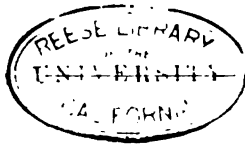


MISCELLANIES,
VOL. III.
ESSAYS, TRACTS OR ADDRESSES
POLITICAL AND SOCIAL.

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LONDON:
KEGAN PAUL, TRENCH & CO., 1 PATERNOSTER SQUARE.

M.DCCC.LXXXIX.

ON ADMINISTRATIVE REFORM.

1856. AFTER AGITATION CONCERNING BALACLAVA BLUNDERS.

[A strong effort was made to form a Society for this object. I was asked to join it, and wrote the following. I believe it was not approved: certainly it was not printed. *No agreement adequate for a political Society came out.*]

I CANNOT profess much hope; for without publicity as to Foreign Dispatches and other fundamental change—beside the improvement needed in Public Morals—it is hard to be sanguine; yet neither ought we to despair.

Notoriously men have less conscience in public affairs than in private, and less in dealing with public money than with private, hence far stronger checks on malversation are needed, and from the nature of the case they are in themselves weaker. The head of a private firm loses heavily, if negligence and extravagance prevail in his office: the head of a public department, unless convicted of embezzlement, loses nothing by decorous mismanagement, rather he is apt to lose by any wise severity; for this is sure to raise up for him private enmity.

Edmund Burke despaired of Reform, because the *public* is not grateful to a minister for the severities which are essential to Reform, yet he exasperates *individuals* by them. Does this state the worst? Perhaps not. Just as a minister, whether by his own impetus or his prince's, finds it easier to make war because his predecessor was peaceful, so he is more easily induced to run up a new debt, if by sage economy and self-denial a huge debt was recently cleared off. There is no greater discouragement to Reform than the expectation that you labour in vain. Thus no one seems to care about paying what used to be called "the King's Debt," because we have no security against the instant contracting of another. We need new principles that shall be accounted sacred, and shall seem to work automatically, else no reforms stand.

We want a high independent authority that can call Ministers to account. This can only be a Parliament, Ministers should have no power to disband it and paralyze it. It will of

course be said, that this is to invest the Legislature with the Executive Government : but such an assertion is groundless. If a Senate is to enact Laws, it must exact observance of the Law ; and be able to expel one who is entrusted to enforce it, if he fail to enforce it, whether in his post as Administrator, or as judge of crime. Without this power in a Legislature, its law is vain. Therefore it has to call for returns to acquaint it with official facts. It must stand *above* all ministers ; but its superiority does not supersede them. The English vote of " Confidence in ministers or no confidence," avows the just principle.

Plain as is this principle, those who desire lavish ministers pretend that no able men would submit to the indignity of accepting office if Parliament is to re-judge their doings. But a Parliament is greater than individuals, and men ambitious of office are not so absurd. Despotic Princes and Cabinets, in like manner, pretend that *Kings* will not submit to the indignity of being controlled by a Parliament.

Assuming that Parliament *ought* to exercise a constant general control over the Executive, the question arises, *Why* it does not now ? *First*, because of Secret Diplomacy. Ministers carry on correspondence with foreign Powers as servants of " the Crown," and can always find plausible ground for concealing what they are promising or threatening, though their secret action may entangle us unduly in grave responsibilities. The United States of America destroy secrecy by investing every member in their Senate with the right of inspecting all documents in the Foreign Office. We might adopt some similar method of forbidding the Executive from keeping any secrets from the out-party, but until we do so we shall be duped in foreign affairs.

Next, because Parliament has allowed Cabinets to have a corporate existence and special corporate interest. That which is truly a faction or a club we dignify as if in parity with a legitimate *Order*. The mediæval clergy struggled against their members being amenable to Civil Courts. So our Cabinets struggle to exempt Executive officers from the judgment of Parliament ; and (to use the popular trade-word) threaten to strike *in a body* against the Parliament, and insist that they will not serve unless they can rule. If a Ministry resign,—Ministers being legislators ! there is enormous disappointment in half-carried Bills, immense private loss, and risk of Parliamentary dissolution ; all as if made to facilitate irresponsibility. Moreover, the out-party is largely in *collusion* with the holders of office. It hopes, ere long, to

succeed them, and will not restrict the licence which may soon be its own. Large "Patronage" oils the wheels of Government. Besides the expectants of office, the supporters of each party hope to be more or less dispensers or recipients of patronage. Surely we need not wonder that Parliament has no effective control of lax, vicious, ill-directed expenditure and of ill-bestowed appointments.

When supporters of a Ministry look to receive as their reward some share of patronage, this is a real payment for their votes, an indirect bribery. That as a system it exists, confessed and unrebuked, is undeniable, when the "Whipper-in" will even *threaten* "never again to ask a member for his vote" if he is shy to give it on an occasion desired. He is clearly aware that the report of names which he can make at the Treasury may affect the members' interests. Yet surely each M.P. is under moral and urgent duty to vote according to his personal convictions of *right*, and not make a minister's convenience paramount.

We need not here inquire whether an oath or a solemn affirmation is exacted of an M.P. Suppose the latter; then our first step of cure here obvious is, to add to it the solemn avowal, "I will never *ask* a minister to give patronage or promotion to any one, except if this be my official duty." Side by side with this every holder of patronage ought *in ancient Roman fashion* to avow solemnly, "I will recommend for every office *the best man I can find (optimum quemque)* without regard to personal favour."

Many will pretend that because kings have so often violated oaths (and in Hungary written engagements too), therefore oaths or solemn affirmations for office are vain and hurtful. I think this a dangerous mistake. Manifestly Parliament knows that no check to bribery is so effective as making the Committees for its restraint *judicial*. So long as they are not, they have little conscience against acquitting the guilty. The real dislike to make the engagement judicial is the conviction that it will be disagreeably effective.

We are not worse than the old Romans. Their *consuls* elected to the Senate by favouritism, while it was not disreputable. When a Plebeian Bill vested the election in the *censors* under oath to elect "every best man," the improvement was immense, and the Senate became really a body of their "best men;" until through the vast slaughter of Senators by Hannibal, a well-meaning Dictator, changed (by his precedent!) the election into one of routine.

Of our public men, too many are unscrupulous, while they may decide by the law of Expediency; for they feel it highly inexpedient to damage and offend the powerful. But if they have made Solemn Promise to decide by Merit, surely the number of the unscrupulous will be gravely lessened.

Moreover, the struggle for such an addition to the public engagement of Parliamentary men would awaken the nation's conscience; thus the very discussion would do good.

Not that I expect any high improvement of which we can be proud without changes still more cardinal, as to which some other nations have preceded us. *First*, No Foreign Treaty must be valid until ratified in Parliament. Out of Treaties most of our wars arise, by aid of Secret Diplomacy; and the Cabinet having control of a movable fleet, does not ask leave of Parliament to use it as an instrument of terror. *Next*, the Ministers ought not to be eligible to Parliament, or have Legislative as well as Executive duties. Not only are different *qualities* and capacities needed for the double service, but the result follows, that while the vote of Legislators ought to be as sacred as the verdict of Jurors, they are liable to be scolded as traitors to a Party, cantankerous and unprincipled (!) if they follow their best light. *Thirdly*, Here, as in the American Union, every high officer should hold his diploma dependent separately on *appointment* of a superior (the Sovereign or the President) with the consent of the Legislature. Thus he would be liable to separate ejection if the Legislature withdrew its *consent*. Against such a broad duty and privilege of the House, no Premier would dare to threaten a strike of his whole Cabinet.