Legal Status of Academic Professionals in France: Experience for Russia

M V Zakharova
Research and Education Center, Kutafin Moscow State Law University (MSAL), Moscow, 125993, Russian Federation
avis_777@mail.ru

Abstract. In terms of social (public) needs, science is a global system. General laws of nature expand beyond political boundaries. This process is currently driven by an increase in the number of countries actively participating in the scientific (research) process; a significant increase in the number of international scientific (research) teams and articles published by them; an increase in the number of international grant programs. At the same time, the legal status of academic professionals (scientists, researchers, etc.) – who are the direct actors of scientific (research) activities – differs significantly in different countries of the world. As the Russian President pointed out: “it is critically important to focus resources on supporting talented, committed researchers and teachers, to create the conditions in which the best domestic and foreign, primarily young, scientists, promising university graduates, would, certainly, aspire to work in Russian higher education institutions”. In order for the presented political platform of the head of state to be implemented, it is important to choose – based of a comparative analysis of the existing models of legal regulation of the status of academic professionals in the global legal space – as strategically important for implementation, a model that would meet the requirements of government (public governance) efficiency. The article analyzes the constituents of the legal status of academic professionals in France. Based on diachronic and synchronic comparison, the author draws conclusions with regard to the possibility of using efficient French legal models for the purpose of reforming the sector of Russian law related to academic (research and education) matters.

1. Introduction
In terms of public needs, science is a global system. General laws of nature expand beyond political boundaries. This process is currently driven by:

• an increase in the number of the countries actively participating in the scientific (research) process;
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• a significant increase in the number of international scientific (research) teams and articles published by them;
• international citation, accounting for two-thirds of all references to scientific (research) publications;
• an increase in the number of international grant programs.
At the same time, the nature of social and legal status of the direct actors of scientific (research) activities – academic professionals (scientists, researchers, etc.) – is strictly national. The global legal practice has developed various approaches to definition of the legal status of academic professionals determined by a number of factors and conditions: from national customs or traditions to the external global challenges. The purpose of this article is a doctrinal assessment of the French legislative model in this regard, as well as of the prospects for its use in the Russian legal terrain [1].

2. Research methodology

Description of scientific approaches and methods used for solving the set problems:

In the process of research will be used both General and special methods of knowledge. In particular, it is planned to conduct a comparative analysis carried out within the framework of interdisciplinary (comparison of legal doctrine with related fields of knowledge, such as philosophy, sociology, political science, cultural studies, Economics), intersectoral, cross-border (comparison of different national legal systems with each other and with the norms of international law), as well as chronological (historical comparative analysis) approaches.

In identifying the prospects of legal regulation and forecasting, it is inevitable to use the method of strategic assessments, which allows to identify the consequences of globalization as a social practice in different countries of the world.

In the framework of this research work it is supposed to use the teleological method of research related to the interpretation and study of scientific issues through the prism of goal-setting and taking into account the solution of practical problems and the strategy of development and ensuring the legal sovereignty of the Russian legal system.

3. Research results

Both associate professors and full professors (professors proper) in France have a status of a fonctionnaire (i.e., civil servant). The government directly participates in their appointment to corresponding positions: based on recommendations by academic councils of higher educational institutions, the Ministry of Education makes decisions with regard to appointment of associate professors while the President of the Republic makes decisions with regard to appointment of full professors. The exception is the institution of “visiting professors”. The corresponding vacancies are announced and visiting professors are appointed by universities themselves, since they have the right to do so.

The trend of regarding academic professionals in France as civil servants is of a pan-European nature. In Belgium, Spain and Italy, academic professionals can act as civil servants as well [2].

According to Decree #84-431 of 6 June 1984 [n°84-431 du 6 juin 1984], in order to qualify for a number of academic professions (e.g., in the sphere of law, economics or management) the procedure of aggregation is required.

Aggregation is an institution with very long-standing tradition (going back to the 16th century). The idea of a special procedure for recruiting the professorial corps was first implemented at the local level at the Faculty of Law of the University of Toulouse in connection with the adoption of an Act of Parliament dated 10 January 1515. However, it reached the national level much later – in the era of the centralized legal system – on 20 December 1855 [2]. The aggregation procedure established in the middle of the 19th century still exists nowadays.

In addition to the science of law, aggregation – as a specific model of university professorial corps formation – is also used in the sphere of political science and economics.

Aggregation is a stage-by-stage model of recruiting academic staff. At the first stage, commissions of renowned professors sitting in separate sessions for two spheres – Private Law and Criminal Law Sciences and Public Law – assess the candidates based on written documents (dissertation texts, research paper lists, CVs) identifying those who are “aggregative”. The venue of aggregation is the famous legal center of France – the University of Paris-Assas. The next stages involve testing the candidates who have passed the first round of selection (an 8-hour-long classroom test with a task to
write comments to a court decision unknown to candidates in advance, etc.). The main and the most
difficult test is preparation of a lecture within 24 hours (outside the commission assembly hall) on a
topic set by the commission – usually far from trivial – which is announced to candidates on the day of
the test and can deal with any issue in the sphere of Private Law and Criminal Law Sciences or Public
Law, regardless of the narrow specialization of the tested (by way of example, some of the most recent
topics were “Gold” or “Law and Time”)
. The next morning, the candidate reads the lecture to the
commission and then verbally answers dozens of questions. Those who successfully pass all the tests
receive the most prestigious university title in France – agrégé des facultés de droit (“agrégé of
faculties of law”) – and guaranteed professorship in one of universities. Every year, a list of vacancies
is made in the sphere of Private Law and Criminal Law Sciences and Public
Law, respectively: the
agrégé with the highest rating according to the test results has the privilege of choosing a position
from the entire list; the agrégé with the second highest rating gets a list which is shorter by one
position, etc.; and for the agrégé with the lowest rating – accordingly – only one vacancy is left. It is
the aggregation procedure that explains the fact that the French professorial corps is very young and
renewed on a regular basis (besides, the mandatory retirement upon reaching the age of 65–68 should
also be taken into account). The standard period of holding a position of professor is considered to be
from about 35 to 65 years old [3].

The teaching load (classroom time) of the French academic professionals is much less as compared
to their Russian counterparts. According to the existing regulations, it ranges from 128 to a maximum
of 192 “academic hours” (with a duration of 45 minutes) per year. This allows the French academic
professionals to devote more attention to research (scholarly) activities: writing articles or
monographs, participating in various forums or conferences, as well as working with doctoral students.
On average, a professor supervises five to ten doctoral students per academic year.

As for the vacation system for academic professionals in France, the annual paid leave for this
category of workers is not as long as in Russia (56 calendar days), which, however, is offset by
numerous fixed holiday (term-break) periods. The “term of office” (period of employment) of
academic professionals is indefinite. The employment of academic professionals terminates at their
retirement. The exception is the institution of “professeur émérite” (professor emeritus). According
to Decree #84-431 of 6 June 1984 [n°84-431 du 6 juin 1984], this title is granted by the head of the
higher education institution based on reco
mmendations of the academic council. A “professeur
émérite” can participate in the life of the corresponding higher education institution even after
retirement.

Thus, it can be concluded that academic professionals in France represent a special category of
workers with special terms and conditions of employment. Just like teachers in schools, they are a
special “caste” of professionals whose functions, on the one hand, are associated with civil service,
and, on the other hand, have some manifestations of a “freelance job”, which also affects the
peculiarities of performance by them of their professional functions. In its Resolution of 28 September
1998, the French Council of State emphasized the right of academic professionals to freedom of
expression (with the exception of any written or spoken arguments of an expressly unscientific or
racist nature).

4. Conclusions
French universities are a showcase of the French Republic, a showcase from which it would be useful
to borrow the best practices of university life organization and functioning in order for Russian

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1 It is for this final test that a candidate participates in another peculiar form of preparation for the position of
professor: building a team of associates who should take care of the candidate’s intellectual training before the
exam. The candidate bears all the costs associated with the team members for the duration of the “training”
process. The venue of the “training” process, as well as the venue of the competition itself, is Paris. Thus,
participating in the competition (selection), the applicant spends not only intellectual, psychological and physical
resources, but also purely financial ones.
universities to implement the federal program by 2020 and enter into the top 100 universities of the world in accordance with one of the global ratings: Academic Ranking of World Universities (ARWU) and/or Quacquarelli Symonds (QS).

First of all, this involves permanent financial support of the activities of academic professionals (not only through one-off funding initiatives or various kinds of grant programs). The productivity-based (incentive or “progressive”) salary system established for the French academic professionals by a national legislative act, taking into account their qualification, seems appropriate for the academic (research and educational) segment of the Russian economy as well. Such an adoption would become an example of borrowing a model from a country with a truly innovative nature of the national economy, where innovations and technologies as such, as well as the creators thereof (academic professionals), become efficient drivers of progress for the entire society and the state.

Speaking about treating academic professionals as civil servants in Russia, it should be mentioned that this has already happened in the history of our country. Pursuant to the 1884 General Statute on the Imperial Russian Universities, as well as to previously existing regulations on this issue, university professors were included into the category of people in service as assigned by the government, therefore, they enjoyed all the benefits stipulated in the Statute on Service on Assignment by the Government. In particular, Article 152–157 of the 1884 General Statute on the Imperial Russian Universities established the institution of retirement pension and benefits for university professors [4]. The aforementioned provisions referred to Article 342–385 of the Statute on Pensions and One-Time Allowances (in its 1876 version) and stipulated, as a general rule, a pension in the amount of the full official base salary for candidates with 25 years of academic [research or educational] service record.

Nowadays, the resort of the Russian Federation to the pre-revolutionary practice of determining the legal status of academic professionals as civil servants with an indefinite term of professional functions could solve the important social problem of attenuating the effects of precarious employment for this category of workers [5]. On the other hand, such a solution by the government should be extended to apply to all the elements of the social system: legal, political, value-related and economic.

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