

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers I*, 1885 – 1886 Oct 3, '85 to May 29, '86) The original is badly faded.

## Civil Service in Great Britain

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However one may discredit the laws of social life laid down in the writings of Herbert Spencer, no reader of his books can fail to be impressed with the slowness of the growth of intelligent public opinion upon the simplest problems of political science. If his books teach nothing else, they show beyond question that the masses of people are still profoundly ignorant of the underlying laws of social organism, and that what progress has been made has resulted from many painful experiments in legislation that more often produced results directly contrary to that expected by their projectors. Indeed, such an ignus fatuus seems this political reform showing with each forward step gained unlooked for and greater difficulties still to be overcome as the social fabric grows more and more complex that perfect government appears to the reformer of today as distant and impossible of attainment as it did to our ancestors, who thought that with the freedom of the press and ballot, would disappear all the difficulties in the path of political progress.

Could the corruption of parliaments and the tyranny of party government have been foreseen by the early champions of representative government it is not difficult to believe that they would have rested content under their kingly evils, and that the experiment of Republican institutions would still remain to be attempted. To achieve popular suffrage was doubtless an immense gain, but this expected panacea for political ills was no sooner fairly wrested from the hands of royalty then it was apparent that the struggle for good government was not ended, but simply transferred to the legislative bodies where the same abuses flourished as before, with the difference that thereafter the number of parasites feeding upon the body politic was vastly increased.

In his report on the Civil Service in Great Britain undertaken by direction of W<sup>m</sup> M. Evarts then Secretary of State, at Washington, Mr. Dorman B. Eaton has prepared an elaborate and exhaustive history of the endeavors of the British people, from the days of the Plantagenets and Tudors, to secure efficient administration of the public business. It presents an imaginary picture of official corruption, bribery, and dishonesty, and of

the many futile efforts toward reform which, after centuries of agitation have at least succeeded in placing the British Civil Service without the arena of party politics and made it command the admiration of the civilized world.

The modern spoils system, according to Mr. Eaton is directly traceable to the Feudal Spoils system as he styles it, when Kings and Lords of the realm looked upon public offices as chattel property to be sold out right by them to the highest bidder, or rented at an annual sum for a term of years. The first Rule of Civil Service Reform he finds in that portion of Magna Charta where it is provided that “justice shall not be sold.”

One of the most marked distinctions, according to Mr. Eaton, between the original despotic spoils system and the modern partisan system is this: that the old system was bold, consistent and outspoken, not pretending to make selections for office out of regard for personal merit or economy or the general welfare, while the modern system at all times carrying the spirit of the original as far as it dares, falsely pretends to be guided by personal worth and the public interest.

When, with the growing power and aggressiveness of Parliament it became of more and more moment to the crown to control that body, it boldly did so by interfering directly in the elections of members, and by creating new boroughs to provide seats for its favorites. Froude says in his History: “Either a circular was addressed to the sheriffs of counties or managers of towns simply naming the persons who were to be chosen or the electors were instructed to accept their instructions from some member of the Privy Council. In some instances, the orders of the Crown were directed to the candidate himself.” “Here,” says Mr. Eaton, “we find the original of our modern interference with the freedom of local elections by the National administration, and the party managers and when Froude says that in Portsmouth and Southampton the government influence was naturally paramount through the dock-yards and establishments maintained in them, I think,” he continues, “we may naturally infer that the venal and corrupt use of dock-yard sinecures and Custom House patronage coercion for carrying elections are not of republican origin, but are at least three and a quarter centuries old.

After holding sway in British Politics for generations with only temporary checks, Cromwell, according to Mr. Eaton gave the first blow to the despotic spoils system which was heavy enough to break in its

framework. A Reformer in both politics and religion, he may be said to have inaugurated the party system in English Government; for though there were neither party platform nor parties in the modern sense, there were two great hostile bodies in the state; the one standing together for rank, privilege, and the old spoils system, generally, and the other for Cromwell and deep principles and spirit of the great revolution for which he was the leader. This placed Cromwell and his adherents much in the attitude of party leaders, having imposed upon them the obligations of justifying their use of official authority to so many of the people as constitute the ruling majority. This sort of responsibility directly to at least a great portion of the people rather than to a privileged and official class alone, marks the great advance of party over despotic government in the exercise of official power. Such a power may be used as corruptly by a party as by a despot and its use by officers who, regarding their authority as a public trust, make appointments on the basis of personal merit.

Standing thus as the first great party leader in English politics, Cromwell gave the partisan system of appointment to office a most vigorous trial. For he not only gave office and titles, confiscated lands and bribes of other sorts to his favorites and to others he wished to conciliate, but he added a religious to a political test for office, and to induce others to think as he did, placed the creed of congregationalism at the door of his conventions to Parliament as we place the creed of our party at the doors of the post offices and Custom Houses.

General Jackson himself could not deny that the first trial of the partisan system was in able hands. But not even the mighty genius of Cromwell was able, through that system, to secure for himself or his party any abiding position or official gratitude. As he went on under it, his power gradually melted away, and the greatest genius for government England ever produced was not able through the most skillful art of patronage to leave gratitude enough behind him to save his own bones from being dragged from the grave and exposed on a gibbet to the jeers of Royalists.

Though it did not endure, Cromwell's administration caused some salutary changes in public opinion upon the subject as well as in the mode of carrying on business public. The number of those who thought and acted boldly upon political questions now, permanently increased, and the old system lost much of its prestige which it never regained. It was then often much easier for Parliament to become a great power at the expense of the

crown and the nobility. The star chamber, the Court of High Commission, and the arbitrary levy of taxes were at an end.

Speaking of the reformers of that age, Mr. Eaton says “In the writings of Marvel we find perhaps the first systematic attack upon administrative abuses, recorded in English Literature. Sinecurests, [placemer] and corrupt and subservient court favorites being so roughly handled by him that he was in danger of assassination. His acts were in the spirit of his words, and at a time when he was so poor as to need to borrow a guinea, Charles II tried in vain to bribe him with £1000. He is said to have been the last member of Parliament who was paid for his services.

But he served his constituencies with wonderful ability, and fidelity, sending them a daily account of the proceedings of Parliament in the letters which have been thought worthy of publication even after the lapsing of the century.

The abolition of all compensation to members was admirably calculated and was probably designed to keep out of Parliament poor men like Marvel who were genuine representatives of a free and pure sentiment steadily growing among the people. Reformers now becoming troublesome in that age.”

Passing over Mr. Eaton's account of the corrupt reign of James II and the able rule of William III at the commencement of which in the Act of Settlement it was ordered that Judges Commissions should continue during good behavior, and we arrive at the reign of Queen Anne.

She was the first English ruler who formed a cabinet from the dominant party in Parliament, and thus gave party government its first great opportunity. The appointing power and control of administration passed as largely from the crown to Parliament in the reign of Anne as it did in this country from the president to Congress in the twenty years following the close of President Jackson's term.

It was something like a revolution which threatened the counterpoise of legislative and executive power under local government. The appointing power was more and more under Anne, and by the dominant party and for corrupt and merely partisan purposes foreboding a reproduction of the spoils system practiced by the Crown prior to the great revolution in another form.

Party Government was thus put to a severe test at its very outset. It became more and more clear as its trial went on that there was no virtue in it adequate for the reform of the great abuses which it had inherited and on the other hand, the new order of things soon developed serious evils of its own. Parliament having ceased to be subservient to the Crown, turned around and made its appointees subservient to itself. It soon became itself tyrannical. The modern prescriptive policy of turning out all the lower officers to make room for friendly partisans was adopted by the generation that originated party government.

That policy began with the high born Tories. Bolingbroke, their greatest leader, says Hallam, expresses their intention to fill the employment of the kingdom, down to the meanest with Tories.

The injustice and corruption in the matter of contested elections existing in the reign of William III, grew to be far worse under the first two Georges. Lecky says in his "England in the Eighteenth Century" quotes Mr. Eaton, "they threatened to subvert the whole theory of representation; the evil had already become apparent in the latter days of William, but some regard for appearances seems then to have been observed. Soon however, all shame was laid aside. In the Long Parliament in 1702, the controverted elections, in the words of Burnet were adjudged in favor of the Tories with such barefaced partiality that it showed the party was resolved on every thing that might serve their ends. When the Whigs triumphed in 1705, they exhibited the same spirit. In the parliament which met in 1728, there were nearly 70 election petitions to be tried, and Lord Harvey has left an account of how the House discharged its functions.

"I believe," he says, "the manifest injustice and glaring violation of all truth in the decisions of their Parliaments, surpass even the most flagrant and infamous instances of injustice of any of their predecessors. People grew ashamed of pretending to talk of right and wrong and laughed at that for which they should have blushed, and declared that in elections they never considered the cause, but the man, not even voted according to justice and right, but from solicitation of favor."

Under George III, seats in the House of Commons were regularly advertised for sale in the newspapers, and the practice of buying and selling boroughs gave a new word to the language, "borough mongers." Boroughs

were not only sold but they were rented for annual sums when the bidders were unable to buy out right.

But a widespread outcry against the outrageous abuses of government constantly increased, and with the downfall of Lord North's ministry towards the close of George III's reign, the better public opinion began to make itself felt.

When George IV, in 1820 came to the throne, the outside pressure upon Parliament for a reformation of the existing abuses, had already compelled the passage of several salutary laws that had produced a marked effect upon those portions of the service to which they applied; and from that time forward civil-service reform became a leading issue in English politics, which the politicians sought in vain to evade. Public opinion gradually entered upon a demand for reform of the Parliamentary representation which finally resulted in the passage of the great Reform Laws of 1832. This great victory for liberal government was secured, continues Mr. Eaton, "only after the greatest and most desperate civil contest in modern History.

On one side of the issue hung the rights of the people to be better represented and protected, and on the other the waning supremacy of the aristocracy and corrupt borough system. All England was for years in a ferment of agitation. Monster meetings, fired with anger and indignation were held in all the great cities. One at Birmingham in 1831, was attended by 150000 people, and it voted, "to refuse to pay taxes as Hampton had refused to pay ship-money," if reform was not granted. Vast bodies of people paraded the streets of all the larger cities in an angry mood and assaulted distinguished noblemen. During two days the city of Bristol was in the hands of a vicious mob. Custom Houses, excise offices and Bishop's palaces were carried by storm. In 1831 the second reading of the Bill was carried by a majority of one in a vote of 608, the largest number that ever voted in Parliament. Another year of frightful agitation followed. There were monster meetings assuming attitudes of intimidation and filling the air with threats of violence.

It was not until the danger of a general collision between the government and the people was imminent, and the perils of the nation could be read in smoking harvests and burning castles and mansions, that the bill was passed.

The change affected by this measure secured a fairer representation of the better public sentiment, and greatly limited but by no means prevented bribery. A large number of intelligent and worthy persons of small means were for the first time enabled to vote. Royalty and Aristocracy lost a great deal of power which that class of voters gained. The cause of good administrations was thus strongly reinforced. But it soon appeared that even this vast expansion of suffrage had left the cause of reform too weak to take nominations from members of Parliament, or to install merit in the place of favoritism at the gates of the public service. The partisan system was too strongly entrenched, and its managers too skillful to be captured in that way. They resisted to the utmost. With more votes to win, and more political criticism to withstand, the partisan managers of the reformed Parliament only saw the greater need of using every fragment of patronage to perpetuate their monopoly. Though the higher leadership and better public sentiment which prevailed after 1832 were able to abolish slavery in the British Colonies, to terminate the monopoly in the East India Trade, to reform the poor laws and the tithe laws, to overthrow the corn law monopoly in 1846, after a contest only less desperate than that which carried the Reform Bill, yet moral forces equal to such high achievements were altogether too weak to take a young man of merit and put him into the public service without the formal consent of some member of Parliament or of the official heads of the party in power. So in this country the politicians were willing to reform all else save themselves.

It was not until long after 1832 that the inherent mischief of the partisan system became manifest to the great body of the thinking people. When that result was obtained, the final struggle with patronage in the hands of Parliament began on a larger scale. It seems to have been even then foreseen by the best informed that it could not be removed by any partisan agency. They realized the need of some method by which fitness for public service could be tested otherwise than by the fact of a member of Parliament or the vote of the cabinet or Treasury. What that method should be was one of the great problems of the future. No government had then solved it. That there must be tests of fitness independent of any political action or mere official influence became more and more plain to thinking men. Parliament, (after a fashion with which we are unfamiliar) held long debates and ordered frequent investigations into the details of the public service but always passing by the great evil for which its members were responsible. They could see and were ready to attack any abuse except their own prostitution of patronage. Talk of economy was as long, loud and frequent as it has been in

our own congress. The party in power commended itself to the people from time to time by exposing the extravagance of its opponents, by lopping off a few of the many supernumeraries and by removing some of the many complications. But no member gave up his patronage.

These palliative measures however, did not satisfy the popular cry for a complete eradication of the spoils system which continued with increasing persistence until the leaders of both parties realized that some radical change in the mode of appointment to office would have to be inaugurated. For a number of years a plan adopted by the heads of some of the departments from sheer necessity of requiring nominees for positions to submit to an examination before their appointment, had been in use with excellent results, and at length the general application of this plan called the "merit System" to all the departments of State by common consent to be accepted as the only feasible solution of the troublesome question.

Three methods of examinations for entrance into the civil service have been tried in Great Britain. The so-called "Pass Examinations" in use prior to 1855, were the first experiment tried. They allowed each applicant for position to present himself for examination separately and without entering into competition with others. While this method resulted in weeding out many of the most incompetent applicants, still, as the nominations for office remained in the hands of the party managers, who could bring their influence to bear upon the examiners, it was far from satisfactory.

The practice in vogue in this country by which congressmen first name the candidates for appointment to the Military Academy at West Point before they are received for examination, is similar to the English Pass Examination system.

The Pass Examinations were succeeded by the Limited Competitive Examination system by which there was competition in the examination but the candidates were still confined to those nominated by the managers in control of the party machinery.

Though an improvement upon the simple Pass Examinations, they were found inadequate to free the public service from imbeciles and incompetents because the same power that could procure a nomination to a position could push the candidate through the examinations and after 15 years trial, the examinations in 1870 were thrown open to the competition of all citizens

upon the same conditions.

The Executive Order in council adopted on the 4th of July 1870 was a sweeping measure. It declares “that the qualifications of all such persons as may be prepared to be appointed either permanently or temporarily to any situation or employment in any department in the Civil Service shall, before they are employed be tested by or under the directions of said Commission (meaning the Civil Service Commission) and no person shall be employed in any of the departments of the civil service until he shall have been reported by the said Commission, and qualified to be committed on probation to such situation or employment..... All appointments which it may be necessary to make after the 31st of August next, (1870) shall be made by means of Competitive Examinations according to regulations open to all persons (of requisite age, health character and other qualifications presented in the said regulations who may be desirous of attending the same.”

In this order was realized the final consummation of the long struggle continued upwards of one hundred and fifty years to arrest the disgraceful scramble for office, and put the public business upon a footing of efficiency and faithfulness to the public interests. That it has brought into the service better men, raised the standard and reduced the cost of that service, and more than all, freed British politics from the debasing corruption brought about by the spoils system is abundantly attested by the many quotations from the reports of parliamentary committees and from extracts from letters and speeches of prominent men on both sides of the Atlantic, which Mr. Eaton gives in his report.

Mr. Eaton dwells at length upon the character of examinations required in England, and discusses the subject with reference to its adoption by the United States Government.

That the British regulations would require extensive modification before they would be suited to the genius of our people or institutions will not be disputed; but no thoughtful American can follow the pages of Mr. Eaton's report without comprehending more clearly than before the magnitude of the task we have before us of purifying our public service and thereby our politics; nor without the conviction growing that nothing short of a complete severance of the appointing power from the legislative and executive branches of government will suffice to lift American politics from

its present low level, and attract to the service of our country the best talent and intelligence of the American people.