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# The civil servant at the heart of bureaucracy?

Émilien Ruiz

The 15<sup>th</sup> issue of *APRP* was devoted to one of the major themes of public management: *bureaucracy*. This paper apprehends this topic in the light of the place and role of civil servants at the heart of the movements of administrative reconfigurations since the 18<sup>th</sup> century.

It was accompanied by a “Joint interview” devoted to the expectations and effects of digital technology on bureaucracy and by an article dealing with the historical and current interdependencies between state reform and administrative transformations.

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# The civil servant at the heart of bureaucracy?

Émilien Ruiz<sup>1</sup>

**The terms “civil servant” and “bureaucracy” have fashioned representations of the civil service since the late 19<sup>th</sup> century. Yet, it was not until 1946 that the first civil service regulations were passed and enforced. They institutionalised the figure of the civil servant based on a specific professional position revolving around rights and responsibilities. This article looks back over the two-pronged evolution of this regulatory model and the organisation of public action itself. An examination of the slow process of public administration feminisation at the end of this article opens up new angles with respect to the figure of the civil servant and the regulatory approach.**

The purpose of this article is to present three historical and contemporary issues with respect to the civil service (Ruiz, 2021a). We will first look at the “civil servant” and “bureaucracy” dyad. The two terms are used in ways that, when taken together, more clearly situate the representations of the civil service since the late 19<sup>th</sup> century between “ideal-type” and “stereotype”. The second part focuses on the regulatory approach as the implementation of an ideal-type to propose a reading of the recent transformations through the lens of a shift from the regulatory model’s “civil servant citizen” towards a kind of new ideal that appears to be taking root today, somewhere between a contractual model and public-private hybridisation. At a time when gender equality at work is back on the agenda (DGAFP 2022), this article concludes with a litmus test of the abovementioned changes by means of a study of the development of the place of women in a civil service that ultimately remains a sort of mirror of society as a whole.

## The civil servant in bureaucracy: ideal-type or stereotype?

The notions of “civil servant” and “bureaucracy” have always oscillated between ideal-typical analyses and stereotypical statements. This somewhat complicates any discussion of government and public service transformations, but a serious examination of the representations thus associated with the civil service enhances our understanding of how it operates.

### Power and bureaucratic rationalisation

The term “bureaucracy” originated in a distrust of civil servants. In France, the word first appeared in the second half of the 18<sup>th</sup> century coined by physiocrat Vincent de Gournay who saw it as the risk of a “configuration of desks into an autonomous power base” with the administration perceived as “likely to obstruct direct government by the general will” (Rosanvallon, 1990, 51). Yet the term really gained traction with the French Revolution and fear of the development of a sort of new “order” that would obstruct democracy. In 1793, Saint-Just gave a speech about the

<sup>1</sup> This article is based on the introductory lecture given at the 21<sup>st</sup> International Public Management Symposium on “*The civil servant, a central figure of public action?*” held on 13 October 2022. The lecture placed the main round table themes in a historical context. The programme and videos of the event are available (in French only) at: <https://www.economie.gouv.fr/igpde-seminaires-conferences/rip-2022>.

government on behalf of the Committee of Public Safety to warn the National Convention of a threat of confiscation of the nascent Republic by the bureaux, at the risk of anti-republicanism, evidenced in his view by the increase in the number of civil servants. He spoke of the "20,000 fools" who he believed were "corrupting the Republic".

*"The officials chosen under the old ministry, supporters of the royalists, are the born accomplices of attacks against the nation. [...] the enemies of France could well fill your entire government with conspirators within three months. Where three were to enter the service, they would place six; and if, at this moment, we were to examine with severity the men who administer the State, of 30,000 who are employed, there are maybe very few to whom the people would give their vote." (Saint-Just, 2004, 642).*

Although not entirely a stereotype, it could be considered here that we are looking at a sort of negative ideal-type: late 18<sup>th</sup> century observers saw bureaucracy as a potential development of the evolving administrative machinery, as a political risk of which the government needed to be mindful.

This immediately creates a first ambiguity for today's observers and analysts, because this initial meaning did not disappear in the first third of the 20<sup>th</sup> century, but co-exists with Weberian approaches to bureaucracy. Weber saw bureaucracy as the outcome of a public administrative rationalisation process based on a number of principles that could be summed up briefly as upholding three fundamental notions: competence, hierarchy, and regulation (Weber, 1978). From the point of view of civil servants, this implies a recruitment process based on merit rather than heritage or political loyalty, for example. It means that their activities are based on a necessary vertical division of labour wherein hierarchical obedience is fundamental. It also means that their work is governed by formal rules, a command of which is considered to be an essential skill. The emergence and development of a depatrimonialised administration are key for these principles to apply. Weber considered this to be a fundamental characteristic of the contemporary state. In his famous conferences on *Science as a Vocation* and *Politics as a Vocation*, Weber insisted on the fact that, in the contemporary state, "the 'separation' of the administrative staff, of the administrative officials, and of the workers from the material means of administrative organization is completed," (Weber, 2002, 133). So from this

descriptive and analytical point of view, the civil servant is definitely at the heart of bureaucracy. Both are inextricably linked. Yet this interpretation is not inconsistent with a much more stereotypical view of bureaucracy.

### **Laziness, red tape and incompetence**

In France, the definition of bureaucracy evolved in the 19<sup>th</sup> century to take on a more pejorative meaning not unrelated to the Weberian interpretation: depatrimonialisation was considered to result in laziness; hierarchical obedience was seen as political subservience that stifled initiative; common rules and neutrality were associated with indifference and red tape, and so on.

In the *Grand Dictionnaire Universel du XIX<sup>e</sup> Siècle* published by Pierre Larousse, bureaucracy therefore became "compulsive pen-pushing", a tendency to complicate matters by means of pointless "formalities and paperwork", but also a way of creating work for "an army of bureaucrats". Larousse defined a politician's skill as consisting of, "conducting reforms only as long as they require the creation of new bureaux" in order to "reward the devoted servants" (Larousse, 1867, 1,421). These definitions have left their mark to this day. Mention could be made of the "administrative administration" used as a slogan in the last presidential campaign (Ruiz, 2021b). Yet a very recent example could also be taken in the shape of the 11 October 2022 publication in *Le Monde* of an article on the poor drawing power of the *Prépa Talents* integrated preparatory courses for the French civil service. A director of one of these courses said, "A young man told me, 'If I go into the administration, I'll earn peanuts, have a absurd boss, little leeway...'" (Gourdon, 2022). Here again, civil servants are clearly at the heart of bureaucracy, although this time neither from a descriptive nor an analytical point of view, but framed more as distasteful.

The evolution of the meaning of the word "bureaucracy" therefore went hand in hand with the appearance of another concept, again in the last quarter of the 19<sup>th</sup> century: that of "officialdom". The term refers to both the overblown propensity of young people to want to become civil servants... and to what was regarded as excessive growth in their numbers. It is not within the scope of this article to develop the multitude of underlying political reasons for these contentions dating back one and a half centuries (Ruiz, 2017). Nevertheless, it can be said that, with respect to bureaucracy, these allegations were not

without their contradictions. In the mid-1880s, for example, criticism focused on the stereotype of bureaucracy, formalities and excessive red tape... but, at the same time, considered "officialdom" as a social scourge, as "parasitism" based on "nepotism" and "favouritism". What was being called for was ultimately more the ideal-type of bureaucracy; less favouritism and nepotism equates with more expertise, selection, neutrality, and so on.

Liberal economist Paul Leroy-Beaulieu's thinking is most interesting in this regard. In the 1891 English edition of *The Modern State in Relation to Society and the Individual*, he compared the state with limited joint stock companies, asserting that "in the hands of good directors", the bureaucracy of these large companies is, "a much more flexible and much more efficient one than that of the State." Bureaucracy is therefore not a problem "in and of itself". He also considered that bureaucracy was indispensable:

*"It is easy to cry down a bureaucracy: none the less it is indispensable; and they are none the less foolish, however numerous they may be, who demand at one and the same time the extension of the State's prerogatives and suppression, or at any rate reduction, of the bureaucracy." (Leroy-Beaulieu, 1891, pp. 134-135)*

Leroy-Beaulieu believed that the main problem was the inefficiency of the State machine due to two constants: staff instability and their method of recruitment, both associated with relations between the administration and the political sphere. One reason for this was that he considered that recruitment was essentially a product of political favouritism, but it was also because he was writing at the end of a century in which each regime change had given rise to waves of purges (Rosanvallon, 1990, 75-80). This led the economist to put forward that, to improve the efficiency of the State, "the functionary [should] be considered to have a proprietary tenure of his function."

## The civil servant citizen and the mobile contract public employee

Yet, stereotype or ideal-type aside, the questions of recruitment method and administrative staff stability have been central to analyses and debates regarding bureaucracy since the late 19<sup>th</sup> century

at least. This can be seen, in particular, from the slow gestation of the regulatory model in France.

### A statute to keep staff "in line"

Discussion of civil service regulations in France, with the exception of expert studies, generally places the start of their history in 1946, and even sometimes in 1983. Yet their history goes back further than that: placing them in a long-term context puts the most recent transformations more clearly into perspective.

Here, it is useful to quote Article 65 of the Act of 22 April 1905 setting the revenue and expenditure budget for that financial year:

*"All civil servants, military personnel, non-manual employees and manual workers in all public administrations have the right to personal and confidential access to all the notes, data sheets and all other documents in their file prior to any disciplinary measure taken against them, assignment to other duties, or delay in their promotion by seniority."*

This was the first piece of legislation to apply to all state personnel. It was passed following a political scandal, "the Affair of Cards" (collection of information on anti-Republican opinions in the army), which intensified debates on the rights and responsibilities of civil servants and the question of their status. This article has long remained a fundamental guarantee of the civil service (Thuillier, 1975); it was more importantly the only guarantee of its kind prior to the 1940s.

Surprisingly, perhaps, public servants were themselves initially hostile to the idea of a statute. As Jeanne Siwek-Pouydesseau clearly put it: civil servants wanted to unionise and, in particular, join the French General Labour Confederation (CGT), a revolutionary union at the time, and benefit from the right to strike and the means to take on a State considered to be a boss like any other. However, the administrative hierarchy, politicians and the jurists involved in these debates saw regulations as a way of granting guarantees against arbitrary decisions precisely by avoiding giving public servants any union rights (Siwek-Pouydesseau, 1989, 233). Even for some of the analysts who supported civil servants the most – such as Georges Demartial, Léon Duguit, Maxime Leroy, but also Émile Durkheim – it was inconceivable that servants of the state should strike.

The tussles were such that no regulatory project could really be carried through... until the advent of the Vichy regime with a "statute before the

statute” whose history has been well documented by Marc Olivier Baruch (1997). Its creation was dual-purpose: first, codification of case-law, and second, to keep civil servants in line. Civil servants were in effect considered to be responsible for France’s decadence which had inexorably led to defeat. As Maurice Duverger wrote in 1941, “The civil service system established by the Vichy regime should be regarded” as “a means of political action”.

*“The new political regime was first and foremost an authoritarian regime. Consequently, the first administrative reforms tended to restore the authority of the State over its civil servants,” (Duverger, 1941, 278).*

Resolving decades of heated debates between jurists, politicians and trade unions, the regime banned unions and the right to strike; differentiated between “employees” (to be considered as private sector staff) and “civil servants” (benefiting from career guarantees); and developed a remuneration system called “family pay” designed to put an end to the idea of “equal pay for equal work” by basing the level of pay on the number of children. Representative of the regime’s obsessions, this statute was moreover exclusionary: primarily Jews, but also Freemasons, naturalised citizens, and so on. Nevertheless, with the notable exception of these exclusions of persons considered “undesirables” by the French State, the statute was never really enforced. It was repealed by the Ordinance on the Restoration of the Republican Rule of Law enacted by the Provisional Government of the French Republic in August 1944.

### The “civil servant citizen”

The Liberation saw another form of taking back control. The administration’s compromises with the occupying forces drove a strong political will for “reform”. On this note, the description of the situation given by Paul Vienne, former member of the French Resistance and communist lawyer, is edifying:

*“80% of diplomats aligned with Vichy France’s collaboration, [...] 90% of prefects placed their staff at the disposal of the occupying forces, [...] all bar one of the judges pledged allegiance to the person of the “Head of State” and [...] eight in ten deportees were arrested by French police. [...] If the wheels of State seized up in this way, paralysed to the point of leading us to the catastrophe of 1940, if the major public administrations wallowed ingloriously in collaboration with the enemy, it is because this*

*rampant failing found a breeding ground in the imperfections of the State apparatus. Therefore, it is not enough to change men. What needs changing are the methods and traditions. The institutions themselves need to reform and revise their structure and the way they are run.” (Vienne, 1946)*

One of the cornerstones of this reform called for by the entire political spectrum, even though resources may have been a subject of debate, was the 1946 General Civil Service Regulations. The regulatory bill – which, contrary to persistent popular belief, was not on the National Resistance Council’s manifesto – was drafted under the auspices of communist minister Maurice Thore and written in large part by CGT trade union official Jacques Pruja. It was extensively amended following demands made by Christian democrats in the Popular Republican Movement (MRP) and the French Confederation of Christian Workers (CFTC) alongside observations made by Roger Grégoire, the first Director of the Civil Service. And it was an MRP deputy, Yves Fagon, who was behind the unanimous passing of the bill that was to become the Act of 19 October 1946 on the General Civil Service Regulations (Siwek-Pouydesseau, 1995; Chevallier, 1996).

This list of names of people and organisations with different political and union views underscores the extent to which the 1946 statute was the outcome of a broad compromise, which I believe explains its relative longevity. As noted by Gerard Aschieri and Anicet Le Pors, it represented a real break with previous decades. The authoritarian approach was dropped to make the civil servant not a “subject”, but a “citizen responsible for the provision of public service,” (Aschieri and Le Pors, 2015). This means that, contrary to high-handed criticism (such as in Pochard, 2021), the General Civil Service Regulations do not amount to a “lifetime employment guarantee”, but represent a subtle balance of rights and obligations.

Obviously, it has always been tempting to tip the scales one way or another. This can be clearly seen from the 1959 and 1983 reforms of the general regulations, but in actual fact, the balance has always been maintained. On one side, there are the union rights, protection from assault and legal assistance, and a prohibition on stating civil servants’ political, philosophical or religious opinions in their files... all featured in the 1946 regulations and still in the regulations today. On the other side, there is the proscription against holding more than one job, the obligations of discretion and hierarchical obedience, responsibility for



the smooth running of the public services... all obligations that still exist today.

This notion of balance is especially striking when considering two key provisions of the regulations. Article 12 of the Act of 13 July 1983 stipulates that “rank is distinct from job.” It is this separation of rank and job that gives staff career guarantees and their employers real flexibility of staff assignment. “Rank is the title that entitles its holder to hold one of the corresponding jobs. [...] In the event of job displacement, the civil servant is assigned to a new job on the terms stipulated by the statutory provisions governing the civil service to which that civil servant belongs.” This provision makes perfect sense when compared with Article 28 of the Act of 13 July 1983, which stipulates that although “public servants shall comply with the instructions given by their hierarchical superior,” there is an exception in “the event that the order given is evidently illegal and liable to seriously compromise a public interest.”

Civil servants, with tenure once they have been recruited by competitive examination, therefore have the right to a career even if their job is axed and even if they do not share their superior’s point of view or their ministers’ ideology. The purpose of this is to ensure the continuity of public administration and public services. The guarantee of employment therefore also serves the public: it makes for public servants whose loyalty ultimately has to lie with the public interest.

### The “mobile contract public employee”

In the light of this, the most recent changes will naturally appear puzzling. The question could be put as to whether establishing the figure of the “civil servant citizen” as a sort of ideal-type is not ultimately a passing episode in the long history of the French civil service. Certain signs would seem to point in this direction.

First of all, as shown by the study by Aurélie Peyrin (2017), the idea that the recruitment norm in the civil service should be the statutory norm has lost a great deal of ground. The sociologist showed that only one new public worker in six was tenured in 2014, with the majority of hiring being on fixed-term contracts. That was five years ago as she went on to say that there was no longer anything to prevent the marginalisation of tenure in the

public sector. Time would appear to have proved her right, since one of the explicit purposes of the 2019 Civil Service Transformation Act (TFP) was to extend the use of contract employment to the maximum for permanent jobs (Vie Publique, 2021). There are now no formal obstacles to a considerable increase in both their number and their proportion. The latest available statistics published by the Directorate General for Public Administration and the Civil Service (DGAFF) illustrate a structural trend. From 2011 to 2020, the number of tenured staff in the three branches of the civil service stagnated alongside a sharp increase in the number of contract employees... Even before the effects of the TFP Act could be measured, the proportion of contract employees in the civil service topped 20% (DGAFF, 2022, p. 86).

Another sign can be found in the increasingly overt encouragement to pursue hybrid public-private sector careers. The purpose of this is not just to develop recruitment from outside the administration to attract private profiles to the public sector by leveraging the special competitive examination,<sup>2</sup> but to encourage transitioning between public and private sectors. The ongoing senior civil service reform (Gally, 2022) hence implies periods of mobility prior to promotion with the incentive for some of these periods to be outside the public administration.

However, this idea of shuttling back and forth between public and private sectors is more pervasive. In December 2021, the new director of Sciences Po, Mathias Vicherat, gave students a speech with the following advice:

*“And you could also, and it is what I recommend because Sciences Po is arguably the most interdisciplinary course in France [...], it is what I advise you to do, in your working life, if you can, to straddle public and private sectors. Sometimes, that’s frowned upon, called revolving doors, and so on. But the fact is that I think it’s enriching to be able to experience different work environments and Sciences Po provides that opportunity. So you can start in the private sector, spend some time in the public sector and then go back to the private sector, or vice versa, and I think that’s what makes a working life enriching.” (Sciences Po TV, 2021)*

2. This is an alternative civil service admissions procedure: candidates in the private sector, non-profit sector and local public office can take the “special competitive examination” (distinct from the external competitive examination, which requires certain qualifications, and the internal competitive examination restricted to those with a certain number of years of public service) without qualification conditions attached provided they can justify a certain number of years of work experience.



And indeed it is increasingly common. Yet although this shuttling back and forth offers decided individual career prospects, it is worth asking about the effects of these new forms of mobility on public service. Some answers are starting to emerge from social sciences studies. Of particular note is the paper by Antoine Vauchez and Pierre France with what they call the “great blurring” of boundaries between public sphere and private interests due to the facilitation of revolving doors between the political world, the senior civil service and the profession of corporate lawyer (France and Vauchez, 2017). Also of note is the work by Julie Gervais, Claire Lemerrier and Willy Pelletier who forged the notion of “public-private managerial nobility” to describe what appears to be a new career ideal-type for part of the administrative elite who exert a not-inconsiderable influence on policies to change the public services (Gervais, Lemerrier and Pelletier, 2021). Lastly, a number of journalistic investigations have revealed that ethical “safeguards” are not always as effective as they are made out to be at protecting the public interest against private interests (Aron and Michel-Aguirre, 2022; Mediapart, 2022).

In the above, the terms “civil servants” and “bureaucracy” are used as highly generic blanket terms. Yet, if there is definitely a lesson to be learnt from the leading experts in the history of the State and the administration, it is that the singular is a convenient simplification, but that it remains a simplification all the same (Baruch, 1997).

To understand the civil service, it is essential to constantly juggle scales and multiply the angles of observation. There are countless options: breakdown by ministerial sectors, by civil service branches, and the angles of grades, employment statuses, or even the social diversity of recruitment... To wind up this contribution, it is worth looking into an age-old question brought back into the media spotlight by the latest DGAFP annual report: the question of gender equality in the civil service (DGAFP, 2022, pp. 215–259).

## **Feminisation of the public administrations: is the civil service a mirror of society?**

A look back over the slow process of feminisation in public administrations hones the analysis of the representations attached to the figure of the civil servant and points up certain concrete limitations of the General Civil Service Regulations model.

### **Male ideal-type, female stereotype**

To say that women have always worked is now a truism (Perrot, 1978; Schweitzer, 2002; Maruani and Meron, 2012). Yet if the civil service is a mirror of society, it has to be said that the reflection was particularly distorted in the early days of its history. For a long period of time, practically until the end of 19<sup>th</sup> century, women were quite simply excluded from the French public administration. In 1845, Vivien made it clear that women were only allowed to work in the postal administration where they might possibly become managers, provided those positions were in the least well-paid secondary offices. In addition, he only addressed the question in a passage regarding the standards of conduct, respectability and moral standing required to work in public service. His position was merely a reflection of the place assigned women in French society at the time. Note that Article 1124 of the 1804 Civil Code stipulated that “the persons dispossessed of rights are minors, married women, criminals and the mentally retarded.” Note also that it was not until the marriage settlement reform in the mid-1960s that women were entitled to conclude contracts and open a bank account, for example, without their spouse’s authorisation (Viennot, 2020).

So the ideal-type of the competent civil servant was strictly male for a very long period of time. As such, the 19<sup>th</sup> century was a time of fierce resistance to women entering public administrations, so much so that it was sometimes even in the name of bureaucratic stereotypes that some reconciled themselves to the incorporation of women into the public administrations. One gauge of this is found in the words of Victor Turquan, former Director of the General Statistics Office of France, a distant ancestor of INSEE (French National Institute of Statistics and Economic Studies). In 1896, an estimated 18% of public servants were women. Turquan deemed this to be “considerable”, but said that he could but “view the feminisation of the French administration’s office in a favourable light” since there was “no need for great vigour to copy letters and file papers” (Turquan, 1899).

Those who went further by defending feminist positions were so imbued with the representations of the time that they insisted that allowing women into the civil service was a humanitarian measure. It kept them out of the factories, dens of iniquity, and it enabled widows and single women to exercise a profession that spared them from prostitution (Frank, 1894). This kind of reasoning justified confining women to low-paid temporary subordinate positions, such that 91% of women in

public employ in the late 19<sup>th</sup> century received an annual salary of less than 1,000 francs (Turquan, 1899), a sum considered at the time to be one-third below what would be called a minimum subsistence level today.

Gender stereotypes have since, even to the present day, largely determined the administrative sectors into which women have been gradually accepted. In 1873, Paul Leroy-Beaulieu defended the recruitment of women in the civil service in this way: if women are to work, the administration's doors might as well be opened to them. In this, he singled out public instruction on the basis that women had an "instinctive understanding of children" and that they had all the qualities required to look after "these fragile young souls which, so delicate themselves, require such kind consideration." "Woman" was described as "weak" and "feeble" with nature having "entrusted care for the young generations to her frail arms," (Leroy-Beaulieu, 1873).

Indeed, women did start to enter the civil service initially in the education sector ("rooms of asylum", which became nursery schools), but also as child welfare inspectors (De Luca, 2002) following the passing of the social laws of the Third Republic, in particular on limiting the use of child labour. In the other administrations, women were confined mainly to positions as auxiliaries and assistants.

### Technical change and feminisation

It was a technical revolution that led in the early 20<sup>th</sup> century to what was seen as a "female office revolution" (Thuillier, 1988). The introduction of the typewriter followed by the unit record machine in the public administrations put a new spin on the question of the place of women in public administrations.

Still on the basis of gender stereotypes, but also due to the negative representations associated with the use of these machines seen as less noble than the fountain pen and the act of writing in general, typing was considered to be women's work. The first "lady typists" competitive examination was held at the Ministry of Trade in 1919 before being extended to virtually all the administrations on the eve of the First World War. This movement was not exclusive to the public administration but, here again, was a reflection of society as a whole: Delphine Gardey's study shows that this feminisation also occurred in industry (e.g. Renault) and the banks are known to have employed women in their administrative departments very early on (Gardey, 2004).

The movement was, here again, the result of a kind of naturalisation of women's adaptation to administrative work since their eye for detail, assiduousness, obedience and receptive intelligence steered them naturally towards operative occupations (Thuillier, 1988, pp. 32–33), such that the great battle of the 1920s-1930s was no longer over access to jobs, but over career advancement possibilities and access to management positions and, of course, equal pay. However, the climate was not promising: the economic depression saw the lower-paid women accused of competing unfairly with men and fear of a new war with Germany raised concerns about a so-called lower level of fertility among civil servants (De Luca, 2010).

There was long a strong inclination to want to exclude women from the civil service without any real possibility of acting on it. The French government stated its volition to exclude women from the public administrations without really enforcing such a policy. From 1941 to 1947, the proportion of women rose from an estimated 32% to 36% of all civilian personnel, double the percentage judged "considerable" by Victor Turquan four decades earlier. And their numbers have kept on growing, rising from 42% of civilian staff in 1976 to 56% of civil service staff excluding the Ministry of Defence in 1998.

### The limitations of the General Civil Service Regulations

Hence the big issue, from the 1950s to today, is no longer one of access to jobs, but equality. This calls for a focus on the limitations of the General Civil Service Regulations in this regard. Under the French Constitution of 1946, the French people proclaimed that the law guarantees "women equal rights to those of men in all spheres" and that "France" guarantees "to all equal access to public office". The 1946 General Civil Service Regulations were less extensive in that they stipulated that no distinction would be made between the genders "subject to" "special provisions". The 1959 reform of the civil service regulations rammed the point home with the possibility to waive equality by means of "extraordinary measures provided for by specific civil service regulations and required by the nature of the positions." Florence Descamps clearly shows the effects of these possibilities available to the government as employer, and especially the Ministry of Finance: a "lead ceiling" loomed over women with some positions remaining closed to them until the 1970s (Descamps, 2013).

This particular case reveals a fundamental point that could well be generalised. In the early 1950s, Gabriel Ardant, himself Inspector of Finance and former close adviser to Pierre Mendès France, wrote a comment about the civil service regulations that is still highly relevant today:

*“We readily criticise the rigidity of the civil service regulations as one of the main causes for the inadequate productivity of the public services. [...] We must be clear about one point. Many failings that can be found are due not to the legislation, the rules and regulations, but to the use that is made of them by managers at all levels.” (Ardant, 1953)*

As Frédéric Edel shows in a study of legal instruments for gender equality in the workplace, over the 1980s-1990s, between socialist governments, the extension of the civil service regulations and, most importantly, pressure from international organisations, from the International Labour Organization (ILO) in Europe, all formal limitations on equality disappeared (Edel, 2013). Yet all the empirical studies on the question show that gender inequalities persist in the civil service even today (Marry et al., 2017).

Nevertheless, we can commend the fact that the inequalities and discrimination measured in the civil service are generally considered as lesser than in the private sector (particularly in terms of pay). However, if one considers that the government and public authorities should be model employers in this respect, it has to be said that the current situation is not satisfactory (DGAFF, 2022, pp. 215–259).

## Conclusion

In 1954, on leaving his position, the first Director of the Civil Service wrote that, “The benefits of studying the civil service largely transcend the administrative frame. Such a study identifies, from one specific example, certain general aspects of contemporary social life,” (Grégoire, 2005, p. 342). Who would disagree with that? In today’s world, marked as much by a lack of attractiveness in certain sectors of public action as by a growing distrust of the senior civil service, another text by Roger Grégoire merits particular attention.

In 1948, on the completion of a three-track overhaul of the civil service (creation of the civil service directorate, the French Senior Civil Service School (ENA) and the corps of principals; the General Civil Service Regulations; and creation of the grade-related pay scale), Roger Grégoire argued for an end to the incessant use of the expression “civil service reform”. The Director of the Civil Service saw the expression as an “artificial and superficial” concept evoking the idea of an “abrupt and radical transformation”. He suggested replacing it with the notion of “civil service policy” fashioned out of “patience and perseverance” and a “good pinch of compromise” whose “success, as always, depends on the work of those who conduct it and the support of those affected by it” (Grégoire, 1948).

Over the decades that followed, the civil service was incessantly reformed, modernised and, more recently, transformed (Melleray, 2019) without always heeding that suggestion made by its first director. Maybe the time has come to think about it.

**Émilien Ruiz** is a historian and Assistant Professor at Sciences Po Paris.

# References

- Ardant, Gabriel (1953),**  
*Technique de l'État. De la productivité du secteur public.* Paris: Presses universitaires de France.
- Aron, Matthieu and Caroline Michel-Aguirre (2022),**  
*Les infiltrés. Comment les cabinets de conseil ont pris le contrôle de l'État.* Paris: Allary éditions.
- Aschieri, Gérard and Anicet Le Pors (2015),**  
*La fonction publique du XXI<sup>e</sup> siècle.* Ivry-sur-Seine: Éditions de l'Atelier.  
<https://www.lgdj.fr/la-fonction-publique-du-xxie-siecle-9782708242982.html>.
- Baruch, Marc Olivier (1997),**  
*Servir l'État français : L'administration en France de 1940 à 1944.* Pour une histoire du XX<sup>e</sup> siècle. Paris: Fayard.
- Chevallier, Jacques (1996),**  
 « Le statut général des fonctionnaires de 1946 : un compromis durable ». *La revue administrative* 49 (January): 7-21.
- De Luca, Virginie (2002),**  
*Aux origines de l'État-providence. Les inspecteurs de l'assistance publique et l'aide sociale à l'enfance (1820-1930).* Paris: INED.
- (2010),  
 « Des liaisons avantageuses : l'Alliance nationale pour l'accroissement de la population française et les fonctionnaires (1890-1914) ». *Annales de démographie historique* No. 116 (2): 255-280.
- Descamps, Florence (2013),**  
 « L'histoire des femmes cadres aux Finances entre 1939 et 1981 : un plafond de plomb ». *Revue française d'administration publique*, No. 145 (May): 39-63.
- DGAFP (2022),**  
*Rapport annuel sur l'état de la fonction publique. Politiques et pratiques de ressources humaines. Faits et chiffres : édition 2022.* Paris: Ministère de la Transformation et de la Fonction publiques.  
[https://www.fonction-publique.gouv.fr/files/files/statistiques/rapports\\_annuels/2022/RA\\_2022.pdf](https://www.fonction-publique.gouv.fr/files/files/statistiques/rapports_annuels/2022/RA_2022.pdf).
- Duverger, Maurice (1941),**  
 « La situation des fonctionnaires depuis la Révolution de 1940 ». *Revue du droit public et de la science politique en France et à l'étranger* LVII: 277-332 and 417-539.
- Edel, Frédéric (2013),**  
 « Les instruments juridiques de l'égal accès des femmes et des hommes aux emplois publics : depuis le droit à l'égalité jusqu'aux politiques d'égalité ». *Revue française d'administration publique*, No. 145: 109-135.
- France, Pierre and Antoine Vauchez (2017),**  
*Sphère publique, intérêts privés : enquête sur un grand brouillage.* Paris: Presses de Sciences Po.
- Frank, Louis (1894),**  
*Le grand catéchisme de la femme.* Paris: Bibliothèque Gilon.
- Gally, Natacha (2022),**  
 « Le marché des hauts fonctionnaires. De l'ENA à l'INSP | Revue Esprit ». *Esprit*, June, 105-113.
- Gardey, Delphine (2004),**  
*La Dactylographie et l'expéditionnaire. Histoire des employés de bureau, 1890-1930.* Histoire et société — Modernités. Paris: Belin.
- Gervais, Julie, Claire Lemerrier and Willy Pelletier (2021),**  
*La valeur du service public.* Paris: La Découverte.
- Gourdon, Jessica (2022),**  
 « Les prépas "talents" pour attirer les futurs fonctionnaires ne font pas le plein ». *Le Monde*, 11 October.
- Grégoire, Roger (1948),**  
 « Les données d'une Politique de la Fonction publique ». *La revue administrative*, 1 (6) : 12-15.
- (2005),  
*La fonction publique* [1<sup>re</sup> éd. Armand Colin, 1954], préfaces de Louis Camu (1954), Serge Salon and Jean-Charles Savignac (2005). Bibliothèque Dalloz. Paris: Dalloz.

**Vie publique (2021),**

« Le recours aux contractuels élargi par la loi de transformation de la fonction publique ». *Vie publique*. <https://www.vie-publique.fr/eclairage/271623-elargissement-recours-aux-contractuels-loi-6-aout-2019-fonction-publique>.

**Mediapart (2022),**

« Dossier. Public-privé : les liaisons dangereuses ». *Mediapart*. <https://www.mediapart.fr/journal/france/dossier/public-privé-les-liaisons-dangereuses>.

**Larousse, Pierre (1867),**

*Grand dictionnaire universel du XIX<sup>e</sup> siècle*, Volume 2: B. Paris: Administration du grand dictionnaire universel.

**Leroy-Beaulieu, Paul (1873),**

*Le travail des femmes au XIX<sup>e</sup> siècle*. Paris: Charpentier and Cie.

— (1891),

*The Modern State in Relation to Society and the Individual*, Paternoster Square: Swan Sonnenschein & Co.

**Marry, Catherine, Laure Bereni,**

**Alban Jacquemart, Sophie Pochic and Anne Revillard (2017),**

*Le plafond de verre et l'État. La construction des inégalités de genre dans la fonction publique*. Paris: Armand Colin.

**Maruani, Margaret and Monique Meron (2012),**

*Un siècle de travail des femmes en France, 1901-2011*. Paris: La Découverte.

**Melleray, Fabrice (2019),**

« La loi du 6 août 2019 fera-t-elle date ? », *AJDA*, No. 40: 2372-2376.

**Perrot, Michelle (Ed. 1978),**

« Travaux de femmes dans la France du XIX<sup>e</sup> siècle ». *Le Mouvement social*, No. 105: 1-202.

**Peyrin, Aurélie (2017),**

« Fonctionnaires en CDD ». *La vie des idées*, June. <http://www.laviedesidees.fr/Fonctionnaires-en-CDD.html>.

**Pochard, Marcel (2021),**

*Les 100 mots de la fonction publique*. Que sais-je ? Paris: Presses universitaires de France.

**Rosanvallon, Pierre (1990),**

*L'État en France de 1789 à nos jours*. L'Univers historique. Paris: Le Seuil.

**Ruiz, Émilien (2017),**

« Des économies très politiques. Dénoncer le nombre des fonctionnaires en France aux XIX<sup>e</sup> et XX<sup>e</sup> siècles ». *Cahiers d'histoire. Revue d'histoire critique*, No. 134 (April): 65-85.

— (2020),

« Pour une approche comparée du “nombre des fonctionnaires” : propositions à partir du cas des États-Unis, de la France et du Royaume-Uni ». *Histoire & mesure*, XXXV (2) : 133-170.

— (2021a),

*Trop de fonctionnaires ? Histoire d'une obsession française (XIX<sup>e</sup>-XXI<sup>e</sup> siècle)*. L'épreuve de l'histoire. Paris: Fayard.

— (2021b),

« Les coupes dans l'administration : un vieux débat qui ne suffit pas ». *The Conversation*. <http://theconversation.com/les-coupes-dans-ladministration-un-vieux-debat-qui-ne-suffit-pas-170419>.

**Saint-Just, Antoine-Louis de (2004),**

« Rapport au nom du Comité de salut public sur le gouvernement, présenté à la Convention nationale le 19 du premier mois, l'an second de la République (10 octobre 1793) ». Dans *Œuvres complètes*, 628-645. Folio Histoire. Paris: Gallimard.

**Schweitzer, Sylvie (2002),**

*Les femmes ont toujours travaillé. Une histoire du travail des femmes aux XIX<sup>e</sup> et XX<sup>e</sup> siècles*. Histoire. Paris: Odile Jacob.

**Sciences Po TV (réal. 2021),**

*Le Grand Oral #2 : Mathias Vicherat*. <https://www.youtube.com/watch?v=TGLr5qcallQ>.

**Siwek-Pouydesseau, Jeanne (1989),**

*Le syndicalisme des fonctionnaires jusqu'à la guerre froide, 1848-1948*. Villeneuve-d'Ascq: Presses universitaires de Lille.

— (1995),

« La genèse du statut de 1946 et de la grille indiciaire ». *La revue administrative*, 48 (January): 35-40.

**Thuillier, Guy (1975),**

« Pour une histoire de la notation administrative : La communication du dossier et l'article 65 de la loi du 22 avril 1905 ». *La revue administrative*, 28 (167) : 454-468.

— (1988),  
*Les femmes dans l'administration depuis 1900.*  
Politique d'aujourd'hui. Paris:  
Presses universitaires de France.

**Turquan, Victor (1899),**  
*Essai de recensement des employés*  
*et fonctionnaires de l'État, suivi*  
*d'une statistique des pensionnaires de l'État.*  
Paris: Au secrétariat de la Société  
d'économie sociale.

**Vienney, Paul (1946),**  
« La Réforme de la Fonction publique ». *Servir la France. Revue mensuelle syndicale,*  
*économique, culturelle, juridique au service*  
*du Mouvement Ouvrier et de la Renaissance*  
*française*, No. 11 (February): 28-30.

**Viennot, Éliane (2020),**  
*L'âge d'or de l'ordre masculin. La France,*  
*les femmes et le pouvoir 1804–1860.*  
Paris: CNRS Éditions.

**Weber, Max (1978),**  
*Economy and Society* Vol. 1: *Sociological*  
*Categories.* University of California Press.

— (2002),  
*Le savant et le politique.*  
Coll. Bibliothèques. Paris: 10/18.