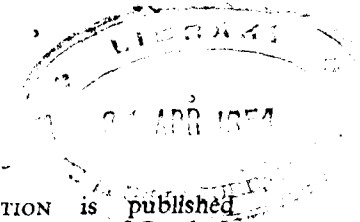
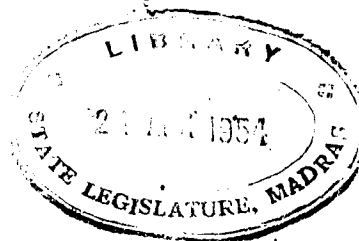


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The Contribution of the Social Sciences to the Solution of Administrative Problems

By PROFESSOR T. S. SIMEY

T. S. Simey has been the Charles Booth Professor of Social Science in the University of Liverpool since 1939.

ONE of the greatest contributions of Mr. and Mrs. Webb to political science and the theory of public administration was their destruction of the misconception that administrative planning can be carried out from an armchair. It is only from "the specialised attention of those actually engaged in the work," they wrote, "whether as amateurs or as professionals," that we can expect discoveries in administrative technique. For them, knowledge came only with action, and the progress of legislation was essentially experimental; "achievement in the field of social administration," they argued, "comes only by the means of 'trial and error.' . . . At the start, though the evil to be remedied may be recognised, there is never any carefully thought-out plan of reform. The administrative technique cannot be devised save only in the actual working of the administration itself. Only when we get a specialised organ set to do the work that Parliament and the Cabinet has commanded, will it be discovered, bit by bit, how the work can be done."*

Some may read into this a denial that the professional social scientist (as distinct from an administrator with an interest in social science) has a really useful function to perform either as a working partner of the administrator, or as an inventor or planner of administrative services and institutions. The fact that the Webbs did not recognise the existence of a problem of this kind was, however, probably due to the lack

of social scientists in their earlier days. But they came themselves to play a leading part in the creation of the social scientist, because the London School of Economics is their intellectual offspring. Largely as a result, social scientists abound today, and many of them are very practical-minded people indeed, with a considerable knowledge of men and affairs. They possess a keenly developed interest in experimental techniques, which they would like to see substituted, in appropriate circumstances, for the process of trial and error spoken of above.

The place the social scientist is to occupy in the scheme of things in the modern state has therefore become a matter of considerable practical importance. The purpose of the present essay is to examine this rather difficult problem and to discuss the kinds of knowledge which social scientists might make available to administrators in perhaps rather greater quantity than they do at present, and to outline some of the ways in which this might be done. As the subject is a very large one, the issues involved have been dealt with at some length with special reference to two specific problems: those of local government organisation, and the methods of negotiation adopted by diplomats, particularly at international conferences. These have been treated as illustrative studies, in reference to which the evidence has been marshalled in support of the case for a greater measure of reliance by the administrator in his daily work on the social

*English Poor Law History: Part II: The Last Hundred Years; Vol. II. Longmans, 1929, pp. 626-30.

scientist. Wider considerations arise, however, as this discussion proceeds, which involve a more general treatment of the relationships between political science, the administrator's primary concern, and the other social sciences. The argument finally leads to a brief discussion of the ultimate objectives which the social scientist seeks to attain in his work.

Local Government : A Re-examination of Basic Principles

The problem of local government organisation is a particularly fruitful one to use for the purposes outlined above. Its ultimate implications are at least as far-reaching as any which have arisen in recent years in Great Britain. The difficulties experienced in adapting the system of local government evolved during the nineteenth century to meet the needs of the twentieth, and the measures taken to deal with them, touch closely on many of the basic problems of social and political organisation as well as those of administrative technique. It is therefore proposed to begin the present essay by examining the system of local government at some length, and in particular by discussing the ways in which current developments have fulfilled or disappointed the expectations of the theorists of the late nineteenth and early twentieth centuries. From this discussion, suggestions will follow as to the ways in which local government may be made to "work" better by bringing in the social scientist to assist the administrator.

To approach the truth in this matter requires an ability to penetrate through outward appearances to the

realities that lie beneath. It is unfortunate, however, that a reasoned defence of local government, in terms of man's social needs, has yet to be attempted. The nearest thing that we have had to it is, perhaps, Sidney and Beatrice Webb's discussion of local government authorities in *A Constitution for the Socialist Commonwealth of Great Britain* (1920). In general, it has merely been assumed until recently that there is a strong presumption in favour of the local administration of "local" services, which has only failed to operate when national interests rather than local were held to predominate in a small number of instances.* This is about as far as public policy has gone. It has never been easy, to say the least of it, to distinguish the one kind of interests from the other, but the generalisation has been useful, as it has been applied in a commonsense rather than a doctrinaire spirit. In consequence, the abilities, the inventiveness and the local knowledge of the Councillors and Officials of English Towns and Counties were relied on unquestioningly for many years as effective ways of dealing with the difficulties of administration.

Contemporary processes of administrative change have, however, led more recently to a substantial decline in the relative importance of the Local Authority, as compared with that which central government Departments and other national agencies have come to assume. The reasons for this decline are obscure; it is even attributed by some to arbitrary changes in fashionable prejudices rather than to calculated design.

*After having argued the case at length in 1937, the present author concluded that "a presumption may be said to exist in favour of the local administration of the social services." (*Principles of Social Administration*, Oxford University Press, p. 165.) The events which have taken place since then have not compelled him to change his views.

The fact that no justification of this process of demotion in status has been seriously attempted is all the more hard to account for because established tradition is on the side of local government. Exactly how and why the change in administrative assumptions has occurred is by no means clear; for the centralising process has merely been regarded as an unfortunate necessity, not least of all by those who are most active in carrying it out.

Nevertheless, the idea that the citizen ought to be given an opportunity to bear a part of the responsibility for the administration of "local" services is too deeply embedded in the thinking of British political theorists of the last 100 years to make it possible to abandon the machinery of democratic local government without considerable damage to our peace of mind. The city has been recognised as the strongest "bulwark" of democracy in other nations and civilisations as well as our own, and if the city loses its autonomy, that of the citizen may quickly follow suit—or so it is commonly feared. Yet the argument has been accepted with surprising readiness by the legislature that the system of administration through representative and responsible local authorities has involved a lower standard of technical efficiency in a number of services, to a danger-point which cannot be tolerated in the twentieth century.

These standards have, in fact, never been established, let alone applied. Still more surprising, very little thought has been given to methods which might be adopted to remedy the inefficiencies deemed to be characteristic of local govern-

ment, or to prevent them from arising in the first place. The champions of City and County have thrown up the sponge almost without a fight; the prospect of conducting one has been so desperate that there has almost been a conspiracy of silence about the whole dispute. Paradoxically enough, the very urgency and the complexity of the issues involved have inhibited public discussion and made it difficult to state the case for the adoption of well-considered measures to deal with it experimentally.

If the muddled thinking that has come to prevail in these matters is to be straightened out, it will be necessary to deal with "live" issues of local administration rather than generalities and assumptions. It is the underlying processes of growth and decay which require examination if local government is to be reconstructed to meet contemporary needs; it is the source from which the local government authority draws its energy which is the most important point to which attention should be directed. If this is to be accurately identified and its functioning properly analysed, it will be necessary to attempt to understand the relationships which exist between any Local Authority and the other institutions and associations which are also part of the complex social structure of the community which it serves.* In the last analysis, the extent to which local government plays a part in the life of each citizen requires examination not from the point of view of what the Local Authority "does for" him, but in terms of the extent to which it facilitates the satisfaction of his more intimate and personal needs, or obstructs it. As

*An excellent example of this type of study is G. Duncan Mitchell's *The Parish Council and the Rural Community*, *Public Administration*, 1951, pp. 393 et seq.

Professor Mackenzie has pointed out, in so far as Local Authorities are truly "local," they are "no more than community associations endowed with legal status and legal powers; they cannot rise higher than the community to which they belong."* In so far as they are not "local," it is hard to see how the spark of life can be kept glowing in them at all.

The Social Foundations of Local Government

Political scientists and administrators alike have hitherto approached the study of the problems of local government in too formalistic or legalistic a spirit. It is the outward shell which has been examined, rather than the living growth within. The wrong questions have been asked; some of them have at times, in fact, been very far indeed from realities. Professor Robson's analysis of the proceedings of the Royal Commission on Local Government, for instance, is as significant today as when it was originally written twenty years ago:—

"The whole discussion," he wrote, "was unsocial in spirit from beginning to end. Not a single independent witness was called to find out what effects, in terms of municipal service, the creation of county boroughs had produced in the lives of the millions of men, women and children who live within their confines; nor was there any impartial investigation of the effect of city boundary extensions on the vast number of families who live in what are termed the 'added areas.'"[†]

*Public Administration, 1951, p. 348.

†The Development of Local Government, Allen & Unwin, 1931, p. 107.

‡Ibid., pp. 78, 80-7, 104.

In the work of the Commission, feelings of "belongingness" were described as "sentiment" by representatives of County Councils and Municipal Corporations alike, and the analysis of the social fabric of local government was ignored in favour of wrangles as to what was deemed to be administratively "just" or "efficient." The degree of unreality arrived at can be appreciated from the statement of a Clerk of a County Council that the "crux" of the whole question of the relationship between the Counties and County Boroughs was the responsibility for meeting the cost of road repairs.[‡]

It must also be recognised that it is no use attempting, as so many well-meaning people have done, to "sell" local government to the people, unless the quality of the goods that are offered is adequate and their nature is clearly understood. To the ordinary man, the Town Hall is a very remote place, quite as remote as Whitehall, and when he is unable to get a house, or forced to wait in a long bus queue, or compelled to put up with inefficient education for his child it is just as easy for him to blame "those people" in the Town Hall, as it is for him to blame "the Government." This is particularly true at the present time, when the complexities of contemporary central and local administration have created an impenetrable jungle of conflicting jurisdictions which sometimes prevent even an expert from identifying the official or authority responsible in fact for, say, the care of a destitute mental patient, the making of a compulsory purchase order, or the removal of a dangerous corner on a main street.

Such questions are for "honours candidates only" rather than the ordinary citizen. Some of them are, unfortunately, unanswerable. There can only too often be a vague distinction in the mind of the ordinary man between the Council and its officials (when the latter administer services over an area of, say, anything between 100,000 and a million inhabitants under strict central government control), and the regional or area office of a Ministry or Board; if it becomes impossible for him to make any distinctions at all, it can only be a question of time before the last vestiges of local autonomy will disappear.

Let us therefore look at the fundamental principles of local government once more. In their chapter on "The Reorganisation of Local Government," Mr. and Mrs. Webb started with a penetrating historical analysis of the rise of new forms of municipal enterprise in the nineteenth century, under the leadership of "the shipowners and merchants of Liverpool," "the millionaire warehousemen and manufacturers of Manchester," and "the proprietors of the great Birmingham combinations in hardware and machinery." These people, the authors concluded, "could develop an honest pride in the rapidly growing urban aggregations which were at once the means and the mark of their capitalist domination. In their leisure hours, and from their surplus income, these public-spirited citizens sought to build up the corporate life of 'their' city, to enrich it with public buildings, with picture galleries, with open spaces, with technical colleges, and finally with a university." "But," they immediately added, "in the slums of Liverpool and Manchester and Birmingham—even in the

crowded cottages of the artisans and clerks who together made up two-thirds of the population—anything like municipal patriotism or civic pride remained almost unknown." From these premises it followed that the task they faced was the recreation of local government rather than the enjoyment or exploitation of a tradition inherited from the past, and the stimulation of a new sense of corporate obligation to replace that which, they said, "passed for municipal patriotism" among the wealthy citizens of the Liverpool and Manchester of the nineteenth century. Labour Members, they thought, "do not seek election to the local council today because they are proud of their city, but because they are ashamed of it."

"Unlike the fourteenth-century citizens of Florence or of Bruges," they continued, "they are striving, not for municipal magnificence or even utilitarian efficiency, but rather for the removal of municipal degradation. So low has fallen our conception of municipal life in Britain today that what even enthusiastic reformers are concerned about is not the glory of the utmost development of communal life, the widest possible extension of the civic functions, or the outshining in municipal achievement of any other city, but merely the scavenging of the slums, the mitigation of scandalous overcrowding, the arrest of preventable sickness, and the stopping of the collective neglect that we now know to be infant murder. Municipal enterprise has, in our degradation, come to mean little more than rescuing our neighbourhood from the material and moral defilement and pollution to which capitalism has condemned it."

The result, as the Webbs saw it, was to blind people's eyes to "the larger aspects and purposes of Local Government, the limitless promotion in all directions of the activities, the faculties and desires of the citizens, by the creation of the best possible material and mental environment for them" (pp. 205-7). This, they thought, would come with the Socialist Commonwealth of their dreams.

The work of Mr. and Mrs. Webb was based on the assumption that the capitalist system of industrial organisation was both technically inefficient and emotionally frustrating. The gospel they preached was one which gave the greatest possible measure of freedom to the individual to satisfy his "personal cravings," which they regarded as an attainable goal by reason of the fact that the "spirit of service" could be relied on to provide the motive power for government and administration, whilst in their view the problems that were encountered from day to day could be overcome if the resources of the human understanding were mobilised with sufficient care to deal with them. The restrictive bonds of capitalism once removed, it was assumed, the rest would follow. The keynote of the book is in the last sentence, which is one of dedication "to a free Democracy, inspired by the spirit of social service, and illumined by ever-increasing knowledge."

The strength of this work lay in the Webbs' understanding of the implications of the social revolution taking place in the times in which they lived, and of the need to rebuild rather than passively enjoy an inheritance. But the weaknesses in their chain of reasoning are now becoming apparent to all, save the

immovably doctrinaire Marxist. The nationalisation of the means of production and distribution, and the removal of the restrictive bonds of capitalism, we now realise, do not necessarily awaken the desire in the common man to produce an age of plenty, or create the regard for the higher things of life characteristic of the inhabitants of some of H. G. Wells' Socialist Utopias. The expectation of the "change of heart" that Mr. and Mrs. Webb thought that Socialist institutions would bring with them (p. 352) was based on faith rather than on reason; it is, of course, not to be decried on that account, but it is open to question whether they gave sufficient consideration to the social and psychological processes that would accompany the setting up of their new Commonwealth. So far as the machinery of local government is concerned, their treatment of the problem is merely to deal with it as a "particular form of socialism" and their method of approach is through the discussion of topics such as "areas, powers, structure, systems of election, and so on, that were somewhat jejune even at the time at which they wrote. We are left in almost complete doubt as to how, precisely, the new municipal patriotism, to which they attached such great importance, was to be aroused amongst the masses of the people.

The "Neighbourhood Principle"

In one important respect, however, their argument should have pointed a way which others might have followed. In a brief passage dealing with "The Principle of Neighbourhood," they based the case for local government on "the consciousness among the inhabitants of a given area, of neighbourhood and common

needs, differing from those of other localities," and on the opportunities which exist for the inhabitants "to determine for themselves what shall be their mental and physical environment, and how far it can be maintained or improved." According to them, "the tie of neighbourhood influences in a thousand unforeseen ways the nature of the administration. In the characteristic municipal industries and services, producer and consumer are very near together, and automatically aware of each other." Unlike the railway engine driver and the miner, teachers and tram conductors "get to know at least the faces and the destinations of their daily passengers, and, like the stokers in the municipal gasworks, realise that it is their own families who are inconvenienced by any interruption of the service." In brief, the case for municipal autonomy is allowed to rest on the plea that "this sense of solidarity among neighbours, living in the same environment and using the same complex services, is a valuable social asset which Socialism aims at preserving and intensifying," and the Webbs end this section of their argument by recalling the fact that it was Rousseau who thought this tie of neighbourhood to be indispensable to Democracy (pp. 213-4).

Although the assumption that the employees of gas and other public utility undertakings feel a personal and compelling sense of obligation to their consumers comes somewhat as a shock to the rather disillusioned political scientist of the generation which has succeeded Mr. and Mrs. Webb, their argument still stands open to proof or disproof; no work which has been published since they wrote examines their hypotheses and conclusions in the light of the con-

temporary evidence. The case for local government still remains where they have left it, though unfortunately the times have tended to pass the Local Authority by. The analysis to which social psychologists have subjected the social life of small groups has suggested that the old adage that "man is a social animal" can be validated by evidence adduced from the behaviour of individuals at work, at play, and in the factory. But nothing has been done to demonstrate that man's need for companionship, and for co-operating with others in performing the everyday tasks of life, can be satisfied to some degree by associating the ordinary citizen with the processes of public administration through the medium of his Town Council and its Committees and Departments, or that a degree of vitality can be infused into an administrative service by encouraging the participation of the people who benefit from it in the work of providing it.

This is not, however, the whole truth in the matter, for there are signs that the practical administrator would like very much to exploit an "actual" tendency towards what may be termed natural sociability, though the limitations of space and time that have been placed in his way have prevented him from achieving anything very noteworthy as a result. The work of the multitude of people who have collaborated in the preparation of town plans, has, for instance, resulted in the formulation of the Neighbourhood Unit idea, which is precisely in keeping with the proposals of Mr. and Mrs. Webb. The Study Group of the Ministry of Town and Country Planning, which reported on this subject in 1944, expressed the view that in the larger towns with a population of

over 50,000, "a sense of neighbourhood has been lost to great numbers of inhabitants. The town is generally too large to be fully understood as a social unit, and the neighbourhood, the immediate environment of many inhabitants, has lost or never had a full identity." The objective which the Group set itself was to solve the problem, in the interests of the social well-being of each town, by finding "some organisation of its physical form which will aid in every way the full development of community life and enable a proper measure of social amenities to be provided and arranged to advantage in each residential neighbourhood." The "neighbourhood unit" idea "arises out of the necessity of doing this, and offers the means to do it."*

So far as administrative organisation goes, the Study Group limited itself to recommending that the boundaries of "units" might correspond with those of electoral wards, and thus be placed in an organic relationship with the life of the town as a whole. This line of argument has since been followed somewhat further by the Boundaries Commission. In their Annual Reports for 1946 and 1947, the Commission recognised that a "real danger" exists that, when authorities are created to administer services over ever-widening areas, "the ordinary citizen will lose interest and touch with the local government and local representatives of his own

locality." The Commission re-echoed the proposal of the Study Group that it might be possible to bring neighbourhood units and local government wards into a significant association, so that machinery might be created whereby local views could be expressed and local interest maintained. The value of the Parish Council was also emphasised as providing "a forum for the expression of views on really local matters, and as a link for the ordinary citizen and the authorities directly responsible for local government services."†

The Local Council and the Local Community

If the merits of those proposals are to be substantiated, attention must surely be directed to the social foundations of local government, and to the strengthening of what may be termed the "community building" function of Local Authorities. The emphasis for the future should be, not so much on the provision of services for people, as on the development of a community life in which each individual family can participate.‡ This would require the reversal of the process which has gradually gained momentum during the last 150 years of withdrawing administration from the experience of the ordinary citizen. The active participation of the citizen in the administrative life of his parish, which has been shown by the Webbs

**The Design of Dwellings*, 1944 (reprinted 1950), p. 58.

†*Report for the Year 1946*, para. 32; *Report for the Year 1947*, para. 71.

‡Professor Mackenzie has concluded from local election statistics that local interest bears no relation to the varying powers of different classes of Local Authorities. Two positive generalisations should, he thinks, be explored; namely, that voting figures are related (i) to the condition of party organisations, and (ii) to other indices of the stability and intensity of community feeling, such as church membership, closeness of home to job, average length of residence, etc. *Public Administration*, 1951, pp. 347-8. It follows from this that the nationalisation of local services which has so far been carried out need not of itself prevent the growth of an active interest in the work of local councils.

to have continued throughout the seventeenth and eighteenth centuries, has been almost completely destroyed by the modern system of local government, and the time has come when it should be asked whether it cannot be restored. The whole future of local government itself may come to depend on the possibility of developing much closer links between the citizen on the one hand and the local Council which watches over his interests on the other, and this may become a potent factor in the protection of the liberty of the subject in the Welfare State. Careful consideration might therefore be given to two methods whereby this objective can be attained; firstly, by bringing local government authorities into closer relations with neighbourhood and other voluntary organisations and associations, and, secondly, by adapting local government services so that closer ties can be created between administrative departments and the communities they serve.* It is at this point that the social scientist should be called on to demonstrate that he is capable of making a useful contribution to municipal government.

Even before the end of the nineteenth century, sociologists had begun to express their concern about the form and content of industrial society and of the Nation-State. Durkheim in particular had noted a tendency for the State to absorb more and more of the functions and activities of the voluntary associations out of which the social life of the "liberal" society of the early part of the century had been built, and to weaken the spontaneous elements

both in work and in social life which he considered to be the very basis of the health of a society. The ultimate outcome of the process would, he thought, be an omnipotent and omniscient State, left with "a disorganised dust of individuals"† on its hands. Nevertheless, enthusiastic as he was for the development of professional and other voluntary associations for mutual aid and all forms of co-operation, Durkheim turned his back on the possibility of rebuilding social relationships to any appreciable extent on the basis of "place" (i.e., the village or neighbourhood), rather than "work" or "interest" (i.e., the factory, theatre or University). Communes, *départements* and provinces had, for him, all served their turn, and he regarded them as having died a natural death as forms of social life. Decentralisation might, he thought, assist administrative efficiency; but this would have little effect on the social life of the ordinary man. The survival of administrative agencies, he might have argued, is dependent on the actualities of social development, rather than *vice versa*.‡

Modern sociology has revolted at long last from this rather gloomy beginning. Patrick Geddes pointed the way to the study of the growth and development of modern towns, and emphasised the need for the study of the extent to which they facilitated or obstructed the satisfaction of the social needs of their inhabitants. His work has been followed up by Lewis Mumford and others. But all that has been achieved so far is to state a few simple hypotheses that still require

*The foregoing argument has been developed at length in regard to the problems of the County Borough of Dudley in *Social Aspects of a Town Development Plan*, The University Press of Liverpool, 1951, pp. 123 *et seq.*

†"Une poussière inconsistante d'individus." *Le Suicide*, Felix Alcan, 1897, p. 448.

‡See *Le Suicide*, p. 449.

testing. Above all, the whole of the foundations on which the Webbs based their work requires careful re-examination. Parts of them are obviously weak, in so far as their argument has implied that a close identity of interest actually exists, in fact, between the citizens of large cities; even the most casual observation, however, shows that this is tenuous enough in Liverpool, Manchester and Birmingham, but it has already been strained to breaking point in the immense conurbations such as Merseyside, Greater Manchester and Greater London, the existence of which has for so long bedevilled all attempts to readjust local government boundaries. Again, the degree to which a citizen can be given an opportunity to participate in public affairs, even in a relatively small town such as Dudley or Exeter, requires to be looked into with some care, and various kinds of administrative agencies must be compared in this regard if useful conclusions are to be drawn. There is, however, nothing in all this that would appear novel to the Webbs. More than most other students of politics in their day, they demanded the most thoroughgoing and "realistic" study of this kind. Discoveries in physical science were welcomed by them, but, they wrote, "what is no less needed than this greater knowledge of things, is the greater knowledge of men: of the conditions of the successful working of social institutions. That on which the world today needs most light is how to render effective every form of social organisation: how to make more socially fertile the relations among men. . . . There is no need so imperative today as increased

economic and political science."* Their reputation is great enough to make any amount of re-examination of their work possible without damage to it; they may, indeed, be regarded as inciting us to criticise them, or suffer the consequences of our neglect.

To meet this challenge, so far as the urban sociologist is concerned, requires painstaking and meticulously accurate study of the history and functioning of each and every social institution which plays its part in the business of local government. We need historical accounts of the development of the work of many more Corporations during the past century, in which due attention is paid to their relationships with the economic and social organisation of the town for whose welfare each has been responsible; we also need detailed studies of the growth of individual services, and the planning and execution of such projects as the Manchester Ship Canal, the Mersey Tunnel and the Cambridge Village Colleges. Even a beginning has yet to be made with the writing of the history of county government during this period. The richness of the harvest which can be gathered in this way is so great, that it must be a matter for wonderment that it has not been enjoyed for many years; this is particularly surprising in view of the fact that the work of harvesting was actually begun half a century ago by Mr. and Mrs. Webb. A foretaste of what might have been achieved in this way can be obtained from their historical studies of English local government services up to the end of the nineteenth century, and in particular from those embodied in their great works on the Poor Law. One's appetite is whetted

**Op. cit.*, p. 354.

even more keenly by the glimpses that are given in *Our Partnership* of the penetrating examination to which they subjected contemporary authorities and administrators. It is surely to be hoped that the notes, which they have left behind them will soon be made the basis of a book describing the state of local government affairs in 1900; and that their work will be repeated in an equally comprehensive way in our own time.*

The Sociological Approach to Local Government

Historical treatment of the subject will, however, only provide a small part of what is needed; the possibility of developing methods of empirical enquiry to supplement it was, in fact, pointed out many years ago by Graham Wallas. Having in his *Human Nature in Politics* developed a keen interest in the machinery of government, particularly in Councils and Committees, and in the general process which he termed the "Thought Organisation," he went on in his next work, *The Great Society*, to discuss the ways in which thought and will might be organised to serve social rather than individual ends. The results fascinated him; he sought to communicate his enthusiasm to others, advising students of sociology on the lookout for thesis subjects to examine the "intellectual efficiency" of the Hospitals, Charities, Clubs, governing bodies, political associations, religious organisations, and so on, of any large provincial town.† None of these ways of doing business was too trivial for him. The methods which he

had at his disposal to develop it were limited, and the progress he made was not great, but in our own day we are able to draw much more profitably on the concepts and methods of "dynamic" psychology or psychiatry, which makes it possible for us to explore the territories that he mapped out, more confidently and more effectively. So far as local government is concerned, it is possible for us to carry out comparative studies of the ways in which the duties associated with the offices of Mayor and Town Clerk have been discharged by different men at different times, and to trace the more subtle interactions between the personalities of the individuals concerned, and the life of the communities of which they have been members, showing their effectiveness in the official roles in which their lives have been cast. More important even than this, realistic studies can now be made of the social life of urban neighbourhoods, in which the interplay between the more intimate patterns of family life and the social life of a city as a whole can be studied, as it were, at first hand. Without this, the appraisal of the value of municipal government must remain a somewhat anecdotal affair; a mere matter of belief which may or may not convince. With it, both the strategy and the tactics may be mapped out whereby the advance of centralisation may be arrested.‡

The essential assumptions implied in investigations of this kind which might be carried out into the problems of local government are, firstly, that legal forms possess no significance

*Reference should be made to the brilliant thumbnail sketch drawn by Sidney Webb of the development of the Corporation of Leicester from 1835 to 1890, reproduced in *Our Partnership*, Longmans, 1948, p. 166-8.

†*The Great Society*, Edition of 1920, p. 277.

‡An example of the kind of study which should be repeated in many parts of Great Britain is W. F. Whyte's *Street Corner Society*, University of Chicago Press, 1943.

apart from living social realities, and that it is useless to study them merely for their own sake; secondly, it is assumed that institutions such as Local Authorities must be studied as parts of "wholes," in the setting of the social context in which they have grown up, and in which they function. In the last analysis, it is the behaviour of individual people that creates the data concerning local government; it is their emotions as living beings which give it energy, and it is their aspirations which give it purpose. To understand the system of local government of a Lancashire town, for example, one can only begin with local government law and the customary procedures of administration. To this there must immediately be added at least a working knowledge of the town's people and their history, the relationships between the various classes, their political affiliations, their lives at work and at play, the patterns of their family relationships, the forms and content of their religious observances, and so forth and so on. The list may appear at first sight to be a formidable one, but every successful local government officer, debt collector as well as Director of Education, has to find his way through the maze somehow or other, by rule of thumb at least. It is the ability to do this which distinguishes the competent administrator from the able technician, and a Town Clerk who is genuinely worth his salary from a trustworthy Prosecuting Solicitor, or Conveyancing Clerk.

The more sophisticated administrator will therefore be only too glad to pick the brains of the social scientist and to collaborate with him in his attempts to unravel the tangled threads of the public life of City and County. Both will see it for what

it is: a single aspect of the life of the community concerned; an important aspect no doubt, but only one of many. The social scientist will have to discover for himself the ways in which local government institutions fit into the social framework of the community as a whole, and he will also have to undertake his own researches to demonstrate the ways in which a local and unique pattern of culture has grown up in any given locality, and what significance this has for the local authority concerned. But, provided he carries out his task efficiently, the local government officer is likely to be one of his most interested listeners and collaborators, because he knows how much there is about the life of the people he serves that he needs to know, and has yet to learn.

The Social Scientist's Contribution to Local Government

What the social scientist has to contribute to local government, therefore, is an understanding of the precise impact which the machinery of local government makes on the more private aspects of the lives of the people whose welfare it is designed to serve. It is not a matter of conducting mysterious experiments with questionnaires, random samples and clinical records, so much as one of discerning what things are like in all their living complexities, how they have come to be what they are, and whether local government machinery can be adapted to function more efficiently, having regard to changing needs, opinions and opportunities. It is possible, for instance, to regard the purpose of the Maternity and Child Welfare Service as being fulfilled in any given locality when

standards of physical care of young children are brought to a level at which the infant mortality rate compares favourably with that of similar areas elsewhere. But it is also possible to regard it as a means of dealing with the emotional strains often found in families with young children in them, which are a frequent cause of unhappiness, and perhaps even of ill-health, and which usually arise as a result of ignorance rather than poverty or malice. The Clinic might in this way be utilised as an educational service of benefit to the family as a whole, and become an even more important source of well-being to the community than it is today. Some psychologists and psychiatrists even see in the Maternity and Child Welfare Service one which is potentially the most important educational service we possess. Almost any local government service can be re-examined in this way, namely from the wider point of view of the processes of growth and change and the satisfaction of human needs in the widest sense, rather than the narrower one of the carrying out of a service as a matter of programme and routine.

The approach of social scientists to the problems of local government might, perhaps, best be associated with an investigation of the processes of "growing-up" in any given community. Freudian concepts have already been adapted and developed as a means of explaining the ways in which the personality of the growing child, adolescent, and young adult interacts with its environment; particular attention is still paid to relationships within the family circle, but contemporary work tends to be

directed towards the examination of the ways in which societies "hang together" as wholes and produce types of personalities which are characteristic of each of them. The point is now being reached at which we are beginning to understand, for instance, how it is that the British love of committees has come to exist, and what the essential things are about committees to which we attach such great importance. We do not know very much about this as yet, but we do know enough to understand why the attempt to transplant the British system of local government, with its committees and all its other paraphernalia, into an entirely different culture, such as that of Trinidad or the Gold Coast, is likely to have some very surprising results. What is good for us is not necessarily good for other people, unless of course they share our peculiar mentality, and our characteristic strengths and weaknesses, such as our "genius for muddling through" our problems, rather than facing them outright.

In addition to a clearer understanding of the processes of growth of the individual personality, and the ways in which people with different types of personalities are associated with different societies, and adopt characteristic roles in each of them,* we are also gradually achieving a sounder knowledge of the kinds of difficulties that occur when attempts are made to interfere with the parts of the structure of a society to which its members have become accustomed in their more intimate and casual moments. The nationalisation of an industry, or the reorganisation of an administrative

*Professor Lasswell has examined in considerable detail the ways in which certain kinds of people seek to deal with defects in their own personalities by acquiring positions of authority in politics and administration. See his *Psychopathology and Politics*. Chs. VI and VII "Political Agitators" and Ch. VIII "Political Administrators."

service, brings with it not only many fundamental changes in the "formal" objectives and methods of the organisations concerned, but also important changes in the more general or "informal" way of life of the workers and officials in their employment. What is informal in the conditions of work of a docker, for instance, may contain many things which he is most reluctant to lose, and perhaps for good reasons, even when he gains many other things when the formal structure of the industry is altered, as when the National Dock Labour Scheme is brought into operation.* Some political scientists cannot see anything more in this distinction than that which has always existed in the one drawn by Dicey between the law and the conventions of the constitution; the point, however, surely is that the importance of the informal aspects of institutional structure lies in the extent to which those whose lives are connected with the institution in question obtain satisfactions from their association with it that may possess only a remote connection with its formal organisation, but which may have acquired a vital importance for both workers and management, of which neither side may be aware when changes are being negotiated. Before we can carry a process of administrative reorganisation through smoothly and effectively, we have to discover to what extent people's more private lives have, as it were, become entangled in the machinery. That they have been allowed to do so may sound very inefficient, but

the process is inevitable, and provided that the reorganisation is carried out skilfully and private needs of individuals are brought as far as possible to coincide with public requirements of departments or industries (and *vice versa*) the motive power available for productive operations and the total output of goods and services will be greatly increased. More briefly and generally, to attain this end any productive or administrative organisation must be made both *effective* (i.e., capable of attaining its manifest objectives) and *efficient* (i.e., satisfy the individual motives or needs of those who work for it).† This is, however, merely another example of the fact that, as has already been pointed out in the case of local government, the structure of administrative organisations interlocks at every point with that of the community as a whole.

The Analysis of Living Cultures

In addition to what may be termed institutional analysis of this kind, the study of the ways of living or cultures of individual peoples and the relationships between individual cultures and the behaviour of individuals, has much in it to reward the administrator. So far as our own fellow-citizens are concerned, we rely on our experience and intuition to bridge the gap between our own ways of looking at things and talking about them and those of, say, a Trade Union Official of working class origin, an "intellectual" Civil Servant, or an upper-class politician; we cross it the more readily because most of those

engaged in the daily business of politics and administration in Great Britain have gone through a long apprenticeship in committee work, which provides a fairly thorough training in the art, of seeing the other man's point of view, and an institutional setting in which it is not only easy, but also most advisable, to do so. This process of cultural analysis may at times be painful, but it is always rewarding. For John Stuart Mill it was Political Ethology, "the theory of the causes which determine the type of character belonging to a people or an age," that was more important "than any of the other branches into which the social science may be divided."* "Those who know no other cultures than their own," it has been well said, "cannot know their own," and if knowledge of another culture can be gained from a people overseas, as well as from fellow-citizens of another class, so much the better. If one cannot go abroad, however, one can at least get acquainted with some of the recent work of contemporary anthropologists. Even a perusal of the delightful "Preface from England" which Dr. Margaret Mead wrote for the Pelican Edition of her work on *The American Character* would open the eyes of many English people to facts about their own behaviour of which they might otherwise remain in ignorance for a lifetime.

Politicians and administrators who have to work with people from other nations and cultures would, of course, benefit still more than their colleagues who stay at home from a special study of the difficulties of communication across cultural barriers, and from an understanding of how ways

of doing things and looking at things can exist which are totally unlike their own. Many stories might be told of the embarrassments which unsophisticated diplomats have suffered, due to a lack of this type of training. There is, for instance, the experience of Albert Thomas, who pressed a Japanese delegation at an I.L.O. Conference to give him "greater satisfaction" than the assurances he had already had in the matter of the casting of their vote—and had ceremoniously presented to him that afternoon "two costly Japanese dolls"; after this, the delegation "seemed pained" when Thomas attempted to re-open the question.†

This instance is, of course, merely a comic interlude in the tragic story of international misunderstanding. It is worth labouring the point at greater length to make it clear, because one of the most critical issues of our times is involved. Examination of the proceedings of any of the major Conferences which have taken place during the past thirty years quickly presents instances of the inability of representatives of different cultures to understand each other, that have at times been catastrophic in their consequences. The suspicions that President Wilson had of European statesmen and diplomacy, the fact that though "the Anglo-Saxon is gifted with a limitless capacity for excluding his own practical requirements from the application of the idealistic theories which he seeks to impose on others," he is apt to accuse the Latin of "cynicism" and is accused in return of "cant"; these tendencies lay at the bottom of all the muddle and the tragedy of the Versailles Con-

*A detailed study of this phenomenon will shortly be published by the Department of Social Science of the University of Liverpool.

†E.g., by Professor Mackenzie *Loc. cit.* p. 347.

‡See Chester I. Barnard, *The Functions of the Executive*, quoted, Elton Mayo, *The Social Problems of an Industrial Civilisation*, Kegan Paul, 1949, pp. 48-9.

**A System of Logic*, Book VI, Ch. IX.

†E. J. Phelan, *Yes and Albert Thomas* (1936), p. 92-3.

ference. But, it has been concluded, the contrast is not one between cynicism and hypocrisy. It is one which can only be said to exist between "two divergent habits of mind"; "the Anglo-Saxon is apt to feel before he thinks, and the Latin is apt to think before he feels," and it was "this divergence of habit which induced the Latins to examine the Revelation of Woodrow Wilson in a manner more scientific, and, therefore more critical, than we did ourselves."*

Cultural Barriers to International Negotiations

Bitter experience has led Mr. Harold Nicolson to conclude that the new form of "open" diplomacy by conference is "perhaps the most unfortunate diplomatic method even conceived."† Nevertheless, the old International of Monarchs is now a dead thing of the past, and with it the more leisurely and exact forms of "Spa Diplomacy" have gone too. What is there to put in its place? Lord Hankey, writing in 1946, has stressed one virtue of Diplomacy by Conference, namely, that it gives statesmen an opportunity to get to know one another well, and achieve a "real intimacy and friendship" which contributes materially to its success.‡ But, we now know, it is by no means certain that friendships will in fact be made on such occasions, and if active dislikes supervene, the closer diplomats work together the worse their work is likely to be. Mr. Harold Nicolson would prefer that diplomatic negotiations should be conducted with precision and on

paper. "The affability inseparable from any conversation between Foreign Ministers produces allusiveness, compromises and high intentions. Diplomacy, if it is ever to be effective, should be a disagreeable business." It is certainly one which must be faced with intelligence as well as courage. Is there not here a task for the social scientist; to examine and analyse conflicts between diplomats as they arise, with the object of discovering the precise nature of the barriers to international and inter-cultural communications, and the best means of removing them? If Diplomacy by Conference cannot be made to work, the outlook for mankind is black indeed.

The general run of Mr. Nicolson's argument demonstrates how the social scientist might intervene helpfully. The foreign policy of a country, in his view, is "coloured and even governed by national character," and, in consequence, "unless we understand that character we cannot understand the policy."§ The study of diplomacy has suffered from the fact that it has been approached too often from the historical point of view, for investigators are too inclined to concentrate on the documentary rather than on the human evidence. They have, he argues, "laid too heavy a stress upon the intentional and too light a stress on the unintentional," tended to ignore subconscious motives, and to "throw upon conscious intention and foresight an emphasis which is exaggerated." Even in the nineteenth century, diplomacy was "mainly

empirical . . . governed, not by the volition or will-power of individuals, but by a general trend of public opinion," which, he adds, "is often emotional and ill-formed." "We must realise," he concludes, "that the endeavours of modern statesmen must be concerned, not with elaborating some personal policy, so much as neutralising the ill-effects of popular ignorance, egoism or prejudice."*

These conclusions may, of course, be criticised on the ground that the nature of diplomatic negotiation has changed fundamentally since Mr. Harold Nicolson formulated them. But, essentially, the situation is the same; it is just as great an error to suppose that public opinion in the somewhat limited society of the Kremlin is influenced by a cynical rationalism as it is to suppose—as many Continental scholars have maintained—that a similar condition obtained in the British Foreign Office during the negotiations leading to the British occupation of Egypt. The hard core of Mr. Nicolson's argument still holds true, namely, that diplomacy should be a matter of professional skill rather than exhortation or argument on the part of the amateur diplomatist, the politician. In his view, policy should be subjected to democratic control, "the execution of that policy should be left to trained experts," possessing "experience and detachment," and the knowledge of "foreign psychology" which the politician lacks. Mr. Nicolson recommends that the training for the higher ranks in the diplomatic service should be given at a Staff College, where prophylactic measures might be taken against the

profession's proneness to "a certain degree of lethargy, narrowness, and timidity."†

Reason and Emotion in International Relations

This is all very well so far as it goes but, as Mr. Nicolson well understood, an efficient diplomatic profession is valueless unless it is given the right policy to apply. His remedy for this dilemma is to educate public opinion in matters of foreign affairs, to deal with tendentious propaganda by "reasoned statements" and, in general, to induce the public to regard foreign affairs "as a scientific discussion in which one is expected to weigh evidence."‡ Experience has shown, unfortunately, that this solution is inadequate. Sir Norman Angell, for instance, has spent a lifetime applying reason and common sense to the vitally important political problem of the issues of war and peace; at the outset of his career he met with an intellectual response all over the world, of quite astonishing dimensions. The opportunity which was available to him was immense, and may never occur again, for the barriers to communication across the Iron Curtain which exist today prevent anything like the same degree of free discussion of ideas, such as his, and diminish the possibility of intellectual agreement on them to vanishing point. It is, therefore, a tragedy that the movement which Sir Norman Angell inaugurated with the publication of *The Great Illusion* some forty years ago has had so limited a success. Looking back on his life, he has asked himself whether he could have done better

*Harold Nicolson, *Peacemaking* 1919, edition of 1944 p. 192-4.

†Curzon : *The Last Phase* (1939), p. 397.

‡*Diplomacy by Conference* (1946), p. 35-6.

§*Peacemaking* 1919, pp. 208-9.

||*National Character and National Policy*, Montague Burton International Relations Lecture, University College, Nottingham, 1938, p. 12.

*Curzon : *The Last Phase*, pp. 382-5.

†*Ibid.* pp. 399-402-4.

‡*Ibid.*, pp. 404-6.

if the experience which now lies behind him had been at his command at the outset. His general conclusion is somewhat indefinite but shows a decided inclination towards pessimism. The world situation today demonstrates, in his view, the inadequacy of social and political judgment amongst the peoples of the world. This could best be dealt with, he thinks, through propagandist activities of such bodies as United Nations Societies; but, he recognises, there would be enormous difficulties in the way; it is relatively easy to form a society, or create a body like the United Nations, "but to stand not for a law, which can be drafted, but for a "changed way of thought," a different scale of moral and intellectual values, a larger measure of reason and reasonableness in politics," what, he asks, does that mean? He has, in fact, no precise answer, other than to say that "the theory for which I am pleading is definite enough in my own mind," and to add that "if I have not succeeded in making it clear to my generation, perhaps those who are to succeed me can be more successful in theirs."*

Sir Norman Angell has always emphasised what he has termed the "moral obligation to be intelligent," and the need to apply the dispassionate and impartial judgment which we associate with the procedure of a Court of Law, and trial by judge and jury, to the difficulties of political decisions. But that is, in itself, not enough, because we need to know with a much greater accuracy why it is that it has proved so difficult

to use common-sense procedures of this kind in international relations, and in many of the difficult situations which arise from time to time in political life as well. There can be more ready agreement with Mr. Nicolson's conclusions that "the approach to diplomacy should be above all a psychological approach,"† and that we should base our negotiations with foreigners on "an understanding of their temperament and nature." It may be doubted, perhaps, whether he meant anything in this other than a somewhat rule-of-thumb appraisal of national characteristics, and of the cultural and educational factors in the formation of the individual personality. Nevertheless, the foundations of a scientific approach to the problems of diplomacy have been laid in his writings, and the work accomplished in recent years by American anthropologists has demonstrated clearly that it is possible to arrive at a better understanding of the way of life and thought of a foreign country on which practical policies might be based by making use of the methods of cultural analysis.‡

The future will show how much more reliance can be placed on the concepts and techniques of the social sciences to overcome the barriers which prevent international understanding. The most hopeful prospect of advance is perhaps offered in the recording and interpretation of the relationships between representatives of different countries which can be observed at international conferences, and of the general behaviour of different kinds of people taking part

**After All* (1951), p. 351-2.

†Montague Burton Lecture, pp. 12-3.

‡Dr. Ruth Benedict's *The Chrysanthemum and the Sword* is an excellent example of what can be accomplished in this way. The author attempted to achieve much the same objectives in his *Welfare and Planning in the West Indies*, Clarendon Press, 1946.

in them. Mr. Nicolson, for instance, has suggested that "a mind trained in parliamentary or forensic habits is apt to assume that a conference is a form of controversy."* This hypothesis might well be tested by the social scientist. Moreover, it is not only the "set" of mind which the individual participant displays in a conference as an Englishman or a lawyer which needs to be examined, but also the precise circumstances in which he displays one characteristic or another. The "social distance" between delegates at conferences is largely determined by the arrangements which are made for housing, feeding and amusing them. If they are too far apart, they may never understand each other at all; if they are too near together, incompatibilities of individual temperament may obtrude, and create unnecessary conflicts and misunderstandings. The social scientist should accept a responsibility, and be given facilities, to investigate, experiment, and make recommendations to international bodies which are facing problems of this kind every day.

The Relationships between Public Administration and Political Science, and the other Social Sciences

In conclusion, it may be well to explain briefly the position which public administration and political science may be thought to occupy in relation to the other social sciences. The impression may have been given by what has been said above that the administrator should become an amateur psychiatrist, anthropologist, and sociologist, as well as an economist and an historian. This must be carefully avoided; in

suggesting that he should concern himself in the first instance with political science, it is only fair to endeavour to show where the boundaries of this subject may be drawn. Professor Mackenzie has pointed out, in discussing the study of public administration in the United States, that the general thesis that "doctrines of public administration and doctrines of business administration are in their nature doctrines about aspects of human society, and cannot exist except on the basis of assumptions about the nature of society," is commonplace enough, but it is "persistently neglected."† It may be suggested in the first place, therefore, that the study of public administration should be undertaken in the setting provided by social and political theory, social psychology (in its widest sense), economics, and political science. It may be assumed that public administration can be regarded as a branch of political science; one which makes its own relations for its own special purposes, as it were, with the other social sciences but, nevertheless, exists as a study under the general classification of political science for all that. This is a fairly easy road to travel so far. Greater difficulty will, however, be experienced if the preceding argument is borne in mind, in finding the right relationships for the somewhat wide study of political science with the other social sciences. The tendency is, of course, for political science and sociology to spill over into each other. Up to a point it is very right and proper that they should, but an attempt must be made to give some indication as to the extent to which the political scientist must interest himself in, for instance,

**Ibid.*, p. 401.

†*Public Administration*, 1951, p. 132.

psychiatric concepts concerning family relationships, or the sociology of religious movements.

The way ahead has been opened up for us by the pioneers of the immediate past by reason of the fact that several of them have sought to define the field of interest of the political scientist as existing in the ways and means whereby power and authority are exercised on behalf of the nation or the community. For Max Weber, it was only possible to define the modern state sociologically, "in terms of the specific means peculiar to it, namely, the use of physical force."* The study of political science is thus concerned with the various forms in which the "institutionalisation of authority" takes place.† In Professor Laski's view, whilst "Political Science concerns itself with the life of men in relation to organised states" the central problem of politics is "the problem of authority and freedom."‡ These definitions are, of course, not completely watertight in so far as the modern state has many functions other than the exercise of authority, such as a concern for the general welfare, the redistribution of income, and the operation of manufacturing undertakings; it is at this point, as Professor Lasswell has said, that "the subject-matter of political science approaches that of the social sciences as a whole, and merges with it."§ The same applies to public and business administration when the

no-man's-land between "public" and "free" enterprise is under consideration.

In general, therefore, it is suggested that the political scientist is primarily concerned with the problem of how those who possess power come to possess it and keep it, and how it can be best exercised in the interests of the governed. It must immediately be added, and this is very important, that he is also concerned with the consequences on the lives of the people who possess power, of possessing and exercising it. William Pitt remarked as long ago as 1770 that "unlimited power is apt to corrupt the minds of those who possess it"||; he was wise beyond his generation in this as in many other things. Most of those with experience of government and administration in recent years will recognise the truth in what he said and appreciate the significance of his thought for the twentieth century.

The point has now been reached when an attempt may be made to take stock. The past fifty years have seen very substantial, almost revolutionary, developments in the individual social sciences, such as sociology, anthropology and psychiatry. As has been suggested above, the administrator and the student of political science must now ask themselves whether the methods of analysing the problems of government and administration they have used hitherto are adequate. They

must also question themselves whether they might accomplish more if they were to call on, for instance, the anthropologist for a measure of enlightenment in regard to the relationships and the problems which arise when a Western culture is brought into close contact with one that is "non-literate." The psychiatrist might, again, be asked to help to explain the processes of action and re-action that exist between different kinds of individuals, and the agencies serving or employing them; the welfare of the individual, in which he is primarily interested, as well as that of the society of which he is a member, can both be studied from this angle. Finally, the sociologist might have much to say on the subject of the relationships which exist between the institutions and associations concerned with acquiring and wielding political power, which are the primary concern of the political scientist, and the multiplicity of other institutions and associations such as family, school and factory, which constitute the complex fabric of society.

The Objectives of the Social Sciences

It is still unfortunately true, however, that there is a doubt in some people's minds whether the difficulties that confront the administrator can be regarded in a valid sense as "problems" which can be solved by the application of the human intelligence to them, in the way that the natural scientist has demonstrated so successfully. The reason for this is to be found partly in the small amount of effort which has been devoted to this task, and partly in the unattractive and bewildering jargon that social scientists have invented during the past generation

as a means of expressing their ideas; most of all, it is attributable to the intrinsic difficulties of the task itself, which demands the formulation of new concepts and methods to deal with what have been recognised for many generations as exceedingly complex facts and situations. The progress that has been made in the development of a political "science" (with the accent on the noun), which can serve as the basis of administrative practice, has been slow, and by no means sure. It still remains to be seen whether the concepts and methods developed by other social scientists can be made use of by the political scientist in such a way as to accelerate the growth of his own subject.

At first sight, the case for action of this kind may seem to some to be so obvious as to be self-evident. The intelligence test, time-and-motion studies, public opinion polls and so forth and so on can all be utilised by the administrator for one purpose or another, and a great deal of work of this kind is in fact being done. But there remains a certain hard core of scepticism associated with the view that expedients of this kind are mere trivialities, useful at times, perhaps, but insignificant in the context of really important problems of government and administration. We have to face the fact that there are two main schools of thought about government and its problems which prevail in Great Britain, only one of which is sympathetic to ideas about a "real" political science, and the less powerful one at that. On the one hand, there is the "traditional" school of thought, which is represented by such outstanding figures as Bolingbroke, Burke, Disraeli and Dicey; on the other is the rational school,

* *Science and Politics*, reprinted in *From Max Weber, Essays in Sociology*, Kegan Paul, 1947, p. 78.

† See Talcott Parsons *The Institutionalisation of Authority and The Modern Western Institutional System* in Max Weber *The Theory of Social and Economic Organisation*, William Hodge, 1947, pp. 50-69, 70-77.

‡ *On the Study of Politics* reprinted in *The Danger of being a Gentleman*, Viking Press, 1940, p. 35, 47.

§ *The Analysis of Political Behaviour*, Kegan Paul, 1948, p. 7.

|| *Speech in the House of Lords*, referring to John Wilkes. This aphorism was doubtless in Lord Acton's mind when he wrote, "Power tends to corrupt, and absolute power corrupts absolutely" (1887).

represented by Bentham, J. S. Mill and the Webbs. The Traditionalists have facts on their side, in so far as they correctly assume that the opportunities open to statesmen to use their powers of reasoning in any given situation are exceedingly limited; the Rationalists can only base their theories on experience to the limited extent that they have been able to seize some of these opportunities and make good use of them. Time, again, has been on the side of the Traditionalists, in so far as Victorian optimism about the essential reasonableness of man has been succeeded by the pessimism of a generation only too well aware of the importance of the unreasonable propensities of human behaviour, as is evidenced by the successful use of the concentration camp and the Big Lie as instruments of government, and the prevalence of the unofficial strike and the Black Market in the Welfare State. There are few of us today who would deny the force behind Mr. Harold Nicolson's despairing conclusion that as "human error is a permanent and not a periodic factor in history," "future negotiators will be exposed, however noble their intentions, to futilities of intention or omission as grave as any which characterised the Council of Five,"* an observation which echoed from far down the years Bolingbroke's remark that "reason has small effect upon numbers, a turn of imagination often as violent and as sudden as a gust of wind, determines their conduct." The same degree of scepticism is also apparent in equal measure in Disraeli's characteristic re-formulation

of Bolingbroke's thoughts, which runs "We are not indebted to the reason of man for any of the great achievements which are the landmarks of human action and human progress. Man is only truly great when he acts from the passions; never irresistible but when he appeals to the imagination."†

Traditionalism and Rationalism in the Social Sciences

In large measure, therefore, it is the profundity of the understanding of the Traditionalists that has deflated the prestige of reason as an element in government and administration. As Professor Mackenzie has pointed out "on the whole those who appeal to convention tend to be on the conservative side—Burke as against Bentham, Bagehot as against John Stuart Mill."‡ So far as fundamentals go, the Traditionalists are in an important sense more British than the Rationalists, which might be thought to be a pessimistic conclusion for a British social scientist to draw. But this by no means necessarily follows. Professor Mackenzie has also emphasised the fact that "It is the English tradition to take note of the practice of government and to disregard or discount its form,"§ and there are few British citizens who would say that this is not a very right and proper proceeding. There is a strong tendency for the Traditionalist to be also a realist, the next door neighbour of the Rationalist. This involves a certain measure of confusion, which can be resolved, however, if it is agreed that conventions are to be valued and respected not because

they are *old*, but because they *work*, and *work well*. This implies the exercise of the powers of judgment.

It will be generally agreed that judgment must be exercised with caution, and with a proper regard for its own limitations. Unless this is so we are never likely to make sure of our work. The claims of some Rationalists are prone to be over-bold and when this is so they must be rejected in favour of alternatives that are more modest and more sophisticated. Victorian expectations that means would be developed to predict the future, to govern mankind "with the quiet regularity of club committees," and to suppress the evil forces "that are within" are disturbing enough. Still more so are the bland assertions of some contemporary scientists, as, for instance, that "there are large tasks still for mankind to undertake—the ultimate conquest of space, of disease and death."¶ It is this sort of thing which has given the Rationalist a bad name; the scholar devoted to one or other of the social studies may regard his reasoning as basically unsound, and the administrator who has to carry the heavy burden of responsibility for making important decisions day by day, which relate only too directly to the welfare of his fellow citizens, may regard him as unpractical.

It is, perhaps, the historians who feel doubts of this kind most keenly. "Although we like to describe every major difficulty as a 'problem,' with the resultant assumption that there is a particular 'solution' to it," writes Professor W. L. Burn, "the

remedies available to the administrator are, in fact, few and stereotyped at any given time. He does not invent them; they are supplied to him by the age in which he lives; the quality of his administration is shown chiefly in his sense of timing."‡ Professional historians have, like Professor Burn, been rightly suspicious of the kind of "social technology" or "social engineering" which has been built on what appears to be Professor Bernal's assumption that, if only enough thought is given to it, man can utilise his knowledge of the past so as to predict his future and control his destiny.§ Unfortunately, however, this argument has been taken to the opposite extreme, for it has even been denied that any practical use whatever can be made of historical facts and current experience as the basis of plans for the attainment of defined objectives. It is in this way that a somewhat confusing debate has arisen as to the meaning and significance of "prediction" in the social sciences. The most persuasive conclusion must be Professor Postan's, namely, that "perfect prediction is not the only alternative to no prediction at all," for "every social generalisation successfully constructed is a step away from the infinite expectations of an infant, or of a culture at its pre-scientific stage, and a step towards the more limited range of expectations of a man "wise" about life, or of a generation in the possession of an ordered and classified social experience."|| This agrees with Professor Mackenzie's view that as

**Peacemaking* 1919, p. 8.

†Quoted, Graham Wallas, *Human Nature in Politics*, 1948 edition, p. 174.

‡*Public Administration*, 1951, p. 351.

§*Ibid.*, p. 345.

*Winwood Reed, *The Martyrdom of Man*, edition of 1886, p. 513.

†J. D. Bernal *The Social Function of Science*, Routledge 1944, p. 379.

‡*The British West Indies*, Hutchinson's University Library 1951, p. 157.

§See Professor M. Postan's essay, *History in the Social Sciences*, in *The Social Sciences: Their Relation in Theory and in Teaching*. Le Play House Press, 1936, p. 66-7.

||*Ibid.*, p. 67.

decisions have always to be taken by administrators with inadequate knowledge, the political scientist's function is not to say "wait"—for further information—and to base perfect predictions on it, but to make more useful knowledge available at the moments of decision,* and thus to improve the quality of the decisions that are made. It is by relying on "social generalisations" of the type referred to by Professor Postan that we shall limit the infant's infinite expectations, rather than by attempting to predict the future, which would be as hopeless as it would be useless as a task for an administrator to set out to accomplish.

The British Foundations of Political Science

The issue must be faced that the necessities of our times demand the development of a political science which can assist politician and administrator alike to solve problems, to facilitate the invention of remedies, and, above all, to keep administrative processes in their place as friendly servants rather than tyrannical masters. The task is formidable, but the foundations have already been laid. The tradition of British political science is a remarkable one, and we are sometimes too prone to underestimate what we have inherited. The splendour of much of the work that has been accomplished might well act as a spur to us in the future; there is, for example, Bagehot's sensitive, well-informed and courageous analysis of the British monarchy, in which he demonstrated to his astonished fellow Victorians why it was that most people were wrong when they thought that too

much "thought and prominence" was given to "little things," for, he wrote, "it is nice to trace how the actions of a retired widow and an unemployed youth become of such importance."† Again, the analytical skill and the astonishing inventiveness of Bentham and the Benthamites hardly needs to be stressed, though its significance is still not properly understood. Above all, there is the great work of Graham Wallas immediately behind us, giving us suggestions as to objectives to achieve and methods of achieving them, and demonstrating how so much can be successfully accomplished even with slender resources.

For many British political scientists, the publication of Graham Wallas's *Human Nature in Politics* in 1908 marked the beginning of a new epoch. Mr. A. L. Rowse has evaluated this work as "the most original and important contribution to be made to political thought by an Englishman in this century," and has added that it can hardly be said that any notable progress has been made in the study of politics since it appeared.‡ Both these statements require some further examination. The importance of the book may be said to lie in the fact that Graham Wallas first exposed and then exploded in it what he termed the "intellectualist assumption"; he then went on to replace it with something better, namely, a fuller understanding of the relationships between reason and emotion. His intention was to show that, if the measures he recommended were adopted, it would be possible for emotional forces to be brought under appropriate control, but this is a

task which he has left to our own generation actually to accomplish. "Some day," wrote Graham Wallas, "the concept of a harmony of thought and passion may take the place, in the deepest regions of our moral consciences, of our present dreary confusion and baser conflicts. If that day comes, much in politics which is now impossible will become possible."* Like Mr. Rowse, many others will be strongly influenced by this restatement of rationalism in terms which are so much more profound and more realistic. The problem remains why Graham Wallas' work has not been followed up with greater energy, and why so much time has elapsed before it has been continued. This is hard to explain. On the one hand we have to contend with the spread of doctrinaire Marxism which robbed him of many colleagues who would otherwise have been collaborators; there are also the profound disturbances of the First World War to be considered. But, on the other hand, this is hardly a sufficient explanation, for the urgency of the need to get to grips with the problems Graham Wallas posed some forty years ago was generally understood even at the time. Perhaps the true reason why the path Graham Wallas mapped out was not followed, and why the efforts of Sir Norman Angell to strike out in the same direction when he published *The Great Illusion* in 1910 met with no greater success, has been attributable to the fact that psychological explanations of emotional behaviour have not kept pace with the demands made on them by the earlier pioneers, for, by the time that

the work of Freud was beginning to be understood by social scientists at large in the 1920's, the Marxists had captured the ear of the more forward-looking of the political scientists, and the foundations of their study was therefore largely Marxian, for a time at least. It is only in recent years that a reaction has begun to be apparent.

The Way Ahead

Now that Freud has been fairly adequately digested, another advance is possible in the direction which Graham Wallas indicated. Political scientists have in recent years begun to reconsider the foundations on which they have built their work, and to seek to establish the beginnings of what may be termed a "new" political science. Professor Lasswell, for instance, has sought to combine the techniques and the discoveries of a number of social sciences in an endeavour to restate the problem of politics as the *prevention* of conflicts, and to make it possible to "apply social energy to the abolition of recurrent sources of strain in society"; he has called his idea "preventive politics."† More recently, Dr. Money Kyrle has drawn a distinction between two, significantly different types of knowledge of human behaviour; sociological knowledge or "foresight" on the one hand and psychological knowledge or "insight" on the other, the former enabling us "to foresee the effects of what we do to our society," and the latter enabling us "to understand ourselves and others."‡ Both these new approaches to the problem of politics

**Loc. cit.*, p. 351.

†*The British Constitution*, Edition of 1929, p. 33.

‡*Introduction* to edition of 1948, p. XIII.

**Op. cit.*, p. 198.

†This idea is developed in Harold D. Lasswell's *Psychopathology and Politics* Ch. X University of Chicago Press, 1930.

‡*Psychoanalysis and Politics*, Duckworth 1951, p. 139, 145.

and administration are based, of course, on the psychoanalytic concepts originally formulated by Freud. It remains to be seen whether work such as this can be so developed as to reveal sufficient of the emotional entanglements which prevent the free exercise of our intelligence and our wills to enable us to deal effectively with some of the more important of them, and thus to make it possible to get to grips with the more pressing of the problems which beset us. The political science and the public administration of the future may, in this event, be based on theories concerning the growth of the personality, relationships

between personality and culture, the structure and functioning of groups, the nature of institutional and other resistances to change, and, above all, on those concerned with the exploration of the complex relationships existing between the conscious and unconscious aspects of the lives of individuals and communities. The first phase of the development of new studies of this kind has already begun, but little as yet has been accomplished. It remains to be seen whether the times in which we live will give us an adequate opportunity to develop the new methods of solving problems before the problems themselves overwhelm us.

Management and Accountability in the Nationalised Industries

By D. N. CHESTER, C.B.E.

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THE nationalised industries—coal, transport, gas, electricity and iron and steel—are managed by public corporations. In many quarters the public corporation is hailed as the pattern of a brave new world superseding the joint stock company on the one hand and the Ministerial department on the other. In Mr. Herbert Morrison's words "a public corporation gives us the best of both worlds" for with it "we can combine progressive modern business management with a proper degree of public accountability . . ."¹ When in 1933 President Roosevelt presented to Congress the Bill to establish the Tennessee Valley Authority he asked for "a corporation clothed with the power of Government, but possessed of the flexibility and initiative of a private enterprise."² And Lord Wolmer has referred to "the organ to which men both of socialistic and individualistic predispositions are turning to conduct such services as are agreed to be best conducted by monopolies."³

The best of both possible worlds—of public and of private enterprise—is the phrase which sums up most of the support for the public corporation. It is a most attractive slogan. Indeed we are so used to compromises which give us much less than the best of both possible worlds that it is no wonder that an institution which claims to give us the best should have widespread support—and induce, in some, a degree of scepticism.

As might be expected of something which appears to satisfy very diverse political views, the public corporation is a creature with a mixed and interesting ancestry. Though it is now thought of as the chosen instrument of the Labour Party for the management of nationalised industries, and though it might not have reached its present vigour without the continual and painstaking advocacy of Mr. Herbert Morrison, the Labour Party cannot claim the device to be all its own work. Conservatives and Liberals have strong ancestral claims and there are others without close party ties who have contributed.

I propose, therefore, first of all to indicate the way in which the main ideas have come together, clashed and been refined; what the different contributions were and what kind of problems the contributors thought they were solving. We can then look a little more closely at this creature which counts among its ancestors and supporters men of such diverse opinions and see whether it is likely to live up to their early hopes. But it is still very young as institutions go and I do not think any definitive judgment is yet anywhere near possible.

SOME HISTORY

It would be very nice to be able to show a clear and logical development of an idea: to show it becoming generally accepted and replacing or refining an older idea which had been

¹H.C. Deb. 6th May, 1946. Vol. 422 Cols. 604-5.

²Message to Congress 10th April, 1933.

³Post Office Reform (1932) p. 281.

subjected to scrutiny and reasoned argument. But that is not how ideas develop, at least not when a comparatively short period is put under the microscope. Though my main approach is historical I have not stuck to a strictly chronological order of narrative. The literature of the period is extensive and one can almost always find some reference either to a new proposal earlier than I have indicated or to an idea being strongly held after it had been generally discarded. My quotations, therefore, are more often representative, than exactly-dated landmarks in public opinion.

Early Discussions about Coal Nationalisation

It is convenient to start with the discussions that took place about coal. The Nationalization of Mines, Canals, Railways and Tramways Bill (No. 103 of 1906) had 20 clauses. (Clause 20 rather hopefully read "This Act shall come into operation on the first day of January 1907".) The Local Government Board was to be given powers to serve notice, within five years, on the owners of any railway, tramway, canal or mine (but not to a Local Authority working the property themselves) of intention to purchase at a price provided. Four possible forms of management were contemplated: The Local Government Board (a) could use and manage the properties themselves; or (b) depute all their powers to a Board of Control of not less than fifty nor more than 100 members; or (c) resell the property to any Local Authority, or (d) lease any of the property for seven, fourteen, or twenty-one years—the existing owners to have certain preferential claims as lessees.

⁴See Fabian Tract No. 171 (1913) for text of the Bill and a short commentary.

The same Bill was introduced in 1907. In 1908, 1909, 1911 and 1912 similar Bills were introduced except that they were confined to railways and canals. At this stage no single form of management had been decided upon.

In 1913 however the Nationalization of Mines and Minerals Bill (No. 244 of 1913) was introduced into the House of Commons after being approved at the Annual Conference of the Miners' Federation of Great Britain at Swansea in October, 1912. The main managerial provisions were as follows:

A Minister for Mines was to be appointed to whom would be transferred (a) every colliery and coal mine and all coal and other minerals used for fuel, whether being worked or not; and (b) the responsibilities of the Home Secretary for the hours of work and conditions in the mines. The Minister had to cause "full and faithful accounts to be kept" and laid annually before Parliament. He also had to have prepared an annual balance sheet and profit and loss account for each mine. All expenditure was to be met "out of moneys provided by Parliament" but moneys received in respect of the sale or supply of coal should be directly expended for carrying out the purposes of the Act. If the income in the National Coal Mines Account was insufficient to meet the 3 per cent. guaranteed on the compensation stock the interest was to be payable out of the Consolidated Fund. Comments⁴ on the Bill made it clear that the miners wished the Minister to be fully responsible to Parliament. The Minister would be answerable to Parliament "for all these deplorable accidents" and "The effect of

paying out of 'moneys provided by Parliament' is to make parliamentary criticism more effective . . .".

Though the next Bill was not introduced into the House of Commons until 1923⁵ it was drafted in 1919 and formed part of the miners' evidence to the Sankey Commission⁶. It contained very different proposals.

Instead of the industry being vested in and operated by a Government Department the mines and minerals were to be transferred to a Mining Council which was to be a Corporation having perpetual succession, with power to hold land without licence in mortmain, could sue and be sued and had the powers of appointing managers, miners, etc., operating pits, selling coal, etc. A Minister of Mines was to be appointed and he was to be President of the Mining Council. The twenty other members of the Council were to be appointed half by His Majesty and half by the Miners' Federation of Great Britain. The members were to be full time and to be appointed for five years but eligible for re-appointment. They could be removed by those responsible for the appointment, in other words the Miners' Federation could remove any of their appointees and replace them by others of their choice.

The Bill also provided for District Mining Councils (of ten members, five to be appointed by the Miners' Federation) and Pit Councils for each mine or group of mines (of ten

members appointed by the District Councils, half were to be members of the Miners' Federation nominated by the workers in the mine or mines concerned). The District Mining Councils were to exercise such powers as the Mining Council delegated to them and they in turn could delegate some of these powers to the Pit Councils. Thus the representatives of the Miners' Federation were to constitute half the total membership of this hierarchy of Councils. These bodies were managerial not advisory. The only mention of the miners in the 1913 Bill, a Bill also produced by the Miners' Federation it must be remembered, was that the employees should have the right to join a trade union and be free to engage in political activities. What was the explanation of this new conception?

The main explanation must be found in the conversion of the miners' leaders to joint control.⁷ Apparently the process of conversion was going on during the drafting discussions for I have been fortunate enough to see the papers on coal-mining which Professor G. D. H. Cole⁸ collected about this period. Among them is a first draft of the 1919 bill, dated 7th March, 1919, which is very much nearer to the 1913 Bill than the draft put before the Coal Industry Commission. In this first draft the mines were to be vested in the Minister for Mines.⁹ There was already mention of a Mining Council (of ten members,

⁵This Bill was introduced into the House of Commons in 1923, 1924 and early 1925. For the Bill submitted to the Samuel Commission late in 1925 see pp. 32-33.

⁶Coal Industry Commission, 1919; Cmd. 359, 360, 361.

⁷Industrial Unionism and Syndicalism had been particularly strong among the South Wales miners and a section of the Scottish miners in the years immediately before 1914.

⁸The 1919 Bill was drafted by Slessor and Cole in consultation with the miners' leaders, especially R. Smillie, F. Hodges and W. Straker.

⁹Mr. Sidney Webb had put forward a scheme for transferring the mines to a Minister of Mines in 1916 in the Fabian pamphlet *How to Pay for the War*. Webb was a member of the Sankey Commission and also gave evidence before it.

five appointed by the Miners' Federation) but it was to act on behalf of the Minister. There were also to be District and Pit Councils to whom the Mining Council could delegate functions. It is not clear from this draft quite what was envisaged; for example, Clause 7 (5) gave "the Mining Council, on behalf of the Minister for Mines" power to appoint managers, engineers, etc. Presumably "on behalf of" implies that they were to be agents for the Minister, but just who was responsible for any decision was uncertain.

Professor Cole's copy of this draft contains a number of pencilled corrections in his handwriting. These were made for the discussion of the draft—their significance is that they were all designed to make the Mining Council the real management body and most found their way into the draft put before the Royal Commission on 23rd May, 1919. The tide was running strongly in the direction of workers' management. For example, a draft dated 7th May, 1919, does not contain the provision whereby the Miners' Federation could remove their representatives on the Mining Council, a power which obviously increases the Unions' control of the Council: yet this was only sixteen days before the Bill was put before the Commission.

G. D. H. Cole was at this time a leading member of the National Guilds League. His evidence¹⁰ to the Commission is therefore of special interest. He supported the ideas in the Miners' Bill by saying that as a result of the war, labour was now so strong that its active co-operation must be enlisted. This meant going beyond discussion of wages and

conditions, "it includes the whole conduct of the industry, both in its productive and in its business aspects." Industrial democracy involves that when a worker receives orders "he must, if he is to be free, feel that these orders come from himself, or from some group of which he feels himself to be a part, or from some person whose right to give orders is recognised and sustained by himself and by such a group." He went on "... national management by itself will not secure the full co-operation of the workers. State management means in practice management by a State Department; and a State Department is not 'a group of which the ordinary man feels himself to be a part.' The workers under State management are no more free, so far as the conditions of their working life are concerned, than the workers under capitalistic management."

In explaining why the State should appoint half the membership of the Mining Council he said "The reasons for State participation in actual management are, to a considerable extent, of only temporary validity. If the whole effective working personnel of the mining industry were combined in a single group possessed of a feeling of community... direct participation by the State in the normal work of management would be unnecessary. It is my hope that this position will gradually be reached..."

Mr. W. Straker, a leading member of the Miners' Federation, in earlier evidence to the Commission had said that since 1912 "thought has been growing and maturing on the subject, so that now the miners are not only

asking for Nationalisation, but also for joint control of the mines". He said "nationalisation with bureaucratic administration" would not prevent unrest, and stressed "the necessity of the worker controlling the industry in which he is, otherwise you never get clear of labour unrest". Appearing before the Commission on a second occasion he said "If the miners had proposed to nationalise the mines and set up a system of bureaucratic management, I would have understood all the criticism of State control. I want to say that the miners are just as strongly opposed to such bureaucracy as the mine-owners are".

Undoubtedly there was considerable fear of bureaucratic administration among the supporters of nationalisation. Mr. Arthur Greenwood, for example, in his evidence to the Commission said:

"There are certain dangers to be avoided in a nationalised system of coal mines. In the first place a whole industry under a single ownership lends itself to centralisation and bureaucracy—a defect which is not wholly absent from very large enterprises, whether under private or public control. In this respect a coal trust might not be greatly different from a public monopoly. This danger is to be met by decentralisation. Secondly, Government administration tends to become conservative and inelastic. This danger might be overcome by attaching to the central administration for a term of years, men with experience of 'provincial administration' in the coal mining industry and by the pressure of public opinion, for the coal mining industry will be closely

watched by the whole industrial community". (Vol. II, p. 546.)

Mr. Frank Hodges, a member of the Commission and Secretary of the Miners' Federation, in his *Nationalisation of the Mines* (1920) found himself in agreement:

"with those who think that a Governmental body, composed of politically-minded people, or an administration composed of Civil Servants, educated and trained for the administration of things, would be incompetent and unfit for the great work of industry, and it is because of such unfitness that lack of initiative has characterised Governmental activities in the past. If it were proposed that this great industry, so vital to the well-being of the nation, should be handed over to politicians or those nominated by them, of the civil servant class, we could agree that the last state of the industry would be worse than the first" (pp. 104-5).

It was never quite clear in the public discussion just what would have been the responsibility of the Minister. Slessor, who drafted both Bills on the instructions of the Miners' Federation, thought the Minister's position would be very like that of the Secretary of State for War in relation to the Army Council¹¹ but it is not clear from his evidence that he quite understood the constitutional position of that Council. Mr. Straker (at Q 23570) envisaged that the Minister might be outvoted in the Council, in which case he would have to carry out the wishes of the majority. Yet at Q 23590/2 he said that the Mining Council would be just as completely under Parliamentary control as was, for example, the Home Office. Mr. Frank Hodges¹² saw the Minister of Mines as the link

¹⁰Coal Industry Commission, Vol. II, pp. 548-50. He had already stated his views in his *Self Government in Industry* (1917)—see in particular Chapter VI on State Ownership and Control.

¹¹See his answer to Q 22068.

¹²*Nationalisation of the Mines*, p. 120.

between the Mining Council and the Government, the Minister's function being to provide the channel through which the desires of the nation would be expressed to the Council.

In passing it should be noticed that the Nationalization of Railways Bill of 1914 (No. 212 of 1914) contained a provision whereby the nationalised railways were to be operated by a Railway Board of four members "on behalf of and subject to the absolute control of" a Minister of Posts and Railways. For the first five years two of the members were to be appointed by the Minister of Posts and Railways and one each by the Board of Trade and the Treasury. Thereafter appointments were to be made by a Railway Council composed of six members appointed by the Associated Chambers of Commerce and Trade and six by the Associated Chambers of Agriculture, twelve by the Trades Union Congress and one by each County and County Borough Council served by a State railway. (This is perhaps a strange ancestor of the device of Appointing Trustees found in the London Transport Act, 1933.) A draft Railway Nationalization Bill circulated in 1918¹³ shifted the emphasis to a Transport Council of seven members whose duty "on behalf of and subject to the absolute control of the Transport Council" was "to maintain and work the railway system". The Chairman was, however, to be a Minister for Transport and Communications, the railway assets were vested in the Minister

and the Council could not incur expenditure without the Minister's sanction. Four of the members were to be appointed by the Minister for Transport, and one each by the Board of Trade and the Treasury. Three of the members appointed by the Minister for Transport were to be chosen from a panel of twelve names nominated by the Executive Committees of the twenty principal Trade Unions concerned with transport services.

There was no serious discussion of the problem of management and organisation in the reports of the members of the Sankey Commission. Each group seemed content to state its views and proposals as briefly and as categorically as possible. But when a somewhat similar plan was submitted to the Samuel Commission in 1925 the Commission pointed out the impossible constitutional position of the Minister of Mines in these words:

"The essential contradiction which is embodied in the scheme proposed to us is clearly seen if the position assigned to the Minister of Mines is considered. Like other Ministers he is responsible to Parliament. If the representatives of the tax-payers should disapprove of the manner in which the industry is administered, whether on financial grounds or on any others, they can secure the resignation of the Minister or a change in his policy. But under this scheme the Minister is also to be the Chairman of two bodies,¹⁴

¹³For the text of the 1918 Bill see A. E. Davies *The Case for Nationalization* (1920) pp. 265-81. See also Bill 53 of 1921 for the proposal that the nationalised railways should be vested in a Minister of Transport but conducted, subject to his overriding authority, by seven Railway Commissioners, all appointed by the Minister, three from persons nominated by the recognised railway unions.

¹⁴The Labour Party's 1925 proposals covered coal, electricity and transport. The two bodies were a National Coal and Power Production Council and a Consumers' Council. See R.C. on the Coal Industry, 1926, Report pp. 68-9. This scheme was drawn up by a Joint Committee representative of the Miners' Federation, the T.U.C., the Labour Party and the Parliamentary Labour Party.

by whom questions of wages and prices are to be settled. These bodies are not appointed or controlled by him; their members are almost all elected by independent constituencies. The Minister therefore may receive the instructions of Parliament, but he has no power to give effect to them. If, however, the scheme were to be modified in order to meet this criticism, and were to give him that power, then, we repeat, its essential character would be changed, and it would become a plan for direct State control. As it stands, the position in which the Minister for Mines is to be placed leaves him as the embodiment of the inconsistency of one authority being given the right to manage, another being left with the liability to pay".

The Coal Industry Nationalisation Act, 1946

By 1925, therefore, the Labour Party and Trade Unions were still some way off the form of organisation in the Labour Government's Coal Industry Nationalisation Act, 1946. There are three major differences in the organisation of the industry between the 1946 Act and the Bills I have just been describing. First, the members of the National Coal Board are all appointed by the Minister, none is representative of the miners nor of any other interest. Second, the Minister and the Board are clearly separate entities each with powers defined in the Act. The Board is an independent management body and is neither an executive agent of the Minister nor an advisory body. Third, there is no provision in the Act for District or Pit Councils with statutory powers and responsibilities, though in practice the

National Coal Board has set up a hierarchy of Divisional, Area and Pit management units and a scheme of this kind was promised by the Minister of Fuel and Power during the passage of the Bill through the House of Commons. This third difference is not important for the subject of this paper. How did the other two changes come to be accepted?

Worker Participation

The idea of direct worker management of a nationalised industry has a long and interesting history and has taken many forms. In 1918 it was strongest among the miners and certain other trade unions. There are several reasons why it did not take a stronger hold and why what strength it had faded so that it was no longer a major element by the time of the Labour legislation of 1945-50. The movement was strong in 1918-19 because of the greatly increased strength and status of the trade unions as a result of wartime conditions. Mass unemployment, the General Strike and other large-scale stoppages left the trade unions, particularly the miners, very weak and this combined with the growth of Labour Party strength in the House of Commons turned Socialist eyes to political instead of trade union methods.

To many people there was a conflict between the idea of the mines for the miners and that of the mines for the community. As one of the critics said to the Sankey Commission, the Miners' Federation proposed "the purchase of the mines by the Government and the management of the mines by the miners for the miners".¹⁵ Could the miners be relied upon to be fair to the consumers? Was there not also the

¹⁵Mr. Wallace Thorneycroft at Vol. II, p. 888.

general interest and the interest of workers in other industries?

The miners partly recognised this objection and during the later stages of the drafting of the 1919 Bill a new section¹⁶ was inserted providing for the establishment of a Fuel Consumers' Council appointed by the Minister to represent the interests of consumers. Mr. Straker in his evidence claimed that the Chairman and the ten Government appointees would "take special care of the consumer and all the rest of the community". (Q 23270.) But on the whole there was little discussion of the consumer before the Sankey Commission or in the Commission's reports. On the Labour and Trade Union side this was no doubt partly due to the belief that private enterprise exploited the consumer to earn a profit, whereas under nationalisation there would be no profits and therefore no incentive for exploitation.

Consumer representation and consumer councils appear in most of the later Bills. The 1936 Bill¹⁷ (No. 11 of 1936-7) provided that members of the Coal Corporation "shall include representatives of consumers organisations and of those employed in the coal mining industry". There could also be a Fuel Consumers' Council, but this like the one in the 1919 Bill was optional and had no stated powers or functions. Strangely enough in the Bill presented in the following year (No. 15 of 1937) there is no mention of the Corporation containing representatives of consumers but the Fuel Council had to be convoked by the Corpora-

tion at least once in every three months.

Another influence was the growing appreciation on the part of the trade union movement of the difficulties for themselves inherent in direct trade union representation. What in fact was to be the position of the trade union representatives in the dealings between the Board and the trade union? Whose side would they be on in cases of dispute and for wage negotiations? Speaking in 1926 of the two representatives of labour interests in the Port of London Authority, Sir Joseph Broodbank said "They are placed in an intolerable position . . . no man can act as an employer one day and as his own employee the next day".¹⁸ During the discussions in the 1930's stimulated by the London Passenger Transport Bill, some of the T.U.C. leaders began to stress the danger of representation to trade union activities. In Russia the trade unions had by then become adjuncts of management with little or no power of independent negotiation. In 1933 a joint memorandum of the Labour Party and the T.U.C. stated that trade union rights, including the right to strike, must be fully maintained in nationalised industries. At the 1934 Conference the General Council of the T.U.C. in putting forward a scheme for the nationalisation of the Iron and Steel Industry, suggested that members of the Board should be appointed for their competence and that "Any person holding office in his Trade Union . . . should be required to relinquish such

office on appointment to the Board". This was also to apply to any sectional boards.

The T.U.C. in their Interim Report on Post-War Reconstruction (1944) made their attitude quite clear:

"It does not seem by any means certain that it would be in the best interest of the workpeople of a nationalised industry to have, as directly representative of them, members of the controlling board, who would be committed to its joint decisions. It will be essential, not only for the maintenance and improvement of the standards and conditions of the workpeople, but because of the power of the independent criticism that they can exert, that the trade unions shall maintain their complete independence. They can hardly do so if they are compromised in regard to Board decisions which are not considered to be in their members' interests by the fact of their representatives' participation in them".

Increasing emphasis came to be placed on joint consultation as "the best method of worker participation and most of the nationalisation Acts make it obligatory for machinery of this kind to be established.

Another argument, particularly important in the case of the London Passenger Transport Bill, was that direct worker representation would make it difficult, if not impossible, to withstand the claims of other interests. There were the consumers, Local Authorities and possibly the owners of the compensation Stock, who had claims. The Labour movement would not have accepted representation of Stock holders as being consistent with public ownership. There were the difficulties of arranging direct representation, particularly

in the case of the consumer. It was also argued that a board composed of different interests could not give single-minded attention to management.

Finally, there was the growing appreciation of the importance of efficient management and a realisation that directors and top level management performed specialised functions. The business management view of nationalisation strongly propagated by Mr. Morrison came to win the day. This view attracted many who would otherwise have opposed nationalisation. In part it is a view which reflects the growth of the manager as a profession and no doubt is evidence of what Mr. Burnham has called the Managerial Revolution.

It was comparatively easy to throw cold water on the idea of direct election of managers by their employees. Allegations of the inefficiency and indiscipline that would occur if the miners controlled the mines were quite common. There was, however, a more positive side. People of different political views and many more without any strong party allegiance saw the problem of coal or electricity or some other major industry under public control as a problem of securing the greatest efficiency. Fuel and power and transport were used by all industries—Britain's industrial interests demanded that they should be managed as efficiently and provided as cheaply as possible. Some found the answer in competition, others in any form of public ownership—but an increasing number saw the answer in able management. This was particularly the case after the 1924 slump had hit the coal industry. Support came from those on both sides of the industry who wanted "rationalisation."

¹⁶The draft dated 7th March, 1919, stipulated that two of the five members to be appointed by the Minister were "to represent the interests of consumers," but this was left out of the final version.

¹⁷The 1936 and 1937 Bills provided for worker representation at the national, regional and pit level. Their backers were mining M.P.s.

¹⁸*Public Administration*, Vol. IV, 1926, p. 313. Writing in 1937 Dr. Lincoln Gordon took a more favourable view, based on the period after 1926, *Public Enterprise*, p. 27.

PUBLIC ADMINISTRATION

The Liberal Party Report—*Britain's Industrial Future* (the Yellow Book) published in 1928—put the point as follows:

"Efficiency in management is what matters most to the miner, to the consumer, and to the owner, whether the owner be the community or the shareholders . . .

"The essence of industrial administration is executive decision. Nobody proposes that engineers or accountants should be elected by the personnel in a business. They are appointed by reason of their professional qualifications, and their record in results actually produced. The controllers of business and industry are, or ought to be, chosen for their business capacity. The only test of this is their success in 'getting results' in the shape of those prices, wages, and profits which are necessary to the prosperity, health, and peace of any industry. The real problem in Government-owned, as in private, industry is that of picking directors. When you have found the right directors, the only practical course is to equip them with the right organs through which they can consult workers, consumers, or others who are affected by their actions, and to leave them a free hand, subject to a yearly or half-yearly account of their stewardship to the ultimate owners of the business. How are a million 'electors' within the industry to choose such men? Even if candidates of that type are put forward, are they likely to be elected in competition with others who have long been known for their sympathy with the electors' particular point of view? How

would the candidates be nominated—by 'parties', by Trade Unions, or by individuals? How would the 'campaign' for election be conducted, so that the electors should judge of the rival candidates and listen to their rival policies? And as to the outcome, is it probable that election would produce just that proportion of administrative experience, financial knowledge, understanding of the needs of industry and labour at home and abroad, which the directors of a nationalised coal industry must possess if they are to have the least chance of making a success of their business?" (pp. 348-9).

Business efficiency was very much one of the points stressed time and time again by Mr. Morrison. In the Bill he introduced in 1931 into the House of Commons to establish a London Passenger Transport Board he rejected the idea of a representative Board and claimed he was setting up a business Board. The Board should be composed of "the best business brains that we can secure": "we must insist upon all the members being persons of business ability and capacity", and "the people in charge, certainly the Chairman of the Board, must have great industrial and managerial ability, and we must be prepared to pay what is necessary in order to secure that ability, if the undertaking is to be efficient, and if the ordinary workpeople are not to be let down by incompetent management at the top".¹⁹

The Labour Party Executive Report on the National Planning of Transport put before the Leicester Conference of the Party in 1932 said "a Board appointed on grounds of ability is likely to be far more

efficient; [i.e., than a representative Board] and Socialists, above all, must keep the communal interest to the fore . . . it is vital to Socialism that national ownership should show itself superior to private enterprise in all-round efficiency".

Thus for various reasons²⁰ the idea of worker representation on the board of management had come to be translated into joint consultation by the time that a Labour Government came into office powerful enough to put through legislation for the nationalisation of the coal industry. The general ideas which led to the demand for worker participation are still, however, quite strong though they may be searching for new forms of expression.²¹

The Opposition to the Ministerial Department

The opposition to nationalisation made a great deal of the argument that the Civil Service and the normal Government Department were quite unsuited for the efficient management of a large industrial undertaking.²² The supporters, not helped by the views of the miners' leaders or of the Guild Socialists, could put forward no strong case against this line of criticism. The experience of 1914-18 was quoted to support both sides. Even Lord Haldane who was clearly trying to be helpful said that "Unless you grow up in an atmosphere where it is encouraged you do not have initiative. That is where the

business man has the strength and the advantage. He is in an atmosphere of initiative. The Civil Servant is not . . ."²³

Mr. Justice Sankey, the Chairman of the Commission, in recommending nationalisation of the mines under a Minister of Mines, thought these difficulties could be overcome. Though civil servants had not been trained to run an industry he thought they could be so trained. Moreover there existed a class of men who were just as keen to serve the State as they were to serve a private employer and who had been shown to possess courage and initiative. (Here he was mainly referring to the business men recruited by the Government during the war.) Nevertheless he was moved to recommend that:

"The Treasury shall not be entitled to interfere with or to have any control over the appropriation of moneys derived from the industry. The said moneys shall be kept entirely separate and apart from other national moneys, until the profit accruing from the industry is periodically ascertained and paid into the Exchequer", and again:

"It being of vital importance that the Mines Department should be managed with the freedom of a private business, the present Civil Service system of selection and promotion by length of service, of grades of servants, of minuting opinions and reports from one

¹⁹For another and fuller account of the trend in Labour Party opinion on the subject of Workers' Control, see *Workers' Control of Industry and the British Labour Party* by Robert A. Dahl in the *American Political Science Review*, 1947, pp. 875-900. Professor Dahl emphasises the growth of the idea of a planned economy as a factor unfavourable to the acceptance of the idea of workers' control.

²¹See *Industrial Democracy and Nationalization* by Hugh Clegg (1951) and the two Fabian Pamphlets: *National Coal Board* by G. D. H. Cole and *Consultation or Joint Management* by J. M. Chalmers, I. Mikardo and G. D. H. Cole.

²²Some of the early criticism of the Civil Service was due to the feeling that the higher grades were part of a "governing class" that was opposed to nationalisation. (See A. E. Davies, *The Case for Nationalization*, 1920, pp. 34-6.)

²³Coal Industry Commission (1919). Q 25598.

¹⁹See his speech opening the Second Reading Debate, 23rd March, 1931. H.C. Deb. Vol. 250. Cols. 54-9.

servant to another, and of salaries and pensions, shall not apply to the servants attached to the Mines Department".

There was also the fear of political influence if the industry were to be managed by a Minister. As the report of anti-nationalisation members of the Royal Commission stated:

"It is an inseparable feature of departmental Government that each man instead of taking responsibility for any proposed action should pass it on to his superior; and the final responsibility of the Department must always be [to] Parliament. Its actions are thus inevitably governed by political considerations and the interests of political parties".

In various forms and with various degrees of emphasis these criticisms of departmental administration are to be found in such diverse writings (diverse at least so far as party affiliations are concerned) as the *Liberal Yellow Book* (1928), *Post Office Reform* by Lord Wolmer (1932) and *Socialisation and Transport* by Mr. Herbert Morrison (1933).

The *Liberal Yellow Book* stated quite bluntly:

"We think that Ministers should be directly responsible for commercial operations and the employment of labour to the least possible extent, and that the financial side of these operations should be kept separate from the State Budget to the greatest possible extent. The great Departments of State are not organised for business administration". (p. 76.)

Lord Wolmer summed up his indictment of Post Office administration in these terms:

"The Post Office is a great business which is organised not as a business but as a Government

Department. House of Commons control results in over-centralisation of the Post Office and timidity in its development, without enabling Members to secure reforms. Treasury control results in excessive charges to the public, and pettifogging interference with the Department without securing economy in administration. The fact that the Postmaster General is a promising junior Minister generally results in his promotion before he has mastered his job. Civil Service conditions result in inadequate salaries for the important posts and absence of financial stimulus to the lower ranks. Entrance and promotion by examination results in a preponderance of theoretical over practical ability. The combined result of all these factors is to produce a Service which is extravagantly and inefficiently administered, whose charges to the public are consequently excessive, and which is therefore prevented from expanding as it should. Since this service is a State monopoly no efficient rival can supplant it, and the industries dependent upon it are stifled". (p. 249.)

Mr. Morrison, though very much on guard against critics of the Civil and Local Government Services, was nevertheless clear that he did not want the Ministerial department for his nationalisation measures. The management must be free to pay the salaries and wages necessary to command the type of ability needed and these could not be tied down by Civil Service methods or Treasury control. The management must also be:

"sufficiently free from those undesirable pressures associated with

both public and private Parliamentary strategy, political lobbying, and electoral 'blackmail'. Subject to whatever Ministerial or other checks or appeals may be provided in the public interest, the management must be a responsible management and must be able to stand its ground in the interests of the undertaking which is committed to its charge".²⁴

If there were to be a Minister in charge of an industry "There would be a great temptation on the part of competing candidates to make irresponsible promises of support for better and better labour conditions" in the industry. M.P.s would:

"receive large numbers of letters from persons seeking employment or promotion in the publicly-owned industries and complaining about wrongful disciplinary action or dismissal".²⁵

Finally, "the Board must have autonomy and freedom of business management. It must not only be allowed to enjoy responsibility: it must even have responsibility thrust down its throat . . . With the exception of the limited duties legally imposed upon him, the Minister will have no right to interfere with the work of the Board . . . A mischievous and not too competent Minister could easily ruin any business undertaking if that were permitted . . ."²⁶

Criticisms of this kind are quite common among the literature against nationalisation and go back a long time. (See, for example, *Contemporary Socialism* by John Rae (1891) p. 411). Their acceptance by

most supporters of public ownership is much more recent and coincides with the growing acceptance of the alternative offered by the public corporation. In 1931-2, G. D. H. Cole could write "... most people nowadays, including the majority of Socialists, do appear to hold that the direct conduct of industries through Civil Service departments is not the best method of industrial organisation . . . Socialists have for a long time been veering towards the idea that publicly administered forms of enterprise ought to be conducted through some sort of *ad hoc* trading body, with accounts clearly separated from the national Budget, and with methods of administration conferring a wider discretion than can easily be reconciled either with the Civil Service tradition or with the present forms of parliamentary control through a responsible Minister".²⁷

It thus came about that neither the supporters of nationalisation nor those who saw that sometimes there was a case on other grounds for publicly-owned monopolies were in favour of management by a Minister and a normal Civil Service department. What other form of management was possible?

The Public Corporation

We have seen that the Bills for nationalising coal and railways proposed to establish a Council or Board to manage the industry. Usually, however, a Minister was to be Chairman and the relative powers of the Minister and the members of the Council were not always clear. The Council might, of course, have

²⁴*Socialisation and Transport*, p. 137.

²⁵p. 142.

²⁶pp. 169-71.

²⁷*Economic Tracts for the Times* (1932) p. 270. See also Hugh Dalton *Practical Socialism for Britain* (1935) p. 93 et seq.

been an advisory body, but this would not have satisfied those who wanted worker participation. The miners had had experience of an advisory committee during the war—the Coal Controllers' Committee—and wanted a much more responsible share in the management of the industry. If therefore there was to be a managerial board the problem was to settle satisfactorily its constitutional relations with the Minister. This could be achieved either by stressing the independence of the board and excluding the Minister from participating in its affairs or by separating Minister and Board and giving different statutory functions to each. It could not be done by making the Board simply the agent of the Minister. Acceptance of a non-Ministerial independent board would still leave the method of appointment or election to the board to be settled.

It is possible to find many references to the public board²⁸ as a possible form of management scattered throughout the early literature. For example, in his *World of Labour*, first published in 1913, G. D. H. Cole wrote that a nationalised industry "should be run, not directly through a Department of State, but by semi-independent Commissioners with powers similar to those of the Development Commissioners or the Road Board; Parliament should of course have the power of raising questions in the House about the conduct of the industry, and should,

by periodic vote, control its expenditure; but it should not interfere normally in the conduct of the enterprise, which should not be under the direct control of the Government—in its ordinary working" (pp. 380-1). But it was not until after Mr. Morrison's Bill for establishing a London Passenger Transport Board (March, 1931) that the idea in any clear form emerged and was accepted by the Labour movement.

Nowadays it is usual to cite the Port of London Authority, the British Broadcasting Corporation and the Central Electricity Board as the forerunners of the present Boards. Strangely enough, though the Sankey Commission heard evidence from the Chairman of the Port of London Authority, there is no indication that this form of organisation influenced any of the members. I say strangely, for the Port of London Act, 1908, provided that two²⁹ of the ten appointed representatives should be appointed to the Board—one by the President of the Board of Trade and one by the London County Council—after consultation with organisations representative of labour.

On one occasion, Mr. Baldwin, in supporting the establishment of a Central Electricity Board, said that the Government had in mind "a board managed by practical men closely in touch with the industry on the lines of such an authority as the Mersey Docks and Harbour Board or the Port of London . . ."³⁰ But the Port of London Authority is primarily a representative board.

²⁸There was a certain amount of Australian and foreign experience of administration by independent Boards. The French C.G.T. had put forward proposals for a tripartite board composed of representatives of workers, consumers and the general public. There was also the so-called Plumb Plan for the United States railways which attracted attention in this country.

²⁹In 1924 and 1925 the Transport and General Workers' Union, through a Private Member's Bill, tried to increase the size and alter the composition of the Authority to include nine representatives of labour. It was not until after the establishment of the British Broadcasting Corporation and the Central Electricity Board in 1926-7 that the Port of London Authority begins to be generally quoted as a desirable or possible ancestor.

³⁰Quoted by Lincoln Gordon. *The Public Corporation in Great Britain*, p. 100.

As such it was criticised in the Liberal Yellow Book. During the passage of the Electricity Supply Bill (1926) efforts were made to secure representation of various interests on the Board but were rejected. Nevertheless the Act (unlike later Acts) prescribed that in making appointments to the Board the Minister should consult such representatives or bodies representative of the following interests as he thought fit, i.e., local government, electricity, commerce, industry, transport, agriculture and labour.

The Crawford Committee on Broadcasting (1925) which proposed the establishment of a "public corporation . . . to act as a Trustee for the national interest . . ." suggested that a body of this kind could be set up by Act of Parliament (and if so the Pacific Cable Act, 1901, which set up the Pacific Cable Board, might be the model) or under the Companies Acts. In the latter case the company would be limited by guarantee, the word "limited" in the title being dispensed with and the subscribers to the Memorandum of Association should be nominees of the Postmaster-General. Members of the Commission should be appointed by the Crown and should be persons "of judgment and independence" and "of business acumen and experienced in affairs".

Though the B.B.C. and C.E.B. are now extensively held up as desirable models for the management of nationalised enterprise, and though their experience has greatly influenced political thought, neither body was established as the clearly

thought-out answer to the general problems of public management set by nationalisation. Each was designed to meet a particular situation.

There is little evidence that in 1926-7 the B.B.C. and C.E.B. were regarded as a possible pattern for the management of nationalised industry or even that the main ideas were understood. Mr. W. Graham, the chief Labour spokesman in the debate on the B.B.C. (and a member of the Crawford Committee), expressed the doubt whether the Government's proposals would not make the B.B.C. "a mere creature of the Postmaster-General", whereas Mr. Ammon, a more typical Labour speaker, said "it would have been much better if they had gone the whole road and handed the administration over entirely to the Post Office as a national concern".

Once established, however, the B.B.C. and the C.E.B., along with the P.L.A., were used as arguments for a new form of public management—the public corporation. The Liberal Yellow Book (1928) talked of the Public Concern and thought that "for the administrative and executive management of public concerns, the *ad hoc* Public Board points to the right line of evolution".³¹ Lord Wolmer held up these three bodies as the model for the reform of the Post Office. The main strength of these bodies to him was the absence of direct political control. They could operate by business methods and yet they had a legal responsibility to the public. Mr. Morrison used the example of the three bodies to support his proposal³²

³¹P. 77. It used the term Public Corporation to mean a special category of public limited liability company (broadly large-scale private monopolies) which were to be subjected to more stringent control.

³²In his Second Reading Speech on the London Passenger Transport Bill, Mr. Morrison said he had been influenced in his choice of the public corporation form by the Liberal Yellow Book and by the Central Electricity Board. As Minister of Transport he was the Minister most concerned with the C.E.B. and therefore had had direct experience of the main body of this kind.

for a London Passenger Transport Board, and then in his *Socialisation and Transport* (1933) and in his general advocacy in the Labour Party did more than anybody else to get the idea of the public corporation fully accepted in labour and trade union circles.³³

The Limited Liability Company

To many people nationalisation was an attack on the private ownership of capital and on the profit motive. At one time these people assumed that management was the same as ownership and was, therefore, rewarded by profits. It became increasingly apparent that the development of the limited liability company had modified these assumptions. On the one hand it had facilitated a distinction between ownership and management. In the large firms in particular there was a body of shareholders who owned and had rights but did not manage; instead they appointed a Board of Directors to do this for them. On the other hand, again in the larger firms, much of the top management was remunerated mainly by salary and only very partially by a share in the profits. These developments in association with the growth of the idea of management as a thing in itself made an important contribution to the public corporation as a form of industrial management.

The separation of ownership from management opened the way for State ownership without State

management. In its simplest form this could mean just the purchase by the Government or other public body of all or part of the shares in a private firm. The Government would then be in the position to exercise the rights of the shareholder, e.g., take part in the election of Directors. If it had a majority holding then it could dominate the concern. The mixed undertaking, popular on the Continent, is found here only in a few cases, e.g., the Anglo-Iranian Oil Company and the Manchester Ship Canal Company. The mixed undertaking associated as it was with private profit was not acceptable to Socialists. The limited liability company had, however, opened the way to wider possibilities. For control over the management was a right normally given only to those holding risk bearing shares. Holders of debentures and fixed interest stock normally could exercise their powers only should the interest not be paid promptly. If, therefore, the capital of a public concern could be composed wholly of fixed interest securities, two results would be achieved. On the one hand, the "profit motive" could be eliminated and on the other the holders of the capital would not have rights of control.³⁴ But who would then elect the directors and exercise the powers normally exercised by the shareholders? After much discussion on the Bills for establishing the Central Electricity Board and the London Passenger Transport Board, the answer came to be the Minister.

³³See G. D. H. Cole *The Essentials of Socialisation* (Political Quarterly, July, 1931, expanded in his *Economic Tracts for the Times*) for an examination of whether the C.E.B. and the proposed L.P.T.B. were examples of socialisation.

³⁴See G. D. H. Cole *The Essentials of Socialisation* (1931) for a discussion of the relation between different forms of capital holding and "socialisation." R. H. Tawney in his *Acquisitive Society* (1921) has a chapter headed "The Liberation of Industry" devoted to freeing industrial management from shareholder control.

Thus some people saw the public corporation as a joint stock company, non-profit making (and non-risk bearing), financed by fixed interest securities with the rights of the shareholders exercised in the first instance by the Minister and ultimately by Parliament. These people saw the relationship between the Corporation and the Minister (and Parliament) as being the same as that between the private Board of Directors and the shareholders.

As the Liberal Yellow Book put it, "... a Board ... appointed by and ultimately responsible to some public authority, national or local—but only in the sense in which a company is responsible to its shareholders—is a better model to follow than that of direct public trading ... We see no inherent reason why such Boards, merely because they have no private shareholders and are functioning entirely in the public interest, need be any less efficient than the Boards of large public companies, which are managed by salaried directors and officials subject to no real and effective control by their shareholders" (p. 77).

SOME IMPLICATIONS

I think it is too early as yet to reach definite conclusions about whether the public corporation can give us the best of both possible worlds or even whether the two worlds are altogether reconcilable. But we can at least ask certain questions and indicate certain implications.

First, if the criticisms against the Ministerial department are valid (and they are criticisms which have been accepted by all Parties), why should the public corporation not be substituted for a good deal of present day Ministerial administration? If

political management is so inimical to good management, the Civil Service so bureaucratic, and the Treasury such a dead hand, why, for example, should the Ministries of Food, Materials and Supply and the Post Office be left in such hands? I mention only departments with large commercial and industrial activities for the public corporation has mainly been suggested for the management of such activities. But many of the criticisms of the Ministerial department must, if true, be equally valid for the non-trading services.

It is possible, of course, that the supporters of nationalisation did not wholly accept these criticisms but accepted the public corporation because it enabled them to get a measure of nationalisation without having to try to answer the criticisms. Or it may be that these criticisms are based on either an imperfect or an out of date knowledge of the Civil Service.

But if these criticisms are wholly or mainly justified, should we not ask whether we cannot secure some of the good results claimed for business management, e.g., initiative, by modification of existing departmental practice or attitude? Or is it possible that the necessary conditions or prerequisites are lacking in the Ministerial department?

Second, what are the conditions which allow "business management" to thrive and how are they provided in the public corporation but not in the Ministerial department? As I see it there are two main conditions stressed by the supporters of the corporation: freedom from financial control and freedom from political control. These two freedoms are more closely associated than many realise. Let us

look again at business management as it is found in the limited company.

In the limited company the shareholders do not attempt to manage but confine themselves to seeing that good directors are appointed and that certain changes of policy, e.g., raising of new capital, are not made without their approval. If things are going well the board and the management are normally left very largely to their own devices. This relationship is sustained by two factors. On the one hand, and most important, it is usually fairly easy to tell whether the directors are doing a good job—that test is the dividend or at most an examination of the Balance Sheet. On the other hand, the shareholders in a large concern are so numerous and unorganised that it would be virtually impossible for them to exercise any detailed or continuous control over the management. The same relationship could be sustained in the public corporation if there was a ready acceptance of a similar simple test and if the Minister and Parliament were ready to accept the role of shareholder. The “business” supporters of the corporations assume the existence of these conditions. In doing so they are partly being optimistic, and partly being misled by a too simple analogy.

In place of the “size of dividend” test the pre-war supporters of the public corporation put the “absence of loss.” These bodies were to be required to pay their way and this included meeting the interest on their capital. The post-war nationalisation legislation prescribes that the Board must arrange its affairs so that its receipts should not be less than outgoings over a period of years. One possible approach of Parliament to its responsibilities would be to wait until the annual accounts of the Board

appeared and be happy if a loss had been avoided but get anxious and ask questions if the accounts showed a deficit.

This simple approach is under attack from several quarters. First, as to the validity of the “break even” test: (1) Certain theoretical economists are arguing that a proper distribution of resources requires the nationalised boards to fix their prices to cover marginal and not average cost. If adopted, this rule might cause a Board to make a large loss or a large profit according to whether the marginal cost of its service or product was below or above average cost. (2) As the Boards usually operate as monopolies it is argued that balanced accounts cannot be a certain indication of efficiency, they may merely reflect high prices obtained by monopoly exploitation. (3) There are some who see these industries as public services little different from services wholly or partly met out of taxation. These people are prepared to subordinate the “break even” test to social needs as they see them. Usually this means they wish the Board to make a loss for some reason or other—possibly in order that higher wages can be paid.

The first, and probably the last, of these three sets of critics have not a great deal of general political support, but the second group undoubtedly voices a feeling fairly strong in all Parties. If for any reason the confidence of a company's shareholders in the profit and loss and balance sheet test were undermined, their task of controlling the directors would be very much more difficult. In the case of the public Board any non-acceptance of this financial test means the application of other tests which would probably be less simple and

might well involve detailed investigation into the Board's affairs.

Second, these considerations are reinforced when it is appreciated that the Minister and Parliament to whom the Board is accountable are not merely in almost continuous session but represent not only the shareholders but also the consumers and the workers. What is a simple relationship in the limited company thus becomes highly complicated. The shareholders may be satisfied by the financial results and they do not have to ask whether the consumers or the workers are satisfied. It is assumed that if they are not they will either go elsewhere or profits will fall. But if a Board is operating a monopoly can the consumer be altogether happy that the absence of an annual financial loss is the test of an efficient service, providing cheap and adequate supplies? May he not want to enquire more deeply into the Board's operations—whether prices could be lowered or the quality of service improved.

Conclusions drawn from the experiences of joint stock companies in private hands and operating in a competitive market may, therefore, not be applicable to public monopolies in whatever form these are managed. In so far as this is so those who saw the public corporation as conferring the benefits of independent commercial management will have to change their ideas. For should the idea ever be accepted that any of the everyday actions of the Boards may be subjected to detailed Parliamentary or departmental scrutiny, then we may have moved into having the worst of both worlds.

As I understand the business argument, it is precisely this kind of detailed outside investigation which is inimical to initiative, experimenta-

tion and vigorous management. For the manager must, during the course of the years, take hundreds of decisions. The good manager is the man who makes a smaller number of mistakes than other managers, but even an outstanding manager is likely to make some mistakes. If there is a straightforward overall test, e.g., the profit earned during the year, the few mistakes may be more than counterbalanced by the many good decisions and so the general results are favourable. But a detailed scrutiny of most or all the decisions, such as might be carried out by a Parliamentary Committee, would reveal many of these errors. Moreover, they would be scrutinised by people wise after the event, possibly armed with data which came available only after the decision had been taken. In the absence of any overall test, and with the possibility of party politics playing a part, it is inevitable that some of these errors and the authors of them would be held up to public ridicule. Good decisions tend to be passed over or accepted as a matter of course. These are the circumstances which may cause managers to play for safety or at least not to accept responsibility for something which with all the good intention in the world they may not be able to explain satisfactorily in public.

Moreover, public criticism falls on the senior people and not necessarily on the man who actually made the mistake. As a result there is a tendency for headquarters to be unwilling to allow local discretion and for those who exercise discretion to avoid risky decisions for which their seniors will be blamed.

Finally, there is a wider issue which has so far not been clarified. The supporters of the business principle see management as a tech-

nical service and as such hardly the subject for "lay" intervention. Just as the layman should not interfere in the work of the surgeon or doctor in treating a patient or of the engineer in designing a bridge so he should not interfere in the work of the manager in managing an industry. Many supporters of the public corporation find it more possible to accept this attitude because the manager is not working for "profit". It is the "acquisitive society" which perverts the manager: free him from the rapacity of the shareholders and industrial management becomes a vocation or profession, and a profession is concerned with the service it could perform, not with the gains it could amass. "They (i.e., members of a profession) may, as in the case of a successful doctor, grow rich; but the meaning of their profession, both for themselves and for the public, is not that they make money but that they make health, or safety, or knowledge, or good government or good law. They depend on it for their income, but they do not consider that any conduct which increases their income is on that account right".³⁵

I do not wish to decry for one moment the motive of public service and standards of professional conduct. These are clearly of considerable importance in all walks of life. I merely wish to point out that many of those who strongly support nationalisation do so because they want industry to be operated so as to achieve what to them are desirable social ends, and these may not flow automatically from the exercise of "professional" conduct.

Thought of this kind has usually been indistinct or frankly sentimental or even mystical. It usually assumes that people know the public good

but are prevented from following it by the search for profit. It flourishes in such slogans as "production for service and not for profit". It seems to me, however, that the basis of efficient business management is the production of what people want for the lowest cost. The avoidance of loss is as important as the making of a profit. Many of those who talk about industry being run as a public service have in mind the achievement of social ends which are uneconomic in the sense that they may involve the firm or the industry in making a loss or raising production costs. Private firms may, of course, disregard costs on occasion in order to further some public aim. But were the business manager to be told that as a general rule he must be guided by something called "social" or "public" policy rather than by production costs I cannot but feel that he would be rather out of his depth. The Civil Service is organised for that kind of decision, business management is not.

Sometimes the relative functions of the Minister and the Board are described as general policy on the one hand and day-to-day management on the other. If by general policy is meant the kind of decisions which are normally taken by a Board of Directors it would seem that such a division would leave the Boards with little responsibility for major managerial matters. But should it mean that the Minister supplies the viewpoint of social policy and the Board the viewpoint of business management there is a possible division of responsibility, workable if the Minister and the Board have a little of each other's viewpoint and if the objects of the two viewpoints are not too far apart.

The balance between the two may not always be easy to maintain. So far as form of management is concerned the greater the stress on running industry as part of social and political policy the less the need for the public corporation and the more suitable becomes the Ministerial department with its attendant Parliamentary control. At the moment the business principle is being preferred to the representative principle. It may continue to be so though there will almost certainly be some comeback from those whose main emphasis is on social purpose. As the late Professor Laski said in what must have been almost his last public lecture:³⁶

"We have grown into the acceptance of the Public Corporation as the form that nationally owned industries should assume, less, I think, because everyone is agreed that this is their appropriate way of organisation, than because business men have said, so long and so loudly, that you could not run an industry in national hands as the Post Office has been run for a century or so, that the business men's attitude has been taken for granted."

It would seem that the distinction between public and private enterprise is rapidly growing less clear. The private firm is subject to Ministerial control and has to have regard to the main trends of public policy. The public Board is trying to operate on principles of management well established in private industry. Nevertheless, there is considerable confusion about the factors which produce good or bad management and about the form of managerial body suitable for achieving different purposes. My impression is that we have not yet given sufficient thought to the problems of management and public control set by the large-scale monopoly. Much of our thinking is still based on the lessons derived from watching the results achieved by smaller-scale competitive units.

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³⁶*Reflections on the Constitution*. (1951), pp. 199-200.

³⁵R. H. Tawney, *The Acquisitive Society* (1921), p. 108.

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**Developments in the British Civil
Service 1945-1951**

By DOROTHY JOHNSTONE

A number of important changes have occurred in the organisation of the British Civil Service since 1945. They are reviewed up to the end of 1951 by Mrs. Johnstone, Assistant Secretary, H.M. Treasury.

THE Editor, when he asked me to write this review, should have defined what he meant by "developments." It seems reasonably clear that I need not dwell on matters in which, although they have obviously received much consideration in the years 1945-1951, no perceptible change in policy has taken place: e.g., equal pay for men and women. But it is less certain whether the enunciation of a new principle should be counted as a "development" even though, for one reason or another, practice has not exactly squared with principle. On the whole I think it is best to concentrate mainly on what has been said, rather than on what has happened, both because what has been said is easier to verify and to summarise intelligibly and because new principles may well interest administrators in other fields even if they have not been fully translated into practice. But I shall try to indicate cases where practice and principle are markedly out of step.

In my references to the main relevant circulars, etc., T.C. means Treasury Circular, E.O.C. means Establishment Officers Circular, and E.C. means Establishments Circular.

The British Civil Service is nowadays such a complicated organism that it is pretty well impossible to write anything about it that is short, comprehensive and at the same time perfectly accurate. I dare say there are important things I have left out, and things I have expressed in terms that may mislead. I apologise in

advance for all such defects, and write firmly in front of the following paragraphs the letters E. and O.E.

1. Size and Central Control

The size of the non-industrial Civil Service diminished from 715,000 in mid-1945 to about 675,000 at the end of 1950, and in 1951 has risen slightly. A return showing the numbers Department by Department is now presented quarterly to Parliament as a Command Paper.

The Treasury instituted in 1947 and has since been developing a new system of controlling staff numbers by means of "ceilings" and "targets." A "ceiling" is a maximum number of staff which a Department may not exceed without specific Treasury permission. A "target" is a number fixed by the Treasury to which a Department must reduce its staff by a given date ahead. Both are revised from time to time.

Treasury control of the Civil Service came in for a good deal of criticism, towards the end of the war, by outside observers, and there were a good many suggestions that some other body (e.g., an enlarged Civil Service Commission) might be better fitted for the job. Treasury control, however, continues, and the stream of Treasury instructions to Departments on Civil Service matters has been more continuous than it ever was before the war. Conditions of service have been more standardised and co-ordinated: the tendency to greater centralisation has

been encouraged by the growing influence of the big Civil Service trade unions.

In one respect, however, the Treasury has decentralised its powers. Treasury sanction is no longer required, as it used to be, for converting a post of Clerical Officer into one of Executive Officer or for creating an extra post of Shorthand Typist in a particular branch. The largest Departments were in 1949 (E.C. 2/49) given delegated authority to vary complements in grades up to and including Principal or Chief Executive Officer, and rather lower professional, scientific and technical grades, within the maximum number of staff prescribed by the "ceiling" or "target"; smaller Departments were given more limited discretion. The Treasury, that is to say, now controls total staff numbers rather than detailed complementing; it emphasised that control of complementing could only be carried out with full efficiency by Departmental Establishment Officers, and announced that in future it would direct its attention primarily to the "central control and scrutiny" of what the Departments were doing. A system of staff inspection by the Treasury was instituted, and the Departments were required to send the Treasury regular returns showing how they had used their delegated powers.

2. Structure

(a) In 1945 (T.C. 20/45) the Treasury decided that in some Departments there were too many different high-level grades in the administrative class. The grade of Principal Assistant Secretary was therefore abolished. A new Under Secretary grade was created, and became the sole step between

Assistant Secretary and Deputy Secretary.

The grade structure of the administrative class has otherwise been unchanged, but in 1946 (T.C. 19/46) a "new conception of the Assistant Principal grade" was introduced. This was that it should be purely a training grade, existing not to fill posts at a particular level of responsibility but to fit new recruits to undertake in due course higher administrative work. It was intended that in future there should be no "Assistant Principal posts" as such: Assistant Principals might be employed in any post normally occupied by a member of the executive or even of the clerical class, if the post gave good training experience.

(b) In 1945 there was appointed a National Whitley Council Committee on the Structure of the Post-War Civil Service. It dealt with a variety of matters, some of which had nothing to do with structure; but in particular it devoted a lot of attention to the position of the executive class, on which it reported in 1947 (T.C. 5/47). This class had been created on a recommendation of the National Whitley Council Reorganisation Committee in 1920, with a definition of duties which could have covered a very wide field of work between the policy-making and the simple clerical, but in practice it had come to be confined almost entirely to specialised supply, accounting and contracts work. The 1947 report decided that in future it should be much more widely used. The basic Executive Officer grade is now used for many posts previously graded as Higher Clerical, though the Higher Clerical Officer grade remains for supervisory work; the Higher Executive Officer grade and the old Staff Officer grade have

been amalgamated; the Senior Executive Officer grade is used on "near-administrative" work; and the regrading to the corresponding executive level of certain higher administrative posts of a "managerial" type has been encouraged.

(c) Several, though not all, of the former "Departmental clerical" classes have been reorganised and amalgamated with the general clerical and executive classes.

(d) By far the biggest changes in structure, however, have been those affecting the professional, scientific and technical classes. Down to 1945 these were almost purely Departmental, i.e., separately organised, recruited and paid in each Department. Since 1945, to quote from the Final Report of the Post-War Structure Committee, "a comprehensive review of the scientific, professional and technical classes has been made . . . and a reorganisation effected comparable in significance with the 1920 reorganisation (of the administrative, executive and clerical classes) which followed the 1914-18 war. As a result, the status of these classes was greatly raised and the chaos of Departmental classes rationalised. . ."

The following new classes were created: Scientific Officer and Experimental Officer, together making up the "Scientific Civil Service" (Cmd. 6679; T.C. 21/45); the legal class (T.C. 22/45); the medical class (E.O.C. 57/46); the "Works Group" consisting of Architects, Surveyors, Civil Engineers, etc. (E.O.C. 69/46); the Assistant (Scientific) class (E.O.C. 27/47); the class of Mechanical and Electrical Engineer (E.O.C. 2/47); the linked Departmental classes of Engineering and Architectural Draughtsmen (E.O.C. 79/47); Cartographic Draughtsmen (E.O.C. 36/48); the

Works and Engineering Technical classes (E.O.C. 43/48); the Information Officer class (E.C. 5/49); and the psychologist class (E.C. 34/50).

This, of course, is no place to examine the effects of this reorganisation, which would need a lengthy article to themselves.

3. Recruitment

A scheme of reconstruction competitions had been drawn up by a National Whitley Council Committee in 1944 (Cmd. 6567). Open competitions for established posts began almost immediately after the end of the war; arrangements were made for Service men and women to compete, if they wished, before their release from the Forces. There was no absolute ex-Service preference, as after the 1914-18 war, but Service men and women had guaranteed quotas of vacancies in the various classes reserved to them, provided that they reached a minimum qualifying standard. The examinations themselves were naturally of a simple type that needed no special study beforehand, but evidence of appropriate educational standard was required (either an appropriate certificate or school attendance to a certain age). The whole reconstruction scheme was extremely complicated, and is now of mainly historic interest, but one reconstruction innovation has persisted beyond the end of the reconstruction period—the Civil Service Selection Board, otherwise known as the "country house" or "CISSB." A full description of its procedure was published in 1951 (Memorandum by the Civil Service Commissioners on the Use of the Civil Service Selection Board in the Reconstruction Competitions).

Normal post-war recruitment, i.e., apart from the reconstruction competitions, was considered briefly by the committee which drew up the reconstruction scheme and at greater length by the Post-War Structure Committee (T.C. 12/48). No change was made in the broad pattern of entry at four main educational levels, but an endeavour was made to widen the main channels and provide a few subsidiary ones. The methods of recruitment introduced on the Post-War Structure Committee's recommendations were as follows:—

Administrative class

(a) An academic examination on pre-war lines.

(b) For candidates already possessing a first or second class honours degree, as an alternative to (a), a written qualifying examination in general subjects followed by CISSB and a final interview by the Civil Service Commission.

Executive class

(a) An academic examination on pre-war lines, with the addition of an interview.

(b) Recruitment, through the examination used before the war for Inspectors of Taxes, etc., of a small number of University graduates.

(c) A competition for young men who have just completed their compulsory national service.

(d) A competition for ex-regular members of the Forces under 45.

Clerical class

(a) An examination on pre-war lines but with age-limits 16-18 instead of 16-17.

(b) A competition for ex-regular members of the Forces under 45.

Clerical Assistant and Typing grades

No formal examination. Local recruitment by simple selection

tests held about fortnightly, with age-limits 15-33.

(There were also recommendations about entry from one class to another, which are dealt with below in the section headed Promotion.)

In 1951 (E.C. 20/51) young men who have just completed compulsory national service were given a special competition for the clerical class also.

The history of recruitment to the Clerical Assistant and typing grades since 1945 perhaps deserves a fuller mention. The first main idea in this field was that Civil Service typing work badly needed recruits of a better general educational standard. The reconstruction scheme therefore provided that Shorthand Typist and Typist recruits must be of the same educational standard as Clerical Assistants, and if they reached that standard it did not matter very much if they could not write shorthand very rapidly or even if they could not type at all—they could be accepted as Trainees or Learners, at reduced rates of pay, and be trained within the Service. The idea of post-entry training survived, but the idea of the higher educational standard did not: the shortage of typing staff in the immediate post-war years was so bad that in 1946 establishment had to be offered to practically every available temporary Typist and Shorthand Typist. Then the idea of speedy recruitment became the main objective for a time: the candidates who passed the "simple selection tests" recommended by the Post-War Structure Committee could expect to be at work within a week or so. Later, however, the idea of combining Clerical Assistant and typing grades recruitment was abandoned altogether. Typists and Shorthand Typists are now recruited at any age from 15 to 60 on passing

simple qualifying tests in spelling, punctuation and grammar. Clerical Assistants are recruited in London between the ages of 15 and 20 by simple tests in common sense, accuracy and arithmetic. There has also been further extensive establishment of temporary staff.

Another special problem of staff shortage arose in the Principal grade. Before the war direct entry to the Service in this grade had been unknown; but in 1945 (E.O.C. 57/45) and again in 1948 (E.O.C. 57/48) open competitions for Principals were held; about 50 were recruited on each occasion.

In general, the Civil Service had to modernise its recruiting methods and make much more positive efforts to find the staff it wanted. It could no longer "skim the cream" from the schools as a matter of course: other employments were bidding against it more strongly, and young people were going on to the Universities in greater numbers so that school-leavers were fewer. Things done to attract the hesitant recruit included a substantial reduction in examination fees; the payment of travelling expenses for candidates; the rewriting of the Civil Service Commission regulations in plainer English; a Social Survey enquiry into the considerations which might sway young people and their parents towards or against the Civil Service; talks to schools, etc., about the Service as a career; and a modest publicity campaign by leaflets, Press advertisements, etc.

4. Training

The Assheton Committee on the Training of Civil Servants had reported in 1944 (Cmd. 6525). When the war ended, most of the Assheton

recommendations were put into effect. The Treasury set up a Training and Education Division; Departments appointed Departmental Training Officers; and lecturing to training courses became quite a notable additional call upon the time of a good many senior civil servants.

A National Whitley Council Committee was appointed to review the Assheton recommendations, and reported in November, 1945 (T.C. 27/45). This Committee expressed "cordial agreement" with the Assheton Committee, and considered that the whole subject of training demanded "sympathetic and imaginative treatment." It recommended, among other things, special training arrangements for those coming or returning to the Civil Service from the Forces and other war-time employments; periodical reports by Departments to the Treasury on their training schemes; attention to modern developments in the technique of adult instruction; introductory booklets for new entrants; improvements in Departmental libraries; and the fixing of staff complements so as to allow a margin of non-effective time for training.

Later developments have included central training courses run by the Treasury for Assistant Principals and direct-entry Principals, staff on establishments work, Departmental instructors, staff supervisors, personal assistants, etc., as well as courses for typing supervisory staff; periodical meetings of Departmental Training Officers to discuss matters of common interest; Departmental training courses in great variety, often with special emphasis on training in contacts with the public; booklets and house journals as far as paper shortage has permitted; and a rather slow beginning in the

granting of "sabbatical leave." Sir Ernest Gowers at the request of the Treasury Training and Education Division wrote *Plain Words* and *An A B C of Plain Words*. (The circular—T.C. 7/48—sending the former to Departments began, rather startlingly, "I am directed by the Lords Commissioners of His Majesty's Treasury to send you a copy of a book . . .," but three circulars later the words "transmit herewith" appeared again.)

The most recent thought about training, however, has run chiefly on the connection between training and manpower. In 1949 (E.C. 16/49) the Treasury announced that it did not subscribe to the view that training must suffer if economies in manpower were to be achieved, since training could itself contribute to saving manpower, but added that training could like other activities be run in ways which needed excessive staffing and that economies might be possible in it. In September 1951 (E.C. 75/51) the Treasury said that it was increasingly necessary to economise in manpower: that the training of the new recruit should concentrate primarily on his immediate task, and that, in effect, background training might have to recede a little further into the background. "Current difficulties," the circular went on, "call for a greater measure than ever before of originality and resourcefulness on the part of members of the training staff and others who deal with the organisation of training."

5. Promotion

The whole trend of promotion policy has been towards greater centralisation and greater equality of opportunity throughout the Service.

In particular, established civil servants in lower grades have been given regular annual opportunities of competing for the Assistant Principal and Executive Officer grades, by Service-wide competitions confined to established civil servants (T.C. 12/48). Departmental promotions to the Assistant Principal grade are no longer permitted. Originally entry to the limited competition for this grade had to be supported by a recommendation from the candidate's Department, and the age-limits were 21-30, but in 1952 and later years the upper age-limit is to be 28 and in 1951 the requirement of a Departmental recommendation was experimentally dropped. Candidates for the limited Executive Officer competition are allowed to nominate themselves. The age-limits are 21-28; Departmental promotions below the age of 28 are not permitted, and it was originally laid down that promotions between 28 and 30 must be very exceptional, so that there should be no question of a candidate's failing in the competition and being promoted almost immediately afterwards, but this latter restriction was removed in 1951.

Besides these limited competitions, pooling arrangements (E.C. 25/49; E.C. 57/50) were instituted to "reduce to some extent the disparities in the promotion opportunities" of Clerical Officers, Higher Clerical Officers, Executive Officers and Higher Executive Officers. These work, in general, by preventing Departments from filling more than a proportion of their vacancies by officers with very short service and allowing Departments where promotion is abnormally slow to contribute candidates to a Treasury pool from which they can be passed on to other Departments.

6. Pay and Conditions of Service

(a) Civil Service war bonus was consolidated with basic pay in 1946 (T.C. 1/46), with the aim of securing greater stability and re-establishing the pre-war principle of adjustments by reference to long-term trends in outside wage rates. A temporary "consolidation addition" was paid for a time, and eventually fully consolidated scales were worked out. During the rest of the period pay negotiations have proceeded class by class and grade by grade in the old way. The "wage freeze" was naturally thought by the staff to be applied by the Government rather more effectively to its own servants than to industry generally, which gave rise to some resentment, but the Civil Service system of compulsory arbitration was never disowned. The following few examples give a rough indication of the movements in Civil Service rates:—

	1939
Principal	£800—1,100
Assistant Principal ..	£275— 625
Senior Executive Officer	£700— 860
Higher Executive Officer	£550— 650
Executive Officer	£150— 525
Clerical Officer	£85 — 350

December 1951

£1,000—1,375
£400 — 750
£900 —1,075
£715 — 865
£250 — 700
£150 — 500

In 1951 the National Staff Side proposed a return to central pay negotiations for the whole Service, with the object of arriving at a new bonus system. The grant of an all-round addition to salaries up to £1,500 a year has just been announced.

The principle of provincial differentiation in pay has been maintained and extended. In 1947 (E.O.C. 23/47) transfer grants were introduced: these were defined as "lump sum grants intended as commuted compensation for additional expenses associated with permanent transfer within the United Kingdom, over and above those for which provision is already made," and are paid only to staff on differentiated scales. They were designed to counter the argument that undifferentiated scales did rough justice to staff who were frequently moved from place to place. In a good many grades, too, provincial differentiation was imposed for the first time as part of a general agreement on improved scales. In 1951 (E.C. 60/51) the London area was somewhat extended and certain other areas upgraded from "provincial" to "intermediate."

The Chorley Committee on the Remuneration of Higher Civil Service Posts (Cmd. 7635) is perhaps of special interest. The Committee was appointed to give the Government disinterested outside advice on a problem on which, by its nature, the Government's permanent advisers could hardly speak. As had been expected, it recommended substantial increases in pay, after drawing comparisons with the rates paid for comparable responsibilities in other walks of life and in particular in the nationalised industries and the National Health Service; but its proposals were not extravagant—they gave £5,000 only to the Permanent Secretary to the Treasury, and put other Permanent Secretaries at £4,500. The Government announced acceptance of the recommendations and a decision to introduce the increased rates gradually. Later, however, at the

time of the most intensive "wage freeze," even this gradual introduction was postponed (except for purposes of superannuation reckoning). In the autumn of 1950 the postponement ended and the gradual introduction of the new rates began; it was completed on 1st October, 1951. The Chorley Committee was followed by other outside Committees to advise on the main professional and technical classes.

(b) Civil Service standard hours of work were reduced from 51 to 48 in mid-1945, and to 45½ in 1946. The 45½-hour week remains the standard, though Departments now have discretion to reduce it in particular branches or sections where its maintenance would not lead to any saving of staff.

During the war the Government had pledged itself to act towards its own staff as if formally bound by the Restoration of Pre-War Trade Practices Act, 1942, and this was interpreted by the staff as pledging the restoration of pre-war working hours (normally 44 in the provinces and 38½ in London). As that could not be done, the Government granted instead to all grades not normally entitled to overtime (except the very highest) for as long as they worked the 45½-hour week, an extra duty allowance (E.O.C. 62/47): 3 per cent. of salary for staff whose pre-war hours had been 44 and 8 per cent. of salary for those whose hours had been 38½.

Post Office Engineers got a five-day week in 1947, but for the Service generally the five-day week seems as far off as it ever was. Various Whitley Council negotiations on new schemes of attendance, including alternate Saturdays off and reduced annual leave, have so far come to nothing: there had never, in any

case, been any definite date proposed for their inauguration.

(c) The maximum annual leave allowance had been cut to 24 days during the war, but is now 36 days. This allowance is enjoyed not only by the most senior grades, but by such people as newly-recruited Executive Officers. The senior grades' pre-war allowance of 48 days is still in abeyance.

7. Security and Superannuation

Some attempt has been made to lessen the security which the Service used to provide for the inefficient. The Treasury has exhorted a more realistic use of the probation system, and recruits to the administrative class now have to pass a central Board conducted by the Civil Service Commissioners at the end of their probation period. Hitherto, under the Civil Service non-contributory pension system, no established civil servant could leave the Service before the age of 60 with any pension provision at all, unless he was retired on grounds of ill-health, abolition of office, or declared inefficiency. Section 34 of the Superannuation Act, 1949, however, provides for paying pensions forthwith to civil servants aged 50 or over whose retirement is considered to be desirable in the interests of efficiency. (To balance this, Section 34 also makes it possible for a civil servant to retire voluntarily between 50 and 60 and still receive his pension at 60.)

In some cases, however, substantially greater security is now afforded to those who deserve it. The National Whitley Council Committee on the Establishment of Unestablished Classes (T.C. 18/47) recommended (a) that "temporary fringes" of staff should exist only for genuinely

temporary work, and (b) that there should in future be no grades wholly unestablished "on principle," i.e., by analogy with unpensionable industrial employments of similar character. As a result, large numbers of Messengers, Paperkeepers, etc., have become pensionable for the first time.

Generally speaking, civil servants have been encouraged to stay at work after the normal retiring age, in view of the country's manpower shortage, in spite of the obvious difficulties that this causes in the sphere of promotion prospects.

New Superannuation Acts were passed in 1946 and 1949. The 1946 Act provided for new entrants to reckon their war service as if it had been temporary service in the Civil Service. The 1949 Act, besides containing the provisions about early retirement mentioned above, provided additional pensions and allowances for service after the normal retiring age, and introduced for the first time a scheme of widows', children's and dependants' pensions, on a contributory basis. The latter scheme was made compulsory for men who became established civil servants after the passing of the Act; existing staff were allowed to opt into it or out of it. The scheme, which is too complicated to describe here, had been worked out by a National Whitley Council Superannuation Committee.

In 1946 (T.C. 31/46) establishment was granted to "age-barred" officers, including many who had already retired, and concessions were made in the reckoning for pension of unestablished service before establishment. These are complex and technical matters, but were rightly regarded as a genuine and generous attempt to do retrospective justice.

8. Working Environment

In 1948 (E.O.C. 53/48) a National Whitley Council agreement was reached about the dispersal of Headquarters staff to the provinces. The Government had decided that the disproportionate expansion of London must be checked and that a reasonable proportion of the general working population must be located outside London: the agreement recognised that a good example must be set by Government staffs. A scheme involving parts of 20 Departments and about 50,000 staff was contemplated. This is still mainly at the planning stage, but it is nevertheless true that a good many civil servants who had never dreamed of working outside London have had to do so, many have been separated from their families for fairly long periods until they could find houses in their new place of employment, and many have had much longer journeys to and from work than were common before the war. The agreement secured to the dispersed staff certain reserved rights to London pay and London hours.

Much attention has been devoted to civil servants' welfare. A Treasury Welfare Adviser had been appointed during the war, and all large Departments now have Welfare Officers. Their duties were defined in 1948 (E.O.C. 64/48), and their posts were stated to be permanent. Government office canteens have developed considerably, with increasing financial assistance from the Exchequer (E.C. 71/51), and the Treasury now has a small staff of Canteen Advisers. In 1948 the Treasury Medical Service was created (E.C. 19/49, belatedly, described its functions) to provide occupational medical supervision for civil servants, including advice to Departments about the health of

individual officers, advice on working conditions in relation to health and efficiency, and the provision of emergency attention in cases of accident and sudden illness.

A study group had been set up by the Treasury in 1943 to consider physical working conditions in the Civil Service, and reported in great detail on such things as furniture, lighting, heating, cleaning, canteens, etc. The Treasury and the Ministry of Works announced general acceptance of the group's recommendations (T.C. 4/48), but limited labour and materials have held things back. A fair amount has been achieved, however, in providing brighter and more pleasant furnishings.

9. The Civil Servant's Private Life

(a) This is perhaps the best heading under which to mention the removal of the marriage bar. A National Whitley Council Committee on the Marriage Bar (Cmd. 6886) could arrive at no positive recommendation, owing chiefly to divided opinion on the Staff Side, but after a brief consideration of the Committee's report the Government decided to abolish the marriage bar forthwith, and did so on 15th October, 1946 (T.C. 28/46). The Government, accordingly, no longer cares to know whether its women staff are married or single, except that it still gives a marriage gratuity to an established woman who resigns voluntarily on marriage.

(b) A circular (T.C. 9/48) was issued about "the general principles which ought to govern the receipt by Crown servants (permanent or temporary) of payments, and in particular payments from public funds, for activities which are in some degree connected with their

official duties but not actually part of those duties." The effect was to liberalise somewhat the treatment of civil servants who might in their spare time write books or articles, give broadcasts or lectures, etc., which raised no issues of propriety but did involve some use of official information or experience.

(c) The repeal in 1946 of the 1927 Trade Disputes and Trade Unions Act set established civil servants free to join trade unions not confined to civil servants.

(d) During and after the war, the National Staff Side on several occasions represented to the Treasury that civil servants should be allowed greater freedom, as private citizens, to undertake individual political activities. In 1948 the Government announced the appointment of a Committee under the chairmanship of J. C. Masterman to enquire into this matter, and the Committee reported in June, 1949 (Cmd. 7718). It recommended, briefly, complete political freedom for what came to be known as "grades below the line," i.e., the minor, manipulative and industrial grades; for all the rest of the service it recommended a continued maintenance of reserve in political matters, with specific prohibitions on holding party office, public speaking and writing on matters of party controversy, and canvassing in support of political candidatures. The Government announced acceptance of these recommendations; but the National Staff Side complained that they had not been consulted, and that the recommendations, though on paper less restrictive than the previous rules, would in some cases be more restrictive than the practical interpretations which some Departments had placed upon the rules. The

Government accordingly gave the "grades below the line" their freedom, but agreed to defer implementation of the recommendations for the rest of the Service pending National Whitley Council discussion.

(e) On 15th March, 1948, the Prime Minister announced in the House of Commons that the Government was taking steps to ensure that no one who was known to be a member of the Communist party or of the Fascist party, or to be associated with one of those parties "in such a way as to raise legitimate doubts about his or her reliability" should be employed "in connection with work the nature of which is vital to the security of the State." On 25th March he announced that an advisory body of three retired civil servants was being set up, and that civil servants who denied an allegation would be allowed to appear before this body and make their case. The National Staff Side, while not questioning the policy, made various representations against the procedure—e.g., the lack of consultation with themselves, the refusal to allow a trade union representative to appear before the advisory body along with the suspect, and the decision that certain whole Departments should be within the scope of the "purge."

They got little satisfaction. By mid-1950 the "purge" had involved 48 civil servants—47 Communists and Communist associates and one Fascist.

I hope I may be allowed to conclude this recital with an expression of considerable gratitude to the one source which I have not quoted in the foregoing paragraphs, since it is not an original source, but which has enabled me to assemble facts, check references, and write the whole article very much more quickly than I could possibly have done without it—the *Whitley Bulletin*, the monthly publication of the Civil Service National Whitley Council Staff Side. Anybody who wants regular and concise information about what is happening in Civil Service administration, with reprints of Treasury instructions and arbitration awards, and also about what people are saying on Civil Service topics in Parliament, in the press, in newly-published books and in other less likely places, most certainly ought to study what the Editor of the *Whitley Bulletin* provides each month. I grasp with great delight this chance of saying publicly how much I admire his industry.

GWILYM GIBBON RESEARCH FELLOWSHIP

Nuffield College propose to elect a Gwilym Gibbon Research Fellow for one year in the first instance with the possibility of a further year. The Fellow will be required to devote his time to research into a problem of government. Preference will be given to candidates with experience in the public service. Applications should reach the Warden by May 20th. Application forms and further particulars can be obtained from the Warden, Nuffield College, Oxford.

HALDANE ESSAY COMPETITION, 1951
Report of Adjudicators

The number of entries to the Haldane Essay Competition this year reached a total of 44, as compared with 28 for last year's competition.

The subjects dealt with covered a fairly wide field. Problems of the efficiency of and the promotion system in the Civil Service, drew six essays. Questions arising from labour administration, and from the National Health Service provoked four essays apiece. Public relations produced three essays. The remainder ranged from topics as specific as the *Flat Rate Motor Tax* and as minor as *Musie in Parks*, to those as significant as *Regionalisation and Audit* and as general as *Cog vs. Individual*.

Despite the higher number of entries and the greater variety of topics, there was a grievous absence of quality in the bulk of the essays submitted. An essay worthy of the Silver Medal ought to satisfy as to theme, as to arrangement and as to critical sense. The theme ought to be worthy and important; the arrangement and style such that the essay is fit for publication; and the treatment ought not to confine itself to description but press on to analysis and constructive criticism.

It has been most difficult to find essays satisfying all three requirements. Most of the themes were worthy; but in general the essays lacked any new or constructive thought. Some were amusing

sketches of the public service which, readable as they were, were too featherweight to be considered as serious competitors. Others are little more than "grouses." The majority are minutes or descriptions rather than essays.

Only a small minority treated an important theme with any degree of insight and authority; but the authors largely failed to plan their writing carefully enough, and the arguments tended to lack cogency and vigour. The most regrettable fact about this year's entries, however, was that the two essays which succeeded best as to both theme and treatment, were not satisfactory from a literary point of view.

Consequently, your adjudicators recommend that no Prize Medal be awarded this year. With this qualification they commend the following essays and regard them as being of equal merit:

"Assessor"—*The Assessment of the Official*. Identity not yet ascertained.

J. Atkinson—*Joint Consultation in the G.P.O.* G.P.O. Birmingham.

L. Hagestadt—*Local Advisory Committees*. Ministry of Labour and National Service, London.

J. Cross—*The Employment of Disabled Persons*. Ministry of Labour and National Service, London.

ARTHUR RUCKER,
S. E. FINER.

Sir Henry Taylor and "The Statesman"

By WILFRID HARRISON

Mr. Harrison is a Fellow and Tutor and the Praelector in Politics of Queen's College, Oxford.

IN 1836 a Mr. Taylor of the Colonial Office published a short book called *The Statesman*, which did not sell very well. This book was reprinted in 1878 in his collected works and aroused even less interest; and it is still not too well known, although Harold Laski wrote a preface for one further reprint in 1927, and a few writers since then have quoted from it, including Mr. L. S. Amery in his *Thoughts on the Constitution*. The purpose of this article is to indicate some of the reasons why the book is of interest.

The Man and his Attitude

One must begin by saying that it is a peculiar book. It seems to be concerned sometimes with politicians and sometimes with civil servants; and it deals not only with administrative technique but also with the technique of successful career-making. And while it is short—267 small pages—it contains a preface and 34 chapters, and the whole is very unsystematically laid out. In the course of his life, Taylor alluded more than once to the unsatisfactoriness of his title, and suggested, not very helpfully, that a better title would have been "Pragmatic Precepts."¹ He also stated, not very convincingly, that his advice on how to succeed had been written with his tongue in his cheek.² But it is of more note that in the book itself he explained why he did not treat the subject systematically; for there is a particular attitude towards politics and government underlying his discussions. This attitude needs to be understood before the discussions themselves are fully appreciated, and

in order to understand the attitude it is necessary to know something about the man himself.³

He was born in 1800, the third son of the third son of a north country squire. His father seems to have divided his life mainly between farming and literature and to have been rather vague about both. He made a brief appearance in public life in 1832, when for a few months he was secretary to the Commissioners investigating the Poor Law; but it was more characteristic of him that on an earlier occasion he made the long journey to London in order to meet William Godwin. As Henry Taylor's mother also admired Godwin it is not surprising that the boy was educated by his parents, and that the basis of his education should have been literary. It is more surprising that he was sent into the Navy in 1814; but his naval career lasted only a few months, since his health was bad and he was discharged. He then went home and educated himself until 1817, when he was found a place in the office of the Store-Keeper General. A re-organisation in 1820 abolished this post, and he once again went home and now began to write and to publish in literary reviews. By 1824 his success with articles had been sufficient to encourage him to return to London with the intention of devoting himself to literature or to journalism; and this aim was justified, for he was soon offered the editorship of the *London Magazine*. But almost simultaneously he was offered a post as clerk in the Colonial Department, and he decided to make his career in the public service.

Taylor remained in the same department throughout his career, and he did well there, apparently establishing his reputation by his work on the slavery question. He refused the Governorship of Upper Canada in 1835, and in 1847 he declined an offer to succeed Sir James Stephen. He had already had to take long leave in 1843-4 because of ill-health, and further ill-health in 1859 made him wish to resign. But he was induced to stay until 1872 by two arrangements: he was allowed to work at home, and he reported direct to the Secretary of State.⁴ Three years before his retirement he was given a K.C.M.G.; and he was to have been one of the life peers under Russell's unsuccessful scheme. He died in 1886.

But he did much more than his official work. Starting in 1827 with *Isaac Commenus*, he published a series of verse plays "not intended and little adapted for the stage"; and he published various essays and articles. Indeed, the five volumes of collected works issued in 1877-8 contain very little writing on political or social subjects; and contemporary obituary notices refer to him mainly as a poet and dramatist. Nor did he write in seclusion. His footing in the literary world went back to the early 1820s when he became acquainted with Gifford and Southey. It was not long before he also knew Wordsworth, Moore, Campbell and Tennyson,⁶ and by the time of his retirement he was himself sufficient of a figure for Robert Louis Stevenson to come to see him. And poetry and drama did not exhaust his interests. As a young man he discussed history with Macaulay and Carlyle, and he discussed politics in the debating circle described in John Stuart Mill's *Autobiography*. (He later lost touch

with Mill, but Mill sent him a copy of *Representative Government* and they had some correspondence about it.) In addition, he knew all the leading statesmen of his day "except Canning."⁷ He naturally knew administrators, and was from early in his career a friend of Sir James Stephen (to whom he dedicated *The Statesman* "as to the man within the author's knowledge in whom the active and contemplative faculties most strongly meet"). Moreover he was socially as well as intellectually in the great world, for he was early intimate with the Villiers family and the Spring-Rice family, and in 1842 he married a daughter of Thomas Spring-Rice.

Leslie Stephen describes Taylor in the *Dictionary of National Biography* as one who was—

"a warm admirer of Wordsworth and Southey and belonged to their school, with such differences as distinguish the dweller in Downing Street from the recluse of the Lakes."

There is no doubt that Taylor's contacts and sympathies with the Romantics also considerably affected his general attitude towards politics and administration. In particular he adopted something of their antagonism towards rationalism, and also, in some degree, their conservatism. He was instrumental in getting Wordsworth to come and speak at Mill's debating society, and he wrote to Hyde Villiers, of the Benthamites, that—

"their bigotry to the belief in which they have been brought up has narrowed the scope of their sympathies and comprehension, and in consequence falsified their conclusions."⁸

The same attitude comes out, although rather more moderately, when he writes in 1861 to John Stuart

Mill about *Representative Government*—

"I am a political sceptic at home and would take no risks. Amidst considerations so composite as those concerned, proportion and degrees are so often more important than principles; and he who is right in his principles may so often be wrong in his measurements. The *degree* to which the popular mind, instructed up to this point or that, should be encouraged to venture upon dealing at all with political questions; the *degree* to which instruction will impart judiciousness; the *degree* to which it will promote probity; the *degree* to which equality of representation of conflicting interests or opinions may enable a country to do without political probity in this or that proportion; the *degree* to which it is possible, by the incitements of political power and action to bring about an energetic pursuit of worthy ends, without evoking along with it an equal or superior energy in the pursuit of those which are unworthy—all these and a thousand other questions of degree are regarded by you no doubt with no imperfect appreciation of their importance, but you would solve them, or some of them, with much more intrepidity than I could bring to the task."⁹

Variations on this conservative theme are expressed in correspondence three years later with Lord Grey—

"I take exception to your treatment of the franchise as a question of justice, fairness and impartiality in respect of those who do and those who do not possess it. I think it should be regarded, not as a valuable possession, but rather as an unpaid office or function in the

state, which the law assigns to those who are presumably qualified to discharge it, and because they are qualified, and not on the ground of any other right or title. . . . Bribery is a statutable offence, but not an offence against natural morality. . . . the law against bribery cannot carry popular moral feeling along with it. . . . The only danger I apprehend for the country is from the natural principle of self-increase in popular power and its tendency to become irresistably preponderant. . . . I agree as to the danger of reform by instalment. But at the same time I think it is not possible that any man shall construct before the time, with any chance of its ultimate adoption, a project of which the parts are essentially correlative and one to balance another so as to form a compacted and organic whole."¹⁰

In the light of the above, it is understandable when Taylor emphasises, in the Preface to *The Statesman*, that many of the most eminent writers on politics—

"by aiming too much at scientific analysis in matters of government, have removed the minds of their disciples from the field of practical wisdom."

He considers that only Bacon, Machiavelli and Burke, among major writers, have avoided this error; and even they have not dealt with administration in any detail. Yet, he holds, in politics it is precisely in dealing with administration that one enters the field of practical wisdom; and he indicates later in the book that he considers the period in which he is writing—immediately after a great constitutional reform—is the very time, since high principle has been dealt with, for concentrating

on practical details. And, as I have said, he recognises at the end of the book that he has not dealt very systematically with his subject; but he insists that he has done this quite deliberately, because he has been concerned to speak "practically—by reflection flowing from circumstances," and to have attempted to systematise would have been to produce abstractions and therefore to falsify.

Here, then, is the first interest in Taylor's book: it represents the opposition at a time when the most vocal influence on British government was that of the school of Bentham, Chadwick and the Mills; and it serves to remind us that in the tradition of British government there are many and varied strands.

The Arts of Rising

The second main interest in the book is that it deals robustly with a matter on which more should be said today than is generally said—"The Arts of Rising."¹¹

If one wishes to succeed, says Taylor, then one of the main steps is to get and keep adherents and helpers; but while one should obviously be "willing to befriend an adherent," one should equally obviously be "willing to do without him"; and this will best be done by maintaining "a light cordiality of demeanour towards him, and a more careful and effective attention to his interests than he has been led by that demeanour to anticipate."

At the same time, one should always make favours appear deliberate and not impulsive. At the other end of the scale, it is necessary to be known by those whose influence may help one; but here the wise man will be careful to avoid appearing to cultivate only the eminent; because a

reputation for doing so only hinders his progress. The sensible thing to do is to know a lot of people, taking care to include some of middle station and even some obscure men; for—

"he who has a speaking acquaintance with a thousand individuals will hardly find himself in any circumstance in which he cannot make use of somebody. Out of the multitude of the obscure some will emerge to distinction; the relations with this man or that may be drawn closer as circumstances suggest; and acquaintances which could not be made at particular conjunctures without imputations of interested motives may be improved at such moments with much less inconvenience."

When patrons benefit one, one should always show great gratitude; but one should never claim a benefit as though it were a right; and one should not ask for small favours, but only for large ones, for the small favour will probably not be any less troublesome to the patron than the large one.

With regard to reputation, there is nothing like apparent consistency for giving a reputation for probity. If you do not wish the estimate of your probity to decline, then it is best only to change your mind when it is evidently to your own disadvantage to do so. Also, if you can avoid engaging in unnecessary condemnation, then you may save yourself difficulties later should you find yourself wishing to do something of which you previously disapproved.

Avoid quarrelling if possible; but if you cannot avoid it, do it coolly and thoroughly. Marry early, and then your career will not be upset later by untimely love affairs; and

if you can marry money, the independence that money brings will help to make you trusted. Take reasonable exercise and relaxation; and watch your digestion. "An irritability of the stomach often results from confinement to the same posture for more than half an hour after dinner."

These are precepts drawn up in the age of patronage by one who himself twice entered the public service through the good offices of a patron. But the reader may like to ask himself how much adaptation such precepts require for contemporary use.

British Government in the 1830s

Then *The Statesman* is of interest because it presents us with views on certain aspects of British government in the 1830s.

Parliament and Administration.—It is what Taylor does not say on this subject, rather than what he does say, that is revealing; but it is worth noting that the kind of parliamentary intervention that he regards, as commonest is that of the Private Member taking up the case of the censure or dismissal of an official.

The Executive.—Taylor's account of a typical minister's office or department is interesting:—

"In this country, an establishment of this kind is commonly formed as follows: 1st, There are one or more political and parliamentary officers subordinate to the minister, who come and go with their principals or with the government to which they belong, but have no seat in the Cabinet. . . . 2nd, There is an officer of similar rank, who is not in Parliament and holds his office by a more permanent tenure, without reference to changes of ministry. 3rd, There

is the minister's private secretary who, of course, comes and goes with his principal. . . . 4th, There are some twenty clerks more or less, also permanent, divided into three or four grades of subordination."

In this account neither the size of the establishment nor the position of the private secretary will surprise anyone familiar with our administrative history. (As regards the private secretary, however, it should be mentioned that Taylor strongly deprecated the practice of filling the post with some dependent of the minister. He considered the job too important to be filled in this way; also, it was a position that could be used with great advantage for training the promising young official.) Less obvious are the remarks about the junior ministers and the permanent head. There are few accounts of British government to this day in which much space is devoted to junior ministers, or in which there is any consideration of their usefulness or potential usefulness in sharing some of the minister's load. Taylor does take the point, although he sees the position of the junior minister mainly as relating to Parliamentary work; and, as he is more concerned about the minister's executive responsibilities, he thinks that the permanent officials must give the minister his main assistance. The difficulty, he considers, is that the single permanent head of a department (who is, note, of "similar rank" to the junior ministers)¹² has himself more to cope with than he can manage except by playing always for safety. He therefore recommends that each department should have, instead of a single head, four or six permanent under-secretaries, all of whom should be—

"efficient closet statesmen, and two of them at the least be endowed, in addition to their practical abilities, with some gifts of philosophy and speculation well cultivated, disciplined, prepared for use."

Civil Service Recruitment and Promotion.—Taylor accepts patronage, and wishes to make the most of it, but will not rely on it exclusively.

"The engrossing of a considerable quantity of patronage into one disposing hand has this advantage; that after the administrator shall have satisfied any private ends which he may have at heart with a portion of the patronage, he will dispose of the rest with reference to public interests. Whereas if the patronage be comminuted and placed in several hands, each of the patrons may have no more to dispose of than is required to serve his private purposes."

However, since 1834, the Treasury has adopted a form of examination for recruiting its "intellectual clerks."

"Upon the occurrence of a vacancy amongst the clerkships, three competing candidates are admitted to examination simultaneously, each is shut up separately with a bundle of papers to act upon; the performances are compared each to each, and the best performer is selected."

And he considers that this system might, with advantage, be generally adopted. He does not think that officials of the "intellectual" class should be made to begin by doing work of the "mechanical" class, because this is liable to unfit them for intellectual work. But they should begin in inferior positions; and the practice that has been in use in the Colonial Office for some years

of having a year's probation, should be generalised. Indeed, Taylor would carry the system further, and admit from examination three candidates for each post and get rid of two of them at the end of the probationary period. This sounds an unduly rigorous idea, but it must be borne in mind that Taylor is thinking of a system to be super-imposed upon patronage. The candidates admitted to examination would be nominees; and for that reason Taylor advocates that departments should not simply wait for names to be suggested to them, but should themselves look around for likely candidates, consulting heads of colleges and schools, and noting new writers and young men active in debating societies.¹³

Taylor has nothing to say in *The Statesman* as to how permanent "mechanical" clerks should be recruited; but he throws an interesting light on the outlook and practice of the time by his suggestion that it is not really necessary to have many such clerks on a permanent salaried basis. Only those need be on such a footing whose work is secret: other work is best done—

"by the piece or job, paying persons in the rank of life of law stationers and their hired writers at the rate of so much per folio"; because in this way more work will get done in less time. (He is presumably referring to "copying.")

But he shows concern with the question of incentive. Initial pay should be reasonable; but not too high—so as not to lead to abuse of patronage. It should go up in good stages and to a comfortable figure; and some form of promotion (in determining which, merit and not length of service should be the main consideration) should be possible

for all officials at least once in every ten years of their service.

Finally, Taylor has several things to say in *The Statesman* which illustrate the longevity and continuity of some major topics in British government.

The Over-worked Minister.—One passage in *The Statesman* has a very familiar ring. Good government, says Taylor, requires that when a minister gives—

"a quasi-judicial decision, he should on no consideration permit himself to pronounce such decision unaccompanied by a detailed statement of the material facts and reasons upon which his judgment proceeds."

Unfortunately, this theme is not developed—there is just a little more discussion of it in the chapter "Concerning Interviews"—but is introduced as an instance of the kind of thing that is liable to be neglected because ministers, dividing their time between Cabinet, Parliament and department, are so hard pressed. But this in itself is another modern topic; and Taylor's expression of it has again a familiar sound—

"This, then, is the great evil and want—that there is not within the pale of our government any adequately numerous body of efficient statesmen, some to be externally active and answer to demands of the day, others to be somewhat more retired and meditative in order that they may take thought for the morrow."

This view is accompanied, moreover, by the observation that you cannot, of course, rigidly separate a minister's departmental work from his Cabinet and Parliamentary work; and that—

"in order to answer the claims of

our constitution, the statesman who is dependent for his place upon a majority in the House of Commons, must be responsible for everything; and in order to bear this responsibility he must be conversant with all the more important business transacted under his authority."

It is in light of these considerations that Taylor makes his suggestion, mentioned above, for four or six permanent heads of a department instead of one.

The Education of the Administrator.—In recent years there has been some doubt whether a liberal education as hitherto understood is really the best foundation for the modern administrator. Taylor reminds us that Bacon said in *The Advancement of Learning* that the university education of his day was not designed as a suitable education for administrators. One cannot help suspecting what example Taylor has in mind when he proceeds to suggest that, for the same deficiency in his own day, private education may be the remedy, starting at sixteen, when general education has been completed. His suggested curriculum is none the less interesting. History should figure prominently, but not so much general history as detailed studies of

"particular epochs connected with peculiarity and revolution in the state of societies," also "histories in which the lives and actions of men are represented in minute detail"

because these "furnish knowledge of human nature and food for reflection." Then there should be a general study of law and of political economy. And next the student should be introduced to public documents and given exercises on

these: for instance, he might be given the evidence presented to a committee of enquiry, but not the committee's report, and be asked to report himself on the material facts, the possible views of the case that might be entertained, his own views, then, if legislation is necessary, a draft statute and, finally, a draft of the speech with which this would be introduced. The student should also be encouraged to take part in debating societies, but not to debate on political subjects. His actual work as an administrator should begin about the age of twenty-four, certainly not later, for he will still have much to learn that can be learned only in doing the work; and he must be young to be capable of learning. Also "an early exercise of authority is, in most men, necessary to give a capacity for taking decisions." And again, the drudgery of the service should be encountered while he is young enough for the spur of novelty to carry him through it; and it is necessary that drudgery should be encountered, because it teaches patience, and makes a man appreciate the labours of those who drudge for him. Moreover, the younger a man is at this stage, the better, because he will then take the better to having to learn (as he will have to learn) from those who are inferior to him in rank.

The Administrator.—There are some shrewd remarks on the administrator and his work. There is a decisiveness of temperament and a decisiveness of reason: the administrator's decisiveness should be compounded of both. He needs a strong rather than a tender conscience: otherwise there are two dangers—

"reflecting responsibilities disproportionately to their magnitude and missing of the large respon-

sibilities whilst it is occupied with the small," and "losing, in a too lively apprehension of the responsibilities of action, the sense of responsibility for inaction."

Economy of effort is all-important. The administrator should remember that his business—

"is less with truth at large than with truths commonly received."

He should "avoid comprehending in the feelings more matters at a time than can be entertained by judgment";

and the over-excitable should undertake exercises calculated to induce calm and order. Perhaps the cardinal point to remember is that the work of the man high in office is essentially vicarious: what he himself does is less important than what he causes to be done—

"A statesman's most pregnant function lies in the choice and use of instruments"

or, as we should say today, in successful delegation. If you have to choose between "a dull respectable man" and "a flimsy man of talent," choose the former; but the best administrator is the man of sound sense who has some imagination and philosophy as well. Such a man will not be misled, for instance, into thinking that to maximise interviews and verbal settlements is necessarily to speed the work; and he will not be fussy about the formalities of secrecy—

"the only secrecy which is worthy of trust in matters of state . . . is that which not merely observes an *enjoine* silence, but which maintains a considerate reticence in all matters in which silence is perceived to be expedient, though it have *not* been enjoined."

He will understand that purely negative criticism is valueless unless

some positive alternative can be suggested. He will also recognise that executive experience may be one of the soundest bases for legislative action; and Taylor advocates the systematic encouragement of suggestions from the lowest grades upwards.

Office Practice.—Lastly, Taylor has some of his best words on office practice. On style in minutes—

"the leading rule is to be commonplace. . . . Any point of style is to be avoided by the statesman which gives reason to suppose that he is thinking more of his credit than of the business." When writing a minute—

"begin with a naked narrative of the facts and dates, resolutely reserving all inferences and comments till the narrative shall be completed."

(This both gives you clarity and guards you against misjudgment.) Then indicate doubtful facts, with evidence stated and weighed, draw inferences from the clear facts, indicate how the uncertainties modify these, and make a proposal for action. To some this will typify the civil service at its worst; and they will not be mollified by Taylor's subsequent statement that "the object of conciseness in such matters is not to spare words but to spare intellectual labour." But if modern practice would enjoin less paper work, it would none the less do well to encourage such an ordering of thought as Taylor recommends. In any case, Taylor was no advocate of red tape.

"As fast as papers are received, the party who is to act upon them should examine them so far as to ascertain whether any of them relate to business which requires immediate attention, and should

then separate and arrange them. But once so arranged, so that he knows to what subjects of what urgency each paper or bundle relates, he should not again suffer himself to look at a paper or handle it, except in the purpose and with the determination to go through with it and dispatch the affair. For the practice of looking at papers and handling them without disposing of them not only wastes the time so employed, but breeds an undue impression of difficulty and trouble as connected with them; and the repetition of acts of postponement on any subject tends more and more to the subjugation of the active powers in relation to it. Moreover, it will be desirable to act upon a paper or bundle whilst it looks fresh; for it will become uninteresting if the eye have got accustomed to it lying aside, and absolutely repulsive if it have assumed a dusty, obsolete and often-postponed appearance."

The good administrator will make a rule, when there is no other ground for priority, to take the most difficult work first while his energies and interest are fresh. But he will not follow any rules or precedents to the detriment of special features of particular cases; for not only should the individuality of each case be respected, but he should be alert and ready to revise the rule itself when this becomes necessary. Nor, again, should the rule hedge in and confine the man of outstanding ability: he should be given scope for his abilities "at almost any sacrifice of system and regularity"—and at a sacrifice of money too.

"The government or nation which should forego the services of highly-gifted men because the

place and provision to be made for them would not be according to the rule, is to be commended for no other regularity than that which

would make hay by the almanack, for no other thrift than that which should let the meat spoil to save the salt."

¹*Autobiography of Sir Henry Taylor*, Vol. 1, p. 126. Cf. Preface to his *Notes from Life* (1847). ²*Autobiography*, Vol. 1, p. 128.

³The main source is the *Autobiography*, the first volume of which was published in 1874 and the second in 1877. There is also a good article by Leslie Stephen in the *Dictionary of National Biography*. In 1888 Edward Dowden published *The Correspondence of Henry Taylor*.

⁴The *Saturday Review* obituary referred to Taylor as "confidential adviser to more than twenty Colonial Secretaries of State." ⁵Leslie Stephen in *D.N.B.*

⁶*Crabb Robinson's Diary* records a visit made with Charles Lamb on 10th June, 1824, to Coleridge, when the company at Highgate included "a Mr. Taylor, a young man of promise in the Colonial Office."

⁷*Autobiography*, Vol. 1, p. 33. Gladstone read *The Statesman* in draft, but unfortunately we do not have his comments on it. Taylor gives some interesting portraits of statesmen and administrators in Chapter 23 of the *Autobiography*. The best are those of Melbourne, Gladstone and Stephen. One remark he attributes to Stephen should be treasured: "You may write off the first joint of your finger for the government, and then you may write off the second joint, and all they will say of you is, what a remarkably short-fingered man!"

⁸*Correspondence*, p. 4. ⁹*Works*, Vol. 5, pp. 306-7.

¹⁰*Autobiography*, Vol. 2, pp. 166-9. But conservative as he might be, Taylor was not a partisan; and, indeed, he never voted at an election until after he had retired—and then for the candidate, not for the party. "I think," he says in a letter to Lady Agatha Russell in 1878, "that of men I can form a judgment; and I sit at the feet of this man or that accordingly; just now not certainly at the feet of Lord Beaconsfield, much rather at the feet of Gladstone, though for the moment feeling even that seat a little shaky—he is so impassioned" (*Correspondence*, pp. 383-6).

¹¹From the title of Chapter 14 of *The Statesman*.

¹²There may be a point of general interest here worth exploring. Mr. B. Keith-Lucas has pointed out to me that before the 1835 Municipal Corporations Act the membership of Borough Corporations in many instances included what we should now call local officials.

¹³When *The Statesman* was republished in the collected works in 1878, Taylor added an appendix in which he discussed this subject further in light of experience of the open competitive examination. He says that some people still doubt whether it would not be better, in some branches of government at least, to have the competition between a limited number of candidates chosen by responsible patrons. The Indian service would seem to be a suitable branch for such a system—"In the dealings of arbitrary authorities with races inferior in everything except good breeding, it is important that the Europeans employed should have other qualifications in addition to those which ensure success in examinations." He also mentions an earlier idea of his for combining the advantages of competition and nomination, on which he had correspondence in 1855 with Granville, Sir George Lewis, Gladstone, Russell, Grey and Spring Rice. The essence of the system may be seen from an example he gives in a letter to Granville: if a clerkship falls vacant in the Customs, then the Treasury should appoint two candidates and the Chairman of the Board of Customs should nominate two, and the four should compete for the place.

The Accountability of a Nationalised Industry

By SIR GEOFFREY VICKERS, V.C.

This paper contains the substance of an address given at the Administrative Staff College. The views expressed are purely personal. Sir Geoffrey Vickers is a member of the National Coal Board.

WHEN the coal industry was nationalised, the assets of some six hundred undertakings were transferred to a new public corporation; and at the same time the duty of the directors of those undertakings to account to their shareholders for their management of these assets was replaced by the new Board's obligation to account to the Minister and to Parliament. This change in accountability involves far more than appears at first sight.

Private and Public Management Directors and Shareholders

The relationship between the shareholders and the directors of a large industrial concern is striking; we have come to take it for granted only in the recent past. Here are large numbers of people who have embarked their money in an enterprise which they cannot manage themselves; they cannot even supervise the management or keep in constant touch with its affairs. They depend absolutely on the honesty and the competence of the directors; and whatever happens, their only remedy is to appoint other directors equally remote from them. Such a relation can only subsist if confidence between shareholders and directors is not only attainable but normal.

It has become normal over a century of development; and the device round which it has centred has been the directors' obligation to render a periodical report and account. This serves two purposes. It tells the shareholders what the

directors have achieved over a period recently passed; and it provides a basis on which the shareholders can decide whether to continue their confidence in the directors for the future. The second is the more important. The past cannot be undone. It is for the future alone that the shareholders can act. It is their confidence for the future which alone can provide a basis for continuance of this singular relationship.

The device of accountability has been very successful in creating and maintaining a well-founded confidence between shareholders and directors; and this has been largely due to the fact that the account is well designed to reveal what the shareholders want to know. Their expectations are largely financial. They have provided the capital of the undertaking. They expect the directors to preserve it, if possible to augment it and in any case to employ it profitably in the business for which it was subscribed. The accounts are designed to show how well this has been done. Hence, Company practice and Company law have been preoccupied with the task of ensuring that the accounts are "true and correct" and this has been ensured largely by the practice of independent audit. By this and other means shareholders have become assured about the honesty of their company's administration. Much less attention has been given to devising assurances of its efficiency; on this the accounts are assumed to speak for themselves.

In a freely competitive field business enterprises must prosper or perish; profits are a measure of efficiency; and the results as shown by the accounts are supposed to tell the shareholders what they want to know about their directors' efficiency in terms which are understandable and precise, namely, in pounds, shillings and pence.

In practice even where a company operates in a free market, the accounts are not always a complete and infallible guide in the matter of confidence. Profits in the past invite confidence in the future; but they do not command it. Past losses test confidence in the future but they do not necessarily shake it. The shareholders, reading the report of an unsuccessful year, may still conclude that their directors will manage as ably in the future as any others they can get. But if they reach this conclusion they will do so not on the accounts but on the report; and they will be conscious of applying criteria much less precise than those which the accounts alone provide.

Success explains itself but failure has to be "accounted for." The Directors in their report will explain how the losses occurred, what they did to avert or minimise them and how they hope to recoup them. The shareholders must make up their own minds whether to accept this explanation. The auditors cannot help them here; it is no part of the auditors' task to express a view on the business acumen or administrative competence of the directors. The directors for their part are interested parties; they will make the best case they can. The shareholders in deciding whether to continue their confidence will be influenced partly by the cogency of the argument but probably more by their pre-existing

confidence in the directors, based on past experience. If in doubt, they can only appoint a committee or an expert or both to make an enquiry and give them independent advice. It is a testimony to the system that this seldom occurs.

Accountability then—that is, the duty of directors to account to their shareholders—is primarily the means by which the directors seek and the shareholders decide to accord or refuse their confidence in the directors as managers of the enterprise; and its essential feature is that the accounts are assumed to reveal in an objective and quantified form the degree of success or non-success achieved by the enterprise over the period to which they relate, the report being a commentary on the accounts and of particular significance when the accounts show results which do not come up to the shareholders' expectations.

Changes Introduced by Nationalisation
Suppose now that the enterprise is nationalised—who is thereafter accountable to whom and for what? What are the safeguards under which the confidence which is no less needed than before may be encouraged to grow again between the new management and those to whom they are now accountable? In this paper the answers will be sought in an analysis of the coal industry, but they are likely to apply with little variation to any other industry which passes from private to public status.

First, there has been a change in the parties to account. The accountable party is no longer the individual enterprise but a national board responsible for the whole industry. The party to whom the account is due is no longer a body of shareholders but Parliament, representing the whole community, with its diverse

interests, direct and indirect, in the output, the quality and the price of coal. Furthermore, between Parliament and the shareholders stands the Minister, whose position has a threefold aspect. To the Board he is another person who can call for an account, to Parliament he is another person who can be called to account—for he has an independent responsibility—and he is also a channel through which to reach the Board. His position will be more fully analysed later. For the moment it is sufficient to note that the parties to the account have changed and that there are now not two but three.

Next, there has been startling change in the objects for which the Board are responsible and which determine how their success shall be measured. The former owners were primarily responsible for giving shareholders a return on their capital; the Board are primarily responsible for meeting the needs of coal consumers. The Board, it is true, are required to cover their revenue expenses over a period (of unspecified duration) of good and bad years, but this is not one of the purposes for which they exist. It is merely a condition which they must ensure, in pursuing their primary objects, which are to get the country's coal, to organise the industry and to satisfy the consumer's needs. The Board also have subsidiary duties, express or implied, in regard to education and training, welfare and health, consultation and conciliation, development and research; and since all these duties are imposed by Parliament, they must account to Parliament for the performance of them.

Thus the Board are responsible for a new and much wider set of duties than their predecessors—for duties indeed for which nobody has

ever before been accountable to anyone. Success for them means success in discharging these duties. This is what Parliament and the public expect—or at least what they ought to expect—of the Board; and it is different from what shareholders expected of the companies from whom the Board took over.

There is a further difference. Achievement in these fields cannot be measured or even recorded in money or in financial accounts. They can only be set out in narrative and in statistical summaries, only a small part of which can be financial. For the former owners profit was a criterion both of efficiency and of success. The Board, on the other hand, though not forbidden to make profits, are not required to do so; and it seems unlikely that they would think it in the public interest to fix prices at such a level as would do more than enable them, after providing appropriate reserves, to fulfil their duty of covering expenses over good and bad years. Only a series of annual accounts could show whether they had done so; and the achievement would provide no measure at all of their success in the tasks for which they have been set up.

Thus the financial accounts of a limited company show its achievements; the report is a commentary on them. The Coal Board's achievements, on the other hand, must be primarily recorded in its report; the accounts throw light on only one aspect of them.

This is recognised by the way in which the Board's obligation to account is expressed in the Act. The Board are required as soon as possible after the end of each financial year, to make to the Minister a report "on the exercise and performance by them of their functions during

that year and on their policy and programmes" and the Minister is required to lay this report before Parliament. The Act also requires the Board to present annually a financial account in a form to be prescribed by the Minister which is to be in accordance with the best commercial standards and is to be audited by auditors appointed by the Minister; and this account, with the auditors' report, is also to be laid before Parliament. But the report, far more than the financial accounts, provides material for judging the Board's achievements and success.

In addition the Board are liable to give the Minister without any qualification any information which he may require, and Parliament have a constitutional right to elicit information from the Minister by questions. The extent to which questions about the nationalised Boards should be answered by Ministers has been the subject of controversy in Parliament. This however, does not affect the extent of the Board's accountability so much as the relation between Parliament and the Minister. The Board remain accountable in any event.

It is generally agreed that the Board have not failed to account. Their account for 1950 was laid before Parliament on 6th June, 1951. It contained over eighty closely printed pages of Report, over sixty pages of financial accounts and over a hundred further pages of statistical, financial and narrative appendices. This Report and Accounts, which cover over these wide fields the activities of more than 700,000 men operating some 900 collieries and some hundreds of other activities, were complete in the printers' hands twenty weeks after the end of the year to which they relate. Bearing

in mind that they have to be not merely collected and collated but also very carefully considered and settled by those responsible, this is an achievement which can hardly be called either too little or too late.

In addition, the Board publish a quarterly financial report and a monthly digest of statistics covering output, productivity, attendance, manpower, earnings and exports, and prepare for the use of themselves, the Ministry and other Government departments periodical statistics much more comprehensive than these.

Undoubtedly the Board "accounts." The job is different from that of its predecessors, as well as very much bigger; but the job is done. It is, I think, generally regarded as being done well. Even those who most criticise the accountability of nationalised industries do not criticise the Board's report and accounts as such. Anyone can learn from these reports with an abundance of detail what the Board have achieved in every field in which they have been given a duty and also how they have gone about their tasks. In so far as it is the purpose of this annual accounting to describe what has happened in the year just passed, Parliament is probably much better served by the Board than were the shareholders of the previous owners.

Factors Affecting Confidence

This, however, though the most explicit, is not the most important function of an annual accounting. The most important function, as was suggested at the beginning of this paper, is to provide an objective and quantified measure of management's success in the past period and thus furnish a basis for that confidence which is essential to the relation of directors and shareholders of a limited

company and far more essential to the relationship of a national board and Parliament. Under nationalisation, even more than before, this annual accounting is the principal means whereby the Board can seek, and Parliament and the public can decide to accord or refuse, their confidence in the Board as managers of the enterprise. Nationalisation, however, in addition to changing and widening the tasks to be accounted for, affected in three other ways the industry's task of rendering an account which shall command confidence—or even an account which shall clearly show whether confidence is merited or not. First, the Board came into being fully grown and carrying immense responsibilities but lacking the legacy of confidence which any limited company would have accumulated by successful operation long before it attained a small fraction of comparable importance. Secondly, several, extraneous influences work against the growth of confidence. Thirdly, the criteria of success in the new duties are far more uncertain than those which are applied to limited companies.

The first factor applies with somewhat different weight to different nationalised undertakings but is true of all. It probably bears most heavily on the Coal Board which absorbed in a new organisation the assets of some six hundred separate companies. The second factor also applies to all, though with unequal weight. It derives from several facts. There is controversy on the party-political plane about nationalisation as such. Apart from this, there is controversy on the constitutional soundness of vesting great public powers and duties in bodies not directly controlled by Parliament. There is a third and separate contro-

versy about the best way of managing very large business undertakings, a field not yet deeply explored in practice or theory in England. Some participants in all these controversies are committed on principle to views which scarcely permit them to develop confidence in the managements of public corporations; and the tension is increased in those cases such as coal, where nationalisation affected the fortunes of many who were formerly in positions of control. Both these factors will be mitigated with the passing of time. The third is inherent in the change of duties, and needs detailed examination.

Criteria of Success

As has already been pointed out, the shareholders of a company which has made a loss have a more difficult task than they would otherwise have in deciding whether their directors have none the less merited the continuance of their confidence; but their task is easy compared with the task of Parliament in deciding whether a Board, established for ends which cannot be fully attained for years, has in all the circumstances made a satisfactory beginning. It is easy, of course, to show that the country needs more and better coal; it is easy to show that there would be advantages if it were cheaper. But there is room for wide difference of opinion even among the most fully informed as to the rate at which the output of coal can be expected to increase; still more as to the factors, local and general, which prevent it increasing faster and the influence which the Board's policy and action might have on these factors; and not least on the price which people should expect to pay for coal.

Parliament cannot compare the Board's performance with that of

other comparable undertakings working under similar conditions in the same market. Even the past furnishes an uncertain yardstick; for the nearest pre-war era, seen now across a decade of fundamental changes, was one in which the country failed to use anything like as much coal as could have been produced.

In 1938 we consumed in Britain 181 million tons of coal. This was 12 million tons less than was consumed in Britain twenty-five years before; yet all effective demands were met. In 1951 we consumed in Britain about 208 million tons, which is about 20 million tons more than was consumed only four years before; yet the demand was so far from being met that only a very mild winter averted a crisis. To satisfy in an absolute sense the requirements of the Act the Board would have to provide some millions of tons more for the home market, some tens of millions more for the export market, another 12 millions to replace opencast, several more millions to replace the most uneconomical of our present workings as well as the normal results of exhaustion; and each of these requirements involves not only getting but also the more laborious development work which makes getting possible and which in coal-mining is largely done by the same men. So great an increase cannot be achieved in a year or two. Neither Parliament nor the Board, therefore, can at present regard absolute requirements as a yardstick by which to measure the success or failure of achievement. They must try to assess achievement by reference to an estimate of what might have been achieved; and for making this estimate there is all too little basis.

Mere shortage of output is, however, only part of the problem. The

third of the Board's primary duties is defined in section 1 (i)(c) of the Act as "making supplies of coal available, of such qualities and sizes in such quantities and at such prices as may seem to them best calculated to further the public interest in all respects including the avoidance of any undue or unreasonable preference or advantage." This duty, related as it is to the Board's judgment of what is desirable and what is attainable (not to speak of what is unreasonable and what is undue), obviously implies a criterion of success more exacting and more imprecise than any limited company is required to apply.

The Profit Yardstick

The Board could produce better coal much more cheaply if they produced less. Their policy today is to produce as much as they can, even where this involves working highly uneconomic units; and to sell it at prices designed to realise the lowest total revenue consistent with their financial situation and prospects, whilst fixing the prices of particular grades and sizes of coal so as to establish a reasonable relation between them. This policy means that some pits show profits and others losses. This could only be avoided either by closing uneconomic pits regardless of the loss of coal or by fixing prices on the basis of the highest production costs ("marginal costs") and piling up large profits; neither of these courses are regarded as in the public interest today.

The profits and losses shown by individual pits are significant but they have significances different from those which they would bear in an undertaking trading for profit. Where, for example, the coals are of identical quality and are sold in the same place, this pooling of profit and

loss may be appropriate to achieve the Board's policy of charging the same price for similar coals and relating that price suitably to the price of other coals. In such a case the differential will merely show the Board which is the marginal coal in that particular market; and their object will be either to produce it more economically or to replace it with a cheaper coal. In other cases the differential may reveal a defect in the price structure. Neither profit nor loss will supply any firm criterion of efficient working.

The significance of the profit yardstick is further affected by the fact that prices are not fixed by the operation of a market beyond the Board's control. Within wide limits the Board can fix both its total receipts and the differentials between the prices of different coals. They cannot even feel the pulse of a potential market as a guide to the exercise of their discretion; for under current conditions of shortage customers' preferences do not express themselves in price differentials. Even the past provides meagre guidance, for there has been no freely functioning market for more than a decade and the flat rate increases of the war distorted the price structure, progressively over-valuing the bad and under-valuing the good—a distortion which the Board are now redressing.

The disappearance of the free market as an external arbiter of price means that the term "capacity to pay" changes its meaning. A company trading on a free market either makes or fails to make a profit; and its profit limits what it can do to meet claims for more dividends by its shareholders and more wages by its employees. A public corporation not operating for profit has to hold the scales, not between shareholders and

workpeople, but between consumers and workpeople. The latter have a stronger bargaining position than the former; and the only economic limitation is what the consumer will pay the monopolist for an essential service—obviously an elastic figure. This may be a grave embarrassment to a body which has the duty of making coal available "at such prices as may seem to them to be best calculated to further the public interest in all respects."

Thus the financial accounts of the Board throw little light on their success as suppliers of coal. The Report will show in words and figures how the Board have compromised between the conflicting demands of quantity, quality and price; on what basis they have fixed price differentials; and how they have held the scales between employees and consumers. To assess this achievement, however, remains much harder than to assess the achievement of a limited company in relation to its more limited and measurable objectives.

This is not to say that financial accounting is less necessary or less valuable to a public corporation than to a limited company. It provides an instrument for measuring and comparing various aspects of performance with a refinement and a precision which are equally precious to any business undertaking. But a public undertaking has to answer questions which accountancy cannot.

This touches on a problem not confined to the public corporation. All large undertakings are seeking means of measuring efficiency more refined than mere commercial results. Accountancy is developing the technique of standard costs; and the new science of business management is devising techniques of "efficiency

audit." The Coal Board are very carefully examining how far they can use these techniques and there will no doubt be great improvements in the sciences of measuring efficiency. It would seem probable, however, that they will remain for some time at least inadequate to meet contemporary needs and especially to meet the needs of nationalised undertakings which must measure their success by these new standards.

Position of Parliament

Thus, Parliament faces an inherent difficulty in trying to answer from the reports, accounts and statistics which the Board render the two questions which accountability is designed to answer, namely, what success has the undertaking achieved and what confidence does its management deserve. The difficulty lies in appraising achievement in new tasks, which can at best be achieved with only relative success; and it is enhanced by the lack of precedent, of accepted standards even of a subjective kind, of any pre-existing background of confidence, the absence, in fact, of that relationship of the two parties to the account without which the most careful explanations may fail to evoke conviction or even understanding.

It is often alleged that Parliament is an unsuitable body to do what is required of the party to whom the account is rendered. It is true that a body so large and so busy as Parliament is not well suited to debate the intricacies of the Board's report and accounts and the difficulty is increased when Parliament is responsible not for one industry but for many. The fact remains that Parliament is an infinitely more experienced debating body than the shareholders of any industrial con-

cern. If the accountability of the Board gave Parliament a basis for according or withholding confidence as objective and reliable as was furnished to the shareholders by the accountability of the Board's predecessors, Parliamentary time and procedure would easily suffice to enable the message to be read. It is significant that of all the remedies proposed, the one at present favoured is a periodic investigation every seven years by a specially constituted commission. Shareholders, if in doubt whether to accord confidence or not, would also appoint a committee to investigate and advise them, though they would think themselves in a parlous state if they needed such investigations at regular intervals. If and so long as Parliament is unable unaided to decide whether the management of a nationalised industry deserves its confidence, a periodical enquiry such as is proposed may well be a substantial help to them in deciding the question; and if so it will render an equal service to the Boards concerned.

Lack of confidence also raises the question whether Parliament has adequate powers of control. This is a fundamental question of a different kind. The shareholders of a limited company have virtually no power to affect the management of a company except by changing the managers. Between the Board and Parliament, however, there is interposed the Minister; and the Act gives him certain important powers of control both positive and negative. Through the Minister Parliament has a degree of control greater than is enjoyed by shareholders. Would the *rapprochement* between Parliament and the Boards be closer and more confident if these controls were strengthened?

Before examining these controls, it

is worth while digressing for a moment to point out the difference between "being accountable," and "being amenable to control," since the two are often confused.

The "controls" of a motor car mean to most people primarily the wheel, the accelerator and the brake and only secondly, if at all, the revolution counter, the thermometer and the petrol gauge. The first three are instruments for altering the behaviour of the car; the second three are instruments for telling you how it is behaving. Both are needed, but for different purposes; and it is very inconvenient that we have no separate words in English to distinguish between the two.

Accounts, statistics, and reports are instruments for measuring and assessing what is happening; and this is a function distinct from the function of giving stimulus, guidance and restraint. The French use for the first the counterpart of our word "control" and for the second the counterpart of our word "direction"; but in English we mix up the two and "control" tends to imply the second rather than the first, which is, I feel, a defect in our language. Stimulus, guidance and restraint—that is, the accelerator, the wheel and the brake—are one thing. Information and assessment are another.

In fact, "control" in English, when applied to human beings, means primarily the power to restrain, secondarily the power to guide and only slightly the power to stimulate; a difference in emphasis which acknowledges the different degrees in which these powers, to be effective, depend on the other party's power and willingness to respond. Hitherto, in discussing accountability, I have been careful to keep to its strict sense of "obligation to account," that

is, to make oneself amenable to "control" in the French sense. I want now to examine the extent to which the Board is amenable to "control" in the English sense.

First and most fundamental, the Minister appoints the Board Members. It has hitherto been the practice to appoint them for five years. Once appointed, he can remove them only if they become "unfit for office."

The Minister, also, has two important positive powers of direction. He can give the Board (after consultation with them) "directions of a general character . . . in relation to matters appearing to the Minister to affect the national interest." He can also direct them to remedy any defect in their "general arrangements for the production, sale or supply of coal, coke or manufactured fuel" to which his attention is drawn by either of the Consumers' Councils, which are described below. The first of these powers is very general in character; the second, less general, can be used only in support of the Consumers' Councils. Neither power has ever been exercised.

Taken together the Minister's powers are too limited to enable him normally to "control" the Board's decision on specific issues of policy. On the other hand, there is, of course, close contact between the Minister and the Board and their respective officials. The Act assumes that a responsible Board acting in the public interest and a responsible Minister and Government acting in the national interest will be able to preserve a proper degree of autonomy in their respective fields without any clash other than such as can be resolved by this overriding but restricted power of general direction. I believe that this assumption has

been justified by experience of the way in which the relation between Board, Ministry and Government works out in practice.

In addition the Minister has certain negative powers in that his approval is required to the "lines" on which the Board propose to proceed in reorganisation and development, training and education and research.

Finally, the Minister has the power of the purse in that the Board can only raise funds by borrowing from the Minister or with his consent. He can also give them specific directions in regard to the creation and management of their reserve fund and the application of any excess of revenue over expenditure.

At the present time the Minister has also the power to direct how coal shall be distributed and the Board's marketing staff act also as the Ministry's supplies officers. This power, however, is not related to nationalisation but is exercised under a still continuing wartime regulation.

The Consumers' Councils, of which there are two, are appointed by the Minister. The Industrial Consumers' Council includes representatives of the principal industrial organisations, though they are not appointed in a representative capacity. The Consumers' Councils are consultative bodies but, as explained above, the Minister can give to their views a binding force which he cannot usually give to his own.

Parliament has an unlimited general power of control in that it can alter the law; but it has no specific power of control, as distinct from its right to receive an account. On the other hand, it has far more opportunity than a body of shareholders to express its views, its criticisms, its apprehensions, even its confidence and satisfaction if it should come to

entertain these feelings; and it would be wrong to suppose that such expressions have no influence, merely because the sanction behind them is an unwieldy one.

Thus, care has been taken to give the Minister (and Parliament through the Minister) just enough power to prevent or resolve any probable conflict of major policy between Government and Board without dividing the Board's responsibility for management.

It is hard to see how this delicate balance could have been better achieved or how any greater degree of control by the Minister or by Parliament would have contributed either to the efficiency of the Board or to the growth of confidence between the Board and Parliament.

It is no part of my purpose in this paper to discuss how far the Board's actual reports and accounts ought in fact to provide a basis for Parliamentary confidence or the reverse. I am concerned only to point out the profound changes in the relationship between the accounting parties which nationalisation has introduced and the effect of these on that subtle process by which confidence is built up between the two—a process which, in the comparatively simple relations of directors and shareholders, has become familiar to us with long usage but which in this new and far more complex and important field is still in its infancy. The problems raised are not, I believe, insoluble but they demand time, patience and the objective study of a complex situation—demands which are not easily met anywhere in the political arena, and least of all at the point where economic anxiety and political controversy meet, each in its most acute form.

The Dutch Cabinet System

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Political Background

EVERY cabinet in Holland is, (a) a coalition cabinet, and (b) a parliamentary one. These two points give the background of all characteristics which the Dutch cabinet shares with, or in which it differs from, the British system.

Holland is a country with half a dozen parties: the Communists, the Labour Party, the (Liberal-Conservative) "Party for Freedom and Democracy," two Protestant parties of right-wing tendencies: the Christian-Historicals and the Anti-Revolutionaries (whose political arrows, to be sure, are aimed not at something like the Russian Revolution, but at the principles of 1789) and the Catholic People's Party which, trying to be everything to all people, can properly be described as a "centre" party. None of these parties has a majority in Parliament, the largest of them, the Catholic People's Party, having 32 of the 100 seats in the lower chamber. Therefore coalitions are indicated, and whereas between the first and the second world war many cabinets were based on a co-operation between the three confessional parties, since 1945 all cabinets have been based on a more or less formal coalition between Labour and the Catholics, with a sprinkling of Christian-Historicals and Liberals since 1948. Coalitions are in the nature of things, and the specialists on electoral systems would be very much mistaken indeed, if they considered this coalition system of government as a mere consequence of the proportional representation adopted in 1918 in Holland. Before 1918, when the majority system was used, about the same number of

parties was represented in Parliament, although P.R. gave a number of hair-splitters a chance of fighting the elections with their own, never very successful, parties. The fundamental fact is that Dutch politics are dominated, not only by the ordinary difference between progressive and conservative elements of several shades, but also by religious differences—and this rules out any attempt at a two- or three-party system, at least for the foreseeable future.

As to premise (b), since 1869 no government has tried to continue its term of office against a parliamentary majority. On that simple fact alone it can be said that all Dutch cabinets since then are "parliamentary cabinets," rather in the way in which savings equal investment in Keynes's General Theory. In Dutch political terminology, however, the matter is not so simple, and on the formation of every new cabinet an extensive but rather barren discussion takes place, in and out of Parliament, about the proper label to be attached to the new-born child. The customary terms: parliamentary cabinet, extra-parliamentary cabinet, national cabinet, reflect shades of parliamentary approval. Every cabinet, of course, has to find its majority in Parliament. A parliamentary cabinet in the narrower sense of the word, however, can reckon with a permanent majority, as the parliamentary groups of the co-operating parties have expressly agreed to its programme and composition. With an extra-parliamentary cabinet things have sometimes been talked over with the leaders of the political groups in Parliament, but in a looser way, and

the final responsibility remains with the *formateur* personally. A "business cabinet", consisting of "personalities" or people who regard themselves pre-eminently as such, has to rely on incidental majorities—is therefore seldom long-lived, and mainly serves to tide over a difficult situation in which the more usual forms of cabinet look impossible. And a national government, as everywhere, is joined by all parties, extremists possibly excepted, so that its parliamentary character is hardly a matter for dispute, although the vagueness of its programme, mainly made for cases of emergency, leaves open many possibilities for conflict in Parliament.

Membership

Probably the fundamental difference between a Dutch and a British government is that the first one consists wholly of Ministers, equal in status with the exceptions of the Prime Minister and the Minister of Finance (see below), and that the British difference between a cabinet of older politicians who deliberate and decide policy as a board, and a ministry which contains also a number of political heads of departments who are not members of the cabinet, does not exist in Holland. The introduction of *staatssecretarissen* (a kind of political or Parliamentary Under-Secretaries, see below) in 1948 may mark a tendency to differentiation, but it has certainly not advanced as far as the British system.

There are at present 15 Ministers: the Prime Minister, who is head of a "Ministry of General Affairs," and the Ministers of Foreign Affairs, of Home Affairs, of Education, of Finance, of Reconstruction and

Housing, of Economic Affairs, of Agriculture, Fisheries and Food, of Social Affairs, of (Dutch-Indonesian) Union Affairs and Overseas Territories, of Justice, of War and of the Navy*, of Transport and *Waterstaat* (i.e. roads, coalmines and waterways), and two Ministers without portfolio. (The task of the first is "increase of production"—rather a tall order for a man without a Ministry behind him—the second one is, next to a few matters of minor importance, vice-president of the cabinet. It would be unkind to describe the latter's position as that of a Catholic watchdog on a Socialist Prime Minister, but it can be said that the structure of the last two Dutch cabinets, with a chairman and a deputy chairman both free from departmental duties, reflects the present party system with the Catholic People's Party and Labour as the major partners in the government coalition.)

A hierarchical structure has been discussed from time to time, but never fully accepted in Holland. The Prime Minister, as *primus inter pares*, has gradually got a position in which his ascendancy over his colleagues is more stressed than his equality with them, but he has not (perhaps not yet) got the commanding position of a British Prime Minister; and although every Dutch government, like probably every executive council on earth, has as a matter of course a handful of Ministers whose personality and ability endow them with personal leadership, they have not the same pre-eminence as the four "senior" cabinet members who were mentioned occasionally as having a preponderant political status in Mr. Attlee's Government of 1945-50.

* Two portfolios, intended to be integrated gradually into one "Ministry of Defence."

Committee System

After the second world war, a kind of compromise was reached, however, between the hierarchical structure which was unacceptable to people who kept to the traditional equality of Ministers, and the inefficient method of discussing and deciding all questions in the full (mostly weekly) cabinet meeting. The new standing rules for the cabinet of November, 1945, set up permanent cabinet committees for groups of problems, each to be presided over by the Prime Minister. The dogma of Ministerial equality has been safeguarded by stipulating that Ministers who are *not* members of a committee can, if so desired, attend its meetings with the same debating and voting rights as full members. In practice, however, the committees—attended by the Under-Secretaries concerned and a few high-level civil servants—discuss and decide upon the problems that are laid before them, unless their connection with the main lines of cabinet policy renders it necessary to refer them to the full cabinet. In 1951 there were three standing cabinet committees.

1. The Committee for Economic Affairs, consisting of the Prime Minister, the Deputy Prime Minister, and the Ministers of Foreign Affairs, of Economic Affairs (and his colleague, without portfolio, entrusted with increase of production), of Finance, of Agriculture, Fisheries and Food, of Social Affairs, of Transport and *Waterstaat*, of Reconstruction and Housing, and of the Under-Secretaries for Union Affairs and Overseas Territories and for Social Affairs, and of four civil servants;

2. The Committee for Military Affairs, consisting of the Prime Minister, the Deputy Prime Minister,

and the Ministers of Foreign Affairs, of Economic Affairs, of Finance, and of War and the Navy; of Prince Bernhard (who is Inspector-General of the Army), the Under-Secretary for War and the Navy, and of five military chiefs and civil servants;

3. The Committee for Indonesian Affairs, consisting at present of the Prime Minister, the Deputy Prime Minister, and the Ministers of Foreign Affairs, of Economic Affairs, of Finance, of War (and the Navy), of Social Affairs, of Union Affairs and Overseas Territories, the Under-Secretaries of War and the Navy, and for Union Affairs and Overseas Territories, and of three civil servants.

The fairly autonomous way in which the Committees settle the problems in their particular spheres of interests can be illustrated by the following recent development of the Committee for Economic Affairs. Before the Government crisis of January-March, 1951, in the Cabinet Committee for Economic Affairs the Catholic Minister for Economic Affairs could feel like Daniel in the lions' den in the midst of five Socialist Ministers who were all of them versed in social and economic affairs. It is said that the choice of a well-known financial expert (then Minister of Home Affairs) as the Catholic Deputy Prime Minister, and the creation of the (equally Catholic) Minister without portfolio for Increase of Production, were an attempt to reach a better inter-party balance in the Committee for Economic Affairs. Even if the explanation should not be true, it shows that people tend to regard the Committee as more important for the direction of Dutch economic life than the full Cabinet, where before and after the

change of government the six Catholics were always able to outvote the five Socialists.

The general impression in the country of the functioning of the Cabinet Committees is satisfactory. It is to be remarked in passing that the smaller groups they constitute open the possibility of including civil servants and military chiefs in the discussions more regularly. Both the Under-Secretaries and the technicians appear incidentally in full cabinet meetings, but it is probable that effective team-work between politicians and permanent officials is made easier under a decentralised system, where smaller numbers of persons are present at the meetings.

The satisfaction felt at the working of the committees does not extend, however, to another exception to the rule of ministerial equality. Before speaking of the Prime Minister's position, it is appropriate to mention here that the Minister of Finance has a very peculiar and powerful position among his colleagues which, however much money has always been the *nerve* of history, his predecessor in office a century ago did not possess. The vastness of modern government interests and the complexity and intricacy of departmental procedures together make for a multitude of faults and mistakes—many of which are only found out after they have been committed, that is, too late. Already, after the first world war, the powers of the Minister of Finance were strengthened, (a) by requiring his approval for every promise to Parliament which will have financial consequences, every amendment which was taken over by the Minister concerned, every change in a bill, and (b) by requiring it also for important measures for which the budget already provided the

money. After the second world war the tendency for more Treasury control was strengthened, e.g., by the appointment of special Treasury watchdogs, of whom each has to bark at overspending officials of a particular government department. The general idea is, as the Minister of Finance recently pointed out in Parliament, to prevent harm done to the public purse rather than find it out when it has already been done, but there is a strong feeling of resistance in other departments and, presumably, with his colleagues, that this kind of control of an alleged financial character, if extended too much, undermines the responsibility of each Minister for his own department, and tends to restrict the initiative of the civil servants of the other departments to largely theoretical matters.

Position of the Prime Minister

The historical development of the Prime Minister's position, although not yet resulting in the British system, has been a growth from being merely a chairman to being in a strong position as head of the cabinet with, in addition, a special portfolio of "general affairs." As a matter of fact, at the beginning of the nineteenth century the chairmanship was a purely formal affair, taken by each of the Ministers in turn, at first for one month; 1848, the year of revolutions in Europe, brought for Holland no more than a liberal constitution, but the King (who still had the reserved power to appoint the chairman of the cabinet if he wanted to) tried temporarily to impose "his" man on the cabinet.

The year 1850 brought a change to periods of three months of chairmanship, and the substitution of a system of election (without, however,

the possibility of immediate re-election) for a mechanical taking turns as chairman by all Ministers successively. Election was again replaced by appointment for a time, but presumably the choice fell on one of the political key-figures within the cabinet under both systems. In practice, it can be said that from 1874 onwards there was a permanent chairman of the Council of Ministers—the first phase in the development towards a full "Prime Minister status."

At the time, however, this was regarded as a simple fact, and not as a convention of the constitution. In particular, the attempts of an aggressive and egotistical Prime Minister, in 1901, to have the Prime Minister (*i.e.*, himself) appointed by the Crown, and for an indefinite time, led to a quick change as soon as he had left office in 1905. Election was substituted again for appointment, and for a period of one year only, although this was to be renewable.

The vicissitudes were mainly personal incidents, however, and the trend towards a continuous Premiership continued. The next formal step was that, in 1922, the adjective "temporary" was left out before the words "Chairman of the Council of Ministers." It was the end of the second world war which brought a last and decisive step: the stipulation, in the new standing orders of the Cabinet of 1945, that the Minister who would "bear the title of Prime Minister" should be appointed as such by the Crown.

All this could be considered as a formal constitutional change if the real political influence of the Prime Ministers from 1945 onward should be no more eminent than the influence of their appointed predecessors

of a century ago. There is, however, a clear difference. The chairman has become a president. In most, though not in all, cases, he is identical with the *formateur* who made the cabinet, and he certainly is the political key-figure, a man who not only presides but stimulates and represses as well. Two recent peculiarities of the Prime Minister's position point the way.

The first thing which increases the Prime Minister's status is the chairmanship of the standing cabinet committees referred to earlier. It goes without saying that the continuous leadership he is able to exercise in each of these de-centralised groups of Ministers enhances his prestige among his colleagues in general.

A further, and very considerable, difference with earlier chairmen of the cabinet lies in the fact that there is now a "Ministry of General Affairs", as a Dutch equivalent of Number 10, Downing Street. This was already started under Dr. Colijn in 1937. The Dutch wartime cabinet in London had a "Ministry of General Welfare of the Kingdom", which was continued for some time after 1945. A short attempt, in 1946, to abolish this without returning to the Ministry of General Affairs (which had died from malnutrition in wartime) was unsuccessful, however, and 1947 brought "General Affairs" back in full splendour as exclusive headquarters for the Prime Minister, who from then on did not try to keep other Ministries under his own direct care. The result was an unmistakable confirmation of the Prime Minister's position, not as a *primus inter pares*, but as a leading star in the cabinet. Needless to say, much still depends on the personality of the incumbent. The few years of experience Dutch political life has had with full Prime

Ministers, indicate already that similar differences in temperament and outlook tend to expand or restrict the Prime Minister's influence, as they do in Britain.

At the same time it is to be borne in mind that the Prime Minister in Holland, though certainly grown to a fuller stature than was formerly the case, does not occupy the position Mr. Churchill, or even Mr. Attlee, had or has in Britain. One of the reasons was given above, namely that Holland does not know a difference between cabinet and ministry, and the lack of hierarchy renders the Prime Minister less omnipotent than his British counterpart.

The same applies to his formal powers. Dr. Drees is not able to announce the resignation of the cabinet or a dissolution of Parliament more or less as a personal act for which he is solely responsible. Nor can a Dutch junior Minister simply be informed of his resignation, although as a matter of fact cases where some moral pressure to resign was brought upon a weak Minister did already exist long before the constitutional position of the "Chairman of the Council of Ministers" had grown to a full Prime Minister's status.

A last factor which must be taken into account is the smaller size of a Dutch Council of Ministers.

Political Under-Secretaries

The *staatssecretarissen* are a kind of political assistant to cabinet Ministers. The word can best be translated as "Under-Secretaries". The British equivalent is, I suppose, Parliamentary Secretary or Parliamentary Under-Secretary or possibly Minister of State in certain cases.

Already before the war, at the time of the revision of the Constitution in 1937, some pleas were heard for add-

ing *staatssecretarissen* to the political heads of the Ministries. The main argument was that an Under-Secretary's job would be the right kind of education for a future cabinet Minister and that a score of ex-Under-Secretaries would form a pool from which Dutch politics might expect more experienced politicians of, presumably, large enough stature. More or less by a coincidence of events the proposal was not carried at the time, and the country had to wait till the 1948 revision before Under-Secretaries were officially introduced. As a provisional expedient the construction of a "Minister without portfolio" was used, incidentally, for what was, in fact, an Under-Secretary's position. Since 1946 there was, next to the Minister for (then) Overseas Territories, a Minister without portfolio who was entrusted with financial and economic matters concerning Indonesia and the Dutch West Indies. The real nature of his position was confirmed when, at the latest cabinet crisis in 1951, his formal status was changed to that of an Under-Secretary.

The formal position of Under-Secretaries has since been regulated in a law which makes clear that to the outside world they are invested with a similar authority as Ministers, but that internally each of them is subordinated to the Minister of whose Ministry a particular part is entrusted to the Under-Secretary's care.

The similarity to the Minister's position extends to the honorific (the title of "Excellency" still applies to cabinet members in Holland), to the salary—larger than that of any permanent civil servant—and in part to the pension. Concerning the last point there is some difference with a full Minister, however: whilst Ministers get a pension immediately at

their resignation, Under-Secretaries get only a diminishing part of their salary for three years, and their pension does not begin until their 65th year. The system has been criticised in Parliament on the ground that it brings Under-Secretaries nearer to permanent civil servants than to Ministers. On the other hand, both the debates in Parliament and recent practice have made it clear beyond any doubt that Under-Secretaries are politicians who tender their resignations when either the cabinet or the Minister under whom they are working is resigning.

It was necessary to clear up the point, as nearly half the present Under-Secretaries are civil servants who in this way got a certain kind of promotion, whilst for some of them their position in the civil service was kept open for future years. This complication was criticised, and only defended by the Government as an incidental arrangement which must not be taken as a precedent. The combination looks less strange in Holland, where civil servants may participate in politics, although with some restraint, than it would look in England, but nevertheless it is probably wrong in principle because such Under-Secretaries remain what their career to date has shown, doing very good job as far as technical competence is concerned, but not giving the political leadership for which optimistically they were thought to qualify.

In the years of the Labour-Catholic coalition some people even thought of a complete set of Under-Secretaries, one for each Ministry, but of the party other than the Minister concerned: each Labour Minister would have a Catholic Under-Secretary as assistant and—presum-

ably—watchdog, and the other way round. Fortunately, this idea did not materialise, and the present four-party Government leaves the initiative for the appointment of Under-Secretaries to each cabinet Minister individually. Some Ministers, even if their sphere of work is very large, prefer to do things themselves; others are willing under their ultimate responsibility to farm out special, usually well-limited, spheres of action to an Under-Secretary. The practice is somewhat uncertain, however. Important Ministries, e.g., Finance and (after March, 1951) Economic Affairs have no Under-Secretaries; Social Affairs has two Under-Secretaries, one for Labour and the other for Health; Education has one, for Arts and Science; Foreign Affairs has one, whose duties were not exactly defined at first, but who generally handles Indonesian and Far Eastern affairs; and the Minister for War and the Navy has two: one civilian in charge of materials and one who, being an admiral and appointed for the Navy, took over personnel for both services. A strange set-up, but it is certainly too early to predict the future of the system of Under-Secretaries. The present experience shows them as Ministerial assistants of a distinctly political character who, whether confined to one compartment of the Ministry or not, have not grown out to "junior Ministers," but remained hewers of wood and drawers of water. It will be some years before we will be able to see whether the equality principle of the Dutch cabinet has been broken, not only by the slowly-won preponderance of the Prime Minister, but also by a two-tier division of ministerial responsibility between cabinet members and *staatssecretarissen*.

CORRESPONDENCE

Town and Regional Planning in Ireland

DEAR SIR,

The reviewer of our book on *Town and Regional Planning* states in your Autumn, 1951, number that for English readers the main interest of the work is as a warning of the dangers and difficulties of going back on the 1947 Act. No such warning was intended by us. We are not familiar with English conditions and we would not venture an opinion on the suitability of the Act for England, but in order to dispel any misunderstanding to which your reviewer's remarks may give rise, we feel it necessary to state that we would regard it as a calamity if a system similar to that contained in the 1947 Act were to be introduced into our country. We have made it clear in our book that we do not favour the undue prolongation of interim control, and we would not approve of what amounts to practically the same thing, the introduction of control based on development plans reviewable at the will of a local authority or a Minister. In our opinion the more rigid character of the statutory planning scheme to which your reviewer objects, is one of the chief advantages of our code as it enables the owner of property to know in advance what development may be carried out on his own and his neighbours' lands. The alternative method leaves the decision to the arbitrary and unpredictable discretion of Planning Authorities.

One of the main factors tending to prolong interim control in this country is undoubtedly the reluctance of bureaucratically inclined authorities to surrender their discretionary powers or to submit their plans to the searching test of publicity. The liability to pay compensation to property owners whose interests are injuriously affected is a second main cause for delaying the introduction of planning schemes. We believe, however, as a general principle, that fair compensation should be given to property owners for the loss of property rights. The moral we would draw from this is not that the making of statutory planning schemes which are binding not only on the citizen but also on the Planning Authorities themselves should be abandoned owing to compensation difficulties, but that the Planning Authorities should cut their coat according to their cloth; in other words, that neither by unwarranted interim directions nor by over-elaborate planning schemes should ratepayers be saddled with too heavy burdens. If these principles had been observed town planning could have been made a blessing not a burden.

Yours truly,

J. MILEY.

F. C. KING.

Law Library, Dublin.

November, 1951.

BOOK REVIEWS

Lessons of the British War Economy

EDITED BY D. N. CHESTER (Cambridge University Press), 1951. Pp. xii+260. 22s. 6d.

THIS compilation of studies on war-time administration by some dozen temporary civil servants—all except one dons, and all except two professional economists—is a worthy addition to the series of *Economic and Social Studies* produced under the aegis of the National Institute of Economic and Social Research. The contributions between them cover most of the field of internal economic policy in the Second World War—they barely touch on the external field—and, produced as they are by trained minds informed by practical first-hand experience of the problems, discussed, they constitute an authoritative historical record which is unlikely to be superseded and will prove invaluable to future historians and researchers. In many ways, indeed, the present volume is a much more notable contribution to the economic history of the last war than any of the Official Histories which have so far appeared. The latter have mostly been written by writers who, though they were given free access to all the official documents, had not themselves taken part in the events which they describe, with the result that their findings have sometimes seemed distorted, unfair or even unrecognisable to those who did. The writers in the present volume, on the other hand, all took leading parts in moulding the policies and coping with the administrative problems which form the subjects of their essays, and they are well aware, as several of them explicitly emphasise, how much depended on informal discussion, personal relations and imponderable factors such as the general climate of opinion, and shifts of power between different personalities and Departments, none of which found its way into the documentary archives. Mr. Chester discusses this with much insight in his editorial essay on "The Central Machinery for Economic Policy" and remarks: "I should imagine the war historians will have difficulty in tracing changes of policy merely from a study of Cabinet or Cabinet committee decisions". This comment is certainly justified, and Mr. Chester may be congratulated on having gone far to remedy the deficiency by bringing the present volume to birth.

One result of the close personal familiarity of the writers with the subject-matter

of their essays is that the book as a whole has a much less carping tone than some of the Official Histories, whose authors seem sometimes to have taken it for granted that the decisions of officialdom must be either benighted or Macchiavellian and that wisdom belongs exclusively to the outside commentator, whether before the event or after it. In this the book reflects the excellent relations which came to prevail (after some uncertainties and mutual suspicions at the beginning) between the temporary war-time civil servants and their permanent colleagues. By the end of the war, after five or six years' wrestling with the intractable stuff of public administration, the temporary civil servants had assimilated a great deal of the official attitude of mind—quite as much, perhaps, as was good for them—but they still retained their own independent outlook derived from their normal peace-time avocations, and this combination of qualities, which is admirably characterised by Mr. Chester in his editorial essay, was not only a most potent source of strength to the war effort of Whitehall but gives a uniquely authoritative and realistic character to the studies in the present volume, regarded as a contribution to the history of the war.

It is in this light that the book should best be regarded. Its title, "*Lessons of the British War Economy*", is unfortunate and misleading. In point of fact, it is one of the merits of the book that the contributors have not, on the whole, made any great effort to live up to such a tendentious title. One suspects that there was a certain vagueness even in the original conception. Were the "lessons" to be lessons for peace-time economy or lessons for a future war? This is nowhere made quite clear, but fortunately it does not greatly matter, for the editor has wisely handled his team on a light rein and left them free to tackle their subjects in the way they thought best. One or two of the contributors seem to have been bothered by the idea that they had to sit back and draw some morals after giving their account of what happened, but only one of them has fallen to the temptation of expanding the lesson into a sermon, and most have been content to let the facts and their

own account of them speak for themselves, giving only such comments and implications as emerged naturally from the narrative.

It results from the broad editorial treatment—or perhaps it is inherent in any symposium of this kind—that the different contributors have treated their subjects in very different ways, and this means that the book is likely to be more valuable as a source-book or quarry for students or administrators interested in particular subjects than as a book to be read through by the general reader. The main difference is between those who have approached the task as an essay on administrative methods and problems and those who have been concerned mainly with policy. In this respect Professor Nash's contribution on "Wartime Control of Food and Agricultural Prices" stands by itself. This is a masterly appraisal of Government war-time policy, supported by graphs and statistics, which is likely to be a *locus classicus* for all future students of the subject. If his treatment of the Government's agricultural price policy seems to suffer from some bias against the farmers—surely, for instance, he might have drawn attention to the sharp fall in farmers' incomes between 1945-46 and 1946-47 which appears from one of his own tables—his discussion of the Stabilisation Policy, with which the present reviewer was intimately concerned, is admirably fair and well-balanced. No one has been more alive to the vices and shortcomings of the Stabilisation Policy than Professor Nash, whether as a Ministry of Food official at the time or in his summing-up in the present volume, and this makes it all the more remarkable that he should reach the conclusion (with which the present reviewer agrees) that "it is not easy to see that any course differing in essentials from that actually followed lay open to the Government, unless it had been prepared to accept a much more serious risk of uncontrolled inflation. The stabilisation policy can at least claim to have played an important part in preventing industrial unrest, and it is not certain that any other policy would in the circumstances have been more effective in stabilising wages".

This tolerant judgment by Professor Nash is akin to a remark made by Mr. Reddaway in the course of a most interesting exposition of Rationing, a field in which policy and administration are inextricably intertwined. After discussing the pros and cons of specific rations versus

group rations, Mr. Reddaway points out that one of the important factors to be taken into account at the time when the decision between the two had to be made was that "the general public's initial attitude was probably in favour of the 'simplicity' of specific rations and against mixing up dissimilar items," but he goes on to say that the situation is different now that both the public and the administrators have become used to a points ration covering a number of different goods, and he remarks: "If there should ever be a 'next time' things would be possible which were rightly rejected as out of the question in the recent war." This is a wise observation which has a wide application. One is apt to think that learning the lessons of the last war means profiting by past mistakes, but this is not the whole of the story. In some cases, as in Mr. Reddaway's example of group rationing, it will be possible, should the necessity arise, to advance beyond the experience of the last war without involving the corollary that what was done in the last war was a mistake. In others the truth is exactly the opposite: it will be necessary (and right) to make just the same "mistakes" as were made in the last war.

An example of this latter point is very well brought out by Professor Pares in his essay on "The Work of a Departmental Priority Officer" when discussing the idea of an "irreducible minimum" of civilian consumption. One is apt to think, as indeed one of the other contributors explicitly says, that total war implies cutting down all the productive resources devoted to civilian needs to the essential minimum required to maintain the strength and morale of the civilian population and that therefore this ought to be done from the outset as part of a deliberate plan. But Professor Pares shrewdly points out that no such irreducible minimum can be determined in advance—or rather, as he remarks, "If anybody had tried at the beginning of the war to make a plan . . . on any hypothesis as to the irreducible needs of the civilians of Great Britain, he would almost certainly have placed them higher than he need have done . . . It therefore seems that the interests of the country were better served by treating the civilian as a cushion which could be further compressed without a great deal of careful planning, than they would have been by staking everything on satisfying his wants on a certain scale."

Probably the main interest of the book for readers of this *Journal* will lie in the discussions of the methods and problems of administration (as opposed to issues of policy) which form the subject of most of the essays, and from this point of view there are two contributions in particular which call for special mention—the short essay on "The Prime Minister's Statistical Section" by Mr. G. D. A. MacDougall and the opening essay on "The Central Machinery for Economic Policy" by the Editor. The former is a studiously modest and moderate defence of an organisation which seemed to many permanent Civil Servants an excrescence on the normal scheme of things, and the present reviewer, who pleads guilty to being one of those who probably helped to justify Mr. MacDougall's remark that "an organisation of this type can easily arouse the opposition of departmental officers," wishes to record his view that the author has made out his case and only regrets that he did not have the benefit of reading his article at an earlier epoch.

Of Mr. Chester's essay on "The Central Machinery for Economic Policy" no praise can be too high. It is the best thing in the book and it should be read and pondered by all who are concerned with the central administration of Government, whether in peace or war. It contains, among other things, a most interesting exposition of the Economic Section and its place in the Government machine, and with regard to this the present reviewer, who was in close touch with the Economic Section from his seat in the Treasury throughout the war, can only say that he agrees with practically everything that Mr. Chester says. In particular, he agrees with his insistence on the importance of giving the Economic Section a proper place in

the professional Departmental organisation, and also, though about this the reviewer at one time thought otherwise, with his conclusion that it was right to place the Economic Section under a Minister of its own, not under the Chancellor of the Exchequer. As a former permanent official of the Treasury, the reviewer is glad to have this opportunity of testifying to the immense contribution which the academic temporaries in general and those of the Economic Section in particular made to the functioning of the official machine. With their advent, bringing new blood, fresh ideas and independent courage, the Civil Service was tuned to a pitch of alertness, vigour and efficiency which it probably never reached before or since, and Mr. Chester in his essay has admirably characterised the ingredients of personal qualities, ability and good sense which were needed to make the combination a success.

This review may end with a reminiscence which is outside the main theme of Mr. Chester and his collaborators and is not mentioned in the present volume. In the darkest days of 1940-41, when there seemed no good reason for thinking that this country alone could withstand the might of Germany and conquered Europe, the Economic Section circulated a reasoned memorandum which demonstrated that, in terms of manpower directly deployed in the war effort, we were not indeed equal to, but at least on terms with the Axis powers, and the present reviewer will always remember with gratitude the uplifting of spirit with which he read this document and learnt that the best brains among his colleagues had found good objective reasons for thinking that we still had a chance of winning the war.

P. D. PROCTOR.

Central and Local Government

By D. N. CHESTER (MacMillan), 1951. Pp. ix + 421. 30s.

MR. CHESTER's volume deals with the administrative and financial relationships between central and local government. The first part, which considers the administrative relationships, leads off with a statement of the assumptions upon which the subsequent discussion is based. Next, Mr. Chester expounds the fundamentals of a system of grants. Armed with this, he then proceeds to define, enumerate and review the powers of the central and local

authorities and concludes with a study of administrative control in action.

Mr. Chester believes that not everyone will be disposed to accept his assumptions since their basis is that local authorities are not inevitably, or invariably, the inferior partner. And, indeed, some may reject his assumptions. But no-one can deny that the war of 1939-45 uniquely magnified central power and that the relevant post-1945 legislation truncated local authority

spheres of influence. Is it, therefore, unreasonable to pose it—as Mr. Chester in effect does—that the damage thereby done to the status of local authorities should be made good? Unless such restoration is made, the harm inflicted by overweening central power may deny the possibility of an optimum system of central-local government. Evidence of that harm is provided in Mr. Chester's chapter on present-day central and local powers. While he records these objectively, and comments detachedly, he has to name lamentable deprivations of local authority capacity and scope and increasing intrusion by the central authority during both the inter-war period and the post-1939 years. As for the review of administrative control in action, this is rich in material and a model of presentation. And its conclusions about grant policy are, above all, sound. Yet I wish, that Mr. Chester had drawn more upon his compendious store of knowledge to expand this chapter. For its subject matter is momentous. To take one example, the competitive struggle between diverse departments to press local authorities to adopt their pet schemes and to carry out their particular projects is, I believe, a matter that needs to be set forth more fully. It can lead, and it has in fact led, to serious disturbances to and distortions of local-authority effort. Moreover, it has negated the possibility of securing equi-marginal returns to their expenditures. Now that aggregate local authority expenditures are so large, the resultant wasteful use of economic resources has corresponding significance. Again, the administration of post-1945 housing policy is worth more specific citation. For this has paid scant regard to the surpassing need to build more houses in areas of labour shortage and fewer houses in areas of labour surplus. In addition, it has insufficiently recognised that one of the speediest ways of providing more housing accommodation is to make structural alterations to the large stock of old houses to enable unused rooms to be put to use.

The second part of the volume is devoted to financial relationships. Its contemporary importance warrants the generous space allotted to it. Mr. Chester originates a five-fold classification of exchequer grants that is more logical and also more exhaustive than has existed hitherto. Separate chapters then deal with each type of grant. These are noteworthy for their analytical technique—

founded on a knowledge of the principles and the practice of exchequer grants which few can possess. The analysis leads inexorably to two main conclusions—(1) that there is a stronger case for basing "means" grants on standard, not actual expenditure; and (2) that, as a way of dealing with varying needs and means, after a point manipulation of grants yields such markedly diminishing returns that it becomes desirable to prefer additional independent sources of local authority revenue.

The importance of these conclusions is manifest. And anyone who tries to refute them will have a hard task. Nor can Mr. Chester be charged with overstating his case. Indeed he could have fortified it by quoting figures to show the almost unrelenting increase, during the last three decades, in the burden of local authority expenditure relative to the limited capacity of the truncated post-1929 local rating system. Even though critics could show that Mr. Chester does not make explicit recognition of the gains to local incomes and local rating capacity which result from the correlative expenditures, his finding that the local rating system has shown insufficient elasticity and equity is not assailable. Nor would those who would like to see a fuller investigation of the incidence of local rating be able thereby to upset his conclusion. Last, it would seem that he could have relied, more than he does, on the teachings of experience that resort to larger local authority areas has proved an inadequate means of ameliorating the inequalities of local rating.

The results of Mr. Chester's work are gathered together in the last part of the book and mainly in chapter 13. There is not space to cite them in this review. It must be enough to say that the main reforms that he suggests are that there is need for a new philosophy founded on the view that local authority status and freedom to act should be augmented, while the multifarious pressures exerted by the central body should be diminished; that administrative control should undergo various modifications on the side of advice and coercion; that alterations should be effected in the structure, methodology and technique of granting; and, finally, that there should be a substantial increase in sources of local revenue to be derived from independent sources. This last reform is, perhaps, not the

least in potential significance. It certainly is one of the most urgent; for, as Mr. Chester says, "Even to maintain the level of pre-war services would therefore require an increase in local rate poundages. To finance the vast expansions being undertaken in the major services is more than a limited basis of taxation could stand." (p. 334). Mr. Chester does not make detailed proposals. In a volume dealing with central and local government in the broad, obviously there is not room to do so. Instead, he asks for a fresh and early examination of potential sources of new local revenue. In this he is assuredly right. For if local authorities had access to further substantial sources of income would not this be the most powerful of all

means of securing that restoration of status, autonomy and executive freedom which—in broad and in brief—is the basic aim of Mr. Chester's crusade?

Mr. Chester has produced a worthy volume. It is the outcome of personal experience of official life in both central and local spheres, profound knowledge and prolonged meditation. It argues for reform, but does so with due and proper regard to the counter-arguments. Its conclusions glow with zeal, but the analysis leading to them is cool, consistent and—above all—scholarly. The only regret is that Mr. Chester's work did not appear earlier; but that is not his fault.

JOSEPH SYKES.

Training and Promotion in Nationalised Industry

(Allen & Unwin for the Acton Society Trust), 1951. Pp. 138. 10s. 6d.

THE object of this book is declared in the introduction to be "to place on record between a single set of covers a range of facts not otherwise readily available, and thus to make possible a comparative survey of current developments in these fields." For the four industries with which the book deals—coal, transport, electricity and gas—the first part of this object is achieved, and a good step forward is taken towards providing means for achieving the second part.

The range of facts presented, in addition to a useful chapter describing the pattern of the industries, comprises an account of training programmes and their progress, promotion methods and policies, and the organisation and problems of the personnel departments. The description is given in general terms, and portrays the methods and processes so far adopted. It is, however, chiefly a description of an organisational performance and leaves an impression that the authors have concentrated mainly on the impersonal or theoretical aspect of training and promotion schemes and too little on their impact on the man and woman on the job. They tell us (to take a random example from p. 79) that under the Railway Executive "It is possible for anyone in the clerical grades to reach the higher administrative posts and indeed senior positions are normally filled by them. . . . In practice it may take many years for a clerk to move out of the lowest grades, and the limit of his subsequent promotion is largely

determined by the speed with which he does this." But we are not told the range of the problem. No figures are given, in relation to this or other like passages in the book, from which we may judge how many persons succeed in gaining promotion, and after what interval of time, to different levels, or what the numbers are whose expectations are frustrated. The situation is generally described, but it is not translated into human terms. Bearing in mind that the aim is to give an account of progress, this absence of statistical data is a handicap to assessing the extent to which training programmes and promotion policies in these industries have really impinged on the lives and prospects of the many thousands of individuals whose future they affect.

This veering towards recording the mechanics rather than the human consequences is the more remarkable in view of the recognition by the authors that an aim of the nationalisation Acts was to herald "the dawn of a new era of opportunity." It will be of great value if, in subsequent studies which the Acton Society contemplate, the type of general review provided by this book is supplemented by a suitable range of facts and figures—fruits of the type of field research which the authors themselves foresee as necessary for assessing the operation of promotion policies.

Though a good start has been made with four industries, a truly comparative study will be possible only if the research begun

in this volume is widened to cover all nationalised industries. The first need is for similar information about the older national institutions such as the General Post Office and the British Broadcasting Corporation. Training and promotion schemes are long-term matters, and there ought to be more experience to record from those bodies which have longest operated on a national basis.

This element of time must be given proper weight if unfair deductions are to be avoided. Although they recognise that it is too early to pronounce final judgments, the authors suggest in their conclusions that "the time has come for the Boards to take stock of the position and to ask certain questions," among them the question whether the best possible pattern of organisation has been found. It is probably too early to do this for the four industries dealt with in this book. Their schemes are still very much in the experimental stage and, indeed, for the most part can hardly be said to have had a valid practical test. It would be better to urge that work in this field should be intensified and that programmes should be developed and improved on existing lines—for not all have made equally strenuous efforts to meet the needs. A full-dress review of methods might well be postponed until results are available from all nationalised industries on which to assess the merits of the various systems.

It is easy, of course, to convince the outside critic of the need to allow time for the effects of training and promotion policies to be seen. For the employee within the industry, however, a different attitude is natural. Time for him is an urgent element in his career and he cannot be expected to take the same detached view as the outside commentator. If the nationalised industries are to give reasonable satisfaction to the aspirations of their employees, recognised by express provisions in many of the Acts, acceleration of effort is far preferable to too much hesitation about whether the ideal method has yet been found. Constant internal review of the results of policies on individuals should form a sure guide for improving training and promotion schemes, on whatever lines they have been put in hand.

Not the least valuable contrioution made to the total problem by the Acton Society Trust is the bringing together of a

study group which has included representatives from a wide range of undertakings. No formal provision is made in nationalisation Acts for co-ordination, through mutual consultation between the various industries, of the policies and programmes for training and promotion. The work of the Trust may lead to the filling of this gap, and it is to be hoped that continuation of the Trust's research work in this field will prolong the consultations they have initiated.

Full weight is given in this book to the influence on training and promotion problems of the attitudes of trade unions and of rank and file employees to the higher management of the industries. The role of the trade unions is the subject of a special section in the chapter on Problems of Personnel Organisation. Here again the lack of information about what actually happens (as distinct from static description of a situation) is tantalising. The authors record the fact that in the great majority of the Boards the "functional member for personnel matters" is a member with a trade union background, and that union men are to be found at various levels in the personnel organisation. They record, too, some of the difficulties which face these men in their role as personnel administrators. They point out, moreover, that trade union policy at the lower levels of the hierarchy is "a formidable obstacle to the introduction of more flexible methods" of promotion.

But no light is shed on the way in which the experiment of introducing men with trade union background at various levels in the personnel organisation is in fact operating. The hope was that this would sweep away, or at least reduce to unimportance, former suspicions about promotion policy. It would be invaluable to know what the impact of this experiment has been, and the extent to which, in the day-to-day operation of promotion processes, the influence of men with a trade union background may have acted as a reassurance. The authors leave us to deduce that the success of the experiment may have been incomplete when they record (p. 124) that "the very end at which such appointments are aimed, i.e. the creation of greater confidence in the Boards' personnel policy, is often defeated because many of the union members feel that their man has deserted them and 'gone over to the other side'." Nothing

could be more helpful to the future of the nationalised industries (though the difficulties are obvious) than the production of a factual study of the operation of the personnel organisations in each industry, with particular reference to the role of members and officials who have a trade union background. The roots of the problem of confidence lie in emotion rather than reason, and its solution can perhaps be attained only by the gradual purging of the emotion, on both sides, through mutual recognition of facts which such a study could present. The problem of restoring confidence must be tackled at the foundation. As the authors make clear, progressive elaborations of selection procedures in themselves are ineffective, and carried to extremes may defeat their own ends.

Closely allied is the question of training for higher management, on which the authors appear to have found little to record. They say much about the suspicion of employees that the management indulge in favouritism when appointing to higher posts—a suspicion about which the Trust have happily been able to state elsewhere* that such evidence as exists goes to show that it is largely unfounded. Part of the suspicion springs from doubts among wide sections of employees as to whether there really is an avenue for advancement to the highest positions. "Another complaint which employees make is that, while promotion to supervisory posts is usually possible, promotion to management posts is virtually excluded. In practice the distinction usually depends upon the fact that promotion to management posts requires prolonged training of a sort to which many employees do not

have access. While all the nationalised industries have accepted the principle that it should be possible for any employee to rise to a position, no matter how high, which is commensurate with his abilities, nevertheless, there is a feeling that 'you can only go so far'." (p. 89) It is the second sentence here which touches on the seat of the trouble. Recognition by employees of the need for higher management training must be coupled with knowledge that it is accessible to all who can show fitness to profit by it. This combination would constitute a strong deterrent to the suspicion that the door to the highest posts may be closed long before it can be reached. It would also be a safeguard against any feeling that favouritism plays a part in filling them, as the provision of adequate higher training opportunities would in itself be an earnest of intention that the topmost positions shall be genuinely open to those who can, by their own efforts in the service of nationalised industry, qualify for them. It is evident from the treatise under review that the present situation falls far short of the ideal, and that much wider opportunities for higher management training are justified and urgently required.

The Acton Society Trust, and those who have had a part in producing *Training and Promotion in Nationalised Industry*, deserve and will receive the gratitude of all who are interested in this field of administrative practice. But, as the Americans say, "they have started something" and further and fuller sequels to this book will be eagerly awaited.

R. W. BELL.

Program-Making in UNESCO 1946-51:

A Study in the Processes of International Administration

By CHARLES S. ASCHER. (Public Administration Service, Chicago), 1951. Pp. 84 \$2.50

THIS monograph gives an interesting and valuable account of programme-making in U.N.E.S.C.O. during its first years. It is written with clarity and restraint. Programme-making is defined as the process of formulating and determining the plan of work of the organisation.

The first six chapters give a very detailed historical record of the period up to the election of the second Director—a period

during which the author was himself "Executive Officer for Program"; the seventh chapter contains a briefer account of the next two years and the final chapter the author's reflections on the problem of programme-making.

The task with which U.N.E.S.C.O. was faced proved to be one of peculiar difficulty owing in part at any rate to the fact that the U.N.E.S.C.O. Conferences seem to have

**Problems of Promotion Policy.*

been composed largely of representatives of intellectual and professional pressure groups, lacking any sense of collective responsibility and indeed lacking the most elementary common sense. Moreover, the Preparatory Commission set them a bad example. It and its staff are said to have handed on to the first Conference no fewer than 147 proposals for action by U.N.E.S.C.O. Each Conference added to this list; in 1951 the number of proposals adopted is given as 294. The basic problems presented by this irresponsibility and discussed by Mr. Ascher were two: first, how to put a check on this flood of un-coordinated proposals; secondly, how to create each year some sort of sense out of the instructions received.

The task was not rendered easier for any of the parties concerned by the facts that, as Mr. Ascher puts it, "almost all ideas excited" the first Director "with equal intensity," and that the Director seemed concerned to capture "terrain for international co-operation . . . in all the fields of our competence."

The Conference presents itself at four levels, (i) the Conference, (ii) the Executive Board, (iii) Budgetary Control, (iv) the Secretariat. With regard to each of these Mr. Ascher makes suggestions or comments in his concluding chapter. I shall confine myself to a consideration of the critical and constructive as distinguished from the narrative side of his work.

Mr. Ascher is clearly concerned about the composition of the delegations to the Conferences. He hints that they are too large and states that "often the specialist-delegate's prime concern seems to be how U.N.E.S.C.O. can help his profession, not how his profession can contribute to U.N.E.S.C.O.'s goals." The only hope for amelioration in his opinion "lies in the self-restraint of Member States." This implies a change in the nature of the delegations. Mr. Ascher makes no suggestion about how this hope might be realised. And, indeed, the means for its realisation are not obvious. To some extent the difficulty may be expected to solve itself as the whole organisation takes shape and the functions of the various Commissions of the Conference become clearly formulated and known in advance. To some extent that process can be accelerated by diplomatic leadership, conversations between the Director-General and certain governments about the composition of their delegations, a firmer drive

in favour of restricting the scope of U.N.E.S.C.O.'s immediate activities to fields in which effective work can be done, the abandonment of the policy of advancing along a broad front. To some extent the amelioration is already being effected. One mistake in the composition of the delegations clearly seemed to be that there were not sufficient persons of adequate stature representing Ministries of Finance. I shall revert to this point.

The Executive Board is chosen on behalf of the Conference and not to represent individual governments. It is, in fact, composed largely of government officials, "frequently," says Mr. Ascher, "feeling the hot breath of their Treasury men on their necks." Mr. Ascher feels that this division of loyalty between Conference and government necessitated a double effort for the Board members. He rightly rejects a Board of intellectual leaders like the Committee of Intellectual Co-operation. But it is not clear whether he would prefer a council of government delegates, for he moves away from this point to attack the Board on account of its excessive interference with administrative detail, and on account of its failure either to originate or to eliminate programme proposals, or to contribute "a synoptic view to strengthen balance, harmony and proportion."

It is rather disappointing that after this broadside Mr. Ascher makes no constructive proposals, save that the members of the Board should not head delegations, but remain free to defend their programmes at the Conference. He does, however, imply that the Board should concentrate on, if not confine itself to, giving political advice on the programme and telling the Director what Member States will or will not stand for.

It is, I think, extremely doubtful whether any committee limited to such negative functions would acquire the group loyalty and loyalty to the institution that is required if it is to prove of any value. The problem of the Conference is a real one which cannot probably be rapidly solved. It may be solved if the leading governments set a good example. But it is surely not beyond the wit of man to arrange for a competent governing body, which will thrash out workable policies with the Director-General. There seems to be nothing inherently wrong in the way in which the Board is selected. League committees in pre-war days were

habitually composed largely of officials who, fortunately for all concerned, were not nominated by their governments and did not represent them. My suspicion is that the fault lay with the Secretariat.

Mr. Ascher's solution, in so far as he has one, is to give the Secretariat greater powers and in particular to strengthen rather than to weaken the Director-General's power over the budget. At present the Executive Board has the right to comment on the budget, and he is anxious that no further powers should be given it and no supervisory committee appointed. He may be right. It is difficult for the outsider to judge. But from his own account budgetary control would seem to be quite inadequate. So long as the Assembly is in an inflationary mood—and the U.N.E.S.C.O. Conference is likely to continue in that mood until rather radically modified—the Director-General and Secretariat may believe that absence of adequate control is to their advantage. In fact there can be no doubt that if there had been an efficient supervisory committee from the outset going in detail, during the course of the year, into the expenses with the Director-General and his chiefs of departments the reduction of a mass of undigested Conference proposals to some sort of order and to more reasonable proportions would have been greatly facilitated. And when the Conference begins to turn its attention seriously to financial control and the best utilisation of public money the assistance that members of a supervisory committee can render to the Director-General is of inestimable value. It is unfair and unreasonable, as well as thoroughly bad administration, to leave the Director-General sole responsibility for guiding a budget through a hostile Conference.

On the other hand it is doubtful whether the Board is the right body to go into all the details of financial administration. Its concern should be policy. What would seem to be required is a financial committee appointed by the Conference to thrash out the details of expenses and consider the number of posts required. Whether it should formally approve the budget or merely report on it is immaterial. In the end the Director-General must be responsible for the budget and he must obtain the general backing of the budget committee.

Possibly Mr. Ascher's reluctance to accept any sort of external budgetary control is due to the fact that the Secretariat does not seem to have been wholly successful in handling the Executive Board, at any rate in the first two years. This was due no doubt to numerous causes, some beyond the control of the Director-General. But a major reason would seem to have been the internal organisation of the Secretariat. Only gradually were the departmental heads brought into programme discussions collectively, and even then, according to Mr. Ascher, a sense of group responsibility failed to develop. Constructive and practical ideas arise in the course of work and a sense of group responsibility develops as those carrying out that work grow to appreciate the fact that it is through the group and not by some backstairs approach that those ideas can be put into practice.

Mr. Ascher is, however, quite right in insisting that this sense of group responsibility is difficult to achieve, that it is particularly difficult among "eminent specialists," and that departmental chiefs are always likely to be suspicious of a central administration.

A. LOVEDAY.

The Health Services—Some of their Practical Problems

Published for the Institute of Public Administration by Allen & Unwin. Pp. 136. 10s. 6d.

IN March, 1951, the Institute of Public Administration organised a conference to bring together representatives from the various branches of the health service to discuss common administrative problems. The papers presented at the conference, in one or two cases in revised form, together with two additional chapters and a summary of the Eleventh Report from the Select Committee on Estimates (Regional Hospital Boards and Hospital

Management Committees in England and Wales), are now published in the present volume.

The majority of the twelve papers, which not unnaturally vary in quality, as they do in length, are written by persons actively engaged in one or other branches of the health service, either as practitioners or administrators. This being the case, most of the papers carry the merits of presenting views based on first-hand ex-

perience and, at the same time, the demerits of the inevitable tendency to view problems too narrowly from the standpoint of the writer's own office or profession. It would be wrong, however, to suggest that this applies equally to all the papers and in particular to those contributed by Miss Cherry Morris and Dr. W. G. Patterson. Miss Morris writes on medico-social services and the patient and she presents a well-balanced picture of the national service and its problems as they affect the patient. Among other things, Miss Morris points out that in viewing the service as it is now working it must not be forgotten that in one important particular—the provision of health centres—the 1946 Act has not yet been implemented and that as a result its working from the first has been lop-sided, with too much emphasis on specialised medical and social services in the hospital and too little on the important part the general practitioner has to play. In passing it may be said that an extension of this point is the wider issue—not dealt with by Miss Morris or other contributors—of whether it is the best use of our resources to allocate such a large part of them to the provision of treatment services and so little to preventive services.

Dr. Patterson provides a broadly based survey of the main problems of planning and co-ordination of services which confront the national service, and, as would be expected, the question of co-ordination of services is one which finds a prominent place in other papers. No contributor suggests that the present administrative division of the service into three branches, i.e. the hospital and specialist services, the general practitioner services, and the local health authority services, is other than inevitable in present circumstances, but all are agreed that it carries with it considerable problems and difficulties, most particularly in respect of securing a proper linkage between the curative services of the hospital and the preventive and welfare service of the local health authority.

The ultimate solution no doubt lies in the creation of some form of broadly based all-purpose health authority, but meanwhile the immediate problem—and an increasingly urgent one—is to secure a more effective partnership than at present exists between the three branches of service. To this end, both Dr. J. A. Scott and Dr. Patterson suggest the establishment of liaison committees. Dr. Scott

envisages only one liaison committee in each regional hospital board area, representative of the regional board, and of the executive councils and local health authorities within the area. Dr. Patterson on the other hand suggests the establishment of several committees in each region, composed of members of local health authorities, local sanitary authorities, executive councils and hospital management committees, each committee covering a population of about 300,000. In a service already suffering from a surfeit of committees, there is an instinctive reaction against any addition to their number and a questioning of whether in any event such liaison committees, with purely advisory functions, can achieve very much. Developments have, however, already taken place in some regions and apparently not without success, and it is difficult to see by what means other than the establishment of some formal liaison machinery—on the decentralised lines envisaged by Dr. Patterson rather than Dr. Scott's alternative—more effective co-operation can be achieved.

Limits of space prohibit comment on the many other subjects discussed in the various papers, among which may be cited the future of general practice, the powers and functions of the central department, and the finance of the service. As a last word, however, it is interesting to note in respect of the finance of the hospital service that while one outside observer, Mr. Self, apparently considers that the present system of detailed financial control from the centre is inevitable so long as the great bulk of expenditure is met from Exchequer funds, another, Mr. Lafitte, is far less inclined to believe such control to be necessary or desirable. Mr. Self re-iterates the view that "it would be quite contrary to tradition for Parliament to abandon its usual requirements of detailed estimates and to pay out such a large sum in the form of a block grant." Such appeal to tradition would carry greater weight if Parliament in fact now got detailed estimates, and there is force in Mr. Lafitte's contention that by the fixing of an annual sum not to be exceeded by the hospitals as a whole, a first step has already been taken towards making a system of block budgets possible and rendering the present system of rigid and detailed control unnecessary.

It would be wrong to regard the present volume as setting out an authoritative and

exhaustive examination of the administration of the health service. By the nature of things that is not its purpose. What it does do is to provide a useful collection of views and impressions of the develop-

ment of the service, as seen in its different aspects, both by some of its administrators and practitioners and by some outside observers.

J. FRASER MILNE.

The Combined Boards of the Second World War ; An Experiment in International Administration

By S. MCKEE ROSEN. (Columbia University Press.) Pp. 288. \$4.00.

THE Combined Boards were established by the President and the Prime Minister during 1942 and symbolised Anglo-American economic dominance over the non-Axis world's resources, in raw materials, food, production and shipping. As the war developed the emphasis of their work ceased to be almost exclusively concerned with the war effort of the United Kingdom and the United States and the problems of liberated areas—both of their needs and their resources—grew in importance. Purely Anglo-American machinery ceased to be appropriate. Already Canada had become a member of the Combined Food Board and of the Combined Production and Resources Board, and the Boards were gradually superseded by multi-nation commodity committees or, in the case of ocean transport, by the United Maritime Authority, which served as bridges between the economy of war and that of peace.

This book is an account of the Combined Boards written by an American who is Chief Administrative Analyst in the Bureau of the Budget. It is thus written, not only from an American point of view (and almost wholly from American material and sources), but also from the point of view of a man who has what may be called a professionally tidy mind in matters of organisation and administration. This combination gives a peculiar interest to the book especially for the British reader for whom the author brings out, perhaps unconsciously, one of the main difficulties of close international co-operation, that is, the different outlook which different nations—even ones as nearly related by history and language as the United States and the United Kingdom—bring to common institutions. It would be fascinating to speculate upon how far the contrast between the American written constitution with its doctrine of the separation of powers and the British lack of anything at all comparable went in

causing the misunderstanding and sense of frustration which Dr. Rosen shows the American participants in the Combined Board machinery came to feel.

It is not surprising that the role of the Combined Boards was at first hard to discover. They were each launched by directives requiring them to "formulate plans and recommendations," "adjust and concert in one harmonious policy," or "combine . . . into a single integrated programme." Their domicile, save for one of the two Combined Shipping Adjustment Boards, was to be Washington, and American officials concerned with their working were inclined at the start to dream of supra-national bodies—predominantly under American inspiration—dictating to both Governments how their resources should be utilised. In this they were disappointed. Their own Armed Forces abruptly showed they would not tolerate such nonsense and their own civilian agencies soon adopted a similar attitude. Moreover the British members, who because of the distance from London never considered themselves as more than representatives, could not fall in with any such conception. In the end reason prevailed and the Combined Boards settled down to no more than meeting places between the national agencies who were thus able to make direct contact without the need for going through diplomatic channels and forms. But the result was undoubtedly disappointment and a tendency to blame the British, who were realists enough to disregard formalities and even Board machinery to attain their objects.

In the body of his narrative Dr. Rosen seems to sympathise with the view that the Combined Boards were capable of great usefulness but had been sabotaged (if that is not too strong a word) by the British. However in his conclusion he adopts a more balanced opinion and recognises that the Combined Boards never could have

done more than develop a "combined process" which was of considerable value both in itself and as a precedent for some forms of post-war co-operation among nations. He happily describes the characteristics of this process as follows:

- (1) such international agencies do not displace national authorities but provide for direct contact between responsible officials of national establishments;
- (2) they further the flow of information and afford effective channels for it;
- (3) they provide consultation, focus issues and facilitate decisions;
- (4) their recommendations are carried out in the last analysis by national agencies.

The book takes the form of a series of

separate accounts of each Combined Board—Raw Materials, Shipping Adjustment, Production and Resources, and Food—followed by a general chapter of Conclusions. This is perhaps not the most convenient arrangement, since it involves either repetition or omission of matters of common concern to more than one Board. The account of each Board is introduced by a study of the purely American attempts to organise their administrative processes before Pearl Harbour and of the impact upon these of British participation.

Finally it must be said that for a book of this quality there are too many typographical errors which should have been corrected in proof reading.

W. O. HART.

Scope for Initiative in Local Government

(N.A.L.G.O.) Pp. 37.

THIS interesting booklet is the work of a Committee composed of teachers of Government at Manchester University and officials from Local Authorities in the Lancashire and Cheshire area. Professor Mackenzie was the Chairman and N.A.L.G.O. were the sponsors. The Committee set out to enquire how far the effectiveness of government in this country still depends on the initiative and enterprise of Local Authorities and how far such enterprise is possible without drastic changes in the structure and finance of local government. Their broad conclusions are that a large share of the burden of public administration in this country is still borne by Local Authorities and in every part of their work a spirit of enterprise is vital to efficiency. So far as particular services are concerned the centre of interest has passed to "community" services of a new type. There is no need for defeatism, for since 1945 a vast new sphere of work has been opened to Local Authorities and the field of enterprise for them is still very large. The Committee indicate some of the services which might give scope for enterprise and also discuss the large opportunities which exist for co-operation between Authorities and for Authorities to represent local interests. They conclude by pointing out that local government does its best work in an atmosphere of free discussion, of competition, even of rivalry, and that the maintenance of this atmosphere is one condition of the maintenance of enterprise in local government.

All these are brave and true words. They have wanted saying for some time and N.A.L.G.O. are to be congratulated for sponsoring this kind of study and for arranging for the collaboration of officials and academics. The report ought to be read by all Councillors and local officials.

Notwithstanding the brave words, however, it is remarkable how the Committee shied off any criticisms of anything they found wrong or doubtful in the state of affairs. When generalising they made fierce noises but on any individual item they appear to accept what is as what must be. The report is particularly weak on the financial side. After pointing out the danger to local government of the detailed control arising from the percentage grant, they mention the Exchequer Equalisation Grant as though it were the answer to the problem—actually, of course, it is an intensification of the problem. Again on Local Authority borrowing the Local Authorities' Loans Act 1945 is apparently to be accepted as a method of avoiding the high rates of interest of the 1920's without the Committee appreciating that control over the total volume of borrowing does not require all Local Authorities to borrow from one authority—the use of the Capital Issues Committee procedure plus the right to borrow either in the market or from the P.W.L.B. would be sufficient.

Another weakness is the neglect to examine the doctrine of *ultra vires* and the powers of the District Auditor. This is a controversial issue and perhaps outside

the Committee's terms of reference and no doubt that is why it was avoided. Very narrowly worded statutory powers combined with narrow, legally minded Clerks and Treasurers can have a serious inhibiting effect. There is surely room for a little loosening up here.

Within the limits of current legislation, however, the Committee did a good job. It is to be hoped that N.A.L.G.O. and other bodies will continue to take a wide view of their functions and speak up for local government.

D. N. CHESTER.

Studies in the History of Swindon

By L. V. GRINSELL, H. B. WELLS, H. S. TALLAMY and JOHN BETJEMAN, with an Introduction by DAVID DOUGLAS. (Swindon Borough Council), 1950. Pp. xii, 204. 10s. 6d.

THE Borough of Swindon is to be congratulated on publishing this volume of essays by different authors on the history of the town. 1950 was the Jubilee of the incorporation of the borough, and instead of waiting several years to produce a unified and detailed history, the Council, with the co-operation of the Victoria County History Committee and the Wiltshire Archaeological Society, has published this collection of studies. The Borough Librarian has edited the volume and the Town Clerk has been responsible for the initiation and general oversight of the project. It is to be hoped that other local authorities will follow this excellent example, for until similar studies are made of towns in all parts of the country the history of local government and administration will tend to be schematic and formalised and the history of national life will be seen almost entirely from the standpoint of London. Local studies can be among the most fruitful investigations of the next twenty or thirty years: already they are being emancipated from the shackles of a restricted antiquarianism and are putting the nineteenth century as well as prehistoric Britain into proper perspective. Eventually they will afford the basis for what may well prove to be a revolutionary re-assessment of local government and politics within the last hundred and fifty years.

As this volume shows, the studies can be pursued along different lines and with the help of different techniques. Two of the essays, those by L. V. Grinsell on *The Swindon Area, Prehistoric, Roman and Saxon Times* and H. B. Wells on *Manorial and Church History* follow the conventional outlines standardised by the Victoria County History. A second essay by Mr. Wells on *Swindon in the Nineteenth and Twentieth Centuries* is much more

lively and important, for it was not until the coming of the railway in 1840 that Swindon grew from a village into a town and found its place on the map of history. Mr. H. S. Tallamy has the difficult task of writing about the *People of Swindon before the Railway Age* and in a well written essay he makes a few facts go a long way: indeed where the Victoria County History chronicles, he engages in speculation and conjecture. Finally Mr. John Betjeman in a beautifully proportioned chapter on *Architecture* shows what "feeling for period" can do in a creative interpretation of the past. He contrasts the Old Swindon, with its squire at "the Lawns", its vicar, its attorneys, apothecaries, tradesmen and labourers, and the New Swindon, "a place of modest cottages for Welshmen and Bristolians clustered round a God of Steam". It was this contrast, as the other essayists show, which provided the most important theme in the history of modern Swindon, until the amalgamation of the two distinct Urban District Councils into one single incorporated borough in 1900. Even contemporary Swindon retains some thing of the old division.

Unlike Crewe, Swindon was a divided community after the coming of the railway. Although, like Crewe and Wolverton, "it is one of those towns which are created rather than developed, owing to their selection by a company or some similar industrial organisation as the scene of its operations", it had a distinct if unimportant older community already in residence. It is interesting that in 1864 the New Town, built to meet the needs of the Railway Company, was healthier than the Old Town, built in an age when architecture and building did not consciously become separated from one another. Until 1850 Old Swindon was managed by a Court Leet, which met every four years, while New

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Swindon was effectively managed by the Railway Company. It was not until 1864 that both the old and two towns each secured its own Local Board. It is interesting to note that in Wiltshire as a whole in 1850 none of the towns, which later became Urban Districts in 1894, had any independent government, except Bradford, which had Town Commissioners appointed under an Act of 1839. The first talk of amalgamation of the two Swindon Local Boards came in 1876, but there was a marked difference in rates and services offered, which prevented amalgamation. Amalgamation and incorporation eventually came about as a result of the physical coalescence of the two areas in the early 1890's rather than as a result of increased functional co-operation, the demand for economy, or fears of external challenge; but behind the drive for amalgamation was the desire for prestige, the attempt to make Swindon one of the finest towns in the West of England.

The story of the role of the Railway Company in the life of the town is told in some detail, and it is interesting to compare it with the account of Crewe given by Dr. Chaloner in his recent social and economic history of that city. In Swindon, as in Crewe, the Railway Company was more than an economic enterprise; it was a moulder of social life. "Whilst providing for the bodily comforts of their servants", wrote J. C. Bourne in 1846, "the Directors have not neglected either their religious or

intellectual good". One of the Directors left £500 in 1842 towards the construction of a Church and School: the Company paid the Vicar's stipend of £120 a year up to 1850. Medical services were supplied on a subscription basis from 1847 onwards. A Mechanics Institution was set up in 1844. An Improvement Company, formed in 1853 and supported by the Company, provided baths, reading, lecture and refreshment rooms, a market and shops. Already cottage housing estates had been built. Modern Swindon was growing up round the Great Western Railway. It was not until the 1890's that again, as in Crewe, national forces tended to modify a special local pattern of political and social relationships, which inevitably involved conflicts between Railway Company and the rest. Paternalism was never enough to satisfy an expanding community, whether it was the paternalism of the Goddards in Old Swindon or the railway managers in the New.

This is a book which deserves to be noted by historians. It has deficiencies and sometimes omissions—particularly in the recent history of the city, which is sketched rather than told—and there is considerable overlapping between essays, but it is an interesting and encouraging attempt to study a local community. Above all it is a manifestation of a sense of civic pride which is obviously a powerful force in twentieth century Swindon.

ASA BRIGGS.

The Extent of Centralisation

(Acton Society Trust Research Papers), Nos. 6 and 7. Pp. 44. 4s.

THESE two papers continue the Acton Trust Series on Nationalised Industries. They deal with the problems of centralisation and decentralisation as they affect the coal industry. Within their self-chosen limits, they constitute one of the best accounts available of the general relationships between the five tiers (from National Coal Board to colliery manager) and of the various factors which limit any changes in the present structure. The proposals which have been made by critics to replace the nine Divisional Boards by thirty or so Areas are criticised on the ground that "they achieve decentralisation at the uppermost level, but not at the lower levels", where the real problem exists. The Divisions already "maintain a very considerable degree of independence from the

Coal Board". This argument depends on the assumption that there would still need to be an intermediate tier between the proposed new Areas, comprising 30 or 40 pits, and the colliery managers. In any case such a change would (it is suggested) probably cause unrest among the miners, and the new units could not be made truly autonomous without abandoning the present subsidisation of high cost areas.

It is also suggested that the present statute leaves plenty of room for more decentralisation. No Act of Parliament can "impose" it on an organisation, but can only set limits within which administrative action must achieve the rest.

The conclusion of the report is the somewhat cryptic one that there is possibly no "ideal compromise" between freedom for

the operating manager and "the advantages of scale". "In this case it would be necessary to decide definitely for one extreme or the other"—what this implies is not indicated.

This study probably represents the most that can be achieved with the material made available to the enquiry. A detailed

case study of decision-making in the industry with some access to what really goes on might yield more. But, as the writer of the paper says, "no research of this kind has yet been undertaken, nor are facilities likely to be made available." Depressing enough, but true.

R. N. SPANN.

Transport Staff Relations

By FRANK GILBERT, O.B.E. (Pitman), 1951. Pp. 260. 20s.

THE bulk of this book and the most useful part of it is the series of collective agreements covering procedures for collective bargaining (not agreements on wages and conditions which are the result of collective bargaining) in the undertakings of the Transport Commission and the Ulster Transport Authority. The inclusion of the latter is a little strange, particularly as the arrangements of the Municipal Road Passenger Transport Joint Council are excluded.

The historical survey and the description of the negotiating machinery provide a fairly satisfactory account of the development of collective bargaining on the railways and of the bargaining machinery as it now exists. The Railway Executive is admittedly larger by any standard of measurement than all the other undertakings of the Transport Commission together, but it is unfortunate that the scanty space left for the treatment of these other sections has allowed nothing more than a brief and formal exposition of their procedures, for their histories have their own interest and their present difficulties are by no means unimportant.

The second part of the text deals with joint consultation, welfare and discipline. These are perhaps the least satisfactory chapters of the book. Surely neither the transport manager, the transport worker, nor the outside reader are any better off for

the constant repetition of sentiments such as: "In the realm of British Transport never was there a greater need for the team spirit to be manifest throughout the undertaking", or "How important it is then for all to cultivate the sense of belonging to Transport; of being proud to belong and to believe that there is no other industry as good . . .", or "One great British Transport, Sports and Social Society is perhaps not too vain a dream?"

Part 3 is concerned with the task ahead. The author thinks that "something like a concerted move towards parity of rates and conditions for comparable jobs will have to come about if there is to be a really properly integrated system of transport." If this is true abundant skill and goodwill will be required on both sides of the industry. The difficulties of such a project will not be overcome by asserting that "the fear of oppression has surely vanished for ever", or "the unions must see to it that the days of unofficial stoppages are numbered and, indeed, must quickly end."

This moralising is, however, by no means the whole of the book, and gratitude is due to the author for bringing together this collection of important agreements, most of them not otherwise easily available, and for his account of collective bargaining on the railways.

H. A. CLEGG.

Public Administration in Ceylon

By SIR CHARLES COLLINS. London, 1951. R.I.I.A. Pp. viii + 162. 15s.

Public Administration in Siam

By W. D. REEVE. London, 1951. R.I.I.A. Pp. vi + 93. 8s. 6d.

THESE are two of five studies of the history and working of public administration in Eastern countries, which have been undertaken by Chatham House as a prelude to a study, initiated by the Institute of Pacific

Relations, on "the requirements of efficient public administration in the East to meet present day needs." Such a study is especially welcome in view of the tendency in recent years to ignore the impor-

tance of political stability and administrative competence in such countries by contrast with the need for large injections of capital and technical "know-how" as the condition of social and economic progress. Both these books are written, by men with long experience in the public service of the countries with which they deal. They are clearly written and contain some useful background information but are far too little inclined to analysis and suffer also from an apparent lack of acquaintance with the treatment of similar problems elsewhere. Sir Charles Collins' book is particularly disappointing: it is a rather general political history of Ceylon, with little reference to the particular problems of administration and hardly any to the social and economic factors which condition administrative developments. Among the problems not discussed are such central issues as: the relationship of "Western" education, with its inevitable monopoly of administrative positions, to political power—communal difficulties were at least in part a struggle by the small group of Ceylon Tamils to maintain their predominance in such posts, the result of earlier access to "Western" education, against increasing Sinhalese competition; the problem of safeguarding the security and impartiality of an indigenous Civil Service as distinct from the rights of

expatriate officers; the problems of local government institutions and the desirability, in the conditions of "under-developed" territories, of maintaining local all-purpose representatives of the central government (the "district officers" of colonial administration); or, finally, the education and training of public servants in such countries. Mr. Reeve's book, though shorter, is more satisfactory, but it, too, is insufficiently analytical and reflective. For example, he does not discuss the complexities for administration of a system where Foreign Advisers of various nationalities were each concerned with different sections (e.g. Justice and Finance) of the new administrative order, nor whether the "city manager" solution is, as he implies, the right answer to the problems of local government which he describes. And, although his political sympathies lead him to emphasise "the almost complete freedom from controls" in Siam as a "merit which the rationed, restricted, form-filling citizens of Socialist States will envy most" he does not proceed to consider the very important question whether it is even practicable to introduce a modern welfare state in conditions where the type of administration required for a reasonably efficient "regulatory" state presents so much difficulty.

KENNETH ROBINSON.

Breviate of Parliamentary Papers 1917-39

By P. and G. FORD. (Blackwell), 1951. Pp. 571. 52s. 6d.

ALL those who have to read and use parliamentary papers and not just write them should be very grateful to Professor and Mrs. Ford. They have classified and analysed 1,100 reports of Royal Commissions, Departmental Committees and other bodies of enquiry published during the period 1917 to 1939 inclusive. For each report they give the terms of reference, the names of the Chairman and members of the Committee, the argument and main recommendations and the reference numbers.

Classification is by broad subject groups. Under Machinery of Government, for example, there are some 130 references classified under the Crown and Peerage, Imperial Relations, Parliament, Ministers, Organisation of Departments, Civil Service, Local Government and London. Other major divisions cover Coal, Fuel, Power and Water; Transport; Social Security;

Health; Housing and Town Planning; Legal Administration, Police and Law etc. Thus the Breviate will be a very handy first source of reference. Indeed so peculiarly indexed are "parliamentary" papers these days that comparable information cannot readily be obtained from Stationery Office publications. There are, of course, the Sessional Indexes to Parliamentary Papers. But many important reports are not classified as "Parliamentary." Thus of the 23 reports dealing with the Civil Service, 7 were classified as non-Parliamentary and of the 30 references in the Local Government Section, 6 are non-Parliamentary. Non-Parliamentary papers are not included in the Sessional Index and one has to search through the Stationery Office Consolidated Lists (based on the calendar year and not on the Session) in order to trace these papers. Professor Ford's work will now save readers that trouble for the period 1917-39.

It would be rather ungracious to thank Professor and Mrs. Ford by asking why they did not go further and include certain other items of information. But that is usually what happens to pioneers and they must, therefore, expect to be so treated. Would it be possible, for example, to give an indication of the kind of data available either in the reports or in the Minutes of Evidence and Memoranda? The Royal Commission on Local Government, for example, is probably more important for its 14 volumes of Evidence and Memoranda than for its recommendations—which in any case, if they needed to be quoted,

would have to be looked up in the original reports. The Breviate does indicate whether the Minutes of Evidence were published and the number of pages in the report and these are useful guides, but could something further be done? Again it would have been most useful to have had a separate list of the various Annual or Periodical Reports published by Departments and other Bodies during this period—or is this a separate task? Finally, a small point, could the initials as well as the surnames of members of the Commissions and Committees be given?

D. N. CHESTER.

The Young Wage-Earner (A Study of Glasgow Boys)

By T. FERGUSON and J. CUNNISON, with a Foreword by SIR HECTOR HETHERINGTON. Published for the Nuffield Foundation by the Oxford University Press, 1951. Pp. x, 194. 8s. 6d.

The Youth Employment Service

By H. HEGINBOTHAM. (Methuen), 1951. Pp. x, 222. 8s. 6d.

THE two works under review concern the same problem from different angles. *The Young Wage-Earner* deals with the boys—1,314 in number—who left Glasgow schools at the age of fourteen on 26th January, 1947. Their individual achievements and shortcomings are followed in some detail for three years. The facts are tabulated and interpreted. For those who know Glasgow the report provides a useful test of the success or failure of much official and voluntary social effort. Social workers in large industrial cities may well be inspired to organise similar researches on this model.

The Study contains much that one would expect. However, it is more necessary in social than in other sciences that ideas and impressions should be disciplined by systematic and up-to-date verification. Typical correlations between social conditions, overcrowding, family history, health, employability and crime are confirmed. But, as Sir Hector Hetherington remarks in his Foreword, "There are some correlations which, to me at least, are unexpected." True, the unexpected items are not of major importance to the student, but the social worker in the field will find them of considerable value in the interpretation of particular cases.

It is only possible to give a few examples from the findings. One boy in every five came from a home from which one or both parents were absent. One boy in every three lived in a house where overcrowding was worse than three persons to a room. Because of the housing shortage many quite well-off families were found to be living, unwillingly, in slums. Re-housed slum boys had better physique than those still living in slums, but the latter lost fewer working days through sickness. Possibly travelling distance to work is the decisive factor. Re-housed boys from slums are rather better church attenders than other re-housed boys. There is probably a denominational factor here which is not touched upon in the investigation.

Students, social workers and youth employment officers should welcome this opportunity to test their own impressions against the facts recorded in this careful study. The book has qualities which will appeal to the busy social worker as well as to the more deliberate student.

The youth employment officer has much literature at his disposal; books on vocational guidance, the Youth Employment Manual (and Supplement), C.Y.E.E. circulars, Ministry of Labour Codes and many more—and less—interesting items.

Frequently, indeed, the Y.E.O. must wish that the authors of certain documents (to be no more precise) were less prolific (not to be too emphatic). Mr. Heginbotham, however, has produced a work for which the Youth Employment Service has been waiting. Where Local Authorities have recently assumed responsibility for this Service, there will be many officers who will welcome this, the first comprehensive account of the Service as an entity separated from the employment work of the Ministry of Labour. Mr. Heginbotham, greatly experienced in his subject, has provided a textbook in which students and officials may now obtain a compact and coherent description of the origin and present state of the Youth Employment Service.

Although, as Mr. Heginbotham's readers will learn, some Local Education Authorities have been in the field for many years (notably Edinburgh since 1910), it required the Employment and Training Act, 1948, to produce such conditions, financial and administrative, as would encourage a really substantial number of authorities to shoulder responsibility for this work. As a result, Part I (134 out of 222 pages), which describes developments up to 1947, reads almost like ancient history. There is almost as much space devoted to the gestation as to the separate existence of the service in its present lusty infancy. This is unavoidable and, in any case, many who must now take an interest in the work will be the better of knowing what has been achieved under more

difficult conditions. The Service is seen in better perspective when it is known that, as long ago as 1904, Mrs. Ogilvie Gordon—at a meeting of the Glasgow Union of Women Workers—proposed a scheme for the establishment, by L.E.A.s and Scottish School Boards, of "Educational Information and Employment Bureaux." The scheme as outlined has at length been realised in such detail as to arouse admiration for the lady's prescience.

Part II describes the organisations, central and local, prescribed by the Act of 1948. This is followed by material on vocational guidance procedures which will be familiar to Y.E.O.s. Elected persons and others who wonder precisely how vocational guidance works will find this section helpful.

Since Mr. Heginbotham completed his task before publication of the Piercy Committee's Report he has not, unfortunately, been able to deal adequately with the subject of training. Some—though perhaps they exaggerate local difficulties—would have welcomed the author's comments on how to relieve Y.E.O.s deskbound by clerical work. In areas where there is even a slight recession this can be a major difficulty particularly if the clerical establishment was fixed under conditions of "full employment." However, Mr. Heginbotham has provided the Service with an excellent standard textbook which will simplify the reading programmes of many busy students.

JOHN S. COVENTRY.

BOOK NOTES

Regional Administration

By J. W. GROVE. Pp. 29. 1s.

Secondary Education Survey

By JOAN THOMPSON. Pp. 32. 1s. 6d.
Fabian Research Series 147 and 148
published by Fabian Publications Ltd.
and Victor Gollancz.

MR. GROVE covers a good deal of ground in his useful pamphlet and he might with advantage have been given more room to develop one or two of his points. He stresses the importance of decentralised control in democratic planning and would like to see the regional officials given greater powers and their status raised. He links

this with the possibility of regionally elected councils and would confine the central government to broad policy control. It is not at all clear, however, that the regional central official would be needed if he had to deal only with a small number of local authorities, especially if his main job was to represent big issues of central policy—surely Whitehall could handle that direct. Mr. Grove gives the impression that the development of the regional offices of the central departments is a decentralisation of power and the answer to the problem of reconciling a large measure of central control with local self-government. But he never appears to ask

why an Assistant Secretary sitting in Manchester should have more power than one sitting in Whitehall and why it should be less inimical to local self-government if he is given so much power.

JOAN THOMPSON's pamphlet is a very full analysis of the development plans of L.E.A.s for Secondary Education.

The Evolution of Local Government

By SIDNEY WEBB (Municipal Journal).
Pp. 39. 3s. 6d.

IN 1899 Sidney Webb gave a series of lectures on local government at the London School of Economics and Political Science which were printed in the Municipal Journal for that year. Thanks to the enterprise of Mr. Keith-Lucas and of the Editor, they have now been made available in a handy form.

The lectures are interesting mainly because they show an early stage in the Webbs' investigations. The Webbs started their work on local government history in 1898 so that they could not have got far by the time Sidney gave these lectures. But already one sees his belief in local government ("I venture to say that it is of more real importance than the central government"), his fierce criticisms of the select vestries, and his judgment that "this principle of grants-in-aid is the key to our system of local government." Another six years of research were to fill in the details rather than to modify the main views expressed in these lectures.

Rate Collection, 1950-51

Another of the informative I.M.T.A. publications. Pp. 45. 3s.

Law relating to Hospitals—Supplement to Second Edition

By S. R. SPELLER (H. K. Lewis), 1951.
Pp. viii + 80. 12s. 6d.

Nuffield Provincial Hospitals Trust Report 1948-51. (O.U.P.), 1951

AMONG the subjects being studied under the auspices of the Trust are job analysis of hospital and public health nursing; hospital costing; and improved co-ordination of medical care.

Behind the Gallup Poll

By DR. HENRY DURANT (News Chronicle), 1951. Pp. 32. 1s.

AN analysis of the voting at the 1951 General Election with a detailed explana-

tion of the working of the poll carried out by the British Institute of Public Opinion. A short chapter gives a statistical picture of the average Briton. One woman in three said she would prefer to be a man. Three parents in every four said they sang to their children—the poorer they were the more they sang.

Landlord and Tenant

By R. BORREGAARD (Stevens), 1951.
Pp. 102. 6s.

Civil Defence Questions Answered

By R. D. WORMALD and J. M. YOUNG (Jordan), 1952. Pp. 96. 3s. 6d.

Public Administration (Australia)

THE March 1951 issue contains the first part of a long account of Money Bills in the Australian Senate, completed in the June issue. R. A. Richards writes on Personnel Management in the British Civil Service (principally the Post Office) and G. J. Hunt on The Importance of Management Theory in the Public Service. The Organisation and Functions of the Australian Navy Department are given in the March issue and of the Department of Trade and Customs in the June issue.

Manpower

Five Studies by P.B.P. Pp. 102. 15s.

THESE rather slight studies deal with the Size and Distribution of the Labour-Force, Employment of Women, Entry into Employment and Education and Training of Wage-Earners. They are primarily concerned to present the statistics. One table gives information about the proportion of non-operative staff in industry. It shows that the proportion of administrative, clerical and technical staff in British industry generally rose from 12.2 per cent. in 1935 to 15.6 per cent. in 1948. The figure for the N.C.B. was 4.6 per cent.; for the B.E.A. it was 29.3 per cent. and 22.1 per cent. for the Gas industry. The lumping of technical with clerical makes it difficult to draw any conclusions from these figures.

New Constitution of India

By R. N. BANERJEA (Mukherjee and Co., Ltd., Calcutta), 1951. Pp. 207. 6s. 6d.

A very useful, straightforward account of the new Indian Constitution with a historical introduction, the main provisions of the electoral law and suggestions for further reading.

RECENT GOVERNMENT PUBLICATIONS

THE following official publications issued by H.M.S.O. are of particular interest to those engaged in, or studying, public administration. The documents are available for reference in the Library of the Institute:—

Agricultural Land Commission.

Fourth report, for the year ended 31st March, 1951. H.C.2. Pp. 30. 1s. 3d.

Cable and Wireless Limited.

Accounts and Director's Reports for the year ended 31st March, 1951. Cmd. 8386. Pp. 21. 9d.

Civil Service Commission.

Posts in the Civil Service for university graduates. Pp. 60. Bibliog. 1951. 2s.

Colonial Office. Annual reports for 1950: East Africa High Commission, 3s.; Kenya, 5s. 6d.; Federation of Malaya, 10s. 6d.; Nigeria, 5s.; North Borneo, 6s.; Northern Rhodesia, 3s. 5d.; Nyasaland, 4s.; Singapore, 7s. 6d.

(—) British Guiana: report of the Constitutional Commission, 1950-51. 3s. 6d.

(—) Colonial regulations, being regulations for H.M. Colonial Service. Part II—Public business, 1951. Colonial No. 270-2. 1s. 9d.

(—) Corona, November, 1951. 1s. (article by Mr. Carol Johnson on "Politics and local government").

(—) Corona, December, 1951. 1s. (article by A. R. Thomas on the "Colonial Office").

(—) Journal of African Administration, October, 1951. 1s. 6d. Contains some of the papers on local government presented to the 1951 Cambridge Summer Conference on African Administration, and others on the "Institutes of Social and Economic Research in the African colonies."

Commissioner of Police of the Metropolis. Report for the year 1950. Cmd. 8359. Pp. 100. 1951. 3s. 6d.

Commonwealth Relations Office. Bechuanaland Protectorate.

Reports of observers on the attitude of the Bamangwato Tribe to the return of Tshekedi Khama to the Bamangwato Reserve. Cmd. 8423. Pp. 18. 1951. 9d.

(—) Closer association in Central Africa: statement by H.M. Government in the United Kingdom, 21st November, 1951. Cmd. 8411. Pp. 6. 4s.

Education; Central Advisory Council (England).

School and life: a first enquiry into the transition from school to independent life. Pp. 96. 8 illus. 1947 (reprinted 1951). 3s. 6d.

(—) Advisory Council (Scotland).

Pupils who are maladjusted because of social handicaps. Cmd. 8428. Pp. 87. 3s.

Foreign Office.

Correspondence between H.M. Government and the Persian Government, and related documents concerning the oil industry in Persia, February to September, 1951. Cmd. 8425. Pp. 60. 2s.

(—) Administration of the Sudan. Report for 1949. Cmd. 8434. Pp. 242. 6s. 6d.

Forestry Commission.

Post-war forest policy: report by H.M. Forestry Commissioners. Cmd. 6447. Pp. 114. 1943 (reprinted 1951). 3s.

Home Office.

Report of H.M. Chief Inspector of Fire Services (Counties and County Boroughs) for the period 1st January to 31st December, 1950. Cmd. 6388. Pp. 19. 1951. 9d.

(—) Report of the Commissioners of Prisons for the year 1950. Cmd. 8356. Pp. 159. 1951. 4s. 6d.

House of Commons.

Trading accounts and balance sheets, 1950-51. Vol. 1 (Ministry of Food trading accounts). H.C. 256. Pp. x, 53. 1s. 9d.

Inland Revenue.

Income Tax in the Commonwealth. Digest of the Laws. Vol. 1 (dealing with Australia, Canada, Ceylon, India, New Zealand, Pakistan and South Africa). A new version of the pre-war volume called Income Tax in the British Dominions.

(—) Report of Committee on Organisation and Administrative Methods of the Department of Inland Revenue. Pp. 48.

Local Government Manpower Committee. Second Report, December, 1951. Cmd. 8421. Pp. 54. 1s. 6d.

Local Land Charges.

Report of Committee. Cmd. 8440. Pp. 72. 2s. 6d.

RECENT GOVERNMENT PUBLICATIONS

Medical Research Council.

Report for the Years 1948-50. Cmd. 8387. Pp. 247. 1951. 6s. 6d.

Ministry of Education.

Circulars and administrative memoranda issued the period 1st April, 1950, to 31st March, 1951. Pp. irreg. 12s. 6d. (cloth).

Ministry of Fuel and Power.

Statistical digest, 1950. Pp. 218. 1951. 15s.

Ministry of Health.

Annual Report for year ended 31st March, 1950. Cmd. 8342. Pp. 228. 6s. 6d. Contains a very full survey of the National Health Service. About 180 pages are devoted to this, but only four pages to local government finance.

Ministry of Labour and National Service.

Careers guide: opportunities in the professions and in business management. Pp. 132. 1951. 3s. 6d.

(—) Report on certain aspects of the Manchester (Salford) dock strike, April-June, 1951. Cmd. 8375. Pp. 32. 1951. 1s.

(—) Tables relating to employment and unemployment in Great Britain, 1948, 1949 and 1950. Pp. 55. 1951. 3s. 6d. Regional and industrial analysis of employed and unemployed persons.

Ministry of Local Government and Planning.

Local government financial statistics, England and Wales, 1949-50. Pp. 12. 1951. 6d.

Ministry of National Insurance.

Second Annual Report, covering the period 5th July, 1949, to 31st December, 1950. Cmd. 8412. Pp. 72. 2s. 6d.

Ministry of Transport.

London traffic: 25th annual report of the London and Home Counties Traffic Advisory Committee for the year 1949-1950. Pp. 46. 1951. 9d.

Monopolies and Restrictive Practices Commission.

Report on the supply of electric lamps. H.C. 287. Pp. v, 199. 1951. 6s.

National Food Survey.

Urban Working-Class Diet, 1940-49. Pp. 114. 3s. 6d.

National Parks Commission.

Second report: for the year ending 30th September, 1951. H.C. 31. Pp. iv, 21. 4 photos., 3 maps. 2s.

New Towns Act, 1946.

Reports of the Aycliffe, Basildon, Bracknell, Corby, Crawley, Cwmbran,

Harlow, Hemel Hempstead, Peterlee, Stevenage, Welwyn Garden City and Hatfield Development Corporations for the period ending 31st March, 1951. H.C. 32. Pp. 321. Maps, plans. 10s.

Overseas Food Corporation.

Report and Accounts, 1950-51. Pp. 82. 3s.

Post Office.

Commercial accounts, 1950-51. H.C. 39. Pp. 50. 1s. 9d.

(—) Post Office Guide. July, 1951. Pp. 452. 1s.

Public Boards.

List of members of Public Boards of a commercial character as at 1st December, 1951, with salaries and allowances, together with a list of those holding more than one appointment. Cmd. 8433. 9d.

Radium Commission.

A short history of its origin and work, 1929-48. Pp. 157. 7s. 6d.

Royal Mint.

Report of the Deputy Master and Controller, 1949. Pp. iv, 97. 3s. 6d.

Select Committee on Estimates.

Session 1951-52. First report—Appointment of sub-committees and allocation of estimates for examination. Departmental reply. H.C. 34. Pp. 11. 1951. 6d.

(—) Minutes of the Proceedings of the Committee and Minutes of Evidence taken before Sub-Committee C on the 24th and 31st January and 7th February, together with appendices. H.C. 262. Pp. 42. 1951. 2s.

Select Committee on Statutory Instruments.

Proceedings of the Committee (Functions). H.C. 26. Pp. 3. November, 1951. 3d.

Social and Economic Research, Inter-departmental Committee.

Guides to official sources, No. 2—Census reports of Great Britain, 1801-1931. Pp. iv, 119. 3s. 6d. An account of the development of the Census and of the wide range of information and analyses published in the long series of official reports.

Stationery Office.

British Imperial Calendar and Civil Service list, 1952. Pp. xiv, 1185. 17s. 6d.

(—) Government Publications: consolidated list for 1950. Pp. vii, 669-886, lii. 1s.

Town and Country Planning.
Development Plans Explained by B. J. Collins. Pp. 44. 2s. Mr. Collins, the County Planning Officer of Middlesex, has written a most helpful guide to the processes whereby a Development Plan is prepared, comes into effect and works, suitable for the general reader and student.

Treasury.
Finance accounts of the United Kingdom for the financial year 1950-51, ended 31st March, 1951. H.C. 201. Pp. 77. 2s. 6d.

(—) Report of the Committee on Higher Civil Service Remuneration. Cmd. 7635. Pp. 14. 1949 (reprinted 1951). 9d.

(—) Report of the Committee on the Pay and Organisation of Civil Service Medical Staffs. Pp. 20. 1951. 9d.

(—) United Kingdom balance of payments, 1948 to 1951. Cmd. 8379. Pp. 37. 1s. 3d.

Wales and Monmouthshire.
Report of government action for the year ended 30th June, 1951. Cmd. 8385. Pp. 79. 2s. 6d.

RECENT LIBRARY ADDITIONS

Acton Society Trust.
Training and promotion in nationalised industry. Pp. 137. 1951. *Allen & Unwin*. (Reviewed in this issue.)

Allen, G. C.
British industries and their organization. 3rd ed., pp. xii, 289. Bibliog., 1951. *Longmans*.

Burton, J. H.
The Municipal office mechanised. Pp. 127. 1951. *Gee*.

Chester, D. N.
Central and local government: financial and administrative relations. Pp. ix, 421. 1951. *Macmillan*. (Reviewed in this issue.)

Boulouis, Jean.
Essai sur la politique des subventions administratives. Pp. ix, 334. Bibliog. 1951. *A. Colin, Paris*.

Clarke, C. F. O.
Experiment in freedom: a review of British political and social trends. Pp. 248. 1951. *Chapman & Hall*. Eight lectures addressed to an American audience.

Clarke, Joan Simeon.
Disabled citizens. Pp. xiii, 237. 1951. Bibliog. *Allen & Unwin*.

Dimock, Marshall E.
Free enterprise and the administrative state. Pp. xi, 179. 1951. *University of Alabama*.

Driencourt, Jacques.
La Propagande, nouvelle force politique. Pp. 282. Bibliog. 1950. *A. Colin, Paris*. The origin, development, theory and methods of propaganda, and its inevitable dangers.

Ford, P. and G.
A breviate of parliamentary papers, 1917-1939. Pp. xlviii, 571. 1951. *B. Blackwell*. (Reviewed in this issue.)

Gilbert, Frank.
Transport staff relations. (Reviewed in this issue.)

Jennings, Sir Ivor.
The constitution of Ceylon. Pp. xii, 285. 1951. *O.U.P.*

Rowntree, B. Seebohm, and Lavers, G. R.
Poverty and the welfare state. Pp. vii, 104. 1951. *Longmans*. A third social survey of York.

Smith, George Albert.
Policy formulation and administration: a casebook of top-management problems in business. Pp. x, 653. 1951. *Irwin, Chicago*.

Stewart, Michael.
The British approach to politics. Pp. viii, 336. 2nd ed. 1951. *Allen & Unwin*.

Turner-Samuels, M.
Industrial negotiation and arbitration, including matters relating to joint workshop and industrial collaboration and joint consultation. Pp. xxii, 532. 1951. *Solicitors' Law Stationery Society*.

Unesco.
Democracy in a world of tensions; ed. by Richard McKeon. Pp. xviii, 540. Bibliog. 1951. A symposium.

Watkins, Ernest.
The cautious revolution. Pp. 247. 1951. *Secker*. A review of the work of the Labour Government 1945-1950.

Wheare, K. C.
Modern constitutions. Pp. 216. Bibliog. 1951. *O.U.P.*

REPORT ON THE REPORTS

The Nationalised Industries 1950-51

By A. H. HANSON

A Survey of the contents and form of recent reports of the main nationalised industries.

THE Annual Reports and Accounts of the nationalised industries have become a familiar feature of the public administration landscape. The student of nationalisation is now faced with four big volumes, covering Coal, Transport, Electricity and Gas, and twenty-nine comparatively small ones, dealing with the activities of the two Airways Corporations, the fourteen Area Electricity Boards, the North of Scotland Hydro-Electric Board, and the twelve Area Gas Boards. This is a formidable mass of paper, and it is replete with information. It provides basic material for the politician, the economist and the administrator. We find ourselves wondering how, in the "days before the Reports," we succeeded in discovering as much as we did about the industries they so minutely describe.

To criticise adequately even one year's Reports* would require the co-operative efforts of the administrator, accountant, engineer, economist, statistician, scientist and industrial consultant. There is a vast amount of information which does not yield more than a fraction of its full significance to the layman. But it is, nevertheless, to the layman—the intelligent and well-informed student of public affairs—that the Reports are really addressed. At least, the Boards make a brave attempt to render an account of their financial and administrative stewardship in a form that will be intelligible to a non-specialist who has the time and

patience for careful reading. It is therefore appropriate that we should consider what they tell him, how they tell it, and whether it is what he wants to know. To what extent, in fact, do these annual reports enable the "citizen shareholder" to judge the performance of "his" nationalised industries? What light do they shed on the merits and demerits of nationalisation, and on the virtues and vices of its present administrative forms? No-one would suggest, I think, that the Reports provide all the material for answering these questions, but it is obvious that they provide a very important part of it.

Readability, Intelligibility and Ease of Reference

All the Reports are attractively produced, and clearly—even elegantly—printed, but they are by no means fireside reading. Nor, indeed, is it desirable that they should be. The Annual Report of a great industry is not an exercise in literary skill, but a serious attempt to weigh the factors responsible for its successes and failures, which necessarily involves the presentation of masses of rather indigestible facts and figures. All that we can reasonably demand, therefore, is plain statement, logical arrangement, and ease of reference. In general, we have all three, although not to the same measure in every Report.

Style ranges from good, straightforward, unadorned English (of which

*The Reports reviewed in this article are the latest ones that were available in November, 1951. For the Gas Industry, these are the Reports for 1949-50. All the others cover 1950 or 1950-1.

the Electricity Report is perhaps the best example) to dull, periphrastic officialese. Of the big Reports, that of the Transport Commission descends to the lowest stylistic level. Occasionally, it succeeds in producing unconscious humour, as in the remark—which one hopes that Sir Ernest Gowers will add to his collection—that “tunnels, embankments and bridges are not susceptible of removal” (para. 30). I would not suggest, however, that such absurdities are more than occasional. On the average, the nationalised industries write neither better nor worse than the Departments of Government. But one did hope that, unencumbered by the weight of official tradition, they might have improved on Civil Service English. Stodginess is never really necessary. On the other hand, in trying to avoid it, one has no need to abandon oneself to the quite inappropriate lyricism, embellished with quotations from medieval chroniclers, which the Welsh Gas Board employs to persuade us of the virtues of its organisation.

The arrangement of the material is usually satisfactory, and detailed tables of contents help the reader to find his way about. Particularly commendable in these respects is the Report of the British Electricity Authority, which begins with a brief and informative chapter summarising the year's activities. Each paragraph of this is followed by a reference to the paragraphs in subsequent chapters where more detailed material on the point dealt with may be found. This Report is also the only one equipped with an index, which ought to be a feature of all of them. Even better would be a consolidated index published as a separate volume. Unless indexing is taken more seriously

than it is at present, the student of nationalisation will be confronted, in a few years time, with an unnecessarily burdensome task.

These points about arrangement and ease of reference may not seem very important, but attention to them can enormously facilitate comparative study. It would be most helpful if all the reports followed the same broad pattern of arrangement and presentation, and I would suggest that the Ministers concerned should take steps to ensure that, in future, they do so. It would not, of course, be sensible to subject them to strict rules such as govern the production of accounts, but something could be done to see that the information that they provide appears in its most convenient, logical, accessible and comparable form.

Objectivity

The qualities mentioned above are not difficult to achieve, and can reasonably be demanded of a Report. Objectivity, however, is quite another matter. It can hardly be expected, nor is it realised. The financial and statistical information provided may, of course, be relied upon, within the limits of human error, and criticism can be directed only at the form in which it is presented (which seems generally admirable), at its quantity (which, to the layman, is almost embarrassingly large) and at its relevance to the problems in which we are interested (which is not always obvious). Accounts and statistics, however, need to be filled out and explained by verbal description and analysis, which is precisely what the Report attempts to do. It is here that partisanship inevitably appears. The Board is quite consciously showing off its paces before the public, justifying its ways in front of a

highly critical audience. It has no intention whatever of revealing its failures and inefficiencies; on the contrary, it is desperately anxious to cover them up. Things that have gone wrong are not mentioned, concealed behind vague, bromidic generalisations, or ascribed to the impact of forces over which the industry concerned has no control. To say this is not to condemn the Report as worthless or the Board as hypocritical. All it means is that people who are attacked have a natural tendency to defend themselves. But it implies that one can hardly expect an objective appraisal of the performance of a nationalised industry from its Annual Report, and that it is unreasonable to look for one. Such an appraisal can only be made by a suitably constituted and appropriately empowered outside body, such as a Parliamentary Select Committee or a Royal Commission. Something can be gleaned, it is true, from a comparative study of successive annual reports, but not enough, for lack of adequate “raw material.”

Another factor limiting the value of the Reports to the student is the circumspection with which a Board approaches the task of reporting on its relations with other bodies whose interests may, at certain points, conflict with its own. This is evident, for instance, in the accounts given respectively by the Coal Board and the Gas Council of their mutual negotiations about the availability and price of gas produced by the N.C.B.'s carbonisation plants (Coal Board Report, paras. 153-156; Gas Council Report, paras. 197-200). It is also evident in the rather tiresome assurances that relations with Consumers' Councils are uniformly “happy,” “friendly” or “co-operative.” It

prevents most of the chapters that are devoted to consultation, conciliation and staff relationships from rising above the level of the commonplace. What were the reactions of the Consultative Committees in the coal industry to the “Plan for Coal,” which the N.C.B. tells us was “the biggest subject which the consultative machinery had to tackle”? What success has attended the efforts of members of the Consultative Committees “to overcome resistance to new methods and to learn new ideas which might be applied in their own pits”? (Coal Board Report, paras. 225 and 226). In neither case are we told anything, although some information may conceivably appear in subsequent reports. What use, if any, was made of the 5,000 suggestions submitted to the Railway Executive under the staff suggestions scheme? (Transport Commission Report, para. 243). Did the British Transport Joint Consultative Council, which “accepted” the Commission's statements of policy on the Integration of Freight Services by Road, Rail and Inland Waterway, disagree with the Commission about the “other matters,” viz. “the reduction of capital expenditure on British Railways, steel allocation, Area Schemes for road passenger transport, Charges Schemes, road transport hostels and housing accommodation”? (*ibid.* para. 34). Again, we are left with bare, formal statements, precisely at the points where our interest is most actively aroused.

Inevitably, the Board treads warily where its relations with other boards, or with organised consumers, or with the trade unions, are concerned. We have to go to other sources to correct and to fill out the information we acquire from the Reports on such matters. With patience and diligence

we can learn a great deal in this way ; but nowhere—except in a very few studies by professional research-workers, necessarily confined to rather small fields and limited by the opportunities provided for enquiry—can we obtain much information, on the subjects where information is vitally needed, which can make a reasonable claim to objectivity. Hence we become—or at least I do—more and more conscious of the need for the type of survey of the problems of nationalisation that only public or parliamentary enquiry can provide. The student of public administration is, of course, biased in this matter, because the collection of information is part of his job, and the Boards can make out a very strong case against undue “interference.” But the “citizen-shareholder,” too, has his rights, which, under the present dispensation, are hardly provided for as adequately as they might be.

Some General Features of the Reports

When all this has been said, however, the Reports remain very impressive documents, providing essential material for an understanding of the position and problems of the great industries with which they deal.

The most general impression that one obtains from them is the rather obvious one of delicate and complicated economic machines functioning under conditions of very great strain. It is of little importance, in this connection, that they are all either financially solvent or in the process of becoming so. No monopoly, public or private, which provides an essential commodity or service, should experience any long term difficulty in balancing its books. The strain arises, as everyone knows, from our present acute shortages of

capital and manpower, both of them enormously intensified by the re-armament programme, and from the mild inflation, threatening to become severe, that has taken hold of our economy.

Although all the major Reports sound the note of alarm, they do so with varying degrees of intensity. The Electricity Report, true to form, is the most outspoken in criticism of the capital cuts. It expresses “serious concern” at the Government’s proposal that the amount of new generating plant should not rise beyond 1,500,000 KW a year, and says that “the proposed limit on the amounts of new plant would not only prolong the conditions of severe plant shortage and severe load-shedding, but would also hinder that greater mechanisation and extended use of power in industry which can make the most effective contribution to improved industrial efficiency” (para. 57). Its forthright opposition to the cuts is supported, of course, by the Area Boards, and also by most of the Consultative Councils, sometimes by specific resolution. The Coal Board, on the other hand, announces, with what can only be described as rather naive confidence, that it has come to the conclusion that its initial assumption of the availability of capital resources sufficient to provide for the needs of its “Plan for Coal” was “reasonable,” “since the amount the Plan suggests is only about 2 per cent. of the country’s likely capital investment, and since three-quarters of the Board’s expenditure is likely to be found from their depreciation fund” (para. 39). Its major headache, as we know, is manpower, and for the solution of this problem it has no specific proposals that look hopeful, even on paper (see Chapter II).

Transport, undoubtedly, is of all the nationalised industries the hardest hit by the present economic situation, in that it is not only faced with “serious arrears in investment which it will be difficult to make good” (para. 26) and with crippling staff shortages in certain vital sectors (which it rather curiously plays down as “shortages in certain grades”—para. 43), but also compelled to pursue a “hand-to-mouth” policy by the combined influences of the price-inflation and its own lack of autonomy in fixing fares and freights. (See paras. 46-50.) The Commission’s account of the meagre progress made towards the introduction of a unified charges scheme (para. 31) confirms only too fully the *Economist’s* judgment that “the creation of a logical pattern of railway and road charges has been frustrated by the discovery that costs have increased faster than revenues” (3.3.51, p. 501), that the Commission “has been caught by a cost inflation before it has had any chance of squeezing the benefits of co-ordination and integration” (*ibid.* p. 937) and that, consequently, “the concept of integrated transport . . . is as far off as it was four years ago” (21.4.51, p. 936). Hence much of the Commission’s report is a record of frustration.

Apart from this depressing common feature, there are several points of general interest to be noted. The Coal Board, for instance, provides an informative account of the long-term and short-term development plans of the various Divisions, and a separate chapter, which has no counterpart in previous Reports, on “The Efficient Use of Coal,” describing “the main lines along which the Board as suppliers hope to assist consumers to be more efficient in using fuel resources,” and telling

consumers how they can help (paras. 122-139). The Transport Commission gives us an excellent section on the finance of rail and road transport (paras. 61-84), illustrated by numerous well-produced charts. This should be compulsory reading for anyone ambitious to speak or write on the subject. While containing nothing specifically new, it does much to define and interrelate the elements of a complex problem on a basis of the most up-to-date facts and figures. The Electricity Report contains nothing of quite such outstanding interest, but attention might be drawn to Chapter 3, describing the operation of the grid system and the techniques of load-spreading and load-shedding (rendered intelligible to the layman by the “Glossary of Common Electrical Terms” thoughtfully included as Appendix 45), and to the Chapter on Employment and Staff Relations, which is much superior to the corresponding chapters in most of the other Reports. Of the smaller Reports, that of British European Airways is distinguished for its excellent maps and diagrams, which represent a genuine—and I think successful—effort at popularisation. The Reports of the Gas Council and of the Area Gas Boards, being first reports, are in a special category and will be dealt with separately.

Organisation and Administration

Apart from the Gas Reports, there is nothing of interest to the student of public administration comparable with the Coal Board’s famous 1948 apology for its organisation. This year, the Coal Board does not even devote a section to organisation, and such minor changes as it has made during the course of the year have to be discovered (in the absence

of an index) by turning the pages (see, for example, paras. 44, 327, 354-356). On the highly explosive topic of managerial responsibility it contents itself with the following general statement: "The authority of the mine manager in his pit must be maintained. Service departments and specialist branches cannot share any of his statutory responsibilities. But they must carry their share of responsibility for the specialised functions entrusted to them" (para. 44). This is by no means clear, and anyone who has read the recent Acton Society pamphlet on *Centralisation and Decentralisation* will realise that it begs every question. In general, one has the impression that the Board, having had its say in the 1948 Report, is shunning any further public controversy about its organisation, on the grounds that the proof of the pudding is in the eating. And, for the present, this attitude is probably wise.

The Transport Report provides more organisational information than the Coal Report, but none of it amounts to very much. "During the year 1950," we are told, "there have been no important changes in the organisation of the Commission and the Executives." Pleasure is expressed that "increased co-operation between all the Executives, not only at headquarters level but also locally, is promoting increased efficiency and better service to the public" (para. 3). Of this co-operation paragraph 29 provides specific evidence. We are also informed that the Commission paid "particular attention . . . to the development of the administrative organisation of the Road Haulage Executive" (para. 3). Section 2 of Chapter 5 tells us something about this subject. It details certain changes in the departmental structure

at Executive Headquarters, the significance of which is neither explained nor self-evident; it emphasises the undoubted need for "flexibility" and "the personal touch"; it totals up the numbers of Divisions, Districts, Groups, Depots and Sub-Depots into which acquired undertakings have been "re-aligned"; and finally it warns us that although "these operations in the long run will produce economies, increase efficiency and enable more traffic to be moved with fewer vehicles" they are attended "whilst in process . . . by risk of some temporary dislocation of services and a consequent decline in profits" (paras. 397-402). It is a pity that the Commission does not choose to inject not only a little more detail but also a little more imagination into its account of the latest stage of what is, after all, a major (and, in some senses, unique) administrative operation. It may be added that any attempt to reverse the operation can only prolong and intensify the "dislocation" that still exists, as well as finally destroying such hopes as remain of a fully integrated system of transport by road and rail in the foreseeable future.

On organisation, the Report of the British Electricity Authority records no changes that are worth special mention; and none emerge from the Reports of the Area Boards. It is evident, however, that both the Authority and at least two Area Boards have become "O and M conscious." The Authority reports that it has established a Committee "to review the organisation and administrative efficiency of the industry" and that, during the year, "the systematic enquiry into the routine organisation at Authority Headquarters . . . continued" (para. 297). The South-Eastern Board

says: "Throughout the year critical examination to secure improvement of the systems, methods and processes used in the Board's organisation has continued as a principal activity of the internal advisory service established last year. In addition, special measures have been taken to enable the Board to test and improve its own managerial standards by comparison with those of other large-scale enterprises" (para. 4). The Midlands Board reports the appointment of an Organisation Review Committee, consisting of the Principal Officers, to "review the Board's organisation with the object of achieving maximum efficiency of a uniform standard" (para. 3). Can we assume that other Area Boards have taken similar steps but do not think them worth mentioning in their Reports? And can we hope that, in future Reports, the results of some of these investigations will be divulged?

In the coal industry, a similar search for greater efficiency is being conducted, by way of attempting to fix standard costs which will guide managers in their day-to-day decisions and enable judgments of comparative efficiency to be made. The difficulties encountered have caused the Board "to supplement with expert advice from outside the experiments . . . already . . . made within the industry" by calling in a firm of leading consultants. Their investigation is now complete, and presumably its conclusions will be summarised in the Report for 1951. Transport, to judge solely by its Report, would appear to be much

less "O and M conscious." Referring to suggestions that were made in the "accountability" debate in the House on 25th October, 1950, the Commission says that it "fully appreciates the work which outside consultants can do in the promotion of efficiency and economical administration" and announces that the Railway Executive and London Transport are continuing the practice of the former Main Line Railway Companies in employing "such consultants from time to time on specific problems." It gives no indication, however, that it has in operation any machinery for the continuous study of organisational and administrative problems at all levels (para. 9). In view of the fact that it is confronted with the most complicated tasks of all the nationalised industries, this omission of any reference to the "O and M" function is rather surprising. Perhaps it constitutes additional evidence of the hand-to-mouth existence that nationalised transport is leading.

B.O.A.C. has virtually nothing to say about its own organisation, and perhaps in this case no news is good news. B.E.A.C. reports that "stability of organisation and of administrative structure was maintained . . . during the year"—a welcome statement, in view of the chequered administrative history of civil aviation since the War.*

Efficiency

Any discussion of organisation and administration raises the general question of the efficiency of the nationalised industries. To what

*The B.E.A.C. Report contains a rather blank-looking organisation chart. In general, the quality of such charts, when they are included in the Reports, is rather poor. The only really good one, in the present series, is that provided by the North Thames Gas Board. I would suggest that every Report should contain a chart, and that it should be constructed so as to provide the maximum, rather than the minimum, information, even at the cost of greater complexity of appearance.

extent are judgments of efficiency possible, on the basis of the information provided by the Reports?

Before we can even begin to answer this question, we need to define our criteria of efficiency, and this is by no means a simple matter, because we find ourselves in a field occupied by a large number of inter-dependent variables. Even if all of them were capable of exact measurement—which is not the case—the problem would remain of giving each one its due weight. We have to consider, for instance, the cost of the product or service per unit of resources; the satisfaction of the consumer in respect of quantities, qualities and prices; the state of labour relations, and the degree to which a spirit of willing co-operation has been created among members of the staff; and the ability of the whole organisation to adjust itself to changing circumstances, its readiness to make experiments and to take quick advantage of the latest technical improvements.

Unit costs, where discoverable, appear to provide the most straightforward guide; yet, without further analysis, they may tell us very little about the things that matter. The factors upon which they depend, e.g., technique, organisation, labour relations, productive enthusiasm, skill and training, etc., are all partially independent variables. Consequently, a decrease in unit costs, which at first sight might be taken to indicate a general improvement in efficiency, may conceal the fact that a deterioration in—say—the administrative organisation has been more than counterbalanced, so far as the index figure is concerned, by the introduction of a new machine. Similarly, “happy” labour relations may conceivably reflect themselves in de-

creased unit costs in spite of technical stagnation and organisational obsolescence.

For a picture of “all-round” efficiency, therefore, as opposed to one built up in terms of a few arbitrarily selected criteria, we ideally need techniques of measuring the movement and the mutual interaction of the various factors, and of relating them to those broad purposes which, in the light of the general political, economic and social situation, appear to have predominant importance. This type of analysis, moreover, would demand the application to the industry concerned, in relation to each of the variables, of the different forms of comparative measurement as defined by Sir Frank Tribe, viz., i. inter-period, ii. international, iii. inter-departmental, iv. inter-regional and inter-office (see *Efficiency in the Public Services*, 27 *Public Administration*, Autumn, 1949). And all of this involves (to quote Sidney Webb’s evidence before the Coal Industry Commission), “accurate measurement, complete publicity, and continuous comparison,” none of which ideals as yet receive more than the most elementary and incomplete satisfaction. Their complete realisation is one of the mirages that haunt the dreams of the administrator and economist. It is never likely to be achieved, but the importance of undertaking the preliminary study and fact-finding that can lead to partial achievement can hardly be over-estimated. Unless more is done in this direction, the nationalised industries—and indeed the non-nationalised ones too—will tend to become “the Aunt Sallies of the political fair.” “Their critics will quote one set of facts and figures, and a different set will be quoted by their supporters and the public will be

confused and dissatisfied” (27 *Public Administration*, Summer, 1949, p. 67).

When all this has been said, however, it is still possible to use the Reports as a basis for certain provisional efficiency-judgments, provided we are careful in our use of terms. Each Report provides quantitative measurements relevant to given aspects of efficiency, and the general impression created by the Report as a whole (after due allowance has been made for the natural bias of the Board) is not without significance. In using the figures provided by the Board, however, we must never cease to be conscious that they are subject to the following limitations: (1) that they represent the net result of a series of complicated “factor” interactions, as explained above; (2) that they measure only trends, and provide no evidence of the relationship between actual and possible efficiency; (3) that they tell us very little, if anything, about the merits or demerits of nationalisation itself, or of one particular form of nationalisation as distinct from another, actual or proposed.

What they do provide is evidence that the efficiency of the industries, measured in terms of output per worker, is definitely improving. Thus, whatever criticisms of nationalisation may be made, it cannot be said that there is deterioration in this respect.

Coal, for instance, shows a total increase in output of 1,100,000 tons, achieved by increased production per man-shift and the working of a higher number of shifts per man, in spite of the estimated loss of 7,700,000 tons due to the decline in manpower, and a decrease in open-cast production of 300,000 tons (para. 4). Output per manshift is the highest

yet recorded, and the average number of shifts per man the highest since nationalisation. Saleable tonnage lost from all causes other than absenteeism declined from 205,000 to 197,000 tons; saleable tonnage lost through disputes declined from 1,226,200 to 852,700, and through accidents, breakdowns and repairs (in spite of two major disasters) from 395,400 to 276,100.

Working expenses in British Railways have been reduced by 2/- per train mile between the beginning of 1948 and the end of 1950 (at prices ruling at the end of 1950). This figure, it is true, rests on the assumption “that the changes in the composition of traffics during the last three years are not of great significance, on balance, in relation to working cost” (para. 53), but the assumption would appear to be a reasonable one. Examples of other statistical tests applied to the railways (where, as the Commission says, “operating efficiency statistics exist in their most advanced form”) are as follows: (a) average wagon load at starting point (an increase of 1.5 per cent. over the previous year, representing a “trend which has continued since vesting date,” ascribable “in the main” to “higher capacity wagons and to . . . better loading arrangements”); (b) empty load-miles per freight engine hours (an “important derived statistical test of efficiency” which “has improved steadily throughout the last three years, and is now better than the average for the immediate pre-war years,” the latest annual improvement being 2.8 per cent.); (c) ratio of wagon miles per total engine hours (an improvement of 1.9 per cent.); (d) index of net ton-miles per engine hour (“steady improvement since vesting date”—

now 578, as against the pre-war 450); (e) coal consumption per engine mile (a steady decrease since vesting date, although still well above the pre-war figure).

The Commission assures us that "improvements in the unit cost of output . . . have also occurred in the sphere of Road Transport, mainly as a result of the process of vehicle replacement," but no figures are quoted in support of this statement, and it is a little difficult to believe that, in the present state of the road transport industry, unit costs are even approximately measurable (para. 53). In the section specifically devoted to Road Transport we are merely told of the *existence* of figures from which it would "appear" that "the tons carried tended to rise in the later part of the year more than the carrying capacity available, and there was a tendency for the mileage to fall." A certain deterioration in the utilisation of Diesel oil in road operations is ascribed (rather hesitantly) to poor weather and increased road traffic congestion. A rise in the operating costs of the Provincial and Scottish bus services is put down (vaguely) to "increased fuel duty and other factors," and said (rather dogmatically) not to be attributable "to a falling off in the efficiency of the schedules or in the miles obtained per vehicle and per man-hour." An increase in the cost of London Transport is also said not to be due to any "decline of operating efficiency." One has no reason to doubt these statements, but no evidence for their truth. For London Transport, one would have thought, the evidence ought to be available, but for Road Haulage and Road Passenger Services it cannot, as yet, be expected. In any case, these latter services have not

been under public ownership long enough for any real trends to become discernible. It would perhaps have been better if this had been frankly admitted. (For all the above statements and figures, see Transport Report paras. 123-132, Statements X3 to X20, and Diagram 11, page 67.)

The main evidence of increased efficiency in the Electricity industry is provided by the statement that the average price per unit of electricity was 1.6 per cent. below the 1949-50 level and that "the increase of 12.5 per cent. in the average price per unit . . . as compared with pre-war was very much less than the price increases of nearly all other commodities, and certainly very much less than the price increases which the Authority and Area Boards had to pay for coal, machinery, building construction, and equipment and materials of all kinds" (para. 8). We are also told that thermal efficiency rose from 20.86 per cent. in 1947-8 to 21.54 per cent. in 1950-51; that the average works cost per unit of electricity sent out from steam stations fell by 0.5 per cent., heat consumption per unit by 1.0 per cent., cost per unit for repairs and maintenance by 8.9 per cent., and cost per unit of operation for salaries and wages by 5.8 per cent.; that the average load per KW of maximum output capacity rose from 41.2 per cent. (1947-8) to 47.1 per cent. (1950-1); and that while coal consumption increased by 11.5 per cent., the electricity generated increased by 13.1 per cent., "the difference between the two percentages being due to improvements in the efficiency of generation" (paras. 27-30).

The most spectacular improvements in efficiency are reported by

the two Airways Corporations. B.E.A.C., for instance, records an increase in capacity-ton-miles per employee of 21.2 per cent. and a decrease of 8.3 per cent. in operating cost for each capacity ton-mile flown. The corresponding figures for B.O.A.C. are 47 per cent. and 9.2 per cent. The main factor here, as is well known, is the new aircraft types now in use, but it would be interesting to know how far the improvements reflect operational and administrative reforms.

What conclusions are to be drawn from this type of information? Those to whom the virtues of the present type of nationalisation are an article of faith will quote the figures given in the foregoing paragraphs to prove its "success." In fact, they prove nothing of the kind. All they prove is that, in relation to those aspects of efficiency which can be measured statistically and are in fact being so measured, the present forms of nationalisation have been compatible with the effecting of improvements. It is improbable that equal improvements could have been made under "private enterprise." But the actual factors primarily responsible—although some, such as mechanisation in the coal mines, improved aircraft types and new generating stations, are obvious—have never received rigorous analysis. Nor do we know the relationship between what has been achieved and what (in the given economic environment) might have been achieved, or the precise reasons for such gaps as may exist between possibility and actuality. Nor can we say very much, for lack of information, about the comparative efficiency of comparable units, such as B.E.A.C. and B.O.A.C., the Divisions of the National Coal Board, the Regions of British Railways, or

the Area Boards in Gas and Electricity. The obvious statistical comparisons which might be made inevitably fail to take into account the special circumstances of each unit. As for less tangible factors, such as the satisfaction of the consumers and the contentment of the employees, we are dependent (apart from such inconclusive evidence as may be provided by the Reports of Consumers' Councils, the Reports of conciliation and consultative committees and the statistics relating to the incidence of industrial disputes), upon subjective impressions. No "overall" efficiency index is possible. More mature judgment of efficiency depends, in my view, upon the further refinement of statistical method in dealing with the various aspects of it that are exactly measurable, supplemented by extended O and M enquiries, and (for the least tangible aspects of all) the application of social survey techniques. The Boards can do, and are doing, some of the work. They could, I think, do more; but they cannot do it all. Much must be undertaken by outside agencies, official and unofficial. It is to be hoped that, in the light of Sidney Webb's second requirement, publicity, the Boards will not deny them the necessary facilities.

Relations with Ministers and Parliament

Efficiency and public control are closely related. The efficiency of a nationalised industry can be greatly influenced by the form of control adopted, and demands for an extension of such control are likely to swell if there is a general opinion that the industry's efficiency is below par.

Present controversies on the subject

of control by Minister and Parliament, however, are hardly reflected at all in the present series of Reports, which contain nothing of equal interest to the Electricity Authority's open disagreement with the Minister of Fuel and Power, in its 1949 Report, over the Clow Differential. Such expressions of opinion are always likely to be the exception rather than the rule, for the extensive powers that the Minister wields (and particularly the power of appointment and dismissal) do not encourage frankness on the part of the Board. Hence, although neither law nor convention prevents the Board from saying what it likes about its relationship with the Minister, in practice it usually says as little as possible and sometimes nothing. Indeed, in spite of the clear theoretical distinction that exists between a nationalised industry and a government department, it seems that a convention is being established whereby the relationship between Minister and Board is as confidential as that between Minister and Permanent Secretary. That Ministers themselves favour this type of relationship is suggested by the complete absence, as yet, of General Directions,* except of a purely formal financial kind. As for Parliament, the Board usually steers clear of any overt comment on criticisms of its policy made in debate.

This year, the Coal Board has nothing whatever to say about its relationship with either Minister or Parliament. The Transport Commission, on the other hand, devotes a whole Section of its Report to the subject, but provides little information. It makes a list of the debates in which nationalised transport has been discussed and gives a

total of the number of Questions asked. As in previous Reports, it announces the number of letters received from Members on questions of policy and management. There are 1,800 of them, to each of which the Chairman of the Commission is said to have replied personally. It is difficult to believe that this is literally true; if it is so, one can only say that the task of answering queries about "day-to-day" matters must occupy an undue proportion of his time. The Commission also—unlike any of the other Boards—devotes a paragraph to the Commons debate on the public accountability of nationalised industries. It says that the measures suggested by the Government have received its "particular attention" and that it "concurs" in the proposal for the appointment of Commissions of investigation at seven-yearly intervals. At the same time, it pours a judicious dose of cold water over the proposal by saying that "an enquiry of this kind must be lengthy and may place a considerable strain upon the staff of the Commission and Executives," and pointing out that investigations by the Transport Tribunal already cover the "full range of the Commission's finances and operations" and that this has "no parallel in the state obligations of the other nationalised industries." As regards the Ministry of Transport, we are informed that "close relations" were maintained with the Minister "on matters for which he is responsible" (a phrase of almost classic uninformativeness!) and with the officers of the Department, whose co-operation "in dealing with matters upon which they have been consulted by the Commission" (which matters?) has been greatly appreciated (para. 9).

*Written in November, 1951.

The Electricity Authority lists the Statutory Instruments made under the 1947 Act (App. 43) and the statutory consents sought (para. 311). It describes one Ministerial order (made according to the prescribed consultative procedure) for varying the area of an Area Board (para. 312). It reports that no direction under the 1947 Act was given by the Minister to the Authority during the year, "or by the Authority to the Area Boards," thereby indicating that the informal relationships at the higher level are repeated at the lower (para. 310). B.E.A.C. reports "close contact" with the Ministries of Civil Aviation and Supply (p. 12). B.O.A.C. speaks of the "co-operative attitude adopted by the Ministry of Civil Aviation in bringing about improvements to the main runway" at Prestwick (para. 38) and of joint pressure brought to bear by the Corporation and the Ministry on overseas local authorities in respect of the provision of ground facilities (para. 80).

Labour Relations, Consultation, Welfare, Training and Education

The Boards' relationships with their staffs necessarily receive much fuller and more specific treatment. It is not necessary, however, to deal at length with these matters here, as all the Boards, except the Gas Boards, have been mainly concerned with the detailed application of basic policies already fully described in previous Reports. For this reason, too, the chapters under consideration are by no means easy to summarise.

Each Report contains a fairly full account (inevitably somewhat biased) of negotiations with recognised trade unions about wages and conditions. Questions of union recognition and

representation on negotiating bodies, where two or more unions claim to represent a given body of workers, continue to cause difficulty (see, for instance, the Coal Board Report, paras. 259, 267). As this problem has already been discussed in the Acton Society's study, *The Future of the Unions* (see pp. 5-7), there is no need to comment on it here. Another outstanding feature, also discussed in the same study, is the development of the "managerial union," one of the most interesting by-products of nationalisation (see Coal Board Report, paras. 253-255; Transport Commission Report, para. 231; Electricity Authority Report, paras. 268-269; Gas Council Report, para. 160).

It is difficult, from most of the Reports, to gain a clear idea of how effectively the consultative machinery is working. The Coal Board provides a list of questions dealt with by consultative committees, gives some examples of successful use of the machinery, and makes a few remarks about the virtues of consultation in general (paras. 223-230). The Transport Report, after listing the "wide range of subjects" on which consultation took place in British Railways, states that "there were occasions when the staff were somewhat apprehensive of any approach that involved local changes in established conditions and every effort was made to guard against any feeling of suspicion on the part of the staff" (para. 261). Evidence from other quarters would suggest that this statement has a distinctly euphemistic character. The newly-established consultative machinery in Road Haulage, which is the same as the negotiating machinery for that industry, receives a brief description (para. 34), and the establishment of

three Joint Advisory Committees, on Welfare and Safety, Training and Education, and Working Efficiency, which "should produce valuable contributions to the work of the Executive in the years to come," is announced (para. 448). London Transport has "exhaustively reviewed" its consultative organisation, and will discuss "new or improved means and methods" with the Trade Unions. Joint efficiency committees, set up after consultation with the R.C.A. and consisting of members of headquarters office staffs, are said to have produced "a number of valuable suggestions" (para. 541). Docks and Inland Waterways report only the initiation of a suggestions scheme (para. 591), and the Hotels Executive merely the preservation of "good relations" between the Executive, their Officers and the staff, and the holding of staff meetings at many centres, where "full discussions of problems, objectives and developments have taken place" (para. 605). Of all the Reports, that of the Electricity Authority is the most informative on this subject. It finds the "growing assumption of responsibility by the District Councils" for initiating recommendations "particularly encouraging." "That most of the matters raised by these Councils originated in Local Advisory Committees indicates," says the Report, "an increasing vitality in local consultation" (para. 271). There follows a table classifying the total number of items appearing on the agenda papers of the District Councils since their inception, in June, 1949, to 31st March, 1950, and during 1950-1. Education and Training, originally second to Welfare, now occupies first place, and items relating to Efficiency have risen from 6 to 187, 84 of which

were connected with the employees' suggestion scheme (para. 272). Paragraph 274 of the Report further analyses these items, and indicates "a growing interest in works progress and production performance and in contemplated changes and developments." One cannot say, for lack of standards of comparison, that the consultative machinery in Electricity is working well, but it does appear to be working better than in the other major nationalised industries. This appearance, however, may conceivably be due to the Electricity Authority's higher standard of care in reporting on this subject. Staff consultation in B.E.A.C. and B.O.A.C. is known to be well developed, but the two current reports do not add very much to our information about it (B.E.A.C. Report, paras. 109-114, and B.O.A.C. Report, pp. 55-56).

All of the Reports deal, at varying lengths, with the development of staff welfare (in which we include, for the sake of brevity, safety and health). All record "progress" of some sort, but make little attempt to measure it. We are left with the vague impression that the Board is doing its best, under difficult economic circumstances, but are given no real understanding of the extent of the provision in relation to need or demand. Nor do the accounts help us in this respect, for nowhere do the things in which we are interested appear as separate items. The Coal Board reports that "welfare activities continued to expand," but at the same time shows a decrease in the amount spent on such activities from £2,400,912 to £1,276,382 (p. 158), which it assures us "resulted mainly from the reduced number of hostels occupied with a corresponding diminution of hostel

losses." We are not told, however, whether expenditure on the other welfare items included in these sums increased or diminished. As for Health and Safety, which the Board rightly describes as the most important of all its obligations, there is no indication whatever of how much was spent, or of the relationship between expenditure on this item and on other items. Part of the expenditure, without doubt, would come under the heading of Research, but even there we are only given the amount granted to outside organisations and told that "the Board's total expenditure on research was much greater than in 1949" (p. 158). It looks as though Item 24 of the General Expenses Account (Schedule XII) is capable of covering a multitude of sins. Perhaps a break-down of expenditure to show Health and Safety as a separate item might be rather difficult, but it ought to be attempted, for it is most certainly in the public interest to know what part of its revenues the Board is devoting to an activity which it specifically states to be of major importance. The same point applies to Education, which appears also to be included (at least as far as educational grants are concerned) in the lump sum for Sundry Expenses, together with "disposal of pit dirt at sea . . . expenses of Consultative Committees, pit inspections, ambulance charges and levies on ancillary products" (p. 158). It should be added that the Accounts of the other Boards are equally deficient in these respects.

There is no need for me to say anything further about Training and Education, because the subject has been covered by Mr. R. W. Bell's article in the Autumn, 1951, number of *Public Administration*, and by the

Acton Society's new publication, *Training and Promotion in Nationalised Industry* (Allen and Unwin, 1951); and there is nothing in the reports that demands any additional comment.

Relations with Consumers

Although the Boards' relations with organised consumers do not, at present, possess the importance which attaches to their other relationships, a certain amount of significant experience has now been accumulated about the working of the various consumer bodies associated with the nationalised industries. (See, for instance, J. W. Grove: *The Consumer Councils for Gas and Electricity*, in 28 *Public Administration*, Autumn, 1950; J. A. G. Griffith: *The Voice of the Consumer*, in 21 *Political Quarterly*, 2.) This is hardly the place to attempt an assessment of the working of consumer bodies generally, but no survey of the nationalised industries could omit notice of the Reports of the Electricity Consultative Councils, which form the most interesting parts of the Reports of the Area Electricity Boards. These bodies have an organisation that enables them, if they wish, to get very close to the consumer; they have been in existence, moreover, for two years or more, and therefore can no longer be treated as unpredictably experimental. Hence they should provide as good evidence as is available of the operation of the present type of machinery of consumer representation. What do we gather from their Reports?

We gather that only a comparatively small part of their business consists of representations from individual consumers. Even the North-Western Council, which seems to

have been more occupied in this way than most of the others, reports no more than "scores" of such representations. Much greater attention, in most cases, has been paid to representations by organised bodies, such as municipal authorities, to points raised on the initiative of individual council members, and to the broader issues arising out of the Area Boards' programmes and policies. The Councils' opinions of their own usefulness vary widely. The North-Western Council states boldly that "consumer representation is justifying itself"; the North-Eastern, at the conclusion of an untidy and uninformative document, finds "gratifying" the recognition by "various consumers" of the "useful service" that it has performed; the Eastern Council considers the need for consumers' representation to be "firmly established"; the Merseyside and North Wales Council tantalises us by saying that it is working "effectively and efficiently within the limits conferred upon it by the Electricity Act of 1947." The Southern, on the other hand, says that "it must be admitted frankly that too few people know of the existence of the Council and many others seem to have little idea of what it is supposed to do," and the Yorkshire Council complains that much of its work, in spite of the publicity given to it, "is either unknown or uncomprehended by the General Public."

Matters most frequently discussed by the Councils have been Load Shedding, Rural Electrification, and Tariffs. The first problem is obviously a national, not a local one, and hence the Councils' demands for more capital investment, the building of "utility" power stations,

the importation of scarce equipment from the Continent, etc., are directed at the Authority and the Minister of Fuel and Power rather than at their Area Boards. Most of them, however, have considered methods of notifying and distributing the "cuts," which are—in part—area responsibilities, and some appear to have secured the adoption of minor improvements in these respects. The problem of rural electrification has also stimulated demands for national action. "The onus of curtailing rural development plans," says the South Wales Council, "should not be laid upon Area Boards as a result of financial circumstances over which they have no control." The South-Western considers that areas such as its own, predominantly rural and with a low population density, should receive "national subvention." Other Councils (such as the North-Western and East Midlands) complain about delays in obtaining consents for the erection of supply lines, for which they lay the main responsibility at the door of the Ministry of Town and Country Planning.* Most accept, regretfully, the necessity of capital contributions from isolated farmsteads, etc., and give their general approval to their respective Boards' rural electrification schemes. The South-West Scotland Council, indeed, expresses reluctance to interfere by taking up consumers' requests for supply. The South-Eastern (England) hopes "that the Board will not apply too rigidly the financial test in the development of rural areas." On tariffs, there appears to be general approval "in principle" of the National Retail Tariffs Committee's recommendations, and most Councils are in broad agreement with their Boards'

standardisation proposals, while reserving their final opinion. The South-East Scotland and South Wales Councils secured minor concessions for certain classes of consumers. The South-Eastern (England), which seems to have had a certain amount of trouble with its Board, emphasises "the necessity of full consultation between the Board and the Council before the introduction of any new tariffs." Only the Eastern and Yorkshire Councils have come into head-on collision with their Boards on the subject. The Eastern carried its case first to the Authority and then to the Minister, who received a deputation but refused to make a direction. The Yorkshire Council, at the time of reporting, was awaiting the result of an appeal to the Authority against increased charges which, it alleged, were not necessary in view of the Board's financial position and would bear heavily on certain sections of the lower income groups.

Other subjects dealt with include (a) Purchase Tax on safety type electric radiators (North-Western and Yorkshire), (b) the price of bulk electricity supplies from the Central Authority (Southern and Midlands), and (c) the right of tenants on a new housing estate to have electricity as an alternative to gas for cooking and water-heating. The South-East Scotland Council appears to be unique in that it persuaded its Board to accept several amendments in its 1950-1951 statement of proposed capital expenditure. The East Midlands Council, however, reports that it was able to influence development plans at a very early stage, without giving any details.

By and large, this is not a very impressive achievement. One inevitably wonders whether such

meagre positive results could not have been achieved quite as well by direct representations by interested parties to the Boards, without the intervention of the rather elaborate apparatus of Consultative Councils with their District Committees or local representatives. With better publicity for the activities of the Councils there might have been more to show, but one has a nagging suspicion that "the real trouble is that these bodies are trying to run with the hare and hunt with the hounds. I believe that a Consultative Council cannot be at one and the same time an official organ of consumer representation and an unofficial public relations department of the Board. At present, its relations with the Board are so intimate that the public may well doubt the genuineness of its independence. In most cases, it succeeds in reinforcing such doubts by showing obvious reluctance to take the public into its confidence. Admission of the public to meetings of the Council is the exception rather than the rule; admission to meetings of District Committees is nowhere allowed. There are, of course, plenty of "reasons" for this secrecy. The reply to them all is that a so-called Consultative Council, purporting to represent consumers, which does not meet publicly, is a hole-and-corner thing that is most unlikely to succeed in stimulating either interest or confidence. And one that adopts the deplorable—and now quite general—device of admitting only the press to its meetings is guilty of conducting its public relations through a private agency to which it has granted exceptional privileges. If we add to these defects the fact that the Consultative Council is an appointed, not an elected, body, it is hard to

*As it was called during the period to which the Reports refer.

resist the justice of the epithets applied to it by the *Economist*—"worthy, windy and weak."

Only the North-Western Council seems adequately conscious of the need to do something much more than issue a few leaflets and posters to popularise its work among its "constituents."* Rather pathetically, it asks the Ministry for a "small sum" for publicity purposes. Only the London and South-Western Councils have any meetings to which the public are invited—one a quarter. And only the South-Western displays any awareness of the possibility that people may consider the Council too closely identified with the Board. Wisely, it has decided to have its own secretary "as a desirable measure for further severing in the eyes of the public any apparent dependence . . . on the Area Board." Whether it will obtain one we do not as yet know, as salary and terms of appointment are dependent on Ministerial and Treasury approval, and the Minister refuses to commit himself in advance. Perhaps the most distressing evidence of the low esteem in which the Councils are held comes from the Report of the Merseyside and North Wales Council—one of the best of the bunch. Its demand for representation at meetings of the National Parks Commission when the distribution of electricity in the Snowdonia National Park area is being discussed is met by a reply from the Commission to the effect that "if the Board recommend that a representative of the Council be present . . . they will have no objection." This is the sort of treatment that may be fully expected—and indeed is fully deserved—so

long as there are Councils in the country which, like the Eastern Council, humbly express the hope that their "services to the Board . . . could become of increasing usefulness to the Board."

Gas

Nationalised gas is the latest born, and, according to the apostles of decentralisation, loveliest vision far of all the post-war babies whose distinctive cries are here being recorded. In most respects it is a fortunate child, enjoying, in comparison with the others, remarkable freedom from growing pains and teething troubles.

The first Report of the Gas Council is a businesslike and informative document which will be of permanent value to students of the industry. It contains a clear account of the structure of the industry under the 1948 Act, of the organisation of the industry before nationalisation, and of the transition from semi-private to fully-public control. The existing and projected structure of the industry made the decentralisation of executive control, in the hands of Area Boards, an almost indisputable necessity; and national bodies already catering for many purposes now concentrated in the Gas Council's hands provided more than the nucleus of an experienced headquarters staff and a procedure that required to be adapted rather than superseded. "There is little doubt," says the Report, "that the new structure of the industry has seemed more natural because of the organisation developed by the British Gas Council and its predecessors and the habit of group thinking

*It is worth noting, however, that the Merseyside and North Wales Council is attempting to improve the position by issuing a duplicated Information Bulletin to "Members of Parliament, Local Authorities and other organisations within the area."

which that organisation encouraged" (para. 35). Through the National Federation of Gas Coke Associations and the London and Counties Coke Association an organisation was ready to discharge centralised functions relating to the industry's most important subsidiary activity, and also to provide important services in this field for a territory now covered by five of the Area Boards (para. 47). As the industry had a long and successful record of "Whitleyism," "there was no break in the continuity of the national labour relationships of the industry" (para. 42) and local relationships required only comparatively minor adjustments. Even according to Professor Schumpeter's very exacting criteria of "ripeness," there could be little doubt that the gas industry was a suitable subject for nationalisation.

The positive advantages of nationalisation, in the form of considerable economies that could be achieved by the integration of many separate, largely independent concerns, and the better service to the consumer that could be provided thereby, were no less evident. "Perhaps the most obvious advantage of the new structure of the industry," says the Report, "is that over large regions of the country boundaries have been removed and undertakings have been brought under the control of twelve, instead of some thousand, authorities" (para. 370), and in subsequent paragraphs it illustrates this advantage in concrete detail (371-382). Plenty of further evidence of the same kind may be found in the technical chapters of the twelve Area Gas Board Reports.

The Gas Council itself, with its complicated relationships and unique combination of functions, is a body that defies constitutional classification

(see Report, Chap. I). It seems to fly in the face of a host of solemn maxims about the virtues of simplicity and the importance of a clear line of command. On paper, it looks intolerable. But one has a strong suspicion that in reality it possesses the supreme merit: that it will work with comparatively little administrative friction and managerial frustration—perhaps work better than the more "logical" set-ups of some of the other nationalised industries. "The new structure," says the Council, "... is largely an experiment in co-operation by consent, and the relations between the Council and the Area Boards will, no doubt, be a matter of evolution. The Council believes that in its first year a good beginning has been made" (para. 29). The information given in the twelve Area Reports tends to support that belief. It is too early, of course, to pass judgment on this apparently complicated structure, but its development will be followed with sympathetic interest by students of public administration. Lessons of general application will doubtless be learnt. It is to be hoped, however, that people will be on their guard against concluding that what is good for the gas industry is necessarily good for every other nationalised industry; for if any lesson has been learnt already as a result of six years of nationalisation, it is that each of the industries presents a *distinct* administrative problem.

The Area Boards, of course, are confronted with their own administrative problems, and appear to be tackling them with an experimental freedom which derives from their being recognised, in the statutory pattern of the industry, as independent operational units. Each Board necessarily adapts its administrative

arrangements to the characteristics of the area that it serves. Consequently, the North Thames Board, with its small, highly industrialised and densely built up constituency, has an organisation that is completely different from that of the South-Western Board, which serves the whole of three large predominantly rural counties and bits of several others. We have here excellent material for comparative study.

Conclusion

In this review I have attempted to draw critical attention to parts and features of the annual Reports which seem to me of particular importance, and to suggest certain ways in which reporting might be improved. I have confined myself, quite deliberately, to a consideration

of evidence embodied in the Reports themselves; for to assess the value of a Report one needs, temporarily, to regard it as the sole source of knowledge about the industry with which it deals. In so regarding the latest available Reports, I have been impressed by the sheer quantity of the information which they provide, but also by the inferior quality of some of it and by the lack of sufficiently concrete detail on some aspects, particularly the administrative, of the nationalised industries' organisation. It is not entirely fair to blame the Boards for these deficiencies. In their Reports they tell us (within limits) what they think we want to know. Only if *we* tell them what we actually want to know will they receive the necessary stimulus to report more adequately.

The Local Government Service Since the War

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LOCAL AUTHORITIES have a wide range of employees—midwives and policemen, town clerks and caretakers, teachers and engineers. This article deals with those employees who are neither manual workers, such as bus drivers, gardeners and road-sweepers (who are classed as servants), nor teachers or policemen: with those, that is, who are known as local government officers, performing work of a professional, technical, administrative or clerical character.

One expression of the considerable degree of independence possessed by each Local Authority until fairly recently was its right to appoint its officers (with very few exceptions) on such terms and conditions as it thought fit. In consequence, there was no local government service in the sense that there was a civil service, with uniform methods of recruitment, systems of grading and scales of pay applicable throughout the country to all the departments. This contrast between uniformity and diversity did not, however, arise exclusively from the fact that in the one case there was a single employer and in the other a multitude of employers, some of them on a very small scale indeed. It was partly the result of a fairly general view that local government was less important than central government, and that within local government the officer was of less importance than the civil servant within central government. In the light of such a belief there seemed little need for proper systems

of recruitment and promotion and for the possession of qualifications on the part of any but the few heads of departments and specialist officers.

The steady increase in the powers and duties of Local Authorities which began after the first decade of this century not only made local government more important, but made the fact growingly apparent. This awareness was not, however, in general accompanied by an appreciation of the correspondingly increasing importance of the local government officer. Local Authorities continued to make their own individual arrangements, if such they could be called, for the recruitment and promotion of their staff and to pay such salaries as they felt appropriate. Only very few had entrance by examination, salary grades and prescribed promotion procedure.

Factors Favouring Greater Uniformity.

Three factors have been mainly responsible for breaking down this isolationism of Local Authorities in regard to the official staff. The first was the growingly wider acceptance of the recommendations made by the Whitley Committee during the latter half of the first world war. Of these the most important was that which proposed the establishment of continuing organisations of representatives of employers and employed to agree on behalf of their constituents on rates of pay and conditions of service. By 1920 a National Joint

passing the first stage. The National Joint Council has recently (1951) prepared a syllabus for the qualifying examination which consists of two-hour papers in English, Arithmetic and General Knowledge: the standard is approximately that of Ordinary level of the General Certificate of Education. It was originally laid down that the standard of the qualifying examination should be not less than that of the School Certificate Examination. In practice it was generally not possible to adhere to this, since youngsters of this level of attainment could secure better paid work elsewhere. It seems likely that, for the same reason, it will not be possible for the Junior Entrants' Examination to be insisted upon as a condition of recruitment, for the present at any rate.

Some officers may be recruited at later stages. Boys and girls of eighteen and nineteen may be admitted as a result of a competitive examination; but the scheme of conditions of service does not intend that the numbers of such entrants shall be great. Admission may also be secured in the early twenties by University graduates and by those who are professionally or technically qualified. The Hadow Committee attached great importance to the systematic recruitment of graduates into the local government service, not only for specialist but also for administrative work, in view of what it felt to be the value of university education as a preparation for work of the latter kind. The National Joint Council agrees that local government ought to benefit from the services of graduates. It therefore recommends that graduates should be appointed in limited numbers, and that adequate facilities should be afforded to serving officers to enable

them to obtain degrees. The intention of the Council to give guidance on this matter, which involves difficult issues, has not yet been fulfilled.

Post-Entry Training

Various provisions are made for post-entry training. Up to the age of twenty-one juniors should be transferred from department to department, so as to acquaint them to some extent with the work of the Local Authority as a whole. More senior staff may be seconded to other departments for the purpose of enlarging their administrative experience. Junior officers are required to attend approved part-time classes not only to continue their general education but to learn something of the principles of local government. Facilities are provided to enable officers to obtain suitable professional and technical qualifications and to proceed to University degrees or to Diplomas in Public Administration. Seventy-five per cent. of tuition and examination fees and of travelling expenses are paid by the Local Authorities and any necessary leave of absence is granted. An officer accepting a grant may be required to undertake to remain with his Authority for at least two years after securing a qualification.

General Grading

The official staff, exclusive of those with salaries of over £1,000, are graded into four divisions, according to the nature and quality of the work they perform, on the Civil Service principle. In the General Division work is of a routine character, carried out under instruction, or according to well-defined procedure. The maximum salary is reached at the age of 32. The annual increment may be withheld from officers in this

Division (as it may for all whose salaries are below £560) if the annual report which must be made upon them is adverse. At the ages of 21 and 26 a special assessment report is made by the head of the department. If the first one is unsatisfactory, the officer may be dismissed; if the second one is unsatisfactory, further increments may be withheld.

Next comes the Clerical Division, composed of officers performing work requiring perhaps more responsibility or of a less simple nature than that undertaken in the General Division. There is no relation (here or in the two higher Divisions) between salary and age, since an officer may wait for a varying length of time before he is promoted (if at all) from the General Division. The Higher Clerical Division includes officers acting in a supervisory capacity or responsible for individual work of importance.

At the top of the hierarchy is the Administrative, Professional and Technical Division (A.P.T.). This includes not only officers who must have professional or technical qualifications, such as solicitors, engineers and accountants, but those who are engaged on work which may claim to be administrative and not merely clerical in character. Included among such officers, for example, are committee clerks and those responsible to their chief officer for the organisation and superintendence of sections of the department. The creation of this division affords overdue recognition to the importance of work of this kind in local government, and gives to the officer with administrative ability the possibility of sharing the higher-paid posts with his professional and technical colleagues. Beyond that his ambitions cannot take him, since it is from the

latter that the heads of departments are almost without exception drawn. Unlike the other Divisions, A.P.T. is divided into grades, eleven in all, progress from one to another of which is not automatic.

There was a further Division to provide for officers whose duties are only partly clerical and are of a specialised character, e.g., education welfare officers: such officers are not normally recruited as juniors at the age of sixteen. This was known as the Miscellaneous Division. As a result of certain difficulties the National Joint Council in 1950 removed this Division from the Scheme of Conditions of Service and established a new scheme for these officers, in which *inter alia* there are scales of salary applicable to six grades.

Except in the A.P.T. Division and for the Miscellaneous Classes, where pay is equal, women receive approximately 80 per cent. of the pay and increments of men.

Senior Officers

Certain chief officers, and officers with salaries of over £1,000, do not come within the competence of the National Joint Council. Until relatively recently there was in most cases no negotiating machinery for dealing with their salaries and service conditions. The lack of such machinery was causing concern to the Associations of Local Authorities because of what they described as the "chaotic and difficult position" which had in consequence arisen. In 1948 these associations joined with organisations representative of various classes of chief officer to form joint negotiating committees to agree upon salary scales and conditions of employment. The first of these is concerned with Town

Clerks and District Council Clerks (County Clerks are not covered, and the County Councils Association merely has two non-voting representatives on the Committee). The second is concerned with Accountants and Treasurers, Engineers and Surveyors, Chief Education Officers and Architects, and all other officers, whatever their designations, whose maximum salaries exceed £1,000. On this Committee, called the Joint Negotiating Committee for Chief Officers of Local Authorities (though it is not concerned with certain chief officers and is concerned with some who are not chief officers), all the Local Authority Associations and the staff organisations are represented, as well as the deputy clerks of Borough and District Councils and N.A.L.G.O. Both Committees have drawn up salary scales, graded according to Local Authority populations, which leave a degree of latitude to employers within minimum and maximum amounts. The salaries of Chief Constables and Medical Officers are dealt with by other machinery.

Promotion Examinations

When the Scheme of Conditions of Service was first published it provided, in addition to a general rule that promotion to a higher division should be dependent upon the existence of a vacancy, that a General Division officer could not be promoted unless he had passed a specially instituted Promotion Examination or had secured an approved alternative qualification. The National Joint Council had appointed a Local Government Examination Board to devise and manage the Promotion Examination, make arrangements for holding it, and keep under review examinations

which are applicable to the local government service. The Board had used its power to appoint, in its turn, an Examinations Committee of independent experts to recommend the appointment of examiners, to determine pass marks, to scrutinise questions, and so forth. After three Promotion Examinations had been held it was felt that the examination was of too high a standard merely for the purpose of enabling an officer to move from the General Division, but of too low a standard to entitle him to climb, without necessarily having any other qualification, to the top of the A.P.T. Division. A very considerable modification of the arrangements for promotion was therefore made by the Board last year. For the original Promotion Examination there has been substituted the (considerably easier) Clerical Division Examination, the passing of which entitles the officer to promotion into the Clerical and Higher Clerical Divisions. Entry into the A.P.T. Division depends upon the possession of qualifications which are suitable for administrative, professional or technical posts. It is essential for the working of the promotion scheme that Local Authorities designate each post as falling into one or other of these three categories. Certain professional and technical qualifications are recognised for promotion up to Grade IV (e.g., Law Society Intermediate), others for promotion to Grade X and above (e.g., Law Society Final). For the administrative officer the National Joint Council considers that the proper examination is one of a general character requiring knowledge of the essential features of central and local government, of background subjects such as economics, of the problems and principles of public

administration and of the administration of a particular department. The Administrative Examination, which is divided into Intermediate and Final stages, is of this nature. The first stage permits of promotion from the General Division up to Grade A.P.T. IV, the second stage beyond this. Certain other examinations are recognised as alternatives, not necessarily because they are considered fully appropriate, but because they have been taken in the past by many officers who wished to obtain a qualification of an academic or secretarial nature in default of one of another kind. In some cases these examinations will not be recognised if passed after 1955. The syllabuses of the Clerical Division and Administrative Examinations are given in an appendix.

There is no doubt that in many important respects the local government service is now much more homogeneous. There are uniform gradings, salary scales, rates of sick and overtime pay and allowance of annual leave. On the other hand, there are considerable differences in the value which local authorities put upon similar work and there are in consequence differences in the salaries of the officers performing it. This is shown very clearly in a survey of the local government service carried out in 1949 by the National Joint Council. Thus, of two large County Boroughs, the first had 20 per cent. of its male officers in the General Division, 7.3 per cent. in A.P.T. II, and 4.3 per cent. in A.P.T. III; the second had, for the same grades, 27.8 per cent., 1.9 per cent. and 11.9 per cent. respectively. Similar discrepancies were to be seen in regard, for example, to the use of annual reports. Of the 127 Counties and County Boroughs

which supplied information, 40 per cent. did not use them. As mentioned previously, many Local Authorities find it impracticable to submit junior entrants to an examination or to insist upon the possession of any educational qualification. From the point of view of the efficiency of local government one of the most important provisions of the scheme of conditions of service is the requirement that no officer should be promoted who has not passed either the internal or an approved external examination. It would be interesting, but perhaps disturbing, to know how many officers have in fact been promoted (after the expiry of the discretionary period at the end of 1949) who have not qualified in this way.

So long as the work of local government is distributed among a large number of Authorities with widely varying functions, resources and circumstances, it will not be possible to have anything like absolute uniformity of practice in regard to the official staff. It is clearly the small Authorities which find it most difficult to adhere to the National Joint Board's scheme, especially in such matters as inter-departmental mobility, leave of absence for study and recruitment of graduates. Nevertheless, it has to a considerable degree proved adaptable to Local Authorities of all sizes, and has been a very important instrument in fashioning a better organised and, in consequence, more efficient local government service.

Appendix

Clerical Division Examination

English—One paper of 3 hours.

Outlines of Local and Central Government—Two papers of 3 hours each.

Intermediate Administrative Examination

Five papers of 3 hours each:—
Essay and Précis ;

Local and Central Government
(2 papers) ;

One subject selected from the
following :—

Economics, Mathematics, Statistics, Logic, and Scientific Method ;

One subject selected from the
following :—

Social and Economic History since 1760, Constitutional History of England, Elements of English Law, Regional and Physical Geography.

Final Administrative Examination

Five papers of 3 hours each :—

Principles and Problems of Public Administration (General) ;

Principles and Problems of Public Administration (Local Government) ;

The Social Services ;

Two subjects selected from :—

Social and Political Theory, Political Institutions, Social Statistics, Economics of Public Finance, Administrative Law, Nationalised Industries Administration, Local Government Law, Local Government Finance, Education, Public Health, Administration of a Particular Department.

The Director of Establishments and Organisation

By H. V. RHODES, C.B.

Until his recent retirement Mr. Rhodes was Director of Establishments and Organisation, Ministry of National Insurance. His paper was given in the Institute's series of Lectures: A Day in my Official Life.

No Standard Day

I THINK I had better begin by saying that I hope the title of my lecture will not lead anyone to think there is a standard day for Directors of Establishments and Organisation. There is, in fact, no such thing. Recently, for example, I spent the morning attending one of the Secretary's periodical conferences, and the afternoon as a member of the Selection Board for Assistant Principals at the Civil Service Commission. And if this had not been the programme it might have been something equally distant from a real cross section of the work.

No, a standard day, or even a typical day, does not exist in the life of a Director of Establishments. He wishes it did. He might then make more fruitful attempts at the scientific planning of his time, so as to get the opportunity of a little connected thinking. But in one way or another his work touches almost every activity of the Department ; it varies in volume : it comes in irregularly and from all angles ; and it often has to be done against time. It is true that a good deal of it is disposed of by personal consultation, but much has to be reduced to writing, often with great precision of language. The D.E.O., in short, maintains a constant fight against masses of paper, especially in the initial stages of a question. He has a horror of long, tight, glutinous minutes. He has a greater horror still of short notes to the effect that no doubt he will like to see some particularly fat wad of intricate technicalities.

Alas, he must often dive into a lot of them. But this at least increases his veneration for the memory of a famous Secretary to the Post Office, who on being referred to a long, long, memorandum of many pages, single spacing front and back, with one of those "like to see" minutes, endorsed the papers wearily, "Seen, but not read." Such men deserve statues.

Yet it is the great variety of the work, its pressure, its demands for the switching of the mind instantly from north to south, or east to west, or to any intermediate points, which give to Establishment and Organisation duties a peculiar fascination and charm all their own. There are frequent excitements ; frequent occasions when an immediate decision must be reached when a little interval would have been preferable ; and there are many frustrations. These last do not, of course, add charm ; but they train the Establishment Officer in self-control and in that grand patience competition in which he so easily comes first, with Job relegated to a mere honourable mention.

I think, then, that the best way I can give you an idea of the official life of a D.E.O. is to ask you to look with me at the work of several days. I will then touch briefly on matters not so covered, in the hope that at the end you will have formed some general idea of what it is really all about. After that I shall find it necessary to refer briefly to the great changes which have occurred in the range of an Establishment Officer's duties during the last decade or two.

Throughout I shall be talking as an individual, and any views I may express will not necessarily be the views of the Department.

The Beginning of a Day

My day really starts with the evening before. If it is not a discipline case it is something else I must look at quietly, free from interruptions. Speaking personally, discipline cases and promotion cases are about the only things that have ever really worried me in my work as D.E.O. Other matters are, no doubt, problems, but these two are different: the future and happiness of a man and his family may be at stake.

This particular discipline case has no novel features. *Prima facie* there is nothing much more in it than a sordid falsification of claims to travelling, lodging allowances, and subsistence, by a fairly senior and established officer. The worst of it is that it is not one offence, but a long-continued series. I read with great attention the very careful minute of the Assistant Secretary. There is a wife and three children, and there is a history of neurasthenia following the 1914-18 war, in respect of which a small pension was granted many years ago. The man's work is reported to have been good; he certainly put up a stout performance during the launching of the Ministry.

I decide in this case—as I nearly always do in similar cases—to read every paper in the file, starting with Enclosure 1 and Minute 1. I want, if I can, to find something which will justify measures less than the full penalty, for the case seems to be proved and looks serious. I try to carry in my mind throughout that the man has good points and has done good work. At the end I see that, as I expected, the Assistant Secretary

has omitted nothing material in his minute, and I come to the conclusion that we ought to find out whether the offender is still suffering from neurasthenia and whether in any event it was of a kind to affect him now, and if so, how.

After this I will probably sit revolving some of the main matters I know I must grapple with next day. I believe a great many Establishment Officers have this evil habit of thinking about their work outside the office. It is true that there are certain stout fellows who are above weaknesses of this kind, but I cannot live up to their standards.

Arriving at the office next morning I glance at my appointments slip and see that I have a conference and two or three other appointments, but nothing before 11 o'clock. There is time to deal with the in-tray. This is brought in to me by a young Executive Officer, whose business it is to describe what has come to me, and in particular to pick out any matters which are marked urgent or which, from experience, he knows to be urgent. Let us glance at the contents of the in-tray on three days in February last.

First Specimen In-tray

On the first of these days I begin by scanning one or two Treasury circulars, or "Dear Establishment Officer" letters. I do not usually dwell on them because I know that duplicates have gone to a Principal who will initiate action. There are also some Ministry circulars on more or less general matters, but I do not devote much time to them because I generally know of them already. Included is a copy of a letter which one of my Assistant Secretaries has sent to Regional Controllers giving an exhaustive analysis of the annual re-

port markings from the Regions, with the idea of stimulating co-ordination. I was aware that the Assistant Secretary was going to send out a letter of this kind, for we had discussed the matter. He sent it to me merely for information.

But this piece of work on annual reports recalls to my mind that there is a Committee sitting on the matter. I decide to write to the Secretary of the Committee suggesting that, in addition to dealing with mental outfit in terms of intellectual qualities, the model report which is to be produced should deal also with other qualities. "Character Assessment" I call it, borrowing an old term in use in the Customs and Excise when I joined it over forty years ago.

I then come to something formidable. It is a heavy file on the subject of Administration Costs. For some months we have been making efforts to get rough costings of a number of main operations. The file contains a long and detailed statement in respect of some of these, with covering minutes by way of comment. I see at once what I am looking for, namely the opinion that the results are sound enough for what I have in mind, although they will not pass muster as absolutes. I browse among the figures a little, note one or two striking results—costings always surprise me—and then put the paper on one side. I have long known what to do with it when I got it: if anything material is brought to light—and it is—I intend to dictate a minute to the Deputy Secretary, who has expressed a particular interest in the whole question. I shall suggest that the papers be referred to O. and M. and Staff Survey Branch so that they may see what fields are especially appropriate for investigation. I shall propose this as a matter of method,

the start of a regular system which, it is hoped, will help to put O. and M. and the Staff Survey Branch on a more scientific basis than is possible with *ad hoc* assignments. We are about through the planned review of the Department which O. and M. has been conducting, so the field is clear. At the same time I send for the Principal who has done most of the work and thank him for it: the job has been lengthy, and was no light task. This business of costing is not a novelty to me, for I did it successfully in the War Service Grants Department.

There is then a minute from the Chief Medical Officer about atmospheric disinfection in offices. It seems that the sprays used for this purpose are more effective than they were, and the proposal is to try a special variety in the hope of keeping down colds and other infectious complaints. I tell my assistant to give this to the Assistant Secretary to get it discussed and settled. He will not forget to consult the Staff Side.

Next we have a minute from the Head of one of the other Divisions saying he wants reinforcements. I tell my assistant to make an appointment for the Assistant Secretary who is in proximate charge of H.Q. Establishment matters, and the Assistant Secretary who has similar duties for the Regions, to see me about this question. Had the matter been purely one of the addition of a few people to Headquarters I should not have dealt with it myself, but we have similar staffs at each of our twelve Regional Offices, and we ought to consult with the H.Q. Head in charge of this particular subject about the organisation of it as a whole. Is there overlap which might be avoided by some concentration of the decentralised expertise?

I pass out for examination a memorandum from the Civil Service Commissioners on Civil Service Selection Board and Reconstruction Competitions, and then come to an intractable matter. There has been a long-standing dispute about the superannuation terms granted to entrants into the Department from different sources. We have had a number of meetings with the Staff Side officers on the matter, but have been unable to reach agreement. The situation is now summed up in a progress report. I glance at this and think the best course is probably to bring up the problem before the General Purposes Committee of the Departmental Whitley Council, but I would like the opinion of the Assistant Secretary concerned on the point. I must discuss it with him.

Next is a minute from the Secretary asking about some subsistence and other matters which have been brought to his notice during a short tour he has just completed. The Secretary frequently visits local offices, some far afield, and gets a number of first-hand representations on all kinds of subjects. I pass his reference out to the Assistant Secretary to take up with one or two Controllers. Underneath this paper is a message from the Secretary to the Staff about fuel economy. He has altered our draft (I admit for the better) and we can now issue. I also pass out to the Assistant Secretary a letter of complaint from one of my colleagues about a slight error in the Imperial Calendar.

I give a glance at the list of Local Offices surveyed by the H.Q. Staff Survey Branch, and the assignments they are now working on, and then put on one side for further consideration a draft Information Memorandum which at the request of Regional

Controllers, and the Staff Side, has been prepared so that people in our Local Offices may have a clear idea of what the Staff Survey Branch is supposed to do. Based on a first effort by one of my people the draft has been written in the Chief Information Officer's Department with the idea of getting the common touch. It looks interesting and I shall enjoy reading it.

Then there is a large file on the review of future accommodation standards for Local Offices. The Ministry of Works have made about 18 fresh proposals, all in the direction of economy. We appreciate the purity of their motives but, putting ourselves in the shoes of our decentralised staff, think there is something to be said. It is apparent from the minutes that we might go on writing for years about the points raised, so I accept at once the Assistant Secretary's proposal to have a conference with Works. They are very good in such circumstances and we know they will agree. I also accept the further proposal that, following the conference, we prepare a paper for discussion by the Regional Controllers at their next monthly meeting. This paper will go out direct from the Assistant Secretary concerned, and I shall not see it until afterwards. I guess that the comments of the Regional Controllers will be frequent and painful and free.

I glance at the press cuttings, pass on a letter appealing against non-promotion, decide to think later about a rather delicate question between the Establishment Division and Finance, and then come to a massive compilation which, after a number of conferences over which I have presided, has been prepared with immense diligence. It is a "blueprint" for use by the Training Branch in the forthcoming year, and one way and an-

other will cover the training of thousands of people. This Blueprint is much more than a re-hash of what we have already been doing, for it means a switch-over from training for quantity production to training for quality production: Audit say, rightly, that we are making too many mistakes. A particular *pièce de résistance* concerns the training in Management of our supervising grades and our thousand or so office managers. This section is blank at the moment, for we have put round a paper to the Regional Controllers for their comment and must await it. The paper is very experimental and we know we are trying to discover a solution which almost every commercial firm is also trying to discover. But we think we have found a promising approach and are not without hope that we shall be able to do something useful. I put aside the "blueprint" as a job which will take me at least an hour, after which I shall dictate a minute to the Secretary giving him a half-sheet synopsis of the new notions. This synopsis will be prepared by my assistant.

There is not much more in the in-tray this morning. I sign a circular letter which the Ministry's Branch of the Sanatorium Society, of which I am Chairman, wishes to issue. I also sign a number of warrants for new Inspectors. A file showing the quite unexpectedly useful results which have accrued from the recent training course for Messengers I dismiss with my blessing.

Second Specimen In-tray

The second day's in-tray is rather lighter. There are the accounts of the Civil Service Sanatorium Society, the proceedings of the Northern Liaison Committee of the Civil Service Council for Further Education, and a

number of minutes of Regional Whitley Committees and of the half-dozen H.Q. Whitley Committees which deal with such matters as conditions of service, training, promotion procedure, and so forth. My assistant has marked in pencil those portions which he thinks I ought to see. There are again one or two circular letters, the usual newspaper cuttings, a Parliamentary question with a suggested draft reply, one or two Service journals (also marked by my assistant), Hansard, a Private Bill on Workmen's Compensation, and then I come to the First Interim Report on the Department by the Government Actuary. I put that aside for study, and when I have done that one evening, I decide that the document is of such general interest that a copy should be sent to each of our local offices.

Another major matter this morning is contained in a large file on staff consultations. Following discussions with one or two Assistant Secretaries especially concerned I now have before me a proposal that we should set up a Whitley Committee to take in hand systematically the supply of information to the staff not only by Information Circulars, but by lectures, photographs and, if we can get the money, by one or two films. The aim is to tell everybody what the other fellow does, and so get a background of informed opinion on the many matters which have to be discussed with the Staff Side who, like ourselves, are sometimes greatly handicapped by ignorance on the part of the rank and file. This is a major matter which I put aside for discussion with, and formal submission to, the Secretary. When I go down to him he agrees, and I then add the Ministry's Industrial Adviser

to the Joint Committee, to give them the benefit of his many years of negotiation and of the causes of impasses.

The next file in the tray, fortunately the last, concerns a dispute with the Staff Side about the range of the field for promotion of Junior Executive Officers to Higher Executive Officers. They want it shorter than we think consonant with our ideas of keeping up standards. The Assistant Secretary gives a very clear analysis of the position, but as it contains a good many figures and as he says the Staff Side Officers would like to see me on the matter, he suggests that we have a talk after I have digested the analysis. I ask my assistant to fix up the meeting, and to give me the file an hour before the time. It is clear that both the Assistant Secretary and I will need to discuss a number of possible alternatives.

Third Specimen In-tray

On the third day the in-tray contains some things like those of the day before, that is to say, a number of small matters which will not detain me, and one or two larger ones which will. There is a letter for me to send out to Regional Controllers thanking them for their special reports on the epidemic, there is a note telling me of a change of the Staff Side Chairmanship, there are the usual minutes of various sub-committees, there is a letter I must sign on the question of typing economy, a letter from the Staff Side about our method of collecting statistics, the monthly statement of our staffing situation, another file about leave for those of our people who are on the Bench, a number of proposed awards for accepted suggestions which I have to authorise, a letter direct to me

from an M.P. regarding the dismissal on redundancy of some of our people at Blackpool, an invitation to serve on some of the forthcoming Civil Service Selection Boards for Assistant Principals, a circular note from the Cabinet Office about the submission of papers to Ministers, and then we come to the Minutes of the General Purposes Committee of the Departmental Whitley Council. As I was in the chair at this meeting, and a good many thorny matters were canvassed, the draft Minutes are important, and I must read them.

There is also a note of a meeting which one of my Assistant Secretaries had with the Staff Side on the organisation and grading of some of our work in local offices. He has not secured their agreement, and I am sure I couldn't, but we think the Staff Side now see better our point of view, and will accept the administrative decision, which must at this late stage be taken, with fortitude if not with pleasure.

There is another file on the question of lay assistance to our doctors in the Provinces, which raises matters of some delicacy on which I must talk to the Chief Medical Officer before handing the rest of the business over to the Assistant Secretary whom I shall take with me.

There is also a paper prepared by O. and M. on the mechanisation of payment of salaries, but I know all about that from discussion with the chief O. and M. officer, and do not read it. Something more contentious is in the next paper, where a very arguable proposition concerning agency work done, or to be done, for us by another Department, is canvassed. I must think about that and then talk to the Secretary. Finally there are minutes of the last Secretary's Conference. My assistant has

marked the jobs farmed out to me so that I can then proceed to pass them on.

After the In-tray

It is now about 11 o'clock, and I have dealt with my in-tray. I have not done so without interruption. There are three telephones on my desk, and I hate them all. In my view they are the outward and visible and audible signs of a system for giving priority to non-priority matters. My P.A. will have headed off a fair number of people, but to some I must always be at home. Almost always these calls are to request the D.E.O. to do something, promise something, or give some advice or information: it is indeed seldom that he is offered anything except a further task. And if the Minister or the Secretary requires my presence I must go at once.

My conference might be on one of the large range of subjects. I think you would get the best idea of this if I read out relevant extracts from my appointments book. I see that during a recent period I held, or was present at, conferences on the following matters, excluding a few of a confidential nature, and also discussions with individuals:

- Medical staffing for the Industrial Injuries Scheme.

- Officiating for absent office managers.

- Hours and leave.

- Reorganisation of our registries.

- Co-operation with the National Assistance Board.

- Headquarters premises.

- Integration of the Inspectorate with our Local Office system.

- Arrangements for sick visiting.
- The plan for dealing with influenza and other epidemics.

- Sundry items canvassed with the Staff Side Officers, and so on.

I do not regard a conference as the inevitable method of discussing every difficult question. It is easy to go conference mad and to substitute a talking shop for quiet individual thinking. But where there are several facets to a problem a conference is often the easiest way of marshalling the necessary information and getting the relative weight of each part. One standing conference I hold is for information only. At periodic intervals, not as short and as regular as I should like, I have a meeting of the Assistant Secretaries in Establishments. Including O. and M. there are five of them. Going round the table, each of them says what problems he is dealing with at the moment. The object is not to settle questions, for this is not an executive conference, but to ensure that each labourer in our particular vineyard knows what the other is about, and it can be seen who has an interest in what. I believe the Assistant Secretaries like these conferences, or at least are resigned to them, and I certainly find them useful myself. I find I can never get through one of these meetings under an hour or, more often, an hour and a half. I will not weary you again with a list of items, but 43 were mentioned at the last meeting.

If there is any time left after the conference (incidentally it is useful to fix conferences at such times in relation to the lunch hour or the end of the day as will stimulate a passion for brevity), or if I have no conference, I go down to see the Secretary. He is the general manager of the Department, and I need his guidance frequently. I like to discuss large-scale trends with him, such as the division of work between Headquarters, Newcastle and the Regions—on which we have not yet reached finality—the question of the retiring

age, the proportion of temporary to permanent posts, our manpower position, the lessons of the work returns, our policy in the matter of the numbers and distribution of local offices, various large-scale reorganisation projects consequent on the rationalisation of processes we have been engaged on since the Ministry started, major questions with the Staff Side, etc. There are also numbers of matters I cannot well mention. On the other hand, he often requires information from me, and I blush to say I cannot always supply it off-hand.

In addition to such matters the Secretary will wish to discuss with me moves of the higher staff, proposed transfers of such staff to or from other Departments, nominations for special posts, for the Administrative Staff College and similar bodies, or for Commonwealth and other fellowships. I get numbers of letters on such subjects, and indeed on other subjects, but as they are always marked "Private and Confidential," they come to me direct and not through the in-tray.

Lunch, and After

Lunch is for me most often a token affair, but that is a matter of personal inclination. I recall with incredulity and envy that in the palmy days of long ago, Assistant Secretaries and those round about that rank often, according to Dale's book on the higher Civil Service, rounded off their lunch-hour with a game of billiards or snooker. But today, outside the ranks of the Treasury O. and M., who, metaphorically, do it regularly, and whose gifts and training would make it easy for them actually—where today in the Civil Service is there a high officer who could make a break of fifteen?

No: after lunch I turn perhaps to the report of a Promotion Board. There are a good number of these in my Department, although we are now trying to run them on an annual basis—a method which is not so easy as it sounds. I must go through it very carefully before submitting it to the Secretary, who desires to see most of such reports. I know in advance that he will not merely sign on the dotted line, but is sure to ask a number of questions. The higher appointments in M.N.I. are not made on the recommendations of Promotion Boards, but by the Secretary sitting as chairman of a panel of the principal officers. On these occasions the D.E.O. must supplement the common knowledge by producing the paper evidence.

Now and again I chair a Promotions Board myself, *e.g.*, from Senior Executive Officer to Chief Executive Officer, and preside over an Appeal Board. Each of these will occupy a whole day, for scamped work on such matters is a sin against the light. The bi-monthly meetings of Regional Controllers also take all day, besides a good deal of other time on the preparation of the Agenda, notes on the matters to be discussed, and the Chairman's brief. I must glance at this work before I pass it on. The meetings of the Departmental Whitley Council are, of course, more onerous still: Whitley is a real thing in the Ministry, and we are doing our best to make it work well. It is on these occasions that the watched Director of Establishments and Organisation and his people, however much they may try to prepare for what is likely to happen by voluminous briefs, stand to be shot at.

If it is not a Promotions Board I deal with, as a start for the afternoon, then it is either one of the papers I

have put aside from my in-tray, or something else. I have not mentioned a good many matters, such as the units of work basis of staffing we are trying to introduce, a scheme of rational age distribution of the staff, to be reached by controlled recruitment, on which we have secured the Staff Side agreement in principle, the consideration of proposed new legislation, regulations or procedures from the Establishment and Organisation angle, notes on matters arising out of Cabinet documents, study of papers to be discussed at the monthly meetings of Establishment Officers at the Treasury, and numbers of other questions. Alas, I have nearly always a good supply on hand, and there seems no end to them. Then, too, I have frequent discussions with one and another of the Assistant Secretaries in my Division, with Regional Controllers, with my colleagues at Under-Secretary level, and with others. And I sometimes have to open a training course or a conference of some kind. Truly the work of setting up a new Department is not ended when it is launched: it is only just beginning.

I hope I am not giving the impression that I do all the work of the Department myself. I am far from believing that. To go no further there are my colleagues at Under-Secretary rank who one and all have stiff tasks in the realms of insurance or financial policy. Then, as I have said, there are in my own Division five Assistant Secretaries, including the Head of O. and M. These, and those below them, are in truth the people who do the lion's share of the Establishment work. I make no attempt, of course, to follow the work of my Assistant Secretaries in all its ramifications. Each one of them has a definite territory, and I rely on them to consult me on major matters and

to keep me informed generally.

Delegation and the Human Factor

The great temptation is to try to do too much oneself. Every Establishment Officer must firmly resist this or he will sink to the accompaniment of loud cheers. If he is to get the time for constructive thinking (dealing merely with what comes before him is just treading water) he must learn that in the circumstances of the Civil Service today the best is often the enemy of the good. In non-vital matters he must be content to put his name to many a paper he thinks he could have done better himself. In particular, he must not refuse to delegate on this ground: delegation is a sign of strength, not of weakness.

If he is not to become too remote, too doctrinaire, if he is to keep in touch with the warm human pulse of his Department, he must also make time to visit the other Divisions, and especially the Regional and Local Offices. It is no answer to lack of contact of this kind that his Assistant Secretaries and Principals must do more of this sort of visiting than he himself. If he never rubs shoulders with the men at the bench the morale of the Department—and the Establishment Division is especially concerned with that—will never be what it ought, and the Director of Establishments will never do his work as well as he might do.

Personally, I have found the job of Director of Establishments and Organisation as arduous as most I have tackled. But it has always been livened by the ludicrous. What was I to say, for instance, when on dictating something under the heading "Note for the Lord Privy Seal", I found that the first word of that title came to me spelled "Knote"? And

what was I to say to a Yorkshire colleague who, on being told the story replied, "Well, Rhodes, as the memorandum was from you the correct spelling was, no doubt, 'Nowt.'"

What, again, could smooth the ruffled plumes of an Establishment man on seeing a report from one of the senior officers in the Regions which said, "We have tried this officer on almost every kind of work in the office, but he has been a failure everywhere, even in Establishments"?

At the end of his perfect day the Director of Establishments and Organisation goes home, and, if he is any good at his job, not too well pleased with his performance. What has he done in the way of planning future development, introducing new ideas, receiving new ideas sympathetically, and so forth? This is an exercise well calculated to breed modesty, and no Establishment Officer ought to shirk it.

Modern Scope of Establishments Work

I am sure I have said enough to indicate that within the last decade or two there has been a great extension of the work of the Establishment Officer. This extension is reflected in the modern title of "Establishments and Organisation." In the old days Establishment Officers did not perhaps do a great deal on the organisation side: in the main their job was to provide the bodies, to make promotions, to get rid of the black sheep, and to take responsibility for the premises for Common Services such as the Registry, the Typing Branch, etc. Of course they brought a proper critical faculty to bear on demands for more staff, but there were then no such Divisions as O. and M., Staff Survey, Welfare, Instructions, and so forth. In the case of the Ministry of

National Insurance, as elsewhere, the inevitable march of events has brought the Director of Establishments and Organisation right into the middle of organisation. He is not responsible, proximately, for the actual conduct of the various Divisions and Branches at H.Q. (it is the business of the Branch Head, for instance, to see that his men come on time) but he has the overall responsibility of seeing that things are going well.

There is no lack of alacrity to assent verbally to this modern conception of the work of the Establishment and Organisation Division, but unless the D.E.O. is strongly backed by the Secretary he may sometimes find the going difficult. He must, indeed, exercise a constant vigilance, without, on the one hand, trying to usurp the functions of the Secretary, who, as I have said, is the General Manager, or, on the other hand, trying to ride rough-shod over colleagues who may actually be in charge of the work. He must be tactful; he must know what he wants, and he must be content to wait for fine days.

Yet with all its drawbacks the life of a Director of Establishments and Organisation is worth having. It is true that I described it to Dame Evelyn Sharp long ago as half heartache and half backache. I stick to that now. It has, however, its compensations. It is, as I have said, exciting. It makes large demands, both physical and mental: It is full of frustrations, but there are happy gleams. It demands some idealism, some vision, much enthusiasm. And it demands a warm sympathy with the sinner. Every D.E.O. ought to take a good look at the unfortunate wretch about to be sacked and say to himself, "There, but for the grace of God, goes the Director of Establishments."

The Work of the National Insurance Advisory Committee

By MISS ENID HARRISON

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MR. A. H. HANSON, in two articles in PUBLIC ADMINISTRATION,¹ has drawn attention to the lack of Parliamentary control over the policy contained in statutory instruments. The Select Committee on Statutory Instruments, he points out, "can deal with the form and constitutional propriety of a statutory instrument, but it has no power to consider and report on the administrative policy that that instrument embodies—its 'merits' . . ." Mr. Hanson advocates the widening of the powers of the Select Committee to permit it to consider the "merits" of the instruments.

Another method of controlling the "merits" of statutory instruments is the scrutiny of the instruments in draft, before they are laid before Parliament, by a statutory committee set up by the responsible Minister. The Ministry of National Insurance uses the National Insurance Advisory Committee for this purpose, and a number of other departments make limited use of similar bodies.² The experience of the Ministry of National Insurance is of particular interest, because the Minister submits nearly all his regulations to the scrutiny of the Committee.

Mr. J. A. G. Griffith has outlined the Ministry's procedure in the

Modern Law Review.³ The present article examines the work of the Committee during the first three years of its existence and tries to show the merits and demerits of this procedure as a method of controlling the "merits" of statutory instruments.

Origins

The National Insurance Advisory Committee had a forerunner in the Unemployment Insurance Statutory Committee, set up by the Minister of Labour under the Unemployment Insurance Act of 1934. This committee, however, was primarily a means of facilitating the introduction of economies into the Unemployment Insurance scheme, by withdrawing from the political arena questions which affected the finances of the scheme. As a secondary function the Committee scrutinised draft regulations and acted as a check on subordinate legislation. But its activities under this second heading were not extensive, for the more important questions of policy were dealt with under the first heading and the scrutiny of draft regulations was often no more than a formality. Moreover, the Committee dealt with regulations affecting Unemployment Insurance only, and not with those affecting Health Insurance.⁴

¹"The Select Committee on Statutory Instruments," Winter, 1949, issue, and "The Select Committee on Statutory Instruments—A Further Note," Autumn, 1951, issue.

²See J. A. G. Griffith, "Delegated Legislation—Some Recent Developments" and "The Place of Parliament in the Legislative Process," *Modern Law Review*, 1949 and 1951.

³*Ibid.*

⁴See the Final Report of the Royal Commission on Unemployment Insurance, Cmd. 4185, 1932, paras. 287-300, Hansard, H.C. Debates, vol. 283, cols. 1081-3, 30th November, 1933, and Sir William Beveridge, "The Unemployment Insurance Statutory Committee," published by the Hereford Times Ltd. for the London School of Economics and Political Science.

When the National Insurance Bill was under consideration in 1946, it was no longer thought necessary to insulate the Insurance Fund in this way from the effects of political pressure. But the Bill created new problems. While it laid down the more straightforward aspects of the insurance scheme in some detail, it left a number of obscure and complex problems to be settled by Ministerial regulation. The application of the Act to certain groups of persons, such as seamen, airmen, seasonal workers and married women, for instance, was to be determined by regulation, as were also the details of the arrangements for deciding disputed claims to benefit. It was clear that the Minister's use of these wide powers ought to be subject to some form of public control.

The obvious thing to do was to subject the regulations to affirmative resolution by Parliament; it was argued that the affirmative resolution procedure was a fairly effective form of control, for regulations which were subject to affirmative resolution must be explained and justified by the responsible Minister and this was liable to lead to debate. But the procedure was expensive in Parliamentary time.

To get round the difficulty, it was proposed that the Minister should set up an advisory committee to examine all regulations in draft, and the committee's reports should be placed before Parliament; the procedure would be similar to that followed by the Unemployment Insurance Statutory Committee when it scrutinised draft regulations. For many types of regulation, it would then be sufficient to use negative

resolution procedure, which was less liable to provoke debate, and was, therefore, less time-consuming than the affirmative procedure. It was argued that, in this way, the regulations would undergo a form of public scrutiny which would not impose additional calls on Parliamentary time, but which would preserve the ultimate control of Parliament unimpaired.⁵ Indeed, it was thought that the procedure would make Parliamentary control more effective. Under existing conditions, Parliamentary control of statutory instruments was weakened because, when debates on regulations took place, the debates often dealt with minor points only; it was argued that the Committee's reports would draw the attention of Parliament to the important issues of policy contained in regulations and would so concentrate Parliamentary attention on those issues.

The Minister set up the National Insurance Advisory Committee in October, 1947. The Act prescribed a membership of not less than four and not more than eight, together with a chairman. Members of Parliament were barred from membership. Appointments were to be made by the Minister, one of them after consultation with employers' organisations, one after consultation with workers' organisations, one after consultation with the Friendly Societies, and one after consultation with the authority responsible for National Insurance in Northern Ireland; the remaining appointments were at the discretion of the Minister. The present members of the Committee are: Sir Will Spens (Chairman), Sir John S. Boyd

(appointed after consultation with employers), Professor J. K. Charlesworth (appointed after consultation with the authority in Northern Ireland), Mr. A. Roberts (appointed after consultation with workers), Mr. H. W. Townley (appointed after consultation with the Friendly Societies), Mrs. L. Davies, Dr. J. Ritchie, Professor W. A. Robson and Miss E. M. Spelman (who represent no specific interests).

Duties and Procedure

All statutory instruments made under the National Insurance Act, whether they are subject to annulment by Parliament or whether they come into effect after an affirmative resolution, must be referred in draft to the National Insurance Advisory Committee before they are made and before they are laid before Parliament. The only exceptions are regulations relating to transitional arrangements, regulations relating to reciprocal arrangements with Northern Ireland and regulations which, "on account of urgency or any special reason," must come into operation immediately. These last regulations are made as "provisional regulations"; they come into effect at once, but expire automatically three months after the Minister receives the Committee's report.

The Minister submits proposed regulations to the Committee in what is known as a "preliminary draft." The Committee gives formal notice of the receipt of a preliminary draft in the London and Edinburgh Gazettes; it issues a notice to the press explaining the proposed regulations and inviting representations; and it circularises all the bodies likely to be affected. Copies of the draft are on sale through the Stationery

Office. A time limit, varying from fourteen to twenty-eight days, is laid down for the submission of representations.

After the expiration of this period, the Committee considers the preliminary draft, together with any representations, and reports to the Minister. The Committee may recommend any amendments it thinks fit, whether they arise out of the representations or not; in practice, the Committee records the reasoning behind its recommendations. The Minister is not bound by the Committee's report; he may reject the recommendations and make the regulations in the form of the preliminary draft, or he may incorporate in the regulations such amendments as he thinks fit, whether put forward by the Committee or not. In all cases, however, when the regulations are laid before Parliament they must be accompanied by the report of the Committee together with a statement by the Minister indicating the extent to which he has given effect to the report and his reasons for rejecting any recommendations which he has not adopted.

In addition, the Committee has the duty of advising the Minister on any matter he may refer to it arising out of the administration of the Act. Sometimes, instead of submitting a preliminary draft to the Committee, the Minister asks the Committee to consider some general problem and to suggest measures for dealing with it, and he subsequently draws up a preliminary draft in the light of the Committee's recommendations. Some of the more significant reports, such as those on Seasonal Workers and Share Fishermen, have been made in this way.

⁵Hansard, H.C. Debates, vol. 423, cols. 1229-1230, 29th May, 1946, Standing Committee Reports, January-April, 1946, cols. 613-614, and the Report of the Ministry of National Insurance for 1944-1949.

Draft Regulations Considered

During the three years from October, 1947, to the end of 1950, the National Insurance Advisory Committee reported on forty-two preliminary drafts. Many of the points considered were minor procedural matters and some were drafting points. But twenty-two reports were concerned, at least in part, with important issues of policy. The following summary of the more significant recommendations gives some of the issues raised and shows how the Committee dealt with them.

1. *The National Insurance (Overlapping Benefits) Regulations, 1948.* This draft provided for the reduction or suspension of benefit in a number of circumstances when the beneficiary was entitled to other allowances out of public funds. The Committee inferred that the principle underlying these provisions was that "the National Insurance scheme forms only one part of an integrated system of social security provided by the state." The Committee considered that "it was intended by Parliament that these various schemes should interlock but should not overlap." The Committee accepted this principle "as inherent in the Act and therefore beyond challenge" and accordingly approved the proposal to reduce or suspend benefit in a number of circumstances.

2. *The National Insurance (Hospital In-Patients) Regulations, 1949.* This draft prescribed the adjustments to be made to benefits when the beneficiaries were being maintained at public expense as patients in hospital. The draft had been submitted to the Committee thirteen months earlier, but the Committee had refused to make any recommendations without extensive enquiry into the probable effects of the adjustments on bene-

ficiaries. The Minister issued provisional regulations to cover the interim period. When, after enquiry, the Committee at length reported, it maintained that the principle of avoiding double provision for one contingency should be observed in these cases to the extent that benefits should be reduced; but they should not be suspended altogether. The Committee recommended that the amount of reduction should be determined in the light of the following considerations: It was in the public interest that reductions should not be so large as to deter people who were really ill from going into hospital; but, as long as there was a shortage of hospital beds, the benefits should not be large enough to encourage people to go into hospital lightly, and there should be an incentive in the form of a resettlement grant to make in-patients return home as soon as possible. Because of the shortage of living accommodation, the benefits paid should not be large enough to encourage single persons to retain their homes when they were in hospital for a long time; these people should receive a resettlement grant to enable them to set up a new home on discharge. Tuberculosis patients should receive rather higher benefits than other patients while they were in hospital, because the higher benefits assisted their cure. In the light of these considerations, the Committee recommended a number of amendments to the specific adjustments proposed by the Minister including the introduction of resettlement grants. The Minister accepted the recommendations.

3. *Report on the Benefit Conditions of Seasonal Workers, 1949.* The Act empowered the Minister to devise additional qualifying condi-

tions and impose them on seasonal workers, in order to limit the circumstances in which benefit might be paid to these workers. The Minister asked the Committee to advise how this power should be used. The Committee recommended that additional conditions should be imposed only:—

- "(a) to prevent the payment of benefit contrary to the general principles on which the Act is administered and which have been accepted as embodying the intention of Parliament, and
- "(b) where it is necessary to secure that the National Insurance Fund is not used to meet liabilities which are not a proper charge on the Fund."

In the light of these principles, the Committee suggested a number of specific conditions to be imposed on seasonal workers, which the Minister subsequently embodied in regulations. In particular, the Committee recommended that the former practice of classifying all workers in certain trades as seasonal workers should be abandoned, and the case of each worker should be considered on its merits. The Minister accepted the recommendation.

4. *The National Insurance (Classification) Regulations, 1948.* This draft related to the classification, as employed, self-employed or non-employed, of persons engaged in certain professions where their classification was not self-evident. The Minister proposed that certain persons, such as town clerks, medical officers-of-health, coroners and private nurses, who might not be regarded in law as employed under a contract of service, should not be classified as employed persons. The

Committee recommended, however, that in classifying persons for insurability purposes, regard should be had to the ordinary meaning of the term "employed" and to the need of the persons concerned for the cover of the insurance scheme, rather than to the legal definition of employment under contract of service; the Committee recommended that the persons in question should be classified as employed. The Minister accepted the recommendations.

5. *Report on the Insurance of Share Fishermen, 1948.* The question whether share fishermen should be brought into unemployment insurance had been a matter of dispute for some time. They were not classed as employed persons under the Act of 1946, but the Act empowered the Minister to bring people into insurance and to alter their classification by regulation. The Minister asked the Committee to advise how this power should be used in relation to share fishermen. In the course of its deliberations, the Committee declared that the power should be used only when the persons concerned were "substantially in the position of employed persons"; it should not be used to introduce a new primary criterion of insurability. Share fishermen, although they were not employed under a contract of service, were substantially in the same position as employed persons, and they should be classified as employed persons. Another reason for giving them the full benefits of the insurance scheme was that the fishing industry was undermanned; if fishermen were entitled to employed persons' benefits this would help to attract workers to the industry. The Minister drew up preliminary drafts embodying the Committee's recommendations and the Committee approved the drafts.

6. *The National Insurance (Members of the Forces) Regulations, 1948.* This draft reduced the weekly rate of contribution and the Exchequer grant in respect of members of the Forces. Although the Committee considered that exceptional treatment of one industry was contrary to the spirit of the Act, the Committee endorsed this exception, on the grounds that Parliament had contemplated it when the Act was passed. The Committee objected, however, to the fact that the amount of the reduction was to be based on the absence of risk of unemployment in the industry; the Committee maintained that the principle of the Act was to spread the cost of this risk equally over all industries. But the Committee abandoned its objection when the Minister stated that, when the Bill was before Parliament, the Government had intended that the reduction should be calculated in this way.

7. *The National Insurance (Classification) Amendment (Number 2) Regulations, 1949, and the National Insurance (Classification) Amendment (Number 2) Regulations, 1950.* These drafts concerned "occasional workers" employed by farmers at harvest time. Farmers complained of serious difficulty in obtaining insurance cards from these migratory workers. The drafts proposed to deal with the difficulty by re-classifying occasional workers as self-employed. The obligation to stamp the card would then be transferred from the employer to the worker; but the worker would lose his title to employed persons' benefits. The proposal was out of keeping with the general principle, recognised by the Committee, that the burden of insurance should be spread equally over all industries. But the Com-

mittee approved the proposal as the only way of dealing with a serious practical difficulty.

8. *The National Insurance (Maternity Benefit) Regulations, 1948, and the National Insurance (Claims and Payments) Amendment Regulations, 1949.* These drafts were concerned, among other things, with the point during pregnancy at which maternity benefit should be paid. The Committee was anxious that it should not be paid too early, lest the money should be wasted. The Committee approved the Minister's proposal in the draft of 1948 that benefit should be paid not more than seven weeks before confinement. Later, however, the Minister found that this caused difficulty to expectant mothers, and in the draft of 1949 the Minister proposed to extend the period to eleven weeks. The Committee opposed this suggestion for the reason already given. The Minister however, adhered to his own view. Eventually the Minister accepted the Committee's recommendation that, while claims might be accepted eleven weeks before confinement, the money should not be handed over until seven weeks before; in practice, this meant that the woman would receive the money some weeks earlier than under the previous arrangement.

9. *The National Insurance (Widow's Benefit, Guardians' Allowances and Retirement Pensions) Regulations, 1948.* This draft prescribed, among other things, the rules which should govern the payment of Guardians' Allowances in respect of orphaned children of insured persons. When referring the draft to the Committee, the Minister asked the Committee to advise whether these rules should apply to children (not orphans) whose parents were divorced or untraceable. The Committee con-

sidered that "it would open the way to abuse of the insurance scheme to make any provision which had the effect that parents who chose to neglect their responsibilities to their children could rely on the insurance scheme providing substantial benefits in respect of their children." The Committee recommended that the allowances should not be paid in respect of children (not orphans) whose parents were divorced or untraceable. The Minister accepted the recommendation and it was subsequently embodied in a regulation.

10. *The National Insurance (Determination of Claims and Questions) Regulations, 1948.* This draft prescribed rules to govern the procedure of the statutory adjudicators who decided claims to benefit. The Committee recommended the following modifications of the procedure proposed by the Minister: Claimants, when notified of the decision of an insurance officer, should be informed of their right of appeal; tribunals should be required to give the reasons for their decisions; claimants who appealed to the National Insurance Commissioner should have a right to an oral hearing and to be represented by a lawyer; the terms of appointment of chairmen of tribunals should be set out in a letter of appointment, in order to give the chairmen some security of tenure; and a provision in the draft which gave the Minister a wide power to dispense with the regulations, a power which the Committee considered improper, should be omitted (the intention had been to use the dispensing power to prevent decisions being invalidated on merely technical grounds). The Minister accepted the Committee's recommendations.

Some of these cases were concerned with the use of major Ministerial powers, the power to include persons in or exclude them from the insurance scheme and to vary their classification, the power to modify benefits in certain cases, and the power to impose additional conditions on special groups of persons; these powers were so wide that it would have been possible, theoretically, for an unscrupulous Minister to alter the whole character of the insurance scheme by regulation. Some of the drafts were concerned with less general matters, such as the date when maternity benefit should be paid and the regulation of procedure for determining claims. But here, too, Ministerial powers could be used so as to cause serious inconvenience to the public and to place difficulties in the way of claimants when they tried to obtain their rights. It is clear, from these cases, that the Committee operated in an important field of administrative policy.

Parliamentary Control

But the procedure did not achieve all its objects. It did not cut out the use of affirmative resolution procedure (though it reduced it), it did not reduce the amount of Parliamentary time given to discussing regulations, and it did not concentrate Parliamentary discussion on the important issues of policy contained in the regulations. Regulations relating to the amendment of rates of contribution, the approval of supplementary schemes of insurance, the imposition of additional qualifying conditions on certain classes of persons, the modification of the provisions of the Act in their application to seamen, airmen and married women, and the payment of Unemployment Benefit (on the re-

commendation of a tribunal) to persons who had exhausted their benefit rights, all these regulations remained subject to affirmative resolution. During the three years under consideration, seven sets of regulations gave rise to discussion when laid before Parliament,⁶ a fairly high proportion of the total. In four cases, discussion arose when the Minister moved an affirmative resolution, and in three cases when a Member moved a motion to annul. Only one of these sets of regulations was among the drafts summarised above as containing important points of administrative policy (case 5); and the discussion in this case was all approval.⁷ Most of the points raised concerned the interests of small groups, such as employers of exempted workers and certain married women who were excluded from the insurance scheme. On two occasions, important issues of administrative policy were raised, the questions whether there should be greater leniency in admitting late claims and whether the general directions which the Minister issued to tribunals should be made public.⁸ But in these cases, the issues did not arise out of the Committee's report. In no case did Parliament reject a regulation which the Committee had approved.

Appraisal

Thus, the procedure does not appear to strengthen Parliamentary control. But, if "control" is taken to mean "effective influence" rather

than formal control, the procedure does provide a useful form of extra-Parliamentary public "control."

During the period under consideration, the Committee examined the preliminary drafts with great care. In cases 1, 3, 4 and 5, for instance, it examined, among other things, the broad principles contained in the drafts; it tried to ensure that these principles accorded with the intention of Parliament, and it defined principles where at present they were only implicit. In cases 7 and 10 the Committee examined procedures and their probable effect on "the administered," and it tried to modify any procedures which might cause injustice or excessive inconvenience. In cases 2, 8 and 9, and to some extent in case 5, the Committee tried to set the insurance scheme against the background of a wider social policy and to adapt the details of the scheme to serve other social purposes. Thus, the Committee both examined the broad premises on which the Minister's policy was based and tried to foresee its practical day-to-day effect on "the administered."

The Committee was well armed with information. In most of the cases summarised, it received a large number of representations. In case 3, for instance, representations were received from organisations of agricultural workers, bodies representing fishermen, a large holiday resort and a number of individuals likely to be affected, and in case 4, from assistant curates in Wales, sea pilots, private

nurses, coroners, registrars of births and deaths, and others. In cases 2 and 7, the Committee heard oral evidence. In case 7, the evidence conflicted, and at the request of the Committee, the Minister undertook a sample survey of the problem. Questionnaires were sent to a random selection of agricultural holdings, and the Committee based its recommendations on the replies. In case 2, the Committee made extensive enquiries about the financial position of hospital patients and the duration of in-treatment. In all cases, officials of the Ministry submitted papers explaining the origin and purport of the proposed regulations, and senior officials, both of the Ministry of National Insurance and of other interested departments, discussed the proposals with the Committee. It is clear that the procedure subjected the draft instruments to thorough and informed scrutiny.

Moreover, the procedure influenced the content of the drafts. During the period under review, the Committee examined forty-two preliminary drafts. It recommended amendments to thirty-two of these, and all amendments but one were adopted by the Ministry and incorporated in the regulations laid before Parliament. Even the rejected recommendation (case 8) was finally accepted in a modified form. Some of these recommendations, such as those in cases 2, 4 and 10, related to important points of policy and they differed considerably from the Ministry's original proposals; in case 2, the recommendations were so extensive that the first draft was abandoned and a new one substituted.

The most effective work of the Committee lay in the adjustments it recommended to meet the needs of sectional groups. Here, the Com-

mittee served as a focus to attract representations from all sections of society affected by the Minister's proposals. The Committee acted as a kind of mediator between the Minister and these groups; it tried to strike a balance between administrative needs and the convenience of the public, and it induced the administrators to modify their schemes at a number of points.

It may be objected that the Committee's activities cannot be called "public control" because the Committee is not in theory independent. The Minister appoints the members and he may declare a member's office vacant if he considers the member unfit to continue. But in practice, this method of appointment does not appear to undermine the independence of the Committee, for the Committee has several times stood out against official views. No doubt this independent spirit is due to the high personal standing of the members; their public position is assured, so that they are under no temptation to become "yes-men." Moreover, this system of appointment helps to preserve the full responsibility of the Minister for the policy presented to Parliament; during the three years under review the Minister defended the regulations in Parliament on their merits and rarely sought shelter behind the Committee's recommendations.

Despite its shortcomings, this procedure has certain advantages over Mr. Hanson's proposal for the extension of the powers of the Select Committee. It subjects instruments to scrutiny before they are made, at the stage when administrative policy is being developed and can most easily be modified. It does not weaken the responsibility of the Minister by interposing between him

⁶Certain transitional and provisional regulations, which had not been referred to the Committee, were also discussed.

⁷But Members had already shown that they were interested in the problem of share fishermen. The problem had been discussed in Parliament previously, some Members had given evidence before the Committee, and it is clear from their speeches in the House that they had read and appreciated the Committee's report.

⁸Hansard, H.C. Debates, vol. 473, cols. 1135-1150, 4th April, 1950, and vol. 452, col. 1315, 22nd June, 1948.

general election, and finally the practice was abolished by the Re-election of Ministers (Amendment) Act, 1926. Incidentally, the 1919 Act permitted three Ministers without Portfolio to sit in the House of Commons. This provision allows Ministers of State for Colonial, Foreign and Economic Affairs to sit in the House of Commons at the moment.³

In 1937 Parliament passed the Ministers of the Crown Act, the main purpose of which was in the words of Sir John Simon: "To remove the anomalies in the present standing of certain administrative Officers of State by Adjustments and alterations in their salaries, and in the second place to revise the existing rules as to the distribution of Ministers between the two Houses of Parliament."⁴

In addition the Act revised the law with reference to Ministerial disqualification. It provided that the Prime Minister, the Chancellor of the Duchy of Lancaster, the Minister of Pensions and five Junior Lords of the Treasury might sit in the House of Commons and that not more than fifteen of the following heads of departments might sit and vote in the House of Commons:—

Eight Secretaries of State,
The Chancellor of the Exchequer,
The First Lord of the Admiralty,
The President of the Board of Trade,
The Minister of Agriculture and Fisheries,
The President of the Board of Education,
The Minister of Health,
The Minister of Labour,

The Minister of Transport,
The Minister for the Co-ordination of Defence.

Three of the following Ministers might also sit in the House of Commons:—

The Lord President of the Council,
The Lord Privy Seal,
The Postmaster-General,
The First Commissioner of Works.

Provided that all these posts were filled by separate Ministers it followed that three Ministers had to sit in the House of Lords. The Act also provided for twenty-five Parliamentary Secretaries of whom twenty might sit in the House of Commons.

Here then was a comprehensive statute concerning the right of Ministers to sit in the House of Commons. Furthermore there is evidence that the Government intended to keep the measure up to date. When, in 1939, the Ministry of Supply was set up by the Ministry of Supply Act, the Act did not grant the Minister exemption from disqualification in his own right. Instead his name was added to the list of Ministers exempted by the 1937 Act, raising the number from fifteen to sixteen. In addition provision was made for a Parliamentary Secretary to the Ministry of Supply, and the number of Parliamentary Secretaries exempted raised to twenty-one.

In September 1939 the Ministers of the Crown (Emergency Appointments) Act was passed. This permitted the Government to set-up the new Departments needed in war-time without asking Parliament for fresh legislation in each case. Among other things, it permitted the Crown

(by Order in Council) to render eligible for membership of the House of Commons "any Minister appointed for the purpose of exercising functions connected with the prosecution of any war." It also raised the number of Parliamentary Secretaries who might sit in the House of Commons, allowing one for each Minister appointed under its provisions. The Act was applied in all to ten Ministers, viz. the Ministers of Aircraft Production, Economic Warfare, Food, Fuel and Power, Home Security, Information, National Service, Production, War Transport and Works.

The Select Committee of 1941 considered that the continuation in force of the 1939 Act after the war was undesirable. They recommended

further legislation confining its provisions to a date not later than the end of the emergency.⁵ The Government accepted these views, and the Ministers of the Crown and House of Commons Disqualification Act, 1942, was subsequently passed. This made it clear that the 1939 Act was to last only for the duration of the war against Germany, Italy and Japan and that it would be repealed by Order in Council at the end of the emergency. This was done in 1946 by S.R. & O. No. 563.

Statutes setting up new departments on a permanent basis since 1939 have made separate provision for their Ministers and Parliamentary Secretaries to sit in the House of Commons. Ministers thus exempted are:—

<i>Name of Minister</i>	<i>Act</i>
Minister of Works	Minister of Works and Planning Act, 1942.
Minister of Housing and Local Government.	Minister of Town and Country Planning Act, 1943.
Minister of National Insurance ..	Ministry of National Insurance Act, 1944.
Minister of Fuel and Power ..	Ministry of Fuel and Power Act, 1945.
Minister of Defence	Ministry of Defence Act, 1946.
Minister of Civil Aviation	Ministry of Civil Aviation Act, 1945.
Minister of Materials	Ministry of Materials Act, 1951.
Minister of Food	Ministers of the Crown (Transfer of Functions) Act, 1946.

The provisions of the Ministers of the Crown Act, 1937, with regard to Parliamentary Secretaries were considerably modified by subsequent legislation and by the Defence (Parliamentary Under-Secretaries) Regulations of 1940.⁶ These Defence Regulations expired at the end of 1951, and the position has been

clarified by the Ministers of the Crown (Parliamentary Under-Secretaries) Act, 1951. This substitutes new provisions for the relevant clauses of the 1937 Act permitting twenty-seven Parliamentary Under-Secretaries to be appointed of whom twenty-two may sit in the House of Commons. This number does not

³House of Commons Disqualification (Declaration of Law) Act (1935).

⁴H.C. Debates 1937: Vol. 322: Col. 396.

⁵House of Commons 120, 1940-1, Para. 83.

⁶S.R. and O. 1940 No. 761, and 1783: 1942: No. 1131, H.C. Debates 1951: Vol. 494, Col. 1750.

include those Parliamentary Secretaries authorised by the Statutes setting up new departments since 1939.

To return to the 1941 Select Committee, one of its recommendations (para. 63) was that a complete revision of the law relating to Ministerial disqualification was necessary, and it urged that legislation be introduced as soon as was practicable. It proposed that no more than sixty Ministers should be members of the House of Commons and that the proportion of Ministers and Parliamentary Secretaries laid down in the Ministers of the Crown Act 1937, should be retained. No such measure has yet been introduced but on 31st

January, 1952, the Home Secretary informed Sir Ian Fraser that the Government were considering the introduction of legislation to clarify the law relating to posts of profit under the Crown and other Parliamentary disqualifications.⁷ Clearly the 1937 Act has long ceased to be comprehensive on the subject of Ministerial disqualifications, and further legislation on the lines laid down by the 1941 Select Committee would be opportune and welcome. Such a measure might also revise the provisions for the distribution of Ministers between the two Houses of Parliament, for in this respect too the provisions of the 1937 Act are no longer satisfactory.

⁷H.C. Debates, Vol. 495: Col. 347.

Departmental Reports

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THE control of administration may be defined as the process of ensuring that the executive agencies of the State are so directed that they perform their duties, and achieve the objectives set for them, in the most efficient manner, and within the strict limits of legal and constitutional propriety. This process involves a continuous appraisal of methods and achievements. The first requirement for making such an appraisal is evidence—sheer, factual information about what central departments and bodies do and how they do it.

A large amount of information about Governmental action is available. Some of it is elicited, by means of Parliamentary Questions and in the course of Debates, and in hearings before Committees on Public Accounts and Estimates, Select Committees of inquiry, and Royal Commissions. More information is proffered by the Departments themselves, through Ministerial statements, press releases, Estimates, circulars, pamphlets, periodicals and the like. All these sources are, however, diffused. They are often concerned with matters of detail, directed to the specialist, and in most cases, they are available at uncertain or irregular intervals. The speed, the amount, and the complexity of administrative activity obscure the long-term achievements and trends, which can only be discerned by the layman if he is provided with well designed progress reports. There is a need for regular, coherent reviews of government action in every field, and such reviews are best presented for periods of a year or, at most, two or three years.

This article, with its accompanying tables, is an attempt to describe the extent to which this need has been met by the central departments since the war, and to discuss some of the factors relevant to the production of Annual Reports. The publication of such reports ceased almost entirely during the war. When the departments began to issue them again, the first of the new series was usually devoted to a survey of the intervening years.

Publication and Quality

The only way to guarantee the appearance of Annual Reports is to make statutory provision for their issue. At the present time, only four Ministerial Departments—the Ministries of Education and Pensions, and the Scottish Departments of Education and Agriculture—are required to submit reports on the whole of their work. A number of Departments are required to issue reports on parts of their work, and most of the reports of ancillary bodies are statutory. Most of the Inspectorates, for example, must submit statutory reports. Several Departments issue reports annually without being under any such statutory obligation, but, as can be seen from Table IV, a number of important Departments still do not do so. It is arguable, therefore, that there should be statutory provision for annual reporting for all the central Departments.

Statutory authority would certainly ensure that reports appeared, but it would not guarantee that they would be of good quality. It would be extremely difficult, if not impossible, to draft a statute calling for an adequate review of every important

aspect of a Department's experience. (It might, however, be feasible to define broadly the sort of factual information — especially statistical data — which should be published annually.) The value of a report as a means of assessing departmental behaviour will depend on factors much more intangible than can be dealt with by statutory provisions.

In the 19th Century, when Parliament was perhaps more jealously aware of its function as watchdog over the administration, a mass of detailed information about what Departments did and how they worked, was published in the findings and evidence of Select Committees and Royal Commissions. This most revealing source of information has almost entirely dried up, possibly as a result of the rise of strict Party discipline in the House of Commons. There is a reluctance on the part of the Party in power to allow Parliamentary investigation of Departments. A Minister can now protect his Department from Parliamentary inquiry by pointing out to his followers the danger of allowing the Opposition to obtain information which might be used as electoral propaganda, and by appealing to the need for Party solidarity. The huge expansion of Government work and the growth of the idea of a unified administrative machine have modified departmental rivalries. The combined effect of these factors has been to encourage the discreetness of Ministers and Officials, who are keen to present a picture of perpetual harmony and efficiency to the public. At present we are dependent to a very great extent on Governmental charity for the information we require to assess Governmental achievement.

The most obvious danger, in this executive-dominated situation, is that information will only be forthcoming

if it is either favourable or innocuous, so far as the Government is concerned. In the case of annual reviews of departmental work, the temptation to present that work in its most favourable light must be very great, both to Ministers and Officials. What is needed in such reports is a dispassionate account of the achievements, problems and organisation of the Departments. Perhaps it is asking too much to expect Departments to call attention to their mistakes or failings, but at least they should include all the data on which the interested person can reach his own conclusions. This calls for a high level of integrity on the part of the Minister and Officials responsible.

So much for the problem of ensuring that reports appear, and the factors which dictate their general character. Of the existing reports, it may safely be said that the quality of those which are produced in accordance with statutory provisions, is neither better nor worse than that of those which are issued on the initiative of the Departments.

There is no good reason, other than that of national security, for excluding any section of the administration from the obligation to publish a review of its work from time to time. It is arguable that the Service Departments, the Foreign Office, and the Commonwealth Relations Office, cannot, on account of the nature of their duties, especially in unstable international conditions, be expected to produce annual commentaries. With those exceptions, all the central Departments might be expected to issue reports, which, together, should cover every aspect of Government action. There are, however, very large gaps in the coverage.

For present purposes, Departments other than those just mentioned may

be divided into three groups. The first comprises those offices whose work is entirely in one field of activity which can be adequately reviewed in a single report. Thus the Colonial Office, the Ministries of Labour, Education, National Insurance, Health, Pensions, Works, the Scottish Departments of Education, Agriculture and Health, and the Post Office, all issue Annual Reports which deal with the whole work of the Departments. The Ministry of Food, though in this category, does not publish a report of any kind.

A second group are those Departments whose functions, if related, cover two or more separate activities. In such cases, separate reports on each activity may be preferable to a single review. There is, for instance, no close connection between agriculture and fisheries, and a report on each would be more sensible than a single volume. This is done in Scotland, where Fisheries are the responsibility of the Home Department. The Ministry of Agriculture and Fisheries publishes nothing in the nature of an annual review of either of its two interests, but relies entirely on the reports of its ancillary bodies and on its statistical publications.

Rather different conditions exist in the cases of the Ministries of Fuel and Power, and of Transport. Both offices are concerned in fields which are also occupied by giant Public Corporations. Both Departments and Corporations have separate functions, but while the latter report in great detail on their work, the former issue very little about their activities. The Minister of Fuel and Power has to report about Gas and Electricity, but not about his Department's other duties. The Ministry of Transport issues a few statistics and reports on the Road Fund and on Railway

Accidents. Both these Departments might be expected to publish general reports, which should be records of co-ordinative action, as well as separate reports on each large section of their work. The Ministry of Civil Aviation, which also shares its field of action with Public Corporations, has set a good example in issuing general reports. Unfortunately, its reports do not appear annually.

The third group comprises those Departments whose duties are heterogeneous and, usually, regulatory. There is little similarity of functions or objectives among the several divisions of the Home Office or the Board of Trade, for example. Reports are issued on a few sections of the work of such Departments, but much more is left uncovered than is reviewed. It is doubtful whether general reports by such Departments would be very satisfactory. The range of their activities is so wide that combined reviews would probably be either too long, or else too condensed to be of any value. There is no central theme around which a report could be built, as is possible in the case of a Department with a single field of action. Moreover, the argument against consolidating sectional reports into large, departmental volumes, does not rest only on the lack of connection between the various subjects. The need for Annual Reports to be as widely circulated as possible—a point which will be discussed further—will not be met if those whose interest is confined to the action of, say, the Children's Division of the Home Office, had to purchase a large book, containing reports on all the other varied functions of the Department. Potential readers might well be deterred by the expense involved. It would be better to extend the system of sectional report-

ing, so that every division of the Departments concerned would publish something, though not necessarily at the same intervals. There is a need for periodical public review of the organisation of these Departments, and this might be done in "residual" reports, which could also cover any small sectors of the departmental work not large enough to warrant separate papers.

The Treasury is a particularly difficult Department to discuss in this context. Its financial and economic powers are so all-embracing that a report on their exercise would be, in fact, a review of national policy. The Treasury's ancillaries, including the Boards of Inland Revenue and of Customs, issue detailed reports. Perhaps the most useful report which the Treasury could issue would be on the machinery of Government, and particularly, on the Civil Service. At present, the only annual comment on the Service comes from the Civil Service Commissioners, and is, of course, confined to recruitment.

Reports and their Readers

It is impossible to discuss the form and content of reports without some reference to the public for which they are intended. The motive for providing these reports is to create informed opinion, which, in turn, will be applied to consideration of policy and to the control of the administration. The extent of this informed opinion is necessarily small. The "public" likely to read the reports of Departments is confined to that section closely interested in their work. This small potential reading public may be divided into two classes. There is, first, the specialist group—the people whose personal interests are closely affected by the action of a Department, the journa-

lists who devote their whole time to its particular field, or the student whose research involves examination of its working. It is to this small group that all information and comment, and the more the better, is welcome. Whether it is well or ill presented, this group will seek it out. Second, there is a larger class consisting of people who, while not specialists in more than one field, have a general interest in all or most of the fields of Government. M.P.s are, perhaps, or should be, the most representative of this group.

There is, I suggest, a significant difference between the needs of each of these classes. Whereas the specialist will be able to cope with the most detailed material, and to assess it at its proper worth, the informed layman will not be able to devote more than a small part of his time to studying some or all, of more than a score of reports on administration. So far as the sort of information and comment which is to be made available at annual intervals is concerned, it would be as well to present it on two levels. The general departmental report should be directed, primarily, to the wider, "informed" public. The very detailed information should be published separately by the divisions of Departments and by their ancillary agencies. This arrangement could, of course, only hold good for the Departments whose functions are sufficiently related to enable a general report to be a cohesive document. A general report of the Ministry of Transport, for instance, would not include all the information given in the report on the Road Fund, but would be concerned with wider issues of co-ordination and departmental organisation.

This is by no means a plea for the Departments to over-simplify or over-

popularise. It is a suggestion based on the assumption that general reports, to be most effective, should reach as large a portion of the informed public as possible, and that to ensure this, they should be presented in a readily digestible form. A general report should be designed to give a clear and sufficiently comprehensive picture of the work of the Department concerned, but should not include a mass of detail which would be overwhelming and confusing to anyone but the specialist.

In this respect, something must be said about statistics. Statistics in bulk are of little interest to the layman. He may look, tolerantly, through fifteen pages of tables, but is unlikely to benefit from brief study of a hundred. When there is such a lot of data, it would be as well to publish it separately. This is done, for example, by the Ministry of Fuel and Power; there are several series of agricultural statistics, and the Ministry of Labour publishes an annual volume of Time Rates of Wages and Hours of Labour. The practice of separating statistics from reports might well be copied by the Ministry of Education, half of whose 200-odd page review is composed of tables, and by the Ministry of Health, whose report on the National Health Service includes sixty pages of statistical material. Not only is such separation desirable in order to make the reports as compact as possible, but also to reduce the price of the volumes. Most of the existing reports introduce small tables into the text, which are sufficient to illustrate the points under discussion, but surprisingly little use is made of graphical methods. Notable exceptions to this are the diagrams inserted in the reports of the Ministries of Labour, National Insurance, Educa-

tion and, particularly, in the latest report of the Ministry of Pensions.

Features of existing Reports

Apart from the universal importance of clarity and readability, it is difficult to set down rigid criteria which should be applied to the form and content of Annual Reports. It is neither desirable nor possible to dogmatise about an optimum length. The work of Departments varies tremendously in amount and character, and while the Colonial Office may find itself hard pressed to condense its review into less than 180 pages, the Ministry of Works can achieve what is considered a sufficient coverage in 30. Moreover, in the case of sectional reports, some may not need to exceed more than one or two pages. Most general reports at present average a length of 80 to 100 pages, and in addition to a general review of the year, devote chapters to each of the divisions of the work of the office, and sometimes have sections dealing with particular contemporary problems. The following remarks apply mainly to general departmental reports, and are concerned with the use of ancillary material, rather than with the treatment of the straightforward narrative.

The organisation of a Department is of perennial interest. Some reports give little or no information about this, others deal with it in a separate chapter, or in an appendix. Charts of the organisation have been included by the Post Office and the Ministry of Labour; two or three Departments, including the Ministry of Pensions, provide maps of the regional organisation; a list of senior personnel and advisers is given by the Colonial Office and the Scottish Department of Agriculture, and the report of the Ministry of National Insurance in-

cludes the full membership of its National Advisory Councils.

The reports of the Colonial Office and the Ministry of Civil Aviation start with Diaries of the chief events of the year under review—a useful introduction in times of intense administrative activity. In a similar vein, the bibliographies of Government publications concerning Departments, given by the Ministry of Labour and the Colonial Office, might well be copied by other Departments, though the need is met, to some extent, by the Stationery Office lists of papers, sometimes printed on the covers of reports. An Appendix devoted to the Orders and Regulations made during the year, such as the Ministry of Education includes in its report, is valuable.

Advisory Committees need all possible publicity, if they are to become effective parts of governmental machinery, and the Scottish Department of Health has established a happy precedent, in binding the report of the Scottish Health Services Council together with its own, thus presenting an administrative report with independent commentary.

Attractive format is important for counteracting the tendency to think

of Government publications as being essentially dull. In this respect, the Stationery Office is moving away from the use of the austere blue or white covers. Illustrations have also been introduced into the reports of the Departments. The recent reports of the Post Office, with their bright appearance and layout, in keeping with the well-established standards of G.P.O. publicity, are in marked contrast to the more sombre volumes produced by some other Departments. Though all the Annual Reports have adequate tables of Contents, only that of the Ministry of Labour—in all respects an admirable document—has an Index.

Note on Wales and Monmouthshire

It has not been possible to show, in the following tables, that the work of the Departments in Wales and Monmouthshire has been reviewed annually, since 1945/46, in reports issued by the Cabinet Office, based on the proceedings of quarterly conferences of departmental heads, which meet at Cardiff. These reports cover, summarily, all aspects of governmental action in Wales.

TABLES

The Reports included in the following tables may be divided into General Reports, dealing with the whole work of the Department, and other Reports on special sections of that work. Some Departments publish both types, others only one. There are, in addition, numerous volumes of statistics and accounts issued separately, but these have only been listed if issued by Departments which do not publish General Reports, and if, taken together with other available material, they provide a comprehensive review of large parts of departmental activity. The Reports of some ancillary agencies, administrative or advisory, have been listed, where they augment General Reports, or make up, to some extent, for the lack of general reviews. In short, the tables show all the literary Reports published by the Central Departments, together with a selection of the Reports of ancillary bodies and of certain statistical data.

S = Statutory Report.
NS = Non-Statutory Report.
HC = House of Commons Paper.
C = Command Paper.
NP = Non-Parliamentary Publication.

I

DEPARTMENTS WHICH DO NOT ISSUE ANY REPORTS

Ministry of Defence.
Admiralty.
War Office.
Ministry of Food.
Ministry of Supply.

II

DEPARTMENTS WHICH ARE REQUIRED BY STATUTE TO ISSUE AN ANNUAL GENERAL REPORT

Department	Notes on General Reports	Other Reports		
MINISTRY OF EDUCATION.	Half the volume is devoted to statistics. The Report deals at length with progress in primary, secondary and further education: teachers: scholarships: buildings: inspectorate, etc. Several chapters cover external relations, Wales and Monmouth, and the Victoria and Albert and Science Museums. The Report for 1950 was in the form of a historical survey called "Education 1900-1950." C	Reports by the Chief Medical Officer of the Ministry have been published twice since the war, reviewing "The Health of the School Child" for the periods 1939-45 and 1946-47. Apart from purely medical chapters, the reports discuss school meals, physical education, and the staffing and inspection of the school health service.	NS	NP
SCOTTISH DEPT. OF EDUCATION.	Similar in general layout to the Report of the Ministry of Education. C			
MINISTRY OF PENSIONS.	Describes the progress of welfare and medical services and the handling of pensions. HC			
SCOTTISH DEPT. OF AGRICULTURE.	A comprehensive survey, dealing with numerous aspects of agricultural administration: e.g., local executive committees, subsidies, livestock, production and marketing, estate management, pest control, machinery, land utilisation, land tenure and improvement, rural and Highland development, research, labour, etc. C	A series of "Economic Reports," issued in 1946, 1947 and 1950, are being replaced by reviews of "Scottish Agricultural Economics," to be published at approximately annual intervals.	NS	NP

III

DEPARTMENTS WHICH ISSUE NON-STATUTORY
GENERAL REPORTS

Department	Notes on General Reports	Other Reports on Particular Sections of the work of the Department, and Reports of Ancillary Bodies		
COLONIAL OFFICE.	Annual: "Colonial Territories." Includes chapters on the Colonial Office and Colonial Service: political, constitutional and economic development: finance: social services: research: international relations, etc. First published in 1938, under title "Colonial Empire."	Annual Reports on 20 colonies: Brit. Guiana: Brit. Honduras: Brunei: Cyprus: Fiji: Gold Coast: Hong Kong: Jamaica: Kenya: Mauritius: Malaya: Nigeria: Nth. Borneo: Nthn. Rhodesia: Nyasaland: Sarawak: Sierra Leone: Singapore: Trinidad: Uganda. Annual Report: East Africa High Commission. Biennial Reports on 22 colonies: Aden: Bahamas: Bermuda: Cayman Is.: Dominica: Falkland Is.: Gambia: Gibraltar: Gilbert and Ellice Is.: Grenada: Leeward Is.: New Hebrides: St. Helena: St. Lucia: St. Vincent: Seychelles: Solomon Is.: Somaliland: Tonga: Turks and Caicos Is.: Zanzibar. Annual Reports to U.N.O. on Cameroons: Tanganyika: Togoland. Regional Reports on: East and Central Africa: Far East: Islands in Sthn. Hemisphere: covering developments 1945-50. Annual Return of Schemes made under Colonial Development and Welfare Acts. The collected reports of the following research organisations are published in a volume entitled "Colonial Research," which has appeared annually since 1944-5: Col. Research Council: Col. Products Res. Council: Social Science Res. Council: Col. Medical Res. Committee: Committee for Col. Agriculture, Animal Health and Forestry Res.: Col. Insecticides Committee: Col. Economic Res. Committee: Tetse Fly, etc. Res. Committee: Col. Fisheries Advisory Committee: Director, Anti-Locust Centre.	NS	NP
MINISTRY OF LABOUR AND NATIONAL SERVICE.	Annual: since 1923-4. Comprehensive reviews of the manpower situation: services of the Department: industrial relations: organisation of the Ministry. Recent issues have been illustrated.	Annual Reports of: Chief Inspector of Factories. Catering Wages Commission	S	C
MINISTRY OF CIVIL AVIATION.	Two reports have been issued, the first dealing with 1946 and 1947, and the second covering the two following years. The reports, under the title "Civil Aviation," reviewed the progress of civil air services: international and Commonwealth relations: administration of aerodromes: operational and technical services: and the organisation of the Department. Appendices included details of services operated by the Air Corporations: fleets: statistics of licensing, examinations, etc. Illustrated.	Annual Reports of Air Transport Advisory Committee.	S	HC

III—Continued

DEPARTMENTS WHICH ISSUE NON-STATUTORY
GENERAL REPORTS

Department	Notes on General Reports	Other Reports on Particular Sections of the Work of the Department, and Reports of Ancillary Bodies		
POST OFFICE.	Annual Reports have been issued for the years 1950 and 1951. They are lavishly illustrated reviews of all aspects of the postal system.			
MINISTRY OF HEALTH.	The Annual Report is now published in two volumes. Part I is a report on the National Health Service, but also includes chapters on International Health and on Food and Drugs. Part II is the report of the Chief Medical Officer on the State of the Public Health. It is entirely medical, and covers the calendar year. (See also Min. of Housing and Local Gov., below.)	The Annual Reports of the Central Health Services Council deal with various general topics of hospital administration, co-operation between services, etc. They include brief reports on the work of the Standing Advisory Committees. There are 9 committees: medical: dental: pharmaceutical: ophthalmic: nursing: maternity and midwifery: mental health: tuberculosis: cancer and radio therapy.	S	HC
SCOTTISH DEPT. OF HEALTH.	The Annual Report has one large section devoted to Health and Allied Services, and in addition, has chapters on Local Government. The report of the Scottish Health Services Council is bound in the same volume.	Annual Reports of the Scottish Health Services Council. Similar to its English counterpart. Published in same volume as Report of the Scottish Health Department.	S	C
MINISTRY OF HOUSING AND LOCAL GOVERNMENT.	Up to and including the year ended 31.3.1949, part of the large report of the Ministry of Health was devoted to Local Government affairs, including housing, welfare, water and finance. A similar section was included in Vol. I of the Report of the Ministry of Health for the year ended 31.3.1950. It was implied in the preface to that report that Local Government affairs would, in future, be covered in the report of the new Department. The work of the old Ministry of Town and Country Planning was reviewed in a comprehensive report, issued in April, 1951, on "Town and Country Planning, 1943-51."	Annual Reviews of Housing Subsidies under the Housing (Financial and Miscellaneous Provisions) Act, 1946. Annual Reports of Central Land Board. National Parks Commission. Chief Inspector of Alkali, etc., Works (Joint Report to Minister and to Secretary of State for Scotland.)	S	HC
MINISTRY OF NATIONAL INSURANCE.	In May, 1950, a report was issued reviewing the work of the Ministry from its creation, in 1944, to July, 1949. A second report covers the period from July, 1949, to 31.12.1950. It is intended that future reports will be for the calendar year. The administration of the Family Allowances, National Insurance and Industrial Injuries Schemes is reviewed.	Annual Reports of the National Assistance Board. The Government Actuary makes quinquennial, and annual, interim reports, on the administration and state of the National Insurance and Industrial Injuries Funds.	S	C
MINISTRY OF WORKS.	Annual Reports have been issued since 1946, the first 3 called "Summary" and the more recent "Annual." They describe the problems of the building industry, the supply of materials, the progress of government building, and amenity and cultural services.			

DEPARTMENTS WHICH DO NOT ISSUE GENERAL REPORTS

Department	Reports on Particular Sections of the Work of the Departments	Statistics and Accounts	Reports of Ancillary Bodies	
AIR MINISTRY.			Annual Report of Director of the Meteorological Office.	NS NP
FOREIGN OFFICE.	Annual Report on the Administration of the Sudan.	NS		
COMMON-WEALTH RELATIONS OFFICE.	Annual Reports on Basutoland: Bechuana-land: Swaziland.	NS NP		
TREASURY.			Annual Reports of: Board of Inland Revenue. Board of Customs and Excise. Royal Mint. Public Works Loan Board. Trustee Savings Bank Inspection Committee. Reports of Civil Service Commission—only post-war report was published in 1936, and covered the years 1941/49.	NS NS NS NP NP NP NP
HOME OFFICE.	Children's Division: Before the war, 5 reports were published. The series was continued by a sixth which appeared in May, 1951. State Management Districts: Joint report, annually, by Home Secretary and Secretary of State for Scotland. Very brief—includes accounts.	NS NP S HC	Annual Reports of: Metropolitan Police Commissioner (partly statutory). Inspectors of Constabulary—England and Wales. Inspectors of Explosives. Inspectors of Fire Services. Prison Commissioners.	C HC HC C C
SCOTTISH HOME DEPARTMENT.	Annual Report on Prisons Department. Annual Report on Scottish Fisheries. State Management Districts (see Home Office.)	S S S	Annual Reports of: Inspectors of Constabulary—Scotland. Inspectors of Fire Services—Scotland.	S C
BOARD OF TRADE.	General Annual Report on Companies. Annual Report on Proceedings under the Monopolies Act, 1948.	S S S NP	Annual Reports of: National Research Development Corporation. Ginematograph Films Council. National Film Finance Corporation.	HC HC C

MINISTRY OF TRANSPORT.	Administration of the Road Fund—annual.	S	Road Fund Accounts—annual.	S HC	Chief Inspecting Officer of Railways: Annual Report on Railway Accidents based partly on Statutory Returns. Summaries of statutory reports of Licensing Authorities for Goods and Public Service vehicles under Road Traffic Acts, 1930/47, and Road and Rail Traffic Act, 1933. Mainly statistical—Annual. Annual Report of London and Home Counties Traffic Advisory Committee on "London Traffic." Annual Report of Central Transport Consultative Committee for Great Britain.	NP NP NP HC
MINISTRY OF FUEL AND POWER.	Annual Report on Electricity: short—divided into 2 parts (a) work under Electricity (Supply) Acts, 1882-1936, (b) work under Electricity Act, 1947. Annual Report on Gas: short account of work under Gas Act, 1948.	S S	Annual Statistical Abstract—first published 1950.	NS NP	Annual Reports of: Chief Inspector. Reports of Coal Mines Principal Electrical Inspector. Inspectors of Metalliferous Mines and Quarries. Safety in Mines Research Board.	NP NP
MINISTRY OF AGRICULTURE AND FISHERIES.	Annual Report on Animal Health Services: mainly concerned with proceedings under the Diseases of Animals Acts. A report on Sea Fisheries was published, dealing with the years 1939-44.	S NS	Agricultural Statistics for England and Wales have been issued in 3 volumes since the war. Part I, in 1947, concerning acreage, production, livestock, etc., for the years 1939/43. Part II, concerning prices, has appeared twice: in 1948, for the years 1939-44, and in 1950, for the period 1945-47. A series of United Kingdom statistics, prepared by the Departments for England and Wales, Scotland and Northern Ireland, has been issued every year since 1947. Sea Fisheries Statistical Tables are published annually.	NS NP	Land Settlement Association Ltd., as agent for the Minister, has issued two reports: on "Smallholdings Centralised Services" for the years 1948/49 and "Smallholdings organised on the basis of Centralised Services"—a review of the post-war period, which appeared in 1951. Annual Reports of: Agricultural Land Commission. Forestry Commission—Joint report to Minister and to the Secretary of State for Scotland. Herring Industry Board—Joint report to Minister, Home Secretary and Secretary of State for Scotland.	NP HC HC C
OFFICE OF THE LORD PRESIDENT OF THE COUNCIL.				NS	Annual Report of the Department of Scientific and Industrial Research: in 4 sections, the first 2 being the general reports of the Committee of the Privy Council, and of the Advisory Council. These are followed by a summary of the work of 14 Research Boards, and by summaries of the activities of some 40 independent research associations. Most of the 14 Boards issue separate reports, on research into building: chemistry: fire: food: forest products: fuel: hydraulics: mechanical engineering: pest infestation: roads: water pollution. There are reports on the Geological Survey and the National Physical Laboratory. The Medical Research Council has issued 3 reports since the war—in 1947, 1949 and 1951. Annual Reports on the Central Office of Information have been published since 1947/8.	NP C C

CORONA

THE JOURNAL OF H.M. COLONIAL SERVICE

The Colonial Service is engaged in the public administration of more than fifty dependencies all over the world. Everywhere colonial policy is dynamic and progressive and gives rise to a constant stream of new developments and new techniques. Yet everywhere the Administrator's problems are basically the same, and the techniques evolved in Fiji are surprisingly like those used in the Gold Coast—or in Lincolnshire. Through the pages of *Corona* each month Colonial Service Officers exchange ideas and information and what they have to say is of interest to everyone who is concerned with new ideas in public administration. Recent articles describe, for example, the organization of a general election in Northern Nigeria, the development of Women's Clubs in the villages of Uganda, and an experiment in community development in Tanganyika. And each month, too, there is detailed news of everything that has happened in all the Colonies.

Corona is published monthly by H.M. Stationery Office and costs 1s. 6d. plus postage 2d., or 20s. a year including postage. It may be obtained from any branch of H.M. Stationery Office or through any bookseller.

The "Scarcroft" Prosecution : Defence Regulation 56A

THE prosecution by the Director of Public Prosecutions of the Yorkshire Electricity Board and their Chairman and Deputy Chairman at the Leeds Assizes before the Lord Chief Justice and a jury on 12th/16th November last for breaches of Defence Regulation 56A ("Control of Building Operations, etc.") of the Defence (General) Regulations had a widespread topical interest.

The Regulation

The system of control of building and similar operations by licence or authorisation is familiar by now and it is not necessary here to describe the rather complex provisions of Regulation 56A in any detail. In the case of local authorities, public utility undertakings and some others it is unlawful to execute any of the following operations without the consent of the appropriate authority, in this case the Minister of Fuel and Power :—

"The construction, reconstruction, or alteration of a building, of works required for the purpose of providing water, light, heating or other services for a building, of works of a kind required for the purpose of a public utility undertaking, or of any other fixed works of construction or civil engineering, including a road."

Authorisations or licences under the Regulation may be granted subject to conditions or limitations. If any operation is executed without authorisation where it is necessary or if any condition attached to any authorisation is contravened or not complied with, "the person at whose expense the operation is executed" is guilty of an offence under the Regulations, apart from certain defences, dealing with unlooked-for

increases in cost or works done in emergency, which did not arise in this case. There is also provision making any architect, engineer or other person employed in an advisory or supervisory capacity in connection with the execution of the operation guilty of an offence in similar circumstances. Further, Regulation 91, which applies to all the Defence (General) Regulations, is in the following terms :—

"Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence."

The two individual defendants were prosecuted under this Regulation.

The Facts

The Yorkshire Electricity Board is a body corporate created by the Electricity Act, 1947, to carry out the distribution of electricity in its area, and its Members are appointed by the Minister of Fuel and Power. One of the individual defendants was appointed to be a Full-Time Member and Chairman of the Board and the other was appointed to be a Full-Time Member and Deputy Chairman.

The Board applied to the Minister under Regulation 56A for authorisation of certain works for an extension of their headquarters buildings at Scarcroft. After some discussion

with the Ministry the Board later submitted an amended application with a revised plan of the works and a reduced and revised estimate of its cost. The Minister thereupon under Regulation 56A authorised the extension of the building "as now proposed."

The Board carried out the extension and in the subsequent prosecution it emerged that the work departed from the authorisation in three respects. The work as executed cost much more than the amount estimated in the application; work was included which was not shown on the revised plan or described in the application; and some of the work departed materially from the plan.

The Board, the Chairman and the Deputy Chairman were charged jointly on a number of counts, of which in the event it fell to the jury to consider only two. Each of these counts charged all the three defendants with "being the persons at whose expense an unlawful operation was executed" contrary to Regulation 56A—the particulars in one case alleging contravention of a condition attached to the authorisation by exceeding the amount permitted and in the other alleging non-compliance with the condition that the work should be in accordance with the plan submitted.

It will be noted that, following Regulation 91, the individual defendants were charged with the same offence as the Board; and in each case the particulars of offence charged "the Yorkshire Electricity Board a body corporate" and the individual defendants "both being officers of the said body corporate."

To all the charges the Board pleaded Guilty and the individual defendants pleaded Not Guilty.

A legal point of interest to those who are concerned with nationalised boards was put forward on behalf of the individual defendants, to the effect that Regulation 91 was not applicable to them since they were neither "directors" nor "officers" of the body corporate. The general tenor of the argument was that they were not officers since the term "officer" has always been accepted as excluding a "director"—hence indeed the necessity to use both words—and that their duties were analogous to those of directors, but it was impossible to include them within the scope of the word "director" since this is a technical term and can only refer to companies. The prosecution, however, submitted that these defendants were executive officers and cited a reference to the "office of Chairman of an Area Board" in the Electricity Act, and the Lord Chief Justice held that on a true interpretation the Chairman and Deputy Chairman were officers of a body corporate within the meaning of Defence Regulation 91.

It is possible that, if the defendants' submission on this point had been successful, the Prosecution might have been granted leave to proceed against the individuals on amended charges of aiding and abetting the commission of an offence by the Board. In that event, however, the onus of proof would have been on the prosecution to prove the defendants' knowledge of the offence—a materially different situation.

The evidence was lengthy, a number of the Board's officers being called by the prosecution. The defendants' case was that although they knew of the work that was being done, they did not know that it was not duly authorised. The

prosecution, by evidence of direct and detailed concern with the work and of such matters as attendance at progress meetings and knowledge of material plans and papers, sought to show that, although many officials were concerned with the work in question, the responsibility lay with the defendants, who must have known that offences were being committed, or who at any rate had failed to prove the contrary. Moreover, although in the normal course the Chief Engineer's department had been responsible for building work and for seeking the required authorisations under Regulation 56A, it was alleged by the prosecution that the procedure had been altered in this instance and a member of the staff of that department acting as architect for the work had been instructed to report direct to the Chairman, and the latter had thus taken on himself the responsibility for control of the work.

A number of the points made in the Lord Chief Justice's summing up are of particular interest. He thought it would not be suggested that in an organisation of this sort or in matters of this sort, every detail should have to go before the Board or that they should be concerned with every detail of administration, but it certainly could not be right to say that it was not the duty of the Chairman and Deputy Chairman to do what they could to see that the law was carried out. He had no doubt that in the ordinary way, if an authority were required from the Ministry for executing some particular work, the head of a department would apply for it. It was therefore important for the jury to consider whether they accepted the evidence that the architect was told to report directly to the Chairman.

The Lord Chief Justice also directed the jury that if they concluded that the individual defendants really did not know the facts which constituted the offence, they must be acquitted, and it was not enough to show that they ought to have known the facts or were even grossly negligent, but if they had failed to prove that they did not know the facts which constituted the offence, the jury must convict. If there was any doubt of the discharge of the onus of proof the jury should give the defendants the benefit of that doubt.

The jury found the Chairman guilty on both counts and the Deputy Chairman guilty on the second count only, relating to departure from the plan. The Board was fined £20,000 and directed to pay the costs. The Chairman was sentenced to imprisonment for six months and the Deputy Chairman was fined £100.

Comment

The case adds little to previous knowledge of the position of the nationalised industries. It was suggested that one of the objects was to make it clear that nationalised industries are not above the law; but it is hard to see how this could have been in doubt in any event. As has been said in another case in regard to a different nationalised industry, it "is answerable as fully as any other person or corporation. It is not the Crown and has none of the immunities or privileges of the Crown." (*Tamlin v Hannaford*, Court of Appeal, 30th July, 1949.) For the rest, the rather special question whether the term "officer," in the context of Regulation 91, includes members of nationalised Boards has been given an answer so far as

concerns whole-time members of such Boards, without discussion of the position of the part-time members; and the comment that the heavy fine imposed on the Board ultimately falls on the consumer applies equally in principle to the lesser fines that may be incurred for, say, an offence under the Factories Act.

From the point of view of directors, members and officers of companies in general, whether nationalised or not, the case is of more interest. Since it cannot be known whether the jury believed that the defendants had actual knowledge, it will be well to assume that the conviction rested simply on failure to discharge the onus of proof. The obvious matter for reflection is the burden possibly cast on a defendant director or officer of proving to the satisfaction of a jury, perhaps several years after the alleged occurrence of an offence, that he had no knowledge of it or exercised all due diligence to prevent it, bearing in mind that what at the time of hearing has perhaps become a *cause célèbre*, may in many cases have been at the time of the alleged offence merely one item amongst a mass of detail.

The net of Regulation 91 is so wide that, when a body corporate is convicted under the Regulations, it catches every director or officer, without exception, in liability for the same offence unless he proves his innocence. Whether it is in the best interests of the public that this burden, so alien to the main English tradition, should be imposed except in the extremity of war conditions, many may doubt, however convenient the procedure to those responsible for prosecuting. It is to be hoped at least that charges would usually be preferred only against those who,

on investigation, seemed to have been actively responsible.

For senior executives of corporations, the case does not appear to mean that they should feel constrained to concern themselves with extensive administrative detail. The inference rather is that clear procedure and administrative machinery should be set up for doing whatever laws such as Regulation 56A may require. Having set it up and having provided, and used, a means of checking its proper working from time to time, the administrator should not interfere with its working unless he is able and ready to undertake responsibility for its results in the altered circumstances. A careful delegation of duties with a clear chain of authority will protect senior and junior officer alike, since it reduces the chance of the law being overlooked and, in case of error, should limit the scope of inquiries.

Regulation 91 is not the only enactment to which these reflections may be relevant, for the Statute Book now carries a good many provisions putting the defendant under the onus of proof, in a number of different forms. Several of the post-war nationalisation statutes, for example, provide that in case of an offence by a body corporate, a director or officer will be deemed guilty of the offence "unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances." Doubtless it is the task of administration to consider such laws as they are passed and to create an administrative procedure adapted to the case.

The Prefect at Home

By JOAN CHAPMAN

Mrs. Joan Chapman is the wife of Brian Chapman, a Research Assistant at Manchester University, who has recently completed a study of French Local Government. The article is a composite picture of impressions gained during various interviews: it does not refer to any single Prefect or prefectural town.

IT was not difficult to find the Prefecture in Ville de France. Ville de France had five buildings of any size. There was the *Hôtel de Ville*, an ornate edifice flanking one side of the main square, bearing the stamp of the First Consul and a *tricolore* over its imposing portico. Facing this stood the *Palais de Justice*, its somewhat sterner architectural counterpart. On the outskirts of the town the barracks of the *Gendarmerie* occupied a solid two acres or so and resembled a rather unkempt block of workers' flats. And then there was the cathedral, the centre of the old town, with its overshadowed main square now deserted but for three or four cafes selling *pastis* and picture postcards to the historically-minded tourist. These four were easily identified from the muddle of small houses and shops that made up Ville de France. But behind the cathedral, still in most of its sixteenth-century dignity and beauty, was what had once been the bishop's palace, and now, despite the pair of police officers posted at its ample gates and the succession of citizens who hurried through them, might still be a worthy residence for that ecclesiastical dignitary. The wrought iron gates now proclaimed it to be the "*Hôtel de la Préfecture*"; the administrative hub of the *Département* of which Ville de France was the *chef lieu*, and the present residence of the Prefect.

The Prefect of Ville de France was fortunate in his domicile but not exceptional. A good proportion of

the ninety Prefectures in France have been ecclesiastical or princely palaces, where the administrative offices have been accommodated with laudable discretion; and in some old provincial centres local affairs are today regulated from the same strongholds of their medieval overlords. There may be theoretical arguments against this arrangement, but the psychological fact remains that most people would feel that an official act, whether it be a decoration or a driving licence, carried more weight from the occupant of the Bishop's palace than from a bare fusty office over a backstreet bank. Moreover, why shouldn't the deserving citizen visit his local Place of Historical Interest in the course of renewing his identity card or getting a passport, instead of being shown round it at the cost of one and sixpence on a Sunday afternoon?

We had an appointment with the Prefect so we passed the gates and the police officers without further question. The Prefecture was a solid but accommodating residence; it had not been found necessary to attach small brick appendages nor even to improve the interior lighting with symmetrical steel-frame windows. Only the unavoidable notices were posted over the respective doors directing one to the *Cabinet de M. le Secrétaire Général*; the *Chef de Cabinet*; *M. le Préfet*; *Bureaux*; *Renseignements*; etc. We addressed ourselves to *Renseignements* and explained that *M. le Préfet* expected us at 3 o'clock. The porter, a disabled ex-serviceman, adopted an

attitude of flattering respect to visitors for the *patron* himself, and shuffled off with our cards and the regulation *fiche*, slowly enough to study them carefully before reaching his destination. Visitors for the Prefect usually fell into the fairly well-defined categories of those with a grievance and those who wanted something. These would all be men from inside the *Département*; there might be an occasional outsider from Paris, but foreigners were rare. Presently the *huissier* returned to say that *M. le Préfet* would be pleased to see us shortly and would we care to wait in an adjoining room.

This was very far from the bare, rexine-benched British Railways or British Government Office counterpart: a fair-sized reception room, carpeted, and with an adequate selection of Empire chairs, and elegantly curtained windows looking out on to a gravelled inner courtyard. Another attendant had a desk in one corner and was constantly in and out of the several doors which led to the offices of the Secretary General, the *Chef de Cabinet*, etc. There was the constant clatter of typewriters and a succession of bells summoning staff and visitors.

We conjectured what the Prefect of Ville de France would be like. He would be over thirty-five, for all Prefects must be; and since Ville de France was a centre of some importance, and therefore a first-class Prefecture, he would be a Prefect of at least six years standing, while before becoming Prefect he might have spent anything from ten to twenty years as *Chef de Cabinet* and Sub-Prefect elsewhere. *M. le Préfet* would, therefore, almost certainly, be a man of some presence, and a man accustomed to dealing personally with a variety of important people

and situations, as well as being the symbolic and in many ways the real head of a *Département*, a ninetieth part of France. He might be a man of cold steel, he might be a man of cruder iron, he might be of solid india-rubber, but he would not be a man of straw: and he must have a certain dynamic quality or he would not hold his position.

The Prefect of Ville de France proved to be the cast-iron type. Stocky, shrewd, about fifty, and with an unembarrassed consciousness of the power and responsibility of his office, he greeted us with the pleasant cordiality of one who has all too many business solicitations and welcomes a visitor who has no axe to grind. He had not followed the orthodox career of an administrator, but was one of the handful of exceptions who had stepped from the academic retirement of a provincial university to the role of a successful Resistance leader, and had thereafter taken the opportunity to join the permanent administrative corps. He might in fact be termed one of the "political" nominees so notorious in Bodley's day. He was a highly successful Prefect. Within the next ten years he would be an *hors classe* Prefect and perhaps Super-Prefect of one of the eight Regions or even Governor in North Africa.

His room was separated from the din of the bureaucracy by some yards of carpeted corridor which took you to the far side of the rooms of the Secretary General and the *Chef de Cabinet*, and it was sealed by double padded doors. Of noble proportions, as befitted this provincial viceroy, it was furnished with dignity and taste, refreshingly devoid of filing cabinets, in and out trays, and the other appurtenances of the administrator.

Other rooms in the Prefecture were

hung with pictures belonging to the *Département*, but here the walls were bare but for a magnificent tapestry over the mantelpiece, where Charlemagne and his followers were slaying their way to victory across a battlefield covering half the side of the room. Beneath this stood a richly decorated ornamental clock which chimed loudly and at considerable length, so that it effectively interrupted any conversation at regular fifteen-minute intervals. On the far side of the room full length windows led on to a terrace and the park of the former Bishops.

Had he felt so inclined, the Prefect might have embellished his surroundings to suit his own taste, or he might have preferred a smaller, more austere office for work while reserving the more luxurious apartments for receptions and official occasions. But this was quite a typical setting for a first-class Prefect. Those of the second and third class would be less extensive or, alternatively, spacious but reminiscent of *Le Bourgeois Gentilhomme*. The top grade were always impressive, not least those who had rejected a regal salon in favour of concentrated austerity, albeit even there the essential furniture and carpets would be of the highest quality.

M. le Préfet came forward with outstretched hand from behind a massive desk by the windows. He was quite disposed to talk at length about life as a member of the *Corps Préfectoral*; its prospects as a career which provides steadily increasing authority and responsibility for a man who shows himself capable of shouldering its burdens; the public nature of this authority which stimulates leaders of men and offers a reputable and honorable stage for what some might call a power complex, though it is hard to distinguish from a laudable desire for

leadership and action. It was heartening to find that he had devoted considerable thought to the significance of his position.

He was not slow to admit the disadvantages. The unavoidable duties of a public figure—prize-givings, memorial services, decorations, and the rest; the restricted private life, overcast by the necessary professional circle of acquaintances; and the impossibility of preserving oneself from making enemies, either for political or other reasons. But all this side is rendered far less onerous by the fact that a Prefect rarely remains in one *Département* for more than three or four years, and with each promotion, and often in between, he changes his ground. No Prefect will suggest that this is anything but an unqualified blessing, and few who have administered efficiently experience regrets at being posted. However there is no indication that the incidence of nervous disorders or duodenal ulcers is higher among Prefects than among prefectorial porters, and the strain of office seldom seems to prove beyond the capacity of its holder.

The clock had chimed insistently at least four times before the *Chef de Cabinet* came in to say that there was a telephone call from *M. le Ministre* which could not, like the other calls, be warded off by a subordinate member of the staff. We rose to take our leave of the Prefect with all the humility due to one whose telephone can bring him salutations from such high places, but our host suggested that we might like to meet his wife and should go upstairs for an *apéritif* before leaving.

The respect of the *huissier* had visibly increased when he led us up to the residential first floor, most of

which constituted the private apartment of the Prefect, while one wing housed the Secretary General. *Mme la Préfète* greeted us warmly and showed us into one of the several reception rooms. It was furnished on a scale comparable with that of a minor Embassy, and quite in harmony with the impression gained in other parts of the Prefecture. This was the appropriate place for a first-class Prefect to live.

We pressed *Mme la Préfète* for her opinion of Ville de France and the position she occupied there. Her judgments were at once more frank and had more reservations than her husband's. Ville de France, like any other prefectoral post, entailed endless social functions and entertainment, and this burden fell principally on the wife. The Prefecture was the official centre of the town and it had ample accommodation, and therefore all Ministers and official foreign visitors must find an open house. In addition, so many difficulties between local personalities, both commercial and political, could be arranged so much more smoothly over the prefectoral dinner-table. In fact, the Prefecture had far more the atmosphere of a Consular residence than that of a home civil servant.

Mme la Préfète did not, however, any more than her husband, seem

particularly weighed down with responsibilities. She, like many in her position, was an active social organiser; and this did not entail running bring-and-buy bazaars and sewing classes, but far more formidable efforts to establish children's holiday camps in the country and to organise welfare and employment centres for displaced Algerians. This means that she all too often has her own battles to fight with the powers that be: Ministers of Finance have sometimes withstood the demands of Prefects, but have often succumbed before the wrath of Prefects' ladies.

Prefectoral life also had its tense moments. We heard the story of a strike at a munitions factory on the outskirts of the town: after repeated delegations had come to the Prefecture for fruitless negotiations, the Prefect had to intervene, and faced with a very ugly situation he had personally directed an occupying police force which ejected the strikers. The man we had been talking to did not administer only from behind a desk or the end of a telephone; it was his job to cope with men and situations with all the means at his disposal, even, if necessary, with force. Routine efficiency was not enough; there were times when this had to be augmented by initiative and no mean degree of personal courage.

The Hospital Administrative Staff College

Note provided by Mr. A. C. Stuart-Clark, Senior Tutor at the College

IN April, 1951, the Hospital Administrative Staff College was established by the King Edward's Hospital Fund for London. The College which consists of two houses, Nos. 2 and 14, Palace Court, Bayswater, provides accommodation for twenty-four resident members of courses.

The main purposes of the College are to give a comprehensive training in Hospital Administration over a considerable period of time to those who are considered capable of holding the most senior posts in the Hospital Administrative Service, and to provide refresher courses of a shorter period for those holding responsible posts in the Hospital Service.

The first Two-Year Training Course was started on 3rd March, 1952, and consists of a detailed practical and theoretical training, in approximately equal proportions. Students for the long Training Course are selected on advice from a panel set up by the King Edward's Hospital Fund from those employed in the Hospital Service. Successful candidates are granted leave of absence for study by the Hospital Management Committees, Boards of Governors, and Regional Hospital Boards.

The Refresher Courses, of one month's duration, are divided into two categories: one for Hospital Management Committee Secretaries and their Deputies; and the other for administrators of single hospitals. Students for these Courses apply for membership through their Hospital Management Committees, Boards of Governors or Regional Hospital Boards, and are selected by the Staff

College authorities.* Each Course consists of twelve members and is residential.

Courses for medical records officers are organised at the Staff College from time to time, which normally consist of twelve members who are eligible for a training grant. These Courses last for one year and are non-residential. Details of these and short Refresher Courses for existing medical records officers are published in hospital journals.

Tutorial work at the Staff College is carried out by the whole-time staff, together with part-time lecturers, experts in their sphere, from both within and without the Hospital Service.

Both the Refresher Courses and the longer Training Courses deal with most branches of hospital administration, and a comprehensive study of the individual services is made as well as the National Health Service as a whole with its historical background. Local Authority Health Services and Local Executives are considered apart from the hospital and specialist services. Lectures on these subjects are supplemented by visits to various hospital and health departments.

Administrative technique, committee work and personnel matters are considered, and joint consultation, public relations, and hospital law are included under this heading. Selection and training of juniors and staff management are also studied.

Organisation of services within the hospital is considered, under such headings as catering, supplies, engineering, etc.

The Mental Health Service is dealt with from both its administrative and its legal aspects, and visits to mental hospitals, mental deficiency colonies, etc., are arranged in conjunction with lectures at the Staff College.

Students are given the whole financial picture of the Health Service, and make a detailed study of the theory and practice of unit and departmental costing, together with various methods of mechanical accounting.

It is too early to speak of the results of the Two-Year Course, but there is ample evidence of the value to senior Hospital Administrators, both in Hospital Management Committee Groups and in individual hospitals alike, of the lectures they attend and the opportunity for full and frank discussion among themselves.

The Staff College is financed entirely by King Edward's Hospital Fund for London, both as regards the original capital cost and subsequent maintenance. There is no charge for tuition. In the case of officers taking Refresher Courses, there is also no charge in respect of board and lodging, but a charge may be made according to circumstances for those who have been granted leave with pay for the purpose of taking Training Courses. Thus, in the majority of cases, those taking the courses are only called upon to meet their personal expenses.

The cost of granting prolonged leave with pay in respect of those taking Training Courses is met by the employing authority, i.e., in the case of Teaching Hospitals by the Board of Governors, and in the case of Hospital Management Committees by the Regional Hospital Board concerned.

DEAR SIR,

Accuracy in our dealings with other people is a moral obligation; speed, though sometimes desirable, takes a lower place than professional honesty. It is therefore somewhat disturbing to find that Miss Luard in her essay "Delegation in Policy Formation" (Public Administration, Autumn, 1951) is prepared to tolerate inaccuracy for the sake of speed. Unfortunately she does not illustrate her argument by reference to an actual example of policy formation; and so, having had no experience of the working of a Government department in England, I can offer criticism only in general terms.

The recognised method of making a decision on a problem of policy is this. The administrator's subordinates submit the papers to him together with a minute in which the main facts are set out. He then, having mastered the facts, records his opinion as to the course to be followed, either by way of final decision or as a recommendation to higher authority. According to the new method, the administrator, instead of trying to view the problem as a whole, tries wherever possible to break it up. He trusts his subordinates to judge the extent to which they are able to define and limit his problem and he will not attempt to check their judgments on other parts of the problem, even when he suspects they are wrong. The object aimed at is speed.

In justification of this new method the writer contrasts the work of the technical expert with that of the administrator and claims that the new method is an extension to purely administrative relations of the division of labour which is already a principle of the relations between administrators and specialists. That would be to draw a distinction between administrators and expert administrators. But all the members of the administrative staff are, or should be, experts or specialists in the art and practice of administration.

On the question of responsibility it is pointed out that, whereas in the past many branches of government were each affected by decisions from only one administrator, to-day, owing to a phenomenal extension of government activities, the administrator in forming policy for his own department must often ascertain the

CORRESPONDENCE

DELEGATION IN POLICY FORMATION

views of one or more other departments. This fact is not really relevant to the argument. But, if anything, it brings down the balance in favour of the old method. When department A in framing a policy refers to department B, the administrator in department A, who is empowered to make the decision, must be seized of the whole matter. Often his quickest and best way is to go across to his opposite number and settle the matter across a table. If the new method were adopted personal discussion might well degenerate into a whole committee of officers of different ranks each of whom is briefed in only one aspect of the problem and has not studied the others. This way lies confusion. If the departments fail to agree, the administrator must refer to higher authority, and here again it is essential that there should be one person who understands all aspects of the problem to represent the departmental view.

The new method demands that the lesser members of the team should feel that they are really helping to shape policy. It is easy to ensure this under the old system. His subordinates should submit to the administrator a minute containing the facts and a recommendation thereon. From this he will judge of their capacity and they in turn from studying his decisions will receive their training in administrative practice.

I think the following objections may be urged to the new method.

1. A problem of policy may present several aspects, each affecting the others. We cannot get the best result by dividing the problem into water-tight compartments and allotting them to a number of different people of different ranks. The problem must be grasped as a whole by one man who will consider all these aspects together and then decide.

2. The new method tends to put the administrator too much under the control of his subordinates. He is to act, not upon what he selects, but upon what they select for him.

3. The writer obviously attaches great importance to the new method, "which has produced a new type of administrative Civil Servant." I could understand the use of the word "type" as applied to

social origins or education. But what does it mean here? Does it refer to professional ethics? I think it is essential that every government servant should be given a clear schedule of his duties. I doubt whether this new system of delegation—perhaps “arrogation” would be a more appropriate word—is included in any such schedule. It is, in fact, unauthorised.

4. Although the method is of such importance as to have produced a new type of administrator, it is applied only to part of his duties. It does not cover his originating function, committee work or the making of vital decisions. This last term is very vague. Again, it is not clear whether the new method is to be insinuated into decisions made under a Statutory authority, such as assessing to Income Tax or making an order under the Town and Country Planning Act. Were an administrator so to act illegally, he could not plead in a court of law that in

making an order he applied himself to certain aspects of the case only. May the public be protected from orders passed in such a way!

5. If a government office is overworked, it should make out a case for increase of staff. To sacrifice accuracy to speed is like sacrificing honour for profit. Everything that is done in a government office affects, directly or indirectly, the employer, that is, the public. The administrator should permit no second-best for the sake of speed or for any other reason.

6. But if speed be the justification for this fundamental change of method, I cannot understand the statement that both the really efficient investigator (i.e. old style) and the delegator (i.e. new style) will reach sound decisions quickly. If so, then why abandon old and well tried methods for new and doubtful ones?

Yours very truly,

PERCY MACQUEEN.

BOOK REVIEWS

Justice and Administrative Law. Third Edition

By PROFESSOR W. A. ROBSON. (London. Stevens & Sons, Ltd, 1951. Pp. xxxiii and 674 30s. net.)

PROFESSOR ROBSON'S interesting and provocative book is now in its third edition. Although marred by many faults of arrangement and presentation, it contains much useful information not to be found within the covers of any one other publication and for that reason alone is worth its place on the bookshelves of the rapidly growing number of those interested in the public law aspects of our Constitution. The first edition appeared in 1928, and was, as the author truly says, “the first treatise on the subject of administrative adjudication to appear in this country.” It pleaded for a realistic approach to the problems raised by the numerous governmental bodies exercising judicial functions and suggested that these tribunals should be organised in a rational and coherent manner with an appellate court of their own distinct from the ordinary common law structure. These arguments (which are repeated and elaborated in the present edition) were considered by the Donoughmore Committee twenty years ago, but were rejected in a passage of the Report which the author “always had some difficulty in taking seriously.” A fascinating chapter is devoted to the mistakes of that eminent body, and particular attention is paid to “my examination by Sir John Anderson, to which an entire meeting of the committee was devoted,” and which “raised the discussion to a very high level of political and juridical debate.” The opinions of other authorities on the value of the Committee's work are discussed, and pleasure is expressed at the fact that Dr. C. K. Allen (who “represents, in a more refined and scholarly manner, the anti-bureaucratic school of thought of which Lord Hewart was the crudest and most indiscriminating exponent”) should now seem to share the author's views. (Readers of the recently published edition of *Law in the Making* will recall that Dr. Allen denies with some vigour that he has changed his mind.)

The bulk of the work, however, is to be found in chapter 3, entitled “Administrative tribunals.” It fills 227 pages—almost one-third of the book—and although

nothing Professor Robson writes could really be called dull the conscientious reader will find much of this chapter pretty stiff going. Indeed, in some ways the author himself seems to have become a little tired or confused before accomplishing the lengthy and difficult task of providing a descriptive and critical account of the more important administrative tribunals. For although we are told at the outset that “a vital feature of the whole arrangement” about to be described is the absence of an appeal to the ordinary courts, several examples of such appeals (e.g., under the Housing Acts and the Lands Tribunal Act) are cited without comment. (Incidentally, the work as a whole suffers from a failure to draw a clear distinction between the appellate jurisdiction of the ordinary courts and their supervisory jurisdiction exercised through the prerogative orders issuing out of the Queen's Bench Division.) The chapter concludes with the curiously unhelpful comment that the common characteristic of the tribunals is “that they are all of a public or official nature.” The two final chapters are the best in the book: they contain a stimulating discussion of the different approaches adopted by the lawyer and the administrator to the problems of the welfare state. Although Professor Robson recognises that lawyers have some useful qualities and would find a place for them in his proposed scheme of administrative courts he has some wounding things to say about “the predominantly upper middle-class conservative legal mind.” The picture of a bench either ignorant of or unsympathetic to contemporary social demands is unconvincing. A man who has had a successful career at the common law Bar, and perhaps dabbled a little in politics as well, knows as much about the lives and problems of everyday people as any gentleman in Whitehall or professor of the social sciences; he would not be successful if he did not. And a half-hour with the D.N.B. and “Who's Who” would teach Professor Robson a lot about the social background of the English bench.

R. F. V. HEUSTON.

Modern Constitutions

By K. C. WHEARE. Home University Library. Oxford University Press, 1951. Pp. 216. 6s.

It is difficult to review Professor Wheare's book. The reason is simple. There is nothing to criticise; and a reviewer who has nothing to criticise is a reviewer under a handicap. Professor Wheare abundantly proves that "in short compass books may perfect be." In 200 brief pages he has included all that can be said about modern constitutions: he has digested his matter lucidly; and he has also exercised a rare and unfailing balance of judgment. The book is entitled "Modern Constitutions"; and indeed it is singularly modern, and entirely up-to-date. It is likely to be studied all over the world, or at any rate wherever English is spoken or read; and perhaps there is no country in which it can be studied with more profit than the Union of South Africa. The chapter on judicial interpretation is one of the wisest in the book: it not only attests the writer's judgment; it also shows the range of his reading in the legal lore of the judgments of the Supreme Court of the U.S.A., and also of the Australian and Canadian Courts and the Irish Supreme Court. There is nothing that is omitted; and all that is included is justly weighed in the balance. Professor Wheare is "a Daniel come to judgment" (in the sense that he walks securely among the intricacies of law) as well as a master of political science (or rather of political institutions) speaking wisdom from his professorial chair.

He writes, in the main, as a follower of Tocqueville and a disciple of Chief Justice Marshall. He has all their caution and all their balance. But he brings the experience of the British Commonwealth—not only from his own Australia, but also from Canada and the other Commonwealth countries—to bear on the problems which he discusses; and he is also versed in the constitutions of Switzerland and Scandinavia. His argument is necessarily, in view of his limits of space, analytic and descriptive rather than reflective; but he is at his best when he pauses to reflect and to set out the pros and cons of some particular problem. An admirable example is his discussion, in his third chapter, of the wisdom of including a

declaration of rights in a written constitution. On the whole he is dubious, and not without good reasons for his view; he would confine a constitution to a bare statement of the rules which establish political institutions, and for the rest he would be content with a good and persuasive preamble. (Here he reminds one of Plato, the later Plato of the *Laws*, who advocated the prefixing of a *prooimion* to all laws, to conciliate and attune the citizen's mind to their provisions.) But is there not, after all, something to be said for the inclusion of a declaration of rights? It may raise difficulties for the lawyer (how are the rights to be enforced, and how far can they be enforced by actual remedies?); but it is none the less a statement of ideals which may affect and even inspire the conscience of a community. The world would be a poorer place if there had not been the Declaration of the Rights of Man of 1789. Perhaps Professor Wheare pays too much deference to the legal point of view, as compared or contrasted with the moral. And yet in his next chapter (the fourth), in which he deals with the authority of constitutions and the basis of that authority, he does full justice to the ultimate claims of moral conscience.

In a brief concluding chapter, Professor Wheare deals with the prospects for constitutional government. "Peace and prosperity," he writes, "are in truth strong allies of constitutional government." May not one go further still, and say that they are "necessary conditions"? A lesson impressed on the reviewer's mind, when he lived and taught for some months in a German University just after the end of the late war, was the lesson that some comfort and decency of daily life was a condition of law and order itself, and *a fortiori* of constitutional government. If men are reduced below any tolerable standard of decency and comfort, they are reduced to the condition of a mere struggle for life. And if Great Britain and the associated countries of the British Commonwealth have practised the virtues of law-abidingness and constitutionalism, they have done so because they have had

the basis of a standard of life which made those virtues possible.

But that is a deep and large matter. Let me return to my proper theme, and

salute again, as I end, the many just beauties which the writer has packed in the small proportions of this little book.

ERNEST BARKER.

Budgetary Structure and Classification of Government Accounts

(United Nations), 1951. Pp. 100. 5s.

THE scope of international action for the promotion of peace is no longer limited to the reconciliation of national sentiment and aspiration or to the adjustment of rival policies on external affairs which might otherwise result in the clash of arms. The struggle between ideologies recognises no frontiers and the preservation of peace depends on internal national progress—political and economic—to remove the causes of unrest and disruption the effect of which is likely to disturb international equilibrium. The theory and practice of internationalism now range over a wide field and the degree of independent specialisation which under the Versailles Treaty was confined to the international regulation of labour conditions through the International Labour Organisation, linked to, but independent of, the League of Nations, has been widely extended by the creation of the specialised agencies of the United Nations Organisation. Moreover, the extension has not been one of research and recommendation only. Direct action has been taken towards greater progress in political, industrial and economic development of individual nations, particularly in the case of under-developed countries, by financial and technical assistance in various forms. It is an arresting indication of the expanding trend of modern thought on the basic requirements for the maintenance of peace that research should now have extended to the contribution which public accounting methods can make in this direction.

Budgetary Structure and Classification of Government Accounts is a study presented to the United Nations Fiscal Division of the Department of Economic Affairs of the United Nations Secretariat. It addresses itself to the proposition "that no regional or any other kind of international co-ordination of government programmes can be effectively executed without some common basis of budgeting and financial reporting." The study is

based on the idea that the budget should be an instrument for proper economic evaluation of government activities as well as a tool of administrative control. The ultimate aim is "meaningful" financial reporting and to "meaningful" is given the wider connotation of economic evaluation of financial transactions of governments. The principle is assumed that the accountant must not only provide adequate data for the economist, but must so frame his accounts that the final result, whatever other purpose it may serve, automatically assembles these data in a comprehensive whole. There is, of course, no denying the proposition in the introduction to this study that "reliable and intelligible data on central government activities are a pre-requisite to the effective formulation of public policy" and the government accountant must play his part in making such data available. But there can be no easy assumption that what is required can be done by a re-formation of accounts particularly as they have other equally vital purposes to serve. The Hoover Commission on the budgetary and accounting system of the United States and the Crick Committee on the form of government accounts in this country bear witness to the intricacy of the problem. Indeed there is a real risk that "meaningful financial reporting" in its widest connotation may produce accounts which verge on the meaningless for any purpose.

Authorship of the study is, naturally, anonymous and doubtless composite, and there is a resultant mixture of confidence and caution in the approach to some of the issues arising from the adoption of a consolidated account "of the financial transactions of the central government, the public undertakings, and the social insurance funds." The study avowedly isolates budget classification and structures from other factors vital to the determination of the form of government accounts. "In practice it is not possible to divorce

budget classification and structure from budget procedure and management. However, for present purposes, an attempt has been made to effect this separation, so far as possible, and to deal with questions of structure and classification alone. This treatment may be justified on the ground that current interest in budgetary reform and economic development has centred on questions of budget classification and structure." Detached study of accounting possibilities is an obvious pre-requisite to an examination of this nature, but to formulate conclusions which ignore external issues at least equally vital is of doubtful merit.

The survey accepts the cash basis of accounting for the administrative activities of government to which "the traditional method of recording cash receipts and cash expenditures is well suited." Trading activities alone are considered to gain from the use of commercial accounting methods. So far the principles follow those widely adopted by governments and given in this country the force of law by the Exchequer and Audit Departments Acts. (Incidentally, ignorance of the publication by our government of the annual volume of Trading Accounts and Balance Sheets, and of its comprehensive nature, is surprisingly prevalent.) But from this starting point the study ventures into much deeper and less charted waters, abounding with rocks and shoals of both policy and procedure some of which, at least, have been revealed by other explorers seeking new fields of development in government accounting systems. The ultimate outcome is a too easy assumption that a Current or Revenue Account and a Capital Account, consolidated in one comprehensive whole not only for central government but for public undertakings and public funds (e.g., national insurance funds), is within the bounds of possibility.

There is no need here to discuss the accounting problems associated with capital expenditure on government activities. This issue is fully treated in the final report of the Crick Committee on the Form of Government Accounts (Cmd. 7969). Consolidation even in modest detail and for central government expenditure alone would be a formidable task and difficulties of interpretation would arise. The time factor of itself would inevitably militate against the resultant value. For economic analysis early avail-

ability of information must be of greater value than detail long delayed, particularly when gaps can be filled by statistical data and broad estimation. In some smaller countries the size of the problem and the degree to which the actual authorisation and payment of accounts can be, and has been, centralised, facilitate consolidation (and indeed accounting procedure in general) to a degree outside the limits of general practicability, and any attempt to base universal conclusions on such experience is fraught with danger. If to central government expenditure is added that of public undertakings and funds, not only are practical difficulties increased, but vital issues of policy arise. Nationalised industries are regarded for the purposes of the study as public undertakings. The extent to which Parliament in this country should be given the opportunity to delve deeply and critically into the detailed financial affairs of nationalised industry has been the source of controversy already and although it might be said that, assuming practicability, the mere inclusion of accounting information in a consolidated statement with direct government expenditure presupposes no more than the assembly of figures, action of this kind could not, in practice, be divorced from central government control of the financial policy of public undertakings.

A somewhat hesitant reference is made to the consolidation of the accounts of "provincial and local governments." Within the borders of individual local governments consolidation presents an easier problem and now exists in this country. It is, however, somewhat alarming to read that it is important to recognise "that no system of government accounts is complete without inclusion of this segment" and that "a uniform basis must be established for consolidating provincial and local government activities with the activities of the central government." Does this foreshadow consolidation in excelsis?

There are most informative appendices to the study presenting the main features of the budget systems of Italy, Sweden, the United States of America and the Union of Soviet Socialist Republics. These will be of real value to any who are interested in the form of government accounts or, indeed, in public administration generally. They inevitably reflect differences in national policies,

which accounting systems must continue to serve. Progress towards greater uniformity thus depends on wider issues than accounting method. Couple with this factor the inability of certain governments, our own in particular, to accept as practicable the demands of some economists for a new form of government accounts suited to their widest requirements and the prospect of international uniformity becomes remote. This does not mean,

in any sense, dissociation of interest by the accountant from the needs of the economist. The demand of the latter for the maximum of information relevant to his task at the hands of the former is unanswerable, but only to the extent of reasonable practicability, of maintenance of accounting intelligibility, and of non-interference with other vital accounting purposes.

T. W. F. DALTON.

Allocation of Central Administrative Expenses

By G. L. CRAMP and E. S. KING. (I.M.T.A.), 1952. Pp. 40. 7s. 6d.

As with other technical services, accountancy, without sacrifice of basic principles essential to the discharge of its primary function, can, and should, render valuable service to administration. For this purpose it must naturally keep abreast of changing circumstances and developments of policy and it is no occasion for surprise that the Institute of Municipal Treasurers and Accountants should have instituted a series of investigations into particular aspects of the accounts of Local Authorities, despite the existence for more than a quarter of a century of a generally accepted pattern for such accounts.

Of this series of research studies the *Allocation of Central Administrative Expenses*, produced by the Research Committee of the I.M.T.A. on the basis of investigations carried out by G. L. Cramp, A.I.M.T.A., and E. S. King, A.I.M.T.A., A.S.A.A., deals with a subject which, as the investigators say themselves, is "perhaps not difficult but certainly complicated." The proper costing of services is of particular interest to Local Authorities, not only because of the existence of those comparative standards which make costing worthwhile, but because of its relevance amongst other things to Exchequer grants. The value of research into the treatment of central administrative expenses in costing specific services can be assessed by existing differences in treatment as between individual Local Authorities and by the illuminating fact that of those replying to a questionnaire seeking a factual basis for the investigations, "several remarked that they were troubled by the whole question of central administrative expenses

and stated that they would await with interest the completed research." On this occasion timing and maximum advantage synchronise, for it is only recently that uniform treatment of central administrative expenses in all grant claims has been accepted by all the Government Departments concerned in this issue.

The investigators wisely preserve a strictly objective approach to the issue, rejecting complications bound to confuse main issues when extraneous considerations are allowed to creep in as, for example, whether the service to be costed is grant-aided by the Exchequer, or whether expenditure on it is, or is not, permissible for loan sanction. The aim as seen by them is "to show the true cost of the service," and their recommendation is "that the allocation of administrative expenses should be carried through without regard to any outside considerations." Moreover, the temptation to claim paramountcy for accounting principles without regard to their value to administrative efficiency has been studiously avoided. "We have tried to prescribe a system as near complete as possible, but not to carry this to extreme limits and always to bear in mind administrative convenience." Altogether, this study is a valuable contribution to the study of accounting methods in order to secure their maximum value to sound administration and one which will be of real interest, not only to officers of Local Authorities, but to any who are interested in public finance generally or in the relations between Central and Local Government in particular.

T. W. F. DALTON.

A History of the Corporation of Liverpool, 1835-1914

By BRIAN D. WHITE. Liverpool University Press. Pp. 211. 20s.

THE history of the Corporation of Liverpool in the nineteenth century is one of particular interest, and it is fortunate that it should be recounted by someone so well qualified for the task as Mr. White. It is apparent from the pages of this book that he has not only a detailed knowledge of the city itself, but also a wide knowledge of the social history of the Victorian Age. His work will therefore be of interest both to the citizens of Liverpool and to students of social history throughout the country.

Mr. White gives a lucid account of the changes in the internal organisation of the Council in the period with which he deals. He describes the development of the committee system, and the growth of the municipal civil service. He also recounts something of the politics and personalities which governed the Council in those years. In these ways he gives a picture of the growth of the Corporation as a living organism, and not merely as a piece of administrative apparatus.

No general history of English Local Government in the nineteenth century has yet been written, and it is difficult for the student to get a true picture of the relative importance in that period of the initiative arising from local enterprise and the pressure from the Central Ministries. This is particularly true in the sphere of Public Health. The various reports on the insanitary conditions of the towns, which were prepared under the influence of Chadwick and Southwood Smith, naturally dwelt in detail only on the evil conditions which existed in the worst of the towns, and had little to say of what had been done elsewhere, by local effort, to remedy these conditions. The writers of text-books on the history of Public Health have in their turn selected for quotation the most striking and unpleasant passages from these reports. As a consequence little is reported of the efforts which were being made in some towns to improve the health of the people, by means of sanitary provisions in local Improvement Acts. Mr. White's book is of particular interest from this point of view. Although the houses of the poor in Liverpool were as bad as any in the

country, the Corporation was at least trying to cure the worst of the evils long before the name of Edwin Chadwick was known, and before the passing of the Municipal Corporations Act in 1835. The Liverpool Improvement Act of 1786 was of limited effect, but the Bill promoted by the Corporation in 1802 would have given wide powers to deal with the insanitary courts and cellar dwellings of the city. It was, however, rejected by Parliament, and these powers were not obtained until a similar Bill was passed in 1842. Even with this delay, many of its provisions were far in advance of the standard set by the Public General Acts of that period, or by those passed for many years thereafter. So also in the spheres of housing, education, town planning and other services the local legislation affecting Liverpool was to show a pioneering spirit, acting as a forerunner of the general legislation of later years.

There are some aspects of the story of which one would like to have been told more. For example, the relations of the Corporation with the Select Vestry of Liverpool, which led to so severe a criticism from the General Board of Health in their first Report of 1849. So also it would have been interesting to have been told more of the careers and characters of those men who played the leading parts in the municipal drama: the Rev. Hugh M'Neile, William Rathbone, Sir William Forwood and Sir Archibald Salvidge. But the writer had a difficult task to compress so vast a mass of material into so small a compass, and so he had to leave out much that he himself would, no doubt, have liked to include. The chapter on the expansion of the city would, however, have been much improved by a map.

Although this book is apparently intended primarily for the people of Liverpool, it will be welcomed by a much wider public, and in particular by all students of the history of English Local Government. It may be regarded as a model of how the history of a local authority should be written.

B. KEITH-LUCAS.

Regional Organisation of the Social Security Administration: A Case Study

By JOHN A. DAVIS. (Columbia University Press and Geoffrey Cumberlege, London) 1950 (1951). Pp. 315. 25s.

THE Social Security Administration is one of a number of "social services" grouped within the United States Federal Security Agency—is the post-war successor to the Social Security Board, established by Act of Congress in 1935. Dr. Davis' book is based on an investigation carried out in 1946/47, when the S.S.A. had four major "programmes":—

- (1) the administration of federal grants to assist and encourage the States to establish public assistance schemes for dependent children, the needy blind, and the needy aged;
- (2) the administration of a federal/state system of unemployment compensation, enforced by means of a federal pay-roll tax on employers;
- (3) grants-in-aid to states for strengthening their services in predominantly rural areas for homeless, dependent, neglected, and "near-delinquent" children, and for certain other maternal and child welfare services;
- (4) a direct federal old age insurance for certain classes of worker (mainly industrial) and their survivors.

Some changes have taken place since the date chosen by the author for the completion of his field studies—notably the return of the unemployment compensation programme to the U.S. Department of Labor, as a result of a Presidential decision in 1949, based on the recommendation of the Hoover Commission—and these are noted in extensive footnotes to the text.

This is not, however, a book about social security in the United States; it is about the formal organisational problems of a large decentralised governmental agency, and, as such, adds to an already rather extensive American "literature" on this subject. Since there are no comparable descriptive studies of field organisation of the Central Government in this country, the book will (like other American studies in this field) be of some interest to British readers, particularly to regional officials and senior civil servants concerned with the organisation of decentralised activities. The basic problems

of decentralisation, at least those of the rather formal character of which the author treats, apply to almost any large organisation, and it is useful to have the experience of the S.S.A. for comparative purposes.

But the reader in search of case-study material illustrative of "the administrative process" will not find much enlightenment here. What he will find is a competent (though often a rather tediously repetitive) study of purely formal problems. There is a strong odour of PODSCORB pervading the book, as one might expect from the rather extensive references in the text (twenty in all) to administrative theorists like Luther Gulick and Lyndall Urwick. A large part of the discussion turns on a detailed examination of administrative "concepts" like "line and staff," the "unity of command," the "difficulties and advantages of functionalisation," and so on. There is nothing wrong with this, of course, since it is desirable that, in drawing up an organisation chart, we should be clear about what it is we are doing, but it does not seem to get one very far. On this level, however, Dr. Davis has some sensible things to say. Part of the Social Security Board's trouble in defining lines of central supervision over the field, we are told, "lay in the confused nature of line and staff doctrine." In fact, "the story of the Board's development of its concepts of field supervision is one of gradual escape from the tentacles of the dogma of line and staff decentralisation and unity of command"; but, if Dr. Davis is to be believed, only by escaping into a new dogma, called "line and function decentralisation and the duality of command." This may be an argument for getting the organisation chart right, or, alternatively, it may be an argument against placing undue reliance on theories about organisation charts when establishing or reorganising administrative agencies. In any case, it tells us very little about "how administration works."

Dr. Davis is interesting on S.S.B. and S.S.A. experience in the determination of regional areas and regional headquarters

(particularly on the political and personal influences which played a part in fixing them); about the working of formal techniques for controlling the discretion of field officers—manuals of instruction, reports and returns, inspection, conferences, and the like; about the difficulties of defining formally "proper" channels of communication, and so on. But we never get to grips with the actual working of S.S.A.'s administration in the field. He does, in fact, give us occasional tantalising glimpses of what the subject might have been. As he tells us, the objectives of the Board and the S.S.A. were highly controversial. They were not objectives that "the more conservative politician could be expected to approve"; they involved combating "a philosophy of public assistance dating back to the Elizabethan poor law"; "getting state and local politics out of the programme"; the pioneering job of enforcing "merit personnel standards" on the States, and so on. The experience of the Social Security Board and its successor was, in fact, a major essay in American liberalism and "the new federalism"; but of the administrative problems involved in this we are told next to nothing.

The role of the Regional Director in federal-state relations was immensely important; he had "to deal with governors,

wangle invitations to appear before state legislatures, yet avoid the appearance of lobbying." But we are not told how this was done, nor what it involved. Regional Directors were originally picked "because of their prestige, their knowledge of and sympathy for the social security programme, their abilities as public administrators, and, in some cases, for their political influence"; but, as time went on, they were promoted from within the organisation, thus retaining administrative ability, but in most cases sacrificing the prestige and social and political influence that could be obtained from outside appointments. But there is no evaluation of what (if anything) this change meant in terms of the successful prosecution of the aims of the organisation.

One must not be unfair to Dr. Davis however. Within the limits he has set himself he has produced a competent study of certain organisational problems of a large, decentralised agency. The major criticism is that his limits are narrow and his problems excessively formal, and because of their very formality, perhaps somewhat misleading. His work will be of interest to the administrative "engineer"; it will probably merely irritate the administrative "sociologist."

J. W. GROVE.

A.B.C. of Plain Words

By SIR ERNEST GOWERS. (H.M.S.O.) 1951. Pp. xiv. 146. 3s. (paper covers), 4s. 6d. (cloth boards).

English in Business

By FRANK WATKINS. (Ward, Lock & Co. Ltd.), 1951. Pp. xvii. 128. 8s. 6d.

SIR ERNEST GOWERS will be well known to our readers as the author of *Plain Words*, which appeared in 1948 and achieved immediate and lasting popularity. In it Sir Ernest sought to make civil servants aware of the need for clarity and vigour in all written communications to the public. His aim was to show them how, by the avoidance of muddled thinking and of abstract or redundant words and phrases, they could convey their meaning to their correspondents and avoid all doubt or confusion in the latter's minds.

Encouraged by the success of *Plain Words*, which is said to have far surpassed his expectations, Sir Ernest has now produced a companion guide which covers much the same ground and pursues the

same aim. The main difference is one of presentation, since the contents of the *A.B.C. of Plain Words*, as its title indicates, follow an alphabetical arrangement. In this way it will serve as a handy work of reference to be kept on the desk and consulted by the draftsman or correspondent whenever he is in doubt about the aptness or efficacy of a word or phrase which he contemplates using to convey his meaning. At the same time all who from time to time have occasion to commit their thoughts to paper would be well advised, as a preliminary exercise, to read from cover to cover both this guide and its predecessor *Plain Words*. Such a broad study cannot fail to act as a salutary corrective to that jargon-ridden verbosity

which is one of the most deplorable results of the increasing and ever-narrowing specialisation of modern life.

It should not be thought that Sir Ernest is a mere pedant fighting a hopeless rearguard action against the inevitable changes which the language must undergo if it is to adapt itself to the demands of rapidly changing civilisation makes upon it. He is above all a practical man of affairs who is fully conscious of the need to ensure that the written word remains a means, and not an obstacle, to the free exchange of ideas throughout the whole field of human endeavour.

In view of the services which Sir Ernest has rendered to clear thinking and plain writing it would seem ungenerous to introduce a note of carping criticism. Nevertheless it may be questioned whether his harshness towards certain unfortunate words such as "appraise," "implement," "overall" and "peruse" is not carried to excess. As Mr. Watkins remarks in *English in Business*, a study from a different angle of the same subject, wholesale condemnation of words or expressions should not be undertaken light-heartedly. Moreover, although elegant variation is now discredited, even these miscreant words so ably scarified by Sir Ernest may in certain circumstances help to obviate the too obvious or frequent repetition of their less pretentious synonyms.

One of the most surprising discoveries in the *A.B.C. of Plain Words* is the author's fondness for the American term "Gobbledygook," which appears to exert an almost hypnotic effect on him. Indeed he is even impelled to describe it as "a pleasant expressive new word." Expressive the term may be, but to some readers it will seem no more pleasant than the style to which it refers. Sir Ernest feels that he will have done his country some service by popularising this word. Let us rather hope that his advice will be so widely followed that gobbledygook itself will

disappear and, with it, the need for an onomatopoeic term to describe it.

One small technical defect is noticeable in the *A.B.C. of Plain Words*. Originally the contents appear to have contained several entries which were subsequently omitted, presumably in order to save space. Some of these headings still appear, however, as cross references under other words.

Mr. Watkins' book is intended mainly for the business community and he too seeks to inculcate a simple, direct and persuasive style in correspondence. If, however, we make a comparison between the linguistic abuses attacked by him and those which arouse Sir Ernest Gowers' disapproval we cannot help feeling that the author of *Plain Words* was preaching to the converted. With Mr. Watkins' precepts we can have no quarrel, but we may feel at times that he fails to practice what he preaches, that his own style does not always conform to the standards which he himself enunciates. He stresses in the preface to his book the need for direct and forceful writing, yet later on he cites the following as a model for imitation: "The fire has brought uppermost in many minds the immense importance of ensuring that one has taken all possible precautions in one's own instance" (p. 44). And the reader cannot help wondering whether these two sentences would meet with Sir Ernest's approval: "The number of people who pay attention to the matter is appallingly few" (p. 121). "These examples are not to be emulated in places where they correspond" (p. 34).

While recommending *English in Business* as a useful corrective to some of the worst abuses of commercialese, we may express the hope that those who read it will find their interest in the language sharpened and will be stimulated to go on to study the *A.B.C. of Plain Words* and ultimately to follow its standards.

D. G. BRUNT.

Office Management: The Tasks of Getting Things Done (Office Management Association.) Pp. 56. 7s. 6d.

THIS is an official report, based on the Office Management Association's national conference of April, 1951. It contains three papers and discussions on them: The organisation of an office, by J. R. M. Simmons, director and comptroller, J. Lyons & Co., Ltd., who is president of

the Office Management Association; Managing a central office, by Ian M. Whyte; and Managing a departmental office, by H. W. Holt.

Mr. Simmons suggests that it is possible to organise up to 200 clerks in a single office organisation, responsible to one

manager and having only two intermediate levels of supervision. With the introduction of a third level of authority staff may be increased up to five or six times. In a large office, there is scope for a specialist personnel officer—but subordinate to the office manager and not an outside authority; and in the medium or large sized office it is wise to have a relief squad to keep staffing of groups and sections to a minimum.

In a short but telling paper Mr. Whyte mentions the importance of good working conditions; of the need to avoid holding

up others' work before one's own; and of having a decimalised "coinage" for internal statistical use. He makes the point that a poor supervisor is happiest immersed in detail which provides an escape from his main job.

"An office is not efficient unless it deals with its correspondence promptly," comments Mr. Holt in his paper. Perhaps a truism; yet how many businesses are condemned by the outsider for not attending to this one fundamental of office efficiency!

A. K. ASTBURY.

Wages Policy under Full Employment

By ERIK LUNDBERG, RUDOLF MEIDNER, GÖSTA REHN and KRISTER WICKMAN. Edited and translated by Ralph Turvey. (William Hodge & Co. Ltd.), 1952. Pp. 88 + viii. 6s.

THE central piece of this short collection of essays is by Gösta Rehn, an economist employed by the Swedish T.U.C., and is of interest as a rare, if not unique, attempt to argue that it is possible to discover a government policy which would enable free collective bargaining and full employment to be accompanied by a general level of wages rising no faster than the level of productivity. Briefly stated, Mr. Rehn's thesis is that this can be achieved by high rates of indirect taxation which should reduce profits and, therefore, the will to demand and to grant wage increases. The resulting increased revenue could be used, if necessary, to

provide work for any groups of workers who might be unemployed in industries or areas in which profits were hit most severely. The accompanying essays include some restrained comments on Rehn's approach by Professor Lundberg.

The similarity between British and Swedish institutions and between the economic history of the two countries since the war add to the interest of the essays for British readers. Whether the credit belongs to the authors or to the translator the book is simply written and reads easily.

HUGH CLEGG.

Staff Reporting

By MISS I. E. P. MENZIES and DR. E. ANSTAY. (Published for the Institute of Public Administration by George Allen & Unwin Ltd.) Pp. 95. 10s. 6d.

PROMOTION methods in the Public Services provide plenty of scope for study and improvement. Selection of staff to fill higher posts is important in any large-scale organisation, but a sound promotion policy is especially necessary in public undertakings. The system should satisfy the public that there is efficiency and integrity in administration and must satisfy the public servant that merit has displaced patronage.

Merit may be measured by many observers with different standards. Qualities cannot be calculated nor qualifications counted precisely. This book discusses the art as well as the science of staff reporting as the basis for placing and promoting staff.

A staff reporting system to succeed, must command confidence. Confidence can be created only if the system is fully discussed and thoroughly understood. The authors have contributed considerably to that understanding. Managements must match this contribution by seeking staff co-operation in modifying and improving the system. The appendices contain specimen report forms introduced in the Civil Service in consultation with staff representatives. A new model form based upon the best features of existing forms is suggested as a means of standardising appraisements.

Uniform reporting standards cannot be achieved solely by standardising report forms. The human element is a decisive

factor in all personnel problems. Experience has shown that discussion of staff reporting at management courses has stimulated awareness of the responsibility resting upon reporting officers and a more critical approach to their task. The writers propose the inclusion of periods on reporting in all training or refresher courses for supervisors and managers. To the countersigning officer is assigned his proper rôle of checking the standards of the reporting officer. To Establishments Divisions is laid the duty of surveying the general level of reports and of keeping reporting officers in step.

The best use of manpower and good staff relationships flow from a sound promotions policy. The authors and the Institute have helped considerably by the publication of *Staff Reporting*. The next stage in staff selection is the interview in which the human element is even more pronounced. Readers will welcome the Institute's decision to publish a further book dealing with the place of the interview in staff selection. The more light that is shed on this subject the better will be results and the greater the confidence in the selection system.

J. L. WILLIAMS.

Gli Accertamenti Costitutivi Nel Diritto Amministrativo

By GUSTAVO VIGNOCCHI. Studi di Diritto Pubblico. No. 11. Milan (Giuffrè) 1950.

THIS book is a study on the classification of some types of administrative acts. The author attempts to identify, and provide a firm theoretical basis for, those actions performed by administrative officials which are something more than simple registration and formal notification (*atti certificativi*) and rather less than a contract between the Administration and the private citizen or corporation (*atti negoziali*). This intermediate group is styled constituent administrative acts (*atti amministrativi costitutivi*). They are distinguished from simple registration in that they involve some degree of official intervention prior to the creation of a new legal status, and they are different from contract in that the Administration is not itself involved in a transaction. Constituent administrative acts are instead objective judgments or verifications of fact or legal status which the Administration is obliged by law to undertake in order to provide a proper juridical basis for a new legal status. They consequently involve some degree of administrative discretion, but this is generally tightly circumscribed as to form and procedure.

Signor Vignocchi divides his constituent administrative acts into two broad categories; the first type is a complex of private volition and administrative verification such as is involved in a civil marriage and the adoption of children, while in the second the Administration acts autonomously, as for example in the preparation of jury lists and the examination of hall marks.

The author illustrates his thesis with a wealth of learning and documentation.

He devotes the first part of his study to a general discussion of the principles involved in classifying administrative acts, and the second part to a detailed analysis of the constituent administrative acts. Obviously Signor Vignocchi has read all that is relevant to his subject in Italian, as well as a considerable number of German texts bearing on the subject. It is surprising, however, that French lawyers receive only a passing mention, as the works of jurists such as Duguit, Jèze, Bonnard and Waline would surely have repaid careful attention. The author follows the high tradition of Italian scholarship in the field of public law, but as yet he lacks the clarity and precision of writing which their best jurists display. Many of Vignocchi's sentences are paragraphs, complete with interjections, provisos and subordinate hypotheses. The difficulty seems to be that he is summarising existing theories, stating the grounds for his objections, and offering a running commentary on his own proposals, all at the same time. He consequently finds himself committed to an abnormal profusion of footnotes, several of which have little bearing on his main theme. When he earnestly gets on with the job in hand and ignores side issues he presents a pleasing and subtle argument which is both comprehensive and well-balanced. Certainly no one will be able to analyse administrative acts in future without studying this book; it brings home to the English reader the depth of analysis to which continental administrative lawyers subject the concepts and procedures of public law.

BRIAN CHAPMAN.

RECENT GOVERNMENT PUBLICATIONS

THE following official publications issued by H.M.S.O. are of particular interest to those engaged in, or studying, public administration. The documents are available for reference in the Library of the Institute:—

Board of Trade.

Report of the Cotton Import Committee. Cmd. 8510. pp. 22. 1952. 9d.

(—) Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948. Annual report for 1951. H.C. 113. 1952. 6d.

Central Statistical Office.

Monthly digest of statistics. January to April 1952. 4s. each.

Central Transport Consultative Committee for Great Britain.

Annual report for the year ended 31st December, 1951. H.C. 79. pp. 16. 6d.

Central Youth Employment Executive.

Choice of careers series No. 28. Local government. pp. 48. December, 1951. 1s. 3d.

Charity Commissioners for England and Wales.

99th report: proceedings during 1951. pp. 9. 6d.

Colonial Office.

Appointments in H.M. Colonial Service. pp. 144. Bibliog. 5 pp. 1952. 3s. 6d. Primarily intended as a guide for persons resident outside the colonies themselves who wish for information about appointments in the Service.

(—) Colonial Research Publication No. 11. Statistics for colonial agriculture: report on the organisation of recording and estimating. pp. 84. 1952. 7s. 6d. (processed).

(—) Corona, January to April, 1952. 1s. 6d. each.

(—) Journal of African administration, January, 1952. 2s. 6d.

Contains 12-page supplement—"A survey of the development of local government in the African territories since 1947," by the African Studies Branch.

(—) April, 1952. 2s. 6d.

Contents include "The role of the police in a democratic state (France; U.S.A.; England)"; "Local self-government in India"; and, as a

supplement, continuation of "A survey of the development of local government in the African Territories since 1947" (Tanganyika, Uganda)."

(—) Report of the commission on the establishment of a customs union in the British Caribbean Area, 1948-50. pp. 335. 1951. 7s. 6d.

Committee of Public Accounts, session 1951-52.

1st report.—Treasury minute and Abstract of Appropriation Accounts. H.C. 85. pp. 33. 1952. 1s. 3d.

Commonwealth Relations Office.

Colonial Reports. Bechuanaland Protectorate, 1950. pp. 52. 6 illus., map, bibliog. 1951. 4s.

Commonwealth Relations Office list 1952. pp. 274. Cloth 22s. 6d.

Contains 8 pp. bibliography of parliamentary and non-parliamentary papers and Acts of Parliament since 1917.

Exchequer and Audit Department.

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Town and Country

The Study of Service Centres and their Areas of Influence

By V. D. LIPMAN

The author of "Local Government Areas, 1834-1945" reviews recent studies concerned with the delineation of local areas and in particular Dr. H. E. Bracey's recently published "Social Provision in Rural Wiltshire."

1. In the Autumn 1949 number of *Public Administration* Mr. E. W. Gilbert, after discussing a number of maps showing the various regional and similar organisations of England and Wales, drew attention to the research being done on the social geography of this country and he expressed the hope that administrators would encourage the small body of geographers interested in these questions by recognising the relevance of the results of geographical research in any solution of the problems of administrative areas and boundaries. The purpose of this article is to summarise the history, methods and findings of the technique developed in recent years by geographers and social scientists for studying the areas of influence of urban and rural centres and to discuss its significance for those primarily interested in administration.

History

2. Research in the United States into the areas served by urban centres of various levels, from the metropolis to small rural centres, has been going on for about forty years. For each metropolitan centre, geographers have mapped both an inner "territory in which the daily economic and social activities of the local population are carried on through a

common system of local institutions" and, beyond it, "the surrounding geographical territory economically tributary to a city and for which such city provides the chief market and financial centres."¹ These areas are determined by research into the zones of newspaper circulation, the comparative volume of sales of rail tickets to different centres, the direction of flow of telephone messages and the areas of wholesale and retail distribution. The practical use made of such information for commercial purposes has stimulated its provision and led also to the mapping and regular publication of the trade and marketing areas of many smaller centres.² A similar technique was developed for the analysis of rural areas by the pioneer studies published by W. H. Wilson in 1912 and by C. J. Galpin in 1915.³ From these have followed innumerable field studies, aimed at the definition of "rurban communities". This term is used to denote the relationship between a rural town or village and the area of countryside dependent upon it for education, trade, recreation, social services, etc.; the area varies according to the nature of the service but in a number of surveys the investigators arrived at a "modal" or average dependent territory, the high school being the

¹R. D. McKenzie, *The Metropolitan Community* (New York, 1933), p. 84.

²The Domestic Commerce Division of the Department of Commerce has specialised in this kind of research, as have organisations like the J. Walter Thompson Company. The information with maps is regularly published in works of reference (e.g. The Editor and Publisher Co. Market Guide).

³*Evolution of the Country Community* (New York, 1912); *The Social Anatomy of the Agricultural Community* (Madison, Wisconsin, 1915).

most important single factor in measuring the area dependent upon the town or village.⁴

3. German geographers, apart from study of the areas of influence of metropolitan communities, have contributed to the theory of the relationship of town and countryside. As early as 1826 von Thünen demonstrated that a city would, under theoretically given circumstances, give rise to a series of concentric zones of different kinds of land use. But the theoretical framework of the urban-rural relationship was provided by Walther Christaller's *Die Zentralen Orte in Süddeutschland* (Jena, 1933). Assuming that a given area of land will support a service centre to provide for its social, professional and commercial needs, Christaller envisaged a hierarchy of service centres, each providing a higher grade of service for an area more extensive than that served by centres of the next lower level in the hierarchy. If there were only one service centre, its area of influence would be circular; but the intersection of areas of influence of centres of the same level produces, according to Christaller's theory, a hexagonal area of

influence for each service centre.⁵ It is evident that settlements are not spaced across the English, or any other, countryside with the regularity of Prussian grenadiers, which Christaller's theory requires. But the formulation of his theory has helped geographers and social scientists to grade service centres in levels of a hierarchy, and the distances between service centres of the same and different levels, which he worked out in theory and applied to analysis of South Germany, have been remarkably closely paralleled in investigations in England and elsewhere.

4. In Great Britain, study of this kind has been far less extensive than in the U.S.A. This may be due to the smaller distances and greater density of the population, which blur the factors involved and make it more difficult to distinguish the zones of influence of neighbouring centres. Up to 1939, the main work was done by Prof. R. E. Dickinson, who published notable studies on the respective zones of influence of the two regional centres of Leeds and Bradford⁶ and, at the market town level, of the marketing areas of East Anglia.⁷ During the 1939-1945 war

⁴e.g. E. de S. Brunner and J. H. Kolb, *Rural Social Trends* (New York, 1933), pp. 95-9. For a bibliography of American rural sociology see Carl C. Taylor, "Techniques of Community Study and Analysis" in the *Science of Man in World Crisis* (New York, 1945).

⁵The following table, showing the distances between Christaller's centres rendered into miles, is taken from R. E. Dickinson's *City Region and Regionalism* (1947), p. 55:—

Grade of Centre	Approximate Population	Distance Apart (miles)	Service Area (in sq. miles)
I	1,000	4.5	18
II	2,000	7.5	54
III	4,000	13	160
IV	10,000	22.5	480
V	30,000	39	1,500
VI	100,000	67.5	4,500
VII	500,000	116	13,500

⁶The Regional Functions and Zones of Influence of Leeds and Bradford, *Geography*, September, 1930, pp. 548-57.

⁷"Distribution and Functions of Urban Settlements in East Anglia," *Geography*, 1932, pp. 19-sqq.; "The Markets and Market Area of Bury St. Edmunds," *Sociological Review* (1930), Vol. XXII, pp. 292-sqq.

and the post-war period, however, a number of physical planning surveys included research to ascertain the area served by the town which was the object of the survey. For example, Exeter's Reconstruction Plan included a special survey made by the Geography Department of the University College of the South-West showing the parishes dependent on Exeter for their regular and their more specialised wants—or, to use the more recent terminology, of Exeter's area as a fourth-order and a third-order centre respectively⁸; a detailed survey of the entertainment and shopping areas in Devon and Cornwall was subsequently published.⁹ The West Midland Group included in the survey of Worcester a sketch of its radius of influence as a county town or centre of an intermediate level and, in the survey of Herefordshire, an analysis of the social and economic structure of a rural county, with its division into definable social and economic zones, each dependent on its own market centre.¹⁰ Similar studies have been made for other planning schemes (e.g. Middlesbrough) and the Ministry of Town and Country Planning carried out an extensive survey in the East Midlands and East Anglia to determine the spheres of influence of urban centres over the surrounding countryside.

5. Two other contributions to this subject—not confined to a particular area—deserve special mention. The first is the classification by Mr.

A. E. Smailes of urban centres outside the Metropolis in England and Wales into five grades—15 major and 22 other cities, 100 major and 330 other towns and 250 sub-towns, on the basis of the facilities they provide.¹¹ The other is the mapping of England and Wales by Mr. F. H. W. Green into urban hinterlands, defined by bus services starting from the centre and serving no other centre of larger population.¹² Dr. H. E. Bracey's study of Wiltshire, which appeared in May 1952, is the first book to be principally devoted to an analysis, on the lines described above, of an English county and represents probably the most detailed English investigation of its kind yet published.¹³

Methods

6. The objective of these studies is to define (a) the different grades of urban and rural centres and (b) their respective areas of influence or service for various purposes. The main approaches used to attain those objectives can be classified in six groups:—

(i) *Identification of service centres by facilities provided*

Mr. Smailes' method may be taken as the example of this. In the lower grades of centre, for instance, the provision of three or four banks, a chain store, a secondary school and hospital, more than one cinema and a weekly newspaper are evidence of full urban status; some of these may be absent in a town or found in a centre

⁸*Exeter Phoenix: A Plan for Rebuilding*, by Thomas Sharp (London, 1946), pp. 51-3.

⁹*Devon and Cornwall: A Preliminary Survey* (Exeter, 1947).

¹⁰*County Town* (1946); *English County* (1946).

¹¹"The Urban Hierarchy in England and Wales," *Geography* (1944), pp. 40-99;

"The Analysis and Delimitation of Urban Fields," *Geography* (1947), pp. 150 sqq.

¹²"Urban Hinterlands in England and Wales," *Geographical Journal* CXVI (1950), pp. 64 sqq.; "Bus Services as an Index to Changing Urban Hinterlands," *Town Planning Review* XXII, pp. 345-399.

¹³H. E. Bracey, *Social Provision in Rural Wiltshire* (Methuen, 21s.).

of lesser rank. For the latter ("sub-towns") examples are given of (a) economic and entertainment centres, without secondary school and hospital, (b) centres with secondary school and hospital but with only two banks and inferior shopping facilities, (c) centres with two or even three banks and a secondary school or hospital but not both. Below these come urban villages—half way between towns and villages—which have a bank or a cinema or a secondary school or a cottage hospital but not the other accompanying urban features. Similar criteria of more specialised services distinguish the grades of larger centres.¹⁴ Allied to this method is the identification of centres by analysis of the occupational distribution of their inhabitants to ascertain the number in "service" occupations.

7. (ii) *Areas served by Facilities in Service Centres.* This method is an extension of (i) above. After the centre with its facilities has been identified, the area served by some of the facilities can often be roughly ascertained without undue difficulty. For instance the "catchment area" of a secondary school is known to the local education authority. The areas from which borrowers at the branch library come was used in the Herefordshire survey to help to define the area of influence of the market town in which the branch library is.

8. (iii) *Areas of Voluntary Organisations.* Study of the areas used by voluntary organisations, which are said to be sufficiently flexible to adjust their areas to accord with the convenience of their members, provides evidence of the centres which

are most readily accessible from the surrounding countryside and which are regularly visited for other purposes, since members of these organisations will combine visits for meetings with shopping, entertainment or business. The organisations include those Free Churches which use a district or circuit structure, the Women's Institutes and National Farmers' Union, the British Legion and Women's Voluntary Services. Study of the areas used by such organisations was suggested by Mr. Smailes and has been carried out, e.g., by Dr. Bracey in his study of Wiltshire. He has also studied the areas of those official organisations which can site their local offices to fit the convenience of the local population and are not too rigidly tied by existing administrative or local authority boundaries; Dr. Bracey finds that the County Court districts, especially those in West Wiltshire, closely reflect local associations.¹⁵

9. (iv) *Communications.* In the United States, where the distances between comparable centres are normally greater than in this country, the area dependent upon a metropolitan city can be measured by study of the flow of rail traffic (e.g. volume of short-period return tickets purchased to particular centres), the number of telephone calls and the flow of road passenger and freight traffic. It is not so easy to use this method in a smaller country like England, though Prof. R. E. Dickinson used maps showing the frequency of trains and time-distance by rail to define the respective areas of influence of Leeds and Bradford.¹⁶ The flow of road traffic has also been used to measure

the influence of centres like Worcester.¹⁷ But the charting of the volume of road traffic involves considerable field work and cannot readily distinguish local from through traffic. Mr. F. H. W. Green has, however, developed a method of using bus services to define urban hinterlands; by using bus timetables (or, where these are not available, the approved timings from the licences issued by the Regional Traffic Commissioners) he has been able to plot the areas served by bus centres. Such a centre is one from which at least one bus service operates serving no place larger than the centre itself. In relatively few cases did it prove very difficult to find the approximate boundaries between centres. The initial aim was to identify what Mr. Green has termed "fourth-order" centres, which correspond roughly to the "towns" of Mr. Smailes' hierarchy. In all, about 700 such centres have been identified (including about 80 subsidiary centres whose areas are completely enclosed within the area of another centre). This figure of course includes larger centres of higher orders since these also function as fourth-order centres for a more limited area. It is to be remembered that this figure of 700 agrees with the similar total of cities, towns and sub-towns in Mr. Smailes' urban hierarchy, calculated on the different basis of facilities offered. The lists are not completely coincident and the reason shows one of the limitations of this method of analysis. A centre can qualify as a bus centre by possessing one local service and this includes a number of villages which do not enjoy any

real urban status; on the other hand, a number of towns in the industrial areas and seaside resorts are not, for geographical reasons, bus centres.

10. Another feature of this method of analysis is that the areas are subject to fairly frequent change as services develop; this is probably more of an advantage than a limitation, since it does not tie the analysis to facilities provided long ago which are now no longer fully used, but adjusts it to changing circumstances. On the other hand, if rural bus services continue to develop, so many centres may qualify as to remove much of the significance of the criterion. The bus centre method of analysis is also not applicable, to any great extent, to the study of centres of a higher order than the fourth—i.e. above the "market towns" level; it cannot readily be applied to define the areas of influence of county towns as such.¹⁸ These are however merely qualifications of what is a reliable, yet relatively simple, way of showing "where the majority of persons wish to make the majority of journeys".¹⁹

A refinement of this method, by study of bus services before 8 a.m. and 9 a.m. to the centre, can show the distance from which people come to work in the centre, and study of late evening services from the centre helps to define more precisely the centre's area of service in the provision of entertainment facilities.

11. (v) *The Questionnaire.* This technique, which involves a considerable amount of field work, includes the distribution to inhabitants either of all villages in a given

¹⁴A. E. Smailes, *Geography*, 1944, pp. 42-45.

¹⁵*Op. cit.*, p. 99.

¹⁶*Geography* XV, p. 548.

¹⁷*County Town*, pp. 96-103, p. 131.

¹⁸Professor W. G. Holford in discussion after Mr. Green's paper, *ibid* p. 83.

¹⁹*Geographical Journal*, Vol. CXVI, p. 87.

area—or those believed to be on the margin between the service areas of two centres²⁰—a series of questions designed to ascertain where they go for shopping of various kinds, entertainment, professional services etc. This, while a more reliable method, is a very elaborate one and has been previously used only in relatively few areas.²¹ At present, however, a nation-wide survey of urban spheres of influence is being undertaken under the auspices of the Geographical Association, with its headquarters at University College, London. The questionnaire is being distributed to all settlements identified on the one quarter inch to one mile map of England and Wales, the grammar schools being used as the agencies and pupils from the locality concerned filling in the questionnaire. The questionnaire asks, for each settlement, the centres providing the various classes of educational and health services, Bands and solicitors; the centres from which come retail deliveries of specified goods, centres visited for ordinary market and special shopping and entertainments; centres for agricultural marketing; the towns to which people from the village go to work; and the transport facilities to neighbouring centres.²²

12. (vi) *Study of Retail and Wholesale Deliveries and Agricultural Marketing.* This can be done by using information from questionnaires and also by enquiry of firms and listing of agricultural markets, with enquiry about the areas they serve. These

data, however, are not so clearly related to the general life of the population as a whole. Convenience of commercial operation may lead to the wholesale or retail distribution areas following a pattern that is not necessarily related to the ordinary habits of the population; the agricultural marketing areas—especially those for livestock—are also determined, particularly in recent years, by special considerations; for instance cattle marketing centres are now often by convenient railway stations, which are relatively remote from any important centre of population. While these criteria have been used previously (e.g. by Prof. Dickinson in his studies of the marketing areas of East Anglia), they may not be used so much in the future for the analysis of the general human relationships between town and countryside.²³

The Wiltshire Survey

13. Dr. Bracey's study of Wiltshire merits special consideration; use is made in it of all the methods listed above and an attempt made towards a synthesis of the results of the different methods. In addition, there is much useful information on the social facilities and public utilities available in the rural areas of the County and, while this is not always directly relevant to the main problem of the areas of influence of urban and rural centres, it will surely be of great assistance to those responsible for guiding the future development of the County. The book also is

admirable in giving just the right amount of background information on the natural features of the County, its economic development and the industrial characteristics of the towns; the information is enough to set the scene but not so much as to obscure the main purpose of the book.

14. Wiltshire is, of course, an interesting County to choose for an analysis of the social relationships of the pattern of settlement. It probably owes its nominal unity to the fact that the earliest settlement was on the chalk plateau, which was a focus of ancient routeways for much of Southern England. With the clearance of forest and drainage of the swamplands, agriculture was developed in the plains and valleys and the centres of life moved down from the plateau, which became a barrier rather than a focus.²⁴ The result in subsequent centuries has been that there is no central point in the County for communications, which run in the County from east to west. There are three transport centres in the county, all on the periphery; Swindon, Trowbridge and Salisbury, and the County itself can be regarded as in three sectors looking respectively eastwards towards Oxford and the Thames Valley, westwards towards Bath and Bristol, and southwards towards Hampshire and Dorset. It is significant that in the mapping of new regions by geographers Wiltshire is usually divided between different regions.²⁵

15. All this, and much more besides, is clearly brought out in Dr. Bracey's book. Perhaps his most original contribution is his classification of the lower grades of

centre. He assigns one point each to 11 commercial and professional services (butcher, baker, grocer, ironmonger, branch bank, post office; hospital, doctor's surgery, residence of district nurse, dental surgery, solicitor). All officially recognised towns (i.e. boroughs and urban districts) have all these 11 points but he uses possession of them to classify in three grades the lesser centres. He shows that 10 centres of Grade IV (with populations from 1,399 to 4,365) score 9 to 11 points; these are almost invariably more than four miles from the nearest town. Eight of them are, or were till 1931, centres of Rural Districts and all have doctors and banks; all except two have solicitors and cinemas but only one has a hospital and none has a grammar school. These centres, several of them old market towns, are "auxiliary centres providing basic services to populations beyond the effective range of more adequately equipped service centres." In Grade V come 26 centres (with populations from 409 to 3,846) with 6 to 8 points. Generally, the nurse and doctor are the only resident professional services; shopping facilities are generally restricted to everyday commodities, such as groceries, bread, meat and, in some places, hardware. Some of these centres are as much as eight to ten miles from the nearest town but in such cases there is generally another centre of this grade or of Grade IV at some intermediate point. Finally in Grade VI there are 36 centres, scoring 4 or 5 points (populations ranging from 180 to 3,846). Only eleven of these have a resident doctor or a doctor's surgery;

²⁰e.g. In the Ministry of Town and Country Planning Survey of the North Midland Region.

²¹e.g. The Devon and Cornwall Survey of the University College of the South West; the Middlesbrough Survey.

²²For details of the questionnaire see *Town Planning Outlook*, Vol. II, No. 2, pp. 19-22.

²³Mr. Smailes for these and similar reasons excluded markets as criteria of urban status and this is approved by Prof. Dickinson in *City, Region and Regionalism* (1947), p. 89.

²⁴C. B. Fawcett, *The Provinces of England* (1919), pp. 64, 251.

²⁵e.g. Fawcett (*op. cit.* p. 251) divides it between three Regions, E. W. Gilbert between two (*Geographical Journal* XCIX, pp. 78-80); the County is also divided between three Regional Hospital Board areas.

all have a post office and a grocer, butcher and baker. These centres are clearly subsidiary; they are frequently less than four miles from a town and, if eight miles or more, have in all except one case a centre of the same or a higher order interposed.

16. This grading on a points system has the disadvantage that it is not selective between the different services; it should also be noted that the populations given relate to parishes, and the parish may not be the same as the nucleus which forms the centre. By the use of this approach, however, Dr. Bracey has succeeded in working out a more detailed classification of centres below the full-fledged market town level than has probably been done before for England. It is probably reasonable to identify Dr. Bracey's Grade IV centres with Prof. Dickinson's Grade IV small towns in East Anglia (population of 1,000-2,000) and Mr. Smailes' sub-towns.¹ But Dr. Bracey has provided a classification which relates these schematically to the rural centres below and also grades them more precisely than the rather generalised grouping of "urban villages" normally adopted.

The Findings

17. What is the general picture of relationships between town and country that emerges from these studies? It can be summarised under two heads—first, that there is a hierarchy of service centres, from the national metropolis down to rural settlements, providing facilities of various definable kinds for the areas surrounding them; second, that it is possible to delimit the areas

served by centres of any particular level in the hierarchy for each service and that, when the services appropriate to that particular level are examined, there will tend to be a coincidence of service areas which together make up the general area of influence of the centre of that level in the hierarchy.

18. It is to be hoped, however, that the geographers and social scientists responsible for advancing knowledge in these studies will help the administrators and other "outsiders" to appreciate what has been discovered, by standardising their terminology. At present, while those engaged in this research accept the idea of a hierarchy, they do not use the same grading of centres or even, in many cases, try to relate their own system of grading to that of others. There are, for instance, the Christaller theoretical system, an adaptation of this, with rather different distances between centres, adopted by Mr. Dobson Chapman for the rural planning of Cheshire,² Prof. Dickinson's Grades I-IV of rural settlements in East Anglia, Mr. Green's five grades of centre for the delimitation of the hinterlands of bus centres, Mr. Smailes' major and minor cities, major and ordinary towns, sub-towns and urban villages, Dr. Bracey's Grades I-VI—to quote a few which spring readily to mind. There is a reasonable approximation between the individual levels in these hierarchies, but the numbers are often out of step. It would surely help if a single system of numbering could be adopted and when centres were found to be intermediate between the main grades, their status could be shown

simply by an intermediate numbering. For instance, if Grade I is that for a full regional centre (e.g. Birmingham, Manchester) and Grade II for a County town (e.g. Exeter), the geographer may wish to indicate the status of what Mr. Smailes has called a sub-regional centre (cf. Plymouth, Norwich, Southampton) which is found in some parts of the country but not all; it could therefore be graded IA.

19. A system of notation of this kind may end by resembling the archaeologists' labels for the super-imposed cities of Troy, but it should help to relate the findings of a survey of one part of the country to another. For instance, it is interesting to compare Dr. Bracey's survey of Wiltshire with the West Midlands Group's Surveys of Herefordshire and of Worcester. It is tempting to place on the same levels as centres Worcester, with its area of influence of about 10 miles radius, Hereford, with a radius of about 16 miles (because of the more dispersed rural population), and the three comparable centres in Wiltshire (Salisbury, Swindon, Trowbridge) which seem, from the evidence in Dr. Bracey's survey, to have radii of influence, as centres of this level, of about 10-12 miles. At the lower level, one may compare the areas of influence of Salisbury, Swindon, Trowbridge, Devizes, Westbury and Warminster, Chippenham, Calne, Malmesbury and Marlborough, which seem to average 5-8 miles in radius, with the comparable areas of the Herefordshire market towns of about 5-7 miles; the 17 "fully-fledged" towns shown by Dickinson in East Anglia have radii of influence of about 7 to 10 miles. It is notable that the centres of influence of this level distinguished by Dr. Bracey agree almost exactly

with the list of bus centres in Wiltshire as mapped by Mr. Green—the fact that Mr. Green's total of 700 bus centres was almost the same as that of the cities, towns and sub-towns in Mr. Smailes' hierarchy was noted above and the bus centre list agreed also in large measure with that of the towns publishing weekly newspapers (another indication of centres of this level).

20. It seems also fairly evident that if a centre's areas of service for related purposes—e.g. for retail deliveries, market-day shopping, secondary education, weekly newspaper—are mapped, there will tend to be a reasonable coincidence between them. Mr. Smailes has shown this in his Middlesbrough survey. Dr. Bracey has delimited the "median" areas of the market towns of Wiltshire by drawing around each centre a line leaving on each of its sides an equal number of boundaries of the centre's areas of influence for different purposes; it will be recalled that American geographers have long since mapped the "modal" or average dependent territories of towns and villages.

21. All this may make possible the compilation of comprehensive maps of service centres for the whole country, with the median or modal area appropriate to each service centre in each grade. It may be possible to formulate from these maps a theory, based perhaps on that of Christaller, which will explain the spacing of centres and, when the spacing of centres does not conform to the theory, lead to research into the explanation. This must probably await the completion of the Geographical Association's nation-wide survey, mentioned above. There are bound to be difficulties in the way of any such a general theory. The

¹County Palatine (1948), p. 175. This idea has been further adapted for use in the County's Development Plan.

research so far has been mainly concentrated on the rural areas where centres are naturally some distance apart and their inter-relation can be seen. But can this technique be applied to the conurbations, to industrial Lancashire and the West Riding? In this connection geographers will presumably link this research with the theoretical structure of urban communities, developed by the physical planners and sociologists, partly after study of existing social groupings in large cities and partly on a calculation of the populations needed to support various scales of provision of social and economic services.²⁷

22. Another difficulty is that in some areas two or three neighbouring towns may together in a way perform the functions of a single larger centre. Thus Trowbridge, flanked by Bradford and Melksham and to some extent by Westbury and Warminster, forms an urban centre for West Wiltshire comparable in its service and area of influence with Salisbury and Swindon which are in themselves much larger towns, yet (apart from Wilton) without neighbouring centres of any size. In a similar way Mr. Green's study of the bus centres of Somerset leads him to suggest that Sherborne and Yeovil together function as a joint centre for south-east Somerset and Northern Dorset.²⁸ Complications of this kind will naturally hinder the formulation of any very simple theory which can

account for the actual size and spacing of English towns.

Relevance to Administration

23. Studies of this kind are undoubtedly making a new and illuminating contribution to human geography; linked with allied studies, they are being formed into the core of the new science of human ecology—the relation of man to his natural habitat—explaining the pattern and development of human settlements. But apart from knowledge for its own sake, can they help the practical man of affairs, more particularly the administrator? For the business man, there is obvious advantage in knowing the natural groupings of the population, because this knowledge can help him in planning his sales organisation; there is also a specialised use for this information in market research.²⁹

24. For the physical planner, the importance of studies of this kind is equally obvious; indeed, it is significant that much recent research in this field has been conducted as part of the surveys preliminary to planning. This holds good whether the task is to analyse the social structure of an area like a County or to plan the future layout of a town, in the light of the services it performs for the surrounding countryside. Analysis of the pattern of rural settlement and service centres provides the background to attempts to determine what should be the

future distribution of rural population and the provision of social and educational facilities and other public services in rural areas.³⁰ As showing the use of knowledge of a town's service area in the day-to-day administration of planning, Mr. Green has quoted a case where it was possible to decide that the number of shops proposed for a reconstruction area in a blitzed town was excessive in view of the population, not only of the city itself, but also of the surrounding territory which looked to the town as its shopping centre.³¹

25. Probably the most obvious administrative use, however, for these studies is in relation to any re-drawing of administrative areas and boundaries. They will, of course, be of practical interest to any organisation, such as a Government Department, which maintains or sponsors a set of local offices or other institutions whose distribution can be primarily related to the general grouping and customary movements of the population. A more controversial question is their relation to local government boundaries. Prof. Dickinson, for instance, has written: "The present system of administrative areas needs drastic revision and in its reorganisation the areas served by towns and urban villages should be adopted as basic criteria."³²

Mr. Gilbert, in the *Public Administration* article quoted above, wrote of the maps illustrating it, that they "show some of the ways the human map of England is being transformed and suggest the need for creating new types of units, both large and small, for local government—types that are more consonant with the

geography of the country as it is at the present day."

26. It should be remembered, however, by those who, perhaps not unreasonably, demand that local administrative areas should represent the areas of natural communities, that the association between a service centre and its dependent territory does not necessarily weld the inhabitants of the two into a single community. This point seems to be taken by Dr. Bracey in one of the proposals which he submits, as a result of his analysis of Wiltshire, for the re-drawing of administrative boundaries. "If the twin criteria of common interest and convenience of assembly are to be satisfied, some official areas will need to be substantially increased, some to be diminished and others to disappear entirely. On this basis for example, the Salisbury area would include the whole of two rural districts (Salisbury and Wilton, and Amesbury) together with marginal parishes in two others (Pewsey, and Mere and Tisbury). Reorganisation of this nature and magnitude would lead to the disappearance as separate entities of rural districts such as Pewsey, whose boundaries are quite unrepresentative of the present social pattern. The Pewsey Rural District has a threefold outlook: western parishes look to Devizes, northern and eastern parishes to Marlborough and southern parishes to either Salisbury or Andover. Dismemberment of the local authority area would be *de jure* recognition of *de facto* characteristics." Dr. Bracey envisages the possibility of a single authority for the new Salisbury rural area and the city itself, because the latter's

²⁷For instance, the hierarchy of "residential unit" (based on the primary school), "neighbourhood unit" (5,000-10,000 population), town or "community" unit (40,000-60,000) and the metropolitan district of five or six such communities. See C. B. Fawcett, "A Residential Unit for Town and Country Planning" (1944); *Rebuilding Britain* (R.I.B.A., 1943), the *County of London* (1943) and *Greater London* (1944) Plans, etc. For the application of the neighbourhood principle to rural planning see H. J. E. Peake in *Geographical Teacher* IX, pp. 71-sqq., and *Geography*, 1930, pp. 535-sqq.; also the proposals for "communities of villages" in the Herefordshire Survey (*English County*) and for service villages in the Cheshire Survey (*County Palatine*) and Development Plan.

²⁸*Town Planning Review* XXII, p. 353.

²⁹See *Geographical Journal* CXVI, pp. 84-5.

³⁰e.g. *County Palatine*, pp. 114-122, and *English County*, pp. 191-235.

³¹*Geographical Journal* *ibid.*, p. 72.

³²*Physical Planning* (edited by Ian R. M. McCallum), p. 111.

"service functions give the town's inhabitants a vital interest in the well-being of the surrounding rural population." But he does not find the same community of interest between Swindon and the surrounding territory—"It is doubtful if the increasing awareness of Swindon's function as a rural service centre has reached the stage where adequate understanding and sympathy would be brought to essentially rural problems"; Dr. Bracey accordingly suggests that two separate authorities, urban and rural, both at Swindon "would appear to provide the best solution at the moment."²⁷

27. Apart from this question of community of interest between the centre and its service area, there are other considerations which influence the application of the fruits of these studies to administrative areas. It may sometimes be necessary that administrative units should approximate to a given number; if, to take a hypothetical example, one needs to divide the country up for some purpose into about 300 units, one cannot automatically adopt the fourth-order centres as the basis, if they number about 700, or the third-order centres, if they happen to number about 150. Again, for many administrative purposes, there is a minimum population unit for each unit, for some a maximum as well.

28. These considerations prevent any automatic application of any

service area pattern to local administrative areas. But the knowledge of such a pattern is bound to be of assistance to the administrator, even if he cannot adopt it completely, when he is called upon to draw, or re-draw, boundaries. (Whether public opinion, especially local public opinion, would regard the existence of the findings of such research as justifying the administrator in re-drawing boundaries on his own initiative is another question.) In particular, this knowledge can be most useful when, whatever the units being delimited, a boundary has to be drawn between the areas to be served by two centres. In such a case, it is manifestly helpful to know which of the centres is more readily accessible from any given place.

29. It is this evidence of accessibility which is perhaps the most significant contribution of these studies to administrators. But they provide also an illuminating background to many administrative problems and administrators, like many others, will assuredly watch with interest the progress made by those who are pioneering in this relatively new field of social and geographical research.

Note.—The writer is indebted to Mr. W. Pearson, A.L.A., Librarian of the Ministry of Housing and Local Government, for his help in obtaining some of the material for this article.

Local Advisory Committees

By L. HAGESTADT

This essay by an official of the Ministry of Labour and National Service was commended by the Adjudicators in the Haldane Essay Prize for 1951.

ADVISORY Committees were never so fashionable. They are linked vaguely in the public mind with the apparatus of democracy and are universally regarded as a good thing. The atmosphere is favourable to them and they are tending to increase. The relationship of officialdom to the public in this country is different from elsewhere and Advisory Committees are one of the principal means by which a satisfactory relationship has been developed. They are regarded *inter alia* as checks on bureaucrats, as buffers cushioning the shocks of legislation and as a means of providing citizens with useful experience in public affairs.

This popularity of Advisory Committees has its dangers. It may lead to new committees being set up without a sufficiently critical examination of their constitution and functions and to existing Committees being continued when the need for them has passed. Or it may result in insufficient attention being given to the conduct of established committees in the illusive belief that "they run themselves." It seems timely therefore to examine the working of Advisory Committees and to consider the factors governing their success or failure. This review is confined to Local Advisory Committees of which the writer has first hand experience, but a number of the problems discussed are common to Regional and National Advisory Committees. The Ministries administering the social services have all appointed Local Advisory Committees. The Ministry of Labour and National Service has Local Employment Committees, Disable-

ment Advisory Committees, and Youth Employment Committees; the Ministry of National Insurance has Local Advisory Committees and the National Assistance Board has Area Advisory Committees. Some of these committees have an Executive as well as an Advisory function. The Executive function is usually discharged by a Sub-Committee or Panel of members drawn from the main committee. Disablement Advisory Committees, for example, appoint Panels to make recommendations on applications for entry in the Register of Disabled Persons. This review is not concerned with Executive functions which are usually discharged separately from the main Advisory functions of the Committee.

The objects of all these Local Advisory Committees are broadly the same: they promote good relations with the local community; secure the benefit of local knowledge and provide a channel for information and publicity in each area. These admirable aims are fully realised in some areas, partly fulfilled in others and not realised at all in a few. There are, of course, wide variations in outlook, emphasis and colour in Committees throughout the country—a Yorkshire Committee, for example, will always be very different from a Sussex Committee—but wherever a Ministry establishes and maintains friendly understanding with its local advisers its Committee has succeeded.

What makes for success and what tends towards failure? Before answering this question it is worth pausing to consider the serious consequences of failure. If the Ministry

²⁷Bracey *op. cit.*, pp. 111-114.

fails to establish satisfactory relations with its Advisory Committee it is far worse off than if it had never set up a Committee. For in achieving a hostile Committee a Ministry has created for itself an organised local opposition; whilst a passive "dead" Committee is a continuing symbol of a Ministry's failure to "put itself across" in the locality concerned.

The main factors making for success are the choice of a good chairman; the selection of suitable members; the appointment of an efficient secretary; attractive presentation of information; vigorous action on complaints and suggestions and, deriving from all these, the creation of a good atmosphere.

The Chairman

The Chairman is the key man. Most Advisory Committees consist of representatives of both sides of industry with a balancing "independent" section and it is natural to look first for an "independent" if one can be found. One is looking for a person who will command general respect from all sections of the community as distinct from someone who is prominently and exclusively associated with a particular interest. This is not to say that an employer or a trade unionist is excluded from appointment. Many good Chairmen of Advisory Committees are in fact employers or trade unionists who are known as men with wide interests fully capable of taking up an independent position. At first sight it looks attractive to appoint any available well known man with a national reputation in the hope that he will tower over the "locals," provide width of outlook and dominate the committee. Such appointments, however, are often unsuccessful. The national figure is

so busy that he cannot devote sufficient time to the work; the meeting of a Local Advisory Committee is "small beer" to him and he gets through the business too quickly without allowing members sufficient time to make their points. It is generally better to have a man whose interests are confined to the locality and who will make the Chairmanship his main activity: someone who is teachable and ready to spend time learning about the Ministry which his committee advises. The ideal Chairman is one who naturally takes up vis-a-vis the Ministry the position of a candid friend. Neither "Yes-man" nor a "No-man," his attitude is neither subservient nor over-critical. His criticism is informed criticism and his praise is discriminating. He is not afraid to defend the Ministry within and, if necessary, outside the Committee. He does not hurry and gives members time to make their points. He reads and digests his papers before the meetings. Men who approximate to this paragon are rare in any community and long and discreet inquiries are often necessary to locate them. Time and effort spent in this task repay rich dividends, however, and a Ministry is wise to delay making an appointment until a good man has been found.

Local Advisory Committees vary in size, but have generally about 20 members. None of these is as important as the Chairman and it would be unrealistic to expect them to reach the same high standard. Nevertheless it is desirable to exercise as much discrimination as possible. Members are nominated by an employers' organisation, a trades council, a local authority or a voluntary organisation such as the British Legion. Much tact is necessary in

dealing with these bodies both in securing sufficient nominees of the right type and in selecting the most suitable members from amongst those put forward. Although members are appointed to represent employers or workpeople generally and not a particular industry or organisation there is a natural tendency, particularly among workpeople's representatives, to regard themselves as delegates of the organisation which has nominated them. It should be a first task of the Chairman and Secretary to correct this tendency so that members look at questions broadly and not solely from the narrower viewpoint of the organisation which has nominated them.

The Secretary

The Secretary of a Local Advisory Committee is usually the Officer in Charge of the Local Office of the Ministry in the area served by the Committee. The Secretaryship is only one of his varied duties and he has not been selected for his appointment primarily because of his suitability for the post of Secretary. Yet this is one of his most important duties, the successful discharge of which will have favourable repercussions on the general work of his office. His attitude towards the Committee is all important. If he regards the Committee as a nuisance or resents it as an "interference" he will certainly fail to make it work satisfactorily. A successful Secretary really believes that his Committee is important and that it is worth while taking time and trouble at meetings and between meetings to make it function successfully. Most Committees start by being cold and aloof and they remain like this until they have been "wooed" or charmed into a sympathetic mood. This

requires patience and skill on the part of the Secretary as well as the Chairman. Officials vary in their capacity for this kind of activity. Some like Lloyd George can "charm the bark off a tree," a few are rather forbidding characters, whilst the majority are able to get on well with their fellows whenever they keenly desire to do so. A good Secretary will "nurse" his Chairman and rouse and retain his interest in the local work of the Ministry. He will always brief him thoroughly, choosing the means, oral or written, best suited to the Chairman's character and tastes. He will study his members and note their reactions to different aspects of the Committee's work. He will pay particular attention to any "awkward," hostile member and take special pains to deal thoroughly with his complaints and remove any grievances he may nourish. He will find opportunities between meetings to consult members on different questions and do this in such a way as to make it clear that he values their opinions. In speaking to them in Committee and outside he will not use Civil Service jargon, but speak in the idiom most natural to the member and to the situation.

Effective Meetings

The Committee appointed, it remains to make it function effectively. Committees usually meet quarterly and unless they meet as frequently members tend to lose touch with the work of the Ministry. Every effort should be made to see that each meeting is interesting and useful: a "flat" meeting leaves members with the feeling that they have been wasting their time. The work of the Ministry locally since the last meeting should normally contain sufficient interest to ensure a

successful meeting. This is presented in the Secretary's report which, skilfully used, can be the means through which members are educated and informed about the Ministry's work. This report should be interesting and informative, containing far more than relevant statistics with a brief commentary. It should present a vivid picture of the work of the department in the locality during the past quarter. If a written report has been circulated in advance this should be extensively supplemented verbally at the meeting. Nothing does more to bring vividly to life the work of a Ministry than a skilful recital of interesting case histories. These invariably provoke questions and comments.

Where memoranda on Ministry policy prepared at Headquarters are circulated to the committee, the opportunity should always be taken to explain, as simply as possible, what they contain. It is a mistake to take them as read, few members in practice read closely printed Government pamphlets. These may be admirably composed and give a most lucid summary of the policy on a particular question, but this will not usually suffice to "get it across" to members. The significance of carefully worded sentences often needs stressing and illustrating. For example, a recent Ministry of Labour memorandum to Local Employment Committees dealing with the "Placing of persons released from Prison," contains the sentence "Employment Exchanges endeavour to strike a proper balance between their responsibility to assist a discharged prisoner to obtain suitable employment and their responsibility to assist an employer to find a suitable worker for the vacancy he has notified." The wisdom and judgment

required in the day-to-day performance of the task thus described is unlikely to be fully appreciated without illustrations and comments on the local application of the policy. The committee's discussion on such memoranda and their discussion on the secretary's report, the two main channels through which information is supplied to the committee, is greatly facilitated if the Chairman in prior consultation with the Secretary has thoroughly assimilated the material and selected the points which could most usefully be discussed.

The discussion by members of information supplied to them and their experience of the working of the Ministry normally gives rise to suggestions and criticisms, some of which crystallise in resolutions. Some committees pass many resolutions, some pass none. A resolution tests the skill and "touch" of the Chairman and the Secretary. It is a mistake to seek to avoid them altogether, but a good Chairman and Secretary will take pains to see that a resolution is carefully worded and that members clearly understand what they are voting for. They will also see that the practical problems raised by their resolution have not been ignored. The skill of Chairman and Secretary are equally tested when the reply to a resolution is conveyed to the committee. A good Secretary will have seen beforehand that the reply is relevant and comprehensive; if he has felt it inadequate he will have secured additional information which he can use as a background to the formal reply which he reads to the Committee. A Ministry which values its Committees will go to much trouble to furnish full replies to resolutions. It will see that their tone is friendly,

even gracious, and that the Committee is left in no doubt that their resolution has received the most serious consideration. Where a suggestion is unacceptable the reasons for rejecting it will be given in detail. If a reply is of this nature the Chairman and Secretary can usually secure its acceptance by the Committee.

Atmosphere is a subtle thing. An experienced visitor to a Committee can quickly detect whether the Committee meets in a happy or a strained atmosphere. The personality of the Chairman, Secretary and members have much to do with this, as have the degree of attention paid to the points already mentioned governing the conduct of the Committee. But an additional factor which influences the atmosphere of a Committee is the attendance of the Press. The attendance of the Press is usually at the discretion of the Committee and the practice varies. The advantage of having the Press present is that in this way publicity for the work of the

department is obtained and this is often very valuable. The disadvantage is that some members cannot avoid the temptation to "play to the gallery," and speak not so much for the benefit of the Committee as for the benefit of readers of the local paper. On balance the best arrangement seems to be to exclude the Press and supply them with attractively written accounts of the meeting afterwards. The Press do not like accounts written by other people and some loss of publicity may be the price of achieving a good atmosphere.

This review has led to the conclusion, which although rather obvious is worth stating, that Local Advisory Committees succeed when they are not taken for granted. Or, to put it positively, they succeed when sufficient care and attention is given to them. This, at least, is due to the public spirited persons who give valued voluntary service on these Committees.

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The Organisation of the Cabinet Secretariat

By R. J. P. HEWISON

This article is reprinted from the "O. and M. Bulletin," Volume 6, Number 6, with the permission of the Controller of H.M. Stationery Office.

Note.—Since the article first appeared in December, 1951, certain changes have taken place. In particular the Secretary of the Cabinet no longer has a Civil Deputy and the functions formerly exercised by that official have been distributed between the two Under-Secretaries.]

THE organisation of the Cabinet Office is interesting because of certain conditions not often found together elsewhere. The office has a defined and limited function: it is on this account quite small: therefore, the organisation can be simple. The function of the office is to provide a secretariat for the Cabinet and its subordinate committees, whether of Ministers or of officials. (As a convenient central point the Cabinet Office has attached to it certain other functions, carried out by its Economic Section, the Central Statistical Office and the War Histories Branch: but this article deals only with its primary function of providing a secretariat.) The status of the Cabinet Office is a little odd. For the purposes of the Estimates it is included as a Sub-Vote of the Treasury but the Head of the Office, whose full title is "Permanent Secretary and Secretary of the Cabinet," has the pay, standing and authority of the Permanent Head of a major Department, and the office is a "self-documenting unit" in that it has (with certain financial limitations) all the services of a normal Department, e.g., an Establishments Branch, an Accounts Branch, and its own messengers and cleaners.

The nature of the Cabinet Office—or rather of the Cabinet Secretariat—is determined by its functions. The work of a secretary, whether of the Cabinet or of one of its committees, is highly responsible; the standing of the Secretary of the Cabinet himself is sufficient evidence of that. It calls, moreover, for a good knowledge of Whitehall, of current affairs and of the machinery of government, and for the ability to deal in a reasonably authoritative manner with Ministers and senior officers of all departments. Consequently, the total machine comprising secretaries and their supporting staff includes a high proportion of administrative staff, and among them a high proportion of senior officers. At present there are, below the Secretary of the Cabinet, two Deputies, one Civil and one Military,* two Under Secretaries, two Assistant Secretaries, seven Principals, no Assistant Principals, and one Executive Officer, engaged on secretarial work. There are also three serving officers of the rank of Lieut.-Colonel or its equivalent drawn one from each of the three Services. The ratio of numbers in one grade to those in another is dictated purely by the needs of the work. Considerations of promotion prospects or future age-grouping do not arise, because, apart from the Secretary of the Cabinet, all the administrative staff are on loan from other departments and their tour of duty in the Cabinet Office is strictly limited—in the case of Principals the period is normally two years. The Executive

*The Military Deputy to the Cabinet is also Chief Staff Officer to the Minister of Defence. [There is now no Civil Deputy Secretary—see prefatory note.]

and Clerical staff of the Cabinet Office are permanently on its strength.

Functions

The Cabinet Secretariat has two main functions. To be more precise, the primary function of the Secretariat has two distinguishable main aspects—the recording of meetings and the circulation of the records. Recording is the work of the Secretariat; circulation is the work of the Distribution Section. The link between them is provided by the Executive/Clerical branches known as Committee Sections. There are two of these, one serving the Cabinet and civil committees, the other serving the Defence Committee and such committees subordinate to it as fall within the Cabinet committee structure and are not the responsibility of the Ministry of Defence.

Recording of meetings involves, of course, attendance at committees and writing the minutes of their proceedings. But the committee secretary has many other duties besides. He has constantly to review the state of his committee's affairs; to note what business is outstanding or likely shortly to come forward; to judge when sufficient business is ready for him to suggest to the chairman that a meeting should take place; and, when it has been decided that a meeting shall be held, to prepare a precise and orderly agenda. The time, date and place of the meeting have then to be fixed. It is also part of the work of a committee secretary to prepare the drafts of reports which his committee may wish to submit to a superior body, and generally to assist the chairman on work related to the committee's business. There are also a number of miscellaneous duties which may be called

"between-meetings work." These may involve a good deal of telephoning, discussion and correspondence. Nevertheless, the table of a Principal in the Cabinet Office is far clearer of files than that of his counterpart in an executive Department.

It is perhaps in the allocation of secretarial duties that the system of organising the work of the Cabinet Office is most evident. The Secretary of the Cabinet is naturally responsible for the Cabinet itself, being assisted by his immediate subordinates. The secretaryship of other committees is allocated on the principle that the senior members of the Secretariat serve the more important committees, particularly Ministerial committees. But, just as the Secretary of the Cabinet is assisted in serving the Cabinet, so the other members of the Secretariat are assisted in serving their committees by the system of joint secretaryships. Very few committees in the Cabinet structure, whether Ministerial or official, have only one secretary. Where a committee has a wide scope and no particular department has a predominant interest, both joint secretaries will be drawn from the Cabinet Office, one of them usually being senior to the other. For instance, an Under Secretary serving a committee of Ministers will be assisted by a Principal. In this way, fairly junior members of the Secretariat, who might not alone have the necessary standing, gain experience of serving Ministerial committees: their knowledge is widened and their work gains added interest. Where a committee has a fairly limited scope and one department has a major interest, that department (which usually nominates the chairman) will be asked to appoint a joint secretary.

Between the three* senior civil assistants to the Secretary of the Cabinet there is a broad division of responsibility, one being mainly concerned with defence matters, one with economic and one with home affairs. The allocation of the remainder of the Secretariat to committees (of which each member may serve up to a dozen) is so arranged as to give each a comparatively coherent block of work. Thus practically the whole of the work on the defence side is handled by the three serving officers. Other members of the Secretariat specialise—so far as that is possible in an office with such wide scope and such small numbers—in different subjects, such as, for example, economic matters. But the device of joint secretaryships prevents any particular member of the Secretariat from being too closely confined to one subject and ensures that he will have some knowledge of subjects related to those with which he is primarily concerned. This is necessary both in order to avoid one committee's work overlapping that of another, and to enable one member of the Secretariat to replace another in case of leave, sickness, etc., objects which are further assisted by arranging for all members of the Secretariat to see a wide range of the minutes and memoranda of one another's committees.

The methods described above are the main ways of achieving co-ordination and avoiding overlapping. In the autumn of 1950, however, an additional piece of organisation was devised to that end. At that

time the impact of the defence programme and our economic difficulties on one another was beginning to be really noticeable and in one form or another was the concern of a large number of different committees. Accordingly, the Cabinet Office set up a specific Co-ordinating Section consisting of one of the serving officers and a civilian Assistant Secretary (now succeeded by a Principal) assisted by an Executive Officer. It is their job to follow the work of the many committees dealing with defence/economic questions and to ensure that there is no duplication; in cases of doubt to suggest which particular committee should consider a particular question; and generally to see that the new problems emerging are dealt with smoothly and efficiently. At first the Co-ordinating Section was occupied almost entirely in co-ordinating. As, with the progress of time†, things have sorted themselves out, the two co-ordinators have been able to take on a good deal of secretarial work themselves, but the need for their primary co-ordinating function continues.

Procedure

With several committees meeting daily, there is a regular output of minutes, which have to be circulated to committee members and to non-members who are interested. In addition, since practically all the business of committees is transacted by discussing prepared papers, there is a constant outflow of memoranda—and agenda—for future meetings. The circulation of this bulk of papers

*With the disappearance of the Civil Deputy Secretary (see prefatory note) there are now two senior Civil Assistants to the Secretary of the Cabinet, the broad division of work being that one is concerned mainly with questions of defence and economic policy and the other with home affairs.

†With the further progress of time the need for this special Section has virtually disappeared and it is about to be disbanded.

obviously presents special problems. The post would not be quick or secure enough, and an ordinary outdoor messenger service on the scale employed by a normal Department (even one many times the size of the Cabinet Office) would not do. The Cabinet Office maintains accordingly a Distribution Section staffed mainly with Clerical Officers under the supervision of two Executive Officers, the senior of whom receives a responsibility allowance. This section receives papers from the Committee Sections and sorts them—rather in the manner of a postal sorting office—so that they can be enclosed in dispatch boxes or envelopes for distribution throughout London. Papers are distributed three times a day—at 7.15 a.m., 1 p.m. and 5 p.m.—and the boxes and envelopes are carried by special vans manned by a driver, a messenger and a security guard. Usually three vans are engaged on each distribution, each van having its own run designed to enable it to call at as many offices as possible in the same general direction. Each van is out on its run for about two hours. The Distribution Section provides practically a twenty-four-hour service and staff attend in shifts arranged so as to ensure that as many hands as possible are present at the three high points of the day.

Each of the Committee Sections is under the charge of an experienced Higher Executive Officer, under whom supervision is exercised by Executive Officers. Each of the Clerical Officers is allocated to a number of committees in much the same way, and on much the same principles, as are committee secretaries. The committee clerk is responsible for taking the instructions of the committee secretary about

arrangements for meetings, the composition of circulation lists, the distribution of papers, etc. He also sees to the reproduction and checking of committee documents handed to him by the secretary. The committee clerk maintains an exact record of minutes and memoranda and prepares them for transmission to the Distribution Section, putting them in batches with circulation lists, and where, for security reasons, they must reach the Distribution Section under cover, enclosing them in envelopes. The manning of the Committee Sections is related to the times of the three daily distributions, and a modified shift system is worked under which about half the staff come early and leave early, and about half arrive late and stay late; the full staff is therefore available during the midday hours, about the time of the 1 p.m. distribution, which is usually the heaviest. In addition, one of the Executive Officers is always on duty until late in the evening, in order to deal with urgent documents received after normal business hours which must be distributed first thing the following morning.

It is a standing rule that the minutes of any committee must be circulated within 24 hours of the committee's having met. This is necessary in order that the authoritative account of the proceedings, and more particularly the conclusions, may be immediately available. If that did not happen, action on the conclusions might be delayed, or hampered by misunderstanding or misinterpretation of what was actually decided. It is possible because the working day of the Secretariat is built round attendance at and recording of meetings, and that of the Committee and Distribution Sections

round the reproduction, ordering and circulation of minutes and memoranda. The committee secretary can usually start work on a set of minutes within a short time of the committee's having risen, simply because the writing of minutes is his job. In the same way the Committee and Distribution Sections can handle the product without delay.

As indicated at the beginning of this article, the Cabinet Office is a complete department with the usual ancillary services. These are naturally on a small scale. The Establishment Officer is only part-time and is also a member of the Secretariat responsible for a number of committees. The only ancillary service calling for special notice is the typing and duplicating section. This is certainly larger in proportion to the rest of the staff than would be the case in a normal office, though not, perhaps, so much larger as outsiders might think. Duplicating naturally is a much greater feature than in the normal typing section. The typing and duplicating staff work a modified shift system like that of the committee sections, with the same effect that maximum staff are on duty at the height of business, that is, about midday.

From this sketch it will be seen

that the Cabinet Secretariat is organised to one particular end. This has its effect on the proportions of the different classes of staff employed and on the ratio of grades within classes. It also affects the hours of working. Nevertheless, the Secretariat is small enough for the organisation to be simple and to sit lightly. The organisational problems presented by sheer mass and number are blessedly absent. Many functions which, in a large office, might have to be analysed and separately performed are carried out *ambulando*. The small numbers again mean that the staff all know one another and this makes for smooth and easy working. In the Executive/Clerical parts of the office the normal relations of one grade to another exist. In the Secretariat proper, however, the hierarchic principle counts for less than in a normal Department. It is true that committee secretaries are allocated to committees roughly by rank. Once allocated, however, the committee secretary is responsible primarily to his chairman for the conduct of the business of the committee. At the same time the Secretary of the Cabinet and the senior officers exercise general organisational and "disciplinary" control.

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Subordinate Legislation

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Section	Paragraph
I. Introduction	
What is Subordinate Legislation?	1-3
Development of Subordinate Legislation	4-6
Necessity for Subordinate Legislation	7-10
Safeguards	11-31
II. Nomenclature	
Orders in Council	33
Orders of Council	34
Other Instruments	35-36
III. Statutory Rules and Orders and Statutory Instruments	37-49
IV. Component Parts of a Statutory Instrument	50-66
V. Authorities concerned with the making of Subordinate Legislation	67-72
VI. Parliamentary Control	
Laying in full	75
Laying without further provision for control	76
Laying with deferred operation	77
Laying with immediate effect but subject to annulment	78-80
Laying in draft but subject to resolution that no further proceedings be taken	81
Laying in draft and requiring affirmative resolution	82
Laying with operation deferred until approval given by affirmative resolution	83
Laying with immediate effect but requiring affirmative resolution as a condition of continuance	84-86
Affirmative or Negative Procedure?	87-89
Scrutinising Committees	90-94
Special Orders Committee (House of Lords)	91
Select Committee on Statutory Instruments (House of Commons)	92-94
VII. Control by the Courts	95-97
VIII. Conclusion	98-102

Appendix

I

INTRODUCTION

What is Subordinate Legislation?

1. "Subordinate Legislation" is also called "delegated legislation" and may mean either (a) the exercise by a subordinate authority, such as a Minister, of the legislative power delegated to him by Parliament or

(b) the subsidiary laws themselves, made, for example, in the form of statutory instruments, by such a subordinate authority. Let us begin with a quotation from *Delegated Legislation** by Cecil T. Carr,† then Editor of Statutes Revised and Statutory Rules and Orders: "Blackstone gave currency to the artificial division of English law into *lex scripta* and *lex non scripta*. With the latter we

**Delegated Legislation*, Cambridge University Press, 1921, page 2.
†Now Sir Cecil Carr, K.C.B., Q.C., Counsel to the Speaker.

are not now concerned. The former—the written law—has been again divided into three parts. The first and now far the smallest part is made by the Crown under what survives of the prerogative. The second and weightiest part is made by the King in Parliament and consists of what we call Acts of Parliament. The third and bulkiest part is made by such persons or bodies as the King in Parliament entrusts with legislative power. It is with this last part that these pages will deal. It is directly related to Acts of Parliament, related as child to parent, a growing child called upon to relieve the parent of the strain of overwork and capable of attending to minor matters while the parent manages the main business."

2. It is sometimes thought that instruments issued under the Royal Prerogative are subordinate legislation. This is not so: these instruments are original legislation and in no sense delegated, and the fact that the Queen in such legislation, in accordance with modern constitutional practice, acts on the advice of Her Ministers, and that the Ministers are responsible to Parliament for such advice, does not modify this view. This misapprehension may also be due to the fact that in a great number of cases the same vehicle is used for instruments under the Royal Prerogative as for delegated legislation, namely an Order in Council, that is, an Order expressed to be made by Her Majesty by and with the advice of Her Privy Council and signed by the Clerk of the Council. As these Prerogative instruments are not subordinate legislation, these notes do not deal with them.

3. The power of the Queen in Parliament to legislate is without

limit, and every person is bound by the law of the land, as enacted by Act of Parliament. On the other hand, according to our Constitution a person cannot be deprived of his lawful rights merely by an act of another person or body except under the authority of the common law or a statute, and if such rights purport to have been taken away by an order, say, of a Minister of the Crown, the Courts will interfere and will prevent the Minister from acting, unless they are satisfied that there is authority, statutory or otherwise, for the order.

The Development of Subordinate Legislation

4. By the middle of the 15th century the House of Commons had established its claim to be assentors to as well as petitioners for legislation, and in the next century, when important social, political and economic changes were taking place, the necessity for an extensive delegation of legislative powers had arisen. In the Statute of Sewers of 1531 there is a grant to the Commissioners of Sewers (who were the land drainage authorities of that time) not only of powers of distraint and of the imposition of penalties for the non-payment of rates but also of legislative powers. The Statute of Proclamations of 1539 is a striking instance, both of the surrender by the Crown of its Prerogative and of the delegation of corresponding rights to the King by statute, subject to the conditions laid down in the statute. Although Henry VIII could by virtue of the statute exercise powers which were almost identical with the powers which he could exercise previously by virtue of the Prerogative, he could do so only with the advice of the majority of his Council; and it was necessary for the sheriff

to proclaim what had been done "openly upon places convenient," an early example of the public notification of subordinate legislation which is required by statute to-day.

5. The recitals in the preamble to the Statute of Proclamations are of interest when we come to consider the necessity for subordinate legislation in the present century. "Sudden occasions" may arise when there is no time to "abide for a Parliament" and when some "speedy remedy" is necessary. His Majesty "by the kingly and regal power given him by God may do many things in such cases" but should not be "driven to extend the liberty and supremacy of his regal power and dignity by wilfulness of froward subjects." It was especially provided in the statute that the common law, statute law and rights of property were not to be affected by proclamations issued under the Act. It should perhaps be mentioned that this statute took two years to pass the House of Commons and caused Thomas Cromwell infinite trouble in that House. The Statute of Proclamations was repealed in 1547 shortly after Henry's death, and the last two Tudor monarchs and the first two of the Stuarts relied on their Prerogative and disdained to act under the authority of Parliament.

6. In the 17th and 18th centuries we find but few examples of Acts with provision for delegated legislation, although the Mutiny Act of 1717 is a good instance of such an Act. There was Parliamentary complaint that this Act gave the Crown the sole power of legislation for the Army, a power which, so far as the Navy was concerned, Parliament had kept in its

own hands in the Naval Discipline Act. But, generally speaking, during those years Parliament had sufficient time at its disposal to frame self-contained Acts, and English statutes were made prolix and cumbersome by the endeavour of Parliament to work out the details of large legislative changes. It is towards the end of the 19th, and with increasing tempo in the first half of the 20th, century that Act after Act is placed upon the Statute Book delegating large legislative powers; and it is significant that, as in the Tudor period, so at the present time, we find that this happens when great changes, social, political and economic, are taking place.

The Necessity for Subordinate Legislation

7. In 1877, in his book *Practical Legislation*,* Lord Thring, the first holder of the office of Parliamentary Counsel, wrote as follows:

"The adoption of the system of confining the attention of Parliament to material provisions only, and leaving details to be settled departmentally, is probably the only mode in which Parliamentary government can as respects its legislative functions be satisfactorily carried on. The province of Parliament is to decide material questions affecting the public interest; and the more procedure and subordinate matters can be withdrawn from their cognizance, the greater will be the time afforded for the consideration of more serious questions involved in legislation."

8. The following extract from the Report of Lord Macmillan's Committee on Finance and Industry†

*Revised Edition, Murray, 1902, at page 44.

†Cmd. 3897 of 1931, Part 1, Chapter 1, paragraph 8, pages 4 and 5.

issued in June, 1931, is also of particular interest in this connection:

"The most distinctive indication of the change of outlook of the government of this country in recent years has been its growing pre-occupation, irrespective of party, with the management of the life of the people. A study of the Statute Book will show how profoundly the conception of the function of government has altered. Parliament finds itself increasingly engaged in legislation which has for its conscious aim the regulation of the day-to-day affairs of the community, and now intervenes in matters formerly thought to be entirely outside its scope. This new orientation has its dangers as well as its merits. Between liberty and government there is an age-long conflict. It is of vital importance that the new policy, while truly promoting liberty by securing better conditions of life for the people of this country, should not, in its zeal for interference, deprive them of their initiative and independence which are the nation's most valuable assets."

9. Exponents of the theory of the separation of powers may well object to the delegation by Parliament of legislative powers on the ground that it represents the usurpation by the Executive of the powers of the Legislature. But in the British Constitution, while there is a real and important distinction between the Legislature and the Executive, there is no absolute separation of their respective powers, and a more practical reason for objection is that while the processes by which an Act of Parliament comes into being are conducted in public, those by which

subordinate legislation is made are conducted in private, or, at any rate, with much less publicity. This means that there is much less chance for public opinion to be brought to bear on such processes; and in a democratic state it is right and proper that these processes are open to suspicion and objection.

10. The extension of Government activity into the economic and social life of the country has made delegated legislation an inevitable part of government. Thus, apart altogether from the emergency legislation necessitated by two great wars and the financial and economic situations arising out of those wars, a great and ever increasing variety of the activities of our daily life is now regulated by law in considerable detail. And, if the law is to correspond to changing needs, the following conditions must be fulfilled. First, the law must be flexible and must be capable of rapid adjustment to changing circumstances. Sir Henry Jenkyns, Lord Thring's successor, wrote*: "Statutory rules are in themselves of great public advantage, because the details . . . can thus be regulated after a Bill passes into an Act with greater care and minuteness, and with better adaptation to local or other special circumstances, than they possibly can be in the passage of a Bill through Parliament. Besides, they mitigate the inelasticity which would often otherwise make an Act unworkable, and are susceptible of modifications . . . as circumstances arise." Since Parliament does not meet continuously and since Parliamentary processes involve delay, the Parliamentary machine is not adapted to making the rapid changes required. Secondly, the law must be correct in

technical detail. Parliament, a body of over 600 members in the Commons and a larger number in the Lords, is not well fitted to deal in detail with many of the technical matters which are the subject of subordinate legislation, and from which for the most part political considerations are absent. Thirdly, in certain cases the public interest requires that the provisions of the law should not become known until they have become operative; for example, the imposition of import duties or changes in rationing arrangements. This would not be possible if such legislation were subject to Parliamentary processes. Lastly, to require Parliament to enact this great volume of legislation would completely break the already overstrained Parliamentary machine.

Safeguards

11. However inevitable subordinate legislation may be, there are certain conditions which must be fulfilled if it is to be compatible with a democratic constitution. To deal with what Sir Cecil Carr has called "the germ of arbitrary administration" which may be contained in subordinate legislation, many safeguards have been created. These may be divided into two main groups, those which operate before the subordinate legislation is made, the "ante-natal safeguards," and those which operate after the legislation is made, the "post-natal" safeguards.

(i) Ante-natal safeguards

(a) Delegation to responsible bodies only

12. Normally legislative powers are delegated to an authority directly responsible to Parliament, a Minister

of the Crown or a Government Department for which a Minister is responsible, such as the Board of Trade, or to bodies whose legislation is subject to confirmation by or the approval of a Minister who thereby becomes responsible to Parliament for it. The legislative activities of a Minister are just as open to criticism or attack in Parliament as any of his other activities. In this connection it is interesting to note what Lord Herschell, then Lord Chancellor, said of the power granted by Parliament to the Board of Trade to make rules relating to patent agents: "It is a very large power . . . but it is committed to a public department and a public department largely under the control of Parliament itself."* Sometimes legislative powers have been delegated to professional bodies such as the Law Society; but in these cases the law made is, of course, not of general application.

(b) Challenge in Courts

13. In the enabling Act, Parliament has the opportunity of defining the precise limits of the delegated legislative power. One of the greatest safeguards against the abuse of delegated powers is the knowledge that, where those limits are overstepped, the Courts can be moved to declare that the action taken is *ultra vires* (see Paragraphs 96 and 97 below). To quote Lord Shaw of Dunfermline in *Rex v. Halliday*†: "The increasing crush of legislative efforts and the convenience to the executive of a refuge to the device of Orders in Council would increase that danger (i.e. transitions to arbitrary government) tenfold were the judiciary to approach any action

*Official minute, written in 1893, quoted in *Concerning English Administrative Law*, by Sir Cecil Carr, Oxford University Press, 1942, at pages 33, 34.

**Institute of Patent Agents v. Lockwood*, 1894. Appeal Cases at page 357.
†1917 Appeal Cases at page 287.

of the Government in a spirit of compliance rather than of independent scrutiny." The approach of the judiciary is, happily, anything but compliant. One of the main reasons for the setting-up of what came to be known as the Donoughmore Committee was the wide power conferred on the executive by a number of Acts of Parliament passed between 1888 and 1929 and the criticism of this power by Lord Hewart, a former Lord Chief Justice of England, in his book *The New Despotism*.* In those Acts the appropriate Minister was empowered to modify their provisions "so far as may appear to him necessary for the purpose of bringing the Acts into effect." This type of enactment came to be known as the Henry VIII Clause, as that monarch was generally regarded, in the words of Sir Cecil Carr, "as the impersonation of executive autocracy." In October, 1929, Lord Sankey, then Lord Chancellor, appointed a Committee, of which the Earl of Donoughmore was the first Chairman, "to consider the powers exercised by or under the direction of (or by persons or bodies appointed specially by) Ministers of the Crown by way of (a) delegated legislation and (b) judicial or quasi-judicial decision, and to report what safeguards are desirable or necessary to secure the constitutional principles of the sovereignty of Parliament and the supremacy of the Law." The Committee made its report in April, 1932.†

(c) *Prior publication under the 1893 Act*

14. In 1893 the Rules Publication Act was passed. An "ante-natal safeguard" was contained in Section 1, which provided that where an

Act authorised the making of statutory rules which were to be laid before Parliament, at least forty days' notice should be given in the London Gazette (or in the case of Irish rules in the Dublin Gazette) of the proposal to make the rules, and of the place where copies could be obtained. It was further provided that the rule-making authority should consider representations or suggestions made in writing by a public body, before making the rules in final form. There were, however, a number of exceptions: the Local Government Board (later the Ministry of Health), the Board of Trade, the Revenue Departments, the Post Office, and the Board (now the Ministry) of Agriculture in respect of rules under the Contagious Diseases (Animals) Acts. This provision was therefore only of partial application and the Section did not apply to Scotland. A further loop-hole was to be found in Section 2 which allowed provisional rules to be made and to come into operation immediately if the authority certified that this was necessary on account of urgency or for any special reason. This Section provided that provisional rules were only to continue in force until permanent rules had been made; but sometimes permanent rules were not made at all, or were only made after a considerable time had elapsed since the making of the provisional rules. This procedure proved cumbersome; many cases occurred where parent rules registered and published in accordance with Section 3 were amended by provisional rules which did not receive similar publicity. Moreover, in a number of cases since 1893, exceptions from Section 1 were made by subsequent Acts

authorising the making of statutory rules. The Rules Publication Act was repealed by the Statutory Instruments Act, 1946, and a provision similar to Section 1 was not re-enacted in the latter statute.

(d) *Consultation with interests affected*

15. An important safeguard now in general use is consultation with interests especially affected before subordinate legislation is made. Even if there is no statutory requirement to this effect there is no constitutional objection to showing the draft of a statutory instrument to persons outside Government circles and this is frequently done. In this respect there is a difference between a statutory instrument and a Bill.

16. Another useful device which is occasionally adopted is that of publishing as a Command ("White") Paper an Explanatory Memorandum on an enabling Bill, in which are set out the drafts of instruments which will be made under the Bill once it has become law. This was done with great advantage in the case of the Bill which became the Foreign Compensation Act, 1950.

17. A number of Acts of Parliament specifically require consultation. In this connection attention is called to the provisions of Section 77 of the National Insurance Act, 1946, which lays down that regulations made under the Act must be submitted in draft to the Advisory Committee whose report must be laid before Parliament along with the regulations, when they have been made, and a statement showing *inter alia* "if effect has not been given to any recommendation by the Advisory Committee, the reasons for not adopting it." Other Acts require direct consultation with associations of employers and workers.

(e) *Laying of drafts for affirmative resolution*

18. A further ante-natal safeguard sometimes appears in the enabling Act, namely a provision that a draft of the instrument is to be laid before Parliament and that, "if an Order in Council, it shall not be submitted to His Majesty, or, if any other instrument, it shall not be made, unless, in the case of an Order in Council, each House presents an Address to His Majesty praying that the Order be made, or in any other case each House resolves that the instrument shall be made." This procedure, known as the affirmative resolution procedure, is dealt with in greater detail in Paragraphs 82-86 below.

(ii) *Post-natal safeguards*

(a) *Publication*

19. Parliament has laid down general provisions requiring the publication of subordinate legislation as soon as possible, after it is made. This is required by Section 2 of the Statutory Instruments Act, following and re-enacting Section 3 of the Rules Publications Act. This means not merely the publicity given by press conferences and other informal announcements, but the official publication of the text of the new legislation in a series to which reference can be made by those whose business it is to know the law. The editing work of these publications is now carried out by the Statutory Publications Office.

20. The Statutory Publications Office is the "handmaiden" of the Statute Law Committee. In 1868 Lord Cairns, then Lord Chancellor, appointed this Committee to make the necessary arrangements for the preparation of a revised edition of the Statutes. In 1891 under the

*Benn, 1929.

†Cmd. 4060 of 1932.

passes a resolution to that effect. This is the prototype of what today is by far the commonest form of Parliamentary control, the negative resolution procedure. Parliamentary control is dealt with in greater detail in Paragraphs 73-94 below.

(c) *Scrutiny by Committee*

30. The Donoughmore Committee recommended* that a Standing Committee should be set up in each House to consider and report on every Bill containing a proposal to confer law-making powers on a Minister and to consider and report on every regulation and rule made in the exercise of delegated legislative power, which was required to be laid before the House. This recommendation was not adopted. During the late war, however, the Select Committee on Statutory Rules and Orders was set up in the House of Commons. The control of subordinate legislation by this Committee and by the Special Orders Committee of the House of Lords is further dealt with in Paragraphs 90-94 below.

(d) *Explanatory Notes*

31. A further "post-natal" safeguard exists in the fact that Explanatory Notes are now appended to statutory instruments. It is now necessary for the rule-making authority to set out in simple language for the benefit of the Members of both Houses and of the public at large what are the objects of the instrument. This matter is explained in greater detail in Paragraphs 65 and 66 below.

II

NOMENCLATURE

32. Delegated Legislation has many names but the broad classification is threefold:

- (a) Orders in Council (and in a few rare cases Orders of Council);

(b) Instruments made by Ministers of the Crown or by Government Departments;

(c) Instruments made by persons or bodies of persons other than Ministers of the Crown or Government Departments.

Any of the instruments in these three classes may have been Statutory Rules and Orders if made prior to January 1st, 1948, or if made after that date statutory instruments, or they may have been of such a nature that they were not entitled to be so called. Instruments which are not Orders in Council or Orders of Council may have any of the following descriptive names: regulations, rules, orders, schemes, by-laws, warrants, directions, licences.

Orders in Council

33. These are made at meetings of the Privy Council, held from time to time at Court and presided over by the Queen. A few Privy Counsellors are summoned to these meetings through the Lord President of the Council (who is almost invariably a senior Cabinet Minister). The actual quorum is three, but in the ordinary way four are required to attend, and in special circumstances this number may be exceeded. The statutory Order in Council is generally used for important items of delegated legislation. These orders very often do not originate in the Privy Council Office, but are prepared in the Government Department concerned in the subject matter, and forwarded to the Office for formulation and submission to Her Majesty for approval. The procedure followed at a Council depends on the business which has to be dealt with. In the case of statutory Orders in Council, the various items are read out by the

Lord President from what is known as the List of Business, and the Queen, who knows in advance what is to be submitted, then declares Her approval in the presence of the Privy Counsellors who form the quorum.

Orders of Council

34. These are Orders made by the Lords of the Privy Council in their capacity as overseers of Medicine, Dentistry, etc. The meeting of the Council is not at Court, and the Queen is not present. Orders of Council have been made to approve regulations made by the Statutory Committee of the Pharmaceutical Society and by the Dental Board, to regulate elections to the General Medical Council and to confirm certain acts by the Council of the Royal College of Veterinary Surgeons.

Other Instruments

35. The names in current use are set out in paragraph 32 above. The Report of the Donoughmore Committee* called attention to the bewildering miscellany of names which Parliament had used for the same political functions. "The confusion of names," says the Report, "is not only due to the use of many different words for the same thing. It is aggravated by the use of the same word for different things." The Report recommended that Parliament should for the future endeavour to call the same thing by the same name, and although an effort has been made to give effect to this recommendation, the description given below of the kind of legislation for which the various names are used is inevitably subject to many exceptions.

36. The terms "regulations" and "rules" are used mainly for instru-

ments of a fairly high degree of importance, "rules" being used for matters of procedure and where appropriate elsewhere. The term "order" is very much a maid of all work, and the contents of orders are often indistinguishable in their nature from the contents of regulations. "Scheme" is generally used for establishing some authority and defining its powers and duties or for laying down the framework within which detailed administration will proceed. The term "by-laws" is usually confined to instruments which are local in character, while "warrants" are used for financial matters such as authorities for pay, pensions, charges, etc. It is difficult to distinguish the nature of "directions" from that of regulations or orders, but very often "directions" are used for instruments, authorised by orders, which work out in specific detail the provisions of the orders. A statute occasionally authorises a Minister to give "general or other directions," e.g. Road Traffic Act, 1930, Section 48: a special direction, e.g. to a particular person, would not usually be a statutory instrument (see Chart I, Column B (iii)). The expression "licence" speaks for itself.

III

STATUTORY RULES AND ORDERS AND STATUTORY INSTRUMENTS

37. What may be called the "Statutory Instruments Code" consists of the following Statutes, Statutory Instruments, Standing Orders of the Houses of Parliament and Charts:

Statutory Instruments Act, 1946 (9 & 10 Geo. 6, c. 36).

*Cmd. 4060 of 1932, page 67.

*Cmd. 4060 of 1932, page 18.

Statutory Instruments Act, 1946 (Commencement), Order, 1947 (S.I. 1948, No. 3).

Statutory Instruments Regulations (S.I., 1948, No. 1).

Statutory Instruments (Confirmatory Powers) Order, 1947 (S.I. 1948, No. 2).

Laying of Documents before Parliament (Interpretation) Act, 1948 (11 & 12 Geo. 6, c. 59).

Standing Order of the House of Lords, C.V. (see Appendix, page 257).

Standing Order of the House of Commons, 110 (see Appendix, page 257).

Chart 1 (General Classification of Subordinate Legislation) (see Appendix, page 260).

Chart 2 (Classification of Statutory Instruments) (see Appendix, page 261).

Chart 1 and Chart 2 set out in tabular form the relevant provisions of the Statutory Instruments Act, the Regulations, and the Confirmatory Powers Order relating, in Chart 1 to the general classification of subordinate legislation, and, in Chart 2 to the classification of statutory instruments. It is not proposed to deal in the text of these notes with the minor distinctions between an instrument which is a statutory instrument and one which is not. A study of Chart 1 and of the relevant provisions of the regulations will be necessary for this purpose. It will be sufficient to show here what are the main distinctions, and in particular the difference between instruments made under powers conferred by pre-1948 Acts and those made under powers conferred by post-1947 Acts.

38. In order that an instrument which has been made under powers conferred by a pre-1948 statute

should be a statutory instrument, it must, first, be made by a rule-making authority as defined by the Rules Publication Act, 1893. Those authorities now in existence are: (a) The Queen in Council, the Judicial Committee of the Privy Council, the Treasury, the Lord Chancellor of Great Britain, a Secretary of State, the Admiralty, the Board of Trade, the Minister of Health (as first successor to the Local Government Board), or "any other Government Department"; and (b) any person or body of persons authorised to make rules relating to any court in the United Kingdom or to the procedure, practice, costs or fees in such court, or to any fees or matters applying generally throughout England, Scotland or Northern Ireland.

39. Secondly, the instrument must be of a legislative and not of an executive character. This was originally laid down in the Treasury Regulations of 1894, made under the Rules Publication Act, and the exercise of the statutory power had to be direct and immediate and not merely confirmatory. The Statutory Instruments Regulations, 1947, retain the distinction between legislative and executive instruments, but, as will be seen from Chart 1, they also bring within the scope of statutory instruments many confirmatory instruments which were previously excluded.

40. There is no exact and simple criterion for deciding what documents are "executive." The word is properly applicable to communications, which may be informal, addressed to individual persons in respect of particular circumstances, as, for example, when a competent authority gives directions under Defence Regulation 54 CA, appoint-

ing someone to be a director of an essential production undertaking "for the purpose of improving" its efficiency. Other examples of executive powers are the powers to license, to remit a penalty, to inspect, or to hold an inquiry. Documents which are merely hortatory or advisory or which consist of domestic instructions to department officials cannot be accounted "legislative."

41. The question whether a document is legislative or executive in character may arise on a reference to the Reference Committee of a question whether a document made in exercise of a power conferred by a pre-1948 Act is a statutory instrument. The Reference Committee is a body set up under Section 8 of the Statutory Instruments Act and Regulation 11 of the Statutory Instruments Regulations and consists of two or more persons nominated by the Lord Chancellor and the Speaker of the House of Commons. The following persons have been nominated as members of the Reference Committee: the Lord Chairman of Committees of the House of Lords, the Chairman of Ways and Means, the Clerk of the Parliaments, the Clerk of the House of Commons, the Counsel to the Lord Chairman, the Counsel to the Speaker, the Principal Clerk of Public Bills, House of Lords, and the Principal Clerk of Public Bills, House of Commons. The quorum is two. The Reference Committee gives no direct decisions on this point, since its reports follow the wording of Regulation 11 (4) (c) of the Statutory Instruments Regulations, though the question whether a document is "legislative and not executive" is one which may be material to the decision.

42. When we come to documents made under powers conferred by

post-1947 Acts of Parliament the criterion for deciding what are statutory instruments is simpler. They must be Orders in Council, or documents made by a Minister of the Crown and expressed to be statutory instruments in the enabling Act, or a document to which the Statutory Instruments Act has been applied by the enabling Act. Section 11 of the Statutory Instruments Act (the "interpretation" section) provides that, for the purposes of that Act, if the enabling Act confers powers to make subordinate legislation on the Treasury, the Admiralty, the Board of Trade or any other Government Department, those powers are deemed to be conferred on the Minister of the Crown in charge of the Department. It further provides that, where a question arises as to whether any bodies or persons are Government Departments and what Minister of the Crown is in charge of them, that question is to be referred to and determined by the Treasury. In determining whether any body or person is a Government Department, the Treasury is guided by the practice under the Rules Publication Act, 1893; and any body or person which was regarded as a Government Department for the purposes of that Act is regarded as such for the present purpose. By a Treasury Minute of 3rd March, 1949, it was determined that the Registrar General is a Government Department within the meaning of Section 11 and that the Minister of the Crown in charge is the Minister of Health.

43. It is to be noted that in regard to documents made under post-1947 powers the distinction between documents of a legislative character and those of an executive character is not provided for under Section 1 (1)

of the Statutory Instruments Act and consequently no such distinction appears in the Regulations. When the Bill was being drafted it was decided that Parliament should not be asked to make that distinction in the Act, but that under administrative arrangements the distinction should still subsist and consequently that in drafting an enabling Act Parliamentary Counsel should not be asked to provide that documents of an executive nature should be expressed to be statutory instruments.

44. Section 2 of the Statutory Instruments Act provides that immediately after a statutory instrument is made it is to be sent to the Queen's Printer to be numbered in accordance with the regulations and, except in cases provided for in the regulations or in subsequent Acts, copies are to be printed and sold by the Queen's Printer. For the purposes of receiving the instruments for registration and numbering the Director of the Statutory Publications Office as Editor of Statutory Instruments acts on behalf of the Queen's Printer.

45. Statutory instruments may be either general or local. This distinction follows a similar distinction between Acts of Parliament. Instruments are certified by the responsible authority as general when they are in the nature of public general Acts of Parliament and as local when in the nature of local personal or private Acts, but if the matter is referred to them in the case of a particular instrument, the Reference Committee can in any particular case, direct in a manner contrary to the certificate of the responsible authority. The text of local instruments is not printed in the annual volume in which the statutory instruments of the year are collected,

they are only listed at the end of the volume. The separate copies of local instruments are not necessarily set up in print and Chart 2 shows in detail those instruments which are printed and put on sale and those which are not so treated. It is to be noted that the Reference Committee must be notified in cases where the responsible authority has certified that the instrument is short-lived and publicised elsewhere, or in which schedules to instruments are certified to be bulky and available or publicised elsewhere and the Committee may then direct that the instrument shall not be exempt from the requirements of the Act as to printing and sale. Examples of local instruments are the various regulations for Hyde Park, Kew Gardens and other open spaces under the Parks Regulation Acts, the orders made by the Minister of Health under the Public Health Act, 1925, for amending or adapting local Acts, and the regulations for notification of particular infectious diseases in particular districts. It is usual to treat as general not only all instruments which apply to the whole or a substantial part of Great Britain (or of England, Scotland or Wales individually), but also those applying to London. Some instruments, local in application, are treated as general if they are part of a national system—for instance, instruments relating to County Court jurisdiction and arrangements.

46. The enabling Act under which subordinate legislation is made is often referred to as "the parent" Act and the subordinate legislation as "the children" of the enabling Act. Sometimes the parent Act contemplates not only children but also grandchildren, although this is the exception rather than the rule. An instance of this sub-delegation

which is almost unique is the Emergency Powers (Defence) Act of 1939, which not only authorised the making of Defence Regulations, but also declared that the Defence Regulations might sub-delegate a power to make orders, rules and by-laws for any of the purposes for which regulations might have been made. Defence Regulation 55 (for the general control of industry) has had a progeny of thousands of orders for controlling food, clothing and many other materials.

47. Without specific authorisation in the parent Act, many orders ("grandchildren") made under the Defence Regulations in turn delegated to the appropriate Minister a further power to issue directions and other documents of a legislative nature ("great-grandchildren") and even permits and licences under the directions ("great - great - grand - children"). This practice of sub-delegation to "grandchildren," "great-grandchildren" and "great-great-grandchildren" has been the subject of considerable Parliamentary criticism because the parent Acts frequently lay down particular procedures for Parliamentary control over the making of "children" which are not applicable to "grandchildren" and "great - grand - children," etc. It might therefore be possible by reserving the substance of the law for the "grandchildren" and "great-grandchildren," etc., to make the Parliamentary processes nugatory.

48. The Third Special Report of the Select Committee on Statutory Rules and Orders for the Session 1945-46 (Paragraph 16) deals with this matter and the following paragraph is of interest:

"Your Committee hope that, now that hostilities have ceased,

Departments may find themselves able so to frame any order made under Defence Regulations that it will be self-contained—in other words, to be content with the grandchildren of the statute and not to bring its great-grandchildren or great-great-grandchildren upon the scene. It is by no means clear that Parliament contemplated these cumulative delegations. They tend to postpone the formulation of an exact and definite law and they encourage the taking of powers meanwhile in wider terms than may ultimately be required."

49. To deal with this situation in relation to orders and other instruments made under Defence Regulations, Parliament in Section 4, of the Supplies and Services (Transitional Powers) Act, 1945, provided that if these documents were statutory rules within the meaning of the Rules Publication Act, 1893, they were to be subject to the Parliamentary control known as the "negative resolution" procedure which is dealt with in detail in Paragraphs 78-81 below. So far as these instruments are concerned, Departments appear to be now adopting the recommendation of the Select Committee that they should only make orders under the regulations and are gradually abandoning the practice of making directions under the orders, and permits and licences under the directions.

IV

COMPONENT PARTS OF A STATUTORY INSTRUMENT

50. Under the capital letters "STATUTORY INSTRUMENTS" at the top of an instrument will be seen the *calendar year* in which the instrument is made and

the number allotted to it by the Editor of Statutory Instruments acting on behalf of the Queen's Printer in compliance with the provisions of Section 2 of the Statutory Instruments Act, 1946, and Regulation 3 of the Statutory Instruments Regulations, 1947.

51. Underneath the year and number appears in heavy type capitals the *principal classification*. This must conform with the principal classification in the current official Index to the Statutory Rules and Orders and Statutory Instruments, now entitled *Guide to Government Orders*.

52. Beneath the principal classification in slightly smaller type heavy capitals appears the *subsidiary classification*, if it is considered that a subsidiary classification is necessary. If the principal classification should be, for example, "Supplies and Services," and the order deals with the control of paper, a subsidiary classification such as "Raw Materials (Paper)" is necessary. If on the other hand the principal classification is, say, "National Insurance," and the Instrument deals with claims and payments in respect of National Insurance, a subsidiary classification is not necessary.

53. If doubts arise as to the correct principal or subsidiary classification, the matter is settled by consultation between the responsible Department and the Statutory Publications Office.

54. Underneath the classifications in heavy type will be found the *short title* of the instrument. This must of course agree with the short title contained in the citation provision (see *infra*). Responsible authorities have been requested to provide every instrument with a

short title and the need for this has been emphasised in a special report of the Select Committee on Statutory Instruments. The words used in the title should, as far as possible within their necessarily brief limits, convey a full and accurate idea of the nature and contents of the instrument. But as the Select Committee emphasise in their Third Special Report for the Session 1945-46 (Paragraph 12) "a short title should be short." Instead of "The Control of Bolts, Nuts, Screws, Screw Studs, Washers and Rivets Order" they thought that "The Bolts, Nuts, etc. (Control) Order" would have been sufficient. While it is not possible to give to every instrument so compendious a name as "The Cucumbers Order" or "The Spoilt Beer Regulations," the Committee thought that ingenuity might usefully be employed to cut down some of the more cumbrous labels, e.g. "The Control of Fuel (No. 3) Order, 1942, General Direction (Central Heating and Hot Water Plants) No. 6." The last term of every short title should be the number of the calendar year in which the instrument is made, and the inclusion of other dates in the short title should be avoided whenever possible except in the case of commencement or amendment orders.

55. Then appears the word "Made" against which is put the date on which the instrument is made. This is not a statutory requirement, but the entry is pursuant to a request by the Treasury to Departments (Memorandum of 13th December, 1947, Paragraph 42).

56. Section 4 (2) of the Statutory Instruments Act provides that every copy of an instrument required to be laid before Parliament after being

made and sold by the Queen's Printer must bear on its face:

"(a) a statement showing the date on which the statutory instrument came or will come into operation; and

"(b) either a statement showing the date on which copies thereof were laid before Parliament or a statement that such copies are to be laid before Parliament."

57. As the result of administrative arrangements made by the two Houses, Departments are now able during the existence of any Parliament to determine in advance the date on which they propose to lay a statutory instrument before Parliament. The Stationery Office, in order to enable copies of the instrument to be available to Members of both Houses and to the public at the earliest possible moment after the instrument has been laid, prints off the final copies of the instrument with the pre-determined date shown without waiting for laying to have taken place in fact. A notable result of this procedure is that, except possibly during a dissolution, the phrase "To be laid before Parliament" need never appear on an instrument, although this does not affect the obligation to send, in appropriate cases, "notifications" in accordance with the requirements of the proviso to Section 4 (1) of the Act. Departments must, of course, take stringent precautions to see that final copies do not go out, if for any reason laying has been missed or delayed.

58. The statements required by Section 4 (2) of the Act appear as follows:

"Laid before Parliament (Date filled in).

"Coming into operation (Date filled in)."

In possible exceptional cases the statements would be:

"Coming into operation (Date filled in).

"To be laid before Parliament."

For instruments, such as orders under the Import Duties Act, 1932, which only have to be laid before the Commons, the words "the House of Commons" will be substituted for the word "Parliament." This part of the instrument (except the integers denoting year and day of month) is printed in italics.

59. Beneath the headings is cited the *statutory authority* for the instrument. It is not sufficient to specify merely the enabling Act; but the section or sections or the schedules which confer the power should also be specified. The Select Committee on Statutory Instruments has been very emphatic on this point in its Special Reports. Its recommendations will be found in Paragraphs 2 and 3 of the Special Report for the Session 1946-47, Paragraph 5 (page 12) of the Special Report for the Session 1948-49 and Paragraph 3 (page 3) of the Special Report of 24th July, 1950. In all these recommendations the Committee insists that "every instrument should identify the statutory power whereof it purports to be the exercise." The Committee notes the successful manner in which Departments have carried out its recommendations, even in cases where detailed identification is by no means easy. Again, the use of the words "and all other powers enabling . . . in that behalf" has given rise to some criticism as being too vague. This is a formula, however, which is usually and properly employed to comprehend

such ancillary powers as are or might be brought into play when a specific power is exercised. These ancillary powers are provisions of the general statute law (for instance, in the Interpretation Act, 1889, or the Statutory Instruments Act), or overriding provisions such as those governing the signature of Treasury instruments by two of the Lords Commissioners.

60. Except in the case of certain Orders in Council and other instruments where it is thought desirable that the services of Parliamentary Counsel should be used, statutory instruments are drafted in the office

of the Solicitor or Legal Adviser to the Department concerned. Consequently there is some variation in the way in which the different provisions of the instrument are set out, and also in the system of numbering the separate divisions and sub-divisions of the instrument. In some cases the interpretation, citation and commencement provisions appear at the beginning of the instrument, in other cases at the end.

61. The sub-divisions of a statutory instrument have different names varying with the name of the instrument as shown in the following table.

<i>Instrument</i>	<i>First Division Numbered 1, 2, 3, etc.</i>	<i>Second Division Numbered (1), (2), (3), etc.</i>	<i>Third Division Shown as (a), (b), (c), etc.</i>
Order in Council, Order of Council or Order	Article	Paragraph	Sub-paragraph
Regulations	Regulation	"	"
Rules	Rule	"	"
Schedule to all Instruments ..	Paragraph	Sub-paragraph	"

Excessive sub-division defeats its object and makes the text more, rather than less, difficult to read. Sub-paragraphs should, therefore, not be sub-divided unless it is essential that this should be done, in which case the resulting sub-divisions should be numbered (i), (ii), (iii), etc. A proviso is easier to follow if it starts a fresh paragraph and is indented in the manner usually adopted in the print of a statute.

62. Marginal or side notes formerly appeared in many instruments, but the use of such notes has now been abandoned in favour of italicised headings to Articles or groups of Articles, as the case may be. This has been done to save compositors' time in making up the annual volume of Statutory Instruments, since, in printing a bound volume, marginal notes have to be transferred by hand from one side of the page

to the other according as each instrument happens to fall on a left-hand or right-hand page. Footnotes are used to describe the regnal year and chapter number of any Act of Parliament or the year and number of any statutory rule and order or statutory instrument referred to in the body of the instrument. The lettering should start with (a) in heavy type and (except in revocation provisions) footnotes should not be used more than once irrespective of the number of times a particular Act or order is referred to in the instrument.

63. The short title and the date of operation are to be found in the first or last Article. The instrument is dated on the left-hand side at the end of the document and the signature and designation of the person signing are placed on the right-hand side at the end, but usually before

any schedules and before the Explanatory Note (if any). In the case of Orders in Council, the designation of the Clerk of the Council is omitted. In order to meet a point made by the Select Committee, the Treasury has requested (Circular S.I. (50) 5, dated 11th September, 1950) that where two or more Departments are acting jointly or separately, each executing Department should put its own date of execution against its seal or signature, even if it is a repetition of the same date, and that the last executing Department should insert its date of execution against the "Made" date in the heading to the instrument. It was also requested that Departments, required by the enabling Act to "approve" "consent to" or "confirm" the instrument, should in all cases affix their signatures to the instrument. The Select Committee was of opinion that in such cases the instrument was not finally made until the approval, consent or confirmation had been given, and it is considered that this view is correct.

64. The act of signing an instrument merely certifies that it has been properly made by the appropriate rule-making authority and from the legal point of view there is no reason why the signature should not be that of a suitable official. The Government has now decided that, as a matter of constitutional etiquette, important instruments, that is, those subject to the affirmative or negative resolution procedure, should in all possible cases bear the signature of a Minister. Where exceptionally they are signed by officials, it is usually the Permanent Head of the Department who signs. Instruments which are not subject to the above parliamentary procedures and are not

of an important nature are signed by officials, usually of a rank not lower than that of Under Secretary or its equivalent.

65. Explanatory Notes are now appended to all instruments, whether or not subject to parliamentary procedures, unless the purport of the instrument is quite clear and intelligible in itself. Even in the case of a simple revocation order it may occasionally be advisable to state, in very brief and general terms, what the revoked Order was about, otherwise research may be involved. Explanatory Notes should be used in all cases where the object of the instruments can be made appreciably clearer. They "must not be argumentative, must not seek to explain or to justify policy, and above all must not purport to construe the law. They must be purely informative. Their object is merely to help the reader to appreciate the aim of new legislation without unnecessary difficulty or research."* It will be seen that in the heading there always appear the words—" (This Note is not part of the Order (Regulations, etc.), but is intended to indicate its general purport)."

66. Explanatory Notes were made during the late War first in connection with Defence Regulations and the instruments made under them, but later for subordinate legislation generally. Certain misgivings were expressed about them in view of the danger of conflict with the Courts, and for this reason and to secure uniformity a Central Scrutinising Authority was appointed to whom all instruments of a public and general character were sent as soon as they were made. Departments were also requested to consult him while the instrument was still in draft, in cases

*Treasury Circular No. 7/43 of 6th May, 1943.

where the instrument was of a complex nature or presented unusual features. The whole system is now running smoothly. The Director of the Statutory Publications Office is now the Central Authority; but not all instruments are now sent to him for scrutiny. It is only the draft instruments which are complex or unusual on which his advice is sought.

V

AUTHORITIES CONCERNED WITH THE MAKING OF SUBORDINATE LEGISLATION

67. In order to appreciate the process by which subordinate legislation is made, it is proposed to trace the genesis of an Order in Council which is required to be laid before Parliament and which is put forward by one of the Government Departments. By taking an Order in Council it is possible to see all the authorities involved, but it will be understood that the Queen and the Privy Council are not concerned with the initiation of a piece of Ministerial legislation. The case dealt with in this paragraph is one which arises when the enabling Act is already on the Statute Book. In practice, however, many instruments are in course of preparation while the enabling legislation is still in Bill form, since it is often necessary to have the instruments made immediately after the Royal Assent has been given to the Bill.

68. When the administrative officers of the Government Department concerned have come to the conclusion that a certain course of action is necessary, it will be for the Permanent Head of the Department, or his Deputy, or possibly the Minister to give a final decision on

the matter. If the subordinate legislation is of particular importance the Minister may, of course, wish to consult his colleagues. In the case of the nationalised industries it is often the Authority created to conduct the affairs of a particular industry which makes representations to the appropriate Government Department about the possible need for subordinate legislation under their enabling Statute.

69. The papers are then submitted to the Departmental Solicitor or Legal Adviser for an opinion as to whether the enabling Act permits the action to be taken either with or without an Order in Council. If the Solicitor advises that an Order is necessary the papers are referred back to the administrators for detailed instructions. These are then sent to the Solicitor with a request that a draft of the Order be prepared. After consultation between the administrators and the officers of the Solicitor's department, and in important cases, advice from Parliamentary Counsel and possibly the Law Officers of the Crown, a final draft is prepared.

70. In some departments this final draft has to be brought before a departmental committee of which the chairman is sometimes the Parliamentary Secretary, and it requires confirmation by that committee before being submitted to the Minister for approval. At this stage the draft of the Order may (if it is thought necessary) be sent to the Central Authority for the scrutiny of Explanatory Notes. As has already been explained this is now the Director of the Statutory Publications Office and he advises the Department as to whether an Explanatory Note is necessary and if necessary whether

the Note indicates briefly but clearly the full purport of the Order.

71. The Order is then sent to the Office of the Privy Council and in due course it comes before the Queen in Council for approval and making. Next the Order goes to the Statutory Publications Office for registration and numbering as a statutory instrument, and thence to the Stationery Office for printing.

72. This particular Order is described above as one which has to be laid and unless it is essential that the Order should come into operation before it is laid before Parliament (in which case a notification has to be sent to the Lord Chancellor and the Speaker (see Paragraph 74 below)) copies must be laid before both Houses before the instrument becomes operative. If the Order is subject to the negative resolution procedure it stands automatically referred in the House of Commons to the Select Committee on Statutory Instruments (see Paragraphs 92-94 below). Orders in Council as opposed to other statutory instruments are laid in draft if they are subjected to the affirmative resolution procedure (see Paragraphs 82-86 below). That Committee may make a report to the House directing attention to the Order on one or more of the grounds contained in its terms of reference and, whether such a report is made or not, the Order may be challenged by a prayer for annulment.

VI

PARLIAMENTARY CONTROL

73. As has already been explained, we are not concerned here to deal with the general occasions of bringing pressure to bear upon the executive in respect of subordinate legislation

(such as proposals to repeal the enabling Act or to revoke the exercise of the delegated power or challenge in debate or at question time). We have seen that the first stage of parliamentary control is for the enabling Act to require that the instrument is to be laid before Parliament. Many of these documents are not important enough to demand such attention. Sometimes, however, one finds that this requirement has been omitted in respect of matters of some interest and importance — for instance, the Licensing Rules made under the Licensing Acts of 1910 and 1921 and the Police Regulations made under the Police Act of 1909. More recent instances of important instruments which do not have to be laid before Parliament are orders made under Section 7 of the Trading with the Enemy Act, 1939, which empowers the Board of Trade to appoint custodians of enemy property and to make orders requiring payment of money to and the vesting of property in and the conferring of rights upon custodians.

74. The requirement to lay before Parliament first occurred in Acts of the 1830s, but was not regularly insisted on until a long way into the 19th century. Sometimes there is a provision for a definite time limit within which the document must be laid, sometimes the provision is that it is to be laid "as soon as may be" after it is made. In view of Section 4 of the Statutory Instruments Act a provision in the enabling Act as to the time within which an instrument is to be laid is now unnecessary. This section provides that where the enabling Act requires a copy of an instrument to be laid before Parliament, it must be laid before the instrument comes into

operation. If, however, it is essential that the instrument should come into operation before it is laid, this is allowed, but notification must be sent forthwith to the Lord Chancellor and to the Speaker of the House of Commons drawing attention to the fact that copies have yet to be laid, and explaining why copies were not laid before the instrument came into operation. The Select Committee gives its clerk a standing order to enquire the reason, if a period of seven days elapses between the making of an instrument and the laying before Parliament.

Laying in Full

75. Statutory instruments which are required to be laid before Parliament are now presented complete and in full and are not accepted for presentation in dummy. The procedure was defined in a ruling by Mr. Speaker Clifton Brown, on the 9th April, 1951, in the following terms:

"On the rare occasions during the last fifty years when statutory rules and orders have been laid before the House in dummy, my predecessors have held that the time during which a Motion for annulment might be moved against them did not begin to run until a complete copy was available to Members. But I am satisfied that this practice must now be changed in order to comply exactly with the terms of the Statutory Instruments Act, 1946, and to avoid any possible conflict with the courts.

"I have therefore instructed the Votes and Proceedings Office that, in future, Statutory Instruments and other rules or orders which are similarly subject to annulment during

a statutory period cannot be accepted as laid before the House unless they are presented complete and in full. In other words, such papers will no longer be accepted for presentation in dummy."*

Ten days later, on the 19th April, 1951, Mr. Speaker gave a Ruling that S.I. 1951 No. 413 made by the Board of Trade was not in conformity with the Rules that he had laid down, and that it was not in order.† The Treasury subsequently issued Treasury Circular S.I. (51) 4, dated 13th September, 1951. This stated that the reason for the Ruling was that when laid, the order was not accompanied by all the Related Schedules mentioned in the new Third Schedule to the Principal Order, and requested Departments:

"(a) to lay all documents issued for the purposes of a Statutory Instrument with any Statutory Instrument which gives effect to them or which continues them in force; and

"(b) in drafting any Statutory Instrument to make every effort to avoid a reference to any document which it is not proposed to lay with the Statutory Instrument, but which might be held to be within the Speaker's Ruling."

Laying Without Further Provision for Control

76. A recent instance of a provision in an enabling Act which requires that a copy shall be laid but makes no further provision for control, will be found in Section 10 (2) of the Statutory Instruments Act itself. This section provides that the Act is to come into operation on such date as Her Majesty may by Order in Council appoint.

Laying With Deferred Operation

77. There is further control when the requirement of laying is linked with a postponement of the operation of the instrument. An Act of 1833, authorising rules to be made for the superior Courts of England, required the rules to be laid and stipulated that they should not take effect until six weeks after laying. In 1850 the period was extended to three months after laying and it was further provided that, during those three months, the operation of the rules may be suspended, in whole or in part, by royal proclamation or by resolution of either House. Another instance of this procedure is contained in Section 58 of the Prisons (Scotland) Act, 1877, in relation to rules made under that Act. This procedure is not used in more modern Acts, having been superseded by the device of laying in draft but subject to a resolution that no further proceedings be taken (described in Paragraph 81 below).

Laying With Immediate Effect But Subject to Annulment

78. An Act of 1850 authorised the Lord Chancellor to make rules for the Court of Chancery, the rules to be binding as if expressly enacted by Parliament on the date which the rules themselves appoint, or, if no date is appointed, then from the date of making, but either House may, within 36 days from the date of laying, resolve that the rules, or any part of them, shall no longer be in force.

79. As we have already seen, this is the prototype of what today is by far the commonest form of Parliamentary control, the negative resolution procedure. The provision

now inserted in modern Acts of Parliament is: "Every statutory instrument made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament." This procedure is now governed by Section 5 of the Statutory Instruments Act enacting that, in the case of any statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament, "if either House, within the period of forty days beginning with the day on which a copy is laid before it, resolves that an Address be presented to His Majesty praying that the instrument be annulled, no further proceedings shall be taken thereunder after the date of the resolution and His Majesty may by Order in Council revoke the instrument, so, however, that any such resolution or revocation shall be without prejudice to the validity of anything done under the instrument or to the making of a new statutory instrument."

80. The Statutory Instruments Regulations, 1947, made under Section 8 (1) of the Statutory Instruments Act, are themselves an instance of an instrument which was subject to the negative resolution procedure. Another instance is regulations made by the Service Departments under the National Service Act, 1948 (s. 23), for defining what terms of service shall be treated as whole time and part time service in order to complete interrupted service.

Laying in Draft But Subject to Resolution that no Further Proceedings Be Taken

81. This is an adaptation of the negative resolution procedure where provision is made in the enabling

*486 HC Deb. 660 (9th April, 1951).

†486 HC Deb. 2147 (19th April, 1951).

Act that the draft of the instrument is to be laid before Parliament but the Act does not prohibit the making of the instrument without the approval of Parliament. Section 6 of the Statutory Instruments Act provides that the instrument is not to be made until after the expiration of the 40 days' period and if within that period either House resolves that the instrument is not to be made, no further proceedings are to be taken on that instrument, but without prejudice to the laying before Parliament of a new draft. Rules for Management of Prisons, etc., made under Section 52 of the Criminal Justice Act, 1948, are subject to this procedure by virtue of Section 76 (2) of that Act.

Laying in Draft and Requiring Affirmative Resolution

82. The requirement of positive affirmation is, of course, a stricter form of supervision than the negative resolution procedure. The Government must create the opportunity for the confirmatory resolution in each House, thus offering definite facilities for debate, whereas an instrument which is exposed to the negative resolution procedure does not require any further action on the part of the Government unless and until it is challenged. It is used in the case of Orders in Council and a modern instance of an Order in Council subject to this procedure is an Order made under Section 15 (1) of the Employment and Training Act, 1948, amending the provisions of the Act relating to the National Youth Employment Council or to the Advisory Committees. Another more recent instance is under Section 1 (2) of the Coal Mining (Subsidence) Act, 1950, providing for amendment

to the rateable value limits named in the Act.

Laying With Operation Deferred Until Approval Given by Affirmative Resolution

83. In this case the instrument is actually made but it does not come into operation until approved by each House of Parliament. An instance of this procedure is regulations made by the Minister of Transport under Section 10 (4) of the Road Traffic Act, 1930, varying the rates of speed laid down in the First Schedule to the Act for specified roads. Proviso (b) to that subsection states that the regulations are to be of no effect until approved by each House.

Laying With Immediate Effect but Requiring Affirmative Resolution as a Condition of Continuance

84. In these cases the confirmatory resolution does not breathe life into the instrument but keeps it alive where it would otherwise die. This procedure is often used in cases of taxation. Taxes ought to be imposed normally by direct Parliamentary legislation, the special concern of the House of Commons. But some import duties, for instance, need swift application and are therefore best imposed by subordinate legislation. The approval of a draft is a dilatory process and may well defeat the object of the tax.

85. This is the procedure laid down in Section 19 (2) of the Import Duties Act, 1932. The order is to cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless before the expiration of that period it has been approved by a resolution passed by the House of Commons.

A similar provision is made in Section 2 (4) of the Emergency Powers (Defence) Act, 1939, in relation to charges in connection with schemes of control imposed by Treasury Order.

86. This procedure is not, however, peculiar to taxation. The Emergency Powers Act, 1920, authorised the proclamation of a State of Emergency in face of threats to the life of the community. The proclamation remains in force for one month only: it must be immediately communicated to Parliament. During that month a code of regulations may operate, but the regulations have effect for only seven days unless both Houses of Parliament resolve that they be continued for the rest of the month. When recourse was had to this particular method of subordinate legislation at the time of the General Strike in 1926, a State of Emergency was proclaimed month by month from April to December, and month by month the Executive had to ask the Legislature for an affirmative resolution in order to keep the regulations alive. A stricter system of parliamentary control over delegated legislation could hardly be devised.

Affirmative or Negative Procedure?

87. If too many instruments were made the subject of an affirmative resolution the purpose of delegating the legislative power would be largely defeated by the time expended in directing the attention of Parliament to the subordinate legislation. In a special Report of the Select Committee of the House of Commons on Statutory Rules and Orders the following paragraph appears:

"4. In the third place your Committee note the apparent

absence of any principle determining the choice between the procedure by affirmative resolution and the procedure for the annulment of rules and orders by adverse prayer. Rules and Orders imposing taxation or modifying the terms of a statute should in their view require the authority of an affirmative resolution but they are not convinced that Orders such as those for the local opening of cinemas under the Sunday Entertainments Act, 1932, should be in the same category."

88. This Report of the Select Committee was the subject of a question in the House of Commons in November, 1947, when the Prime Minister was asked what action he proposed to take in the matter. The effect of the answer given by the Lord President of the Council was that the Government considered in each case in the light of the precedents whether the affirmative or the negative procedure would be the more appropriate; but the matter was one for determination by Parliament, and it would be unwise to attempt to formulate any precise rules which would fetter the discretion of Parliament and of the Government.

89. It would appear that the affirmative procedure is required where the powers are concerned with the alteration or definition of the extent of a statute or with the levying, application or management of public money. The affirmative resolution has also been adopted in the past in the following classes of cases:

(a) Exceptional cases where particularly wide powers of subordinate legislation have been conferred for special reasons (cf. The Government of India Act, 1935, s. 309: *et passim*).

(b) Cases in which subordinate legislation is of a kind commonly enacted by private Act or provisional order (cf. Ministry of Transport Act, 1919, s. 29 (3) (Taking of land by a railway company)).

(c) Where the subordinate legislation constitutes the entire structure, the general purpose only being laid down in the Act (cf. Sugar Industry (Reorganisation) Act, 1936, s. 21 (4) (Reorganisation of Industry): Road Traffic Act, 1930, s. 45 (The Highway Code)).

(d) Miscellaneous cases where the need for affirmative resolution may perhaps have been felt to arise from the importance of rights with which the subordinate legislation could deal (Coal Act, 1938, Third Schedule, Paragraph 14 (Procedure of Central Valuation Board): Minister of Town and Country Planning Act, 1943, s. 8 (Establishment of Commissions)).

It has been suggested that there are certain other cases in which the affirmative procedure may well be appropriate:

(e) Where an instrument is of such a kind that the annulment would not produce a return to the *status quo*, except where the effect of the instrument is only to carry out what can be demonstrated from the terms of the enabling Act to be the intention of Parliament.

(f) Where substantial hardship might be suffered before Parliament could intervene, even though the effect of the instrument would not be irreparable.

(g) Where it is desirable to shorten the period during which an instrument is open to challenge by Parliament.

Scrutinising Committees

90. The best time for imposing restraints upon the recourse to subordinate legislation is when Parliament is framing the enabling Act, and the Committee on Ministers' Powers (the Donoughmore Committee) recommended that a closer watch should be kept at that stage. It suggested that every Bill containing provision for subordinate legislation should be accompanied by a memorandum drawing attention to the particular proposals, explaining the necessity for them and stating how the power would be exercised and what safeguards there would be against its abuse. A Standing Committee of each House was to consider all such Bills and was to report whether the proposals were normal or exceptional, whether the precise limits of the delegated power were clearly defined and whether judicial control was in any way diminished. This suggestion has not been carried out. Committees of both Houses have, however, been constituted to consider and report upon subordinate legislation which has been laid before Parliament.

Special Orders Committee (House of Lords)

91. In 1925 a Special Orders Committee of the House of Lords was set up to examine and report on instruments requiring an affirmative resolution, the House being conscious that in these cases the instruments ought not to be accepted automatically *sub silentio*. Used in this context the expression "Special Order" means only instruments which are subject to the affirmative resolution procedure. The powers to make the other type of "Special Orders" under the enactments relating to gas and electricity or to

factories have now disappeared from the statute book. The House of Lords has not as yet extended the jurisdiction of its Special Orders Committee to instruments subject to the negative resolution procedure.

Select Committee on Statutory Instruments (House of Commons)

92. During the late war the vast spate of delegated legislation under the Emergency Powers (Defence) Acts and other statutes engendered serious misgivings among certain members of the House of Commons. In 1944 a sessional Committee of the House of Commons (now called the Select Committee on Statutory Instruments) was established (and has been continued in subsequent sessions) to examine all instruments for which either the affirmative or the negative resolution procedure was prescribed.

93. The duty of the Committee is to consider whether the special attention of the House should be drawn to a statutory instrument or draft on any of the following grounds: that it imposes a charge; that it excludes challenge in the Courts; that it purports (without specific authority in the parent Act) to have retrospective effect; that there has been unjustifiable delay in publication or laying before Parliament or in sending a notification to the Speaker when the instrument comes into operation before it has been laid; that its form or purport calls for elucidation; or that "it appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made." Except in so far as the last-mentioned ground permits, the Select Committee is not intended to concern itself with the merits or policy of an instrument, these being matters more

properly left to be discussed in the House itself on a prayer for annulment. Before reporting an instrument to the House, the Committee must afford the Government Department concerned an opportunity of furnishing an explanation orally or in writing. The Committee has the advantage of the assistance of the Counsel to the Speaker. By a Treasury Circular of 4th July, 1944, each Government Department is requested to appoint a liaison officer (preferably a member of its legal staff) to act as a channel of communication between the Committee and the Department.

94. It may well be that the Committee's existence is a potential check upon the routine of Departmental law-making. Its reports on particular instruments are colourless, but it has issued a series of "Special Reports" on certain aspects of subordinate legislation, some of which have already been referred to. Treasury Circulars have directed the attention of Departments to the Special Reports. It is one of the functions entrusted to the Statutory Publications Office by the Treasury to call the attention of Departments to any failure by them to comply with the recommendations of the Committee.

VII

CONTROL BY THE COURTS

95. It has already been said that the Courts in this country cannot declare an Act of Parliament to be invalid. (This can, of course, be done in certain states which have a written constitution, and has been done in the United States and recently in the Commonwealth of Australia.) On the other hand, subordinate legislation does not enjoy such immunity. If an Act of

Parliament authorises delegated legislation to be made for a particular purpose and the power is used for another purpose, the Courts will declare the delegated legislation to be invalid. It is interesting to compare the provisions of Section 1 (1) of the Emergency Powers (Defence) Act, 1939, with those of Section 1 of the Defence of the Realm Act, 1914. In Section 1 (1) of the 1939 Act we find the following words: "Subject to the provisions of this section, His Majesty may by Order in Council make such Regulations (in this Act referred to as 'Defence Regulations') as appear to Him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community." The opening words of Section 1 of the Defence of the Realm Act, 1914, are as follows: "His Majesty in Council has power during the continuance of the present war to issue regulations as to the powers and duties of the Admiralty and Army, Council and of the members of His Majesty's forces and other persons acting in His behalf for securing the public safety and the defence of the realm: . . ."

96. It will be seen that under the Act of 1939 the decision as to whether a regulation was necessary for a particular purpose was left to His Majesty. Similarly, the regulations made under that Act in many instances provided that the competent authority under the regulations could, so far as it appeared to be necessary to that authority for any of the purposes specified in the regulation, make certain orders. In a large number of cases the Courts held that

they had no power to declare these orders invalid as it was for the competent authority and not for the Court to decide whether the provisions of the order were necessary for the specified purposes. The only loophole left was that the Courts could interfere if it could be established that the competent authority had acted in bad faith. On the other hand the Courts found no bar of this kind in the provisions of the Act of 1914. When certain regulations and orders were challenged, the challenge usually failed, but occasionally it succeeded. A regulation that nobody should without the consent of the Minister of Munitions take proceedings to recover possession of a house so long as a war-worker was living in it was held to be invalid. A similar decision was given in relation to a regulation which purported to deprive persons whose goods were requisitioned of their right to a fair market value and to a judicial assessment of the amount.

97. While there are a number of other grounds on which the *vires* of regulations may be attacked, which cannot usefully be dealt with in such notes as these, one other point should be mentioned in this connection. It is considered that the Court would declare invalid any subordinate legislation which had retrospective effect, unless there were specific provision to this effect in the empowering statute or unless its language is such as plainly to require such a construction.

VIII CONCLUSION

98. In compiling notes of this kind, it has been necessary in order to deal with a matter of such complexity as subordinate legislation, to

omit a number of subjects which might well have been included in a longer and more detailed survey. No mention has been made of Measures passed by the National Assembly of the Church of England and given "the force and effect of an Act of Parliament" under the procedure laid down in the Church of England Assembly (Powers) Act, 1919. Because of their distinctiveness a description of these Measures is omitted. Again, there has been no reference to Orders under the Statutory Orders (Special Procedure) Act, 1945, as these would come more properly under Private Bill and Provisional Order Legislation. Because of their bulk and the fact that they are of little concern to any but the legal departments of the Civil Service, no attempt has been made to deal with the Rules of the Supreme Court in England and the Acts of Sederunt of the Court of Session in Scotland. As these notes deal in the main with instruments made by Government Departments, no attempt has been made to deal with the local authority by-laws, railway by-laws and other similar delegated legislation.

99. It is perhaps unnecessary to stress that there is a need on the part of Government Departments to exercise constant vigilance to ensure that subordinate legislation is made as soon as it ought to be made, and that, wherever it is possible, there should be a margin of some days between the making of a statutory instrument and its operation so as to allow time for publication.

100. In the matter of drafting the following recommendation was made by the Donoughmore Committee: "The drafting of delegated legislation is an art requiring specialised knowledge, experience and skill of the kind possessed by the office of

Parliamentary Counsel. The whole subject of ensuring a high standard in the drafting, whether by gradually increasing the staff of that office or otherwise, should be taken into consideration by the Departments concerned and the Treasury with a view to a Cabinet decision." As has already been explained (Paragraph 69 above) the drafting of nearly all subordinate legislation continues to be carried out by the legal staff of Departments and in view of the present volume of such legislation it would be impossible for the office of Parliamentary Counsel to do this work. The following passage from the Third Special Report of the Select Committee for the Session 1945-46 (Paragraph 8) is of interest: "Your Committee welcome these (*i.e.* Explanatory Notes) or any other arrangements clarifying rules and orders. They would deprecate, however, any tendency to frame the instrument itself in technical language, which has little meaning to the ordinary citizen and to rely exclusively upon the footnote for giving him the guidance he needs. They appreciate that administrative policy and the scientific rules of legislative drafting must largely influence or even dictate the form of instruments, but they are convinced that the most successfully framed document is one which is self-explanatory, and that Statutory Rules and Orders, not being subjected to the Parliamentary processes to which a Bill is exposed, can allow themselves a more generous range of expository expression than one expects to find in a modern statute."

101. The practice of Departments varies considerably in regard to the form of statutory instruments and it appeared that there were certain points on which the precedents used

by some Departments had advantages over those of others. Consequently on 25th June, 1952, a Treasury Circular was issued (S.I. (52) 1) containing certain suggestions as to the form of statutory instruments. The material paragraphs of this circular are as set out in the Appendix at page 257 *et seq.*

102. Let us finish, as we began, with a quotation from Sir Cecil Carr's book on Delegated Legislation: "When in 1911 Lord Cozens-Hardy said that the real legislation was not to be found in the statute-book alone, he frankly

described the development of departmental activity as a very bad system and one attended by very great danger. Had he lived to speak in 1921, he would doubtless have repeated the warning though he might have agreed with Lord Justice Scrutton that war cannot be carried on according to the principles of Magna Carta. The problem is to obtain a form of government which, in Abraham Lincoln's words, 'is not too strong for the liberties of its people' and yet 'strong enough to maintain its existence in great emergencies.'"

APPENDIX

1. Standing Orders of the House of Lords, CV.
2. Standing Orders of the House of Commons, 110.
3. Treasury Circular (S.I. (52) 1) : Statutory Instruments—Form.
4. General Classification of Subordinate Legislation (Chart 1).
5. Classification of Statutory Instruments (Chart 2).

1. STANDING ORDERS OF THE HOUSE OF LORDS

Laying of statutory instruments.

CV.—(1) Where, under any Act of Parliament, a statutory instrument is required to be laid before Parliament, the deposit of a copy of the instrument in the Office of the Clerk of the Parliaments in accordance with this Order at any time during the existence of a Parliament when the House is not sitting for public business shall constitute the laying of it before the House :

Provided that nothing in this Order shall apply to any statutory instrument being an order which is subject to special parliamentary procedure or to any other instrument which is required to be laid before Parliament for any period before it comes into operation.

(2) For the purposes of this Order, a statutory instrument may be deposited on any day except a Sunday, Christmas Day, Good Friday or a bank holiday between Eleven and One of the clock on a Saturday or Eleven and Five of the clock on any other weekday.

(3) The Clerk of the Parliaments shall cause to be published, either in the Minutes of Proceedings or in some other manner, particulars of the deposit of statutory instruments under this Standing Order.

2. STANDING ORDERS OF THE HOUSE OF COMMONS

Presentation of statutory instruments.

110. Where, under any act of parliament, a statutory instrument is required to be laid before parliament, or before this House, the delivery of a copy of such instrument to the Votes and Proceedings Office on any day during the existence of a parliament shall be deemed to be for all purposes the laying of it before the House :

Provided that nothing in this order shall apply to any statutory instrument being an order which is subject to special parliamentary procedure or to any other instrument which is required to be laid before parliament, or before this House, for any period before it comes into operation.

3. TREASURY CIRCULAR (S.I. (52) 1)

Statutory Instruments—form.

10. *Statement of commencement date at head of instrument.* Instruments required to be laid before Parliament must, under the Statutory Instruments Act, 1946, bear a statement of the date on which they come into operation. Departments normally follow the same practice for all other general instruments which are not to come into operation immediately. This practice is helpful to persons reading an instrument for the first time. It is hoped that it will be continued ; and departments are asked to consider adopting it for some or all of their local instruments also, both printed and unprinted.

11. *Preambles.* Before the introduction of explanatory notes, a convenient method of indicating the effect of an instrument to readers, before they embarked on its actual provisions, was to recite the detail of all enabling provisions, and (in the case of an amending instrument) the existence of the instrument to be amended, in the preamble. Instruments were sometimes made then with very long preambles indeed.

12. Every instrument must of course bear at the head a reference, by sections, to each enactment from which specific enabling powers are derived, so that courts, and other persons interested in *vires*, may know what powers are claimed. But it is suggested that, if that reference is given, the court or reader concerned can ascertain the extent of the powers by consulting the enactments. And, in fact, most departments now make any necessary mention of the detail of enabling provisions, or of the existence of a previous instrument, in the explanatory note. They are thereby enabled to make instruments with very short preambles, or with no preambles at all.

13. This practice has the advantage that all explanatory material can be collected into one place, with the intention still that it will be read first. Departments are therefore asked to reconsider their precedents, especially older ones, with a view to transferring anything which is purely explanatory to the explanatory notes. The principle suggested is that preambles be reserved for the cases where authority to make the instrument depends, under the enabling Act, upon the fulfilment of some condition precedent which can be recited as an allegation of fact, and that fulfilment of the condition be recited in as many of those cases as possible. Examples are, that a certain period has elapsed since some notice was published, or that each House of Parliament has approved a certain draft, or that a Minister has formed an opinion. It is usual to recite the fulfilment of some conditions precedent by inserting the words "after consulting . . ." or "on the application of . . ." before "makes" in the words of enactment. In other cases a preamble beginning "whereas . . ." is needed. But it is suggested that, generally, where there is a condition precedent in which readers might be interested, its recital by one or other method is helpful to all concerned.

14. *Parliamentary procedure after making.* It is suggested, however, that any practice of excluding from preambles a recital of the enabling powers should be subject to one exception. Normally, any interval between the date of making and the date of commencement of an instrument is a matter for the full discretion of the making authority, and, if there is to be an interval, express provision for it is included in the instrument. If an enabling Act requires that any procedural conditions are to be fulfilled after the instrument is made but before it comes into operation, the terms of the instrument, settled before it is made, cannot be related to the fulfilment of those conditions. This occurs where enabling Acts provide that orders, etc., when made, are not to have effect unless approved by Parliament, or are to be subject to special parliamentary procedure, or otherwise open to objection. The instrument, when finally printed and sold, probably bears at the head a statement of the "made" date and a statement of the commencement date, but there is nothing in the instrument to account for the interval between them. Some departments provide a starred footnote for instruments which have been approved by Parliament; but, as is stated in paragraph 18 below, footnotes which contain information as opposed to references are not now considered a very suitable feature, and the practice cannot, in any case, cover the whole category.

15. It is suggested that where there is a considerable interval after the date of making, particularly where the registration number belongs to a different year to the date of making, a preamble which recites a particular provision to the effect that an instrument made under the section is not to come into effect until approved, or is to be subject, in certain circumstances, to special parliamentary procedure, will enable the reader to grasp the reason without difficulty. Further explanation in a footnote will not then be necessary. The statement of the commencement date at the head of the instrument is a statement of fact, and readers should know that the department making it are answerable for its accuracy.

16. *Words of enactment.* Most departments, whose Ministers have occasion to make statutory instruments, follow precedents which put the words of enactment into the third person. The bulk of these precedents open with the title of the Minister, and follow it with a citation of powers. ("The Minister of . . . in exercise of the powers conferred upon him by, etc."). This enables a reader to identify the department or departments concerned, at a glance, without reading any of the text of the instrument. The practice is particularly helpful where the reader is examining a bundle containing instruments made by various departments. Certain precedents, however, reverse this order, with the result that, particularly where there is more than one Act to be cited, the title of the Minister comes in the middle of the paragraph. No department does this in all its instruments; it is thought that one or two departments must have some precedents which do it, and some which do not. Departments, therefore, are invited to examine all the precedents they use, and to reconsider those which do not open with the titles of their Ministers.

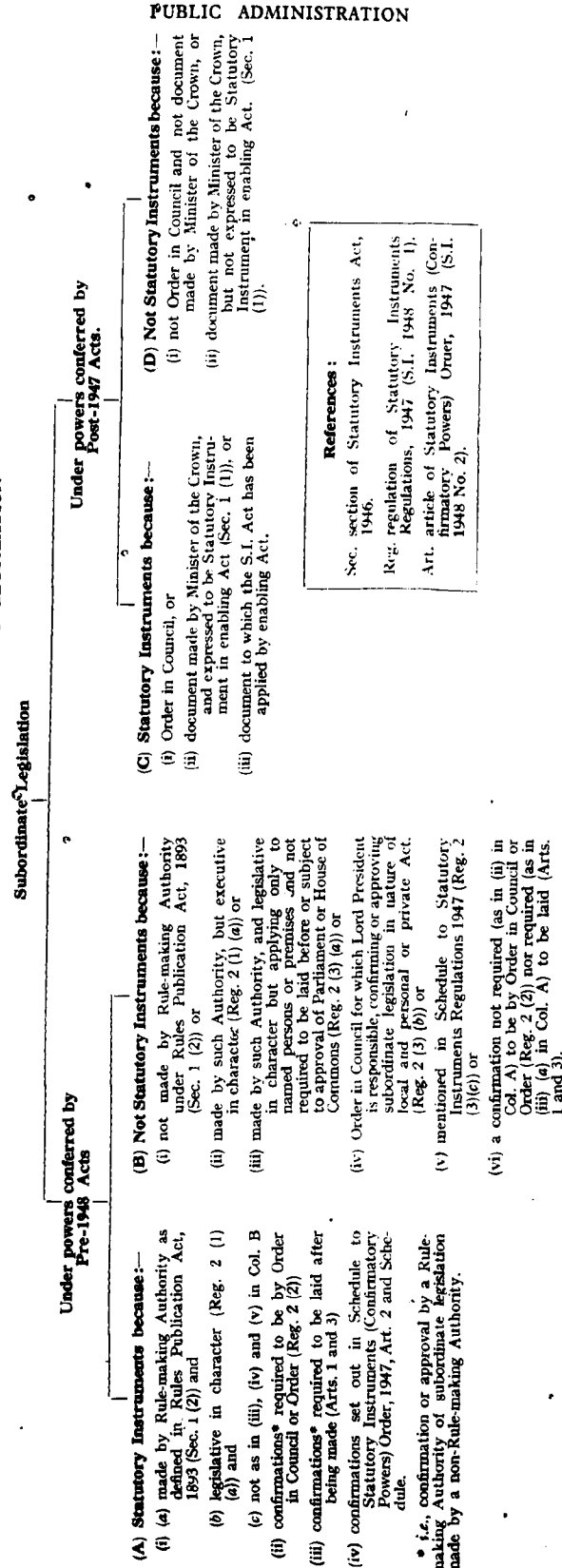
17. *Numbers; use of words or figures.* The practice of departments as to the use of words or figures in drafting, when referring to numbers, varies considerably. Some follow the same practice as that followed for Acts of Parliament. Others, to varying extents, use figures when words would be used in an Act. Power is now conferred on departments to make textual amendments to many Acts of Parliament by statutory instrument. In at least one case already, passages have been inserted into the text of various Acts which refer to sections of Acts by numbers in figures. It is requested that, on all occasions when insertions are being made by statutory instrument in an Act of Parliament, the practice followed for them shall be that followed for Acts of Parliament, whatever the practice normally followed for the department's own instruments.

18. *Footnotes.* For such of their instruments as have been subject to affirmative resolution procedure while in draft, some departments, in addition to providing the usual lettered footnotes with references for Acts and statutory instruments, also provide starred footnotes, at the foot of the first page, giving particulars of the resolutions of the two Houses. For statutory instruments printed in the format used at present, a footnote in a starred series, with information, does not fit very well into the lettered series, with references. The dates of affirmative resolutions can be obtained both from Minutes of Proceedings or Votes and Proceedings, as the case may be, and also from the outside covers of the daily Hansard reports. Those departments who give starred footnotes at present are asked to consider whether, for any of their instruments, these footnotes could not in future be omitted, and the fact of parliamentary approval merely mentioned in the preamble.

19. *Explanatory Notes.* A certain number of explanatory notes are so worded that they do not convey their meaning, or at any rate their full meaning, unless some or all of the instrument itself is read at the same time. Departments are reminded that the function of an explanatory note is to enable the reader to appreciate the effect of the instrument without reference to the text. It sometimes happens, too, that explanatory notes are reproduced or extracted in professional journals or other publications, to give particulars of recent legislation, and the type of note referred to above is useless for this purpose. Explanatory notes must, of course, be kept as short as is consistent with clarity and completeness. In the case of lists and categories, an explanatory note may very properly be so worded as to describe what is to be done and refer to the instrument for details. But draftsmen are requested to do this only for such details of persons, articles or circumstances as do not by their absence prevent the note indicating what the effect of the instrument is, and would, if they were set out in the note, make its length excessive.

CHART 1

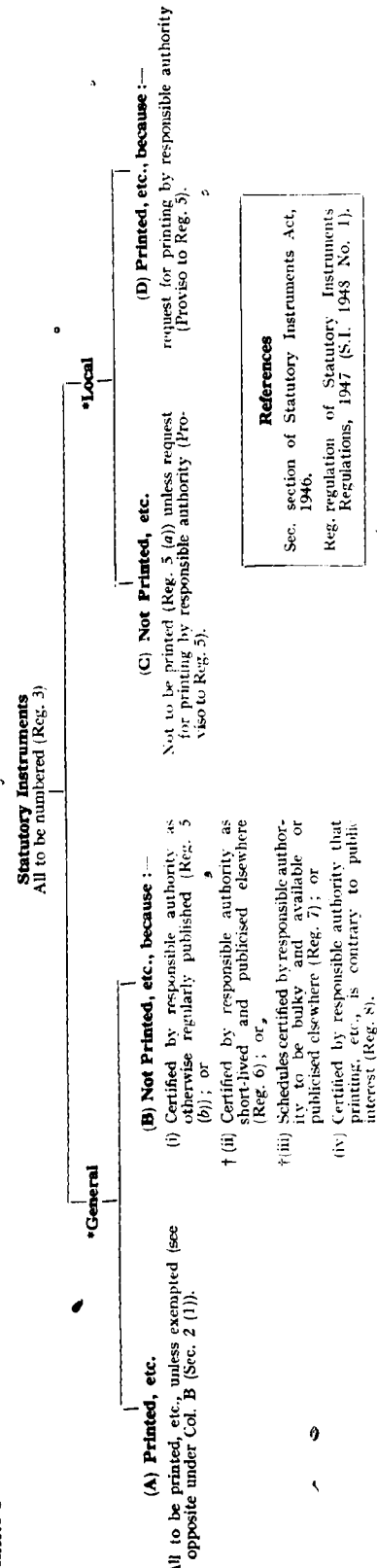
4. GENERAL CLASSIFICATION OF SUBORDINATE LEGISLATION



PUBLIC ADMINISTRATION

CHART 2

5. CLASSIFICATION OF STATUTORY INSTRUMENTS



SUBORDINATE LEGISLATION

*The responsible authority must normally certify as general all instruments in the nature of public general Acts and as local all instruments in the nature of local and personal or private Acts, but the Reference Committee, if consulted, may direct otherwise in any individual case (Reg. 4).

† The Reference Committee must be informed of the responsible authority's decisions in these cases and may over-rule them.

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The Organisation of British Railways

This is a factual survey of the organisation of the Railway Executive made available by courtesy of the Acton Society Trust. Except where stated, figures given refer to the end of 1951.

HISTORICAL SUMMARY

FOR the railways, the Transport Act of 1947 was the final stage of a development in organisation and state control which had been going on for more than a hundred years. At the end of the "railway mania" of the 1840s and 50s, the railways were in the hands of about 1,200 separate companies. By 1875 this number had decreased to about 250 and by 1914 to not more than about 120, of which only about a dozen were large companies. By the Act of 1921 these 120 companies were statutorily amalgamated into four main-line companies and in 1948 nationalisation concluded the process with the establishment of the Railway Executive. The railways had been operated twice before as a unified system—from 1914 to 1921 and from 1939 until vesting day on the 1st January, 1948. On both occasions this system operated under a Railway Executive Committee appointed by the Government which consisted, principally, of the General Managers of main line companies.

The process of state intervention, starting in the 1840s, introduced the Railway and Canal Commission in 1854, the functions of which were considerably strengthened by an Act of 1888. In 1909 an inter-departmental committee was convened to report on amalgamation. During the inter-war period the railways came under the close supervision of the Railway Rates Tribunal, established with the statutory amalgamation of 1921. A number of Royal Commissions, the best known of which are the Balfour Commission on Industry and Trade (Cmd. 3282) in the 1920s, and

the Royal Commission on Transport (Cmd. 3751) in the early 1930s, investigated the organisation and administration of the railway system. The Royal Commission on Transport, especially, came to the conclusion that no co-ordination would be feasible without unified ownership. The Transport Act of 1947 can therefore be seen as the last step in a steady development of state control.

The purpose of this paper is to outline the new framework set up under the British Transport Commission and to describe the great variety of activities of the Railway Executive (in spite of the "hiving off" of certain pre-war functions) ranging from the building of locomotives and carriages, the upkeep of thousands of miles of track, and extensive land-ownership, to the employment of the largest staff in any undertaking in Britain, excepting only the National Coal Board.

THE TASK OF THE BRITISH RAILWAYS

Under the Transport Act of 1947 a number of functions previously performed by the main line companies were placed under separate management. Hotels, refreshment rooms and restaurant car services, previously controlled by the railways, were transferred to the Hotels Executive. Most of the harbours, especially those of South Wales, Hull and Tees-side, were handed over to the Docks and Inland Waterways Executive, the Railway Executive retaining the operation of Dover, Folkestone, Newhaven and other packet ports. Similarly, the road interests of the railways were

either transferred to the Road Haulage Executive or incorporated into road passenger services of the British Transport Commission.¹ Inland air services operated by the railways were transferred to British European Airways.

Operation of the Railway System

(i) *Rolling Stock*: The Railway Executive controls about:

Locomotives ..	19,500
Passenger coaches ..	42,000
Freight wagons ..	1,110,000
Service Trucks ..	37,000
Motor Vehicles ..	36,000
(14,000 trucks and 22,000 trailers)	
Horses ..	3,000
Ships, including those jointly owned and those operated but not owned ..	137
(Net Registered Tonnage about 77,000 tons)	

The cartage services handle annually about 32 million tons of goods and 150 million parcels..

(ii) *Stations and Permanent Way*

The route mileage of British Railways is 19,400 miles and the track mileage 52,000. The system is served by about:

Stations (including passenger, parcels and freight stations) ..	8,000
Motive Power Depots ..	390
Coaching Depots ..	280
Marshalling Yards ..	960
Signal Boxes ..	10,300

To serve its 2,300 miles of electrified track the Railway Executive owns power stations (for example, Durnsford Road in the Southern Region and Stonebridge Park in the London Midland Region) and a private distribution network linked to that of the British Electricity Authority.

Ancillary Services

(i) *Workshops*

British Railways now, as formerly, manufactures much of its own rolling stock. The Executive has inherited many railway workshops, such as Crewe, Derby, Doncaster and Swindon, whose staff of some 80,000 have, since 1948, produced 300 locomotives, 1,300 passenger-coaches and 16,000 wagons in an average year. Another 100 locomotives, 400 passenger-coaches and 18,000 wagons a year have been purchased from private firms.

(ii) *Stores*

After the electricity and gas industries, British Railways is Britain's biggest consumer of coal. It also consumes about three-quarters of a million tons of steel annually. To procure these and other supplies is one of the chief functions of the Railway Stores Department.

(iii) *Estates and Property*

The railways are among the biggest landowners in the country; the value of land, buildings and permanent way approaching £1,000 million. They also control 51,000 houses and other property, with a capital value of many millions; yearly rents yield £5½ million.

Staff

The total staff employed by British Railways to perform these services (including cartage and marine) is about 605,000. The main categories are:

(1) Administrative, Technical and Clerical Staff ..	77,000
(2) Operating Staff (including nearly 91,000 drivers, motormen, etc.) ..	315,000
(3) Maintenance Men ..	197,000

¹Collection and delivery services remained with the Railway Executive.

The member responsible for civil engineering, signals and telecommunications controls a staff of some 90,000, while the member for mechanical engineering controls over 100,000. Staffs of the operating and motive power departments number nearly 275,000; there are about 100,000 in the commercial department.

THE NEW FRAMEWORK

The structure of British Railways will be discussed under the following headings:

1. Formal status of the Railway Executive and its relationship to the British Transport Commission.

2. Organisation and functions of the Railway Executive headquarters: the composition and working of the Board and the departmental structure.

3. Regional organisation: the broad pattern of the six new regions; a description of regional headquarters; the responsibilities and authority of the Chief Regional Officers.

4. District organisation, underlining the differences between the various departmental districts.

5. Local management: the work of station-masters, goods yard agents, marshalling-yard masters, etc., and the chain of command.

6. Co-ordination:

(a) With the other five Executives under the British Transport Commission with special reference to the co-ordination of research;

(b) With shipping lines and air companies;

(c) Within the regions and districts of the Railway Executive.

1.A. Formal status of the Railway Executive

The basis of the formal status of the Railway Executive within the

organisation of the British Transport Commission is contained:

(i) In the Transport Act, 1947, especially in section 5.

(ii) In the schemes and subsequent instruments of delegation issued under the Act.

(iii) In directions given to the Executive by the Commission in accordance with sub-section (6) of section 5 of the Act.

By the Transport Act the Railway Executive has been formed as a statutory "public authority" acting as "agent" for the Transport Commission to administer the whole British railway system, which has been vested by the same Act into the ownership of the British Transport Commission.

The Minister of Transport is empowered by the Act to issue orders altering the names—or even the number—of the six "executives" without amending the law. The members of the Executive are appointed by the Minister (after consultation with the Commission) and not by the Commission itself.

The Act specifically provides for the legal status of the Executive in the following cases:—

(a) The Executive and not the Commission is the employer of its staff and workers.

(b) The Executive and not the Commission is the party to any contract, and legal proceedings can be brought against the Executive to the exclusion of the Commission.

The Act provides a procedure for the making or revoking of delegation schemes or instruments of delegation, under which far-reaching administrative powers have been conferred on the Executive. These exclude, in the main, the following functions,

which are reserved for the Commission :—

- (a) Promotion of and opposition to Bills in Parliament.
- (b) Creation or issue of any British Transport stock.
- (c) Submission of transport charges or area schemes as foreseen by the Transport Act.
- (d) Disposal of any part of British Railways.
- (e) Borrowing of money, except on current account.

Although the Executive has, formally, very wide powers, the Commission has "directed" it to seek the Commission's approval on the following matters before entering into commitments with third persons :—

- (a) Expenditure on new works or renewals above £50,000.
- (b) Appointment of senior officers and the fixing of their salaries.
- (c) Concluding major national agreements on salaries, wages or conditions of service.
- (d) Transactions in land above stated amounts.

1.B. Relationship between the British Transport Commission and the Railway Executive

Constant meetings take place both between the members of the Commission and the members of the Executive, and, less formally, between employees of the Commission and of the Executive. For example :

(i) *Finance.* The Chief Financial Officer of the Executive is both responsible to his own Executive and associated with the Comptroller (or Chief Financial Officer) of the Commission. Minor points are raised informally, important ones are dealt with in formal memoranda issued by

the Comptroller's department. The following instruments of control are operated by the Commission :—

- (a) Annual Budget, the primary instrument of financial control.

The Executive has also to obtain the Commission's specific approval before spending large sums of money.

- (b) Periodical returns enabling the Commission to compare results with budgetary targets.

(c) Special investigations into particular problems of finance and costs.

- (d) Processes of audit and inspection.

(ii) *Common Services.* The Commission performs "common services" for all the Executives, of which the most important are legal, advertising and films.

Early in 1950, the Executive's legal staff, with the exception of the Legal Adviser and his staff, were transferred to the Commission. It has been laid down that for matters delegated to the Executive, the Chief Solicitor of the Commission acts on the instructions of the Executive, their relationship being that of solicitor and client "in conjunction and consultation with the Legal Adviser of the Railway Executive."

Organisation and Functions

2.A. Composition of the Railway Executive

The Executive consists of nine members, seven being full-time including the Chairman, and two part-time. It is not an "Executive Committee" like the "Railway Executive Committee" which co-ordinated the railways in wartime. The latter consisted of General Managers, each responsible for his own company's interests, whereas the

Executive is a body charged with *collective responsibility* to the Commission to deal with the railways as a unified system.

The Executive is built on a "functional" basis, each of the full-

time members assuming departmental responsibilities in addition to his shared responsibility to the Commission. The distribution of these responsibilities is shown in the table below.

Responsibilities	Name	Pre-nationalisation position
Chairman : Public Relations and Publicity ; Research Estates and Rating ; Police ; Stores ; Civil Defence ; Fire Services ; Paper and Printing Staff and Establishment ; Welfare and Medical Services	John Elliot General Sir Daril Watson, G.C.B., C.B.E., M.C. W. P. Allen, C.B.E.	Deputy General Manager, Southern Railway Quartermaster Department of the War Office. General Secretary, Associated Society of Locomotive Engineers and Firemen.
Railway Operating ; Motive Power ; Marine and Docks	Sir Michael Barrington-Ward, K.C.V.O., C.B.E., D.S.O.	Divisional General Manager, Southern Area, L.N.E.R.
Commercial - Passenger ; Goods, Mineral ; Cartage including terminal work ; Continental Services	David Blee	Chief Goods Manager, G.W.R.
Mechanical - Electrical - Road Motor Engineering	R. A. Riddles, C.B.E.	Vice-President of the Executive, L.M.S.
Civil and Dock Engineering ; Signalling and Telecommunications ; Architecture	J. C. L. Train, C.B.E., M.C.	Chief Engineer, L.N.E.R.

The two part-time members are Sir Herbert Merrett and Mr. George Nicholson.

"The somewhat unusual combination of corporate and functional responsibilities of the individual members of the Railway Executive was deliberately designed to enable benefit to be obtained, in the initial stages of building up an efficient and economical railway industry, from a functional analysis, and the consideration, by specially experienced officers, of the whole series of co-related problems within the jurisdiction of each member."¹

2B. Structure of Executive Headquarters

The groups of departments correspond to the collective and

functional responsibilities of the Executive and its members :—

- (a) The following chief officers are responsible to the Executive as a collective body :—

Secretary
Legal Adviser
Chief Finance Officer

- (b) The following chief officers are responsible to the following "functional" member but in some cases also have a responsibility to the Executive as a whole :—

(i) *To the Chairman*
Chief Officer Administration
Publicity Officer
Public Relations Officer
Chief Officer New Works
Director of Research

¹ *Unification of British Railways* by Members of the Railway Executive, published by *Modern Transport*, p. 49.

- (ii) *To the Executive Member for Staff and Welfare*
 Chief Staff and Establishment Officer
 Chief Medical Officer
 Welfare Officer
- (iii) *To the Executive Member Operating, etc.*
 Chief Officer Operating
 Chief Officer Motive Power
 Chief Officer Marine
- (iv) *To the Executive Member Commercial*
 Chief Officer Rates and Charges
 Chief Officer Continental
 Chief Commercial Officer and the following Executive Officers :—
 Terminals; Mineral Traffic; Road Transport; Passenger; Goods; Special Duties; Chief Horse Superintendent
- (v) *To the Executive Member for Mechanical Engineering, etc.*
 Chief Officer Locomotive Construction and Maintenance
 Chief Officer Electrical Engineering
 Chief Officer Carriage and Wagon Construction and Maintenance
 Executive Officer Design
 Executive Officer Road Motor Engineering
 Executive Officer Special Duties
 Materials Inspection Officer
- (vi) *To the Executive Member Civil Engineering, etc.*
 Chief Officer Engineering Works
- Chief Officer Engineering Maintenance
 Chief Executive Officer Signalling and Telecommunications Engineering
 Chief Executive Officer Engineering Development
 Architect
 Mining Engineer
- The Civil Engineers control about 53,000 men in track renewal gangs, etc. and about 19,000 men in the track workshops. The Signalling and Telecommunications Engineers control about 11,000 men on maintenance work and in construction gangs, and about 1,000 in workshops.
- (vii) *To the Executive Member for Estates, Police, etc.*
 Chief Stores Officer
 Chief Estates and Rating Surveyor
 Chief Officer Paper and Printing
 Chief Officer Police
 Civil Defence and Fire Officer

2C. The Railway Clearing House

The Railway Executive and its headquarters constituted a complete, new organisational structure. In pre-nationalisation days—except in wartime—the only bodies capable of co-ordination were the Railway Clearing House, established in 1842, and the Railway Companies Association which originated in a committee set up in 1854. In the late 1930s the staff of the former consisted of about 2,000 working under a Secretary. Its main function was to arrange payment for traffic carried over several systems and control rolling stock on a common-

user basis.¹ The Transport Act, 1947, abolished the Railway Clearing House, although postponing arrangements for its final dissolution (see British Transport Commission's Annual Report, 1950). At the end of 1950 it still employed a staff of 635. Many pre-war writers predicted that with nationalisation the industry could dispense with this staff. It is not publicly known whether this saving has been achieved as no staff figures are published for the Railway Executive headquarters.

Regional Organisation

3A. The Pattern of the Six Regions

British Railways is organised in six Regions :—

Region	Territory
London Midland	Former L.M.S. in England and Wales.
Western	Former G.W.R.
Southern	Former Southern Railway.
Eastern	Former Southern Area of L.N.E.R. (Doncaster and Leeds to London).
North-Eastern	Former North-Eastern Area of L.N.E.R. (Doncaster and Leeds to Berwick).
Scottish	Former L.M.S. and L.N.E.R. Lines.

Although the Regions are mainly based on the territory of the old railway companies, re-organisations have been taking place in order to make them more compact. This has involved re-planning in such centres as Manchester, Leeds, and Bristol, previously served by more than one company. The intention was that in any territory all railway activities would be under only one administration and all staff would belong to only one Region. Some of the difficulties of re-planning may be described by quoting from a Railway Executive booklet, *A Step Forward: Revision of Regional Boundaries* issued to

members of the staff on the introduction of this system :—

With regard, however, to operating arrangements over important lines with heavy flows of traffic, any change would involve heavy cost in altering control equipment, and interference with train and traffic working based on long experience. Therefore, generally speaking, the existing operating arrangements for trains and traffic working will be preserved, including the existing operating and motive power districts, divisions and regions. The following are examples of such important lines :—

Former L.M.S. Birmingham and Bristol main line will con-

tinue to be operated by the London Midland Region, although it will come within the revised boundary of the Western Region.

Former L.N.E.R. (G.C.) line from London (Marylebone) to Manchester (London Road) will continue to be operated throughout by the Eastern Region, although the line in part will come within the revised boundaries of the Western, London Midland and Eastern Regions.

Such lines will be termed "penetrating lines" and the

¹For details of its co-ordinating work see *The Railway Clearing House, 1842-1942*, by J. E. T. Stanbra, Secretary of the Railway Clearing House, in *Journal of the Institute of Transport*, April 1942, p. 441-444.

operating and motive power officers will continue to exercise the same control over them as formerly, with the difference that the main principle will be applied to the extent that the departmental officer will report to the Chief Regional Officer of the new (or geographical) Region for those matters coming within the function of the Chief Regional Officer. For example, in regard to staff matters (promotion, redundancy, negotiating machinery, etc.), staff employed on a penetrating line will be members of the new geographical Region. These arrangements mean that in the operating department there will be no disturbance of the existing line of responsibility from station to district office, divisional office and departmental office; the only alteration in the routine of the work will be such as to ensure that staff and other appropriate matters are brought within the organisation of the new geographical Region.

	Total	London Midland	Western	Southern	Eastern	North Eastern	Scotland
Locomotives ..	19,600	6,300	3,800	1,600	3,600	1,800	2,500
Stations (passenger and freight) ..	8,250	1,960	1,912	933	1,172	983	1,290
Motive Power Depots ..	390	106	88	35	55	51	55
Marshalling Yards ..	947	291	221	42	144	95	154
Total Road Mileage (including electrified sections) ..	19,468	4,207	4,352	2,104	2,922	2,335	3,548
Passenger journeys originating (in thousands) ..	981,675	225,369	107,286	373,642	161,022	50,927	63,429
Freight train traffic originating (in thousands of tons) ..	291,348	80,552	47,433	8,283	45,215	64,788	35,077
Annual Coal consumption: (thousands of tons) ..	13,748	4,533	2,305	1,027	2,615	1,124	2,144
Annual Electricity consumption: (thousands of units) ..	814,421	115,614	2,598	600,820	73,676	21,713	—

¹B.T.C. Report 1948. Sec. 82.

With the exception of the Scottish Region, which corresponds with the divisional organisation in road haulage and with the grouping of the Commission's road passenger interests under the Scottish Omnibus Company Limited, the Regions do not coincide with the regional limits of the other five Transport Executives.

Size of the Regions

The Regions are administrative units rather than "transport basins". This affects the methods of accounting: "Decentralisation of responsibility has been followed by appropriate sub-divisions of expenditures but receipts cannot always be so treated and in consequence no proper statements can be made of the 'net results' Region by Region."¹ However, statistical tables are produced in the Commission's Annual Report, giving much regional detail. Some of these figures are reproduced from the 1951 Report below to show the size and diversity of the Regions:—

The *Railwaymen's Year Book*, 1948-49 (p. 15 ff) gave the following staff figures for the various regions:—

L.M. Region ..	207,003
Western Region ..	113,601
Eastern Region ..	104,694
Southern Region ..	74,379
Scottish Region ..	74,138
North Eastern Region ..	57,776

To obtain the current staff figures for the individual regions, the adjustment of regional boundaries subsequently carried out will have to be borne in mind. This means an increase for the North Eastern Region owing to staff transfers from the Eastern and London Midland Regions in the West Riding. These figures clearly show that each individual region is a large-scale organisation in itself.

3B. Organisation of Regional Headquarters

(i) Position of the Chief Regional Officer

In each Region a Chief Regional Officer (C.R.O.) reports direct to the Executive and is responsible for administration within the policy and general instructions of the Executive, and co-ordinates the activities of the Regional departmental officers. He has considerable power to initiate new projects, and his powers have been increased since the post was first instituted. The Chief Regional Officer handles the following matters:

(a) *Staff*: appointment of regional staff up to £1,500.

Accountant	Marine Superintendent	Road Motor Engineer
Regional Staff Officer	Civil Engineer	Stores Superintendent
Regional Medical Officer	Signal and Telecom-	Estate and Rating Surveyor
Commercial	munications Engineer	Public Relations and
Superintendent	Mechanical and Electrical	Publicity Officer
Operating Superintendent	Engineer	Treasurer
Motive Power	Carriage and Waggon	Stationery Officer
Superintendent	Engineer	

¹See *Railway Gazette* 12th October, 1951. P. 393.

(b) *Capital expenditure*: the C.R.O. has authority to spend money on new works up to £5,000. All recommendations for larger schemes pass through him to the Executive. He supervises the issue and acceptance of tenders, submitting large items to the Executive¹.

Broadly, the Executive's departmental pattern is reflected at Regional level, the Regional departmental officers being responsible to and directed by the functional Members of the Executive. Though the C.R.O.'s specific powers are considerably greater than those of the old General Managers his status is lower as he has no authority to take final decisions on policy—a natural consequence of the fact that general management is now the responsibility of the Executive. The C.R.O. is entitled to be informed of decisions and actions taken at the centre which affect his Region, and the organisational plan provides that he should be kept fully advised of what is happening between the functional Members of the Executive and their Regional departmental officers. He also attends a fortnightly Executive meeting.

(ii) Regional Headquarters Organisation

The following is the standard pattern of senior officers at Regional headquarters. These officers form the "regional team" under the co-ordination of each C.R.O.

Subject to local variations, the main changes which accompanied this regional organisation were :—

(a) The concentration of passenger, freight and mineral traffic under the commercial department which also controls freight terminal working and cartage.

These changes necessitated a re-definition of the duties of the commercial and operating departments. In effect, while the Commercial Superintendent is responsible for loading and emptying wagons, the operating side is responsible for the movement of loaded and empty wagons within the limits of movements requiring the use of locomotives. Much re-organisation of freight terminal working has been carried out in London and in the provinces.

(b) The setting up of an independent motive power department equal in status to the operating department. "Operating" is now responsible for stating how many locomotives are needed and seeing that they return on time to the motive power depots. These depots have to maintain and man the locomotives, and attend to the discipline of the motive power staff.

(c) The duties of the former Chief Mechanical and Electrical Engineer have been divided among the Regional Mechanical and Electrical Engineer, the Carriage and Wagon Engineer and the Road Motor Engineer. (At Executive headquarters the functions of mechanical and electrical engineering have been separated. This separation has not taken place in the

Regions as the two functions are converging rapidly at the operational and maintenance level). Carriage cleaning has been transferred from the mechanical engineering to the operating department in two regions where this was not already the case.¹

(d) Signalling and telecommunication work have been divorced from the duties of the Civil Engineer.

4. District Organisation

Each Region is sub-divided into a number of departmental districts which vary in accordance with the work of the departments. These Districts are not identical for all the departments in the region, although in some cases the headquarters of district departments are in the same town, often in the same building. The standard pattern of district organisation, as described below, has not yet been attained in all Regions. In addition the following exceptions should be noted.

(a) In a few cases Divisional organisations are interposed between Districts and Regions. In the London Midland Region, for example, the three Divisional organisations, at Crewe, Derby and Manchester, as set up by the L.M.S., continue to perform the functions of operating and motive power. No such organisation exists for civil engineering, the District Engineers reporting direct to Regional headquarters. In the Eastern Region² the practice existing before vesting day has been retained, by which two Divisional organisations (Eastern and Western), both located in London,

¹One of the principal responsibilities of the former Chief Mechanical and Electrical Engineers was for design, e.g. design of locomotives. All responsibility for design is now concentrated at Executive level. Responsibility for construction and maintenance of rolling stock is, however, delegated to regional level and divided as described above.

²The Eastern and the North-Eastern Regions come under one Operating Superintendent. Other regions have also in some cases common officers in a few departments.

are responsible for the operating Districts. Neither motive power nor civil engineering has a Divisional organisation.

(b) In the Southern Region, operational and commercial work at District level continue to be combined as under the old Southern Railway organisation and the Region is divided into six Traffic Divisions. (The term "Division" which in this case is identical with "District" is also used for the civil engineering organisation of the Southern Region.) A consolidation has also taken place in certain parts of the Scottish Region, where four "Traffic Districts" have been set up, responsible both for commercial and operating functions—an arrangement which was sometimes used in the L.M.S. and L.N.E.R.¹

Apart from the above anomalies, the standard pattern of departmental District organisation is as follows :—

(a) *Operating Districts* under District Operating Superintendents (D.O.S.). These are usually determined by railway geography and the volume of traffic.

(b) *Commercial Districts* under the District Commercial Superintendent (D.C.S.). These usually cover an area providing a sufficient reservoir of industry and population from which goods traffic and passengers may be drawn. (While in smaller places passenger and goods Districts have been consolidated into commercial Districts, in larger places the volume of traffic makes preferable a separation of the functions under District Goods Superintendents and District Passenger Superintendents.) There has also been a general re-organisation to cut out overlapping and duplication of commercial district

offices in important centres previously served by two companies, such as Manchester, Sheffield, Swansea and Bristol and attempts have been made to adapt the commercial district organisation to the district organisation of the Road Haulage Executive, i.e. in East Anglia where, in January 1951, a combined commercial organisation was set up for road and rail services. A District Officer has been appointed "Area Freight Superintendent" for the combined services and he has at his disposal the commercial staff of the Railway and Road Haulage Executives.

(c) *Motive Power Districts* under District Motive Power Superintendents (D.M.P.S.). A motive power district must include at least one main locomotive depot, capable of handling major running repairs, with "garage" and sub-depots.

(d) *Civil Engineering Districts* under the District Civil Engineer (D.C.E.), responsible for upkeep of track and erection and maintenance of bridges, stations and other buildings. The territory controlled differs from that controlled by the operating department since its work depends not only on traffic but on the length of track and number of buildings and bridges for which it is responsible.

(e) *Signalling and Telecommunications Areas (or Districts)* under Area Assistants. The size of these Districts depends on the amount of work in providing and maintaining signals and telecommunications both in signal boxes and offices and out of doors. British Railways also has a complete and separate telephonic system between signal boxes and control centres, and an extensive network of trunk circuits for operating

¹See *Railway Gazette* 14th March, 1952. P. 283.

and commercial business and general departmental use.

(f) *Estate and Rating Districts* under District Surveyors (Estate Agents). For many years estate management has been decentralised to Districts, the work of which depends on quite different criteria from that of the other functional departments. For this reason the number of estate Districts is much smaller, e.g. in the London Midland Region there are seven estate Districts compared with 21 operating Districts.

Apart from these six types of departmental Districts, to be found in all Regions, some Regions also include :—

(g) *Marine Districts* under Marine Superintendents or Managers. These include those packet ports which are still operated by the Railway Executive.

(h) *Road Motor Districts* under the District Road Motor Engineer responsible for the maintenance of the Executive's road vehicles. The size of those Districts depends on the number of vehicles. The boundaries are not identical with those of the Civil Engineering District.

(i) *Medical Officers' Areas*. Under a reorganisation carried out in December 1951, each Region has been divided into "Medical Areas" in charge of a full-time Area Medical Officer responsible to the Regional Medical Officer and, through him, to the Chief Medical Officer at Headquarters. The boundaries of these Areas are not identical with those of other Districts.

The chief alterations carried out in the District organisation since nationalisation have been :—

(a) The Commercial Districts have been consolidated.

(b) The Scottish Districts have been completely re-organised.

(c) The 42 traffic control centres in the London Midland Region have been replaced by 21 Operating Districts in order to conform to the organisation in other Districts.

Two other points may be dealt with under this general heading.

The *Police Forces* of the old railway companies have been unified and placed under the control of the British Transport Commission. This force of about 3,500 has been re-organised into six Police Areas—London, Scottish, Northern, Midland, Eastern and South Western, the Headquarters of which are at Euston, Glasgow, York, Birmingham, Peterborough and Reading. Except in Scotland, these areas are not co-terminous with the Regions but are based on civil police boundaries in order to afford the closest co-operation with the civil authorities. This force also serves the Docks, Road Haulage and Hotels Executives.

Refreshment Room Districts. The 22 Districts control the 400 or so refreshment rooms now organised by the Hotels Executive.

5A. Local Management Organisation

The local departments may be briefly noted :—

(i) *Operation and Commercial*.

To the public the local manager is the station master, the passenger agent or the goods agent. The organisation they command varies greatly with the size of station.

(a) At the largest stations, such as London termini, management may lie in the hands of as many as four people :—

Station Master : who controls operating staff, e.g., shunters,

ticket collectors, cleaners, platform porters, and is responsible to the District Operating Superintendent.

Passenger Agent : who is in charge of the booking office and is responsible to the District Commercial Superintendent.

Goods Agent : who is in charge of freight traffic up to the point of loading and unloading into wagons, usually described as terminal work, and for cartage, that is, haulage and delivery to and from stations. His responsibility lies with the District Commercial Superintendent.

Parcels Agent : who is responsible to the District Commercial Superintendent.

All these four "local managers" are mainly responsible to their District Officer but also have other departmental responsibilities, the most important being to the Regional Chief Accountant for any local accounts.

(b) In small stations the station master usually looks after passenger, goods and parcels. He is responsible to the District Operating Superintendent for operational matters and the control of operating staff and to the District Commercial Superintendent for passenger, goods and parcels traffic, in addition to his duties to the Regional Chief Accountant. He may also be acting as agent for the District Civil Engineer for payment of track gangs operating from his station.

(ii) *Motive Power*

The type of local management depends on the size of the locomotive depot. The larger depots are usually controlled by a "Locomotive Shed Master" (L.S.M.) who is assisted by a Locomotive Running Foreman

working eight-hour shifts. The smaller depots are usually supervised by a "Shed Chorman."

Apart from these resident staffs, the District Motive Power Superintendent has attached to his headquarters a number of "Locomotive (Running) Inspectors" and Firing Instructors.

(iii) *Civil Engineering, and Signal and Telecommunication*

The Civil Engineering District is sub-divided into "Inspectors' Sections" of 8 to 18 gangs, maintaining the permanent way. To look after bridges, stations and other structures, the District Engineer has a team of inspectors, foremen and artisans.

Each Signalling and Telecommunications District is sub-divided into smaller sections, under an Inspector, for maintenance and renewal work.

(iv) *Mechanical Engineering*

Locomotive, carriage and wagon factories are in charge of Works Managers and Superintendents assisted by specialists and foremen.

5B. The Chain of Command

(i) *Operating*

Member of the Railway Executive, assisted by :

Chief Officer Operating, at Headquarters

Regional Operating Superintendent

District Operating Superintendent

Station Master or Yard Master

This chain may be lengthened, as in the London Midland and Eastern Regions, by the interposition of a Divisional Operating Superintendent. At "Train Control" the chain

leads from the District Chief Controller, through Section Controllers to the signalman in his box.

(ii) *Commercial*

Member of the Railway Executive, assisted by:

Chief Commercial Officer
Regional Commercial Superintendent
District Commercial Superintendent: (in some parts of the country this function is divided between the District Passenger Manager and the District Goods Manager)
Station Master—Goods Agent
—Parcels Agent

(iii) *Motive Power*

Railway Executive Member for Operating and Member for Mechanical Engineering are collectively responsible, assisted by:

Chief Officer for Motive Power
Regional Motive Power Superintendent
District Motive Power Superintendent
Locomotive Shed Master—Shed Chargeman.

In some Regions there is a Divisional Motive Power Superintendent interposed between the Regional and the District Motive Power Superintendents.

(iv) *Civil Engineering*

Member of the Railway Executive, assisted by headquarters officers:

Regional Civil Engineer
District Civil Engineer
Inspector—Foreman—Ganger

(v) *Mechanical Engineering*

Member of the Railway Executive, assisted by headquarters officers:

Regional Mechanical and Electrical Engineer

Works Manager or Superintendent

Foremen, etc.

A similar pattern exists in the other departments, such as Carriage and Wagon, Signals and Telecommunications.

The Chief Regional Officer has not been shown in any of the "chains of command" described above, because it is one of the main features of the organisation that Regional departmental officers are directly responsible to the appropriate member of the Executive and his chief officers who give them instructions, etc. It is necessary to point out, however, that the Regional departmental officers have also to give their Chief Regional Officer loyal assistance and co-operation, and have to comply with his instructions on all matters within the Chief Regional Officer's responsibility as shown in Section 3B(i) above.

6A. Co-ordination with other Executives

In view of the Commission's statutory responsibility to provide "integrated" transport services, an elaborate machinery of co-ordination has been set up.

(i) *The Central Standing Conference on Co-ordination*

This is presided over by the Chairman of the Transport Commission and consists of Members of all the Executives. Its function is to examine the scope for progress of co-ordination other than that depending directly upon charges policy.

(ii) *Standing Liaison Conferences*

"Liaison Conferences" have been established between the officers of the Executives, especially Railway, Road Haulage, and Docks and Inland Waterways, thus enabling common traffic problems to be discussed

and policy to be worked out "down the line."

(iii) *"Ad Hoc" Co-ordination*

Much *ad hoc* co-ordination has been established in such fields as education, or to advise on the linking of local services. For example, the "Standing Training and Education Committee" has been set up by the Commission to co-ordinate training and education policies on the basis of its Training and Education Report approved by the Minister in 1949. This Committee comprises representatives of the Commission and the Executives and has appointed a sub-committee consisting of the Chief Training and Education Officers of each Executive. Another example is the Charges Committee, started in 1948, with its two sub-committees on freight and passenger charges. Co-ordinating committees of this type have been appointed to help prepare the "London Plan" of co-ordination between the Railway Executive and the London Transport Executive. Similar co-ordination has taken place in Glasgow.

(iv) *Co-ordination in Research*

In accordance with the recommendations of the Stanier Committee, machinery has been established to co-ordinate research within all Executives, the Commission having set up a "Transport Research Advisory Council."

A Research Co-ordinating Committee, consisting of the Chief Research Officer of the Commission (Chairman) and the Research Officers of the Executives, has set up specialist sub-committees including one on the dissemination of research information.

More than twenty years ago, the main line companies formed the "Railway Research Service" to exchange technical and economic in-

formation both at home and abroad. This Service was incorporated into the Department of the Chief Research Officer of the B.T.C. and has formed the nucleus of the "Research Information Division." The head of the Division feeds the other Executives with research information. In its overseas contacts the "Railway Research Service" works under its old name.

6B. Co-ordination within the Railways

Some twenty-two committees, mainly regional, have been organised on a technical or departmental basis. These committees (presided over by an Executive member or a headquarters officer but composed chiefly of regional representatives) have taken over the functions of the Railway Clearing House Committees and the wartime sub-committees of the Railway Executive Committee. The committees cover the principal branches of railway administration and, acting on orders from Executive members, investigate schemes to unify equipment, practices and methods. By these means the special conditions and views of each Region are brought to notice before a final decision is reached by the Executive.

A particular problem of co-ordination existed in the field of research. Here a complete integration has taken place of the research departments inherited from the main line companies. The Director of Research of the Railway Executive and the Superintendents of the operational research and the chemical divisions are located in London, and the other three divisions (metallurgy, physics and textiles) have their headquarters and principal laboratories in Derby. The Chemical and Engineering Divisions, however, maintain

laboratories throughout the Regions in order to supply services locally, as before.

6C. Co-ordination with Outside Bodies

To secure co-ordination between the Transport Executives and outside interests, the following conferences, and area conferences, have been set up:—

(a) *Coasting Liner Conference* with five sub-committees, composed of representatives of the Railways, Road Haulage, and Docks and Inland Waterways Executive and the coasting liner companies.

(b) *Chamber of Shipping Conference* composed of representatives of the same three Executives and the Tramp and Tanker Section of the Chamber of Shipping.

(c) *Road Haulage Liaison Conference* consisting of comprehensive machinery for Liaison at all levels between the Railway and Road Haulage Executives and the Road Haulage Association as representing the non-nationalised sector of the road haulage industry.

(d) *Road-Rail Canal Conference* composed of representatives of the three Executives and the National Association of Inland Water Carriers.

(e) *Air-Rail Conference*. The Railway Executive and British European Airways have re-constituted this conference to co-ordinate air-rail policy.

Liaison machinery has also been established with such bodies as the National Farmers Union and the Traders Co-ordinating Committee, and between the Railways and other nationalised industries, especially the National Coal Board and the British Electricity Authority. Co-ordinating machinery was established in 1951 between the Railways, the Fédéra-

tion of British Industries, the Chamber of Commerce and the Road Haulage Executive to discuss freight and operational problems during the difficult winter of 1951-52.

CONCLUSION

Since critics have commented adversely on the organisation of British Railways, and since proposals to change it are now under consideration, it may be permissible to conclude this brief account by making one or two general observations, with the object of throwing it into a proper perspective.

The first point which should be made is that there has been a growing tendency towards centralisation and unification in the railways of this country for more than eighty years. This tendency can be related, on the one hand, to the operating advantages to be obtained from standardisation of equipment, co-ordination of services, and so on; and on the other to the development of telecommunication systems making greater centralisation of control feasible. A further factor has been the relatively small area—compared with many other countries—over which the railway services are maintained, while the two world wars demonstrated the need for greater standardisation of equipment, when it became necessary to use equipment over the whole network without regard to the financial interests of particular companies.

Consequently, even if the centralisation required to bring about this co-ordination and standardisation can be shown to have at the same time certain disadvantages, it would be incorrect to attribute them to nationalisation as such. They are, rather, concomitants of increasing size, and nationalisation is merely the means

by which this process has been carried further.

The ideas of nationalisation and standardisation were common in the '20s and '30s in the railways, as elsewhere, and the men who are now the senior officers of the railways were influenced by them. This leads to the second point to be borne in mind: any formal description such as the foregoing is apt to be misleading in that it makes no reference to personalities. Not only did the ideas of senior officers, generally, influence the pattern which evolved, but it also reflects, in some respects, the ambitions, rivalries, and preferences of single individuals, and the views of those who determined the organisation about the possible repercussions of such factors. Each main line company was strongly committed to its preferred organisation and technical methods, and the general pattern of the transport industry—a Commission controlling six Executives—as well as the pattern established for the Railway Executive itself—reflects in some measure these preoccupations.

These considerations do not, however, invalidate claims that the present organisation is not wholly satisfactory, and on these criticisms a few general comments may be offered. It has been pointed out: (a) that two further layers of control have been added to the previously existing hierarchy, i.e., the Executive and the British Transport Commission¹; (b) that the functional character of the organisation makes for over-centralisation and inflexibility; (c) as a result, it is said, the Chief Regional Officers—who may be regarded as the greatly weakened successors of the former general managers—have been left in an anomalous position since

they have been saddled with the responsibility for effecting regional co-ordination without being given appropriate authority.

The measures proposed to remedy this may be summarised as a strengthening of the regional organisation and a weakening of the Executive. It would seem that these proposals are based on an insufficient appreciation of the situation. As regards the question of over-centralisation, the weakening of the Executive will presumably lead *per contra* to a strengthening of the Transport Commission, which, in the view of many, already exceeds the role laid down for it of being a "small, policy-making body." No doubt many of the staff of the Executive will be transferred to the Commission. The Regional bodies will be still less able to resist the interference of the Commission than the Executive has been, and the net effect will be an even more serious degree of centralisation than before.

As regards the functional character of the organisation, upon which both Executive and Commission are in agreement, though it has been consistently maintained that this is essential for technical unification, yet it can be observed that other industries have managed to carry out their technical functions with only a modest use of the functional principle. One result of a thoroughgoing functionalism is that, even at board level, a body consisting of specialists is created. As specialists, they naturally tend to prefer functionalism. But unification is only a means to the end of public service. Boards of specialists do not perform very successfully as general management boards, and problems such as human relations tend to be neglected. Such boards suffer, too, from a narrowness of

¹Though one former layer—the Board of Directors—he's disappeared.

horizon, which can only be met (as it has been in the case of coal) by importing persons from outside the industry altogether.

Finally, these forces come together at a point of crucial importance, which tends to be forgotten in such discussions: the districts, where the task of railway operation must ultimately be carried out. As noted in Section 4, the various departmental functions are not exercised over common geographical areas, but independently in areas which overlap. It is difficult to see how such an arrangement can avoid a certain blurring of responsibility and confusion of management at the operational level; and that real difficulties exist here there can be little doubt—as witness the attempts made in the

L.M.S. Company to meet them—even though the extent of these difficulties is not always appreciated by higher management. A regional co-ordination would, of itself, do only a little towards resolving them.

The very complexity of organisation, which this article has only partially indicated, no doubt accounts for the nebulousness of the proposals now made, for Railway organisation has become such a mystery to the outsider that detailed study is needed to unravel its structure. It would be disastrous if the new legislation were based on no more careful consideration than the old, and it is, in particular, towards an examination of the problems at district level that further research should be diverted before radical decisions are taken.

The Study of Public Administration in the United States : A Footnote

By W. H. MORRIS JONES

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IN the Summer 1951 number of *Public Administration*, Professor Mackenzie drew attention to the trend in American literature on public administration. "There has been in the last five years," he wrote, "something of a revolution." The revolutionaries are men like Mr. Chester Barnard and Professor H. A. Simon, and the revolution achieved is the turning of public administration studies away from the preoccupation with formal and abstract systems inspired by "principles of scientific management" towards an emphasis on a sociological approach which regards administration as one form of activity by groups of individuals.

While greeting this revolution, Professor Mackenzie is anxious to show the historian's sympathetic understanding of the positive contribution of the earlier writers. "The lectures and text-books of this period were in their own way valuable, because they brought some order into the teaching of the history and law of public administration, which had hitherto been neglected or learnt haphazard on the job." I wish here to make only three small points. First, the revolution is far from complete. Second, in so far as the older doctrines persist, they require more ruthless exposure than either Professor Mackenzie or, for that matter, the revolutionaries themselves have so far made. Third, the revolution itself has culminated in a text book, and while, if there are to be text books, it is better that they should be by Professor Simon than by professors of the old school, it

throws some doubt on whether this is after all the right revolution. "Every institution," said Berdayev, "is the perversion of an idea," and no doubt the same is true of text books. But in the case of public administration, perhaps the answer is to grasp firmly as a guide an idea which contains within itself a prohibition on that love of generalisation which is a source of text books.

These points can be illustrated by considering a new text book recently published in the United States—*Public Administration in a Democratic Society* by W. Brook Graves (D. C. Heath and Co., Boston, Harrap, 1951. Pp. IX and 740. 35s.)

The only interesting feature of this book is its title, its only useful feature its bibliography. The title might lead one to expect some discussion of the relations between the administrative process and a social and political context of democracy. That would have been stimulating and valuable. But it does not happen. There is not even any consideration given to how far one can speak fearwardly of the administrative process or whether the only things worth discussing are United States administration, British administration, Siamese administration. It is true that the whole tenor of the book appears to assume that there are grand principles applicable in all places and at all times, but Mr. Brook Graves' treatment is all the same firmly rooted in U.S. experience, and the connections are nowhere exploited.

The bibliography is ample—each of the thirty six chapters of the book culminates in a useful list of a dozen books, and it is the exception rather than the rule for one of the 740 pages not to have a footnote reference to articles and special studies. That is all very fine—but it also gives the clue to the main defect of the book. Mr. Brook Graves has summarised everything for us—and in doing so has “dehydrated” everything too. All the topics, often interesting in themselves, lose their colour and taste as they pass through this monstrous reducing machine.

The book is divided into five parts. The first describes the U.S. administrative structure—less adequately than it has been done by other authors—and introduces in the boldest and most uncritical manner a few general principles of administration. There follow three parts on personnel management, fiscal management and internal management. The last part is called “External Relations” and deals with the relations between an administrative agency and outside bodies, whether judiciary or the public.

The menace of the summariser is seen most clearly in the part on personnel management. This is a vast subject bristling with subtlety and resting on intricate connections with other disciplines. Mr. Brook Graves has a hundred and fifty pages on the subject, but since he is determined to have a word on all its aspects (in order to be “comprehensive”), this means that we have a handful of generalities on each. The ration proportions are admirable—a little chapter each for recruitment, classification, training, etc.; little paragraphs on interviewing techniques, in-service training, and so on

—but the diet as a whole is unappetising and unsatisfying. The same defect is noticeable also in the other parts; it is difficult not to call futile the few words on handling correspondence (“efficient procedures are necessary”!) and on filing systems.

Mr. Brook Graves is a disciple of Willoughby and has sat at the feet of pundits Gulick and Urwick. But he has the vices of their dogmatism without any of their pioneering enthusiasm. “The accepted principles of scientific management” are all paraded for our instruction—we should observe unity of command, keep the span of control small, ensure (if we can understand what is meant) that “individuals are clearly informed of their organisational location,” arrange clear delegation of authority. We are invited to master the Gulick-Urwick coined word POSDCORB (standing for “the various functional elements in the work of an executive”—viz., planning, organising, staffing, directing, co-ordinating, reporting and budgeting) and admire the great “contribution made to the standardisation of subject matter” by this invention. (The masters are gently reprimanded for omitting two further elements—specialisation and leadership).

For the solemn enunciation of what are hardly more than platitudes, Mr. Brook Graves takes some beating: “The assignment of services to the departments and to the bureaux within the departments should be based on a grouping of related functions.” He likes wherever possible to make lists, and succeeds in making some which are impossible; space unfortunately does not allow a reproduction of his fourteen duties of “top management” (pp. 38-9) which are expressed in the most

unashamed jargon, seem to the present writer barely intelligible, and act on the reader either as a soporific or as a cause of unseemly laughter. There are, of course, charts and diagrams, and most of them are of pyramids and lines of authority.

All this is very sad, for there is a subject of public administration which students and practitioners should study; this, however, is not the way. At one point Mr. Brook Graves quotes Professor Marshall Dimock: “The organisation expert often assumes . . . that stereotypes constitute a reliable guide to action in new situations. But no two administrative situations are exactly alike.” This wise remark points the right way. We require less of the principles of public administration and more of the actual experience of different administrators. It is scarcely an exaggeration to say that more can be learnt from the slim pamphlet of Mr. H. V. Rhodes on the establishment of the Ministry of National Insurance (or from his even briefer lecture on the work of a Director of Establishments and Organisation, published in *Public Administration*, Summer 1952) than from all Mr. Brook Graves’ laboured pages. To some extent, the desire to be comprehensive and general in this

subject is a peculiarly American disease, but a book like Paul Appleby’s *Big Democracy* and certain passages from the great reports of Federal Administration Investigating Commissions are fairly immune.

Public administration as a subject of study can do with a great many specialised enquiries and with an even greater number of personal memoirs written by administrators. Our understanding of American administration is much limited by the absence of the latter kind of material. The ministerial level has been the subject of several illuminating volumes—the *Forrestal Diaries* are an admirable recent example—but the other levels are part of “the dark continent.”

Mr. Brook Graves tells us that he has written this book as a result of twenty-five years’ study of public administration and experience as an administrator at federal, state and local levels. The particular studies which he has published previously have no doubt been valuable. He could perhaps have written a useful volume of memoirs, using the story of his own career to give us an insight into American administrative processes. The book that he chose instead to write is a mistake on the grandest scale.

BOOK REVIEWS

Some Administrative Problems in Governmental Research

By CLARK D. AHLBERG and JOHN C. HONEY. (Syracuse University), 1951. Pp. 115 + appendices.

THIS study by members of the research staff of the Maxwell Graduate School of Citizenship and Public Affairs of Syracuse University deals with the activities of the United States Government in the field of military and civil research and the organising and administrative techniques that are employed. Both in the United States and in this country the State has come in recent years to play a larger part in the carrying out of scientific research, whether fundamental or applied. The authors of this report state that the U.S. Government aimed to spend over one (American) billion dollars in 1951 on such work, and remark that research is now an important function of most Federal Departments as well as of other agencies of Government.

The handling of these activities of Government is very well deserving of close examination. The method employed for this study was substantially that of the personal interview, coupled with indicative questionnaires, and about 150 persons dealing at different levels with the administration of research both in Government and in industry were covered. The subject is dealt with at the Congressional, departmental and laboratory levels.

There are features of the American scene as here described that arrest attention because of their differences from British experience. These primarily concern the role and the influence of Congress which shows a strong desire to keep the research programmes of Government Departments and agencies responsive and responsible to itself, sometimes in detailed and specific ways. This is achieved partly through the legislative process. The annual appropriations process, however, is a more complete and continuing control and provides the most effective means by which Congress supervises and directs the research activities of Government and restricts or encourages some programmes against others; and the authors of this report conclude that Congress is guided in general less by the technical content of programmes or by scientific considerations than by "such matters as

the relative strength of economic and political groups whose needs and interests are served by the technical programme," and also by managerial efficiency.

All this springs largely from the rivalry of the legislature and the executive under the American system of government and from the power and influence of pressure groups, and a significant result is that American research administrators accordingly have to devote much time and care to relationships with Congress and its Committees that their British cousins may largely save. Significantly, one whole chapter is devoted to the study of the impact of Congress upon the research activities of departments. The committees and boards that are set up by Congress to deal with applications for grants and contracts from Government research agencies may have such a complex and sizeable task that a sub-committee system is essential, and this may impose delays and frustrations upon the administrator and result in an unbalance in the support of known as against unknown universities and firms; the legislative and the appropriations processes tend to be used by Congress in present circumstances to favour military more than civil research and the Navy and Air Force more than the Army; and as the degree of support from public groups or sectional interests is a primary factor in settling the attitude of Congress to financial support, the research administrator who wants to make sure that the legislature will back his programmes will be wise to study the techniques for creating a favourable climate in Congressional Committees. The nature of the appropriations process, moreover, may have adverse administrative consequences. The appropriations are normally made on an annual basis, and the money must be committed that year though the actual spending of it may take place over a three-year period without further authority. Where this system obtains numerous difficulties may arise because major research projects may be slow to get going, may need to be modified during their course and may take several years to complete. The estimates have

BOOK REVIEWS

to be prepared twelve to eighteen months in advance of the time when Congress considers appropriations requests so that they tend in any event to be speculative; and the upshot often is that the administrator may either have to suspend research projects because funds run out or may commit himself to expenditure in advance or in excess of needs or without the careful thought that should be given.

At the time this report was prepared there were very few research organisations with appropriations which were continuing or unrestricted, i.e. not limited to an annual term and not having to be committed within the year, though administrative circles wished for the extension of this practice in the interests of efficient planning and flexible management.

The British research administrator is less subject to difficulties such as these, in part because of constitutional differences which result in the handling within the executive sphere of government of some aspects of research policy and administration which in the United States are the subject of intervention by Congress. The House of Commons may from time to time, as some five years ago, conduct a detailed enquiry into the research and development activities of the Departments through the Select Committee on Estimates, and the Public Accounts Committee may closely investigate expenditures, but the periodical review is not backed by the exercise of continuous control or supervision over policy and programme. Apart from the constitutional explanation, however, there is also the difference that the United States has in the field of research a less closely-knit system at the centre than Britain. There is no parallel to the machinery under the Lord President of the Council for dealing with broad questions of civil scientific policy and no equivalent to D.S.I.R., while departments may have to struggle with individual bureaux for the effective control of research policies and programmes, and there is no arrangement for a single appropriation from Congress for all the research activities of a Government department or agency.

This must not be pressed too far. There has now been for ten years, for instance, an Agricultural Research Administration reporting to the Secretary of Agriculture and exercising supervision and control over the research activities of the several scientific bureaux of the Department of

Agriculture—and covering indeed a wider field than our A.R.C., since the A.R.A. deals also with forestry and agricultural marketing research. Moreover, there is not the unity of underlying practical objective among the research units of some departments that makes overall programming essential; while it is general for the staff and service function, as distinct from the research function, to be the responsibility of the Department and not of the individual research bureau. None the less there tends to be less administrative integration at the departmental level than under the British system, though that is not to say that the exchange of information and personal contact is less. Nor is interdepartmental co-ordination as far developed. The authors remark upon the existence of general agreement that in applied and developmental research, these being the main fields of work of Governmental organisations, adequate co-ordination is lacking; and by this is meant not the avoidance of overlapping and duplication of effort but the absence of "purposeful collaboration among participants in the achievement of common or closely related objectives."

Some measures have been taken within the last few years with the aim of making Governmental programmes and activities a more integrated whole. The chief of these have been the creation of the Interdepartmental Committee for Scientific Research and Development and of the National Science Foundation. The latter, however, is concerned mainly with fundamental and not with applied research, while the former has devoted itself primarily to administrative questions such as uniformity of appropriation practice and of research contract policy and has been handicapped by having no financial means of its own; although the National Science Foundation now provides the money it needs. Moreover, it is remarked that the members of the Interdepartmental Committee are more responsive to the special interests of their Departments and agencies than to the Government research and development programme as a cohesive whole. The authors are clearly not confident that these bodies will do all that is required to tighten up the American system and give it the measure of central supervision or guidance that is needed.

The report also describes the military set-up, and gives an appreciation of the varying systems of organisation adopted by

the three Services, the Air Force having most fully integrated its research and development programmes, and of the working of the Research and Development Board of the Department of Defense which was created in 1947 to bring together the three Services under civilian chairmanship in order to resolve conflicts and formulate agreed policies and programmes. Evidently the Board has proved no panacea for the problems that are inescapable and probably not completely soluble in any country where Service rivalries exist; but even within that limitation it is clear that there is scope for more effective organisation, for improved relations between military and civilian personnel and for greater departmental loyalty and effective departmental leadership which, the authors suggest, demands a separate and an integrated research and development organisation at the departmental level—very much as is

found in leading industrial firms whose situation and problems are perhaps not so very different in essentials from those of Service Departments.

The administrative aspects of the planning of research programmes and of the control of individual projects as well as the many problems of laboratory organisation, including those of the relationship between Service officers and civilian scientists in the conduct of military research and the place of the administrative assistant in the scientific institution, are also dealt with in this interesting and well-arranged study which is, at times, however, presented in a somewhat solid and abstract fashion, and the British research administrator should find in it useful guidance despite the background differences between his and the American scene.

R. G. R. WALL.

The English Local Government Franchise: A Short History

By B. KEITH-LUCAS. (Blackwell), 1952. Pp. viii + 258. 27s. 6d.

THE history of local government from 1835 to our own day has still to be written. Until it is, we are dependent mainly upon Redlich and Hirst's two volumes published in 1903 and upon such specialised studies as this by Mr. Keith-Lucas. In the first part of his book, the author considers the extension of the franchise as it concerned the three main groups of local authorities, vestries and guardians, municipal corporations, and counties. In the second part, he studies the concomitants of the franchise; election procedure, qualifications of electors and elected, nominated members, and various safeguards against precipitate democracy.

The book contains a great deal of history which previously had to be sought for in Acts of Parliament, reports of Select Committees, evidence given before Royal Commissions, and in local records, and the student is in the author's debt not only for the material in the text, but for the clarity with which it is presented.

Most historians have assumed that the Municipal Reform Act of 1835 created a wider franchise than did the Reform Act of 1832. The Hammonds, in *The Age of the Chartists*, and in more detail Lady Simon, in an article in *Public Administration* in October, 1936, showed that this

was not so. It is of great interest that Mr. Keith-Lucas has gone further, and by his study of the actual numbers of voters in each borough for which the figures can be considered reliable, has at last given a definite answer for a number of towns which can be assumed also to apply without significant error to the rest. He concludes that if the freemen, who retained the Parliamentary vote for their lifetime, are excluded, the number of municipal voters was roughly equal to the number of Parliamentary. He also brings out the large increase in those having the municipal franchise that resulted, almost accidentally, from the Small Tenements Rating Act of 1850.

It is understandable that books such as Mr. Keith-Lucas's should be written on the history of English local government and refer only incidentally to contemporary developments in Scotland. Yet the English and the Scottish systems were constructed by the same Parliament and reacted constantly upon one another. Therefore to describe English local government development in terms of English influences without taking full account of those of Scottish, or to a much lesser degree Irish, legislation and events is to present a necessarily incomplete picture.

We still await over this, as over almost the whole, field of the history of local government, the comparative facts.

It is a pity that Mr. Keith-Lucas, like other writers, has picked out more shade than light in the career of the Metropolitan Board of Works, and has dismissed the light of the Board's considerable achievements in a few lines. Like them, too, he has tended to attribute the shade to the system of indirect election. A Londoner may perhaps say that he appears not to have given special study to London institutions. For instance, the concession to anti-aldermanic opinion that gave the L.C.C. and the metropolitan borough councils one alderman in six instead of the one in three of the boroughs and counties; the fact that women

already sitting on vestries and district boards lost their right to be elected when the London Government Act was passed in 1899; and the necessity, which lasted till 1939, for a two-thirds majority in the circumstances of section 57 of the Metropolitan Management Act, are alike unnoticed.

These minor omissions, however, only serve to emphasise how small are the flaws in this well-written, concise and accurate account of a complicated subject. Mr. Keith-Lucas describes the building of a part of the local government system we now have, and there is a great deal in his book to interest all those who are concerned with their inheritance.

E. C. R. HADFIELD.

Industrial Democracy and Nationalisation

By HUGH CLEGG. (Blackwell), 1951. Pp. 147. 9s. 6d.

MR. CLEGG begins by tracing the meaning of Industrial Democracy from French syndicalism, through guild socialism, to the chastened and restricted concepts of contemporary British socialists and gives a clear, penetrating and objective account of the problems now seen to be involved in its realisation. He then reviews the problems and especially the labour problems of nationalised industries and concludes with an examination of suggestions for realising industrial democracy more fully within them. Democratic socialists accept, as social democrats did not, the permanent need for organised opposition in Parliamentary democracy and this has its counterpart, though with significant differences, in the role of the Trade Union in industry. Mr. Clegg accepts this and distinguishes this concept of democracy, which is primarily a safeguard against tyranny, from the concept of it as "free co-operation in the pursuit of common aims," which can be realised only in small societies. "Both theories are useful and both kinds of democracy are desirable" but "they must be distinguished because the kind of organisation which is best fitted to give democracy in the one sense is ill suited to give it in the other." In Mr. Clegg's view, "organised opposition is a prerequisite of democracy, at least on a large scale. Only so long as the trade unions act as an opposition to management will they serve the interests of democracy." So, though he looks for

"democracy of common purpose" in the individual establishment, he thinks that it is rightly sought through consultation and not through any form of workers' control, whilst above that level common purpose is increasingly liable to degenerate into a sham. On this analysis Mr. Clegg bases proposals for decentralisation carried down far enough to give each individual establishment a high degree of autonomy.

Mr. Clegg is admirable at grasping nettles; he is outspoken without being provocative. He has done a great service in setting out so clearly the theoretic steps by which he reaches the conclusions "that it is necessary for a Union both to oppose and to agree and that industrial arrangements deserve to be called democratic only when these two functions are within the region of balance." Practical trade unionists may be more ready than theorists to recognise that these two functions may co-exist as a fruitful tension rather than as a frustrating contradiction; some will feel that the antithesis is less acute than might be expected; in particular that "common purpose" can operate effectively at higher levels than Mr. Clegg would allow. If so, the cause is to be found in psychological factors to which, it may be felt, the book devotes too little space. One could wish that Mr. Clegg had extended his analysis of the differences between political and industrial societies and their institutions to include the attitudes on which they

must respectively rely. Political democracy as he describes it connotes certain attitudes towards country, government, party and neighbour. What are the corresponding attitudes towards industry, management, union and workmate which must be postulated for the success of an industrial democracy in which the government (i.e. the management) can be freely entered by individual members of "the ruled," but can never be replaced as a "Government" by that "Opposition" which all the ruled support?

Some may feel that Mr. Clegg's suggestions are less convincing than his analysis. His proposal to eliminate the level of control immediately above the individual establishment would raise acute problems of management; for the optimum size of the unit of management is normally much higher than the group of a few hundreds which Mr. Clegg rightly regards as ideal for the purpose of "democracy for a common purpose." Would the autonomy thus purchased for the individual establishment be worth the price, even judged by the needs of industrial democracy alone? The undertakings which have been most successful in establishing consultation in the workplace have done so, not by letting their managers get on with it alone, but by manifesting a continuous interest in it from the top; such stimulus from above can only come through a management team held in

sensitive mutual rapport by personal contacts inconsistent with the kind of decentralisation which Mr. Clegg advocates. The need for a "management team" cannot be decentralised out of existence and the problem of relations within it, themselves an aspect of industrial democracy, deserve attention.

On these and indeed on almost every statement in the book there will be "sturdy doubts and boisterous objections"; but few, whatever their views, will fail to find their thought on this highly charged subject clarified and deepened by reading the book.

It has a curious origin. A Fabian research group of which Mr. Clegg was the rapporteur published an interim report in July, 1950, under the title of "Labour in Nationalised Industry"; then, being unable to reach further agreement, authorised Mr. Clegg to write an individual essay to stimulate discussion. Members whose help he acknowledges discussed it in draft, but the responsibility was his. Many of the group, he records, strongly disagree with much that he has written. They and the Executive Committee of the Fabian Society are to be the more congratulated on the course they took. Mr. Clegg's book will provide a very good basis for the discussion which they wish to stimulate.

GEOFFREY VICKERS.

The Control of Public Expenditure: Finance Committees of the House of Commons

By BASIL CHUBB. (Oxford University Press), 1952. Pp. 291. 25s.

THIS book is a history of the Public Accounts Committee since its establishment in 1861 and of the Estimates and National Expenditure Committees of the present century, with a brief sketch of the numerous Parliamentary inquiries which led up to them. It is not concerned, as Mr. Chubb explains, with the more spectacular aspects of financial policy in which the House of Commons as a whole is primarily interested, nor with detailed Treasury control. It relates to the institutions and procedures which the House of Commons has devised to assure itself that Government financial policies which it has approved are effectively carried out. Mr. Chubb's account of the development of

these Committees owes much in knowledge and understanding to his careful study, not only of their numerous reports, but also of the evidence on which the reports are based. The mass of detail which he has had to master has not prevented him from giving the reader a clear and interesting story.

It is a remarkable fact that, although the House of Commons established its right to appropriate grants in 1688, it was a century and a half before it fully appreciated the need to make this right effective by ascertaining how the money has been spent. This they did by the system of appropriation accounts introduced from 1832 onwards, and their examination by

the Public Accounts Committee set up in 1861, assisted by the machinery of the Exchequer and Audit Department under the Act of 1866. Mr. Chubb shows how the completion of this system was due to Mr. Gladstone and his political and official associates and how the 19th century Public Accounts Committee was inspired by his spirit. "By nature the mid-Victorians disliked Government spending." They would have been horrified by the modern idea of "true economy." At the same time Mr. Gladstone clearly conceived the functions of the Public Accounts Committee as precluded from commenting on policy and as limited to enforcing strict standards of financial regularity, and the strength of the system came from the identity of interest between the Committee and the Treasury and (with occasional friction) the Comptroller and Auditor-General. Mr. Chubb rightly points out that with the turn of the century there came a major change in the attitude of public opinion towards Government spending: since that time the immense increase of public expenditure has involved a marked change of emphasis. Audit has become selective instead of detailed, and the interest of the Public Accounts Committee has shifted to the review of such matters as contractual methods and the unsolved problems of the new public corporations. It has to be admitted that the interest of members in the work of the Committee is less than it was, and that the work is now mainly done by the chairman and one or two members with the assistance of the Comptroller and Auditor-General. But the authority which the Committee still enjoys and its tradition of judicial procedure may well hereafter of vital importance in maintaining our high standards of financial administration.

With the increase of Government spending in the present century there arose demands for some new form of House of Commons control. This was no doubt in part due to Parliamentary jealousy of the growing power of the executive which in other countries often seriously impedes administration. In dealing with the Estimates Committees and the wartime National Expenditure Committees, Mr. Chubb is on more debateable ground than in his earlier history. He faithfully records the chequered story of these Committees and the constitutional difficulties involved. The pre-1914 Committee was admittedly a failure, and the work done between the

wars has been described as "of a minor order."

Under the wise guidance of Mr. Herbert Samuel the National Expenditure Committee set up in 1917 did valuable work in awakening opinion to the importance of financial considerations and of the re-establishment of Treasury control, but its later history is less happy. To the methods and work of the corresponding committee during the recent war Mr. Chubb attaches great importance. Such a judgment is still very controversial. The Committee, with its wide system of Sub-Committees (which did not publish their evidence), was most ambitious and paid little attention to any "policy" limits. It is significant that, as Mr. Chubb mentions, the chairman became generally regarded as the unofficial leader of a small critical minority in the House of Commons from 1941 onwards, and that he was the mover of a vote of no confidence in the Government in July 1942. Mr. Chubb describes the Committee as "a substitute for an opposition." A less favourable comment was that of a member who resigned because he did not think that there was room for more than one government at a time. The Committee imposed heavy burdens on already overworked higher officials and Mr. Chubb scarcely does justice to Mr. Morrison's fear of their repetition after the war. It may be questioned whether the results achieved were commensurate with the efforts. Anyhow these methods could not be accepted in peacetime. Mr. Chubb suggests that the post-war Estimates Committee has sought to avoid both the verdict of useless, which had been the fate of its predecessors, and that of dangerous attached to the wartime bodies. It has usually investigated either selected pieces of business or problems, like the development of "O. and M.," not confined to one or a few departments. He commends its continued use of Sub-Committees which no doubt widens its scope, but the fact that members of the full Committee make consideration of their reports "almost a formality on the ground that, not having heard the evidence, they are in no position to judge" is obviously open to criticism. In any case it must be recognised that House of Commons attempts to control the amount or the details of public expenditure are subject to definite limitations. The bulk of expenditure is determined by policy and discussions in the House

follow the ancient principle of "grievances before supply": indeed nowadays demands are generally for an increase of expenditure. It is true, however, as Mr. Chubb says, that constitutional needs demand that Parliament be reassured that value is

being given for public money. His analysis of the process of trial and error by which the Estimates Committee has reached its present stage of development is a valuable contribution to this end.

G. C. UPCOTT.

How the Civil Service Works

By BOSWORTH MONCK. (Phoenix House), 1952. Pp. 258. 25s.

THIS is another book—there have been two or three lately—describing the present machinery of government mainly for the enlightenment of intelligent taxpayers presumed to be somewhat defeated by its complexity. Mr. Monck appears to have spent four years in compiling it, and as it turns out his analysis is not quite such a novel contribution to the literature of public administration as he may four years ago have expected it to be. In particular, much of his ground has been covered by Mr. T. A. Critchley ("The Civil Service Today," reviewed in PUBLIC ADMINISTRATION, Summer, 1951). The two books are pretty similar in general scope, and also have substantial similarities in tone: Mr. Monck, like Mr. Critchley, goes in a good deal for chatty background and human interest, e.g. "Ministers—men who a day before may have hung on straps in crowded tube or bus—roll in chauffeured cars to imposing portals, which incidentally only within the last year or so bear outside a label showing the kind of business carried on within."

Mr. Critchley has an easier and more fluent style, but Mr. Monck has more facts. He acknowledges assistance from the Treasury and other Government Departments, and has obviously tried most amiably to satisfy his official mentors' pernicky insistence on accuracy and completeness. His information is not entirely up to date—he does not, except in sporadic footnotes, cover anything that has happened since mid-1950. There are a few howlers and omissions (the oddest, in view of Mr. Monck's opinions about the undesirability of letting civil servants settle too long in one place, is the lack of any reference to the Superannuation Act, 1949, and its provisions about early retirement). But from such a mass of official information he has produced a surprisingly readable book—or, at least, a surprisingly readable first half of a book.

Mr. Monck has the advantage over Mr. Critchley of no longer being a serving civil servant. Moreover, as chairman of the Fabian group which reported in 1947 on "The Reform of the Higher Civil Service," he has a reputation to maintain. He is therefore more critical and controversial than Mr. Critchley. His method of mixing fact and comment very thoroughly together sometimes makes it a little difficult to follow his chain of thought; and sometimes his approach is naive—e.g. his worry over whether civil servants hampered the policy of the Labour Government, as if that were the only conceivable problem connected with the loyalty of the Civil Service to its political masters; or his confident certainty that "anyone with an interest in the welfare of the country and an aptitude for responsibility" can learn "in a year or two" all he needs to know for any but the very top jobs in the administrative class of the Service. But he will stimulate most people to think, if only to disagree with him; and he is also quite capable of shrewd judgments. He sees the issues comprehensively, even if he does not get to the heart of each.

His introductory chapter of suggestions for reform is, in this reviewer's respectful opinion, a pity: it tries much too hard to produce something startling and discussion-worthy. No civil servant, Mr. Monck says, should spend more than five years in one Department. A minimum percentage of each grade should be temporary. Nobody should reach the higher classes except through the lower. Establishment divisions should only be a source of information about "standards of pay and so forth," and control of "work, well-being and general efficiency" should be decentralised to the heads of divisions and branches. If a civil servant is not suitable for promotion by a certain age, he should "pass out of the promotion

zone" and be eligible for retirement "without dishonour." The whole machinery of government should be reviewed every five years by a "citizen of suitable experience," appointed by the Prime Minister. There are other proposals also. It is difficult to take them all seriously, and when it comes to working out the cumulative effect of all of them taken together, as Mr. Monck is anxious they should be, hardened administrators may find that imagination boggles. It is fair to say that the book itself is more sensible than the introduction.

The entire second half of the book, 118 pages of it, consists of nothing but straightforward description of "What Government Departments Do," and for this half the present reviewer is tempted to borrow one of Mr. Monck's own engagingly artless remarks (on another subject)—"I deal with it so briefly, not because it is

insignificant, but because there is nothing much to be said." Department by Department and division by division, Mr. Monck perseveringly translates official organisation charts into narrative: Division IM2A of the Board of Trade deals with textiles, Division IM2B is responsible for organic and inorganic chemicals, fertilisers, rubber and tyres, pottery, miscellaneous commodities and consumer goods industries including beds and laundries, and so on and on—although the narrative does not tell us, any more than an organisation chart would tell us, exactly what "dealing with" means. One is bound to admire Mr. Monck's industry. Seekers after knowledge who think of relying on him as a reference book should be warned, however, that this kind of thing is apt to become out of date very quickly.

D. JOHNSTONE.

An Introduction to Public Administration

By E. N. GLADDEN. (Staples). 2nd edn., 1952. Pp. 174. 15s.

THE present edition of this book is not very different from the 1949 one reviewed by Professor W. J. M. Mackenzie in this journal (Vol. xxvii, no. 3). An additional chapter has been added on the public corporation and one on the National Health Service. The book has also been brought up to date and includes some useful references to recent material.

The present shortage of British books in the general field of public administration is so acute that almost any addition to the stock is welcome. Two serious reservations must be made about this book, however. It is weak on the side of local government and the public corporations, and it suffers from the author's failure to show the operation of public administration in its proper setting.

So far as the structure and organisation of the central government departments are concerned, the author is, on the whole, a reliable guide, although, as in so many text-books, delegated legislation is not clearly distinguished from administrative tribunals. The charts and tables, which also appeared in the first edition, are generally both novel and valuable. It is a pity, therefore, that the reader may be led by the chapters on the civil service and Dr. Gladden's reputation in this field, to place equal reliance on the rest of the book.

In addition to minor faults in the description of local government (such as the implication that the clerk in every type of local authority is known as the "town clerk") there is a lack of appreciation of the fundamental importance of finance. Details of recent grants and the general text-book material on the merits and demerits of the local rate are outlined, but the crucial problem of how local initiative and independence can be reconciled with increased grants and control by the central government departments is not even raised.

The public corporations are also badly treated in view of the worthwhile writing that has appeared on them recently. The accounts given of questions in Parliament on the nationalised industries and of the reasons for the "increasing degree of decentralisation" embodied in the post-war nationalisation acts are both inadequate and misleading. Consumers' councils and the general difficulty of bringing the public into touch with the corporations are not mentioned at all.

The second main criticism of the book relates to Professor Mackenzie's disagreement with Dr. Gladden's approach to the theory of administration, which is not very convincingly answered in the preface to the new edition. It would seem that a book written from the "level of the middle

executive rather than that of the policy-maker at the top" must necessarily be of limited value and interest. To put this point another way—a general introductory book on "public administration" should surely link its subject either with political science (stressing the "public" in the title) or with administration in general. If it does the first, it will concentrate on the administrative process, but will show it in relation to its political context. The way in which the civil servant, for instance, is responsible to the minister, the minister to the House of Commons, and the House to the electorate, will complement the account of what the civil servant actually does. In such an account the most interesting and vital parts will be those at either end of the administrative process, one being the relationship between the minister and the "higher civil service", the other that between the administrator and the public.

Alternatively, as in H. A. Simon's *Administrative Behaviour* (not referred to in this book), an analysis could be made of the processes which occur in both public and private administration. The features peculiar to public administration could then be investigated on the lines of Lord Stamp's classic article on the topic in an early issue of this journal.

Now clearly Dr. Gladden is not adopting the second of these approaches, although there are a few references to books on business administration. But neither has he adopted the first. There is a brief sketch of the Cabinet and a chapter on "The Part of the Citizen", but the influence of civil servants on the making of

policy is not covered and the relationship of the citizen to public corporations and local government is almost entirely ignored.

The omission of any discussion on the policy-making activities of civil servants is deliberate. The author is determined to separate administration from policy; if the administrator decides policy "he becomes an autocrat and in all probability a bureaucrat" and that way lies the managerial revolution (p. 142). Such a determined effort to divorce policy from administration has perhaps not been made since Frank Goodnow wrote *Politics and Administration* more than fifty years ago. Yet when he is not obsessed with the common man's preference for "brass tacks" over "airy philosophising" (p. 158), the author writes quite shrewdly on the issue. It is admitted, for instance, on page 95 "that a good deal of policy-making does in fact go on within the administration at lower levels."

The exact scope of a general introductory book on public administration may legitimately vary. Nevertheless, it is suggested that if the purpose of such a book is to describe "the framework of public administration", the framework must be firmly supported by links with the other social sciences, and in particular with political science. Indeed, if the object is to arouse the concern of the citizen in public administration, it might be prudent, in view of the rather limited superficial interest of its processes, to lay rather more emphasis on its relationship to the general working of democratic government.

R. S. MILNE.

Whitehall to West Indies

By FRANK A. NORMAN. (The Bodley Head), 1952. Pp. 256. 21s.

THIS is a fascinating book, helpful and thought-provoking, and could be profitably read by politicians, public administrators and the general reader. The author's period in the British Civil Service extended from May, 1904, to December, 1944. The book naturally divides itself into four main divisions almost corresponding to the four decades of the author's service, viz., first: Early Days in the Civil Service; secondly: Work at the Ministry of Labour; thirdly: Industrial Relations, including the International Labour Organisation; and fourthly: Labour Adviser in the West Indies. In each of these

spheres the author was enabled to leave the impress of a thoughtful and sympathetic mind, but at the same time to contribute to and discover among his colleagues of all classes, creeds and nationalities that saving grace of humour which is so valuable an asset to those who serve the public interest.

His work at the Ministry of Labour included work as chief of the section dealing with ex-service men, particularly with the disabled men; Claims and Record Office at Kew, and a visit to Ireland where difficulties had arisen in connection with a scheme to help the

demobilised men who were unable to find employment. At Waterford the author suggested improvements in the Employment Exchange and intimated that the alterations should be put in hand at once. He was met by the reply that the work could not be done as all the building operatives were drawing out-of-work donations at the Exchange, and were not available for employment. This aspect of the Welfare State is not, however, confined to the Emerald Isle.

In the Spring of 1939 he received an invitation from the Colonial Office, to be seconded for a period as Labour Adviser to Jamaican Government. This was followed by appointment as Labour Adviser to the Controller of the Fund established under the Colonial Development and Welfare Act, 1940. One of the conditions of a grant from the Fund was that a colony should have passed a minimum of labour legislation. Most of the work of the author fell under two main headings: (1) encouraging the enactment of suitable labour legislation where existing legislation was inadequate to modern requirements, and (2) arranging that each colony should have an appropriate staff to deal with labour questions. It is here, probably, that the mature judgment and lengthy experience as an administrator afforded the author his greatest opportunity. His reflections on the task awaiting the public administration are to be found in the short but concise

Chapter XV: The British West Indies and the Civil Service. Thus he writes:

"When a civil servant of standing leaves his post on retirement from the Colonial Office service, he should report personally to headquarters and relate the experience and opinions he has acquired and the ideas he has formed in the course of his work."

It is alarming to learn that this is not now a normal procedure.

Throughout, the work is lightened by humorous reminiscences. Probably the best is that related about Mr. Ernest Brown. The story goes:

"Then there was Mr. Ernest Brown, who held the office of Minister of Labour for a long time and was a real good sort. He was famous for his knowledge of books and for having the loudest voice of any M.P. The story goes that one day Mr. Baldwin (then Prime Minister) was sitting in his private room in the House of Commons when he heard a loud noise from one of the rooms down the corridor where other Ministers sat. He sent his private secretary to see what was the matter, who on return told Baldwin, 'It is all right, it is only Mr. Brown speaking to his wife in Edinburgh.' 'Why does not Brown speak to his wife on the telephone?' replied Baldwin."

J. J. CLARKE.

Men of Steel

By SIR ARTHUR PUGH. (Iron and Steel Trades Confederation), 1952. Pp. xiv + 624. 21s.

SIR Arthur Pugh has written a human, unpretentious history of the various trade unions which fused in 1917 to become the Iron and Steel Trades Confederation, of which Sir Arthur was secretary from 1917 till his retirement in 1936.

It is a loosely constructed book, a little too detailed for the general reader, informed by the sincere convictions of one known in trade union circles as a "right winger". Sir Arthur Pugh, like other leaders of the iron and steel workers before and after him, emphasises the merits of collaboration with the employers, the avoidance of strikes and lockouts, and the conduct of negotiations by officials holding plenary powers of settlement: "the readiness on the part of some leaders", says the present

secretary, Mr. Lincoln Evans, in his preface, "to justify referring a decision to the rank and file . . . finds its roots, not in any passionate desire to observe some democratic principle but as (sic) a convenient means of escaping the responsibility for making a decision . . ."

These policies found their expression during the 'seventies in conciliation machinery and sliding scales for determining wages by reference to selling prices. Such schemes reflected the current interests of masters and men as they saw them. British predominance in the trade had not yet been challenged; production and prices were rising; employers wanted no industrial strife and agreed with little hesitation to measures which would obviate it.

Whether these methods or the more radical alternatives advocated by other trade unionists have won greater long-term advantages is a subject of enduring controversy: materials for judgment must include close economic reasoning based on an assembly of comparative wage rates correlated with the union policies which have influenced them. Sir Arthur is content to state his beliefs without any such supporting data. His book indeed is no theoretical treatise on trade union methods but a record of "the day by day activities and events, and the human factors which make up the sum total of working-class effort and aspirations

expressed through trade unionism" in his chosen field. It is not on that account to be despised. "In 1897", said the Webbs in *Industrial Democracy*, "some critics ridiculed the idea of attaching so much importance to the workmen's organisations as to write a book about them. In 1920 the same critics are uneasy in their minds as to whether the despised workmen's organisations are not destined to swallow up all other social institutions." We do not need to take so extreme a view to realise the value of factual histories which may form the basis for an assessment of trade union achievements.

LAURENCE WELSH.

Generals and Politicians

By J. C. KING. (University of California Press), 1950. Pp. 244. \$3.50.

The Purse and the Sword

By E. HUZAR. (Cornell University Press), 1950. Pp. 417. \$4.50.

THE problem of the place of the armed forces in the state is one which is never completely solved. Military dictatorships have usually lacked stability and democracy certainly has seldom been able to forget the problem for long except at its own peril. The one-party domination over both civil and military power may have an appearance of greater strength, but there is much evidence (certainly from Nazi Germany, less from the Soviet Union) that internal tensions between party and army are fierce.

It is appropriate that the seventeenth century struggles in England should have turned on the question of the standing army. Echoes of these struggles sounded until the end of the nineteenth century; only with great difficulty was a constitutional framework for the civilian control of the armed forces firmly established. And the first world war quickly subjected the structure to considerable strain; the soldiers and politicians were little accustomed to the practices of partnership which they seemed called upon to perform.

The second world war appears to have exhibited far less dispute and antagonism between the generals and the statesmen—and for this greater experience of each other through membership of civil-military committees during the inter-war years may well be in large part responsible. But what we escaped during the war, we

seem to be encountering in slightly different form in the post-war years. MacArthur, Eisenhower, de Gaulle, Alexander are only the more prominent names of a long list of service leaders who have suggested new aspects of the problem of civil-military relations in the modern state.

No national tradition is more sensitive to military threats to civilian supremacy than that of the United States and it is fitting that two recent studies of the subject should come from that country. Professor King's well written account of the relations between generals and politicians in France during 1914-18 brings out admirably the hazy nature of the line that separates strategy from policy and emphasises too the way in which certain features of the French political scene aggravated the difficulties. Professor Huzar's book deals with the United States and concentrates on the legislature's control over the armed forces during the period 1933-1950. This volume, too, stresses the different shape taken by the essential problem of civil-military relations in the American constitutional framework. It can be regarded also as a useful essay on the financial relations between Legislature and Administration under the separation of powers. Both books underline the absence of any adequate study of civil-military relations in Britain; interesting memoirs are not enough.

W. H. MORRIS JONES.

BOOK NOTES

The State as Publisher

By Sidney Horrocks (Library Association Pamphlet No. 10). Pp. 32.

THIS is a useful and succinct guide to the different kinds of publication of the Stationery Office. Though designed primarily for librarians it should be of value to all who have to find their way among, and need to appreciate the differences between, Parliamentary and Sessional Papers, the Votes and Proceedings of the House of Commons, etc.

University Courses in Social Study

(Joint University Council for Social Studies and Public Administration, 5 Victoria Street, S.W.1). Pp. 18. 1s.

AN authoritative guide to the facilities available at the Universities for training in social work.

Arbitration. A Study of Industrial Experience

By H. A. TURNER. (Fabian Research Series No. 153). Pp. 28. 1s.

A most useful survey by the Lecturer in Industrial Relations in the University of Manchester. On the question of whether arbitrators are impartial he says their concern "is to make the decision which is least likely to provoke resistance by either side . . . Arbitration awards reflect, on the whole, the industrial situation, not the personal prejudice of arbitrators."

The Practice of Politics

Edited by RICHARD BAILEY. (Conservative Party Political Handbook No. 1). Pp. 112. 2s. 6d.

AN amusingly written but useful guide for all who want to take an active part in public affairs. One chapter deals with the organisation of the Conservative and Unionist Party, but most of the remainder is non-political, dealing with such matters as committee procedure, holding meetings, campaigning in elections and speaking in public. There is a full bibliography.

Patterns of Organisation

By the Acton Society Trust. (Study No. 9), 1951. Pp. 32. 2s.

A most useful primer on the organisation of the nationalised industries, giving most of the "facts". It finishes by asking whether four of the main assumptions on which the organisation has been based should be accepted without further question and gives some reasons for questioning

them. The four assumptions are: the great advantage accruing from large-scale organisation; the use of the public corporation instead of the Ministerial department; use of a single national body; and the "tall" organisation due to acceptance of the "span of control". The Society warrant our thanks for their activity but why do they try to cram so much into so little space with the danger that the facts may be distorted or be misleading? To try to deal, as in Appendix C, with the events leading to nationalisation in less than two pages is not playing fair with either the reader or history.

Committee Decisions with Complementary Valuation

By DUNCAN BLACK AND R. A. NEWING. (Hodge). Pp. 59. 10s. 6d.

THIS is a book to be read by those interested in mathematical games. Starting with a committee of three reaching its decisions by a simple majority the authors investigate the conditions that are necessary and sufficient for one motion to be able to get a simple majority over all other motions. The short analysis is supported by a large number of diagrams, some of which look startlingly like those found in the columns of Beachcomber. Somehow we feel that there are some simple truths well hidden in this book. There is no index.

The Nationalization of British Industries

THE Autumn 1951 issue of *Law and Contemporary Problems* (pp. 200, \$1.50), the publication of the School of Law of Duke University, U.S.A., is devoted to articles on various aspects of nationalisation, mainly by British writers. Readers of *Public Administration* will already have seen the article by R. W. Bell on Selection and Training for Management. Of the seven other articles it would be invidious to pick out one for special praise for all have their merits. Mr. Schmitthoff starts by a general survey, followed by Professor Friedmann on the legal status of the public corporation. Miss Cairns deals with the legal aspects of compensation; Mr. Wheldon with finance; Mr. Gratwick with labour relations; Mr. Winter with parliamentary, ministerial and judicial control; and Mr. de Neuman with the economic aspects. Altogether a most useful survey and addition to the literature.

Le Conseil d'État

Livre Jubilaire. (Recueil Sirey), Paris. Pp. 693.

THIS most distinguished volume commemorates the 150th anniversary of the Conseil d'État. Inspired by Professor René Cassin, the Vice-President of the Council, who contributes an all too short introduction, the volume contains almost 50 contributions. The first part deals mainly with the methods of the Conseil d'État and the second part mainly with its influence on the legal institutions of other countries and on administrative law generally. There is a very great deal here that will interest all British students and from which we might learn. There are, for example, the article contrasting the methods of private and administrative law and the various articles on the part played by the Conseil in the legislative process. The contributions on countries other than France include one by Professor Robson on Administrative Law in England, 1919-50, based on his section in the Institute's publication *British Government since 1918*.

Hospital Organisation and Management

By CAPTAIN J. E. STONE. (Faber and Faber), 1952. Pp. 1722. £8 8s.

THIS is the fourth and greatly enlarged edition of a very well known book. As its size indicates it covers a very wide range of matters; law, organisation and management of a hospital, catering, finance, publicity and public relations, and hospital design, to mention just a few. Tucked away between pages 252 and 276 there is even a chapter on Principles of Organisation and Management. This is full of wisdom but one sentence rather frightened us: "In spite of what the staff may think, the real work of a hospital is done by the men who think, plan and originate; the staff are the tools". We were not very reassured to see an organisation chart in the next chapter which shows secretary, accountant, clerk of works at the top in very large type with medical staff and nurses shown most inconspicuously.

The Use of the Licensing Power by the City of Chicago

By MALCOLM B. PARSONS. (University of Illinois Press), 1952. Pp. 198. \$4.50. THE English language is a flexible instrument and it is always entertaining as well as instructive to see it at work in descriptions of American government. In the chapter

on the Licensing of Common Vocations, Mr. Parsons quotes: "The passage of the Illinois Beauty Culture Act impliedly repealed the city's cosmetic . . . establishment ordinances". On the other hand stationary engineers and boiler tenders must still be licensed, along with plumbers and barbers. The city is also empowered to tax and regulate dogs and the tax was recently reduced from \$3 to \$2, perhaps as a result of a canine pressure group. All this and a lot more information is contained in this book leaving the impression that Chicago has more licences per square mile or per round citizen than even we have been able to think up. But a lot of money is raised in this way and here Mr. Parson opines that "as a revenue-raising device, licensing . . . has not been altogether painless."

Lands Tribunal Rating Appeals—a Selected List

(Incorporated Association of Rating and Valuation Officers), 1952. Pp. 174. 17s. 6d.

Fifty-six cases are reported in this most useful volume.

Standards and Techniques of Public Administration

Report to U.N. of a Special Committee on Public Administration Problems. (United Nations), 1952. Pp. 65. 3s. 9d. (To be reviewed.)

Government Assistance to Universities in Great Britain

By HAROLD W. DODDS, LOUIS M. HACKER and LINDSAY ROGERS. (Columbia University Press), 1952. Pp. 133. \$2.50.

A very good account by three American scholars of the financial relations between the Government and the Universities in this country and the status and working of the University Grants Committee. It is a little strange, however, to be told that the Permanent Secretary of the Treasury also serves as Chairman of the Civil Service Commission.

Executives for the Federal Service

By JOHN J. CORSON. (Columbia University Press), 1952. Pp. 91. \$1.50. (To be reviewed.)

Problems of Nationalized Industry

Edited by W. A. ROBSON. (Allen and Unwin), 1952. Pp. 390. 25s. (To be reviewed.)

Parliament—A Survey

Edited by Lord Campion. (Allen and Unwin), 1952. Pp. 296. 22s. 6d. (To be reviewed.)

The Government of British Trade Unions

By JOSEPH GOLDSTEIN. (Allen and Unwin), 1952. Pp. 300. 25s. (To be reviewed.)

The Jeffersonians

By LEONARD D. WHITE. (Macmillan, New York), 1951. Pp. 572. 45s. (To be reviewed.)

The Local Government Service

By J. H. WARREN. (Allen and Unwin), 1952. Pp. 222. 18s. (To be reviewed.)

Principles of Administrative Law

By J. A. G. GRIFFITH and H. STREET. (Pitman), 1952. Pp. 316. 30s. (To be reviewed.)

Public Relations and American Democracy

By J. A. R. PIMLOTT. (Princeton University Press), 1951. Pp. 265. 25s. (To be reviewed.)

The Finance of Local Government

By J. M. DRUMMOND. (Allen and Unwin), 1952. Pp. 206. 20s. (To be reviewed.)

Modern Staff Training

By F. J. TICKNER. (University of London Press), 1952. Pp. 159. 12s. 6d. (To be reviewed.)

Public Administration and Policy Development

Edited by HAROLD STEIN. (Harcourt Brace), 1952. Pp. 862. \$5. (To be reviewed.)

Law and Social Change in Contemporary Britain

By W. FRIEDMANN. (Stevens), 1951. Pp. 322. 37s. 6d. (To be reviewed.)

The British Coal Industry

By H. TOWNSEND-ROSE. (Allen and Unwin), 1951. Pp. 162. 12s. 6d. (To be reviewed.)

Electricity Supply in Great Britain

By SIR HENRY SELF and ELIZABETH M. WATSON (Allen and Unwin) 1952. Pp. 219. 20s. (To be reviewed.)

RECENT GOVERNMENT PUBLICATIONS

THE following official publications issued by H.M.S.O. are of particular interest to those engaged in or studying public administration. The documents are available for reference in the Library of the Institute.

Catering Wages Commission.

8th annual report. 1951. H.C. 185. Pp. 7. 4d. Central Statistical Office.

Annual abstract of statistics. No. 88, 1938-50. Pp. xi, 330. 1952. 21s.

(—) Digest of colonial statistics. No. 1, March-April 1952. 3s. 6d. First issue. To be published every month, covering value of imports and exports, primary products, industrial production, wholesale prices, cost of living, areas and populations.

(—) Monthly digest of statistics. April, May, June. 4s. each.

Central Youth Employment Executive.

Choice of careers series. No. 32. The Civil Service executive and clerical officers. Pp. 48. 1s. 3d.

Colonial Development Corporation.

Report and accounts for 1951. H.C. 167. Pp. viii, 74. 3s.

(—) Report on the Gambia Egg Scheme. Cmd. 8560. Pp. 26. 1952. 1s. Colonial Office.

The Colonial Office list, 1952. Pp. 152. Map, bibliog. 8 Pp. 12s. 6d. Very restricted details in this issue. Staff lists quite short, and the record of services is omitted altogether. Reference should be made to 1951 edition for full particulars.

(—) Colonial research studies. No. 5. Native administration in Central Nyasaland, by L. P. Mair. Pp. 17. 1952. 2s. 6d. (processed). Results of fifteen months' personal investigation in the area.

(—) The colonial territories, 1951-52. Cmd. 8553. Pp. x, 140. 4s. 6d.

(—) Development and welfare in the West Indies 1951: report by Sir George Seel. Colonial No. 282. Pp. 114. 1952. 4s. 6d.

Foreign Office.

Memorandum on relations between the Three Powers and the Federal Republic of Germany, 26th May, 1952. Cmd. 8563. Pp. 9. 6d.

- (—) Memorandum on the principles governing the relationships between the Allied Kommandatura and Greater Berlin, 26th May, 1952. Cmd. 8564. Pp. v. 3d.
- (—) Miscellaneous No. 8 (1952). Memorandum of understanding . . . regarding the administration in Zone A of the Free Territory of Trieste, London, 9th May, 1952. Cmd. 8544. Pp. 3. 3d.
- (—) Report on the proceedings of the General Assembly of the United Nations held at Paris, 5th Nov., 1951—4th Feb., 1952. United Nations No. 1, 1952. Cmd. 8547. Pp. 57. 1s. 6d.
- General Register Office. "Census 1951. Classification of industries. Pp. vi, 82. 1952. 8s. 6d. Arranged under 24 groups of industries, followed by an alphabetical index of industrial terms, with group references.
- General Register Office.
Registrar-General's statistical review of England and Wales for the year 1950. Tables-Part II Civil. Pp. ix, 175. 1952. 5s.
- Home Office.
Report of H.M. Inspectors of Constabulary for the year ended 30th September, 1951. H.C. 208. Pp. 33. 1s. 3d.
- (—) Return of the expenses of each candidate at the General Election of October 1951, in Great Britain and Northern Ireland. H.C. 210. Pp. 86. 2s. 6d.
- Ministry of Fuel and Power.
Annual reports of the Industrial Coal Consumers' Council and the Domestic Coal Consumers' Council for the year ended 30th June, 1952. H.C. 223. Pp. 21. 9d.
- Ministry of Health.
National Health Service. Distribution of remuneration among general practitioners: report of working party. Pp. 8. 1952. 4d.
- Ministry of Housing and Local Government.
Housing return for England and Wales, 31st March, 1952. Appendix B. Pp. 78. 2s. 6d.
- Ministry of Transport.
Public road passenger transport statistics, Great Britain, 1949 and 1950. Pp. 24. 1952. 1s.
- (—) Report on the administration of the Road Fund for the year 1950-1951. Pp. 22. 1952. 2s. 6d.
- (—) Transport policy. Cmd. 8538. Pp. 4. 1952. 3d.
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Report on the supply of insulated electric wires and cables. H.C. 209. Pp. 170. 1952. 5s.
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Report and accounts for 1951. H.C. 190. Pp. viii, 263. 8s. 6d.
- National Health Service.
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- Broadcasting: copy of the licence and agreement dated 12th day of June, 1952, between H.M. Postmaster-General and the British Broadcasting Corporation. Cmd. 8579. Pp. 14. 6d.
- (—) Broadcasting: copy of a new charter of incorporation granted to the British Broadcasting Corporation. Cmd. 8605. Pp. 17. 1952. 9d.
- (—) Monarchs of all they surveyed: the story of the Post Office surveyors. Pp. 56. 25 illus. 1952. 2s. 6d.
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76th annual report by the accountants: accounts for the year 1947-48. Pp. 29. 1952. 1s.
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Report on prisons in Scotland for the year 1951. Cmd. 8543. 1s. 6d.
- Select Committee on Estimates.
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- Select Committee on the Civil List.
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- Treasury.
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Grants-in-Aid to Public Bodies

By J. W. GROVE

This survey of the problems of financial control raised by the extension of Parliamentary aid to a large number of semi-independent bodies is by a Lecturer in Government in the University of Manchester.

IN recent years there has been a considerable increase in the expenditure of money voted by Parliament for independent and semi-independent public or semi-public bodies of all kinds, e.g. the Arts Council, the British Council and the Council of Industrial Design. These bodies are not directly responsible to Parliament and their finances are not subject to the same degree of control as are those of an ordinary Government Department. This article is about the character of this financial aid and the types of financial control in use.

I must make it clear at the outset that the article is not about Local Authorities, though the term grant-in-aid is sometimes loosely used to mean Exchequer grants to them. It was in this sense that Sidney Webb used the term in his book *Grants-in-Aid: A Criticism and a Proposal*, published in 1911. "By a 'Grant-in-Aid,'" he said, "the English administrator understands a subvention payable from the Exchequer of the United Kingdom to a Local Governing Authority, in order to assist that authority in execution of some or all of its statutory duties." It is doubtful whether the statement was true when it was made, at least it was misleadingly oversimplified. It is now no longer correct, as a glance at any recent volume of the Civil Estimates will demonstrate. Payments to Local Authorities are

there referred to as "grants," not "grants-in-aid."¹

The term grant-in-aid has a narrow and special significance in British Parliamentary and Civil Service usage. In 1896 the Public Accounts Committee described some of the characteristics of the grant-in-aid, but could hardly be said to have defined it, and Durell² repeats this description in his *Parliamentary Grants*. According to the Public Accounts Committee of 1896, "the grant-in-aid is:—

(i) an exception to the rule that expenditure within a Parliamentary Vote must be accounted for in detail to Parliament through the Comptroller and Auditor-General, and is subject to his audit;

(ii) an exception to the rule that monies voted by Parliament that are unspent at the end of the financial year must be surrendered to the Exchequer.

The crux of the theoretical distinction between a "grant" and a "grant-in-aid" would appear to lie in the second of these principles. Normally, a Department will estimate the amount it will require to pay out in "grants" during the coming year to various bodies included in its Vote, and if, at the end of the financial year, this estimate is found to have exceeded the amount actually paid out, the balance cannot be claimed by the Department, but must be surrendered to the Exchequer. Theoretically, the grant

¹It is to avoid this confusion that D. N. Chester in his *Central and Local Government* uses the term "Exchequer grant" which he defines (at p. 124) as "a contribution authorised by Parliament and made by a central Department to a Local Authority in aid of a service or services which are provided by, and the statutory responsibility of, a Local Authority."

²A. J. V. Durell, *Principles and Practice of the System of Control over Parliamentary Grants*, p. 200.

in-aid differs from the "grant" in that, as Durell has said³: "When money is voted as a grant-in-aid Parliament . . . dispenses with the condition . . . that any amount issued to the grantee, but not finally expended within the financial year, shall be surrendered. . . . In such cases, therefore, what is not spent in one year is available for the service in the subsequent year or years. . . ." Durell continues: "Grants-in-aid should . . . be considered as exceptions to the rule in our financial system." They are: "a free gift and a final payment, not subject to the normal rule of surrender of any balance unexpended within the year." How far such criteria actually apply to modern grants-in-aid it is part of the purpose of this article to point out. My reason for stressing the "theory" of these principles is that in practice they are liable to considerable modification.

The fact that they do not necessarily distinguish between a "grant" and a "grant-in-aid" may be readily seen by reference to the Broadcasting Vote. Here, as will be seen, the B.B.C. Home and Television Services are financed by what is described as a "grant"—not a "grant-in-aid"—yet this "grant" is an exception to the rule that expenditure within a Parliamentary Vote must be accounted for in detail to Parliament through the Comptroller and Auditor-General, and is subject to his audit (the accounts of the B.B.C. are commercially audited), and it is an exception to the rule that monies voted by Parliament that are unspent at the end of the year must be surrendered to the Exchequer (the B.B.C. does not return any unspent part of its "grant" to the Ex-

chequer). On the Public Accounts Committee's "definition," the B.B.C. "grant" should be called a "grant-in-aid," yet it is not so called.

I shall not attempt any further definition, however, but make it clear that I shall be talking about "grants-in-aid" as that term is used officially in the Civil Estimates.

The Public Bodies Concerned

A Treasury Memorandum⁴ submitted to the Public Accounts Committee during the 1950/51 Session lists more than 150 separate grants-in-aid amounting to over £142 million for the year 1951/52, or rather less than 5 per cent. of the gross total⁵ of all estimated Government expenditure for that year. This total includes some very large grants-in-aid (e.g. £23 million to the University Grants Committee) and also some very small ones (the smallest was £150 to the Solicitors Discipline (Scotland) Committee). These grants-in-aid are made by Parliament:—

(a) to various "Funds" (e.g. the Road Fund, the Development Fund, the Agricultural Marketing Fund, the Forestry Fund) under the control of Government Departments or semi-independent bodies, the Funds being created to "take the subject matter out of politics," as Sir Ivor Jennings has put it.⁶ Some of these Funds are fed, not only by the grant-in-aid, but by appropriations in aid, for example, the Forestry Fund and the Agricultural Marketing Fund. The Forestry Commission (which administers the Forestry Fund) obtains a large part of its revenue from sales of timber. The Agricultural Marketing Fund

is wholly financed from appropriations in aid, the grant-in-aid appearing in the Estimates as a token figure (£10).

(b) for particular purposes overseas, such as reconstruction in Korea, financial assistance to Jordan, etc.

(c) to a variety of independent or semi-independent bodies performing public functions, in order to assist them in the performance of some or all of those functions. A list selected from the very large number of bodies of this sort is given in the table below.

has received the whole of the licence revenue collected by the Post Office less a collection charge. For the present year (1952/53) it will receive about 80 per cent., the rest going to the Exchequer. The Overseas Service is, however, a special service for which the B.B.C. acts wholly as an agent for the Government. Since 1946 all expenditure by the B.B.C. on the Overseas Service has been reimbursed by way of a grant-in-aid. Any balance of the sum issued from the grant-in-aid which remains unexpended at the end of the financial year is not liable to be surrendered

Name of Body	Estimated Grant-in-Aid for 1951/2	Approximate proportion of Grant-in-Aid to total income
Council of Industrial Design	£215,000	95%
British Travel & Holidays Association ..	£485,000	80%
British Institute of Management	£35,000	rather more than 50%
British Standards Institution	£90,000	40%
British Film Institute	£44,620	not known
B.B.C. Overseas Service	£4,650,000	100%
British Council	£1,862,000	nearly 100%
Arts Council	£875,000	nearly 100%
	(£300,000 for Festival of Britain)	
Medical Research Council	£1,900,000	100%
University Grants Committee (Deposit A/c.)	£23,300,000	100%
Agricultural Research Council	£1,026,000	100%
Legal Aid Fund (Law Society)	£1,200,000	100%
Forestry Fund (Forestry Commission)	£6,734,000	80%

This list includes most of the more important bodies receiving grants-in-aid, together with some others which have been selected to illustrate particular points in what follows. A preliminary comment is necessary on three of these grants-in-aid. First, on the B.B.C. Overseas Service. The B.B.C. is not itself fed by a grant-in-aid. It receives its income for the Home Services (including television) from licence revenue. This (as has been seen) is described in the Estimates as a "grant" and not a "grant-in-aid." For the last two years, the B.B.C.

to the Exchequer, but the accounts of the expenditure from the grant-in-aid are "open to inspection" by the Comptroller and Auditor-General. This latter does not apply to the "grant" for the Home Services, the accounts of which are commercially audited.

Second, the grant-in-aid to the Universities also needs a preliminary word. The total grant-in-aid is paid into a Deposit Account. From this Account, block issues as required are made to the University Grants Committee, which then distributes the money as individual grants-in-aid

³Durell, *op. cit.*, p. 200/1.

⁴Appendix 4 to 4th Rep. P.A.C., 1950/51 (H.C. 241-1).

⁵i.e. before deduction of appropriations-in-aid.

⁶Jennings, "Parliament," p. 336.

among the various Universities and Colleges. The block issues from the Deposit Account must be accounted for to Parliament through the Comptroller and Auditor-General, but the expenditure by individual Universities of their grants-in-aid is not subject to his audit. Any balance of the sum issued to the University Grants Committee that remains at the end of the year does not have to be surrendered, even though it may not all have been distributed. Similarly the individual university does not have to surrender the balance of its grant, though it may be added that it seldom has any balance to surrender!

Third, there is the method of creating special "Funds" fed by grants-in-aid, once a popular device in the pre-war era, but which appears to be going out of fashion. A recent example, however, is the Legal Aid Fund, which is administered by the Law Society under the general supervision of the Lord Chancellor's Office. The Fund was created by the Legal Aid and Advice Act, 1949, which was designed to make legal aid "more readily available to persons of small or moderate means."

As will be seen from the table, in many cases the grant-in-aid is the sole source of income available to the body receiving it. In other cases, it forms a very considerable proportion of total income. Some small grants-in-aid listed in the Treasury Memorandum referred to above are little more than "subscriptions" by the Government to the receiving body, but the bulk of the total expenditure by way of Parliamentary grant-in-aid now consists of payments to bodies wholly, or almost wholly, dependent on the

Government for financial support. Many of these bodies are now receiving from four to five times the amount they received in this way in 1946/47. Partly, of course, this is explained by rising costs; so that by no means the whole increase is due to expanded activity. About one-third of the total number of grants-in-aid-listed in the Treasury Memorandum have been instituted since 1945.

These three factors: the almost total reliance of many of these bodies on public funds, the large increase in the number of grants-in-aid, and the rapid increase in total expenditure, are facts that have weighed very heavily with the Public Accounts Committee, which has recently been giving the matter a good deal of attention.⁷ In spite of the misgivings of the Committee on the subject, the Permanent Secretary to the Treasury has expressed the view that: "there are certain types of activity which can really only be effectively sponsored or which the Government can only effectively help by means of a grant-in-aid." He was thus led to argue that the increase of public expenditure in this form is largely unavoidable.⁸

There are a number of reasons for providing public or semi-public bodies with grants-in-aid. They may be given to assist in promoting functions of national importance which are already being carried on by these bodies, but which cannot be adequately developed within their existing resources. An example would be the grant-in-aid given to the British Standards Institution. This body is a Chartered Corporation, and its purpose is to draw up, and get accepted, standards of quality

for the products of British industry—a function of great importance at the present time. Secondly, the grant-in-aid may be the way of financing bodies specially created by the Government to perform functions of public importance, but which for political and other reasons are best not performed by an ordinary Government Department. Such a case would be the British Council. Thirdly, the grant-in-aid may be used to finance science and the arts; a field in which the modern state tends to take an interest, but where there is a strong consensus of opinion against "state interference." Examples are the Arts Council and the Medical Research Council.

These "reasons" rest, it is true, upon certain assumptions about the desirability of giving state aid at all, or of giving it in this particular form, which not everyone would accept. The Public Accounts Committee has itself questioned the desirability of financing agricultural and medical research in this way, and has considered whether the Medical and Agricultural Research Councils could not be converted into ordinary Government Departments subject to normal Ministerial, Parliamentary, and Treasury control.⁹ But the argument rests chiefly on the comparatively large sums these two bodies now spend, and on recent evidence that the Committee considered as showing a certain lack of strictness in Treasury control, particularly in regard to the Medical Research Council.¹⁰

There is a dilemma here. When very large sums are being spent it can be argued that Parliament, its Chief Financial Officer, the Comptroller and Auditor-General, and the

Treasury, should have greater control over details. There is a clash between the demand for closer Parliamentary and financial control over large expenditures, and the freedom of action that some kinds of state spending seem to require. Any discussion of this important topic must take account of the actual extent to which bodies in receipt of grants-in-aid are subject to financial control, and how this control compares with the control exercised over normal Departmental spending.

Forms of Financial Control

The wide variety of treatment of different grants-in-aid makes it difficult to generalise about financial control. As Durell has said¹¹: "Generally speaking, the making of a grant-in-aid implies a waiving of parliamentary control over the expenditure in detail." It is assumed that Parliament, having granted a lump sum for a broad purpose, does not wish to make too detailed an enquiry into the manner in which the money is spent. And as with parliamentary control generally, so with control by the Auditor-General and the Treasury. With an ordinary Departmental Estimate, Parliament expects to be informed in some detail of the objects for which the money is required and will expect the Auditor-General to find, when he audits the accounts, that the money has in fact been spent on those objects. It will also expect the Treasury to maintain a fairly close watch on the Department's Estimates from year to year, and upon current Departmental spending. The basic principle of the grant-in-aid is that it should be free from the control exercised over an ordinary Govern-

⁷See 3rd Rep. P.A.C., 1948/49; 4th Rep., 1950/51; 1st Rep., 1951/52, and Minutes of Evidence.

⁸P.A.C., 1950/51, Evidence, Q 4279.

⁹3rd Rep. P.A.C., 1948/49, para. 18.

¹⁰4th Rep. P.A.C., 1950/51, paras. 38-45.

¹¹*Op. cit.*, p. 201.

ment Department. But this is not to say that it should be (or can be) completely free from control by Parliament and the Treasury.

A great many bodies receiving grants-in-aid are now required to submit to the Comptroller and Auditor-General's audit, which means that they are effectively accountable to the Public Accounts Committee of the House of Commons though (and this point will be taken up again later) not as completely accountable as an ordinary Department. The "carry-over" of unexpended balances from year to year is, as will be seen, hedged around with limitations, and in some cases is of little practical significance, although it is a feature to which a great deal of importance is attached by laymen. The important fact about the grant-in-aid is that it is the unexpended portion of the grant *that is actually issued* that is not surrenderable to the Exchequer. But the Treasury can, and does, exercise an important control in many cases, by restricting the issue to actual current needs by "short issuing" the grant (as it is called) if it appears that the full amount will not be required during the year, and the amount that the body will be allowed to carry over to the following year will be a matter for agreement between the Treasury and itself. This gives the Treasury an important reserve power of control over expenditure, and in such instances it is quite misleading to look upon the grant-in-aid as a "free gift" with which the body can do what it likes.

I now propose to consider in some detail the manner in which financial control is exercised over bodies receiving these grants-in-aid.

As is well known, there are three main stages in the expenditure of

public money by an ordinary Government Department. The first is the stage in which proposals to spend money are formulated by the Department and submitted to the Treasury for approval. This may be done either in the annual Estimates or in a special case where the specific approval of the Treasury is required (e.g. expenditure on a new service). These proposals are scrutinised, amended, and then formally approved by the Treasury. Proposals embodied in the annual Estimates are then printed and presented to Parliament at the appropriate time. The Estimates specify in a good deal of detail how the money to be voted by Parliament will be spent by the Department.

The proposed expenditure is presented in the Estimate under "subheads" — salaries, travelling expenses, special services, etc.—and once the Estimate has been approved by Parliament it is not possible for a Department to transfer savings under one subhead in order to spend them under another subhead (this transfer is known as "*virement*") without the prior approval of the Treasury. Similarly, if the Department finds that it is going to overspend its Estimate under one subhead, it cannot transfer money provided for under another subhead without the Treasury's approval. The Treasury may refuse to "sanction *virement*," in which case the Department will have to go to Parliament for a Supplementary Estimate in order to get approval for the increased expenditure under that particular subhead.

The second stage—when the money has actually been voted—is the spending of the money by the Department on its various services. Nowadays the Treasury leaves the

Department with a good deal of freedom, within defined financial limits, at this stage. The detailed management of the services is the responsibility of the Department. The Treasury's responsibilities consist in:—

(i) seeing that the Department is organised, and is operating in such a manner as will secure economy and efficiency in administration;

(ii) keeping in touch with the progress of expenditure by the Department, principally by calling for periodic reports on schemes involving large expenditures;

(iii) controlling staff salaries and staff numbers. Otherwise, at this stage the primary responsibility for administering the services with economy and efficiency rests with the Department itself.

The third and final stage is that of "audit and report" by the Comptroller and Auditor-General, and examination by the Public Accounts Committee, to which both Treasury and the Department are answerable. The first two stages of financial control may be called the "Treasury stages," the third, the "Parliamentary stage."

The corresponding first stage in the financial control of grants-in-aid is the actual fixing of the grant. Normally the "parent" Department (i.e. the Department on whose Vote the grant-in-aid is carried) will have discussions with the body at Estimates time, on the basis of a budget for the coming year which the body has drawn up. In the case of very small grants-in-aid which are in the nature of "subscriptions" relatively fixed from year to year this yearly review will not take place, but it applies to all the more important grant-aided bodies. The only major

exception at present is the University Grants Committee, the grant-in-aid to which is fixed on a five-yearly basis.

When the budget has been discussed, amended and agreed between the body and its "parent" Department, it will then be submitted as a provisional estimate to the Treasury. Here it will be the subject of further discussions between officials of the Department and the Treasury officers responsible for that particular Department's Estimates. In some cases, the "parent" is the Treasury itself (e.g. the Arts Council and the University Grants Committee, which are carried on the Treasury's Votes) so that discussion naturally takes place directly between the appropriate Treasury officers and the officials of the body concerned.

It is quite clear that the greater the reliance of the body upon public funds (i.e. the more of its income it receives by way of a grant-in-aid) the more important from its point of view this stage will be, for its work depends upon the amount of money it can get. When Government spending is comparatively "free" (as it was a few years ago) this stage will not provide so much difficulty, but when the Government is seeking to reduce public expenditures (as it is at present) there may be pretty stiff bargaining, the Treasury being called upon to assess, as accurately as it can, the value of the work the body is doing "in the public interest."

The amount of information required from the grant-aided body in its "Estimate," as compared with that provided by an ordinary Government Department, varies considerably from one body to another. The Estimate for the British Council (as printed in the Volume of Civil

Estimates presented to Parliament) is quite as detailed as that for a Department. So is that for the Medical Research Council, as a glance at the printed Estimates will show. This is usually because Parliament has asked for the information in detail. The fact that a detailed Estimate is presented for the *information* of Parliament is not necessarily an indication of the extent to which the Treasury will interfere in the details when fixing the grant, nor that it (nor Parliament) will seek to control the body in detail when the grant is fixed. It happens that in the case of the British Council it does so interfere, but this is not so with the Medical Research Council. A great deal depends upon the nature of the body, and upon other factors such as the degree of political controversy that surrounds it, its reputation for financial sobriety, and so on. This point will be taken up again later.

In most cases, the Estimates for these bodies are submitted under a few broad heads only, since the Treasury considers this sufficient for the purpose of fixing the grant, and because, usually, the information is required only for this purpose, and not to give the Treasury a detailed control over the way the money is to be spent. This is not to say, however, that the Treasury will not give a general eye to the "merits" of the various items out of which the Estimate is composed—for instance, to suggest that administration costs are rather high—and in this sense, of course, the Treasury can be said to "interfere." Such an examination may, however, be essential to the fixing of the grant.

In the Table on p. 301, the major

exceptions to the remarks in the preceding paragraphs are the British Council and the Forestry Commission, two bodies fed by grants-in-aid which are in practice treated almost exactly as ordinary Government Departments.¹²

In some cases, where the grant-in-aid is very small, the Treasury may merely want to see the accounts of the previous year's working in order to be assured that the money is not being wasted, and it will not enquire at all into the detailed purposes for which the next grant-in-aid is required. Such a case, for example, is the grant-in-aid to the Marriage Guidance Council.

It is Treasury practice to examine all *capital* projects in detail, before approval, in the case of grant-aided bodies wholly dependent on public funds (100 per cent. grant-aided).

In the case of the grant-in-aid for the B.B.C. Overseas Service, the interested Departments are the Foreign Office, the Colonial Office, and the Commonwealth Relations Office. They decide in general terms what the overseas broadcasting requirements are (i.e. to what countries, how many hours a week, etc.) and, on the basis of these agreed requirements the B.B.C. produces an Estimate. This is then considered by a "working party" consisting of officials of these Departments, together with representatives from the three Service Departments and the Post Office (the "parent" Department), with a Treasury representative in the chair.

In fixing the grant-in-aid to the Arts Council, the Treasury has the assistance of an Assessor, who attends all meetings of the Council's Executive and Finance Committees.

He is at present a Third Secretary at the Treasury with responsibility for (among others) the Social Services Division. As "Assessor" he is responsible for advising the Chancellor of the Exchequer on the amount of the grant-in-aid, his job being to sit in on meetings and "get the feel of the thing," to give advice, and to "watch Treasury interests." His presence, it is said, gives the Treasury "a better insight next time the grant comes up."¹³

This device is peculiar to the Arts Council. The Public Accounts Committee would like to see the practice extended, but the Treasury are opposed to this. There are a number of possible reasons, the major of which appears to be that there is a danger the official may become too much "identified" with the interests of the body on which he sits. The Treasury argue that there are plenty of "enthusiasts" for the work done by these bodies among their own staffs and among the officials of the "parent" Department. The job of the Treasury is (if necessary) to dampen the ardour of experts, and for this reason Treasury officers should not be ensnared in the experts' web, but should be in a position to sit back and regard their activities with a suitable detachment.

Moreover, where the business is highly technical, as with the Medical Research Council for example, the Treasury official is at an undoubted disadvantage when faced by the expert, and in such cases nothing more is to be gained by appointing an "Assessor" than can already be got from normal day-to-day contacts between officials of both parties. There is also the objection that the appointment of an Assessor tends to detract from the "independence"

of the body. It is not clear to me, however, why these objections should not apply equally to the case of the Arts Council.

I now pass to the second stage, at which the grant-in-aid, having been fixed, and voted by Parliament, is actually spent. Once the amount of a grant-in-aid is settled, the general principle—though there are some exceptional cases—is that neither the Department nor the Treasury will exercise supervision over the way in which the body spends the money. This general principle is, however, subject to a number of qualifications. Firstly, in the case of most of the larger bodies, the "parent" Department (with the approval of the Treasury) must consent to the creation of posts carrying salaries of £1,000 per annum and over. The Treasury has complete control over all salaries, establishments, and conditions of service in the case of the Forestry Commission (whose staff are Civil Servants), and to a large extent in the case of the British Council (whose staffs are not Civil Servants but where salaries and conditions, etc., are now closely related to the Civil Service pattern). The Treasury also controls salaries only in the case of the Medical and Agricultural Research Councils. The reason for this is the importance, from the point of view of the Government, of keeping these salaries in line with the scales applicable to the Scientific Civil Service. The staffs of these two bodies are not, however, Civil Servants.

Secondly, the Treasury exercises complete control over *virement* (transfers of savings on one subhead of expenditure to another in the Estimate) in the case of the Forestry

¹²For a discussion of the present status of the Forestry Commission, see S.C. on Estimates, Minutes of Evidence, 1948/49, Qs. 2613 *et. seq.*

¹³S.C. on Estimates, Minutes of Evidence, 1948/49, Q 4474.

Commission and the British Council. It does not do so in other cases, including even very large "spenders" like the B.B.C. Overseas Service and the two Research Councils. This is an important difference as compared with the control exercised over a normal Government Department where (as has been seen) any savings under one head of expenditure can only be spent under another head after the Treasury's approval has been obtained. But the "parent" Department does expect to be informed of wide variations in spending between one subhead and another in the body's Estimate, particularly where capital expenditure is involved. New projects also require the consent of the "parent" Department before they can be started. These conditions apply particularly to the 100 per cent. grant-aided bodies.

An important difference between a body financed by grant-in-aid and an ordinary Government Department is the "right" to carry over unexpended balances from year to year which the former possesses. But, as we have seen, this is a strictly conditional right. This is particularly so in the case of bodies receiving 100 per cent. grants-in-aid. The Treasury will "short-issue" the grant-in-aid if it appears during the course of the year that an over-estimate has been made for some reason, so that the body is not left with a large unexpended balance at the end of the year. That is, the whole grant will not be issued and part will be returned to the Exchequer. In this the Treasury exercises discretion and generally allows the body to retain a "reasonable working balance" from year to

year. What constitutes such a balance is decided annually and on the merits of each case. The ability to "build up reserves"—one of the advantages that the giving of a grant-in-aid is supposed to provide—is thus strictly conditional on Treasury approval. Moreover, it is in all cases Treasury practice to take into account the size of the balance likely to be remaining at the end of the financial year when the next year's grant is being fixed. This does not altogether nullify the value of the "carry-over," but it does give the Treasury a real control over the financial position of the body concerned.

The Arts Council appears to be the only large body in our Table receiving a 100 per cent. grant-in-aid that was not short-issued in the manner just described in 1950/51.¹⁴ In some cases indeed (such as the Legal Aid Fund) the issues can be (and are) strictly related to current cash requirements month by month. An attempt is now made (on the recommendation of the Public Accounts Committee) to relate them fairly strictly in the case of the B.B.C. Overseas Service and the two Research Councils, though this, in the nature of the case, is more difficult.

Where it appears that a substantial balance will accrue because of some genuine economy the body has made, and not merely because of some more or less "accidental" factor (e.g. the postponement of some major item of capital expenditure) the Treasury will take account of this when fixing the next grant. But as a matter of principle, the Treasury takes the view that "it is undesirable that public funds should be placed in the

hands of outside bodies until they are needed,"¹⁵ and consequently, "it is customary to relate the actual cash issues to grant-aided bodies to their needs in such a way that they do not at any time during the year come in to possession of funds in excess of their immediate commitments." This is to prevent "the temptation to spend surplus funds on projects unprovided for in the original estimate."

It is clear from all this that a body in receipt of a grant-in-aid may be subject to a very much stricter financial control than is sometimes supposed.

There are, finally, a number of general conditions laid down by the Treasury for all bodies fed by grants-in-aid. These are merely rules of financial prudence that one would expect to find applied to any body with public responsibilities, e.g. they may not borrow money by way of bank overdraft, etc., without the consent of the Department or the Treasury; they must follow normal Departmental practice in obtaining competitive tenders, and so on.

I now turn to the third and final stage, the stage of audit and report by the Comptroller and Auditor-General, and accountability to the Public Accounts Committee of Parliament.

Rather more than one-quarter of the total number of grants-in-aid listed in the Treasury Memorandum (see above) are subject to the detailed audit of the Comptroller and Auditor-General. This number includes the largest "spenders" like the British Council, the Arts Council, the two Research Councils, and also (in our Table) the Council of Industrial

Design. The accounts of a further half-dozen or so bodies, at present, are "open to the Comptroller and Auditor-General's inspection." These include, in our Table, the Legal Aid Fund, the British Film Institute, the B.B.C. Overseas Service, and the British Travel and Holidays Association. The Treasury have now agreed to accept a recommendation of the Public Accounts Committee that where a body receives the bulk of its income from a grant-in-aid, it should be subject to the Comptroller and Auditor-General's inspection—so that the number of bodies in this category may be expected to increase. The reason for the P.A.C.'s recommendation is obvious. Where the accounts are audited in detail by the Auditor-General, the Public Accounts Committee will have as full an access to the facts as they have with an ordinary Government Department. They are considerably handicapped in their examination of the affairs of bodies financed by grants-in-aid where the Auditor-General has no access to the accounts. The device of "inspection" by the Comptroller and Auditor-General is a compromise between full audit by the Auditor-General and no kind of inspection of the accounts at all, and it does give the Public Accounts Committee some guidance. It must be remembered that, in general, bodies receiving grants-in-aid are under no obligation to lay their accounts before Parliament.

Nearly three-quarters of the grants-in-aid listed in the Treasury Memorandum are neither audited in detail by the Comptroller and Auditor-General, nor open to his "inspection." But none of these (excluding grants-in-aid to foreign

¹⁴The latest figures available from the Comptroller and Auditor-General at the time of writing.

¹⁵Appendix 4 to 4th Rep. P.A.C., 1950/51.

and colonial countries)¹⁶ exceeded £200,000 on the 1951/52 Estimates, and most of them were less, many very considerably less, than £100,000. Most of the larger bodies, in other words, are now subject either to full audit by the Auditor-General or their accounts are at least "open to inspection." It would not be true, however, to say that they were as fully accountable to him, and to the Public Accounts Committee, as a Government Department. The main purpose of the Comptroller and Auditor-General's Department is "to ascertain whether the money expended has been applied to the purposes for which Parliament granted it."¹⁷ In the case of grants-in-aid, with some exceptions, these purposes are not specified in such great detail as they are in the case of an ordinary Government Department. It follows that the less stringent the conditions attaching to the issue of the grant-in-aid, the less complete is the control of the Auditor-General. If the Treasury, when fixing the grant, does not specify in detail the exact purposes to which it is to be applied, it follows that the Comptroller and Auditor-General cannot enquire into a failure on the part of the body to apply the grant to particular approved purposes.

That is not to say that audit of a grant-in-aid is not important. It is, for another of the functions of the Auditor-General is "to call the attention of Parliament to . . . facts which appear to him to indicate an improper expenditure or waste of public money."¹⁸ This he can do effectively if he audits the accounts in detail himself, and with rather less effect if the accounts prepared

by commercial auditors are open to his inspection. He can then, in his Reports, call the attention of the Public Accounts Committee to anything he thinks worthy of their attention and investigation.

Views of Public Accounts Committee

The degree of financial control to which a body receiving a grant-in-aid is subject seems to depend, generally speaking, upon a combination of two factors:—

- (i) the extent to which it is dependent upon public money—the total amount, and the proportion of the grant-in-aid to total income from all sources;
- (ii) the nature, purpose, and history of the particular body concerned.

On the whole, financial control in practice seems to give greater weight to the second of these factors. Thus the Medical Research Council receives the whole of its income from the grant-in-aid yet because of the nature of its function, and other factors, it is comparatively lightly controlled.

Where two bodies are equally dependent on state financing for their income there may yet be considerable differences in the degree of control to which each is subject. For example, both the Arts Council and the British Council receive comparatively large sums annually from the Exchequer, and both are almost wholly dependent on the grant-in-aid for their income. Yet the British Council is much more rigidly controlled than is the Arts Council. This is largely due to differences in the nature of their

functions, the circumstances in which they were created, and the degree of political controversy that has surrounded their activities.

The Public Accounts Committee would apparently prefer greater weight to be given to the first of the two principles, for it has said¹⁹: " . . . the degree of Government control must depend on the proportion of Government grant to total income, and the independence of these bodies, which is one of the main justifications for the grant-in-aid system, must be impaired if they are wholly or mainly dependent on Government grants." To some extent this is a statement of fact, but there is a strong prescriptive element in it—the P.A.C. would like to see the larger bodies subjected to a greater measure of financial control. Up to the present the Treasury has tended to resist this pressure (except in certain cases, of which the British Council is the most notable), and has maintained the view that it is undesirable that it should extend its influence too far, since it is part of the nature of a grant-aided body of this type that it should be largely free of control.

The Treasury has had long experience in dealing with bodies of this sort, and its officials tend to know, with a good deal of precision, what degree of trust can be reposed in them. Sir Wilfrid Eady, speaking of the Medical Research Council for example, has said²⁰: " . . . the general experience with the M.R.C. is very satisfactory. They are not empire-builders, and they have got something of the rather parsimonious tradition of research work at low cost."

The exact extent of control to be

applied in each case is a matter for discussion between the "parent" Department and the Treasury, and it may (and does) vary from time to time. Certain general principles may be laid down at Ministerial level, and, in some cases, various aspects of the control may be modified by the views and recommendations of the Public Accounts Committee. In the main, however, the conditions upon which the grant is made are decided between officials "on the merits" of each case. It is, in the final analysis, at the Treasury's discretion to attach any conditions of control it thinks fit. Treasury control is an extremely flexible instrument and can be applied with a greater or lesser degree of strictness according to circumstances. The British Council is controlled almost as strictly as a Government Department. It preserves the outward appearance of independence for reasons of foreign policy, but for various reasons of domestic policy—one of which is the great amount of public criticism to which it has been subjected—it is not in fact independent.

*With most other bodies receiving grants-in-aid it is considered desirable to maintain more than a mere outward appearance of independence. The reasons differ from case to case, but there is the general argument that too close a control can lead to a weakening rather than a strengthening of financial responsibility in the body concerned.

We have noted the considerable differences in the extent to which these bodies depend upon the grant-in-aid for their income. The Public Accounts Committee has strongly urged²¹ that where a body has some

¹⁶The Colonial grants-in-aid are in any case audited by the Director-General of Colonial Audit who reports to the Comptroller and Auditor-General.

¹⁷Epitome of Reports from the Public Accounts Committee (H.C. 161 of 1927), p. 58.

¹⁸Epitome *op. cit.*, p. 297.

¹⁹3rd Rep. P.A.C., 1948/49, p. 17.
1950/51, Q 4681.

²⁰P.A.C. Minutes of Evidence,
²¹3rd Rep. Public Accounts Committee, 1948/49, para. 19.

independent source of income, "voluntary financial effort should be stimulated either by limiting the duration of the grant or by making it proportionate, subject to a stated maximum, to the amount of voluntary subscriptions forthcoming." The Committee has "noted a tendency" (which is undoubtedly true) "for Government assistance to result in drying-up rather than stimulating voluntary financial effort."

An attempt has been made to apply these criteria to the British Institute of Management and the British Standards Institution (see Table)—in the case of the former, by limiting the duration of the grant, and in the case of the latter, by tying the grant to a pound-for-pound contribution based on subscriptions from industrial members. The British Institute of Management, which is registered under the Companies Act, 1948, as a company limited by guarantee without share capital, was set up as a result of the report of the Baillieu Committee appointed by the President of the Board of Trade in November, 1945, "to formulate detailed proposals for setting up a central institute for all questions connected with Management." It began work in 1948, and has built up a considerable subscription list. Its members include about 900 industrial companies (mainly small firms) and a number of Government Departments and nationalised industries also subscribe. As can be seen from the Table, it gets rather more than 50 per cent. of its total income from the grant-in-aid, the remainder coming from these industrial and other subscriptions.

The B.I.M. grant-in-aid was originally fixed (in 1946) at a maximum of £150,000 to be spread

over five years. In 1949, the total was raised to £240,000 to be spread over six years, by the end of which time (i.e. 1953) the Government hoped the Institute would be self-supporting. This has not yet proved to be the case.

The British Standards Institution, incorporated by Royal Charter in its present form in 1931, has received a grant from the Government every year since 1904 (except 1909). A recent Committee set up by the Government (the Cunliffe Committee on the Organisation and Financing of the British Standards Institution)²² recommended that after the financial year 1952/53 the grant-in-aid to the B.S.I. should be equal to the income from industrial subscriptions in each preceding year (i.e. it would be a pound-for-pound grant) subject to a maximum in any year of £150,000.

The attempt to limit the duration of grants-in-aid, or to tie them to some formula, will not, however, be universally applicable, even where the body has some independent source of income or could obtain such a source. In the case of the British Travel and Holidays Association, for example, it is difficult to do this. The Association is the result of the amalgamation on the 1st April, 1950, of the unincorporated British Tourist and Holiday Board, set up by the Government in 1947 "to foster and develop the tourist, catering, and holiday services," and the former privately-run Travel Association, a company limited by guarantee and without share capital, which acted as the Tourist Division of the Tourist and Holiday Board before the amalgamation. The present Association—the B.T.H.A.—is a company limited by guarantee like its successor, and its resources,

apart from the grant, are limited because the building up of a "tourist trade" membership and the collection of subscriptions has proved difficult. This is largely due to the very diverse nature of the tourist and holiday "trade"—ranging as it does from the Cunard White Star Line to the Blackpool landlady. On the other hand, the creation of a large tourist trade is considered important to the national economy. The Government thus feels it is desirable to continue to make a substantial grant-in-aid.

Similarly, the work of the Council of Industrial Design, set up by the President of the Board of Trade in 1945, is considered to make an important contribution to our export programme. The Council is required "to promote by all practicable means the improvement of design in the products of British Industry."²³ At the outset, it was hoped that the Council would receive a measure of financial support from industry. As can be seen from the Table, practically none has been forthcoming as yet. Obviously, where the Government considers that the national importance of the work the body is doing warrants a much larger grant than could be obtained by limiting it to a pound-for-pound basis or some other formula, then such formulæ cannot be applied.

The Public Accounts Committee has also suggested²⁴ that continuing services involving substantial expenditure ought to be subject to specific statutory authority. A great many grants-in-aid are made without such authority, merely upon the recommendation of a Minister of the Crown and under the general authority of the annual Appropriation

Act. The P.A.C. appears to have in mind the possibility of statutory definitions of the purposes for which grants-in-aid are required, and also the fixing of maximum sums to be granted. They have particularly referred to the University Grants Committee, where they would like to be assured of "more effective means of securing adequate Parliamentary control over this large expenditure of public money."²⁴ The Treasury rightly considers (apart from the general argument that it is undesirable to subject the Universities to statutory control) that academic standards, "on the maintenance of which grants must be based, are not susceptible of statutory definition, and that no formula could be devised that could automatically measure the extent of assistance needed. Much the same arguments apply to many other bodies receiving grants-in-aid in the fields of science and the arts.

Position of the Treasury

The basic safeguard against the waste of public funds by grant-aided bodies of this sort lies in the capacity and integrity of their governing Boards and officials. It is the duty of the Treasury, in particular, and also of the "parent" Department, to interest themselves in this aspect, and in some cases they exercise a right to appoint some or all of the members of the governing body. The Council of Industrial Design is appointed by the President of the Board of Trade. The Board of the British Travel and Holidays Association is partly appointed by him. Every major Government Department has the right (not always exercised) to appoint a member to

²²Letter from the President of the Board of Trade to the Chairman of the Council of Industrial Design, 19th February, 1944 (reprinted in the First Annual Report of the Council).

²⁴3rd Rep. P.A.C., 1948/49, p. 13 *et. seq.*

²³Report (published by H.M.S.O.), para. 120.

the governing body of the British Standards Institution. The governing body of the British Council consists largely of persons appointed by various Government Departments. The Arts Council is appointed by the Chancellor of the Exchequer. And so on.

In the case of bodies that are wholly, or almost wholly, financed by grants-in-aid, it is inevitable that there must be some degree of interference by the Treasury and the "parent" Department in the policy of the body, if only in that the fixing of the grant at a certain figure, or reducing it below that of the previous year, itself limits what the body can do. The body can only do what it is given the money to pay for. On this point, the Permanent Secretary to the Treasury (Sir Edward Bridges) has had some significant things to say. Speaking of the B.B.C., which is not, as we have noted, financed by a grant-in-aid so far as the Home Services are concerned, he said:²⁵ "I feel that the B.B.C. has a greater degree of independence if its income is a percentage of licence revenue . . . rather than if it is fixed from year to year at some sum *which is not arrived at in any particularly known way, but which must be based on somebody else's conception of what the B.B.C.'s needs really are*" (my italics).

Where there is no source of income that is, in some sense, "independent," or where the grant-in-aid cannot be related to some kind of formula, a fairly large "subjective" element must inevitably enter into the determination of the grant. In fixing 100 per cent. grants, or grants unrelated to formulae, the Department and the Treasury must

work largely to rule of thumb. It is difficult to relate the size of the grant to any criterion, even to the criterion of "what the country can afford" (for the arts, the promotion of better management, the encouragement of the tourist industry, etc.) because the grants themselves are too small in relation to total government expenditure. If the Arts Council, say, has at present a grant of £675,000, how can the Treasury say "we can afford £675,000, but we cannot afford £800,000"? The difference is too small in relation to the national budget.²⁶ Broadly speaking, once the grant is fixed at some sum, the Treasury must use that figure as a base from which to argue in terms of "a little less or a little more." Where there is some ceiling set to total expenditure, as at present, the position is more simple. Many grants-in-aid cannot be increased whatever the merits. But when no such rule is operating it is exceedingly difficult to claim complete rationality and objectivity in settling the actual size of the grant. It will depend largely on the experience of past years.

In general, the Treasury contends that, given the nature and purposes of particular grant-aided bodies, financial control is sufficiently stringent. Certainly it is a good deal more stringent than is usually realised. In any case, it may be argued that the Treasury, with its existing responsibilities and as at present organised, is unable to exercise a greater measure of control than it does over a hundred or more bodies of this type. Its work has grown enormously, and it is probable that its business must be increasingly directed to a broad financial supervision rather than to a detailed control.

Measuring the Public Services

By W. S. STEER

Mr. Steer, Lecturer in Public Administration in the University College of the South-West, considers the practicability of measuring the adequacy and efficiency of the Education Service.

IT is curious that there is such a general agreement about the need of more efficient measuring standards and techniques for the public services, but that so little has been done to meet the need. This note is a modest attempt to assess some of the difficulties and limitations of quantitative measurements of governmental operations, and to test, in the light of a single British public service, the validity of measurement techniques evolved by certain Americans who have studied the problem.

Limitations

The most ardent advocate of newer and more sensitive measurements of government would have to admit that much that ordinary people expect from government is not capable of objective evaluation. It has often been emphasised that the public demands more than efficiency. The public services must not only be efficient but must also be acceptable in their content and methods. And acceptability involves imponderables of attitudes and responses that are not capable of objective statistical treatment—but which may in some circumstances be more important to the consumer than efficiency. It remains true therefore that any public service that does not evoke a full measure of public interest and confidence is failing in its efforts. The most comprehensive paper plans and the most efficient administrative mechanism are defective if this intangible element of acceptability is lacking.

Again, there are services such as public health, education, and housing in which the results of the outlay do

not become fully apparent until many years have elapsed. For example, it may be argued that judgment cannot be made of the result of expenditure on public health until it is reflected in the mortality tables, or of the result of educational expenditure until the school population have taken their places in employment and in the social and political life of the country. Hence it is important to bear in mind that nearly all measurements of the public services are of limited value to the extent that they reflect short-term rather than long-term effects. Indeed, even the short-term effects will often be more faithfully reflected by taking an average over a three or five-year period, than by yearly figures.

There is also the problem of isolating the factors contributing to the results. For instance not all the credit for improved health of the adult and child population can be claimed by the general health and school medical services—economic policy, full employment, housing policy, social habits and many other factors all play their part. So too in a complex social system, advances in social welfare are usually shaped by a number of different agencies acting together, although one of them may properly be regarded as being primarily responsible.

Again due allowance must be made for factors outside the control of the authority. The most we can say is that "other things being equal" the high cost in one area is due either to lavishness or inefficiency, and that the low cost in another area is due either to the inadequacy or efficiency of the service. But it is

²⁵P.A.C. Minutes of Evidence, 1950/51, Q 4328.

²⁶S.C. on Estimates, Minutes of Evidence, 1948/49, Q 4518.

very rare that other things are equal. The density of population, the physical features of a locality, and a host of similar extra-administrative factors condition to a large extent the cost of the services an authority provides. Efforts should be made where possible to eliminate the effect of factors of this kind—for instance to relate costs per unit to population density and so on. But no amount of refinement can take into account all extraneous factors, and proper reservations should be made when interpreting comparative data.

There is the further problem of changing standards. Just as the cost of living index needs to be revised from time to time to take account of changes in spending and rising standards, so criteria adopted for the measurement of governmental activities need to be adjusted to keep pace with changing conceptions of adequacy or inadequacy. While therefore the fixed standard method may not be inappropriate when comparing performance between authorities at a given time, it would be quite inappropriate when judging the performance either of a single authority, or of a number of authorities, over a period of years.

But admitting these very important limitations there is abundant evidence that data and measurements, which in a different context have been adequate, need to be considerably refined and elaborated if they are to be appropriate for the newer objectives set for our public services. Indeed, there seems to be an urgent need of a detailed review of the whole range of statistics relating to the public services in the light of the changed political and social policy of the post-war years. The need of this review is twofold. The first

is to strengthen—for the benefit of the public and their elected representatives—the instruments of democratic control. This would appear to be particularly important at a time when political necessities are tending inevitably towards increasing centralisation. The second is to provide public administrators with comparative data that will enable them to test objectively the adequacy and efficiency of their efforts.

A Theory of Measurement

Americans, notably Messrs. Ridley and Simons,* have evolved a theory of measurement of the public services in an attempt to introduce greater objectivity into the evaluation and control of governmental operation. What follows is an attempt—admittedly very tentative and rather crude—to test this theory in British practice. For this purpose only one service will be used—namely the public education service. But, for a number of reasons it is believed to be a good choice. First, it is a service whose objectives have been much changed and enlarged in conformity with advances in social thinking; secondly, it is by far the largest social service left in the hands of local authorities; thirdly, it is a service whose costs have risen with almost startling rapidity since the war, i.e. from £94 million in 1938-39 and £114 million in 1944-45 to an estimated total of no less than £318 million in 1951-52; fourthly, it is a long established service whose statistics and records are much more comprehensive and detailed than those of most of the newer services, than, for example, the National Health Service.

What therefore are the results of applying the American theory of

measurement to the British education service?

The theory itself has been summarised in the following three propositions—although in a different sequence.

(1) Before the results of an administrative activity can be measured, its objectives must be defined in measurable terms.

(2) Units of measurements are of at least four distinct kinds, each with a meaning quite different from that of the others—measurements of (i) costs, (ii) efforts, (iii) performance, and (iv) results.

(3) The measurements may be used to answer two quite distinct questions (a) how adequate is the service, and (b) how efficient is the service.

It is proposed to examine each of these statements in turn.

(1) OBJECTIVES

The authors of the American studies admit the difficulty of defining the objectives of public services in measurable terms. The education service well illustrates this difficulty. It would be almost impossible to discover a single formula defining the purpose of the educational process that would gain general acceptance among educationists. But it seems to be generally agreed that education, properly conceived, is concerned with the development of the whole person, i.e. with physical, moral, spiritual and mental growth.

Thus this single service is directed simultaneously towards a number of objectives. Some of these are not capable of quantitative measurement—for example, the spiritual quality of education—others may in certain circumstances be mutually contradictory—for instance, mental development may be pursued at the expense of physical development.

And, in any case, how are the relative weights to be attached to the different objectives to be decided?

But recognising these difficulties, are we to give up the attempt to evaluate the end results of the great efforts being made by society in its public educational service? Although absolute precision is clearly impossible, it should nevertheless be possible to evolve rough measurements which would enable both the citizen and the administrator to judge the success or failure of the service. There should surely be some criteria that would provide an authoritative answer to the oft-heard complaints that illiteracy is increasing rather than decreasing despite the greatly increased expenditure on public education. Again we ought to be able to measure on lines indicated later—i.e. in terms of costs, efforts, performance and results—the contributions made by the educational service to the physical development of children and young people. Measurements of this kind are the minimum tools necessary if properly informed judgments are to be made, and if decisions as to future developments are to be based upon a proper appraisal of the existing situation.

The objectives so far dealt with are some of those which view education as a dynamic process acting upon the individual as such. Equally important are the social objectives of the service. The 1944 Education Act is an attempt by society to achieve equality of educational opportunity. Underlying the activities of the Ministry of Education and the local education authorities is a pledge that access to any particular form of education shall not depend on place of birth, or social, or financial, status. Admittedly, equality

* "Measuring Municipal Activities," International City Managers' Association, Chicago.

of educational opportunity does not mean identity of educational provision. It means "equality" only for those of equal age, aptitude, and ability. But anyone who has studied the problem will at once be struck by the absence of even rough measurements by which to gauge the progress made in removing the more obvious inequalities between different areas or between different groups within the same area. For example, figures can be discovered, but not without difficulty, showing the numbers and values of University Awards made by different local authorities. But on examination it will be found that these figures do not provide a valid basis for comparison. Separate figures are not obtainable for the different types of scholarships — "major" and "minor," for those tenable at Oxford and Cambridge and the newer Universities—or for "resident" and "non-resident" students.

Similarly, data is required that will indicate whether transfer from primary schools to the different types of secondary schools is determined by the accepted tests of age, aptitude and ability, or whether the more important factor is the number of places available at a given time in the different types of schools. This data would be needed for comparison between different administrative areas or even between different parts of the same area.

Clearly, a great deal of careful thought and painstaking research would be necessary before satisfactory criteria could be evolved which would set out in measurable terms the objectives set for the education service, in both their

individual and social aspects. But the size, the cost, and the important social and political implications of the service, make it imperative that the attempt should be made.

(2) UNITS OF MEASUREMENT

As already indicated, the units of measurement suggested are of four distinct kinds, viz. (a) costs, (b) efforts, (c) performance and (d) results.

The ascertainment of these measurements is in each case a separate stage in the process of ascertaining the end "result" in terms of the objectives already set for the service. Here, however, it must be emphasised that the formulation of the objectives themselves and their evaluation relative to each other are not the responsibility of the administrator, but are a matter rather of "legislative" decision by the elected representatives.

(a) Costs

As for the costs, about a generation ago about all that was expected of government was that it should be honest—and honesty was looked upon almost wholly as a matter of finance. The audit and legal checks of various kinds were all devices to ensure honesty. But the cost factor is no longer a sufficient guide, particularly at a time when public expenditure has increased so markedly—both in absolute terms and in proportion to total national income. We must relate the "cost" to the goods and services (or effort) represented by the cost, and must then relate this effort to the need.

Let it be said at once that the measurements of costs in the education service are in many respects a model for other social services.*

*List 50, formerly issued by the Ministry of Education, and *Education Statistics*, now issued by Society of County Treasurers and the Institute of Municipal Treasurers and Accountants.

Total costs are published for each authority. These are moreover broken down into unit costs (i.e. cost per pupil) under no less than nine different headings and in respect of maintained primary and maintained secondary schools separately. Similarly figures are available showing the cost of administration and inspection per £100 of gross expenditure. But although these figures reveal striking disparities in the expenditure of different authorities they go no way towards explaining those disparities. Even assuming that we have been able to eliminate any extra-administrative factors affecting the expenditure, we cannot say whether the low cost of one area is due to the inadequacy or to the efficiency of its service, and whether the high cost in another is due to lavishness or inefficiency.

(b) Effort

In other words we must know the effort represented by the expenditure. That is, we must analyse the various items of expenditure in terms of purchases—e.g. the personal services, commodities, properties, etc., bought. Thus, for example, before drawing conclusions about the disparity between the expenditure on books in primary schools of £.07 per pupil in Wiltshire and £.45 in Nottinghamshire, during the year ended 31st March, 1950, we should want to know the number and type of books purchased.

Similarly for the other items of expenditure, we want to know the amount of consumable equipment bought, the manhours of teaching and supervisory staff worked—and the value of capital property acquired, etc., before a comparison of costs can become meaningful.

(c) Performance

The next step is to measure the

performance, that is the effects produced by the application of the effort. Again a great deal of careful thought and research would be needed before suitable measurements could be evolved for this purpose. Possible criteria that might be suggested are: (i) the number and proportion of children and young people taught in each of the different types of educational institutions—viz. Primary, Secondary Modern, Secondary Technical and Secondary Grammar Schools—and in places of higher education; (ii) the degree of mental progress achieved, in so far as this could be gauged objectively, e.g. by intelligence tests and examination results; and (iii) improvements of health and physique recorded in the medical examinations.

(d) Results

Finally, we need to know the effect of the performance in accomplishing the ultimate political objectives—for example, the extent to which marked inequalities of educational opportunities between different areas and social classes have been removed, and how far we have achieved a situation in which the opportunity of development for the individual is limited only by the tests of age, ability, and aptitude.

(3) ADEQUACY AND EFFICIENCY

It is here that we reach the vital distinction stated in the third proposition.

Measurements are needed that will show not only how adequate is the administrative service but also how efficient it is. Adequacy of the results is the total achievement measured in the light of the objectives set by the legislatures. It is concerned with such questions as whether the total results are sufficient or insufficient to remove marked inequalities of opportunities and to permit satisfactory opportunity of

self-development to all irrespective of financial or social class. Decisions on the questions of adequacy are broadly speaking the responsibility of the legislator. It is for the legislator to decide what total volume of resources is to be allocated to a particular service. But obviously, in the absence of comparative data of the kind discussed, showing the need in the light of the objectives set, these decisions must be ill-informed and a matter of subjective rather than objective evaluation.

The administrator must, however, be particularly concerned with the measurements that relate the results to the resources used, and reveal the efficiency of the service. It is this distinction between the absolute measurements of adequacy and the relative measurements of efficiency that enabled Messrs. Ridley and Simons to attempt a definition of that most elusive word "efficiency." They say that "the efficiency of administration is measured by the ratio of the effects actually obtained with the available resources to the maximum possible effects with the available resources."

The important thing is that the "results" in this sense can be tested in relation to each of the other measurements—costs, efforts and performance.

There is efficiency relative to money expenditure. Our data should show us whether a better service could be obtained with the same expenditure. This involves such factors as cost accounting and all the elements of efficient financial control. For example, in a service costing nearly £320 million, there should surely be data available that would show whether and in what circumstances central purchasing is cheaper than decentralised purchasing;

whether and in what circumstances the direct provision of transport for school purposes is cheaper than a private hire system—and so on.

There is efficiency relative to effort. It attempts to answer the question whether a better service could be obtained by the same total outlay of goods and services but by altering their respective proportions, for instance, by increasing the volume of equipment and reducing the number of manhours of staff employed. This raises questions such as the productivity of labour, the optimum use of mechanical devices, and the relative value of different commodities.

Lastly there is efficiency of performance. This is concerned with the question whether a better service could be obtained by increasing the volume of goods and services (effort) applied to certain parts of the service and reducing it in others. For example, could more be achieved in the way of physical, mental and spiritual development by applying more resources to say secondary and further education and reducing the amount used on primary education?

Conclusions

Much more refinement and elaboration would be needed before a practicable measurement plan could be evolved for education or for any particular public service. And the writer would be the first to agree that because of the almost child-like faith in official figures there are dangers in the elaboration of statistics. Nevertheless this is field of enquiry that deserves much more attention than it has hitherto received. Moreover it is a field in which an active partnership between theorists and practitioners is essential if success is to be achieved.

Local Authorities and Civil Defence

By PETER G. RICHARDS

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THE organisation of civil defence has not been a popular topic with students of public administration. Other problems appear more attractive. An investigation into one of the ways in which public authorities seek to promote the good life must be a happier field than that of a survey of measures taken to minimise destruction and suffering in the event of future hostilities. In addition, action taken to promote the good life frequently becomes contentious or arouses some degree of enthusiasm: civil defence is felt to be everywhere a distasteful necessity, enthusiasm for which might seem to show a capacity for morbid pessimism.

The impact of modern war is liable to affect every aspect of our complex economic and social organisation, and civil defence precautions must, therefore, be taken in innumerable directions. The general principle applied in the distribution of functions is that each public authority shall undertake the range of civil defence functions that is analogous to its normal peace-time activities. It follows that most government departments are affected to a greater or lesser degree, as well as all local authorities except the parishes. Thus, in addition to other functions that may be delegated to them, county districts are responsible, *inter alia*, for sewerage, burial, evacuation and billeting, rehousing the homeless and the repair and demolition of buildings, while the protection of the public, the provision of rest centres and ambulance work

is the task of the county authorities. The phrase "protection of the public" covers the operational side of civil defence—the work of relief and rescue immediately after attack which is undertaken by the Civil Defence Corps. County boroughs perform both county and district functions. Other specialised public bodies, such as the regional hospital boards and water undertakings, are also concerned. In a short article I shall not attempt to catalogue all the responsibilities of the many agencies involved, but will concentrate on the aspect of civil defence work which concerns the public most directly—the organisation of the Civil Defence Corps and the work of the local authorities.

Local Organisation

The Civil Defence Corps is a Crown service for which the Home Secretary and the Secretary of State for Scotland are responsible. Local divisions of the Corps have been formed by county councils, county boroughs, large burghs, metropolitan boroughs and a few county districts. These authorities enrol volunteers for the Corps and arrange for their general and specialised training. At present, volunteers are expected only to attend for training at local centres for a few hours each month: conditions in war-time have not yet been determined, but members of the Corps are expected to undertake 48 hours service a month in a war emergency. Local government servants will play a large part in providing the leadership of the

volunteers, and they have a statutory obligation, in common with policemen and firemen, to undergo civil defence training appropriate to their normal employment.¹

There are five sections of the Civil Defence Corps: Headquarters, Wardens, Ambulance, Rescue² and Welfare. These sections are linked with the corresponding departments of the local authority, so, for example, the Medical Officer of Health's department is responsible for the Ambulance section and the Engineer's department for the Rescue section. Outside London the wardens are usually under the control of the Chief Constable. Arrangements for the Welfare section, which is concerned with evacuees, the care of the homeless and similar work, vary between different areas. Recruitment is also taking place for the Auxiliary Fire Service which serves to supplement the regular firemen in any emergency. The personnel of the A.F.S. are not, however, members of the Civil Defence Corps, for they have a highly specialised task and operate from separate headquarters. Moreover, as the fire service will again be placed on a national basis in the event of war,³ the A.F.S. would be divorced from any connection with the local authorities by the time they were called upon to go into action.

County and county borough councils and some county districts have appointed civil defence committees to supervise civil defence preparations. As many of the departments of a local authority are involved, it is the chief official, the Clerk, who is responsible to the committee for the co-ordination of all civil defence activities undertaken by the authority. Civil Defence

Officers have been appointed by the Corps authorities together with a staff, usually including an instructor, the size of which varies with the character of the locality. In addition to the recruitment and the preliminary training of volunteers, the Civil Defence Officer is directly responsible only for the Headquarters section of the Corps, which has charge of the collection and distribution of intelligence on the occasion of enemy attack. Yet the Civil Defence Officer has an important liaison function to perform in assisting the Clerk to secure the smooth development of all aspects of civil defence work. Only some of the county districts have civil defence committees and still fewer have any full-time civil defence staff. This variety of provision is caused by the different degrees to which the counties have delegated civil defence functions, and because only a small number of county districts form the whole of a separate sub-division of a county unit of the Civil Defence Corps. The problems of delegation and these sub-divisions will be discussed more fully below.

Central Control

Local civil defence activity has revived since the passage of the Civil Defence Act, 1948, was made necessary by the deterioration in the international situation. The Civil Defence Act is a perfect example of "skeleton" legislation and gives wide powers to ministers which may be exercised through the issue of regulations. Such regulations may provide authority, among other things, to ignore the requirement of the Town and Country Planning Act, 1947, that planning permission must be obtained before development can take place, and to amend or

extend the provisions of the Rating and Valuation (Air Raid Works) Act, 1938.⁴ These powers, no doubt, will only be used in an emergency, but all the detailed legislative provisions relating to present civil defence administration have to be found in statutory instruments issued under the Act. Moreover, a general understanding of current arrangements can only be obtained through reference to departmental circulars, especially those issued by the Home Office.

Two Home Office circulars issued in 1949, Nos. 6 and 13, outlined the distribution of civil defence responsibilities between the different types of local authority, indicated the general character of the Corps, and laid down policy in relation to the recruitment and training of volunteers, the nomination of the local heads of sections of the Corps and the appointment of Civil Defence Officers. Other circulars have dealt with financial arrangements, and local civil defence expenditure attracts considerable assistance from the national exchequer.⁵ A 75 per cent. grant is payable on approved expenditure, and full reimbursement is made on some items of a capital nature, e.g. shelters, where the work done is not easily adaptable to peace-time purposes. In addition, certain equipment is provided for local authorities free on loan. The approval of expenditure is closely controlled, but some increase in flexibility was permitted in 1951. Local authorities are now allowed to spend up to £10 on unforeseen, miscellaneous items without prior approval, subject to an annual limit of £200 in the case of counties and £100 in the case of other Corps authorities. Further, up to £250 per annum may be spent without

prior sanction on the rental of premises for civil defence purposes and on any necessary adaptation of such premises.

The regional offices of the Home Office are a vital link in civil defence organisation. In the event of intensive attack the regional centre would become the operational headquarters directing relief forces to the affected areas, while in peacetime the regions help to mould local preparations to the national pattern. Thus local schemes and estimates have to be submitted for approval to the regional offices, and the regions advise local authorities on many aspects of civil defence work from the purchase of supplies to the appropriate geographical areas for sub-divisions of a county unit of the Civil Defence Corps. The regions also assist with the provision of training exercises of a complicated nature, and are to provide local authorities with the more expensive items of equipment. Finally, central control is ensured by the default clause in the 1948 Act⁶ which empowers the central department to make alternative arrangements for the execution of civil defence functions in any area where it is not satisfied with the standard of performance of the local authority. Such extreme measures would be used only in exceptional circumstances, but the fact that this power exists cannot fail to exercise a persuasive influence. If civil defence powers are removed from an authority in this way it still has to bear the due proportion of civil defence expenditure incurred in its area.

The Scheduled Districts

As mentioned above, the counties and county boroughs are primarily

responsible for the organisation of the local units of the Civil Defence Corps, but in London the Corps authorities are the City of London and the Metropolitan Boroughs.⁷ Elsewhere a few county districts, all large non-county boroughs, have also been nominated as Corps authorities. These towns, commonly referred to for this purpose as the "scheduled districts," are Cambridge, Chesterfield, Luton, Peterborough and Swindon. Scunthorpe was scheduled separately in 1951 after negotiations with the Home Office and the Lindsey County Council.⁸

The fact that a few county districts obtained this separate status was bound to lead to protests from some authorities not included in the list. Among others, Worthing made strong representations to the Home Office in order to secure reconsideration of the local position. Worthing was able to argue that it had been a separate "scheme-making authority" under the Air Raid Precautions Act, 1937—the equivalent of the present "scheduled districts"—that it had a larger population than some of the scheduled districts, and a larger rateable value than any of them. When the Civil Defence Regulations were presented to the Commons, Mr. Bechervaise, the member for Leyton, East, asked for a greater delegation of power to non-county boroughs on the outskirts of London.⁹ But all this pressure was largely in vain. The scheduled districts were selected by the Home Secretary not on the criteria of population or rateable value, but because they were rather isolated centres of some industrial importance situated in counties which, with the exception of Derbyshire, are mainly rural in

character. "While the list of scheme-making county districts under the 1937 Act included all the present scheduled districts, it also included a number of authorities that are no longer separated from the county for civil defence purposes. Besides Worthing, the towns in this category are King's Lynn, Newcastle-under-Lyme, Oldbury and Salisbury. In addition, under the 1937 Act, Torquay, Brixham and Paignton formed a joint civil defence authority, and Poole and Christchurch formed another joint authority with the county borough of Bournemouth.

So the number of Corps authorities has been slightly reduced, but the existence of the six scheduled districts causes a number of administrative problems. These arise from the failure of the Ministries concerned with the civil defence, apart from the Home Office, to recognise the status of the scheduled districts. The Ministry of Food has not accepted them as agencies for emergency feeding, nor have they been included by the Ministry of Health in the Civil Defence (Ambulance) Regulations. The consequence is that a scheduled district can recruit and train ambulance workers, but it does not control any ambulances. Co-operation between the authorities concerned can settle these problems; they do not, however, make the preparatory stage of civil defence work any smoother.

Delegation by County Councils

The pattern of civil defence organisation is further complicated by the delegation of powers authorised under Section 2 of the Civil Defence Act, 1948. The powers delegated are mainly those concerned with the organisation of the Civil Defence

Corps and the powers given to Corps authorities under the Civil Defence (Public Protection) Regulations.¹⁰ These relate to the various tasks which the Corps would have to carry out in any emergency. Delegation may also take a number of different constitutional forms. In Cheshire certain civil defence functions have been delegated to the county police authority which includes the county borough of Chester within its area. The county of the Soke of Peterborough and the scheduled district of the City of Peterborough have formed a joint committee to exercise their civil defence powers. But the most common form of delegation, which is used by many counties, is to transfer a part of their civil defence functions to the county districts within their area.

Delegation has received encouragement from the Local Government Manpower Committee and the Home Office. Circular 19/1950 emphasised the need to secure the interest and active co-operation of the county districts, and it argued that their response would depend upon the degree to which they could exercise initiative and assume responsibility for making local arrangements. It also stressed the need for flexibility to meet variations in local conditions. On the extent of delegation the circular suggested that recruitment to the Civil Defence Corps might everywhere be allocated to county districts, and that the following functions might also be delegated: collection and distribution of intelligence, control and co-ordination at a place of attack, rescue work and the issue of advice and information to the public on these matters. Consequently, the range of delegation

varies from county to county. Some authorities, like Essex and Gloucestershire, have formal schemes of delegation which have been approved by the Home Office. Elsewhere, as in Hampshire, there is no such formal document, but a series of working agreements. Hampshire may also be quoted as an example of a county in which the amount of delegation is restricted and corresponds roughly to the minimum suggested in Circular 19. In contrast, Gloucestershire has delegated the organisation of the Rescue and Welfare sections of the Corps to county districts, and the allied operational tasks of the rescue of persons from damaged buildings, protection against toxic effects of attack (except the identification of toxic agents) and some functions in connection with the provision of rest centres. Wherever delegation to county districts exists, the County remains responsible for the overall planning of civil defence work for the area. The county also retains full financial control and the districts have to submit estimates of proposed expenditure for prior approval by the county authority.

Corps Sub-Divisions

Another factor affecting delegation is the creation of sub-divisions of the Civil Defence Corps. Officers are to be appointed by the Corps authorities to take charge of each section of the Corps in each sub-division, and will be responsible for the use and disposition of the resources available to them in the case of any emergency. These sub-divisions are essentially operational in character; they have been formed because in many areas the county headquarters would be too

remote to deal efficiently with local incidents. Sub-divisions may cover one or more county districts and so help to ensure that a town may get assistance from the surrounding rural area, or vice-versa, in case of need. It follows that it is somewhat easier to delegate functions to a county district if it forms a separate sub-division than if it is grouped with neighbouring authorities for this purpose. Cheltenham, which is a sub-division on its own, enjoys a wider measure of delegation than other county districts in Gloucestershire. In addition to the functions listed above which are delegated to all county districts in Gloucestershire, Cheltenham is empowered to organise and equip the Headquarters section of the Civil Defence Corps, appoint officers to command the local sections of the Corps in the Cheltenham sub-division and control operations at a place of attack. A similar distinction in the powers granted to county districts which form separate sub-divisions can be found in Essex and elsewhere. It is difficult to understand how the task of co-ordination at a place of attack can be given to a county district unless it forms a complete sub-division—yet this has been done.

The sub-divisions have been a great source of confusion. Originally the Home Office seemed to intend that they should become executive bodies in peace-time. Circular 19/1950 suggested that the county might delegate the appropriate functions to each county district in a sub-division, and that the districts would then act through a joint committee which would cover the area of the sub-division. This plan, however, overlooked the principle *delegatus non potest delegare*, and the

Home Office later came round to the view that such groupings were not permissible within the framework of the existing regulations.¹¹ So the idea was dropped, but not before some such sub-divisional joint committees had been formed.

So where there are more than one county district in a sub-division each district carries out the delegated powers on its own responsibility. In some cases, as in West Sussex, the county districts perform their functions in relation to the Civil Defence Corps through an Assistant Civil Defence Officer who has to serve the whole of the sub-division. This official and his staff are appointed by the county council; the county districts are, therefore, performing a part of their civil defence functions through an official who is not, in the last resort, responsible to them. Alternatively, if the county districts insist on working through their own staff, duplication and waste can hardly be avoided. And the necessary co-ordination of the civil defence activities of the districts in the sub-division can only be achieved through an officer responsible for the whole of the area. It is impossible to feel that this situation is satisfactory as the possibilities of friction are unlimited. The Local Government Manpower Committee recognised the existence of this problem and yet passed it over. "There was evidence of concern lest the delegation to individual authorities for administrative purposes might cut across the desired grouping of local authority areas for operational control and corps organisation. It is not considered that difficulty need arise in this respect. . . ."¹² The Committee

was able to reach this happy conclusion because it assumed that the sub-divisions would have no full-time staff, and would scarcely emerge into reality at all unless civil defence reaches an operational stage. But, as has been shown, not all the counties are working on these lines.

Peace and War

While the Civil Defence Act was passed four years ago in an atmosphere of some urgency, it must be said that this has tended to disappear between periodic bursts of inspired publicity. The level of preparation varies considerably between areas, and not always in proportion to their vulnerability to attack. This is not simply a question of the statistics of recruitment to the Civil Defence Corps; it applies to matters in which public response plays no part such as preparations for emergency feeding and the designation of rest centres. In civil defence affairs local authorities take their cue from the central departments to a very large degree and, therefore, the allocation of responsibility is difficult. Moreover, opinions must differ as to what constitutes the appropriate rate of civil defence expenditure for they depend upon forecasting of a most distasteful nature.

Apart from this problem of relative urgency, the main difficulty with civil defence administration is that it has to be planned for two quite separate stages. There is the "build-up" phase in peace-time when personnel can be enrolled and trained and other resources earmarked, and the operational phase if war should come. It is assumed that the "build-up" phase needs a maximum

of decentralisation, with the delegation of powers and the institution of local committees, in order to obtain the widest support for the civil defence forces. On the other hand, an emergency demands both local initiative and unification of command with the power to move resources to wherever they may be most needed, irrespective of local government boundaries. It is the attempt to satisfy these contradictory requirements that has been responsible for most of the complexities in the administrative pattern outlined above.

In the case of the Civil Defence Corps the argument for decentralisation may have been pushed too far. No doubt the delegation of power is flattering to the self-esteem of individuals and authorities, and it eases the administrative burdens of the larger counties. How far the average voluntary worker cares about the exact distribution of civil defence powers between county and county district councils is an open question. But it is certain that in some places delegation has caused a considerable amount of friction which has postponed effective civil defence preparations. The settlement of the claims of various authorities to become scheduled districts, the negotiations over the extent of local delegation and the character of the sub-divisions involved delays frequently exceeding a year. The Home Office did not seem concerned to hasten the discussions; presumably if the Home Office and public opinion had been more apprehensive about the future, decisions would have been reached more quickly.

The tempo of civil defence work must be decided for the local

authorities by the central government depending upon the view it takes of the diplomatic temperature and the domestic economic position. In the long run there may be a more pleasant converse to the problem of the degree of urgency; if the international situation improves visibly, the spirit of the civil defence forces is bound to be affected.

¹Civil Defence Act, 1948, Section 5.

²The Rescue and Pioneer sections were amalgamated in July, 1952. In Scotland the Ambulance section forms part of the National Health Service Reserve.

³See speech by the Home Secretary, Sir David Maxwell Fyfe, H.C. Deb., Vol. 503, Col. 2509.

⁴See Civil Defence Act, 1948, Sections 2 (2) (d) and 6 (2) (e).

⁵Circulars concerned with finance include No. 20/1949, No. 18/1950 and No. 38/1951. The pre-1939 controversy between local authorities and the Home Office over civil defence expenditure is outlined by D. N. Chester, *Central and Local Government*, pp. 223-7.

⁶Section 2 (2) (c).

⁷S.I. No. 1433 of 1949.

⁸S.I. No. 1258 of 1951.

⁹H.C. Deb., Vol. 467, col. 2398. The matter was raised again in July, 1952, on behalf of the Medway towns and Worthing by their respective M.P.s—cf. H.C. Deb., Vol. 503, col. 2489 *et. seq.*

¹⁰S.I. No. 2121 of 1949.

¹¹Cf. Second Report, Local Government Manpower Committee, Cmd. 8421, p. 49. The plan seems incredibly clumsy: the same effect could have been achieved by the creation of divisional executives of the type used for education.

¹²Second Report, Cmd. 8421, p. 49.

Patronage and the Public Service

Jeffersonian Bureaucracy and the British Tradition

By PROFESSOR S. E. FINER

The Professor of Political Institutions in the University College of North Staffordshire compares American and British Central administration during the period 1789-1830 and in their subsequent development.

IN 1948 Professor L. D. White produced *The Federalists*; and now, with *The Jeffersonians** he has completed his study of U.S. Federal Administration in the first forty years of the Republic. Nothing on this topic has previously been attempted comparable in scale, range and scholarship; and whatever criticisms may be laid against the work must be accounted minor in the light of this great and overriding merit. Surveying the new and vast field opened up by these books, every historian will doubtless harbour private and favourite notions as to how he himself might have treated it; but one would be lost to all sense of perspective not to appreciate that with these studies Professor White has put a generation of scholars in his debt.

For British students these volumes have a special value irrespective of the contribution they make to American studies; and this for two reasons. In the first place, the Radicals of the period of the Napoleonic wars held up the American administrative system as a model of efficiency and economy; and therefore, it is now possible for the first time to examine their claims. In the second place—and this is of considerably more importance—the studies throw light on the relationship between patronage and efficiency. By patronage we mean the recruitment of public servants by private recommendation. (There is no reason why a patronage system should necessarily be the same as a

“spoils” system.) Now a period of inefficiency and extravagance in our own public service, viz. during the 18th and early 19th centuries, coincides with recruitment by personal recommendation; and so, the two phenomena are commonly regarded as necessarily linked. It is inferred that the inefficiency and extravagance must have been due to the patronage, and that patronage must necessarily conduce to inefficiency and extravagance. Yet Professor White’s volumes show that from 1789 to 1829 the American Federal Service, also recruited by personal recommendation, achieved more economical, and possibly higher, standards than the British. This leads one to suspect that the inefficiency and expense of British administration during this period might have been due to deeper causes than the patronage system; and it leads one to explore what these causes might have been. This is the problem examined in the following pages.

AMERICAN ADMINISTRATIVE ACHIEVEMENT, 1789-1828

A. The American Administrative System, 1789-1828

The U.S. Administrative System set up in 1789 consisted of the President as supreme head of the Executive Branch, and three Departments, viz. the Treasury, the State Department and the War Department. The Post Office was reconstructed by an organic statute, in 1792; and the Navy Department, hitherto a branch of War, was

*“The Jeffersonians”: A study in Administrative History, 1801-1829.” L. D. White, University of Chicago. Macmillan & Co. 1951. Pp. XI. 572. 45s.

created in 1798. The Attorney-General's post was a hybrid, half-time appointment, and not until after 1817 did it develop, through the inspiration of Wirt, into a full-time and permanent office. Into these departments (notably into the first three) were fitted the new functions of government as and when they arose: the Land Survey, the purchase of army supplies, the Census, the Mint, the grant of patents, the establishment of light-houses, the control of Indian trade, the disposal of public lands; thus earning the encomiums of Jeremy Bentham of whose "principle of single-seatedness" it was a signal illustration.¹

Of these Departments the most powerful and complex was the Treasury. It was as if the British Board of Customs, Board of Excise, Exchequer, Tax Office and Commissioners of Audit were all rolled into one; for it collected the revenue, received, held and paid out sums of money, and audited and passed the accounts. The State Department was responsible for domestic security at home and abroad like the original Secretaries, office in England before it evolved into the Home and Foreign Offices in 1782. The Post Office, tiny at first, contained in 1828 divisions dealing with Finance, Contracts, and Appointments. Navy, by 1828, was controlling six dockyards and built its own ships by direct labour: it had also set up a Naval Medical Service. The Army had established West Point and initiated the Army Corps of Engineers, which body, used for Internal Improvements as early as 1824, was by 1828 engaged in no less than 37 works of civil construction and 28 surveys. The War Department also looked after Indian affairs—the negotiation

of treaties, the payment of annuities, and the attempts at "civilising" the tribes, as well as the control of Indian trade. By 1824 a distinct office called the Bureau of Indian Affairs had emerged inside the War Department: and no wonder, for it employed one hundred agents and sub-agents (all of them in the field).

This organisation had started as a tiny group of two-room offices with a minute staff; but while population trebled between 1790 and 1828 the public service increased from some 1,500 to approximately 9,000.² (The increase was largely due to the rapid extension of postal services between 1801 and 1828. Also, most of the increases took place in the field agencies of government, rather than in the headquarters staffs, for these grew from about 50 in 1789 to only about 300 in 1828.) On the eve of Jackson's election the United States administrative system was a going concern, steadily expanding its services and progressively adapting its organisation to the new burdens.

At a first glance, these administrative arrangements appear to have four virtues much looked for in administration. The U.S. organisation appears small: it appears vigorous and efficient: it seems to possess a high degree of probity and permanence: above all it seems extremely *cheap*.

"Washington and his assistants had a keen sense of good organisation. They gathered all the activities of government into three departments so that nothing was left at loose ends. They insisted that single officials bear the responsibility for administration rather than boards. They provided everywhere for due subordination and for authority commensurate with responsibility. They valued competence at all levels. They

were alert to the importance of a favourable public opinion. The principal officials were conscientious and hardworking.

"It is not difficult nevertheless to find examples of tasks that were bungled." (Here follow ten such examples ranging from criticism of postal arrangements and the failure to set the Mint on its feet, to the passing of an Act by Congress with a whole section omitted.) "Such errors and omissions are bound to occur in any organisation and the Federalists had their share.

"The moral standards of the Federalist public service were extraordinarily high—higher by far than those prevailing in the British public service or the French and approaching the austerity of the administrative system perfected by Frederick the Great in Prussia. The sale of office was unknown and would have been intolerable. Fraud in the financial transactions of the general government could not be discovered even in repeated investigations by Hamilton's opponents. The number of revenue officers who had to be removed for delinquency was exceedingly small. Probably never in the history of the U.S. has the standard of integrity of the federal civil service been at a higher level even though the Federalists were sometimes unable to maintain their ideals.

"The public standing of the civil service was also high . . . the Federalists took for granted permanence of tenure and were sensitive to the claims of office-holders except where they proved untrustworthy. . . . The literary standards of the public service were notably good" (*The Federalists*, pp. 513-15).

Thus does Professor White sum up the Federalist achievement: on the whole, despite the blunders

(which he does not hesitate to parade), he looks at their handiwork and finds it good. When he comes to sum up the Jeffersonian contribution in *The Jeffersonians*, he concludes on the whole that the Federalist standards were maintained. "A Federalist gentleman differed only in his political views from a Republican gentleman. The basic ideal of behaviour was the same in both and carried with it a sense of obligation to serve the state when called to public office. Since the government was in the hands of Republican gentlemen from 1801 to 1829, it was inevitable that its character should remain the same as in the previous decade when it had been in the hands of Federalist gentlemen. The qualities of integrity, restraint, deference, responsibility and honour that characterised gentlemen, also characterised their government and administrative system . . ." (p. 550).

"The Republicans discovered as ample a supply of administrative talent as had been employed by their predecessors. . . . These men gave an impulse to the conduct of affairs quite equal to that which had prevailed earlier in the 'reign of energy' . . . The Republican years confirmed Federalist ideas about permanent service in the general government. Tenure, although not protected by law, was in fact during good behaviour. . . . Clerks might end their official work in the same office, indeed in the same position in which they began, but the expectation of life service was high" (*The Jeffersonians*, p. 553-5).

B. British Admiration for the American Achievement

The economy of this system moved British radical observers to admiration. Bentham, Cobbett, Sydney

Smith, all pointed out its remarkable cheapness compared with the British. Perhaps the best example of British radical opinion comes from *The Black Book* of 1820. "Look at this picture and at THAT," it exclaims after publishing a comparative list of salaries in both countries. "What a contrast! The services which cost America £46,000 a year cost Old England £900,000. Why this difference? Are not Americans governed as well as Englishmen? Are not their fleets and armies commanded; their laws administered; their affairs abroad as ably conducted? Why again then, we ask this, difference? Has America been less prosperous than England? Compare their history for the last twenty-five years. Look at the increase in American population, her mercantile navy and her agriculture. Compare their present situation. Look at poor England sinking under her ponderous legal, state and ecclesiastical establishments. Look at her two millions of paupers, her famishing artisans and her ruined commerce and agriculture. Gracious heaven! Are men to be termed seditious because they complain of this heart-rending contrast?"³

C. Contrasting Performances in Britain and America

This alleged contrast is not unsupported by the facts. In 1816, Britain had twice as many public servants per head of population as the United States Federal Government, and paid them almost exactly three times as much per head (£121 per annum against £40 per annum); in addition, the British Royal Family cost some £600,000 per annum, a sum thrice the total Federal pay roll, against which the corresponding American expenditure was a mere

£5,000 per annum for the United States Presidency.⁴ Furthermore, of the three reasons advanced by Washington as insuperable barriers to public employment, viz. "family relationship, indolence and drink" (*The Federalists*, p. 262), the last two were usually overlooked in Britain while the first was regarded as a positive recommendation. The course of the British Exchequer was a meaningless mumbo-jumbo; the British customs system was anomalous; the sprawling departments of government lacked a common focus. That there was considerable waste is proved by the fact that it was possible between 1815 and 1835 to reduce the civil service by 14 per cent. in size and 26 per cent. in cost.

Now, since the patronage system operated both in the U.S.A. and in Britain, how is one to explain the disparity which contemporary opinion had noted and which Professor White's researches seem to bear out? The answer does not lie in the care with which the Federalists and Jeffersonians selected their personnel as compared with the low moral standards existing in contemporary Britain. For one thing on a closer examination (as we shall see) the standards of American public personnel were not quite so high as at first sight appears, and seem to have deteriorated throughout the period under review, whereas some of the British government offices (and those the most numerous, viz. Customs and Excise) were neither so corrupt or incompetent as is commonly assumed, and consistently improved throughout the period. In the second place, however, we should still have to explain how it was that after 1830 the quality of British recruits steadily improved, while a progressive collapse took place in American standards.

Since, therefore, the standards expected of recruits under the patronage system was mutable in both countries, it cannot serve as an explanation, but must itself be explained.

The reasons for the contrasting performance of the two administrative systems lie much deeper; and in the following pages we shall attempt to support the following five propositions.

(1) The first, the underlying, and the fundamental reason for the relative incompetence of the British public services during this period is to be found in the fact that in 1780 (the date when reform may be said to start)⁵ its practice and structure as well as its assumptions, were, to a large extent, mediaeval. Contemporaries talked of "the Gothic constitution"; it is equally just to talk of a "Gothic administration." So long as such obsolete forms existed, the best personnel in the world could not have operated the system very much more efficiently than they did.

(2) In the second place political circumstances in the 18th and early 19th century were such that administrative posts had to be used for the purchase of political support. Therefore efficient and economical administration was subordinated to the exigencies of making the constitution work. This depressed standards below what they might otherwise have been.

(3) The levels of official morality were in England still further depressed by the low standards prevalent among the aristocracy. It is a far cry from the *Memoirs of Harriet Wilson* to the stern and unbending front of George Washington. The prevalent moral tone in Britain was set by a fleshly aristocracy when the Americans were

enjoying the home-spun nobility of a Jefferson or a J. Q. Adams.

(4) Nevertheless in an assessment of British and American administrative achievement in the period under review, due allowance must be made for the pace of administrative invention and reconstruction.⁶ By this standard, British administration had come further by 1830 and was to go further, than the American administration. From 1801 to 1830 the American system had reached a kind of plateau and was indeed, in some respects, beginning to deteriorate; but from 1780 British administration showed an improvement that was ceaseless and cumulative, and which was to continue well on into the 19th century.

(5) Finally, in view of the collapse of American standards of recruitment after 1829, when the spoils system began to take root, it is well to note that the virtues of the British Gothic administration preserved it from falling into a similar state; this also must be taken into account in assessing the nature of the two systems as they stood at the end of the Jeffersonian era.

THE BRITISH AND THE AMERICAN ADMINISTRATIVE SYSTEMS COMPARED

A. British Administration, Handicapped by its Inheritance

1. The U.S.A. begins *de novo*

When the United States Congress created the American Federal administration, 1789-1792, it was neither helped nor burdened by any legacy from the past;⁶ it had to work from tiny beginnings: and so it was able to set up a system based on common-

sense and rationality. It was this which brought on it the praise of Jeremy Bentham. "In the central government of the Anglo-American United States, the situations in the executive departments are every one of them single-seated. Of the thirteen here [i.e. in the Constitutional Code] proposed sub-departments, some have there no place;⁷ the rest are consolidated into four, each filled by a Minister, locable and dislocable by President of the State, whose power, in so far, is that of the here proposed Prime Minister. . . . In the case of the relation between the President, as above; and his immediate subordinates—the power of the super-ordinate in relation to subordinates is not only as to location, but as to dislocation, absolute: and at the accession of each President the power of dislocation is commonly exercised as to those he finds in office, and that of location, at the same time, as to new ones; in regard to each, effectual responsibility is secured by the power expressly given to him to require of each of them a report in writing in relation to all points belonging to their respective offices: and by this arrangement are produced all the good effects, the production of which is professed to be expected from Boards. . . . In English practice, this department swarms with boards. . . . Yet for many—seatedness in no one of all the several instances, can there be any necessity or use. . . ."⁸

2. British Administration in 1780 Dominated by Mediaeval Assumptions and Forms

In sharp contrast the British reformers were faced in 1780 not merely with a going concern, but one that had been going for centuries. The essential thing to notice about

this British system is that from the Norman Conquest almost no office or department was ever abolished; but functions often were. By 1780 the structure resembled a coral reef. It was made up of the skeletons of innumerable offices and functionaries which had served their turn; but inside this dead structure new creatures burrowed, made their home, and turned the detritus of ages into some kind of a working instrument.

(a) *The King's Government.* The key to the system is to be found in the position of the Monarch. The legal prerogatives of the King as listed in the *Commentaries* of Blackstone and the *Constitution* of De Lolme were still very largely the working practice of the 18th century. The army and the navy were the *King's Army* and the *Royal Navy*. H.M. Ministers were in fact, as well as in law, the *King's Ministers*. True, they had to enter into some working arrangement with the House of Commons in order to do the King's business, but it was to the King that their responsibilities lay. Their management of the Commons was an incident to this task. "Cabinets . . . did not depend on popular mandate but poised and turned as of old on a balance, between a royal executive, groups maintained by ministerial influence, and a public opinion not yet drawn up through party systems but scattered, formless and difficult of expression".⁹ The nature of the Civil List illustrates the same point. On this grant, made to the Monarch for his private use, were borne the expenses of Ambassadors and Judges.

The executive was the King's executive and it lived apart from Parliament, controlling its own internal movements, making its own

intestinal arrangements—so long only as it could persuade Parliament to grant it the funds which it deemed necessary. According to Blackstone "the King has the sole power of sending Ambassadors to foreign states and receiving Ambassadors at home. It is also the King's prerogative to make treaties, leagues, and alliances with foreign states and princes. . . . The King has also sole prerogative as to making war and peace. . . . He is a constituent part of the supreme legislative power; and as such has the prerogative of rejecting such provisions in Parliament as he judges improper to be passed. . . . The King is considered in the next place as the generalissimo or the first in military command within the Kingdom. Another capacity in which the King is considered in domestic affairs is as the fountain of justice and general conservator of the peace of the Kingdom. The King is likewise the fountain of honour, of office and of privilege; he is the arbiter of commerce."¹⁰ This apparent theorising of Blackstone was acted on to a very much larger extent in the 18th century than is commonly supposed. It was not regarded as Parliament's task to control from day to day the affairs of the executive; and for the most part such inter-meddling by the Commons consisted largely of calling for reports from time to time, and, every so often, of setting up committees of inquiry; even these being mostly concerned in the first instance with public accounts—a matter which was clearly within the purview of Parliament since the Restoration.

(b) *The King lives of his own.* Furthermore, the mediaeval notion that "the King lives of his own" still underlay the financial relation-

ship between the Legislature and the Executive. The Civil List was in theory supposed to be the fund by which all the foreign and domestic business of the Kingdom was financed.¹¹ Granted to the Monarch for life, once granted it was therefore free from any ordinary Parliamentary interference. Of course, it was wholly inadequate to bear the cost of government. From time to time Parliament made up additional expenses by extraordinary grants. Military expenses however, and funds to reduce the public debt, were granted by Parliament annually and as these represented an overwhelming proportion of the cost of running the Kingdom it was through control over these that Parliament could in fact, and did in fact, exert a control over Royal policy. Yet even in respect of these sums the old mediaeval notion that "the King lives of his own" was maintained in an etiolated sense: for successive Parliaments followed the will-o'-the-wisp of creating a self-balancing fund with which to meet the increased expenses of the régime. If, for example, additional sums were needed for the army, an additional customs duty might be laid on Spanish hides sufficient to meet the estimates of the increased cost. The assumption always was that costs would not continue to increase beyond that fixed point, and that therefore the income from this special customs fund could be earmarked in perpetuity for this particular item of expenditure. As a result we find that by 1780 the customs duties were paid into a number of funds, e.g. the General Fund, the Aggregate Fund, the Sinking Fund, the South Sea Fund, while upon these funds were settled the payment of certain specified and recurrent heads of

expenditure. Thus, among the services to which the Aggregate Fund was applied we find "To the Officers of the Exchequer Bill Offices on their salaries," "To the sheriffs of the several counties of England and Wales for defraying their charges of taking forth their Letters Patent for their respective offices, and passing their accounts, and obtaining their quietus," "For the support of His Majesty's household."¹² This notion that it was possible to strike a balance between the income from certain taxes and the expenditure on certain fixed items so that they should become a self-balancing account, was a mediaeval notion derived from the idea that there was a fixed sum out of which the expenses of the country could and should be defrayed.¹³

(c) *Ministries as Private Establishments.* Another consequence of the notions that the executive was the King's, and that the King lived of his own, was that the departments were not regarded as public departments. Ministers were the King's Ministers: but the departments they managed were (largely) the private establishments of those ministers. For the most part, clerks and subordinates were paid not by salary but by fees exacted in the course of their duties. Where additional clerical assistance was needed in an office there was no reason why the Minister should not set aside part of his salary or part of his fees of office for that purpose; or why chief clerks having been appointed and paid in this fashion should not do likewise, setting aside a proportion of the fees which they received in order to pay off additional clerical assistance. There was no reason furthermore, why an officer paid at some very high

salary or who received through the course of events inordinately high fees (as, e.g. the fees of Tellers of the Exchequer were increased enormously through the huge increase of payments during the Napoleonic wars) should not cease to do any work whatsoever and simply engage some hack at a considerably lower sum to do the work for him. When such action was taken the work was said to be performed "by deputy" and the original post, e.g. "Teller of the Exchequer," became a "sinecure."

This notion, that the establishments were the private establishments of ministers, had three important effects. In the first place, a fee system rather than a salary system developed throughout the public services. In the second place, since these fees could not be regarded as a charge on the public accounts they did not come within the generally accepted purview of Parliamentary inquiry; and for the same reason neither did the number of individuals of the establishment. And thirdly, obsolete offices were not swept away but in fact tended to multiply; the original post so as to be performed by Deputy: then the Deputy Office became so profitable as to be performed, itself, by Deputy; and so on.

(d) *Mediaeval Operating Procedures.* Finally, some branches of the public service, and neither the least numerous nor the least important, had been continued in an unmodified mediaeval form. The best example of course is the Exchequer which retained, in 1780, with hardly any substantial modification, the same establishment, organisation and procedure as under Edward III. The Customs which in 1797 employed some 6,000 officers out of the

national total of 16,000, was a particularly glaring example of a mediaeval organisation, illustrating how the living organs of 18th century administration had to operate within a carapace of obsolete forms. Under Edward I the offices of Customer, Controller and Searcher were created. They were patent offices, originally appointed by the King or his high officers. (From the time of Henry VI the Treasurer obtained patronage.) When, as happened from time to time, the collection of the customs was farmed out to private individuals, the patent officers' rôle shrank to that of merely checking their proceedings. In 1671 negotiations for a new farm broke down, it was decided that the Central Government itself should once more collect the Customs, and the Board of Customs was created. It might have been thought that the Customers, Collectors and Searchers would now once more perform those duties for which they had been created; but not at all!

The Collectors, i.e. the staff of the tax-farmers, were taken over by the Crown to become Crown servants, stationed in all parts of the country, and made completely responsible for collecting the duties and returning money and accounts to the Customs Office. The Controller merely shared with the Collector the general superintendence of the ports. The Searchers continued to do certain work until, later on, the Board of Customs found that it could be done more usefully by officers called Landwaiters and Coastwaiters: and then all that remained for the Searcher to do was to supervise such goods as went for export. As to the Customers, they found themselves without any duties whatsoever. Their work was entirely duplicated by the

Collector or, at all events, might have been executed by the Collector. Yet the numerous brood of Customers and Searchers continued to be appointed long after they had duties to perform: so that by 1780 there were two sets of officials in the Customs service, the working officials (e.g. the Collectors and the Waiters) and the sinecures or half-sinecure offices (such as the Customers and Searchers) which had been taken over straight from the Middle Ages. When, in 1798, the 196 sinecure offices in the Customs were abolished, George Rose, not a very fervent friend of reform, had to admit: "the management in truth, derived great advantage from the suppression of the description of offices here noticed, as the possessors of them, holding by patents, conceiving themselves amenable only to the Treasury or the King, sometimes formally disclaimed any responsibility to the Commissioners of the Customs to the manifest inconvenience, if not to the loss of revenue."¹⁴

In the management of the executive branch of British Government any reformer had to tackle the dead weight of centuries. The Americans on the other hand, were able to make a clean start and planned their offices on grounds of rational utility. This must be accounted as the first and overriding reason why British administration in the period under review was far more expensive and certainly not more efficient than its American counterpart.

B. British Administration Sacrificed to Politics

1. Patronage and Politics in Britain and America

The second reason for the lower standards of public management in

Britain was derivative from the first. The mediaeval structure of the administration, the ease with which an establishment could be multiplied, the high degree of independence which its internal processes enjoyed from the observations and control of the legislature—all of these were advantages which the politicians were quick to seize. The administration, to borrow Burke's phrase, was "a loaded compost heap of corrupt influence."

In representative government of the American and British types, there are three conceivable political objects for which the gift or promise of places and offices might be manipulated.

(i) To ensure a public service loyal to the regime.

(ii) To influence the electorate in their choice of representatives.

Here we must distinguish between a situation:—

(a) Where the public officials are expected and intended to be partisans, i.e., always to vote for the "friends" who first appointed them, irrespective of the political complexion of the government of the day, and (therefore) the interest of their administrative superiors.

(b) Where the public officials are expected and intended to be ministerialist, i.e., always to vote as told by their administrative superiors, i.e., the government of the day, regardless of the political interests of the "friends" who first appointed them.

(iii) To influence an elected legislature; by detaching Members from their private allegiances, in order to support the government of the day.

Now in respect to (i), both the United States and Great Britain, at

certain times in the period under review, made loyalty to the regime a pre-requisite of appointment to public office. Washington would not appoint former Tories. In Britain also there is evidence of some disturbance in public offices after the accession of George I, to secure adherence to the new order.¹⁵ This kind of discrimination is compatible with a very wide choice of candidates and need not prejudice the quality of the public service. This factor may be discounted as affecting the quality of public administration in either Britain or America.

In respect to (ii(a)) such were the political circumstances of either country at this time that the bartering of public offices for partisan support hardly arose. In Britain, as Feiling points out, "It is indeed a truth, fundamental for our purpose, that organised continuous party existed neither in the 17th nor in the 18th century."¹⁶ It is equally true that there was no organised Opposition until the Napoleonic Wars;¹⁷ nor was there either popular constituency or anything resembling a national party organisation. In these circumstances, there was no tendency in 18th century Britain for rival groups of politicians to promise the places of their rivals to their own friends in return for electoral support. In the Federal sphere of U.S. politics, between 1789 and 1824, circumstances were similarly such as largely to preclude this type of abuse of the patronage system. So long as Washington was in office parties were in abeyance. After Jefferson's first term the Federalist party began to dwindle away and not until 1828 did the two-party system emerge. Had this not been so, however, it is conceivable and even likely that the

"rotation of office" would have developed there and then, for the short period of intense party rivalry, 1794-1804, is full of instances where patronage was bartered for political support. The defection of New York to Jefferson in 1800 was the outcome of disappointment felt by Livingstone and Clinton who had been deprived of patronage by Washington and Adams. Again, Jefferson, on acceding to power, carried out a proscription of Federalists in the public service and gave their posts to his own supporters. There is little reason to suppose that if the Federalists had returned to power in 1804 they would have acted like the Rockingham Whigs in 1765 and simply restored the *status quo ante*; the probability is that they would have carried out a counter-purge. But, fortunately, the Republicans stayed in power, and for another twenty-odd years there was one-party control of the Federal Government. Thus, by and large, between 1789 and 1828, a situation of political partisanship did not exist in the federal sphere of American politics, and so it was not necessary for Americans to abuse recruitment for electoral purposes.

Patronage could also be manipulated to secure the return of a "Ministerialist" legislature, one that would support the administration of the day, i.e. ii(b). Now under the American constitution this kind of legislature, however desirable, is not strictly necessary; for the President, once elected, is independent and irremovable. Not so in Britain, however; for although the Monarch was independent and irremovable, his Ministers were not and it was through his Ministers that he had to carry out his policies. Consequently

it was not merely desirable in Britain but *vital* that the Administration of the day should secure—if necessary in advance—an amenable House of Commons. To quote Feiling again "It was for the King to choose Ministers and though he would obviously choose them from groups strong enough to get his business done in the Commons he chose them irrespective of the constituencies. So that the process of our day was actually inverted, Ministers being selected not in consequence of, but in order to make, an election; and before 1831 there is no example of Ministers, if supported by the Crown, being beaten at the polls."¹⁸

Finally, once a legislature had been elected, patronage could be used to detach members from their private loyalties and to get them to rally round the administration, i.e. (iii). To this purpose patronage has been put in the U.S. of today; but we are assured by Professor White that he has found no evidence that it was so used during the Federalist and Jeffersonian period. Such use of patronage might have prevented the frustration of Monroe and J. Q. Adams by Congress; but, however desirable, it was not absolutely necessary, because again, once elected the President was irremovable and independent. By the same token, however, the British Cabinet being dependent and removable by the House of Commons *had* to make use of patronage in order to make the 1688 settlement work.

If, then, we review these three purposes which patronage could serve (i) did not and would not exercise a marked effect; (ii(a)) operated only intermittently in the U.S.A. and not at all in Britain; but (ii(b)) and (iii) which, however desirable, were not

strictly necessary to the U.S. Constitution were both central to the British political system.

2. Patronage Buys Political Support in 18th Century Britain

Since a compliant House was essential if the British constitution was to work, to this purpose the patronage system was necessarily subverted. Honours could buy such support, contracts could buy such support, commissions in the army and navy could buy such support; but these baskets of loaves and fishes were not enough, by themselves, to keep the constitution working. The public service was a fourth basket of spoils; and, owing to the Gothic nature of the administration it could, up to a point, be expanded at need, to meet the exigencies of a political crisis. This is, in fact, what happened.

Compliant legislatures were returned, kept or made, by (1) the granting of favours, (2) the nomination to official posts. By "favours" we mean the handing out of pensions, or sinecures or the reversions to those sinecure posts which existed in the public service. These—which were the plums of the public service—were granted for two reasons. They might be granted to individual Members of Parliament in order to get them to support a particular measure brought forward by the administration. They were in fact a good method of making a House and of keeping it. Or, they might be used to prepare the way for an electoral triumph. Given the unreformed electoral system of the day the keys to electoral victory lay in the pocket boroughs and the close boroughs. To secure victory the politician must address himself to

those individuals who possessed the first, or had what was called "a political interest" (i.e. influence) in the second. To secure the support of these individuals the sinecures, the pensions and the reversions were handed out; and in return M.P.s who could be relied on to support the administration would be elected. The second class of patronage, i.e. nomination to working posts in the public services, was useful, not for making or keeping a House, but in the electoral process. The electorate was very small at the close of the 18th century — about 200,000-250,000. Throughout the century, therefore, the rare individuals who had a right to vote were given preference in appointment to the public service: and as public officials they were expected to cast their vote as their administrative chiefs directed. Thus at any general election there was a large block of voters in a very small electorate, whose tradition it was to vote as they were told. Furthermore, their loyalty was, traditionally, not owed to the individual Minister or patron who had secured their admission to the public service, but to the Government of the day. In practice some of these public officials were often in a predicament; for sometimes they had to choose between voting for the candidate of their original patron and voting for the candidate of the Minister of the day. Thus, in the election at Malden in 1763, the excise men were told to vote for one Gascoyn, although they did not in fact do so, but voted against him and returned his rival, Mr. Husk.¹⁹ Similarly, in the Maidstone election of 1761 the Admiralty instructed all the freemen of Maidstone who were employed by them in the Chatham dockyards, to vote for Mr. Northern.

Instead, they seem to have voted (as did the Customs and Excise officials) for a Mr. Fuller. Thereupon Fuller wrote to the Duke of Newcastle (who controlled the Treasury patronage) asking him to "protect them from censure and discountenance."²⁰ But on the whole these revolts seem to have been rare and the public officials who had votes played a very important rôle in securing the return of Government candidates. The Marquis of Rockingham stated in 1782 "That there were no less than 70 boroughs where the election depended chiefly on the votes of revenue officers"; "The Custom House alone," he said, "had 5,000 persons belonging to it besides about 2,500 more of extra tides men, etc., and the Excise at least 4,000 more, who were voters . . ." "The revenue officers, as the law now stood, not only were forced to vote for those they did not approve, but to vote against their own friends and those in particular to whom they were most obliged."²¹ In his forecast for the election of 1784, John Robinson mentions the effect upon certain boroughs of the recent disfranchisement of these revenue officers by Crewe's Act of 1782. In Winchelsea, "The revenue officers having been struck off leaves scarce a good voter." In Hastings, Rye and Seaford, he says "The disfranchising bill has made great alterations."²²

Since the harmony of the executive and legislature rested upon the making of elections and the making and keeping of the House of Commons, there was increasing pressure in the 18th century to turn more and more posts to political advantage and to barter public office for the possession of a vote

regardless of character and capacity. In her study of the Customs System in the 18th Century, Elizabeth Hoon shows that there was a steady increase in Treasury patronage. Early in the century the Treasury did little more than alter some of the Customs Board's presentments: only occasionally did it recommend. Later, it recommended more frequently; and sometimes, where there were no available vacancies, it directed persons to be employed in a temporary capacity. In 1757 it ordered that notice of all vacancies must be sent to the Treasury immediately: in 1765 that "the presentments to vacancies be submitted to them each week. Next the Treasury began to create many new offices "by constitution"—a form of establishment which vested complete control of the servant in the Treasury Board: and then, in 1782, they ordered that no deputies to the old Patent officers be appointed without Treasury consent. Under this regime the standards required from candidates were progressively lowered and the commissioners complained that they were drawn "from county fox hunters, bankrupt merchants, and officers of the army and navy."²³ As to the Excise officers, these had been brought under Treasury control considerably earlier in the century—between 1729 and 1736. By the later date it was all over: an Excise-man with a vote was thereafter expected to cast it as the First Lord of the Treasury directed.

Thus the exigencies of the Gothic constitution led successive governments not only to perpetuate but even to exaggerate the eccentricities and incapacities of the Gothic administration. So long as this method of working the constitution was not

under attack—and it was not seriously under attack until after 1780—the structure and organisation of the administrative system could not be attacked either. Politics was supported by the nature of the administrative system; the administrative system was supported by the nature of politics.²⁴

Thus we have seen first, that whereas the United States was able to start with a clear field and to build a rational structure of administration, Britain in 1780 was loaded with the detritus of ages; and secondly, that whereas the political situation in the United States from 1789 to 1828 was such that the constitution could work without seriously depressing the quality of the public servant, this was not so in Great Britain. It is to these two causes, medieval organisation on the one hand and the servitude of efficiency to politics on the other, that we must attribute the superiority of American administration in the first 40 years of the life of the Republic.

C. Probity and Capacity of the Public Officials in America and Britain, 1780-1830

In considering the depression of British administrative standards we must not give too much weight to the fact that in the U.S.A. those with the power to appoint had moral standards vastly different from their opposite numbers in Great Britain. It is true that Washington was particularly stern and unbending. As we have seen, "family relationship, indolence and drink" were to him an insuperable bar to public office. John Adams was equally lofty: "I should belie the whole course of my public and private conduct and all the maxims of my

life if ever I should consider public authority entrusted to me to be made subservient to my views or those of my family or friends."²⁵ And, once Jefferson's purge of 1801-3 was over, "the standards were high", says Professor White. "Their choice fell upon persons from the same reputable social class of gentlemen upon whom the Federalists had depended." "We need not allow favours . . . to obscure the standards that the Republicans announced and generally maintained. Their selections . . . were made within the ranks of the Republican party, but they were confined to gentlemen who were men of integrity."²⁶

It is equally true that in contemporary Britain appointments were not confined to men of integrity and that numerous bad appointments were made. As late as the period 1836-1854 (by when the situation had greatly improved), many appointments were still of the very worst quality. "I have made out a return of 55 persons who were nominated by the Treasury between 1836 and 1854. Several of them were incompetent from their age. I found some perfectly unqualified. . . . One person in that list had been imprisoned by the sentence of the Court as a fraudulent debtor. . . . There was one man whom I was forced to keep in a room by himself as he was in such a state of health that he could not associate with the other clerks. . . . There was the case . . . in which a gentleman was appointed who really could neither read nor write; he was almost an idiot and there was the greatest possible difficulty in getting him out of the office."²⁷ Another example of the low standards in the civil service is to be found in an analysis

of the results of the qualifying examinations instituted in 1855. Of 958 persons *nominated as being fit* for public office, nearly 300 were rejected by the Civil Service Commissioners, and of these rejections 206 failed in arithmetic or in spelling.²⁸

Nevertheless, on a closer examination, the apparent gap between the two civil services does not appear to be quite as wide as these facts would suggest. It is commonly said that "nepotism" was one of the besetting sins of the British Civil Service at this period. Professor White, quoting Federalist and Jeffersonian Presidents, shows that they were opposed to nepotism; but his evidence also shows clearly that the senior civil servants (e.g. Nourse, Bradley and Dearbourn) were by no means averse from bringing their relatives and friends into the public service.²⁹ In point of fact, this is only to be expected. Why should not departmental heads very properly consider that their friends and relatives were as capable as distant and unknown applicants? Is there any reason to believe that they might not have been right?

In assessing the standards of personnel in Britain, especially in relation to the American Civil Service at this time, it must also be borne in mind that the Collectors of revenue (e.g. the customs officials) were expected to give a heavy bond before being allowed to take up office and, furthermore, that even if nominated by the Treasury they were always subject to disciplinary dismissal by their Board. In Elizabeth Hoon's study there is surprisingly little evidence of defalcation or embezzlement on anything but a very petty scale. As to the Board of Customs itself, it was exceedingly hardworking;

and her comment on its record is: "for the most part administration was sound. . . . The Board made continual attempts to improve the effectiveness of the service by expanding the organisation, encouraging officers, bettering the regulation of routine business, and having regard to the danger of patent offices, fees, and the like. The commissioners, however, cannot be entirely freed from the responsibility for the poor condition of many of the ports, for the too-frequent conniving of customs officials in fraud and smuggling and for the indifferent personnel which meant a proportional degree of inefficiency."³⁰ Despite the just criticism contained in this paragraph it is manifest that the customs system, in the teeth of the tremendous handicaps to which the inadequate organisation and political interference gave rise, was not the weltering sink of corruption, immorality and indolence which we have been conditioned to expect.³¹

Now if we look in any detail at some of the American services during this period we shall find that despite the care in choosing public servants, the officials were not always as efficient or upright as Presidential high-mindedness would suggest. For example, after the war of 1812 there was a crop of embezzlements by public agents in the United States. Theoren Rudd, clerk of the district court in New York, absconded with 65,000 dollars of public money and over 52,000 dollars belonging to litigants before the court. John Braham, receiver of public money at Huntsville, Alabama, speculated away 80,000 dollars on the cotton market. Byas Watkins, auditor in the U.S. Treasury, embezzled over 7,000 dollars and ran away.

Professor White comments "that these cases were as exceptional as they were conspicuous,"³² but the fact remains that it is from isolated incidents like this—such as the Duke of York scandal in 1809 or the Melville scandal of 1805 or the existence of the "subordinate treasuries" in 1780—that the low morality of the British public service of the time has been deduced. It is a major merit of Professor White's volumes, in itself, that he has supplied a standard by which we can gauge the shortcomings of contemporary British administration. It is clear from the examples cited that even in a public service like that of the U.S.A. with its high standards of recruitment and high ideals as to public service grave derelictions could every now and then occur. And this should serve as a warning to scholars on this side of the Atlantic not to judge the 18th century British civil service by the more spectacular examples of nepotism, inefficiency and malversation: because it may very well be that if these services were inspected as closely as Professor White has examined the American, the much-paraded examples of inefficiency might turn out to be as untypical of the British public services as he has shown them to be untypical of their counterparts in the U.S.A.

Finally, in assessing the quality of the 18th century British public service, one ought never to forget that side by side with the bankrupts, the foxhunters and the illiterates there were such notables as Abbott, Arbuthnot, Barrow, Bickersteth, Finlaison and Deacon Hume, Larpent, Rickman, Stevenson and Sir T. Murdoch: and also an anonymous mass of humbler officials whose

integrity and capacity was sufficient to leaven the ineptitude of the ranker political nominations, and to carry the G.P.O., the Customs and the Excise to a not altogether inconsiderable measure of success.³³ Indeed any student undertaking to examine the characteristics of the 18th century public servant might well adopt, as his starting hypothesis, Sir James Stephen's classification of the Colonial Office of his day. There were, said he, a small minority of first rate intellects, experienced and devoted to the public service: a larger group of men "who performed diligently, faithfully and judiciously the duties to which they were called"; and a third group, in the majority, of those who possessed "only in a low degree and some in a degree almost incredibly low either the talents or the habits of men of business, or the industry, the zeal or the knowledge required for the effective performance of their appropriate functions."³⁴ A similar state of affairs seems to have characterised the public offices in the eighteenth century.

D. The Pace of Invention and Reform, 1780-1830, in America and in Britain

If we are trying to assess administrative capacity, ought we to judge a system merely by what it is at one point of time: or may we not also judge by reference to what it has evolved from and what it is advancing to? From this standpoint, the British achievements from 1780 to 1830 bear comparison with the American and, indeed, may be deemed to surpass them. It should by now be clear how great was the American advantage in starting with a clear field, and in that her internal politics at this period did not necessitate,

as in Britain, a continual subordination of administrative efficiency to the maintenance of political power. Yet from 1801 onwards, as Professor White clearly shows, American administration had reached a plateau; more than that, a good deal of evidence throughout *The Jeffersonians* indicates that in many respects it was already slipping back. In Britain, on the other hand, it is no exaggeration to say that in the years 1780-1834 a revolution was accomplished in the public service. Its Gothic structure was laid in ruins and upon them was reared the massive foundations for a coherent and rational structure which the next generation was to erect.

I. Developments in America, 1801-1830

Of the U.S.A. during this period Professor White remarks: "The major developments grew out of the crisis caused by war. The embargo left no permanent changes in normal procedures, although it provided some extraordinary precedents, and the depression of 1819-1822 was neither long nor severe enough to leave a mark on the administrative system. The incompetence of the defence departments and of civilian administration revealed by the war with Great Britain was so impressive, however, that it caused the first major reorganisation of the federal administrative system. The principal elements will be recalled: the establishment of the army General Staff,³⁵ the formation of the Board of Navy Commissioners, and the reconstruction of the accounting organisation and system of accountability. Other significant reforms and developments also took place after 1815. West Point was reorganised and put on a

high professional standard. Ship construction was standardised. A system of inspection of land offices was introduced; the first of its kind. The procedures of the State Department were greatly improved by John Quincy Adams. The Post Office was energised by John McLean.

"Of special importance was the establishment of professional assistance to the heads of the two defence departments by means of the General Staff of the army and the Board of Navy Commissioners. The full significance of this innovation was probably not understood at the time, since each institution was proposed and defended as a means of relieving the head of the department from an impossible burden of detail. The Secretaries did benefit to some extent in this respect, although detail kept crowding its way to their desks. Much more important was the availability of professional advice on army and navy affairs, hitherto lacking on any systematic or orderly basis. The Navy Board was particularly useful in bringing its judgment to bear on naval construction and on the management of navy yards and posts. Both agencies were successful in elaborating a body of regulations for the government of the uniformed forces.

"The State Department remained throughout the period with no professional officer to assist the Secretary. The Treasury had enjoyed the services of men above the rank of chief clerk from the beginning: the commissioner of revenue, the register, and the head of the General Land Office in particular, but like the comptrollers and auditors, they brought no relief to the Secretary in the discharge of his own duties.

The Post Office had two officers of general competence aiding the Postmaster General: the first and second assistant postmasters-general. These modest advances were significant of later developments.

The Republican years confirmed Federalist ideas about permanent service in the general government. Tenure, although not protected by law, was in fact during good behaviour, both in Washington and in the field. Clerks might end their official work in the same office, indeed in the same position in which they began, but the expectation of life service was high. The army and navy offered somewhat greater freedom of movement than the civilian agencies, but both uniformed services suffered from successive statutory reductions that forced many career officers into civilian life.³⁶ "The Jeffersonians in fact," he says, "carried the Federalist administrative machine forward without substantial alteration in form or in spirit for nearly three decades."

But in some respects, the standards of administration were slipping back. The Treasury, after the retirement of Gallatin, ceased to control the estimates of the other departments. The Collectors "tended to become careless in the conduct of Custom House business."³⁷ The State Department had become choked by domestic business which Congress declined to transfer to a separate Department of the Interior.³⁸ Above all, from 1824 to 1828 the high standards of recruitment hitherto characteristic of the system became subjected to an increasingly intolerable political pressure and finally collapsed with the election of President Jackson.

2. Developments in Britain, 1780-1830

By contrast, the British system had been almost completely remodelled since 1780, and the Reform Bill of 1832 was to provide a still greater impetus to its re-organisation.

(a) *Size and functions.* In 1828 the British Civil Service (excluding the law courts, the Colonies, and the Household) consisted of 22,900 persons. In 1797 there had been 16,267. The net increase of over 6,000 was almost entirely accounted for by an addition of over 5,000 in the Customs Service, 600 in the G.P.O., and 66 in the Taxes Office.

The functions of central government were at this time not greatly dissimilar from those of the U.S. Federal Government. The primary function was to defend the country and to pay off the national debt; consequently the biggest departments and the most expensive were those of the armed services on the one hand and the collection of revenue on the other. The public service as a whole may be divided into six groups. There was first the Treasury group which comprised the Treasury, the Exchequer, the Audit Board, the Land Revenue Board, the Tax Office, the Stamps Office, the Hackney Coach and Hawkers Office, the Board of Customs and the Board of Excise. The Mint, the Board of Woods and the Board of Works may also be regarded as coming within this general group. Next there comes the Army group of which the chief offices were the War Office, the Ordnance Office, the Army Pay Office, the Store-keeper's Office and the Commander-in-Chief's Office. Of the Navy group the chief offices were the Admiralty, the Navy Office,

the Navy Pay Office, and the Royal Navy Hospital Board. Fourth comes a group of departments or offices which we may call the Secretariat. They represent the developments, by 1828, of the primal office of the Royal Secretary. By this time they consisted of the Home Office, the Foreign Office and the Colonial Office. The last group, miscellaneous, consisted of such offices as the Council Office and its quondam offshoot, the Board of Trade; the Privy Seal Office; and the Board of Control.

(b) *Lack of Coherence.* The system as a whole was still largely incoherent. It is true that Board management, in appearance the prevalent pattern, was already illusory. (In respect to the Treasury's major functions, the Chancellor was in full control. The Minutes continued to be read twice weekly to a board at which the junior Lords were present; but from 1809 no record was kept of their individual attendance and the matter became more and more a formality. The junior Lords were permitted to criticise the wording of the Minutes and were sometimes set to research and report upon certain aspects of business; but by 1828 the running of the department was firmly in the hands of the Chancellor and his permanent staff.³⁹ Similarly, the Board of Trade, though technically a board, was, in fact, a Department administered by its President and Vice-President. The Board of Control was likewise a board only in name.)

In addition, the Secretariat, organised from the start on Bentham's principle of single-seatedness, was, between 1780 and 1830, moving into the forefront of administrative activity. Thus six of the depart-

ments, and these not the least important, were by 1828 organised on the "single-seated principle" regardless of any formal appearances to the contrary.

Yet though some of the departments were thus acquiring a coherent pattern, the Departmental Groups, with one big exception, still remained inchoate. The exception was the Treasury group, over which the Treasury was beginning to assert much more stringent control.⁴⁰ The Army and the Navy groups, however, were very loosely organised. Thus, the Secretary for War and Colonies was responsible for the size of the force and for controlling its functions abroad during war; but the Home Secretary was responsible for general military questions when the army was at home. The Secretary at War was responsible to Parliament for finance and for the contacts between the army and civilian population, but the Commander in Chief was responsible for the discipline of the forces. He had no control over troops abroad, however, and he could not move troops at home without the consent of the Secretary at War: he had no control over the supplies because arms and stores were the responsibility of the Ordnance branch, provisions the responsibility of the Commissariat, and clothing the responsibility of the Board of General Officers. All these offices approached each other by formal letter. The incoherence of the system was fully seen by contemporaries. Lord Howick's commission in 1837 produced a comprehensive plan of re-organisation, but Wellington, who was Commander-in-Chief, opposed this so firmly that no action was taken and the system continued to muddle along until the

disasters of the Crimean War. The Navy was in a similar state; but reforms here were initiated by Graham in 1832.

Finally there was a marked lack of Treasury control over the whole organisation—if organisation it could be called. The Treasury's control over the estimates of its own "group" were recognised by the law and custom of the constitution, but the other departments preserved their independence jealously. Estimates for the armed services were discussed at the Cabinet level before being passed on to the Treasury;⁴¹ and in 1783 when Pitt's Public Offices Regulation Bill found its way to the House of Lords it raised cries of alarm from officers who feared that their autonomy would be curtailed. Lord Townshend opposed it because "it would give the Lords of the Treasury greater influence over the Board of Ordnance than they at present possessed." Lord Stormont (the Lord President) complained that "it gave most extraordinary powers to the Treasury and diminished the necessary power and the dignity of the other officers, in a manner very inconsistent with the duties which they had to discharge. . . . Several of the great offices of the State had ever been distinct and independent: but this Bill gave the Treasury a painful pre-eminence over all of them, and made every one of the rest subject to its control." The Bill was defeated 40 to 24.⁴²

(c) *Emergence of the Cabinet.* Nevertheless, between 1780 and 1834 reform had proceeded continuously on a massive scale. In the first place we must remark the rise of the Cabinet as a supreme controlling body; secondly, that the essential preliminary for Treasury control had

been created; thirdly that the public offices had been largely modernised; and fourthly that there was an increasing divorce of administration from political considerations.

By 1828 the Cabinet was beginning to take its modern shape and becoming the co-ordinator and supervisor of the separate departmental establishments.⁴³ In 1780 the Cabinet had consisted of the Cabinet officers, the Cabinet officers "*with the circulation*," and the Cabinet officers "*with the circulation and the Post Office*." Under Pitt's premiership a distinction was finally drawn between the Efficient Cabinet and the Titular Cabinet; and the latter withered away. Again, with the accession of Pitt, "government by departments," which had become prevalent under North's administration, began to decline. The Cabinet began to work as a team and look to the Prime Minister for its lead. The convention of Cabinet unanimity grew up: after enduring public criticism and opposition from his Lord Chancellor for nine years, Pitt insisted on his removal from the Cabinet, and this enforced resignation of Lord Thurlow in 1792 marks the beginning of the tradition of unanimity.⁴⁴ In 1821 Canning resigned from the Cabinet because he did not see eye to eye with his colleagues on the affair of Queen Caroline; and Huskisson's resignation over his vote on the East Retford Bill in 1828 further drove home this convention that a Minister ought to resign if unable to vote together with his colleagues. It is perfectly true, of course, that owing to the prevalence of "open questions" during this period, Cabinets were formed and maintained at that time in a fashion impossible today; but, nevertheless,

while 1780 saw the Cabinet a mere group of departmental heads, 1828 saw it a collective unity. In this way, the British Cabinet was fast becoming an American Presidency put "into commission"; or if one prefers it, to become a collective Presidency, and the head of the executive branch. What is more, after the Reform Bill of 1832, the Cabinet was destined to go far beyond the American Presidency in its control of the administrative branch; for whereas the latter became increasingly hampered and plagued by Congressional committees and their financial pressure, the procedural changes which followed the Reform Bill in Britain reinforced the leadership of the Cabinet over the House of Commons, finally rendering it the undisputed head of the administrative departments.

(d) *The foundations of Treasury control.* In respect to the second great line of reform, viz. the foundations of centralised Treasury Control, the matter is somewhat more complicated. The reforms proceeded along four lines. To begin with, such control cannot be exercised, unless the public accounts show clearly how much money comes in, how it is appropriated, and how it is being spent. This was quite impracticable under the system of 1780. By this, certain revenues were traditionally assigned to certain funds and from these funds certain payments were traditionally made; furthermore many public servants were paid by fees, not by salaries. The reform of the Public Accounts was the first requisite of effective budgeting. It began with Pitt's Consolidated Fund Act of 1787. Contrary to popular belief, this Act did not operate fully until the close of the whole Napo-

leonic Wars:⁴⁵ but by 1828, its intentions were being fully carried out. All income, from all sources, was paid into one single Consolidated Fund; and all expenditure was paid out of it. (Except for "drawbacks," etc., for which see below, p. 350.) Annual gross amounts of income and expenditure had been placed before the House in 1802 and balanced accounts in 1822. Though an enormous improvement on the 1780 situation, these were still incomprehensible as to detail. It was not until appropriation accounts were introduced in the generation after 1830 that the exact identification of all items of expenditure was accomplished.

A second move in the direction of effective budgeting was the modernisation of the system of receipts and payments. In 1780 these were still being effected in the ancient Exchequer by a procedure sanctioned by time and Henry I. In 1783 the old system of giving tally-sticks as receipts was directed to be abolished, and check-receipts to be substituted for them;⁴⁶ though the reform did not become effective until 1826. But by 1834 the whole Exchequer had been swept away, and replaced by the Comptroller General and his small staff; and it was to him that the legality of payments of public money was now referred; while instead of the physical transfer of treasure in and out of chests kept at the Exchequer offices,⁴⁷ payments were made by book transactions on accounts at the Bank of England.

Two more reforms which increased Treasury control of budgeting were the steps leading to greater control over Estimates and those facilitating greater control of Appropriations.

The latter was effected by reforms in the method of audit. In 1780 audit was in the hands of the Auditors of Imprest, or, rather, by their deputies, for the Auditorships were notorious sinecures. But the system in use was so complicated and cumbersome and slow that in 1780 there were open accounts going back thirty years: there was even one which went back to 1689. In 1785 the Auditors of Imprest were abolished and an Audit Board set up. Incapable of handling the huge sums spent during the Napoleonic War, after 1815 it steadily improved. Furthermore, its accounts were more readily comprehensible to the public. In 1780 the Auditors of Imprest were still keeping their accounts in Roman numerals. Now, since it is impossible to add up large sums expressed in Roman numerals with any accuracy or speed, Arabic numerals were written in by the side, and additions and subtractions were made in these; but the result was so to superimpose the Roman and Arabic numerals that neither were easily distinguishable. Furthermore, the receipts and issues were still recorded in the Latin tongue; and this was not the golden Latin tongue nor even the silver Latin tongue, nor even the language of Ulpian, but a barbarous gibberish which had evolved departmentally in the course of centuries, and was impossible for any outsider to read or understand.⁴⁸ However, in 1834 the English language and Arabic numerals were at last introduced in the teeth of a protest, "that if those proceedings were directed in future to be made in English, the present records in a few years would be obsolete and unintelligible."⁴⁹

Despite the modernisation of the audit system it was not complete.

For one thing, the sums paid into the Consolidated fund by the departments were net sums and not the gross ones; that is to say, departments did not pay in all that they received, but subtracted what were called "drawbacks" (i.e. costs of collection) and the costs of making contracts or sales of property, etc. Consequently it was hard to check whether such drawbacks were justified. In the second place, and far more serious, no departments laid an appropriation account before the House. It was discovered in 1831 that for some years past, sums voted by Parliament for one purpose to the Admiralty had been used systematically for quite different purposes. The underlying reasons were "loose estimates which did not truly represent the financial requirements of the naval service; an incomplete system of accounts, which generally could not exhibit the naval expenditure under the heads of the separate grants of Parliament; tardy examination of accounts, which would have delayed the preparation of audited returns of expenditure to a period when they would have been of no practical value; but, above all, the absence of any returns to the House of Commons upon which reliance could be placed, showing how far the intentions of Parliament had been complied with in the application of the naval grants."⁵⁰ In 1832 the huge sums voted to the Admiralty were expressed in an appropriation account by Sir James Graham; in 1846 the system was extended to the War Office, and in 1861 extended to all other votes.

The last set of reforms which concurred to more effective Treasury control was the growth of its control over departmental estimates. In 1780 the items of expenditure were

to be found in three groups, viz. in the Services' estimates, in certain Miscellaneous grants, and in certain charges traditionally borne on the King's civil list. The Service estimates do not concern us here as we have seen that they were negotiated at Cabinet level before proceeding to the Treasury. Treasury control originates in its control over items of civil expenditure. In 1780 this was a minute item compared with the whole, only £80,000 out of a total of over £22 million.⁵¹ The Treasury had controlled these estimates for miscellaneous expenditure, and in some cases had even made them up in its own offices, as far back as the Revolution of 1688, and possibly before. The more extensive control over civil items which developed after 1780 arose from the fact that by successive statutes certain items, e.g. the cost of ambassadors or judges, which had hitherto been borne on the Civil List, were transferred to the Miscellaneous Estimates and so became subject both to the scrutiny of the Treasury and of the House of Commons. The final transfer of the civil items took place in the definitive reform of 1831, as a result of which the civil list was confined to royal household expenditure and all national items were transferred either to the Consolidated Fund or to the annual Miscellaneous Estimates. Thus, by 1831 the Treasury and the Commons were made responsible for items which hitherto had been concealed in the royal civil list. But in addition to this, the proportion which miscellaneous items bore to the total government expenditure began to rise sharply during the 19th century. In 1820, there was something like £2 million out of a total of £57 millions: by 1850 some £4 million

out of a total of £55 million. In this way, after the reform of 1831, Treasury control increased *pari-passu* with the increase of civil estimates.

By 1834 instead of a primitive system of finance incomprehensible either to the public or to the Treasury, reforms had been made without which centralised treasury control of departmental expenditure would have been impracticable; national and departmental accounts were either effective or about to become so; the receipts and payments system had been modernised; the notion of retrospective audit to check appropriations had been evolved at the Admiralty and was to spread to all other departments; and finally, the Treasury control of the miscellaneous estimates had been insured and was to grow with the growth of these estimates in the national budget. The sequel has a certain irony. While the British system of financial control was evolving to its logical terminus in the Exchequer and Audit Act of 1866, the U.S. financial system stood still. The U.S. Treasury became one department among many, exercising neither supervision nor restraint over its partners: each department submitted its own estimates to the Appropriation Committees of Congress; and no effective post-audit of accounts was developed. In 1916 an unofficial Commission of three American political scientists examined and reported on the British system; and in 1921, by the Budget and Accounting Act, the essentials of that system were, as far as the Constitution permitted,⁵² introduced into the U.S.A.: A Comptroller and Auditor was appointed, and the Bureau of the Budget set up to collate departmental estimates and

present Congress with a unified "executive budget."

(e) *Modernisation of the Departments.* While the Cabinet was fast becoming the effective head of the whole public establishments of the country, and as the Treasury was on the point of becoming the effective co-ordinating head at the departmental level, a third great change took place in the British public service. This was the modernisation of the public offices. We have seen that in 1780 a great number of the clerks of these offices were paid by a fee system, and that as a result, internal developments in each Ministry occurred outside the public gaze. In 1780, Lord North agreed to set up a commission to examine the public accounts, and this commission which reported between 1782 and 1786 analysed in detail the system of payment by fees and concluded heavily against it. It recommended that wherever possible they should be replaced by a salary system. There was a subsequent piecemeal development throughout the public offices, some adopting the recommendations and some not. A Select Committee of 1797 repeated the recommendations of the earlier inquiry; and this report was followed by a Treasury Circular to defaulting offices. In changing from fees to salaries the system generally adopted was to fund all departmental fees into a common pool from which fixed salaries were then paid out to all persons on the establishment. The difficulty that arose here, was that the fund itself fluctuated from year to year. Were officials to accept cuts in their salaries whenever there was a fall in the fee fund? In 1810 a statute laid it down that any such deficiencies would be made

good from the Civil List, but this proved grossly unsatisfactory. In 1816 it was replaced by a statute by which any deficiencies were to be made good by a Parliamentary vote. From this point, salaries came within the purview both of the Treasury and of Parliament; and what we have hitherto called the Public Service had made the step which transformed it into the Civil Service. Quasi-private clerks and officers were now definitely public officers; henceforth Parliament's interest in cheap government and efficient government carried the reform movement forward into inquiries about the internal management of the departments and the quality of their personnel. Thus by 1830 the stage was set for the great internal reorganisation which was carried through after 1848, and which was stimulated by the gross administrative shortcomings revealed in the Crimean War.

During this period also, the dead wood was swept out of the departments. It has been seen that so long as sinecures existed and so long as politics could make use of them, so long obsolete forms and processes must continue in the public service, e.g. in the Customs or the Exchequer. From 1780 to 1834 the sinecures were eliminated. It is difficult to make an estimate of the total existing in 1780 as very often what was described as a sinecure was, in fact, an office with a very light duty; but the number of total sinecures seems to have been in the order of 600. Burke's Civil List Act of 1782 swept away 134 offices and another 144 were swept away by Pitt in 1782-3. All these were offices on the Civil List, however. In 1783 the Exchequer Act suppressed the Usher, Tally cutters,

Chamberlains, and the second-clerks in the Teller's office, and similarly the offices of the Auditor and four Tellers. In 1798 a further wave of suppressions occurred: 196 offices in the Customs were done away with and three in the Land Revenue. In 1810, there were still 242 sinecures costing roughly £300,000: but by 1834 they were almost eliminated.⁵³ Thus, partly by the transition from a fee system to a salary system and partly by the abolition of sinecures, the way was at last open to the reorganisation and public control of the departments and the civil service.⁵⁴

E. Increasing Divorce Between Politics and Administration

The last of the four major developments in the modernisation of the public service, 1780-1834, was the increasing divorce of administration and politics. In 1782 contractors were excluded from Parliament, and in that same year the revenue officers were disfranchised. In 1809, following the Duke of York scandal, an Act prohibited the sale and brokerage of offices; and another Act "to secure independence in Parliament", laid down that bribes "of offices, places and employment were contrary to the freedom of election." This last Act was made more effective in 1827 by an Act which made the acceptance of such bribes penal, not only the mere offering of them. These measures together with legislation which regulated and brought under public control the pension list, and others which interfered with the buying and selling of government boroughs had by 1830 destroyed the influence of the Crown. Perhaps the final proof is that Wellington lost the election of 1830.⁵⁵ By 1830, although

the party in office always endeavoured as far as possible to give jobs to its supporters rather than to those on the benches opposite, and although patronage was helpful in ensuring party discipline inside the House, the more flagrant subordination of administrative efficiency to political considerations had disappeared; and, within the next generation, was to disappear completely.

In all these respects, therefore—the emergence of Cabinet leadership, the foundations of effective budgeting and treasury control, the modernisation of the public offices, and finally, the severance of administration from high politics—the foundations were laid for the remarkable reforms of the mid-19th century which made Britain rather than America the ideal model for administrative reformers throughout the world. If, to resume the thread of our argument, British administrative ability is to be measured by the tendency of the period 1780-1834, it stands up very well against its contemporary in America. For this, after the initial burst of creativity in the Federalist period, had settled down and in some cases had lost pace.

THE PROBLEM OF THE AMERICAN "SPOILS" SYSTEM

A. Political Circumstances Adverse to "Spoils" System in America, 1789-1824

There remains a final question before concluding this paper, and it is to try to account for the fact that after Jackson's election in 1829 the United States rapidly developed the "rotation of office" and what became known as the "spoils system," while after the Reform Bill of 1832 the standards of entry into the British

civil service were progressively raised until, by the Order in Council of 1870, political patronage was almost entirely eliminated.

Any conclusions must be highly speculative. First let us see if one can account for the rise of the "rotation of office" system in the United States after 1829. Up to 1829 officers in the Federal Civil Service enjoyed a high degree of permanency. One reason was that after the 1801 election the Federalist party not only failed to stage a return to power, but gradually died out; so that by 1816 there was virtually one-party—or if one prefers it—non-party rule in the U.S.A. In these circumstances, office holders naturally enjoyed permanency of tenure; and coupled with the fact that the Jeffersonian Presidents admittedly had high standards and high ideals as to the nature of the public service,⁶ it accounts for the fact that Jefferson's purge of 1801-3 was not followed in subsequent years.

B. These Circumstances Alter, 1824-1854

The situation however, began to change in 1824. Jefferson had virtually forced Madison upon his party in 1808—and there had been no other contender. When Madison retired after his second term in 1816 the strongest contender in the party, Crawford, was induced to stand down for Monroe whom he regarded as the last of the revolutionary worthies with a claim to the Presidency. But when Monroe retired in 1824, the "apostolic succession" in the Republican party broke down, and there were no less than four contenders for the nomination, viz., Crawford, Adams, Clay and (later on) Jackson.

In a confusing way, the Presidency fell to J. Q. Adams, and from this point the circumstances which had sheltered the Federal service from politics changed decisively. Between 1824 and 1828 Martin Van Buren built up a nationwide coalition in opposition to Adams.

The situation altered in yet another respect too, in that Van Buren's party was of a new type. Until about 1820 the party member had looked to the Congressmen as his natural party-leaders and to the Caucus of his Congressional Party as his nominating Convention. When the Caucus discredited itself amid the factional disputes of 1824, power passed away from a central body and came to rest in the extremities; while success was to come to the candidate who could piece these together in a temporary combination. Now, in the extremities of the party, i.e. in the individual States, the rotation of office was already beginning to flourish. In the States political morality was lower, the alternation of party victory and defeat more rapid than in the Federal sphere; while the political abuse of patronage was a living tradition from the none-too-distant colonial era. The sinister genius of Aaron Burr created the New York State machine early in the century; the coming of universal suffrage in 1821 at once heightened the popular rage for office-hunting and strengthened the need for the machine. Van Buren covered the State with local election committees which enrolled the voters and which he and his associates—nick-named "The Regency"—controlled from the capital at Albany. From New York and then Pennsylvania machine politics spread throughout the States of the Union. By 1823 *Niles's Weekly Register*

had originated the still current American disjunction between "statesman" and "politician."⁷ Out of every three politicians, the newspaper went on, "two are either office-holders or office seekers." The point was well made; from the days of Aaron Burr the winning side in New York laid its hands on all available offices, and De Witt Clinton introduced the practice of turning out the dependents of the beaten side. In the 'twenties the practice was becoming general throughout the States.

Thus was brought about that singular interpenetration of local and national politics which has since characterised the American political system. Its key figure is the State Boss who maintains himself by promising simultaneously, on the one side, to deliver Federal jobs to his constituents in return for their votes, and on the other side, to deliver their votes to the Presidential candidate in return for Federal jobs.

In these circumstances, with the two-party system once again in being and with one of these parties basing its campaign on party workers whose loyalty was assured by the promise of jobs, the only circumstance that might have saved Adams in the election of 1828 would have been by following suit, or by purging the Federal civil service of all Jackson's supporters. Instead, Adams, a man of high moral tone, proved to be "too proud to fight." His case went by default. For in the divided ranks of the former Republican party the Jacksonians were promising Federal patronage while the incumbent President was neither promising favours nor threatening reprisals. Professor White produces a considerable body of evidence to show

that during these last four years, the pressure upon Adams to create jobs for political supporters was becoming intolerable.

Jackson, triumphantly returned in 1828, carried out a purge: His opponents claimed that he had expelled 2,000 officers, his supporters claimed that the number did not exceed about 950. For a Federal service whose total was something in the order of 11,000 to 12,000 either figure is very high.

This purge and the subsequent replacement of the posts by good Jacksonian democrats need not, however, have created a precedent in the Federal service any more than Jefferson's purge in 1801-3. Unfortunately America thereafter witnessed a succession of short-lived party triumphs and reversals. The Jacksonian democrats were in power only till 1840; after that, the Whigs returned with Harrison as President, and another purge took place. The 1844 election was won by the Democrats under Polk. and the 1848 election by Zachary Taylor and the Whigs. The succession of purge and counter-purge established the spoils system formally as an institution of American Government at precisely the time when the order in council of 1855 was beginning to take the British Civil Service out of politics. The change was made the more palatable in the United States by the plausible pseudo-democratic claptrap put forward by Andrew Jackson as "the rotation of office."

C. British Administration Saved from the "Spoils" System by its Very Vices

If this is an adequate explanation of events in America, why did no

similar development occur in Great Britain after 1832? As we have seen, up to about 1804, England, like America between 1789 and 1824, enjoyed what might be called one-party government, or better still, ministerial government. In these circumstances, the rotation of office hardly had any value and it is significant that the one precedent for it, namely the purge of Newcastle supporters in 1763, was followed by the insistence of the Rockingham Ministry in 1765, *not* to perpetrate a counter-purge, but instead to restore to their posts all those who had been ejected.⁵⁷ This tradition of ministerialist government then, may explain the permanent tenure of offices in the British Civil Service during the 18th century; but it would not explain why rotation of office did not develop after 1832 when there succeeded a rapid alternation of parties.

The very vices of the British system created a bulwark against the rotation of office. *Sinecures* and reversions proved a blessing in disguise when they extended, to the minor offices held "at pleasure," the notion that *any* place was a freehold and that on its suppression the holder was entitled to compensation for disturbance.

That the life-offices were freeholds was widely held. A life-leasehold; annuities or rent-charges; incumbency of the office of schoolmaster, lecturer, Clerk of the Peace—all these, in certain places, were, during the eighteenth century, regarded as freeholds entitling the owner or holder to vote in the County elections. "These places," said Burke in 1780, referring to the *sinecures*,

"these places and others of the same kind which are held for life have been considered as property. They have been given as provision for children; they have been the subject of family settlements; they have been the security of creditors. What the law respects shall be sacred to me."⁵⁸ "I have considered the office which I hold," wrote Lord Camden, Teller of the Exchequer, "as a freehold which I have inherited."⁵⁹ "These places," wrote Earl Grey, "are a vested property with which you cannot interfere without shaking the security on which all property stands."⁶⁰ "Property," growled Buckingham, describing his office of Teller of the Exchequer, "which is as much mine as the Crown is the King's."⁶¹

"The Committee understands," said a Select Committee to Sir T. F. Lewis in 1834, "that you hold a patent office in His Majesty's Customs?"

"Why, Sir," boomed back Sir Thomas, heartily, "I once did hold such an office, but I have not held it for something approaching 25 or 26 years. The office to which you allude came into my family, as I believe, by purchase of a Sir Andrew King in or about the year 1720, and by successive renewals of the patent has been continued in my family down to the present time. It was bequeathed to me by my father in his will; I held it for a certain number of years during which time it was not of any very considerable value; it netted to me, as well as I can recollect, between £800 and £1,000 per year on an average. It suited the arrangements that it was expedient to make in my own family, that I should transfer it to my

mother, which I did by deed executed in the year 1811, as well as I can recollect."⁶²

From life-offices of this kind, the idea seems to have spread to other offices. This is at least the *prima facie* sense of Blackstone: "Offices, which are a right to exercise public or private employment, and to take the fees and emoluments thereunto belonging, are also incorporeal hereditaments; whether public, as those of magistrates; or private as of bailiffs, receivers, and the like. For a man may have an estate in them, either to him or his heirs, or for life, or for a term of years, or during pleasure only."⁶³

The formidable weight of these ideas may be tested by two instances. In the first, the notion proved able to check the full sweep of Fox's revenge in 1762-3; for when, itching to dispossess his enemies from the profitable patent offices such as the Auditorship of the Exchequer or the Justiceships in Eyre, he put the case to his Lord Chancellor, he was given

no hope that the interference would be sanctioned in the courts.⁶⁴ Secondly, the notion was able to slow down the pace of administrative reform, whether this was grounded in logic or clamour or both; as when the abolition of the wooden tallies at the Exchequer, sanctioned by Statute in 1783, had to wait until the death of the existing Chamberlains—an event that did not happen till 1826; or as when—to take a much later example—the merging of the Comptroller of the Exchequer's office with the Board of Audit, generally admitted as necessary after the Report of 1857, had to wait until 1866, the death of the existing Comptroller.

In this way, as in *The Fable of the Bees*, private vices turned to public benefits; and what had been the least defensible feature of the eighteenth century civil service turned to good account after 1830, by rendering impossible in the British climate any such doctrine as the rotation of office.

⁵⁷Bentham's Works, Bowring edition, Vol. IX (Constitutional Code) pp. 216-7. At p. 218 (a) there is a table of public Boards in Britain which forms an interesting contrast with the above. See page 334.

⁵⁸Professor White gives no definite figure, but calculation from his texts gives something in the order of 9,000. Cf. "Historical Statistics of the U.S.A." (U.S. Department of Commerce, Bureau of the Census 1949) p. 294.

⁵⁹"The Black Book, or, Corruption Unmasked," 1820: pp. 131-2, c.f. appendix 3, pp. 446-70.

⁶⁰Of course, in a sense the public expenditure of the two countries is non-comparable. For one thing, the American figures do not take any account of the cost of the individual state governments. For another a true comparison would have to establish the proportion spent on public objects relative to the total national wealth, and the data is not available. In the third place America was still 90 per cent. agricultural in 1830, and the need for public services may be regarded as considerably less than in Great Britain at that time.

⁶¹I.e. with Edmund Burke's "Speech on Economical Reform," 11 February, 1780. (Burke's works, Vol. III pp. 230-252.)

⁶²Unless we are to consider the prototype departments set up under the Confederacy in which case we simply ante-date the construction of the Federal bureaucracy, but in no way mitigate the contrast between the American *tabula rasa*, and the British incubus of tradition. See Jensen, *The New Nation* 1781-9, for a strong plea to regard the Confederacy's departments as the real beginning of the American public service.

⁶³Because they were entrusted by the U.S. Constitution to the individual states, and not to the Federal Government.

- ⁸ *Bentham's Works* Vol. 9, pp. 216-17.
- ⁹ *The Second Tory Party, 1740 to 1832*, by K. G. Feiling, p. 143.
- ¹⁰ Blackstone, *Commentaries*. Book I, Chap. 7.
- ¹¹ *Idem*. "The expenses defrayed by the Civil List are those that in any shape relate to civil government; as, the expenses of the household: all salaries to officers of State, to the judges and every one of the King's servants; the appointments to foreign ambassadors; the maintenance of the Queen and royal family; the King's private expenses, or privy purse; and other very numerous outgoings, as secret service money, pensions, and other bounties."
- Cf. Holdsworth, *History of English Law*, Vol. X, pp. 483-5.
- ¹² Appendix 72, 13th Report of the Commissioners of Public Accounts, 1785.
- ¹³ By the 18th century it had reduced the collection of customs and the auditing of public accounts alike to a state of complete confusion and idiocy.
- ¹⁴ *Observations respecting the public expenditure and the influence of the Crown*, by the Rt. Hon. George Rose, 1810, p. 10.
- ¹⁵ Cf. E. Hughes "Studies in Administration and Finance," pp. 274-6. Cf. also pp. 185-188. Hughes shows how very slight the disturbance was.
- ¹⁶ Feiling, *op. cit.*, p. 2.
- ¹⁷ The first recorded use of the phrase "H.M. Opposition" is in 1826. It was coined—as a jest—by Hobhouse. But in 1804 Fox (in a private letter) talked of "Systematic Opposition"; and it is from this date that the practice, as against the theory, of H.M. Opposition, may be dated.
- ¹⁸ Feiling *op. cit.*, p. 3.
- ¹⁹ Namier, *The Structure of Politics under George III*, p. 116 ff.
- ²⁰ Namier *op. cit.*, page 142.
- ²¹ *The Parliamentary History of England*, Vol 23, p. 101.
- ²² *Parliamentary Papers of John Robinson*, Camden Society, 1922, pp. 80-81.
- ²³ *The Organization of the English Customs System, 1696-1787*: Appleton Century Company, Chapter VI.
- ²⁴ The nature of the process has been explored in all its ramifications by Sir Lewis Namier in his *Structure of Politics at the Accession of George III* and his *England in the Age of the American Revolution*. These works are the foundation of our understanding of 18th century politics.
- ²⁵ "The Federalists," p. 267. It must be added that McHenry did not think that Adams' appointments quite lived up to this high moral line. "Mr. Adams thought it an essential part of the art of government to apply the influence of rewards through the medium of appointments to offices to future elections." *Ibid*, loc. cit.
- ²⁶ "The Jeffersonians," p. 356; 367-8.
- ²⁷ Report on the Civil Service, 1860; p. 176.
- ²⁸ *Ibid.*, p. 283.
- ²⁹ "The Jeffersonians," p. 358-9.
- ³⁰ Hoon, *op. cit.*, p. 78.
- ³¹ Indeed, she continues thus: "There was no concerted attempt at the badly needed reform of the system partly perhaps because the Commissioners' hands were tied by the limitation of their powers, partly because of such immutable institutions as sinecures, fees and customs duties, and partly also because eighteenth century opinion did not demand reform . . . That the revenue was as productive as it was despite the system which had to be enforced, is evidence of a certain degree of judicious administration . . ." (*Ibid.*, loc. cit.). The italics are my own.
- ³² "The Jeffersonians," pp. 419-422.
- ³³ For the G.P.O. see H. Robinson, *The British Post Office* (Princeton 1948). For the Customs, see E. Hoon, *op. cit.*; for the Excise, notably the Salt Office, Hughes, *op. cit.* These three services made up seven-eighths of the public service at the close of the 18th century. The Taxes Office, 1799-1816, is described in A. Hope-Jones, *Income Tax in the Napoleonic Wars* (C.U.P. 1939); it shows an organisation as efficient as any described in Professor White's volumes.
- ³⁴ "Papers relating to the Reorganisation of the Civil Service," 1855, pp. 72-3.
- ³⁵ Not a General Staff in our modern sense (created in the U.S. in 1903), but an Advisory Board who assisted the Secretary in the housekeeping and management services of the Army.
- ³⁶ "The Jeffersonians," pp. 554-555.

³⁷ "The Jeffersonians," p. 161.

³⁸ "The Jeffersonians," chap. 14.

³⁹ Select Committee on Miscellaneous Expenditure, 1848: QQ. 1260; 1303; 1304; 1311: The American War of Independence and the Napoleonic Wars had thrown so vast a burden on the Treasury that Board management became impossible.

⁴⁰ *Edinburgh Review*, April 1810: Hon. G. Rose's "Observations."

⁴¹ Select Committee on Public Monies 1856: QQ. 1173, 2199, 3170, 3174.

⁴² Parliamentary History, Vol. 23; pp. 1110-1114.

⁴³ For a masterly summary of the present state of studies see E. T. Williams, "The Cabinet in the Eighteenth Century," *History XXII* (1937).

This essay has been thoroughly revised, and is reprinted in *The Making of English History*, Dryden Press, New York 1952, pp. 378-391.

⁴⁴ The resignation of Richmond in 1794 seems to illustrate both the tradition of unanimity and the emergence of the efficient Cabinet, in one and the same case. Richmond was Master General of the Ordnance in Pitt's Cabinet of 1784. Ceasing to attend Cabinet meetings, he was in 1794 finally asked to resign both his post and his Cabinet office. The correspondence (Bathurst MSS., HMC, pp. 707-11) indicates:—

(1) That both Pitt and Richmond agreed that a Cabinet member was to consider himself as "responsible among others" for Cabinet decisions, and to give public support to them.

(2) Pitt also argued that absence from Cabinet discussions was inconsistent with such responsibility for collective decisions, a view to which Richmond at first demurred, but to which he was willing to assent later.

(3) Richmond excused his absences by arguing that the Ordnance was not "naturally" a Cabinet office, and hinted that he might carry on at his post while resigning the Cabinet; to which Pitt replied that the execution of these important departmental duties was "incompatible with a state that precludes confidential intercourse on all the points of public business."

⁴⁵ Select Committee on Public Monies (Report), 1857: Appendix I, p. 25.

⁴⁶ A Tally was a stick on which notches were cut indicating the sum received; a large notch meant £1,000, a smaller one £100 and so on. When suitably notched it was split in two, endwise, the Exchequer retaining one half, the other being given, by way of Receipt, to the party who had paid in the money.

⁴⁷ To be strictly accurate, the procedure up to 1834 was as follows. Sums paid into the Exchequer were entered in the Teller's book and then sent to a Clerk of the Bank of England, who kept them and credited the Teller with the amount. Sums paid out of the Exchequer were paid on the Teller's instructions by this same bank clerk, who debited the Teller with the amount. "After one o'clock the Bank Clerk agrees and settles the accounts with the several Tellers, and either pays to or receives from each Teller the balance; if a large sum, in Exchequer Bills of £1,000 each and the remainder in cash; otherwise in cash, in bags . . ." This farce was to keep in being the notion that the whole income and expenditure were being physically transferred into and out from the Tellers' chests. (Appendix 68, Sixth Report of Commissioners of Public Accounts, 1781).

⁴⁸ Cf. Select Committee on Public Monies (Report), 1857, Appendix I, p. 469.

⁴⁹ 22nd Report of the Select Committee on Finance: Appendix E.2, 1797.

⁵⁰ Select Committee on Public Monies (Report), 1857, p. 31.

⁵¹ A very large sum indeed was paid out to maintain the Customs Excise Service and the other Treasury Boards, but as shown above, this was recovered by these Boards in the form of drawbacks and did not appear before Parliament; but these drawbacks were controlled and challenged by the Treasury, and in this sense were, from the outset, amenable to Treasury control in addition to the £80,000 mentioned in the text. In 1854 "drawbacks" were abolished, and the Revenue departments paid their gross revenue into the Consolidated Fund.

⁵² I say, deliberately, "as far as the Constitution permitted," because the simple fact is that it has not permitted anything but a travesty of the British system to be transplanted. Congressional control of Appropriations, and its perennial jealousy of the Executive Branch have stultified any close approach to the British model. See *The President's Committee on Administrative Management* (U.S. Govt. Printing Office 1937) pp. 169-202; *The Hoover Commission Report*, 1949. (i) "Budgeting and Accounting," and (ii) "Fiscal, Budgeting and Accounting Systems." Also, *Federal Administrative Pathology and the Separation of Powers* by C. McKinley, Public Administration Review, Winter, 1951.

⁵³Report of the Select Committee on Sinécure Offices, 1834.

⁵⁴This is to ignore the momentous reorganisation of certain particular departments, notably the Customs, the Tax Office (1785), the Post Office (1784).

⁵⁵Cf. *English Historical Review*, Vol. LXII, No. 245:—*The Waning of the Influence of the Crown*, by A. S. Foord.

⁵⁶Cited Ostrogorski, *Democracy and Political Parties*, Vol. I, p. 50.

⁵⁷The proscription was carried out by Fox against the supporters and clients of the Duke of Newcastle, as a sequel to the votes on the Preliminaries of the Peace in late 1762. To secure the assent of Parliament to the Preliminaries, Fox first brought pecuniary promises to bear on M.P.s; his efforts in this direction, exaggerated by Horace Walpole and further distorted by subsequent historians, have been critically examined by Sir Lewis Namier and reduced to a more modest proportion. (*Structure*, Vol. I, pp. 226-9.) They were highly successful, only sixty to seventy members dividing against the Court, and they justified Fox's own prediction that "Opposition will never divide 60." (Ilchester, *Henry Fox*, p. 211.)

As soon as the votes were over, Fox counselled a wholesale proscription of the Opposition and its hangers-on; "Search for and pick out every one for whom he (Newcastle), Lord Rockingham, and Lord Ashburnham, etc., have procured places, who are numerous and all enemies." (Ilchester, *op. cit.*, p. 215.) Shelburne anticipated the notorious Marcy of New York by crying: "Let the 213 taste some of the plunder of the 74." (Ibid., p. 216.)

Vol. III of Yorke's *Life of Hardwicke* contains correspondence of the Duke of Newcastle bearing out the thoroughness of the purge (*loc. cit.*, pp. 442 *et seq.*). The frenzy of the Court party is attested by Lord Gower's threat that it would "turn out every custom house officer in Sussex down to offices of £50 p.a. only." (*Loc. cit.*, p. 445.)

The proscribed were restored to their posts by the Rockingham Ministry in 1765. Grafton alleged (*Memoirs*, p. 20) that "we stipulated in the very first instance that every person who was dismissed at this juncture should be restored to his place or office." Confirmation appears in a letter from Sedgewick to Weston (HMC 10th Report, I. p. 393); "Poor Brietzke has been turned out of his place in the Alienation Office, of £100 p.a. which Lord Bute gave him. And this he says is done in conformity to the General Rule of restoring all those who were turned out at that time." Also in a letter from Whately to Grenville (*Grenville Correspondence*, Vol. III, p. 74, "Complete restitution is the rule . . . those that are re-instated are, I hear, to be paid out of the Civil List the amount of the salaries they have lost by being out of office . . .")

⁵⁸*Works*, III, p. 308.

⁵⁹*Bathurst, MSS.* (HMC), p. 22.

⁶⁰*Dropmore MSS.* (HMC), Vol. X 237-8.

⁶¹*Ibid.*, p. 196.

⁶²Select Committee on Sinécure Offices, 1834, p. 74.

⁶³Blackstone, *Commentaries*, II, p. 36, Cf. Holdsworth, *History of English Law*, Vol. XI, pp. 462-3; 499-506; 512-3. Also, Halevy, *History of the English People*, Vol. I., p. 15.

⁶⁴Mahon, *History*, Vol. V., p. 24 (quoting *Horace Walpole's Memoirs*).

Study of Committees and Conferences

By PROFESSOR JOHN COHEN

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Introduction : Internal and External Criteria

THE study of committees and conferences brings us immediately into the heart of a complex of human problems, each of which is bound up with the rest. There are problems of individual and group thinking, group productivity, leadership, suggestibility, the relation of thought and speech, group dynamics, cultural differences, unconscious motivation and many others. The study of this form of behaviour is apt to lose itself in a maze of detail and overlook essentials. But a conference session or committee meeting is a clear-cut event. This distinct event must be kept clearly in the foreground. The session or meeting may be only one of a series which forms part of the background. Also contributing to the background are the bodies or interests represented, the personal relationships and ambitions of participants, and the socio-economic nature of the terms of reference.

A convenient point of departure for studies of this kind is to ask pertinent questions about the group or event as a whole. Let us begin by posing the question: "What is a committee or conference for?" This question may be put in another form, namely: "By what criteria are we able to judge the effectiveness of a committee or conference?"

A committee or conference is not a closed system or an end in itself. It takes place as a means to an end, to bring about some change in the world beyond itself. The criteria of its effectiveness must therefore take account of any changes in the outer

world as a result of its occurrence. What would have happened had there been no committee or conference? What changes has the event of the conference brought into the wider world of which it is part? For example, if it has been a conference of workers and management, have industrial relations improved as a result? In what ways, if any, have individual participants or the groups which they represent been spurred to greater efforts or urged to different action? Have they engaged in new activities in a way which is attributable to the conference? and so on. In short, the effect is to be judged by the total impact on the groups or institutions from which its participants are drawn. These effects could be assessed by "follow-up" procedures which should form an integral part of the study.

This criterion, which assesses the work of a conference on the world outside, is an *external* criterion. It must be distinguished from an *internal* criterion, which evaluates a meeting by determining the effects on the participants themselves. These two kinds of criteria are not entirely independent. The effect of a conference on the world outside is usually inseparable from its effect on the participants during the proceedings. The cohesiveness of the participants, their emotional receptivity, the development of their *capacity to listen* and their feelings of identification with the conference as a whole are generally conditions for satisfying external as well as internal criteria. Unless these conditions are satisfied the conference is unlikely to be an

effective instrument of the participants in the aggregate as a group entity. Nor is it likely to inspire them to more vigorous activities after the conference.

The Compulsion to Agree

It is tacitly assumed in British committee procedure (and in other Western countries too) that it is necessary for the members to come to agreement. No one seems to question the assumption that a unanimous outcome of the deliberations is desirable *as an end in itself*. This assumption produces pressures towards unanimity and leads to a *compulsion to agree*. Those who conform to what seems to be the predominant view of the group are felt to be "good"; those who deviate from it are felt to be "bad." There is a tendency to conform, to yield to the pressure of the group even if it only means paying lip-service to group sentiments whilst privately cherishing other views. Differences tend to be glossed over or buried instead of being brought out into the light of day.

There is a good deal to be said in favour of the hypothesis that this inarticulate compulsion to agree often constitutes a great impediment to the effectiveness of group thinking. The feeling at a meeting that everyone present is expected to agree with what someone has just said discourages a free expression of opinion. It may also be a concealed source of friction. It is sometimes at the most crucial phase of the discussion that the wish to disagree and express a divergent view is strongest. Yet at these moments the penalty for threatening the solidarity of the group is to bring down upon oneself the severest disapproval of members to a degree tantamount to complete rejection by the group. The compulsion to agree

makes it very hard, if not impossible, to make the necessary effort to *understand* what someone else is saying, and the need to understand another's viewpoint is often completely overlooked. There is a preoccupation with expressing one's own views. Consequently, disagreement is likely to be as superficial as agreement. There are some individuals who spontaneously rebel against the pressure to agree and they are apt to disagree simply as a defence against conformity and the implied obliteration of an individual point of view. In such instances disagreement is simply a rejection of something that is different from one's own views. Furthermore, disagreement without an effort to understand the other encourages a form of criticism which is futile because it tries to destroy what it does not understand. A compulsion to disagree appears to be much more rare. One might add that the demand that everyone must agree is not necessarily a requirement of every committee situation. A practical outcome may often be reached without unanimity.

The demand for the agreement of others may perhaps be regarded as a variation of the compulsion to agree. This demand will tend to weaken the capacity to listen. It may be prompted by a powerful urge to communicate even to the extent of imposing one's views, whilst allowing the remarks of others to pass one by. To be preoccupied with agreement is to rely on internal criteria of group effectiveness because it implies an intolerance of differences and an insistence on unanimity to which greater importance is attached than to any ultimate effect on the outside world. By contrast, an acceptance of external criteria implies an effort to understand clearly and accept divergencies

of viewpoint among participants. Indeed, the demand for unanimity and group cohesion may sometimes actually conflict with the external test of effectiveness. In any case, group thinking can hardly function effectively in an atmosphere of agreement or disagreement. Agreement can indeed be valuable if it follows a full exposure of differences but not if it precludes such exposure. Tolerance of differences is possibly the best test of an effective group. For the more a group can tolerate differences in its members without disintegrating, the more its collective effort will be based on all that the participants can jointly contribute. If a committee were composed of homogeneous members, any one member would perfectly represent the views of the entire group. The *raison d'être* of a group lies in the variation among its members and it is this variation which must be carefully guarded and embodied in the collective product. There is a vital distinction between being content when one's view is *understood* and insisting that others *accept* this view.

The explanation for this failure to understand others is perhaps to be sought in our educational and child-rearing practices. The child rarely has the experience of being understood, that is, of someone else trying to *understand* him rather than *control* him.¹ Trying to understand another is the counterpart of being understood. Both "elements" seem to be missing from the culture pattern. The technique of role-reversal has been suggested by the writer² as one way of overcoming the difficulty.

Receptivity to New Ideas

When allowance has been made for diversity of interests and rigidity of instructions, hardly any factor is more

important in committees and conferences than the degree of open-mindedness on the part of participants. We have touched on certain aspects of this problem in the previous section. A further remark may be added on what may be a culture-bound factor, namely, the tendency to reject some new suggestion merely because it is new. It has been said that in England one must never do anything for the first time. One must at all costs avoid creating precedents. This attitude is exemplified in the Report of a national delegation to a Unesco General Conference. At the outset, the leader "urged the Conference when it considered new proposals not to be afraid to say 'no' *merely because no good reason could be urged against them*" (my italics).

There is reason to suppose that people may be taught to develop a greater receptivity to innovatory suggestions. They may be trained in the "art of listening." This would require an alertness on the part of participants to their own tacit preconceptions, prejudices, and stereotypes. The objective might be embodied in the principle: "Always look for the merits of a suggestion before saying what is wrong with it." It is quite possible that the explicit acceptance of this principle alone could bring far-reaching improvements in the functioning of committees and conferences.

Homogeneity of Members

Experience suggests that in certain circumstances the degree of professional homogeneity of committee members may be a factor of some importance in determining their effectiveness as a group. The hypothesis that effectiveness increases, up to a point, as the group becomes more

heterogeneous professionally seems worthy of further investigation. The presumption in favour of this hypothesis rests on the apparent fact that in homogeneous groups a great deal of emotion tends to be generated in disputes over professional or technical minutiae. Relatively trifling matters assume disproportionate significance and the differences of view evoked by them may spread to larger topics and so hamper discussion. The degree of ego-involvement in a point at issue between two or more persons may turn out to vary inversely with the extent to which their views differ. If so, professionally homogeneous groups might be expected to be more unstable and break down more easily than heterogeneous groups, which are perhaps more inclined to ignore fine points of detail and seek agreement on broad issues in which members are not so much involved personally. The writer encountered instructive examples during the recent war of fairly homogeneous committees of experts among whom violent feelings were provoked over comparatively unimportant questions, whereas the respective members would often get on much more amicably in other committees composed of members representing different professions where broader or less ego-involved matters were dealt with.

The Silent Committee Member

Studies of committees usually confine themselves to an analysis of what is actually said. But the frequency and meaning of silent intervals may be equally significant. One cannot assume that silence is merely a *neutral* background against which the spoken word stands out as figure. Silence may have many possible meanings, and it may be ambivalent. For example, a prolonged period of

silence may be an ominous sign of aggression. The withholding of speech is a common sign of hostility. Not to be "on speaking terms" with someone indicates a severance of personal relationships. The reticent member may be contemplating leaving the group altogether. He does not trust himself to speak. Or the silence may mean compliance. One may draw an analogy between silence in committees and the silence of the "unwilling" patient³ and assume, accordingly, that unconscious mechanisms are at work. The person may be lost in fantasy or, because of repression, may not be able to think of anything to say. His retention of thoughts may be explicable in terms of anal erotism or it may have a paranoid content. An understanding of reticence at committees clearly requires an assessment of its various meanings and possible unconscious determinants.

Influence of Levels of Aspiration in Conferences and Committees

In conferences and committees there are usually many different tasks to be carried out, in particular, the preparation of memoranda and reports. The participants usually vary in capacity, inclinations, and ambitions. An obvious problem therefore is how to assign the tasks to the participants in such a way as to produce the best results. Experiments in quite a different field, namely, levels of aspiration, would seem to be helpful in this connection. There is evidence that, in *certain cultures*: (i) a person tends to exert his best efforts when the task set for him is set near his level of aspiration (the level of aspiration being defined as the level of performance in a given task a person sets himself in the future when he knows the level of his

performance in the past); (ii) experience of success tends to raise the level of aspiration, and experience of failure to lower it, but success and failure are only experienced when one's performance is close to one's level of aspiration; (iii) a person will not feel elated after a trivial achievement nor downhearted after a failure in a task well beyond his powers; (iv) the realistic person keeps his aspiration close to his level of actual performance in the past.

If the knowledge derived from these experiments is applied to a conference situation, with its network of subcommittees, activities will be so arranged as to evoke the best efforts of the participants. This could probably be achieved by assigning a role to each participant which fits his level of aspiration. The status of the role assigned to him is clearly a factor to take into account. Organisers of conferences might adopt the maxim: "Let Everybody be Somebody." Distinctive roles and tasks, with commensurate status, would be granted to each participant. The effect is likely to be a reduction in half-hearted work.

Role of Chairman and Relationships among Members

The relationship between members and chairman is undoubtedly a powerful factor in determining the degree of *mutual understanding* in the group. Strong emotions, sometimes almost of a primordial character, are apt to be aroused between chairman and members. The atmosphere of the family circle seems to be revived and the dramas of sibling rivalry and struggle for independence re-enacted. In many groups observed by the writer, crises occurred from time to time, but usually the members managed to weather the storm. A mutual

understanding between members of a committee presupposes that they form some common bond of friendliness. In the absence of any liking for a person it is exceedingly hard to understand his point of view. It is difficult even to *want* to understand him. When there is a mutual dislike between two persons it is all but impossible for them to co-operate. Dislike is a barrier to understanding.

The task of enhancing the productivity of group thinking which must rest on a mutual understanding between participants thus raises the double problem: (i) how to eliminate personal animosities, and (ii) how to promote mutual liking.

The growth of bonds of attachment between members is in certain circumstances one of the most marked effects of group activity. Profound changes can sometimes occur in the capacity for forming relationships with others. In one case a member of an international committee attended six meetings over a period of two years and maintained contact with his colleagues by writing during the intervening periods. He described himself as having changed from a very reserved to an open and friendly person eager to form close contacts with his colleagues, and was himself amazed at the extent of the transformation which he felt to have come over him.

As the mutual liking grows between members they become more ready to express and explore new ideas. Evidence for the significance of this factor may also be found in the formal world of diplomacy. According to Lord Hankey⁴ the chief outcome of diplomacy by conference is the knowledge which statesmen acquire of one another. At each successive meeting there is less formality and reserve and more

cordiality. Intimacy and friendship, he believes, make a substantial contribution to the success of their discussions by creating an atmosphere of absolute frankness.

One of the important tasks of a chairman is to determine the order of speakers. It may happen, for instance, that a member makes a statement likely to provoke fruitful discussion. The moment he finishes his remarks, another member, who has been biding his time and waiting to snatch the opportunity to "get something off his chest," diverts attention by introducing a completely new topic and intentionally or otherwise diverting the effect of the previous speaker. A chairman has constantly to be on the alert for incidents of this kind.

Discussion suffers if the chairman forces it to follow a direct line on a single narrow theme without permitting any apparent digressions at all. Sometimes a chairman discourages discussion of ideas with which he is not in sympathy. If this rigidity of control is prolonged it may hamper the free play of ideas so necessary for productive thinking. A certain rigidity is necessary in vigorously working out the logical implications of a series of propositions. A permissive technique is more profitable in the desultory kind of discussion which usually takes place at the committee table.

The Growth of Cohesion

The role of the chairman will be all the more effective if he is sensitive to the stage of cohesion which the group has reached. In certain groups observed by the writer, there seemed to be distinguishable phases of development in the process of growing cohesion. During the first phase the atmosphere tends to be stiff and

formal. Members appear to fear that their individual identities may be blurred by the overriding importance of the group as a whole. This shows itself in a lack of spontaneity, in defensiveness and in frequent signs of latent hostility towards the chairman.

During the second phase this hostility comes out into the open. Discussion becomes more lively but still too polite to allow differences to be expressed on other than trivial matters. There is an indifference towards any new members joining the group at this stage.

The third phase witnesses an emergence of spontaneity, more freedom in communication and greater self-consciousness of the group's methods of work, though suggestions to change these may be looked at suspiciously by some members. There are increasing signs of solidarity and a desire to preserve the integrity of the group. New members introduced at this stage are likely to be treated as an "out-group."

The fourth phase is the most intense and productive. The chairman may now confidently take part in the discussions without giving the impression of obtruding himself. There is a greater tolerance in accepting difference of viewpoint.

The fifth and last phase is the one when the group turns to the practical task of preparing its report. Not all members are necessarily ready for this, emotionally or intellectually. The group begins to disintegrate when a proportion of members feel no need to participate.

There is probably no hard and fast sequence of stages through which all groups invariably pass. Nevertheless, in general, there does appear to be an identifiable line of growth in group cohesiveness. The chairman

will function more successfully if he aligns the tasks with the stage of development attained by the group.

Thinking and Drafting

The raw material of a conference or committee is the thinking of the participants. Improvement of the quality of a conference must therefore in some measure depend on our understanding not merely of the thought processes of the individual but also of those of a group as an entity. In this connection the relation of thought to speech and writing deserves study. We need not discuss here whether thought and language are two facets of the same underlying "thing." This has been disputed since the days of Plato. There is a legitimate sense in which we may speak of language as the expression of thought, i.e., the sense of a peripheral counterpart of central processes¹ just as there is a legitimate sense, which Darwin would have perhaps preferred, in which we may speak of language as an expression of action. The thinking of participants is usually first embodied in speech and then in writing.

What are the effects of speech and writing on the quality of thought? At what stage should a person or group crystallise thinking in the spoken or written word? Does premature drafting "freeze" the thinking process? To what extent are words substitutes for thoughts? Should a committee member wait until he is quite clear about what he wants to say before he speaks? or should he rather, by thinking aloud, find out what he wants to say in the process of trying to say it?

There are some indications that there is an optimal drafting stage, that premature drafting may cramp and impoverish one's thinking because the subject is dismissed from mind once it is embodied in writing. There are individual differences in being able to know what one wishes to say before beginning to say it. For some people this would be almost an impossible task; for others it would be easy. These questions concern all committees and conferences. A deeper understanding of them is required if group productivity in thinking and recording is to be improved.

¹Cohen, John, *The Social Psychology of Childhood. Biology and Human Affairs*, Spring Number, 1952.

²Cohen, John, *The Technique of Role-Reversal. Occupational Psychology*, 1951, XXV, 64-66.

³Bergler, E., *On the Resistance Situation: The Patient is Silent. Psychoanalytic Review*, 1938, XXV, 170-186.

⁴Lord Hankey, *Diplomacy by Conference*. London: Benn, 1946. Pp. 35-6.

⁵Humphrey, G., *Thinking: An Introduction to Its Experimental Psychology*. London: Methuen, 1951.

CORONA

THE JOURNAL OF H.M. COLONIAL SERVICE

The Colonial Service is responsible for all branches of the public administration in about fifty dependencies scattered all over the world and in all stages of political and economic development. Its activities range from the establishment of village councils on a South Sea island to the erection of housing estates in Singapore and the inauguration of cabinet government in Nigeria. Everywhere, however, the basic problems of administration are the same and a technique being evolved in Borneo may be surprisingly helpful to a District Commissioner in Kenya, or, if it comes to that, to a Town Clerk in Yorkshire. The main purpose of *Corona* is to promote the exchange of such ideas and information, but it also serves to keep its readers, both in the Colonial Service and outside it, fully and reliably informed, month by month, on all that is happening in the colonies. It is indispensable to anyone who is interested in current affairs and in public administration. The December issue contains, among other authoritative articles, discussions on matters of such varied interest as the Mau Mau in Kenya, Community Development in Uganda, Land Registration in the Western Pacific, and the history of the walled city of Kano in Northern Nigeria.

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Some Recent Cases in Administrative Law

By PROFESSOR HARRY STREET

The last survey by Professor Street, Professor of Law in the University of Nottingham, was published in the issue of Autumn, 1951.

Statutory Interpretation

INCREASINGLY often administrative law cases rest on the interpretation of a statute. Are the courts to look for the purpose of Parliament or are they to apply the literal interpretation methods of private law used in construing wills and deeds? In *Magor and St. Mellons R.D.C. v. Newport Corporation*,¹ Denning, L. J., said in the Court of Appeal:—

“We do not sit here to pull the language of Parliament and of Ministers to pieces and make nonsense of it. That is an easy thing to do, and it is a thing to which lawyers are too often prone. We sit here to find out the intention of Parliament and of Ministers and carry it out, and we do this better by filling in the gaps and making sense of the enactment than by opening it up to destructive analysis.”

This opinion was emphatically rejected by the House of Lords.² Lord Simonds said:—

“... the general proposition that it is the duty of the court to find out the intention of Parliament—and not only of Parliament but of Ministers also—cannot by any means be supported. The duty of the court is to interpret the words that the legislature has used.”

Two cases mentioned in a previous note³ have since gone to the House of Lords, where the decision in each

case turned on statutory interpretation. In *Earl Fitzwilliam's Wentworth Estates Co. v. Minister of Housing and Local Government*⁴ the House of Lords confirmed the validity of a compulsory purchase order made by the Central Land Board where the owner refused to sell at existing use value. After a detailed examination of the Act, it held that the Act authorised the Board to acquire compulsorily in order, to assess and collect development charges, Lord MacDermott adding that in these circumstances it was beside the point that members of the Board might have been moved by considerations of policy which would not constitute a statutorily authorised purpose.

It will be recalled that in *Howell v. Falmouth Boat Construction Co. Ltd.*⁵ the Court of Appeal held that a contractor could sue for work done in repairing ships during the war under an oral licence which the Admiralty put in writing after the work was completed. Denning, L. J., had said *obiter* that if a government officer assumed an authority which he did not possess (i.e. to grant an oral licence) then the Crown was bound by that assumption. The House of Lords rejected this reasoning, saying that if the act of the official were done in the face of a statutory prohibition then the Crown could not be prevented from setting up its illegality. Although the House also rejected the view that

¹1950 2 All E.R. 1226 at 1236.

²1952 A.C. 189 at 191.

³*Public Administration* (1951), p. 278.

⁴1952 A.C. 362.

⁵1951 A.C. 837.

an oral licence was enough, none the less it was able to confirm the decision of the Court of Appeal on the ground that the Order in question must be deemed to allow the issue of a licence with retrospective effect after the work has been completed. A previous case had decided that retrospective licences "could not be given for the repair of buildings, but the House of Lords distinguished this case on the ground that the buildings regulation referred to a licence "in force" and expressly provided that it was a defence to a prosecution for repairing without licence that the work was urgently necessary and that the omission of these provisions in the ship repairing Order showed that it contemplated retrospective licences being issued.

Who is a Person Aggrieved?

R. v. London Sessions Appeal Committee ex parte Westminster City Council,⁶ *R. v. Surrey Quarter Sessions Appeal Committee ex parte Lilley*⁷ and *R. v. Nottingham Quarter Sessions ex parte Harlow*⁸ provide an illuminating illustration of how the courts adapt private-law rules to problems of administrative law. In the first case the cancellation by Westminster Council of certain street-trading licences had been reversed on appeal by a metropolitan magistrate. The L.C.C. (General Powers) Act, 1947, allowed "aggrieved persons" to appeal to Quarter Sessions and the Council then challenged the refusal of the Sessions to allow them to appeal on the ground that they were not "aggrieved persons." The Divisional Court of the King's Bench Division held themselves bound by a case dealing

with the rights of a bankrupt to appeal against the decision of the court in the course of bankruptcy proceedings and which laid down that "a 'person aggrieved' must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something, or wrongfully refused him something, or wrongfully affected his title to something" and held that the Council had no right of appeal. One might have thought that a local authority empowered to grant or refuse licences had a clear interest in decisions affecting licences within its area and that the court's approach stressed the "private property" aspect to the exclusion of the public or governmental factors.

In the *Lilley* case the right of the Council as a "person aggrieved" within the relevant Act to appeal to Quarter Sessions against a decision of a court of summary jurisdiction that the Council had imposed illegal conditions on registering a person as a child-minder under the Nurseries and Child Minders Regulation Act, 1948, was in issue. Here the same court held that there was such a right of appeal. The *Westminster* case was distinguished solely on the ground that here the Council had been ordered to pay costs by the court: therefore they had been deprived of something.

In the third case the local authority had served a notice on the owner of a building requiring him to provide a dustbin, and the court of summary jurisdiction had set aside the notice without making an order for costs. The Divisional Court was called upon to decide whether the local

authority was a "person aggrieved" and thus entitled to appeal to Quarter Sessions. It held that it was so aggrieved, distinguishing the *Westminster* case on the ground that since the local authority must remove refuse "it would either have to provide a dustbin itself, or serve a notice on the occupier requiring him to do so with the risk of being taken by the occupier to the court, and having to incur and, possibly, to pay costs."

Judicial Remedies

One of the great difficulties about judicial control of administrative action is that even though the matter complained of is within the scope of judicial review an action will fail if the wrong remedy is chosen. It is slowly being realised that an action for a declaratory judgment, i.e. where the court makes a declaration of the rights of the parties though this has no coercive effect, e.g. there could be no commitment for contempt if it were disobeyed, is free from many of the restrictions attached to other remedies—*certiorari*, for instance, is confined to "judicial" proceedings—and that its lack of coercive power is no drawback where public authorities are parties. *Barnard v. National Dock Labour Board*⁹ is interesting in that it held that it was no bar to dockworkers claiming a declaratory judgment to the effect that they were illegally suspended by a tribunal set up under the Dock Workers (Regulation of Employment) Order, 1947, that the alternative remedy of *certiorari* was available. One can predict a big future for this type of proceeding.

The Right of Interested Parties to be Heard

In *Hanily v. Minister of Local Government and Planning*¹⁰ a manufacturer, unknown to the owner, got planning permission to erect a factory on some land, and when the owner refused to sell it at existing use value applied to the Central Land Board for the Board to exercise their powers of compulsory purchase. Seeking to have the compulsory purchase order quashed, the owner complained that he ought to have been notified and given an opportunity of objecting and being heard by the planning authority when considering the application for planning permission. The court held that even though the proceedings might be "judicial" in the sense that *certiorari* would lie it did not follow that the owner had the rights which he claimed, adding:—¹¹

"... one must look at the legislation in question and see whether under that legislation justice requires that persons or any particular person should be notified and heard. Under this scheme of legislation I can see no ground for saying that any particular notice should be given to an owner, or that the owner should be given an opportunity of being heard."

Public Authorities and their Officers

It has been assumed by many text-book writers that when a servant commits a tort in the course of his employment and the person injured recovers damages from the employer who is vicariously liable for his

⁶1951 1 All E.R. 1032.

⁷1951 2 All E.R. 659.

⁸1952 2 All E.R. 78.

⁹1952 2 All E.R. 424.

¹⁰1952 2 Q.B. 444.

¹¹At 452.

servant's wrongs, that the employer is entitled to an indemnity from the servant. In *Jones v. Manchester Corporation and others*,¹² a patient having died as a result of improper administration of a drug, his widow recovered damages from the surgeon and his employers, the Manchester Regional Hospital Board. The Board asserted in the Court of Appeal that they were entitled to be fully indemnified by the surgeon

against all the damages awarded to the widow. The court held that in a case like this where the employer has itself been negligent (in leaving the administration of a dangerous drug to an inexperienced doctor without adequate supervision) the employer is not entitled as of right to an indemnity and that the contributions of the surgeon and of the Board should be in the proportions of one-fifth and four-fifths respectively.

¹²1952 2 All E.R. 125.

Public Authorities and the Arts

By JOHN SARGENT

The Assistant Director of the Institute reports on the Edinburgh Conference.

THE City of Edinburgh, on the eve of the 1952 International Festival, was the setting for the Institute's Conference on Public Authorities and the Arts. A hundred visitors and delegates, a number of them from overseas, attended the discussions on subjects of interest to public bodies with new responsibilities for cultural activities. The Chairman, Sir John Falconer, Lord Provost of Edinburgh from 1944 to 1947 and one of the founders of the Festival, was supported by a group of outstanding speakers and the Conference was enjoyable and of considerable value.

Sir John Falconer, in opening the Conference, stressed the need for competent administrators and the necessity for adequate education in public administration at the Universities. At a time when the arts were largely administered by public authorities, officials would in future need to be prepared to serve in this additional sphere. He then introduced Moray McLaren, the Scottish author, who had gallantly volunteered to take the place of Sir Compton Mackenzie, so unfortunately taken ill during his journey to Edinburgh. Mr. McLaren said that private patronage of the arts no longer existed to any extent and that since the responsibility had been accepted by public authorities, there was some danger of restricting the freedom of the artist. Public money, he thought, should not generally be devoted to the support of unknown young artists although he agreed that their talent should not be stifled. It was very difficult to decide which potential artists were worthy of public support and it would perhaps be

better to wait until sufficient time had elapsed for them to prove their mettle. Mr. McLaren said that, in Sir Compton Mackenzie's opinion, some provision by way of income tax relief should be devised to help the older artist who had served the nation well. The Conference, discussing this address, drew attention to administrative and economic difficulties in adopting Sir Compton's suggestion. It was clear that many Local Authorities did a great deal to sponsor the arts within their areas and it seemed to be the general opinion that if public authorities were to give financial assistance to artists and to the development of artistic enterprise, the project should be undertaken by specially appointed agencies, such as the Arts Council, rather than by elected committees, the members of which might not always be suitably qualified.

The second session was devoted to the problem of preserving works of art, and the Earl of Crawford and Balcarres, in a brilliantly-phrased address, pleaded for the preservation of the finer examples of architecture and for a more artistic approach by authorities to modern building and development. Public authorities accepting responsibility for the preservation of the countryside and of works of art, should not be too sensitive over parliamentary questions and the public should not be too willing to adopt an official style or to accept the artistic conclusions of official bodies however worthy the intentions of the organisation.

Speaking on Education and the Arts, Sir John Maud, still at that time Permanent Secretary to the Ministry of Education, described

the changed approach to primary education and told the Conference that painting and music had now become an integral part of the child's life. He emphasised that teaching of the arts was not an unnecessary frivolity and hoped that in future the children would grow up more conscious of the beauty that is around them and less materialistic in outlook. To do this teachers must be allowed freedom to be creative and must be provided with the necessary tools for their job. The discussion on this particular subject demonstrated unanimous and enthusiastic support for Sir John's views. J. B. Frizell, Director of Education for Edinburgh, supported Sir John and said that every one of Edinburgh's senior secondary schools could tackle with quality almost any choral work and he hoped the day would come when the public would demand artistic education and budget for it as a necessary part of the nation's economy.

John Christie, founder of the Glyndebourne Opera, speaking on the Problem of Artistic Standards, pleaded for high standards of performance and of public taste. To achieve this the arts and especially opera should be planned on Festival standards and, by so providing the best possible performances, the public would be given a supreme example. Repertory opera did not permit of adequate rehearsal. It was interesting to hear that Mr. Christie thought it a good thing psychologically for people to have to dress for great musical occasions—the fact that they had been put to some trouble meant that they were the more inclined to listen critically and appreciatively to the performance.

In the final session, Sir Gerald Barry, after commenting on the

week's discussions, appealed to public authorities for a more enlightened approach when erecting new buildings. Sir Gerald said that in spite of current difficulties, people were coming from all over the world to hear and see British opera, ballet, painting and music. Although the public authority was the modern patron, the artist did not have to submit to official taste and Sir Gerald felt that although capital cities should possess the highest examples of the nation's art, the rest of the country should also have its fair share. The Conference was fortunate in having Wyn Griffith, Vice-Chairman of the Arts Council of Great Britain, to take part in this discussion and, after giving an account of the aims and work of the Arts Council, he said that capital cities should have the best as only then could they show visitors the culture worthy of the nation. He agreed with Sir Gerald, however, that this should not mean neglecting the provincial cities or rural communities.

During the week of the conference, visitors enjoyed coach tours to the Central Highlands, to the Scottish Border and to Loch Lomond. In the Highlands, the members were shown something of the development of the North of Scotland Hydro-Electric Scheme at Pitlochry and by Loch Tummel. They also enjoyed receptions given by the University, where they were received by Sir Alexander and Lady Gray, and by the City of Edinburgh, where the visitors were given an official welcome to Edinburgh by the Lord Provost. A display of Scottish folk-dancing at this civic reception was a highlight of a memorable evening and the quality of dancing an inspiration to some of the English

members of the Institute who had, until then, dismissed Scottish dancing as a rather decorative attempt at square-dancing. Without exception or reservation, the conference applauded this exquisite display.

On the last evening of the conference a dinner was held by the Institute. Sir Patrick Laird presided and the speakers were R. W. Bell, Baillie James Campbell, representing the Lord Provost, Dr. A. H. Marshall, Sir George Henderson and Sir Alexander Gray. Wyn Griffith spoke on the main theme of the Conference and, to the delight of all present, Sir Compton Mackenzie was well enough to attend and to tender a brilliant and charming apology for his enforced absence on the first day of the Conference. Sincere tributes were paid to the City of Edinburgh,

to the University and to the hospitable and efficient members of the Institute's Edinburgh and East of Scotland Regional Group who had worked so hard to make the Conference possible.

One outstanding feature of the Conference was the excellent press it received, and it would perhaps be appropriate to quote in conclusion a comment on the Conference from *The Scotsman* of 16th August: "The main test by which a Conference, other than one unfortunately compelled to reach some decision, stands or falls, is the stimulus it provides to fresh thought. By this test, the Institute of Public Administration conference which has just concluded in Edinburgh ranks much higher than most."

CORRESPONDENCE

COLLIERY MANAGERS

DEAR SIR,

A copy of Volume XXIX for Autumn 1951 of your JOURNAL has recently come into my hands and I have had an opportunity of reading the very interesting article by Mr. R. W. Bell, dealing with promotion and training in nationalised industries.

In the fourth paragraph on page 214 there is however a mistake which I think should be corrected. Reference is made to the Colliery Managers Association as being a Trade Union for members of the Managerial side in the coal industry. This is not the case at all. The National Association of Colliery Managers is a professional body concerned with technical mining matters and membership is only open to persons with a Colliery Manager's

Certificate obtained under the Coal Mines Act of 1911.

There is a Trade Union for members of the Managerial staff, known as "The British Association of Colliery Management" and I have no doubt Mr. Bell is thinking of this in his article. This Association is open to technical and administrative personnel in the mining industry employed by the National Coal Board but should not be confused with the professional (technical) body of rather similar name.

Yours faithfully,

J. C. FLETCHER,

Divisional Safety Engineer.

National Coal Board,

North-Western Division.

7th October, 1952.

NOTES

Developments in "the British Civil Service, 1945-51"

MRS. D. JOHNSTONE has asked us to point out that a complete list of new professional, scientific and technical classes created during the period 1945-51 should include the following five classes in addition to those listed at page 51 of her article in the Spring issue:—

Professional Accountants (E.O.C. 65/46)
 Statisticians (E.O.C. 21/46)
 Photographers (E.O.C. 31/48)
 Illustrators (The Treasury Memorandum of 1950 had no covering E.C.)
 Librarians (E.O.C. 40/49)

Public Finance, 1946-51

THE 1952 edition of the White Paper on National Income and Expenditure covering the period 1946-51 is much fuller than the previous issues. Indeed it has ceased to be a White Command Paper; it now has a blue cover, and its price has risen from 1s. 6d. to 6s.

Finances of the Nationalised Industries

Among the new tables likely to interest those concerned with public administration is a section on the Public Corporations. The Central Statistical Office has had both to define the term and to list the bodies included. For their purposes a public corporation is defined as "a trading body which is publicly controlled to the extent that the Sovereign, Parliament or a Minister appoints, directly or indirectly, the whole or a majority of the board of management but which is established as a corporate body with its own legal existence and with financial independence." Twenty-four bodies are listed. Most of them are what would be expected, e.g. National Coal Board and British Transport Commission, but more unlikely choices are the Scottish Special Housing Association, National Research and Development Council, and Festival Gardens, Ltd. It should be noticed that though the New Town Development Corporations are included, the Regional Hospital Boards are treated as part of the Central Government because they are "grant-aided bodies set up for the

administration of Government policy having no financial independence." The Port of London Authority and the Mersey Docks and Harbour Board are included in the figures for Local Authorities. This is in accordance with the practice for the annual Local Government Financial Statistics because the definition of Local Authority for that purpose is "any local body, not being a company trading for profit, which has the power to levy rates, taxes, tolls or dues, or to require them to be levied." Much could be said for and against this classification.

While the definition adopted is slightly wider than that normally used to describe the nationalised industries the extra bodies included are not of any great financial importance. We may, therefore, regard the following figures as applying substantially to the total financial position of the recently nationalised industries.

Total receipts from sales was £2,409 millions in 1951.

Contrary to popular opinion these bodies received only £6 millions by way of Exchequer subsidies and this was paid to the Airways Corporations and the National Service Hostels Corporation, Ltd. On the other hand their trading surplus was £148 millions, and they had other income of £15 millions, making £163 millions in all. Of this, £109 millions went for interest on capital, £29 millions for taxation, and £25 millions was retained and transferred to capital account.

£994 millions was paid in wages and salaries. This was nearly one-eighth of the total for wages and salaries for the United Kingdom (£8,266 millions).

Local rates amounted to £23 millions, or less than 1 per cent. of the total sales.

Local Authority Finances

It is unfortunately not possible to compare these figures with those for the Central Government and for Nationalised Industries, for comparable information is not provided. The figures for Local Authority trading, for example, are net,

NOTES

i.e. only the surplus is shown and not total sales.

The following facts about local finance are of interest.

Total income on current account for the period 1946-51 was as follows:—

State). £1,025 millions was spent currently on defence; £544 millions was for national debt interest; £78 millions for war damage compensation; and £71 millions for war pensions and service grants.

	All Local Authorities in the United Kingdom.					
	1946 £m.	1947 £m.	1948 £m.	1949 £m.	1950 £m.	1951 £m.
Rates	269	307	318	326	337	361
Exchequer Grants	244	264	278	286	294	327
Other income	67	66	65	68	75	82
	580	637	661	680	706	770

It will be noticed that income from local rates increased by £92 millions during the period; income from Exchequer grants by £83 millions, and other income by £15 millions. The definition of Exchequer grants rightly excludes payments for agency services, e.g. for trunk roads.

Out of the total expenditure on current account, £288 millions went on education in 1951 and £79 millions on debt interest. Roads were next with £66 millions, and since the transfer of the hospitals the local Health Services have fallen to £38 millions.

£439 millions was spent on capital account, of which £284 millions was for Housing. Capital expenditure on new Housing has risen from £104 millions in 1946.

Central Government Finances

In contrast to the £361 millions received from local rates in 1951, the Central Exchequer received £622 millions in tax revenue from tobacco, £261 millions from beer, £128 millions from wines and spirits, and £338 millions from the purchase tax. Even stamp duties yielded £62 millions—one-sixth of the rates levied on every house, office, factory, etc., in the United Kingdom.

It is interesting to note that out of a total expenditure by the Central Government in 1951 of £4,043 millions, nearly half can be attributed to war or the fear of war (even in the age of the Welfare

Organisation of the Board of Trade

THE Board of Trade Journal for 20th September, 1952, contains a sixteen-page supplement entitled "Directory of Board of Trade Departments and their Work." It is designed primarily to guide the user of the Board's services. Section I gives the main divisions of the Departments, a brief description of their functions and their address. If, however, you do not know the name of the division which deals with your problem, there is in Section II an alphabetical list of subjects dealt with by the Board and the appropriate division. There are nine pages of subjects ranging from Administration of German Enemy Property to Wholesale Price Index (alas why not to Zinc!) and passing on the way Bankruptcy, Certificates of Origin, Defective Goods, Films, Location of Industry, Money Lender Acts, and many others. Strangely enough there are only two references under Trade as compared with twenty-seven under Statistics. And there is no reference to Plantations! Section III gives the main Production Departments and the commodities for which they are responsible. The Ministry of Materials is responsible for Zinc, and an even more ultimate material alphabetically—Zircon sand and ores. But then this Ministry is also responsible for Quassia, Witherite and Vermiculite, and (more mysterious) Tall Oil. How assuring it is to know that somewhere in Whitehall there is somebody carefully watching the national interest in these matters, not to mention Blood, dried; Seaweed, raw; and Hair (from coat or fleece of goat, hare, llama, rabbit, vicuna or yak).

Clerical Salary Scales and Job Grading

THE Office Management Association have done another good job in their fifth Clerical Salaries Analysis. The new edition, showing salaries at 1st March, 1952, contains 59 Tables and a guide to Job Grading. Considering the mass of information provided it is modestly priced at 25s. and can be obtained from the Association at 8 Hill Street, London, W.1.

Most of the Tables are concerned with employment in private industry but there are 10 Tables of information about clerical scales in the Civil Service and Local Government Service and in the nationalised industries. The analysis points out the difficulties of making comparisons—differences in hours of work, prospects of promotion, pension and other benefits, security of tenure are not revealed by a simple comparison of weekly rates. The following particulars of salaries in public employment and banking must, therefore, be commented on with these and other factors in mind. The Table below is

based on the great variety of data collected by the Association about clerical salaries in the public services which is clearly set out in full in the analysis.

The other problem raised by comparisons of this kind is whether the clerks are doing the same kind of work with the same degree of responsibility. The Association has, therefore, developed a grading scheme for all kinds of clerical work ranging from Grade A (simple tasks allotted under close association) to Grade F (supervision of sections and responsibility for the efficient execution of a complete division of the work; regular contact with the management and administration; work requiring experience, discretion and judgment, etc.). The Association's Job Grading Schedule is a clear analysis of the many possible kinds of work normally done by clerical workers and should be of considerable use not merely in discussions on salaries but also for arranging distribution of work and responsibility within large offices.

CLERICAL SALARIES (MALE) 1ST MARCH, 1952

Type of Work	Age 16 or d.	Age 25 s. d.	Prospects, apart from promotion to higher grades (scale maximum)	
			s. d.	s. d.
Civil Service—				
(Clerical Officers) ..	59 2 ³	131 0	199 0	(efficiency bar at 29 years)
(Clerical Assistants) ..	54 0	119 0	153 0	
Local Government Service	57 8	128 10	163 6	
Electricity	57 8	126 11	136 6	
Gas	55 9	125 0	(depends on promotion to higher grades)	
Coal	56 0	138 0	157 6	
Railways	54 2	122 6	143 0	
Road Haulage	55 8	124 8	145 9	
Civil Aviation	62 6	134 0	144 0	
Banking	71 11	169 3	250 0 (approx.)	

BOOK REVIEWS

The Local Government Service

By J. H. WARREN. The New Town and County Hall Series (Allen & Unwin) (1952). Pp. xiv and 222. 18s.

Few men could write of the Local Government Service with greater authority than Mr. Warren. He has more than 35 years' experience of that service, having first risen to be Town Clerk of Slough, and then become General Secretary of N.A.L.G.O., a position which he holds today. One is therefore entitled to look to him for an authoritative description of the development of the service and the evolution of the present organisation of Local Government Officers. In this book he performs the task most efficiently.

At the beginning of this century each local authority employed such officers as it saw fit, and paid them such salaries as it chose. Professional associations were already doing much for the senior officers, but no organisation existed to protect the interests of those without professional qualifications. There was, as a result of this, much nepotism and inefficiency. At the same time there were many able men in the service of local councils, and promotion was open to any man of talent. There were, without a doubt, some men of very great ability among the Town Clerks and Chief Officers of the nineteenth and early twentieth centuries.

Since then the standard and the lot of the junior and middle ranks have been greatly improved. This is primarily due to the National Association of Local Government Officers, which was founded in 1905 as a general trade union for all those who are generally included within the description of Local Government Officers. Slowly this association won support from the employees of local authorities, and recognition from the authorities themselves. Whitleyism was established, at first on the basis of regional councils, and finally, in 1946, a scheme of salaries and conditions of service for all officers throughout the country was achieved. Side by side with this there was evolved a national system of examinations both for entry into the service and for promotion within it.

This development is described by Mr. Warren with considerable skill. He takes an obvious, and justified, pride in the achievements of N.A.L.G.O. in building up a national service out of the scattered

and unorganised elements of half a century ago. At the same time he is critical of the way in which the system of entrance and promotion examinations has developed. In particular he disapproves of the early policy of allowing no intermediate professional qualifications to count as an equivalent or alternative to the promotion examination. That policy has, however, now been abandoned, and Mr. Warren appears to be in full agreement with the new system which is now being introduced.

The outstanding feature of this new system is the institution of a final examination which, it is proposed, should be regarded as conferring an administrative qualification equivalent in status and standard to that of the major professional qualifications, and to be of no lower standard than a university pass degree. This, it is suggested, may or may not open the way for men who are not qualified members of a profession to reach the highest appointments in Local Government. Mr. Warren seems to doubt whether it will in fact have such an effect.

He is naturally interested in the problem of improving the standard and status of Local Government officers. For this purpose he puts his faith in post-entry training. That is to say, he does not believe in a general policy of attempting to recruit into the service men with university degrees, but in the alternative policy of enabling those who are already in the service to improve themselves by studying in their spare time and in such time as may be allowed to them by their employing authorities. "The Local Government Service is not likely to follow the Civil Service model in establishing a segregated higher administrative class by direct recruitment from the universities. On the other hand, it is safe to say that if the basic qualification remains predominantly the professional one, both the sentiment of the staffs and their employers will create an impetus towards the provision of the fullest facilities for acquiring professional qualifications by post-entry study. Questions of supply apart, post-entry study at all levels must be the main resource of the Service in responding to the call for efficiency in changing tasks

and conditions. It will be a line of advance much in keeping with Service effort in the past, and much in keeping with current trends in every sphere. If the "liberal education" in the older tradition still has its incomparable values, it is no longer regarded as a universal and immediate passport to the upper levels of responsibility and control. We may be moving to some new form of an old conception—work and training in combination. It has, in all ages and societies, been a fruitful one in the growth and advance of human skills."

This means that the writer believes that the way to get better Local Government officers is not to seek for the best from the universities, but to give the existing officers and their successors more encouragement and opportunity to study in their spare time. Such an opinion is naturally acceptable to the greater part of the present staffs, but is not necessarily a complete answer to the problem. Today the opportunities for the ablest young men and women of England to get to a university, irrespective of their poverty or wealth, are greatly increased. The boy who has distinguished himself at a Grammar School might formerly have gone on

to work at the Town Hall. Today he is more likely to find his way to a university. The Local Authorities of England are spending great sums of money every year to make this possible for the children of even the poorest parents. At the same time, and partly as a result of this, those who go straight to work in the Town Hall are, as Mr. Warren admits, generally of a lower calibre than their predecessors. But yet the policy advocated in this book entails, with some exceptions, the rejection of the abler men and women from the universities, in favour of the existing staffs, with additional qualifications obtained by spare time study. It is difficult to believe that such a policy can in the long run be for the benefit of English Local Government.

The prime purpose of this book, however, is not to justify a policy, but to describe the Local Government Service, and the circumstances in which it has grown. In this it is unmistakably successful. It is a sound and comprehensible account of the subject, and a most useful addition to the scanty literature on this theme. It is well worthy of a place in the New Town and County Hall Series.

B KEITH-LUCAS.

Autonomy and Delegation in County Government: A study of Delegation in Education and Local Health Administration

By EMMELINE W. COHEN. Institute of Public Administration, 1952. Pp. ix + 181. 6s.

THE Education Act, 1944 and the National Health Service Act, 1946 concentrated power in the County Councils in order to secure a much needed uniformity in the standard of service available. Both Acts suggested delegation to subordinate bodies so as to secure the association of local representatives in the working of the services in accordance with democratic principles. Although, as Professor Robson indicates in his Foreword, this was but an ingenious device in substitution for the long overdue reform of local government, it deserves study and Miss Cohen's book shows how delegation has been carried out. Considerably more guidance was given by the Ministry of Education than by the Ministry of Health and undoubtedly the Divisional Executives were intended to exercise greater power than the Sub-Committees but, in both cases, planning, policy and finance were to remain county matters.

In the course of her researches, the author found little basic similarity between county Health schemes and obtained a general impression that the Sub-Committees play no vital part in administration, though some rural areas appear to have gained from decentralisation. In Education, to which the greater part of her book is devoted, she discovered that, although the schemes of divisional administration looked very much alike on paper, they varied considerably in fact. On the whole, she believes that in neither service has sufficient thought been given to the kind of function which ought to be delegated and that this needs to be done if local participation is to be really effective. The interpretation of the term "delegation" needs clear thought and Miss Cohen undoubtedly feels that county authorities probably find it easier to treat divisional executives as agents rather than as responsible bodies. Where, as in some counties, directors

arrange for regular consultation with the divisional officers, understanding and mutual respect are increased and administrative difficulties are more easily overcome. That there is, in many cases, some degree of friction between the county and the executive offices is clear, and many examples are quoted.

Miss Cohen's study is of particular interest at this juncture when the Ministry has suggested the revision of schemes for reasons of economy. The author rightly says that comparisons with the past are not entirely valid and indicates that a reliable analysis of factors contributing to the increase in administrative costs (which doubled between 1945 and 1949) is lacking. She makes the further important point that democracy is not cheap and that its value is not to be assessed in monetary terms. Her researches do not claim to be exhaustive but purport to give a typical cross-section of the kind of relationship now being worked out under the recent legislation. Professor Robson suggests that if the book appears to be unduly concerned with the difficulties and frustrations of the minor authorities, this is due to the author's strong feeling that delegation will degenerate into mere agency unless a substantial measure of independent discretion and responsibility is accorded to them. This may be accepted; but Miss Cohen's comment that the desire of county government for uniformity is "common among those who exercise remote control" needs some qualification. Good administration, even where not remote, demands a high degree of uni-

formity in the interests of justice; it is not always due to a wish "to establish a perfect and symmetrical system" nor can it always be dismissed as a desire to "evade the thought and trouble involved in a flexible and variable system." One or two of the examples given relate to matters of policy (expressly reserved to the major authority) rather than of local discretion and here the County decision must prevail. But Miss Cohen agrees that the difficulties involved in delegation are to some extent inherent in this kind of relationship since they are paralleled in central/local government and she is right to indicate that, in administration, more depends on the art of human relationship and the personal qualities of those concerned than on technique or constitutional regulations. The success or failure of delegation is indeed of great importance since it represents the British way of fostering a responsible attitude to government by providing ways of local participation.

The book is well arranged, discussing first delegation in Education and then in Health and following with a Conclusion which considers delegation as a constitutional and administrative method. The "Summary and Appraisal" in Part 2 relates to the matter generally and would perhaps be better separated from a section which purports to deal solely with Health Authorities. There are two useful appendices relating the number of divisional executives to population in the various counties and listing the 44 Excepted Districts.

MARGARET A. B. JONES.

Parliament: A Survey

By LORD CAMPION, L. S. AMERY, D. W. BROGAN, J. J. CRAIK HENDERSON, H. E. DALE, IVOR THOMAS, F. W. LASCELLES, E. C. S. WADE, SIR CECIL CARR, A. L. GOODHART, G. M. YOUNG. (George Allen and Unwin.) Pp. vi + 296. 22s. 6d.

THIS composite book emanates from a series of discussions organised in 1947 by the Department of Extra-Mural Studies of the University of London. A group of "parliamentarians, lawyers, historians and civil servants" took part in these discussions under the Chairmanship of Mr. J. J. Craik Henderson. Certain other experts attended particular meetings or supplied advice or information. A series of lectures was then given between January and March 1950, and these lectures form the basis of this book which has been edited by Lord Campion. (Mr. Craik Henderson observes rather oddly in his Preface:

"I am only sorry that in this volume no contributions are included from some of our best members.")

This kind of book is almost always disappointing. If the topics chosen are too far apart there will be a lack of unity: if they are too close together there will be over-lapping; and so little, in any case, can be covered in single lectures, that, even when they are re-written for publication, they tend to remain very slight. There is much in this book which is of use to anyone beginning the study of British Parliamentary Government but which would be of more use if the various

parts of the book, when taken together, really formed a single survey, and if less repetition were involved. There is not much for the advanced student.

In two essays on "Parliament and Democracy" and "Parliamentary Procedure Old and New," Lord Campion provides a readable introduction to a field which most students find very difficult. Mr. H. E. Dale discusses "Parliament in Relation to the Civil Service" with knowledge, and more coolly than that topic is often discussed. Other useful introductory sketches are given by Mr. Ivor Thomas on "The Organisation of Political Parties," Mr. F. W. Lascelles on "A Second Chamber," Professor Wade on "The Courts and the Constitution" and Professor Goodhart (now Master of University College, Oxford) on the various schemes that have been put forward for increasing "Parliamentary Control of the Nationalised Undertakings." Readers less in need of elementary material will find more to interest them in Sir Cecil Carr's essay on "Delegated Legislation," particularly in its historical sections. The other essays in the book will, I think, be less useful to students. Mr. Amery on "The Nature of British Parliamentary Government" repeats much of his *Thoughts on the Constitution*, sometimes verbatim. (c.f. pp. 42-3 and 48-53 of the present book with *Thoughts on the Constitution*, pp. 3-5 and 13-21.) Professor Brogan's "Comparison with American and French Parliamentary systems" goes some way towards providing a model for excursions into "comparative government" but shows some indecision about what conclusions, if any, emerge from the comparison. Mr. Craik Henderson's "Dangers of a Supreme Parliament" is loosely constructed, and it is hard to resist the feeling that he has himself sensed that he may be exaggerating. In his contribution on "Cabinet and Parliament" Sir Arthur Salter seems to have his heart mainly in one over-riding consideration—that there should be less legislation and less state control. (He also makes a statement on p. 106 that might mislead: "In France the *Assemblée* can always dismiss the Cabinet but in practice the Cabinet cannot dismiss the *Assemblée* (although there is a provision for the purpose, hardly ever applied and very difficult to apply, in the Constitution).") Mr. G. M. Young, summing up at the end on "The Future of British Parliamentary

Government" trails his coat amusingly, if at times a little irascibly, and has some interesting suggestions; but it is difficult to be clear how serious he is.

There is not one common point of view in the book, which perhaps helps to make it more representative than it might otherwise be; but a good number of the authors show some alarm about the relations between Cabinet and Parliament. Mr. G. M. Young goes furthest when he suggests (p. 283) that we live under a "new constitution." But Mr. Craik Henderson thinks that the professionalising of politics and increasing power of patronage could, in certain circumstances (which are "perhaps" remote) lead to dictatorship; and Sir Arthur Salter thinks we may be moving through "Cabinet bureaucracy" into "Party bureaucracy" if we are not careful. There is some tendency to hark back to better times: Lord Campion suggests on pp. 35-36 that the best conditions for the working of the Parliamentary system were those of the years 1832-67; and on p. 274 Mr. Young opts for the years between 1840 and 1870 "when Parliament and the executive seem to have achieved a proper balance." (It is interesting to reflect how rapid has been the decline in popularity of our vaunted Cabinet Government and two-party system now that we have really got them at last). Proposals for checking the executive naturally loom fairly large. Mr. Craik Henderson seems to find the notions of a written constitution and referenda attractive, though he admits that a reform of the House of Lords would be more practicable. Mr. Young would like to see regular informal conferences between Ministers, chief officials, and interested groups in Parliament, a special Minister of State appointed "as general visitor of the Civil Service," a strengthening of the Statutory Instruments Committee, and the creation of advisory councils, representative of "interests", to work beside grouped Departments and, amongst other duties, to look at departmental orders in draft: these might, he thinks, if they began to work in combination, point the way to a feasible form of functional sub-parliament. There are further suggestions from Sir Arthur Salter and Sir Cecil Carr. Professor Wade's authority, perhaps, prevented still more recommendations in another familiar direction from appearing. The Courts, he considers, can be used to offset increased executive authority only within a limited

field. Moreover, he considers that some, at least, of the recent activities of the executive have not been too bad. "Taken as a whole, recent legislation relating to the administration of the social services has made adequate provision for appeals to a higher tribunal on questions of law" (p. 225). It is pleasant to come across

some statements such as this. (There are others in some of the other essays: Lord Campion, for instance, is on the whole more optimistic than pessimistic). Were it not for these statements the less robust readers of this book might be plunged into very profound gloom.

WILFRID HARRISON.

The Economics of National Insurance

By A. T. PEACOCK. Hodge & Co., London 1952. Pp. 126. 8s. 6d.

THIS is an exasperating book and I find it difficult to restrain the irritation that bubbles up inside me. For to me social insurance is an important device which though not perfect (which human institution is?) should not be swept aside by Mr. Peacock so breezily and with such inadequate consideration. He is a theoretical economist who apparently fails to realise the limitations of his training. In handling human affairs the theoretical economist can be as dangerous and as limited as the scientist. A capacity to manipulate the figures in the National Income and Expenditure White Paper and to feel at home in discussions of inflation and welfare economics are important qualifications but they by no means exhaust the considerations which would need to be taken into account before an adequate judgment on the merits of the present system of social insurance could be reached.

Mr. Peacock has three main complaints. First, national insurance is not insurance in the same sense as private insurance and indeed is not insurance at all. Second, the scheme does not sufficiently redistribute income between rich and poor. Third, it fits ill with the social services and the system of income tax allowances. Let us look at each in turn.

Mr. Peacock says there are three important differences between national and private insurance. In the first place it is compulsory, there is no adjustment of premiums to risk, it is influenced not only by actuarial considerations but by contemporary views of social justice and there are large contributions from employers and the Exchequer. I think it is possible to take up each of these points in turn and show that the differences may sometimes be more between shades of grey than between black and white. Third party motor car insurance is compulsory and the premiums are certainly not adjusted to

every individual case. Averaging is surely a feature of most forms of insurance. Mr. Peacock's own F.S.S.U. policy is substantially assisted by his employer and I see nothing contrary to the insurance idea in that relationship. And cannot ideas of social justice influence a scheme without eliminating the insurance principle? What Mr. Peacock fails to point out is that the contributor insures in the sense that, in return for specified weekly payments the State agrees to pay him stated sums should certain stated risks eventuate. The risk, for example, that he will be sick or unemployed. He can also insure against sickness with a Friendly Society, and would not that be insurance? If he is never sick or unemployed or if he dies before reaching retirement age he receives nothing from his contributions. On the other hand if he has long periods of sickness or unemployment or lives to a very ripe old age he will draw above average amount from the scheme. The payments are based on average risks and benefits are only standardised in the sense that the weekly amount is standardised, but different contributors may receive very differing amounts during their lifetime.

The other two reasons are that the Government policy is designed to reduce some of the risks insured and that the insurance scheme is part of the policy for achieving the national minimum. But surely Governmental action must affect all insurance schemes—public and private. The improvement in the Fire Service, for example, must have reduced the risk of loss by fire. As for the national minimum this may indicate the level of benefit but it also indicates the level of contribution, for in the insurance scheme the two are directly and clearly linked.

Mr. Peacock does not trouble to explain the methods whereby the Government

Actuary calculates the contributions needed in respect of each section of the scheme. He does not deal with the differences between the finance of old age pensions and of other insurance benefits nor, within the old age pension scheme, does he indicate the difference between the Exchequer contribution needed for the new entrant and for the giving of pensions to those who have not been contributing long enough to pay the appropriate actuarial share of their pension. These are strange omissions in a dispassionate academic study. Perhaps their inclusion would have complicated his argument.

Let us go back a little and see how the working man of the inter-war period viewed the scheme. He paid his insurance contribution weekly while he was working, the fact that his employer also paid something for him seemed part of the responsibilities of good management. If he never fell sick or became unemployed he did not grumble—he would rather have his health and be in work than have the benefits. But when he became sick or unemployed he claimed his benefit as of right, it was not charity like going on the Parish. The risk had occurred and according to the terms of the contract he could draw his money. Those who were not so insured had to get poor relief subject to a means test, as he had when he had exhausted his benefit. No wonder social insurance was regarded as a step up in the dignity of the working man. Of course he had paid local rates in aid of poor relief but the absence of any contractual relationship between his payments and his rights made all the difference in his attitude and the attitude of his neighbours. Mr. Peacock must realise that there is a very big psychological difference between the receipt of cash from a public authority and the use of the public services. There is more human dignity in receiving something for which you have paid directly just as much as the other man and receiving something which the State gives you subject to a means test because you are down and out and which comes to you apparently out of somebody else's apparently bottomless pocket. No wonder the T.U.C. and the vast bulk of the evidence to the Beveridge Committee was in favour of a contributory scheme, and I include in that evidence Lord Keynes and the views of the Economic Section.

His second criticism is that the scheme does not secure a sufficiently wide redistribu-

tion of income between rich and poor. This is largely because each contributor pays the same weekly rate irrespective of his earnings. But must every form of State enterprise be judged by this criterion? Are there not other powerful devices to achieve this end? For social insurance was designed to achieve a different kind of redistribution—between the employed and the unemployed; the healthy and the sick; the working and the retired. It is significant that Mr. Peacock does not deal with this point when considering the redistributive effects, instead he appears to treat insurance benefits in the same way as he would food subsidies and other State expenditure available to all, whether working or not. (At p. 73, however, he notes "There is marked redistributive effect in favour of higher age-groups"!)

This blind spot may also account for some of the arguments he uses to support his third criticism. He quotes as anomalies the four sets of family allowances in operation in 1950. (a) National Insurance paid 7s. 6d. for the first child; (b) National Assistance paid 7s. 6d. to 15s. for the first child according to age; (c) the Family Allowance scheme paid nothing for the first child and (d) under the income tax the allowance of £60 per child meant more to the higher income groups. He says, however, that conformity is not necessary in the last instance. What he does not bring out clearly is that whereas persons in categories (a) and (b) are unlikely to be in receipt of wages those in category (c) almost certainly are. If we are going to drag in income tax and all the social services why not deal with wages? Surely we ought to have a wage system that provides a sufficient income for a man, wife and at least one child. Average weekly earnings in April 1952 for an adult male were £8 13s. 7d. per week. In contrast a man, wife and one child would receive £2 12s. per week unemployment benefit.

Mr. Peacock would have written a more useful book if he had not assumed that everybody was mad except himself and Lady Rhys Williams. It is a useful attribute in any academic, however young, to assume that an institution which has widespread support and has lasted many years in many countries cannot have been founded altogether on an optical illusion. It must have appeared to have merits to large numbers of people and he should be

humble and seek out those merits before leading us gently to the path dictated by his greater discernment. It is also a good thing to submit one's alternative scheme to the same scepticism that one shows more human institutions. Actually, though Mr. Peacock is rather dubious about many points in his alternative scheme and indeed is vague on a whole lot of essential details, he is quite ready to discard the old before he is on with the new.

His alternative scheme would involve paying 12s. 6d. per week to every person, man, woman and child, whether working or not and whatever their financial circumstances—in other words to over 50 million people. In most cases this would be taken from them by a new scale of income tax. Food subsidies would be abolished and so would the personal and children's allowances for income tax. Using 1951 figures the result would be small gains for the lowest and the highest paid wage and salary earners, whether with

or without children. To achieve all this in 1950 would have involved an increase of £1,578 mns. in the income tax (more than double) to be offset by £413 mns. less on employers' and employees' contributions, the payment of £1,482 mns. more mainly on the 12s. 6d. per week to everybody and £317 mns. less on food subsidies. Strangely enough though the book is about national insurance and the purpose of national insurance is to provide benefits for the sick, unemployed and old aged, Mr. Peacock is not concerned to show how their fortunes will be affected. He discloses, however, that such a man would receive 12s. 6d. per week both for himself and for his wife and a supplement of 20s. making 45s. in all as against the 42s. under the insurance scheme at that time. I gleaned this information from one of the calculations and may have interpreted it wrongly, so incidental are these people to Mr. Peacock's grand strategy.

D. N. CHESTER.

The Government of British Trade Unions

By JOSEPH GOLDSTEIN, Ph.D. (London), 1952 Allen and Unwin. Pp. 300. 25s.

DR. GOLDSTEIN's study is not concerned with all or most British unions, as its title suggests. It is devoted exclusively to the largest of British unions, the Transport and General Workers' Union. The two largest sections of the book are, firstly, an analysis of a number of sets of figures relating to the membership of the union, and a fairly detailed study of a single branch.

The statistics of growth in membership, of annual entries and losses, of size of branches, of numbers of members in arrears at the end of each year, and proportions voting in a variety of union elections, are an important addition to information available concerning trade unions. Dr. Goldstein uses them, and other figures, to demonstrate that only a minority of the union's members take an active part in its affairs. This is not a novel conclusion, but it has never before been presented with such a weight of quantitative evidence. Unfortunately, Dr. Goldstein tries to make his figures perform more tricks than their strength will bear. For instance, he has devised a formula for calculating the number of members qualified in any year to stand for office, in order to show what a small proportion of the total

this is. The number of assumptions which he makes, however, including a most peculiar assumption that the proportion of old members leaving in any year is the same as the proportion of new members, renders the formula of little value. The original figures show that only a minority can be qualified to stand; and the formula does not really enable us to make a sensible estimate of the size of the minority.

Further on Dr. Goldstein attempts to use the figures of members affiliated to the Labour Party as further evidence of the apathy of the membership. He argues, reasonably enough, that the fact that the size of the union's affiliations to the Labour Party doubled after the change in the law from "contracting in" to "contracting out" shows that most members had little interest in political activity. Dr. Goldstein, however, takes the figure of affiliations to the Party as identical with the figure of those paying the political levy. The number of members on which a union affiliates to the Labour Party is decided by its governing bodies. One of the considerations which affect the decision is certainly the number paying the levy; but the value of the union's levy, the value of the Labour Party's subscription, and

other calls on the union's Political Fund may also be taken into account. Once again the point is made, but the figures seem more exact than they are.

Dr. Goldstein's study of a London branch, which he joined, includes accounts of branch meetings, sketches of the leading members of the branch, and a full summary of a series of interviews with a considerable sample of "the inactive and active populations" of the branch. This section of the book is worth the attention of anyone who would understand trade unions, not because it shows what all branches are like, but because it does in fact show what a particular branch was like in one period of its existence. The attitude of members to the branch, to the union, and to their part in them, the reasons for their joining and the reasons for their activity, together with Dr. Goldstein's account of the way in which the branch conducted its affairs, make interesting reading, and certainly throw light on the problems of trade unions in Britain to-day.

A certain glamour is added to the study by the fact that at the time at which Dr. Goldstein joined the branch, many of its leading members were members of the Communist Party; and all except one of these later recanted at a meeting of the branch. What significance is to be attached to this, and to many other points which Dr. Goldstein noted, must await the accumulation of further similar studies. That is a task which would be well worth while, although trade union reactions to Dr. Goldstein's book are not likely to make further studies welcome.

Dr. Goldstein's conclusions are highly critical of the Transport and General Workers' Union. Before we accept them, we must look at his premises. In his introduction, he ends a list of questions for his investigation, all of them concerned with the extent of the participation of members, by asking: "Finally, to what extent does the organisation and administration of the Trade Union help to develop the social skill of the individual and the social responsibility necessary for the democratic development of Socialism?" This may be an important question, but if we were to take the more modest view that a trade union's first duties are to protect the interests of its members, and to give service to them, we might judge a union rather by whether it appeared to

perform these tasks to the reasonable satisfaction of its members.

Admittedly recent troubles in the dockers' section of this union, which Dr. Goldstein does not neglect, may be taken to show that it fails even by this second test. Diagnoses and remedies, however, might differ considerably according to whether Dr. Goldstein's premises are accepted or not.

Dr. Goldstein is a sociologist. He has little feeling either for history or for political studies. Perhaps this explains why he thinks statistics and the study of a single branch are sufficient to permit conclusions concerning the government of a union. We are told almost nothing about the working of the governing bodies of the union. We are told little of the operation of an administrative machine devised to bring together workers in some two hundred separate industries into a single organisation. Information on these points would surely influence our judgment.

These shortcomings apart, Dr. Goldstein has at least given us more conclusive evidence than has been made public before that the majority of union members take little part in union affairs, and also fairly conclusive evidence that trade union elections are sometimes corrupt. What influence should this have on our attitude towards trade unions? Should we infer that they are unrepresentative institutions, unworthy of the considerable influence which they have attained in public affairs? Such a conclusion might lead us on to strange paths. In modern British society we must have someone to speak on behalf of the million-odd members of the Transport and General Workers' Union. If Mr. Arthur Deakin and his General Executive Council do not represent them as well as they might, there is no one else to do the job for them. Moreover it is common experience that our loyalty is never so well brought out as when the object of it is attacked. Outside attempts to interfere with the authority of the Union might well reassure us of its representative nature.

Should we conclude that the established policy of using public influence to discourage "breakaway" unions should be reversed? This is not an easy problem, but experience of such unions has not shown that their institutions are more democratic or their leaders more decent than those of established unions. Rather

the reverse. Whether they are discouraged or encouraged, the difficulties which Dr. Goldstein describes are likely to remain.

Should we conclude that the public regulation of internal union affairs, particularly elections, would be desirable? This course has been adopted in other countries, and has something to recommend it. But is there not something to be said for the old-fashioned view that how trade union members regulate their affairs is their own concern? Certainly interference is not to be undertaken lightly. Certainly the unions would vehemently object. And could they not say that all the practices of which they are accused are to be found

in the political parties, and that if there is to be public regulation by a Parliament whose members belong to the parties, regulation of parties should come first?

Attempts by unions to set their own house in order are by no means unknown. If Dr. Goldstein's book influences those unions which are in need of reform in that direction, he will have done well. Unfortunately his approach, his lack of sympathy for the difficulties with which trade union committees and officers have to contend, and his mistakes, are all likely to antagonise trade unionists. It remains to be seen whether some trade unionists will be able to overlook these and to digest what is of value in his work.

HUGH CLEGG.

The Finance of Local Government

By J. M. DRUMMOND. (Allen & Unwin.) (1952.) Pp. 206. 20s.

THERE can be few better equipped than Mr. Drummond to deal with this subject although he has recently given a graphic illustration of the post-war changes affecting local government by transferring his allegiance to the British Electricity Authority.

The scope of the book is clearly indicated in the introductory chapter by the words: "These pages are intended primarily, not for the practitioner, but for the lay reader, or the student who desires to further his knowledge of local government, perhaps with an examination in mind." This purpose is excellently achieved in a book which being free of technical terms and masses of figures is clear and above all readable. It meets a real need for a short but authoritative introductory work for newcomers to the profession, Local Authority members, and perhaps especially officers of executive departments wishing to understand the part played in local government by the finance department.

The book is essentially factual, aiming to give the present day position accurately and to set it in perspective, where necessary, by a short historical survey. Even so the author, whilst avoiding many expressions of his own opinions, briefly poses some of the important current questions of local government finance, thus enabling those who wish to look to the future to direct their gaze in the right direction. For example in the introduction, the familiar point (to the advanced student) is made that whilst an individual fits expenditure to income, a local authority

raises income to fit expenditure, subject to an over-riding limit of what the community can pay. Mr. Drummond, however, goes further, and points out that ever rising post-war expenditure on services such as education makes the problem more acute and intensifies the search for new sources of revenue.

The matter is not, however, pressed so far as to enquire whether new revenues could give more than a temporary relief to symptoms, leaving untouched the disease of trying to live beyond our means as a community by demanding more and more services without cuts elsewhere in the standard of living. This "under-development" of arguments about the future is no doubt quite deliberate and results in a commendable freedom from complications in a book designed for the lay reader. It might, however, be fairly urged that the title of the book is a little misleading and could be more accurately "An Introduction to the Finance of Local Government."

Be that as it may, no reader of the class for whom it is intended can fail to find this work ideal for its purpose. In particular the chapter on control of finances, which in less than thirty pages contrives to bring out clearly and simply an astonishing number of practical and important points not usually touched upon in a work of this nature, might well be made compulsory reading for new recruits to local government at both the official and member level.

R. G. MORGAN.

Methods and Techniques of Public Administration

Report by Special Committee on Public Administration Problems. United Nations 1951. H.M.S.O., Pp. 64. 50 cents (U.S.) or 3s. 9d. (U.K.).

THIS is a most interesting and stimulating report which ought to be read even though most readers will find it exasperating at one point or another. Prepared at the request of the Director-General of the Technical Assistance Administration of the United Nations, the report has a two-fold aim: to provide the standards to test what level public administration has reached in under-developed countries and to indicate the steps to be taken to remove weaknesses and improve the level. Chapter 2 is headed Elements of Public Administration and like Jacques' man is "full of wise saws" but without his "modern instances." "Sound administration seeks to share responsibility and to enlarge the area of participation as widely as feasible." "There is seldom a One-Best-Way in public administration." "The crucial organisational issues involve instead the interplay of political, social and economic forces operating within—or without—the constitutional framework. They concern the dynamic questions of government organisation, such as: where does the effective and decisive power reside within and outside the government; what is the position of hereditary groups or bureaucratic élites . . . (and so on) . . ."

On the organisation of the central departments the report says:

"Experience points to two tested practices that might be advisably followed in the newer and less-developed areas. First, the number of departments and their subordinate agencies should be kept as low as possible in order to facilitate the executive's control in terms of a manageable number of sub-executives reporting directly to him. Secondly, each of the departments or subordinate agencies should comprehend as many interrelated activities as possible; interrelated in terms of both existing activities. The object should be greater interrelationship of activities or administrative experience and anticipated relationships with related functions and fewer individual departments and agencies."

The report says that highest priority should be given to improving and making best use of the personnel of the public services. "The quality of public adminis-

tration is in large measure determined by the devotion, ability and honesty of the public personnel. No administrative system can be better than the men and women who conduct, indeed it might be said, who personify it." All the usual things are said: "The merit principle should govern selection." "Systematic methods of recruitment and selection . . . should be installed as soon as possible . . ." "A training programme is necessarily a long-term project."

It is full of quotable remarks. Indeed it should be a great source for the examination question of the kind "Discuss" or "Critically examine" the statement that . . . I will mention but two more dealing with the problem of sending experts from one country to report on the improvement of public administration in another country. The report says:

"There is, in a sense, a technique of technical assistance which goes beyond technical skill. What is sought is a combination of experience in governmental functions, knowledge about modern management, practical skill in administration, sensitivity to background and cultural nuances, and a clear understanding of the relationship between the problems of economic and social development, on the one hand, and public management and political affairs on the other."

A little later it makes the equally telling remark that:

"Experience thus far indicates that the kind of technical assistance which is really needed and desired by governments cannot always be effectively rendered by a group of experts, no matter how able, who visit a country for a few months, present a report with recommendations and return to their own countries forthwith."

All this, and this is only a sample, is obviously very interesting and useful. Why then the occasional exasperation? I think it arises from a realisation of the enormity of the problem in many under-developed countries (and even in some countries described as "developed"). We may know what we want but what are the best ways to get it in as short a time as possible? Are there different stages on

this road to the goal and what are they? Are there techniques for different levels of urbanisation, or national income per head, or degree of literacy, and what are they? Is it wise to assume that a so-called developed "public administration" can operate in a country economically under-developed any more than it would be right to assume that the present system in the U.K. and the U.S.A. could have operated in 1800? The report is aware of these

problems, indeed little or nothing is missed—but it does not attempt to deal with them. But the reformer in the under-developed country, armed with this booklet, must do so. This cannot be a blue-print of a house ready for handing to the builder but rather the much earlier stage of discussing the desirability of houses having walls and windows and of putting up the walls before putting on the roof.

D. N. CHESTER.

Current Legal Problems, 1951

Edited by G. W. Keeton and G. Schwarzenberger. (Stevens and Sons, Ltd.) Pp. vii + 428. £2 5s.

The Rational Strength of English Law

(The Hamlyn Lectures, Third Series.) By F. H. LAWSON. (Stevens and Sons, Ltd.) Pp. viii + 147. 10s.

THE fourth volume in a useful series sponsored by the Faculty of Law at University College, London, exceeds its predecessor by two essays and 123 pages. Of the seventeen essays it contains, a number are devoted to International Law as a tribute to Sir Cecil Hurst (formerly Legal Adviser to the Foreign Office and President of the Permanent Court of International Justice) and others are on subjects mainly of interest to lawyers; but Sir Cecil Carr writes on "Mechanics of Law-Making," Mr. R. C. Fitzgerald on "New Town Planners and the Law," Professor Friedmann on "Public Law Problems in Recent English Decisions," and Professor Schwartz on "The United States Supreme Court and Administrative Law."

Sir Cecil Carr's essay contains some unusual and very interesting information on nineteenth century experts in the theory and practice of law-making such as Arthur Symonds and Bellenden Ker; and it also has a balanced consideration of their views in the light of later developments.

Mr. Fitzgerald discusses the significance mainly of the *Rollo Case*, the *Franklin Case* and the *Robinson Case*. In his view the New Towns Act, 1946, illustrates the passage of "real sovereignty" from Parliament to the Executive. He would prefer that Parliament itself should decide the location of new towns, that a Supreme Court of Administration should see that the managerial powers under the Act are not abused, and he thinks that the education of planners needs attention.

Professor Friedmann points out that merely to look at the problem of administrative tribunals (and, he might perhaps have added, of new towns and the law) is not sufficient if one wants to understand the place of public law in our contemporary legal system. Reviewing the present position widely, he concludes that the courts today are seeking to balance public interest and private rights without predisposition in favour of either, and that we seem to be approaching a position in which, while legal liabilities will not be imposed on a public authority if they would interfere with the execution of its public duties, none the less public authorities are increasingly subjected to the same legal duties as others; for instance, they have no general immunity from duties of care towards the public, and their promises tend to be treated as contractual rather than administrative. Further, he considers, the passing of the Crown Proceedings Act and the growth of "public corporations" have greatly reduced the scope of legal privilege that public authority enjoys.

His essay may profitably be read in conjunction with that of Professor Schwartz which discusses the changed attitude of the United States Supreme Court in the field of administrative law. American judicial and administrative agencies, he says, are now no longer regarded as rivals, and the problem of delegated legislation is no longer looked at formally by the Court. At the same time, however, the importance of adequate procedural safe-

guards has been insisted upon (with the co-operation of Congress in producing the Administrative Procedure Act of 1946) and there has been insistence upon the availability of judicial review even when the legislature has failed to provide for it (but with a tendency to abandon the "jurisdictional fact" doctrine).

All four essays should be read and pondered by students of administration.

Professor Lawson's aim in his lectures has been to correct an opinion which he considers is widespread not only amongst laymen but also amongst lawyers that English law is disorderly and irrational whereas much foreign, especially continental, law is neat and rational. To this end, he confines himself to that part of English law where disorder and irrationality might most be expected to be found, "lawyers' law." He first discusses certain general features of it and then turns to particular portions of it, contract, property and torts. He concludes that there are respects in which we could learn from other countries; but there are many other respects in which we lead: for instance, "the general structure of our property law is now the best in the world. We are ahead not only of all the Civil Law countries, including Scotland, but also of the rest of the Commonwealth, where simpler problems have not called for so drastic a solution, and of the United States where the law of real property remains a jungle" (p. 145). The general structure of English law, he maintains, is rational rather than rationalistic; that is to say, it serves the policies it is intended to fulfil in a rational way. But it is also

like a thing rather than an idea, and its concepts can be said to resemble material objects: a contract "is itself a thing which if unperformed is broken. The various torts are still like things, each with its own structure . . ." (p. 147). And hence derives the strength of English law. A rationalistic system is open to dangers, on the one hand of over-refinement and on the other that any man may claim to judge as well as another; but English law "has a quality of hard fact like that possessed by a rock against which one knocks one's head in vain" (p. 147).

This thesis is maintained with, for so short a work, a surprising amount of detailed reference to our own and other systems of law; yet, in spite of the compression this has involved, it is all written most elegantly and is very pleasant to read. Many of the points it makes will be appreciated mainly by those trained in the law; but it is at the same time a book that could be read with profit by all students of government and administration; for it illumines more intelligibly and more convincingly than most books of its kind the English lawyer's view of the law. And while it is not mainly concerned with the questions about the law that most commonly arouse the interest of students of government, it touches on some of them. Thus, for instance, on p. 10 there is a brief but very lucid review of the position of lawyers as critics of legislation, and, equally briefly but effectively, on p. 145 there are some sensible words on codification.

WILFRID HARRISON.

Modern Staff Training

By F. J. TICKNER. (University of London Press.) (1952.) Pp. 159. 12s. 6d.

MR. TICKNER's book should deservedly be a standard work. He has set out to describe the best practice which obtains in this country in the training of staff whether in industry, commerce or the public services. He demonstrates successfully that the principles of training remain the same whatever the type or size of the organisation. Mr. Tickner was until lately the Director of Training and Education at the Treasury and there is evident in his book the painstaking care which he took to keep training in the Civil Service abreast of developments elsewhere.

Mr. Tickner does not profess to do more than state the best possible practice. Where there is controversy he notes it without taking sides. It is, too, a defect of his method that he does not evaluate the extent of the practices which he describes. Probably no single organisation uses every method mentioned and certainly many do little or nothing. For that reason a manual which is severely practical in all its details may appear somewhat idealistic in total.

Mr. Tickner's careful avoidance of controversy is combined with a pleasant modesty in his claims for what training

can do on its own. This lends greater conviction to his plea that senior management must be closely concerned with these matters and take an active and personal interest in them. The modesty of his claims emphasises almost unconsciously the inter-relationships between training in formal centres and training on the job, and indeed, over a wider field, between training and ordinary work. Nobody will find in this book a dogmatic demarcation of boundaries. Rather they will find a conception of a training officer as one member of the management team and a statement of the duties of management which places training and grooming for higher responsibilities among the duties of all who exercise supervision.

Mr. Tickner's description of his subject, starting with Sally at the village store and leading up to the training of administrators in large organisations, lends itself to some consideration of the effect of size on training methods. The size of an organisation facilitates more centralised formal training. But this book suggests that size in itself creates special needs for training over and above those found in smaller organisations. Mr. Tickner insists

that an important part of the training in a large organisation is to lead the newcomer "to identify himself fully with the organisation of which he is becoming a member." A second effect of size is to create greater specialisation and therefore to demand a further measure of training before new duties are assumed.

This is, perhaps even more true at the level of management than elsewhere. It is therefore an interesting commentary on the present state of training in this country to note that, while in its earlier part the author writes of what is being done, in the chapters on training for management more space is given to proposals which are being discussed and to what is being done in other countries. Only on personnel management and professional training does a clear picture emerge. Here again Mr. Tickner accurately reflects the present position.

The merit of Mr. Tickner's book is that consciously and perhaps in places unconsciously it is a mirror of the times. Here is an accurate statement of the best practice now used. How can the best practice be most widely spread?

D. A. CLARKE.

La Politique des Subventions Administratives

By JEAN BOULOUIS. Cahiers de la Fondation Nationale des Sciences Politiques No. 21, Librairie Armand Colin. Paris, 1951. Pp. 334. 22s. 6d.

WE are so used to the idea that local government in France is not like local government in the British sense, that we have local self-government whereas they have a decentralised form of central government, that it may come rather as a shock to find the French becoming concerned at the effect of the great growth in central grants upon the independence of their Local Authorities.

This most opportune study by Professor Boulouis is in three parts. First, he shows how the Exchequer grant or subvention has developed in France (a unitary state with a centralised system of administration); in England (a unitary state with a system of local "self-government"—there is no corresponding term in French); and in Switzerland (a federal state). In each of these countries he finds a considerable expansion of such grants and for broadly the same reasons.

In the second part Professor Boulouis studies French experience of different grants and tries to assess their effect on

central-local administrative relations. He shows that the general tendency is towards uniformity of local administration and the elimination of the element of decentralisation. The system leads "to the diminution, even the disappearance, of local initiative and responsibility and deprives the State of the excellent school of government provided by local administration" (p. 171).

The third part is concerned with the general problem of the division of financial resources between central and local government. Though he sees the great value in increasing the independent revenues of Local Authorities and so reducing their dependence on the central government, he comes to the rather despairing conclusion that this is impossible. Starting from the hypothesis that local taxes must be derived from sources essentially local he says that nowadays all local matters are affected by national affairs and economic and social happenings outside the locality. "On

pourrait presque avancer, sans beaucoup d'exagération, qu'il n'existe plus de finances locales, mais tout au plus une localisation des finances nationales" (p. 312). To Professor Boulouis it follows inexorably that this will lead ultimately to the integration of the local budgets in the national budget, the subvention being thus only an "institution de transition."

So we end rather in despair. His final words are to the effect that a financial development is taking place which wholly rejects the liberal movement of the 19th century and leads directly to the political ideas of totalitarian organisations. At this stage one cannot but wish for an injection of Anglo-Saxon illogicality. If the complete subordination of local government to the central government is very undesirable and indeed, as Professor Rolland points out, is contrary to the idea expressed in Article 87 of the French Constitution, something must be done about it. Human institutions are worked by human beings for ends which they desire. It may be as de Tocqueville wrote in 1866 (quoted at the outset by the author): "Je pense que dans les siècles démocratiques qui vont s'ouvrir l'indépendance individuelle et les libertés locales seront toujours un produit de l'art. La centralisation sera le gouvernement naturel." But that is only another reason for talking about the art and not the science of government.

Problems of Nationalised Industry

Edited by W. A. ROBSON. (Allen and Unwin), 1952. Pp. 383. 25s.

EVERY man may form his own opinion as to what are the principal problems of nationalised industry. This collection of essays covers most of the leading questions, and is particularly stimulating on account of the diversity of approach by each author. The description of Professor Robson as editor is perhaps overmodest. He has, in addition to contributing a preface and three essays, written more than a quarter of the book in the form of a 93-page Part II which deftly reviews and draws together what has gone before and enlarges on it with comment and opinion.

This book is destined to be a prominent work of reference for some time, and a quarry for both student and practitioner. Its aim is to provoke thought about the future rather than to record history or trends, and no-one could read it without measuring his own ideas against those of

As Professor Rolland says in his preface—if subventions are necessary in the interest of the proper distribution of expenditure between the communes, the *départements* and the State the resulting collaboration must be conducted in such a manner that one of the collaborators is not annihilated by the other. Is this impossible and has not Professor Boulouis taken a too gloomy view of the signs and portents? As for independent local revenues it appears to me to be fatal to start with the assumption, which is legal rather than economic or administrative, that the only resources suitable for local taxation are those which owe their origin and amount solely to local circumstances or are related wholly to local expenditure. Obviously import duties are not suitable, but the question whether the entertainment duty is suitable must be settled on administrative grounds and with an eye on the objects to be achieved.

This is an important addition to the literature of comparative central and local finance. It is the first systematic study of French experience. It has a full bibliography, particularly of French writings. And in addition to the general theme discussed above there are many points of general importance which Professor Boulouis discusses and illuminates.

D. N. CHESTER.

the authors, or being encouraged to form ideas on points on which he may not have done so before. At the same time it is of interest as a deployment of the present stage of political thought, chiefly left-wing thought, on the subject of nationalisation as a social doctrine. On all these grounds, its appearance is well-timed.

The problem of providing effective public control over nationalised bodies is not yet solved. Here is an element of the Constitution in the making. Over the years, conventions will grow up which ultimately will be found to establish in its true place a new piece of constitutional apparatus. Mr. Ernest Davies, in his essay on ministerial control and parliamentary responsibility, goes straight to the core of this problem. It is impossible to know certainly at present where responsibility for particular policies lies. At one

extreme, the Minister can give directions to the nationalised body: at the other, that body is itself responsible for operating its undertaking on commercial lines. There is a broad band between the extremes, where the Minister's sphere shades off into the Board's, and as to what goes on within its borders the public are none too clear.

Consultation between Minister and Board is constant and desirable, and Mr. Davies points out that it "has been the chief way in which ministers have exercised their influence over boards." "The great disadvantage of such private consultation," he says, "is that it releases the Minister from the responsibility of answering to Parliament for his actions." It is difficult indeed to withstand Mr. Davies' contention that there should be greater clarity about who is responsible for what. He advocates more frankness about the extent of ministerial influence, and condemns the practice of avoiding the issue of a Minister's direction as if it were a reflection on the competence of the Board. A direction, on his thesis, could and should be no more than an instrument for fixing clearly and publicly the burden of responsibility.

The question is closely connected with security of tenure for members of nationalised boards, with which Professor Robson deals in his essay on the governing board of the public corporation. He holds that the terms of appointment of some boards place the members wholly at the Minister's mercy, and that they can be dismissed "without notice, without giving a reason and without genuine cause." There are, of course, other factors than the bare terms of appointment which regulate the position, but the existence of a formal situation such as Professor Robson describes is an added argument in favour of Mr. Davies' plea for clear demarcation and public acknowledgment of responsibility as between Board and Minister.

Of the many aspects of the nationalised industries none perhaps gives rise to more heart-searching than their efficiency, in the widest sense. Is the consumer getting full value for his money and the reasonable choice to which he is entitled? Is inefficiency masked by passing on its cost to the consumer? Are the administrative and executive systems of the industries efficient by any valid commercial standard? Do the industries in fact secure the full benefit in terms of efficiency which can be

reaped from the best possible industrial relations? On these matters the contributors and editor have much to say.

The first difficulty is to find a method of measuring efficiency. Sir Arthur Salter accepts the making of a profit as an effective yardstick. "In nationalised industries," he writes, "there is in practice nothing which encourages and compels efficiency, adaptability, initiative — and the rapid scrapping of the obsolete — which can compare with the ever-present consciousness of possible gain and possible ruin." Professors Florence and Walker also hold that profit is "still the primary test of efficiency," but they prefer to call it "surplus" and make certain qualifications about how it is to be earned. Professor Robson advocates efficiency audits conducted by some outside scrutinising body. The essence of the problem is, of course, how to ensure that nationalised industries have an internal "will to efficiency" of their own, and, assuming that they have it, how its existence and effectiveness may be publicly made known. It is quite possible for a public service, in times of economic difficulty, to be run most efficiently at a loss, but no one has yet devised a means of reassuring the public that that is happening in any particular case.

The consumer is, after all, paying the piper, and one of the tests of efficiency in his eyes is getting the commodity or service he wants, at a reasonably low price. Public relations activities, important as they may be, will not mitigate dissatisfaction on these points. An effective means of handling consumers' grievances is essential, as Mr. Milligan points out, but, he adds, "the whole apparatus of consumers' representation suggests the view that the measures available to the corporations themselves are inadequate in one particular respect — that the determination of consumers' wishes and opinions requires supplementary, external machinery." The fact that the tasks entrusted to consumers' councils reflect confusion of thought about the councils' essential purpose is strongly brought out by the editor in his comment. "The weakness of the machinery for safeguarding the interests of individual consumers is that it attempts to use advisory or executive organs for performing a function which requires the judicial process." None of the contributors, indeed, seems able to reassure us that the problem of keeping the consumer satisfied is being solved, or that

there is any real safeguard against his becoming the victim of the simple expedients of raising prices to cover any and every rise in cost and seeking economies by limiting the consumer's choice. An agreeable feature is the awareness of these dangers expressed in more than one passage in this volume.

On the relation of organisation and of administrative systems to efficiency there is perhaps insufficient emphasis laid by the contributors. Both Mr. Albu and Sir Arthur Salter write on problems of organisation with some bias towards the theoretical aspects. Their standpoint is rather "What administrative principles and methods should be applied?" than "How can the provision of this particular commodity or service be most efficiently organised and secured?" It would have been refreshing to find less preoccupation with the notion that there are administrative principles of general application to nationalised industry — a matter open to question — and more concern about the type of organisation best suited to the very diverse needs of each. It does not follow that the most effective form of organisation for providing electricity would be the most effective for producing iron and steel. Efforts to apply common abstract principles may actually hinder efficiently by disguising differences, and may also overlook the degree to which individual history before nationalisation has influenced the type of organisation set up for each industry. As Mr. Albu reminds us, "no two enterprises are alike in purpose, in responsibility, in history or in functional content; and every enterprise is a living thing . . ."

On the question of industrial relations Professor Cole paints a heartening picture of improvement in the coal industry, and both he and the editor recognise the long-term quality of endeavours in this field and their close bearing on the well-being and efficiency of the undertakings. Both mention the problem of securing on the part of trade unions a greater interest in higher efficiency, and express modest hopes of the possibility of weaning joint consultation from its present preoccupation with welfare matters to a concern about "anything which is directly connected with the efficient conduct of the industry."

No problem, however, confronts nationalised industries more obstinately than the question of finance. It is surprising that there is no essay on finance in this book

and that, indeed, finance does not even get an entry in the index.

It is true that there are essays by Professor Walker and Mr. Condie on compensation and by Professor Lewis on price policy, but these touch on the question (although importantly) only incidentally. The former essay is properly concerned mainly with the problem of basis of compensation when nationalisation takes place, and points out that an industry may be handicapped by having to provide as part of its unavoidable costs the payment of interest on past compensation, whereas the private enterprise dividend on share capital is paid only out of any surplus there may be. It is a valuable study of the influence of compensation on the future earning powers of an industry, and of its effect on the capacity of an industry such as transport to finance development and replacement of assets.

Professor Lewis relates the price policy of a nationalised undertaking to two rules — "(1) it should make neither a loss nor a profit after meeting all capital charges; and (2) the prices it charges for different services should correspond to relative costs," and he reviews the various arguments which can be advanced for modifying these propositions. This very interesting essay takes account of the possibilities of the nationalised industries' being used, through the effect of their price policies, to influence the state of the national economy, and considers the inflationary or deflationary consequences of these policies.

Neither essay, however, is intended to deal with finance as such. "After meeting all capital charges" is the crucial phrase in Professor Lewis' rule (1). The question which more than any other preoccupies the nationalised industries to-day is the problem of capital investment: some of the Boards (e.g. Transport and Iron and Steel) put it in the forefront of their reports.

The rising costs of materials and operative processes, the burden of servicing existing debt, the need to moderate, so far as reasonably possible, demands on consumers as a source of revenue, and the necessity, in the case of such industries as coal and iron and steel, to furnish a commodity which can be sold, directly or ultimately, at competitive prices abroad — these set sufficiently serious financial problems.

On top of all this, however, the need to replace outworn or outdated equipment

and to provide new equipment involves the launching of vast schemes of capital expenditure. These have to be related to the capital investment programme of the country as a whole, and occupy a very large place in it. The heavy industries which have been nationalised are the very ones where the cost of capital equipment is highest in relation to its earning capacity. The benefit to be reaped in profit may take years to mature.

The timing of the various projects calls for critical decision, industry by industry and in regard to the total effect. Should urgently needed projects be put in hand now, regardless of cost and the strain on plant manufacturers, or should some (and, if so, which) be held back till prices fall and the pressure on manufacturing capacity is less?

Such matters as these engross the

attention not only of the Boards of the various enterprises but of Ministers and the Government. To concentrate on other problems, however important, without devoting equivalent attention to this cardinal matter is to leave the picture incomplete and, to that extent, not quite true to life. An essay in which the financing of these great undertakings, both as a national question and as a domestic matter for each industry, was studied and its implications used to bring the whole range of problems into perspective, would enhance the value of this volume. It is to be hoped that *Problems of Nationalised Industry* will encounter such a deservedly warm welcome that a second edition will quickly be called for, in which perhaps the editor may see his way to placing us yet further in his debt.

R. W. BELL.

The Framework of Joint Consultation

(Acton Society Trust), 1952. Pp. 35. 2s.

THIS further report in the Acton Society Trust's growing series on nationalised industry is useful in two ways — it reviews the type of machinery set up in the various nationalised industries and gives an easily understood account of its general nature; and it examines the realities of the process of joint consultation and tries to establish the nature of the difficulties which beset its successful operation.

The descriptive account is set out in the second and third chapters of the report, after an opening chapter in which negotiation and consultation are contrasted and discussed and the problem whether each should be handled by separate machinery, or both by the same machinery, is laid bare. The differing practice of the industries, both in this main matter and in other problems of pattern, are briefly and clearly sketched, and then studied in more detail. The manner in which the history of the various industries and of employer-employee relations within them affects the pattern is effectively brought to notice. Two appendices give useful supplementary information about both consultative and negotiating machinery.

In the concluding chapters the authors conduct a frank discussion not only of the defects in the mechanism and the practical difficulties encountered in working it,

but of the vital role played by the spirit in which joint consultation is approached by the participating parties. There is material here for study and reflection, and for serious heart-searching on the part of those who wish to see joint consultation a successful and permanent feature of industrial relations. Several of the suspicions which undermine mutual confidence are brought boldly to light and examined, though the authors do not mention among them the suspicion held in some quarters that joint consultation is a temporary feature which employers will operate only in an era of scarcity of labour and are not sincere enough to continue if at any time labour becomes more abundant than employment vacancies.

The report deserves to be widely read. Its emphasis on the degree to which unconscious emotion determines the attitude on both sides towards joint consultation is a useful corrective to any easy assumption that the idea has "caught on" and is doing well. On the contrary, joint consultation is a tender plant which only diligent and persistent cultivation can bring to a flourishing condition. This calls for the efforts of two gardeners, employer and employee alike, both sincerely determined on success.

R. W. BELL.

RECENT GOVERNMENT PUBLICATIONS

THE following official publications issued by H.M.S.O. are of particular interest to those engaged in, or studying, public administration. The documents are available for reference in the Library of the Institute.

British Broadcasting Corporation.

Annual report and accounts for the year 1951-52. Cmd. 8660. pp. 132. Illus., tables. 4s. 6d.

British European Airways.

Report and accounts for 1951-52. H.C. 291. pp. 105. Illus., charts. 3s. 6d.

Colonial Office.

Colonial research studies No. 6. An annotated bibliography on land tenure in the British and British protected territories in South East Asia and the Pacific. pp. 164. 1952. 21s. (*processed*). Includes Malaya, Borneo, Fiji and the Western Pacific. Only sources available in the United Kingdom are noted, and location symbols are given. Colonial No. 288.

Report by H.M. Government in the United Kingdom . . . to the General Assembly of the United Nations on the administration of the Cameroons under U.K. trusteeship for the year 1951. pp. xii, 260. 13 illus., 3 foldg. maps. Inset, the reports of the Cameroons Development Corporation for the years 1950 and 1951. 1952. 15s.

"Corona," August, 1952. 1s. 6d.

Digest of colonial statistics. No. 3, July-August, 1952. 3s. 6d.

Oversea education, July, 1952. 1s. 6d.

Report of H.M. Government in the United Kingdom . . . to the . . . United Nations on the administration of Tanganyika under United Kingdom trusteeship for the year 1951. Colonial, No. 287. pp. ix, 331. 32 illus., foldg. map. 1952. 12s. 6d.

Home Office.

Report of H.M. Chief Inspector of Fire Services (Counties and County Boroughs England and Wales) for the year 1951. Cmd. 8622. pp. 19. 9d.

Police pensions: report of the Working Committee of the Police Council. pp. 20. 1952. 9d.

Report of the Commissioner of Police of the Metropolis for the year 1951. Cmd. 8634. pp. 99. 1952. 3s. 6d.

Report of the Committee of the Police Council on Police Representative Organisations and Negotiating Machinery. pp. 36. 1952. 1s. 6d.

Iron and Steel Corporation of Great Britain.

Report and accounts for 1951. pp. iv, 92. 3s. This is the first report of the Corporation and covers the period from 15th February to 30th September, 1951.

Medical Research Council, Industrial Health Research Board.

Report No. 72. Incentives: some experimental studies, by C. A. Mace. pp. 61. 17 figs. 1935 (reprinted 1952). 5s. 6d.

Report No. 75. Sickness absence and labour wastage. pp. iv, 68. Tables, figs. 1936 (reprinted 1952).

Ministry of Education.

Circulars and administrative memoranda issued during the period 1st April, 1951, to 31st March, 1952. pp. irreg. Cloth. 12s. 6d.

Education for management: management subjects in technical and commercial colleges. pp. 32. 1947 (reprinted 1952). 1s.

Ministry of Fuel and Power.

Report of the Committee on National Policy for the Use of Fuel and Power Resources. Cmd. 9647. pp. v, 242. 1952. 6s. 6d.

Ministry of Health.

Hospitals directory, England and Wales, 1952. pp. v, 276. 10s. 6d.

Ministry of Housing and Local Government.

Model standing orders: proceedings and business. pp. 30. 1950 (reprinted 1952). 1s.

Ministry of Labour and National Service.

Interim report of the Cost of Living Advisory Committee. Cmd. 7077. pp. 9. 1947 (reprinted 1952). 6d.

Report of the Human Relations in Industry Conference held at the Institution of Civil Engineers, London, March 18-20, 1952. pp. vi, 128. 3s. 6d.

Across the Atlantic; The progress of research; The opportunity to work; The capacity of workers; Wastage of manpower; The will to work.

Ministry of National Insurance.

Third report for the year 1951. Cmd. 8635. pp. viii, 74. 1952. 3s.

Ministry of Supply.

Iron and steel industry. (Government proposals.) Cmd. 8619. pp. 6. July 1952. 4d.

Ministry of Transport.

London traffic, 1950-51. pp. 21. 1952. 1s.

National Assistance Board.

Report for the year ended 31st December 1951. Cmd. 8632. pp. 47. 1952. 1s. 6d.

New Towns Act, 1946.

Reports of the East Kilbride and Glenrothes Development Corporations for the year ended 31st March, 1952. H.C. 285. 2 illus., 3 plans. pp. 62. 2s. 6d.

Scottish Department of Health.

Rents of houses owned by local authorities in Scotland, 1951. Cmd. 8654. pp. 46. 1952. 1s. 6d.

Scottish Office.

Second report of the Scottish Local Government Manpower Committee. Cmd. 8658. pp. 38. 1952. 1s. 3d.

Select Committee on Estimates, session 1951-52.

Eighth report.—The Commonwealth Parliamentary Association. H.C. 245. pp. xii, 30. 1952.

Ninth report.—Overseas broadcasting. H.C. 287. pp. xxvii, 146. 6s. 6d. 1952. Review of the services; staff; accommodation; finances; the scope for economy; purpose of external broadcasting.

Eleventh report.—Departmental replies. H.C. 289. pp. 21. 1952. 9d.

Treasury.

Finance accounts of the United Kingdom for the financial year 1951-52. H.C. 203. pp. 77. 3s.

University Grants Committee.

Returns from Universities and University Colleges in receipt of Treasury Grant, academic year 1950-1951. Cmd. 8638. 1952. 2s.

