"More than ever, people expect the state to confront the public consequences of private decisions…"

THE POLITICS OF PUBLIC BEHAVIOUR

Edited by Duncan O'Leary

DEMOS

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Introduction

Duncan O'Leary

The personal has become political. Increasingly, governments find themselves drawn into questions about how children are parented, how household waste is disposed of, how people travel, how much they save for later in life, how much they eat, drink, smoke and exercise. Where commentators have identified a state in retreat from many of its traditional functions, this pamphlet explores the reasons for – and the implications of – a state that is being re-shaped around a new set of priorities. This is the politics of public behaviour.

The victory of liberal economics in the 1980s and 1990s saw the state withdraw from the day-to-day management of the economy. Societies must still choose what *kind* of capitalism they want for themselves,[1] but increasingly the big political choices are social rather than economic. From the burdens citizens impose on one another through personal choices, to the desire to promote happiness and wellbeing,[2] governments are being asked to confront the public consequences of private decisions. Capitalism has not removed our dependence on, or concern for, one another.

This helps explain why the size of the state has remained relatively unchanged over time – governments have simply begun to make different forms of social investment, largely through public services. But there has been a second, more profound consequence of the politics of public behaviour: uncertainty about how to draw the line between public and private. The very role and boundaries of the state are in flux as we continue to reappraise the relationship between people and governments.

The essays that follow look at the forces driving this change, the challenges that it creates for policy and the big political questions that it poses for the future. As the authors of the three essays describe, the politics of public behaviour holds the potential to redefine the political landscape in the coming years.

Private to public

While the distinction between public and private has always been ambiguous to some degree – from panics about the spread of rickets after the Boer war to contraception and divorce law – the extent to which policy makers now concern themselves with people's everyday decision making is growing unmistakably. In the UK this trend has entered public consciousness largely through some eye-catching policy proposals. Ideas put forward by ministers have ranged from identifying 'problem' children even before they are born,[3] to attaching terms and conditions to benefits for out-of-work adults[4] and introducing tradable carbon credits for every individual.[5] Some of these proposals have raised ideological concerns while others, such as changes to refuse collection procedures, have led to more instinctive campaigns from disgruntled taxpayers.[6]

Further afield, public behaviour also finds itself in the headlines. The New Zealand government has announced that it will only give residence to immigrants exhibiting an 'acceptable standard of health'. In a landmark case in 2006 it refused entry to one economic migrant on grounds of obesity, leaving him and his wife to undergo respective health regimes before entering the country.[7] Meanwhile, across the Tasmanian sea, a woman was denied entry to Australia in the same year because she was judged to be *too light* to pass the health requirements in immigration procedures.[8] In the US, legislators in the Mississippi House of Representatives have been debating a bill to ban restaurants from serving food to obese customers.[9]

These more controversial policy developments have raised the temperature of the debate around public policy and personal behaviour. But beyond these particular, well-publicised instances, there lies an increasingly mainstream policy agenda. Influencing public behaviour is becoming a habitual concern for government:

- The Cabinet Office has produced its own work on personal responsibility and behaviour change, identifying it as a theme running across different public policy problems.[10]
- The National Institute for Clinical Excellence, the government's advisory body on health, published guidance on behaviour change.[11]
- The Department for the Environment has its own 'behaviour change forum'.[12]
- The Department for Work and Pensions uses the ability to change

behaviour as a criterion for judging the effectiveness of policy strands.[13]

· The Department for Children, Schools and Families has a national parenting strategy, which outlines 'current and emerging activity which enables parents to help their children learn, enjoy and achieve'.[14]

And across the political spectrum, behaviour change underpins policy programmes. Since becoming leader of the opposition in 2006, David Cameron has extolled the virtues of 'social responsibility', best understood as mass behaviour change in civil society.[15] Similarly, the Liberal Democrats have put behaviour change at the heart of their political platform. The party's climate change strategy, a signature issue, identifies fiscal incentives as the means through which the state can help drive more environmentally friendly choices.[16] All parties, it seems, are grappling with the public consequences of private decision making in one way or another.

The limits of 'delivery'

There is certainly something deeply unusual about a democratic culture in which government becomes preoccupied with altering the behaviour of citizens, rather than vice versa. So what lies behind the emergence of this agenda? What is it that has transformed a timid political culture, which saw a new government elected on five relatively modest pledges in 1997,[17] into one where policy makers now stake their political authority on altering the behaviour of millions of people and organisations across the country?

The clearest answer is a growing sense that the most intractable problems in society cannot be solved by either individuals or governments acting alone. Governments can build new hospitals and schools without creating healthy, well-educated populations. Meanwhile, pensions deficits, lifestyle-related illnesses and collective problems like global warming all belie the ability of the market and civil society to solve social problems on their own. As Sue Goss has argued:

Many of the new priorities – 'respect', an end to 'binge drinking', 'recycling', 'improved public health' – cannot be achieved by a smart government delivery machine; they require changes in behaviour from the public. This means not

simply considering how to deliver using public or even private resources, but how to access the 'free' resources of public energy, engagement and action.[18]

Yet 'mobilising' people in this way is itself a deeply political statement. Critics argue that it instrumentalises citizens, reducing politics to the achievement of goals established not by people themselves, but by a small governing elite who believe they know best.[19] The suggestion is that there should be no *politics* of public behaviour. It is argued that 'social problems' are overstated – life expectancy continues to increase rather than decrease for example.[20] And, perhaps more potently, that liberal principles demand that people should be left to make their own choices, negotiating the trade-offs and consequences of their own decisions.

Such concerns informed JS Mill's aspiration to distinguish between 'the part of a person's life which concerns only himself and that which concerns others'. Similarly, Rousseau hoped to find 'a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before'. Both reflect a concern to protect the individual from interference from the state. And both beg the question: are people not entitled to make their own judgements where personal decisions are concerned? Should we not distinguish the public from the private? However, two factors challenge this view: interdependence and concern for others.

Interdependence

From the costs of people's healthcare through to the impact of lifestyle decisions on the environment, the wealth and wellbeing of different individuals in society has become increasingly hard to disentangle. One person's actions have consequences for another. The annual cost to the NHS of treating type 2 diabetes is £2 billion.[21] The annual cost of alcohol-related crime and public disorder has been estimated at £7.3 billion; the cost to employers has been put at £6.4 billion.[22] Plans to phase out the traditional lightbulb by 2011 would save five million tonnes of CO_2 a year.[23] Private decisions have public consequences.

In part this interdependence is the result of political decisions; the creation of the welfare state was a conscious decision to pool

risk, allowing citizens to access services according to need rather than wealth or personal circumstance. The NHS exists precisely to treat people when they are unhealthy. Pensions systems provide a safety net for those who have no savings. Welfare is there to support people through periods of unemployment.[24] Interdependence can therefore be understood as the flip side of providing universal public services, which are delivered collectively, according to need, rather than individually through the market.

Not all interdependence has been chosen, however. In other areas of life, our dependence on one another has been identified or uncovered. Research pointing to the impact of parenting on outcomes for children, for example, has driven much of the current debate about public policy and the family. Similarly, evidence of the impact of passive smoking has driven recent interventions in law. Interdependence might be compared to an iceberg, with more and more of its mass revealed as new evidence emerges.

Finally, in some areas of life, interdependence has simply become more pronounced due to particular trends. Global warming matters precisely because the planet is warming over time. The changing nature of the climate has changed our sense of what is socially responsible: the carbon emissions of other towns, cities and countries have become our business. And the huge challenge is that these trends are the aggregated results of individual decisions all over the planet. Millions of people all over the world turn on a light, expending – collectively – huge amounts of energy.

This collection of factors has made people more reliant on, vulnerable to, and concerned with the actions of others in society. As David Miliband has argued:

Understanding the centrality of economic, social, cultural and political interdependence is critical to our strong ideological and political direction… because it provides a prism through which to understand the modern world… From traffic to terrorism, the economy to the environment, our interdependence means that the extension of personal freedom relies on collective action (and if it needs underlining, not just state action).[25]

Concern for others
Running parallel to this way of understanding the modern world is a second, more long-standing factor: a feeling that we *should be*

concerned with the wellbeing of others – not for our own sake, but for theirs. This, after all, is the foundation of the welfare state. As John Kay points out, the reason the UK continues to enjoy a national health service begins with ideas like compassion and fairness rather than just pragmatic concerns like market failure.[26] Welfare states are pragmatic tools, which protect individuals through pooling risk. But they are also unapologetically idealistic; they are the philosophical expression and tangible result of a moral concern for the wellbeing of others.

Yet from pensions to public health, policy is challenged by the suggestion that welfare states are capable only of managing problems rather than preventing them. One recent study found that a healthy lifestyle can add up to 14 years to life expectancy, for example.[27] Creating more efficient hospitals, by contrast, seems to deliver much less tangible results.

Not only have some of these statistics caused general concern for policy makers, who feel a responsibility for the people they work for and represent, but personal decision making has also been identified as a factor in various forms of inequality. When the Prime Minister's Strategy Unit conducted its *Strategic Audit* of the UK in 2003, it found that 'the public's own behaviours (diet, exercise, smoking etc) are the biggest factors affecting overall health and the main drivers of health inequalities'.[28] Another study has indicated that lifestyles account for some of the gap in life expectancy between men and women.[29]

That government should play a role in addressing these issues, for individuals' own sake, was expressed most starkly by John Reid, as Secretary of State for Health in 2004. Launching a consultation paper on public health, he asserted: 'We need to find the right balance, rejecting both the nanny state and the Pontius Pilate state which washes its hands of its citizens' health.'[30] While the imagery of Pontius Pilate may be strong, the point is an important one: at least part of the rationale behind engaging with public behaviour arises from a basic concern for others.

Disrupting the social contract

These two factors – interdependence and concern for others – challenge the aspiration to separate out the private and public consequences of people's actions. They ask important questions

about how society can produce a social contract for the modern world. Indeed, this question can be seen to underpin the various processes of renewal and change undergone by political parties in recent years.

A key aspiration of New Labour has been to establish a clearer sense of citizens' obligations to one another within a national community.[31] The disruptive, and at times disorienting, feature of this has been that it has led to seemingly divergent policy trajectories. The demarcation of civic responsibilities has seen the state become simultaneously more generous to citizens in some areas of policy and more punitive in others. Investments have been made in public services at the same time as anti-social behaviour orders have been introduced. Benefits have increased *and* become more conditional on people complying with certain expectations. Over the last decade, the state has become more active, offering more to citizens and asking more of them in return.

On the political Right, the twin factors of interdependence and obligation to others have led to a similar re-appraisal of traditional policies and mindsets. One explanation for the Cameron project is the attempt to reconcile shared problems with a traditional scepticism about the ability of the state to drive social progress. As Danny Kruger has argued:

Fraternity is [also] the ghost in the machine of the debates about health and education, about housing and the environment, and about crime and its causes. In each of these areas the vital issue is how communities themselves, not the individual or the state, can address the challenges that face them.[32]

And the Liberal Democrats, prompted by the publication of *The Orange Book* in 2004,[33] have sought to re-assert traditional Liberal values to compete and coalesce with the collectivist traditions that the Liberal Party inherited from its merger with the Social Democratic Party in 1988. On becoming leader of his party in late 2007, Nick Clegg promised 'to define a liberal alternative to the discredited politics of Big Government'.[34]

This pamphlet
The challenge for policy makers, then, is to find a coherent set of principles with which to define the role and boundaries of the state

in a changing context. This pamphlet aims to explore some of the big political questions that lie behind the politics of public behaviour, often implied through reform programmes in recent years, but rarely dealt with explicitly. If mutual obligations and social solidarity drive demands for intervention, liberalism serves to provide checks and balances. Where and when should social solidarity become enshrined in law? And how can government negotiate these decisions while protecting and promoting personal freedoms? In other words, what should define the nature of personal freedom in liberal democracies and the extent of mutual obligations within welfare states?

The three essays in this pamphlet offer a perspective from three different political traditions:

- *Andy Burnham*, Secretary of State for Culture Media and Sport, stresses the importance of distinguishing between questions of tone and those of principle, arguing that accusations of authoritarianism are often wide of the mark. He concludes that the time has come for the progressive Left to stand firm behind a role for government – but to do so with greater skill and sensitivity, recognising there must be limits to state action and clear ground rules for intervention.
- *Andrew Lansley*, Shadow Secretary of State for Health, points out that government and politics has always been about behaviour and observes how the parameters of those debates have shifted over time. He argues that this is an era of putting government in its proper place – as provider of leadership, support and proportionate action rather than the source of ever-expanding and ever more intrusive government. He calls for devolved decision making, accountable institutions and strengthening of the organic institutions of civil society.
- *Chris Huhne*, Shadow Home Secretary for the Liberal Democrats, notes that hardly any action except private thought is bereft of some impact on others. He argues that the question is therefore a balance of judgement about the benefit that may be achieved in diminishing harm against others, versus the cost to the freedom of the individual. He concludes that a community dimension, encompassing sociability and peer pressure, can have a dramatic impact on social policy goals without coercive intrusion into the personal domain.

The key argument in the pamphlet's conclusion is that systems of rights, responsibilities and economic frameworks are important but will not be enough to address the challenges created by the politics of public behaviour. These are too unambitious. Government needs to do more than delineate responsibilities, accounting for the public costs of private decisions. It needs to play an active role in helping individuals and communities take control of their own futures.

For communities, this means that governments need to recognise the social as well as the economic conditions that are necessary for people to solve collective problems. Social norms, perceptions and expectations matter. These hidden forces of social change are capable of overriding traditional notions of self-interest and can be harnessed for the common good. They can make well-intended laws effective in practice.

For individuals, governments need to strike a balance between ignoring problems and invading people's personal lives. This suggests that the key test for the politics of public behaviour should not be a liberty test – but a *freedom* test that embraces positive as well as negative freedom. People should feel free to take control of their own lives as well as free from undue interference from the state in their personal choices. The best route to this is through investing in people's capabilities: collective action that helps people to help themselves. This approach seeks to address issues like obesity without removing choices for individuals. Put simply, the aim of the state should be to create more realistic options for people, not to remove choices altogether.

Finally, we argue that there will always be some occasions when the state must adopt more coercive or paternalistic roles. Sometimes the state will need to step in to protect individuals from direct harm from one another; sometimes decisions will be too complex for people to be expected to make them alone. In some areas of policy basic rules or conditions may be required to prevent abuse of welfare systems. In others, 'softer' forms of paternalism may be appropriate. But an underlying principle of freedom helps explain where and how these measures should be deployed by government, as it inevitably engages in the politics of public behaviour.

1 **The common good**

Andy Burnham MP

How many activities can you think of that have been banned or significantly restricted since 1997? It is an interesting exercise, and one that, in my view, helps unpick some of the myths that have grown up around this government.

This list is by no means exhaustive but my guess is most people would volunteer a mixture of the following: smoking in public enclosed spaces; use of handguns; fox-hunting; tobacco advertising; use of mobile phones while driving; exploitative selling of consumer credit; unhealthy school dinners and Turkey Twizzlers; incitement to racial and religious hatred; excessive force against children; and sale of cigarettes and fireworks to under-16s.

Two things struck me about this exercise. First, it seems to me a more modest and shorter list than most people would expect. Second, with the possible exception of hunting with dogs and the odd bag of chips passed through a school fence, none has produced widespread anger or civil disobedience, indicating a reasonable degree of public acceptance for each of these measures. Further-more, the list needs to be seen in the context of other prominent areas where Labour has de-regulated or provided greater freedoms, such as licensing and civil partnerships.

Nevertheless, the charge remains that this is an instinctively interfering and authoritarian government, an inveterate exponent of the nanny state. The charge sheet goes beyond legislative bans to issues as diverse as CCTV, speed cameras and the MMR vaccination.

It is an easy characterisation of Labour ministers for parts of the press to make that we are in politics because we are the kind of people who enjoy lecturing and telling others what to do. This is wide of the mark.

But it is right that Labour reflects on why this criticism is made so frequently and whether it is in part justified. In this

consideration, it is important to separate questions of tone and style from those of policy or principle. I would hold my hands up and acknowledge that there have been occasions where we haven't got the tone right, when we should have put forward a clearer and more reasoned case for some of our policies. We should always remember that, when dealing with areas of personal freedom and long-held tradition, strong feelings are held on both sides.

But does this mean that Labour should now take a step back from confronting these debates about individual behaviour and freedom?

I wish to argue here that such a response would be entirely wrong. It would be politically cowardly and, worse, were we to take it, the losers would be the more vulnerable in society, the state of public health and the quality of our environment.

The nanny-state criticism is one that easily sticks and resonates in the mood of our times when the all-pervasive internet encourages a more anarchic and free-spirited culture where new forms of loose individual organisation and cooperation spring up. But let's be clear: it is a criticism that has been over-used and is often unthinking and inappropriate. It was used in connection with the issues in the list that I gave at the start, even though most have public support and the intellectual argument in favour of action is clear. Instead, we need to pursue our course with confidence but understand better the times in which we live where public acceptance of restrictions may be harder to win.

There is a single compelling reason why Labour should stand its ground: in many of the cases in my original list, the measures taken will do most to improve the health and safety of the poorest and most vulnerable in society. That is why there will always be a solid Labour case for intervention on these grounds. So far from feeling spooked about trenchant denunciations of nannyism and the ubiquitous 'political correctness gone mad', Labour needs to defend our actions as part of our historic mission to improve the lives of the least fortunate in society.

This resolution is important because these questions of the limits of personal behaviour will only grow in importance in the next two decades. In a world where concerns about the health of the public and the planet will only intensify, where new possibilities will emerge through science and technology to improve health and protect the safety of the citizen, the country needs a political party

that is more prepared than its opponents to make the unfashionable case for collective government action to regulate individual behaviour in certain areas where intervention is morally justified in promoting the common good.

However, we will also do society a service if we define more carefully than we have hitherto the criteria behind those grounds for intervention, always recognising that such powers should be used sparingly.

The first and clearest such principle, it seems to me, is that there is a cast-iron case for government action – be it legislative, regulatory or through financial penalties – wherever the actions of an individual directly threaten the health or safety of others or limit the choices of others. One person exercising their liberty can often be at the direct expense of others, most obviously illustrated in the smoking ban.

It is so often the case that, in many fields of human activity, the winners in an unrestricted and unregulated world would be the more powerful and the losers the most vulnerable. Indeed, the big winners from measures to regulate adult behaviour are frequently children and that in itself makes the case for action. For instance, speeding on our roads disproportionately affects children from built-up, urban and suburban areas and, statistically, the most deprived communities in Britain. Yes they are unpopular, but speed cameras in my view are a public good.

Second, the general improvement of the public health seems to me to provide solid grounds for government intervention. If we were to fluoridate the water supplies of Manchester, Liverpool and Glasgow, the science shows clearly that we could improve the dental health of the most deprived children in our country at a stroke. That has been the experience of Birmingham, where water has now been fluoridated for over 40 years. It grieves me that fear of taking on a difficult debate means that thousands of children still undergo unnecessary operations for tooth extraction and suffer all the pain and loss of self-confidence that tooth decay brings. As with many of these issues, the trade-off is between a small loss of personal liberty to gain a wider common good. In this case, a negligible particle in drinking water is a price worth paying.

Third, we should accept that the case for action or intervention is less clear-cut when the measures concerned seek to protect people from their own poor choices even though the

consequences of those choices impact only or mostly on the individual concerned. I would place the debate about adult obesity in this category and, to a lesser extent, alcohol misuse. As a health minister, I was very uncomfortable with the suggestion that medical treatment might be restricted for those who smoke or over-eat. So, in dealing with these issues, the role of government needs to be different: enabling, encouraging, informative. It is territory more appropriate for financial or tax incentives.

Fourth, action will be increasingly justified – indeed demanded – where the actions of individuals threaten the resources, systems or environment that we all hold in common.

But what is the broader party political context for these debates?

The Conservative and Liberal Democrat parties have increasingly sought to use them to draw a political dividing line.

Historically, politics in Britain has run along a spectrum from authoritarianism to a proud tradition of libertarian thought and policy. Governments in the UK are therefore always susceptible to criticism – sometimes justified – of unnecessarily meddling in individual choices.

The language of this debate does not help as its two poles – authoritarian and libertarian – are loaded with negative connotations. However, given a choice, most people would prefer to see themselves as libertarian so the argument for collective measures that impinge on individual liberty is a harder one to make. Our political opponents know this but, in seeking to make easy political jibes stick, I believe they often come down on the wrong side of the argument.

We must of course always respect civil liberties and human rights. But we should not be afraid to make the case against unthinking libertarianism where it threatens others' liberties and rights.

Labour is on the right ground because there has been a shift in the public mood. The last decade has seen a gathering rejection of the unbridled individualism that began as a positive trend in the 1960s but, at worst, led to the unaccountable, irresponsible and grasping selfishness of the 1980s and 1990s. Today people are worried about public health, climate change and international security and how the actions of individuals may exacerbate these problems. Meeting these challenges will require individual and

collective action in equal measure, not a choice between one or the other or a preference for one route over the other.

These questions are an increasing part of the political debate because today there is a greater willingness to question whether individual behaviour supports the common good. Our focus on these questions has grown as society has become more affluent. People have vastly increased choices over how they spend their time and money.

However, it is inevitable in a world of scarce resources and rising affluence, that the choices that people make about their own lives – whether it is lighting a cigarette, getting on a plane or driving too fast – increasingly affect others. And, as people have more time and money to spend on activities that may have an impact on their neighbours, communities or even a village halfway round the world, government has an obligation to protect these communities from some of the detrimental impacts of these individual choices.

It does not take Thomas Hobbes to tell you that, in an unregulated society, the choices that the stronger and more affluent make will have a disproportionately detrimental impact on the weaker and poorer elements of the community. Government – particularly a Labour government – has a responsibility to protect the worse off in society, and to improve their life opportunities. By reducing exposure to harm from second-hand smoke, speeding cars or handguns, government can make life less nasty or short for the poorest families in Britain.

Conclusion

A decade of New Labour government has redrawn the political landscape. There is such a thing as society, and more readiness to accept the impact that our lives and behaviour has on others. We think more about the ethical standards of the goods we buy and the damage to the environment of the choices we make.

But, at the same time, we live in an era where the internet and social networking makes it possible for individuals to organise loosely and campaign vocally against any new proposed regulation.

We need to keep working to forge the right response to these potentially contradictory pulls. The alternatives to government taking action is placing pressure on citizens to challenge

unacceptable behaviour and that is not more attractive. Before legislative change, most non-smokers will have had the experience of challenging inconsiderate smoking. Many football supporters were forced to speak up against racism in football grounds and place themselves at personal risk in doing so. Society is now a safer and better place that they do not have to do so.

All political parties will be increasingly challenged for their answers to the challenges of public health, climate change and international security. Britain needs a strong political party that makes a clear case for collective and government action.

The time has come for the progressive Left to stand firm behind the case for government intervention to improve public health and the environment in which we all live – but to do so with greater skill and sensitivity, accept that there must be limits to state action and to establish the ground rules for intervention.

But now is not the time to take fright. Labour stands for the common good. We should not be afraid to act to encourage it.

Andy Burnham is the Member of Parliament for Leigh and the Secretary of State for Culture, Media and Sport.

2 Realising choice

Andrew Lansley MP

Government and politics have always been about behaviour. The relationship used to centre on stopping people doing harm to others and the structure of law and order. Then during the twentieth century – the century of the growth of the state – the state took on more social objectives, from the relief of poverty to the impact of public health and equity of access to education and health provision. In the latter part of the twentieth century, the actions of the state went further, but the tools available – tax redistribution, fiscal incentives and disincentives, service provision – became less successful and effective. Indeed in some cases a counterproductive feedback loop has been created by an overload of state interventions. For example, in order to improve children's diets, the government introduced healthier school menus, which led to an increased uptake of packed lunches, which were stuffed with crisps and chocolate, so in turn, the government imposed another regulation to inspect school lunch boxes.

Priority objectives have given way to the ability of policy interventions to influence underlying attitudes and behaviour, as with the recent smoking ban, which eliminated second-hand smoke in public places but did not stretch to the private space where parents choose to smoke in front of their children. To realise positive change in private space, there needs to be a change in behaviour.

In the past, the divide between 'private space' and 'public space' was clear. Public interventions had to prevent people doing harm to others (eg drink driving) and where there was a trespass into 'private space' (eg seatbelt legislation), interventions had to secure high degrees of public acceptance and deliver benefits in relation to the cost. The smoking ban in public places was in this sense not so intrusive. Stopping people harming others and improving health was evidence based and won wide public acceptance. One of the key tests, which is unfortunately not

available prospectively, is whether a policy shift would be reversible – good policies very soon become irreversible.

The challenges we face today originate from within our 'private space' to a greater extent. On the environment, major policy initiatives like emissions trading schemes or carbon taxes will impact substantially on economic actions and stimulate technological or business responses. But the scale of the behavioural response required will simply not happen unless individuals and enterprises choose to change their consumption of energy and their 'carbon footprint' dramatically.

We have seen in David Cameron how strong leadership can change the culture of political, media and public debate – influencing, strengthening and accelerating the scale of responses. Over the last two years, the public's response to environmental issues has outstripped that of government!

On public health, the consequences of the continuing failure positively to influence behaviour would not imperil our future as completely or irreversibly as climate change, but the known consequences can be severe. Nor are they purely personal; they are also societal. So, we have a responsibility to influence behaviour, often in ways that go deep into that 'private space' and into attitudes, decisions and consequences that are integral to individual identity, decision making and choice – such as what we eat and drink, and our sexual behaviour.

Conservative party principles give us a rich vein to tap into for responses, for example the importance of family. As we know, the loss of parental and family influence is instrumental in poor dietary awareness, adverse sexual behaviour and high teenage pregnancy.

As Conservatives, we understand the importance of institutions and the attachment that the public has to them – especially the 'little platoons' of society, which reinforce positive social norms across society. We are also inheritors of the principles of liberalism – of the effectiveness of market mechanisms, of incentives and disincentives. We have a 'one nation' philosophy, understanding the responsibility we have not only as individuals and families, but towards each other and in particular to the most deprived and disadvantaged in society. We need to recognise the wide divergence in health outcomes. For example, the relative gap in the infant mortality rate between the general population and the poorest social classes has increased by 46 per cent since the

1997–99 baseline despite the government's target to reduce it by 10 per cent by 2010.

How do we pull together these principles and sustain successful strategies for influencing behaviour, for example on obesity?

First, it is most important to have strategy, leadership, clear purpose and coherence across government and consistency of policy interventions and design.

Second, we should be aware that there is such a thing as society; it's just not the same thing as the state. The government should know the limits of the 'nanny state'. 'Nanny' can sometimes work well with children but 'the nanny state' is counterproductive when it comes to adults. Even in respect to children, policies such as curriculum changes and advertising controls may have limited benefits but they will not effect the kind of major change in confidence and self-esteem, nor the transforming benefits, which come from parental and family love, support, guidance and example.

Third, there is the question of the extent of state intervention versus personal responsibility. One can see that, to the extent that someone lacks control over a situation, they will be less inclined to accept, or manage, risk (and vice versa). For example, individuals accept readily a degree of risk when driving – in a car they feel in control (even if erroneously), which they would not experience in respect of train travel. Control and acceptance of risk seem to be inversely related. Likewise, control and responsibility seem to be inversely related. The more control people have over their lives, the more inclined they are to accept responsibility, uncertainty, even hazard or risk. So there is a perverse effect when governments, seeing problems, try and adopt solutions, take more control, dis-empower individuals, families and communities, and consequently diminish the responsibility and response of those very people and institutions on which they depend for changes in behaviour and outcomes. This reaction creates a negative feedback loop in which problems persist or worsen, and the demand 'something must be done' leads to more action by government. So we should be clear how much better it is, wherever possible, to re-empower families, individuals and communities, frontline professionals, third-sector participants and enterprises.

Fourth, we must recognise that there *is* a role for government. It is a role that does not preclude a citizen-centric approach and one which weighs the benefits of every intervention against any loss of

liberty that may result. A recent paper on public health and ethical issues, published by the Nuffield Council on Bioethics, demonstrated the different levels of state involvement with a ladder of interventions. It starts at the top with the most draconian, for example the compulsory isolation of patients with an infectious disease, and ends with the least intrusive – doing nothing. The further up the ladder the state climbs, the stronger the justification has to be. At any level, state interventions should be checked against the following criteria:

· Is action necessary?
· Is it possible to support civil society to respond?
· Can the risks/hazards/consequences be managed better by empowering individuals, families or communities?
· Can the result be delivered effectively through market mechanisms?
· Is action justified by virtue of the consequences/benefits and is action proportionate to the benefits?
· Is action evidence based, if evidence is available?
· Is the proposed action the least intrusive possible?
· Is action democratically legitimate?
· Is action sustainable in relation to the public response and public value; and is it able to be verified by evidence and its acceptability?

At every level the government should harness the power of validating social norms found in positive peer pressure and expectations, as opposed to 'heavy-handed nagging'. Professor Robert Cialdini, a leading expert on pro-social norms at the University of Arizona, has researched into the power of 'reciprocation' and found some encouraging results. For example, when guests at a hotel were left a notice asking them to reuse their towels to 'help protect the environment' the uptake rate was very low. But when the note read, 'Join your fellow guests in helping to save the environment. Almost 75 per cent participate', the number of people who reused their towels increased significantly. People choose to conform to consensus.

Politics is conventionally about reconciling the conflicts of interest within society. We had hardly imagined that politics would also become concerned with how to reconcile the conflicts not just within society, but also within each of us. What would a state-

controlled bureaucratic mechanism for this look like? An Orwellian nightmare!

Alternatives to bureaucracy and state control in a post-bureaucratic age must not and need not constitute a free-for-all. It should be an age of devolved decision making, of accountable institutions, of strengthening the organic institutions of society – of recognising positively how civil society can transform behaviour, institutions and society, without the overbearing control of the state – of putting government in its proper place – as provider of leadership, of support and of proportionate action, not ever-expanding and ever more intrusive. Marrying freedom and responsibility, rights and duties, equity and efficiency will not be achieved by top-down social central control, but by bottom-up responses within supportive frameworks. If it were not so, successive criminal justice bills would have worked, and the government would be bringing forward the 'Elimination of Obesity Bill 2008'. We know now this would not work. People have re-asserted their right to live their lives; we must now understand how to enable them to make the positive choices that will be right for them and best for society. We should help them to realise their choice.

Andrew Lansley is the Member of Parliament for South Cambridgeshire and the Shadow Secretary of State for Health.

3   The liberal approach

Chris Huhne MP

The public policy debate ebbs and flows through democratic history in line with concern about particular issues, and it is therefore no surprise that there is now a new range of debates that would have seemed unthinkable only a decade ago. We now discuss how to curb carbon emissions, change our diet, encourage exercise, proselytise safe sex and more. Is this, as some argue, merely the nanny state attempting to extend its reach into ever more private and personal parts of our lives? Or is there a real justification?

The liberal principle has been clear ever since it was enunciated in JS Mill's 'On liberty': 'The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection.' The prevention of harm to others is the potential domain of the state as set out in Mill's famous harm principle. Later in the essay, he expands on this theme:

The maxims are first that the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself. Advice, instruction, persuasion, and avoidance by other people if thought necessary by them for their own good, are the only measures by which society can justifiably express its dislike or disapprobation of his conduct. Second, that for such actions as prejudicial to the interests of others, the individual is accountable, and may be subjected either to social or to legal punishment, if society is of the opinion that the one or the other is requisite for its protection.

Like most such maxims, Mill's principle is a useful framework within which to debate an issue, but nevertheless allows a good deal of disagreement about the appropriate line to draw at any one point. This is not least because Mill himself added an important caveat:

In the first place, it must by no means be supposed, because damage or probability of damage, to the interests of others, can alone justify the interference

of society, that therefore it always does justify such interference. In many cases, an individual, in pursuing a legitimate object, necessarily and therefore legitimately causes pain or loss to others, or intercepts a good which they had reasonable hope of obtaining.

A recent example of debating this balance was the smoking ban, on which there was a free vote that split all the major parties in parliament. After a heated debate with much citation of Mill, the Liberal Democrat MPs divided neatly in half. (This, by the way, is far from usual: the parliamentary party is statistically the most coherent and united of all three. For myself, I voted for the ban.)

For me, therefore, the first and key issue is whether there is harm to others to justify public action. In some sense, of course, as Mill recognised, hardly any action except private thought is bereft of some impact on others. (As Mill wrote: 'No person is an entirely isolated being; it is impossible for a person to do anything seriously or permanently hurtful to himself, without mischief reaching at least to his near connexions, and often far beyond them.' John Donne put it better: 'No man is an island, entire of itself.') The question is therefore a balance of judgement about the benefit that may be achieved in diminishing harm against the cost to freedom and individuality.

This judgement must also be affected by long-standing expectations. Whether we would have been as enthusiastic about the adoption of the car if we had known that it would entail thousands of deaths on the roads each year is a moot point, but we accept substantial damage to others (including potentially the risk of such damage to ourselves) in pursuing road transport powered by internal combustion energy at high speed. The same surely applies to alcohol, a drug that is clearly damaging to many people, but which is also a long-standing if not hallowed part of our social arrangements. However, society currently judges that the combination of driving and alcohol is sufficiently damaging to enforce strict limits. A balance is struck.

In the case of the smoking ban, my argument in favour was first the demonstrable harm to those affected, and the practical impossibility of their removing themselves from such harm (particularly in the case of employees). The second point was the evidence from other countries which had already banned public smoking that a substantial proportion of smokers themselves

favoured the ban, and took advantage of it to give up. In other words, the activity itself was not something that many smokers consciously desired each time they lit up, but one which formed a pattern of addiction. Indeed, we knew from the discovery in US lawsuits that the large tobacco companies fostered the addictive properties of their product. The smoking ban clearly involves less deprivation of freedom precisely because the free will has been attenuated.

Diet requires a different balance. The state has for many years regulated the use of particular ingredients in food, and it should probably be more aggressive (for example on some artificial colourings that have been associated with behavioural effects in children, and high levels of sugar and salt). It should also have a clear role in ensuring fair labelling of ingredients: adding lots of water to bulk up chicken or other products should be made clear to the consumer as the food manufacturers' equivalent of clipping the coinage. But if the state were to interfere in how people eat it would be ridiculously intrusive. There are many measures that the state can and should legitimately take to make people aware of potential harm. The most obvious is a simple colour-coded food-labelling scheme to ensure, particularly for prepared foods, that people are aware of some of the dietary and nutritional consequences of their purchases. Another avenue is to provide health education at school and later at defined periods (for example during pregnancy).

The debate over how far and how fast we should tackle our carbon emissions in order to stop global warming is also likely to dominate the next decade, which is broadly the period that James Hansen of NASA has said we have if we are to avoid the catastrophic impacts of climate change. There is no longer any doubt about the risks of massive climate change, and indeed there is demonstrable damage to refugees and lives today as a result of storms, floods, droughts and rising sea levels. Climate change is the most threatening problem of our times bar none: the number of deaths each year caused by global warming has been estimated globally at more than 100,000 people and it therefore far outranks terrorism as a threat to humanity.

The approach that we took within the Liberal Democrats in setting out our policy to cut carbon emissions to a net zero by 2050 ('Zero Carbon Britain', 2007) was to use the price mechanism wherever that was practical and equitable, as it is the least intrusive

way of encouraging low-carbon behaviour. This behaviour, by the way, is not merely a change in personal behaviour such as flying less or taking more trains rather than driving, but crucially in changing incentives on business so that substitute technologies for carbon-emitting ones are developed on time. It is all very well extolling the prospect of technical solutions as President George W Bush does, but they will happen only if business is given clear incentives to bring them forward.

The European Emissions Trading Scheme (ETS) sets out exactly such a framework with clear quota limits on the emissions of the activities covered by it, and hence a price for those quotas. Businesses that save more emissions can sell their freed-up quotas at a profit, while those that fail to curb their emissions in line with their quotas have to buy more. With a carbon price of around €20 per metric tonne in the 2008–12 period, the ETS is now providing a clear incentive (although probably not yet enough to get us to where we need to be: calculations from the energy company Vattenfall suggest that we need a carbon price of some €40 per tonne to deliver real change).

However, carbon pricing has practical and political limits at present. It works in the industries like electricity generation and aluminium smelting where it is relatively easy to monitor emissions from large plants, but it would be hard to extend the principle at present to, say, personal emissions. This is partly because personal quotas would require a major investment programme (for example in card readers on garage forecourts), which means that it is not a short-term fix. Given the nature of the threat, we need to move further and faster, while bearing in mind personal quotas (or personal carbon allowances) for a second-generation policy. It is also partly because of equity. The energy consumption in domestic fuel of those in the bottom 10 per cent of the income distribution varies by a factor of six (as little old ladies with old boilers in draughty houses burn more than those in a poor household in newly renovated social housing).

So how do we reach those areas where we need to affect the behaviour of millions of different actors? One obvious solution is also to use price, but imposed through the tax system. That is broadly the approach we have taken with transport, where there are no strong equity issues. After all, a fifth of households do not have a car, and the poor do not buy the new cars whose vehicle excise duty

we would vary more radically with emissions. The growth of airline travel too is largely from the better-off, so shifting taxation to air emissions is sensible and fair. These green taxes, though, must be seen as a way of changing behaviour rather than raising more revenue, or they will become politically discredited. That is why we have promised to hand every penny raised in green taxes back in tax cuts on work, risk and effort.

There is also a case for regulation where the long-term reduction in freedom is minimal, but a clear signal needs to be sent out on substitutes. Thus the EU Commission is surely right to want to reduce steadily the permitted carbon emissions of new cars: ultimately, we should aim for cars to have zero emissions by 2040 and a replacement of the entire fossil fuel driven car stock with cars driven by non-emitting technologies (currently electricity and hydrogen fuel cells). Given the breakthroughs in range (200 miles plus on one battery charge) and speed of recharging (ten minutes) that are now being offered, there is little reason to suppose that we would suffer.

Similarly, a subsidy programme with strong incentives is necessary to tackle the quarter of carbon emissions that come from our homes. At present, the average Swedish household energy bill is £385 a year less than the average British one, despite there being far more severe winters in Sweden. That is testimony to our lack of ambition on energy efficiency. Given the failure of individuals to install even loft insulation and cavity wall insulation – both of which pay for themselves in little more than a year – there is a clear need for government-sponsored programmes to assure householders of the effects of improvement, and to finance them.

In the case of green issues, it is also crucial that the government is seen to be active in order to reassure people that their neighbours are not merely ignoring the injunctions that they respect. Nothing is more destructive of green motivations than the idea that others are merely taking advantage of your own self-restraint (a point that applies at global as well as national level). Therefore there is a clear case for government action and incentives to reassure consumers that their efforts will not be in vain.

There is also a clear role for local public authorities. Woking Borough Council is a good example of a pioneer on green issues and has become the most energy-efficient local authority in the country.

Woking has adopted a comprehensive climate change strategy on a scale that is likely to meet the Royal Commission on Environmental Pollution's targets of 60 per cent reductions of CO_2 equivalent emissions by 2050 and 80 per cent by 2100. It developed a combined heat and power station and the UK's first sustainable energy 200 kW/h fuel cell. Since its energy efficiency and environmental policies were implemented in 1990/91 (the base year), the council achieved its five-year target to reduce energy consumption by 20 per cent in four years. Woking's green leadership has had a demonstrable effect on the behaviour of residents and businesses, who are rather proud of the town's increasingly green reputation. Local leadership matters.

Another example of local action aimed at regeneration and community cohesion is the Westside Health Authority (WHA), a not-for-profit corporation rooted in mostly African-American neighbourhoods of Chicago's west side. Since 1988 it has developed into a coalition of 50 partners including churches, community groups, clinics, hospitals, social services agencies and residents. WHA's mission is to help local residents to improve the health and wellbeing of their community. It sees health and wellbeing as dependent on social and economic opportunities as well as health care, and so works to create jobs and training, to improve buildings and the local environment, and to create networks for improvement and support. In 1996, the WHA developed the Every Block a Village (EBV) concept which encourages residents to identify with, and feel control over, their immediate neighbourhood. In each of the 68 'villages' there are 'citizen leaders' who serve as a catalyst and focal point for neighbourhood renewal.

The work of the WHA includes cultural events, economic development, projects on fitness, nutrition, medical screenings and other healthy lifestyle work, development of gardens, murals, public art, anti-litter campaigns, training in web technology, crime prevention and youth work. The WHA has raised $10 million for a health centre, purchased a closed hospital and used the buildings for homes, training and health care, placed over 290 young people in health careers by connecting local schools and hospitals, and helped to reduce violence (in the streets and in homes) by 20 per cent.

Projects like the WHA in Chicago and concepts like making Every Block a Village could be commonplace in the UK. Without

them the politics of personal behaviour becomes disjointed, with society taking a marginal role. There is great potential for local democratically accountable services and communities. This matters because alone financially poorer people also find it the hardest to make their own behaviour greener or healthier due to costs of better food or energy-efficiency measures. A community dimension – with all the sociability and peer pressure that goes with that – can have a dramatic impact on meeting social policy goals without coercive intrusion into the personal domain.

Chris Huhne is the Member of Parliament for Eastleigh and the Liberal Democrat Shadow Home Secretary.

Conclusion

Duncan O'Leary

If nothing else, the politics of public behaviour is causing exasperation between people and political elites.[35] One recent study found that a majority of the public agreed both that 'the government should do more to protect people by passing laws that ban dangerous activities' *and* that 'the government does not trust people to make ordinary decisions about dangerous activities'.[36] Public expectations veer between demands for 'action' and indignation at 'interference'.

Like a dysfunctional organisation, roles and responsibilities in society have become muddled as social change proves slower than either the politicians have promised or the public expects. As the Secretary of State protested in a recent debate on obesity, 'on the one hand we are castigated for introducing an overweening nanny state, while on the other we are told that we have not taken enough action'.[37]

Reforming the social contract

This political turbulence helps explain new attempts to define the social contract underpinning the governance of markets and the welfare state. In large part, these can be understood as efforts to provide legal and economic frameworks that capture mutual obligations but preserve individual liberty.

In late 2007 the Secretary of State for Work and Pensions described 'a new contract of rights and responsibilities for the next decade',[38] promising to define and formalise the social expectations felt to be implicit within welfare provision. Meanwhile, the Prime Minister has pledged to protect individuals from excessive intrusion from the state by 'apply[ing] the liberty test, respecting fundamental rights and freedoms… wherever action is needed by government'.[39]

For its own part, the opposition has spent the last two years revisiting the role of the state. It identifies the task of government as

this: 'to identify social and environmental responsibilities that participants in the free market are likely to neglect, and then establish frameworks that will lead people and organisations to act of their own volition in ways that will improve society'.[40] The mechanism for achieving this in practice is to 'internalise externalities and hence [encourage individuals] to live up to social responsibilities without the further intervention of authority'.[41]

As the boundaries between public and private become blurred, these approaches represent attempts to re-establish clearer 'red lines' once more: clear boundaries for the state and clear responsibilities for individuals.

The economics of public behaviour

The language of 'contracts' and 'externalities' is self-consciously economic. In many ways, economics is a precious gift to policy makers grappling with the politics of public behaviour. It offers a toolkit of measures that help politicians make the tight-rope walk between collective obligations and individual freedoms. Tools like indirect taxation, user charging and trading systems ensure that individuals 'compensate' society for the social effects of their choices – but, importantly, do not remove those choices altogether. They provide for collective frameworks without usurping the space for individual decision making.

Putting a price on carbon, for example, adds the social cost of burning fossil fuels to the normal price of a journey by car or plane. Taxes and charges on smoking, or alcohol consumption, or road use, or household waste reflect similar principles. People are not prevented from taking flights, but must take responsibility for the social costs – externalities – that they impose on others.

A key benefit of this approach, when it is applied consistently rather than arbitrarily, is that it drives innovation in markets. As some consumers switch away from more expensive products to those with lower social (now financial) costs, markets respond with products and business models that do the same.

The danger is that these policies are inconsistent – our personal biases mean we want to tax the gas-guzzling Hummer more than the old estate car, even if their emissions are the same.[42] But if policies are clear and consistent, markets do what they are good at: finding the most efficient solutions within a given set of

rules. The benefits of central coordination and governance are married with the ability of markets to produce innovative new products, services and business models.

Given the benefits of this approach – its ability to marry social obligations, personal liberty, economic efficiency and innovation in markets – it is tempting to see this as a panacea. Unquestionably it offers part of the answer. But two main objections stand out – one relating to group psychology, the other to the nature of individual freedom.

The psychology of public behaviour

The first objection is that if governments want to solve collective problems in practice – rather than simply apportion the costs of them more accurately – then a more nuanced version of individual and group decision making will be required. Public choice theory, based on the idea that people will always maximise their own utility, is not enough.[43] The reason: any incentive system must compete with wider values and motivations.

Values like fairness affect people's decisions, while perceptions of our ability to make any difference can override what might seem to be in the interests of any one individual. Countless studies show that when our sensibilities are offended, we are unlikely to take what seem like rational decisions. Social conditions, not just economic self-interest, drive decision making.

Fairness

The most written-about of these is the so-called 'ultimatum game'. In this scenario, a sum of money is divided between two people. Person (a) proposes how to divide the total, leaving person (b) to choose between two options: accept the offer, or decline it – leaving neither party with any money at all. In such a scenario, there is a clear incentive for person (b) to accept the offer they receive, whatever it is. Yet across cultures, those receiving offers of less than 20 per cent of the overall share tend to reject them. They prefer neither party to receive money than to accept a settlement that they judge to be unfair. And the evidence suggests that such objections remain even when the stakes are raised considerably higher.[44] Though people have nothing to gain from rejecting money offered

to them, their sense of fairness overrides traditional economic rationality. Incentives alone are not enough.

This provides an important lesson for the use of fiscal measures to address issues relating to public behaviour. Polling evidence shows that the public is relatively open to the use of indirect taxation in principle – as long as it is perceived to be balanced, and focused on social problems rather than simply raising tax revenues.[45] Eighty per cent of people favour raising taxes on cars that produce high emissions, for example, while reducing those on vehicles producing low emissions. Similarly, 83 per cent support reducing stamp duty on homes that are energy efficient,[46] while 61 per cent support systems of reward and penalties for households using more or less than the average amount of energy.[47]

In London, the mayor has negotiated this issue by investing funds raised from the congestion charge in improvements in the infrastructure for public transport. It is not just incentives that are needed, but a sense of underlying fairness – and there are ways in which policy can provide this.

Social standing

Similarly, a number of studies identify the value of social standing as a greater motivator than more artificial incentive structures or even prohibitive laws. Academics in Boston have identified 'image motivation' – the desire to be liked and well regarded by others – as a driver in 'pro-social behaviour'.[48] We act altruistically partly because we like to *be seen* to act altruistically. However, the authors of the study also find that monetary incentives can be counter-productive when they reduce the kudos attached to acts of social responsibility. Constructing frameworks around naked self-interest can crowd out other forms of motivation.

The challenge is for policy makers and others wishing to encourage more 'pro-social behaviour' to make hidden acts and sites of altruism more visible. Possibilities might include the creation of an 'Investors in Community' badge to highlight responsible corporate behaviour, local honours lists for individuals in communities, annual awards for the most sustainable consumer products in each field, or even ways to make recycling bins more prominent on streets. Similarly, there are ways in which the private sector can play its part. Fewer than 1 per cent of passengers have

taken up British Airways' offer to offset the carbon emissions of their flights (£5 for London–Madrid, £13.50 for London–Johannesburg);[49] perhaps the airline should be offering green boarding passes to those who make the choice, as a signal to others of their contribution.

Collective efficacy

And there are other important ways in which our perception of others matters to the way we act in group situations. Social norms – literally what we perceive to be *normal* – can be very powerful in shaping our sense of what is worthwhile. American academic Robert Cialdini found, in one study, that the people most likely to be making energy-efficient changes to their houses were those who believed their neighbours were doing the same.[50] Another Cialdini experiment found that people were more likely to break the law – in this case stealing rare cones from a forest – when they believed that others were doing the same.[51] MORI polling in the UK has found that over 50 per cent of people say that they would do more to stop climate change if others did the same.[52]

This emphasises that to participate in solving collective problems, people often need to feel part of a wave of change, rather than atomised from one another and powerless as a result. As noted recently in *The Economist*, 'nobody is going to save a polar bear by turning off the lights'.[53] Robert Sampson terms this 'collective efficacy':[54] we need to know not just what is right, or even what is in our self-interest, but also that our participation will make any difference. This helps the possible seem probable – and prevents a sense of injustice leading to perpetual inaction. Our sense of others' behaviour can transform how we regard our own actions. We are offended by free-riding, not just concerned that we might get caught.[55] Am I doing my duty by paying my TV licence, or am I the only fool doing so?

This raises two important issues. First, it illustrates the importance of intermediaries, which help people coalesce around problems and build a sense of collective purpose. These intermediaries may be found in civil society, through non-governmental organisations or other social innovations. Pledgebank.com, for example, offers people a way to connect with one another and commit to common causes, each promising 'I will if you will'. Some

argue that this implies a more participative politics and devolved form of decision making, where decisions are made with and by communities.[56]

But civic intermediaries cannot serve as a substitute for political leadership. Sometimes politicians and public institutions must lead people out of stalled debates – they need to chart a way out of collective binds, rather than simply follow public opinion. Increasingly, local government is conceived in this role, through the idea of 'place-shaping'.[57] Again, the congestion charge in London is one good example of this: public opposition to the charge has fallen significantly since its introduction in 2002. Political argument and good policy have changed the terms of the debate and public attitudes with it.[58]

Second, the way in which government communicates policies with the public matters. If governments want to enlist communities in solving problems then they need to be careful about the kind of implicit as well as explicit messages that they send out. For example, campaigns to address issues like teenage drinking need to avoid sending the message that these choices are normal, because they are what everyone else is doing. Recycling campaigns need to give people information about what other people are doing, not just about what the problem is and how they can contribute. In short, government needs to recognise that the way it dispenses information influences not just our perceptions of the issues, but our perceptions of *each other*.

The key point for policy is not that frameworks and incentive structures can or should be dispensed with. It is that incentives often work only at the margin.[59] Policies designed to solve collective problems need to do more than create the perfect system of rules, incentives and penalties: they need to consider our social relationships with one another. Social problems cannot be solved by legal and economic frameworks alone.

The politics of public behaviour

Beyond the psychology of group behaviour, there is a second objection to an approach based merely on frameworks of incentives, rights and responsibilities: is it ambitious enough? The picture it paints is of the state as a referee, ironing out collective issues and providing an environment in which individuals can live relatively

unburdened by one another. This passes the Prime Minister's liberty test, but tells you little more about what kind of society a government might seek to create. Specifically, it does little to satisfy the full meaning of fraternity: the desire to improve the wellbeing of other people – for their own sake.

So how might people be helped and supported in a way that does not infringe on their liberty? A more ambitious approach would aim not just to promote individual choice, but also to create personal agency. There is an important distinction here. Choice can be understood as the availability of different options, with agency meaning the ability *to make choices in practice*. To give an extreme case, an addict may have the theoretical option of ending their addiction, but have no sense of agency to make that choice in practice. Similarly, someone may want to return to work, or adopt a healthier lifestyle, but feel more or less able to make that happen.

Governments should seek to create agency rather than just choice. This means handing choices back to people where possible *and* making sure those choices are realistic in practice.

With agency rather than just choice the goal, the aim of the policy is not just to solve collective action problems and to avoid intrusion into people's lives – important as those things are. It is also to help people through expanding the sphere of personal freedom and self-determination that people of all backgrounds enjoy in their lives.[60] The key test for policy is not just freedom from interference, but also freedom for people to live well and make their own choices.

This raises some important issues. First, it requires some re-examination of the place of the economic tools – trading, taxing and charging – described above. George Bernard Shaw satirised the universal right to enjoy tea at the Ritz; the same mirage of choice must be avoided with policy measures like indirect taxation and full-cost accounting.

The aim should be to present people with accurate costs of different options (ie including their social costs) rather than to eliminate any one option in all but name from some groups in society. To give an example, the aim should be to clarify the real costs of travel by car, train and aeroplane, so that people can assess their relative value for money, rather than to price people from one section of society off the roads and out of the skies. Tools like

indirect taxation should neither rely on inequality, nor accentuate it.

One way to promote freedom rather than just theoretical choice would be to 'offset' moves towards greater indirect taxation with other measures in the tax and benefit system that would prevent their effects falling disproportionately on low income groups. In other words, indirect taxation and similar policy tools should not be rejected on grounds of inequality; they should be *complemented* by other measures, which prevent them from entrenching inequalities and diminishing choice for those who are least well off. The problem needs to be understood as one of existing inequality, rather than of indirect taxation per se.
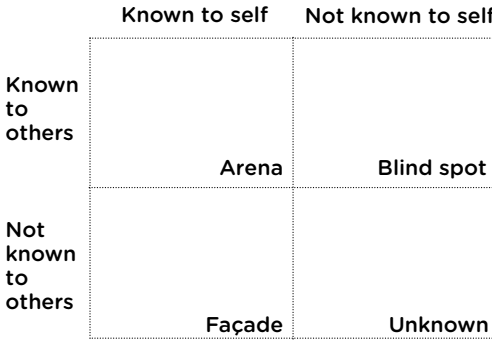
More radically, the ambition to promote freedom, both negative and positive, suggests a state built more deliberately around Sen's conception of 'capabilities' – what he describes as 'a person being able to do certain basic things'.[61] This is not to say that people cannot or should not take responsibility for their own lives and decisions. Rather, it is to suggest that the state can make better social investments that help individuals to do just that – to their benefit and to that of the taxpayer. Governments should seek to enable self-help wherever possible.

This has a strong moral appeal, but is also immensely practical. The reason lies in the nature of the challenge. Unlike equalising wealth, which can be achieved through re-distribution, challenges like tackling obesity or reducing unemployment have no blanket solutions. Much of the information about which specific barriers people face – and the best ways of overcoming them – lies with individuals themselves rather than ministers or officials in government departments.

As Joseph Luft and Harry Ingham pointed out in 1955 (see figure 1), knowledge about people and their lives is distributed. Some things only we know about ourselves; some things only others know about us. The challenge is to mesh together professional judgements and people's own insights about their problems, rather than to impose blanket solutions that curtail people's freedom and are liable to be unsuccessful in any case.[62]

This analysis has some important implications for public services and welfare systems. Services can go beyond both paternalism and consumerism[63] by helping people craft the solutions that are right for them. Choosing between different versions of the same service is not enough: people should be supported to design new

Figure 1 **Johari window**

	Known to self	Not known to self
Known to others	Arena	Blind spot
Not known to others	Façade	Unknown

Source: http://en.wikipedia.org/wiki/Johari_window

solutions altogether. This is what Demos describes as 'self-directed services'.[64] As the authors of this recent pamphlet describe, the core principles of a self-directing service are that it should:

· devolve (public) budgets to as close to people as possible
· enable them to make plans about how to use the money to create solutions for them that also create public value for money, usually in conversation with a provider
· allow people to use their budgets to commission services in line with these plans
· allow the plans to be modified by learning and changes in circumstances
· keep an overview of how the plans perform to guard against undue risk[65]

The challenge for government is to explore how far these principles, applied in different ways, could be extended to promoting personal freedom and save the taxpayer money at the same time. Could doctors be helping patients commission personal trainers, budgeting classes, cooking lessons or group therapy sessions to help address chronic obesity? Could more benefit claimants be helped back into work by allowing people to chart their own courses back into employment?[66] The challenge is to create a greater number of realistic choices. People need freedom

to take control of their lives, not just freedom from interference from government.

Philosophically this raises an important issue. It implies that freedom relates not just to the size of the state but also to the *nature* of it. Government action can either reduce choice, freedom and autonomy, or increase it – depending on the way governments relate to citizens. As a recent Demos study has found, the countries across Europe in which people report the greatest control over different parts of their everyday lives tend to be those with the largest government sectors.[67] The question is how to organise government to promote freedom and equality, not how to shrink the size of the state.

Coercion, paternalism and conditionality

But what happens when simply creating more options is not enough? Where, in this world of autonomy and freedom, does a more forceful role for the state come into play? Where, if at all, should the state be removing choices, banning activities, withholding services or striking deals with individuals? In other words, where do coercion and paternalism fit in? Neither sit naturally with a desire to help people take control of their lives, but might both not be required in some circumstances?

Coercion

The longest-standing role for the state is to protect citizens – from threats external to the community, but also from one another.[68] This role remains relevant to the politics of public behaviour. Where there is clear evidence that the safety of an individual comes under threat directly from the behaviour of another, there remains an important role for the state.

The smoking ban in public places in the UK was justified on the basis of evidence relating to passive smoking.[69] A side-effect of the ban may have been that it has led to fewer people choosing to smoke themselves, but the reason it remains consistent with the principles of freedom is the direct impact of smoking on the wellbeing of others.

In a similar way, firmer policies to address climate change can be understood as protective measures. The aggregated effects of

CO_2 emissions represents a danger to the security of people all over the world. Measures such as capping CO_2 emissions for organisations and individuals can also therefore be justifiable under the principle of protection. Moreover, there may be ways to do this that will create maximum freedom within an overall limit for emissions. Ideas such as carbon-trading schemes distribute decision making among people themselves and may even serve to redistribute wealth.

The first role of the state is to protect people – from the direct actions of others or, as in the case of climate change, from the aggregated effects of the actions of others. A firmer role for the state can be justified on these grounds.

Paternalism

Linked to the idea of protection is that of delegation. We delegate some decisions to the state when we might feasibly be left with a free choice but decide to cede it. This paternalistic role for the state often emerges when high levels of expertise and awareness are likely to be required to make safe choices.

Lethal chemicals are banned from consumer goods, for example, because we prefer to have decisions taken on our behalf, rather than to gamble on our own knowledge or rely on public information. Anthony Giddens argues that this reliance on experts is one of the defining features of modern societies.[70] Even the most educated citizen must rely, to some degree, on professional judgements, from chemists and doctors, to regulators.

The core question is how to govern the unknown – when are we happy for decisions to be taken on our behalf that we may not even be aware of? The legal principle of 'reasonableness' is a useful one to decide when to deploy this measure. Where individuals might not reasonably be expected to have to make decisions due to overwhelming risk, governments should be expected to step in to take paternalistic decisions. For example, most people are fully aware of the effects of alcohol: information provision is enough. We are far less aware of the detailed composition of drugs prescribed through the NHS: paternalism makes far more sense.

Basic standards, particularly regarding safety, can and should be agreed as a measure of paternalism to protect people. Similarly, procedures and governance systems that people can trust in matter

too: if we cannot take every decision, we need to be able to trust *the system* for making decisions. This means organisations should do more than exhort greater trust, but they should build institutional trustworthiness[71] through tools like transparency, engagement with the public and procedural fairness.

More controversial than this traditional paternalism is the idea that we might leave choices open but delegate default-setting to the state for some decisions: so-called 'liberal paternalism'. The Turner Commission, for example, recommended that individuals should be enrolled in pension schemes and expected to opt out rather than simply encouraged to opt in.[72] The decision of the review is supported by empirical data showing that changes to defaults have led to considerable changes in retirement savings in countries such as Chile, Mexico, Sweden and the US.[73]

The value of this approach is that while we delegate initial decisions to government, options and choices remain available to us. Freedom is therefore preserved within an approach designed to make inertia benign rather than malign. The government's chief medical officer, Liam Donaldson, has argued that the 'default' should be changed for organ donorship. Making his case, Donaldson cited survey evidence showing that about 90 per cent of people are willing to donate organs after their death, but only 23 per cent of the population are on the Organ Donor Register.[74] The Prime Minister has since lent his support to the idea of 'presumed consent' for organ donorship.[75]

Such proposals follow the example set by countries such as Belgium, where a change to the law to 'presume consent' saw the number of organs available for transplant double.[76] Such suggestions raise important questions around information provision, however. If important decisions, even if only about defaults, are being made on behalf of people, then they must be aware of when those decisions are made, what their consequences are, and how to change them.

Conditionality

Finally, what of the state striking deals with individuals, making publicly funded services conditional on compliance with certain conditions? Even Beveridge, the father of the welfare state in the UK, described certain obligations that might come 'as a condition

of continued benefit', which are not too dissimilar to the changes being proposed in welfare to work at present.[77] Tony Blair famously described 'the end of the something for nothing society' in 1998, pointing towards a firmer role for the state in this regard. And more recently Ed Straw has argued for the wider application of 'conditionality' in government policy.[78]

As Straw and others recognise there are clear limits to where conditionality might be applied in practice – the question is: where is it both legitimate and useful? There are a number of issues to disentangle. The first is the rationale for conditionality: is it a paternalistic measure, designed to 'help' individuals for their own sake? Is it a means of testing eligibility for state support? Or is it based on both of these things?

Where mutual obligations and eligibility for services are concerned, some important issues must be dealt with. Is imposing financial costs on others a strong enough reason to impose conditionality? Or does this not undermine the principles of a welfare state *designed* to pool risk and provide social insurance for people who, individually, might be considered 'bad risks'.[79] After all, if everyone cost the welfare state the same – and was able to pay that cost personally – would the welfare state not be redundant?

Of course governments want to end unnecessary reliance on welfare systems, but this should not be enough on its own to start withholding benefits. A more convincing rationale is preventing deliberate abuse of services – or the refusal to honour established duties of care for others. Some welfare claimants, for example, may show no inclination to return to work, whatever support they are offered. Some hospitals refuse to treat patients who are abusive to members of staff.

However, the dangers of imposing conditions unfairly, let alone identifying the *real* problems and identifying the *right* solutions, loom large. The risk is that conditionality is both coercive and ineffective. As a minimum, some basic tests would need to be passed before any imposition of specific conditions:

· *Clear-cut, unacceptable, social costs*: A person's decisions would, unequivocally, have to impose costs unacceptable to others within a collective system.
· *Abuse rather than reliance*: These costs would have to be incurred through abuse of a system, or dereliction of an established duty

of care for another person, rather than because of reliance on state support.

· *A clear solution*: There would have to be a straightforward solution to address the problem, through fulfilling a condition or conditions.

· *Acceptable levels of stress*: The process of imposing a condition would have to avoid unacceptable levels of discomfort for the individuals involved.

· *Realistic, enforceable conditions*: The consequences of the enforcement of a condition would have to be acceptable in practice.

· *A measure of last resort*: Conditions would not be imposed automatically but rather after other, less coercive approaches have been tried.

In practical terms, there are relatively few scenarios where all these tests might be passed. It has been suggested, for example, that those who die young from unhealthy lifestyles actually cost the taxpayer less than those who live longer and require care in old age.

This suggests that 'costs' of lifestyle decisions may well be unclear, making decisions liable to be arbitrary. Moreover, many people express the wish to change their lifestyles but find themselves unable to – with recent studies even citing genetics as a particular barrier to some people.[80] People are often reliant on a system without seeking to abuse it. Would imposing conditions in these situations be fair?

And if the causation of complex problems is difficult to identify, then solutions to them may be even more so. Perhaps the recent decision to require welfare claimants to undergo education and training will see more people back in work – or perhaps the money would be spent on a host of other possible solutions. Would motivational classes, childcare provision, a new suit, a bus pass, a personal mentor prove more likely to solve the problem of unemployment for different individuals? The point is that people need to be involved in identifying barriers and creating solutions to problems because they hold information about their own lives not available even to the most qualified professionals working with them.

At best, then, expectations would have to be expressed as broad principles in many cases (for example 'making an effort to

move towards employment'), rather than as specific actions. Finally, there are many cases – denying someone healthcare for example – where conditions will not realistically be implemented should any 'deal' not be respected by the individuals involved. Conditions without enforcement make little sense.

Where does that leave conditionality as a means to enforce shared rules and expectations? There are undoubtedly some cases where a justification holds and conditionality serves a purpose. Expecting divorcing couples to agree a parenting plan would pass the tests above on most people's reckoning. So too would making welfare payments contingent on those parents paying child benefit to one another.

But on more complex issues, such as moving people from welfare into work, there are real limitations even if it is considered politically desirable. Conditions should be minimalistic, based on loose principles rather than specifics – and there should still be maximum scope for individuals to put together their own packages of support to help them fulfil conditions in practice. On other issues such as healthcare conditionality looks entirely redundant.

Finally, what of the use of conditions as a paternalistic measure – helping others for their own sake? If the overall goal of policy is personal freedom then paternalism seems a weak justification for the use of conditionality. Attaching conditions to someone's benefits seems unlikely to be the best route to self-determination. Yet there may be cases where people themselves would *prefer* some rules and boundaries to help them change their own behaviour – the question is how to provide this in a way that respects people's right to change their mind.

The US has one answer. In a number of states, including Missouri and Michigan, gamblers have the legal option of *banning themselves* from casinos. People sign documents, precluding future entry and foregoing any potential winnings in concerns – leading to one man being forced to hand over winnings of $1,223 from one 'illegal' entry to a casino.[81] This so-called 'soft paternalism' could be made reversible after a 'cooling-off period', of one week, for example. Perhaps one way to address concerns over the impact of 'super casinos' would be to require casino operators to operate this service, a bizarre, but perhaps effective way of helping people help themselves.

Conclusion

A key issue for the coming decade is to clarify and re-affirm a social contract. The common rules societies live by have come under strain from a combination of new trends, new evidence and new social attitudes. Clear rights and responsibilities will inevitably be part of this, as will the use of economic tools to enshrine those rights and responsibilities in practice.

Yet there is something static and unambitious about government as part referee, part accountant. Government should be about more than agreeing the rules for individuals to play by, and distributing the costs of social problems more accurately. The politics of public behaviour illustrates that living together is a major challenge for an individuated, yet interdependent age. But politics is about more than living together: it is about living together *well*.

A richer understanding of group behaviour helps communities solve problems, rather than simply account for them. And a broader conception of freedom enlivens the politics of public behaviour, providing design principles for collective frameworks, guidelines for social investments, and boundaries for more coercive or paternalistic measures. The lesson of the politics of public behaviour is clear. The case has been won for active government, the question is what *kind*? In this way, the nature of the state, not just its size, represents the most important, and contested, political terrain for the future.

Notes

1 As David Marquand argues: 'The question is no longer whether capitalism should be replaced by socialism, or the market by the state. It is what kind of capitalism we should embrace, where the boundaries of the market-place should lie, how and by whom markets should be regulated, and in whose interests.' See www.netnexus.org/library/papers/marquand.htm (accessed 10 Jan 2008).

2 Layard, *Happiness*.

3 'We can clamp down on antisocial children before birth says Blair'.

4 'Threat to stop jobless benefits for "can work won't work" refuseniks'.

5 'Miliband plans carbon trading "credit cards" for everyone'.

6 'Election spotlight falls on weekly bin battle'.

7 'The question: are you too fat to emigrate?'.

8 'Woman denied entry to Australia based on weight'.

9 'Ban restaurants from serving obese people'.

10 Prime Minister's Strategy Unit, *Personal Responsibility and Changing Behaviour*.

11 National Institute for Clinical Excellence, *Behaviour Change*.

12 See *Securing the Future*.

13   Department for Work and Pensions, *DWP Research Report 313*.

14   Department for Education and Skills, *Every Parent Matters*.

15   Cameron, 'Civility and social progress'.

16   'Lib Dems plan £2,000 tax for "Chelsea tractors"'.

17   The five pledges were to: (1) cut class sizes to 30 or under for 5-, 6- and 7-year-olds; (2) introduce a fast-track punishment scheme for persistent young offenders; (3) cut NHS waiting lists by treating an extra 100,000 patients; (4) get 250,000 under-25-year-olds off benefits and into work; (5) introduce no rise in income tax rates.

18   Goss, 'The reform of public service reform'.

19   'Down with coercive participation'.

20   'Lifestyle "hits life length gap"'.

21   NICE, *Clinical Guidelines for Type II Diabetes*.

22   'Alcohol puts huge pressure on NHS'.

23   'Switch off for traditional lightbulbs'.

24   For more discussion of this see Perri 6 et al, 'Do citizens have obligations to their fellow taxpayers to take care of their own health and to use health services responsibly?'.

25   Miliband, 'Cameron has substance – but it's nonsense'.

26   Kay, 'The failure of market failure'.

27   'Healthy living "can add 14 years"'.

28   Prime Minister's Strategy Unit, *Strategic Audit*.

29   'Lifestyle "hits life length gap"'.

30 'National health debate launched'.

31 Blair, *The Third Way*. For a more detailed discussion of New Labour and behaviour change see Perri 6 and Fletcher Morgan, 'Just who are you asking to show more respect?'.

32 Kruger, 'The right dialectic'.

33 Laws and Marshall (eds), *The Orange Book*.

34 N Clegg, acceptance speech on becoming leader of the Liberal Democrats, 18 Dec 2007.

35 Bentley, *Everyday Democracy*.

36 Prime Minister's Strategy Unit, *Building on Progress*.

37 *Hansard*, 23 Jan 2008: Column 1499, see www.publications. parliament.uk/pa/cm200708/cmhansrd/cm080123/debtext/80123-0004.htm#08012349000006 (accessed 7 Mar 2008).

38 Hutton, 'Welfare reform'.

39 Brown, 'Speech on liberty'.

40 Letwin, 'Cameron raises his standard in the battle of ideas'.

41 Letwin, 'Cameron conservatism'.

42 Pinker, 'The moral instinct'.

43 See for example Becker, 'The economic way of looking at life', who argues that 'individuals maximise utility *as they see it*'.

44 Hoffman et al, 'Do high stakes facilitate equilibrium play?'.

45 'Public sceptical of green tax motives'.

46 YouGov/*Sunday Times* poll results.

47 RSA, 'Eighty per cent of people say they could reduce their carbon footprint'.

48 Ariely et al, *Doing Good or Doing Well?*

49 'The final cut'.

50 R Cialdini et al, 'Descriptive normative beliefs, normative feedback, and behavior'.

51 RSA, 'Which messages spur citizens to protect the environment?'.

52 MORI, 'Public'.

53 'The final cut'.

54 Sampson, 'Networks and neighbourhoods'.

55 Lessig, 'Social meaning and social norms'.

56 Taylor, *Pro-Social Behaviour*.

57 Lyons, *Place Shaping*.

58 MORI, 'Public'.

59 Dillow, 'Yes, money talks'.

60 Bentley, *It's Democracy Stupid*.

61 Sen, 'Equality of what?'.

62 See http://en.wikipedia.org/wiki/Johari_window (accessed 10 Jan 2008).

63 Miliband, Foreword to Leadbeater, *Personalisation through Participation*.

64 Leadbeater et al, *Making it Personal*.

65 Ibid.

66 See, for example, 'Employment Zones' as an early incarnation of this.

67 Skidmore and Bound, *Everyday Democracy Index*.

68 Mulgan, *Good and Bad Power*.

69 'Half "are smoking less" since ban'.

70 Giddens, *Consequences of Modernity*.

71 Stilgoe and Wilsdon, *Engagement, Evidence and Expertise*.

72 Turner, *Final Report of the Pensions Commission*.

73 Beshears et al, 'The importance of default options for retirement saving outcomes'.

74 'Doctors'.

75 Brown, 'Organ donations help us make a difference'.

76 'Doctors'.

77 Quoted in Freud, *Reducing Dependency, Increasing Opportunity*.

78 Straw, 'Conditional sense'.

79 Perri 6 et al, 'Do citizens have obligations to their fellow taxpayers to take care of their own health and to use health services responsibly?'.

80 'Fat storing gene is identified'; 'Obesity "may be largely genetic"'.

81 Holt, 'The new soft paternalism'.

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The personal has become political. Increasingly, governments find themselves drawn into questions about how children are parented, how household waste is disposed of, how people travel, how much they save for later in life, and how much they eat, drink, smoke and exercise. A combination of new challenges and new thinking has given rise to the politics of public behaviour.

However, a debate that concerns itself with people's personal behaviour raises important questions. Where do personal freedoms stop and mutual obligations begin? Which decisions should be public and which private? And how and when should government play a role?

This pamphlet presents three perspectives from different political traditions. Andy Burnham MP, Andrew Lansley MP and Chris Huhne MP offer contrasting views on the public implications of private decisions, and what they mean for the relationships between people and government. The pamphlet concludes with a framework with which to negotiate the politics of public behaviour.

Duncan O'Leary is a senior researcher at Demos.