

The Evolution of the Public Administration over Time

Florin CAZACU¹

Abstract

In this paper we set out to analyze a brief history of the public administration starting from ancient times, i.e. before the formation of the modern states. We also analyzed the way in which the laws evolved, from the viewpoint of the organization of the state, in order to later focus on the way in which the transition from the democratic system to communism was made.

Keywords: *Public administration; state evolution; state building; democracy; institutions;*

¹ MA Ștefan cel Mare University, Suceava, Romania, cazacuglorin@gmail.com

1. Introduction

The “evolution” of the state and the administrative systems must be studied since the ancient times. The historical development of the society “attracted” the “evolution” of certain institutions whose role was the “operation” of the states in their incipient form, depending upon the needs of the individual at that time. An important place is, however, related to the “history and evolution of political ideas” which have as object of research the evolution of the “rule of law” throughout history (Negoiță, 2011).

However, the “rule of law” is a construction of Modernity and therefore we cannot speak of the rule of law in Antiquity, although the term democracy has existed since the times of Plato and Aristotle; but this “form of government” was an “incipient form” of what we know today as democracy.

Before talking about laws, public administration and so on, we must bring to the fore the fact that people were “guided” by a series of ethical (or moral) imperatives, which were important in the relationships between individuals. In ancient times Aristotle was the first to write a work on ethics, entitled “Nicomachean Ethics” which he dedicated to his son Nicomah.

As far as Ancient Greece is concerned, it is considered that in addition to disciplines such as the philosophy and the arts, the “ideas” and the “decision-making strategies” were of great importance. One of the most important figures who have marked areas of pioneering such as the leadership, the management and the growth was Xenophon. He also contributed with a number of textbooks on the public administration.

Greece is known as one of the countries that offered posterity the most philosophers (scholars or wisdom lovers). Athens was also an urban center with the status of first-city-state, which provided an example of the “benefits of society” arising from the “progressive urban leadership” exposed by its citizens in ancient times. At that time, the “agora” was considered to be a place of “public gatherings”, becoming the “central point” of urban life due to the city's administration, public office or religion.

Regarding the role of the government in the public services, the specialized staff was needed. However, with regard to the “public administration”, no special attention was paid to the contribution of Athens and its citizens to the “urban planning”, the “banking” activity, the “public policy” and, at the same time, to the “public administration”.

The “birth” of the public administration is related to the “social division”, but also to the autonomy. As regards the “social division”, it is considered to have been achieved in the following stages:

- the “dissociation between the different normative provisions that ensured the social integration (religion, morality, law)” (Chevalier, 1986);
- “the formation of sub-assemblies, of partial groups, of institutions, each having its own logic of operation” (Chevalier, 1986);
- “the emergence of the inequality relations between people and the generalization of the relations of domination/subordination that existed in the society as a whole, involving the establishment of multiple and diversified power spaces” (Chevalier, 1986);
- “the specialization of work and functions” (Chevalier, 1986).

The division of labor determined the “detachment” of institutions and the creation of an entity that had “coercive power” over the members of a certain community, so that the political and administrative “space” was gradually built, based upon “order” but also certain “tools of coercion”; it was not until the emergence of “modern states” that the administrative system (and the tasks that flowed from here) was “entrusted” to specialized people, who were of course rewarded according to their competence.

The emergence of the “administrative system” marked the transition from a “primitive society” to a state-type society. As regards the “primitive society”, we can state that it was not based upon a system of coercion, and the “relationships” between the members of the community were based upon equality. But with the advent of modern society, there are two types of “domination”; on the one hand the political (we could even say administrative) domination and on the other hand the economic domination.

The emergence of the “public administration” is an important moment in “history”, given that it means:

- Human activity;
- Mode of organization;
- Institution.

Concerning the persons working in the field of public administration, we believe that an important “notion” is that of “prefect”, which etymologically speaking, comes from the Latin word *prae-fectus* and which means “to put in front”; this “term” was (at least in ancient Rome) “the formal title of many middle-ranking military or civilian officials, whose authority was delegated by a higher

authority”², who had “the power to administer a constituency and its duties were civil, legal and military”³. The role of the civil servants at that time was to “supervise” the state treasury, the traffic inside the city, the heat distributions and the supply to the city⁴.

2. The construction of modern states

We mentioned earlier that “the transition from the ancient period to the modern period was made in the context of revolutions”. Moreover, we could call them “paradigm shifts” (Kuhn, 2008). Despite the historical events that took place over time, Athens continued to be an important cultural and learning center, until the closure of the city by Emperor Justinian, which virtually ended the classical tradition of the city.

Given the evolution of societies and the historical contexts over time, the most important moment in terms of public administration is related to the construction of nation states. The nationalism, the sense of belonging and the ethnicity gave birth to the myth of nations. However, before we talk about the myth of nations, it is necessary to bring to the fore the ideas about how nations or formed and implicitly, the related ideology.

3. The construction of nations

The myth of nations brings to the fore concepts such as nation, nationality, nationalism, the latter proving to be an ideology that has had maximum effectiveness in terms of “clarifying an old problem of human personality consciousness”.

The establishment of the modern Romanian state had a great impact on the conscience of the inhabitants of the Carpathian-Danubian-Pontic area, in the sense that feelings of patriotism were expressed in unison by manifesting the desire for territorial unity: the love of country or patriotism is a “particular affect, brought to the fore, hyper-conceptualized and intensely lexicalized”. In the literature, patriotism has been defined as follows:

“The love of one’s country is to show respect and gratitude to the rulers, to obey the laws, customs and morals of the society in which we live; to honor the benefits of the homeland, to entrust them and to make them as perfect as possible; in order to contribute to the glory of the society to which we are members and to infinitely

² <http://ina.gov.ro/wp-content/uploads/2018/09/Analiza1-2.pdf>, [10.08.2020]

³ <http://ina.gov.ro/wp-content/uploads/2018/09/Analiza1-2.pdf>, [10.08.2020]

⁴ <http://ina.gov.ro/wp-content/uploads/2018/09/Analiza1-2.pdf>, [10.08.2020]

increase its good” (Cornea, 1972). “Patriotism is an intense craving for the good of the homeland”, “true patriotism is ... a craving for the good of the community”, “he who has true patriotism sees his happiness and honor and glory in his homeland; he feels that without the homeland man is just like a wanderer who goes back and forth aimlessly” (Golescu, 1990). “The love of one’s country or the patriotism” is “a noble feeling, which lies in a steadfast inclination to wish all the good of the citizens with whom someone lives together in society”, “The homeland in the eyes of civilized nations is not only the country and its inhabitants, but the true homeland is made up of the institutions and social settlements, the interests and affairs that underlie the common happiness of all fellow citizens” (Aaron, 1843). As it appears from the quotes above, patriotism / the love of one’s country was the binder that determined the mobilization of the masses in order to form a single nation, a single homeland and a single territory.

Regarding the issue of nations, according to the standpoint of Max Weber in his work “*Economie et Société*”, he supports the idea that the “ethnic group” is based upon “subjective beliefs” and “the nation” has the “attribute of desire” for a common “political life” (Breiner, 1996). We believe that the industrial revolution had a great impact in terms of national identity and also of national ideology, because it was the “ideological link” between two social classes, the bourgeoisie on the one hand and the working class on the other. From a Marxist perspective, one of the preconditions for social development was the establishment of the “nation-state”. For the proponents of Marxism, an important point was to eliminate the ambiguities of the concept of nation – which was related to the “social class”, with the claim that it was “scientifically” enunciated. Under these conditions, the nation appeared as a form of community organization specific to a historical stage of the class struggle (the struggle between the bourgeoisie and the nobility; then, the struggle between the working class and the bourgeoisie) and the establishment of communism was intended to lead to the merging of nations into a unitary communist society at the planetary level” (Ploscaru, 2012).

The people, driven by patriotic feelings, contributed to the realization of the union. With the birth of the rule of law, an attempt was made to improve the institutions that would contribute to the well-being of as many people as possible and also to the satisfaction of their needs. Thus, if we take into account the modern form of administration, we can say that it was born with the formation of

nation states. If we look back, then we can say that they occurred at the moment man gave up his natural state. It is also considered that in the natural state, man was happier than in his state as a social animal. In society, man is perverted by passions such as the ego, the wealth or the social status and his unhappiness is due precisely to this struggle for recognition. Given the fact that with the transition from the natural to the social condition, a series of changes took place; the social institutions emerged as a result of the effort to create well-being. The evolution of public administration is, as previously mentioned, related to the evolution of man and society. Next, we will analyze the public administration and its evolution in the Romanian territory. In our approach we will use a series of writings that marked the history of Romanians, in order to highlight the changes that have taken place over time, to this day.

4. The public administration in Romania - the beginnings

“From the great book of the ancient history of this people only a few pages have been preserved; dozens of pages, without a doubt the most interesting, have been lost forever, and many, even more interesting, perhaps, have never been written” (Daicoviciu, 1968). This is the conclusion of many historians and also of the researchers who studied the past of the Romanian people.

It is a very well-known fact that there were Western and Eastern influences regarding the “possibility” of Romanians to “claim their rights”: “in reality, located between borders, these types of influences have intertwined, one or the other of them manifesting itself depending on the border we tried to go to” (Danciu, 2019). In ancient and medieval times there were inscriptions on tablets; during the Getae and Dacian times, the “writing” was used by the “craftsmen” and “tools, vessels, stone blocks on which groups of letters were engraved” were discovered (Drîmbă, 2000). Regarding the customary law from the Getae and Dacian times, it can be stated that they mastered the writing, as the archaeological discoveries are proof of this statement. Herodotus' writings are of great significance, depicting the Getae as “a people of righteous and valiant men who believed in the immortality of the soul” (Danciu, 2019).

The formation of the Getae-Dacian state was determined by a number of factors such as the economic development, namely: the craftsmanship, the processing of iron, precious metals such as gold and silver, the agriculture and also the relationships with the Celtic tribes with which the Dacians were in “conflict”: “during the period immediately close to the formation of the Getae-Dacian state, the

authority exercised by the Celts in the western part seemed more threatening, and this fact is also a factor that hastened the centralization of the Getae-Dacian power” (Danciu, 2019). Religion played a particularly important role in the organization of the Getae-Dacian state, and a series of writings of Josephus Flavius and Poseidonius of Apamea, the latter being quoted by Strabo is proof of this statement (Strabon) since only a number of fragments of the work of the second author survived to this day.

Regarding the legal rules of the Getae-Dacians, there are a number of ancient writings that provide data on the tendency towards centralism (Hanga, 1957) but also about family and property, the way to conclude “agreements” between parties. As for the criminal part, it is known that theft was an extremely serious violation of the rules of conduct and coexistence in the society of that time (Cernea, 2006). During the state period, the rules of the Getae-Dacians concerned the family, property and criminal law. As for the family, it was monogamous, and the marriage ended with the man’s purchase of his wife; regarding the property, it could be common or private, and as for the criminal part, “the principle of blood revenge continues to apply, and concretely, we are provided with information only about the death penalty applied to the adulterous wife” (Dancu, 2019). With the transition of Dacia to the status of a Roman province after it was conquered by Trajan, a number of aspects related to the administrative and financial organization changed. The Roman law experienced a period of flourishing, and the “legal doctrine” of that time reaches “the apogee of its development”; the free people were divided into categories, i.e. citizens, Latins and pilgrims (Danciu, 2019). Regarding the legal aspects of that time, we are talking about: the family, the property, the contracts and obligations, the inheritance and court proceedings (Danciu, 2019). The formation of the Romanian medieval states is an important moment in history both from a legal perspective and from a historical perspective, as “political unity has been and remains a dream that has always required sacrifices. If in ancient history Burebista paid with his life for the ambition to unite the Getae-Dacian tribes, later, Michael the Brave had the same destiny. In the summer of 1600, he managed to be the only political authority in the medieval history of Romania that could rule “the Romanian lands” and his voice was being “heard from the Dniester to Banat and from Maramureş to the Danube” (Danciu, 2019). The periods of decline of the main empires of that time were opportune for the inhabitants of the current Romanian territories: in the middle of the 14th century Transylvania, Moldova and Wallachia

appeared as cohesive “entities”, as Transylvania and Wallachia managed to “break free” from the Hungarian suzerainty (Danciu, 2019). After the establishment of the feudal states, we can talk about “Lordship”, “Assemblies of States”, “Royal Council” and “central offices” (Danciu, 2019).

We made the analysis of the way in which the Romanian territory was organized precisely in order to highlight the way in which the law and the administration evolved from the very beginning. What is important to note is that the field of law and administration has gone through progressive stages depending on the historical events that took place not only in the country, but also from an international perspective.

5. The modernizing of the public administration

When we talk about public administration, we are also talking about the main powers in the state, namely: the legislative power, the executive power and the judiciary power. In a state governed by the rule of law, the fundamental law is the Constitution. The public administration belongs to the executive power. A definition that deserves to be brought to the fore is that of the state, which is considered to be an organization of social systems and organizations that participate in the management of the society as a whole.

Therefore, a state without society cannot exist and operate. The term society has a multitude of meanings, especially when it brings to the fore the fact that it is determined by the relationships among people, their activities in which everyone contributes to the creation of goods necessary for community members, spiritual values, etc. The human society differs from other types of society precisely by the qualities that man has in front of other non-speaking beings, that is: reason, consciousness, and so on. “The human society cannot be foreign to the categories of state, law, politics and morality. They were created and exist in the human society”.

The human society determines the meanings and purposes of the other categories, but also of return for all the social, political and moral constitutions” (Epure, 2006). As previously mentioned, the incipient forms of Romanian public administration are found in the primitive commune; later, the Getae-Dacian society developed “a rich material culture and a strong socio-political organization in tribes and

tribal unions”⁵. Regarding the feudal era, the “village community” emerges to be a “form” of the local public administration and the fundamental rules of organizing the community “settled” in relation to the “objects of work, with the development of the main traditional occupations”⁶. In this type of organization, the rules were not “legal” or enforced, but “expressed the interest of all and were voluntarily observed”⁷. However, “the evolution of the Romanian society towards the establishment of the central state administration is represented by the Institution of the Lordship, the main medieval institution which was common to all Romanians under the name of Voivodeship. The changes in the economic and social life of the Romanian territories led to the gradual imposition of the principle of separation of powers in the state, of specialization and the remuneration of the administrative apparatus.

The modernization of the public administration began during the regime of the Organic Regulation imposed on the Romanian Principalities by Tsarist Russia in the years 1831 – 1832”⁸. The “Organic Regulation” brought important changes in the organization of the administration; this occasion gave rise to the “administrative council”, composed of six members “holding the rank of ministry”⁹.

With the Constitution of 1866, the central public administration undergoes complex changes and it was called the “executive power”; the changes also manifested at the level of the local public administration; Alexandru Ioan Cuza promulgated laws on the organization of the “urban and rural communes”, for the establishment of the “county councils” and Romania thus entered a “new stage of evolution”¹⁰, with the centralization of the public administration, the “launching” of a protectionist trade policy, the promotion and support of the industry, the growth of the economy, and so on.

⁵ <https://www.spiruharet.ro/facultati/drept-craiova/zone/27076e8bf632edb2c33bc349a6ba3187.pdf>

⁶ <https://www.spiruharet.ro/facultati/drept-craiova/zone/27076e8bf632edb2c33bc349a6ba3187.pdf>

⁷ <https://www.spiruharet.ro/facultati/drept-craiova/zone/27076e8bf632edb2c33bc349a6ba3187.pdf>

⁸ <https://www.spiruharet.ro/facultati/drept-craiova/zone/27076e8bf632edb2c33bc349a6ba3187.pdf>

⁹ <https://www.spiruharet.ro/facultati/drept-craiova/zone/27076e8bf632edb2c33bc349a6ba3187.pdf>

¹⁰ <https://www.spiruharet.ro/facultati/drept-craiova/zone/27076e8bf632edb2c33bc349a6ba3187.pdf>

After the accomplishment of the Great Union, the Romanian provinces had the following forms of “administration and organization of the territory”: Transylvania had 25 counties and communes”; “Bukovina had 11 captaincies without legal personality”; “Bessarabia had eight counties divided into entities”; “The Romanian Old Kingdom was divided into 37 counties”. However, they were cancelled by the “Decree-Law no.1462” dated 4.04.1920¹¹.

6. The administration during the totalitarian period

Although it is often considered that the communist period was based upon linearity, in terms of the relationships that have been established between the citizens and the public administration; this is not the case at all, because of the fact that a number of laws that were adopted at that time regarding the administrative system can be noticed. At the level of the central bodies, the prerogatives belonged to the Grand National Assembly (considered to be the legislative power), the Government, the Council of State and the Council of Ministers (if we take into account the fundamental laws of 1948, 1952 and 1965) (Dogot, 2010). The totalitarianism has meant a dark period in the history of all peoples and nations. because of the propaganda, the installed fear, the manipulation and censorship of the media, and so on.

The totalitarian regimes have always been under the reproach of the society and also of the political thinkers, philosophers or sociologists, and so forth. Nowadays, there are a number of people who felt nostalgia of the old regime, but we could not say with certainty that they were the people who were persecuted or sentenced to years in prison for made up crimes.

By invoking a number of key words in their speeches, the totalitarian leaders appealed to the citizens' feelings of belonging in order to convince them of the “noble purpose” of the party, but also of the “benefits” it could bring to the nation by winning as many votes as possible in the “so-called elections”. It is important to note in this context how Adolf Hitler won the election, democratically, of course. After the end of the First World War and the crisis of the 1930s, Germany was caught up in a wide-ranging debate over the damage caused by the losers (i.e. Germany and its allies).

¹¹ <https://www.spiruharet.ro/facultati/drept-craiova/zone/27076e8bf632edb2c33bc349a6ba3187.pdf>

Returning to the totalitarian systems that marked the history during the last century, we can state that they had in common a number of points:

- the mobilization of crowds;
- the single party;
- the cult of the leader;
- the monopoly over the press;
- the restructuring of the public administration and its centralization;
- the rationalization of food and of resources in general;

Regarding the communism in Romania, “between 1948-1953, after the communists secured the control of power, by taking over the institutions, forcing the abdication of the king and oppressing the democratic parties, they resorted to controlled mobilization mechanisms specific to elitist voluntarism.

The operating frames of the state and society has been radically changed: the republic was proclaimed (December 30, 1947); two new constitutions appear (1948 and 1952), which give the totalitarian profile of the state according to the Soviet model; a new administrative organization is introduced (1950, 1952); two monetary stabilizations occurred (1947 and 1952), the cults, the education, the press, the trade unions, the labor legislation are reorganized; the occupational profile and the environment of residence for many people were changed.

The state and the economy were severely centralized and subject to the political control of the Romanian Workers' Party (P.M.R.) and the “Securitate” (the secret police – both of them were formally constituted in 1948). The public administration, the judiciary system, the army, the press have undergone radical changes” (Cioflîncă, Radu, 2013).

However, with the fall of the Ceausescu regime, the reorganization of public institutions and of the public administration in Romania began in all its respects. Adapting to the needs of the citizen was an important point, so that the legislation adapted to the new social and economic requirements.

7. Conclusions

In this paper we provided a short history of the public administration in Romania, until the transition from the totalitarian system to democracy. We were interested in this aspect because it is important to know, for each of us, how the public administration evolved to its current development stage. So, we went through the

formation of modern states and we noticed how the administrative laws have evolved over time.

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