

THE SOCIAL STATUS OF THE CIVIL SERVANTS IN THE EUROPEAN STATES

У цьому дослідженні автор корелює три сегменти суспільного життя: політику, управління та публічну сферу, які в усі часи перебувають у взаємозалежних зв'язках. Об'єкт дослідження аналізується з точки зору якостей, покликання суб'єкта суспільних відносин. Мета дослідження полягає у пошуку аргументів та умов ефективного управління. Служіння цій меті також турбувало Антона Кохановського, який протягом багатьох років здійснював багато заходів, які ушляхетнили його ім'я, так що навіть сьогодні ми засвоюємо гарний досвід «добре виконаної роботи». У сучасному суспільстві багато речей змінилися, деякі знецінилися, проте значення особистості кожного працівника, службовця державних інституцій, народу зростає. Підсумовуючі, автор висвітлює якості, чесноти публічних службовців, які забезпечують підтримку важливих суспільних проєктів щодо подолання всіх криз, які впливають на наше життя.

Ключові слова: політика, адміністрація, публічний службовець, публічна сфера, чеснота, акт правління.

Introduction. In the contemporary world, which is going through states of uncertainty, chaos, and mistrust, the existential conditions of man have undergone radical changes, which, in turn, have caused changes in the emotional state of man, of communities. As Bertrand Russell observes in his History of Western Philosophy: “There are periods of chaos in history when success accompanies vicious and immoral men. Such periods are characterized by the multiplication of forms of cynicism, which lead people to forgive any meanness, if it is convenient. But even in such times, Nicolo Machiavelli emphasized, it is desirable to surround ourselves in an environment of virtues before the uneducated people. In Nicollo Machiavelli's opinion, the people of civilization are selfish, without principles, and the representation, the

idea of society develops within the framework of natural evolution, a process that can be influenced by the officials of state institutions".¹ A time when everything got mixed up, with extra efforts we show our humanity, solidarity, but the contemporary man discovers that he is strong and distinguishes between cynicism and patriotism, between true and false. In such periods, an important role in maintaining stability in society is played by intellectuals and civil servants, who have the mission to promote political and social values, to protect and multiply the manifestations of social justice.

Ethics has always assumed man's responsibility for something or someone. The specificity of any ethical system is always defined by its characteristic form for the regulation of responsibility. The speech has a practical, complex, historical, and interdisciplinary character². Habermas highlights three aspects of ethical theory: pragmatic, ethical and moral. V. Kanke in the work "Ethics of responsibility", explains that it is about the instrumental-empirical, individual and interpersonal existential aspects². In all three cases the question is raised: What should I do? The author explains that this question is concretized depending on the specifics of the use of practical reason.

The instrumental-empirical situation. Based on some values, which are not questioned by anyone, the goals are realized and the program for their realization is designed. The will of the individual is determined by desires and values. The practical meditations here are free of purpose and rationality. Typical of this level are the questions: Where and how to fix my bike, that is, it is about practical, singular needs, but must be solved because they cause discomfort.

The individual-existential situation. The personality is faced with the adoption of important value decisions, related to the choice of profession or life partner. At this level, practical reason is oriented towards the self-affirmation of the personality, towards the understanding of what it represents for her: the good, the well-being, the state of an assured life. The ability

¹ Хабермас Ю. Демократия. Разум. Нравственность. Московские лекции и интервью. М. : АО "КАМИ", 1975, с.7-32.

² Канке В.А. Этика ответственности. М., 2004.

to make an existential decision presupposes the unity of will and reason, they are not separated by any secondary conditions. As a rule, decisions are adopted as a result of analyses, comparisons, and documentation.

Interpersonal situations. Here the maxims of the individuals are checked for compatibility. The question: What should I do? is related to the question: What must each do? Subjective goals and values are replaced by other perspectives. The transition to the collective forms other dispositions, horizons of justice and injustice. The answer to the question: What must each do? It is - to be fair, to follow moral judgments, acquired in interpersonal discourse.³ Successful interpretation gives life a practical meaning. An unsuccessful interpretation takes man away from practice, often into utopia. Such interpretations concern us as researchers and civil servants, responsible for the elaboration, approval and implementation of public policies, and social policies.

Applied methodology. Appreciating the social status of the civil servant is a complex objective, the achievement of which is ensured by a set of methods and approaches to social phenomena and processes, among which we highlight: the systemic and structural-functional approach, analysis and synthesis, holism, generalization of the results obtained. A special place in the applied methodology belongs to the comparative analysis, which allowed us to capitalize on the unique experience of France, useful in justifying the continuity of the process of elaboration and implementation of administrative decisions. „There are several political goods in the world, of which 3 are more important: national independence, security and a well-constructed constitution. The best is the constitution that distributes legal rights among the ruler, the elites, and the people proportionally, based on their actual power. Under the conditions of such a constitution it is difficult to achieve victorious revolutions, respectively it is possible to achieve a stable order. Arising from the rationality of the stability of the social order, we could give more power to the people.”⁴ The

³ Ibidem, C.24.

⁴ Machiavelli N./În: Рассел Б. История Западной Философии. Ростов на Дону “Феникс”, 2002, 992 с., С. 573-582.

constitutions of European states provide sufficient space for the rights and freedoms of all citizens, including civil servants.

The results of the investigation. The sociological approach to the status of the civil servant gives us the thesis that highlighting the status is a result of social stratification, about which each person must know something, in order to determine his position in society, in the group to which he belongs. Belonging to the social group, to a community, to a culture, being aware, offers man a support, a vector, which guides his socially useful and professional activity. As hierarchical groups, specialized sociological works highlight three elements: statuses (respectively status groups), strata and social classes. The status has several meanings, of which the following three are more common:

the notion is used in a very broad sense, designating a position, the notion cannot be used as such in stratification, given that it does not necessarily imply a hierarchical situation.

The second meaning refers to the "esteem", "prestige", "honor" enjoyed by a person or a social position. (3) Often, in stratification studies (especially from America), status appears as a synthetic notion, which is obtained by aggregating several criteria, including the one from the previous point. Whatever the situation, in order to reach stratification elements, one works with groups of statuses, because the actual statuses are too numerous to be used as such. The layer is a notion with a less precise content; is a generic concept usable in any hierarchical classification to highlight groups of individuals or social positions at approximately the same level of the hierarchy. In order to define the status of civil servants, it is important to know the characteristics of the public sphere, the concept of which was proposed by Jiirgen Habermas in 1962. Habermas appreciates the public sphere as a dispersed network of debate through which citizens, connected through social communication tools , form currents of opinion, in an attempt to find the best solutions for solving common problems. Born from the opposition to official power, to the state, the public sphere becomes, through the rational and discursive action of the public, which judges issues of general interest,

"an organizing principle of our public order"⁵. In the work "The Public Sphere: An Encyclopedia Article 1964, J. Habermas points out: "By the public sphere, we understand first of all a field of social life in which something close to public opinion is formed. Access is guaranteed for all citizens. A portion of the public sphere arises out of all the conversations through which individuals, as private persons, come together in a public body. After the constitution of the body politic, its members no longer behave as people from the business or other professional spheres, nor as members of a constitutional order subject to the legal constraints of a state bureaucracy.

Significant in achieving the objectives of this study is the question: What is the importance of the public sphere for the functioning of society? J. Habermas points out: the public sphere must be seen in close connection with other processes and phenomena, such as obtaining legitimacy, forming public opinion, ensuring representativeness of positions. J Habermas believes that in a public political sphere at least two processes intertwine: on the one hand, the communicative production of legitimate power, and, on the other hand, the monopolization of the media's force in order to create mass loyalty, demands and compliance with system imperatives.⁶ Habermas reveals the role of the public sphere as a crucible in which public opinion is formed, a laboratory in which different points of view collide, oppose each other and finally, in order to be able to express themselves, articulate in a critical discourse and rational: The function of the communication infrastructure of a democratic public sphere is to transform the relevant issues of society into topics of concern and to allow the public to relate, at the same time, to the same topics by taking favorable or unfavorable positions towards of news and opinions. Over time, these implicit attitudes coagulate and constitute public opinion, even

⁵ J. Habermas, *The Public Sphere: An Encyclopedia Article 1964*, originally appeared in *Fischer Lexikon. Staat und Politik*. Frankfurt am Main, 1964, P.220-226, URL: [http://www.-sociol.unimi.it/docenti/barisione/documenti/File/2008-09/Habermas%20\(1964\)%20%The%20Public%Sphere.pdf](http://www.-sociol.unimi.it/docenti/barisione/documenti/File/2008-09/Habermas%20(1964)%20%The%20Public%Sphere.pdf).

⁶ J. Habermas, *Foreword to the 1990 edition*, In: *The public sphere and its structural transformation. Study on a Category of Bourgeois Society*, trans. J. Ianoși. Bucharest: Comunicare.ro, 2007. P. 209.

if most citizens do not send public messages beyond the classic behavior of voting or not voting.

Public administration is in a permanent relationship with politics, having as its main task: the execution of political decisions, which also involves the intervention of numerous administrative decisions, which are, for the most part, prepared by civil servants. In the political theory of the 20th century, the essence of the political is defined by Hanna Arendt as active participation in the life of the community, thus the field is appreciated as "the noblest expression of human life, being the freest and most original. Politics, understood as common public life, consists in the emergence of people outside their particular needs and sufferings in order to create a public world, in which each can appear before the others in what is more specific to him."⁷ Government institutions define as their tasks: the administration, control and care of this space, which is constantly expanding - through education, public health policies, the defense of public order, public administration and social policies. Consequently, people's lives can be well cared for and governments can be more or less efficient.

In the specialized literature it is mentioned that "public administration is a human collective that organizes actions in favor of other people "competent, active and devoted to the common good", that is, to the public cause and the general interest."⁸ The realization of political decisions, as well as the achievement of results in the economic and social fields, are determined by the quality of the administration, which can be achieved "as a result of a good training and then a continuous improvement of the professional training of all personnel in the public administration."⁹ The characteristic is unanimously recognized: every employee in the public administration must have the minimum necessary training support, not

⁷ Iris Marion Young, Teoria politică: o perspectivă de ansamblu./Robert E. Goodin, Hans-Dieter Klingemann (coord.), Manual de Știință Politică. - Iași: Collegium Polirom, 2005, P. 419.

⁸ Pierre Escombe, Les hommes dans l'administration. în, "Traite de science administrative", P.323.

⁹ Pierre Escombe, Les hommes dans l'administration. în, "Traite de science administrative", P.323.

only of general knowledge, but also of specialized knowledge. Civil servants represent only an important part of the staff employed in the public administration. To highlight the specificity of this group, the public function is used - "the set of legal regimes applicable, in general, to the personnel in the administration".¹⁰ In the public space in Romania, the public office is defined by: "the set of attributions and responsibilities established, under the law, for the purpose of realizing the prerogatives of public power by the central and local public administration, and the public official is the person appointed under the terms of the law in a public office."¹¹

In European states, at present, the public office is defined by "the set of powers, which the holder must perform in the general interest".¹² From the definition, the official's relations with the state institutions or with the public community emerge. Starting from the idea of effective governance, which, in our opinion, is qualified by the capacity of state institutions and public administration to meet the needs of citizens, to respond to their expectations, we consider the professional training of civil servants to be a priority, supporting their intention to assimilate new knowledge related to the development of one's own personality. I noted that it is an important field in the organization and management of social life. At the level of the European Union, a rich experience is accumulated in assessing the activity of civil servants. The civil service knows two big systems: that of the career function and the occupation function. According to the first system, based on the principle of the specificity of public administration, the operation involves the presence of a staff equipped with specific skills, who dedicate their professional life to the service of the public office. The career function system is applied in France, Belgium, Spain, Italy, etc.

The second system highlights a classification of employees according to the level of qualification required, the proven ability and the level of

¹⁰ Andre de Laubadere, Vves Gaudement, *La foction publique*, tome 5, 11 - e edition, L.G.D.J., Paris, 1988, P.17.

¹¹ *Legea privind statutul funcționarilor publici*, nr.188/1999 publicată în *Monitorul Oficial*, Partea I, nr.161/2003, art.2.

¹² Andre de Laubadere, Vves Gaudement, *La foction publique*, opera cit., Pag 61 -63.

remuneration. The quality of the official is directly related to the existence of the respective activity and its evolution. "The system leads to a politicization of officials or, in other words, a total adaptation to the political sensibility of the government in office."¹³

In this context, useful for defining the status of civil servants, according to the regulated legal framework, the new minister, upon his installation, does not have the possibility to change all the directors under his command. The moment is compensated by the right to set up its own cabinet of collaborators that has a particularly important role for the minister's activity, assisting the minister in order to fulfill the most diverse tasks and obligations of his position, for example: relations with the political environment and parliamentarian, with the press, with representatives of interest groups, with his electoral constituency, even with the directorates or departments of the ministry he leads, etc. In these areas, the cabinet makes an essential contribution to the correct and permanent information about the activity carried out, but also to the preparation of the decisions of the ministry or those adopted on its behalf, when this competence has been delegated by the minister.¹⁴ The system is applied in Great Britain, where public office is regulated by territorial custom. From 1985, through a decree, centers for the management of the territorial public function were created, administrative political institutions headed by a board of directors, made up of local elected officials, who participate in the management of the territorial public function. The civil service management centers are seconded by other advisory bodies, such as: the Superior Council of the State Civil Service headed by the Prime Minister or a delegated minister. The superior council is formed by an equal number of representatives of the union organizations of the territorial officials and the elected officials of different categories of local collectivities, headed by an elected official. The Council is concerned with consulting the process of issuing opinions on draft laws and decrees,

¹³ Capitolul VI - Cariera funcționarilor publici. Legea nr.188/1999, republicată.

¹⁴ Corneliu Manda, Știința Administrației. Curs universitar. București: Lumina LEX, 2004, p. 87-88

which concern the territorial staff and represent, at the same time, the guarantee of the unity of the territorial public function.

In Great Britain, the control and senior management of the Civil Service is exercised by the Treasury and the (Office for Public Service and Science – OPSS). ¹⁵A working body of the Prime Minister, which deals with the regulation of management issues of the civil service, as well as with the hiring and advancement of civil servants. Treasury deals with the remuneration of work, the calculation of pensions, and professional relations.

In Romania, civil servants benefit from the rights and freedoms established for all citizens by the Constitution. Thus, according to the provisions of the Statute of civil servants, any discrimination between civil servants based on political criteria, trade union membership, religious beliefs, ethnicity, gender, sexual orientation, financial status, social origin or other similar nature is prohibited. According to the provisions of the Statute of civil servants, in order to exercise public functions, the activity of civil servants is based on legal principles: the principle of legality, impartiality and objectivity, transparency, efficiency and effectiveness, responsibility, oriented towards the citizen, towards his expectations.¹⁶

The right of trade union association is guaranteed to civil servants, with the exception of those who are appointed in the category of senior civil servants, leading civil servants and other categories of civil servants to whom this right is prohibited by special statutes. The other civil servants can associate in trade unions. According to the statute of civil servants, they have the obligation to refrain from expressing or publicly manifesting their political beliefs and preferences during working hours, in the exercise of their duties. It is also forbidden for civil servants to be part of the governing bodies of political parties.

According to the constitutional provisions, in Romania, citizens have equal access to holding a public office. In this sense, the statute of civil servants specifies that a person can hold a public position only if he/she fulfills the following cumulative conditions: has Romanian citizenship and lives in Romania, knows the Romanian language, written and spoken,

¹⁵ Andre de Laubadere, Yves Gaudement, *La fonction publique*, opera cit., P.72.

¹⁶ *Legea privind statutul funcționarilor publici*, nr.188/1999, art.4

18 years of age, full exercise capacity, good health certified by a specialist doctor, studies corresponding to the position, meets the specific conditions for occupying the position, has not suffered convictions that would make it incompatible with the exercise of a public position, has not been removed from a public position in the last 7 years and has not carried out a political police activity.¹⁷ The general rule established by the Law for filling a vacant public office is that it can be done by: promotion, transfer, redistribution and competition. In France, the principle of equal access to public office is recognized by virtue of the Declaration of Human and Citizen Rights from 1789 (art.8). As for the general conditions for access to public office in France, candidates do not exclude the fulfillment of other capacity criteria or conditions that guarantee their attachment to the national community, respectability or good health. French law also states that no one can be appointed to a public office unless they hold French nationality, the candidate must enjoy all civil rights and be of good moral character. In France, the techniques for recruiting civil servants include: selection, competition and promotion procedures.

The German Constitution mentions that every citizen has equal rights of access to public offices, to the extent that they possess appropriate skills and qualifications, as well as the fact that admission to public office is independent of religious beliefs. In Germany we distinguish a category of officials - political officials, holders of positions qualified by law as political positions, such as: secretaries of state, ambassadors, high-ranking officials in ministries, heads of district administrations. Due to the importance of the professional qualification of candidates for a public position, in France, traditionally, civil servants are recruited from among people with university degrees. Currently, there are several training centers and institutes for public administration. In Germany, the professional training of civil servants extends over 6-7 years, after the end of university studies. The initial civil servant obtains a university degree. Then they have to pass an exam in front of a jury, made up of teachers and civil servants. After passing the exam, the candidate will follow a three-year internship in various public administration

¹⁷ Ibidem, art.49.

services, at the end of which he will take the second theoretical and practical exam. Then a new probationary period, which lasts three years. In England, vocational training is carried out concurrently with professional activity. The senior officials (administrative class) are chosen from among the graduates of Oxford and Cambridge universities.

Conclusions. The systemic approach to the status of civil servants has allowed to capitalize on the legal basis applied in its assessment in the European states: Great Britain, France, and Romania. As a result of the cognitive process, we find that civil servants have an important role in the organization and management of social processes, which is why there are special conditions in their recruitment. A special emphasis in the process of recruitment, then the evaluation of the activity of public functions are placed in all European states on the person's attitude towards the tasks placed before him, on his morality, and his responsibility.

To the question: Can governance be effective, we answer in the affirmative. To increase the efficiency of governance, we consider important the care of state institutions, and non-governmental organizations for the quality of civil servants, and the political, ethical, and social values, dominant in the democratic society.

The knowledge of the key phenomena of this study is much more important in the Moldovan and Ukrainian societies, which, at the moment, are concerned with meeting the conditions of the Association Agreement with the European Union, of the candidate country for accession. With well-known personalities, bearers of a perfect culture, and involved in the management of social processes, we will manage to travel the path of integration into the European Union. Talking with efficient, involved, responsible civil servants, we find that the theoretical approaches provide them with the necessary support for the activity carried out, and their vocation, morality, responsible attitude and own example, ensure their authority and legitimacy in the implementation of the adopted projects.

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In this study, the author correlates three segments of social life: politics, administration and the public sphere, which at all times are in interdependent relationships. The object of the investigation is analyzed from the perspective of the qualities, the vocation of the subject of social relations. The purpose of the investigation is focused on finding the arguments and conditions of effective governance. Serving this purpose also concerned Anton Kohanovschi, who over the years carried out several actions that ennobled his name, so that even today we assimilate a beautiful experience, the expression of "a job well done". In contemporary society, many things have changed, some have devalued, but the importance of the personality of each employee, servant of state institutions, of the people is increasing. In conclusion, the author highlights the qualities, the virtues of civil servants, who provide support to important social projects to overcome all the crises that affect our lives.

Keywords: *political, administration, civil servant, public sphere, virtue, the act of governing.*