



*CHRONICLE OF THREE
YEARS OF STRUGGLE OF
THE SOCIALIST DEPUTIES*

FOR A CIVIL SERVICE IN THE HEART OF
THE REPUBLIC

BY BORIS VALLAUD, 13 . 05 . 2019
AND VALÉRIE RABAULT

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Intervention of Boris VALLAUD on May 13, 2019 on behalf of the group of Socialist and related deputies during the general discussion of the bill to transform the civil service.

The history of the civil service is a long one, with its prevarications, zigzags and hiccups; an equivocal, complex, fertile history that passes the Republic and its principles by, that forges it, that must convince us that no reform can be taken for granted and that pragmatism, which the executive often drapes itself in, is a rather short science for dealing with complex problems.

For who would have believed it, our republican history begins with a "liberal utopia, that of a cheap government," in the words of Pierre Rosanvallon, the reverse of the plethoric administration of the Old Regime suspected of hindering the direct government of the general will. Vive was then the criticism of the disastrous "offices", denounced by Saint-Just as a masked survival of monarchism, brutal the denunciation of parasitism as an enterprise of domination through which the powerful oppress the people.

That is to say if, intrinsically, from the outset, the civil service has something to do with the general will and popular sovereignty, against its confiscation, against absolutism.

The young Third Republic, born of the defeat of Sedan, Gambetta, Ferry and Favre, was also built against the Bonapartist state, against Napoleon's "administrative supermonarchy", against the soldiers, the general treasurers, the priests, the embodiments of reaction and clericalism that had been reviled.

As for the National Council of the Resistance, its inspirers and servants, after Vichy - of sinister memory - they aspired to make the State a force embodying the spirit of the Resistance and the civil service its armed arm. This is the meaning and the very essence of the great law of 1946 and of the principles on which the general status of the civil service is based, of which the law of 1983 is, in fact, the culmination - a status, moreover, that was neither self-evident nor a social conquest: it includes rights, but above all duties and obligations. The Republic, like the unions themselves, have in turn fought, hoped for, demanded and defended it.

That is to say, once again, if the civil service as we know it today has anything to do with individual emancipation, with political progress, with the general interest, with public liberties, with the French conception of public service, a solidarist, duguistic conception. This is the *raison d'être* of the statute and the principles on which it is based.

The first of them is equality. Entry into the civil service is by competitive examination, which guarantees equal access to public jobs and selection by competence. The competition as a means of reconciling the selection of the most suitable candidates with the democratization of the civil service, the competition as the best way to prevent cronyism, favouritism and clientelism.

The second principle is independence. Public servants must be protected from political influence and arbitrariness. The French civil service is therefore based on the so-called career system, where the grade is distinct from the job.

The third principle is citizenship. Civil servants are citizens who have the same rights as other citizens: freedom of opinion, the right to organize and the right to strike, all of which are compatible with the obligations of the civil service in terms of neutrality, ethics, discretion and public information.

The administration, the Republic, according to the times, has challenged or entrusted itself with it. It challenged itself with an administration on which the suspicion of reaction weighed, here, the suspicion of reaction, there, the suspicion of collaboration, always, the suspicion of the confiscation of state power and democratic expression. It entrusted itself to an administration of hussars sent on mission to the France of the terroirs - all the way to the Ardèche! - with public education at its heart as the cement of the "republican party".

The history of the public service is republican, made of patiently constructed compromises. The civil service, in the very apt words of Georges Labazée, is "part of a powerful secular movement for the organization and socialization of society. It has a singular place in France in the political and social order.

That is why there is no civil service reform that does not, intrinsically, contain a reform of the state.

The reform carried out by the Government and its majority in 2018 is no exception, because one cannot seriously, fundamentally, think about the civil service without thinking, even if it is a bit hollow, about public action and the place of the State. No doubt it would have been preferable, in terms of democratic debate and coherence, for the Government to make the report Action publique 2022 public, to do things in a certain order and thus assume, before the French people, its vision of public action and its intentions.

Otherwise, it is in his "public service transformation" project that we read his conception of the State, the public service and, let us say it, the general interest. No doubt, to take just two examples, the elimination of positions in the civil service - even in national education - and the privatization of Aéroports de Paris - a de facto monopoly and a national public service - tell us something about his conception of public action, what its scope should be, its relationship with the market, the company, its aspirations and even its inspirations. In his project, Frédéric Bastiat and Georges d'Avenel - if we wish to give some historical filiation to this policy - obviously have Anglo-Saxon new public management in mind.

This law lacks culture, historical depth and, at the same time, clear-sightedness and vision. It weakens a patiently constructed building and misses the essential.

The main stigma is found in the increased opportunities to use contract workers in all job categories in the public service. The government has made them a paragon of modernity, the backbone of effective public action. We see in it, if it is extended too far, the risk of its corruption. The status is not primarily protective of the agents: it is above all protective of the republican order and of the general interest, especially at a time when it is discussed, sometimes attacked, in radically new forms.

Basically, we are facing a new stage of secularization. It is no longer so much a question of removing the general interest, public action, and the State from the influence of the Church - although... - as of the tyranny of the short term that devours the future, of particular interests that undermine even the most established solidarities by holding the general interest to be a simple social compromise between divergent interests, or of the abuse of power by private power in new forms, thanks in particular to the digital revolution.

By opening up the use of contracts to a very large extent, the government is certainly not abolishing the status, but is opting for the trivialization of the civil service, the exercise of

the State and, ultimately, the weakening of public action. There is something fundamentally anachronistic in this reform.

With the contract, the government is opting for the short term, whereas the climate emergency calls for the continuity of public action and calls for a reconsideration of the long term, the future, as a space for projects. From this point of view, the contract is the antithesis of the career civil service and the logic of forward-looking management of jobs and skills.

With the contract open to the vast majority of managerial jobs in the three sides of the civil service, the Government is running the risk of confusing public and private interests, in favor of pantouflage or back-pantouflage, at the very time when the French are demanding greater ethics and transparency.

With the contract and its avatars, with the possibility of resorting to conventional breakdowns or automatically moving certain civil servants to the private sector in the event of outsourcing, the government is paving the way for the narrowing of public action, where the question of its extension has never been raised before.

The Government is laying the foundations for the transfer of certain missions to the private sector, without it being clear what this might involve, when today there are serious questions about what should be taken away from it, from the market and its rules, because the general interest is being served. This is the whole issue of common goods that emerges forcefully in the public debate, of land grabbing, for example, of a renewed relationship with private property or with the freedom of enterprise.

With the contract, the Government is weakening the principles of equality, independence and responsibility that command the civil service in an unprecedented moment of challenge to public power and the authority of the State.

The civil service, in its republican form, was also built in a tension between public liberties and public power. The great challenge of the 19th and 20th centuries was to build constitutional states that would guarantee public liberties, to contain power in its excesses and, sometimes, in its violence, to prevent abuses of power. The great affair of our time, the affair of all of us, consists today in containing the abuses of private power and its excesses of power, particularly on the part of multinationals. Under these conditions, can we seriously entrust it to agents whose protection would be lighter?

Finally, with a contract that competes with the competitive examination, the government runs the risk of arbitrariness, breach of equality and clientelism in recruitment. The risk of giving precedence to complacency over competence, of signing the return of the subject civil servant against the citizen civil servant, and of the triumph of hierarchical authoritarianism.

that the law for a school of Mr. Blanquer's confidence - is it a coincidence? - has been brought back into fashion, like his incessant reminders to order at the slightest dissonant voice and, at times, at the thinnest of union leaflets, as if it were not only small men to fear the small writings.

This law could have sought to respond to some of the issues we have just mentioned - imagine the public service of tomorrow, the public service of the 21st century - rather than surreptitiously disarming public action by taking for granted a long and rich history. But are the government and its majority even aware of this? They claim that their law modernizes the status and allows it to adapt to society and its expectations, which we don't believe for a second. It dodges the essence of the great questions of our time, and yet the Republic still needs so many hussars!

Today, as in the past - the words are those of Anicet Le Pors - we don't serve the State as we serve a private company. With its project, the government seems to think the opposite and even considers that we must now manage the State as we manage a company - and not according to the best practices of capitalism enlightened by co-determination or by taking stakeholders into account. No, this law is inspired trait for trait by the retrograde model of social dialogue as formulated in Ms. Pénicaud's ordinances.

This is why this bill will weaken social dialogue within the public service in an unprecedented way. On the one hand, it merges certain bodies to the detriment of those responsible for health, safety and working conditions, even though occupational health is a key issue in a context of restructuring. On the other hand, it reduces the powers of the joint administrative commissions, the CAPs, which are now consulted on all individual decisions. According to the government, these bodies are a source of rigidity even though they have no decision-making power, guarantee the transparency of decisions and often increase their acceptability to employees.

By thus weakening social dialogue, by weakening the CHSCTs, the health, safety and working conditions committees, which are in the public sector, as they were in the private sector, one of the bodies that functioned best; by reducing the CAPs to little and allowing arbitrariness to interfere in the advancement of public servants, the Government is in fact weakening the statutory protections that are there to guarantee the impartiality of the agents and the proper execution of the general interest.

To those who think they are modern by proclaiming that there are too many civil servants, that the contract is better than the statute, that its rules are an anachronism, we say that there is nothing better shared in history than the caricature of the round-leathered civil servant, the criticism of bureaucracy, the denunciation of the rising tide of civil service, or the managerial clichés, nothing better shared than the counter evidence.