



CIVIC AFFAIRS

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THE GOVERNMENT, THE CIVIL SERVICE AND THE TAXPAYER

(Text of a speech by Frank J. McGilly of the Citizens Research Institute of Canada, delivered at the luncheon of the annual convention of the Civil Servants' Association of Ontario, in the Ballroom of the King Edward Hotel, Toronto, November 12, 1959)

In the public personnel field, a few terms have taken on such a bad or good flavour that the ideas they represent are sometimes not given sufficient analysis. An example of a "bad" word is "spoils"; some "good" words are "merit", "central personnel agency", and "classification system." This speech is an attempt to take a dispassionate look at the meaning of "the spoils system" and to criticize constructively the applications of the ideas of "merit", "the central personnel agency" and "the classification system".

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WORDS AND THEIR MEANINGS

The subject suggested to me for today was not one that would give an audience a very clear expectation of what I might say. It was "The Government, the Civil Service, and the Taxpayer", surely as broad a topic as one could imagine. The headings included in this title specifically mention every element of the body politic except the legislature. But one might regard the government as a sort of representative of the legislature. Moreover, it is at the root of the theory of parliamentary government that without the legislature there can be no taxes, and no taxes means no taxpayers. So by implication my title includes the legislature as well.

Forgive me if I dwell overlong on the title. I used to do some formal debating at school. I rapidly developed the technique of defining the subject of the debate in such a way that my side could not lose. It didn't always work, but it was easier than amassing an arsenal of facts and statistics. In more serious matters I respect facts and statistics, but the habit has clung to me. I hope I have succeeded in so defining my topic for today that I may proceed to talk about almost anything.

This is not a debate, but that is not to say that a talk on "The Government, the Civil Service and the Taxpayer" is necessarily non-controversial. I hope it will

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not spoil the friendly atmosphere of this luncheon if I observe that in some respects relations between the civil service and the government in this part of the world seem to be pretty controversial. As a taxpayer, though a small taxpayer, I have had some bitter controversies with the civil service. I suppose I am certain to touch upon matters you will consider controversial. I don't think you will mind. I don't think you would agree any more than I do with one very subjective definition I once heard of 'controversy': the difference between your blind prejudice and my reasoned conviction.

I am going to open each matter on which I wish to express an opinion by use of a key word or expression. I am doing this because in each case the word has come to mean far more than its bare dictionary definition. Accidents of usage tend to give some words an emotional content not really included in their actual meanings. I suspect some of the guests here have been irritated at times by the way people often use the word 'politician', and for what it is worth I scrupulously avoid using the word as though it meant a variety of confidence man.

"THE SPOILS SYSTEM"

My first words are actually a pair of expressions that go together — 'patronage' and 'the spoils system'. They are both bad words today. But a closer look at the expression 'spoils system' might be rewarding from the viewpoint of historical perspective.

Most of you know that the expression originated with a supporter of United States President Andrew Jackson, who reportedly justified Jackson's wholesale dismissals of federal civil servants remaining from the preceding regime, and replacement of them by Jacksonian Democrats, by saying, "To the victors belong the spoils." Andrew Jackson himself gave his system a logical, well-reasoned, eloquent defence. The phrase he used was 'rotation in office', which sounds much more respectable than 'the spoils system'; and his reasoning was, first, any fairly intelligent man could do most government jobs, and second, officials grew too fond of power after a lengthy period in office and ceased to serve the public as wholeheartedly as they served themselves. Then too, President Jackson found waiting for him a civil service which, historians agree, had been appointed with an eye both to ability and to political sympathies, over a period of twenty years, by the party opposed to him. And from what we gather, the opponents of Jackson felt as viciously towards him as, say, Franklin D. Roosevelt's foes felt about him. To say the least, Jackson could not feel certain of the loyalty of his civil service. So he turned the federal service over to his friends. Jackson was the prisoner of his premises, which were false. As we know, he virtually invited disaster, and disaster was a prompt guest. It is an interesting footnote to this story that Senator William Marcy, the man who allegedly had said, in the reckless flush of triumph, "To the victors belong the spoils", in time came to support the idea of a non-partisan civil service. In defence of his change of mind, he is quoted as saying, "I never said the victors should loot their own camp." In a way, it is too bad he is remembered only for his earlier indiscretion.

Perhaps Jackson and Marcy and the others should have foreseen that the victors would indeed loot their own camp, but they were not alone in their short-sightedness. Their programme was warmly greeted by many of the advanced social thinkers of the day. Even the Englishman Jeremy Bentham, whose prestige as a radical political philosopher was unique in the entire western world, wrote to Jackson in commendation of the principle of 'rotation in office'.

I have gone into this to try to illustrate, by the most apt historical instance at my disposal, the corruption of the expression 'the spoils system'. I certainly hold no brief for patronage in any disguise. Like you, I know that the intrusion of partisan political considerations in the hiring or even worse the promotion of civil servants is the surest way to waste the taxes we all pay.

But I also know that if I wish to argue my side of the question convincingly, I have to do better than merely refer to the "insidious encroachments of the spoils system." A sore point with many of us, for instance, is the creation in all political jurisdictions of

numerous boards and commissions, whose personnel are not hired under normal public service procedures. In certain cases, there may appear to be a patronage element in their personnel policies. At least, the danger is there. But, for all my bias in favour of putting government functions into regular government departments, I think angry mutterings about 'spoils' are beside the point. By concentrating too much attention on repetition of this diseased word 'spoils', with its connotations, I feel that even the friends of a pure and effective civil service can hypnotize themselves into missing the main point, and that is, not the eradication of political influence (which is secondary), but the best performance of service. The public may believe — in some cases, I think it does believe — that the best performance of service can be provided by a non-civil service body, even if there is a tinge of patronage in its staffing arrangements. And I must confess, though reluctantly, that under some circumstances this belief is not easy to attack. In the circumstances of the depression, could F.D.R. have run the New Deal at all without hiring an army of Democrats?

In short, the advocate of civil service reform or extension ought to be wary that the bad odour of the expressions 'patronage' and 'spoils system' does not make him turn away from the more vital aspects of his argument. It would be particularly sad if the tyranny of the phrase 'spoils system' should be exercised over the very people most zealous to wipe out the thing itself.

"MERIT"

If 'spoils system' is with us a tyrannously bad word, I suspect that the word 'merit' is with some people a tyrannously good one. Someone who wanted a system to become popular could hardly do better than call it 'merit'. The most hallowed word in the secular vocabulary used to be 'Mother', but in recent years the psychiatrists have somewhat undermined 'Mother'. 'Merit' has some of the unassailable character that 'Mother' had. And so, in the government field, anything that fits into the meaning of 'merit' falls under the same glittering mantle, and has tended to be regarded by good-government advocates as untouchable.

I ask you to observe that the system was not, at any time, called the 'merit and demerit' system, although the two ought surely to go together. This may have been in the interests of brevity, or it may have been somebody's shrewd insight into the powers of positive thinking.

The principle of 'merit' came into practice in government as a defensive measure — a means of protecting the public service against improper political influence in hiring, promotion, discharge, and so on. The details of each particular merit scheme naturally make a great difference in its effectiveness. But by and large, merit systems for hiring assure that all candidates are on an equal footing and that none may be hired but those declared fit according to some more or less objective standard. This is the bare minimum of the merit system. One fears that here and there in Canada not even these minimum requirements are in effect. In such places, it

would be worse than useless to point out possible flaws in the more sophisticated applications of the merit system. For the consideration of jurisdictions in which partisan politics no longer has anything to do with the hiring and promotion of civil servants, however, certain inherent predispositions toward weakness exist in the merit system. They spring from two roots: first, the very fact that the merit system is naturally defensive, tending to prevent disease rather than to promote vigour and strength; second, the merit system is a *system*, with rigid components that tend to shape the ends they are supposed to serve.

Examinations and qualifications for employment are two cases in point. Frankly I am not sure of the extent to which examinations are used in Ontario in recruitment and promotion, but they are generally used in the federal service.

On the face of it, the fairest and best way to set up an examination for an open position is to make up a test of the knowledge and skill needed immediately for that precise position. What other course could possibly be better than that? Let me go back a few steps to answer that question.

It is universally agreed that the nature of the modern state is such that men to serve the public adequately must be encouraged to make government their career. You have enshrined the expression 'career service'.

The possible trouble with merit system examinations is that you may find the best man for the available job, but you may easily overlook the best man for the government career. If the merit principle of best-man-for-the-job is taken very seriously, that is precisely what will happen.

Also, it is incomparably easier to test for specific ability than for general ability. This is what I mean by a rigid component of a system shaping the ends it is supposed to serve. If tests are required, almost certainly those qualities than can be tested most accurately will be the ones the tests will look for, find and measure in candidates; they will be the qualities that will eventually characterize the particular service in which the tests are administered.

In 1946 the federal Royal Commission on Administrative Classifications — one of the many Gordon Commissions — observed that "the Canadian Civil Service . . . does not provide its own leadership." Mr. John Deutsch, likely to be if anything a favourably biased commentator, wrote in 1957 after he left the Civil Service, "I think it is apparent that over the years the service has not produced its own leaders in adequate numbers." Mr. Deutsch made the relevant observation that, as far as technical skill was concerned, Canada's civil service was equal to any. It was general administrative competence, he thought, that was conspicuously lacking.

The relevance of this is that formal written examinations can locate good economists, biochemists, accountants, and so forth, without much difficulty, but not people whose specialty is general ability. And so the federal civil service shows the results of the examination bias, at least according to two most eminently qualified observers, reporting ten years apart.

Both the Gordon Commission and Mr. Deutsch noted with regret the extent to which senior administrative positions were filled from outside the service. Obviously the hiring of outsiders for high-level positions is at least not consistent with the ideal of a career service. I could not blame civil servants for regarding it as an indirect attack on the merit principle. But I have tried to show that it may well be the result of a too rigid, literal-minded, restrictive application of the merit system at the recruiting stage.

This debate over special skills versus general ability is a never-ending one. As a student I read the submissions on both sides presented to Northcote and Trevelyan over a hundred years ago, when those gentlemen were preparing their monumental Northcote-Trevelyan Report on the Civil Service of the United Kingdom, perhaps the most significant document in the English language on the public service. Representing the general ability viewpoint was Thomas Babington Macaulay, who argued that the only matters upon which you could fairly test a man, in order to measure his quality, were the matters he had studied. If he had studied Greek, or Cherokee — those were Macaulay's own examples — you should test him in Greek or Cherokee; if he was good at it, you knew you had a good man. On the other side, the spokesman was the extremely devoted civil servant, Edwin Chadwick, who argued that if you wanted a man to run a sewer system, you'd better get a man who understood sewers, not Greek or Cherokee. As far as I have seen, the argument is not really closer to a solution today. It should not be overlooked that Macaulay and Chadwick each would have succeeded nobly in the type of test he advocated. To return to my train of thought, I think what is needed is a system — a 'merit' system, if you wish — capable of catching the best of both types.

My illustrations about 'merit' have not been drawn from the experience of the Province of Ontario. Perhaps that is just as well, in the interests of mutual objectivity. You and I can both look at Ottawa with equally critical eyes. I should like to launch a trial missile, though, about Province of Ontario recruiting. One doesn't seem to see nearly as much of it as one would expect in such likely places as our universities. The Federal Government works pretty hard at university recruiting, notably for the Foreign Trade Service of the Department of Trade and Commerce, for External Affairs, and for its "Junior Administrative Assistants". I have seen Province of Saskatchewan recruiters at work on the University of Toronto campus. Surely the Province of Ontario would be well advised to compete more briskly in this particular employment market. For volume, complexity, significance, intellectual demands and sheer ability required, provincial programmes rival those of the central government.

To illustrate the way in which the meaning of the word 'merit' has been pressed out of shape through usage, and to show up very sharply what it is that I criticize in some developments of the merit system, let me quote the words of a leading American student of public administration, a man who most certainly is an opponent of a partisan civil service. Carl J. Friedrich

wrote in 1937: "There is at present a growing movement for the substitution of the idea of ability for that of merit".

I hope it is clear that I have absolutely no reservations about the principle of merit. In my character as taxpayer, I regard it as an essential part of government personnel policy.

"THE CENTRAL PERSONNEL AGENCY"

The installation of any effective merit system, whether rigid or flexible, calls for an instrument whose name has taken on some of the virtuous overtones of the word 'merit' in the writing on this subject. But in spite of its general acceptance, I'm afraid the term will lead me into an area of some controversy here. The term is 'central personnel agency'.

I have not seen the work of one writer in this field of public administration generally, or of public personnel in particular, who did not consider a central personnel agency an essential adjunct to a real merit system. And I mean a central personnel agency that carries out the staff functions for the personnel administration of the entire civil service—one which recruits, administers examinations, hires, and places all civil servants; sets general standards for their working conditions and pay; runs promotion competitions, records all promotions, sets standards for discipline and discharge, handles grievances; maintains position classifications for the whole service; and has a genuine role in advising on personnel and organizational matters throughout the service. The reasoning is simple enough: if the service is to be uniformly run in all these respects, according to merit, and in an efficient manner, there must be a guarantee of equal treatment throughout the service; if the service is to evade the 'dead ends' that close in on the paths of capable people from time to time in their own departments, there must be a central agency in control of the records of positions and people in all departments.

I believe in centralization and standardization, not for their own sakes, but as means to ends. Once things have been centralized and standardized to the point where equity of treatment is assured and efficient operation is unhampered by needless obstacles, centralization and standardization have served their purpose. Beyond that point, they are more hindrance than help. This applies to all fields of life, not just to government personnel policies.

I am aware that your Association has been campaigning vigorously for the expansion of the authority of your central personnel agency, the Civil Service Commission, to cover the whole civil service. You may be aware that the organization I work for, the Citizens Research Institute of Canada, has recorded its approval in principle, without however associating itself with your whole policy.

Compared with the extent to which we agree with your Association's personnel policy, as embodied in your resolution in the January, 1959, issue of *The Trillium*, our reservations are quite marginal. The initiative in

some personnel matters has to come from within the operating departments; if those matters are placed within the authority of the central agency, the consequent delays and obstructions will far outweigh any questionable advantage in equity or standardization. Of course, it becomes another matter entirely if the departments themselves do not have qualified personnel people.

What it comes down to is the fact that the 'central personnel agency' is not a sacred cow; it is not an article of faith, above criticism and analysis. In the writing on the subject, as noted, the all-but-omnipotent central agency has become almost part of the decalogue. In my view, the central agency, like the merit system it is part of, like the standardization it makes use of, is a means to an end, nothing more.

"CLASSIFICATION"

A function which is invariably assigned to the 'central personnel agency' in its pursuit of 'merit' is the 'classification' of jobs. 'Classification' is another good word. As you can see, my 'good words' are getting progressively narrower in their scope. 'Classification' is the narrowest of the 'good words' I will discuss. The principle of classification is sound enough. If each position in the entire establishment is classified as to required qualifications and duties, the application of merit is facilitated, budgeting is greatly simplified, transfers between departments where desirable are made possible. It seems to me that the kind of inter-departmental transfer that the British apparently attach so much importance to is quite impossible without the existence of a job classification which relates the hierarchies of all departments. But there have been some jurisdictions in which the classification has been carried out with a thoroughness bordering on the obsessive. Let me remind you that the 1946 federal Royal Commission I referred to earlier was created specifically to study the administrative classifications of the public service. It was no small undertaking, as there were 37,000 of them at the time.

What goes wrong in a case like that, I think, is that the classification people somehow miss the significance of a sentence that appears at the beginning of every written discussion of classification I have seen, and I quote: "The classification refers to a position, not a person." A job classification may narrow down a position to the point where probably the only man who can fill it exactly is the man in the job at the time. Such a classification becomes obsolete the moment the present job-holder moves on. A classification scheme with a great number of units, defined in fine detail, is difficult to administer; every change in programme or in available personnel makes necessary a re-classification, causing extra work and consuming extra time. It follows that the more classifications you have, the more you'll need. Like Cleopatra's, the classification system's appetite grows by what it feeds on. Worse still, if classifications are customarily written in detail, the system lends itself to abuse by the writing of classifications that suit particular individuals.

The corrective is a simple one: define a classification in such a way that a reasonable number of people will be able to fit somewhere within it at any given time; define it so that the job-holder and the employer are not locked into a pay range that allows no room for incentive or reward.

My misgivings about the reverence paid to these expressions, 'merit', 'central agency' and 'classification' extend to others as well, but I shall not go into them now. And, too, there are other expressions besides 'spoils system' carrying with them evil overtones that impede rational discussion. I am quite serious in my

belief that the popular use of such words in their rhetorical senses is a bar to clear thought, and clear thought is at all times necessary in any discussion having to do with public service.

I was supposed to discuss the Government, the Civil Service, and the Taxpayer. Using the words in their strict, correct meanings, the merit system, the central personnel agency and the classification system are devices that this taxpayer would like his government to implement in its civil service.

November 16, 1959

CIVIL SERVICE TAXPAYER

Department of the
Government of Ontario, at the
Toronto, Ontario, November 11, 1959

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