answer these questions, we use data from an on-going *NewAGE* research study, which compare policies of accountability in France and in Québec. In this project, we analyse the implementation of NPM procedures and of new policies of accountability in education in France that has taken place under the generic slogan of ‘outcomes-based management’ (*pilotage par les résultats*) since the 1980s and its possible impact on State-subsidised private schools. Here, we use these data with two purposes: understanding the traditional management of Catholic education in France and appreciating the possible changes introduced by this ‘outcomes-based management’, both on private education and on its connection with public education.



### ***The permanence of a traditional and loosely coupled management***

Our initial work in this project highlighted two main features of the national management of Catholic schools.

The first is the importance still given by the Ministry and the representatives of Catholic education to a particular type of management which combines a strong focus on regulation through inputs (and irregular *ex post* control through the inspection of teachers), a highly politicised management of ‘hot issues’ directly by the Minister’s cabinet and very limited attempts to exert regular administrative control and scrutiny of private schools. The persistence of this type of management was visible in two specific data sets that we selected and analysed to explore the introduction of NPM<sup>11</sup> as well as in the interviews we have conducted with high civil servants from the central administration of the Ministry (especially within the department in charge of financial issues, the *Direction des affaires financières* (DAF)). Three main features must be underlined. First, most managerial meetings between the ministry and private education representatives consist in deciding each year the amount of public funds devoted to private education and distributed to the various education regional territories and to teachers’ managerial staff. Very few mechanisms of control intervene beyond the verification that teachers are indeed recruited and their possible inspection in classrooms. Second, the amount of this public funding is generally decided according to a tacit budgetary rule (the ‘80%/20%’ rule<sup>12</sup>), which is reproduced each year and is part of a strong implicit consensus among participants. This rule allows the ministry to limit the development of private education but provides at the same time a stable and predictable framework within which Catholic authorities can handle the complex internal organisation of Catholic education. Third, the offices within the Ministry of education devoted to private education are small units and their main function is to translate and apply decisions taken in public education onto private education, especially as this concerns staff management. If they may be associated to some NPM processes, such as the contract process between the central administration and the *academies* mentioned below, the main budgetary decisions are taken in parallel to these processes according to the aforementioned rules. This has continued to be the case after 2006 and the implementation of a new law, the LOLF, which makes it mandatory for all public services to measure their performance.<sup>13</sup>

The analysis of the official circulars that are published at the beginning of each school year (*circulaires de rentrée*) and which are key official texts providing directives for the organization of the educational system in the French institutional context, also shows that there is still an important disjunction between the State management of public and private education. These circulars very seldom mention private education. A statistical textual study of one data set gathering circulars for the period 1998–2012 showed that State contract private schools were quoted only seven times, either to indicate that a particular action also concerned private education or to invite private schools to comply with national regulation through various stylistic processes (for instance the use of the future tense in expressions such as ‘private schools will conform to’, etc.). In both cases, quotations do not refer to new managerial initiatives but to more general educational issues such as the implementation of new options or the provision of educative support and tutoring.

### ***A low impact of state new managerial initiatives***

The progressive implementation by the State of a new ‘outcomes-based management’ does not seem to have modified this regulation regime. For instance, private education



is seldom mentioned in traditional professional and institutional journals<sup>14</sup> that present and discuss changes in the public management of education although high civil servants and advisers of ministers in various cabinets have frequently publicly declared that some initiatives in private education (for instance, the development of projects and contracts or the notion of ‘educational community’; put forward in the Education Act of 1989), motivated political leaders and policy-makers to ask for the introduction of changes in the public sector.<sup>15</sup>

Furthermore, our on-going study on a specific and emblematic new managerial tool – contracts established since 1998 between the central administration of the ministry and its regional authorities (*rectorats*) – reveals that considerations about private education are integrated in the process at a very general level but that the specific features of the private sector are not taken into account in actual practice. For instance, as far as the three regional educational territories studied in the *NewAGE* project are concerned (the *academies* of Créteil, Lyon and Versailles), the recent documents at the basis of the yearly managerial dialogue process (*dialogue de gestion*) between the central and regional administrations as well as the four-year contracts signed between the two parties only evoke private education as general contextual data (through indicators on the number of private schools) or through statistical indicators aggregating both private and public education (like the percentage of pupils passing national exams). Private education is neither referred to specifically – with respect for instance to targeted indicators, specific measures or particular objectives – nor compared to public education, even in regional territories with a high proportion of private schools such as the *académie* of Lyon.

This absence of references to private schools is also noticeable in the texts and public discourses devoted to NPM and ‘outcomes-based management’ that have proliferated since the end of the 1970s. While it is logical to suppose that these new forms of management have therefore not had any significant impact on the national management of private schools and have not contributed to a closer integration of private and public education, it is important to point out the gap between public management discourse and action in public education itself. As shown by several research studies on the transformations of regulation and governance of the French (public) education system, the introduction of NPM has been more rhetorical than real (Maroy 2006). It has given birth to an inflation of incantatory discourses, to many articles and public interventions by professionals and high civil servants, but also to an ambiguous institutionalisation of new managerial tools which are in fact rarely linked to high institutional stakes (Pons 2010). In fact, the traditional mode of regulation of the French education system is still strongly based on three main pillars: a neo-corporatist mode of decision-making based on the interaction between State officials and teacher union representatives, a strong, centralised, bureaucratic administration and the importance given to the charisma and ethos of both decision-makers and teachers (van Zanten 2008).

The limited diffusion of NPM in public education does not seem to favour its transfer to private education. A further reason that might explain why public authorities have not been very keen on extending it to the private sector has to do with the fact that a focus on outcomes tends to enhance the already better reputation of private schools with respect to public schools. This is so because some of the specific features of private schools make them appear more effective than they actually are. Because private schools can select their pupils, and because parents who choose the private sector and pay for private schools have higher expectations for their children, it is easier for private schools to perform better than public schools on league tables and

other types of accountability instruments. However, although a regulation based on outcomes might increase competition between public and private schools, it is important to point out that it is difficult to assess the exact impact of each sector as many pupils now move from the public to the private sector and vice versa, and their results reflect these mixed trajectories.

A more sophisticated analysis of the limited impact of NPM on private schools must nevertheless also take into account the internal regulation of private education, which is quite impervious to the top-down and bureaucratic mode of regulation and introduction of reforms in the public sector. Historically, 'Catholic education' is an umbrella term to designate a wide variety of schools with a strong tradition of independence and whose head teachers enjoy considerable autonomy. According to the institutional status of the school, the latter are appointed either by a representative of a specific religious congregation or by the head of the diocese, both acting under the authority of the bishop. Schools, and private education in general, have a strong tradition of self-government. State representatives and high civil servants are not encouraged to supervise them, especially not during periods of actual or potential conflict. Indeed, several times in history the State has decided in favour of private schools' autonomy rather than the regulatory initiatives of local civil servants (Poucet 2011).

Due to this strong tradition, even very limited attempts by State officials to introduce management tools at the national and local levels tend therefore to be seen by private authorities and schools as a form of illegitimate State overstepping over the autonomy of the private sector. In addition to that, it is important to note that State efforts to diffuse new modes of management into the Catholic sector also have to contend with an increasingly complex distribution of responsibilities within Catholic education and with the emergence of new instances. This complexity is due to the fact that the decentralisation of the French education system since 1980s, which has had a strong impact on Catholic schools under State association contract, and the growing imperative to manage staff has led Catholic educational authorities to create organisations at various levels, with specific mandates<sup>16</sup> including the development of specific management devices.<sup>17</sup>

Moreover, it is important to underscore that while the strength of bureaucracy in the public sector both facilitates the introduction of top-down reforms and limits their impact by absorbing them into a common mould (van Zanten 2012), the dominant mode of regulation in the private sector, which is very different, leads their representatives both to be wary of and to have a more negative view of the impact of bureaucratic and NPM tools developed by national State officials. The power relations within the private sector are not, as in the public sector, strongly conditioned by legal principles and instruments. Indeed the legal foundation of the internal organisation of Catholic education is still weak, since it has no status in French administrative law (Toulemonde in Poucet 2011, 128). The authority of the General Secretary of Catholic education at the national level and that of Diocese's Directors at the level of each department is essentially moral. In addition to that the micropolitics of the private sector do not have, as in the public sector, a clear hierarchical basis: the private national authorities have no direct power on decisions taken by the Dioceses and the latter cannot directly control the activities of schools. The cohesion and effectiveness of the system are strongly dependent on the moral commitment of different actors, which is obtained through selection and socialization processes but also through the exertion of moral pressures to reduce resistance or deviance and create consensus at every institutional level. The Catholic authorities, who have always tried to protect this implicit and

value-laden mode of coordination from what they perceived as the negative impact of State bureaucracy, also believe that NPM tools will also contribute to its erosion. On their side, public authorities feel that this mode of regulation does not provide a solid foundation for a government-based accountability and a State-driven form of NPM.

The fact that Catholic education authorities and public authorities are confronted with similar problems concerning the governance and reform of large educational systems seems nevertheless to be giving way to similar efforts to develop more sophisticated management tools. These tools however still differ in their conception and even more in their use due to their embeddedness in different regulation frameworks. The interviews we have conducted at the General Secretary of Catholic Education and at several Dioceses also show a growing level of dialogue with public officials concerning national policy decisions on key areas such as teacher training or the school curriculum. This dialogue does not however favour homogeneity but rather the strengthening of a specific type of loose coupling, whereas greater openness to school reform is associated with a strong determination to preserve and when possible enhance the specific features of Catholic private schools.

## **Conclusion**

### ***Interpreting institutional reproduction***

In this article, we have shown that despite the growing public character of private schools and the progressive implementation in public education of a specific government-based accountability and State-driven form of NPM, the national management of French Catholic schools has evolved very little since the beginning of the 1980s. Regulation of this sector is still based on inputs (financial and human resources, regulatory texts on the provision of education) and on a weak, targeted and politicised *ex post* control. To quote Poucet (2011, 38) who was describing the situation in the 1970s, to a large extent, ‘the State [still] pays and withdraws’. Based on a series of tacit and low constraining rules, this management system leads to a loosely coupled model of organisation of public and private schools and to a voluntary reciprocal ignorance of the complexity of each system.

Why is this management still in place despite the fact that it limits the State’s capacity to regulate educational processes and results? Although our ongoing research study might help us provide a more complex explanation, it is clear that the existing arrangements and compromises are viewed by State and Catholic national representatives and policy-makers alike as a ‘satisficing’ global strategy (Simon 1952). Since an optimal consensual agreement is difficult to conceive and even more difficult to put into practice, this strategy is seen as at least protecting against excesses such as the liberalisation of the education system and fierce competition between private and public schools as well as against burning political struggles that might favour radical and unilateral stances and get out of their control, that both types of authorities morally condemn and that would erode their actual power.

In addition to that, the degree of institutionalisation of existing arrangements and compromises is such that it seems that only a very powerful exogenous shock, one capable of redefining system needs, will be able to alter it significantly (Mahoney 2000). However, since the Debré Act of 1959, although successfully embedding private education into the ideological and regulatory foundations of the French

school, has left open the question of its concrete modes of organisation and management, changes in the social and policy context have brought and will continue to give birth to evolutionary and incremental changes (Campbell 2004; Streek and Thelen 2005) that might progressively alter the general institutional framework (Lindbom 1959).

## Notes

1. We use data from previous studies on choice of private schools and on the internal dynamics of private schools (van Zanten 2009; van Zanten and Costa in Poucet 2011) as well as from an ongoing research project comparing policies of accountability in the public and private sectors in France and in Quebec. This last project is based on interviews, in the public and private sectors, with national policy-makers, high civil servants, administrative staff in schools and parents, as well as on the analysis of several data sets of public documents (official texts, press dispatches, professional and institutional reviews) and on a case study of the implementation of a new contract programme between the central administration of the ministry of education and regional and local educational authorities.
2. 'Public' and 'public character' refer here to the notion of 'public service' and its conception in France, where it traditionally designates both a set of activities and organisations under political authorities' responsibility, a legal status with its own obligations and privileges and a strong source of legitimacy since public service is supposed to materialise and guarantee the 'general interest' (Chevallier 2003). Education in France is mainly provided by the State, local political authorities and some associations with a public service mission. The distinction public/private used here is similar to that of Bader and Maussen (2012, 92) who distinguish governmental and non-governmental schools, even if our presentation also stresses the empirical limits of such distinctions.
3. On June 24, 1984, opponents to the socialist project of creation of a unified secular public service of education, including private education, organized a mass demonstration to preserve pluralism and educational freedom. On January 16, 1994, on the contrary, it was the turn of those opposed to the deregulation of the development of private education to demonstrate in the streets against a bill project to eliminate the article 69 of the Falloux Act (1850) which limited the financial support of secondary private schools by the State and local political authorities (cities, *départements*, regions). In both cases, these demonstrations, widely covered by the media, were the final outcomes of political dynamics where radical stances prevailed on moderate ones and led the government to abandon its initial project (Robert 2010).
4. The latter have less autonomy in the coverage of the national curriculum and they cannot recruit (and dismiss) teachers as easily as when they are hired on a private contract as in a private school under simple State contract.
5. The trend is the same for other categories, even if the proportions are lower. For instance, in 1974, already 51% of headteachers of private schools were lay headteachers. From 1994, the leader of the General Secretary of catholic education (SGEC) is a lay person (Toulemonde 2009).
6. Two separate *concours* have been maintained, but the subjects, the exercises and the composition of the jury are very similar.
7. *Vatican II, Gravissimum educationis momentum*, 28th October 1965.
8. Conférence des évêques de France, *Statut de l'enseignement catholique*, 14 mai 1992.
9. Conférence des évêques de France, *Statut de l'enseignement catholique*, 18 avril 2013.
10. Antoine Prost (1981) was one of the first scholars to point out that a symmetric process could be observed concerning public education with a decreasing loyalty of some families toward public services.
11. The first data set comprises 958 dispatches published since 1998 by AEF, a press agency that specialises in education issues. AEF was created in 1998. It offers its clients a continuous, synthetic and factual stream of information concerning the implementation of reforms in the educational system and the evolution of national public debate in the area of compulsory and higher education. (See [www.aef.info](http://www.aef.info)). The second one comprises the 300 official texts (circulars, decrees, *arrêtés* etc.) published on private education since 1987 and listed

by the French Ministry of education on a specific on-line database called Mentor (See <http://www.education.gouv.fr/pid285/le-bulletin-officiel.html>).

12. This rule is not mentioned in any official text but according to our interviewees, it has been tacitly and loyally reproduced for decades. It consists in giving to private education 20% of the budget devoted to public education. Thus the formula '80%/20%' is misleading. Private education is not given 20% of the global budget of the State devoted to education, but 20% of the budget devoted to public education, that is to say between 17% and 18% of the global State budget.
13. The LOLF (*Loi organique relative aux Lois de finances*) was voted in 2001 by Parliament and enforced in 2006. It reorganises the budget of the State, its structure and its process in 'missions' with a focus on policies rather than ministries. Each mission includes several programmes in which various actions are targeted, with detailed objectives and various indicators. According to this law, the budget given to the missions by the Parliament directly depends on the capacity of the State to meet its goals as they are mentioned and measured in the programmes. The Parliament has in theory the right, within the same mission, to move budgets from a programme to another according to results. The head of each programme (which is not the minister) can do the same within the same programme between different kinds of actions. In primary and secondary education, the mission *enseignement scolaire* includes six programmes. Programme 139 is devoted to private education. If other programmes like those for primary public education (programme 140) or secondary public education (programme 141) are led by the head of an important central administrative department (the DGESCO), programme 139 is under the responsibility of the head of the department devoted to financial issues (DAF). If this choice is consistent with the structure of the programme (99% of the programme corresponds to staff salaries), it is also a sign of the weak integration of private education in State management strategies. Contrary to other programmes, which gave birth to a translation at the regional level of academies and therefore to a strategic discussion between the central administration and regional education representatives (*recteurs* in particular), programme 139 was still managed nationally by the head of the DAF until the year 2012. From that date, and in compliance with the lessons of an experimentation launched in 2006, the management of the programme was transferred at the regional education level of the *rectorats*.
14. We analysed all the contributions on the 'outcomes based management' published in the following journals: *L'éducation* (1968–1980), *Courrier de l'éducation* (1975–1981), *L'éducation Hebdo* (1980–1982), *Cahiers de l'Éducation nationale* (1982–1986), *Les amis de Sèvres* (1949–1988), *Éducation et pédagogies* (1989–1993), *Revue internationale d'éducation* (1994–2012), *Administration et éducation* (1979–2012), *Éducation et management* (1989–2009), *Nouveaux regards* (1994–2012).
15. See for instance Toulemonde (in Poucet 2011, 123).
16. For instance, the CAEC (*Comités académiques de l'enseignement catholique*), i.e. committees which gather the representatives of various unions and authorities, were created in 1985 and are supposed to be the interlocutors of the State for the regional management of teachers. In 1992, in a context of a decreasing influence of religious congregations on the appointment of head teachers, the episcopacy created a specific body for these appointments, the diocese council of supervision (*'conseil diocésain de tutelle'*) (Toulemonde 2009).
17. Like the observatory *Solfège* which aim is to organise teachers' management (Toulemonde 2009).

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