

#### IV. THE NINETEENTH-CENTURY REVOLUTION IN GOVERNMENT: A REAPPRAISAL

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##### I

PART, at least, of the historian's work consists of the formulation of general notions and the subsequent refinement of these generalities. One advance is made when a notion like romanticism is conceived, another when that notion is broken down and divided, both in terms of time and region and by the clarifications of logic, and fresh categories can be stated. This paper is concerned with proposing and distinguishing a generalization of this type, an administrative or governmental revolution in the United Kingdom in the nineteenth century. It must be granted at once that this revolution has not the standing of its industrial and agrarian cousins. It can neither match them in 'scale' nor present such tangible or arresting phenomena. The very words have scarcely yet entered the historian's vocabulary, except perhaps to the accompaniment of deprecatory inverted commas. And even if the fact of its occurrence be allowed, it is clearly neither the first of its race nor indisputably the foremost. Mr Elton has staked a high claim for the corresponding Tudor change,<sup>1</sup> and it is no doubt possible to point to really critical shifts in governmental behaviour in almost every succeeding age.

Not only have these points to be admitted: they must be made. For the more highly articulate, the more firmly established, an historical concept, the more are historians conscious of its inadequacy. To recognize this, we need only think of the reservations which instantly spring to mind, not merely with the specialist economic historian, but also with every general practitioner when he confronts such tried ideas as 'the manorial system' or 'a dependent economy' or 'mercantilism'. The converse is also true. Historical abstractions 'operate' or influence the historian, not in the degree to which they are precisely named, but in inverse ratio. Willy-nilly, every corner of the subject is inhabited by concepts; and the less the historian is aware of their presence in his mind, the less he forces them into the open, gives them names and thereby prepares for their redefinition, the more powerful are they likely to be, at any rate, in leading him astray.

##### II

Clearly, our administrative or governmental revolution belongs to the second category. Most historians take it for granted that the function and structure

<sup>1</sup> G. R. Elton, *The Tudor Revolution in Government* (Cambridge, 1953).

of executive government changed profoundly in the course of the nineteenth century. They would probably agree, moreover, that this change was revolutionary in a sense in which the changes of the seventeenth and eighteenth centuries, or even that of the first half of the twentieth century, were not; and also that it was revolutionary both in kind and 'quantity'. Yet, it seems fair to say, these important assumptions are made casually, without thought of their bearing upon other fields, and without consideration of administration as anything more than a passive end- or by-product of the 'dynamic' forces, social, political and economic. If my hypothetical (but, I trust, existent) historians were asked why they believed the nineteenth-century change to be revolutionary, they would very likely think of the terminal conditions—the *ancien régime* of the early nineteenth century and the current paraphernalia of the collectivist state—and truly observe that so extraordinary a contrast implies a revolution in the middle. But if they were pressed to explain its cause or nature, they might well find that the answers sleeping in their minds were uncoordinated and interminable. A common list might run as follows: the Northcote-Trevelyan inquiries and recommendations; the Crimean scandals; the doctrine of utilitarianism; the sentiment of humanitarianism; the new economic relationships and the living and working conditions born of wages contracts, urbanization and industrialized environments; and the implications for executive government of the process of political change initiated by 'economical reform' or 1832 or what one will.

Each of these is clearly relevant to the question, but equally clearly their sum total even with the addition of as many similar factors as may be found does not provide a satisfactory answer. This is so for three reasons. First, the factors are very different in kind and in historical operation. Secondly, without a prior analysis and time-scale, the relative weight and place of the particular factors cannot be decided. Finally, and not least important, without a clear recognition that a genuine historical process was at work, moulding men and ideas just as it was moulded by them, the causal function of the factors is bound to be misunderstood. We can easily see how this last is true in the sense in which all administration tends towards bureaucracy. 'The forms acquire an independent life of their own, and the original purpose of meaning is forgotten; the Thibetans are not the only people to employ praying wheels.'<sup>2</sup> But it is also true in a less obvious and more important sense. In some circumstances—in the peculiar circumstances of the nineteenth century, at any rate—administration may be, so to speak, creative and self-generating. It may be independent, not in the sense of congealing into forms, but in the sense of growing and breaking out in character and scope. It may gather its own momentum; it may turn unexpectedly in new directions; it may reach beyond the control or comprehension of anyone in particular. No doubt such a process

<sup>2</sup> L. B. Namier, *The Structure of Politics at the Accession of George III* (1929), 1, 164.



to the pre-conditions of change, moving back into the vast social and economic hinterland to estimate the problems calling for solution. It may be argued that this is the master factor; that once one has discovered the revolution in the forms of society, one has also discovered the inevitable corresponding revolution in government; that, in the long run, social problems of the nineteenth-century kind will force out the same type of administrative answers, come what may. Up to a point, this is true enough, and much of my later argument is built upon these impulses towards administrative action inherent in particular situations. But it cannot be too strongly emphasized that it is neither a complete answer nor an automatic operation. The correlation between social problem and administrative remedy is seldom exact. The impulse is always prone to be distorted by accidents of personality or ideology or politics, of finance or the state of expert opinion, at the moment when the remedy is debated. Moreover, the mere timing of the particular reforms may have important and even permanent effects upon the whole course of subsequent administration. Just as industries which have developed 'too far too early' find themselves heavily committed to yesterday's processes of production, and vice versa, so there is a very significant element of investment in setting up new government or in consolidating legislation. Finally, there is the silent metamorphosis taking place within such long-established arms of government as the Colonial or Home Offices or the Board of Trade,<sup>5</sup> as new areas of administration were placed under or, we might even say, grew into their jurisdiction. It is enough to remark at this point that a really satisfactory explanation of the governmental revolution must take these unobserved departmental developments into account.

The second fact which emerges from a consideration of these elements of explanation is that our original question, in so far as it has been asked and answered up to the present time, has been asked and answered almost exclusively in terms of the first three. This is so, I think, because Dicey's *Law and Public Opinion*,<sup>6</sup> first in the field, has dominated it ever since. *Law and Public Opinion* is a great book. Other merits apart, it virtually uncovered and stated for the first time the developments which it attempted to explain. But it is the work of a lawyer and a student of political ideas, not that of an historian; and whatever else we find there, we shall not find a *history* of the change in the nature of the state. No public servant is mentioned from beginning to end, unless he were also a political economist or 'thinker'. No

equally to 'administrative' historians, who, quite legitimately, confine their attention to a single concrete event or series of events, e.g. E. Hughes, 'Sir Charles Trevelyan and Civil Service Reform, part i', *ibid.* LXIV, 53-67.

<sup>5</sup> R. Prouty, *The Transformation of the Board of Trade 1830-55* (1957), published since this article was written, throws some interesting light upon the growth of the Board of Trade's activities, especially in the regulation of merchant shipping.

<sup>6</sup> A. V. Dicey, *Lectures upon the relation between Law and Public Opinion in England during the Nineteenth Century* (1905).

have been valuable studies of particular departments of state, particular measures, public servants and philanthropists, and some penetrating surveys of the growth of the modern state. But the former are, almost without exception, self-enclosed; and the latter, where they are not merely ideational in bias, interpret growth in an arithmetical and accumulative rather than an organic sense. The truth is that Dicey's is the sole effort to offer on a really considerable scale an explanation of the change as such,<sup>10</sup> and that, although the materials for an answer to the original question have increased prodigiously since 1905, no serious, sustained attempt has been made to formulate an alternative to Dicey's thesis.

A well-grounded alternative must await much more laborious research. But even at the present stage it may be useful to set up new hypotheses in the light of some of the discoveries of the past half century. Even if only in the course of modifying or rejecting these hypotheses, the problem may be re-defined and fresh methods of approach suggested. In particular, some advances may be made by concentrating attention upon the last and more neglected factors, the pressures working within society and the 'spontaneous' developments in administration. This emphasis will not, of course, preclude consideration of the other factors. Indeed, it is hoped that their part and place in the general process will become clearer in the course of the reappraisal.

## IV

In very general terms, the change with which we are concerned is the transformation, scarcely glimpsed till it was well secured, of the operations and functions of the state within society, which destroyed belief in the possibility that society did or should consist, essentially or for the most part, of a mere accumulation of contractual relationships between persons, albeit enforced so far as need be by the sovereign power. Now our first proposition is that very powerful impulses towards such a change were generated by a peculiar concatenation of circumstances in the nineteenth century. Again in very general terms, these circumstances were as follows: the unprecedented scale and intensity and the other novelties of the social problems arising from steam-powered industrialization, and from the vast increase, and the new concentrations and mobility, of population; the simultaneous generation of potential solutions, or partial solutions, to these problems by the developments in mass production and cheap and rapid transport, by the new possibilities of assembling great bodies of labour, skills and capital, and by the progress of the technical and scientific discovery associated with this economic growth; the

<sup>10</sup> Whether or not Dicey himself intended it, his work has commonly been taken to offer such an explanation. The preface to the first edition says, rather vaguely, 'It has been written with the object . . . of drawing from some of the best known facts of political, social, and legal history certain conclusions which, though many of them are obvious enough, are often overlooked, and are not without importance', Dicey, *op. cit.* viii-ix.



and theory in the course of their drafting and passage. This was so because the draftsmen and the politicians (preliminary parliamentary inquiry in some cases notwithstanding) knew little or nothing of the real conditions which they were attempting to regulate, and paid little or no attention to the actual enforcement of penalties and achievement of objects. In consequence, the first act was commonly but an amateur expression of good intentions. Of what value was it, for example, to offer remote (and, incidentally, irrelevant and insufficient) remedies at common law to very poor and often illiterate men? As James Stephen, with characteristic fatalism, observed of one such case, 'These [men] are not the first, nor will they be the last to make the discovery that a man may starve and yet have the best right of action that a special pleader could wish for'.<sup>11</sup> Simply, the answer was to provide summary processes at law and the like, and special officers to see that they were carried into action; and sooner or later, in one form or other, this was done where mere statute making of the older sort was seen to have been insufficient.

Like the original legislation, the appointment of executive officers was a step of immense, if unforeseen, consequence.<sup>12</sup> Indeed we might almost say that it was this which brought the process into life. There was now for the first time a body of persons, however few, professionally charged with carrying the statute into effect. As a rule, this meant some measure of regulation where before there had been none. It also meant a much fuller and more concrete revelation, through hard experience and manifold failures, of the very grave deficiencies in both the restrictive and executive clauses of the statute; and this quickly led to demands for legislative amendments in a large number of particulars. These demands were made moreover with a new and ultimately irresistible authority. For (once again for the first time) incontrovertible first-hand evidence of the extent and nature of the evils was accumulating in the officers' occasional and regular reports; and there was both a large measure of unanimity in their common-sense recommendations for improvements, and complete unanimity in their insistence upon the urgency of the problems. Finally, side by side with the imperative demand for further legislation, there came an equivalent demand for centralization. This, too, arose as a matter of obvious necessity from the practical day-to-day difficulties of their office. For, without a clearly defined superior authority, the executive officers tended towards exorbitance or timid inactivity or an erratic veering between the two. Usually the original appointment had left their powers and discretions undefined, and usually the original statute was both imprecise and framed before

(2) Nomine & appoint. official execution per matters - into procedure & simplification & execution / enforcement.

(3) downed & centralization. per records for officers to take entire if necessary.

<sup>11</sup> Public Record Office, C.O. 384/30, unmarked memorandum, Stephen to T. F. Elliot, 31 July 1832.

<sup>12</sup> Cf. J. Willis, *The Parliamentary Powers of English Government Departments* (Cambridge, Mass., 1933), 13-15. Mr Willis observes that the appointment of preventive officers was 'fundamentally at variance with the general principles of the Common Law, which like the nineteenth-century God waits for you to commit the sin and then pounces'. However, he also makes the assumption that the 'new era' did not set in until 1906.

and experimental investigations. They strove to get and to keep in touch with the inventions, new techniques and foreign practices relevant to their field. Later, they even called directly upon medicine and engineering, and the infant professions of research chemistry and biology, to find answers to intractable difficulties in composing and enforcing particular preventive measures; and once, say, ventilation mechanisms or azimuth compasses for ocean-going vessels, or safety devices for mines or railways, or the presence of arsenic in certain foods or drinks, had been clearly proved, the corresponding regulations passed effortlessly into law, and, unperceived, the ripples of government circled ever wider. In the course of these latest pressures towards autonomy and delegated legislation, towards fluidity and experimentation in regulations, towards a division and a specialization of administrative labour, and towards a dynamic role for government within society, a new sort of state was being born. It was modern in a much fuller and truer sense than even Edwin Chadwick's bureaucracy.<sup>13</sup>

## V

Let us repeat that the development outlined above is but a 'model', and a 'model' moreover which, with a few important exceptions such as slavery reform, applies peculiarly to the half century 1825-75. It does not necessarily correspond in detail with any specific departmental growth. Even in the fields of social reform where it was most likely to operate 'purely', it was not always present. In an exact form, in an unbroken adherence to the pattern, it was perhaps rarely present. Nor are the stages into which the process has been divided to be regarded as sacrosanct or necessarily equal in duration or indeed anything more than the most logical and usual type of development; and it is true, of course, that minor variants and elements have been omitted from the structure for purposes of simplification. To sum up, what has been attempted in the preceding section is simply a description, in convenient general terms, of a very powerful impulse or tendency, always immanent in the middle quarters of the nineteenth century, and extraordinarily often, though by no means invariably, realized in substance.

To guard further against exorbitance, it may be useful to try to say why this momentum was but relatively effective in its operation. In the first place, the sort of pressures which set the process in motion obviously varied in intensity from field to field. 'Evils' in, for example, the postal service or education might not in the nature of things appear so 'intolerable' or urgent as their counterparts in affairs where great mortality, physical suffering or

<sup>13</sup> For a detailed working out of this type of process in a particular field, see O. MacDonagh, 'The Regulation of Emigrant Traffic from the United Kingdom, 1842-55', *Irish Historical Studies*, ix, 162-89; 'Emigration and the State, 1833-55: an essay in Administrative History', *Trans[actions of the] Royal Hist[orical] Soc[iety]*, 5th series, v, 133-59; and sections v and vi of 'Irish Emigration to the United States of America and the British Colonies during the Famine', *The Great Famine*, a symposium (Dublin, 1956), 359-76.



of the traditionally ruling classes favoured collectivism in any form, but that they were, at last, confronted with the brute *facts* that collectivism was already partially in being and that their society was doomed to move ever further in that direction. To a considerable extent, these brute facts were the product of the governmental momentum which we have described. Although diverted, confined and unrecognized at many points—indeed *because* its nature, extent and tendency towards self-multiplication were unrecognized—the process had spread like a contagion out of sight; and though the collapse of the old idea, or the revelation of its untruth, was naturally a sudden thing, piecemeal contradictions had been accumulating, and the corrosion working steadily for many decades. Dicey's comment on one aspect of this change is profound.

That law creates opinion is plain enough as regards statutes which obviously give effect, even though it may be imperfectly, to some wide principle, but holds at least equally true of laws passed to meet in the readiest and often most offhand manner some pressing want or popular demand. People often, indeed, fancy that such random legislation, because it is called 'practical', is not based on any principle, and therefore does not affect legislative opinion. But this is a delusion.<sup>15</sup>

It is hoped that our 'model' of governmental change has shown that this great truth applies to a very much wider and more complex group of happenings than acts of parliament and the deliverances of courts of appeal.

The second respect in which the 'model' may be useful is in answering the questions posed in the early paragraphs of this essay, namely, the cause and nature of the nineteenth-century change in government. For, in the first place, the very construction of the 'model' indicates that a genuine historical process was involved; and this, it is argued, is a vital change in perspective and a necessary step in understanding the 'revolution'. Secondly, the 'model' provides a centre in relation to which the particular factors can be grouped and the particular developments evaluated. The story becomes at last coherent if we regard it as the norm, and its modification, expulsion or acceleration by exterior forces (however frequent) as a deviation. The relationship of the main factors to the process needs no elaboration now. It will be clear from the course of the preceding argument why, for example, humanitarianism is to be looked on as an indispensable pre-condition of the process, yet in itself both passive and secondary. But the use of the new concept in evaluating particular phenomena and movements in relation to the 'governmental revolution' as a whole may need further explanation; and in an attempt to provide it, we shall try to measure the Northcote-Trevelyan type of reform and Benthamism against our yardstick. For even still it is sometimes assumed that these two between them virtually created the modern form of government.

<sup>15</sup> Dicey, *op. cit.* (2nd edn. 1914), 44.

collectivist intention. No increase in public expenditure, no enlargement of the state's field of action, no multiplication of departmental activities was envisaged—quite the contrary. Nor were any alterations in administrative method, other than those implicit in political radicalism and the hoped-for centralization of audit and decision, so much as dreamt of; while the notion that state spending might in any circumstances hasten and not retard the economic growth would have seemed an outrageous foolery. In short, the Northcote-Trevelyan concept of administration was at many points contradictory to ours; and if (and it is still far from proved) open competition and treasury control contributed significantly to the development of the latter, such an outcome was unintentional and would certainly have been anathema to the reformers.

Benthamism is, of course, a very different matter. In its concern with the regulatory aspects of law and the problems of legal enforcement, in its administrative ingenuity and inventiveness, in its downright rejection of prescription, in its professionalism and its faith in 'statistical' inquiry, it worked altogether with the grain of our 'revolution'. Wherever it was the operative force in these respects, it may be said to have displaced or rendered superfluous the administrative momentum. But we must be very circumspect indeed in deciding that Benthamism was the operative force in any particular instance. Broadly speaking, so far as the administrative matters with which we are concerned go, Benthamism had no influence upon opinion at large or, for that matter, upon the overwhelming majority of public servants. It is to a small group of individuals, it is to the actions of a handful of doctrinaires who were placed in positions of high and decisive power, it is to men like Chadwick and Fitzjames Stephen,<sup>20</sup> that we must look almost exclusively for a genuinely Benthamic contribution. In general, nothing is more mistaken than a 'blanket' prima facie assumption that 'useful', 'rational' or centralizing changes in the nineteenth century were Benthamic in origin. On the contrary, the *onus probandi* should rest on Benthamism. The great body of such changes were natural answers to concrete day-to-day problems, pressed eventually to the surface by the sheer exigencies of the case. Indeed, even so apparently idiosyncratic an element as the Panopticon was substantially repeated when, in the late 1840's, the executive officers of both the United Kingdom and New York state emigration commissions (men who had very likely not so much as heard the name of Bentham) independently proposed vast central supervisory

certificate to the junior situations in the civil establishments; (b) to make competition a permissive but not a compulsory method of selection for such certificates; and (c) to leave the power of appointment in all cases where it had previously rested—with the political heads of the departments', *Royal Commission on the Civil Service: fourth report*, Parl. Papers, 1914, xvi [Cd. 7338], 5–6.

<sup>20</sup> For the practical consequences of Fitzjames Stephen's Benthamism (a 'Benthamite Lycurgus', he described himself), see J. Roach, 'James Fitzjames Stephen (1829–94)', *Journal of the Royal Asiatic Society*, Apr. 1956.



modern government; and thirdly, that 'administrative' Benthamism, where it was effective, also made a peculiar, idiosyncratic contribution to nineteenth-century administration, and one which was extraneous and at points antagonistic to the main line of growth.

All these points, and the equivalent observations on Northcote-Trevelyan reform, are no doubt obvious enough once the matter is regarded from a proper point of judgment. But this, a proper point of judgment for the whole course of the nineteenth-century change in government, is precisely what, in the writer's view, has hitherto been lacking. And if the present attempt to formulate a general notion for this neglected field and to construct an ancillary, explanatory 'model' helps to provide the necessary perspectives—still more if it stimulates further refinements of the notion and further understanding of the independent historical process in operation—this paper will have succeeded in its objects.