

FRENCH PUBLIC ADMINISTRATION

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Summary

This manuscript presents an overview of French public administration. Particular emphasis is placed upon the constitutional principles that support the institutional innovations of the Fifth Republic. Although the text focuses primarily on contemporary administration, sufficient attention is given to historical developments to provide a suitable context for understanding current issues and problems.

1. Introduction

The recent publication of a book entitled *An Introduction to French Administration* serves as a powerful symbol of the importance of administration in the political life of France. Edited by the *Institut International d'Administration Publique*, an organization that reports to the Prime Minister, the book was published in English by *La Documentation Française*, a state-owned enterprise. Few indeed are the nations that would undertake the task of publishing a quasi-official account of their administrative systems in a foreign language. This collection of thoughtful essays may well be the administrative version of *la mission civilatrice*.

French citizens, like their counterparts throughout the world, complain about bungling bureaucracies, red tape, and arrogant officials, but they do so with this significant difference: they would like nothing better than to see their sons and daughters admitted to one of the prestigious *grandes écoles* which prepare young men and women for

careers at the highest levels of the French civil service. In France, civil servants enjoy a prestige surpassing anything known in English-speaking nations. The reasons for this are many and varied, but Luc Rouban gets at the heart of the matter when he says that in France the civil service is “a key site of political dialogue.” In addition to the technical service it renders, the French civil service has for centuries played a vital *political* role in the evolution of the French State. To grasp the meaning of this role and how it has defined French public administration, we shall examine the following topics: (1) the history of French administration; (2) the Constitution of the Fifth Republic; (3) the role of the State in French political culture; (4) the civil service; (5) the *grands corps* of the State; (6) the relation of administration to the private sector; (7) decentralization and the prefects; and (8) administrative law.

2. History of French Administration

The beginning of wisdom for those who would understand any aspect of contemporary France is to start with the revolutionary period that began in 1789. The Revolution is the pivotal event in French history, the event that explains what follows and is, in turn, explained by all that went before. Writing in 1856, Alexis de Tocqueville explained why the Revolution of 1789 had brought lasting changes to France, whereas the results of the revolutions in the first half of the nineteenth century were ephemeral by comparison. The reason for the different results, he maintained, is that in the years immediately preceding 1789, the king had been compelled to introduce a series of important administrative reforms in such matters as public finance, taxation, and the structure of governance. The changes in what de Tocqueville calls “secondary laws” had led to “much confusion and ill-feeling.” Indeed, this “abrupt, wholesale remodeling of the entire administration which preceded the political revolution” had brought about “one of the greatest upheavals that have ever taken place in the life of a great nation.” The importance of far-reaching administrative change lies in its immediate impact on the everyday lives of ordinary people. Through administration, a government “keeps every citizen constantly aware of its existence and affects his daily life.” The dramatic changes in what de Tocqueville calls the “subordinate” aspects of government just before the Revolution had unsettled the citizens’ acquiescence in the established order and predisposed them to accept and even embrace changes at the highest level of the state that would eventually topple the king himself. In the nineteenth century revolutions, on the other hand, “the administration was, so to speak, decapitated,” but “its body survived intact and active.” Consequently, the citizens saw that “the same duties were performed by the same civil servants whose practical experience kept the nation on an even keel through the worst political storms.”

The reason French administration has always been energetic and, at times, heavy-handed is that the Revolution left France permanently divided. In this respect, the French experience was quite different from that of the Americans. During the American Revolution, many Tories fled to Nova Scotia and to the other British North American colonies that would eventually become Canada. Those who remained had the good sense to mute their views and eventually reconciled themselves to the new order. For Americans, there is absolutely nothing controversial about their revolution. It was and remains to the present day an unmingled blessing celebrated in song and verse by Americans of all political faiths. Not so in France, where monarchists, aristocrats, the

Church hierarchy and devout Catholics despised the Revolution and looked forward to a restoration of the *ancien regime*. Although French monarchists today are no longer taken seriously, the legacy of the Revolution, to a surprising extent, remains a divisive force in contemporary French culture. The refusal of many nineteenth century Frenchmen to accept the legitimacy of the Revolution and its republican spirit contributed mightily to the constitutional instability of France, as republics, empires, and restored monarchies replaced one another with distressing regularity. Administration was the great stabilizing force amidst this perennial constitutional chaos.

Important as constitutional instability was for heightening the profile of administration, other factors contributed as well to the same end. The Third Republic lasted for seventy years—from 1871 to 1940—a remarkably long period by French constitutional standards. Administrative institutions continued to flourish even during this period of relative calm—notably the splendid administrative jurisprudence developed by the Council of State (discussed below) and the frequent use by Parliament of framework laws (*lois cadres*). The latter, which are sometimes turned in English as “decree laws,” were acts of Parliament conferring broad regulatory powers upon ministers to handle by decrees matters ordinarily addressed by statutes. Parliament had recourse to this device because of *governmental* as opposed to *constitutional* instability. Strictly speaking, the Third Republic had no constitution. It was organized in accordance with a series of “constitutional laws” which, although technically mere statutes, served as the functional equivalent of a constitution. This arrangement brought constitutional stability for the seventy years of the Third Republic, but parliamentary coalitions were so fragile that the governments they supported were very short-lived, some of them lasting less than one year. The framework laws had the advantage of vesting the effective governing power in the several ministries which were staffed by permanent civil servants, who *de facto* exercised the governing powers formally vested in their ministers, whose tenure was often too short to enable them to exercise this formal power effectively. In this way, the French administration, through its civil servants, participated vigorously in governance throughout the era of the Third Republic.

During World War II, General de Gaulle regularly called upon career civil servants to organize the daring feats of the Resistance. Jean Moulin, a former prefect, was the best known of these organizers. When he was captured and executed by the Nazis, General de Gaulle called upon another civil servant, Alexander Parodi, to represent him at the meetings of the Resistance Council. The darker side of the story is, of course, the collaboration of French civil servants who enthusiastically rallied to the support of Marechal Petain’s discredited Vichy regime. Much of their energy was spent in trying to convince the Germans that the fig leaf of Vichy’s independence should be respected because they had the administrative capacity to put into effect programs and policies acceptable to the Germans. This included Vichy’s own anti-Semitic campaign which removed nearly all Jews holding positions in universities and the civil service.

After the war, the Fourth Republic picked up where the Third had left off, relying on administrative agencies as the central institutions of governance. These agencies gained considerable prestige because of the crucial role they played in the elaborate post-war economic planning that contributed significantly to the impressive reconstruction of French industry. Efficient and effective administration, however, proved no match for

the profound political and constitutional crisis triggered by the disastrous war to preserve French rule in Algeria, a crisis which led to the collapse of the Fourth Republic in 1958.

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Biographical Sketch

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