'Dupes to the love of duping':[1] Coleridge and Ethics in Government Communication

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THERE IS A PARADOX, evident in Coleridge's time as well as our own, that where governments behave more transparently public trust often diminishes.[2] Coleridge's experience as acting Public Secretary on Malta, encouraged him to investigate the connection between public trust and the integrity of government communications. His reflections on the manipulation of public opinion in four major essays on the communication of truth in *The Friend* [3] are of critical relevance to a modern audience and furnish fruitful possibilities for reforming the modern protocols guiding government communications in the UK.

Official information

In common with modern bureaucrats Coleridge used information for many purposes: to advise individuals on how to avoid risk, how to access government services, or to advise on rights and liabilities. Nowadays, information may also be issued to inform a public consultation. This article is concerned with official information that is deceptive or disingenuous, that is, information that is concerned either to limit knowledge or to distort information in order to alter behaviour or opinion. Information may be regarded as deceptive or misleading not only where it is known to be inaccurate[4] but also where it lacks objectivity, or is deliberately incomplete. Thinking of the character of Blifil in *Tom Jones*, Coleridge warned in particular against '*Tell-truths* in the service of falsehood… .'[5]

Modern examples of misleading information include, most notoriously, the claims made concerning Iraq's weapons capability in the British intelligence dossier released immediately prior to the second Iraq conflict. The Conservative Party's disingenuous pre-election commitment to end further top-down re-organisations of the NHS when plans to re-organise were already developed has also caused a political furore.[6] In March 2012 a British minister caused the panic-buying of petrol for the political purpose of undermining any

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1 Coleridge, S. T. *The Friend, The Collected Works of Samuel Taylor Coleridge*, general editor Kathleen Coburn, London: Routledge & Kegan Paul, Bollingen Series, 1969, 41.

2 Onora O' Neil in Hood, C., and Heald, D., (eds) *Transparency-the key to Better Governance?* Oxford: OUP, 2006.

3 *The Friend*, above n.1.

4 What can be identified as true is, of course, problematic. A statement may be assessed for its truthfulness against reality, but this only poses the further question about how reality is identified. A fact may be true if it can be verified. Again, verification may be problematic since verification may rely upon existing ideas or assumptions that may themselves be questioned. For the purposes of this article truth will be defined as Coleridge defined moral truth (*The Friend* I, 42) where the communication must correspond to the thoughts of the communicator in the sense in which he or she expects them to be understood by others

5 *Friend* I, 49.

6 Michael Portillo later admitted that the Conservatives feared that full disclosure in their 2010 manifesto would have weakened electoral support: http://www.bbc.co.uk/news/uk-politics-12250186, 21st January 2011. The Coalition Agreement is similarly reticent: and might have been seen by Coleridge as a '*Tell-truth* in the service of falsehood': see *Friend* I, 49.

public support for a trade union contemplating industrial action.[7] One commentator has remarked, "Inauthenticity hangs over British politics like smog".[8]

Experience in the United States hardly differs. During the 2012 US Presidential Campaign truth has become a central controversy in the contest. A member of one party has stated that campaign messages need not strictly be accurate. The campaign will not be "dictated to by fact-checkers".[9]

Political Crisis on Malta

When Coleridge held public office under the Civil Commissioner,[10] Sir Alexander Ball, the British administration faced a deep political crisis inflamed by its ill-judged or poorly executed policies.[11] The crisis, which eventually culminated in incidents of open revolt,[12] de-stabilised the government. As matters deteriorated, and the Maltese elite complained to the Secretary of State in London about the Civil Commissioner, his failed policies, 'tyranny' and 'thundering vengeance',[13] it became evident that Ball was conspicuously failing in the central strategic goal assigned to him: to be popular and "attach the Maltese to British rule".[14] As he attempted to address this, Ball came to regard Coleridge as a useful communicator who, in Ball's opinion, could restore his government's reputation for just administration and administrative competence. Unlike his superior, however, Coleridge realised that the use of "spin" raised profound questions about the relationship between citizen and state. Coleridge suspected that political dissent became more inflamed even as the British administration intensified a propaganda campaign designed to regain public trust.

Almost as soon as he assumed office he began to engage with the genuine dilemmas surrounding methods of identifying and vindicating the public interest. "Wherein" he asked, "is Prudence *distinguishable* from Goodness (or Virtue)—and how are they both nevertheless one and *indivisible*".[15] In substance, he was asking whether effective government could only be conducted within an ethical framework, or whether effective, practical politics intended to achieve the common good sometimes justified deception.

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[7] The government's explicit political motive was disclosed in a leaked memo in which the strike was hailed as the "Thatcher moment" of the Coalition: see *The Telegraph*, 30th March 2012; also, *The Guardian*, 31st March 2012. Public anger turned on the government.

[8] Charles Moore, *The Telegraph*, 30th March 2012;

[9] Neil Newhouse, reported in *The Telegraph*, 4th September 2012. His objections is that the 'checkers' have their own agenda is not wholly reassuring.

[10] In English law a civil commissioner has identical powers to a governor. The former title is used where the status of a territory in international law is not resolved. Uncertainty affected British possession of Malta until 1813. Ball held the office of Civil Commissioner on Malta from 1802 until his death in 1809.

[11] See generally Hough B., and Davis H., *Coleridge's Law's : A Study of Coleridge in Malta*, Cambridge: Open Book, 2010.

[12] A large demonstration protesting at the recently permitted Jewish immigration targeted the British government offices in May 1805: Ball to Windham, 28th February 1807, Kew, CO 158/13/19.

[13] Eg., Memorial and Petition of the Maltese (unsigned and undated) Kew, CO158/10/151.

[14] Secretary of State to Ball, 9 June 1802, Kew, FO 49/3/51.

[15] Coburn, K., *The Notebooks of Samuel Taylor Coleridge 1804-1808*, New York: Bollingen, 1961. 2412 21.577, 23rd January 1805. (Emphasis in original)

As we shall discover, his eventual conclusion was that using government information to "spin" a way out of the crisis was not only incompatible with effective and just government, but that it also aggravated the increasing friction between government and the population. In four major essays in *The Friend* he argued that long term public interest goals and effective administration could only be vindicated if government acts within an ethical framework.[16]

Coleridge's Laws and Public Notices

Coleridge's laws and public notices not only include new rights and obligations—the typical business of laws properly so called[17]—but also a preamble or other textual material that attempted to justify the enactment of that law in terms preferred by the British administration. For example, a new tax that controversially breached the Maltese Constitution was presented to the inhabitants as a measure designed to protect popular Maltese causes.[18] Coleridge aimed to generate a particular public belief as to why the tax was necessary. "Wishing therefore to increase support for so many poor families [a wine tax will have to be imposed and] as soon as he is able, His Excellency shall not neglect to give the necessary help to places of worship, and to religious foundations."[19] Political opponents wishing to challenge the constitutionality of the new tax would have to make a case both against restoring the looted wealth of the Catholic Church (which Ball claimed that he wanted to replace[20]) and aiding the destitute who would receive a restored income. The laws were, in other words, not only expressions of political choice, but contained political advocacy that purported to justify, in the eyes of the Maltese, why the British administration acted as it did. This political advocacy was designed, of course, to persuade the Maltese to accept policy that would otherwise have been regarded with hostility. This technique undoubtedly appeared to Ball to be astute, effective politics.

If the justificatory text had been objective, comprehensive, and accurate it would have been unobjectionable. However, the surviving records reveal many instances of this and other disingenuous representations.[21] Coleridge would later describe this behaviour as a "pious fraud". [22]

The Phillis Review

The loss of faith in government, public institutions, and the democratic process, as well as the breakdown in trust that Coleridge witnessed was also identified by Sir Robert Phillis when he examined modern practice in

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[16] *Friend*, I, 34-66, Essays V, VI, VII VIII.

[17] Notices and Proclamations (Avvisi and Bandi respectively) were used to promulgate new laws.

[18] LIBR/MS 430 2/2 Bandi 1805 AL 1814, 2, 8th March 1805.

[19] LIBR/MS 430 2/2 Bandi 1805 AL 1814, 2, 8th March 1805.

[20] No action was ever taken to do this: Bonnici, A., 'A Debt that was Never Settled', 1988 X *Melita Historica* 127.

[21] For example, Coleridge's statement that a Maltese law of 1801 made it an offence to sell any goods, including bread, to deserting soldiers was incorrect. The law in question prohibited soldiers from selling their equipment! Coleridge's deception was no doubt intended to intimidate any sympathetic Maltese who might otherwise have aided the absconders: Avviso, 5th August 1805, LIBR/MS 430 2/2 Bandi 1805 AL 1814 f18.

[22] *Friend* I, 37.

government communications, including the role of special advisers (popularly known as "spin doctors").[23] His report concluded the result had been a disillusionment with politics in certain parts of society, most notably the young and certain ethnic groups.[24] If this were to be reversed, Phillis concluded that the reliability of government representations had to be restored. Each of the Committee's recommendations was designed to "restore trust in, and the credibility of, government communications."[25]

This conclusion closely reflects Coleridge's Malta experiences where the government's reputation and popularity were in dangerous decline notwithstanding Coleridge's extended propaganda campaign. As we shall see below, both Phillis and Coleridge understood that the problem could only be resolved, and trust re-built, if the public could trust the reliability, accuracy and integrity of government information. However, Coleridge in his seminal contribution in *The Friend*, went further than Phillis in furnishing an assessment of the extent of the obligations that truth telling in government entails. This is discussed below.

Phillis recommended various detailed reforms which fall outside the scope of the present article. Suffice it to say that after Phillis major problems remained. How far civil servants and, most notably, special advisers should ensure the accuracy, comprehensiveness and impartiality of information remains of primary interest for present purposes. I now turn to the deficiencies in the conventions that regulate their communications.

Propriety Guidance, Ministers, Civil Servants and 'Spin Doctors'

The modern ethical framework guiding government communication is complex, poorly drafted and ineffective.[26] One problem is that different political actors are separately regulated and, in the case of special advisers this regulation comprises ethical obligations that conflict.

Ministers are bound by the Ministerial Code 2010 to give accurate and truthful information to Parliament. If a minister knowingly misleads Parliament they should tender their resignation. But this is not all because Ministers and civil servants are each expected to respect the Propriety Guidance on Government Communication promulgated by the Cabinet Office. This governs all government communications with the public, including paid advertising on television or radio. The Guidance, which at its core requires objective and explanatory communication, attempts to differentiate between illegitimate party political propaganda, on which taxpayers' money should not be spent, and legitimate government communication. The Guidance essentially comprises four basic conventions. These state that the

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[23] *'An independent Review of Government Communications'*, 2004 p.6 http://www.ppa.co.uk/legal-and-public-affairs/ppa-responses-and-evidence/~/media/Documents/Legal/Consultations/Lords%20Communications%20Committee/final_report.ashx last accessed on 6th September 2012.

[24] *Ibid.*

[25] Phillis Review, p.31.

[26] There were no normative standards on Malta during Coleridge's period in office.

communication:

> should be relevant to government responsibilities;
> should be objective and explanatory, not biased or polemical;
> should not be—or liable to be—misrepresented as being party political; and
> should be conducted in an economic and appropriate way and should be able to justify the costs as expenditure of public funds

This Guidance is founded on an unattractive distinction between party and government communication, because the application of an ethical standard is triggered by the source of funding for the publication. Party communications cannot draw on taxpayer funding, which places them outside the ethical framework. This implicitly suggests that a politician's party political messages can be indifferent to truth and even misleading. The wide opportunity for "spin" in election manifestos is thus immediately apparent. There is a further matter of concern. It asks whether members of the public are sufficiently sophisticated to understand that what a minister states in an official capacity is required to be objective and explanatory, but what that same politician says during an election campaign is not? This ethical framework surely assumes a degree of sophistication on the part of the public in being able to differentiate government information properly so called from the party political utterances of politicians when, in some instances, the communications emanate from the same political actors.

As we shall see, Coleridge would have rejected the party/government distinction since truth telling is a duty we owe to ourselves as moral beings. Communicating truth ought not to be a duty that individuals perform in one capacity and omit in another. "[I]t should be the wish and design of the mind to convey the truth only..."[27]

The further problem is that the distinction between party political publicity and policy explanation is impossible to draw with clarity. A policy which is successfully implemented and communicated to the public as government information confers political advantage on the governing party. In other words, effective communication of a successful policy reaps political benefits.

The further objection concerns the second convention which states the required ethical standard. It states that information, "should be objective and explanatory, not biased or polemical." Coleridge would have regarded his as too narrow because, in his view, information should be comprehensive, intended to communicate truth and must be expressed in terms that successfully communicate that truth.[28] In other words, the communicator must not only convey the whole truth, but intend to do so. In their current form the conventions do not emphasise the necessary intention on the part of the communicator; they omit the imperative of conveying truth, and do not have

[27] *Friend*, I 44-5.
[28] See *Friend* I, esp., 44-5.

regard to the capacity of the audience.

There is the further problem of the special adviser. Weaknesses in the organisation and effectiveness of government communications led the Labour government from 1997-2010 to rely increasingly on special advisers. The Coalition has continued this practice. The special advisers have a range of tasks. They might prepare draft policy documents that reflect the views of their minister's own party. They liaise between minister and party in order to communicate the government's policies to ensure wider support within the party. They also help with speech writing, adding party political material to speeches initially drafted by civil servants. Their media handling role also allows them to represent the minister's views to the media including providing a party viewpoint. The essential charge against special advisers is that they use information tactically and use persuasion techniques not open to civil servants.

The rules under which special advisers operate are fundamentally contradictory. On the one hand they must observe the Civil Service Code which, as a core obligation, emphasises impartiality. This is defined as "acting solely according to the merits of the case".[29] However, the Special Advisers Code of Practice 2009 contradicts this. It specifically exempts special advisers from the general requirement that civil servants should "….behave with impartiality and objectivity" [30] albeit that they should not knowingly mislead either the public or Parliament. The rules thus lack coherence. If the exemption from the duty to act impartially or objectively means anything it is must signify that special advisers can promote one viewpoint and suppress others, which many observers might regard as misleading. The incoherence of these rules creates a wide margin of opportunity for manipulation of public opinion and behaviour.

Coleridge's Essays on the Communication of Truth [31]

Coleridge understood that government communication is not a matter of moral indifference. The paramount duty of the communicator is first, to preserve his own moral integrity [32] and secondly, to respect the dignity and humanity of their audience. Integrity involves the morally informed conscience, in particular the communicator's awareness of how the message will be understood. We are obliged "not to *convey* falsehood under the pretext of *saying* truth (emphasis in original).[33]

Communications should be true (the whole truth being required) in the sense that the communicator should intend the message to correspond to his or her thoughts. Moreover, government information should be intended to *convey* truth having regard to the capacity and capabilities of the audience. If the audience is misled the reason for this should lie with the audience rather than

[29] Civil Service Code, 2010.

[30] Code of Conduct for Special Advisers, 2009, para 4.

[31] Above n 16.

[32] *Friend* I, 45.

[33] *Friend* I, 48 and Coleridge further insists that the communicator must have regard to the dignity of the audience and the timing of the communication.

the communicator.

These injunctions go beyond the modern propriety conventions, which with their emphasis on objectivity, are predominantly concerned with veracity and the alignment of the communication with the factual record. For example, the requirement to provide objective, explanatory information is not as comprehensive as an obligation to convey the whole truth taking into account the timing of the message and the capacity of the audience.[34]

Coleridge's denunciation of "pious frauds" explicitly rejected utilitarian theories of government. A good cause could neither be defended nor advanced by ill means,[35] which invites us to look critically upon British policy on Malta. His period in public office had led Coleridge to identify the central contradiction in permitting government to provide misleading information as an expression of the general welfare. Spin or, in Coleridge's terms, "falsehood", meant a breakdown in trust, the publicly expressed resentment of politicians and challenges to the legitimacy of government. He saw resistance in these circumstances as morally permissible, because the duty to obey government embraced only acts that an individual would reconcile with individual conscience, which meant that obedience could not be taken for granted when inhabitants found themselves to be duped.[36] "The meanest of men feels himself insulted by an unsuccessful attempt to deceive him; and hates and despises the man who had attempted it." [37]

Coleridge anticipated the charge from political actors that conscionable, ethical engagement with the public would be "alien from the actual business of life".[38] Nonetheless, he insisted that adherence to public law standards would be the only means of delivering effective public administration and that truth telling was required regardless of consequences. He condemned politicians who used manipulative techniques to "shift off" short term political crises[39] to avoid inconvenience because it undermined the authority of the politicians concerned.[40] Contrary to Ball's assumptions and policies his government's communications practice had not restored the authority of the British administration, nor ensured effective public administration.

Coleridge accepted, however that, exceptionally, incomplete statements could be consistent with ethical obligations. This was so if only a partial exposition of truth was practicable, for example, where information was technical or complex. But in modern times practical limitations also arise because of the nature of the communications medium. Many politicians communicate with the public via the mass media in a relationship that is not

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[34] Jo Moore's memo suggesting that it would be a good day to bury bad news was written at 2.55pm on September 11th 2001, whilst public attention was on the terrorist attacks in New York and Washington. The public outcry at Moore's apparent cynicism was instrumental in the creation of the Phillis Review in 2003, see above n.23.

[35] *Friend* I, 37.

[36] *Friend* I, 120.

[37] *Friend* I, 39.

[38] *Friend* I, 152.

[39] *Friend* I, 152.

[40] "… no real greatness can long co-exist with deceit.". *Friend* I, 41.

unproblematic. The pressures exerted on politicians by journalists in conveying a political message "in 15 seconds"[41] would also be an occasion where comprehensiveness (but not accuracy) would necessarily be sacrificed.[42] Conveying truth in such a media friendly manner entails skills going beyond honesty and integrity.

Coleridge thought that the possibility of conveying incomplete information was, however, subject to a number of further caveats. These were that the information released must not mislead by being incompatible with the undisclosed, complex information and the communication of the selected information must be required by the public interest or, in his terms the importance of the communication. There is, of course, scope for disagreement about precisely what communications he envisaged as sufficiently important under this exception.[43]

There is also an argument that Coleridge might have gone further in contemplating other ethical but misleading communication. For example, he omits a consideration of other competing policy goals such as national security which may sometimes permit incompleteness or even public deception. Misinformation to confuse an enemy in war time might not be regarded by many observers as an unethical practice; [44] and there may be scope for further debate about whether, and in what circumstances, truth should sometimes yield to other values.

Conclusion

The principle that government (but not party) communication should be assessed according to certain ethical standards, regardless of the medium it uses, and whether emanating from a civil servant, special adviser or minister, is conceded in the UK. Coleridge's contributions to the possible future development of this framework lie first in his understanding that truth telling is a universal moral obligation, (which would naturally embrace party political messages). Secondly, his exposition of the obligations truth telling entails allows us to see more clearly the weaknesses in the modern propriety conventions. Finally, there is his understanding that truth, as he defined it, is a *sine qua non* of effective public administration, as well as a moral imperative. Truth telling, in the sense of conveying a thorough and not an imperfect understanding taking into account the audience should be an axiom of political and public morality. The modern propriety conventions fall short of this standard and should be redrafted in order to renew trust in government.

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[41] Phillis Review at p.27.

[42] Coleridge's moral law extended the same ethical standards on truth telling to journalists. He might well have agreed with Phillis that "[t]he obsession with personalities, the search for conflict, the desire to tell the story in 15 seconds and a cavalier approach to the truth all stand in the way of politicians communicating with the country at large." See Phillis Review at 27.

[43] *Friend* I, 44-45 *et seq*.

[44] See E.g. the statement of the Prime Minister to the House of Commons on 6th June 1944 that the allied landings in Normandy were merely the first in a series of landings on the enemy coast. The suggestion that later landings in other locations were planned was a deliberate deception intended to delay the re-deployment of enemy forces into the disembarkation zone. HC Deb 06 June 1944, vol. 400 cc1209-10.

Coleridge's experience of propaganda in such matters as the wine tax taught him that ethical communication changes political culture in profound ways. It makes it more difficult for government to disguise policies designed to prioritise the interest of one of a number of powerful groups in society and successfully present this as action taken for the common good. Coleridge's conception of truth, if adopted, would weaken the influence of vested interests and restore a faith in a culture of politics that wishes to re-invigorate a democratic society in order to pursue the ideals of equality, social rights, freedom, and justice. For Coleridge, however, the experience of government had been so unpleasant that he declined Ball's entreaties to continue service in an alternative post:[45] "… tho' no emolument," he wrote to Stuart, "could ever force me again to the business, intrigue, form and pomp of a public situation, yet beyond doubt I have acquired a great variety of useful knowlege, quickness in discovering men's characters, and adroitness in dealing with them / I have learnt the inside character of many eminent living men / & know by heart the awkward & wicked machinery, by which all our affairs abroad are carried on."[46]

[45] Wordsworth Trust, Grasmere, manuscript WLMS A/ Ball, Alexander, Sir/2.
[46] To Daniel Stuart, 22nd August 1806*, Letters* II 1178.