

**Education policies in France: from one Education Act to another.
Problems of justice and equity (1975-2005)**

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General introduction

The French philosopher Marcel Gauchet traces the fortunate combination of the three central orientations of the French school system in the post Second World War period. “The welfare State school system is a synthesis [...] of republican meritocracy, mass social equality and individual concern. [...] It aims to simultaneously ensure equal opportunities, [...] promote access to the best possible education for all and give free, individual education within this framework. To a large extent these goals are achieved”¹. This combination has now completely collapsed following the triumph of individual self-fulfilment. It now stands as a fact that this miraculous ideological balance overlooked some aspects of reality (the almost unbridgeable gap between free primary education and fee-paying secondary education on one side and the typically reproductive nature of a mass school system on the other side) and was in retrospect a myth or a school-related *grand récit*. This rhetorical construct had the virtue of giving coherence to a set of school-related elements, for a great number of individuals (the higher the number, the more the *récit* operates. A common ground between many diverse actors was eventually found despite sometimes diverging views. (For example, teachers via their unions² and their minister sometimes disagreed on salary or teaching issues but both extolled the merits of the republican school).

The “school form”, whose origins date back to the 17th century, globally refers to a certain conception of space (a closed space dedicated to education), time, duties (student behaviour along a series of strict norms), teaching (partitioning into different classes according to age)³. In these terms, the school institution seems to promote a historically-dated socialisation mode, a new period in the “civilisation process”⁴ contemporary with the advent of modern times in Europe. In France, this school form was embodied in a series of curricular patterns from the landmark 1881-1882 school Acts⁵: moral instruction, national identity, focus on supposedly

¹ M. Gauchet, « Démocratie, éducation, philosophie » in M.-C. Blais, M. Gauchet, D. Ottavi, *Pour une philosophie politique de l'éducation, six questions d'aujourd'hui*, Paris, Bayard, 2002, p. 33.

² Most teacher unions are left wing on the political spectrum.

³ See G. Vincent, *L'école primaire française*, Lyon, PUL, 1980.

⁴ N. Elias, *Le processus de civilisation*, Paris, Calmann-Lévy, 1973.

⁵ The Jules Ferry Acts included compulsory schooling, free primary education and secularism.

objective and universal knowledge transmission, putting students in real-life situations, consideration for the nature of children whose structural gaps need to be made up or orderly developed.

One of the foundations of the *grand récit* lies in the deep-seated idea of the emancipation of the people through instruction – the engine of any technical and moral progress – at the heart of the school project targeting rational, abstract subjects placed on an equal footing. The French-style school, which was assigned the mission of promoting common destinies for all students under its responsibility, derived simultaneous support from the republican foundation of the nation ; the republic, a political regime of its own but fallible as such, assumes the role of “myth”, of a transcendental horizon and a regulating ideal. This ideological construct which claims to be attractive and has indeed long been so was embodied in institutions, the very first being precisely a mythical school (the adequate institution to free minds from any form of obscurantism and to promote social advancement) has given rise to a “civic principle”. While this term is borrowed from the sociological analysis of “regimes of justice” or “regimes of justification” identified by Luc Boltanski and adapted to school by Jean-Louis Derouet⁶, it is sufficiently evocative to be extended beyond this type of approach alone. Let us recall the outline of what sociologists understand by “civic principle”: it leans on the general interest model which tends to erase individual singularities and instead praises a transcendental unity (the society, the nation, knowledge); this very principle justifies the split between the school environment and the world as the latter leads to pressures and multiple, if not contradictory influences from private or local spheres and brings about disorderly proliferation when the former requires asceticism, rigour, unity as prerequisites for successful learning. While this ideological approach focuses primarily on the whole group and the general interest, it also associates individualism via the notion of meritocracy which attributes academic success or failure to individual merit.

In the wake of the Second World War, the mass intake of *collège* (junior high school) students aimed to concretise “mass social equality”, more commonly known as (quantitative) democratisation in support of the democratic ideal of the school institution. The civic principle was still structuring the *grand récit* of the republican school. On top of that, the concept of individualism was renewed – if meritocracy was still valid, psychologising approaches emerged and were eager to promote the fulfilment of students who were less and less regarded as abstract, rational subjects but more and more as singular, sensitive subjects⁷.

⁶ J.-L. Derouet, *Ecole et justice*, Paris, Métailié, 1992.

⁷ A. Prost remarkably described this phenomenon in *L'école et la famille dans une société en mutation*, in *Histoire de l'enseignement et de l'éducation*, t. IV, Paris, Perrin, 2004, new edition.

1968 is indeed an easy date to mark the start of the crisis of this civic model inherited from the 19th century – the events of May 1968 were largely the expression of individualist demands from students. Critical sociology⁸ has begun to undermine the supposedly liberating and democratising function of schooling. Other equally necessary modes of knowledge transmission and academic organisation both question the school institution and lead to new principles of justification.

What is currently noticed but cannot be clearly dated is that the *grands récits* now fail to convince the great majority to the point where “most people are not even nostalgic about lost *grands récits*”⁹. Conversely, what is apparently observable is the growing influence of knowledge partitioning, the rule of here and now, widespread relativism. We are faced with the difficulty, if not the impossibility of giving meaning, at multiple levels (hence the recurrent topic of the crisis in meaning). In a word, some claim we entered the post-modern era, which has affected the school institution – objective, academic knowledge is disputed by topical knowledge directly related to society, all experiences are on an equal footing, the imperial truth is denounced, teacher or adult authority is challenged, etc. The Modernity-specific school institution is understood to be at odds with the new values or the “non-values” typical of post-modernity.

It is a fact that the ends of schooling have been multiplied to the point where reality is blurred – the educational system and teachers are requested to educate, teach, socialise students, take into account each student’s singularity, provide equal opportunities, bring all students to achievement and select the elites, raise standards, meet the economic challenges, provide general knowledge and prepare students to the job market, promote citizenship, fight against social exclusion, reduce violence, make up for parental failings and globally find remedies to social ills that other institutions cannot cure... Since 1975, the still tentative status of the *collège unique* – addressing a whole age-class without streaming (on paper) – with all the questions raised about the purpose of studies, teaching methods, etc. has symbolically embodied the various positions on the school topic. Therefore it is not a surprise that the civic principle should no longer provide enough support to the rhetoric of the school institution via politicians, administrators and especially its main actors – teachers. The justification principles which help them account for their practice now seem to result in disputes between them on a mode different from the classic political leanings (clans or camps exist and extend beyond Left/Right positions¹⁰) but also in their conscience (the same person can be split

⁸ Mainly Bourdieu et Passeron: *Les héritiers*, Paris, Minuit, 1964, *La reproduction*, Paris, Minuit, 1970.

⁹ J.-F. Lyotard, *La condition postmoderne*, Paris, PUF, 1993.

¹⁰ For example, the opposition ‘neorepublicans’ vs ‘innovateurs’

between several reference models). In addition to the still-used civic principle, minority, market, effectiveness or creativity principles are now in competition to think out academic situations. The same actor may even resort to these principles simultaneously. This outline reflects an existing crisis, a likely symbol of gradually declining institutions¹¹. Besides, this crisis, apart from a few periods of unrest as in 1968, 1995 and 2003, is more latent than open and was already perceptible at the time of the start year for our survey (1989). This survey spans the two blueprint laws designed to reform education in France: the *loi d'orientation* of July 14, 1989 or Jospin Act¹² and the *loi d'orientation et de programmation* passed on April 25, 2005 or Fillon Act¹³.

Several questions arise more specifically. Democratisation now justifies educational reforms. How far has this objective been achieved? This concept is too often inaccurately used and should therefore be clearly defined. We shall make a distinction between quantitative democratisation (or “demographisation”), that is extending access to school for a larger number of youths and qualitative democratisation, namely reducing unequal access to courses mainly because of one’s social background.

Decentralisation and, to a larger extent, the territorialisation of school policies also reflect the most recent evolution of the educational system. This movement is legitimised by distributive justice whose purpose is to make academic institutions fairer. Is it contradictory to see that two apparently antagonistic processes – unification (which was for a long time, at least formally, similar to the standardisation of schools and teaching contents) and decentralisation (which focuses on local peculiarities) are both justified along the same democratisation project? Do we witness a silent revolution which radically modifies the foundations of the system through the gradual shift from one policy to another or have we struck a balance between unification and decentralisation, national standardisation and original projects designed at local level? To put it differently, can the concern for equity solve the problems that the policy of equal opportunities can no longer tackle?

Six points in the period: problems and stakes of the French educational system.

¹¹ See F. Dubet, *Le déclin de l'institution*, Paris, Seuil, 2002.

¹² From the name of the Education Minister, Lionel Jospin, under the Rocard government.

¹³ From the name of the Education Minister, François Fillon, under the Raffarin government.

We argue that it is both in lower (11-to-15-year-olds) and higher (15-to-18-year-olds) secondary education that the problems and stakes of the French educational system are most prominent. Several laws marked the 1975-2005 period. We shall focus on six main points.

1°) The first major decision was the enactment of the *collège unique* in 1975. It came as a confirmation of mass access to lower secondary education started in the 1950s and boosted by the reforms of 1959 and above all 1963 with the setting up of *CES*¹⁴. This process was identified as *l'explosion scolaire*¹⁵ that is the dramatic rise in the number of students allowed to enter lower secondary education. While 40% of students attended lower secondary education in 1960, the percentage rose almost to 100% by the late 1970s. Actually this process came as a shock for France which traditionally tended to reserve access to secondary education to an elite and fell within a “comprehensivization” strategy at international level. The OECD-promoted comprehensive school model with its objective of reducing inequalities between students was widely based on British experience. In England the Labour party was in favour of eliminating early tracking in primary education as of the 1920s but this goal was achieved only in the early 1950s following fierce debates between progressives and conservatives. Some local education authorities played a decisive role as they accepted to broaden access to secondary education for working-class students. It was not until the 1965 Education Act that Anthony Crossland, then Secretary of State for Education extended the process to the whole British school system.

The content of the reform was based on an apparently democratic principle: gathering all students in the same age group and same academic level not only in a single type of schools but also in heterogeneous and unstreamed classes. Thus the French school institution was supposed to make a decisive step towards systemization (arranging lower and higher secondary education into a set of interdependent elements) and standardisation-democratisation (teaching the same curricula to all students). In fact the law itself provided that teaching should be organised within schools according to academic achievement inequalities among students (remedial courses for some and extensive study for others). In addition only five years after the law was passed it was realised that principals did not fully apply it and kept organising homogeneous classes that failed to meet the expected academic and social mixes. In other words democratisation was only formal and the *collège unique*,

¹⁴ Collèges d'Enseignement Secondaire.

¹⁵ As found in Louis Cros' book, *L'explosion scolaire*, Paris, CUIP, 1961.

which was strongly criticised by the Left from the very beginning, was renamed *collège inique* (unfair junior high school) twenty years later as inequalities were increasing.

The *collège unique* also raised questions on its true ends and the type of teaching methods used. Should it build a bridge between primary schools to which it succeeds or between *lycées* (high schools) to which it paves the way? We cannot but notice that the latter option prevails in teachers' conscience and methods. As a result it contributes to keep off most working-class students who find it difficult to reconcile their family background with academic culture. A sociologist even used the oxymoron "segregative democratisation". Indeed it was effective in quantitative terms but most students from working-class or underprivileged backgrounds couldn't master teaching contents, thus contributing to internal segregation.

What is striking about the policies implemented from 1975 until today is that most *collèges* (except those located in Education Priority Areas¹⁶) have made only minor changes in their functioning to address these still pending issues.

2°) the second major decision was made a decade after the creation of the *collège unique* and concerned upper secondary education. It consisted in opening its access to much larger proportions of an age-group. In order to meet the target of "bringing 80% of an age-group to baccalaureate level" by 2000, access to the upper secondary education degree (the *bac*, short for *baccalauréat*) was made easier through the creation of vocational degrees which concerned mostly working-class students. As families remain very much attached to the baccalaureate degree, they tend to confuse "baccalaureate level" with "baccalaureate holders" and prefer traditional to vocational *bacs*. However the latter were soon quite popular and have kept rising in terms of student intake since they were created. It resulted in a massive and unexpected increase in the number of 10th grade students as of 1985-1986. At the turn of the 1990s, an additional 370,000 students (a 25% rise) attended comprehensive schools compared to the 1985-1986 academic year. This movement was later called the *seconde explosion scolaire*¹⁷ (second dramatic rise in student intake). During that period, the proportion of a generation who passed the *bac* kept increasing to level off at around 62% currently.

¹⁶ See below.

¹⁷ A. Robert, *Système éducatif et réformes, 1944-1993*, Paris, Nathan, 1993.

At upper secondary and higher education levels, the purpose was to find a middle ground between selection and massification. Obviously what is at stake in the larger access to secondary education is the –real or illusive– democratisation of instruction. It is far from certain that the measures taken have reached the democratic goal that had been set. Actually “segregative democratisation” is fully operative¹⁸. Indeed a career path depends on the *série* (type) of *bac* an upper secondary education student passes: a vocational *bac* or a *bac général* (academic subjects) passed in a non-prestigious stream does not have the same value as a *bac S* (the more prestigious scientific stream) which gives access to the best higher education courses and above all to prep classes for admission within *Grandes Écoles*. The French higher education system is dual with universities on one side for the mass and *Grandes Écoles* for the elite. This architecture is unique to France and inherited from the 1789 French Revolution. In addition there is a significant financial imbalance not only between university and other education sectors but also between universities and *Grandes Écoles* (Gauthier, Robert, 2005). A graduate from a *Grande École* is far more likely to access the best jobs on the labour market than a university graduate. Stéphane Beaud, a sociologist, showed how illusive university courses can be for working-class students and even more so for immigrant students who are culturally not acquainted with the university system¹⁹.

The new bachelor, master and doctorate (*LMD*) degree system²⁰ that education ministers agreed on in Bologna in 1999 was gradually applied by French universities from 2003-2004. While it promoted international harmonisation and the recognition of European higher education degrees, the *LMD* system did not contribute to solve the internal problems raised above.

3°) The third point concerns the introduction of priority education policies in the French educational system in 1981. The creation of the *Zones d'Éducation Prioritaire (ZEP)* was part of a set of decisions designed to reorientate the ideal equality as it proved too abstract or elusive for some. France only made a late decision to solve academic problems in some areas. The idea of “giving more to those who have less”, to redress inequality through the unequal distribution of educational resources was born in the USA in the early 1960s, then adopted in several countries (Australia, the Netherlands) and significantly developed in Great-Britain under a Labour government from 1967 in the form of Education Priority Areas (EPAs).

¹⁸ P. Merle, *La démocratisation de l'enseignement*, Paris, La découverte, 2002.

¹⁹ S. Beaud, *80% au bac ... et après ?*, Paris, La découverte/Poche, 2003.

²⁰ Organisation of higher education studies into a bachelor, master and doctorate degree system respectively 3, 5 and 8 years after upper secondary education completion in over 30 European countries.

Conversely, the creation of the *collège unique* was centralised by the State, unlike what was going on in Britain in the 1960s-1970s. In addition, the French definition of equal opportunities differed greatly from the Anglo-Saxon's, international conception attached to equal outcomes for two reasons: first, the principles of equal opportunities in the Anglo-Saxon sphere were linked to the measurement of test-based student performance when France promoted examinations; second, the conception of learning inequalities in France was largely influenced by the Marxist theory of social classes to the point where measurement tools were designed in the 1960s and 1970s to assess how students accessed the next grade rather than compare scores at each grade level.

All the 5th Republic reforms initiated by the Left or the Right had precisely been pursued in the name of "equal opportunities", not to be confused with the legitimate republican ideal. It was the very representation of the idea of justice in education and thus the founding philosophy of the republican school which then hinged around the notions of "project" and "territorialisation" (territorial and teaching differentiation *v.* standardisation).

Basically the choice of a *ZEP* lies on the identification of objective difficulties concerning the schools within a delimited area (primary, lower and upper secondary schools) and on the commitment of all local partners around an original project (area project) aimed at reducing academic failure. Among others, the indicators include the number of students who have repeated twice at least in 6th form, the ratio of 9th form students to 6th form students and the proportion of non French-speaking students. Once an area is delimited and a specific project accepted by the *recteur* (the local education official representing the State), additional funds are granted to "strengthen educational action on a selective basis" and a "lead team" (not only teachers) is in charge of carrying out the designed project. The introduction of *ZEP* policies corresponded to the initial decentralisation Acts (1985) applying to education with the emergence of "territory" and "local education policies". The *ZEPs* soon meant additional funding only, regardless of project quality. A quarter century later, its results in terms of fight against academic failure are rather minimal. While some of their strategies were generalized to the whole school system, the *ZEPs* have not induced radical changes but were gradually included within the system.

4°) The fourth point of our brief is the 1989 Education Act, also called the Jospin Act. This law was blamed for not stirring passionate debates. Socialist MPs approved the bill when right-wing MPs voted against it. Initially this law went quite unnoticed before marking

France's educational policy for fifteen years (1989-2005). As usual a major reform not only introduces changes but also confirms decisions already made and put into practice. This is the case with the Jospin Act.

Decentralisation was among the main provisions to be eventually implemented in the form of shared competences. However, the State remained fully responsible for public education. At that time (1989-1991), the State accounted for 64.1% of educational spending, local authorities 19.1%, companies 5.3%, and households 10.8%. In other words, while decentralisation has brought about a few changes, the predominance of the State remained unchallenged.

The enclosed Act provides that the education system shall be learner-centred. From a legal perspective, it runs counter to formal equality and promotes a differentiating approach based on student background differences to help them build their training path and their social, professional inclusion, thus supposedly contributing to equal opportunities.

The target of "bringing 80% of an age-group to baccalaureate level" is reaffirmed. The remaining 20% are not left aside either. The school project was also placed at the core of the whole system. In addition, the Act confirms the partnerships between schools and companies, administrations, associations, and local authorities. As the promotion of citizenship education is one of the aims of the Act, committees of student representatives designed to introduce democratic regulation within schools were set up to provide counsel on questions concerning academic life and work.

The scope of teacher duties is also extended. Although most teachers are conservative in their teaching, some of them have not waited for new provisions to be enacted to implement these new duties: organising all school activities for students, teaching lessons and practicals, providing methodological assistance, helping students devise personal projects, assessing, liaising with partners outside school, working in teams, being proficient in one's subject and developing lessons thanks to teaching aids, knowing where one stands in the educational system. While there was nothing really new to these aspects of teaching, they were not widely shared. What was new was the legislators' decision to include them in teacher training programmes. *Instituts Universitaires de Formation des Maîtres (IUFM)*, teacher training

colleges, were set up accordingly and replaced in a single unit separate institutions²¹ for primary and secondary school teachers.

A *Conseil National des Programmes* (national committee for curricula) was set up. This new institution overshadowed the chief inspectorate board blamed for maintaining the status quo and the academic division into subjects.

The whole educational structure from kindergarten to university was organised into cycles to ensure continuity in the learning process. Psychological and physiological reasons account for this new division as they take into account the various maturation and acquisition rhythms, which in turn lays the stress on differences within a still unitary system.

Finally the *Conseil Supérieur de l'Éducation* (higher committee for education), an advisory body, was created in replacement of the two previously existing ones.

After the law was enacted, the teaching body gradually and passively accepted it. In any case it was not in the same creative state of mind as in other periods (e.g. 1981 when the Left took office). In the same perspective a modernising plan of the French national education system was developed. This plan hinged around five axes in line with the Education Act:

- Increasing accountability systems at all levels
- Meeting the educational demand more adequately
- Managing and training staff members better
- Promoting new teaching methods
- Improving the working environment

These modernising topics, which had already inspired other countries, were quite new in France.

5°) Our fifth point concerns the European and international context that increasingly influence French educational policy. From a more global perspective, the school policies undertaken by the different French governments have to some degree been shaped by neo-liberal pressures. In the eyes of multinational firms, education just as other sectors (health for example) is a promising new market to be invested by all means. As of the mid-1980s, a group of European industrialists (European Round Table) started meeting to study how they could tap into the school market, especially through new technologies²². In the late 1990s, education was included in the World Trade Organisation's General Agreement on Trade in Services (GATS), thus turning education into a service and no longer a public service.

²¹ Cf. Robert, A-D., Terral, H., *Les IUFM et le formation des enseignants aujourd'hui*, Paris, PUF, 2000.

²² Cf. G. de Sélys, N. Hirtt, *Tableau noir, Résister à la privatisation de l'enseignement*, Bruxelles, éd. EPO, 1998.

Right-wing governments are more sensitive to free enterprise and tried to initiate more liberal policies in the 1990s: making local decision-making levels more autonomous to increase their competitiveness on educational markets (universities, private and public vocational schools, possibly teacher training colleges, etc.), boosting the private sector (private schools, the industrial sector), introducing the methods of industrial management in the *Éducation nationale*. These attempts failed mainly because they were strongly opposed (1994, 1995) but also because they were conflicting with French traditions. However the Left was also blamed for its liberal leanings, especially Claude Allègre, the education minister from 1997 to 2000. He undertook major changes to make the *Éducation nationale* more competitive internationally and was supported by a part of (right-wing) public opinion. However he addressed fierce criticism against teachers, particularly secondary school teachers, who in turn grew increasingly defiant and demonstrated against their minister until he resigned. The adjective “liberal” does not really apply to his nor right-wing decision-making if by “liberal” is strictly meant the uncontrolled liberation of market forces in the school sector. Indeed Claude Allègre kept arguing for the defence of public services, for school effectiveness and for the fight against inequalities. Rather he had the image of a modernizer who wanted to introduce new management principles and techniques in school. It contributed to blur his message which, in other respects, contained multiple traditionally republican references. He then started or continued many projects which, to say the least, did not contribute to provide the unity that the school institution and its actors need in an increasingly “uncertain” world.

When the Conservatives took office in 2002, the different education ministers didn't have a clear agenda either. Their policies stirred mass teacher protests in 2003 against too neo-liberal policies (rise in pension age) and additional decentralisation regarded as a sign of deregulation of public services.

6°) This historical overview ends with the latest Education Act or Fillon Act (in the name of the then education minister) passed in April 2005 further to a large national consultation on the French school system. This law caused huge public outcry especially among high school students and also among teachers. It was designed and voted to replace the preceding Education Act (1989) under Jospin's ministry. It covers all aspects of the education system and makes any synthetic presentation impossible. Two years after it was passed, this Act has still not been fully applied by F. Fillon's successor despite similar political leanings.

The Act sets challenging targets (100% of students holding a degree, 80% at baccalaureate level and 50% in higher education), in line with European educational policy orientations and is anchored in raising standards for all students and lifelong learning policy. Other ambitious targets were set: the proportion of baccalaureate degree holders among students from an underprivileged background is expected to rise by 20%; the proportion of girls in scientific and technological *séries* (streams) by 20%; the proportion of students at B1 level of the common European framework of reference for languages by 30%.

The other major point of the Act consists in the common framework of competences and knowledge: “6-to-16-year-old compulsory instruction shall guarantee the acquisition of a common framework of competences and knowledge to all students. (...) The content of this framework does not replace primary nor junior high school curricula but sets the objectives to define what no student is supposed to ignore at the end of compulsory schooling. (...) A *Haut conseil de l'éducation* (high committee for education) was created and is in charge of providing advice and guidance to the government on the knowledge and competences that must be mastered at the end of the compulsory schooling period. (...) The student acquisition of the common framework is regularly assessed and partly determines access to the next grade.” As the common framework sets minimal competences, it was strongly criticised by a part of the public opinion which considers that this is a too restrictive and demeaning conception of teaching. Actually the underlying criticism is that the common framework might increase the gap between an elite to whom the best courses and additional resources would be provided and the mass of students who would only benefit from minimum basic skills.

The Act finally provides that performance at all levels of the system shall be systematically assessed in keeping with an international movement initiated in the last decades. The discreet substitution of the *Direction de l'évaluation, de la prospective et de la performance (DEPP)* for the *Direction de l'évaluation et de la prospective (DEP)* in May 2006 is a case in point.

The Act contains many other measures of a varying scope. In any case this new reform is not apparently apt to radically change the French educational system especially the more crucial points that most need a change (democratisation for example).

Conclusion

If quantitative democratisation increased evidently during this period, it is not the case of qualitative one. In summary, we can say social justice remains the horizon of all discourses and policies within the French educational system, but its conception has moved around, partially from equality to equity, and now from equal opportunities to necessary age group performances in a global competition. In addition to the still-used civic principle we have spoken about, market, efficiency, industry and even creativity models are now in competition to think out school issues. This outline reflects a real crisis which mainly concerns the problem of justice in French educational system. A large part of pupils and students, even they study significantly longer than their parents, can consider they are fooled by the meritocratic system about their legitimate hopes. French so we have to strongly aim to introduce true justice in our educational system.

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Abstract : This survey spans the two blueprint laws designed to reform education in France during the last thirty years : the Haby Act of July, 1975 and the Fillon Act of April, 2005. During this period, the movement of democratisation and decentralisation is firstly legitimised by distributive justice whose purpose is to make academic institutions fairer. Progressively, French educational policies shift to equity solutions. So this contribution deals with the main following question : can the concern for equity solve the problems that the policy of equal opportunities can no longer tackle?