

CHAPTER 5

PRIVATE ACTIVITIES

THE 'PUBLIC' character of the duties of the public servant makes for special conditions of service. In a similar way, the distinctive role of the public servant in the national life places on him special obligations in the conduct of his private life. In other words, the State requires of its servants a higher standard of conduct than that demanded by private employers.

Code of the Public Servant.—The report of the United Kingdom Board of Enquiry in the Gregory or 'francs' case, in 1928, is the best modern source of the code of the public servant. In this case, a Foreign Office official was charged with injudicious speculations in francs. There was no speculation of public money, but the official indulged in speculative transactions while employed in a department to which, rightly or wrongly, the public attribute the power of obtaining special information, such as the future course of political or financial events likely to affect the rise and fall of markets. These transactions were adjudged not only inexpedient but wrong, since the knowledge that civil servants, so employed, are engaged in them 'could not fail to shock public confidence at home, and produce a deplorable effect upon opinion abroad.'

In the report it was pointed out that, over and above its written code, embodied in legislation, regulations and general orders, the Public Service has its unwritten code of ethics and conduct for which the most effective sanction lies in the public opinion of the Service itself. 'The first duty of a civil servant is to give his undivided allegiance to the State at all times and on all occasions when the State has a claim upon his services.' With his private activities the State is in general not concerned, so long as his conduct therein is not such as to bring discredit upon the Service of which he is a member. But to say that he is not to subordinate his duty to his private interest, nor to make use of his official position to further those interests, is to say no more than that he must behave with common honesty. The Service exacts from itself a higher standard, because it recognises that the State is entitled to demand that its servants shall not only be honest in fact, but beyond the reach of suspicion of dishonesty. A civil servant is not to subordinate his duty to his private interest, but neither is he to put himself in a position where his duty and his interests conflict. He is not to make use of his official position to further those interests; but neither is he so to order his private affairs as to allow the suspicion to arise that a trust has been abused or a confidence betrayed. These obligations are, we do not doubt, universally recognized throughout the whole of the Service; if it were otherwise, its public credit would be diminished and its usefulness to the State impaired.