

“Compulsory Schooling” Despite the Law: How Education Policy Underpins the Widespread Ignorance of the Right to Home Educate in France

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ABSTRACT

Everyone in France takes for granted the existence of compulsory school attendance (“école obligatoire”) while home education remains very exceptional. Yet school attendance is not, and has never been, legally compulsory in France. How can one explain the fact that the right to home educate is little known and practiced? This article researches how public policies may foster this widespread ignorance. Drawing mainly on archival records of French Parliament debates about compulsory instruction in 1882, 1936, and 1998, it depicts various ways for lawmakers to contribute to this ignorance.

KEYWORDS

education policy; France; homeschooling; social production of ignorance

Introduction

Like many Western countries, France has been a battleground for the development of school choice debates and policies since the 1980s (Duru-Bellat, 2014). Yet in this society, the components and borders of school choice, that is to say the schools among which it is possible to choose as well as the knowledge about the possibility to choose, appear to be specifically framed. First, though the *suma divisio* facing families consists of a choice between so-called “public” schools and “private” schools, most private schools are in fact massively state funded, and they share with the public sector common curricula and teachers (Ministère de l’Éducation nationale, 2015). These private schools, attended by one out of six French students, could thus be considered pseudo-public. Secondly, “real” private schools with no state funds do exist but they are very rare: 2.7% of private schools are such “écoles hors contrat” (schools without agreement). To this group belong for instance the 202 Montessori schools and the 23 Waldorf-Steiner schools, a very small figure compared to the other 64,000 public and private schools (Viaud, 2013). Third, parents who choose to educate their children outside of a traditional school setting are exceptional. According to the last official figure available to date, there are less than 20,000 homeschooled children

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(ages from 6 to 16) in France. This figure subsumes three populations: 3,297 children with no enrollment into any distance learning institution, 1,766 students registered in an independent private distance learning institution, and 13,755 homeschooled students attending the National Center for Distance Education.¹ There is no need to discuss here whether all of these three categories deserve to be considered as “homeschoolers.” Whatever the criteria, these figures depict a statistically negligible phenomenon in comparison with the 12,300,000 traditionally schooled students. As a cause and a consequence, the homeschooling option is not only scarcely enjoyed but also widely unknown.

These three private education options may be linked with the fact that in France “school choice” is above all, state driven. This state involvement is already well-known for the first of the three private options. Many social scientists have shown how the French state grew and developed to such an extent that “private schools” provide parents with a second public educational system rather than with an alternative system (Vasconcellos & Bongrand, 2013). Publicly funded private schools’ curricula lost their distinctiveness throughout the 20th century (Deer, 2005). The explanation for how the state influenced the two other private options, that is to say to hypothesize as to how the state contributed to the remarkable underdevelopment of true alternatives to state-funded education—namely independent schools and homeschooling—remains to be researched. Here I will not investigate the second option, that is, the way state programs could have contributed to the scarcity of truly independent private schools (*écoles hors contrat*). This article focuses on the third choice identified previously, namely the fact that despite the legal possibility for parents to educate their children without schools, this option is widely ignored. I posit that the French state plays a role in the scarce exercise of the right to homeschool, a right that the French state itself recognizes.

The right to homeschool in France: A vastly unknown option

At the core of the current situation lies the fact that the French share the dominant belief that schooling is compulsory. Yet schooling is not, and has never been, compulsory in France. Indeed, the first law introducing an obligation on that matter did not deal with education or with schooling: it just made “*instruction*” compulsory. This law was enacted on March 28, 1882. According to its fourth article:

Primary instruction is compulsory for all boys and girls from the end of their sixth year until the end of their thirteenth year. This instruction is implemented either within public or private schools, which may be primary or secondary schools, or within families, where the father, or any person designated by the father, teaches.²

Some changes aside (which will be mentioned in part to follow), this article is still applicable nowadays and it remains the fundamental text as far as the right to homeschool is concerned. It is, therefore, surprising to uncover that this text is usually understood as the founding stone of compulsory schooling, a fancied obligation.

Although parents do not have to enroll their children in school, “l’école obligatoire” (compulsory school attendance) is in France a common phrase in use. This phrase is always associated with the name of Jules Ferry, a famous statesman who held the position of minister for education between 1879 and 1883. Jules Ferry’s legacy is broadly depicted as follows: Jules Ferry decided and enacted the principle of free, secular, and compulsory public schooling (« école publique gratuite, laïque et obligatoire”). Though there was and is no compulsory schooling requirement in the law (but rather compulsory instruction), Ferry’s “école obligatoire” seems to be one of the few commonly shared stereotypes about the French history of education. Consequently, newspaper articles and TV reports about homeschooling nowadays very often begin with the statement that despite the commonly held belief, school is not compulsory. This disclosure is also commonplace in homeschool publications and Web sites. For instance, the leading homeschool association’s homepage still begins by addressing this assumption, and then quotes many statesmen who disseminate the stereotype of compulsory schooling.³ A dozen exploratory interviews with homeschooling mothers recently conducted for the first academic collective project on the topic in France (Bongrand, 2015b), demonstrated that many homeschoolers’ trajectory narratives look like the story of the progressive discovery, sometimes epiphanic, that homeschooling is an option—an experience which may be encountered in England too (Lees, 2014).

French scholars also prove to ignore the sheer existence and possibility of homeschooling. Since the reconstruction of sociology and political science in France after World War II, the vast majority of education and education policy specialists focused on the development of schooling without any regard to homeschoolers. It is indeed common academic knowledge that the sociology of education in France is equivalent to the sociology of schooling. More surprisingly, scholars frequently confuse compulsory instruction and compulsory schooling. One can find for instance a book with such a title as *Rethinking Compulsory Schooling* where many leading educational sociologists and historians seem to take it for granted that school is compulsory and thus suggest that the obligation might be questioned (Prost et al., 2004). As a matter of fact, rather than (re)thinking compulsory schooling, they just (re)think the educational system. French scholars have paid no attention to the phenomenon of homeschooling until very recently. It is not only because of a language barrier that there was no French scholar in a recent comprehensive survey of homeschooling research (Kunzman & Gaither, 2013). At the moment, French education

researchers have devoted only three texts to this topic: a journal article (Quatrevaux, 2011), a book (Guigue & Sirmons, 2015), and a book review (Bongrand, 2015a). In the leading sociological theories and research agendas, homeschooling is nevertheless hardly thinkable.

In a nutshell, French society ignores the existence of homeschoolers, the possibility to homeschool, and therefore the right to homeschool. This widespread lack of knowledge likely contributes to the small number of homeschoolers in France. And here I would like to investigate further not the effects, but the origins of this ignorance.

Research design and data

How could we explain the fact that the right to homeschool appears in France as a ghost right? Given the scarce knowledge of this option, I investigated the question as a case study of the social production of ignorance (Déplaudé, 2015; Gross & McGoe, 2015).

Different factors might contribute to explain this ignorance, and these factors and their operating modes are entangled. Before focusing on one of them, it is necessary to mention this other very important piece of the puzzle that lies in the specifics of the social movement. Indeed there is no powerful homeschooling association in the French movement. Existing homeschool associations are not politically and pedagogically united, they are financially modest, they remain mainly nonprofessionals, and they are not engaged as activists in the construction of a national cause—all characteristics that differentiates them from their counterparts in the United States (Stevens, 2001). As a matter of fact, French homeschoolers have decided not to widely publicize their choice to educate their children outside of schools. The beginning of the 2010s saw a slight evolution away from that trend, but the few homeschoolers who wrote books or articles in the 1970s or 1980s in order to tell their story explicitly did not develop any national advocacy groups. A very famous figure within current day home-education associations, Catherine Baker, views homeschoolers as different idiosyncratic cases that no common movement can meld (Baker, 1985).

If there had been a place and a moment where the right to home educate should or could have been publicly discussed and proclaimed, and therefore difficult to ignore, it would have been the Representatives debates introducing home education laws. This article thus focuses on these debates in order to uncover how they might paradoxically promote the ignorance of a right while passing laws dealing with it. This preliminary research investigates three moments when the right to home educate was on the agenda of the French Parliament: The introduction of compulsory instruction for children ages 6–13 (law of March 28, 1882), the extension of compulsory instruction for children ages 6–14 (law of August 9, 1936) and the strengthening of state oversight of compulsory instruction (laws

of August 11, 1936 and December 18, 1998). MPs debates leading to these laws were each time transcribed in the National Register. This article draws on the analysis of both French Parliament houses' (Assemblée nationale and Sénat) records, available at the French National Library (Bibliothèque nationale de France).⁴ I read these debates to find how Representatives focused on schooling and/or ignored the (though legally possible) homeschooling option.

As mentioned in the introduction, this article assumes that the state is of major importance to understand how behaviors towards school are framed. Another assumption here is that we can understand this fact from the vantage point of history. This study thus is situated within the academic field of historical sociology. This subfield developed recently in France at the crossroads of political science, sociology and history, under the label of "socio-histoire" (Buton & Mariot, 2009). In this socio-history subfield, some scholars are more precisely researching the way states shape societies (Payre & Pollet, 2013). Of course states are not omnipotent and they deal with limits, resistance, exceptions, and failures. Along the way, a few parents obviously happened to learn that they had the right not to send their children to school. However, the analysis here deals with the very broad majority of French people who ignore this right: The aim is to understand how this ignorance is fostered by the state.

Findings

The findings of my investigation suggest that the state might contribute to the current situation of home education as a ghost right through four different means of manufacturing ignorance: overshadowing, hiding, shirking, or confusing the right to home educate.

First, politicians overshadow the right not to send children to school when they do not question, mention, or shed light on it. This seems to be a matter of political agenda, whose framing eclipsed homeschooling. In 1882, the questions debated by Representatives were designed by the former social construction of the political agenda that overlooked the homeschooling option. After the turmoil of more than a dozen regime changes since the 1789 Revolution, Republicans viewed secular public education as a means for the regime's consolidation. Compulsory instruction then was understood as not being an issue. Paul Bert, the Republican preceding J. Ferry at the Department of Education, depicted this obligation as a banality with no real stake. The bigger issue was secularization, a topic that was deeply divisive in French society. Right wing and left wing politicians intensively discussed the opportunity to root out the Roman Catholic stronghold in public schools and to dismiss religious public teachers. Debates focused on this controversy and no political actor found any reason to redirect the attention toward homeschooling, a right that did not need to be foregrounded and that

Republicans liberal ideals could not forbid. The relegation of homeschooling to the background is a way to ignore it. Debates developed as if schooling and instruction were synonymous and as if homeschooling was not affected by the regulation of schooling. In 1936, debates in the *Chambre des Députés* also side-stepped homeschooling; this time by controversies about school reform or, in the pre-war context, about teachers' pacifism or communism. Public policies have further eclipsed the right to homeschool through the state's weak interest in counting homeschooled children. Though parents have the obligation to declare this option to their local authorities, it is surprising that the centralized French state does not consider it useful to gather these data on the national scale. Since 1882, such national figures were seemingly produced only in 1901, 1906, 1998, 2010, and 2016.

The use of language proves to be a way for the state not only to eclipse or pass over this right, but (intentional or not) to hide it. A striking fact stands out here in legal texts. Anyone exploring the law would surprisingly read that it deals with the "*scolarité obligatoire*" ("compulsory education period"). In 1936, the Parliament passed a bill about the "penalties of school obligation" ("*sanctions de l'obligation scolaire*"). Such is also the case with the very important act that extended compulsory instruction until the age of 16. Enacted in 1959, this act is entitled: "*ordonnance portant prolongation de la *scolarité obligatoire**" (emphasis added). Of course, school policymakers are aware of the possibility not to school. Yet they often use a phrase that is legally wrong. In doing so, they obscure the right to homeschool. We confront this situation also in teacher education. If we consider the books or Web sites students of teaching are working with, it appears that they learn that school is compulsory and that there is no other alternative to the public system than private schools. As a whole, homeschooling does not constitute an issue included in most civil servants' implementing or regulating education.

Third, disregard for homeschooling stems from the shirking of administrative duties. Controlling homeschooling appears indeed to be too costly. Debates in 1882 and 1936 dealt with the problem of organizing local committees ("*commissions scolaires*") in charge of gathering the names of every "school-aged" child and to cross this list with school directories, so as to identify homeschoolers. Working out such a list is a huge administrative task that local authorities seemed unable or unwilling to undertake (Chapoulie, 2010). Pointing out the difficulty faced by local authorities in implementing their role could raise additional problems between national and local administration levels. The cost appears to have been expensive enough to allow public policymakers to turn a blind eye. This is one reason why homeschooling practices enjoyed an extremely liberal regime from 1882⁵ and even more 1936 until 1998: public civil servants were not able and not

asked to systematically organize their oversight. There was, therefore, no reason or opportunity to advertise homeschooling.

Fourth, the production of ignorance may be based on the generalization of very exceptional particular cases; thus, confusing the legality of homeschooling in the public's mind. Though it is not a matter of silence any more, explicit political discourse portrays home education in a very specific and confusing way. In 1998, rules for homeschoolers changed because the year before the dramatic story of the death of a young child whose parents refused medical intervention (Guigue & Sirmons, 2015) was widely reported in the press. These parents belonged to a sectarian group in which children were homeschooled. This case raised debates with major consequences for homeschoolers, but these debates actually explicitly addressed the "sects" issue, not homeschooling in general. Homeschoolers associations denounced such an amalgam. Aware of the fact that sectarian groups are extremely rare, and it should be considered that "sects" are another issue, and therefore, as far as homeschooling is concerned, a hypostasis. Indeed a public Agency has been in charge of this issue since the end of the 1990s. Its annual reports steadily confirmed that "sects" problems do not deserve to be mixed up with the question of homeschooling.⁶ The 1998 Representatives debate, as well as the law they adopted, illustrate how homeschooling could be ignored: the case in point was the problem of sectarian groups. In the current 2015s, the same process is noticeable: the French Government reacted to Paris attacks by announcing an enhancement of home education supervision. Home education regulation is, thus, about to be reformed under the assumption that it harbors religious radicalism. We can hypothesize that the amalgam between home education and sectarianism or potentially terrorist behavior might circulate the representation of home education as an unlikely or illegal option.

Discussion and limits

The state widely ignores the homeschooling option when it deals with instruction or education, and it hardly advertises the possibility to quit schools. The existence of homeschoolers is mainly disclosed by the media, homeschoolers associations, or word of mouth. The state does not use its means to disseminate the idea that there is an alternative to schools.

It might however be unknowingly that the state produces this lack of knowledge. I did not mention here any kind of public hostility toward the development of homeschooling—I met some in my investigations, especially within 1998 or current debates, but this appeared less prominent and crucial than indifference. In a situation where homeschooling remains embryonic, it seems possible to infer that decision makers and civil servants are not concerned by the possibility to quit school. Without necessarily having a clear consciousness about it, statesmen belong to a "schooled society" (Baker,

2014) and are probably “naturally” convinced by the fact that schools obviously serve the people’s interests and that they arouse high expectations among every parent. Then their questions and energy address the ways to improve schools; the fact that family could teach their children is out of the frame, unquestioned, and therefore not disseminated. Beyond this example, the production of ignorance is a process which could be taken into account by the analysis of school choice (Van Zanten, 2015).

This discouragement by default is all the more interesting. The state indeed does not shape society only by active and direct intervention. Here, the state allocates a right but conceives and organizes its population’s interest and knowledge so as to produce families enjoying its state-led services (here: schools). This is not only a way to govern society but to governmentalize society (Foucault, 1991; Fimyar, 2008). This way, understanding homeschooling regulation proves to be a way to discuss general theories of state regulation (Cooper & Sureau, 2007; Kunzman, 2009). This case is also of interest as it compares with homeschooling regulation in other countries. Interestingly, homeschooling appears to be overlooked in the development of school choice. Whereas in England the situation may be depicted as choice without markets (Aurini & Davies, 2005), here on the contrary the situation consists in a market without choice. In the current French society, where the difficulty in building cross-class solidarities arises (Lamont & Duvoux, 2014), the perpetuation of advantages and inequalities through the educational system might be questioned as it could open a new space for putting forth homeschooling on the public agenda.

This article focused on the production of the law. It researched law making to analyze how the state could guarantee a right and simultaneously contribute to make it ignored—a ghost right. Nevertheless the assumption that political framing has effects on population knowledge and ignorance remains to be investigated. Researching the way these laws and political debates circulate among families would show whether a state’s behavior really contributes to people’s scarce use of the right to home educate. From this perspective, it might be promising to undergo fieldwork during these specific moments—recurring in France as in many countries—when home education laws are reformed and publicly debated.

Notes

1. French Senate’s *Journal officiel*, December 6, 2012, p. 2828: <http://www.senat.fr/questions/base/2012/qSEQ120700714.html>, last accessed 12/31/2015.
2. I propose this *ad hoc* translation without discussing the many issues that are not central to the question at stake here. The original text is: “L’instruction primaire est obligatoire pour les enfants des deux sexes âgés de six ans révolus à treize ans révolus; elle peut être donnée soit dans les établissements d’instruction primaire ou secondaire, soit dans les écoles publiques ou libres, soit dans les familles, par le père de famille lui-même ou par toute personne qu’il aura choisie.”

3. LED'A (Les Enfants D'Abord). (2014). Qui croit encore que l'école est obligatoire? [Does anyone still believe that school is compulsory?] Retrieved from <http://www.lesenfantsdabord.org/mieux-connaître-ief/en-finir-avec-les-prejuges/qui-croit-encore-que-lecole-est-obligatoire>.
4. For 1882 and 1936 laws, see the *Journal officiel de la République française. Débats parlementaires. Sénat* and the *Journal officiel de la République française. Débats parlementaires. Chambre des députés*, available on <http://gallica.bnf.fr>. For the law of 1998, all records are available from this Senate Web page: <http://www.senat.fr/dossier-legislatif/ppl96-391.html>
5. Investigations lately undertaken by Robert and Seguy (in press) show that this is especially true for wealthy families, who have been less monitored than working class home educators.
6. MIVILUDES' annual reports are available at <http://www.derives-sectes.gouv.fr>

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