

## The Cummings affair and who owes what to whom

Take even a quick trip to your local high street and you will witness large numbers of your fellow citizens breaching the rules about social distancing. Most of these transgressions are innocent. With the best will in the world, it is near impossible to maintain separation in the aisles of a supermarket. And then there are the everyday lapses in concentration as we unwittingly wander into the event horizons of our fellow pedestrians and they into ours.

The lockdown is an exhortation to conformity, which encourages in us a judgemental spirit: if we are to do our bit, it is only fair others do theirs. We register infractions in our minds and we rank them according to their potential harmfulness. Critically, we make judgements about the intentions and states of mind of those who break the rules. We know to distinguish those who get too close by accident or circumstance from those who act with thoughtlessness or even (though this is happily rare) malice.

In these ways, assessments about credit and fault inform our understanding of what doing our bit *means*. It turns out that compliance is not something we judge using a tape measure. What animates us is a sense of whether the actions of our fellow citizens manifest a concern for our well-being, personally and collectively, or an indifference to it. We do not view the distracted parent who stands next to us in a queue as having failed to do his bit, however close he happened to get. In contrast, the single-minded jogger, who expects us to make way for her as she steams along the pavement, does not strike us doing her bit, even if (in the event) we come nowhere near one another.

So, we moralise social distancing and distance itself. Important questions follow from this. How far is our obligation to comply with the lockdown bound up with the extent to which *others* comply with it? Does our obligation strengthen or weaken according to whether we live in a world of mass compliance or one of mass non-compliance?

Some say that in a world of mass non-compliance, all bets would be off. You would be released from the obligations you were otherwise under. There is no requirement for you to show others concern if they show no concern for you and likewise no requirement for you to incur the sacrifices compliance demands if others are unwilling to do the same. Beyond this, mass non-compliance would almost certainly mean the virus taking hold across the population as a whole. In that case, your personal contribution would no longer make any difference to the spread of the virus. With the pandemic ship having sailed, to continue making the sacrifices compliance demands of you would be an exercise in futility not to say self-destruction.

And yet this argument is flawed, for five reasons. First, our moral integrity requires us to attend to our own house and make sure it is in order: the fact others are behaving badly does not license us to behave badly as well. Second, the sacrifices social distancing requires of us

are on a sliding scale: severe in the case of businesses that stand to go bust because of them, trivial in the case of strollers out in a park. Only certain categories of compliance impose true hardship. Third, the claim that your personal contribution does not make a significant difference to the overall outcome is true in a world of mass *compliance* as well as one of non-compliance. You are but one among millions. There is a good chance you will neither get the virus nor pass it on. Doing your bit means just that: doing *what you can*, in the circumstances in which you find yourself, whether it ends up bringing tangible benefit to others or not. Fourth, appearances can be deceptive and evidence contradictory. You may be mistaken in your belief that a state of mass non-compliance exists, in which case you no longer have the get-out clause you thought you had. Fifth, you should not dismiss your ability to change the actions of others through your own conformity to the rules: others might take inspiration from your compliance and view you as an example to be followed.

Some arguments go the other way, even where there is mass compliance. The demands of the lockdown do not outweigh any and all moral claims that bear upon you. Preventing harm to life and limb may very well require you to breach social distancing, regardless of how many others are complying with it.

The underlying shape of the obligation we have to comply with the lockdown starts to become clearer. It is horizontal in character, owed by one citizen to another in the name of safeguarding the lives of people we almost certainly have no personal connection to nor interest in. In return for my acting like your mother's life matters to me, I expect you to act like my mother's life matters to you.

And yet the lockdown rules were handed down from above, by the government. This gives them the appearance of being commands whose authority derives from their *source* as much as from their *content*. Conceived as commands, the lockdown rules position citizens in a vertical relationship with the government and render the integrity of that relationship the determining factor in whether citizens are under a requirement to do as the government tells them. From here, it is a short step to the idea that if the integrity of the vertical relationship is damaged – say, by a member of the government appearing to break the rules it has laid down for the rest of us – the obligations citizens owe to the institution of government itself thereby weaken. The sense of government being an extension of the governed – cut from the same cloth, bound by the same sense of right and wrong – is central to the trust on which its authority rests. Breach that trust and we are no longer willing to take the government's word for it. That is what authority is: the suspension of disbelief.

Of course, to say that of a government that it is no longer a source of authority in its own right is not thereby to say that anything goes. We do not need to have a high opinion of the government of the day to know we should refrain from harming others or polluting rivers. These things are wrong in themselves. In judging individual policies on their merits – rather than taking the government's word for it across the board – we are having to size up the credibility of those who are seeking our acquiescence. In doing so, we know that governments do not disclose all of the truth, all of the time. For any given policy, there is an inside story known to ministers and civil servants but not to the general public. This habit of holding back information is deeply ingrained in the machinery of government. In times of war, secrecy is a necessity. In times of peace, it can be an instrument of political manipulation.

The thought that government policies owe their content to information withheld from the rest of us puts us on alert. We look for chinks in the armour of those who govern us, signs they know something we do not.

When commentators and politicians claim the obligation to comply with the lockdown rules is undermined by the notion that Dominic Cummings broke those rules himself, they are appealing to these arguments both about the source and the content of the rules. They are saying the source has been tarnished and the vertical relationship between rulers and ruled thereby impugned. And they are, wittingly or otherwise, playing on the suspicion that the lockdown rules themselves may not be all that they seem. Perhaps there is a back story, a treasure trove of hidden data, that those in-the-know are acting on in their personal lives

The clamour for Cummings to resign may, then, be the product of sophisticated reasoning. Or it may be something quite different – a moment of moral panic directed towards an unsympathetic target. The obligation to comply with the lockdown rules should not be understood as something *we owe the government* as though that is where the obligation begins and ends. As we have said, the obligation is best understood as being horizontal in character: one that citizens owe one another rather than subjects owe the institutions of the state. If that argument is right, our compliance with the lockdown rules is not something we may legitimately withhold according to how particular members of the government conduct themselves. To see this, imagine the Chief Medical Officer were to issue guidance warning parents of the dangers to their children of passive smoking only for it to be revealed he had been smoking in front of his own children all along. Would we really think the obligation to protect our children was weaker after the revelation than it had been before? Would it really make sense to express our diminished regard for the authority of the Chief Medical Officer by putting our children at risk?

It might be argued here that the analogy between the Chief Medical Officer (in respect of our hypothetical example of passive smoking) and Cummings (in respect of Covid-19) is false. After all, the dangers of passive smoking are well documented and command scientific consensus. Anyone who ignored the evidence of these dangers because of the apparent hypocrisy of one authority figure would be acting irrationally. In contrast, scientific understanding of the workings and dangers of Covid-19 is in its infancy. This being so, a special burden falls upon Cummings and others in the public eye who are in the business of formulating guidance on how we should behave in the face of the pandemic – and who have privileged access to data both about the virus itself and about the behavioural assumptions on which government policy rests – to lead by example. It is for them to give confidence to the public, recognising that any departures from the highest standards of conformity on their part will, because of their visibility and significance, have a knock-on effect on public compliance. If those in-the-know appear not to be taking the science seriously, it sows seeds of doubt among the rest of us. Uncertain times call for a steadiness of conduct among those in positions of responsibility, not for a flirting with grey areas.

Whether Cummings is a hypocrite or an incompetent or both or neither or something else altogether is relevant to whether he is fit to hold high office. It is entirely irrelevant to the mortal danger we ordinary citizens have it in our power to expose one another to or to shield one another from. Nothing about the trip Cummings made to Durham changed the facts of

Covid-19 and the conduct those facts demand of us, not as subjects relating to government but as citizens relating to one another. We need to look beyond the person of Cummings, and the opportunity to discharge our anxiety and frustration by knocking him off his perch, towards the heavy responsibility each of us bears in these life and death times. Now is not the moment to retreat into conspiracy theories nor into the infantilised theatre of blaming and shaming as if these things were an end in themselves.

The Cummings affair has sparked a deep moral confusion amongst those who otherwise regard themselves as intelligent and reasonable people of good will. They have confused horizontal and vertical obligations. They have mixed together claims that trace the authority of a rule to its source and those to its content. And they have imposed the unedifying spectacle of political knockabout on a virus whose capacity to cut life short cares nothing for the career prospects of a prime ministerial adviser.