



Lying to the People is a Punishable Offence

by Rogan Wolf

All Westminster MP's must swear to abide by the seven Nolan "Principles of Public Life." My MP tells me that she requires her own local staff to sign up to them, too. The sixth Nolan principle states simply that holders of public office should be truthful.

But the Nolan principles are not enforceable, nor are they a legal requirement. Elected members of parliament who fail to honour the code they have sworn to uphold cannot be penalised and are often not even challenged. Thus, those who lie for their own or their party's ends do not even have to account for their dishonesty to their peers ; and certainly they are not pursued as common felons by the nation's police force.

But why not ? The language we use to speak to one another is a currency upon whose integrity and viability we all rely for our individual and our community's welfare, even survival. It is as crucial for our transactions as sound blood circulation or untainted drinking water for our health. It is at least as important and material a currency as the money we exchange in the market place.

Yet we don't treat those essential social currencies with matching care. Quite the contrary. In the case of money, we know that if fraud or forgery go unchecked, our society will ultimately just break down. It will stop working. It is therefore right and not surprising that people who engage in financial fraud or forgery are identified and pursued as criminals and, if found guilty, sentenced under the law.

But if we can't trust the honesty of our chosen leaders' *words*, if politics become "truth-free" and wholly fraudulent, then democracy breaks down too, with consequences just as dire - since the whole democratic package of parliament, debate and argument, election and referendum, free speech and free press, and so on, is held together by and relies absolutely upon *words*. It follows that, as the coinage in our market places must be sound, so must the words we exchange in the public forum. In an interview held just before Christmas 2017, Hilary Clinton made just this point : "The ability of people in public life or in the media to say the most outrageous falsehoods *and not be held accountable* [my italics] has really altered the balance in our public discourse, in a way that I think is endangering democracy."

For what penalties are faced by holders of public office who lie to the public, for instance as part of a referendum or election campaign ? Damian Green seems to have fallen foul of the Ministerial Code, in recently lying to his colleagues about pornography on his work computer. But that lie to the electorate deployed by the

Leave campaign about funding for the NHS, writ large on their red campaign bus ?
That threat of mass and imminent Turkish immigration delivered by Mr Gove ?

For a whole range of reasons, the divide between the electorate and their chosen representatives has widened in recent years, to no one's benefit except that of the demagogues who seek to capitalise from it. And so often one hears from friends and colleagues the disgusted and also defeated comment, "ah, they're all the same." But politicians are not all the same. Most have integrity, (though so many just disappear behind their party's line, which in the long term does such great harm, in my view).

But some politicians use outright lies as a way of persuading people to a particular view or position. And I would argue that such behaviour is criminal and should be held accountable under the law.

I am going to develop my argument further along two fronts. The first one concerns codes of good practice.

Many if not most activities or occupations or professions in our society have public codes of conduct, or definitions of standards by which to ensure and maintain good practice. It is a way of establishing and keeping public trust, as well as ensuring a sufficient level of professionalism both competent and honourable. And human nature being what it is, those codes are broken from time to time and - in response - the perpetrators are penalised or sanctioned. For the codes have to be enforceable. They must have teeth.

Thus, even PR companies have a code, and a body empowered to police it. The body in this case is called the Public Relations and Communications Association committee, the PRCA, and a few months ago a UK PR firm called Bell Pottinger ran foul of it, to that firm's significant cost. Here is a link to a "Guardian" article on the subject : <https://www.theguardian.com/media/2017/sep/12/bell-pottinger-goes-into-administration>

Perhaps the most famous code of conduct of all is the Hippocratic Oath, which all medical practitioners are required to swear and abide by. The code articulates a set of standards associated with good and ethical medical practice. Breaking it to any serious extent renders the doctor concerned liable to be struck off the medical register, after which it will surely be difficult for that person to find another job.

But is there any prospect of a UK MP - or advisor, or assistant - being struck off for lying ? Any powers to penalise people who betray that grand old title "Right Honourable" by which they still address each other across the House ? With the exception of Mr Green's case, it appears there are none. A few months ago, Lord Sugar referred to the EU referendum : Michael Gove and Boris Johnson should be in

jail, he said. Under which law, Lord Sugar ? A few days later, James Chapman, former chief of staff to David Davis, tweeted much the same thing : “Let’s be honest, if we had an effective electoral law, leading Brexiteers would now be in jail.” *If*. But we don't.

If the People were lied to, then they had their capacity to make a proper decision stolen from them. Lied to in so many ways in 2016, the People could not "speak" in reply. It could only gag, splutter, hit out. Anyone, of whatever party, who tries to legitimize that disastrous incoherence by saying “the People have spoken” is an accessory to a lie.

Here is a second prong of my argument.

Over the centuries, democratic nations have come to the conclusion that national sovereignty must be placed in the People as a whole, not the Monarch, not a Tyrant. Thus can tyranny best be avoided and rights protected under the law. But for a Sovereign People to make real, meaningful and responsible decisions, it has to be properly informed. In the same way, a doctor’s patient is required to be properly informed before he or she makes a critical decision on which treatment to accept ; and a jury must be properly informed before deciding on someone's guilt or innocence.

That is why an accountable parliament must always be the place where the People’s decisions are made. Competent and worthy individuals, elected by and answerable to their constituents but also to their consciences, and properly equipped with knowledge and having enough time to scrutinize the executive's intentions, must have the final responsibility for decisions made. For if a decision is not based on proper and thorough information, it is not a decision at all. It is not even a leap in the dark. It is a voluntary, irresponsible and infantile collapse into come-what-may.

The UK's 2016 referendum result was exactly that : an ill-informed, a *misinformed*, voluntary, irresponsible and infantile collapse into come-what-may, following behaviour, on both sides of the referendum campaign, which did not qualify for the term democratic.

For demagoguery and lies took over our streets in the summer of 2016, unrestricted and unregulated, making nonsense of the task and of the subject, and disgracing this nation and its history. Such behaviour should have resulted in a nullifying of the result and a significant number of serious criminal charges. Those charged should have included a few billionaire press barons. For what crime ? For the crime of abusing, deceiving and incapacitating the sovereign power.

For it is through language that public servants communicate with, and account to, the People they serve. It is through language that the process of elections is conducted

and – depending on how trustworthy the language used there - is either meaningful and enabling, or poisonous of effect.

Holders of public office who lie to the People are therefore committing a crime worse than fraud or theft (though those as well). In a real sense, they are committing High Treason.

Accordingly, I propose that a greatly extended and more detailed version of the Nolan Principles needs urgently to be formulated and made enforceable, to apply to all public servants and their advisors, with transgressors liable to rigorous punishment under the law. The credibility and authority of politicians, the survival of our parliamentary democracy, the future of our nation, require us to take this step.

I would suggest that such a code, once composed and agreed, should be passed into Statute by the House of Commons, so that transgressors should be seen and treated for what they are - as common felons, subject to the law of the land. Yes, it will be difficult to compose and implement. But surely the genuinely true and worthy and right honourable politicians in the House would see this as being in their own urgent interest as well as in the national interest ?

And if judges can enforce the law of perjury, cannot the first court of the land enforce a law that protects our nation from the mortal danger of the lie ?

In 2017, Donald Tusk, president of the European Council, suggested the UK could still decide to reverse Brexit. Just in time, the tide may still turn, reality hit home, the time-servers, the fanatic ideologues and billionaire press barons, be driven into retreat. In that case, there are likely to be more calls for a second referendum, to add to those recently delivered by Tony Blair, Sir Nick Clegg, Lord Adonis, Sadiq Khan, and others.

For the reasons set out above, I think a properly functioning Parliament is the correct and sovereign place for consideration of the complexities of this matter and for the taking of a final decision.

But if recent precedent and the political situation direct us to another referendum, then the campaign conducted beforehand must not be allowed in any way to be a repeat of the dance of delusions, fantasies and lies that took place in 2016. We need a proper sheriff on the streets for this High Noon. We need some effective law in town to counter the lie.

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