syllogism
Dukes Court
32 Duke Street
St James's
London SW1Y 6DF
www.syllogism.co.uk
+44 (0)20 7873 2217

THE CIVIL SERVICE AND ITS VALUES

Framing the issue

The values of the civil service are currently the subject of scrutiny and implied review. There are several reasons for this. One relates to the Constitutional Reform and Governance Bill announced in the Queen's Speech on 18 November – a Bill that responds to long-standing demands to place the traditional values of the civil service on a statutory footing. Another relates to the ongoing debate about leaks and whistle blowing in Whitehall.

In reviewing something as fundamental as values, the danger is of launching the argument from the wrong point – by going straight to arguments about the *content* of values without first getting the story straight about their *standing* and *purpose*. This analysis confronts that danger. It approaches the issue of civil service values from first principles, identifying their place, rationale, and limits. Having cleared the ground, it concludes by commenting on one issue of the day – leaks and whistle blowing.

Where do values fit into our ethical economy?

Values are not descriptions of the way things are. Nor do they stand on the sidelines of our conduct and reasoning. Values are fundamental standards that commit us to act in specific ways. They are also stable over time. Values are things we hold onto and surrender only with regret.

We appeal to values in order to tell us what we *should* do – to guide, justify, and evaluate conduct. But they are not merely one set of prescriptions amongst others. Values are prescriptions of a particularly powerful kind. They enjoy a privileged status in relation to other kinds of prescriptions, as well as to ordinary wants and preferences.

Values also have a defining quality. They speak to the essence of an organisation and tell us what that organisation is and stands for. An organisation that was untrue to its values would be guilty of something more than incompetence. It would be guilty of bad faith and misrepresentation.

So, it is true of values that:

- being *fundamental*, they stand apart from everyday wants and preferences;
- being *standards*, they are things we can exceed, meet, or fall short of; and
- being *commitments*, they are things we should take seriously and be true to.

How far do values extend?

We can, if we want to, invoke values in deciding what goals a government should pursue as well as in deciding what constraints should apply to its pursuit of those goals. Appealing to values can tell us what makes one goal more worthwhile than another as well as telling us how to handle conflicts between goals – for instance, between economic growth and environmental protection. Appealing to values can also tell us how decisions should be taken and implemented – for instance, how democratic they should be and what weight they should give to individual rights.

Are values simply a means to an end?

No. What unites values is that they direct us to what we should do. But that does not mean that values are all of a kind. Some impose duties upon us: we comply with them because it is the right thing to do. Others are more like directions on a map: we comply with them because experience has shown compliance to have beneficial effects. This tells us that values can derive their standing from being ends as well as means.

- *Values-as-means* are not valuable in themselves. They do not constitute an independent standard of right action and they do not place people under a duty to comply with them, come what may. Values-as-means are valuable only because of the desired states of affairs they bring about. If value B is shown to be better than value A at bringing about a desired state of affairs, A should be jettisoned in favour of B. In the context of the civil service, objectivity may fall into this category. The value of objectivity may come from a long held belief in its tendency to produce successful policy outcomes, not from the idea that civil servants are under an independent duty to be objective nor that citizens have a right to objectivity on the part of government officials.

- *Values-as-ends*, in contrast, are valuable in themselves. They enjoy independent standing and are valuable because they represent a standard of right action. They are not valuable because they are better than rival values in bringing about desired states of affairs. Again in the context of the civil service, honesty may fall into this category. The value of honesty may come from the idea that civil servants are under a duty to be honest in their dealings with others:. Honesty is something they owe those affected by their advice and decisions, come what may.

Can values clash?

Yes. Values can clash with two things. One is other values. The other is non-values.

- Values can clash with *other values* in a number of ways. Values-as-means can clash with one another if achieving a particular state of affairs requires us to choose between values: the value of objectivity in decision making might come into conflict with the value of being responsive to public concerns. Values-as-ends can clash with one another in the case of conflicts of duty – the duty to tell the truth might come into conflict with the duty to keep confidences. And, of course, values-as-means and values-as-ends come into conflict with one another in any number of cases.

- Values can also clash with *non-values*, such as preferences and wants. In the context of government and the civil service, these preferences and wants might include a desire to secure favourable headlines or to outwit a pressure group. But preferences and wants need not be self-serving in character. The desire to get a Bill through Parliament or to cut a good deal with a particular supplier may serve a clear public purpose even if it has an everyday quality to it.

Are values always controversial?

No. The idea that values are inherently controversial comes from the familiar contrast between values and facts. For some, this contrast is bound up with the idea that while we have commonly accepted procedures for arriving at facts, we have no similar procedures for arriving at values. As such, they say, we have no way of resolving disagreements about values nor of demonstrating one set of values to be preferable to another. Controversy, on this view, is part of their inner logic of values themselves.

This line of reasoning can be challenged. First, controversy is not confined to the realm of values. Much political as well as scientific argument is characterised by deep seated controversies about explanations and causal relations – and yet we do not see these controversies as undermining our confidence in the empirical method. Second, we saw before that values are not all of a kind. Values-as-means can, in principle, be tested empirically, according to their tendency to bring about desired states of affairs. Third, disputes about values are conducted at different levels. Disputes about how to *interpret* values can easily appear to be disputes about values per se: people may agree about the concept of a value but have rival conceptions of it.

Are values all encompassing?

Not necessarily. It is true that values may operate on a different plane from other kinds of prescriptions. But they are not the only prescriptions in town nor are they usually so elastic that all courses of action can be judged against them. For values to be all encompassing it would have to be true that all of an organisation's actions and decisions could be evaluated with reference to the values it espoused. But even with extensive lists of values, there are areas of organisational conduct (in relation, for instance, to questions of taste and etiquette) upon which the stated values are likely to be silent.

Do values exist in isolation?

No. When we ascribe values to actors and agencies we have in mind the place and function of these actors and agencies in the world. An account of values must fall in behind an account of place and function, not the other way around. For example, the values that inform the dealings family members have with one another are not – and should not be – the same as those that inform the dealings that a court of law has with those appearing before it. This means that any account of the values required of the civil service must begin with an account of the function and place of the civil service and government more generally.

This is not the same as saying 'anything goes' or 'context is everything': it would be hollow indeed if an organisation dedicated to wrongdoing defended itself on the grounds that it was only being true to its values. But it does mean that any account of the values required of an organisation – the civil service included – must begin with an account of what it is there to do and be. Arguments of this kind can be controversial: of any institution it will be true that there are competing conceptions of why we need it and whose interests it exists to serve. But such arguments are also unavoidable if we are to get our story about values straight.

Can values be controversial and retain their authority as values?

We have said already that values operate on a different plane from other commitments and prescriptions. They are fundamental in character and their authority rests on being seen to stand apart from more mundane prescriptions, as well as from everyday wants and preferences. It would be fatal to the standing of something *as* a value if it was widely thought to be sectarian in character – if it was thought, that is, to express nothing more than a partial or self-interested view of an organisation's underlying purposes. This means, in turn, that values must steer a middle course. They must de distinctive enough that they reveal something *distinctive* about the organisation in question or else organisations will simply end up subscribing to the same narrow set of values. But values cannot be so controversial that those they lose their binding and fundamental character – at the very least, they must be seen as expressing what the organisation stands for *whatever else it stands for*.

What view of the civil service's place and function should inform our account of its values?

There are two questions here. One is about our *conception of the state* itself – how far it should involve itself in our daily lives, what proportion of our GDP it should devote to its activities, and how far its regulatory and managerial responsibilities should extend. The other is about the *place of the civil service* within that conception of the state – and in particular where the realm of civil service responsibility ends and that of political responsibility begins.

A given conception of the state gives rise to a given conception of the values *a state of that kind* should hold dear. The values of a state whose functions are limited and regulatory will differ from the values of a state that casts itself as an assertive solver of grand economic and social problems. Values that emphasise the methodical, quasi-judicial application of rules may be better suited to the first conception. Values that emphasise creativity and the management of risk may be better suited to the second.

The complicating factor relates to the boundaries of political responsibility. Where a state is limited, the values of a limited state will pervade the political and administrative realms alike. But the values of an assertive state need not be assertive *all the way down*. There can be a division of responsibility such that creativity and risk management are seen to be things that politicians are responsible for and the methodical sifting of evidence and uniform application of rules are seen to be things civil servants are responsible for.

What is the underlying character of the traditional values of the civil service?

The traditional values of the civil service are integrity (understood as putting the obligations of public service above your own personal interests); honesty (being truthful and open); objectivity (basing your advice and decisions on rigorous analysis of the evidence); and impartiality (acting solely according to the merits of the case and serving equally well Governments of different political persuasions).

Three things stand out about these values:

- They emphasise form, not content. The traditional civil service values address themselves to the motivational probity and technical proficiency of government decision-making. They do not address themselves to what makes one goal preferable to another or to what citizens are owed by way of fair treatment and democratic regard. This, in turn, reflects the long-standing constitutional division of labour between politicians and civil servants, which holds value judgments of this kind to lie in the realm of political decision-making.

- They are not exhaustive. Considered as a matter of form, a decision could meet the requirements of integrity, objectivity, impartiality, and honesty but nonetheless be contradictory, vague, self-defeating, or unimaginative. Considered as a matter of content, a decision could meet the requirements of the traditional values but nonetheless be unfair and inhumane. There are constraints on poor decision making *of both kinds* – but these constraints lie outside the realm of the traditional civil service values.

- They not mutually exclusive. Objectivity requires a certain kind of honesty and honesty is in turn an ingredient both of impartiality and integrity. Impartiality and objectivity are themselves closely related notions – to the extent that, in ordinary usage, they are often used interchangeably.

What do the traditional civil service values tell us about its self-image?

Imagine you were placed behind a veil of ignorance and invited to guess at the size and nature of the contemporary British state by extrapolating from the four traditional civil service values. This would be no easy task: you would be as likely to picture the limited state of Northcote-Trevelyan as the extensive state of today. This could tell us one of two things:

- *Either* the self-image of the civil service (expressed through its values) remains rooted in Northcote-Trevelyan and the umpire state of the nineteenth century.

- *Or* the traditional values of the civil service continue to capture the *form* of good government but have shown themselves sufficiently elastic to accommodate profound changes to the *content* of government activity.

If the first of these positions seems harsh, the second seems optimistic. The changes in government activity since the time of Northcote-Trevelyan have been not just of degree but of kind. It would be odd indeed if the values of civil service did not reflect the profundity of this change and seek to balance out the procedural emphasis of the traditional approach.

What have the Four Ps brought to the debate?

The Head of the Civil Service, Sir Gus O'Donnell, has a vision to bring the core values of the civil service to life. This vision is for a civil service that exhibits the Four Ps of pride, passion, professionalism, and pace. The Four Ps constitute an animating spirit intended to *supplement*, not to *supplant*, the traditional civil service values. They represent "additional qualities" that coalesce to form an overall vision of civil service conduct. It is the traditional values, not the Four Ps, that will find their way onto the statute book if or when the Constitutional Reform and Governance Bill becomes law.

There has been some discussion about whether the Four Ps conflict with the four traditional values – whether, for instance, passion is compatible with objectivity and pride with impartiality. Much of this comment sounds like nit picking. It is hard to see that an intelligent person of good will really would find it difficult to be true to the traditional values and the Four Ps at one and the same time.

Indeed, one attraction of the Four Ps is that they balance out the quasi-judicial tone of the traditional values and thereby make for a more rounded *overall* set of prescriptions for the civil service to live by – a set of prescriptions that reflects the role of government as a solver of grand problems as well as a deliverer of services, rather than concentrating on its regulatory function as an applier of rules.

Has the introduction of the Four Ps concluded the debate about values?

No. The introduction of the Four Ps has not concluded the debate over whether the traditional values of the civil service should maintain their existing monopoly or whether these values should be added to. The argument for leaving things as they are is that the traditional values score well in terms of their capacity to command widespread assent and therefore to be recognised *as values* to begin with. Few, after all, would take issue with the idea that, *whatever else it exhibits*, government should indeed exhibit integrity, honesty, objectivity, and impartiality. Moreover, the fact these values lend themselves to being supplemented by the animating spirit of quasi-values such as the Four Ps attests to their flexibility and fitness for a dynamic environment. Against this, the oddity remains that the traditional values are not especially distinctive – organisations in all parts of the economy do and could subscribe to them – nor, in themselves, do they give much of a clue to the scale and complexity of modern government. As we said before, behind a veil of ignorance it would be very hard to pick out what *kind* of entity these values attached to. Certainly, they do

nothing to suggest that the entity in question prizes creativity and problem solving, however much it prizes these things in practice.

What gaps do the Four Ps fill or leave?

Before leaving the Four Ps, we ask how they fare under the three headings against which we considered the traditional values, namely:

- *Form versus content*. The Four Ps add colour and spirit to the four traditional values. But, like the traditional values, they remain focused on a style of decision-making (and engagement) rather than on what, in terms of content, makes one decision better than another. As such, they preserve the idea that value judgments about the ends of government – about what should be pursued, rather than how – belong within the *political* realm, beyond the scope of civil service values.

- *Exhaustive-ness*. We said that the traditional civil service values leave gaps in the sense that they allow poor (and possibly reprehensible) decision-making that is nonetheless faithful to those values in all respects. Are the Four Ps intended to close these gaps? Here we can only say that the notion of *professionalism* (and perhaps of *pride*) seems to be doing a lot of work in filling the gaps left by the traditional values – to the point where it is natural to ask whether there is not an ingredient to professionalism that constitutes an implicit fifth value.

- *Exclusivity*. We saw before that there are clear overlaps between the traditional values of the civil service. This may suggest that, between them, the four values draw their force from an underlying ideal of the good civil servant, being one whose conduct engenders *trust* on the part of all those she deals with, whatever else it engenders. Trust, however, springs not only from an assessment of someone's probity but of their competence: I may respect the probity of my incompetent dentist but still be unwilling to let him anywhere near my root canal filling. The Four Ps main move away from an emphasis an probity towards something that has an active and purposeful quality – though the Ps themselves appear to overlap in a number of areas.

Why is whistle blowing a difficult issue?

There are several reasons. An important one relates to ambiguities in the notion of impartiality itself. We tend to think of impartiality as bound up with the idea of uniform treatment. In the context of the civil service, this might mean one of two things:

- *Either* that civil servants should never act as though they are on the side of the government of the day.

- *Or* that civil servants should always act as though they are on the side of the government of the day regardless of its political complexion.

On the first view, civil servants should maintain a distance from the government of the day: they have no independent stake in seeing it succeed or fail. On the second view, civil servants should embrace the fortunes of the government of the day as their own: the only proviso is that they should do so regardless of its political complexion.

These views can be expressed another way. The first construes impartiality in terms of an absence of partiality towards any government. The second construes impartially in terms of a presence of partiality towards all governments. Both views meet the test of uniform treatment. In this sense, both meet the ideal of impartiality. And yet, at the level of prescription, they pull in different directions. On the grounds of serving the demands of impartiality, a civil servant may reasonably regard herself as under an obligation both to reveal and to conceal information that is politically damaging to the government of the day.