

UNIVERSAL
LIBRARY

OU_212304

UNIVERSAL
LIBRARY

THE BRITISH CIVIL SERVICE

An Introductory Essay

By
HERMAN FINER

D.S.C. (Econ.) Lond.

Lecturer in Public Administration at the
London School of Economics and Political Science



London:

THE FABIAN SOCIETY
23 Tothill Street, Westminster, S.W.1

First Published, May, 1927.

THIS work has been published at the expense of the Tulloch and Barr Publishing Fund instituted as a memorial of Lieutenant William Tulloch and Captain* Hugh Barr, M.D., R.A.M.C., two members of the Fabian Society who lost their lives in the Great War.

Price, 2/- paper; 3/6 cloth, net.

MADE AND PRINTED IN GREAT BRITAIN BY
THE GARDEN CITY PRESS LTD, 115 HIGH STREET, WORTH.

To

PAUL, ET.MA AND SOPHIE

*BY THE SAME
AUTHOR*

FOREIGN GOVERN-
MENTS AT WORK.
REPRESENTATIVE
GOVERNMENT AND A
PARLIAMENT OF
INDUSTRY.
Etc.

PREFACE

This essay was written "for the *Revue des Sciences Politiques**: of Paris. Originally it was designed only to make clear to French readers the place of the Civil Service in the English political system. It occurred to me that many English people might find the essay useful as an introduction to the subject, and its purpose is no more ambitious than that. It is now published in almost the exact form in which it was prepared for French readers. Naturally, therefore, it contains many elementary facts which English people are already supposed to know.

This slight sketch can by no means properly fill the canvas to which its vast and important subject entitles it. Many branches which should have come within its scope have not even been mentioned. Some, if sketched in, are not followed out to the full limits of the discussion they deserve. Foreign experience, which so often shakes the belief that our own institutions are perfect and incapable of variation and improvement, has not been drawn upon. These shortcomings I hope to make up in a volume to appear soon, *The Civil Service in the Modern State*, being a comparative study of England, the British Dominions, France, Germany, and U.S.A.

I warmly thank Professor Graham Wallas, Professor H. J. Laski, Mr. D. H. Mair, and Mr. Michael Heseltine for reading the MS. and making some valuable suggestions.

H. F.

CONTENTS

	PAGE
I—BUREAUCRACY	8
II—GROWTH OF THE CIVIL SERVICE	13
III—THE REFORM MOVEMENT	17
IV—PRESENT ORGANISATION	26
(a) TREASURY CONTROL	
(b) CIVIL SERVICE COMMISSION	
(c) CIVIL SERVICE & EDUCATIONAL SYSTEM	
V—METHODS OF RECRUITMENT	35
VI—THE PERSONNEL	39
VII—RE-ORGANISATION SINCE 1914	50
VIII—PROMOTION AND PAYMENT	57
IX—THE SPIRIT OF THE CIVIL SERVICE	64
X—THE PUBLIC AND THE SERVICE	70
XI—THE HOUSE OF COMMONS AND THE SERVICE ...	72
XII—THE CIVIC RIGHTS OF CIVIL SERVANTS ...	74
XIII—WHITLEY COUNCILS AND THE ARBITRATION COURT	83
XIV— <i>Droit Administratif</i>	88
XV—RECENT CRITICS AND THE PROBLEM OF NATIONALISATION	91

The British Civil Service

THE hand of the statesman, however willing, energetic and able, is frequently checked by the uncontrollable forces of Nature. But within these limits society is indebted to Government for many substantial benefits. The character of government, as Plato might have remarked of his ideal Statesman, is architectonic : it creates (though in a piecemeal and crude fashion) a social plan, and defines and provides sanctions for the relative status of all individuals and groups within its ambit. Broadly, two elements are involved in governmental action : contest and service. No government is exempt from the struggle to secure and maintain its supremacy and render opposition powerless. All governments are obliged to convert men's wills to their support, and to impose their policy, by force or moral suasion, upon those who, for any reason, are unwilling. Of such a nature is the work of the " politician."⁹ But government does not stop here, though too many politicians do. Having obtained power, government must proceed to use it : power must serve some further purpose. Here we are no longer so much concerned to organise will, but to conceive and carry out plans likely to secure the harmonious development of society. This function is performed by all those, such as philosophers, scientists, professional statesmen, etc., who create political philosophy and programmes.

Both these elements of government need deliberate organisation to be effective—to give the greatest return for the least effort and friction ; and the more complex the society—in its physical and cultural features—the more complex is the organisation. In this complexity there is, naturally, a considerable specialisation of function. And here we come to the particular topic of this essay. However adequately organised the " political " side of government, and however wise our political philosophy, these would be of no effect without a body of officials

expert in applying the head of power and the general wisdom to particular cases, and permanently and specially employed to do so. " Wise men have always perceived that the execution of politico . measures is in reality the essence of them."¹ To *this* body of officials we apply the name Civil Service, and all eras of civil.sation have known such public employees, though *the* character has varied widely in accordance with tim'- and place.

Modern States have particular need of* civil servants ; for the latter serve two purposes of high importance. They furnish the expert knowledge without which parliaments cannot, in any adequate fashion, create and enact policies. Secondly, they carry out the commands of the policy-making body. The experience of modern governments shows conclusively that to perform the first of these two functions the members of the representative assemblies have neither the time, the ability, the inclination, nor the machinery. They must come to the permanent office-holders for exact knowledge of the enormously complicated social life of our gigantic States. And as to the second, a variety of reasons forces parliaments to legislate in general terms and leave the civil servants to draw up rules and orders—to create " secondary legislation/ the great and increasing mass of which gives the Civil Service in modern States a vast power. That power is increasing, for the State has given up its old role of acting, in Las-salle's phrase, as " night-watchman" as a mere dispenser of justice in the strictest sense of the word. To-day it acts upon the theory that the good of the individual and of society may be discovered by the process of reason, and be established by statutes and public administration. The nearer we approach to communal control of life the more power will the civil or communal service secure. Its character and organisation concern us closely and must increasingly command our attention.

BUREAUCRACY.

In the last century and a half the officials of continental countries have acquired a character which we call " bureaucratic" and that term is by no means unknown in this country. But in the continental sense, England

¹ Sir Henry Taylor, *The Statesman*, p. 89.

THE BRITISH CIVIL SERVICE

has no bureaucracy. Perhaps our assumptions are wrong, but when we in England hear the word "bureaucracy" we imagine a vast body of officials, wielding great power, imbued with, so definite and particular a tradition and view of their calling, that it separates them, and makes their ways of thought and behaviour strange and alien from the rest of society. We imagine that the living bureaucracy is exactly what the word itself implies—government by officials; that these act, as a general rule, upon principles which they alone create; that they form a special caste or estate. We think that this body attempts when it is old and big enough to be sure of itself, to claim its identity with the State and, avoiding direction by the people, aims at directing them. We are impressed by the centralised, Napoleonic tradition and organisation of France, and the strong caste-like bureaucracy of Germany, which, before the war, was responsible to nothing but its own conscience.

With the mass of English people the term bureaucracy or bureaucrat is one of comparatively rare reproach. The Civil Service is conceived of as the administrative instrument of a free people. It is dependent on and controlled by Parliament. No one, when indeed a thought is spared for this element in the State, really doubts that the Civil Service is anything other than the servant of Parliament; and what is perhaps much more important, Civil Servants themselves firmly believe this, and commonly act upon this belief.

Higher Civil Servants, Members of Parliament (at least, those who predominantly lead the fortunes of the older political parties, and who have a large share in directing the Labour Party), and the controlling minds in university education, come from not greatly different social classes, they have much the same kind of education, and their vague mental pictures of the Public Welfare, their common master, are sufficiently alike to induce and maintain smooth co-operation. There is a substantial uniformity of social, educational, and political character among these classes, though a good deal could be said about their differences. They do not jar upon each other as haishly as the Gorman Civil Service did upon the liberal sections of the German public, Reichstag and the

universities before the War; nor as the French Civil Service does even now upon the Chamber of Deputies.

They mix well together, and they are all essential and fairly harmonious ingredients in a political system in which the calm assurance was long ago implanted that the citizen is the master of the Executive. The makers of our Civil Service and its method of recruitment were convinced democrats, and they knew that the place of the professional¹ specialist is not to command, but to advise and obey the man with a liberal education. For the last one hundred years there has never been any room in England for the growth of a Service with its professional discipline and loyalty directed away from the democratic system. And before that the Civil Service was not the exclusive tool of a centralised and absolute monarchy, but the coin with which the great political parties and families bought support in Parliament and votes at elections.¹

Here, then, is the chief distinction between the Civil Service of England and the bureaucracies of the Continent, and it partly explains why there exists comparatively little jealousy between Parliament and the Departments. This does not mean that there are no differences of outlook between members of Parliament and officials. Where they meet such contrasts leap to the eye. The life of politics and that of administration are, by their very nature, widely divergent intellectual and spiritual disciplines, and it is not always that men bred in the one can appreciate the compulsions intelligible to those bred in the other. Such a difference of mentality is inherent in the relationship between the representative assembly and the Civil Service. But it does mean that England is fortunate in not having had in her history events like those which, in her Continental neighbours, have aggravated this unavoidable difference. Not long ago the First-Commissioner of the Civil Service, speaking on the recruitment and training of Civil Servants, said ; " Our problem in the highly complex system of modern life—which demands more regulation than, is needed in a simpler State, in a more primitive community—is to frame and direct machinery of control for free men jealous

¹ For an account of an even earlier period see the clarifying essay by Professor Tout : *The English Civil Service in the Fourteenth Century*. Longmans, 1916. is.

THE BRITISH CIVIL SERVICE

of their liberty, and reconcile tolerable order with indispensable liberty."¹

There is one other difference between the English Civil Service and Continental systems. The officials of local government in England have never, in any important measure, been subject to the authority of the central government with the completeness customary elsewhere. Even if the English Civil Service were in the grip of the disease of bureaucracy, the effects of this would be much more narrowly limited than on the Continent. The English Civil Service does not ramify all over the country in all the branches of government. For substantial fields of authority are specifically devolved to the local self-governing authorities, and within these spheres the latter are able to appoint and dismiss, direct and pay their officials—though with some important exceptions—as they will. Having defined the scope of power which the local authority may exercise, the central authority has also defined the limits to its own interference. Those officials in England who correspond to the six or seven hundred thousand at work in the local government areas in France under the hierarchical direction of the Prefect and the Ministry of the Interior, the public health and sanitary officials, the administrators of poor relief, the teachers in the publicly-provided schools, the police, the fire brigades, the clerical, administrative and legal officers, the planners and makers of roads, the clearers of slums and the builders of State-aided housing—all these are the officials of the localities, and the central authority does little more than rather generally supervise them. That supervision is, of course, carried out by the central Civil Service. The methods whereby the central authority seeks to control the local authorities are these. The grant of powers to the localities takes place specifically by general or "local" Acts of Parliament. Each of these powers corresponds with the sphere of some central Department of State, as, for example, the Roads and Electricity Supply in the Ministry of Transport, Education in the Board of Education, Police in the Home Office, Gas and Tramways in the Board of Trade, and most important of all, Health, Poor Relief, and general organisation in the Ministry of Health. The day-by-day power of control is exercised for Parliament by these

¹ *Journal of Public Administration*, Vol. I, No. 4, p. 344

THE BRITISH CIVIL SERVICE

Departments in this way.¹ There is a standard of efficiency which it is their duty to maintain, and this they convey to local authorities by Orders and Regulations, by letters sent when some difficult or loubtful points need decision and by discussions between their inspectors and the local officials. They necessarily rely upon their staffs of expert inspectors, who travel from authority to authority, to explore the extent and quality of the local administration of the laws. This Inspectorate and this principle of "inspectability" constitute the vital hinge between the central and local authorities. Where the central authority pays it inspects. The invention of Jeremy Bentham, it was first worked out by his disciple, Edwin Chadwick, one hundied years ago. The inspectors report to London, and London demands improvements where necessary. The sanction behind the demand for improvement is financial. In 1835, the central authority began a policy of helping the local authorities to meet the growing expenditure. Hencefoiward, throughout the centuty, service was added to service and grant-in-aid to grant-in-aid. By 1925 those grants-in-aid amounted to 73,000,000, equivalent to 20 per cent, of the total annual local government expenditure. In matters like education, the police, and many health services, the grant-in-aid is as much as 50 per cent, of the "approved" expenditure. It is a sum no local authority could afford to see withdrawn. In this way the central authority has purchased a right to insist upon the attainment and maintenance of a minimum standard of excellence. Other means of control are : the power to refuse authority to the localities to raise loans for the extension of their services, of whose desirability the Ministry must be convinced; the legal power to compel or supersede a local authority which fails to carry out its duties (this is practically never used, though sometimes threatened); and the power to refuse sanction of new schemes which the empowering statute demands shall first be submitted by the local council to the Department concerned. The nearest approach to the appointment and dismissal of officials is where the central Department ezyz down the necessary minimum qualifications and guarantees security of tenure, as in the case of local

¹ The extent to which the various departments exercise a control, in their respective spheres, over the local authorities, varies from one to the other Department. My description is general.

Medical Officers of Health and Sanitary Inspectors. And the local authorities are even then only compelled to abide by these general standards if they accept the grant-in-aid of the salary : but who, and how, they shall appoint is entirely their own business.

It will thus be *seen* that as far as personnel is concerned the local authorities are their own masters, and that the influence of London, the headquarters of the Civil Service, is limited to the slender thread of inspectors.

GROWTH OF THE CIVIL SERVICE.

The Departments of State are largely the creation of the last one hundred years, and they have increased in number and personnel particularly since about 1870.¹ This is easily understood. The Industrial Revolution compelled society to equip itself to meet new material obligations on a vast scale; health, poverty, education, communications, trade, agriculture, colonies, manufactures, now disclosed elements which demanded large-scale regulation and compulsion. The political philosophy of the Utilitarian school and the Tory humanitarians resulted in inquiry into these elements and to the adoption of the necessary measures. At first only the dead environment—drains, buildings, factories, roads—was to be altered, but it soon began to be seen, most vividly in the sphere of public health, that men were no less important parts of each other's environment. Consequently State activity spread wide and deep. Expenditure grew and the numbers and efficiency of Civil Servants increased. From 1832 onwards the numbers grew rapidly, and there is never a retrogression worth remark. But the expansion is not at a regular rate ; it occurs by sudden spurts which may be correlated with the State's legislative and administrative assumption of new duties, or the expansion of already established services. The figures which follow were obtained from Parliamentary Returns up to 1832, and since then from the censuses for England

¹ Thus the Ministry of Agriculture was established in 1889, the Development Commission, 1909, Board of Education, 1899, the Local Government Board, now the Ministry of Health, 1871, the General Register Office, 1836 and 1874, Ministry of Labour, 1911, Department of Overseas Trade, 1917, Department of Scientific and Research, in 1919, and the Ministry of Transport, 1919. Every Department has been extended by tasks unimagined by the generation which died in 1900.

and Wales. The numbers include all administrative and clerical staffs, messengers, postal officials; they exclude industrial staffs for which there is no data. The different bases of the censuses and the paucity of explanatory comment on the Civil Establishments make it impossible to offer more than the crude figures given. But they show the striking increase, especially since 1881.

Year.	Numbers	Remarks.
1797 ¹	16,267	
1815 ²	24,598	} Here began Parliamentary demands for "economy."
1821 ³	27,000	
1832 ⁴	21,305	
1841 ⁵	16,750	{ "Exclusive of many persons who have returned themselves simply as Clerks, Messengers, etc., and many who are engaged also in trade."
1851 ⁶	39,147	
1861	31,943	
1871	53,874	{ Some workmen included, but how many not stated.
1881	50,859	} Telegraph and Telephone Service not included.
1891	79,241	
1901	116,413	Great expansion in P.O. since 1891.
1911	172,352	{ Telegraph and Telephone Service now included.
1914 ⁷	280,900	Includes Scottish and Irish Services
April 1st. about 1922 ⁸	317,721	{ On the decline from the peak of war expansion. Excludes about 20,000 transferred to Ireland; includes Scottish Services.
April 1st. 1926 ⁹	296,398	{ Excludes 5,000 more transferred to Irish Expenditure; includes Scottish Services.

¹ and ², Gretton, *The King's Government*, p. 111.

³ and ⁴, House of Commons Paper, 12th July, 1833, on Reduction of Offices. This title is significant of Parliament's attitude; but the House of Commons was not then anxious about "bureaucracy": it was troubled by the increase of expenditure.

⁵ *Ex Occupation Abstract, in Accounts and Papers*, Session 1844,

⁶ From analysis of Census figures, in Appendix to Report on the Re-organisation of the Permanent Civil Service, 1854; Papers, p. 49. Vol. 13, p. 36.

⁷, ⁸ and ⁹ Cmd. 2718; 1926. Memo on Present and Pre-war Expenditure.

THE BRITISH CIVIL SERVICE

As State control grew it became ever more difficult for members of Parliament and the Cabinet to comprehend and compose the details of their programmes and their laws, and consequently the more had they to turn to the Civil Service for the production of expert information upon which to base their programmes, and for the completion of their Statutes by Rules made in the Departments. Of this more must be said later. But we are served to-day by an administrative machine which, only in the last few years, is being converted from a planless improvisation into a well-ordered engine, both powerful and sensitive enough to satisfy modern needs. I will turn to the question of personnel first, for that is the heart of the administration, and will deal with other aspects of the Departments later in this essay.

FROM PATRONAGE TO OPEN COMPETITION.

The modern history of the English Civil Service begins in 1855. Up to that time the offices of State fell into the hands of the ruling political party and were used to bribe and reward their followers. There were two periods of occupation with reform of the Civil Service. The first covered the years 1689-1855, the second commenced in 1855, and is not yet finished. In the first period attention was not directed towards improving the quality of the officials: the quest was not for aptitude, but for the political purity of the House of Commons and the electors.

The revolution of 1689 had given Parliament the supremacy over the Crown, and to safeguard this sovereignty Parliament determined to exclude from the right to its membership any official holding a place of profit under the Crown. The civil offices were thus a pawn in the struggle between Parliament and the King. In this way the mass of officials were and still are excluded from Parliament, and the later developments of this exclusion have opened up serious problems dealt with further on. Exception was made, of course, and still continues, of the Ministers of State. They are the link between Parliament and the Administration. Acts of Parliament went even further in the attempt to exclude office-holders from politics. In 1712 Postal officials of higher rank were forbidden to take any part in elections, but the majority of lower officials were still allowed to vote. In 1782, the very

apogee of the corrupt sale and gift of offices, the campaign of Edmund Burke for Economical Reform, obtained a partial success in a statute of that year. The Act of 1782 disfranchised customs, excise and postal officials, and this prohibition was maintained until the year 1868. But entry to these offices was still used as a political favour. It is worth pausing here a moment to consider Burke's views. He was, perhaps, the first statesman to see the problem of the Civil Service as one of the efficiency of the administrative branch of government. His great speech of February 17th, 1780, was entitled, "On Presenting to the House of Commons a Plan for the better security of the Independence of Parliament and the Economical Reformation of the Civil and other Establishments/"¹ He said that uppermost with him "was the reduction of that corrupt influence, which is itself the perennial spring of all prodigality, and of all disorder; which loads us more than millions of debt, which takes away vigour from our arms, wisdom from our counsels, and every shadow of authority and credit from the most venerable parts of our constitution." But he spent most of his speech on proving to the House how all the Departments suffered from "the grand radical fault: the apparatus is not fitted to the object nor the workmen to the work."

The memoirs of English statesmen between this time and 1855, show very clearly how little efficiency was regarded in appointments to office.² The career was open not to talent but to family and political influence. And as in the history of local government and of most other English institutions of this period, there was a silent massing of the opposed forces of Utility and Patronage. We must not forget in this period the pioneer work of Jeremy Bentham. In his *Official Aptitude Maximized, Expense Minimized* (first published in 1830, but being a series of papers composed between 1810 and the later year) he lays down the general basis for a reform of the corrupt officialdom and rank patronage of his time.. In his *Constitutional Code* (Book II, chapter ix, section v. *et seq.*) he constructs in detail a code of official appointment and pay which shows his inventive mind at its best.

¹ Burke, Works, World's Classics, Vol. II, p. 303, *seq.*

² Trevelyan : *Early Life of Charles James Fox*, Lord John Russell : *History of the English Government and Constitution*, 1823; Parker : *Memoirs of Sir Robert Peel*.

Readers may well turn their eyes to this fine piece of reasoning, which anticipated more than all of our modern methods of Civil Service recruitment and other conditions, and they cannot fail to admire Bentham's marvellous power of mind, though they may smile at some of the grotesque practical suggestions which follow, cast-iron like, from his philosophy of human nature. In 1849 the Permanent Secretary of the Treasury, Sir Charles Trevelyan, pointed out the defect of the Civil Service of his day: it was overstaffed, inactive, and incompetent, and people commonly considered the Civil Service as the last chance of a livelihood for young men who were too stupid to be successful in the open competition of the professions outside, and for the old who had already failed. A rule had been made by the Treasury in 1840, for all Departments, that "clerks appointed to the principal offices should possess a competent knowledge of book-keeping by double entry"—but it was obeyed by nobody. Those people who made the Service a profession were habitually cheated out of promotion to the highest offices by the nominees of the powerful. But England was spared the great defect of the American "Spoils" system—the rotation of offices—the product of a democracy over-suspicious of its executive, and possible only in a system where the Executive has a fixed term of four years, but not in a system of Cabinet government where Parliament can be dissolved and Ministers dismissed at any moment.

THE REFORM MOVEMENT.

Reform was undoubtedly caused by the pressure of business on the Civil Service and the mental energy of the Utilitarian philosophy. The latter was already having its effect not only upon every aspect of government, but even upon the old Universities which were in the thirties and forties awakened from slothfulness, their endowments for scholarship now being competed for by examination. Indeed, Macaulay, the future reformer of the Civil Service, was a bellow of Trinity by competitive examination. It was the age of the Machine and Engineering triumphs, and the Civil Service was perhaps now in men's minds taking on the aspect of one machine among many,

B

to be renovated according to new needs.¹ It was fast losing its dark semi-mystic character as part of the apparatus of sovereignty, although to this day its position in respect of legal liability has not been made to fit modern necessities. From the old system England was delivered by the invention of the method known as "open competitive examination" as a test of fitness to enter the Service.

The germ of this idea was generated in the reform of the English Administration in India, and was carried out in the Charter Act of 1833. A special school, Haileybury, where Malthus had been a master, had been established in 1813, for training those nominated to be Indian Civil Servants, and entrants to this had to undergo a difficult examination. The training was educationally, of a high grade, and the discipline strict. But patronage still played a large part in appointments and entry to the School. The Act of 1833 prescribed that, in future, four candidates were to be nominated for each vacancy and the nominees were then to compete in "an examination in such branches of knowledge and by such examiners as the Board (of Control) of the Company shall direct." (Sect. 105.)

¹ Cf. Thomas Carlyle's masterly discussion of this, in his essay, dated 1829, in the *Edinburgh Review*. It is called "Signs of the Times," and warns the world against the contemporary belief in machinery, and urges a return to the Spiritual Good. Here are some passages: "Were we required to characterise this age of ours by any single epithet, we should be tempted to call it, not an Heroical, Devotional, Philosophical, or Moral Age, but, above all others, the Mechanical Age. It is the age of Machinery, in every outward and inward sense of that word; the age which, with its whole undivided might, forwards, teaches and practises the great art of adapting means to ends. Not the external and physical alone is now managed by machinery, but the internal and spiritual also. Here too nothing follows its spontaneous course, nothing is left to be accomplished by old, natural methods. Everything has its cunningly devised implements, its pre-established apparatus: it is not done by 'hand, but by machinery. Thus we have machines for Education: Lancasterian machines, etc. Nowhere, for example, is the deep, almost exclusive faith we have in Mechanism more visible than in the Politics of this time. Civil government does, by its nature, include much that is mechanical, and must be treated accordingly. We term it, indeed, in ordinary language, the machine of Society, and talk of it as the grand working wheel from which all private machines must derive, or to which they must adapt, their movements. Considered merely as a metaphor, all this is well enough. Thus it is by the mere condition of the machine; by preserving it untouched, or else by reconstructing it, and filing it anew, that man's salvation as a social being is to be insured and indefinitely promoted"

In 1853 the Charter of the Company came before Parliament for revision, and Macaulay, brother-in-law of Trevelyan,¹ well versed in Indian affairs and English University conditions, secured the complete abolition of patronage and the acceptance of the principle of open competition of all comers. It is important to appreciate the character of Macaulay's suggestion, for it has dominated the English theory and practice of recruitment and promotion until to-day, in the Home as well as the Foreign and Colonial Services. The essence of his argument is to be found in this part of his speech to the House of Commons (23rd June, 1853) : " It seems to me that there never was a fact proved by a larger mass of evidence, or a more varied experience than this : that men who distinguish themselves in their youth above their contemporaries almost always keep to the end of their lives the start which they have gained." In July, 1854, Macaulay was called upon by Sir Charles Wood, Chancellor of the Exchequer, to head a committee of distinguished men (including the Principal of Haileybury College; Benjamin Jowett, then tutor and later Master of Balliol, Oxford ; and Sir George Shaw Lefevre who had had long administrative experience) to report upon the recruitment of the Indian Civil Service. He read his completed draft to his brother-in-law, Trevelyan, one Sunday, and " Trevelyan was much pleased.*" His scheme of open competition and his list of subjects and marks were accepted in their integrity. In January, 1854, some months before this report and reform, Macaulay already remarks that a plan was maturing for the appointment, on a large scale, of public servants at home, that it was to be mentioned in the Queen's Speech, and he has a long talk with Trevelyan on the subject in the same month. (*Macaulay*, Vol. II, p. 374 *et seq.*) Open Competition was thus invented and put into practice for India, and it became the pattern for reform of the Civil Service.²

¹ Permanent Secretary of the Treasury.

² Later in his speech Macaulay cleverly analysed the operation of competitive examinations : " Under a system of competition every man struggles to do his best; and the consequence is that, without any effort on the part of the examiner, the standard keeps itself up. But the moment that you say to the examiner, not " Shall A or B go to India?" but " Here is A. Is he fit to go to India?" the question becomes altogether a different one. The examiner's compassion, his good nature, his unwillingness to blast the prospects of a young man, lead him to strain a point in order to let

THE BRITISH CIVIL SERVICE

Meanwhile an extensive and careful inquiry had been set into operation by a Treasury minute of November, 1848. It ran as follows : " The First Lord and the Chancellor of the Exchequer state to the Board (of the Treasury), that they consider it desirable that an inquiry should be instituted into the present state of the establishment of the Treasury, and into the arrangements and regulations for the distribution and conduct of the business, in order that such changes may be made as may be required to secure the highest practicable degree of efficiency, combined with a careful attention to economy, etc., etc. . . . " Lord John Russell was then Prime Minister, and Sir Charles Wood the Chancellor of the Exchequer. The inquiry into the various Departments was directed, and in part conducted, by Sir Charles Trevelyan, who was later joined by Sir Stafford Northcote. They were assisted by one or more members of each Department examined. The reports cover about 450 pages, including the General Report, By Northcote and Trevelyan on " The Organisation of the Permanent Civil Service." It is interesting to notice that the term " Civil Service " in reference to the Home Establishments was now used for the first time. The report was issued in November, 1853, together with an opinion upon it by Benjamin Jowett, collaborator with Macaulay in the Indian Reforms. About forty other distinguished people in public life and education were also asked for their comments, which were sent in between January and June, 1854, and the whole was placed before Parliament as the " Report and Papers relating to the Re-organisation of the Civil Service." The plan was greeted by John Stuart Mill as " one of the greatest improvements in public affairs ever proposed by a Government." This improvement consisted of that which Macaulay's Committee on the Selection and Training of Candidates for the Indian Civil Service was at about the same time recommending for India. It was the abolition of patronage and the

the candidate in if we suppose the dispensers of patronage left merely to the operation of their own minds; but you would have them subjected to solicitations of & sort it would be impossible to resist. The father comes with tears in his eyes; the mother writes the most pathetic and heart-breaking letters. Very firm minds have often been shaken by appeals of that sort. But the system of competition allow nothing of the kind. The parent cannot come the examiner and say : " I know very well that the older boy beat my son; but please be good enough to say that my son beat the other boy." (*Hansard, Series 3, CXXVIII, 754; 755.*)

admission of people into the Service at prescribed ages and by means of competitive examination. Two other principles were laid down. The Commissioners recognised that a clear distinction could be drawn between the intellectual and routine work of the Service, and demanded an appropriate division of labour, and two types of examination. This was the beginning of attention to a fundamental problem of organisation, which has never ceased to give trouble, nor to secure complete satisfaction. The problem of Classification may be thus defined : to put all servants on to work which is not too difficult nor too easy for them to do; and then to treat all who do equal work, equally, and where there is a difference in the amount and quality of work done, to proportion reward to service. The experience of all countries shows how necessary such classification is, though it is very difficult to establish and to maintain in a growing Service, and practically impossible to satisfy the individual civil servant that he has been rightly placed in any particular category. For he, in company with other human beings, is like the crab, which, according to William James, would very likely be filled with a sense of personal outrage at hearing itself classed as a crustacean, and would say, " I am no such thing. I am Myself, Myself Alone."

A further point in these recommendations calls for remark. Thinking mainly of the higher administrative posts, the Commissioners laid down another principle, which still, but with some modifications, holds good in England. The report was antagonistic to any technical preparation for the examination for such posts, for the Commissioners had their eye upon the classical and mathematical education at Oxford and Cambridge of their day. They were impressed by Macaulay's argument that " men who have been engaged, up to one and two and twenty, in studies which have no immediate connection with the business of any profession, and the effect of which is merely to open, to invigorate, and to enrich the mind, will generally be found, in the business of every profession, superior to men who have, at eighteen or nineteen, devoted themselves to the special studies of their calling. Indeed, early superiority in literature and science generally indicates the existence of some qualities which are securities against vice—industry, self-denial, a taste for pleasures not sensual, a laudable desire of honourable distinction, a still more laudable desire to obtain the

approbation of friends and relations. We, therefore, think that the intellectual test about to be established will be found in practice to be also the best moral test that can be devised."

The principles here set out still stand the foundation of the English Civil Service. There have been modifications in the course of the seventy years since that time owing to the growth of technical studies at the Universities, but to a large degree the general foundation of liberal studies remains. The "mere smatterer" is not wanted. Even to-day the study of the Greek and Latin language, history and literature is strongly believed to produce the best type of administrative officer.¹ This belief has much to commend it, for it is not the knowledge of school subjects that is wanted in the administrator, but a way of thought, a mental and moral discipline. The aim is not to secure an expert but an administrative officer who is capable of becoming skilled by contact with his actual work and able to say at what exact point an expert shall be called in. The examinations demand an education which will produce candidates with the highest power of enlightened common-sense. "The outlook, power and quickness in comprehension, the gift of dealing with people, the readiness to take the initiative and to assume responsibility, are all in the main highly developed when the business to be transacted is seen by the Civil Servant against a background of other knowledge of the type through which the mind has become developed."³ The highest class of administrative officers thus provided has gone under different names (e.g., the Upper Grade, the First Division, the Administrative Class), but it has so far consisted of the pick of the Honours men in the classics and science (including mathematics) courses at the older Universities, with the bias on the former. From the upper

¹ This statement is rather truer of the Committee on the Civil Service Class I Examination of 1917, than of the present policy of the Civil Service Commissioners, which is to draw recruits from a large variety of schools. The bias of the Committee is shown in this representative extract from its Report (Cd. 8657; 1917) : "To teach the classical learning and develop classical scholarship there was at work in 1914 a great band of scholars equipped by the tradition, the organised learning, and the experience of four hundred years, ... A large proportion of the most able students have gone in the past to classics, and we cannot alter the natural habits, the prepossessions, and the system, that have caused the most gifted among literary students to follow the ancient studies."

³ Lord Haldane, in *Journal of Public Administration*, Vol. I, p. 29.

and higher middle classes of the country, the only ones until quite recently who could afford such an education, came generations of young men into the Service who had precisely the liberal, literary turn of mind, without professional prejudices or bureaucratic pedantry, fitted to work hand *it* glove with the Parliamentarian, to act non-oppressively towards the public, and smoothly direct the Departmental energies. The composition of that class is now in process of change and so are the demands upon it of a new era in national life. To this I will revert later.

The Commissioners laid down certain other rules for efficient and convenient recruitment of officials. First, all examinations should be conducted by a single authority standing entirely outside the separate Departments. This would secure effectiveness and consistency. Second, examinations should be held at regular intervals and not for special appointments. Third, successful candidates would be allowed to enter the departments of their choice in order of their place on the pass-lists. Fourth, there should be a period of probation before candidates were finally placed on the established staff.

Only part of the recommendations were carried into execution, and this, in the teeth of strong protest from the clubs, political and society, from politicians, and from everybody who had something to lose by the reform.¹ Macaulay, wandering into Brooks' in March, 1854, found everybody astounded by Trevelyan's plans for the abolition of patronage at home. The reformer of the Indian Civil Service was never so depressed as when he had been spending part of his afternoon at the club. The storm from clubland almost swept Trevelyan, the Sir Gregory Hardlines of Trollope's *Three Clerks*, out of office. A remark made by the latter in 1875 (before the Playfair Commission on the Civil Service) is too interesting to put into a footnote. I wish," he said, "briefly to explain the circumstances which led up to the Report of Sir Stafford Northcote and myself on the organisation of the

¹ It is interesting to remember that Gladstone, who urged on this reform, did so on the ground that the higher classes would get administrative power. He believed, in 1854, that the aristocracy of this country were superior in natural gifts, on the average, to the mass, and with their acquired advantages, "their" insensible education," irrespective of book-learning, were immensely superior. See the letter to Lord John Russell, Jan. 20th, 1854, app- to Morley's *Life*. Queen Victoria was much perturbed by the suggested reforms and consented to them most grudgingly. *Letters*, February 7th and 17th, 1854.

THE BRITISH CIVIL SERVICE

Civil Service. *The revolutionary period of 1848 gave us a shake* (my italics), and one of the consequences was a remarkable series of investigations into public offices, which lasted for five years, culminating in the Organisation Report.¹

By an Order in Council of May 21st, 1855, the Civil Service Commission—the central board of examiners—was established, with three members, with tenure during the pleasure of the Crown, "to conduct the examinations of young men proposed to be appointed to any of the junior situations in the Civil Establishments." The Commission would decide upon the age, health, character, and requisite knowledge and ability for the discharge of their official duties, and would give a certificate to this effect precedent to the appointment. The extent of the actual reform was this: competition, not compulsory but permissive, was made the basis of appointments, but only throughout the ranks of the junior offices; the power of appointment, following the issue of the Commissioners' certificate, was still in the hands of the political heads of Departments, and a six-monthly probation period was established. Abuses were thus limited, not entirely swept away. People of mature age who had special qualifications for a particular post were not required to have the Commission's certificate.

It was twenty years before party attacks upon the work of the Commission ceased and it was left to work in peace." The Superannuation Act of 1859 supplied a sane-

¹ *Parliamentary Papers*, 1875, Vol. XXIII, p. 100. It is remarkable that Trevelyan's services to the English Government, at home and in India, have not yet received a mark of gratitude in the shape of a full memoir. The *D.N.B.* gives scant information about him. Born in 1807, at Taunton, he was educated at the Grammar School, and at Charterhouse, and thence proceeded to Haileybury. He entered the East India Company's Bengal Civil Service as a writer in 1826 and rapidly rose to high administrative office, his interest and endeavours being directed especially to public education and finance. In 1838 he returned to England, and from 1840 until 1859 he was assistant, and later permanent, Secretary to the Treasury. It was in this period that he helped so materially to bring about the re-organisation of the Home Civil Service. In 1859 he returned to India as Governor of Madras.

³ Cf. Anthony Trollope in an article in the *Fortnightly Review*, October 15th, 1865: "We, Your Majesty's Civil Service Commissioners, humbly offer your Majesty this our Tenth Annual Report." thus the dread document now under notice is commenced, reminding us with terrible earnestness of the quiet progress of the years. Here is their tenth report, and it was but the other day that we were discussing whether these Commissioners would ever have real existence!"

tion to the rules of the Order in Council by providing that with certain special exceptions (professional officers of mature age being the most important) no person should thenceforward be deemed to have served in the Civil Service and entitled to a pension unless he should have been admitted with a certificate from the Civil Service Commissioners. In 1870 the Order in Council of June 4th completed the edifice thus created—its essentials were these : First, the test of open competition was made obligatory practically throughout the Service; second, in the case of professional officers, the Civil Service Commissioners might dispense with the examination test if they thought fit; thirdly, certain officers appointed directly by the Crown (in 1914 these still numbered about 300, since considerably reduced) needed no certification whatever by the Commissioners; fourth, for certain situations, where the Head of the Department wished to dispense with an examination, the Civil Service Commissioners could consent at the request of the Head of the Department and the Treasury. Lastly, but very importantly, the Treasury, which necessarily had powers of co-ordination and control permeating all Departments because of its financial responsibilities and powers, was given special authority in the field of Departmental organisation. It was to approve the rules for testing candidates made by the Civil Service Commission and the Departments, and the periods at which examinations should be held, the number of vacancies, and the grouping of situations to be competed for.

Since 1870 the development of the Civil Service has been marked by a series of thorough inquiries always searching for improved efficiency. There were the Playfair Commission of 1875, the Ridley Commission of 1884-1890, the Macdonnell Commission of 1910-14, and the Gladstone Committee of 1918, and all of these had before them the questions of classification, recruitment, and promotion, all interdependent parts of a single problem. The last and most fertile of the great Commissions was the Macdonnell Commission of 1910-14 whose reports constitute the most detailed analysis and the best picture of the Civil Service as it was at that time, and a most fruitful source of post-war re-organisation. It should be noted that there is no one general¹ statute for officials as there is in the States and the Federal Authority in Germany,

and as it is demanded in France. The foundations of the Civil Service are established, for the most part, by Orders in Council and not by Acts of Parliament. They were drawn up by successive Cabinets in accordance with the recommendations of Royal Commissions; Parliament was not asked in any effective sense to satisfy them, although it occasionally discussed their general character, and the Treasury and the Civil Service Commission were made the custodians of their execution.

PRESENT ORGANISATION.

The present organisation of the Civil Service is marked by three outstanding characteristics : Treasury Control to unify and co-ordinate the work and organisation of the Departments; the Civil Service Commissioners as the creators and custodians of standards of efficiency; and the attempted connection between the ages at which the various grades of the Service are recruited and the educational system of the country.

Set in the centre of the administrative Departments to control their numbers, pay, and the condition and methods of work, is the stern purse-holding paterfamilias of the English political *menage*, the Treasury. The Treasury is, with a stringency unparalleled in any other country in the world, responsible for presenting the estimates of the Civil Departments to Parliament, and achieve this heavy responsibility effectively, it needs a position of emphatic and unquestioned authority over the Departments. This it has won by the combination of governmental rules and the power of tradition. Its predominance is marked in the Order in Council of 1920

^c (6) The Treasury may make regulations for controlling the conduct of His Majesty's Civil Establishments, and providing for the classification, remuneration, and other conditions of service of all persons employed therein, whether permanently or temporarily." And further, the regulations of admission prescribed by the Commissioners (Section 4) are subject to the approval of the Treasury.

Arising out of its financial responsibilities the Treasury

¹ Civil Service : Order in Council, No. 1976, providing as to the qualifications of persons proposed to be appointed H.M.'s Civil Establishments, and regulating the conduct of the said Establishments and the conditions of the service therein.

is in everyday contact with the Departments, minutely examining their claims for appropriations and demanding adequate reasons not only for any increase in expenditure, but for the maintenance of even the previous year's total. Its Permanent Secretary is called the "Head of the Civil Service," though when and exactly why this title originated is *only* vaguely known, and in some quarters it is severely attacked. The proper organisation of the Treasury for the effective carrying out of general control, apart from discipline, which is best left to the Departments themselves, has long engaged the attention of the various commissions of inquiry. The objects in view were very well stated by the Royal Commission of 1914.¹ "The first object is the general oversight of the Civil Service, in order that its strength and its component parts may be most effectively employed to meet the requirements of time and place; and in order that it may be recruited and organised on lines appropriate to each case, and adapted from time to time to meet developments in the work of the Departments and in the educational and social condition of the country. The second object we have in view is to secure that through all departments and grades, the principle shall be enforced that each division or class of Civil Servant shall be employed only on the kind of work suited to its capacity; that men of exceptional ability shall be promoted, when opportunity occurs, to situations in which their capacity may be turned to the best account; that officers shall be transferred from one department to another in which they can be more usefully employed, and that when new offices are created the Civil Service may be prepared, if the men can be spared, to supply, if not the entire necessary staff of trained men, at all events, a *nucleus* which may be supplemented from outside." The Commission recommended that a special section should be created within the Treasury subject to its administrative orders and charged with the duties requisite to achieve these objects. It was to make necessary inquiries of its own initiative; to make recommendations to Heads of Departments; to secure that each Department should have efficient machinery for recognising and rewarding exceptional cases of ability and

¹. Royal Commission on the Civil Service, 4th Report, Cd. 733S, pp. 86 and 87.

merit, and that advantageous transfer of Servants from one Department to another should be made. That Section ought to be so constituted as to possess experience as far as possible of various branches of the Service,

In 1918, the Machinery of Government Committee of the Ministry of Reconstruction¹ went fully into this question. It pointed out how the exercise of the Treasury's authority in the matter of Departmental expenditure had gradually led to an attitude of antagonism between that and other Departments, and demanded that the Treasury should recognise its obligation " not to assume a negative attitude in the first instance towards suggestions for improving the quality of a Service or the efficiency of the staff which administers it " (p. 20). Among their recommendations was this : " In the Treasury there should be a separate branch specialising in this ' establishment ' work, and studying all questions of staff, recruitment, classification, etc., and routine business generally. Such a branch would be in close touch and constant communication with the officers in other Departments charged with the duty of supervising the ' establishment ' work."

These proposals were carried further, almost simultaneously, by the Committee appointed to inquire into the " Organisation and Staffing of Government Offices." And its proposals³ became in their entirety the basis of the reform which followed in August, 1919. The Committee held that both in the Departments and the Treasury motives and machinery for the improvement of staff control must be created. In regard to the Departments the theory was that their own officials ought to be made to feel that they personally were responsible trustees for the public purse. This was deemed to be possible only where a real sense of responsibility was felt, and this again could only arise where there was some independent power to make decisions. Yet this independent power of the Departments should not exclude their sense of identity of purpose with the Treasury, nor co-operation with it and among themselves. The machinery to this end, recommended in the Report, is of the highest interest' and importance. In each of the larger Departments a picked and thoroughly experienced officer was to be in charge

¹Report, Cd. C230, of 1918; often, referred to "s the Haldano Committee, since Cord Haldane was its chairman.
Cmd. 62, 1919.

of the establishments. He was to be assisted by the necessary staff. His own status was to be a mark of the importance of his work and an earnest that it would receive its due attention. He was to be of equal rank with the heads of the principal divisions of the Department and to be responsible directly to the Head of the Department. Further, in order that he should be specially related to the Treasury, his nomination to the post, made by the Head of his Department, was to be submitted to the Treasury for their concurrence before the appointment took place. Quite the most important of the duties assigned to him,¹ though they were only some among many, were those connected with the fitness of the staff. " He should also be responsible for the application of all rules in regard to the selection of personnel, i.e., the strict enforcement of the requirements of the Order in Council in regard to probation and of the principle that ability is the sole criterion of fitness for promotion, and the use, where necessary, of the power under Section 2 of the Superannuation Act, 1887, to retire a Civil Servant on the ground of his inability to discharge efficiently the duties of his post.^M In the Treasury, a special Establishment Division was to be created to maintain close personal relations with the Departmental establishment officers, to collect and extend the general experience of the Service as a whole, to formulate a code of Service regulations, and to adopt all the methods necessary to improving the work, organisation, mechanical equipment, and to give advice on promotion, classification, and recruitment to the Departments. A Committee of Establishment Officers was also recommended, which should meet under the chairmanship of the Controller of Establishments, and give its advice on general questions which came outside the particular ambit of the individual Departments.

The fourth recommendation was of special significance. Experience had suggested that the efficiency of the whole Service was to be better secured by the personal investigation of Departments by Treasury officers. Nothing,

* If the scope of this Essay were wider I should further discuss this statement, for it is based upon careful consideration of the methods of " rating," or " grading," or " scoring " talent and service in public administration. It is here that the methods of private and public industry must part company, and exactly here will be found the greatest difficulties in the administration of the Socialist State.

indeed, emerges more clearly from the study of modern methods of Treasury control in England or abroad than this, that the work of Government is nowadays so extensive and intricate that any Treasury wishing to exercise its control with any effectiveness is bound to put its own officers as outposts, to listen and watch, in the Departments themselves. This, of course, has its disadvantages, but experience, at least, points in this direction. Treasuries in control of the Departments have, in the course of development, become smitten with the very infirmities which cause Parliament and its Estimate Committees to give up the untutored attempt to control the public finances—inability to appreciate with any reality of feeling and knowledge the thousands of things the spenders are doing with the money. When a concern is small the official can have a living experience of all its parts and control may bear a full and wise relationship to the purpose of the enterprise; when the organisation has grown bigger, the mind can dwell on its object for less than the essential time, and acquires impressions only; later, hearsay becomes the only parent of judgment and command; and, finally, even hearsay must be discarded, while the written record takes its place. "There appears," says the Report, "to be a general agreement that Treasury criticism in the past has too often been misinformed and misdirected owing to the reliance placed on written communications. We recommend, therefore, that the Establishment Division of the Treasury should be sufficiently staffed to enable its officers to make personal investigations, whenever they so desire, by arrangement with the Departments, for the purpose of securing first-hand knowledge of the methods of work and system of grading in the different Departments and of satisfying themselves that the staff is not excessive. We do not think that any special powers are required for this purpose, as such investigations, being intended to clear away misunderstanding or to assist a Department by expert advice and well-informed criticism, would we understand, be welcomed by Departments."

Until August, 1919, the Treasury was organised on the basis of divisions each supervising a number of Departments. The re-organisation then effected was based upon a division of functions within the Treasury; separate branches were created for (a) Supply Services

(money required by Departments), (b) Finance (concerned with the Loans, Revenue, and the Budget, and City and Money Market transactions), and (c) Establishment. It is the Establishment Branch, headed by the Controller and Deputy Controller of Establishments, which now acts as the authority immediately concerned with an staff question? throughout the Service. Its creation in 1919, was due not merely to the force of the recommendation of the committees we ha/e already discussed, but also to the independent recognition that after the war staff questions and re-organisation of the Service would assume an important and even an urgent aspect. Naturally it is impossible to separate financial considerations from the regulations of the numbers and conditions of work in the Civil Service, and therefore the officials of the Establishments Branch are in constant touch with the Supply Branch of the Treasury. The Supply side is closely concerned with the practical implications, in terms of personnel, of any Statute. The result of this differentiation of functions and organs has been to intensify the control of the Treasury in establishment matters. The members of the Branch have obtained a profounder knowledge of the principles underlying their work, and a much more intimate knowledge of the inside conditions of other Departments. Both these advantages are fundamental to any attempt at fruitful control. Within the separate Departments special officers have been made Establishment officers and where the Department is large (e.g., the Board of Trade and Ministry of Labour) well-organised and full-time divisions have been entrusted with establishment work. They are primarily concerned with the conditions of their own Department, and the essence of their task is to secure a proper economy of staff and conditions : equity between the classes of the staff, a right proportion between the classes of officials and the amount and nature of the work to be done. These officers being officers of the Department and not of the Treasury, are accountable to their Department alone. But between them and the Establishment officers of the Treasury there is practically day-to-day consultation. As soon as any part of the domestic economy of a Department in relation to numbers, pay, promotion, conditions of work, equipment, become^ a matter of general principle involving the State

in possible future financial charges the Departmental Establishment officer goes to the Treasury about it. Correspondence is, of course, formally kept up between the Permanent Secretary of the Department and the Permanent Secretary of the Treasury.

To these two parties to staff questions there was added, for some cases, a third, the Departmental Whitley Councils and the Office Committees.¹ The Establishment officer of each separate Department will occasionally attempt to carry the Departmental Whitley Council with him in his policy, and his policy will be carefully watched by the Whitley Council. Often, therefore, the problems which arise will be dealt with by a three-cornered discussion, since the Treasury will try to secure the agreement of both the Departmental parties. Part of the price of making policy representative of all interests is complication of machinery and slowness of decision. Experience in this particular field shows it is a price worth paying, though the Treasury feels that it is being more vexatiously worried than ever before by the staff, and the staff through its Councils feels aggrieved at Treasury slowness and deviousness. Though the Departments are not particularly enamoured of Treasury intervention, the visits of its inspectors have become a matter of routine, and the Departments have established good working relations with them. There is occasional still some irritation, in spite of the Committee's optimistic belief that the inspectors would be welcome. Tension between the Treasury and the Departments is of long standing and is unavoidable, for nothing displeases so much as a fine Departmental scheme wrecked by the Treasury plea of an empty pocket. But consultation is surgical to much displeasure, and an anaesthetic of the rest.

The executive authority for the making of rules of entry into the Civil Service, is the Civil Service Commission. It consists of three members, directly appointed by the Crown, and in practice this means by the Cabinet after consultation with the highest authorities in the Treasury. The Commission is free from outside and especially political interference by a tradition honoured from the outset of its career. The Commis-

¹ Since 1920.

THE BRITISH CIVIL SERVICE

sioners are not subject to any Minister but make their reports to the King.¹ Their quasi-judicial functions are thus freed from political pressure.

Of the present three Commissioners Sir Stanley Leathes entered the office in 1906 as Secretary, in 1897 Mr. Mair entered a grade of technical officers now known as Assistant Directors of Examinations, and in 1896 Mr. Weekes entered the grade now called the Administrative Class. All three are experts in their several ways. Their work gives them a wide knowledge of education. Sir Stanley Leathes is a noted writer on education theory. The reform of mathematical teaching that began with the century and is still in progress could not have taken place but for Mr. Mair's work in the reform of mathematical vamLung. Mr. Weekess knowledge of the Civil Service is unrivalled.

The work of selecting candidates for all offices is in the hands of the Commissioners and for the purpose it engages a large number of examiners, all academic persons of the highest standing. As we have already said, it is not a subordinate of any Department or even of the Treasury. For though the Treasury has joint authority with the Commissioners in their rule-making powers, and has, undoubtedly, the last word in matters of dispute, the executive work is in their hands, and their decisions are never questioned. The powers of the Commissioners have, in their latest form, been laid down in the Ordei in Council of 1920, already referred to.

" (2) The qualifications of all persons proposed to be appointed, whether permanently or temporarily, to any situation or employment in any of His Majesty's Civil Establishments shall, before they are appointed, be approved by the Commissioners, and no person shall be so appointed until a certificate of his qualifications has been issued by the Commissioners." The power of the Treasury enters by the following rule in the same Order.

" (4) The Commissioners may, *subject to the approval of the Treasury*, make regulations prescribing the manner in which persons are to be admitted to

¹ This point is very obly discussed in the article on " The Civil Service " by Trollope already referred to. He says : " But the Civil Service Commission is unassailable, and lives in a casemented fortification against which no stones can be of any avail .. . if they do wrong, how are they to be callrd in question for trie wrong they do?" He suggests that the Commission should be constituted " like other boards," with " no specie¹ irresponsibility."

THE BRITISH CIVIL SERVICE

His Majesty's Civil Establishments or to any situation or class of situations therein, and the conditions in which the Commissioners may issue certificates of qualifications for the purpose of this order."

In regard to the actual exercise of its functions (which are quasi-judicial) its decisions in regard to age, health, character and ability of the candidates, the Commission is subject to judicial review, in respect of the "reasonable" and *bona fide* nature of its action.¹ But it is immune from political influence, and an attempt to bring such influence to bear would, in general, immediately act against the candidate. The Commission in its purity and endeavour to co-ordinate national education and entry into the Service is as much the creature of a public which desires such healthy qualities as it is the creator of - atmosphere healthy for the public. It is the guardian, of honest efficiency and is constantly on the look out for new methods of testing the ability that presents itself. Its incorruptibility gives the candidate complete assurance that if he enters the Service it is due to merit and that alone, and if he fails it is only because he does not reach the standard of the successful. "The candidate who enters for an examination," says Sir Stanley Leathes, the present First Commissioner, "feels that he will have a fair field and no favour; moreover, he feels that if he works hard and uses his capacity to the best advantage he will secure reward for his effort: there is a measure of luck, there is a margin of error, but, subject to these and the limitations of personal capacity and opportunity, the fate of the candidate is at his own disposition to make or mar. That is why open competitive examination is trusted and jealously guarded and defended against artificial restriction."² Further, publicity of the Commissioners' appointments and promotions, and regulations, is secured through notice in the *London Gazette*. The Sixty-eighth Report of the Commission (1924) remarks upon the difference between the Order in Council of 1910 which formerly regulated its powers and the Order in Council of 1920 which superseded it. The latter caused the abolition of the schedule of situations for which recruitment by open competition was prescribed. "That schedule

¹ Pillai v. Secretary of State for India and Others, C. A., June 3rd, 1915. Unreported.

* *Journal of Public Administration*, Vol. I, No. I, p. 5A.

THE BRITISH CIVIL SERVICE

was first drawn up as an appendix to the Order in Council of the 4th of June, 1870, when recruitment by open competition was introduced. The schedule has now done its work, the principle of open competition is thoroughly established, and the schedule can, without harm, be discontinued.*

The heaviness of the amount of work done by the Civil Service Commission may be learned from its own record of cases dealt with. In 1921 the number of cases passing through its hands was a little over 89,000, and it held ninety-three separate competitions. In 1922 it decided over 42,000 cases. In 1923, the number of posts filled by its agency was 12,339. A year later 12,104 posts were filled by it, and in 1925, the number of posts filled was 13,173. For all these situations the Commissioners vouch for the eligibility of the candidates in all respects whether they be situations for which the Commissioners are required to act by Order in Council or Statute, or situations in the Civil Service for which the Commissioners act for the information of a Department, or situations not strictly within the Civil Service. The great number in 1921, is, of course, the immediate consequence of the replacing of a large number of temporary appointments made during the war, and the years following that are more normal.

METHODS OF RECRUITMENT.

Naturally, these situations are not all filled in the same way, for the Civil Service is an exceedingly complex organisation and the reports of Macaulay and Trevelyan give no idea of its infinite variety.¹ There are some 300 different kinds of situation created to cope with the multitude of tasks it has undertaken, but the posts are filled in one of three general fashions: viz., (1) Competitive Examination, (2) Competitive Interview, (3) Nomination.

The description of these methods given by the Civil Service Commission is both succinct and authoritative. "Of the two kinds of competition a competitive examination is one in which the chief element is a test mainly on paper of intellectual capacity and acquirements, while in a competitive interview the assessment of the candi-

¹ Subsequent figures, are all taken from the Civil Service Commission reports for the years in question.

² This variety can be seen from the Civil Service Commissioners' "Abstract of Rules and Regulations respecting examinations for the Home Civil Service, etc., etc." 1st May, 1919.

date's qualifications is made by means of an interview by a Board, and depends mainly on his personality and record. The term "nomination" is used when candidates are presented to the Commissioners for certification and there is an appointment waiting for each of them provided he satisfies the Commissioners of his fitness to carry out the duties of the post.

"Competitive examination may be entirely written or may also include oral, laboratory and practical tests. A competitive examination may be open to all candidates who satisfy the prescribed rules as to nationality, age, health and character, or it may be limited in various other ways, as for instance by the requirement of suitable technical qualifications, or an appropriate university degree, or a nomination by the Department under which the appointment is sought." In 1924 1,220 men and 1,602 women were admitted by competitive examination without a test of personal quality; in 1925 the respective numbers were 1,560 and 2,545. Those admitted by competitive examination with a personal quality test were for the same years 112 men and 5 women, and 222 men and 4 women.

"In the competitive interview personal qualities are the main criterion. The method is used chiefly for recruiting professional or technical situations, in which case possession of the requisite qualifications and experience is usually also a subject of inquiry at the interview. All applicants who satisfy the regulations may or may not be admitted to interview; their number may be reduced by elimination of those found on a scrutiny of their records to be the less suitable, or by a preliminary examination which in some cases is compulsory under the regulations and in other cases is applied at the discretion of the Commissioners." In 1924 111 men and 36 women were thus admitted, and in 1925 155 men and 240 women.

"Nomination cases which form the bulk of the cases in the table below fall into five groups. The first group consists of promotions of persons already serving in an established capacity. Of such promotions, only those which entail the recertification of the promoted officer or endorsement of his existing certificate are included in the following table: much the greater number of promotions, being made in ordinary course, are effected without the Commissioners' intervention, and are not accorded by them." In this group and the four which follow there were

admitted in 1924 6,055 men and 2,963 women, and in 1925, 5,251 men and 2,593 women.

" The second group is the largest, and is that to which the term nomination most obviously applies. In general the nominee is chosen by the Department by some form of local selection, and it is only because the selection is in the hands of the Department instead of being in the hands of the Commissioners that the method comes under the head of nomination. Manual and manipulative grades (such as Postmen and Telephonists) employed throughout the country in the Postal Service regularly account for a considerable majority of all appointments made during the year by nomination. For such situations a competitive interview held by the Civil Service Commissioners would be very cumbersome."

" The third group consists of classes of employees nominated by their Department for establishment after having given satisfactory service for a number of years in an unestablished capacity. One such class is the workmen employed by the War Office in the Ordnance Department and Ordnance Factories, who are certificated as Established Civilian Employees, and usually employed as foremen. Other examples are the Skilled Workmen and temporary Postman Messengers in the Post Office service. Temporary Postman Messengers are selected from the class c^r temporary Telegraph Messengers partly on good service and partly on examinations conducted by the Civil Service Commissioners : they are certificated for retention until the age of 18, at which age they normally become established Civil Servants without further inquiry by the Commissioners."

" For the fourth group the method of appointment does not differ greatly from competitive interview. The nominees are chosen by an interview board on which the Civil Service Commissioners are generally represented and often furnish the chairman. The interview board, however, is advisory, and does not make the final decision. It makes to the Head of the Department a recommendation that certain persons shall be nominated for appointment, but there remains with the Head of the Department a discretionary power to depart from the recommendation of that of the board which, even if in practice it be not exercised, includes these appointments in the nomination

group. The appointment of Medical Officers under the Ministry of Health are examples of this method."

" The fifth group results from changes in the organisation of the Civil Service by which classes of persons formerly unestablished are from time to time brought within the established ranks. This group has lately included County Court Clerks and Bailiffs in the Lord Chancellor's Department, and Principal Foremen, Foremen, and Leading Storemen under the Air Ministry."

The connection between the grades and the educational system of a country is obvious and constitutes an important problem. For the accessibility of situations will naturally cause the establishment of schools to prepare students for examinations, while the Civil Service authorities will be influenced more or less consciously in their classification of the work in the Service by the products of the schools at different ages. This connection between the educational and the Service classification was in fact implicit in the actual historical development of the Civil Service, for the two divisions of work, administrative and clerical, coincided, though with an amount of error which will emerge later, with University and Secondary School Education. But this fact and its implied problems were but vaguely grasped until the Macdonnell Commission examined the situation. By the time it was appointed the variety of work in the Service had completely outgrown any rational co-ordination with the main grades of education. It was the merit of that Commission to have brought the problem into conscious notice, to have prescribed for a harmonious co-operation between the Civil Service Commission and the educational system, to the great advantage of both. This problem will be discussed again in the description of the various classes of Civil Servants, but here one point may be noticed. The Commissioners were convinced that to the attainment of an ideal Civil Service it was essential that the educational system, from the primary schools to the Universities, should be made open to the capable of every class by means of a well-organised system of scholarships.¹ It is not quickly that this recommendation is being realised.

¹ This is the general tenour of the discussion on pp. 49 and 30 of the Report, Cd. 7338, 1914.

THE BRITISH CIVIL SERVICE

THE PERSONNEL.

The Civil Service now comprises about 300,000/ This, of course, excludes the personnel of the Army, Navy, and Air Force, but includes the administrative and clerical staffs of these services. It also excludes industrial staffs like the artisans in the Admiralty dockyards, in the War Office arsenals and other works, in the Mint, the Post Office, the Stationery Office, the Office of Works, totalling 118,523, in March, 1923. Of this 300,000 the biggest proportion is contained in the Post Office, where over 186,000 are employed. Not more than a few hundred of this great number are included in the description which follows, for the rest, the telegraphists, telephonists, postmen, sorters, etc., are not staff of the administrative and clerical nature we are discussing. The 110,000 thus remaining in the other Departments are for the main part in service outside the London headquarters : only 51,000 are located in and about Whitehall, the focal centre of English public administration. The rest, 59,000, serve in the various offices and branches in the provinces. The classification of the staffs working outside London does not exactly follow that within, for the higher-paid servants there have been put into grades a little lower than those prevailing in London, largely in order to save public money. But the classification is sufficiently similar to that in London to be understood as described in the subsequent analysis. The latest figures now public showing the present distribution among the various classes are to be found in the Report of the Committee on Pay, etc., of State Servants of 1923, when the Departments contained about 304,000. We shall use those figures when we describe the classes now actually in existence, though the difference of about 4,000 must be borne in mind. Meanwhile we must see what the situation was when the Macdonnell Commission issued its Report, and then add an account of development during and after the war.

The Commission examined the position of some 60,000 officials—that is, all government staffs excluding the Post Office, which then numbered 230,000. Of the 60,000, nearly one-half (to be exact, 25,000) were temporary em-

¹ Of these, on April 1st, 1926, about 253,000 were permanent staff, while 44,300 were temporary.

THE BRITISH CIVIL SERVICE

ployees, and of this number 20,000 were messengers, door-keepers, porters charwomen, servants and labourers in Government Offices, appointed by single nomination by the Department, and the other 5,000 were temporary clerks employed for the completion of a definite piece of public work. Secondly, there were about 9,000 officials, permanent, but doing subordinate work not demanding a high level of education, e.g., prison warders, office-keepers, matrons, and attendants of various kinds. They were recruited by nomination followed by a qualifying examination in elementary subjects such as handwriting, arithmetic, copying, reading, etc. Such a class still exists and they enter the Service by the same method : some influence, direct or indirect, is necessary to secure a nomination by the Department. Nominations are made to the Departments by judges, politicians, J.P.'s, and people of similar status. And many of such subordinate offices are filled by men who have served in the Army and Navy. A third class consisted of Executive Officers in the Customs and Excise, the Inland Revenue, and other Departments, such as officers of Customs and Excise, Examiners of Patents, etc. These numbered between 8,000 and 9,000. Now (1927) they number about 20 per cent, more, since in the field of Customs and Taxes administration extra work has been added by the piecemeal and furtive adoption of a Customs tariff, and the stiffening of income-tax collection. For this class there is open competitive examination in general subjects, and those technically useful in the prosecution of their duties, e.g., for Examiners of Patents, geometry, mechanics, chemistry, electricity and magnetism, general physics; for Customs Officials, chemistry, or mathematics or languages.

Finally came the very important class of Professional and Technical officers like lawyers, doctors, educational experts, engineers, architects, surveyors, chemists, women experts on education, health and welfare. They numbered about 1,500. They did not in general undergo a written examination of their knowledge and ability, the Commissioners satisfying themselves otherwise on the point. These candidates had, naturally, their professional diplomas, and were and are, at the present time, usually recruited at an age when they are no longer "examinable." The method of recruitment • • assisted in 1914, and consists now, of one of two methods. There is

competitive examination for the younger recruits but it is limited to those who have been nominated by the Department. Where examination is dispensed with altogether there is competitive interview. The competition between applicants for such office takes place in the form of an advertisement of the situation by the Civil Service Commission, followed by a careful comparison of professional ability and experience by a committee composed of nominees of the Civil Service Commission and the employing Department. This class has greatly increased in numbers since 1914.

The numbers already accounted for make about 45,000 altogether : there were thus 15,000 left. This 15,000 then represented about 25 per cent, of the total number of Civil Servants, excluding the manipulative Post Office workers. And this 25 per cent., in London and the Provinces, were the general administrative and clerical staffs which constituted the backbone of the Service, and that part of it which the ordinary man in the street has in his mind when he talks of " the Departments/' the " Civil Service/' " red tape," " the bureaucracy."

The highest grade of these officials was the Administrative Class called the First or Higher Division. The total number of this body was something over 450 in 1914. It constituted then, and constitutes now, though its name and organisation are to-day slightly different, the *Slite* of the Service. This class comprises the highest appointments in the Civil Service, going by a variety of names according to the traditional internal organisation of the Department: the General Administrative Officers, the Assistant Principals, Principals, Assistants, Secretaries, up to the Heads of the Department. They have none but the small amount of clerical and routine work which is naturally incidental to and inseparable from even the most commanding position, and are primarily occupied with highly responsible duties related to the planning or execution of policy. They prepare material to form the basis of Bills, with the memoranda and argument necessary to support the clauses which are then drafted by Parliamentary Counsel. They construct the Rules for the administration of Acts of Parliament, work up material for ministerial speeches and explanations to the House of Commons and the country, and act as secretaries to Royal Commissions and Committees of Inquiry; then there is

the daily task of writing " minutes " on difficulties that arise in the day's work. By promotion a proportion rise to the charge of a division of the Department, as Assistant Secretaries. Then they may write directly to the outside world over their own signature,¹ and are more closely the advisers of the Permanent Secretary and the Minister. Some are brought in from the outside world, or from other Departments, when the special consent of the Treasury and the Civil Service Commission is needed. Of the Permanent Secretary I will speak later.

This Division is recruited together with the Indian Civil Service and the Eastern Cadetships and the Diplomatic and Consular Service at the age of 22-24 in the August of each year. Up to 1919 admission to the Diplomatic Service and the Foreign Office was limited to those who had a private income or allowance of 400 a year, and could (as in the case of Diplomatic Attaches) afford to work abroad without pay for the first two years. This qualification was abolished in 1919. Now, to quote the Foreign Office List, " candidates desiring to be appointed to the Combined Services will first be required to appear before a Board of Selection, which will decide whether they possess suitable qualifications for entry into the Foreign Office and the Diplomatic Service." For these candidates special arrangements are made in the Class I examination to ensure a thorough knowledge of French and German and some other modern language.

The age of recruitment corresponds with a completed University education, i.e., at least three years full-time work. Only those who take high Honours at a written and oral examination of a very severe character can expect to pass the Civil Service examination for this particular grade. Some years of professional acquaintance with many students who have become candidates convince me that in the majority of cases only those of the highest intelligence, intellectual capacity and character stand a chance of success.

Now this class started as the preserve of the upper and middle classes, since only they were able to afford an Oxford or Cambridge education. The provision of scholarships for poor students has in late years resulted in an increasing number of successes among those who

¹ Business in some Departments is so extensive that Principal Clerks, who are not in the Administrative Grade, are allowed to sign letters, too.

have worked their way up from the public elementary schools, and the newer Universities of London and the Provinces are annually competing with greater force than before for the number of places open to competition. Unfortunately it is impossible to get adequate figures of the percentage of elementary school boys who have been able to climb the educational ladder and compete successfully for entry into the Administrative class. But the Civil Service in this branch is still dominated by the greater and lesser public schools and the older Universities. The virtues of their social class and educational antecedents are manifest, and we have in an earlier discussion pointed them out. To the Service they bring loyalty, ability and fresh-mindedness. But two things are open to criticism. Their course of education, besides being admirably fitted to make good public servants, is also as things now are, a process of initiation into a social caste. This brings with it a certain amount of nice-mannered arrogance and exclusiveness not altogether congenial to grades outside this class, whose group loyalty, while it is a spur to co-operation within, is an obstacle to the ready acceptance of talent and truth from without, and to the necessary exposure of inefficiency. Its knowledge is not fully representative of the nation, but only of a part. It contains prejudices which need correction. This does not mean that all officials should be elected as was demanded by the Communists in Germany during the Revolution of 1919. But it does mean that the educational system should be further made to provide such opportunities that the Service can be recruited regardless of class and locality. The criticism passed above would, of course, lose its basis in a generation if the rate of recruitment from the public elementary and secondary schools were properly increased. The Foreign Office and Diplomatic Service is still the preserve of those who fill up Eton Harrow and other great public schools, as can be seen from any annual report of the Civil Service Commission.

The second criticism is that these officials have obtained their conception of society and social processes through books and lectures and home life to the time of their examination; and from entry into the Service they watch a minum part of the universe at work through the window of their own Department. They pass from the study into

THE BRITISH CIVIL SERVICE

the office, and not a chink of the open sky or a breath of the fresh breezes of real life invigorate their mentality. Their knowledge is consequently unconscious of many realities and second-hand. They can deal admirably with paper, but not so well with men and events¹ Indeed, the members of the Committee on the Class I Examination appear to have been too much impressed by the work of Class I, as dictated by the days when they were young. They prescribed not for the Civil Service of to-day, still less of to-morrow, but of that of, say, 1890, or 1900.* Nowadays the State has applied its formidable power to almost every aspect of life. The ability to find and understand apt words is the smallest part of what a modern State administrator needs. We need wise and forceful men in tune with the vast activities and machinery of modern civilisation. More and more will they govern though Parliament continues to reign. This, I believe, is what Sir George Murray was trying to make plain to the Commission of 1914 and it is exactly what the Committee on the Class I Examination did not see.*

¹ It should be said that the official is now rather more in touch with the public than he was before the war. The public has, as it were, broken into the Service, and it was the war which speeded up the possibility of its doing so. The cleverer men get ample chances to cope with M.P.'s, to conduct inquiries in or outside London, to be secretaries to committees and commissions, etc.

¹ Cf. Report, para. 23. " We consider that all well-educated young men should be able to use the English language skilfully and accurately and to grasp its meaning readily and correctly." O course! And what else?

* (App. to First Report, Royal Commission on Civil Service, Cd. Cd 210, 1913. Questions 1955 and 1958.)

Sir George Murray (1955) : " What I was thinking of was this : That while the men who are drawn from the Class I Examination are, I think, very good for the purposes for which they are required for the first ten, or twelve, or fifteen years of their official life, I have at times been rather disappointed at finding how few of them emerge satisfactorily from the ruck and come out as really capable heads of departments."

1958 (Chairman) : " Will you just explain a little further. Is there, do you think, anything defective in the original way of selecting the first division *men*, which explains the fact you mentioned of their turning out badly when they get to fifteen or twenty years' service?" Sir George Murray : "• I did not wish to say that I thought they turned out badly as a body, but merely that I should have expected that more of them would have been better qualified for the best places that were open to them. But I do not think that anything you could do in prescribing the subjects for examination or in making any change in the methods of appointment, could possibly affect that."

The comment made upon this by the Committee on the Class I Examination was (para. 13. pp. 10 and 11) : " If among those selected by open competition there <*& not always to be found a

For them this problem did not exist. Some method must be found of giving the Civil Servant in the top grade what William James called the "pungent sense of effective reality." I believe it would repay the country again and again if it gave its successful candidates, even before they had chosen their Departments, the Grand Tour abroad for two years. That would shake complacency, institute comparison, compel reflection, and broaden the mind, as nothing else can. The entrants into the administrative grade have nothing like the experience common among young business men. But a business man is merely an administrator free of hierarchical direction, just as the capitalist system, from the standpoint of organisation, is nothing but extreme economic decentralisation. Consider the multitude of physical and spiritual difficulties a business man has to learn to conquer before he can acquire the art of management, the constant occupation with first-hand realities which he must master to be successful in the offer of his services and the sale of his talents, the adjustment and reconciliation of means and ends so variable because they are human, and the training in the anxieties and calculation of a future which is never the same as the present! This is the stuff of real life and no mere book-learning or wise teachers can give it, for the only useful lessons are those which you teach yourself, and precepts are bad substitutes. Compared with the average independent business man in this respect, the new entrant to the Administrative Class is like the spectator in the cave of Plato's Parable: "compelled all their lifetime to keep their heads unmoved and" holding the shadows of those manufactured articles to be the only realities." Each candidate could be asked to bring back a report upon the foreign handling of a subject falling in the Department of his choice. But not more than three University terms should be spent in this way.

The scheme of examination has not failed to be affected by, first, the demand that political science and economics should figure more prominently, and secondly, by the increasing specialisation of university education. The former subjects were, however, not given in sufficient number to those who, after many years of service, are, by virtue of their initiative, force of character, freshness of mind, and constructive ability, fit for the highest posts, the fault may lie in the system of training after entry, and in the conditions of subordinate service; it need not lie with the competitive system."

the reform of the syllabus in 1917 the entire dignity and weight in marks still conferred on the Classical Languages, History and Literature; the Modern Languages, History and Literature; History; Mathematics and the Natural Sciences. "There is also," said the Committee, "a great range of university studies, political, legal, economic and philosophical—which have not been as yet, so far as we know, consolidated into one Honours School, though the courses offered by the London School of Economics may cover the most part of them. We have greatly increased the collective weight of these studies, but we do not consider it desirable that candidates for the Civil Service should study exclusively either politics, law, economics, or philosophy." The specialisation of university education involves the examiners in considerable difficulty; there are thirty-eight subjects on the examination syllabus. How can they, for example, judge between the merits of a student taking Ethnology, another who takes Physiology, a third, Chemistry, and another, Botany? This specialisation is a departure from the prime intention of the examiners to test general ability. The only common meeting ground for all candidates at present is the compulsory part comprising 1, Essay; 2, English; 3, Present Day; 4, Everyday Science; 5, Auxiliary Language; 6, *Viva Voce*. Each of these subjects carries 100 marks, except the *Viva Voce* examination which carries 300.

This oral examination, begun in 1917, is conducted after the written one, as many as 300 marks being awarded here as a maximum. As subjects to the value of 1,000 marks must be offered from the various options, the *viva voce* marks equal one-sixth of the total marks. It is an important proportion and it has the effect of greatly altering the position of many candidates held on the list of the written examination. The number of marks given for the *viva* could, I think, be decreased to 150 with advantage to the Service. The character of this interview has never been publicly described, and therefore it is difficult either to praise or blame it.¹ But it is not looked upon with

¹ Cf. The Consultative Committee of the Board of Education in its Interim Report on Scholarships of 19th May, 1916, cited by the Committee: "But for both Services the examination should continue to be a test of general rather than highly specialised ability and education, so far as this is compatible with, our system of National Education. It should be a test of training as well as a test of knowledge. It should include a *viva voce* examination."

much trust by the unsuccessful candidates. They believe, rightly or wrongly, that class symptoms, such as vocal accent, the social graces, deportment and address, the sporting record at school or college, the social status of the school, and not intellectual capacity and acquirements or general ability to administer, determine the judgment. There is, perhaps, some ground for this complaint. No private business would employ a man or woman before he or she had been "up for an interview." There are qualities which written examinations do not judge, but which are essential to good administration—such are address, tact, presence, demeanour, etc., and the Civil Service must also seek for these qualities by the method of interview. But there is a great difference between the private-business interview and the Civil Service *viva*. In the former the employer knows in great detail the nature of the specific job to be filled; and capacity to fulfil its duties is preferred to adventitious qualities. The Civil Service Board of Interview do not know the exact character of the situation, and since they will never see, and certainly will not lose money as, the result of a mistake they are more likely to be influenced by whether the applicant is generally "nice" or not. They are in a psychological atmosphere where everything prompts them to award a prize to those who find favour in their sight; they are not sufficiently mercenary to avoid assessing incidental attributes at exaggerated values. Men like Edwin Chadwick would have sent "manner" and "niceness" to the winds. I have my doubts about Bentham. He would have agreed with Chadwick in theory, but he was so mild, shy, and considerate, that in practice he would have given every one the maximum marks. The solution then is to limit the possibility of error by reducing the maximum number of marks.

The second great class in 1914 was the Intermediate Class. It numbered then about 1,250. These were employed only in offices having few or no First Division Clerks, and consisted of some who had taken the Intermediate Examination, and others promoted from the Second Division immediately below. This class was recruited at the ages of 18 to 19½ and drew upon that portion of the school population which had obtained a full secondarily school education. This particular class had been created in 1906 to meet the specialisation of Civil Service

work, and also to make a place for the best of the Second Division Class, and those young persons who had stayed at school till 18 or 19. Something further is said on this head in the paragraphs on the Second Division. The Commission of 1914 described the duties of this class as higher clerical and administrative duties in "office" where the business consists of the methodical but intelligent carrying out of duties arising under a particular body of established law or practice, rather than in the handling of matters of policy that may present various aspects." This class has been merged in part into the Executive Class discussed later.

In the third place, the Second Division comprised the bulk of the clerical staff which spread through almost all the departments and numbered over 4,000. They were recruited at from 17 to 20, and the examination comprised subjects like languages, bookkeeping, shorthand, lower mathematics, typewriting, precis, copying, office organisation, etc. Now neither the age of entry nor the subjects of examination fitted in exactly with the normal educational system of the country. Consequently private schools specialised in "cramming" these candidates. This class attracted a very large proportion of the best of the educated youth¹ of the country, and from them the Civil Service took the cream. Many were far too well-educated for the routine and rather mechanical work they had to perform. This was a clear economic loss to the country, and as, too, it has always been difficult to determine the exact line of demarcation between their work and First Division work, it was a source of brooding disappointment to the men.

Few could look forward to any high promotion. In the years between 1894 and 1914 about 13½ per cent, of the vacancies, that is, about one in seven, in the Upper Division, were filled from this class. No promotion could take place into the higher classes until there had been eight years' service. Such promotions would take place, of course, only in those Departments where there were higher posts, and this gave grounds for jealousy. There was an enormous variety in educational attainments in this class, and the slowness of promotion wore down and blunted even the best talents. The Second Division gave the greatest difficulty to the Commission of 1914. the

¹ Of course, as far as our national education goes.

Commission recommended that the period of office before promotion should be reduced from eight to six years.¹ In the course of the post-war reforms the Second Division was radically re-organised, and how it has been assimilated with the new Executive and Higher Clerical class will be explained later.

. Below the Second Division Clerks was the class known as the Assistant Clerks, who in 1914 numbered over 3,000. This class was established to do work of the more mechanical and routine character previously done by the Second Division; and also to provide a permanent situation for the lowest class of clerks, the boy clerks, who were otherwise compelled to leave the Service at the age of 18.

The recommendation of the Commission was that a re-organisation of these two classes—the Second Division and the Assistant Clerks—should take place. These were to be re-sorted for the future into two new classes : the Senior Clerical and the Junior Clerical.

Below this class were the Boy Clerks, who were recruited at the age of 15 to 16 by a simple examination. At 18 they had to leave the Service unless they had gone up to a higher class by examination. Few did enter the Second Division by competition, or the Assistant Class, once it was thrown open to competition. The job was plainly a " blind-alley " job, and in the Service the boys lost the years most valuable to them for training for outside posts. Their age-limit did not fit any real educational grade. They were recommended to be merged into the Junior Clerical Class, whose lower age limit was 16.

There were lastly 3,000 women clerks employed, mainly in the General Post Office. They were recruited at 16 or 18, or later between 18 and 20, and took a general examination including History, English, Precis, Latin, French or German. There were also 600 female typists.

Within this system there was a system of promotion as unsatisfactory to the individual as it was inefficient for the State. Below the grades of the First Division, and the Intermediate class, officials were not subject to " promotion " in any important sense. They went up to the

¹ Report, Cd. '338, p. 61. The reasons are worth noting. " It is, we think, indisputable that there is no worse training for the real duties of administ*Lion, which require freshness of mind, individuality and judgment, than a long period of routine work, however faithfully performed; if, therefore, a man has sufficient capacity to fit him for administrative work, his fitness should be ascertained as early as possible in his career "

THE BRITISH CIVIL SERVICE

higher levels of the scale of pay within their class without any further tests or warrant than a certificate from the Head of the Department. This was given formally. In the two highest branches of the Service there were grades within the class, and a movement from an inferior to a superior grade meant a new sphere of responsibilities, higher status, and more pay. The Head of the Department was the final authority on this, and promoted by merit, as directed by Order in Council. But no one co-operated with him in defining and discovering such merit. Promotion from a lower to a higher class outside this was a rare thing, and came about only in exceptional cases, with the approval of the Treasury and the certificate of the Civil Service Commissioners. In some Departments the Head of the Department would more or less regularly discuss the character and work of the staff with his responsible subordinates in order the better to fulfil his obligations in respect to promotion. The Macdonnell Commission urged that this should be supplemented by a written record of service, especially where a Department was large and scattered.

RE-ORGANISATION SINCE 1914.

The war stopped many important pending reforms from being realised, and among them, of course, was re-organisation of the Civil Service. But new questions soon became important, among them the position of men who would have entered the Service but for their loss of time in the Army, and the question of women's employment.

A Committee on Recruitment for the Civil Service after the War was appointed by the Treasury in January, 1918, presided over by Lord Gladstone. It issued four reports; the first two on temporary employees in the Civil Service and the relaxation of rules of entry. Of more ultimate importance were its reports on the general questions for recruitment for the Service. They followed the main principles laid down by the Macdonnell Commission of 1914. The Gladstone Committee particularly kept in

¹ It must be noticed that the Macdonnell Commission presented two reports, majority and minority. On the advice of the Gladstone Committee the Government chose the Minority Report (opposed by Lord Macdonnell) upon which to act. The main difference between majority and minority was this: The majority recommended that the new classes should be: i. Administrative Class (= Division I); a. Senior Clerical (= Second Division); abolish Intermediate Class;

mind the Macdonnell Commission's principle that the tests for entry into each Class should be made to correspond with the completion of some definite stages in the general educational system of the country. And the classification as it left the Committee's hands was this :

1. An Administrative Class, corresponding with the First or Higher Division, already discussed. Women should be given special work within this class.
2. A First Clerical Grade to be recruited at about the age of 18, corresponding with a complete course of Secondary Education, or by promotion from the Second Clerical Grade. It was to be employed as the Intermediate Clerks were, only in departments where there were no duties for the Administrative Class.
3. A Second Clerical Grade recruited at the age of 16, corresponding with the completion of the first stage of Secondary Education. It was to be employed on routine duties only in departments where the Administrative Class were employed, but would be eligible for promotion to the First Clerical Grade working in other departments.
4. A class of Women Clerks, recruited at 17 to 18 by examination similar to that of the Second Grade. It was to do routine work in departments where the First Clerical Grade were employed.
5. Typists and Shorthand-Typists, eligible for promotion to the grade of women clerks.

WOMEN IN THE SERVICE.

Here we may glance at the position of women in the Service. In 1914 it was the anomalous result of official apathy and shortsightedness. The Post Office was the pioneer and employed 3,000 girl and women clerks; in a few other Departments there were something over 200 female clerks. There was a body of some 200 female inspectors in the Education Department, the Factory Department, the Ministry of Health services, the National Insurance Commissions and the Labour Exchange

and 3. Junior Clerical Class (= Boy and Assistant Clerks) to be discharged if unfit at 18. The minority recommended : 1. Junior Secretarial Officers (= lower ranks of Division 1); 2. First Grade Clerks (recruited at 18, = Intermediate Class); 3. Second Grade Clerks (recruited at 16½ and rising by promotion to the First Grade).

system. Then there were a handful of women in special positions, e.g., in the Board of Trade, for investigations connected with industries in which women are employed in large numbers. The only class of female clerical labour common to the whole Service, and actually at work in about half the public departments, was that of the female typists numbering about 600. Firilly came a class of some 2,000 women employed as matrons, nurses, wardresses, attendants, housekeepers, cha;women, etc. In regard to all these women servants, with the exception of the clerical staffs, there was a definite system of recruitment, conditions of employment, etc., similar to those governing male employment.

Why should 3,000 be employed by the G.P.O., and only 500 in other departments? The Commission could not find any adequate reason for this ; nor why there should be the same standard of examination for girl and women clerks, and no proper relationship between the examination and the educational system.

Indeed, the progress of female education had hardly affected the Civil Service. It was not a right principle to provide employment for women for its own sake, but it was necessary to secure for the State the services of those who would be a benefit to it. The Commission believed that men and women were not completely interchangeable, since the evidence showed that " in power of sustained work, in the continuity of service, and m adaptability to varying service conditions, the advantage lies with men." Their established service had to cease upon marriage, since family responsibility was not compatible with proper public services. Further, it was the practice of the Service to pay women less than men doing similar work, but not apparently on any rational principle of comparison of efficiency. The majority,¹ therefore, recommended an equality of pay in such conditions ; where, however, a difference of efficiency could be proved the pay of women should remain less⁴han that of men. The minority thought the women's pay should be less because they were free of family responsibilities.

As to the positions for which women were specially fitted, the Commissioners pointed to the whole range of State services connected with; " the nurture and education

¹ The majority and the minority on the point of women's employment did not correspond to the main Majority and Minority Reports.

of children, the health and housing of the people, sickness insurance for women, the administration of the Poor Law so far as it devolves upon the Central Government, industrial conditions and wages, the welfare of women in reformatories, prisons, workhouses, and asylums." They should not compete in the Class I examination, but be chosen by a special selecting body. As to the female clerks, their employment should be extended to every department, and their employment in self-contained sections under female supervision should be continued. There should be an end to the departmental examinations, and the examinations should be adapted to secondary school education.

The Gladstone Committee on Recruitment after the War carried these suggestions hardly any further. It was emphatic in its appreciation of women's work in the routine and clerical posts. While it thought it an advantage to preserve segregation of men and women, especially where the staff was large, since, among other things, this offered a definite line of promotion to the women, they did not think a uniform rule ought to be imposed on all departments. Lastly, typists should be given opportunities of promotion to Women Clerkships. The Re-organisation scheme of 1920, the work of staff side as well as official side, to be described in subsequent paragraphs, incorporated these recommendations. The higher grades of the Service are but slowly being percolated by women entrants, but the Clerical Grade is as open to women as to men, and the Writing Assistant and Typing Grades are open to women only. On the 1st April, 1926, there were 60,000 women on the permanent staff compared with 191,000 men. Of the 60,000 some 48,000 were Post Office workers of all grades, more than half being of a manipulative character. On May 19th, 1920, a House of Commons resolution was carried declaring it expedient that women should have equal opportunity of employment with men in all branches of the Civil Service in the United Kingdom and under all Local Authorities, providing that the claims of ex-Service men are first of all considered, and should also receive equal pay. On 5th August, 1921, the House declared that it would have to put off the day of equality of payment since the country was not well off enough, and the question should be renewed before the end of 1924. As to the question of equal pay, the Ander-

THE BRITISH CIVIL SERVICE

son Committee of 1923 made certain remarks and recommendations, and these I consider later.

RE-ORGANISATION.

The years from 1918 until the present have witnessed the gradual re-organisation of the Service on this classification, but not with this exact nomenclature or grouping. For in 1919 the staff were themselves given, for the first time in the history of the Service, the right to co-operate with the Heads of Departments and the Treasury in the work of reclassification and re-organisation. Their views were expressed through representatives elected by them to the Staff side of the National Whitley Council. Staff side and Official side laid their agreed report before the public in February, 1920.¹ It was " the first occasion on which a body composed entirely of present or past Civil Servants, possessing among them a wide and varied experience of the Public Service, have been given the opportunity of framing a scheme for its reconstruction," and that " a group of persons drawn from every part of a graded service of the Crown ^M had been " able to present an *agreed* report upon the form and shape their service should take."

This brings us at once to the present classification of personnel based upon that report, for by the middle or 1922, re-organisation and assimilation had been effected in most of the big departments, though only after many perplexing difficulties had been overcome and claims and counter-claims settled. The Service has been transmuted into these classes :

- A. The Administrative Class, covering the old First Division. It is open by competitive examination to men between the ages of 22-24 ; until 1925 it was open to women between the ages of 22-30 to be chosen, when necessary, by an authoritative and impartial selection board with or without a qualifying examination. In 1925 the class was opened to women on the same terms as to men, and three women then passed by examination into this class as compared with 19 men. This class is recruited also by promotion from the lower classes of the Service, and those who are so promoted, as well as those who enter by examination, enter first the administrative cadet corps, called the

¹ Report on the Organisation, etc. of the Civil service, H.M.S.O. February 17th, 1920.

THE BRITISH CIVIL SERVICE

Junior Grade, which serves as a probationary period for their new duties. The numbers of such promotions are to be small enough to give a reasonably certain prospect of more responsible office later. There is a probation period of two years, at the end of which there is either discharge or reversion to a lower grade if the probationer is unsatisfactory. Men begin with a salary, on * pre-war basis, i.e., without cost of living bonus,¹ of £200 per annum, and rise by £20 annually to £400, and then by £25 to £500; women go from £200 by £20 to £500. The higher grade of this class goes from £600 to £700; and then after that as opportunities of promotion arise to beyond £1,000. In 1923 there were 1,596 officials of the Administrative Class. Twelve of these were women, most of them selected for special knowledge or appointed to special posts of control over women staff.

- B. The Executive Class, to do the higher work of the Supply and Accounting Departments, and of other executive or specialised branches of the Service.² It is recruited normally by promotion. Direct recruitment at 18 to 19 on a full secondary education basis comes in only in the absence of suitable promotees. Where there is extension of this grade to women they are chosen by a selection board between the ages of 18 and 25. In this Class there are two Grades (1) a Training Grade, and (2) the Higher Grade. All entrants whether by open competition or by promotion go into the Training Grade for a two years' probation and a wide training. The probation is followed by discharge or reversion to the Clerical

¹ The scales of salary which are set down in this and subsequent paragraphs are on a pre-war basis, and for actual pay there must be added the Cost of Living Bonus calculated as described on page 62.

² Clause 32 of the Report further specifies this kind of work : " This work covers a wide field and requires in different degrees qualities of judgment, initiative and resource. In the junior ranks it comprises the critical examination of particular cases of lesser importance, not clearly within the scope of approved regulations or general decisions, initial investigations into matters of higher importance, and the immediate direction of small blocks of business. In its upper ranges it is concerned with matters of internal organisation and control, with the settlement of broad questions arising out of business in hand or in contemplation, and with the responsible conduct of important operations."

* The 68th Report of the Civil Service Commission (1924), p. 12, describes the method of selection. " The first stage was a sifting carried out upon the written records, the next a qualifying examination, and the third and last a competitive interview."

class. In the Training Grade the salary, without cost of living bonus over 1914, starts at £100, and rises to £400 for men and £300 for women by small yearly increments. When an official is moved into the Higher Grade of the Executive Class ne goes from £.400 to £600, and a woman from £300 to £400 per annum. This class contains about 6,000 officials.

C. The Clerical Class covers the lower range of the old Second Class, with the addition of the Assistant Clerks, and the Boy Clerks. The class falls into two Grades : a Higher Clerical Class and the Clerical Class pure and simple. The latter *IF* recruited among boys at 16-17, and among girls at 16½-17½, and the syllabus of the examination is framed with reference to the standard of development reached at the end of the intermediate stage of a secondary school course. There is one year's probation. Men rise from annual pay on a pre-war basis of £6c by small increments to £250 (after 20 years' service); women from the same initial salary to ;£i80 a year at the age of 34. It is intended, too, that in the case of men at £180 and in that of women at £135, there shall be an efficiency bar. At that point unless they are worth a special certificate of competency to discharge the higher duties of their Class, they cannot proceed further up the wage-scale. There is then promotion to the Higher Clerical Grade, which does supervising or more difficult individual duties, and the scale proceeds to £400 a year for men, and £300 a year for women. The Higher Grade is employed only in those departments where there are no Executive Class officials. There are about 20,000 officials now in the Clerical Classes.

D. There is a Writing Assistant Class to do the simple mechanical work, like hand-copying, transcribing, filling up forms, addressing letters, the writing and counting of cards and forms, the preparation of lists, and charge of the filing system. It is recruited from women at the age of 16-17, and there are opportunities of promotion to the Clerical Class. The pay rises, on a pre-war basis, from 18s. at commencement to 22s. per week, and ther goes up to a maxium of 36s. per week by annual incresments 61 2s. per week.

E. Finally, there is a Class of Typists and Shorthand Typists. Their numbers in any Department are restricted to no more than half of the total staff. The Typists are recruited between the ages of 18 and 28 by a simple written competitive examination, and usually the Shorthand-Typists class is filled by competition in a written examination among eligible typists. The Typists' scale of pay is from 22s. to 36s., by annual increments of 2s. a week; Shorthand Typists get from 28s. to 46s., the increment being 2s. 6d. per week. There are then Superintendents and Chief Superintendents, the former paid from £150 to £180 a year; the latter starting at £200.

Corresponding to the other component classes of the Service we saw existent in 1914 are (in March, 1923) :

- (a) The Professional, Scientific and Technical group containing 12,509 members;
- (b) The Inspectorate, 12,434;
- (c) Temporary clerical and typing staffs, 41,000;
- (d) Messengers, Charwomen, etc., 19,678.

PROMOTION.

Promotion is now regulated on the principles and through the machinery laid down in the Whitley Report of 1920. Posts over £900 (that is in the Higher Grade of the Administrative Class) are still left to the discretion of the Head of the Department. In regard to posts falling in the classes below that, the principle has been accepted that the Staff is entitled to make representations. Further, promotion is based upon Annual Reports for all posts up to a salary of £700 a year, with a permissive waiving of such Reports at the discretion of the Head of the Department, but after consideration by the Departmental Whitley Council, where the salary is over £500. The Report Form, reproduced here, will be seen to prescribe a number of qualities. But the relative importance of qualities varies with different posts, and the fitness of an officer for promotion depends upon his personal combination of those qualities requisite to the work in the vacant post. The further down on the scale of routine work the post is, the more does seniority count; the higher up, where initiative and responsibility are the predominant qualities, the less does it count.

APPENDIX.

Confidential.

MODEL FORM (Page 1).

ANNUAL REPORT ON MEMBERS OF THE STAFF (TO BE, RENDERED ON
1ST JANUARY).

January 19

Annual Report on Mr..... (Name).
(Rank).

Branch in which serving

Date of Birth.....

Date of entry into—

(a) Public Service

(b) Department (if different from (a))

(c) Present Grade

For instructions for compiling the report, see page 2 (below).

(1)	Above Average of Grade (2)	Average of Grade (3)	Below Av of Grade (4)	Remarks (5)
I. Knowledge— (a) of Branch				
(b) of Department				
2. Personality and Force of				
Character				
3. Judgment				
4. Power of taking respon-				
sibility				
5. Initiative.				
6. Accuracy				
7. Address and Tact				
8. Power of supervising				
Staff				
9. Zeal				
10. Official conduct				
General Remarks (includ-				
ing note of any specific				
qualifications not included				
above).				
Degree of qualification for				
promotion to next grade				
(see note 2 over).				

I HEREBY CERTIFY that in my opinion the conduct and standard of
efficiency of the officer named hereon are as stated.

Signature

Rank.....

(Certifying Officer.)

Remarks.

(HEAD OF SUB-DEPARTMENT.)

(For Professional and technical (Aalifications as SUPPAEAtopuea by
the officer, see for n ' * xed.)

MODEL FORM (PAGE 2).

NOTES AND INSTRUCTIONS FOR COMPLETING THE FORM.

(1) Insert in Columns 2, 3, or 4 the letter (a), (b), or (c) against each heading in Column 1 in accordance with the following order of appraisement :—

- (a) Above average of Grade.
- (b) Average of Grade.
- (c) Below average of Grade.

(2) Against the heading, " Degree of Qualification for promotion to next grade," an officer should be marked :—

- (a) If eminently fitted for special and early promotion (if this marking is given the reasons for *giving* it are to be stated).
- (b) If fitted for promotion but not for exceptional promotion.
- (c) If not considered fit for promotion at present (if this marking is given the reasons for *giving* it are to be stated).

(3) The remarks Column (5) is intended for use by the certifying officer, and to enable him to draw attention to any exceptional degree of qualification in the marking.

The space at the foot of the form is for the remarks of the Head of the Sub-Department.

(4) These reports are to be regarded as confidential. If, however, an officer is marked " Below average of grade " in any of the qualifications mentioned in the headings of the report, or " not considered fit for promotion at present " for some cause other than inexperience or—where the Head of the Sub-Department considers it desirable for medical reasons—ill-health, he must be given in duplicate a written intimation that he has been so assessed under the particular heading or headings, with reasons where stated, and required to sign and return to the Establishment Officer one copy of the form of intimation as evidence that this direction has been complied with.

Vacancies for promotion are made known through the Promotion Boards which exist in almost every Department. Promotion by examination has been rejected by English Civil Service theorists, on the ground that older candidates are not good examinees, and younger ones ought not to be pressed to attend to the preparation for passing examinations but to pursue their official duties. The Departmental Promotion Boards consist normally of the Chief Establishment Officer or his Deputy, the Head of the Sub-Department in which the vacancy occurs, and one or more other Departmental Officers of experience and standing nominated by the Head of the Department. It is natural, of course, that the candidate's immediate supervising officer shall have more to say effectively about promotion than the Promotion Board. The Board must rely rather upon his exact knowledge acquired in four or five years of actual observation, than what it gleanes from a more or less hurried interview. Where it is necessary, evidence is collected especially from the Staff Side of

the Whitley Council of the department or of the district or office concerned. Any officer may make representations to the Head of the Department in regard to any promotion that has been made affecting him, and the case is dealt with by the Head of the Department himself, with or without assessors, who remit it to the Pronation Board, or to a special advisory body for consideration. The Promotion Board is specially concerned With promotions from the Clerical Class to the Executive Training Grade and those to be admitted to the Administrative Class; and promotion from the Writing Assistants, Typists and Shorthand-Typists to the Clerical Class. It will be observed that the Report Form for Promotion contains a place for the record of successes in further education. This is the result of two causes : the Civil Servants themselves seek to encourage the younger members to pursue University courses so as to fit themselves better for their profession, and University teachers of public administration, most notably Professor Graham Wallas, have constantly urged the Civil Service authorities to reward the industrious and able official who obtains a degree.

One of the most difficult problems that the Civil Service presents is that of its pay. It is not doing work which can be exactly measured in terms of any outside work like it. Its members are subject to special rules of decorum, and are deprived of some of the general citizen rights. Entry into it is dependent upon qualification* above the average of the ordinary clerk in the business world. It offers no exciting prospect of riches gained at an early age. So far, there being so large a field of industrial and business enterprise outside public control, it is still possible for the State—in this case, wearing the disguise of the Treasury—to measure Civil Service work with outside work of a similar nature. Having reckoned up the net advantages of the one and of the other, it can proceed to create rates of pay, not unjust to the other citizens who pay the Civil Servants through their taxes, yet equitable to the people who are ready to work for it. There has always been an immense difficulty in getting the rates of pay within the Civil Service fair among its various grades; and should the Service grow till it becomes commensurate with society, it will tax the utmost wit of man to discover the economic foundations of payment as between grade **and** grade

The latest doctrine of Civil Service payment is that enunciated by the Committee on Pay, etc., of State Servants.¹ " In our view,¹ said the Committee, " there is only one principle in which all the factors of responsibility, cost of living, marriage, children, social position, etc., are included—the employer should pay what is necessary to recruit and to retain an efficient staff.^M The Committee commenced with the principle that Civil Service pay must be related directly to the pay of the outside world, that is to say, to the pay of workers, who, if they want more, cannot get it by pointing to the cost of living, etc., but must prove the increased value of their services to the world's market. " On the one hand, the State should hold the scales even between its own servants and those through whose enterprise its servants are paid. On the other hand, employees of the Crown would have a real ground for complaint if their pay were related to wages in industry only in the sense of low wages. If they do not get pay relative to the boom, they must be spared the full severity of the slump. The State as a model employer offers security, a pension, a dignified service and a moderate wage in exchange for the excitement and possibilities of private employment."

This Committee, however, found itself obliged to press a little beyond this principle. First, the starting salary would need to be greater than in the outside world, since this made it possible to secure the pick of the market. Secondly, Civil Service pay would have to include an amount to compensate for the lack of freedom to leave the Service—since the superannuation depended upon continuous service, and re-entry was practically impossible. " In the Civil Service a constantly changing staff would cause serious difficulties, and it is of importance that the pay should be adequate, not only to secure but to retain the services of efficient men." (p. 28.) Here, then, are standards of a kind which will become more important as the field of State enterprise is extended, and as comparison with non-public enterprise becomes less and less reliable. Of this subject a thorough investigation is needed.²

¹ This Committee was composed of Sir Alan Garrett Anderson, K.B.E., General the Hon. Sir Herbert Lawrence, K.C.B., and Sir W. Pete glands. Its report is dated 25th July, 1923.

² Cf. E. C. ?¹ i Slieoherd, *the Fixing of Wages in Government Employment*. Methuen, 1923

The Committee commented also upon payment of women. Previous inquiries had touched upon this question, all of them to the end that payment of women should be less than of men, since the former were less efficient than the latter. Starting pay was the same for men and women under the Re-organisation Schema of 1920, but the increments were smaller and the ultimate total was about 25 per cent, lower for women than for men. Now the Committee insisted that there should be a recognition that "equal pay for equal value" was not the same thing as "equal pay for the same post." They thought women should be paid less at the outset than men, since they could be obtained at lower rates; and that, in later years, as the statistical prospect of marriage decreased and the prospect of continuity of service increased, there should not be such a difference between annual increments for men and women.

The Civil Service is now paid upon a certain pre-war basis rate laid down in the Re-organisation Scheme of 1920, to which is added a bonus rising and falling with the cost of living.¹

Part of the economic benefits accruing to a Civil Servant are those gratuities and pensions which come at the end of active service through old age or infirmity or injury, and in the case of women compulsorily leaving the Service at marriage. Here only the pensions on superannuation are considered. They are regulated by the Acts of 1859 and 1909.* Only two or three salient points can be sketched. Pensions are not based on the contributory principle. Only permanent Civil Servants holding

¹ The Bonus is calculated as follows; on a cost-of-living index figure of 130.

(A). On weekly wages not exceeding 76/9 per week : 130 per cent, on the first 35/- a week; 60 per cent, on excess over 35/- a week.

(B). On annual salaries not exceeding £500 a year : 130 per cent, on the first £91 5s.; 60 per cent, on the next £108 15s.; 45 per cent, on excess over £200.

(C). The Bonus is adjusted on 1st March and is* September of each year. For every complete five points by which the Ministry of Labour Cost-of-living Index Figure exceeds or falls short of 130, the bonus payable on the 130 figure is increased or reduced respectively by one-twenty-sixth. Pay increased to March 1st, 1921, and has been steadily decreasing ever since.

- There are in fact a round dozen of Superannuation Acts, ranging from 1834 to 1919, and constituting in all a code, if anything so piecemeal can be called a code. An official account of the law is published as *Civil Service: digest of Pension Law and Regulations*, 1924, by H.M. Stationery Office

appointment direct from the Crown or admitted with a Civil Service Commission certificate are affected. The amount of a pension begins to be reckoned only after ten years' service, and the pension accrues at the rate of 1/60 of salary of each year of service up to 40 in the case of those coming under the Act of 1859 (all women and some men); and 1/80 per year up to 40 years in the case of those coming under the Act of 1909 (all male entrants since September, 1909). Pensions and gratuities are not claimable as rights, and the Treasury is the final court of appeal on such matters.¹ This is a notable departure from German practice, where the Civil Servant has a code of economic rights enforceable in the Courts. In all except the broadest outlines set by statute, details and regulations of conditions, amounts, etc., are left to the Treasury's discretion. Pensional retirement can only take place before 60 upon production of a certificate of physical or mental unfitness. At 60 there is a right to retire unconditionally. The rule is compulsory retirement at 65.

An expert inquiry is needed into the question whether the ages of voluntary and compulsory retirement are best suited to the efficiency of the Service. Should, for example, the age of retirement be fixed at a lower age—at perhaps 55 for voluntary and 60 for compulsory retirement? As it is, many officials are kept in the Service who cannot take any vigorous part in administration and who are naturally wedded to the repetition of the decisions of the past. There is a point at which experience not only ceases to teach, but persists in discouraging. Young servants would find the avenue of promotion less occupied, and this would encourage them to do their own work well and bring them into more responsible posts before they had passed their prime. But these factors need as exact a quantitative assessment as possible. For if the average age of retirement were brought down to about 58 there would be an increase in the expenditure on pensions. Would the State benefit by more than this increased expense from the increased zeal of the younger servants and the replacement of the older by more competent people?

¹ **Of. Decided cases :** *Edmunds v. Attorney-General* (1878), 47 L.J., Ch. . . . *Cooper v. R.* (1880), T4 Ch. D. 311; *Yorke v. R.* (191s), 1. K.B. 852.

Each Department is a kind of professional association composed pyramidically with the Permanent Secretary at the top, and the Writing Assistants and Typists at the bottom. Within that association there are traditions of loyalty and co-operation, discipline, and decorum. Its outward symbols are the sports clubs, musical societies, etc. But it must not be forgotten that this departmentalisation in itself brings about jealousy between the Departments (on the whole in relation only to petty matters) and a dislike of any external and common direction. There were instances during the war of serious departmental jealousy between the old Departments and those improvised for the occasion, but that trouble has passed away. The Treasury is obliged to exert pressure on the smaller Departments to overcome resistance and apathy to change. But if reforms are held up, it is for a time and not permanently. The greater Departments may be left to initiate and carry out their own plans of reform.

The Service is compelled by its peculiar position in the State to subject itself to what we in England call "red tape," and what in France is called *paperasserie*. The outside world makes no allowances for the domestic necessities of the Departments. They must be ready at any moment to answer to Parliament for any one of the thousands of administrative actions which arouses the wrath, anxiety or curiosity of any individual among the multitude of citizens. Indeed, a good deal of time is spent, while Parliament is sitting, in helping the Minister to prepare the answers to questions asked in the House. How nervously the note on file runs, "this must be back in time to be seen by the Minister at least one day before he is to give the answer in Parliament"! Since the Department must answer to this tribunal, its justification and repute are of necessity bound up with its records. Therefore it is slow in action: the interview and telephone are used less in the Civil Service than in business; the Civil Service is more inclined to write. And before it writes it must make its policy fit in with precedents, for each act of a Department may not be a law to itself: its principle is equity, not salesmanship. It treats all its clients alike, and does not charge what the markets will bear, or make a profit on one citizen to recoup itself for the loss on another. It is not judged by the test of solvency, for the public Departments operate, fundamentally, to make universal provision, of a necessary service, to all who

£

need it. It discards the principle of price in a competitive market, and does not higggle over a direct *quid pro quo*. It must go back to its preceding judgments, then, and make all cases square with them. The searching out of records, and the making of records, takes time, and accounts for much of the Departmental slowness of stroke. That slowness, however, is, to a small extent, induced by the fact that the consumer cannot threaten to go to another firm unless the Department hurries up, for the Department need not fear that it will lose its business. But there is in the background of the official's mind the feeling that a fuss about neglect may be made in the newspapers or in Parliament. Since the war the best scientific management has been used to overcome this Departmental slowness; letters are answered more promptly, less time is spent in discovering precedent, there is less writing of minutes. All these, of course, have their drawbacks, from the official standpoint especially. For anything that happens to Smith, or Thompson, or Jones or any one of the millions of their countrymen, may be mentioned in Parliament, and the Department is always tempted to act slowly and keep a record. We may now consider the relations between the Service and Parliament, its taskmaster.

PARLIAMENT AND THE CIVIL SERVICE.

These relations are of peculiar interest. The vital point of the connection is to be found in the position of the Minister, i.e., the political head of the Department. He is a politician chosen by the Prime Minister because of his political reputation in the country, and the confidence reposed in him by the House of Commons. His apprenticeship in that House is long, and only after some ten or twenty years, of the really strict selective process of behaviour in the House and in the councils of his party, does he become eligible for high office. He is no expert, though he may have an amateur interest in the affairs of the Department to which he is called. The English doctrine of Cabinet Government rejects the theory that Ministers should be experts and technicians in these affairs. No professional educationist goes to the Board of Education, or a professional Naval authority to the Admiralty, except by rare accident. Rather do these appointments - **upon the doctrine that he should bring to bear on his Depart-**

ment the mind of a man of the world, that his interest should be broad and zealous for the national welfare. From him is demanded mainly a sense of proportion and values likely to guide him correctly in judging how far the work of this Department is necessary in national policy. He measures proportion, he does not secrete technicalities. His is not the art of the chef, but that of clever tasting and persuasive advocacy. An amateur or "fancier" in relation to the technical details of his Department, he should, once they are put before him, be an expert in deciding how much those details mean as an ingredient of policy. He is a man of impetus and tendency, not of Departmental science.

He has at his hand to do the expert work and direct the staff, the Permanent Secretary of the Department. The Minister's business is to explain and defend the policies he formulates, upon the basis of expert aid, to the House of Commons and to the country. It is known, though not commonly enough known, that the Minister is prompted and coached by his permanent staff, and that though the country could do for a year or two without Ministers, it could not dispense with the staff. But the quintessence of the whole British Constitution lies in its mode of sourcing responsibility of the Executive. That is its purpose and being, and every one of its institutions has been shaped to that end. Responsibility in democratic government is lost when it is scattered among several organs : localisation and concentration are its pillars. All responsibility for the work of the Department is then sharply concentrated upon the Minister. As far as responsibility is concerned the Minister is the Department. No one is deemed to stand behind his back to be praised or blamed. And on the rare occasions when a Minister has sought to defend himself by blaming his officials the House of Commons has sharply reminded him of his duty.¹ Parliament has created him to see that the administration works well; if it does not he alone is to blame, and the ultimate penalty will be the loss of office. It is true that the principle of collective responsibility of the whole Cabinet, and its necessary resignation when its policy is reversed in the House, serves to save a Minister from

¹ E.g. see Iyang : *Life and Letters of Sir Stafford Northcote*, I, 160; and *Ansard*, July 25th and July 31st, 1923, on the "vulgar and stupid personal puffs" of the Postmaster-General sent out by an officer of the G.P.O.

defeat, but the threat of a storm in the House of Commons is enough to keep Ministers within the margin of efficiency. How many men lightly dare to be criticised and denounced by two or three hundred political opponents, and worse still, to experience the whispered or silent censure of their friends?

The Department, then, from Permanent Secretary downwards, is anonymous. The man in the street might be able to name, at the most perhaps, half a dozen contemporary Ministers and leading members of the Opposition; but even the best educated person will hardly know the name of a single Permanent Secretary. Yet these are the chief advisers of the Minister.¹ They are chairmen at the departmental councils. The Permanent Secretary issues supreme departmental commands, and is the point of connection with other Departments for major inter-departmental affairs. The appointment of a Permanent Secretary is a matter for Cabinet decision. It is not possible to leave such appointments to the Ministers who are at the head of that Department for the time being. For this would be to put into the hands of an inexperienced judge the appointment of an official, who may hold his office, with all the power for national good or evil that that implies, for twenty or thirty years. It is therefore the practice for these appointments to be made, nominally only, by the Minister in whose Department the vacancy occurs, but the concurrence of the Prime Minister is necessary. Of course, he consults the Permanent Head of the Treasury. Thus, as it were, the highest administrative expert in the whole Service decides who are to be his colleagues in the other Departments.

The success of Parliamentary control depends upon the relation between the Minister and his Department. The staff has so far been ready to serve any whom the elections and Parliament designate as the Government. It is generally believed that this readiness will permanently prevail. This convention was well supported by the severe test of the Labour Party's tenure of office. "I and my colleagues in the House of Commons," said Mr. Sidney Webb, "have had the experience of coming as new people to offices which might legiti-

¹ Generally the Assistant Secretaries and others in charge of large blocks of business will be in direct communication with the Ministers, but practice varies with the Departments and the idiosyncrasies of the Ministers.

mately have presumptions and traditions against us, and I am sure I am speaking for all my colleagues when I say that we have nothing to complain of in regard to the loyalty, fidelity, and zeal with which we found ourselves assisted during our snort period of office." It should, however, be s;"d that "at no time in English political history have these qualities of neutrality been submitted to a really crucial test; We have yet to see whether Civil Service neutrality can be maintained if burdened with any vital problem of conscience. We must not be too sanguine that our future is likely to be as free of social cleavage as our past. It should be remembered that during the General Strike of 1926 a large number of Civil Servants would not, on conscientious grounds, volunteer for duties outside those for which they were expressly engaged. There are times when the policy of a Government directly affects the vital nature of the State. We should be foolish to imagine that old habits will continue to rule in such trying aays.¹

In the main there has been personal goodwill and invaluable co-operation between the Permanent Secretary and the Minister. Gladstone, for example, was admirably served by Sir Ernest Hamilton and Lord Welby and iscount Grey by Sir William Tyrell. Only where the Minister has been pedantic and himself of a bureaucratic temper has there been any exception to this rule. Those exceptions have been very few. The Permanent Secretaries are of much the same class and education as the Ministers, and the social ideals of the politician and the administrator are not far apart. The Permanent Secretaries have usually had perhaps more than twenty years of very varied official experience before they attain their position ; and it is very rare for any to have served in only one Department. They can be excused a little impatience with¹ that Minister who cannot immediately understand their account of what two decades has taught them, as well as he who too rashly assumes that it may be learned and confuted in as many hours.²

¹ Since I wrote these sentences we have had the resignation of Sir Thomas Legge, Senior Medical Inspector of Factories to the Home Office, on account of a disagreement over the Government's policy respecting the use of white lead in factories. See his letter in *The Times*, November, 1926, and House of Lords debate on February card, 1927.

ML., *Representative Government*, Chap. v: "I have known public men, minister, of more than ordinary natural capacity, who, **on their first introduction to a department of business new to them,**

THE BRITISH CIVIL SERVICE

THE PUBLIC AND THE SERVICE.

In England, the general public is on the whole mildly indifferent to the existence and work of the Civil Service. There is, however, a general impression among moderately intelligent newspaper readers, that "red tape," or unnecessary slowness and formality in the despatch of business, prevails, that Civil Servants without deserving it lead an enviably secure and stable life, permanently assured of short hours, good pay, long holidays, pension rights, and not much work; that incompetence goes unpunished. The vulgar newspapers and occasionally those of higher reputation, exaggerate this view, and spread this prejudiced ignorance among people who cannot possibly have an independently-formed opinion upon such matters. The vaguely remembered descriptions of Dickens's Sir Tite Barnacle and the Circumlocution office and the daily round of Anthony Trollope's three clerks lend a background of colour to more modern instances of inefficiency. Every Englishman firmly believes he is a "sound" economist and the stern guardian of civic liberties. He is, therefore, easily alarmed when he is told that expenditure on the Departments is mounting up. One or two digits and several noughts suitably arranged play havoc with his imagination. He speaks his mind, nay, he thunders, about the Civil Service and officialism, in the blunt way which is an Englishman's heritage, though he does not know what the money is spent on. Civilisation is precarious in proportion as we forget the struggles that went to win it, and these are forgotten in proportion as the victory seems secure. The fruits of material civilisation, the health, security, peacefulness, the relief of the poor, the education, and the many other things administered and administrable only by the State, seem to him to have come with the soil and the trees,

have excited the mirth of their inferiors by the air with which they announced as a truth hitherto set at nought, and brought to light by themselves, something which was probably the first thought of everybody who ever looked at the subject, given up as soon as he had got on to a second. It is true that a great statesman is he who knows when to depart from traditions, as well as when to adhere to them. But it is a great mistake to suppose that he will do this better for being ignorant of the traditions. No one who does not thoroughly know the modes of action which common experience has sanctioned is capable of judging of the circumstances which require a departure from those ordinary modes of action."

the mountains, the rivers, and the fogs, from nowhere in particular, and seem not to be dependent, as they are, for their continued existence, upon the toil of men and women who must be paid. With some newspapers this attitude is made more irrational and uncompromising by their ferocious antagonism to State interference with industry.¹ Among the general population it was spread by the feeling against wartime administration. This feeling was, in part carefully organised by interested opponents of State interference. For the rest it was a spontaneous protest against the galling restrictions of war-time, and some of these were, in truth, the product of nothing more than irrational fears. The discipline and the sacrifices of a modern nation under arms are necessarily bitter, in spite of the consolations of patriotism, and the Departments were the natural executives of war economy. What more natural then, than to grumble, and attribute the *malaise* of war not to its real causes, but to the Departments? Nor did administration always achieve its objects, even though much friction was caused and the exchequer ceased to keep count. The effect of the war in these, as in other respects, has not yet been dissipated.

•The occasional revelations of administrative pathology -re of superior efficacy in the creation of opinion than the steady meritorious work accomplished day by day, which, after all, is the foundation of English government. The public service suffers because it is the only business concern which does not advertise. Civil Servants know this only too well, and at their professional meetings discussion often revolves about the methods of spreading real knowledge of the part actually played by the Civil Service in the modern State. The principle of ministerial

¹ Even the Anderson Committee on Pay, which consisted of hard-headed business men, showed the inability of the man in the street to appreciate the work done by the Civil Service. It expressed (p. 27) a special criticism of the Inspectorate saying, "The public as taxpayers pay the salaries of the Inspectors, and, as consumers, the indirect cost with which these inspections burden industry. Without touching on policy we suggest that the Government should limit as much as possible the number of Ministries which have to interfere with each industry. It is in our view bad business that several Departments should be employed in carrying out inspections of one industry when it would be possible to focus the demands of Government in one inspection." Did this Committee realise what maladministration would follow if, say, an Excise Officer visiting a brewery were to go beyond his special work and take Xs inspecting the ventilation and space arrangements, the protection of dangerous machinery, the remuneration of the staff, and the employment of young persons?

responsibility, the balance wheel of the English political system, consigns the Civil Servant to anonymity when he is right, and not seldom exposes him to mordant attacks when he is wrong.

THE HOUSE OF COMMONS AND THE SERVICE.

Within this general setting, the House of Commons prides itself upon its role as the grand inquest of the nation. It has never attempted actually to control the work of the Departments, to interfere with their daily work. It is satisfied that it can bring the Minister to account for this. But it never ceases to watch, nor does it ever omit to challenge, the day-by-day administration. This, indeed, is the strength and special function of the Opposition, but generally it acts temperately, on the rule that the public good is its primary object, and mere partisanship a subordinate indulgence. The House stands on guard against the assumption of unwarranted powers which threaten the liberties of the citizens, in almost exactly the same way as in days gone by it contrived that the prerogatives of the Crown should be converted into the privileges of the people. Parliament exercises control in its twenty days of debate upon the Estimates, and more particularly through its daily question-hour. About 200 questions are every day put down by members to be asked of Ministers in the House. Notice, of course, is given of the questions, and the Department prepares the answers, some of which are written, but the most important of which the Minister reads out. The only way in which the vigilance of the House can be met is by a satisfactory answer and the best preparation for such an answer is flawless administration. For the member may put, verbally and immediately, supplementary questions, and these may and do easily reveal any shortcomings. • The Minister's own political future depends upon the confidence of the House of Commons in him, and the writing on the heart of an official detailed to loiter near the Speaker's Chair in the House in order to coach his Parliamentary Chief for his replies to questions would doubtlessly run: "I sat and watched the clock—how anxiously!" We have not in England the System of interpellations as it exists in France. In a session there may be three or four debates upon the administration of a particular department, but they are rather academic, and

their intention is merely to give a subject public ventilation, not to threaten the Ministry's life.

It is argued by many people that this control is insufficient. The administrative branch of government is now grown so big—in the number of Departments, and in the amount of work each has to do—that the questions and occasional debate; leave the greater part of its work untouched. The Statutory Rules and Orders which are drawn up by the Departments have increased in proportion as the State has taken on more duties and as the time and ability of Parliament have become less and less adequate to cope with them. In 1890, 168 Rules and Orders were made, in 1913, there were 444. These Rules and Orders have the effect of law within the lines laid down by Acts Parliament has passed. More and more discretion has thus been transferred to the hands of the Departments, and the volume of this "secondary legislation," or "departmental legislation" is large and very important. Under various Acts these Rules and Orders must be submitted to Parliament before they become valid. An address by either House may cause challenge and annulment. But such challenge is rare and rarer still is annulment. The Rules and Orders must be placed upon the Table of the House liable to challenge. In practice the Table, I am informed, means the Library. But hardly any member of Parliament knows this, and unless any special interest, economic or otherwise, is spectacularly affected, there is no challenge. The Rules and Orders may then be made by the Departments, pass through Parliamentary twilight, and only be subjected to a real public scrutiny, when they cause expensive litigation because they are *ultra vires*. Their political reasonableness, as affecting public liberties, are judged by no tribunal.¹ Too often the answers given to questions glide lightly over palpable mismanagement, the members of the House are tickled by the apt substitution of wit for knowledge and a roar of laughter wrecks the question and rescues the answer. There is, therefore, a considerable body of opinion in all parties, and among students of government that the Committee system of the House of

¹ See Carr, *Delegated Legislation*; Sir Lynden Macassey, *Journal of Comparative Legislation*, February, 1923, pp. 73 *et seq.*; and see Ministry of Health (Consultative Councils) Orders, Nos. 1281, 1282, of 1919, in which "it" provided that questions arising out of orders by the Minister should be laid before these Councils.

THE BRITISH CIVIL SERVICE

Commons should be reformed to meet the necessity of closer control.¹ Parallel with every Department there should be a Parliamentary Committee to investigate and report upon its administrative policy and work, and pass upon the draft Statutory Rules and Orders, but it should be without that character of undue meddlesomeness which we, in England, have been taught *it* the character of French Parliamentary Commissions.³

One thing further must be added. The English Parliament does not distrust the Civil Service, nor is it jealous of it. It makes no claim to compete with it, and does not act in the belief that the Service is its rival. There is, in fact, a delicate balance between jealousy and trust: jealousy checks, and trust liberates, and both are measured out subconsciously amidst the heat and dust of business in the interest of the public welfare. Between the legislature and the Service there reigns a gratifying mutual respect, to a degree unknown in France, Germany, and the U.S.A. Each knows the claim of the common master : *Res publica*.

THE CIVIC RIGHTS OF CIVIL SERVANTS.

"Is it necessary or desirable, in the public interest, to place any restriction upon the exercise of full rights of citizenship by those citizens who are members of the Civil Service?" This was an important question that the MacDonald Commission of 1910-14 was obliged to state and answer. Early attempts at severing the connection between the Civil Service and politics have already been mentioned. But the specific rule that "any officer seeking a seat in the House of Commons shall resign his office as soon as he issues his address to the electors, or in any other manner publicly announces himself as a candidate" dates from 1884, and was finally embodied in Clause 16 of the Order in Council of 1910.

¹ See, e.g., *The Reform of Parliament*. I.L.P. Report to Annual Conference, 1926.

^a An important reform of procedure respecting Rules and Orders has recently been made in the House of Lords. Cf. Standing Orders, House of Lords, December 21st, 1925. (258). Part VIII. By this reform no motion for an affirmative resolution: of the House in connection with Order*, etc., can come before the House for discussion until it has been discussed and reported upon by the ** Special Orders Committee," to be appointed annually. Petitions are entertained where the Order is of a Private Bill nature; and where it is of a Public Bill nature, a special inquiry may be recommended on grounds of policy, principle or precedent.

Civil Servants were and are allowed the free exercise of their franchise, and to participate in political affairs, but it is a traditional custom that "employees of the Civil Service should take no overt part in public political affairs," and there are Departmental rules which forbid Civil Servants: to serve on election Committees, to support or oppose any particular candidate or party either by public speaking or writing. The rule relating to candidatures for Parliament had not been written until 1884, but it was an established usage. The reasons for this exclusion of Civil Servants, given in the Treasury declaration of 1884, hold good at the present time. They were these: There would be public injury caused by any departure from the conditions which, under Parliamentary Government, render a Permanent Civil Service possible, and . . . among those conditions the essential one is that the members of such a service should remain free to serve the Government of the day, without necessarily exposing themselves to public charges of inconsistency or insincerity." Candidatures for County Councils and other local bodies, forbidden until 1909, were from then left to the discretion of the Departmental Head in particular cases, "provided that the duties involved in such candidatures or service should not conflict with the personal performance of the officer's duties to the Department." Officers in the Army and Navy are allowed to be candidates, and, upon election, are merely seconded and not compelled to resign from the Service.

Civil Servants, with the exception of most of the higher officers, who are by the nature of their duties constantly dabbling in politics, have continuously claimed the full extent of political rights. They point out the greater freedom of officers of the Armed Forces in this respect, and of the dockyard workers, compared with the limitations placed upon postal and customs officials. They argue that Civil Servants ought to take as keen an interest and as controversial a part in partisan politics as any other citizen. This does not impair their loyalty in administering a contrary policy, "and in place of the existing restrictions on the expression of those views all that was required was a code of professional discretion such as that expected of barristers and solicitors."¹ They rely upon a "professional ethic."

An able Treasury Committee, under the Chairmanship of Lord Blanesburgh, after a careful inquiry, reported on this question in 1925 "The question/' according to this Committee, "from the point of view of the State, becomes not one of 'civil rights,' but one of administrative efficiency/' The gravamen of the situation in the eyes of the whole Committee was this. 'The constantly extending disposition of Parliament to entrust the exercise of quasi-judicial duties to executive departments without providing any of the established safeguards operative against judicial excess—such as publicity, right of audience to parties affected, statement of reasons for judgment, right of appeal and the like—as well as the sharper alignment of political parties in these days, unite to make the high reputation for political impartiality hitherto enjoyed by the public service a more valuable national possession than ever before. We can feel no doubt that the confidence universally held in the existence of such impartiality is a most valuable guarantee for its continuance, and we can have no assurance that the existing ethic of the Service would long survive that confidence if it were once lost." The Committee rejected the possibility that an alternative career, that of politics, should be opened up to the Civil Service. It would take some experienced Servants from the Service, and distract others by aspirations which would fail of realisation. They were afraid that a public servant would use his official position to help his political career and his political career to affect his official position. It recommended that the position in regard to Municipal Government should be left as it stood at the time, i.e., left to Departmental discretion, subject to no moral or material interference with official duties. In regard to Parliamentary candidatures the existing Civil Service rule, resignation on* candidature, was to continue in effect. To this rule there were exceptions which divided the Committee. All the Committee agreed that certain industrial staffs should be excepted, i.e., the industrial staffs under the fighting departments. Some went further and agreed that there should be an exception of the industrial staffs i;. all departments, and the manipulative and some other subordinate grades. But even here certain reservations were included : political activity in official uniform or in the area of

¹ Report, Cmd. 2308, 1925.

official service were forbidden. This report is still a source of great dissatisfaction to the Civil Service grades between the manipulative class at the bottom and the administrative grade at the top.

A question which has assumed great practical interest since the General Strike of May, 1926, is the affiliation of Civil Service associations to the outside Labour movement. Let us consider the theory and practice of this aspect of the Civil Service. No law forbids any Civil Service Association to affiliate with outside bodies; just as none forbids Civil Servants to associate. For, historically, the predominant purpose of English statesmen has been liberty, not security and order. The grades of the Service below the administrative have always felt their communion with the Labour movement. The theory of the Treasury in regard to the pay and conditions of the Civil Service is that it ought not to pay more than any good employer outside the Service. Thus it is the interest of the Associations within the Service to co-operate with the Trade Unions outside the Service to raise the general rate of wages and improve the conditions of labour. Further, the Service Associations recognise the fraternal duty of uniting with other Labour forces to increase their strength and give them aid in overcoming the hurtful qualities of the present organisation of industry and commerce and society.

The consequence of this point of view is that the Civil Service is grouped in associations, that these associations, with small exceptions, are affiliated to the Labour Party and the Trade Union Congress. There are four great organisations. The first is the Civil Service Confederation which comprises 60,000 members. This is an* organised confederation of a number of constituent associations whose interests are cognate. The biggest constituent association is the Civil Service Clerical Association with 20,000 members drawn from the Clerical and Writing Assistants, Post Office and Customs officials, etc., and various minor grades, in a large range of some seventy Departments. Then follow the Executive Officers numbering about 1,000; the Customs and Excise Federation, 5,000; the Tax Officers, 5,000; the Employment Clerks Association, 5,000; and the Miscellaneous Minor Grades. This is a most active and forceful association, representing as it does, the bulk of the middle grades of the Service,

whose economic interests need strong safeguarding, and who feel acutely any deprivation of citizen rights which their clerical kinsmen outside the Service enjoy without threat of dispossession. The second great group is the Union of Postal Workers containing 90,000 members. It represents the manipulative grades of the Post Office as distinct from the supervising, engineering, and clerical classes, and covers telephonists, sorters, counter clerks, telegraphists, postmen, etc. It has 1,100 branches throughout Great Britain and Northern Ireland. Besides its narrower economic aims it has this general object: "The organisation of Post Office Workers into a comprehensive industrial union, with a view to the service being ultimately conducted and managed as a National Guild." Other Postal Service organisations are the Post Office Engineering Union with 20,000 members, and the Associations of Sub-Postmasters and Sorting Assistants.

Next come two groups of Civil Servants whose status and objects are markedly different from those already mentioned. There is the Institution of Professional Civil Servants comprising some 10,000 members of the Government's technical staffs, like draughtsmen, architects, laboratory assistants and clerks of the works. Secondly, there is the Joint Consultative Council, consisting of a rather loose and heterogeneous association of the First Division Association, the Society of Civil Servants, the Legal Society and the Inspectors of Taxes, and some Executive Class officers, in all numbering about 10,000.

It will be at once seen that there is a fairly sharp division of character and attitude between the big clerical and manipulative associations and the higher professional grades of the Service. It is roughly a division between those who take orders and those in positions of command. Those who take orders are, in the mass, allied with the Labour movement; the rest are on the whole satisfied with the State as it is, and are sufficiently well-off not to feel the spur to join the party of criticism and reconstruction. The point of unity between all is their representation on the Staff Side of the Whitley Council, and even this has suffered a regrettable disruption since the General Strike, when the National Whitley Council Staff Side advised its constituent bodies not to volunteer for extraordinary Government service, a policy to which the Joint Consultative Committee objected.

There are affiliated to the Labour Party about 150,000 Civil Servants : the Union of Postal Workers, 90,000 ; the Civil Service Clerical Association with 20,000; the Sorting Assistants with 1,000; the Post Office Engineering Union with 20,000 ; and the Customs and Preventive Staff, 1,000. All these, together with the Association of Tax Officers, are affiliated to the Trade Union Council.

Prior to the General Strike of 1926 affiliation had raised no great controversy though the affiliating associations were conscious of 'their peculiar situation—servants of the State yet loyal to a party whose intention it is fundamentally to alter the nature of that State. The question had also been raised by the Commission of 1914, but this body only described the nature of the problem and its difficulties, and recommended a special inquiry the scope of which it carefully defined. The issue was forcibly impressed upon the public attention during the strike. Firstly, the State, it was said, could not be sure of the uninterrupted service of those who belong to affiliated associations, since they are liable to be recommended to go on strike at any moment. Secondly, the State had the right to expect members of the Civil Service to volunteer for any duties consequent upon the emergency. Civil Servants enjoyed the special advantage of being a " sheltered " occupation, and the price of this was political neutrality.

Latent in these statements is a philosophy which needs formulation. Briefly, it is this. The life of modern society is highly organised, it depends upon a delicate counterpoise of freedom and subordination of the elements alive in it. The indispensable basis of its high material welfare (to speak of no other of the many aspects of its life) is the intricate sub-division of labour among independent, specialised, and well-nigh non-versatile economic groups. These base their activity upon carefully calculated anticipation and probabilities of the demand for and supply of goods and services. One of the innumerable factors in this calculation changed by an undue interruption of supply, e.g., a strike in one industry of importance may do grievous harm to the life of other parts of the community, who, so far from being immediate parties to the dispute, do not even know what it is about. The State must maintain the continuous fulfilment of social expectations. As in proportion as these are vital to

social existence obedience to the State must be unconditional. Of such a character are the public services, and the right to strike, which is the right to interrupt the continuity of function, must be denied. Affiliation with economic groups who accept the principle of the sympathetic strike and the "solidarity of labour" must be under the same ban.

Against this view the attitude of the Civil Service Associations has been well put in the Ballot Paper issued to members of the Civil Service Clerical Association, which finding many dissentients among its ranks, took a referendum on the question. Two of the arguments sufficiently indicate the attitude which was "vindicated at the referendum by a four to one majority of the membership. First, "it is untrue that the General Council has any power to call out anyone on strike, or that it has the power to compulsorily levy the funds of affiliated unions. All that the General Council can do is to make requests to affiliated unions, but each union has liberty to decide if it will comply or not comply with the request.*' And, secondly, "as regards the position of Civil Servants as servants of the State, there is no necessary inconsistency between Civil Servants doing their work faithfully and well, and yet at the same time being federated with other bodies of wage earners, through the Trades Union Congress, for the protection of their wage interest. . . . Nor does affiliation necessarily involve support of a General Strike. The Association's delegates could speak and vote against such a strike, and would not have to support it if it were called.¹

The issue is still in the air, since it is a part of English political behaviour never to think a problem through clearly until events throw the country into a panic, but the government have declared that they will introduce a Bill on this question soon, and the Labour Party at its Congress in October, 1926, declared its support for affiliation.

What is the wisest policy in this matter? Should affiliation be forbidden by the State? Should the right to strike be legally denied?

Now these questions cannot be answered as it were, in a vacuum. In itself it is neither desirable nor undesirable that anyone should join associations or other persons with a combative purpose, nor that people shall be injured by a strike. The answer to the question depends entirely

upon the nature of the society in which such questions arise. We must, therefore, make a distinction between the present condition of society and that of some future day when social science has had a reformative influence. If present-day society is constituted so that it cannot rationally be defended, it may be that the only way to alter things is to affiliate and to strike. It is a matter of urgency and necessity. To forbid such means of securing redress would only increase the irrationality of it all and would probably lead to more violent and certainly to more continuous revolt.

If Civil Servants had no cause to be aggressive it would be a sheer waste of money and energy to affiliate, and they would be fools if they did so. What cause have they, then, to join forces with the Trade Unions?

In the first place the State is not such a good employer, such a "model," as it is sometimes claimed to be, and as so many theorists and politicians argue that it should be. The Treasury continually compares pay inside the Service with pay outside, and on the whole it is little, if at all, better than outside employers. The State, therefore, cannot expect to obtain more consideration from its employees than other employees give to their employers—in any case not to the extent of their giving up their right to affiliate with other associations who are trying to keep up the level of pay. Should the State insist on such a severance it might secure it, but by coercion and not on the merits of the case. Secondly, the Civil Service Associations federate with other wage-earners out of sympathy with their general policy of social reform. Now that sympathy, in so far as it is at all well-founded, will not evaporate by government command. The State must consider that such sympathy will probably continue to exist though affiliation is forbidden, and Civil Servants may still refuse to volunteer to help a government during a serious strike of other wage-earners.

It is true that mere association and affiliation intensify unrest. But it does no more than intensify it: it is not the prime cause. No government can expect unrest to disappear until it has made a valiant and honest effort to cast out its underlying social causes. Agitation is only another name for vociferous dissent. Ought the Government to forbid this general organised dissent?

On this point governments may take their stand on

one of two grounds : sovereignty, or social necessity. A government may say that in spite of the apparent wisdom of what has already been said it must still oblige its Servants to give up the freedom to affiliate and go on strike, because the State is the sovereign authority, and this authority must not be brought into contempt. The history of the present question in France shows that in proportion as this policy is attempted so does a government fall more and more into contempt. Secondly, a government may base its coercive attitude on the ground of social necessities. This is a sounder position than any of those so far advanced, and it ought not to be lightly rejected. Government is a difficult job; and society is vitally dependent upon its basic industries and public utilities. But is it worth taking away the light to strike, likely to be used less perhaps than once in a score of years, when we must admit that, right or no right, a strike becomes an accomplished fact when conditions are held to be insupportable? In Germany, where the present question has been thought about for many years, rights of association and affiliation were deliberately granted to Civil Servants in the Constitution of 1919, and the right to strike is held not to be included in this. Nevertheless there have been several strikes. And yet in Germany Civil Servants have such a code of legal rights that there, of all places, one would have expected a prohibition to be respected. Lastly, Civil Servants in this country, as shown during the General Strike, are sufficiently responsible-minded to make a voluntary concession for " essential " services.

On the whole, then, the State would be unwise to limit rights which the social environment make necessary, and which have not been and are not likely to be harmful to it. When the State is better regulated the whole question will take on a different character; for the more the State gives the more has it a right to ask—the more, indeed, must it ask. But I must deal with this in some other place.¹

¹ The well-informed reader knows what has happened since this was written. On April 5th, 1927, the Government issued its Trades Disputes Bill. Clause 5 relates to Civil Servants. It prohibits Civil Servants from being members of any trade union unless that body is confined to persons employed under the Crown and is independent of any outside trade union or federation of trade unions. It also must not be associated directly or indirectly with any political party.—Should any established Civil Servant know-

JOINT INDUSTRIAL COUNCILS AND
ARBITRATION COURT.

Part of the case for the Civil Servants' demand that they should have complete citizen rights is that their position is riot as secure as their opponents assert. What constitutional position has a Civil Servant in relation to the term and conditions of his work?

His legal position is "very insecure. He is legally liable to instant dismissal, since he is employed " during the King's pleasure.^M He has no case in the courts for wrongful dismissal and damages, since the Crown cannot be sued, except at its own will. Further, the Treasury is by statute the final authority on questions of superannuation. Although there are terms of appointment, and duties which he is engaged to perform, he has no contract with the State, and the terms of service can be broken with impunity at any time by the State for its own purposes, and without question.

The Civil Servant has, therefore, good reason to strive for institutions through which he can make his complaints and demand improvements. Up to 1917 the associations and individuals were obliged to act by memorial which finally reached the Head of the Department and then the Treasury. From that year a great change came about which has vastly improved the opportunities of the Civil Servants to state their grievances and obtain redress. The institutions are two-fold : the Whitley or Joint Industrial Council system, and the Industrial Court for Arbitration on Civil Service questions.

ingly break this regulation he will be disqualified from continuing to be a member of the Civil Service.

. Over a month before the Bill was placed before the House of Commons, on March 1st, 1927, the Civil Service Civil Rights Defence Committee, representing all the affiliated unions, sent a deputation to the Chancellor of the Exchequer to obtain from him an explanation of the Government's attitude, which, since the General Strike of 1926, had been very threatening. The attitude of the Committee was very ably stated by Mr. J. W. Bowen (U.P.W.) and Mr. W. J. Brown (Civil Service Clerical Association). It was as described in the preceding pages, and most judiciously and calmly expressed. But Mr. Churchill was distant and determined. His answer was the familiar anti-affiliation philosophy in its absolute and extremist form and supported by the most alarmist of hypotheses—Civil Service defection in the case of a war.

A verbatim report of the deputation, from the note taken by Treasury reporters, is published in *The Post* (the organ of the Union of Post Office Workers), for April 9th, 1927. It is a State document of the first importance, and should be studied by all who care for the national well-being.

The need for Joint Councils of workers and employers was felt before the war in the Civil Service as well as in industry. It became evident that it was not mere conditions of remuneration that caused industrial unrest, but a desire to be consulted, to feel that orders were not arbitrary, to advise on everyday conditions of work.

In 1917 the Whitley Report on Relations between Employers and Employed was issued; it touched only the non-public industries of the country. "To Civil Servants it came as evidence/" says an association of Civil Servants, "that the evils of the Civil Service were analogous to those of industrial organisation outside, and that the new policy of a share in control . . . was in line with the policy now so influentially advocated and so warmly received in the interests of a better organisation of industry generally."¹ From 1917, Civil Servants, therefore, pressed for the application of the Whitley proposals to the public service. After various conferences and a campaign by Civil Service associations, and an official report, a National Provisional Joint Committee of thirty members (fifteen Official Side and fifteen Staff Side) reported in May, 1919, on the Constitution, Objects and Functions of a National Council and Departmental Councils for the Civil Service.²

In June, 1919, the War Cabinet approved the adoption of the recommendations submitted; in July the report was submitted to a Joint Conference of Official and Staff Representatives and was accepted; and later in the same month the National Council drew up a model Constitution for the Departmental Whitley Councils. Generally, the "objects of the Council shall be to secure the greatest measure of co-operation between the administration, in its capacity as employer, and the general body of the staff in matters affecting the department, with a view to increased efficiency in the department combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view respecting conditions of service within the department."

There are many Departmental Councils on the model set out, with wide variations according to the peculiar circumstances of each department, and each has small

¹ Civil Service Alliance Memo, on Work and Policy, March, 1919

² Cmd. 198; 1919.

numbers representing equally Official and Staff Sides. The National Council, which considers the interests of the Service as a whole, and to which the Departmental Councils are bound to refer general questions, is composed of fifty-four members divided equally between Official and Staff Sides, Whose representatives must be "persons of standing (who may or may not be Civil Servants)."¹ The Staff Side representatives must be appointed by Civil Service groups or associations.¹

The Councils now represent almost all the public servants. The functions of the Councils include the provision of the best means for utilising the ideas and experience of the staff; to secure the staff a greater share in the responsibility for the determination and observance of the conditions under which they work; the determination of the general provisions governing recruitment, hours, tenure, and remuneration; encouragement of further education of Civil Servants and their training in higher administration and organisation; the improvement of office machinery and organisation, and the provision of opportunities for the full consideration of suggestions by the staff on this subject; and proposed legislation so far as it has a bearing upon the position of Civil Servants in relation to their employment.

The Councils derive their powers simply from agreement between the two sides. Where agreement is for any reason impossible, and compromise cannot be effected, the official decision naturally holds good, and then the only benefit of the system is that the staff's point of view, having been expressed, may, in time, modify the full effect of that decision. No statute founded the Whitley system; it arose out of a government promise, and its potency arises from the essential needs of a modern public service. Occasionally a House of Commons decision may, by its implications, overturn an agreement made by the Whitley Councils, or put an obstacle in the way of one being made. Most of the Councils have done much good work in the matter of promotions, discipline, and the organisation and conduct of office work; especially is this true of the Admiralty, Post Office, and the Customs and Excise Councils. Naturally the National Council has been active in a wider scale. It has reported upon and secured the re-

¹ On all these constitutional questions see Macrae-Gibson, *The Whitley System in the Civil Service*. Fabian Society.

organisation of the general principles and methods of promotions ; a Superannuation Committee has codified the complex superannuation regulations; a Comm'ttee on Further Education has made its report on provisions for the further education of younger Civil Servants, and lectures have been arranged by Civil Service bodies and a diploma of Public Administration is to be created in the University of London. A bonus and a sliding-scale system to meet varying price-levels have been secured, and, perhaps most important of all, the Regrading and Reorganisation of the Civil Service has been effected.

The zeal with which the Staff Side of the Council has flung itself into the work of investigation and inventive thought augurs well for the success of the Council system and the happier working of the Civil service. Something very important psychologically has been gained when there can be a semi-public review of a foolish, untactful or despotic show of authority; when resentment of arbitrary interference with habit is avoided. Then, too, officials below the top grade have now a feeling that in regard to promotions and other official benefits any jobbery is likely to be detected and quashed. But too much must not be expected from the system by the Staff Side. The Official Side are still, in some cases, despotic, and the Treasury, representing the Government, is too often prepared to evade agreements which cost money and energy. The position of the Treasury is, however, quite comprehensible when we remember its position in the machinery of English government. The money it dispenses is not its own. It must, upon request, answer to Parliament for all the expenditure it permits, and must devise ways of raising a revenue to make its permission a reality. As Lassalle observed, " Constitutional questions are not questions of legal theory, but practical problems of power."* Thus, given the present economic constitution of society and the consequent character of political representation, the House of Commons is the last place in the world whence to expect any unconditional liberality of treatment of Civil Servants. Every extra public expense entails so much more taxation and the moment this is realised the House naturally moderates its generosity. It is obliged to have regard to the economic capacity of the country; and the Treasury acts for it under the same obligation. The Treasury may, perhaps,

carry out its function with great zest when it is rejecting schemes which involve expenditure, and grudgingly and slowly when expenses are to be incurred, but it cannot be blamed for the nature of its obligation to Parliament. The power, of the associations behind the Councils is still required to maintain real official respect for the cases they advocate, and we can surmise, though we cannot exactly count the number of, benefits silently won without overt conflict by the mere existence of organised and recognised vigilance.

Early in 1917 a Civil Service Arbitration Board was set up as a result of agitation by Civil Service Associations because the war had sent prices sky high while wages lagged far behind. The Board was to deal by conciliation or arbitration with questions arising with regard to claims for increased pay made by Government employees, except in the cases of industrial staffs, and where there was already recognised machinery applicable to the case. It referred only to posts under £500 a year. The Board consisted of two members and a chairman, one member was appointed from the panel of employers' representatives, and the other from the panel of employees' representatives, and the chairman was a Government nominee. Civil Servants rightly complained that such a Board was not impartial, since they had no direct power of nomination or agreement in relation to the employees' representative, who was put on the panel by the Ministry of Labour in consultation with the Trade Union Congress. He was at best a representative of the general public. Many cases were heard by this Board, however, and its awards and agreements were highly important to Civil Servants. Suddenly as part of the general post-war attack upon government expenditure and the standard of living, the Board was abolished in February, 1922. The alleged grounds of abolition were that the Whitley Councils considered questions of remuneration. Now since the Whitley Councils can only declare and not enforce a recommendation this plea was fallacious, perhaps dishonest. Civil Servants were driven either to accept the loss of the Court,* or to resort to the strike when conditions became so bad that mere grumbling offered neither vent nor remedy, or to start a campaign for the re-establishment of the Court.

An intense campaign was conducted and ended with the

re-establishment of the Board early in 1925. Its constitution is part of the Industrial Courts set up by the Act of 1919. In the present case the Court consists of P chairman who is either the President of the Industrial Court or the chairman of a Division of the Court, together with one member drawn from a panel of persons appointed to the Industrial Court by the Minister of Labour as representing the Chancellor of the Exchequer for the time being (this is the employers' representative), and one member drawn from a panel of person; appointed to the Industrial Court by the Minister of Labour after nomination by the Staff Side of the National Whitley Council. Civil Servants and officials of Civil Service Associations are ineligible for appointment as members of the Court.

Only claims in regard to salaries of £700 and less can be referred to the Court, unless by the consent of the parties concerned in the claim. When negotiation fails arbitration is open to the government Departments on one hand, and the recognised Civil Service Association within the National Whitley Council on the other hand, on application by either party. The matters which may be taken to the Court are claims affecting emoluments, weekly hours of work and leave. Claims can be made only for " classes," i.e., " any well-defined category of Civil Servants who for the purpose of a particular claim occupy the same position, or have a common interest in the claim." Civil Servants are generally satisfied that they have secured a very valuable piece of machinery for removing grievances. But it has proved difficult to bring into the definition of " class " and, therefore, before the Court, claims which cover large classes in which groups have related but not common interests—to review the situation of one group in comparison with the rest. It is acknowledged that the court is fair, patient, and thorough. But one criticism is heard. The Treasury is the sole interpreter of the terms of the judgments of the Court. But this was valid only until the close of 1926, since, by a piecemeal breaking-down of the Treasury's power of interpretation, this has been transferred to the Court.

DROIT ADMINISTRATE.

England differs from France and Germany in having no *droit admtnistratif* and no administrative tribunals. Each Civil Servant is personally liable for tortious acts

done in the course of his official duties, or outside, before the ordinary courts of the country, and on precisely the same terms as the ordinary citizen. There are advantages in this system. First, the Civil Servant is obliged to be careful in the use of his powers since he will be personally responsible for any wrong he does to a member of the public. Secondly, the Courts will not grant him any immunity from responsibility denied to other citizens. The latter advantage has been considered by Dicey, in his *Study of the Constitution*, to be an immense superiority over the French practice of *droit administratif*, which he construed as being primarily established to shelter the Executive against punishment for wrongs. The English practice does, indeed, give the appearance of an efficient safeguard of liberties. But, on closer view, this safeguard is found to be insubstantial. The vast growth of the Service has made it quite out of date, and necessitates the introduction of conceptions we have hitherto ignorantly sneered at as being Continental. For the Civil Servant who abuses his power may be too poor to offer redress. The natural thing would be, then, to sue the Department whose orders he was carrying out. That, after all, is the master and the official is its servant, paid, dirigible, and dismissable by the Department. The doctrine of the common law, *respondat superior*, would seem fairly to fit the modern Department of State. But English law makes it almost impossible to sue a Department for breach of contract, and quite impossible to sue it for any other wrong. For all the Departments are considered to be "emanations of the Crown," to bask in the Royal Prerogative, i.e., they are as exempt from suit as the Crown, which can do no wrong. We are still troubled by the ancient and unfortunate identification of State, Crown, and His Majesty.

This mediaeval doctrine was, perhaps, proper to a day when the Crown's services were the provision of justice and the defence of the country. About those services the monarch might not be questioned—they ultimately demand the use of unquestionable authority, an arbitrary sovereignty. When society is in the region of force and terror it cannot organise or stop to argue. But since then the State has taken to itself a vast sphere of functions till recently in the hands of private commerce. It is not just that the Crown should nowadays be any more

THE BRITISH CIVIL SERVICE

immune from legal action than that any company should be. The demand, then, that the Departments of State, or the State considered as *Fiscus* (as in France or Germany), be sueable is a just one, and is vitally necessary, where the administration wields such vast powers.

The State has been forced to make special rules exempting certain classes of Civil Servant-, from ordinary, liability for abuse of power, e.g., the Public Authorities Protection Act of 1896 limits the time within which an action can be brought against an official to six months from the date of the act complained of; there is a special immunity of Custom officials in relation to the official duties they undertake. But this and like enactments are inadequate to meet the needs of the modern public services. Indeed, the whole legal position of the State as employer and the State as the producer and servant having business relations with individuals and corporations needs a thorough overhauling and reconstruction.¹ For the Civil Servant has a strange master—the public, and its nature has not been systematically explored.³

¹ A Committee under the chairmanship of Lord Hewart is now inquiring into this question.

³ The treatises on this subject which can be warmly recommended are *The Legal Liability of Public Authorities*, by Mr. Gleeson Robinson and Professor J. H. Morgan; and *The Law and the Civil Servant*, by C. K. Emden; Robertson, *Civil Proceedings against the Crown*; and "The Responsibility of the State in England" by Prof. H. J. Laski, in *Foundations of Sovereignty*.

Since I wrote the above sentences Lord Hewart's Committee has made its report—*Crown Proceedings Committee*, Cmd. 28.12, 1927. The Report consists substantially of a draft Bill entitled the Crown Proceedings Bill, and it projects far-reaching modifications in the law. Lord Haldane, in 1924, had requested the Committee to prepare a Bill on the assumption that the following alterations in law were both desirable and feasible: (a) that the procedure by Information and Petition of Right should be abolished and the procedure in cases in which the Crown was a litigant should be assimilated, as far as possible, to the procedure regulating the conduct of cases between subjects, including such matters as discovery, the receiving and paying of costs by the Crown and the like;

(b) That the Crown, with certain reservations, should be placed in the same position as a subject as regards the power and liability to sue and be sued in the County Courts;

(c) That the Crown should become liable to be sued in tort.

The Committee, therefore, made no recommendation as to the desirability or feasibility of its proposals. The Government of the day and its advisers must therefore confront this difficult task, and this must again mean delay.

Part II of the present Bill, entitled Substantive Rights, make the Crown liable in tort, and by Sec. II, sub-sec. 2, "liable for any wrongful act done, or any neglect or default committed, by an

RECENT CRITICS AND THE PROBLEM OF NATIONALISATION.

There are critics, and these rather on the Conservative side, who though they declare themselves friendly to the Civil Service yet remain critics. The House of Commons debated a resolution the other day which may in time be accounted as famous as Dunning's Resolution of 1780, "That* the influence of the Crown has increased, is increasing, and ought to be diminished." The new resolution ran: "That, in the opinion of this House, the Civil Service has merited the gratitude of the nation, but that its continued efficiency depends upon the control of that Service by His Majesty's Ministers responsible to this House, upon the strict maintenance of its constitutional position as a subordinate branch of administration, and upon the continuance of those traditions by which it has been animated in the past."¹ The mover of this resolution, the late Sir Henry Craik, a Conservative member, was for thirty-five years a Civil Servant and twenty years of that service were as Permanent Head of the Scottish Department of Education. The general burden of his complaint was that the Civil Servants were seeking to overpower the Ministers: that they were attempting to rid themselves of their former anonymity: that upon retirement some took up directorships in the City.

Particularly was this member vexed by his recent observation that the Permanent Secretary of the Treasury

officer of the Crown in the same manner and to the same extent as that in and to which a principal, being a private person, is liable for any wrongful act done, or any neglect or default committed, by his agent, and for the purposes of this sub-section, and without prejudice to the generality thereof, any officer of the Crown acting, or purporting in good faith to be acting, in pursuance of a duty imposed by law shall be deemed to be the agent of and to be acting under the instructions of the Crown."

proceedings against the Crown are subject to the Public Authorities Protection Act, 1803; and there are a group of exceptions touching judicial proceedings, the activities of customs and excise officials, and those of postal officials in the matter of non-registered postage.

It should be noted that sub-section 7, which defines "officer of the Crown" by the source of his salary, still leaves a grievance without redress. Wherever, owing to the Exchequer grant system or statutory duties regulated by the central authority, the local Authority has not a free hand in the appointment, management, and dismissal of its officials, it cannot be sued. Up to the present the Crown could not be sued, nor by the present Bill is the situation improved.

¹ Hansard, April 14th, 1926.

had been named Head of the Civil Service. This seemed to him an omen that the Civil Service was coming to overshadow the authority of Parliament. But Mr. Sidney Webb, who held Ministerial office for a year, and who is more expert on the problems of public administration than Sir Henry Craik, followed in the debate, and showed that these fears were groundless, though he, too, deprecated the taking of directorships by retired Civil Servants.

Now the fears were, in concrete fact, exaggerated. But the general uneasiness betrayed in their utterance, is shared by many people. It is part of an attitude towards the Service closely connected with the imminence of Socialism. We may turn to a discussion of that problem now.

What will be the position of the Civil Service under Socialism? This has become the crux of the problem of Nationalisation. There are two great schools of opinion on the matter standing in opposition to each other. The first is represented by Conservatives in general, and by many Liberals who distrust State enterprise, e.g., Mr. Harold Cox, editor of the *Edinburgh Review*. Their attitude is this. Socialism means the enormous growth of the Civil Service. The more the Civil Service grows the less is left of competitive enterprise. Without competitive enterprise the State will stagnate. For, firstly, the stimulus of profit will be gone, yet this is the most forcible motive of invention and energy as economic loss is the sternest disciplinarian and corrector of laziness. Further, without the most careful records and statistics Parliament will not be able to control the Civil Service, and with them, their compilation must slow down the working *tempo* of the Service. And if such records, mathematical in their exactitude, are provided, then Parliament is too ignorant to discover their meaning, and democracy will be overwhelmed by bureaucracy.

The answer of the Socialist is emphatic and comprehensive. The routine of Socialistic enterprise may give rise to a loss in the aggregate economic welfare of the country, but its effects will probably be no greater than that caused by the admitted evils of competitive enterprise, where a large amount of wealth is wasted in the taking-away of business from rivals. Nepotism which so freely flourishes in private business, an incompetent member of the family being preferred to a competent

THE BRITISH CIVIL SERVICE

outsider, will give place to appointments by merit—an enormous economic gain. What the bulk of mankind desire, is economic security, and that the socialised services can and will give them. But it is improbable that men's inventive faculties will be therefore dulled. Socialists rely upon a quality of mind in social administrators like the consciousness of the public welfare as already exemplified in the life of great Civil Servants, and the impersonal curiosity and creativeness of inventors and artists outside the Service. And, indeed, from the bulk of mankind little more than an intelligent and steady stroke day by day can be expected, and certainly more is not evoked by the present system. Rather, unfortunately for the community, does the organisation of economic enterprise now make this more and more difficult to secure.

Underlying the Socialist conception of the Civil Service in the Nationalised State are, then, three suppositions—two clearly expressed, the second very vaguely conceived.

The first is that it is possible to teach the science and art of administration. Of this view the best exponent is Lord Haldane, himself a great judge and an administrator of wide experience. The inquiry into the question of nationalisation of the Coal Industry of 1919, turned on this point, and the Minutes of Evidence of the Commission are a most extensive quarry of argument on the subject. The contention that the technique of administration can be taught, as far as it is necessary, is I believe, established on a sound basis. It convinced the Chairman of the Commission, Mr. Justice Sankey, and finds expression in the Majority Report. The second supposition is that an organisation can be found which will effectively correlate the educated officials with the tasks to be accomplished. This is best worked out in *A Constitution for the Socialist Commonwealth of Great Britain*, by Sidney and Beatrice Webb; and, on the whole, this carries conviction.

But the next supposition is only occasionally hinted at and has not been distinctly and completely formulated. Capitalist industry operates on the motive of private profit, it trusts the latter in all its calculations, of what shall be produced and how commodities and services shall be distributed. If this motive is devitalised by

THE BRITISH CIVIL SERVICE

State provision of secure economic conditions, what principle must be put in its place to serve the Socialist State ? For if nationalised services are to operate with the maximum of beneficial effect and the minimum waste of energy and resources, it is not enough that they are manned by Civil Servants who know how to go about 'heir business, and active in an ingeniously-planned organisation. A faith must animate and sustain them in the use of that knowledge. A dynamic ethic is necessary : an insistent commandment, an unfailing " Thou Shalt " and " Thou Shalt Not." The ethic we speak of can be enduringly based on nothing less than a deliberately inculcated scheme of beliefs about what individual men and women owe to the society they are chosen to serve, and these beliefs must be held with a religious intensity. The substance of those beliefs can be pieced together from hints *given* not only by thinkers of a Socialist caste of mind, but by stern Tories whose purpose is whole-heartedly the public weal, and from the codes of official discipline actually *in* existence in most modern States. "And these words which I command thee this day, shall be written in thly heart. And thou shalt teach them diligently unto thy children, and shalt speak of them when thou sittest in thy house, and when thou walkest by the way : when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thy hand, and they shall be as frontlets between thine eyes. And thou shalt write them upon the doorposts of thy house, and upon thy gates." That is the essential spirit of an inner bidding no more than equal to the tasks here confronted. A Socialised State is by nature a Civil Service State, and such a Civil Service State is by nature bound to move within certain Articles of Faith. That is the lesson, positive and negative, of every Civil Service in the civilised world.—Let us make no mistake : for every right we create we somewhere impose a duty. Rights do not grow, they are made, and they are nourished by obligation. A decoration of rights requires a declaration of duties, though, of course, the latter is much less popular than the former.

If society, then, comes to rely upon the socialised operation of essential industries its success will depend entirely upon the quality of mind the Civil Servant brings to their conduct. And it seems to me that that quality of mind must fulfil the following conditions :

The Civil Servant must believe that the public welfare is his sole end, and that he is not entitled to spiritual and material adventures which conflict with this end. He must subdue desires for alternative satisfactions which are incompatible *with* the public welfare. When all constitutional channels, in the creation of which he will naturally have had a fair say, have been used in regard to his claims for pay, conditions of work, amount of leisure, etc., he must accept the result without that malice, sense of injustice and revolt which would spoil his work. Since only what best serves the State is best, it is a breach of official faith to show favouritism or jealousy in the course of his official duties on grounds of race, creed, class, sex, family-ties, etc. If he receives orders which are unreasoned, or is reprimanded, as he thinks, unjustly, his sense of obedience must not be weakened, and (without animosity) he must honestly state what seems to him unfair and inefficient. The use of his leisure would need to be such as not to unfit him for the best performance of his duties. His inventive faculties must be continually kept at their fullest natural stretch. His imagination must, as far as it can, see through the forms and the oral and written reports to the human realities they represent. The representative assembly and its organs will lay down the limits within which he may act officially, and he owes obedience. Tolerant and kindly to those below him in rank and to the public he serves, he must use his official authority no more than the interests of the Service require, and suppress the impulse of personal dominion since his command is held only as a trust for society.

These are austere conditions, and the task of cultivating them in one or two million administrators drawn from the average men and women we know is fraught with immense difficulty. Indeed, it may be asked, is the task even possible? We shall not attempt to answer that question here, but we may indicate some of the elements into which the inquiry must be resolved.¹ How far is the incentive to make private profit actually operative in modern industry? How strong are other motives, if present, compared with it? Was private profit the predominant motive when the young

¹ The whole on this subject of incentive will be more thoroughly examined, in relation to present-day industry, and the practice of Civil Services in various great States, in a small volume to appear soon called *Incentives in the Socialised State*.

men **or** women first entered employment, or were they attracted by other prospects in their vocation? Would a freer choice of profession modify the desire for harsh competitive economic advantage, and fortify the strength of other mental and spiritual factors, such as delight in speculation, research, organisation, handicraft, and so forth, essential to "sound progressive industry? How far, in fact, has predaceousness been checked, in professions and business; it has been limited by an accepted body of ethics, what general effect has this had upon the behaviour of those accepting it? Has there been, for example, much private rebellion against the code—did men "grunt and sweat under a weary life," and feel that they bore fardels? For we must beware that we do not remove the human stress and pain from where they are resident in the present State merely to put something else there or in some other place where they will be more difficult to support than they are now. Taking the social body as a whole, we may not be able to cure it of pain entirely, but no prescription of ours must merely shift that pain—it must be fairly spread. If, then, we discover a social ethic likely to introduce more harmony into our State, can we devise, and develop a system of education which will enable us to teach it? What can education do?

These are not easy questions to answer. They require an exact and critical research into human nature and the world in which it lives. Everyone of these questions is of vital moment to our own generation, for on the answer to them depends the direction of our effort

