

# The Seven Principles of Public Life - What they Say and What they Mean

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‘The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.’

Since their publication in 1995 by the Nolan Committee on Standards in Public Life, the Seven Principles of Public Life have been widely adopted and endorsed in UK institutions - both governmental and otherwise - and have informed debates on public standards in a range of other countries. The Committee has become increasingly aware, however, that the principles are not always easy to apply in practice and that the public do not always understand the principles in the same way as do those holding public office. Work undertaken by the National Centre for Social Research in 2003, commissioned by the Committee, suggested that there is quite wide variance in the interpretation of the principles and room for doubt as to whether they succeed in capturing the ways ordinary people understand the responsibilities of those in public office. Subsequent work commissioned by the Committee and conducted by BMRB in 2006, worked towards a refining of the principles. The proposals of this report were, however, initially shelved – in part because it was not a good time to be seen as reducing the number of principles of public life. Some of the findings were, however, integrated into the restatement of the principles in the Committee’s 14<sup>th</sup> Report: Standards Matter (2013), which changed a number of the descriptors to the principles. Even so, when we examine the seven principles and the brief elaboration initially given of them by the Nolan Committee, it is clear why there is such variance and why it is difficult to eradicate. The re-casting of the descriptors does address some areas of difficulty, but it is difficult to address all. This paper offers an examination of the principles that attempts to sharpen their interpretation, points to ways in which the elaboration of the principles departs from ordinary usage, and suggests some of the difficulties that the principles raise in their use in relation to various forms of public office.

The Nolan Committee sought to identify a set of standards to guide public life and holders of public office. They did not see themselves as inventing these standards so much as articulating principles implicit in the public political culture of the United Kingdom. The seven principles were intended to pick out different aspects of public office, but in doing so they often referred to quite distinct components of public office, that are not necessarily captured in the common sense understanding of travellers on the 'Clapham omnibus'. For example, there are some complex differences between principles that concern character and those that concern institutions. Public officials are expected to show integrity, honesty and selflessness. Those are the kinds of virtues that we want public office holders to have. But other principles relate to features of the office, rather than to the occupant. Accountability, for example, is what we expect of public office in a democratic state, as is openness. It is difficult to see accountability as a feature of character, and while openness might be a character trait we have to ask whether in Nolan's elaboration the principle is really trying to identify that trait or articulating a principle about public office. That distinction is not one that people involved in the National Centre's Research identified.

The distinction between principles that call for certain personal or professional virtues, and those that describe certain features of public office has broader significance. Accountability and openness can be matters of institutional design to an extent that integrity and honesty cannot be (although institutional design may support certain virtues, or may positively harm them). When members of the public think about what they expect from their officials they may report what they expect as features of office (e.g., that they should be marked by transparency and accountability), what they expect of their officials (in terms of standards of professional conduct), or what they expect of office holders in terms of personal

character and standards of probity. The Nolan principles, as I shall suggest, for the most part deal in the rather specialised field between the first two of these; the evidence on the public's views suggest that they focus more on the terrain between the last two.

Neither side is thereby necessarily in error, but such differences suggest that further elaboration of the principles might prove clarifying and may reduce the incidence of expectations at cross-purposes. The second piece of qualitative work on the principles conducted for the Committee by BMRB was more able to explore how members of the public interpret the principles. It provides strong support for the view that the public's views vary and they vary from the way Nolan interpreted the principles. Moreover, one reason for this is that, in many cases, the Nolan interpretation is quite highly specialised and related to a particular aspect of public office, in a way that parts company with ordinary usage of the terms. In the following discussion, the argument works with dictionary definitions of the terms and the Nolan elaboration of the principles. Since dictionary definitions are not identical to ordinary usage, the discussion also appeals both to intuitions (that might not be obvious to, or shared by all), and to elements of ethical and political theory. The aim is to provide firmer support for claims that initially rest on intuition, and to point out cases in which different interpretations might be justified.

## 1. Selflessness

OED: Having no regard for or thought of self; not self-centred; unselfish.

Nolan: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

14<sup>th</sup> Report: Standards Matter: Holders of public office should act solely in terms of the public interest.

A person may act without respect to his/her interests, but if s/he does so irrationally and with no purpose or goal in mind, she is not acting selflessly. S/he acts selflessly when the intention of the act is to benefit others in some way. In so far as selflessness is a quality or a virtue, it flows from a will that pursues some valued end, where that valued end is chosen and pursued irrespective of the interests of the agent. Note that there is an odd relationship with prudence. Someone who acts in pursuit of some worthwhile social goal, but does so in ways that protect his or her legitimate interests (such as their personal safety), may act well, but does not act wholly selflessly. So selfless behaviour need not be imprudent, but where it clashes with the dictates of prudence, it must over-ride them. This suggests that the expectation that behaviour be selfless is a strong demand.

The problem of applying the term in public life is precisely that the expectation is so strong. It is strong because, formally speaking, it asks the office holder consistently to set aside their interests - whether private (for example, in relation to family), professional (in relation to career), or political (in relation to their personal political objectives - such as staying in office). Clearly, we hope that no public servant is placed in a position where their actions put at risk their commitments to their families (although one hopes that members of the foreign service are allowed to give their families some weight in decisions about accepting posts). But all public officials and politicians are likely to confront situations in which taking a particular decision, or a stand on an issue, even if it is in the public interest, will threaten their professional or political careers. Under such circumstances is it reasonable to expect selflessness? And of whom? Are public servants and politicians equally bound by that requirement? Consider, for example, a doctor who donates one of her kidneys to a patient so as to save his life. She acts selflessly but her act is also supererogatory - we could not reasonably expect that of other doctors - it could not be a duty to act in this way, and it may be regarded as inappropriate to the continuation of the doctor patient relationship. Indeed, true selflessness must be supererogatory - it could not be a matter of duty because it gives no weight to the self.

The way the Nolan principle was first elaborated is, implicitly, in terms of situations in which a conflict of interests is experienced. Since we cannot prevent such conflicts occurring, the rule to follow when faced with a conflict of interest is to pursue the public interest rather than one's own. Moreover, the principle is that public officials should not seek to gain. But although the antonym of selflessness is selfishness, behaviour does not systematically fall into one or other of these categories. One can be prudent without being selfish. The problem is that the principle implies that, when facing a conflict of interests, our own interests have *no* weight if we hold public office.

The reformulation of the description has the unfortunate feature that it accentuates the fact that the public interest is not just being given primacy, or over-riding weight, but is the only consideration for any public office holder - career, income, family, must have no weight at all. This seems over-demanding both with respect to administrative and similar forms of career public office, and perhaps still more so for political office.

Is there another way of framing the first Nolan principle? What we want may be something more like the principle that public office and those who hold such offices are there to serve the public interest, not their own or those of their families. In reaching decisions, then, public office holders should give primary weight to the public interest. Where this comes into conflict with personal or career interests, we might say that rather than expecting them always to over-ride such interests (the demanding conception of selflessness) they should either do so, or the individual should declare that such a conflict of interests exists. So where they cannot act selflessly, they should be open and honest about their inability so to do. Moreover, in a liberal democratic system with constitutional protections for individual rights, we should expect that the requirement (also in the Nolan principles) for openness and honesty about the conflict of interests would not conflict with considerations of prudence (understood as a threshold of self-protection). That is, we assume that public officials are not putting themselves at risk by being open about the presence of a conflict. As such, public officials should:

- i. Act in the public interest;
- ii Where there is a conflict of interest, declare it.
- iii Declaration must trump the pursuit of any private or personal interest at odds with the public interest, save where such interests are concerned with basic self-protections (a clause we expect to be redundant in a liberal, constitutional order).

Is this selflessness? Not really. It is a commitment to pursue the public interest, but it is not quite as demanding as the term selflessness implies. Moreover, the unexplored term in the formula is 'public interest' - clearly this is different from officials' personal interests, but we need a perspicuous account of it if we are to avoid confusion.

## 2. Integrity

OED: The condition of having no part or element taken away or wanting; undivided or unbroken state; material wholeness, completeness, entirety. Something undivided, an integral whole. The condition of not being marred or violated; unimpaired or uncorrupted condition; original perfect state; soundness. In a moral sense - an unimpaired moral state; freedom from moral corruption, innocence, sinlessness. Soundness of moral principle; the character of uncorrupted virtue, esp., in relation to truth and fair dealing; uprightness, honesty, sincerity.

Nolan: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

14<sup>th</sup> Report: Standards Matter: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Again, taken generally (in the OED sense), this is also a demanding principle, not least for those in politics (as against public officials). Looking for a politician of 'unimpaired moral state' might be thought either (with Machiavelli) to be unrealistic and undesirable, or to clash with the principle that politicians be representative of their constituents. The OED tends to emphasise an original or pure state that is maintained unsullied. But a more plausible understanding of why we think integrity to be a virtue and why we think it might be an appropriate demand to make of those in public office, is to see it as the capacity to stick to one's fundamental commitments or principles in the face of other pressures. Intuitively, having integrity refers to a person's consistency in conduct, where that consistency derives from a commitment to a set of values or principles. A person may act well (in the sense of benefiting others or conforming to moral norms), but if she does so unintentionally or mindlessly we would not say that she acted with integrity.

Integrity concerns character. Integrity is attributed to particular people, and to their actions only as a way of pointing past that action to the character of the person who acts this way. To say of someone that she has integrity is to make a judgment not just about specific actions but also about the extent to which the act flows from commitments that are central to her sense of herself. As Bernard Williams puts it: 'one who displays integrity acts from those dispositions and motives which are most deeply his, and has the virtues that enable him to do that.'<sup>1</sup> To think of integrity as a feature of character is a way of recognising a degree of fixity of disposition - it cannot be opportunistically motivated. Someone who weighs the pros and cons of an action and decides it is easier or more profitable to stick to his principles does not act with integrity (and does not act on his principles).

Integrity concerns choice. Rote conformity does not instance the appropriate form of agency for integrity. Someone with integrity does the right thing for the right kinds of reasons. The element of choice necessary to integrity is complicated by the roles that people perform. Part of the way we judge a person's integrity is by asking how far his conduct reflects the commitments he has made in accepting certain roles, and how far he has embraced those roles with an appropriate degree of reflection upon the responsibilities they entail and the ends they serve. A man who accepts a political office that has serious consequences for the well-being of others but exercises that office in a cavalier or irresponsible manner, lacks integrity. Also, someone who accepts responsibilities that serve ends he cannot endorse jeopardises his integrity. Roles combine the right to act in specific areas along with duties to act in certain ways, so choice is thereby limited. This constraint does not detract from the agent's integrity where the role is one the agent freely chooses. If the role is freely chosen, my conduct in it must be consistent with my commitment to it; if it is not freely chosen, my integrity is judged not directly with reference to the fulfilling of the role, but with reference to my ability to resist pressures to act in ways or with consequences which I cannot endorse (where this takes into account the consequences of resistance both to myself and to those affected by the role). This suggests that judgements of integrity may be affected by the degree to which the rights and responsibilities are seen as freely chosen.

Issues of integrity also arise from the conflicting demands of different roles: for example, the politician who holds public office but who also has responsibilities to his financial backers, his electorate, his political party, his particular ideological faction, his friends and his family, where integrity concerns resolving these competing demands appropriately. The competing demands of our various roles may make it difficult to sustain integrity - but they rarely make it impossible. Integrity is not about not experiencing conflict (how we would know someone had integrity if she were never tried?). It is about facing conflict and weighing the different commitments and options and acting as she judges best respects the competing requirements. Clearly, some conflicts faced by a public official, may not be resolved in favour of the formal requirements of their role. But such conduct is compatible with integrity if they sincerely choose what they see as a greater over a lesser value.

Integrity concerns choices informed by the person's values or ends. This claim is complicated because of disputes between those who take integrity to refer to a certain continence of character and those who believe that a judgment of the ends pursued by the individual are relevant to whether or not we can ascribe integrity to him or her. The conflict can be captured by the question, could you see your bitterest political enemy as a person of integrity - and one tests the proposition by thinking the worst. For some what matters is consistency; for others what matters is the values the person is committed to. We can deal with some of the concerns of both camps by seeing that a direct appeal to the consequences of a person's actions in assessing integrity seems to take us away from the recognition that integrity involves a judgment about character. On the other hand, ruling out of the assessment of integrity information about the consequences of an act or role goes against the idea that integrity implies a degree of considered and proportionate commitment to the principles upon which one acts. Where the consequences of the act are foreseeably vile this must prompt us to ask whether they could have been endorsed by someone acting with a considered commitment to principles. This does not promptly settle the matter against death camp bureaucrats, terrorists, or professional hit-men. But, if

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<sup>1</sup> Bernard Williams, 'Utilitarianism and moral self-indulgence' in *Moral Luck* (Cambridge University Press, Cambridge, 1981), p. 49. With Williams, we should resist the idea that it is the desire to stick to one's principles, rather than the sheer commitment to one's principles which matters, since the former leads down the road to what Bernard Williams has called 'moral self-indulgence'. In distinguishing the two cases we implicitly recognise that integrity is fundamentally concerned with character rather than with particular attitudes or desires. See especially p. 48-51.

we cannot see how their principles could be endorsed by anyone who has engaged in a minimum degree of serious moral reflection, then we would also resist attributing integrity to their agency. We do not have to agree with the principle a person endorses, but we do have to think that it could reasonably be given priority over other principles, even though we do not share the same sense of its priority. On this view we have an in-eliminable element of judgment about whether the commitment from which the act flows can be said to retain its moral character given the presence of clear countervailing moral demands. The man who resists such demands out of a desire to stick to his principles (just for the sake of sticking to them), or who blocks them out psychologically to avoid facing the consequences of his actions, or who acts in the grip of a murderous passion, or who refuses to question his orders - in each case compromises his integrity. On this view I can attribute integrity to someone who acts in accordance with principles I wholeheartedly reject.

The three central elements to integrity can be summarised as follows: to say of someone that she is a person of integrity is to make a judgment about a certain consistency of character which is rooted in morally serious commitments to ends and values that are strongly enough felt to enable her to resist pressure to act otherwise. That said, there remains a question about whether we should be expecting personal integrity or role integrity. It is natural to think that integrity is a personal virtue; but it is not impossible to construe it as a requirement that comes with the role. A politician should act with integrity, taking the whole range of component of the role filled with complete seriousness and working to remain committed to the political ends to which he or she holds dear. Outside their political role they may be dissolute or otherwise wanting as a moral character, but it is at least coherent to think that integrity does not need to go all the way down – only down as far as need be for the fulfilling of the requirement of a role. That, in general, is what politicians expect of their senior civil servants. It is also something that we endorse only with some queasiness – given that the efficient, committed bureaucrat raises concerns about their conduct under authoritarian rule.

In this light, the Nolan and subsequent interpretation of this principle seems rather odd. It takes integrity at one remove. Rather than saying "by accepting office you accept the responsibilities and ends of the office as having an over-riding claim on your other commitments", both reference not putting yourself in a position in which you would fail to display the integrity that your acceptance of office demands. But we cannot want people to judge for themselves whether accepting certain financial benefits would sway their judgment in office. Essentially, the descriptors are concerned not with integrity as such, but with avoiding situations in which certain (illicit and personal) interests come to displace the public interest. In this sense the concern is with the institutional situation, not the character of the office holder.

Yet it is plausible to assume that the principles do have a substantive interest in the integrity of our public officials and office holders. We want people who act consistently with their commitments to the public domain. And we want them to act this way, not just because they will be punished if they do not, but because they are committed to acting in this way. What we want then is people who, in accepting public office, accept the responsibility to act in keeping with the terms and spirit of that office, and who have the strength of character to recognise the importance of that commitment against other competing interests, and to sustain those commitments even when under pressure. In this case, integrity is really what we want, but neither descriptor is entirely apposite.

### **3. Objectivity**

OED: The quality or character of being objective; external reality; objectiveness

Nolan: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

14<sup>th</sup> Report: Standards Matter: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Objectivity has an antonym - subjectivity. A failure in objectivity involves the influence of subjectivity. By being objective, a judgment is not being subjective - judgments are either one thing or

the other. As a principle of conduct, then, the suggestion is that there should be no subjective component in the exercise of public office. However, that negative characterisation (do not use subjective elements), while it implies that office holders should only use objective judgements, does not automatically mean, as Nolan's elaboration suggests, that one should make choices based on merit. Nolan, in effect, implies that merit is a wholly objective criterion.

Clearly, in a competitive political system, with Westminster-style party conflicts, judgments about merit are often fiercely partisan. At the same time, some appointments, such as those of ministerial advisers, are expressly free from the requirement of objectivity. This seems odd, both on the grounds that deviations from merit seem acceptable, and because it is difficult to believe that a Minister will not want the best person for the job. Even if 'best' is allowed to include a range of attributes and skills that one would not look for in a civil servant, it is surely, at least in principle, an objective matter as to whether one person is better across that range than another? And if we ditch merit in such cases, why are we so confident that it can be a matter for objective judgment in other cases?

Yet what the principle is asking for in spirit is surely right: that decisions be made on a proper basis; that all relevant information is weighed; that objectively stronger claims are recognised; and that, as far as possible, decisions are made that can claim to be reasonable, unprejudiced, and well-informed. In part the demand for objectivity is, as with other principles, equally a desire to resist subjectivity - and above all personal interests and prejudices - in the decision-making process. But the principle that choices should be made on the basis of merit is confusingly expressed as a demand for objectivity. It is not clear that Nolan intended something other than impartiality - a freedom from prejudice or bias - in the conduct of office. But the reasons for resisting impartiality (especially in an adversarial political system), such as the legitimacy in certain instances of strong partiality in building a cabinet, or selecting advisors or personal staff - are equally reasons for resisting objectivity. Another potential principle is that of neutrality - loosely, that decisions and policies in the public domain should not be justified on grounds that appeal to a particular conception of the good, or a particular morality or religion, but to reasons and standards that are neutral between such groups. While that principle is (on some interpretations) at some distance from objectivity, it does share the ambition that seems to lie behind Nolan's endorsement - namely that actions should be done for (and defended in terms of) reasons that all (reasonable) people can recognise as relevant. Of course, as with other principles, while the principle makes sense for public officials, it is not clear it applies equally to politicians.

The spirit of the principle of objectivity is pretty clear. Official (rather than political and partisan) decisions, should be taken impartially, in ways that can be recognised to have done justice to the various claims of all interested parties. That it is an extremely demanding condition - is a further reason for thinking that the principle is really a further attempt to identify the kind of 'subjectivity' and subjective interests that we want to avoid influencing a public officer's judgement. The less demanding condition - not that the decision be objectively the best, but that it be publicly acceptable could be met by ensuring that decision makers are accountable (principle 4) and that the decision making process is open (principle 5). And the still less demanding condition that officials' own interests and prejudices do not enter into their execution of their public role are captured in selflessness (principle 1) and integrity (principle 2). However, the one remaining justification for the principle is that it effectively spells out the requirement that public officials must aim for the best decision - as is more forcefully stated in the re-description given in the 14<sup>th</sup> Report - although this description is still harder to apply to political decision making. Moreover the re-description invokes impartiality - which can be met by treating people equally badly and fairness (that is also a relative term, rather than an absolute one). If the key underlying motive for the principle is as an exhortation to those in public office to see their office as carrying the obligation to make the best possible decisions for the public, then there might be clearer ways of saying it!

#### **4. Accountability**

OED: The quality of being accountable; liability to give account of, and answer for, discharge of duties or conduct; responsibility, amenableness.

Nolan: Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny is appropriate to their office.

14<sup>th</sup> Report: Standards Matter: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

The descriptors have two features: one is clearly a formal statement about the character of public office - that it is accountable; the other is that public officials need to acknowledge their accountability. In this second sense, it is effectively saying that to hold public office with integrity is to recognise a responsibility to account for one's conduct in that office.

In the first sense, Nolan's original interpretation captures a number of subtleties which many modern accounts of accountability in democratic states often miss. The normative principle is that public officials occupy a position of public trust and are accountable for the exercise of that trust. The mistake it avoids is thinking that accountability is in some way directly to the public. That mistake is made in the re-description.

Nolan's position is compatible with a formal definition of accountability as follows:

A is accountable with respect to X when some individual, body or institution, Y, can require A to explain +/-or justify their conduct with respect to X.

He couples it with the view (the second feature) that those in public office also have an obligation of accountability. Strictly speaking, neither obligation nor a number of other commonly assumed components of accountability are necessary to define accountability.

A may have an *obligation* to explain or justify (give an account of) her conduct to Y with respect to X or Y may simply have the power to elicit A's account. When Nolan says that A is accountable to Y he implies that A has an obligation to Y, but we also talk about Y having the power to hold Y to account, which is formally neutral between A having or not having an obligation. Nolan's clear view is that public office holders do have an obligation to explain their actions.

Where Nolan's original phrase about 'scrutiny appropriate to their office' comes into its own is in recognising that it is a complex matter to ensure that the way that officials are held to account supports the effectiveness of public office. For example, the beneficiary of X may (or may not) be identical with Y. We may submit our 'accounts' to Y who is acting for another party (B), or who may be (or may act for) a third party who has a responsibility to protect both A and Y/B (eg., the UK Civil Service Commission, which holds to account civil servants and special advisors, but that does so in the interests of the public and in the interests of protecting the impartiality of the civil service and resisting their politicisation in situations in which they are also accountable to Ministers - and where Ministers are accountable for their conduct to Parliament).

Y may or may not be able to sanction or reward A for her conduct with respect to X. That is, we must distinguish between cases in which Y can sanction A for failing to provide an account, even if he cannot sanction her for the content of the account she gives (as in the register of M.Ps interests in the UK, or the powers of the Independent Commission Against Corruption in New South Wales - which has significant search and seizure and investigative powers, but no powers of trial or punishment - in contrast to the Hong Kong ICAC), and cases in which Y can sanction for both. Without being able to sanction for a failure to give an account it is difficult to say that Y can hold A to account (since it vitiates the definitional component that Y can 'require' A).

Y may or may not be able to monitor A 's conduct with respect to X since Y may be able to require other bodies to monitor A, or may simply lack the capacity - which weakens the effectiveness of Y's holding A to account, but retains sufficient elements of the requirement to give account for us to acknowledge an accountability relationship - rather as in András Sajó's neat formulation: accountability is a duty to give evasive answers to uncomfortable questions...<sup>2</sup>. (The absence of monitoring is, of course, the critical component to the original formulation of the principal-agent problem - that is, there is a *P-A* problem where the *P* is unable to have perfect information about A's activity and the economic version of the problem involves ways of structuring A's incentives to ensure that, despite the lack of transparency, A acts maximally in *P*'s interests).

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<sup>2</sup> Sajó *Limiting Government* (CEU Press, 1999) 195

In each case, additional features may enhance the success with which Y holds A accountable, but they are not necessary conditions for A to be formally accountable to Y. However, the strength of the Nolan interpretation is its recognition that scrutiny be appropriate to the office. Should the person to whom A is accountable be chosen because she is a beneficiary of A's conduct or because she has the technical expertise to understand the account A gives of his conduct? Should the relationship between A and Y be horizontal - peer review - or vertical (either answerable to a superior body, or answerable to the client group)? Moreover, there is an issue of how far the accountability relationship between A and Y should be understood as formal (in terms of A complying with the rules of office), political (meeting Y's expectations concerning the outcome of the office), or technical (where Y sets regulatory standards for a group of As on the basis of technical judgements). These are extremely complex issues. Nolan's principle rightly gestures to them, but they are not easily solved. In particular, there is an issue about what kind of accountability is assumed by members of the public. It is likely that people will want direct accountability for conduct that is political in character (where the public basically makes a judgement approving or disapproving what the officer has done), and will be distrustful of other means of accountability (such as Parliamentary Commissioners, specialist bodies, and so on). But, in designing institutions, we have to be aware of the impact on the stability and probity of the institutions of government of instituting direct, political forms of accountability for officials and for all aspects of politicians' conduct. Some actions may best be judged by plebiscite, but not all.

## 5. Openness

OED: Absence of dissimulation, secrecy, or reserve; frankness, candour, sincerity

Nolan: Holders of public office should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

14<sup>th</sup> Report: Standards Matter: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

One motive behind this principle is that the more that is hidden about public decision making, the greater the opportunities for individuals to act in ways that go against the requirements of their office. If that is what the principle is directed to, then it seems to be little more than a precondition for accountability. Rather than referring to conduct (as the dictionary definition does) the elaboration seems to be directed more to the characterisation of what is expected of public office. Unlike integrity, then, but like accountability, openness would not be a virtue, but an institutional feature of public office that renders it open to policing.

One reason for resisting the idea that openness is a virtue is that we are concerned here not with someone's basic character and predisposition to sincerity or candour, but with their professional role. People who are wholly candid and sincere, and who do not see their professional roles as potentially a constraint on their candour, would, on the account given above, be lacking in integrity – failing to recognise that their chosen role could have implications for the way they act in the public domain, that would require them to refrain from acting as they would have done were they simply private citizens. Yet, someone who did show integrity with respect to their professional role, would show only a constrained sincerity or candour. This is doubtless an area in which public demands may be mismatched with the requirements of office. Even if, in fact, there is no conflict between what professional integrity demands and what candour demands, nonetheless, the public official cannot demonstrate candour. Yet that may be precisely what the public expect - candour and honesty - and the hesitation over whether it is appropriate to be candid in any given situation is, itself, likely to weaken public confidence.

It may be that it is public confidence that Nolan is essentially concerned with here. The point of openness is to ensure that there is a transparency between those in public life, and those subject to it, such that the latter are able to have confidence and trust in those who rule them. But, if this is the case, it is a problematic expectation. While it seems obvious that we should be able to trust someone who is open with us, we have to make a judgement that they are in fact being open, and trust might better be



seen as a judgement that the person is being open. So trust, rather than following from openness, looks as if it is a component of the judgement that one is being told what one needs to know. Someone who is open and sincere, but who you read to be hiding something, does not win your trust. Trust is a complex and ephemeral quality within political systems, and is the subject of wide debate within academic circles. But, it does look as if there are grounds for thinking that rather than openness generating trust, we should think of trust as a pre-condition for recognising openness.

## 6. Honesty

OED : (Prevailing modern sense) Uprightness of disposition and conduct; straightforwardness; the quality opposed to lying, cheating or stealing.

Nolan: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

14<sup>th</sup> Report: Standards matter: Holders of public office should be truthful.

Honesty and openness seem remarkably close as principles. Honesty enjoins openness, openness requires honesty. If openness is a virtue, it is one that calls for candour and sincerity - and candour and sincerity are compatriots of fidelity to the truth. Honesty, however, expressly refers to a virtue - one that concerns uprightiness of character - in a way that openness does not, since it can be seen as an institutional requirement, rather than as a personal virtue. Nonetheless, the considerations that make us wary of endorsing a virtue-related interpretation of openness also apply to honesty. The public's sense of honesty, it seems, is of a virtue of character that is essentially personal. People are either honest or they are not - and the fear for many is that public officials, especially elected public officers, are not.

Yet the Nolan elaboration does not concern itself with this deep, personal sense of honesty; and while the description seems much blunter, it can be read simply as saying that truthfulness is a rule of office, not honesty a requirement of personal character. The first descriptor narrowed the focus of the obligation to a very narrow range of behaviour - the declaration of private interests that may influence the exercise of their public duties. On this view, it becomes unclear whether honesty in relation to one's private life has any relevance for the public domain. Should a politician see herself as obliged honestly to answer questions about her personal relationships? Did President Clinton have a duty to give a full and honest account of his affair with Lewinsky? We also have to be careful about 'Catch 22' scenarios: you have no responsibility to tell the public about strictly private matters, but you must not lie, since lying is a quality that is incompatible with being a public official. This leaves officers with the option of being 'economical with the truth' - taken to be a case of lying - or with refusing to answer certain questions (which impugns openness, and leaves them open to accusations that they must be doing or not doing x if they are not prepared to say whether or not they are).

The two descriptors, then, leave open the issue as to whether honesty should be understood as a virtue (as something we want to see as part of our officers' characters), and the first demands only that it is a principle that comes into play on issues of declaration of interests. While the public are likely to agree that the latter is important, it seems that they will also work with the broader, more customary usage of the term. They want honest public officials, in the sense of telling the truth across the board. Yet there are grounds for thinking that this demand is unreasonable - there must be areas in which people have a right to privacy; and that it is inappropriate - since we do have a sense that public officials cannot bring to their professional lives a unreflecting commitment to candour and sincerity. The Nolan elaboration of the principle commits neither mistake, but by claiming honesty as a principle, it threatens to raise public expectations that are sure to be disappointed - as does the second, since the obligation to tell the truth cannot be without exception (are you planning to leave the Gold standard?)..

Honesty also raises, along with openness, issues of trust. People want their public officials to be trustworthy, and they are not trustworthy if they are dishonest, yet if we demand a wide reading of honesty (as against Nolan's narrow reading) the potential for public disappointment, and for distrust, is dramatically magnified. If the narrower (Nolan) criterion for honesty were the basis for the public's expectations it is likely that levels of confidence would be higher - but it is not likely that attempts to persuade the public that this narrower conception should be accounted honesty could be successful.

## 7. Leadership

OED: The dignity, office, or position of a leader, esp. of a political party; ability to lead; the position of a group of people leading or influencing others within a given context; the group itself; the action or influence necessary for the direction or organization of effort in a group undertaking.

(Leadership clearly is predicated on 'to lead', but the sense of 'lead', is either: to cause to go along with oneself...to guide, direct to a place, to guide, show the way to... ; or in the sense of: to precede, be foremost...)

Nolan: Holders of public office should promote and support these principles by leadership and example.

14<sup>th</sup> Report: Standards Matter: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The dictionary definition is ambiguous as to whether leadership essentially concerns taking precedence over others or a role of guidance, or of 'showing the way'. Nolan's elaboration suggests strongly the second reading, rather than the first. In this he comes closer to the idea of leadership as 'setting the pattern of action for others', or being exemplary in one's conduct. That sense of exemplary conduct without claiming precedence over others is absent in some languages. In both Poland and the Czech Republic, for example, since 1989, 'Leadership Schools' have been established, but they go under the English title, since there is no acceptable Polish or Czech term for leadership that does not imply precedence.

This seventh principle might be thought redundant. If those in public office act with selflessness, integrity and honesty, and if their institutional setting provides for their accountability, ensures openness, then they will act correctly and their actions will set an example for others. It is not clear what the demand for leadership offers, since someone who exercises her office with integrity will act in ways that are exemplary. Nonetheless, that there might be a gap between doing what you think meets your professional responsibilities to the fullest extent and ensuring that you are seen to set an example for others in so doing, moderates claims about redundancy. That difference is addressed by the revision introduced in the 14<sup>th</sup> Report.

While the principle seems unexceptional, however, there is an issue about how far it is applicable in two areas. The first concerns personal morality. It seems likely that many members of the public believe that people in high public office should act in ways that are exemplary in both their public and their private lives. The series of scandals that affected the Conservative party in the late 1980s, arising from the personal indiscretions of ministers, involved serious incursions into people's privacy. One common justification for this was the party's declared support for a traditional view of the family (so that people were seen as acting hypocritically, supporting one set of principle in public and abiding by a different set in private). Another, catch 22, justification, is the argument that even if there's nothing wrong with X, it is a well known fact that X is widely disapproved of by the public (or party supporters, etc.), so to engage in X demonstrates not that the individual is immoral, but that she or he lacks the degree of self-control and political nous that we have a right to expect of our politicians. So, although you are not condemned for your private conduct, you are condemned for not recognising that your private conduct has a public face!

The other difficulty concerning leadership is a matter of divergent expectations between political and non-political forms of office. Civil servants can be expected to behave in ways that are exemplary, with respect to the codes of conduct and regulatory mechanisms that guide their office. It may not always be easy to know how one should act, and how to act so as to retain one's professional integrity, but there is a wide sense that there are standards by which to regulate your conduct that can command a reasonably wide consensus. Politicians face a more uncertain and contested domain. The rules are fewer, and the potential for innovative action, which is precisely not guided by rules, is greater. This

means that the opportunities for leadership are in one sense enhanced - it is possible to act in ways that really do set the pattern of action for others - while also being dramatically more contested because such action takes place in a partisan arena.

One result of this contested arena is that politicians can become subject to inflated expectations for leadership. They are inflated partly because these expectations trespass on matters of private morality. But they are also inflated because politicians occupy roles that claim prominence in the community (in the other sense of leadership) and accordingly have to act in less rule-bound contexts - so that it becomes simultaneously harder to set the pattern of action for others and more expected that one should do so. It is clear from the National Centre's research that the public's conception of leadership is wide, rather than narrow, involving for some 'Being able to see the bigger picture and...using the natural channels of power for the better good at the end.' (p. 35)

## **Conclusion**

It is clear that the Nolan principles offer something like a specialised normative language that partly sets expectations concerning professional conduct in public office, and partly articulates the kinds of principles that the institutions must themselves embody. Nonetheless, in both cases, the principles are expressed in language that has wider meaning in the public domain and that may lead to inflated public expectations of those in office. The research that does exist suggests that people's grasp of the principles is broader than the precise definition used by Nolan. It also suggests that people often do not have an especially clear sense of the meaning of the principles they appeal to in discussing cases of conduct. This is not surprising. Most people are not professional philosophers and while they may have very strong intuitions about certain things, those intuitions are not easily turned into analytically precise principles. But that is one reason why principles in the public domain should be clear and should depart as little as possible from their ordinary meanings. Too much divergence breeds misunderstanding, and misunderstanding exacerbates mistrust.