

File - Not used with

THE CONCEPT OF THE PUBLIC GOOD

(2065)

I owe a debt of gratitude to Mr B K Nehru for his wisdom, friendship and tolerance. His views to which I refer below are to be found in his essay "India and Britain: Yesterday, Today and Tomorrow" found in the Air India book, "The Indian Experience", 1982; in his G L Mehta Memorial Lecture, Madras, 22 December 1981; and in his Govind Ballabh Pant Memorial Lecture, Delhi, 25 April 1980.

1. No democracy can long flourish without a concept of the public good. Other forms of government depending upon military rule, single party authoritarianism or sheer terror no doubt claim to act in the public good, but it is conspicuous that they

/decide

decide themselves on the interests of the public rather than permit people to speak for themselves. Democracy means that the public speaks for itself but that is not to say that a democracy automatically embodies a concept of the public good, still less that a democratic government necessarily acts on such a concept.

2. There is a strong streak of selfishness in human nature and citizens of a democracy are as prone to it as others. Each man struggling selfishly for his own good but may well in a laissez-faire way produce improvements, notably an increase in the gross national product. But from a selfish point of view one man's good may be another man's ruin, and if this process reaches a certain pitch it can mean dissension or even chaos leading to the ruin of all. It is in the interests of all to avoid such a situation. Yet that is not the same thing as saying that therefore a mechanism is required to ensure that all benefit equally at all times. That is simply impracticable and an attempt to achieve it leads to authoritarian government. The practical need to tolerate a certain amount of inequality between the citizens of a democracy is met and mediated through a commonly accepted concept of the public good.

3. In formulating a concept of the public good there are no doubt some absolutes such as the citizens' ability to change the government peacefully or the impartiality of the law, but such absolutes alone will not amount in modern democracies to a sufficient concept of the public good. Other ideas and matters more subject to change as circumstances change will inevitably and rightly coagulate for a time around the rocks of the absolute truths on which democracy is built. Thus the concept of the public good can be different for different democracies and within a single society can alter over time.

4. The foregoing assertions are of general application and constitute the core of what I want to say. But to be readily understood and still more to have an effect the general needs to be translated into the particular. By way of illustration, I intend to discuss the concept of the public good as it is found and applied in Britain, in India and in the United States. I choose these countries partly because they are the three which I know best and partly because of the interactions between them, especially between Britain and India.

5. The subject is too vast for a single lecture, so you will please excuse me if I select and simplify. I propose to concentrate a good deal on the published remarks of B K Nehru partly because they are topical and partly because he is forthright, experienced, knowledgeable and upright. His aspirations are for India rather than for himself. There is a basis for dialogue in the common ground we share. We each believe in democracy and in the necessity for a concept of the common good. If we disagree, it is on means rather than ends.

6. In a recent perceptive article entitled "India and Britain: Yesterday, Today and Tomorrow" B K Nehru wrote that Britain had brought to India "the ideas of democracy, equality, liberty of the individual and the rule of the law". He continued:

"None of these ideas are of native origin. None of them, except the last (though the law itself was "rigged" in favour of the rulers) was put into practice, save marginally, by the British in India. But that these were the concepts which formed the basis of the governance of the United Kingdom - and,

/therefore,

therefore, it was assumed, of its power - caused them to be adopted as ideals towards the attainment of which the country should work. Without the enforced exposure to these ideas which colonialism ensured, none of these would have taken the firm roots that they now have in our country."

7. As I have explained elsewhere, I am not sure that Britain did contribute the idea of equality or that if she did, it meant what most people unthinkingly assume. But of more significance is the omission from B K Nehru's list of the concept of the public good. It is not fair to say that it is omitted altogether because his article goes on to make two important assertions. The first is that, "Another great and abiding contribution of British rule to India was a modern system of administration." The second is, "Yet again, British rule was responsible for the growth of nationalism and the forging of the political unity of India - even though the Indian Empire had to split into two." These two statements contain ideas that are essential to the concept of public good, namely the existence of a community, in this case the nation, and the importance of a competent

/and

and honest administration. Yet essential though these points are to public good they do not amount to a concept: they are components but not the whole.

8. What is the whole? How should a concept of the public good be defined? I have already said that the contents of any such concept will vary from time to time and from place to place. It would be strange if the important components of the public good were in all respects the same for Britain as for India or vice versa. But the concept itself does not vary much since it is something greater than the sum of its parts. The fact of whether there is or is not a concept of the public good matters in practical terms as well as in theory more than the precise working out of what the public good is. In essence, it means a willing acquiescence or better still a positive step to subordinate self-centred interests to wider or longer term goals. The rationale for each individual is that his interests over time will best be served by what strengthens the community as a whole. However this is not a self-evident proposition to most people, and even for those who accept it the extent to which they apply it much depends upon circumstances. To enhance its effectiveness this

rationale requires a moral support, a support which is found mainly in the idea of service and service implies some form of sacrifice.

9. In its ideal form, the concept of the public good postulates that all citizens agree on the goals of society and that all are prepared to subordinate their personal interests in the service of these goals. Fortunately, and typically in human affairs, the concept works reasonably well in a less than ideal form. It is usually sufficient for there to be a general consensus on some goals, not general agreement on all, and for a limited number of people, not all, to make sacrifices of unequal size. But underlying this practical, partial achievement and in order to achieve it consistently, it is necessary that the concept of service and sacrifice for the sake of the good of the community should be part of the ethos of society. The practice will not in the long run flourish without the concept.

10. The concept of the public good has deep roots in European thought and history. It was what made Rome great. Though the effectiveness of the concept has often waned it has never disappeared. It had much to do with the medieval conflict

between Church and State. It reappeared strongly in the 16th and 17th century civil wars which resulted in the emergence of the modern state. It was instinctive in the French Revolution. It found some of its noblest expressions at the time of the American War of Independence. It was a common element, though in different disguises, in the thought of Marx, Disraeli and Tawney. It underlay the great Anglo-Saxon tradition of common law and equity.

11. It is certain that the British who came to India had a concept of the public good. Yet it is far from clear that they contributed that concept to India. At the time the British came to India, most of the country was ruled under Islamic concepts which stressed the individual, especially but not exclusively the ruler, much more than the community. Incidentally, this was why, as B K Nehru points out, it was a relatively simple matter to substitute one ruler for another without disconcerting the bulk of the population. Underneath there was the older Hindu-Buddhist tradition which laid much emphasis on sacrifice and some on service. But the Hindu

ethic was so hierarchical that it paradoxically supported the Islamic system of government. Caste made it difficult to perceive a common good. Thus the Indian experience was not altogether favourable to the concept of the public good, but no doubt the main reason why the British failed to pass it on to India was that it was not in their interests to do so. The British perceived their interests in a national framework, not in that of all humanity. To have inculcated the concept of the public good in a thorough-going way would have been to undermine both the philosophical and the practical basis for British rule in India.

12. Yet to an important extent it was the concept of the public good which got the British out of India. It was Gandhi blending his experience of British law and British administration with the Hindu admiration for sacrifice, the modern urge to nationalism and his own special contribution of service that created an ethos to which the British, themselves half-converted, wisely bowed. Gandhi undoubtedly had a highly developed sense of the public good. In their enthusiasm to support him many Indians acquired some share in it.

13. Nowadays, Gandhi is more often quoted than emulated. It is legitimate to ask whether India today has a concept of the public good. Many Indians undoubtedly do. J R D Tata is one and B K Nehru another. Is that why both have expressed unease about the present situation? Mrs Gandhi who comes of a family that has contributed much to the public good has referred openly to a change of attitude in India. She has spoken of the unselfishness of much of public life in the days of her girlhood in contrast with the selfishness of much of public life today.

14. If this is so, what is to be done about it? Action is of course a matter for Indians but given the importance of India's example and of her standing as the world's largest democracy the answer which Indians find is important to the rest of us.

15. B K Nehru has suggested answers, which deserve serious consideration. Personally speaking, I find some of them hard to accept but I am sure they should be discussed, and it is for the sake of discussion that he himself has put them forward.

He has called for "a national consensus among those who have the knowledge and the intellect, even though they may not have the power to determine what changes should be made when an opportunity may arise for making them,.....".

16. B K Nehru is suggesting nothing less than a fundamental constitutional change. Again this is a point for Indians to discuss and determine. But there is a general point involved. Can you legislate via the Constitution whether in India, in Britain, in America or elsewhere to determine the character of national life? To what extent does constitutional mechanism affect how politicians, governments and people behave? The answer is not altogether obvious and plainly can vary with circumstances. Obviously the constitution can and must determine all sorts of necessary political events, for example how the President is elected or who is entitled to vote. It obviously has a lot to say about the relationship of the Judiciary to the Executive and the Executive to the Legislature. However even on such constitutional matters as these, it is not always the words of the constitution that really

He has called for "a national consensus among those who have the knowledge and the intellect, even though they may not have the power to determine what changes should be made when an opportunity may arise for making them,.....".

16. B K Nehru is suggesting nothing less than a fundamental constitutional change. Again this is a point for Indians to discuss and determine. But there is a general point involved. Can you legislate via the Constitution whether in India, in Britain, in America or elsewhere to determine the character of national life? To what extent does constitutional mechanism affect how politicians, governments and people behave? The answer is not altogether obvious and plainly can vary with circumstances. Obviously the constitution can and must determine all sorts of necessary political events, for example how the President is elected or who is entitled to vote. It obviously has a lot to say about the relationship of the Judiciary to the Executive and the Executive to the Legislature. However even on such constitutional matters as these, it is not always the words of the constitution that really

prevail. Frequently, and in my opinion usually rightly, it is the spirit in which these words are interpreted which is determining. I do not say that amendments to the Constitution may not produce useful reforms and may at times be necessary but I would say: beware of thinking that changes in mechanism will produce changes in men or in the spirit which imbues public life. It may be so, but it is not often so.

17. In support of this view I quote Dr Rajendra Prasad speaking as President of the Constituent Assembly of India:

"We have prepared a democratic constitution but successful working of democratic institutions requires in those who have to work them, willingness to respect the view-points of others, capacity for compromise and accommodation. Many things which cannot be written in a constitution are done by conventions. Let me hope that we should show those capacities and develop those conventions. The way in which we have been able to draw this constitution without taking recourse to voting and divisions and lobbies

/strengthens

strengthens that vote. Whatever the constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. If the people who are elected are capable and men of character and integrity they would be able to make the best even of a defective constitution. If they are lacking in these, the constitution cannot help the country. India needs today nothing more than a set of honest men who will have the interest of the country before them."

18. You will have gathered from this that I do not have much faith in constitutional changes as a means of eradicating the evils of corruption and selfishness in politics. As I distrust the remedy I also distrust the timing proposed. I seems to be pessimistic and only likely to undermine morale to say that "great constitutional changes need to be made, but that there is no hope of the adoption of these changes in normal times". That is tantamount to saying that essential reforms cannot be achieved by the

, /existing

existing democratic process. Some people might jump from that to the dangerous conclusion that exceptional and possibly non-democratic measures were justified.

19. Both these propositions, the one that declares constitutional changes necessary and the other that says it cannot be achieved in normal times seem to me unduly pessimistic and, if I may say so, inconsistent with experience. There was widespread corruption in politics in 18th century Britain. It is true that successive enlargements of the franchise from 1832-1919 played a part in reducing corruption and enlarging the conception of the public good. But their role was subordinate to the more important changes of ethos which were taking place in British society not only due to but also before the Reform Bills. In passing I might remark that I find it difficult to believe that a hierarchy of indirect elections as proposed would be acceptable to the democratic electorate of India. Or that it would significantly reduce corruption in politics. As I have already said our experience in 18th century Britain was that we had a lot of corruption with very small electorates.

20. Although the hierarchy of indirect elections proposed by B K Nehru is unlikely in my opinion to be acceptable in India any more than in other democratic countries, nevertheless I agree with much of the analysis which led to this proposal. Nehru's main points are that the money necessary to finance an election campaign is beyond the means of an honest politician and that the interference of legislators with the administration is damaging the reputation of both branches of government. These are genuine and serious points which affect most, if not all, democracies. They have been met in a variety of ways depending upon the circumstances of the country concerned. The collection of money is always open to abuse. It is best when it takes place with a reasonable degree of publicity and in accordance with accepted conventions. In most countries there are limits on the amounts which can legally be spent on a political campaign. In some there is provision for contributions from public funds and in all, so far as I am aware, it is expected that private people and private organisations whether companies, trades unions or others will make contributions to party funds.

/None

None of this requires to be enshrined in the constitution. What is important is that there should be rules and conventions which people are ashamed to break and which are enforced.

21. The perennial question of the relationship between the legislature and the executive has vexed the minds of politicians and philosophers for some 400 years. It does not seem that there is one absolute answer which is correct for all places at all times. Two points however are clear: the two branches of government (and also the judiciary) have separate responsibilities and functions while at the same time it is essential that they should cooperate. The Americans do it by what they call a system of checks and balances which they largely borrowed from the French philosopher, Montesquieu whose views stemmed from a misunderstanding of the British constitution. The American system does produce a lot of checking and balancing, mainly in the form of controlled confrontations between the Administration and the Congress. The normal situation is that each prevents the other from doing all that it wants to do. The system is well understood and works well.

22. The British system is wonderfully blurred - no wonder Montesquieu misread it - and has evolved over centuries. The original confrontation was between Parliament and the Crown. On the whole Parliament prevailed but proved itself incapable of governing. Largely by historical accident a system grew up whereby the Ministers were in a sense elected by Parliament and the civil servants were appointed by the Crown, while the two together constitute government with a small "g". A vestige of the original confrontation remains in the institution of the Chiltern Hundreds. Apart from the drastic step of taking his life the only way in which a Member of Parliament can resign his responsibilities is to be appointed Steward of the Chiltern Hundreds, technically an office of profit under the Crown. This acceptance of money from the Crown automatically debarrs him from the House of Commons. So Government with a big "G" consists of members of the legislature who are at the same time at the head of the executive but all their troops are appointed independently both of Parliament and of Ministers, nominally by the Crown, but actually by other civil servants. This system works no less well than the American one and is none

the weaker for being the result of generally accepted conventions rather than of a written constitution.

23. The Indian system is in its general character close to the British one and to an outside observer there seems no reason in principle why it should not work as well as either the British or the American systems. Although B K Nehru sometimes expresses worry about the separation between the executive and the legislature what he is really concerned about is the degree of interference by the individual legislators in an administration which is no longer sufficiently protected by generally accepted conventions from such interference. This is indeed a very important problem. I have expressed some of my views about it elsewhere, nevertheless it would be wrong to avoid stressing here the crucial importance of an honest and impartial civil service. After all it is through civil servants that the vast bulk of the population encounter government. The attitude of the public towards government is particularly important in a democracy. In authoritarian forms of government the executive has the sanction of force: in a

/democracy

democracy the executive must depend primarily upon the respect in which it is held and the results which it can achieve through administration.

24. In short, it is not constitutional provisions or even political mechanics which matter as much as public attitudes. It is these, the ethos of a society, which determine whether there is any concept of the public good, if so what it is, and whether it is effective. These attitudes do not necessarily have to begin in a political setting. Indeed, they are more likely to take their rise in how society feels that man should behave towards man. In 18th and 19th century Britain many improvements in thought and attitude arose from humanitarian considerations. I mean such things as the movement to abolish the slave trade and the campaigns to control working hours and sanitary conditions. It was movements such as these which did more than legislation to alter the concept of the public good in Britain.

25. Having stressed the need for a concept of the public good it would be appropriate to say something about its content. In my opinion the notion

of equity or fairness is fundamental. If people think they are being treated fairly they will cooperate, if not, not. What constitutes fairness will of course alter with circumstances. But I think we can say with certainty that equality before the law and the impartial administration of justice are necessary. And not only the administration of justice but administration in general. There has to be also a feeling of security. At the least people must not be unpleasantly surprised abruptly and frequently. There should be some general acceptance of proportionality, expressed for example in the rich paying higher taxes. Emotions need to be organised to support the right side. Fear for example should be used to keep people on the straight and narrow path of virtue rather than to scare them into anti-social activities. Pride needs to be used to support the upright and the giving of value for money. I have already spoken of the concepts of service and sacrifice, both of which play an essential part in the concept of the public good.

26. Two more words are important. They are discipline and leadership. Discipline does not mean regimentation. Its important meaning is more akin to self-control, but it needs to be self-control with a sanction behind it. Discipline is required both in a willingness to consider the general aspects of the public good and also in practical matters such as observing traffic regulations, building regulations, the protection of the ecology and restraint from stealing one's neighbour's wood and vegetables. But though there should be a sanction behind discipline the best sort of discipline comes from leadership, and leadership can only result from having good men and women as leaders. It is essential that such people should be encouraged, or at the very least not discouraged, from going into public service and acting with the courage of their convictions. It disturbs me when I find able young men and women avoiding the public service as being too ill-rewarded or too frustrating, and aiming instead for whatever are the most lucrative jobs. One very damaging consequence is a decline in the prestige as well as in the effectiveness of the public service. Leadership is above all the role of the elite, especially, but not only, the political

/elite

elite. They have a special responsibility both in guiding opinion towards the definition of the public good and in securing honest administration based on equity. It is the duty of the elite to promote the public good. If they fail in this they damage the very concept.

27. It encourages me when I find, as I have in many parts of India, dedicated people working voluntarily for the improvement of conditions in a small locality. I am encouraged again when I consider the achievements of at least two Chairmen of the Damodar Valley Corporation. Their achievements have meant enhanced power supplies and hence employment for large numbers of people. This Chairmanship office is a tough job but it has been shown that it can be carried out admirably without constitutional changes or new legislation. It is a good example of how the basic virtues of honesty, hard work and service pay.

28. On a more homely level I draw your attention to the contrasts to be seen all over India between private cleanliness and public squalor. Why should it be that people who are by nature, religion and

pride neat and clean where their own family and property are concerned tolerate a mess where other people or public property is concerned? Gandhi had a good deal to say about this which included references to service, sacrifice and the public good. On a less elevated level, I would say that much depends upon the creation of expectations and the power of example. I have been struck by the growing phenomenon of domestic tourism in India and I have noticed that on the whole the tourists are neat and well behaved. I have walked in the evening in parks or temple grounds occupied by huge numbers of tourists during the day and found that they have left very little mess. That is due, I am sure, to the fact that the place is neat when they come and the power of example makes them ashamed to leave it a mess when they go.

29. I hope I have said enough to establish both the importance of having a concept of the public good and to illustrate what that can mean in practical terms. I should like to conclude by stressing that the people who benefit most from such a concept and from its practical enforcement are the poor

/and

and down-trodden. The well-to-do can manage in one way or another. But for the poor a concept of the public good is what makes the difference between misery and self-respect; between despair and hope. For those who live at the mercy of capricious events and powerful people, efficient, fair, just and honest administration is the public good.

M. H. Mason