The 2024 Elson Ethics Lecture

Can ethics be part of political culture?

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It is a great pleasure to have been invited here this evening to give this talk. It must be around twenty years ago that I first attended a St George's House conference and I have much enjoyed debates and discussions here helped by its relaxed setting. In preparing this talk a former politician, it has provided me with an opportunity to reflect on the role ethics and ethical standards play and need to play in our political culture and the extent to which they may currently be changing and some argue have been eroded. I want to consider this with you and what might usefully be done to support and improve them in politics and government.

I need to emphasise at the outset therefore that this is not intended to be a talk about philosophical principle. I am not qualified to lead it. Ever since Socrates, Plato and Aristotle started the discussion on how and why moral principles which govern a person's behaviour should be part and parcel of the wider life of the "polis" as much as of personal life, there have been numerous differences of view expressed as to what those principles should be and how they should be applied. Aristotle's emphasis on the need for the individual to develop "greatness of the soul" in their ethical make up, has been interpreted over time in widely divergent ways. For Thomas Aquinas it was merged with the Christian "summum bonum", God's love for all, the furtherance of the common good. For Nietzsche, ethical duties were defined by the rights to develop self affirmation through a "will to power". This may not necessarily have been intended by him to be for the oppression of others, but it is easy to see how this can and does happen as a consequence.

The business of politics and statecraft has always exposed the tension between the power to act and the common good and thus attracted controversy. The acquisition, exercise and maintenance of power over others involves the use of a range of skills which may be deemed worthy or unworthy according, at least in part, to whether the end can justify the means. Machiavelli's assessment of the Prince's need for a mastery of the darkest arts of politics, in order to achieve political success and then hold on to power, has stood the test of time and given any involvement in politics an unsavoury tinge for the moral purist or liberal philosopher. Sir Isaiah

Berlin described the work as "a handbook for gangsters". But a reading of Machiavelli's Discourses on Livy's History of Rome, which are far less well known, suggests he understood well enough that a worthy moral aim linked to the furtherance of some public good, was preferable as a justification for political actions than entirely amoral self interest, even if he was plainly fascinated by the latter.

This is the template by which, until the advent of the Black Lives Matter movement, we have tended to judge the statesmen and stateswomen of history. Success in the furtherance of a country's rise to power, its prosperity and survival has been assessed according to the standards of the age in which it occurred. Politicians have to survive to succeed. Sir Robert Walpole, as our first Prime Minister, is remembered for his long mastery of politics, the economic growth under his premiership, the development of cabinet government and an effective working relationship between Crown and Parliament rather than for the corruption and venality which were some of the key instruments of his method and success. Lloyd George has been appreciated for his leadership in World War I and as a social reformer, despite selling honours for personal and political gain. No one has yet suggested removing the bust of Aneurin Bevan from the House of Commons despite the very strong evidence that he committed perjury in a libel action over an article that threatened his career-something that has seen other politicians end up in prison with their political careers destroyed. Even Abraham Lincoln, long regarded in the United States as the epitome of integrity in politics, resorted to offering federal salaried sinecures to Senators and members of the House of Representatives to get his bill abolishing slavery through Congress. And as the current Archbishop of Canterbury pointed out during the scandal over the original source of payments for the refurbishment of Mr Johnson's private apartment at Number 10, past Prime Ministers, including Churchill, were assisted financially by well wishers in an age when the consequential obligations that might arise from these gifts were considered manageable and acceptable and certainly did not require them to be declared in a public register-a point our current Prime Minister who has just done something rather similar, albeit that he did declare the gifts, might long to hear repeated, despite his having previously been very critical of Mr Johnson's behaviour.

As the United Kingdom has no written constitution, there have been, until the 20th century, no enforceable rules outside of the standing orders of the House of Commons and Lords and their status as courts, as to how either ministers of the Crown or MPs should behave; apart from the constraints of the general criminal law and contempt of court. All ministers, of course, are servants of the sovereign (until the late 20th century every summons to a Cabinet meeting was

to "a meeting of the King or Queen's servants") and they are sworn on oath or affirmation to allegiance, as are MPs, Judges, police officers, clergy of the Church of England and holders of other crown offices which carry with them the burden of helping the sovereign discharge their Coronation Oath. This requires the Sovereign to govern in compliance with the laws and customs of the people, deliver Law and Justice in mercy and maintain the laws of God and the true profession of the Gospel. The new preamble makes clear that this true profession of the Gospel requires the fostering of an environment in which people of all faiths and beliefs may live freely. All legal statutes must be passed with the approval of Parliament, which has the right to hold ministers to account for their actions and by convention but not law, no Prime Minister should remain in office if he loses the confidence of the Commons.

As someone who has been sworn of the Privy Council and had, kneeling on that occasion, to kiss the late Queen's hand, I can say that the experience delivers a powerful message about one's role. To this I would add that, exceptionally, both the Attorney General and the Lord Chancellor must swear oaths on appointment in front of the Judiciary in the court of the Lord Chief Justice. The Attorney's, of Tudor origin, includes a clear reference to articles 39 and 40 of Magna Carta in that it requires them not to take bribes or abuse their office to delay or deny anyone access to justice including against the sovereign-now of course including the government of the day. That of the Lord Chancellor (and now included in the latest version of the Attorney's) requires upholding the rule of law with the Lord Chancellor also committing to ensuring the adequate provision of justice. But even these specific pledges of conduct are not enforceable unless a breach leads to dismissal by a Prime Minister pressured by Parliament or public opinion. The conduct of government has historically depended on unwritten conventions covering the relationship between the Prime Minister and other ministers, Parliament and the Sovereign. That leaves much scope for the exercise of political skullduggery and dishonesty, quite apart from the sometimes chaotic processes of debate and the messy compromises that have characterised our parliamentary politics, but which have up to now avoided for us the revolutionary upheavals of some of our continental neighbours.

So far as MPs are concerned, as has often been pointed out, there is, beyond the oath of allegiance, no job description either, save that if they decide to attend prayers before the session they are enjoined to pray to "...never lead the nation wrongly through love of power, desire to please or unworthy ideals but laying aside all private interests and prejudices keep in mind their responsibility to seek to improve the condition of all mankind…"

Progressively in the last century and a half but particularly since the end of World War II, we have, however, voluntarily undergone a revolution in the ethics of governance driven by the democratisation of politics through the achievement of universal suffrage and the lessons learnt from the horrific abuses of power by totalitarian states towards their own citizens. What we now call "western democracies", including the United Kingdom have developed consequently a framework of rules for the conduct of government that looks to limit the exercise of political power in a manner that it was not in the past. This framework seeks in part to declare the ethical principles on which existing conventions and assumptions as to how government is conducted depend and to graft further principles onto them.

We can see the origin of this exercise in the legislation passed in the early 19th century to ensure that the pay of judges was set at such a level as to place them beyond corruption and ensure their independence. It can be seen in the Northcote-Trevelyan Report published in 1854 which led to the reforms which created our modern politically impartial and competitively recruited Civil Service, where previously access to administrative posts were exploitable for personal financial gain through political patronage and nepotism.

With these institutional reforms has come a marked shift in public opinion on the ethical standards to be expected of politicians. As the House of Commons has always had the status of a high court, factual misstatements or untruths have had the capacity to attract censure through a motion of committal for contempt, if a majority of the House voted for it. By the late 20th century this medieval remnant had become a key convention, underpinned by resolutions of the House, which an independent Civil Service would not readily allow to be broken. Ministers hastening back to the despatch box to correct inadvertent factual inaccuracies was, at least until the government of Boris Johnson, a commonplace. For a minister to be found to have deliberately lied to public or Parliament was likely to be fatal to their career. As the doggerel from the Profumo Affair in the early 1960s put it:

"You have done it this time said Christine,

You have wrecked the whole party machine,

To lie in the nude is not at all rude.

But to lie in the House is obscene."

We must not however exaggerate this. As was neatly summarised by the then Cabinet Secretary, Lord Armstrong, in the Spycatcher case in Australia, both ministers and civil servants have remained masters at being on his evidence "selective with the truth" when it was considered to be justified by the public interest. As Attorney General I was amused at the briefings I sometimes got, which gave me a "line to take" when answering questions on some difficult topic (usually national security), with the addition at the bottom of a heading "if pressed" which might enable me to divulge a little more. But it is a central principle that what is said must be factually accurate and omissions must not have the effect of making statement misleading, even if the whole truth cannot be told.

Following concerns in the early 1990s that standards of behaviour amongst MPs were slipping, illustrated by the cash for questions scandal, the government of John Major set up the Committee on Standards in Public Life under its first chair, Lord Nolan, a Lord of Appeal. In his first report he propounded the Seven Principles of Public Life which remain today the benchmark for the behaviour to be expected of politicians and public servants. With minor revisions they are currently:

Selflessness - Holders of public office should act solely in the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people and 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 friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - 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.

Openness - Holders of public office should act and take decisions in a transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - 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.

No one since has challenged these principles. But some might have come as a surprise to politicians of earlier eras. MPs once were pleased to openly describe themselves as elected in a particular "interest" which they saw it as their duty to promote, as far as practicable. Today there is tendency to self righteous insistence by politicians that the widest interests of all will be paramount. But with a system of party loyalties and manifesto promises designed to appeal to sections of the electorate, it must be questionable that the standards of objectivity desired by Nolan are any more than aspirational when it comes to politicians competing for votes to gain and retain office.

Changes to the framework under which government operates are not confined to the personal standards of conduct of ministers and MPs. In recent British history and particularly since the end of World War II, the United Kingdom has developed principles, through international engagement and treaties, which cover standards of behaviour between a state and those over whom it exercises power domestically and abroad. Indeed, it is, arguably, these that are the United Kingdom's greatest soft power contribution to the general improvement of the lives of human beings on our planet and we are almost certainly the greatest treaty making power in world history. Hardly a week goes past without a minister of whatever party emphasising our support for the rules based international system and the rule of law. Some of these principles, such as those contained in the UN Charter or the UN Convention on the Rights of the Child or the UN Refugee Convention, are on their own terms just aspirational. As international treaties they cannot be enforced in our own courts even if observing their terms are international legal obligations of our government and it will normally fall on the Law Officers to seek to ensure they are being observed. But some such as the European Convention on Human Rights, are open to interpretation through the medium of international tribunals by whose decisions the United Kingdom has agreed to be bound. Further in the case of the ECHR, the Convention itself has been incorporated directly into our law through the Human Rights Act 1998 so that it can be applied and enforced by our courts, save where there is an incompatibility with our primary domestic legislation.

It was to try and pull all these governmental ethical standards together that we have developed a formal Ministerial Code. First produced under John Major as « Questions of Procedure for

Ministers » in 1992, it was turned into a code by Tony Blair - a lawyer PM. At the time of giving this talk, a revised code has not yet been issued by our new Prime Minister, Sir Keir Starmer. But the content, although evolving and usually prefaced with a statement of intent by each new Prime Minister, has not so far changed much between administrations. The version issued by Boris Johnson in 2019, for example, includes statements such as Ministers "are expected to maintain high standards of behaviour and to behave in a way that that upholds the highest standards of propriety". It refers expressly to adherence to the Nolan Principles and the "importance that ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister". Ministers are also under an "overarching duty to comply with the law". Prior to 2015 this section had the added "including international law". That phrase was removed by David Cameron, in seeming irritation at being too often reminded of this point, probably by me. But the Government accepted, then and later, that the deletion made no substantial difference and that use of the word "law" includes international legal obligations as well. The code also makes clear that the Law Officers must be consulted in good time before the government is committed to critical decisions involving legal considerations.

The current code includes, inter alia, duties on ministers to "ensure no conflict arises or appears to arise between their public duties and their private interests", that they should not accept any gift or hospitality which might reasonably appear to compromise their judgement or place them under an improper obligation", that they "must not use government resources for party political purposes", and "must uphold the political impartiality of the Civil Service". Civil servants have their own Civil Service Code as provided for under the Constitutional Reform and Governance Act 2010 which requires them to "comply with the law and uphold the administration of justice". If civil servants are concerned, they ask the relevant minister for a written direction - as they did most recently over Rwanda.

For backbench MPs and Peers the requirements are fewer. But in recent years there have developed rules on outside and financial interests that require them to be declared and available on public registers in considerable detail, as well as relating to all claims for expenses. The House of Commons expenses scandal of 2009 started the process. There are now Commissioners for Standards in both Commons and Lords working with a committee of each House to ensure observance and recommend sanctions for breaches of the rules, even if each House retains final

control over those sanctions. But both MPs and Peers are now subject to much more public and media scrutiny and some reputations and careers have crashed spectacularly as a consequence.

One might expect that, with all these additions to our constitutional architecture designed to ensure that Prime Ministers, ministers and indeed MPs behave lawfully, with propriety and within convention, we ought to be in a new era of high standards and public confidence that, even if our political leaders may get things wrong, they are trying to act ethically. But remarkably, the opposite is the case. A report by the UCL Constitution Unit in 2022 showed that only 38% of respondents were "very satisfied" or even "fairly satisfied" with the way UK democracy operates. In contrast 52% were dissatisfied. The same percentage agreed that "politicians tend to follow lower ethical standards than ordinary citizens, despite being the lawmakers and governors who expect others to respect the rules they create", yet 78% considered that "healthy democracy requires politicians always to act within the rules". Levels of confidence in government in the UK were, at 23%, well below the European average of 43%. And in 2021 IPPR found that 63% of voters believe politicians to be out only for themselves, compared to 35% in 1944 and 48% in 2014. 80% polled by YouGov in 2021 believed there was either "a lot" or "a fair amount" of corruption in UK politics.

This currently high level of public dissatisfaction with political conduct, clearly in part relates to the circumstances of Boris Johnson's period as Prime Minister. He certainly disregarded rules and conventions in the most overt fashion. He regularly made inaccurate or untrue statements to the House of Commons and never sought to correct the record when challenged, in breach of his own ministerial code. His interpretation of his code's "overarching duty to comply with the law", did not extend to refraining from an attempt to unilaterally abrogate the Northern Ireland Protocol in the EU Withdrawal Agreement to which he had himself signed up only ten months before. Confronted with serious allegations against his Home Secretary, he asked Sir Alex Allan, his independent adviser to investigate and then overruled his findings and accepted Sir Alex's resignation rather than requiring that of the Home Secretary. He sought to overturn a sanction recommended by the Commons Commissioner for Standards against an MP, Owen Paterson, by whipping the MPs of his party against it. He unlawfully prorogued Parliament without good cause and lied as to his reasons. And I could go on with this list for a long time.

But I think that it would be a mistake to focus on Johnson as our most extreme recent example of systematic unethical behaviour by a politician. It is also true that his cavalier attitude to gross misconduct gave the green light to others in government to misbehave, whether by the placing

of government contracts, during Covid, with persons with whom they had personal connections or by not seeing the conflict of interest in having a Non-Executive Director of your department as your mistress. But the recent history of attempts to circumvent ethical rules are not just about him. There is a long history of politicians helping create the ethical rules framework and then complaining about them. Ernest Bevin, in Attlee's government worried about the ECHR and the restrictions it might place on firm future action by government, memorably mixing his metaphors "if you open that Pandora's box you will find it full of Trojan Horses". After sixty years of successive governments having maintained support for if not strict adherence to the ECHR, we have Theresa May, when Home Secretary, publicly fulminating over its impact in respect of her attempts to deport Abu Qatada to Jordan because deportation was being blocked by the European Court of Human Rights, on grounds of the risk of his trial there being tainted by evidence obtained under torture. The outcome was in fact a resounding success both for the Convention and for UK soft power. Under pressure the Jordanians changed their criminal code to exclude such evidence and Qatada was duly deported. But this was not the impression you would have got from the media coverage denouncing the the government's pusillanimity in not being willing to breach its international legal obligations. We have seen similar behaviour, in the calls from some sections of the mainstream media for our international legal obligations to be ignored over illegal immigrants, when it might prevent their deportation.

A similar frustration now also seems present for many MPs who, as we saw this year, are often quitting early, on the basis that their lives have been made impossible by a toxic mix of intrusive rules of conduct affecting their private lives and an unforgiving Press and social media, which as we have just seen from the polling results over the years, is not making the many who do try to behave ethically any more appreciated. The most recent series of stories over gifts and free entertainment engulfing our new Prime Minister and some other members of his front bench will not be improving matters.

Indeed, it can be argued that the level of scrutiny in the last thirty years may have produced a reaction almost as damaging. Tony Blair's success in getting the public to view the government of John Major as particularly and especially sleazy, when it was not, was so successful in its electoral consequences as to create in the mind of the then new Labour government the urgent need to ensure that the same could not happen to them in future.The result has been the dramatic growth in the "spin doctors" and political"special advisers" brought in to manage information and news and its presentation, to the point that the messaging (effectively propaganda) has become more important than the development of evidence based policies and

the avoidance of scrutiny more desirable than participation in detailed policy debate. Detailed scrutiny and debate are by their nature the best means of explaining, justifying and improving policy. We can see the consequences of this shift in the Iraq dossier that was used to underpin the legitimacy of military action on what is now acknowledged to have been a flawed premise. We can see it over recent decades in the successful closing down of detailed Parliamentary debate on the scale, benefits and drawbacks of immigration into our country. It may have helped government to weather controversy in the short term, but the issue has eventually caught up with us as one of the drivers of the Leave vote in 2016 and the growing tendency to xenophobia, which was a trigger to this year's riots. Our politics have become such an exercise in obfuscatory manipulation of information that it undermines the very openness that should make democratic resolution of issues effective and therefore attractive. A triumph of show over substance.

The question arises of what, if anything, can be done about this? Some suggest that the United Kingdom requires a written constitution that would enable the courts to regulate standards of conduct in government and override government decision reached by ways or in breach of the standards it itself has set. Others argue for a return to an age where only defeat or censure in the Commons and losing at elections should control actions by government or the behaviour of its ministers, democratic, but raising the risk of the "tyranny of the majority" identified and warned against by Lord Hailsham.

Last year, with a group of seven fellow commissioners each with a past in politics, senior public service or the academic world, we considered this particular question in the "UK Governance Review". We all considered that much could be achieved by practical and easily implementable changes that might make a positive difference to how our constitution works and how public confidence in our governmental system can be restored.

The first area that could benefit is the restoration of high standards of integrity in public office, by there being greater clarity of expectations and a stronger and more supportive structure, with effective investigation and enforcement against any misconduct. This could be readily done by splitting the existing Ministerial Code and putting that part of it relating to ethics rather than government process, on a statutory footing. The statute would not prescribe the code itself, but specify the topics to be covered which would encapsulate the core duties of a minister of the Crown, including those duties to act in the national interest, to uphold the rule of law, to account truthfully to Parliament, avoid conflicts of interest, uphold the political impartiality of the Civil Service and ensure that their Special Advisers (SpAds) observe the SpAd code. The precise

terms and guidance would then be for the Prime Minister. Ministers would have to swear on appointment to abide by the Code. The Code would then be enforced by the Code Commissioner with statutory powers to investigate Code breaches of their own motion. Final decisions on sanctions for any breach would remain with the Prime Minister, but they would have to publish and justify to Parliament any decision to depart from the Commissioner's recommendations. Sir Keir Starmer as Prime Minister has already indicated that he would allow his ethics adviser, currently Sir Laurie Magnus, to investigate of his own motion. But without a statutory basis for his work, the ability to do so can be as easily removed as it was granted.

The Commissioner also needs a role in dealing with conflicts of interest. These are inevitable and natural in a governance system, however good. But they need to be effectively managed in a way that balances the legitimate personal privacy interests of the individuals concerned with the need to ensure that decision making operates and is perceived to operate in the national and not private or party political interest. To achieve this, the Commissioner should maintain a register of potential conflicts of interest of Ministers, SpAds and the Civil Service Commission one for senior civil servants. Through liaison with the Commissioners for Standards in the Commons and the Lords and a common resource and data structure supporting all the Commissioners collectively, it would be possible to put in place a system which is both transparent and more supportive of ministers and MPs and Peers in ensuring conflicts of interest are avoided and the public are reassured that they are not occurring. It would also allow for unhelpful variations in the rules between both Houses to be better ironed out, particularly over achieving a common threshold for the disclosure of assets or obligations. It is a notable feature of the deficiencies of the present system, that ministers can follow the conflict of interest requirements to the letter and still attract criticism because of the way that ad hoc management systems are set up by the Cabinet Office in individual cases. By putting a statutorily independent code Commissioner in charge, it would still allow for flexibility and privacy where needed, without the same risk of allegations of cover up. Any breaches of the requirements for ministers would be investigated by the Code Commissioner and the Prime Minister would have to publish an explanation for any departure from a recommended sanction.

Another area of concern has been the taking up of business appointments by former ministers and senior civil servants, which is perceived as encouraging unhealthy and potentially corrupt relationships between business and government. The Advisory Committee on Business Appointments (ACOBA) has the power to delay civil servants taking up jobs in the private sector when a perceived conflict of interest might exist. But in respect of ministers the role is purely

advisory and can be and is routinely ignored. ACOBA should be put on a statutory footing, with the power to enforce the Business Appointment Rules. It would be very simple to require all ministers to sign on appointment a deed that enables the rules to be enforced against them if they are breached. ACOBA also needs to be able to make recommendations, as movement between the public and private sectors can and should be beneficial to both, if it is responsibly managed. The second area where change could be effected, is in the ability and capacity of the Civil Service to uphold ethical standards. This as we have seen, has been the foundation of our modern system of governance. But it is undoubtedly under pressure from ministers breaking their own Ministerial Code. So, an amendment to the Constitutional Reform and Governance Act 2010, so that ministers cannot direct civil servants to act in contradiction of the Civil Service Code, would address this. Similarly Ministerial directions to civil servants to act contrary to the advice they have received should be recorded properly and provided to the National Audit Office and to Parliament, so that there is transparency. Although this information should be public at present, it is not always readily available. It would also be beneficial in order to improve ethics and standards, to enhance the role of permanent secretaries. They should be directly accountable to Parliament for the operation of their departments and for the veracity of statements made on the department's behalf including by ministers speaking officially as well as in relation to Freedom of Information requests, maintenance of public records, public appointments and the use of public money.

As we have just seen with the recent row over Labour political appointments to the Civil Service, few areas are more likely to lead to allegations of cronyism than the temporary appointments of "political civil servants" by government or the appointment of Special Advisers (SpAds). In the case of the latter, the growth in their numbers and influence has created ambiguities and tensions impacting both on them personally and the effectiveness of government and at times bringing it into disrepute through their actions. The code for SpAds should be specific about different SpAd functions such as communications and policy development and the chain of command and accountability made clear. Secretaries of State should have a Ministerial Code responsibility for ensuring SpAds comply with their own code. All SpAds should receive induction and training on the ethics and standards required by their code, basic employment rights and an identifiable management hierarchy to which they can refer issues in their work. There should be a fixed limit on their numbers in government as a whole.

It is reported, however, that the appointment of Labour supporting or affiliated individuals as civil servants that has generated allegations of sleaze, was done to avoid placing them in

government as SpAds. Each of them may in fact have been very suitable to be appointed as temporary civil servants in view of their experience. But it is the absence of any transparent system for doing this that has generated the problems. This illustrates neatly how the lack of rules to protect ethical standards for appointments does not actually make a government's life easier. Instead, it generates disquiet and criticism.

Prime ministerial powers of patronage are another area that could be easily reformed. At present the House of Lords Appointments Commission (HOLAC), nominates just two independent persons a year to be cross bench peers. But it also has a role vetting every Prime Ministerial appointment for propriety. The problem is that, as happened under Johnson, the PM can ignore HOLAC's view. HOLAC should be put on as statutory footing as an independent body and its criteria expanded to include suitability, the ability to contribute to the important legislative scrutiny work done by the Lords. The chair should report to Parliament. The PM should be unable to recommend to the Sovereign any person not approved by HOLAC.

A similar issue arises with our honours system. My experience as an MP is that it was an effective and appreciated way of rewarding public service and enjoyed widespread public support. But the control of the system by the PM has allowed it to be abused by allowing "political honours" to be dispensed as a form of cronyism and reward for political or even personal support and donations. The solution is that all nominations including those from the PM but excepting those in the personal gift of the Sovereign should go before the existing Independent Honours Committees and the main Committee would have the ultimate power to approve or reject a nominee. The principles governing the honours system and the criteria for a nomination to be approved, should be publicly accessible.

All these proposals involve some reduction in the patronage power and administrative discretion of Prime Ministers. But what they need to recognise is that the growth of disquiet about falling standards of behaviour in government has gone hand in hand with the progressive centralisation of power at number 10. As is argued by Sam Freedman in his recent book "Failed State. Why nothing works and how we fix it", the United Kingdom is not delivering for its citizens, despite and because of this centralisation and it is, I would argue, the pressure on government to address this failure, without its being willing to look at its cause, which is one of the main reasons for the abandonment of previously accepted standards of conduct, as governments are increasingly tempted by quick fix solutions preferably unhindered by ethical rules.

Reinforcing the role of the Commons and the quality of legislation is a challenging topic and usually viewed with hostility by the Executive as a fetter on its freedom of action. But it is as essential as the other changes because without it we will not get the better public scrutiny of policy that brings better governance. The Commons should have greater control of its business, its Business Motions becoming substantive and amendable. When I achieved this temporarily during the crisis over No Deal Brexit, I was accused of being a revolutionary. But it was the norm until as late as1906 when the Commons surrendered this power. More still could be achieved if Select Committees were able to move substantive motions for debate on their reports and have an appropriate power to summon Ministers, senior civil servants and SpAds before them. MPs ought to be able to approve any prorogation or dissolution of Parliament. And choose the length of any adjournment. They also need to be in a much better position than at present to scrutinise secondary legislation, which now forms the main source of new laws affecting the public. A wise government would agree a self-denying ordinance with the Commons setting out the limits on the use of SIs, prohibiting Henry VIII powers that can amend primary legislation, and so-called "Skeleton Bills" that allow SIs to be made without reference to the contents of the Act. As we saw in relation to the Covid epidemic abuse of these powers did nothing to improve public confidence in government.

Finally in this list of needed reforms to improve ethical standards of conduct, I would add the absolute necessity of ensuring that in a parliamentary democracy there is complete confidence in the electoral system. An independent Electoral Commission is designed to provide this. But it has even now just lost the power to prosecute and had its independence undermined by being made subject to ministerial policy direction. Both changes need reversing and the rules on transparency of party funding improved.

I appreciate that these proposals are ambitious although they build on and do not replace any existing constitutional principles. Some will doubtless argue that they are impractical for governments wishing to effect change and constantly feeling they are trying to swim through treacle to achieve it. It must also be the case, that whatever changes there are, they will do little good if there is not a political culture to see them observed as well. But there should be. The polling evidence demonstrates that the writing is on the wall that the manipulation and exploitation of the present system, is losing the confidence of the public and risks turning it away from parliamentary democracy altogether. If something is not done about this trend, we will undo the great benefits that our forebears have given us. From the symbolism of the immediate and smooth transfer of power after a general election defeat, from one government to the

another, to the granting of Royal Assent to contested legislation by Commissioners drawn from all parties, including those who most fiercely opposed it, our political heritage and culture is suffused with unifying moments that assert inclusion in a single political community. Its future and that of our parliamentary democracy depends on high levels of trust between political adversaries that rules and standards will be respected and that we don't have to live with the instability of a zero-sum game, which is where we risk heading. It also depends on public confidence that politicians, for all their human frailties and disagreements are collectively striving for the betterment of our country.

So, instead of flirting with unethical solutions to complex problems, governments would do better focussing on making a virtue of high standards of conduct, including transparency and accountability, that on the polling evidence is what the electorate wants. A government with the courage to put ethical conduct at its heart would reap the benefits of a greater public understanding of the complex challenges we face in co-operatively working for our common good and support for the tough decisions that have to be taken. It would become much easier for government to deliver reasoned and evidence based solutions that can best serve us all.