

## THE DANGER OF AN OFFICE-HOLDING ARISTOCRACY.

THERE is probably no objection to permanent tenure in office, or to tenure during good behavior, which has a stronger hold on that portion of the public which has no direct interest in the spoils system—that is, which does not seek office as the reward of political services—than the objection that it would convert the officers into a sort of aristocracy, whose manners toward those with whom they had to transact business would be haughty and overbearing. I can hardly describe this objection better than in the words of a Western friend of the movement, in a private letter written nearly two years ago. He said:

“The people mean by this [an aristocracy of office-holders] that a continuance in office of the same set of men creates in the mind of the office-holder the idea that he owns the office, and instead of being a public servant, he becomes a master, haughty toward those whom he ought to serve. Is it not quite a general experience with office-holders of long standing that they are apt to become somewhat overbearing? I am inclined to think that they view it in that light, and my experience is based upon conversation with men of ordinary position in society, who make our majorities for us, who must be educated to whatever of good there is in the reform idea, and must be consulted as to its adoption, if the reform ever becomes permanently ingrafted upon our Government and administration.”

If Americans had had any such experience as this of the effect of permanence in office on the manners of office-holders, I admit freely that it would be very difficult for civil-service reformers to make head against it. In politics no *a priori* argument can stand for a moment with the mass of mankind against actual observation. There would be no use, for instance, in our saying that the effect of appointment through competitive examination upon the character of office-holders would be so improving that they would be sure to be polite and considerate in their intercourse with the people, if the people had found that permanent officers, selected by any method whatever, were haughty, overbearing, and acted as if the offices were their private property. Nothing is more difficult to eradicate than the remembrance of insulting treatment at the hands of an aristocracy of any kind. If the American people had suffered in mind even, through not in body or estate, from such a class at any time since the Revolution, and that class happened to be a permanent office-holding class, we should, in short, be forced to admit that, great as

might be the abuses of the present system, it was certainly the one best adapted to the conditions of American society, and that we must make the best of it, just as we make the best of the drawbacks on universal suffrage.

Curiously enough, however, no trace of any such experience appears in the history of the American civil service. Down to 1820, office-holders practically held during good behavior. It was considered at first doubtful whether the President had the discretionary power of removal at all. It was settled in 1789 that he had it, but its exercise was long viewed with great disfavor. It was, said Webster, speaking in 1835, “regarded as a suspected and odious power. Public opinion would not always tolerate it, and still less frequently did it approve it. Something of character, something of the respect of the intelligent and patriotic part of the community, was lost by every instance of its unnecessary exercise.” And it was very sparingly exercised. During Washington’s administration only nine persons were removed from office; during John Adams’s, ten; during Jefferson’s, thirty-nine; during Madison’s, five; during John Quincy Adams’s, only two. In 1820, the first change in this tenure was made by the passage of an act which fixed at four years the term of all those called accounting officers—that is, officers who had the handling of considerable sums of public money. Now, if this act was due, in part even, to the popular perception of the growth among the office-holders of pride of station and of a sense of proprietorship in the office, it would undoubtedly have found expression in the discussions which preceded or attended its passage. But there is no trace of any such motive in the reports or chronicles of the day. Nothing of the kind appears to have been alleged by the promoters of the measure. In fact, it does not appear to have occurred to any one as an argument likely to help its passage. The bill was due to the fact that there had been many defalcations and irregularities among this class of officers, owing to want of proper supervision, and to the belief that if the tenure were limited to four years, and they were thus compelled to account periodically by mere operation of law, they would be more careful and strict in the discharge of their duties in the meantime.

In 1830, a resolution was introduced in the Senate, calling on the President for the reason of his removing certain officers; and in the

debate which followed, Mr. Barton, of Missouri, stated very clearly and succinctly the motives which animated those who brought about the legislation of 1820. He said :

"The legislator in 1820 naturally asked himself what term and tenure of office would attain the desired public security? To hold for life would be too irresponsible. To fix his tenure during good behavior would not remedy the evils of the old law. There must be a process at law to convict him of the cause before the removing power could be exerted. To make him removable at the will of the President alone, as in the case of 1789, would make the President too absolute; and hence the provision for a term of years, provided he so long behaved faithfully, removable at the pleasure of the appointing power during his term, if he gave cause."

Now, what were these "evils of the old law" to which he refers? He thus describes them, and his description was not gainsaid by anybody :

"By the old law there was no summary power except the disputed one of taking care that the laws be faithfully executed, to arrest the career of official delinquency; and the process was doubtful and dilatory by which the cause of removal was to be established, whether by impeachment, indictment, or by civil suit. The evil of the old law was that, while the Government was plodding through some tedious process of law, amidst its delays and proverbial uncertainties, the defaulter could embezzle our funds and ruin our affairs so far as they lay within his control, and escape to Texas, etc., before the process had ascertained whether there was lawful cause for removal or not."

In short, the act of 1820 was intended to provide a safeguard against speculation. The safeguard, it is true, was a clumsy one, but nobody appears to have thought of it as a safeguard also against the growth of bureaucratic pride and insolence. Webster spoke on the same subject five years later, in a debate on a bill repealing the act of 1820. He was opposed to this act, but he confessed that some good had resulted from it. "I agree," he said, "that it has in some instances secured promptitude, diligence, and a sense of responsibility. These were the benefits which those who passed the law expected from it, and these benefits have in some measure been realized." He goes on to say, however, that the benefits wrought by the change have been accompanied by a far more than equivalent amount of evil—an opinion which, if he were alive to-day, he would probably express in a still stronger and more unqualified form. But neither he nor any of his contemporaries appears to have thought of the act as an act for the abolition of an official aristocracy, nor for reminding office-holders that they were the servants, not the masters, of the people. It made them prompter and more diligent than they had been in writing up their

books, and in collecting and arranging their vouchers, and in having their balances properly adjusted at the expiration of their term; but nowhere is there any indication that it was intended to reach the evil which we now hear spoken of as the very probable result of a tenure during good behavior, and as the greatest objection to a recurrence in our time to the old system. Webster defended the repealing bill, on the ground that the act of 1820 had given the President too much power, by creating vacancies for him to fill which he would not have ventured to create for himself, and which the Constitution, in his (Webster's) view, did not intend that he should have the power of creating, and the creation of which demoralized the service. He advocated the retention of the old tenure during good behavior, leaving the offenses committed by officers to be punished by some legal process, instead of having the tenure of office settled on the theory that every officer would commit offenses if left undisturbed in his place more than four years. In fact, he advocated it on precisely the grounds on which the friends of civil-service reform now advocate it. "I think," said he, "it will make the men more dependent on their own good conduct, and less dependent on the will of others. I believe it will cause them to regard their country more, their duty more, and the favor of individuals less. I think it will contribute to official respectability, to freedom of opinion, to independence of character; and I think it will tend in no small degree to prevent the mixture of selfish and personal motives with the exercise of political duties." But it evidently did not occur to him that it was necessary to show that it would not create a haughty bureaucracy.

The spoils system, as we now know it, was introduced by Jackson. The removals, which only amounted to two altogether under John Quincy Adams, suddenly rose in Jackson's first year to nine hundred and ninety. This sudden change in the way of looking at places in the Federal service of course provoked a great deal of discussion and denunciation. Jackson's use of his power was fiercely assailed and fiercely defended during his two terms, both in and out of Congress. But we may search the debates and the newspapers between 1830 and 1840 in vain for an assertion that the revolution had been called for, or was justified by the effect of security on the manners of office-holders, or by the growth of a feeling among office-holders that their tenure of their places made them a class apart from and superior to the rest of the community. There was, instead, a great deal of assertion in Jackson's defense that, if tenure during

good behavior had lasted, this feeling would have sprung up, just as there is now much prediction that, if this tenure were to be restored, the feeling would spring up. But no one alleged that it had sprung up, and had constituted a reason for beginning the practice of frequent removals, to which the absurd name of "rotation" was afterward given. In other words, no attempt was made to justify Jackson's introduction of the *régime* under which we are now living by pointing out that particular effect of the old *régime* on the office-holding mind, which is now alleged as the chief obstacle to its restoration. In short, the American people really knows nothing from its own experience, however much it may know in other ways, of the tendency of permanent tenure to create and perpetuate a caste.

The belief that this tendency exists must, therefore, be a deduction from the experience of foreign nations, or from general principles of human nature. It must rest, in other words, on the assumption that what happens in England or on the European continent is sure to happen here, and that it is his security of tenure which gives the foreign official that sense of his own superiority for the display of which he has long been famous. Nothing is older in story than the "insolence of office." We can go back to no time, in the annals of the Old World, when the man "dressed in a little brief authority" was not an object of popular odium. See, it is said, what the manners of the German and Russian, and even the French and English, officials are; such will the manners of our officials be should we ever permit them to hold their places, as these foreigners do, during good behavior, and fail to remind them by frequent or periodical dismissals without cause (which is really what is meant by short fixed terms) of how little consequence they are to the community which they serve. The answer to this is that the argument rests on the assumption that greater security of tenure constitutes the only difference between the condition of the American and that of the European office-holder, whereas there are numerous other differences. Nothing has so much to do with a man's manners as the manners of the society in which he lives. No one can wholly, or even in great part, withdraw himself from this influence without partial or complete isolation, such as that in which soldiers live in barracks or camp, or monks in their monastery. In order to make any body of men really peculiar, either mentally or physically, we have to take possession of their whole lives and impose great restrictions on their intercourse

with the community at large, and effect a considerable, if not complete, severance between their interests and the general interest. No modern state, however, subjects its civil functionaries to any such treatment. They all, out of office hours, live as they please. They marry and are given in marriage, and spend their salaries in precisely the same manner as other salaried people. Their society is the society of persons of like tastes and like manners. They are, in short, an integral part of the community, getting their livelihood by a kind of labor in which a large body of their fellow-citizens are engaged. A clerk in the post-office, or custom-house, or treasury is occupied in very much the same way as a clerk in a banking-house or store. If, therefore, the manners of the Government officials be marked by any peculiarity not visible in those of *employés* of private firms, it must be due to something else than the kind of work they do, and the manner in which they spend their salaries. It is due, in fact, to the place held by the governing class in the social and political organization.

If this governing class be a social aristocracy, the office-holders, as the machine through which power is exercised, will naturally and, indeed, almost inevitably, contract the habit of looking on themselves as a part of it. In a society made up of distinctly marked grades, the Government officials almost inevitably form a grade, and copy everybody else in looking down on the grades below them. The English or German official gives himself airs and thinks himself an aristocrat because, as a matter of fact, his official superiors are aristocrats, and the government is administered in all the higher branches by an aristocracy. It is difficult, if not impossible, for a servant of the Crown to avoid arrogating to himself a share of the Crown's dignity. In any country in which politics is largely managed by an aristocracy, the aristocratic view of life is sure to permeate the civil as well as the military service, be the terms long or short. In such a country, a great deal of the pleasure of life is derived from the reflection that one has "inferiors." The nobleman takes comfort in his superiority to the commoner; the gentleman in his superiority to the man in trade; the barrister in his superiority to the attorney; the merchant in his superiority to the shop-keeper. It would be impossible for any system of appointment or any tenure of office to cut off the Government officers, any more than any other class, from this source of happiness. The social position the place gives them is one of the rewards of their services, and they would be more than human if they did not reveal their appreciation of it. The state

official really shows his sense of his own importance no more than, if so much as, any other man who has an assured income and considers his position "gentlemanly." The manners of the Government clerk in England very much resemble those of the successful barrister's clerk, or the clerk in the great banking-house; they are neither better nor worse.

If the English and German officials were all appointed and held office under the spoils system, and had their "heads cut off" every time there was a change in the ministry, or a new man got the King's ear, there is every reason for believing that they would be much more insolent or overbearing than they are now, as they would share in the excitement of the political strife, and in the pride of victory, and in the contempt for the vanquished which form so marked a feature in official life here. They would, too, fall rapidly into the habit, which is so strong among our office-holders, of treating non-official criticism of their manner of performing their duties as simply a weapon in the hands of some one who wants their places, and not as a help toward the improvement of the public service.

In the United States, on the other hand, not only are the traditions of the Government democratic, but the social organization is democratic. What is of still more importance for our present purpose, the popular view of the social value of different callings is thoroughly democratic. There is little or no conventional dignity attached to any profession or occupation. As there is hardly anything honest which a man may not do for hire without damage to his social position, so there is hardly anything he can do for hire which will raise the value of his social position. In every country in the world the office-holder, like everybody else, bases his own opinion of himself and his office on the opinion of them entertained by the public. He thinks highly of them because his neighbors do. The Prussian or English civil or military officer bristles with the pride of station, largely because the public considers his station something to be proud of. So, also, in America, the office-holder does not bristle with pride of station, because nobody thinks his station anything to be proud of. He is not kept humble by the insecurity of his tenure, but by the absence of popular reverence for his place. The custom-house or post-office clerk as a matter of fact knows very well that nobody thinks any more of his place than it thinks of the place of a bank clerk or commercial traveler. One of the very odd things in the popular dread of an office-holding aristocracy is that it arises out of the belief that an

aristocracy can build itself up on self-esteem simply. But no aristocracy has ever been formed in any such way. It grows upon popular admission of its superiority, and not simply on its own estimate of itself. The attempts which have been occasionally made to create an aristocracy in new countries, or in countries in which the respect for station has died out, have always failed miserably for this reason.

Moreover, association with the Government and the exercise of a portion of its authority do less, and must always do less, for an office-holder in this than in other countries, because there is here absolutely no mystery about government. Its origin is not veiled from the popular gaze by antiquity, or tradition, or immemorial custom. Nowhere else in the world does sovereignty present itself in such naked, unadorned simplicity to those who have to live under it. Nowhere else is so little importance attached to permanence either in Government office or any other office. In America, it brings a man no particular credit to remain long in the same position doing the same thing. In fact, with the bulk of the population it brings him some discredit, as indicating a deficiency of the great national attribute of energy. Outside the farming class, the American who passes his life in the position in which he began it, without any extension or change of his business, or without in some manner improving his condition by a display of enterprise or activity, is distinctly held to have failed, or, rather, not to have succeeded. There is probably no country in the world in which the popular imagination is so little touched by a contented and tranquil life in a modest station, or by prolonged fidelity in the discharge of humble duties. Public opinion, indeed, almost exacts of every man the display of a restless and ambitious activity. The popular hero is not the contemplative scholar, or the cautious dealer who relies on small but sure profits for a provision for his old age. It is the bold speculator, who takes great risks, and is in constant pursuit of fresh markets to conquer and new demands to supply. It is not "the poor boy," who stays poor and happy, around whom the popular fancy plays admiringly, but the poor boy who becomes a great manufacturer, or the president of a bank or railroad company, or the master of large herds, or the owner of rich mines. The very familiar personage of European counting-houses and banks, the gray-headed clerk or book-keeper, is almost unknown here. In fact, employers would think but little of the young book-keeper or clerk who made no effort to improve his condition,

and did not look forward to a change of pursuits before he reached middle life. It may be said, indeed, without exaggeration, that the security of tenure which contributes so much to the value of a position in Europe counts for but little in popular estimate of it in America. Places which "lead to nothing" are not made any more attractive among us by the circumstance that they are easy to keep if one wishes. Indeed, such places are rather avoided by young men whose self-esteem is high, when they are entering on life, and those who accept them are apt to be set down as having, in a certain sense, withdrawn from the race.

In Europe, on the other hand, security or fixity of tenure, owing to the very much smaller number of chances offered there than here by social and commercial conditions to the enterprising and energetic man, adds very greatly to the value of an office of any kind, and not only to its value, but to its dignity. The person who has it, even if the salary be very small, is considered by the public to have drawn one of the prizes of life, and excites envy, rather than commiseration, even among the young. The prodigious eagerness for Government office in France is due, in a very large degree, to the fact that Government offices are permanent—a quality which more than makes up for the extreme smallness of the salaries. In England, commerce competes formidably in the labor market with the Crown, and the spirit of the people is much more adventurous; but the certainty of a small income has even there attractions for the young which are unknown in this country. This certainty always has a powerful influence in exalting the social position of the man who has managed to lay hold of it, in places in which recovery from failure or miscarriage is difficult, and in which mistakes in the choice of a calling are not easily rectified. The whole spirit of American society is, however, hostile to the idea that permanence is a thing which a young man will do well to seek. This feeling will, beyond question, operate in one way, if we ever come back to tenure in office during good behavior, to lower rather than raise the office-holding class, as a class, in the popular estimation. Far from converting it into an aristocracy, it will probably put a certain stamp of business inferiority on it in the eyes of "the live men," the pushing, active, busy, adventurous multitude, who after all make the standards of social value which are in commonest use.

At present, office-holding as a business really gets a kind of credit from its extreme precariousness and uncertainty. It is felt that anybody who gets into it must be in some sense "practical." He may

have failed in trade, or in some profession, or have, through some moral defect, lost all chance with private employers, but then he must have, if he has got a Government office, made himself useful to "an influence" through some kind of "work." Successful electioneering, for instance, may not require a high order of talent, or very much character, but anybody who achieves it must have push and energy and some knowledge of men, and these are, of course, no mean qualifications for success in life. Any one who possesses them, though he may make a wretched custom-house or post-office clerk, will be sure of a certain amount of consideration from the busy world, which would not be accorded to the modest, easily contented man who, in choosing his calling, seeks only mental peace. In truth, to sum up, there is no country in which it would be so hard for an aristocracy of any kind to be built up as this, and probably no class seeking to make itself an aristocracy would, in the United States, have a smaller chance of success than a body composed of unambitious, quiet-minded, unadventurous Government officers, doing routine work on small salaries, and with but little chance or desire of ever passing from the employed into the employing class. One might nearly as well try to make an aristocracy out of the college professors or public-school teachers.

There is no society which at present makes so little provision for this class as ours. We do nothing to turn them to account. They are a class eminently fitted for Government service, or any service of which tenure during good behavior is one of the conditions, and in which fidelity rather than initiative is a leading requirement. At present they furnish a very large share of the business failures, and contribute powerfully to produce our panics by being forced into the commercial arena without the kind of judgment or nerve which the commercial struggle calls for. If we tried to economize labor, and put the right men in the right places in our national administrative machine, we should undoubtedly offer this class, which has just the kind of talent and character we need for Government work, the thing which most attracts them, by offering them positions which no commercial crisis could put in peril, and which they could hold as long as they did their work well.

Even if it were established, however, that the selection by competitive examination and tenure during good behavior would make the office-holder feel himself the master of the people, and express his sense of his superiority in his behavior, the question whether

the present system establishes a satisfactory relation between the people and the civil servants of the Government would still have to be answered. It may be that the thing we propose would be no improvement on the thing that is, but the fact that the existing system has the very defect which it is contended that the new system would have, and which is offered as a fatal objection to the introduction of the new system, is one which the friends of "rotation" cannot expect us to pass over unnoticed.

It may be laid down as one of the maxims of the administrative art, that no public officer can ever take the right view of his office, or of his relation to the people whom he serves, who feels that he has owed his appointment to any qualification but his fitness, or holds it by any tenure but that of faithful performance. No code of rules can take the place of this feeling. No shortening of the term can take its place. The act of 1820 was simply a very rude, clumsy plan of getting rid of the duty of careful supervision and good discipline. Turning out all the officers every four years, in order to make sure that they keep their accounts well, instead of turning out as soon as possible those who do not keep their accounts well, and retaining as long as possible those who do keep their accounts well, reminds one of the old woman who whipped all her children every night on a general presumption of blameworthiness. A suggestion of such a scheme of precaution in a bank would excite merriment. A man's best service is given to those on whose good opinion he is dependent for the retention of his place. Under the spoils system, places are filled without any reference to the good opinion of the public; in fact, very often in defiance of the public. They are given as rewards to men of whom the public knows nothing, for services of which the public has never heard, and which have generally been rendered to individuals. An officer who owes his appointment to a party manager for aid given him in politics, cannot but feel that his main concern in discharging the duties of his place must be the continued favor of the person to whom he owes it, and not the favor of the public which has had nothing to do with it. It is, consequently, impossible to expect such an officer to feel that the public is his master, or to show in his manner that he is in any way dependent on its good opinion. He feels that the boss or Senator who got him his place is his master, and that his mode of discharging his duty must be such as to merit his approbation. He does not fancy that he himself owns the office, but he fancies that another man does, and as long as he considers it the

property of any one man, it makes little difference to the public which man.

The only way in which the proprietorship of the public can ever be brought home to office-holders is through a system which, whatever its *modus operandi*, makes capacity the one reason for appointment, and efficiency the one safeguard against dismissal. No such system now exists here. Those who say that the plan of the civil-service reformers would not produce it may be right, but it is not open to them to make in support of their opposition a charge which is notoriously true of the system they are upholding. Whether the proposed change, therefore, be the best one or not, some change, it must be admitted, is imperatively necessary. In fighting against any change, we are trying to avoid that adaptation of our administrative system to the vast social and commercial changes of the past half-century, from which no civilized people can now escape, and which all the leading nations of Europe have effected or are effecting. Any one who takes the trouble to examine the reforms which have been carried out since 1815, in France, or England, or Germany, which in all these countries have amounted to a social transformation, will be surprised to find how much of them consists simply in improvements in administration, or, rather, how fruitless the best legislative changes would have been without improved administrative machinery for their execution. We cannot very much longer postpone the work which other nations have accomplished, and neither can we avoid it by plans—like Mr. Pendleton's constitutional amendment—for getting rid of responsibility by making mere executive offices elective. This, like the act of 1820, is simply a makeshift. Nobody pretends that elected postmasters would be any better than, or as good as, properly appointed postmasters. All that can be said for them is that they would save the President a good deal of trouble under the present spoils system. But the remedy for one absurdity is not to be found in another absurdity. When a thing is being done by a wrong method, we do not mend matters by trying another wrong method. The true cure for the defects in the present system of transacting public business is the adoption of the methods which are found successful in private business. These are well known. They are as old as civilization. They are gradually taking possession of government business all over the world. Our turn will come next, and, in spite of "politics," will probably come soon.