

## THE SEVEN PRINCIPLES OF PUBLIC LIFE

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Department for Politics and International Relations

### INTRODUCTION...

1. Let me begin with an explanation of what you are going to hear from me tonight and what you are not going to hear.
2. You will hear an exposition of the basic approaches, the philosophy, to use that term as a layman would, of someone who is a practitioner in the business of standards in public life.
3. I do not much like those words “business of standards in public life” – promulgation of standards in public life might be a better word. But I use the word “business” to help me make a point in a moment.
4. You will not hear from an academic disquisition on the moral basis for standards in public life. But I will give you two quotations from two philosophers, one from Oxford, one from Cambridge which sum up for me what it is all about. And I will conclude with a quotation from a philosopher of life who went to neither Oxford nor Cambridge.

### WHY DO WE HAVE THE SEVEN PRINCIPLES OF PUBLIC LIFE?...

5. Let me lay out a very basic question, “Why do we have the Seven Principles of Public Life?” I am not concerned for

**the moment with the particular events surrounding the sleaze and cash for questions issues that so sullied public life at the beginning of the nineties.**

- 6. No, my concern is with the fundamental reasons why we have the Seven Principles of Public Life.**
  - ♦ What does the promulgation of those principles tell us about our society?**
  - ♦ How effective are they?**

#### **AN ECONOMIC ANSWER...**

- 7. If there are scholars of the economics of developing countries here today among you, the answer to the question “Why the Seven Principles of Public Life” would be an economic one.**
- 8. There is now a great deal of empirical evidence that political corruption, abuse of public office, bribery of public officials holds back the economic development of developing and emerging market countries and indeed hurts the poorest in those countries.**
- 9. But certainly no one in our political community would link standards of conduct in public life with our potential for economic growth. Whether there is a link, I will lead others to judge.**
- 10. I was tempted to say that economic reasons have never been used to provide a fundamental justification for the Seven Principles of Public Life.**

11. But there may be here today aficionados of what is termed public choice theory. The theory that elected politicians and appointed bureaucrats are motivated by self interest, that bureaucrats

“...are self- interested utility-maximizers, motivated by such factors as: “salary, prerequisites of the office, public reputation, power, patronage...and the ease of managing the bureau”<sup>1</sup>”

to quote Bill Niskanen, an early protagonist of this theory.

12. Now, this is deep and difficult ground, especially for a non-economist like myself. And I shall not venture on to it, except to say that a public choice theorist ought to be a supporter of the Seven Principles of Public Life, as I shall explain in a moment.

#### THE POLITICS OF A LIBERAL DEMOCRACY...

13. No, the fundamental justification for the Seven Principles goes to the heart of the politics of a liberal democracy.

14. If I was asked to quote two sentences that sum up the philosophy of the Committee of Standards in Public Life, I would give you the following, even if I take them a little out of context:

Although the dividing line between private life and public responsibilities can never be definite and clear, there is

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<sup>1</sup> Quoted from web site <http://www.magnolia.net/~leonf/sd/pub-choice.html> which quotes Niskanen, W.A. *Bureaucracy: Servant or Master?* (London: Institute of Economic Affairs, 1973).

a moral threshold which is crossed both by those who assume power to change the lives of many men through public action and by those who undertake to represent in a public role the will and interests of many other men. A new responsibility, and even a new kind of responsibility, and new moral conflicts, present themselves.

15. They are words from someone who will have taught many of you here, Stuart Hampshire, from his **Public and Private Morality**.

#### **THE PEOPLE DELEGATE POWER TO PUBLIC OFFICE HOLDERS ON CONDITION...**

16. What those words say is that the people, our fellow citizens, delegate power to public office holders

- To make laws
- To exercise the power which law gives them
- To spend public money.

And in a liberal democracy the people give that power freely with consent and without coercion. And in accepting that power, public office holders take on a special, and I would say a higher kind of responsibility.

17. But where do the Seven Principles of Public Life come in this scheme?

**18. I see them as establishing a framework of control. It is as if the people say to public office holders,**

**“Yes, you can have this power, but we insist that you wield that power within boundaries set by the Seven Principles. We will trust you with that power if you act in according to the Principles. Indeed, we expect you to lead by example, to be whiter than white.”**

**19. This mythical injunction from the people to public office holders should not be the stuff of party politics. Rather the Seven Principles help shape the arena in which party politics are played out. They are part of the rules of the game of liberal democracy.**

#### **TWO QUICK DIGRESSIONS**

**20. Let me take two quick digressions into more practical territory here.**

**21. First, I said that the Seven Principles ought not to be the subject of party politics. And that, I am glad to say, is the case in this country.**

**22. But what is the stuff of party politics are the serial allegations that this politician and that politician have indulged in some sleazy activity when in most, but not all cases, there is little fire behind some artificially engendered smoke. The result of this “tit for tatting” is to discredit the political life and to reduce trust in public office holders.**

- 23. I am therefore very glad that the House of Commons' Standards and Privileges Committee has made clear that it will not tolerate the abuse of the Commons' procedures in this way.**
- 24. My second digression is that the Seven Principles take the form of soft law – exhortatory and recommending – not hard law – legal and binding.**
- 25. But often the implementation of the Principles does involve hard law. For example, if a Scottish MEP makes and incorrect declaration of financial interests, the MEP can be subject to the penalties of the criminal law. Similarly, if a party treasurer fails to declare to the Electoral Commission donations to the party, again the criminal law can be invoked.**

#### **CONSISTENT WITH PUBLIC CHOICE THEORY...**

- 26. But let me come back to the aficionados of public choice theory. I would ask that they consider the Seven Principles to be part of the constitutional settlement.**
- 27. As such, their purpose is to constrain the self- interested utility-maximizers, who [are] motivated by such factors as: “salary, prerequisites of the office, public reputation, power, patronage...and the ease of managing the bureau” – to use the words of Bill Niskanen. In short, to guide public office holders on to the paths of civic virtue and righteousness.**

28. To which the public choice theorist would no doubt reply, “Of course, you would say that. As Chairman of the Committee on Standards in Public Life, you have an interest in making a business – that is the word that I did not like when I used it a moment ago – out of promulgating public standards. You are maximising your self-interest!”
29. Well, you cannot win arguments like that. So I assert it as a belief that today liberal democracies need the Seven Principles or something like them.

#### THE CLUB OF LIBERAL DEMOCRACIES...

30. And not just liberal democracy in the United Kingdom. The club of liberal democracies, the OECD, has done a lot of work in this area and most subscribe, either implicitly or explicitly, to most of the Seven Principles. An interesting source book here is *Trust in Government, Ethics Measures in OECD Countries*, published by the OECD a couple of years ago.
31. This book associates, and I emphasise the word “associates”, the widespread adoption of Seven Principles type philosophy to “...a substantial increase in society’s expectations regarding public servants’ behaviour and performance.”<sup>2</sup>
32. It is careful not to say that the cause of the introduction of Seven Principles type philosophy is this substantial increase in society’s expectations regarding public

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<sup>2</sup> *Trust in Government, Ethics Measures in OECD Countries*, OECD 2000, page 30

**servants' behaviour and performance. It is right not to make this link because it does not provide evidence for this change in society's expectations.**

#### **WHAT PROMPTED THE SEVEN PRINCIPLES...**

**33. Even so there is a question of why, at least in the United Kingdom, we have seen a wide acceptance of the Seven Principles throughout public life and a great burgeoning of mechanisms to give them practical force.**

**34. After all, it is not as if liberal democracy in the United Kingdom was an invention of the late twentieth century!**

**35. Certainly it is not difficult to find examples of senior politicians indulging in what today would be regarded as unethical behaviour.**

- ♦ The upright Gladstone benefited from some well-timed investments in Exchequer Funds when he was Chancellor of the Exchequer.**
- ♦ Recently, we read in the Spectator, in a somewhat polemical but well researched article, that Churchill "...may have been the greatest ever Briton, but his financial dealings would never have survived the scrutiny of today's sleaze obsessed media."<sup>3</sup>**
- ♦ And then there was Sir Samuel Hoare who accepted a retainer from the Times while a member of the Cabinet.**



36. Indeed, if you go back only a few years to the mid Eighties, when Margaret Mancuso carried out her ground breaking study into the The Ethical World of British MPs, there was clearly a good deal of ethical confusion among many the MPs that she categorised as Muddlers and Entrepreneurs.
37. I am very doubtful that this ethical confusion was a product of the 1980s. I suspect – without a great deal of evidence – that it had been endemic to British political life and was not as some like to surmise a product of Mrs Thatcher’s deregulatory, privatising Britain.
38. In short, I do not think that the emergence of the Seven Principles was the result of a sudden upsurge in sleaze.
39. I believe it was a result of what the OECD study called “...a substantial increase in society’s expectations regarding public servants’ behaviour and performance.”
40. I am not going to enter far into the debate why that happened. Yes, a more assertive, campaigning media. Yes, an Opposition Party in the early Nineties who saw that their was a rich vein of votes to be mined by categorising the government of the day and all its works as “sleazy” and supported by patronage and cronyism.

## **RISING PUBLIC EXPECTATIONS...**

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<sup>3</sup> The Spectator, Andrew Roberts, December 28 2002, page 12, The Secret of Churchill’s Gold

41. But my fundamental belief is that the Seven Principles came into being as a result of public demand. Public expectations for higher standards had increased. The demand curve for higher standards had shifted, not the supply curve for the provision of sleaze.
42. And why the shift in the demand curve? A simple unsubstantiated guess. A radical change in the nature of the relationship of the governed to the governors. But that is not the stuff of my remarks today.
43. So that is some of the fundamental background to the birth of the Seven Principles.

#### **THE NATURE OF THE SEVEN PRINCIPLES...**

44. But what is the nature of the Seven Principles?
45. Are they a statement of ethics – of the “be good” variety – or are they a statement of standards of conduct?
46. Professor Robin Blackburn once made the link between ethics and standards of behaviour in the following terms. He said:

This [the moral or ethical environment] is the surrounding climate of ideas about how to live. It determines what we find acceptable or unacceptable, admirable or contemptible. It determines our conception of when things are going well and when they are going badly. It determines our conception of what is due to us, and what is due

from us, as we relate to others. It shapes our emotional responses, determining what is a cause of pride or shame, or anger or gratitude, or what can be forgiven and what cannot. It gives us our standards – our standards of behaviour”.

37. So the journey from ethics to standards of behaviour or standards of conduct is, at least in Professor Blackburn’s terms, a short one. And it is a journey with which I feel comfortable.

47. So as I see it, it would be a mistake to regard the Seven Principles as a statement of ethical principles. They are more a guide to behaviour and conduct for holders of public office. If the holders of public office follow that guide, their behaviour is likely to be congruent with the moral or ethical environment and the surrounding climate of ideas in which the people generally aspire to live.

#### **THE SEVEN PRINCIPLES OF PUBLIC LIFE ARE A BIT OF AN AMALGAM...**

48. Having said that I have to admit that when you read the Seven Principles, they do raise some questions. That statement is not intended as any criticism at all of Lord Nolan and my other predecessors on the Committee. Their work in fashioning the Seven Principles was groundbreaking and every holder of public office is in their debt.

49. But the Principles are a bit of an amalgam. Frank Vibert of the European Policy Forum once gave me an interesting, if not original taxonomy of the Seven Principles.
50. Two of the principles could be said to be procedural. They are Openness and Accountability.
51. Two relate to performance. They are Objectivity and Leadership.
52. And three have some sort of ethical content – Integrity, Honesty and Selflessness.
53. And if you look at the rubric under each word, there is a good deal of overlap between the Principles. That is certainly true of Integrity, Honesty and Selflessness. Someone who is honest will have integrity and act with selflessness.

#### **DOES THIS MATTER...**

54. Is there overlap, circularity and ambiguity in the drafting of the Seven Principles?
55. Does this matter? Is it likely to cause confusion and to reduce their effectiveness?
56. Well, I wonder.
57. After all, the Principles have been accepted throughout the public sector and their substance, and often their exact words, has been incorporated into most codes of conduct for public office holders.

**58. But is it enough for holders of public office to understand the significance of the Seven Principles? Is it enough for what I might call the “chattering classes” to understand the subtleties of the Seven Principles? What do they mean to the people outside the Beltway, if I might use American parlance?**

**59. Here for the first time the Committee is beginning to gather some evidence.**

#### **THE COMMITTEE’S SURVEY INTO PUBLIC ATTITUDES...**

**60. My Committee has begun a survey into public attitudes towards conduct in public life.**

**61. This is new ground. Hitherto, little systematic research has been conducted into what the public thinks are the standards that should be upheld by the holders of public office. So we do not know whether the Seven Principles encompass what the public think matters.**

**62. As a first step, we commissioned some work carried out by the National Centre for Social Research, NatCen, and the Centre for Research into Elections and Social Trends, which is partly based here in the University’s Department of Sociology.**

**63. NatCen have produced a report, which sets out the findings from fifteen focus groups.**

- 64. In some in depth interviews, the groups were asked questions which fall under the broad headings, What standards and why and what behaviour and why?**
- 65. I am not going to summarise NatCen's report – it is on their web site<sup>4</sup>. Nor am I going to claim that the findings from the focus groups are representative. They are not.**
- 66. But for what it is worth, let me mention some of the findings as they concern the Seven Principles.**
- ♦ The groups' discussions suggested that the Seven Principles of Public Life encompass many of the standards which they believe should be upheld by public office holders.**
  - ♦ But the public's understanding of the scope of some of the principles is rather broader than that implied by the Committee's current definition.**
  - ♦ The most important principle appears to be Honesty, though accountability and Openness were viewed as important too.**
- 67. This is an interesting study and there is a lot of material in it. But I believe that it has provided a good basis for the next phase of the study which is to draft some questions and then to carry out a survey and produce some quantified results. So this is a space to watch.**

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<sup>4</sup> [www.natcen.ac.uk](http://www.natcen.ac.uk)

**68. When the results, are available, and I hope that this will be around the end of the year, I think that the Committee will need to step back and have a look at the Seven Principles are. And we can do that in the light of evidence.**

**69. And here is my final quotation which contains some advice which I am sure my Committee will not follow.**

**70. A philosopher of life once said.**

**I have principles. If you do not like them, I have others.**

**That was Marx, Groucho, not Karl. Not good advice if you are after an ethical public life.**

**71. Thank you.**

16/03/06 12:51