

THE ROLE OF THE EXPERT IN GOVERNMENT: HIS USE AND ABUSE

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INTRODUCTION

TODAY is the day of the expert and the specialist. The jack-of-all-trades appropriate to a simple economy, has become an anachronism. Government by experts is slowly becoming the modern substitute for government by the gentry which prevailed in the United States until the time of Andrew Jackson.

Every schoolboy knows that the constitutional fathers believed in republican rather than democratic government. The Federalist Papers frankly asserted that the new government would be in the hands of the gentry, by the very process of nature. They could conceive of no other evolution. It was the peculiar contribution of America in colonial days that the way was open to a man of lowly origin to rise to the gentry class, but until he gained recognition as a gentleman he was not considered to be a member of the ruling class. Conversely, public office was more respected then than afterwards in our history. Down to about 1830 it was an honor to sit on the New York Board of Aldermen.

Andrew Jackson destroyed our inherited English tradition that public office was for those of prominent social position. In his first message to Congress he sounded the death knell of the philosophy that public office was the property of the aristocracy. For government by a socio-political class, which both here and in England was always characterized by a commendable degree of noblesse oblige, he frankly substituted the spoils system, under which future generations were to suffer severely. He justified his position as follows:

“There are, perhaps, few men who can for any length of time enjoy office and power without being more or less under the influence of

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feelings unfavorable to the faithful discharge of their public duties. . . . The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for its performance.”

In these words Jackson drove right to the heart of the evils of bureaucracy. His mistake lay in his method of meeting the problem. His cure was the wholesale discharge of hundreds of office holders and replacing them with henchmen of his own political machine. For this reason his effort to democratize bureaucracy degraded and demoralized the public service. For administration by the elite, which was bound to die sooner or later in the United States, he substituted government by amateurs in administration but real professionals in winning elections.

The tragedy of Jackson's influence was that it discredited for one hundred years such matters as education, experience, or special fitness as prerequisites to administrative posts. Not until recent years have Americans begun to feel that native common sense alone does not qualify one to administer the highly professional or technical tasks of expanded governmental activity. We have long recognized the need for the specialist in private life; now we are just beginning to realize as well that in public administration intelligence must be specially trained and seasoned by experience. There is no need to labor this point before this audience.

It is well, however, to remember why Jackson was a popular success. It was not because his supporters were more efficient administrators of government than the class of gentry they displaced. On the contrary they were less fit, both in skill and in sense of public obligation. But the rank and file did not look upon the gentry as responsible and responsive and they wanted people of their own sort in government whom they felt they could trust to look after their interests. Instead of government by the elite doing what was good for the people the people preferred a government that would do what they, the people, wanted. It is still the essence of democracy

that government shall do what the people want, not what it thinks is good for them. Jackson's mistake was that in democratizing government he commercialized public office and discredited fitness and education as qualifications for public administrators.

Even today Americans exhibit a naive and imperfect idea as to the difference between an expert in government and an expert in a similar line of endeavor in private life. It does not follow that because a man is a good engineer he will be an efficient highway commissioner; that because he is a dependable doctor he will be a successful director of public health; or that because he is an eminent business man he will make a wise head of a government bureau. To be a real expert in public administration calls for talents and understanding beyond those of a private practitioner.

EXCESSIVE CLAIMS FOR THE EXPERT

Enthusiastic social planners of the collectivist school are prone to seize on an abstract concept of the expert and to exalt him and his fellows into a new priesthood. Anyone familiar with "new day" political literature can testify how heavily the advocates of the all-inclusive state rely on the skill of the expert to lift us out of our difficulties. Nor do they stop with mere expertise; they go farther and endow the expert with noble spiritual qualities which will protect him and us against low motives and selfish ambitions. Indeed the whole case for collectivism rests upon the assumption that experts working in the name of science will be able to perform miracles. This is one form of "Mother knows best" school of thought which does not belong in a democratic system.

This exaltation of the state and of the expert who is to officiate in its name was set forth not long ago by an English writer of great distinction in the following frank terms. He was defending the proposition that the state can know better than I what is for my good, and arrange matters to my advantage better than I can. His explanation is that the state is to be administered by "disinterested

experts." Modern life has become so complex, declares the writer to whom I am referring, that the average man is no longer competent to decide what is good for him, since he can't possibly have personal knowledge of the factors involved. We must accept the experts, he concludes, as men who do have such knowledge and it is they who must decide those issues which cannot be left to the "casual shifty tastes and desires" of individuals. It is curious that the author I have quoted should be at heart a sincere humanitarian with a long record of interest in the welfare of the common people. He would angrily deny that he is a fascist but his psychology nevertheless is fascist.

You will note that it is assumed that these decisions which are too involved for popular treatment will be made by "disinterested" experts. How the experts are to become and remain more "disinterested" than ordinary people is not made clear. It is true that adequate education and strict professional standards tend to develop a sense of duty and a commendable esprit de corps comparable to the noblesse oblige and willingness to sacrifice that were so prominent in the old German bureaucracy. But it is a shallow view which holds that you can kill off the Old Adam in a man by tagging him as an expert.

RECONCILIATION OF EXPERTISM AND DEMOCRACY

It is not easy to reconcile expertism and democracy in government. Any theory of expertism sounds to the uninitiated as a new scheme of class government. It seems to conflict with the democratic assumption that inherently the multitude are right and that their opinion must prevail as against the decisions of the few. American tradition places great confidence in the good sense of the masses. This naturally, if wrongly, led to the conclusion that anyone with good sense and sound moral judgment was capable of filling our public offices. John Stuart Mill expressed it cynically when he said that anyone who was not fit to be hanged was fit for any office to which he can be elected. Jefferson expressed the American regard for the capacities of the multitude in more favorable terms.

“State a moral case to a plowman and a professor. The former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules.”

It is the glory of Americans that they have always insisted that they be governed by men like themselves, by officers who are officers solely by their appointment. There is no guarantee that the well-born have sounder judgment than the masses. But this principle must not be interpreted to mean that special training and fitness are not essential to public administrators.

The German Republic under the Weimar Constitution was unable to reconcile expertism with popular government. Before World War I the German bureaucracy was the admiration of many Americans. It was incorruptible and free from political spoils. Its administrative efficiency was great. Public office was not a “pitiful job but a holy office.” But in its days of glory its true allegiance was not to the people but to the Crown. When the Weimar Constitution transferred final authority to the parliament and to a political cabinet a great change was wrought in the proud position of the bureaucracy. Its morale fell at once, and scandals, unthinkable in an earlier day, appeared. Many top-ranking civil servants could not make the transfer of allegiance which parliamentary government required. Holding that political responsibility and a nonpolitical career service could not live in the same house, they failed to support the Republic and in notable cases actually worked to undermine it. Thus they helped to pave the way for Hitler.

Had Americans been able to resolve earlier this seeming contradiction between popular control and expert government, the governmental measures taken to withstand the depression through the 1930's would have been infinitely more successful. As a nation we had not yet learned that the mere passage of a law with a strong preamble does not assure that the purposes of the preamble will be attained. In other words we still have to learn that no government “can legislate beyond the capacities of experienced administration

to execute." No so-called brain trust meets the specifications, because it lacks the seasoning and the intimate understanding of governmental processes which experience and an administrative tradition alone can supply. Neither does practical business or private professional experience fill the bill, for (as I have said) public administration presents unique problems on which business training itself may throw little light.

THE LIMITATIONS OF THE EXPERT

Somehow we must work the expert into our political system. He must have enough independence and sufficiently broad powers to assure that his talents can produce results; but he must never be the final boss. His scope should be large, for it is folly to assume that the multitude, or any single individual, no matter how studious and intelligent, can have adequate knowledge of the myriad matters with which modern government deals. What can we expect the plain man to know, in any thorough manner on his own initiative, about a sewage disposal plant, or quarantine of contagious diseases, or the gold standard in a banking and currency system, or the regulation of railroads, or the taxation of mines and forests, to mention a random selection of some of the simplest problems. Informed public opinion is essential but there are many problems which not even a specialist can encompass within the space of one life-time. More and more will our public policy be influenced by experts; more and more will the problems on which we are called to vote be discovered by experts. Hereafter experts will be the instigators of many public questions. But this word cannot be final. We cannot trust them to make our basic decisions for us. Therefore they must be politically controlled.

The reasons are clear on a moment's thought. Officialdom shares with the rest of the population a predisposition to gather power unto itself. An official filled with a sense of the righteousness of his mission, transcending the moderating influence of public opinion,

is a threat to the liberties of the citizen. When the official is a trained expert he may require even greater watching than the politically-minded official, who instinctively keeps his ear to the ground.

Being an expert is apt to be heady wine. When combined with the power of government, it can become intoxicating spirits. The expert's fund of knowledge in his specialty exceeds that of ordinary laymen; and knowledge itself is power, and power is a constant temptation. It tends to destroy humility and to encourage a paternal attitude towards the inexpert. The danger is that the expert, filled with special knowledge, is apt to confuse his knowledge with social wisdom. His very concentration on a sector of human life tends to blind him to a consideration of all the circumstances. If his specialty is science he is particularly apt to ignore the imponderables in human nature and the existence of other human values outside the range of his concentration. His very fidelity to science leads him to think of people as statistics and not as persons. The well-known narrowing influence of specialization calls for overhead articulating minds. In the field of government only the opinion of people, expressed through their elected representatives, can compensate for the limitations of the expert.

I am not suggesting that the temptation of the expert in government to become a bureaucrat stamps him as a unique or depraved person. Of course he enjoys that sense of power that comes to any man who is disposing of the lives and welfare of others. In such circumstances it is easy to permit the end to justify the means. The more conscientious the expert, the more he may be inclined to reach for power. It is natural for the official, if he believes in himself as all good men do, to seek to expand his activities. Does a lawyer flee from litigation or does a doctor turn away from sickness? Do not both seek to realize themselves by enlarging the circle of their influence? Is it not natural and even desirable that experts in government should wish to do the same? But this does not mean that they are to be free to define the limits of their powers.

THE DIFFICULT ROLE OF THE EXPERT

No profession is competent to decide the problems arising from its relation to other groups and to society. It is only the opinion of the multitude that can settle such questions. Norman Angell has expressed this truth in the following vivid language:

“Authority always tries to prevent this questioning of its premises by the unlearned. To the bishop it seems preposterous and an obvious menace to society and good morality that his conclusions in theology should be questioned by any bootblack. But experience has shown over and over again that the bishop is sure to go wrong unless his conclusions are questioned and checked by the bootblack; and that unless the bootblack has the liberty of so doing both will fall into the ditch.”

Because the expert is incapable of making decisions for the people, he must always be subordinate to political masters. “A guest,” said Aristotle, “will judge better of a feast than a cook.” We shall always need the politician to tell the expert what the people want and to combat the expert’s inclination to give them what he thinks is good for them. Any expert who is unwilling to accept this condition is unfitted for public office in a democracy. When he does accept this limitation and is willing with patience to await action until the layman is educated to it he will find that his influence can be very great. In a sense the expert must consider himself more an educator than a policeman. As John Witherspoon, the president of Princeton, insisted in the Continental Congress, when price-fixing legislation was under debate, there are some things that cannot be accomplished by human laws but “depend for their success upon inward inclination.” The experts in government who get into trouble are often those who really do not believe that the inward inclination of the people should rule.

The responsibility of the expert is to persuade the elective representatives of the people (the expert’s bosses) to accept the course which his expert knowledge leads him to believe is wise. The legislative body is that branch which reflects the lay mind, because no

matter how we abuse it, it is composed of people like ourselves. The expert's dealings in policy matters are to be confined to Congress, the state legislature, or the city council. But, on its part, Congress or a state legislature, or a city council weakens its position and the service which the expert can render when it occupies itself with the details of administration or attempts to exercise its function by detailed legislation. It is unfortunate that Congress has not been able to develop any satisfactory method of control over the administration. Congress is no more efficiently organized or adequately staffed for this function than it was when the power of the executive was but a mere embryo of its present hearty self. In comparison with the British Parliament, for example, it is sadly unable to secure and digest even the simple basic information from the executive departments that it needs to perform its great responsibilities. The proposal (which was recently revived in Washington) that Congress be enabled to call officials before it for questioning is a step in the right direction. The running fight in Washington between the administrative departments, of which we have heard so much these days, is no credit to either side, and would be unthinkable in any well-planned organization.

If the expert is to render the service of which he is capable, he must be free of detailed legislative prescriptions and petty political interference. He and his associates and subordinates must be protected in office against the play of sordid politics and the spoils system. In other words, he must not be hired and fired with each change in party ascendancy. Only as he is permitted to remain aloof from the embarrassments of "practical politics," will public administration be able to provide an inviting career to competent persons and to become in truth a profession of experts in administration.

The price he will have to pay for tenure and freedom in his proper sphere is abstention from the drama of the political game. That sport he must leave to the party politicians. If he is unwilling to take a vow of political chastity, he cannot claim exemption from the haz-

ards and fortunes of political warfare. Of equal significance is the impairment of his standing and influence as an expert which occurs when he injects himself into politics. He just cannot work both sides of the street. It may be difficult for him to abstain from politics when the prevailing conventions of political life do not compel him to do so, and when the temptation is great to carry his program direct to the people over the heads of Congress or the state legislature; but abstain he must if he expects his place as an expert to protect him in the proper utilization of his expert capacities. His future lies in denying himself the pleasures of playing politics while being able to influence politicians and work in harmony with them.

That the administrator should be politically responsible and yet remain aloof from politics may seem to be both illogical and contrary to human nature. But the British Civil Service has achieved this delicate balance to the vast improvement of the public service. I suggest that in America also the expert can establish himself, qua expert, in no other way. Only by remaining outside the party struggles can he expect his expert talents to be respected as such and his tenure and influence assured. His future depends upon his being able to work in harmony with the political controls of the day. There is no other way in which he can achieve lasting results in a democracy. It is surprising and gratifying to observe how far the political representatives will follow the expert who takes pains to cultivate an "inward inclination" in them.

THE NEED FOR SPECIAL TRAINING OF THE EXPERT IN GOVERNMENT

There is time merely to refer to the fact, at which I have already hinted, that governmental administration is a unique profession in itself different from the private administration of corresponding activities. There are compelling reasons for this into which I shall not enter. America is still assuming that success in business or eminence as a college professor equips one to be a public administrator in a democracy. A moment's reflection suggests that this assumption

is not correct. We need more courses in public administration in our colleges and professional schools to acquaint prospective governmental experts with the problems peculiar to government and to teach them their rights and duties as public officers. We need stronger and more comprehensive codes of professional conduct than we yet have.

The scope of the expert in government is not confined to that of a consulting scientist or laboratory worker. Many are administrators as well, and a grasp of the art of administration is important in addition to strictly professional knowledge. Public administration is a job in itself quite apart from the professional expertise involved in it, and the talents of the specialist often do not include a gift for it. Brooks Adams defined administration as "the capacity of coordinating many, and often conflicting, energies in a single organism, so adroitly that they shall operate as a unity. This presupposes a power of recognizing a series of relations between numerous social interests, with all of which no man can be intimately acquainted . . . it is possibly the highest faculty of the human mind."

This definition raises the art of administration out of the low estate to which scholars are wont to consign it. Whether or not you agree with Adams that it is "the highest faculty of the human mind," it still is indispensable if the findings of science are to be made effective through government. America has been even more reluctant to recognize the need for the education of its officers in public administration than in the science or techniques which government utilizes. The solution would appear to be in part a greater recognition of studies in public administration in the universities which prepare engineers and scientists for government posts.

CONCENTRATION OF POWER IN THE ADMINISTRATION

The significance of what I have been saying about the attitudes and accountability of the expert in a democracy becomes clear when we remember the vast powers of legislation and adjudication which

the executive branch of government now possesses and will continue to exercise, doubtless in increasing measure. The constitutional fathers, fearful of the power of government, put their trust in the three-fold separation of powers between the executive, legislative, and judicial departments. Woodrow Wilson correctly showed how this theory of off-setting forces, if actually realized, would keep government on dead center and thus devitalize it when action was called for. As the sphere of government was enlarged and made more positive, a device, new to our experience, was introduced, viz., the administrative agency into which was telescoped all three departments. Thus we find administrative agencies today declaring legislation and adjudicating cases, functions which were once conceived to belong exclusively to the legislative and judicial branches.

In earlier days when the doctrine of separation of powers prevailed, the enforcement of law was in large measure left to the instigation of citizens themselves, who originated action by bringing cases to the courts. The executive department did not get in motion until the courts had acted. Thus the law would prescribe what constituted a health nuisance or a dangerous building, but the administration did not act to abate it until an aggrieved individual instituted proceedings in court against the offender, and the court rendered its verdict. Then, and not until then, the executive branch took action in accordance with the court's determination.

Today all this is changed. Congress and state legislatures now rely on the administrative agencies and not the courts to carry out regulatory acts. The modern administrative machine does not wait for an aggrieved citizen to set it in motion. No, the officials or commission act on their own motion. The regulatory commission is prosecutor, judge, and jury. Its function is not to umpire between parties to a controversy, but to enforce a political policy (often loosely prescribed by the legislature) i.e., to get a job done. Consequently we find the rights of individuals being determined by administrative agencies which originate the cases they adjudicate.

But the administrative process does not stop with adjudication. In large part it makes the law which it adjudicates by promulgating regulations with the force of law; thousands of them in the last decade.

The earlier procedure emphasized liberty; today's practice emphasizes getting results through government.

It is not necessary to dwell on the reasons for this development, which are familiar. A generation ago we concluded that we could not afford to wait until an aggrieved citizen began proceedings against a public health menace; it was too much like locking the stable door after the horse was stolen. Today government participation has gone farther than mere regulation of what a man can do with his business or property; it has now broadened from control to positive provisions of the means of prosperity.

This newer administrative process is still pretty raw. Its temptation to disregard the historic protective procedure which grew up in the courts as a defense against personal government still shocks many lawyers. Too often its methods have been secretive. Its tendency to apply a sort of "station house justice" by denying adequate hearings to parties in interest has not inspired confidence. Its concentration on the promotion of social policies has led to forced interpretation of legislation beyond what the legislature intended. Being a part of the administration, the findings of an agency must in general conform to the administration's policy. But too much preoccupation with results to the disregard of means shades off into the philosophy of "reason of state" over-riding private rights, which in earlier days was praised by Machiavelli and invoked by all who sought to be absolute monarchs, and which perhaps reached its zenith in the Nazi doctrine, which guides the German courts, to the effect that the welfare of the party transcends all other law.

Despite its dangers to liberty, government by administrative officers is here to stay. Indeed we may anticipate more rather than less over the sweep of the years ahead. It must be worked into our

traditional system of rights and liberty. If we go back far enough in English history we find that the same tendencies which attend the new field of administrative law afflicted the courts. But they worked out of them in time, and so must our modern administrative agencies.

THE "INWARD RESPONSIVENESS" OF THE EXPERT

I have been stressing the principle that external political controls over the administration must keep pace with the enlarged powers of these agencies. But external controls by Congress and the voters alone will not suffice, essential though they be. We must develop, as we have done in the case of our judges, professional habits and traditions of orderly standards of justice in the application of social policy, to which our officials will habitually conform. "This form of responsiveness," writes one learned author, "is too fragile for formal procedures; it may be embodied in part in codes of ethics or ethical norms; but it lies deep in the spirit of the public service as a social organism. . . . It is reflected in courtesy, in attentiveness, in cooperation . . . in equity, in the judicial mind, but also in the impartial and certain administration of the law and rule." These words express a high goal of achievement; but nothing less will serve. It is a delicate balance which we must achieve between justice and getting the job done. It can be attained only as we accept the expert as indispensable; as we as a people come to understand his proper powers, on the one hand, and his necessary limitations, on the other; and finally as we build a professional career for him in government and as our universities assume heavier responsibilities for his education.

Today the historic issue of personal government versus administrative absolutism is recurring. That those who tend to be absolutists may be honest humanitarians is no plea in abatement. James I was honest in his belief in his divine right to rule and the social advantages thereof.

In an address a few years ago Vice-President Wallace asserted that we have over-emphasized political democracy or Bill of Rights democracy. To this I take sharp exception. All history proves that if political liberties disappear all liberty is lost. It is folly to talk about economic or social democracy devoid of political freedom.

The issues I have described will be resolved. Despite alarmists, democracy, although always on trial, is not on the defensive in America. Our tradition, which takes Magna Charta for its symbol and the Bill of Rights as its formal expression, will unite with our political maturity and experience in self-government to see us through.

What I have said places heavy responsibilities on private groups and associations in regard to public education. It consigns the expert who works for government to administration and to advice and persuasion in respect to his political superiors. It restricts his scope as a propagandist and a participant in the formulation of political policy. It denies him the fun of practical politics.

The governmental expert's preoccupation with administration will leave him little time for scientific research. In the future, as in the past, original research and popular education for the acceptance of the discoveries of research must be the responsibility of private citizens and associations. Democracy can never afford to surrender to government these creative functions. No government by experts can take the place of the nonpolitical, nongovernmental associations such as the Milbank Memorial Fund. For almost a quarter of a century the Fund has served with eminent and unique success to promote the welfare of mankind. It will continue in its calling. The more expert government becomes the greater will be its opportunity.