

## **THE PUBLIC INTEREST AS THE COMPASS OF THE PUBLIC ADMINISTRATION REFORM**

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*Abstract: This paper approaches a topic of great interest for the Romanian society nowadays: the public administration reform, one of the obligations that Romania had to fulfill for the ascension to the European Union, and which continues to be one of the main social desiderata. As some political observers and analysts consider, given the new cabinet of technicians which took the governmental lead on November 17<sup>th</sup> 2015, now there is a 'window of opportunity' for an authentic public administration reform.*

*The main issues of the public administration reform to be addressed by the recently re-established National Institute of Administration I consider to be: a new institutional culture and a new civil servant identity. In order to bring theoretical and practical reasonability to this approach, and also to set directions of action, my paper focuses on the concept of public interest, a mental category and a value which the collective imaginary and the ideological referential of the Romanian political class lack. In this respect, I present a possible know-how for developing the two main issues that I mentioned, by means of institutional public relations.*

**Keywords:** civil servant identity; legitimacy; public administration reform; public interest; public sphere.

*'To new laws, new people...'*

Mihail Kogălniceanu

### 1. Preamble to a culture of the Romanian civil servant's dignity

One of the obligations that Romania had to fulfill for the ascension to the European Union (EU), which took place on January 1<sup>st</sup> 2007, was the public administration reform. It had a rough start, reported many interruptions, caused disenchantments, but it continues to be one of the main desiderata of the Romanian society. As I already stated elsewhere, I believe that Romania's integration into the Euro-Atlantic structures, especially the EU, equate to the completion of the modernization process of the Romanian society, launched in the mid of the 19<sup>th</sup> century (Borțun, 2009, pp. 405-410; Borțun, 2011, pp. 104-120; Borțun, 2013, pp. 89-94; Borțun, 2015, pp. 151-157).

Which is the current status of the central and local administrative institutions? To answer this question, I shall use the data included in the social research as well as my own experience acquired as political advisor or image consultant for various institutions (ministries, departments and agencies). First of all, it is worth mentioning that our institutions are parasitized by *clans*: be them groups of interests, families or unions of families in the strictest sense of the words (groups based on kinships!). The seizure of the institutions by groups of interests is masked both by the official discourse as well as by the media discourse, which employ the phrase *politicization of the public administration* or, reversely, *de-politicization of the administration* (a desideratum embraced by all political forces when in opposition). Following a thorough analysis, the term 'politicization' fails to stand, since the change of the leaders along with the shift of the governing coalition does not translate into the change of the liberals with the social-democrats or of the social-democrats with the people's party. No one wonders whether the manager of a hospital or of a school is driven by social-democrat or popular beliefs. This impassiveness is not accounted for by the fact that the ideological orientation of certain managers bears no importance whatsoever, but rather by the awkward fact that today, in Romania, *the political parties are themselves de-ideologized!* They are not the bearers of ideologies, of models of good society or of life ideals coded in programs and policies, but rather the holders of some economic interests sublimated in political interests. When, following parliamentary elections, whole sets of public institutions' leaders are changed, we do not witness a replacement of some political ideologies with others, but the replacement of some groups of interests with other

groups of interests. In fact, the phrase *politicization of the administration* hides a more grim reality: the *de-politicization of political parties*<sup>1</sup>.

The studies and research volume *Mentalities and Institutions*, coordinated by Adrian-Paul Iliescu, Professor at the Bucharest Faculty of Philosophy (Iliescu, 2002), confronts us with a most horrifying picture: the network analysis highlights the dictatorship of the ‘cliques’ (Alba and Moore) in the public administration institutions, regardless of the governing party. As any other parasitized organism, our institutions can no longer function at the designed parameters and the institutional blockage reveals itself through diseases of the social microsystem: the underground economy, the institutional corruption, the de-politicization of the masses and the civic passivity<sup>2</sup>.

In such a psycho-social climate, an efficient institutional communication is undesirable to many; it would put the occult structures in the limelight, it would make known the real objectives set by many high officials and civil servants behind the curtain of institutional objectives. In fact, this is the message that public institutions convey when refusing to hire in the communication structures graduates of specialized faculties, preferring to re-hire their own employees or people who the latter rely on (generally, relatives – but not limited to; the people living in the same village, city or county rank second and the former school and faculty colleagues rank third!)<sup>3</sup>.

The case of the Payments and Intervention Agency for Agriculture (APIA) is notorious; in 2007 it was subject to an investigation run by the recently appointed minister of agriculture who bewilderedly confessed to the press that ‘In APIA, all employees are relatives!’ The outcome; in one year’s time from its joining the European Union, Romania was the single

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<sup>1</sup> According to the historian Daniel Barbu, in Romania today there is no such thing as an authentic political class; the so-called ‘political class’ is made up of people devoid of ideology, and, therefore driven by no political ideal, who feel compelled to bear, for a certain period of time, an ideological rite only to make up for the lack of legitimacy and to gain time to achieve their economic interests: ‘Their power, as well as their ability to exercise it, does not, however, stem from this ideology, which has built for ages a sort of remote source of historical legitimacy. Because, apart from the power itself as bureaucratic practice, this dominant class has never had and does not have any other ideal’ (Barbu, 1999, p. 17).

<sup>2</sup> The institutional corruption, concealed under the name of “politization” ended up generating death. After the Bucharest ‘Colectiv’ nightclub fire from October 31<sup>st</sup> 2015 (killing, until now, more than 60 people) a new slogan of the anti-system opposition came to the fore: ‘Corruption kills!’ The 25.000 citizens took to the streets in the evening of November 4<sup>th</sup> have contradicted the thesis of civic passivity and gave us hope for a ‘new beginning’, for a reset of the relation government – governed; they chanted slogans such as “We want a country as abroad”, which means a new type of society, characterized by the attributes of modernity.

<sup>3</sup> I have tackled this aspect more thoroughly elsewhere (Borțun, 2011, pp. 104-120).

EU member state that had not accessed an cent from the European agricultural subventions. In two years' time, another recently appointed minister discovers the same situation in the Ministry of Administration and Interior: 'sources from the Ministry of Interior put forward the idea that Dan Nica is planning to liquidate the General Directorate for Intelligence and Internal Protection (in Romanian, DGIPI) and to reorganize from the ground up the General Anticorruption Directorate (in Romanian, DGA), decision taken due to the kinship and family relations within the ministry'<sup>4</sup>. In February 2009, the Permanent Panel of the Social-Democrat Party (in Romanian, PSD) discharged the president of the PSD Botosani branch, Constantin Conțac, from office following the notifications raised by the members of the county organization regarding the list of nominees for the managers of decentralized institutions. Constantin Conțac, also vice-president of Botosani County Council, appointed for the leadership of the Agricultural and Rural Development Department only relatives and close friends, among whom the sister of PSD Botosani president. On April 4<sup>th</sup> 2009, Constantin Conțac was excluded from PSD<sup>5</sup>.

Recently, the website Politico.eu published an enquiry which disclosed that almost half (8 out of 9 persons) of the European Commissioner for Regional Policies Corina Crețu resigned during the first year of her mandate due to her unprofessional habits. 'The people who resigned from the team of the Commissioner representing Romania in Brussels were discontent by the fact that she mingled her personal life with work' (Gaidau, 2015). Some of the current and former employees of Corina Crețu's office described the 'mess' reigning in her team, her tendencies of 'combining official trips with pleasure trips' as well as her habit of asking her employees to 'settle various domestic matters such as laundry or shopping' (Gaidau, 2015). Here, we are no longer dealing with family relations but rather with relations of submission or servitude; if things are like *Politico.eu* described them, the Romanian Commissioner behaves in the European Commission as a landlord in her personal estate. The same deficit of modernity that we encounter in the Romanian public institutions!

Loyal people are preferred to the detriment of competent ones. In Romania, the 'loyalty' per capital is so high that we managed to stick in the mud for 26 years. The eminent graduates of political and administrative studies faculties submit their résumés in tens of directions, give tens of interviews in which they are interviewed by 'advisors' and 'experts' less

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<sup>4</sup> National Journal [in Romanian, *Jurnalul Național*], March 26th 2009, p. 4.

<sup>5</sup> According to Mediafax – April 5<sup>th</sup> 2009, 3.56 p.m.

prepared than them, of whom some have no clue what to ask them (what I am trying to suggest here is that the graduates of faculties are more conversant with the employment interview technique than their employers). And, at the end of the day, they face a refusal! The readers may ask: Why the universities with specialized departments have not signed a protocol with the Ministry of Regional Development and Public Administration meant to facilitate the absorption of their graduates in the public institutions? The answer is simple: because in the current legislative conditions, it is almost impossible to replace an incompetent civil servant with a competent graduate student. The current *Civil Servant Statute* grants them an almost complete immunity<sup>6</sup>. Although the civil servant knows nothing, is interested in nothing and learns nothing, although he deals for eight hours a day with personal matters, the *Statute* protects him. He took a formal oath in exchange of which he waits for the years to go by until he retires. Such people occupy the majority of the jobs in the departments and services of the public administration. The ones interested in professional training and continuing education are just a few; some even get a scholarship abroad, but, back at their workplace, they find that it is little they can do, that the colleagues' attitude demotivates them and the leaders' attitude gets them off the beam.

There are also cases in which such specialized young people took it upon themselves to improve the organizational climate in the institutions, to change the communication paths, to render the decision-taking process more efficient. Almost all came up against a blank wall: the management's indifference. Whenever we are dealing with organizational communication, the institutions' managers are concerned of one thing and one thing only: *the personal image*. The junior managers desire to have a good image in the eyes of their hierarchical bosses and the

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<sup>6</sup> According to article 97-106 of Law 188/1999, updated in 2014, on the Statute of civil servants, the final termination of the employment relationship can be made in five ways: a) by right; b) by the parties' agreement, consigned in writing; c) through discharge from the public office; d) through dismissal from the public office; e) through resignation. Neither of them is connected to the professional incompetence or lack of responsibility. The dismissal can be caused only following 'repeated disciplinary offences or a single offence with serious consequences' or by the occurrence of a 'reason of incompatibility' that the civil servant failed to remove within 10 calendar days (article 101). The definition makes no reference whatsoever to the morality of the civil servant. His responsibility is only addressed in Law no. 7/2004 on Civil Servants Code of Conduct. In Law no. 188/1999, as updated, the absence of responsibility is sanctioned through 'the legal liability of the civil servants', which can take the following forms: 1) disciplinary; 2) contravention penalties; 3) civil; 4) criminal (article 76-86). Neither is linked to the serving of the *public interest*. It is only referred to in Law no. 7/2004, which provides the principle of the priority of the public interest, principle according to which 'the civil servants are bound to consider the public interest above the personal interest in the exercise of the public function' (article 3, point b).

senior managers – in the eyes of the minister and the ministers – in the eyes of the political party colleagues. The young people who ended up working in an institution understood immediately what was to be done: first and foremost deal with its leader. The ones who were successful in creating his/her image and gained his/her trust were given the freedom of changing something in terms of internal communication and the image of the institution.

One of the consequences of the tragedy in ‘Colectiv’ nightclub that I mentioned above was the fall of the Bucharest government: the cabinet formed by a center-left coalition was replaced with a cabinet of technicians, considered by many analysts a ‘politically independent’ government, which took the lead on November 17<sup>th</sup> 2015. Some political observers and analysts lay their hopes on this ‘window of opportunity’. The fact that the entire political class took a step back is considered a chance for the enforcement of some measures impossible to take according to the pre-(election) or clientele logics. *Inter alia*, the de-politicization of public institutions, as a prerequisite of an authentic public administration reform.

On December 8<sup>th</sup> 2015, the newly appointed Minister of Regional Development and Public Administration, Vasile Dâncu, attended the conference ‘Management of human resources in the public administration’, organized by the European Commission representation in Romania. It was a second reunion of the *Dialogue Platform for the public administration development in Romania*. On this occasion, Vasile Dâncu spoke of the professional training needs in the public sector and, closely connected to this, of the re-founding of the National Administration Institute, of the rethinking of the attributions of the National Agency of Civil Servants (in Romanian, ANFP), of the Strategy for the establishment of the quality and cost standards, of the Administrative Code as well as of the importance of transparency and monitoring in this domain (see Șelaru, 2015).

Referring to the purpose of the new government, the minister of Regional Development and Public Administration stated: What do we wish to achieve in this year of governing? To meet the conditions for the professionalization of the employees from this system and for the stability of the public function. Once these conditions are met, the civil servant shall be motivated to tune up and to prioritize the citizen’s interest. Now, the state is bureaucratized and fails to fulfill its essential functions. I believe that the Romanian state should be more supple, cost less, while being active in the space of the collective contract’ (see Șelaru, 2015).

In two weeks' time, the same minister, who is also a remarkable sociologist, declared in the TV show 'Prime Time News' at Realitatea TV: 'The main purpose of the training is the modernization of the Administration. In December we shall found the National Institute of Administration. Any civil servant shall pass through every training cycle. A career in which people earn decently also entails training, which is highly claimed by the employees of the Administration, especially the young ones. We are working on a coding. We can no longer stand to have owners of positions' (see Provian, 2015).

Many analysts could hold Minister Dâncu guilty of a certain degree of intellectualism, a utopian conception by virtue of which an institutional system can be changed through the training of the personnel. The former dogmatic Marxists, who used to absolutize the economic determinism in order to explain the social evolution, would have laughed at him. Neither the postmodernist philosophers, more sensitive to the cultural determinism, would have said ditto to him: for them, it is hardly likely to reset the mental and the imaginary of a whole professional body, which already has its mental habits, its vision on the world, its life expectations and last but not least its plies and customs. Indeed, there is a real subculture of the public administration servants in which the culture of undue benefits is highly appreciated. A subculture focused on personal or group interests which belittles, when it does not completely eludes, the public interest.

Most of them do not even know how to define it. Are they to blame? I do not think so. Rather, I believe that throughout the 10, 20 or 30 years of activity no one talked them about the public interest, no one set a personal example of what a civil servant should act. The single landmarks took into account by our civil servants are the laws and the regulations. Values are out of the question! Laws and regulations are the only norms that partially limit the appetite for personal profit on a short-term basis. Unfortunately, laws and regulations can be eluded. But when a civil servant authentically shares some values – such as, for instance, the common welfare – there is no question of him/her eluding the laws and regulations. Eventually, he/she shall put forward proposals for the enhancement thereof to the benefit if the common welfare.

## **2. The public interest – the negotiated formula of the common welfare**



The notion of ‘public interest’ is neither easy to define nor easy to identify in the social reality. The fragility of the concept derives from the fact that it fits neither into an ‘objective’, tangible, measurable reality nor into an ‘eternal’, immutable one ensuring a long-term predictability; it is the inter-subjective result of inter-action, in the public communication space, of several personal and/or group interests.

The *public interest* does not mean what we generally understand by ‘general interest’ or ‘national interest’. The former exists only *a posteriori*, and, therefore, cannot be known *a priori*. Since the space here does not allow me to further tackle this idea, I shall only signal the critical statements of two renowned specialists in constitutional law related the illusion of ‘general interest’: P. Lalumière and A. Demichel (Cotteret, 1973). The technical interpretation of ‘general interest’ is far from the naïve representation thereof, such as ‘crossroads of crowds’: ‘The technical legal representation of private law implies that the representatives pre-exist to the act of representation. Given that the representative must express the will of the represented, it follows that he must have a will of his own. However, this does not apply to a nation, which is an abstract notion, whose will does not accurately exist before the designation of the representatives. The representatives are created by the act of representation’ (Cotteret, 1973, p. 8)<sup>7</sup>.

As regards the ‘national interest’, it cannot be defined in neutral terms: any definition thereof immediately becomes a bone of contention instead of being a mechanism of consensus. In post-Communist Romania, the national interest has been also invoked by the representatives of the so-called ‘historical’ parties that dreamt of the Romanian society’s return to the year of grace 1938 (year of market economy peak in Romania) and by the promoters of the ‘human face socialism’ for which the Golden Age of the Romanian space were the 60’s of the past century, as well as by the advocates of the ‘United Romania’ Party whose slogan is ‘We shall again be what we were and even more than that!’, people that connected the national interest to the fight against foreign forces, hostile to Romania, as well as to the fight for the unity of the people, in the version of the United Romania

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<sup>7</sup> Jean-Marie Cotteret invoked Lalumière and Demichel, the authors of the book *Les régimes parlementaires européens*, in order to prove that, as we cannot establish *a priori* the ‘will of the nation’, we cannot know beforehand which is the ‘general interest’ or the ‘national interest’; but we can know *a posteriori* the result of the negotiations between the particular interests, i.e. between the different parts of the nation, negotiations which are held between the chosen representatives of such parties (of the groups of interests). We shall further see that this result is, indeed, the *public interest*.



from 1920 (Paris Peace Treaty)<sup>8</sup>. This is why invoking the national interest is counterproductive during a public debate: the definitions used by the various social actors are so different that by simply mentioning it one generates dissension, conflicts and symbolic violence.

On the other hand, the concept of ‘national interest’ seems to be linked to an ethnological *metaphysics of the nation* or to a politological *theology of the national state* – finally, to a symbolic thinking centered on the reasoning through analogy, allowing the arbitrary association of the concept with a reality. After the 2000 presidential elections in Romania, the notion of ‘national interest’ began to be growingly used in order to legitimate a series of private or, sometimes, even personal interests which had nothing to do with the Common Welfare. This became so obvious in several years’ time that in 2005 a journalist could write: “In Romania, the politicians account for the greatest national budget scams invoking the ‘National Interest’. If not up front, they launch (...) all sorts of rumors and hoaxes justifying their actions which only served their own personal interest’ (Cezar, 2005). Correctly seizing the manipulation attempt, N. Cezar justly emphasized the integration of this phrase in the strategy of electoral campaigns: ‘The national interest is the bait most frequently used by the Romanian politician when he/she goes fishing for votes. The Romanian politician is that infernal machinery (...) which is welcomed with caviar and Champaign only to produce high-flown discourses on the national interest’ (Cezar, 2005).

As opposed to the conceits ‘general interest’ and ‘national interest’, the public interest is quantifiable and measurable since it is the vector result of all negotiations unfolding in the public sphere between political, civil and economic actors, i.e. between different versions of the Common Welfare defined by such actors. From Habermas until present day, ‘public sphere’ means ‘a space the civil society and the state, in which critical public discussion of matters of general interest are institutionally guaranteed’ (Habermas, 1992, p. 192). For a certain period of time, this product represents *the public interest*; it is quantifiable and, implicitly, measurable. We encounter it coded in the constitution, in laws, in the state budget voted by the parliament or in the regulations of

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<sup>8</sup> This last version of the ‘national interest’ is pervaded by the Romanian nationalism specific to the early 20<sup>th</sup> century, conserved until the beginning of the second world war and retrieved by the Legionar Movement – a nationalism which includes a high degree of ethnocentrism, garnished with xenophobia and antisemitism. The climax of its social impact was in the autumn of 2000, when the president of the Greater Romania Party entered in the second ballot of the presidential elections. After January 1<sup>st</sup> 2007, when Romania joined the European Union, the social basis of this party narrowed considerably – either due to the disappearance of the ethnocentric nationalism, specific to the years 1918-1920, or through the redistribution of the traditional nationalists in the poll of other Romanian political parties.

public institutions. Today, any functional democracy is a 'polyarchy', as Robert Dahl names it, in which numerous centers of power negotiate their access to decisions and resources (Dahl, 2000).

A series of other phrases derive from the concepts of 'public sphere' and 'public interest': 'public institution', 'civil/public servant', 'public information', 'public relations' etc. The meaning of such phrases is given by the fact that they refer to the 'public interest', as defined above, and not to the noun 'public' (one public, two publics) as in the phrases 'the public of a show', 'the reading public', 'the TV public', 'the music lover public', 'the public of an organization' or 'relations with the public'. If the *adjective* 'public' refers to all processes, activities and actions which take place in the public sphere, the *noun* 'public' refers to those who consume theater shows, literature, newspapers, TV, concerts, as well as products of marketing or advertising. As such, public relations mainly operate with the *adjective* 'public', while advertising operates with the *noun* 'public'.

### 3. A promoted confusion: 'public interest' – 'the interest of the public'

In Romania, the confusion between the adjective and the noun, i.e. between the '*public* interest' and the 'interest of the *public*' is shared by various social-professional categories: artists, writers, TV men, politicians, bureaucrats and high officials. But the ones promoting it are the journalists. And this comes as a matter of course: the newspapers must be sold! As a painting, a movie, a show, a concert, a book or a TV show. As any other good or service. This alignment to the market logics alienates the journalists from the 'general interest', from the 'objective truth' or from the 'public opinion' in the service of which they put themselves once they stepped into this profession. The logic of the target-group does not always meet the logic of the public interest: for a journalist, an event is *newsworthy* not only because it serves the *public interest*; it must also intersect with a certain public, meaning a certain *market segment* – preferably as numerous as possible.

The logic of the target-public is not explicitly stated by journalists, because the legitimacy of the media as 'the forth power' stems from two dogmas: that of the media being 'the guardian dog of democracy' and that of it being the 'representative of public opinion'. Thus, the media appears to be 'the guardian dog of the public interest'. For some journalists, this dogma is a source of *self-respect*; it reduces the cognitive dissonance and confers a noble meaning to their profession. But, from time to time, the real mentality of the journalist comes to

the light. This is why a reputed interviewer translates the statement of Aidan White, the general secretary of the International Federation of Journalists, in the very title of the latter's interview: 'The journalists must decide which secrets are in the public's interest' (Unteanu, 2006). If we read the interview, we find out that Aidan White does not refer to the 'public's interest' but rather to the *public interest*: 'everything that has to do with the domain of national security or national interest is secrete (...) the mere possession of such information means breaking the law! (...) The newspaper used the information and proved that the Government was seeking to distract the public attention from the arrival of the cruise missiles. This was a real matter of public interest'.

The journalistic mentality also penetrated in other domains, where former journalists work, including public relations – especially in the press offices, led by the spokespersons. They are the ones who take public relations as a sales activity: 'we sell the image of the organization!' The journalistic mentality block the public relations in the stone age of the field ('the telling of our story'), that is in the phase of unilateral and asymmetrical communication.

One of the institutions marked by this mentality is the National Audiovisual Council (in Romanian, CNA). Below I shall quote from the most recent document produced by this institution. CNA Decision no. 130 from March 2<sup>nd</sup> 2006 on the regulating code of the audiovisual content<sup>9</sup>: 'Art. 32. – (1) Not every *interest of the public* (emphasis added) must be satisfied, and the invocation of the right to information cannot justify the invasion of the private life. (...) Art. 107. – The advertising and teleshopping shall observe the rules of a fair and transparent competition which shall serve, first and foremost, the *interests of the public* (emphasis added)'.

The emphases have been added by me. They signal the same phrase used with different meanings. It is obvious that in the second situation they should have written 'public interest'; as such, the two articles contradict each other. If article 32 is legitimate (it is indeed!), then one cannot state that 'the interests of the public' must be served 'first and foremost', since it would mean to subordinate all the other interests of the society, including the *public interest*, to the sickly curiosity or voyeur-like passions of the public (or of a significant part thereof). Law no.

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<sup>9</sup> The notions emphasized by me in italics are used in an improper manner. They stand for the notions 'the need of public's information' and the 'correct information of the public', a right which is provided, in fact, in the *Universal Declaration of Human Rights* (Art. 19).

504 from July 11<sup>th</sup> 2002, also known as the *Audiovisual Law*, defines the notion of *public television and radio broadcasting services* in an absolutely circular manner: they are ‘the services of television programs offered by the Romanian Television Society (SSRT) and the services of radio broadcasting programs offered by the Romanian Radio Broadcasting Society (SRR)’ (article 1, point 5). Therefore, if one wants to find out from the *Audiovisual Law* why the SRTV and SRR are public services one comes across the following explanation: they are public because they are ... provided by SRTV and SRR, respectively. Mind-blowing!

Fortunately, in 2013, the Romanian National Audiovisual Council launched the campaign ‘*The public interest rises above the interest of the public*’, proving that it understood a fundamental thing for any modern society: when a public institution drafts a regulating code, it must refer not to the ‘interests of the public’, but to the *public interest*.

Firstly, because throughout the years the public institutions had a civilizing role: they not only adapted to the citizens’ expectations, but raised these expectations to the level of the principles dictated by the dominant ideology; in the current context, when such dominating ideologies have gone extinct, they must harmonize these expectations with the public interest, i.e. with the negotiated formula of the common welfare.

Secondly, because we can never know the ‘interests of the public’; contingently, we can know the interests of a certain public. But, given the current democratic pluralism, who can say the interests of whose public shall prevail over the interests of the other publics? Are the interests of the *manele* consumers more important or those of the music lovers with a subscription to the Romanian Athenaeum?

If the public interest is eluded, the only relevant criterion is that of the market, as is the case of the TV ratings. But, article 32 from CAN Decision no. 130 from March 2<sup>nd</sup> 2006 was meant to avoid, in the name of the protection of the private life, the return to the laws of the market.

#### **4. Modernity and public interest**

In its current meaning, the *public sphere* was born along with the emergence of the modern market economy. The liberal public sphere thus replaced a public sphere in which the citizens were subject to the ‘master’s power’: for the first time after 2000 years, the state’s

authority is publicly controlled by the citizens through critical-informative approaches. Therefore, the modern public sphere emerged in the societies where a powerful urban bourgeoisie developed – which failed to happen in the South-eastern European rustic societies. As far as the Romanians are concerned, we all are aware of its fragile and discontinuous experience.

Starting from the analysis of the evolution of the public sphere in Romania, the historian and political scientist Daniel Barbu argues that until the Communist regime there has not been any public sphere in the truest sense of the word; he even claims that the failure of Communism in Romania is explainable also by the lack of population's appetite for attending the public matters: '[the Romanian people] proved to be determined in refusing the obligation of sharing any type of responsibility for the accomplishment of a social project. The Romanians abandoned Communism not only because it was an erroneously formulated and applied global project, but because they have never been eager to participate in any sort of social project' (Barbu, 1999, p. 16).

Daniel Barbu reaches the conclusion that the first political regime from the history of Romania that tried to build a public sphere was the Communist one: 'Communism tried (...) to generate a (...) political community in a society which had been unaware of any other form of civil solidarity except for ethnicity' (ibid., p. 20). But the Romanians keep themselves aloof from the idea of public commitment as 'the idea of a public opposition remained alien to the Romania society' (ibid.). For this reason, the lack of appetite for the public interest continued to act out even after 1989 – both at the level of the political society and at that of the civil society; in fact, 'the Romanian society retrieved the old path of harmony and lack of responsibility for the public decisions and for the common welfare from which it has been forcedly lain astray by Totalitarianism' (ibid., p. 23).

In my opinion, the main resistance that the public administration reform encounters in the former Communist societies is this very absence of the mental category of public interest from the collective imaginary and from the ideological referential of the political class. This absence embodies the 'original sin' of the institutional cultures in these societies.

## **5. 'The painless ethics of the new democratic times'**

The above title is the subtitle of Gilles Lipovetsky's book *The Twilight of Duty* (Lipovetsky, 1996). Why the 'twilight of duty'? Lipovetsky speaks of a post-Kantian ethics, specific to the contemporary society: 'the post moralist culture expanded the range of options and possible lifestyles, coerced conformity to step back from the invention of individualistic self: we do not believe in the dream of 'changing life', there is only the sovereign individual concerned with the management of life quality. (...) The hyper liberal phase is coming to an end, ultra rigorism has no legitimacy; this is the new cultural configuration of our time, that combines the requirements of private autonomous with those of a *clean* public place. The post moralist era is no more transgressive, nor Puritan, it is *correct*' (Lipovetsky, 1996, pp. 86-89).

In this new context, the strategies of legitimacy radically change. In essence, we are dealing with the fact that we cannot legitimize ourselves by claiming us from a great ideology; they simply do not provide any criteria of legitimacy: 'Although free enterprise becomes the unsurpassable horizon of the economy, it is forced to define and create its own criteria of legitimacy; the era when the great enterprise could be considered a pure trader has passed; it no longer limited to merely selling products, but it must manage its relations with the public, to conquer and to promote its own institutional legitimacy' (ibid., p. 291).

Similarly to Habermas, who spoke of the 'horizontal competition between the interests of goods owners' which 'invaded, through advertising, the public space', Lipovetsky highlights the character of *construct* of the new ethics which are put into the service of the reinvention of corporative identity: 'The ethical current goes hand in hand with the rise of the enterprise that communicates, 'total' institution from now on, strategically driven to demonstrate that it has organ for social and moral responsibilities. The classical system based on the natural right to property and on the 'invisible hand' of the market has been replaced by an open legitimacy system. Now, the legitimacy of the enterprise is no longer given or challenged, it is *built* and sold, we live in the era of the marketing of values and of promotional legitimacies, the last stage of post moralist secularization' (ibid., p. 292).

Therefore, the ethics of the 'new democratic times' is 'painless' because it no longer implies the two Kantian poles: 'the moral law within us' and the 'starred sky above us' (a system of universal and universalist values). The categorical imperative is replaced by the 'science of communication', and the moral legitimacy is taken for the 'art of selling'. Selling what? The image-of-a-responsible-organization. A vast field of action for communication specialists! What

are they meant to do in order to preserve their morality in a world in which morals are put up for sale?

## **6. Public interest – the legitimacy basis of modern public intuition**

In the context of contemporary societies, secular and ‘devalued’, we witness the end of the trend noticed by Jürgen Habermas related to the shift from traditional to modern society: ‘Capitalism (...) gives a legitimacy to domination that does no longer descend from the heights of cultural tradition, but it is rather based on the system of social labor. Market Institution (...) corresponds to the justice exchange relations equivalents. With this category of reciprocity, bourgeois ideology makes itself, through a communicative action, the standing point of legitimacy. But here the principle of reciprocity is the very principle of social organization of production and reproduction processes. Therefore, political power can now be legitimized ‘from bottom up’, not ‘from top down’ (by appealing to cultural tradition)’ (Habermas, 1983, pp. 159-160),

In other words, legitimacy no longer occurs through teleonomic values or, as Jean Piaget calls them, ‘*values of finality*’ (Piaget, 1967, p. 44 and foll.) inoculated into the social body through the great ideologies, but through *yield values*, which are presented and perceived as *values of finality*. Thus, *Propaganda* is replaced by *Advertising*. There is no question of *promoting* a set of values of finality encompassed in an ideology, but to *transform* yield values into values of finality.

Nowadays, the replacement of the ‘top-down’ with the ‘bottom-up’ legitimacy has generalized, exceeding the limits of the political system and invading the international relation arena. Individuals, organizations and states legitimate themselves through the management of their own self-image (euphemistic phrase, where the true content of this activity is distorted: the management of social representations). In order to fulfill this task, a to serve this task, a whole system of social engineering was born, with all the technology related to it.

This system of social engineering, which has been functional for almost a century in the United States of America and for more than five decades in the Western Europe is called *public relations*. At present, successful organization build their legitimacy on a daily basis, in a



profession, ‘bottom-up’ manner, i.e. starting from the organization’s objectives (business, political or civil objectives) and reaching the values.

In default of a great legitimating ideology, an organization cannot be legitimate if it does not serve one way or another, the *public interest*. This applies not only to public institutions, but also to companies and corporations. The one who is perceived as serving the public interests enjoys a maximum reputation, i.e. legitimacy. The large-scale organizations (multinational) do not have ‘image’ departments, but they have departments of *Corporate Affairs*, *Community Relations* or *Social Responsibility*. The true PR experts do not promote goods or services; they build reputations. And the most valuable of them build the *legitimacy* of the respective subject (institution or public person, political party or civil organization, state or nation).

## **7. The role of public relations in the institutional reform**

What is the most important role public relations actually play in the institutions of Romania? After 26 years of democratic experience, I dare say that *public relations represent the most effective means of battling opaque and deaf-mute bureaucracy*.

This ‘social engineering’ is instrumental to the development of a new institutional culture encompassing a new identity of the civil servant. American studies of the last years showed that the functioning of an institution is directly dependent of the self-image of its employees, of the terms they use to define their social identity and implicitly, their relationship with the institution. As I have showed elsewhere (Borțun, 2012), the questionnaires my students administered to various civil servants revealed that the latter foster a *self-image* that has nothing in common with the idea of public interest.

I believe that the first issues to be addressed by the recently re-established National Institute of Administration are these: developing a new institutional culture and a new civil servant identity. Not by theoretical lectures or by propaganda, but by using the new techniques of an efficient communication, which is called by Alex Muchielli ‘the art of persuasion’ in his book, available in Romanian as well (Muchielli, 2002).

It can go as far as slogans and posters in offices. The most successful Romanian

soccer coach, Mircea Lucescu, won the Turkey Championship three times, with two teams: Galatasaray and Beşiktaş Istanbul. At the beginning of the championship, Lucescu had placed in the room of each of the soccer players the following slogan: *Championships are won by intelligence, education, respect for one's peers and dedication*. I see the reform of the Romanian public service as a championship as well, only one with much more players. Unfortunately, the coach capable of preparing, training and motivating an administrative elite able to set in motion the much needed change is yet to be found. One can only hope that the new National Agency of Civil Servants (ANFP) will prove as wise and persistent as Mircea Lucescu.

As for the reorganization of the ANFP, Vice Prime Minister Vasile Dâncu mentioned that 'ANFP will have to play a stronger role in the civil service training and qualification and in program monitoring. What it does now is of an evidence of the existing civil servants; however, ANFP should be the primary agent of training and development, by designing the office of civil service, setting up models, sanctioning career routes, mapping a career guide and managing the continued development of public service. This will not be reorganization, but rather a redesign of the entire Agency, which will receive extra functions. In two to three months the role of ANFP will be redefined. This is very good news, people will have the opportunity to do more, to do better, superior and more intelligent work' (Șelaru, 2015).

To us humans, nothing can give a higher meaning of life than serving the common good – in other words, the public interest. There are countries in Europe where public dignity enjoys immense prestige, since nothing is considered more important than the common good. In a godless world, as many of the Western societies tend to be nowadays, Common good passes as a supreme value, like Life or Health. In most ex-communist societies, public interest is confused with the interest of the public.

As for Romania, we have to understand that EU *membership* simply does not equate to *integration* into the culture and civilization of the West; this requires *the cultural re-setting of the whole Romanian society*, based on a set of values shared both by the government and the governed. In my opinion, public relations offer the cheapest toolkit (in terms of money and time) for building this set of values and for achieving institutional communication as exchange of symbols, values and attitudes.

One of the main priorities in this process is the formation and development of a value that is fundamental to Western peoples: *the public space*. It needs to be *re-defined* from a 'no

man's land' to a 'space of all'. Without such cultural re-defining, social solidarity, public interest and public institutions, the rule of law or democracy<sup>10</sup> are mere words. I think a public debate on these issues should be a priority for a successful public administration reform. In my opinion, this is a critical point: the modernization of the public administration at central and local levels will open new paths to the modernization of other areas.

We are dealing here with the duty that Karl Popper assigned to each generation: 'the fight for equal rights (although men are not equal); the fight to make institutions more rational (because they do not become rational by themselves); the effort of using language as an instrument of rational communication (rather than a means of self-expression); the fight *for* an open society and *against* its enemies' (Popper, 1996, p. 226). Why do we need to fight? Popper tells us: 'Once we begin to rely upon our reason, and to use our powers of criticism, once we feel the call of personal responsibilities (...) we cannot return to a state of implicit submission to tribal magic. (...) The more we try to return to the heroic age of tribalism, the more surely do we arrive at the Inquisition, at the Secret Police and at a romanticized gangsterism. Beginning with the suppression of reason and truth, we must end with the most brutal and violent destruction of all that is human. There is no return to a harmonious state of nature. If we turn back, then we must go the whole way – we must return to the beasts. (Popper, 1996, p. 227) In an effort to rationalize public institutions, the first to be dealt with are the people in the public administration, and they can be changed in two ways: 1) change *themselves* and 2) be changed *with others*. PR specialists can help with the change in the first sense; in the second sense, it is the job of others to make the change, and the criteria of such a change was recently made clear by the current Minister of Public Administration: 'Those who are bothered by the idea of continuing education and learning, that is indeed a reason for that man to leave the administration; only those who do not want to learn, to further better themselves, who think they own a position' (see Provian, 2015).

In an interview for the Digi 24 TV channel, on December 22 2015, Vasile Dâncu linked the culture of obedience with the lack of performance: 'We must have a strategy for training and preparing the people in the public service. How can we demand performance of

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<sup>10</sup> A few years ago, a couple of my students applied a questionnaire in the Bucharest Titan district; they wanted to find out what the inhabitants wanted to be built in the spaces between the apartment blocks: playgrounds, parking lots or green spaces. The answer was the same for 100 questionnaires: "We're not interested. This is the City Hall's business!". So rather than belonging to everybody, these spaces were seen as no man's land.

them, when we treat some of them like waiters? This is unacceptable; we have to set remuneration according to the responsibilities'. But the new concept of civic servant does not come down to a satisfactory level of income; it involves a different view of society and of their respective place within society: 'We are trying to stimulate the creation of a culture of the civil servant dignity and of a subsequent ethics to be upheld. I am confident that a culture of integrity will be born, and we intend to put the legislative and the organizational basis for its future development'.

The sociologist Vasile Dâncu senses the fact, which is a commonplace for any analyst of social life, that responsibility without freedom cannot be conceived, that one cannot ask people who are not free to be responsible: 'I am aware of situations where public officials sought protection from politicians; this is how the system worked, they wanted an over-insurance, sought a political protection to remain in the system'. Without these changes, neither the Law on free access to public information (Law 544/2001, updated in 2013), nor the Law on decisional transparency in public administration (Law 52/2003, amended by Law 281/2013), nor any other laws will be upheld in letter and spirit, they amount to mere form without substance. Changing the laws and institutions without changing the people themselves is pointless. That is why I chose as *motto* an expression used by Mihail Kogălniceanu in the speech held in Iași, on January 5th 1859, on the occasion of Alexandru Ioan Cuza's election as ruler of Moldavia: 'To new laws, new people...' <sup>11</sup>.

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<sup>11</sup> *Apud*, I. Lupaș, 1937.

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