

Analyzing the Executive Tools of the Modern Public Administration

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Abstract

The new governance follows the reduction of the direct intervention of the government and the redefinition of its role in the public sector, and the traditional public administration is bound to carry out reforms in order to adapt to the new conditions; In this regard, the aim of the research is to discover the elements of the transformation of the traditional French public administration in accordance with the new conditions. Therefore, by using the library method and the descriptive-analytical method, various factors of the evolution of public administration in France were investigated. Based on the research findings, the four new tools of transformation of the French public administration are: 1) Budget reforms, 2) Simplification, 3) Contractualism 4) The effects of multi-level governance in interaction with the European Union. As a conclusion, it seems that the French government is moving towards the requirements of the new public administration with an understanding in line with its administrative tradition, in the way of adapting to the requirements of the new governance, by using the aforementioned executive tools.

Keywords: executive tools, new governance, new public administration, multiple levels

1. Introduction

At the beginning of the 1990s, new meanings of governance entered the academic literature. Through these new meanings, innovative forms and types emerged in rule-making and shared and collective activities, which led to the evolution of governance in developed societies. As a result of the new concept of governance, the role of civil society in managing and regulating the use of public resources expanded. On the other hand, the new public administration, in line with bureaucratic reforms, has emphasized that the provision of public

services and management in the public sector should be understood as public duties. Therefore, the public sector should be reformed and by following the existing methods in the private sector, focus on improving services, cost efficiency and customer satisfaction; Therefore, changes in the design of government structures are important in three ways: a. As a result of organizational innovation in government administrative structures, new ideas about the appropriate role of the government were created; Modern public management sought to align the priorities of the private sector with the public sector, which changed the authority of the

government in governance by creating new agencies and diversifying organizational structures. b. Governments increasingly delegated authority to institutions that were not under the direct supervision and control of elected political officials, such as central banks and regulatory agencies. c. Diversity in government structures created the necessary capacity to manage the macro economy. In line with the new approach, many of the main rules of administrative systems, such as the relationship between administration and political authority, hierarchical organizational structure, employment processes, and the functions of institutions and public officials, were changed; In this context, France has also created its own path despite being inspired by the reforms made in neighboring countries; Until the liberal reforms of the 1990s, due to the great importance of the concept of public services, the allocation of regulatory powers was not considered and the affairs related to public services were carried out under the control and supervision of government ministries; The minister himself, as a representative of the government, defined the general legal framework for the brokers, and it was never clearly defined that government powers such as supervision, price regulation, and subsidies, are due to the ownership status of the government or the government's role as a regulator or that are privileges that the government has as the holder of public authority.

At the end of the 1990s, the concept of "regulating" the public service, which had a prominent position in the American tradition and was also supported by the European Commission as a new approach, was introduced to some extent in the theory of French administrative law; Although the significant roles of the government and the agent were still reminiscent of the idea of public service; A thought that has shed light on modern French administrative law from all directions.

The definition of fundamental concepts such as public ownership and the status of state service, the division of administrative actions into unilateral or contractual, and the creation of a set of public responsibility rules are among these cases. Nevertheless, the evolution of the French public administration, various dimensions such as changing laws, restructuring and changing administrative structures and processes, management innovations involving

the use of new tools and approaches to the administration of public institutions, as well as the search for a more flexible framework for resource management. They include a human being. In the following, what is discussed about the executive tools of the transformation of the French public administration, contains a set of the aforementioned reforms.

The problem of the present research is not only the historical description of the evolution of the government in France, but the goal is to discover and analyze the main factors of the evolution of the French public administration. The necessity of the research is because it shows how France, as a country with a tradition based on trusting the government and maintaining structural integrity, faces the changes of the modern era.

Therefore, the main question is: What are the main executive tools of public administration transformation in France? Therefore, using the library method and the descriptive-analytical method, we analyze the executive elements of the evolution of public administration in France.

2. Management of Public Expenses and Budget Reforms

The change in the budgeting system started from the middle of 1981 to 1986 with the government's new approach, which shifted from quantitative to qualitative and emphasized on the most efficient use of available resources. In this regard, steps were taken to manage public expenses by the government. In 2001, the Financial Management Law was approved and gradually implemented over several years; The aforementioned law emphasizes output-oriented budgeting and regular evaluation of program results, and assigns a greater role to the parliament in the policy-making process as well as the responsibility of ensuring the effectiveness of the spent expenditures. This law is considered as a tool to increase the effectiveness of public expenses and it clearly follows the goal of convergence with private accounting standards.

The new rules, due to the use of modern public management control tools, based on goals, executive actions in the whole administrative system, and evaluating the real cost of policies, many existing relationships between the constituent elements of the French administrative system such as ministers, bureaucrats. They challenge central administrations, civil servants in local units and

parliamentarians. As a result of the global criterion of limiting the growth of public expenses, the main goal of budget reforms is to strengthen the role of legislation in the budgeting process and to monitor the bureaucracy. From 2001 to 2006, the management of budget affairs and from 2003, the management of budget reform, made a double effort for legal reform with the aim of turning the growing power of the parliament into a set of management and regulatory tools; By using soft rights such as budget decrees and circulars, these measures gave permission to the Ministry of Finance to monitor compliance with frameworks and goals in government departments; In other words, purposeful measures in line with the transformation of the administrative system were mentioned in the margins of the budget law. The new budget law, which came into force in 2006, by using new public management tools, created fundamental changes in the functions of the French public administration, both in terms of the relationship between the components of the public administration system and the internal organization. It often included departments and institutions; In the new framework, budget resources are allocated to certain missions and programs, whose performance indicators should be published and approved. The new budget law, which came into force in 2006, by using new public management tools, created fundamental changes in the functions of the French public administration, both in terms of the relationship between the components of the public administration system and the internal organization. It often included departments and institutions; In the new framework, budget resources are allocated to certain missions and programs, whose performance indicators should be published and approved.

3. Simplifying and Removing Administrative Obstacles

With the increasing complexity and multiplicity of specialized actions in the public space, there is no practical possibility to manage with traditional and hierarchical methods; In such an environment, the process of simplification has been manifested in various forms such as outsourcing of public services and the use of agencies that are responsible for the privatization of companies or public services, and while creating new areas in the public arena, information systems and uses efficient

monitoring methods. Other simplifications include simplifying administrative processes for the public, reducing the need to complete various forms, and the possibility of doing things through the Internet. Simplification in France is a combination of “legal simplification” and reduction of “administrative obstacles”.

The regulatory policy of simplification in France started from the early stages and with the 1953 government directive, as a necessary need to facilitate administrative procedures, and in this direction, several programs were prepared and implemented over the years. The approval of facilitating laws is considered the initial stage of the simplification process; Therefore, laws were passed in 2003, 2004, 2007 and 2008, although facilitating measures are not exclusive to the mentioned laws and can be mentioned independently in other legal texts or regulations. For example, the program for measuring and reducing administrative barriers was prepared in 2004, in order to use structured methods of simplification in the field of business and with the aim of obtaining more information about measuring costs caused by administrative requirements and reducing them.

In general, the four main goals of simplification in France are: 1) Removing redundant and unnecessary formalities, 2) Strengthening the stability of laws and their adaptability to existing conditions, through revising redundant and irrelevant regulations and rewriting cases, which lack comprehensiveness and coordination, 3) Development of e-government, 4) Drafting and revising more laws in order to facilitate access to them; Therefore, using legal tools, such as laws, circulars and written programs, the public administration modified the traditional processes and made them more efficient.

4. Contractualisation

Although the founders of the Fifth Republic clearly emphasized the restoration of the government's authority, later on, the government's obligation to negotiate and interact in various fields was accepted, and contractualism became the main feature of governance in France. The course of contractualism in France can be divided into three stages: 1) The development of the contract-based economy, between 1960 and 1982, 2) The stage of contractualism at the regional level, corresponding to the years 1982 to 1992, 3) The stage of extreme contractualism in the years

1992 to 2002; Of course, since 2002, a new trend began with an approach based on the use of neoliberal tools such as tenders, which, while moving away from consistent contractual principles, strengthened the ideas based on competition and choice. Contractualism as a governance tool is distinguished from common contracts between individuals in private law, and includes the provision of public services, the development of inter-organizational relations, and the clarification of relations between government departments and organizations located in local areas. Although there is a difference of opinion regarding the concept of public contract, but in the common perception, such contracts are used to provide public services.

With the development of the missions assigned to the administrative apparatus, a greater number of these contracts are concluded; Today, national government departments and local organizations form a large part of the clients of private sector companies. Contracts have become a key tool in a wide range of public service provision fields, and in cases where the central government is forced to interact with service producers, they have priority. One of the clear examples of this has happened in the health sector of France; In 1996, according to a department, regional hospital agencies were established and in line with the requirements resulting from their establishment, contracts were concluded between the government, new agencies and hospitals; Therefore, the role played by the mentioned agencies is more indicative of the occurrence of new ways of regulatory governance rather than simply being interpreted as a contractual practice.

5. Multilevel Governance in Interaction with the European Union

As a result of the wide-ranging effects of the liberalization of the 1990s, the directives of the European Union and the rules adopted by the European Court of Justice, while creating a central role for independent administrative authorities in the French regulatory process, a new regulatory framework and a huge transformation in the structure and administrative law of France. It was created in the 20th century. The solution presented by the European Commission to liberalize the network of various industries and enjoy a single market can be considered as the foundation of the new legal framework. EU directives changed the

structure of public services in all member states, which include air transport, telecommunications, electricity, gas, post and railway; In this regard, since the issued directives are part of the European Union single market organization, the delay in complying with them deprives French companies of a wide market; Therefore, the European Union facilitates the reform of governance methods and the administration of public affairs through the organization of normative systems. De-monopoly, functional separation and transnational services are important issues of the new regulatory approach of the European Union. It should also be mentioned the influence of the European Court of Human Rights in French administrative developments, for example, concepts such as neutrality and fairness have been clearly introduced by the said court into the proceedings of independent administrative authorities.

France has also been an active player in interaction with the European Union in many cases, and many developments have been adopted in line with France's internal interests. The bureaucratic organization of the European Union was designed based on the experience of the French civil service system, and in many public policies, such as the public policy of agriculture, the internal interests of France have been taken into account; In addition, French leaders have had a great influence in fundamental changes, such as the creation of the Council of Europe in 1974 and the initial draft of the Constitutional Treaty in 2004; However, the capacities of the European Union, as the most concrete example of multi-level governance, for developing new dimensions of interaction between the government and civil society and using new tools for the optimal coordination of various elements and actors, are undeniable.

6. Conclusion

Despite the fact that France, as a country with a tradition based on state-oriented order, has not followed a smooth and fast path to adapt to the changes of the modern era, but in a gradual process and using new management and legal approaches, in line with the requirements of the new governance. It has taken effective steps. Budgetary reforms, contractualism and the effects of multi-level governance in interaction with the European Union have led to the strengthening of the competitive environment in France; In addition, the continuation of the

revision process of laws and regulations as one of the administrative simplification solutions has led to the flexibility of the legal system. As a result, benefiting from the executive tools of the modern public administration in France has led to the reforms of the traditional French public administration. The aforementioned tools are a necessary introduction to the implementation of the new public administration in France, and the French government, by using these tools, is moving towards reducing the amount of its intervention in the public administration space. Although this is combined with the strong roots of the state-centered tradition in France and its effects.

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