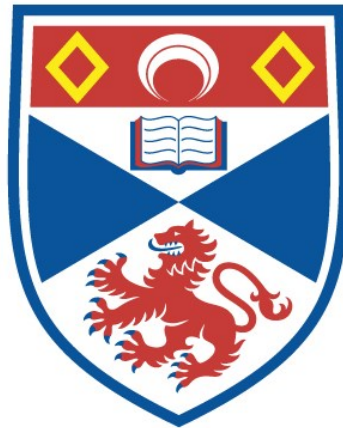# Trust, audit, and public engagement

Joshua James Clarke Kelsall

A thesis submitted for the degree of PhD
at the
University of St Andrews

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I was admitted as a research student at the University of St Andrews in September 2017.

I, Joshua James Clarke Kelsall, received assistance in the writing of this thesis in respect of language, grammar, spelling and syntax, which was provided by Antony Clark.

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Joshua Kelsall
Department of
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Dear Joshua,

Thank you for submitting your ethical application which was considered at the School of Philosophical, Anthropological and Films Studies Ethics Committee meeting on 30 April 2018 when the following documents were reviewed:

1. Ethical Application Form
2. Participant Information Sheet
3. Consent Form
4. Debriefing Form

The School of Philosophical, Anthropological and Films Studies Ethics Committee has been delegated to act on behalf of the University Teaching and Research Ethics Committee (UTREC) and has granted this application ethical approval. The particulars relating to the approved project are as follows -

Approval Code:		Approved on:	30.05.2018	Approval Expiry:	30.05.2023
Project Title:	Trust, Audit, and Public Engagement				
Researcher(s):	Joshua Kelsall				
Supervisor(s):	Prof Katherine Hawley, Prof Rowan Cruft				

Approval is awarded for five years. Projects which have not commenced within two years of approval must be re-submitted for review by your School Ethics Committee. If you are unable to complete your research within the five year approval period, you are required to write to your School Ethics Committee Convener to request a discretionary extension of no greater than 6 months or to re-apply if directed to do so, and you should inform your School Ethics Committee when your project reaches completion.

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Convener of the School Ethics

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– ABSTRACT –

Public auditors such as Audit Scotland aim to provide independent assurance to the public that money is spent effectively, efficiently and that it, and the activities of public organisations, provide public value. This project has two objectives. Firstly, to develop conceptual models of public audit that support public organisations' trustworthiness as organisations that provide public value. Secondly, to develop conceptual models of public engagement that auditors (and public organisations generally) can use to build public trust in their organisations.

The project has three parts. **Part 1** provides the project's philosophical foundations, defining the core concepts of trust, trustworthiness, distrust, and untrustworthiness that I employ in the thesis. Then I apply those concepts to trust relations between the public and public organisations. In **part 2**, I examine the relationship between audit and the trustworthiness of government. I will defend audit against audit sceptics, who argue that audit undermines public organisations' trustworthiness and public trust in those organisations. I will do this by arguing that whether audit faces these objections is dependent on the model of audit practice that we adopt, and I propose models of audit that avoid the audit sceptics' objections. In **part 3**, I develop conceptual models of trust-conducive public engagement, and I examine the role that auditors can play in enhancing public trust in public organisations. Firstly, I determine whether the obligation to build trust in public organisations is compatible with audit function. Secondly, I determine what public organisations' communicative obligations are; for instance, do they require public organisations always to be open, honest, and transparent? Finally, I argue that public engagement models that empower the voices of those engaged with are more likely to induce trust between the organisation which empowers and those empowered through such public engagement.

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– INTRODUCTION –

§ 1 Why Does Public Trust in Government Matter?

We cannot live well without trust. To live in distrust is to live in suspicion and loneliness. Distrusting agents refrain from cooperation, keeping others at arms-length, and are inclined to assume the worst of each other. To cooperate under distrust requires extensive persuasion and negotiation. A world of pervasive distrust is a Hobbesian state of nature, in which life is "solitary, poor, nasty, brutish and short" (Hobbes, 1985: 186). It would be impossible to build and maintain our complex political institutions, amass our diverse artistic and social culture, and the breadth of knowledge that we all benefit from today without trust.

Research into trust reveals many benefits of trusting relationships. When trust is strong, trustors are more forgiving of trustees who let them down in the short term.[1] Trust makes us think well of others, to be optimistic about their ability to cooperate with us and not to betray us (Jones, 1996). We generally associate virtues such as honesty and sincerity with those that we trust. In relations between organisations, trust lowers the transaction costs of cooperation (Dyer & Wujin, 2003; Gulati, 1995; Barney and Hanson, 1994; Dyer, 1997), increases the willingness of organisations to be open and transparent with one another (Aoki, 1998; Clark and Fujimoto, 1991; Nishiguchi, 1994), and to cooperate in the future. Zaheer et al. argue that "trust reduces the inclination to guard against opportunistic behaviour" (1998: 144), and Fukuyama argues that a nation's economic success "as well as its ability to compete, is conditioned by… the level of trust inherent in society" (1995: 7).

These advantages apply to the case of public trust in government, which I will call *civic trust*.[2] A public that trusts its government is more likely to cooperate with that government's rules and regulations, support it in times of hardship, and think positively of it when it lets them down. An advantage to trust is that where it is strong, one is more likely to overlook mistakes, whereas when one distrusts or trusts little, one is more likely to take failures of trust as evidence of untrustworthiness. In addition to these advantages, we can further motivate the importance of developing civic trust by reflecting on what happens where there is severe distrust in government. History provides many examples of what happens when distrust in political authority becomes pervasive: the French Revolution, the superseding of monarchies with democracies, and, more insidiously, the superseding of democracy with fascist regimes, such as the rise of Nazism after

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[1] This is because trust makes us resistant to evidence of untrustworthiness, see Baker (1987); Jones (1996) & (2019)
[2] For some, civic trust can also refer to the trust that citizens have, or more broadly, people in a community have (Preston-Roedder, 2017). However, in this thesis, I am using civic trust to mean trust between citizens and those that govern them.

World War I.[3] In contemporary times, we can see similar examples: whether warranted or not, distrust in the European Union by UK citizens has resulted in Brexit (Marsh, 2018), distrust in government has negatively impacted both the uptake of Climate Change action (Fairbrother, 2017) and resistance to vaccination and lockdown measures in the Covid-19 pandemic (Lazarus 2020). It is no wonder, then, that those in positions of public authority are concerned with gaining and maintaining public trust and building systems of governance that are conducive to public trust. Arguably, such concerns matter even more in democratic nations, where the continuous power of a given party or representative hinges on maintaining the trust (mediated through voting) of at least some proportion of the populace.

One cannot deny the instrumental benefits of building strong civic trust, but is there a deeper reason to care about it independently of such benefits? In my view, there is such a reason, and it is that trust in a government is a necessary condition for legitimising the political authority of that government.[4] Governments of any stripe hold positions of authority, which makes those under their control dependent on them. In the United Kingdom, we depend on our government to implement rules and regulations to provide security, protection, education, health care, transportation and to create sub-organisations that provide these services on the front lines. All public organisations, then, hold what I call *positions of trust*.[5] An agent X holds a position of trust when X holds a position of power that places the person(s) Y subject to that power in a dependency relation to X. Whether or not Y trust(s) X is irrelevant to whether X holds a position of trust. In the context of government, all citizens are in dependency relations to those that govern them, and so all governments hold positions of trust over citizens. While one can place others in dependency relations without the trust of those in that relation of dependence, it is only a legitimate position of trust if those in the dependency relation trust the holder of the position. This view stems from the intuition that a trusting person is a person who will be willing to place themself in a dependency relation. A non-trusting person will be unwilling to do this, and so to force the latter into such a relationship while they distrust would be an affront to the dignity of the distrusting agent.

At this juncture, I won't defend my view further because it would require me to go into a deeper analysis of the concepts of trust and distrust, the topic of **chapter 1**. It is enough to have added another possible motivation to the project that provides a non-instrumental reason for caring

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[3] I am not claiming that distrust is the sole cause of these historical events, but that it made a substantial contribution to their occurrence. It is also worth noting that in some of these examples, the change is more positive than in others. In future chapters we will look at the benefits of distrust for society and politics.

[4] I do not claim that it is the sole condition for political legitimisation

[5] I will return to this thought in chapter 7, and I have also discussed it elsewhere. See Kelsall (2021).

about public trust. This reason is that those who hold positions of public authority should care about public trust because trust is one of the necessary conditions for the legitimisation of their political powers. I will return to this topic in more detail in **chapter 7**. However, if one is not convinced, then the instrumental reasons should be enough on their own to motivate the project. At a minimum, the absence of pervasive distrust is necessary for any governing power's longevity (except perhaps an all-powerful despot). At most, strong civic trust results in the greater flourishing of government's power since it is willingly supported, defended, and obeyed by highly trusting citizens.

§ 2. The Chronic Crisis of Trust

Trust is essential, but unfortunately, governments seem to have a chronic problem gaining it among citizens. Research consistently demonstrates that civic trust is not as high as governors might like. The Edelman trust barometer is one of the longest-running global trust surveys, going back over 20 years. It demonstrates a consistent reluctance among the general population across the globe (and to a lesser extent, the higher educated population) to trust public institutions to the same degree that they trust other forms of organisation, such as NGOs or businesses. A survey of the Edelman trust barometers going back to 2007 reveals a near-unanimous trend of government occupying the bottom spot in terms of trust among the general population compared to trust in business, the media, and NGOs (Edelman, 2020b). Talk of a 'crisis of trust' is not only ubiquitous in the media, but it also appears to be the prevalent public view that trust over the past 20 years has been falling (Ipsos, 2019: 11-12).

However, we should note that despite such claims, lack of public trust is neither a new phenomenon nor is it currently at the lowest that it has ever been. The Edelman barometer studies show that since 2012, "trust in government among the general population has risen from 33 per cent to 47 per cent" (2020b). However, this is still less trust than in the "media, and much less [trust] than NGOs or business" (ibid). The Edelman trust barometer also demonstrates many facets to trust. It shows how different social values, political orders, and economic positions impact public trust. For instance, in Western democratic countries, trust is increasing at a much lower rate than in the least democratic nations. In the former countries, trust in government averaged at 35% in 2020, while in the latter, it averaged at 59% (ibid). In addition, education and income also impact whether one trusts the government, with a growing trust inequality between a more trusting educated class and a less trusting general population (Edelman, 2020a). The 2020 Edelman report suggests that the real crisis of trust is this so-called *trust gap,* in which those who are moderate to

highly affluent and educated are coming to trust their governments at a much higher rate than those who are less so.

There might not be evidence for a new, acute crisis of trust. Still, the evidence shows that governments consistently struggle to gain public trust compared to other kinds of organisation. On reflection, it is tempting to say that trust crises are more chronic than acute. To remedy the prevalent lack of trust, governments have turned to many strategies. Chief among them is regulation and, to the topic of this thesis, Audit.

§ 3. Trust, Audit, and Public Engagement

One way that governments have tried to improve public trust is to create institutions that verify public organisations' performance and compliance with regulations. The thought is that regulating organisations means that those organisations will be more motivated to meet high standards. Furthermore, by making it known the extent to which public organisations meet performance standards, the public can trust that such organisations are competent in performing their functions. Public audit is one among many practices of regulation that works towards this end.

Traditionally, an audit is a form of regulation in which organisations' financial reports are examined by agents that are independent of that organisation. Financial reports include "a balance sheet, an income statement, a statement of changes in equity, a cash flow statement, and notes comprising a summary of significant accounting policies and other explanatory notes" (PwC, 2020). An audit aims to come to a judgment on the financial report, determining whether the report "reflects the financial position of the organisation" (ibid). Auditors are committed to following auditing standards that are set by government bodies. Once the audit is completed, auditors write up audit reports, which provide the auditors' opinion on the accounts drawn from their investigation of the auditee. Financial audits, both in the private and public spheres, are generally done annually. However, they can be requested in exceptional circumstances outside of this, for instance, in suspected fraud cases.

Audit Scotland is a public auditing firm that carries out Audits on over "200 public bodies who collectively spend over £40 billion of public money each year. This includes audits of the Scottish government, central governing bodies, the NHS in Scotland, local authorities, and public education authorities" (Audit Scotland, 2015, 5). The aim of such audits is two-fold. First, they aim to support the continuous improvement of the aforementioned organisations, and second, to provide and support those organisations' public accountability. To satisfy these goals, Audit Scotland conducts annual financial reports on public organisations in line with traditional audit and reports on the

performance, governance, financial sustainability, effectiveness, efficiency, and economy of public organisations. The rationale behind this 'wider scope' audit is that to determine whether a public organisation is continuously improving, one must look beyond an organisation's financial reports. In addition, there is the thought that, in the public domain, there is public interest surrounding the performance and effectiveness of government. Thus, it is essential and helpful to include these concerns in audit work. Public auditors in Scotland are guided in their work by a document called "the Code of Audit Practice", which details the various responsibilities of appointed auditors and the audit work's driving principles[6] (Audit Scotland, 2016). Though this thesis's conclusions will generally apply to public audit, this thesis will engage extensively with audit as practised in Scotland. Therefore, a more detailed summary of how audit functions in Scotland, including the different kinds of audit reports, is needed. I provide this at the end of the introduction, but first, I conclude by outlining the motivation and structure of the project.

In § 1, I listed multiple benefits to strong civic trust relations, and I argued that trust legitimises the authority of public organisations. I showed how governments often have difficulties in gaining public trust, and then I introduced audit as a form of regulation that is supposed to improve civic trust. For audit regulation to have a positive and lasting effect on civic trust, two conditions must hold.

Firstly, the public organisations in whom we wish to inculcate public trust must be trustworthy. This thought is on Onora O'Neill's mind when she argues that we must put the question of trustworthiness prior to trust; in other words, we need to know what it is for public organisations to be trustworthy, and to what extent they are trustworthy before we begin to think about improving trust in public organisations (O'Neill, 2018). This is undoubtedly correct. Whether friend, business or government, to trust an untrustworthy agent is a quick route to disappointment and betrayal. O'Neill herself is sceptical of the potential of audit to improve public trust, arguing that audit is an intrusive form of regulation that is ultimately corrosive to trust (2002, chp.3). We will need to respond to audit sceptics like O'Neill and demonstrate the positive impact of audit on public organisational trustworthiness if we are to meet the first condition for establishing strong ties of civic trust that reap the benefits of trust.

The second condition that must hold to gain the benefits of civic trust is to ensure that where there is trustworthiness, trustworthiness is communicated effectively and clearly to potential trustees. A hermit might be the most trustworthy hermit in the world, helping all travellers pass

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[6] Naturally, other public auditors have their own, differently titled documents which lay out auditor responsibilities and audit principles.

through the mountains safely. Yet, if a traveller comes stumbling the hermit's way, she will be unlikely to trust him unless he has a way of signalling his trustworthiness. Thus, we need to think about how communication is likely to lead to perceptions of trustworthiness. To address the first condition, this thesis will examine the extent to which audit enhances government trustworthiness. To address the second condition, it will construct conceptual models of public engagement conducive to building trust relations between citizens and trustworthy public organisations, including public auditors such as Audit Scotland. The thesis examines the role of audit in this framework; it engages not just with the question of 'how can audit use public engagement to build trust in audit work?' It also examines the extent to which audit can enhance the perception of public trust in government.

I have split the thesis into three parts. In **part 1**, I provide the philosophical foundations of the project. In **chapter 1**, I articulate and defend the concepts of trust, trustworthiness, distrust, and untrustworthiness that I will employ throughout the thesis. In **chapter 2**, I apply those concepts to trust relations between the public and public organisations. Since these trust relations are relations between groups, we need to understand what it means for groups like the public to trust and distrust and what it means for groups like public organisations to be trusted, distrusted, trustworthy, and untrustworthy.

In **part 2**, I examine the relationship between audit regulation and the trustworthiness of government. In **chapter 3**, I defend audit regulation against audit sceptics like Onora O'Neill and Michael Power, who argue that audit regulation is damaging to both civic trust and the trustworthiness of public organisations. Then, in **chapters 4** and **5**, I focus on two significant ways in which audit can positively impact the trustworthiness of public organisations. In **chapter 4**, I argue that audit enhances government trustworthiness by limiting the possibility, and therefore the temptation, of organizational corruption, by limiting the discretionary powers of public organisations. In **chapter 5**, I argue that audit can aid in resolving problems of interest divergence. Interest divergence occurs when the interests of those in power diverge from the public interest in ways that make them less trustworthy. I argue that performance audits (more on this below) which engage directly with the public, can resolve interest divergency problems by ensuring and encouraging governments to satisfy the public interest over their private interests, thus making them more trustworthy.

In **part 3**, I develop conceptual models of trust-conducive public engagement, and I examine the role that auditors can play in enhancing public trust in public organisations. In **chapter 6**, I argue that audit can only play an indirect role in improving public trust in public organisations because

to do so directly would be inimical to the audit practice, which requires auditors to be independent of whether public organisations are trustworthy. In **chapter 7**, I discuss the extent to which seemingly intuitive features of communication, such as openness, honesty, and transparency, are necessary foundations for trust-conducive communication. Going against a recent strand of thought in the philosophical literature on trust and expert testimony, I argue that public organisations have trust-based obligations to be open, honest, and transparent, even in cases where acting in such ways might damage public trust. In **chapter 8**, I outline a theory of trust-conducive public engagement. I argue that models of public engagement that empower the voices of those engaged with are more likely to induce trust between the organisation which empowers and those empowered through such public engagement.

Before commencing with **part 1** and laying the philosophical groundwork for the project, I will conclude this introduction with an explication of public audit in Scotland.

§ 4.1. The Wider Scope of Audit: Audit Scotland

My research has been extensively informed through my interactions with Audit Scotland, the body responsible for most public audit work in Scotland. One of the aims of this project is to come up with practical recommendations for public auditors interested in building civic trust. Given that much of my research is grounded in the context of Scottish audit, I need to explain how public audit is conducted in Scotland. However, I should also stress that while the arguments and conclusions about audit are in part driven through engagement with Audit Scotland, the ultimate findings and recommendations of this thesis will apply to any organisation in a position of public authority, aiming to improve public trust in their organisations.

I will begin the explication of public audit in Scotland by focusing on how the responsibilities for public audit are divided. Then, I will explain the different kinds of audit and how they differ from the traditional financial audit work that we have already introduced.

The responsibilities for Public Audit in Scotland are divided between the local and central government bodies. Responsible for securing the external audit of central government bodies is the Auditor General, and responsible for securing external audit for local government bodies is the Accounts Commission.[7] Both posts operate independently of government and parliament, which is deemed necessary so that they can act without being influenced by fear or favour of their auditees. The Auditor General is a crown appointment, based on a recommendation from Scottish

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[7] The full responsibilities of the Auditor General, Accounts Commission, and Audit Scotland, can be found in: *Guide To Statutory Powers and Obligations,* Audit Scotland (2017)a, which in turn draws from legislation from *The Local Government (Scotland) Act* (1973), *The Scotland Act* (1998) and *The Public Finance and Accountability (Scotland) Act* (2000)

Parliament. The Accounts Commission is a committee of the public appointed through an open recruitment process and Scottish Ministers. Audit Scotland is a public, independent auditing firm that carries out audits on local and central government bodies on behalf of the Auditor General and the Accounts Commission. Independence here refers to the fact that Audit Scotland is appointed by the Auditor General and the Accounts Commission to conduct public audit instead of being hired by their auditees to perform audit work. In the case of financial audit reports, public audit work is shared between Audit Scotland and private auditing firms, although Audit Scotland does the main bulk of public audit work.

Now that we have the basic structure of how the responsibilities for public audit in Scotland are divided, we can look in more detail at the functions of these agents, starting with the Auditor General and the Accounts Commission.

§ 4.2. The Auditor General

The Auditor General has three responsibilities. First, to secure the external audit of central government bodies; second, to make judgments on the financial health and performance of governments; third, to present and defend those findings, in public, to parliament at the Public Audit and Post-legislative Scrutiny (PAPLS) committee meetings.

The Auditor General discharges her first responsibility by appointing private and public auditing firms that are external from the government to carry out those audits.[8] Audit Scotland is Scotland's primary public sector auditor, which provides professional support to the Auditor General for this purpose. These appointed external auditors provide their judgments on the auditee's financial health and performance, and these findings provide the basis for the Auditor General's auditor's opinion. Through this process, the Auditor General discharges her second responsibility to make judgments on the financial health and performance of central government bodies. The Auditor General discharges her third responsibility by presenting and defending, along with the relevant appointed auditing team members, her findings to parliament at the PAPLS committee meeting. At this point, it is up to members of the PAPLS committee and not the Auditor General whether: 1) they accept her findings and 2) wish to act based on these findings, such as by holding the relevant auditee to account. Neither the Auditor General nor the external auditing body has the power to hold the auditee to account in any formal or legal sense.

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[8] The appointment of private firms only occurs with respect to Annual Financial audit work, (including Best Value) and not the performance or best value audits discussed below.

As part of preparing audit reports on behalf of either the Auditor General or the Accounts Commission, the external auditor will discuss their emerging findings and share a draft audit report with the relevant auditee. Draft reports are shared with the auditee for factual accuracy checking purposes and to receive feedback. However, the auditor is not obliged to make changes to its reports based on the auditee's feedback. This preserves the auditor's independence from the auditee as it keeps them from being influenced by fear or favour. The council must accept the report both at the draft stage and at the final stage. Acceptance of a report entails accepting its findings and recommendations, which seems to give the auditor more formal powers to influence auditees. However, the auditee's acceptance of the recommendations is not legally binding. Again, neither the Auditor General nor the external auditor can directly coerce, by which I mean enforce their recommendations through the law, the government bodies they audit. It is the responsibility of the Scottish parliament to hold auditees to account if they so choose.

§ 4.3. The Accounts Commission

The Accounts Commission serves a function that is a hybrid between the Auditor General and parliament. Like the Auditor General, the Commission is responsible for securing external audit, though it secures the external audit of local rather than central government. It is similar to parliament in that it has findings presented to it by the external auditors and either accepts or rejects those findings. Like parliament, the Accounts Commission has the power to hold the relevant auditee to account by holding public hearings or making its recommendations to Scottish ministers.[9] Finally, to further separate the Accounts Commission from Audit Scotland, parliament, and local councils, the positions are appointed by Scottish ministers following an open recruitment process aimed at opening up the committee positions to members of the general public.[10]

There are two agents who present findings to the Accounts Commission, and which agent does this depends on the kind of audit. For Statutory Reports[11] and Best Value reports, the duty of reporting lies with the Controller of Audit, a post established by statute. Like the Auditor General, the Controller of Audit makes a judgment based on the external auditor's findings. However, they present their findings to the Accounts Commission for scrutiny rather than the PAPLS committee. The Accounts Commission then make their findings based on, but not necessarily identical to, what is presented to them in the Audit Scotland report by the Controller of Audit. Again, neither

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[9] It would complicate things unnecessarily to explain these kinds of audits here. See the relevant sections below for full explanations of these reports.

[10] This isn't to say that members of the general public often end up on the Accounts Commission; generally those who have served in public service are most interested in the positions

[11] Statutory reports are reports used by the Controller of Audit and the Auditor general, to highlight significant issues, such as risks or failings, that have arisen in a given audit.

Audit Scotland nor the Controller of Audit has any ability to coerce councils directly, but the Accounts Commission is responsible for and may hold local councils to account for any significant failures.

In the case of Performance Audit Reports and Overview Reports, the duty of reporting findings to the Accounts Commission currently lies with the Director of Performance Audit and Best Value. Many of these reports are joint performance audits with the Auditor General. As the Accounts Commission's powers only cover local government matters,[12] it may only accept or reject the findings and recommendations in the audit report where they relate to local government bodies. The content of the audit report that relates to central government bodies being subject to the Auditor General's approval. The Accounts Commission also prepares some local government-specific performance audits where it has complete control over the content of the audit report.

To summarize, public audit in Scotland is divided into two parts: the audit of local governing bodies and the audit of central governing bodies. The Auditor General is appointed to secure the external audit of central governing bodies, and this she does by appointing external auditors, including Audit Scotland and private auditing firms. The work of these firms then informs and supports the Auditor General's auditor opinion on the auditees' financial health and performance. Then she presents her auditor opinion to the PAPLS committee, who then have the responsibility of holding the central government to account if they so choose. The Accounts Commission is responsible for securing the external audit of local governing bodies, which they do by appointing Audit Scotland and private firms. Thus, this audit work informs the Controller of Audit's judgment (for statutory and best value reports) or the Director of Performance Audit and Best Value (for performance and overview audit reports). The Accounts Commission then accepts or rejects these findings, and in the case of § 102 reports or Best Value Reports, decides whether to take further action, such as by holding local officers to account. Audit Scotland is an independent public auditing firm that carries out public audits to support the findings of the Accounts Commission and the Auditor General. Now that we have the basic structure of Scottish public audit and have explained the functions of the main players, we can now detail the different kinds of audit that public auditors in Scotland carry out.

§ 4.4. Financial Audits, Performance Audits, Best Value Audits

There are three primary forms of audit reporting conducted by Audit Scotland. First, we have the traditional financial audit, which we have already discussed. The second type of audit is

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[12] This thought was brought up through a helpful discussion with Antony Clark.

performance audit. Unlike the financial audits, which occur annually and focus on individual local and central governing bodies' financial health, performance audits are bespoke in nature and focus on a national scale to provide overviews of various public sectors or to examine strategic themes. Performance audits try to be informed by areas of public interest, aiming to give helpful public information on the performance and value of various aspects of governance that matter to them. The central concerns of performance audits are "the efficiency and effectiveness in using public resources" (Audit Scotland, 2018a). Some examples of this include performance reports on "Early Learning and Childcare" (Audit Scotland, 2018b), the "NHS in Scotland 2017" (Audit Scotland, 2017b), and "Transport Scotland's Ferry Services" (Audit Scotland, 2017c). The early learning and Childcare audit focused on policy implementation issues such as the risks "surrounding the Scottish government's ambition to double early learning and childcare hours by August 2020" (Audit Scotland, 2018b). The NHS in Scotland 2017 audit concerns an assessment of the way that the NHS in Scotland is dealing with current and future obstacles to public health service delivery. The Transport and Ferry Service audit covers whether public spending on those services offers the public value for money and whether Transport Scotland has demonstrated that its provision of public transport provides public value. In these examples, we can see the extent of performance audits and what they might involve. It is also worth noting that because performance audits cover broad questions and issues, they may cover both central and local government bodies. Thus, performance audits may be produced either by the Accounts Commission for purely local government audits, the Auditor General for purely central government audits, or both the Auditor General and the Accounts Commission for audits that cross over local and central boundaries. However, all performance audit reports are presented to the PAPLS committee.

The final primary type of audit conducted at Audit Scotland is the Best Value audit. Best Value audits are audits carried out only on local councils to check whether and how well councils meet the duty of Best Value established in the 2003 Scotland act (Scotland Act, 2003). As of 2020, Audit Scotland assesses whether councils have met this duty by examining them in terms of the following seven 'best value themes': (1) vision and leadership; (2) governance and accountability; (3) effective resource use; (4) partnerships and collaborative working; (5) working with communities; (6) sustainable development; (7) fairness and equality.[13] In Best Value audits, these seven themes provide the framework through which the auditors will give an overall judgment of Best Value on the auditee. Since these reports only occur for local councils, the reports are only produced by the Accounts Commission and not the Auditor General.

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[13] *Best Value: Revised statutory guidance 2020* (2020)

In summary, there are three kinds of Audit conducted by Audit Scotland. These are the annual financial audits, primarily concerned with the financial health and performance of central and local governments and which are generally done on a yearly basis. Then there are performance audits, which cover national issues of public interest, usually across local and central sectors, and address the effectiveness of arrangements to address these issues. Finally, there are Best Value audits, which cover the statutory duty of Best Value as it applies to local councils, and this is determined by assessing the performance of a given council in terms of the seven best value audit themes. While these are the main kinds of audit in Scotland, this is not exhaustive of the reporting that Audit Scotland produces. In the final section, I will take a brief look at statutory audit reports, as these are the reports used by the Auditor General or the Controller of Audit to highlight significant risks and failings of auditees.

§ 4.5. Statutory Reports

A statutory report highlights issues of significance arising from the auditing of an auditee's accounts (Audit Scotland, 2018a). Both the Auditor General and the Controller of Audit may choose to write up a statutory report. In the former case, that report is called a *section 22 report*. If the Auditor General decides to write a section 22 report, she and members of the relevant audit team present these reports to the Scottish Parliament's Public Audit and Post-Legislative Scrutiny Committee. In the case of the Controller of Audit, the statutory report is a *section 102 report*, and these reports are presented to the Accounts Commission by the Controller of Audit and members of the relevant audit team.

The use of these reports is usually to highlight serious failures in government that require further attention. However, the Auditor General, Controller of Audit, and Audit Scotland can only make recommendations, publish findings, and discuss these issues at the relevant meetings. They cannot enforce changes based on these reports; that job is left to Parliament or the Accounts Commission.

– Part 1 –

Defining Trust and Trustworthiness in Public Organisations

– Part 1 Introduction –

Defining Trust and Trustworthiness in Public Organisations

In this part, I provide the philosophical foundations of the thesis. To know what forms of public engagement might be conducive to civic trust, we first need to understand what we mean by trust. And since we also want to avoid public engagement models that will be conducive to distrust, we need an understanding of distrust. Finally, since we want to ensure that civic trust is placed in trustworthy public organisations, we need to define trustworthiness and its contrary, untrustworthiness. In **Chapter 1**, I articulate and defend a theory of trust, trustworthiness and their opposites, distrust, and untrustworthiness.

Prima facie, trust arises in different kinds of relationships. The trust we have in a friend, lover, or family member, seems like it might be different from the trust we have in government, public officials, or politicians. Moreover, we are not just talking about individual trust in this thesis but also public trust in public organisations. These are relations of trust between different kinds of groups. Thus, in **Chapter 2**, I articulate a theory of what it means for there to be public trust and distrust in public organisations and a theory of what it means for a public organisation to be trustworthy or untrustworthy.

At the end of this part of the thesis, we will understand what it means for the public to trust or distrust a public organisation and what it means for a public organisation to be trustworthy or untrustworthy. Knowing these will provide us with the framework that we need to understand the effects that audit might have on civic trust relations and the trustworthiness of public organisations (the topic of **part 2**), and it will give us the framework we need to articulate conceptual models of public engagement that will be conducive to civic trust both in public auditors and public organisations (the topic of **part 3**).

– CHAPTER 1 –

Defining Trust, Trustworthiness, and their Contraries

§ 0. Introduction

In this chapter, I articulate and defend the concepts of trust and trustworthiness and their contraries, distrust and untrustworthiness, that will be used in this thesis. The view of trust I adopt is a modal, commitment account of trust. The commitment account of trust comes from Hawley's non-modal commitment account of trust, according to which to "trust someone to do something is to believe that she has a commitment to doing it, and to rely upon her to meet that commitment" (Hawley, 2019: 9). In § 1, I analyse the common philosophical intuitions regarding trust, trustworthiness, and their contraries, delineating the features of trust and its related concepts that a theory of trust must explain to be credible. In § 2, I introduce and reject the leading competing theory to commitment accounts of trust: motivational accounts of trust. In § 3, I argue that while Hawley's formulation of the commitment account avoids the objections befalling motivational accounts, it fails to explain all the critical features of trust defined in § 1. Thus, I posit my modal commitment account as a solution and demonstrate how it accounts for the features of trust discussed in § 1. Then, I defend the commitment account from the objection that it fails to explain the intuition that motivations are required to explain trust and its associated concepts.

Although this thesis is concerned with trusting relations between groups such as the public and public organisations, this chapter is concerned with trusting relations as they arise between individual agents.[14] In § 2, I apply my accounts of trust, trustworthiness, and their contraries to the context of trusting relations between groups such as the public and public organisations.

§ 1. Common Intuitions on Trust & Trustworthiness

In the following four sub-sections, I outline and discuss five common philosophical intuitions regarding trust and trustworthiness. These are:

(1) Trust is a special form of reliance with strong ties to reactions of betrayal and gratitude.
(2) To trust is to make ourselves vulnerable to others, specifically, vulnerable to betrayal.
(3) Trust and distrust are contraries but not contradictories: i.e., it is possible to neither trust nor distrust, but one cannot both trust and distrust at the same time.
(4) To be trustworthy, an agent must act from a specific - usually moral – motivation.

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[14] Thus, I can talk about trust between any entity that meets the criteria for agency, whether that is limited to human beings, some non-human animals, or organised groups.

(5) Trust, distrust, trustworthiness, and untrustworthiness come in degrees.

Not every philosopher working on trust accepts all of these intuitions, as we will see, and even where they do, there are disagreements about how we might explain them. My aim is not to endorse these intuitions but to explain them and provide reasons for either accepting, rejecting, refining, or repurposing them. Discussion of these intuitive features of trust will frame the subsequent analysis of trust and its related concepts, providing the foundations for accepting my non-reliance, modal, commitment account of trust.

§ 1.1. Reliance-Based Trust

In everyday language, we often use the terms 'trust' and 'reliance' synonymously. We can talk of trusting our cars to get us to work or of relying on them to do so. I could tell you not to trust a co-worker to get the job done, or I could tell you not to rely on them. However, there are instances where we mean something special by trust, which is not fully captured by talk of mere reliance. A violation of trust among ones' nearest and dearest, for example, hits us harder than an unreliable car. Picking up on this difference, philosophers respond by distinguishing between a special form of reliance that they call trust and cases of mere reliance. The standard explanations of this distinction detail the different expectations that we have of those we trust as opposed to our expectations of that which we rely upon, as well as our different reactions in cases where our reliance or trust succeeds or fails (Hawley, 2014: 5; McLeod: 2015).

In elucidating the kinds of reactions invoked by failed trust, Baier singles out betrayal as unique to trust, while cases of failed reliance generate mere disappointment (Baier 1986). Indeed, when my car breaks down, I may be angry or frustrated with my failed reliance on it, but to throw my hands to the skies and curse my car for betraying my trust would be going a little too far. Nevertheless, I may be justified in giving the salesman a piece of my mind, accusing him of a betrayal of trust if he misled me into thinking the car was reliable. Holton puts betrayal at the forefront of his account of trust. He claims that "when you trust someone, you rely on them to do it, and you regard that reliance in a certain way: you have a readiness to feel betrayal should it be disappointed, and gratitude should it be upheld" (Holton, 1994: 4). The idea on this account is that when we trust, we dispose ourselves to feel certain reactive attitudes[15] such as resentment or gratitude, depending on the success or failure of our trust.

We can understand why failed trust elicits betrayal while failed reliance elicits only disappointment by looking at the second distinction between trust and reliance, which pertains to our expectations

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[15] In the Strawsonian sense. See Strawson, (1962)

in the two cases. In cases of mere reliance, our expectations are merely predictive; I predict that my car is reliable enough such that it will get me to work. If such a prediction fails, I can be annoyed or frustrated, but the vehicle hasn't betrayed me; a betrayal goes deeper than that. If I trust you to watch my house while I am on holiday, I predict that you will do so, but more than this, I expect you to do so in a normative sense and, assuming you have accepted my trust, this normative expectation is justified (Jones, 2004: 17). It is here that we open ourselves up to the possibility of betrayal, for it is when an agent fails to keep the obligations that they have incurred through trust that they betray us.

Understanding that trust involves normative expectations sets limitations on what relations count as trusting. For instance, we cannot trust inanimate objects or phenomena, though we can rely on them because such things are not apt candidates for the normative expectations that are part of trust relations. Therefore trusting these phenomena is to be understood synonymously with reliance.[16] However, one must be careful not to suppose that the distinction between trust and mere reliance is best construed as a distinction between reliance on non-persons and reliance on persons. Baier explains why with the following example of Kant's neighbours, who relied on the regularity of his daily walks to tell the time of day (Baier, 1986: 235). In the example, Kant is unaware of their reliance and thus has neither encouraged nor accepted their reliance. Because of this, Kant has no obligations towards his neighbours to take his regular walk. Were he to fail to walk at his usual time for any reason, he could only disappoint his neighbours in the way that my broken car disappoints me when it lets me down. The reason that the cases of Kant's neighbours and the broken-down vehicle are not instances of trust is that the thing/person relied on has no normative obligation to make good on the reliance. The car because it cannot, and Kant because he has not taken on such an obligation.[17]

The idea that trust is a special form of reliance that is distinguishable, in part, because of our having certain trustees' expectations, leads many philosophers to endorse what Faulkner calls "metaphysically-hybrid" notions of trust (Faulkner, 2015). These accounts are metaphysically hybrid in that they include both an action component – the reliance – and an attitudinal component

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[16] Of course, one could also say that there are just different senses to the word 'trust' in these two cases, and so not suppose that is incorrect to use the term 'trust' to describe cases of mere reliance in ordinary parlance. Hollis does this, making a distinction between predictive and normative trust, (1998: 10), as does Faulker, distinguishing affective and predictive trust (2007: 880). My views are compatible with making such a distinction, and my reasons for not introducing this distinction above is to avoid to getting caught into terminological debates that are unnecessary for this thesis.

[17] To reiterate, if one was to accept Hollis' distinction between normative and predictive trust, then the case of Kant's neighbours and the case of car reliance would be cases of predictive trust, while cases of trusting a friend to keep a secret, for example, would be cases of normative trust.

– often a judgment about the trustee's trustworthiness.[18] I reject the intuition that trust is a special form of reliance. Instead, I distinguish between trust, which I take to be a judgment (the content of which is that the trustee is trustworthy), and trusting reliance, which is the special form of reliance discussed above. Though uncommon, there is some support for distinguishing trust and reliance, and below I present two arguments in favour of the view.[19] The first, my own, comes from creating counterexamples that demonstrate that reliance is neither necessary nor sufficient for trust. The second, from Domenicucci and Holton (2017), shows the logical priority of the attitude of trust. By analysing the language that we use to describe our trust and reliance on agents, they argue that trust is often used to justify future reliance, suggesting that the question of trust comes before the question of reliance.

The following two examples demonstrate the separateness of trust, which is attitudinal, and trusting reliance, which is an action. They do this by demonstrating that trusting reliance is neither necessary nor sufficient for trust.

> *Cat-sitter* – Sarah needs a cat sitter while she is out of town. Her friends Danny and Annabelle are both lovers of cats, and Sarah takes them to be equally competent and willing to do the job. However, she asks Danny (who accepts) rather than Annabelle because he lives on her street, whereas Annabelle lives in the next town.

Suppose Annabelle complains to Sarah: "why don't you trust me?" It is perfectly reasonable for Sarah to reply: "of course I trust you, Annabelle, but I'm letting Danny look after Ossi (the cat) because he lives closer to me than you." If this is a legitimate response, then trusting reliance is not necessary for trust. Sarah trusts Danny and Annabelle because she judges that, were she to trustingly rely on either of them, they would satisfy their commitments. It is irrelevant for trust whether she trustingly relies; what is relevant is that she would trustingly rely on them under the right circumstances, but in this case, those circumstances are right for Danny and not Annabelle.

> *Cheating* – Sam's partner Susan has cheated on him. However, both decide that they want their relationship to continue. Sam has significant doubts at first that Susan will live up to her promises; nevertheless, he refrains from checking up on her in any way, recognising that to do so would not allow their relationship to get back to how it was.

Sam trustingly relies on Susan to be faithful, but the fact that he remains suspicious about her fidelity indicates distrust. If Susan could read his mind, she may be disappointed that she has not

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[18] The attitudinal component of trust need not be a cognitive attitude like a judgment. For a discussion of non-cognitive accounts of trust see Becker (1996).

[19] Hardin (2002) and Hieronymi (2008) are two prominent advocates of attitude-based accounts of trust.

yet earned her husband's trust, despite her efforts. Some philosophers would characterise *Cheating* as an instance of 'therapeutic trust' (Horsburgh, 1960), defined as cases where a doubtful person like Sam trusts a person they may not believe to be trustworthy to encourage them to be so.[20] I disagree that therapeutic trust is genuine trust. Sam trustingly relies on his wife despite his doubts because he *wants* to trust her again, not because he trusts her already. Therapeutic trust is not genuine trust but a form of trusting reliance where one trustingly relies on someone to build or strengthen the trust that is either weak or not present. To say that therapeutic trust is a form of trust itself seems premature in light of this observation because it makes it difficult to explain the process through which trust is regained after it has broken down.

Now onto the second argument in favour of the separateness of trust and trusting reliance. Domenicucci and Holton begin by taking the verbs 'rely' and 'trust' and using them synonymously to construct the following two sentences:

(1) "Ok, I trust you. You can borrow [my car]
(2) Ok, I rely on you. You can borrow [my car]" (2017: 152).

If someone uttered (2), we might think them not to be a native speaker of English, but sentences like (1) are acceptable and, Domenicucci and Holton argue, demonstrative of the idea that the question of trust can be separated from the question of reliance. They note, "(1) seems to work in a radically different way. Talk of trust is used to explain or justify lending the car. It's as though Jules had said 'I trust you, therefore you can borrow it'" (ibid). If we take this to be the case, we take trust to be something that comes prior to and is separate from trusting reliance. As such, I reject the intuition that trust is a special form of reliance. Instead, I conclude that the special form of reliance that was intuitively called trust is a form of reliance that often, though not necessarily, stems from our having trust. I say often, but not necessarily, because the counterexamples I used contain cases in which a trustor trusts without relying (*Catsitter)* and a case where one does not trust but does trustingly rely so as to build trust (*Cheating)*. To trust then is simply to hold a kind of attitude (yet to be defined) towards others that disposes us to trustingly rely on them in the right circumstances.

§ 1.2. Trust and Vulnerability

Many philosophers accept that trusting someone requires the trustor to make themselves vulnerable to the trustee in some way (Baier, 1986; Becker, 1996; Dasgupta, 1988). As Pettit

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[20] Victoria McGeer (2008) describes this as the "galvanising effect" of trust. In light of the discussion here, I would describe it as the galvanising effect of trusting reliance.

describes it, to trust is to "place yourself in the hands of another" (Pettit, 1995: 204). In doing this, the thought goes, we make ourselves vulnerable to betrayal by our trustees. Note that this intuition appears[21] to presuppose a reliance-based account of trust; if trust is to make oneself vulnerable to betrayal by putting oneself in another's hands, then trust is a form of reliance. In the previous section, I rejected this idea; nevertheless, I want to retain the intuitive connection between trust and vulnerability, albeit in a modified form. In this section, I argue that while trust does not require us to make ourselves vulnerable to betrayal through trusting reliance, it does encourage a disposition to make ourselves vulnerable to betrayal through trusting reliance. Before arguing this, I will first explain what it means to be betrayed.

We can understand what constitutes a betrayal by contrasting betrayal with another vulnerability that comes with reliance of any kind, namely the material loss of someone failing to do what we rely on them to do.[22] Suppose I ask you where the beer is, and you (a lousy liar) tell me it is not in the fridge. Since you are a terrible liar, I always know when you lie, and so am not vulnerable to material loss from your lies. Seeing through the fabrication, I don't get up and look for the beer and find it isn't there. Although I do not lose out materially in the beer case, I can still say that I trusted you to tell the truth and that, even though there is no material loss, you have betrayed my trust by telling a lie. This is because the betrayal is not dependent on material loss but dependent on you failing to keep the obligation that you took up in letting me trust your honesty.[23] The wrong of betrayal is distinct from the material loss we may or may not incur when we rely. The following passage from Margalit captures the essence of the harm in betrayal as a harm that transcends material loss:

> "The issue in betrayal is not the intention to harm but the indifference to the victim, the lack of concern. The true insult in betrayal is the discovery by the betrayed that he wasn't at all on the mind of the betrayer. Indeed, what was done was not directed against him but instead was done with utter disregard for him. The maddening indifference is what hurts… It is not the betrayed's *interests* that are ignored. *He* is ignored… the betrayed realizes that he is not the significant other and not special" (Margalit, 2017: 112).

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[21] I say 'appears' because, as I will show in this section, one can preserve the idea that to trust is to accept vulnerability even on a non-reliance-based account of trust, such as my modal account of trust.

[22] Material loss is a vulnerability that occurs both when we trustingly rely or when we just rely in general. Vulnerability to betrayal, as we will see, is what is unique to trusting reliance and trust.

[23] I am implicitly assuming here that the liar implicitly takes up an obligation to speak honestly when they answer the question "where is the beer?" I do not take this to be controversial, but if you do, you could imagine the same case but suppose that the liar explicitly agrees to tell me where the beer is, thus acquiring the obligation to speak honestly. For more on why speaking commits us to speak honestly, see Hawley (2019).

Now that we understand what constitutes a betrayal, we can return to the intuition that trust requires us to be vulnerable to betrayal. To explain the intuition, we can return to the beer case above, but now suppose that I, tired of your lies, slip you a truth serum. In this case, not only am I no longer vulnerable to material losses from your lying, but you can also no longer betray me. In making myself invulnerable to betrayal, I can still rely on your honesty; however, if we accept the intuition that trust requires vulnerability to betrayal, then I can't be said to trust you. This seems correct; we have all been in less extreme coercive situations. Think of a micro-manager watching your every move, bad faith colleagues scrutinising your every word, or parents calling your friends' parents to check you haven't runoff. In these cases, we complain of a lack of trust among those who refuse to back down, who want every last detail, every last word and movement recorded. In these cases, we can no longer betray trust (or at least it becomes difficult), and the unwillingness of a trustor to allow for that possibility seems indicative of a lack of trust at best, outright distrust at worst.

I accept that there is a link between vulnerability and betrayal, but I reject the intuition that in order to trust, one must make oneself vulnerable to betrayal. In my view, it is only when we trustingly rely on agents that we make ourselves vulnerable to betrayal. I can demonstrate this by examining instances of trust relations where there seems to be genuine trust, yet the trustor is not vulnerable to betrayal.

> *Blackmail* – Sarah relies on Tom to look after her cat while she is away on holiday. Unknown to Sarah, Tom is being blackmailed by someone to do everything Sarah wants, thus compelling him to do so.

In this case, Sarah cannot make herself vulnerable to Tom's betrayal because Tom will do anything the blackmailer demands. Nevertheless, she is unaware that Tom is being blackmailed, so she believes that she is making herself vulnerable to him when she trustingly relies and takes no action herself to force Tom to make good on her trusting reliance. An externalist might argue that Sarah is incapable of trusting Tom in this circumstance, even though from her perspective, she believes that she does trust him. However, the externalist view seems at odds with the phenomena we are trying to explain. What matters for trust is not the external situation but the relationship between Sarah and Tom. That Sarah believes that she is making herself vulnerable to betrayal and is willing to do so seems more important than the metaphysical point that she cannot do so. If we accept this, we might try and preserve the intuitive connection between trust and vulnerability by stating that what matters is not whether the trustee *can* betray the trustor, but instead that the trustor *believes* they are making themselves vulnerable to the trustee. That is what is happening in *blackmail*.

Sarah believes she is making herself vulnerable to Tom by trusting him, but because Tom is being blackmailed, she is not, in fact, vulnerable to betrayal.

The above is a satisfactory answer to *blackmail*, but there are cases where the trustor can refuse to make themselves vulnerable to a betrayal that, I contend, also count as trust. For example:

> *Regulation:* A makes laws that regulate the ethical behaviour of companies P, Q, and R. Presently, there are no sanctions on P, Q, and R. A knows that Q and R act ethically, but P takes advantage of the lack of sanctions and avoids paying taxes. A decides to place strict sanctions to ensure P's compliance and, for the sake of fairness, these sanctions must apply to all companies equally. A implements the sanctions across all three companies, and they all comply.

In this example, before the sanctions, A can trust Q and R to behave ethically, but not P, who is abusing the lack of regulations for their selfish gain. As such, A places regulations on all three companies such that they are all forced to comply. From this point on, all three companies cannot betray A. Nevertheless, it seems odd to say that just because A has removed its vulnerability to betrayal by the three companies, that it can no longer trust Q and R. The fact that A knows that Q and R are moral companies (that they have complied of their own volition in the past and will continue to do so in the future) is enough to maintain that A still trusts them, even if they are forced into compliance. One could imagine a conversation here with A justifying their actions to companies Q and R, saying, "it's not that I don't trust you, it's just that I don't trust P, and these laws have to apply to everyone," and this would be a perfectly reasonable thing to say. What matters for A's continued trust in Q and R is a continued belief that Q and R would still comply with the sanctions removed. That is, A believes of Q and R, but not of P, that in cases where A would be vulnerable to betrayal from the respective companies, that Q and R would not betray, but that P would.

If the above argument is convincing, then it follows that it is possible to trust an agent even when that agent is under coercion, even when the trustor is the one doing the coercing. What does this mean for the intuitive connection between trust and vulnerability? Well, bearing the distinction between trust and trusting reliance in mind, we can state the following. Firstly, it is through trusting reliance that we make ourselves vulnerable to betrayal, not in trust. This follows because to be betrayed by someone, you must rely on someone for some end, and that reliance must fail. We know that the reliance must be trusting reliance because (as the last section demonstrated) it is failed trusting reliance, as opposed to failed mere reliance, that leads to justified feelings of betrayal on the part of the trustor. Nevertheless, there is still a connection between trust and vulnerability

to betrayal. When we trust, we see others as apt candidates for our trusting reliance, and thus, when the appropriate circumstances arise, we will trustingly rely on those that we trust. If trusting reliance requires us to make ourselves vulnerable to betrayal by trustees, then trust, the thing that tends to lead us to trustingly rely on others, disposes us to be vulnerable to betrayal by others. If I have a great deal of trust in you, I am more inclined to make myself vulnerable to you through trusting reliance when the right situation arises.

To provide some final justification to my argument, recall the previous section's point about the logical priority of trust over reliance. That argument demonstrated how we use trust as a judgment to justify our trusting reliance on others. A similar thought is at play here. First of all, I trust and then, because I trust, I see you as someone who I can rely upon in a special way, namely trusting reliance. The trust comes first and disposes us to be vulnerable to others; however, trust itself does not demand that we either make ourselves or believe ourselves to make ourselves vulnerable to betrayal.

Some practical issues need to be addressed regarding the intuition so understood. As Pettit rightly notes, in cases like *Regulation* where a trustee is at the mercy of a trustee, "any attempt to communicate a belief or presumption that the trustee is trustworthy is liable to be seen as a sort of condescension, designed to make the trustee feel good" (Pettit, 1995: 223). The thought here is that in a case like *Regulation*, it may be challenging for company A to communicate to Q and R that they trust them because of the lack of trusting reliance, replaced by coercive regulation. While this is a significant problem, it is ultimately a problem concerning the possibility of communicating trust rather than a question of trust itself. Given the practical nature of this project and the role of public engagement in generating trust, we will eventually need to consider issues concerning our ability to communicate trust. With respect to this, it may be the case that a trustor must accept some degree of vulnerability, not so that they can trust the trustee, but as a way of *demonstrating* that trust. I return to this point in **chapter 8.**

§ 1.3. Trust, and Distrust are Contraries, not Contradictories

Trust and distrust are mutually exclusive but not collectively exhaustive. It is not possible to trust and distrust someone at the same time, however, it is possible to have neither trust nor distrust in a person. Hawley is one of few philosophers who focuses on the concept of distrust, and the intuition that trust and distrust are contraries but not contradictories plays a big role in the development of her commitment account of trust (Hawley, 2014; 2019), which I will detail in **§ 2**. That the intuition holds can be seen by noting the many cases where we can neither trust nor distrust others. Many of these are cases of trust relations between strangers. If I ask you now,

pointing to someone you don't know, "do you trust her?" it would be odd for you to provide an answer either way. Responding by saying, "I don't know, I don't know her," would be an appropriate reply. If you don't have any information about an agent, then it is difficult to be confident either in trusting them or distrusting them.

Though Hawley's view of trust is reliance-based, it is worth noting that the intuition that trust and distrust are contraries but not contradictories applies whether we construe trust as a pure attitude or as a metaphysically-hybrid notion with a reliance component. However, since my account of trust is one on which trust is conceived of as a judgment, I'll focus here only on how the intuition would apply to a judgment account of trust. If trust is a judgment, say that someone is trustworthy (however understood), then to distrust is to judge that someone is untrustworthy. But it is possible to have neither judgment, for example, when you lack significant knowledge about the person in question, as we saw in the stranger example above. I accept that trust and distrust are contraries but not contradictories. Thus, I will account for the intuition in my theory of trust. Along with Hawley, I will argue that the failure to account for this intuition is a significant weakness of motivational accounts of trust.

Some philosophers use the term 'mistrust' to characterise the space between trust and distrust. Making this distinction, Lenard argues that while distrust involves "a cynical attitude towards others," mistrust "refers to a cautious attitude towards others" (2008: 313).[24] The notion of mistrust has its roots in republican political theory, in which it is described as vigilance towards political authority.[25] One potential issue with the notion of mistrust is that it comes across as a weak form of distrust, but I think this need not be the case, as mistrust lacks what is salient about distrust, namely its pessimism. When I distrust you, I regard you negatively; I think you are not deserving of my trusting reliance, I avoid you in virtue of that, I tell others to do the same, and I am disinclined to give you chances to redeem yourself in the future. Mistrust also shouldn't be construed as a weak form of trust because it lacks what is salient about trust, namely its optimism.[26] When we trust, we feel positive about those we trust; we are confident in their abilities to live up to our trust in them. In cases of mistrust, we lack both the optimism of trust and the pessimism of distrust. We are open-minded to evidence revealing trustworthiness or untrustworthiness. Mistrust describes our dealings with most strangers as our attitudes towards strangers generally sit

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[24] For further discussion on the concept of mistrust, see Zmeril and Van der Meer (2017), Citrin and Stoker (2018)

[25] Pettit defines vigilance as "the virtue of remaining alert, especially in dealing with powerful authorities to the possibility that others may be behaving in a corrupt, sectional fashion" Pettit, (1997: 263) Also see Skinner (1990: 303; 1995: 37)

[26] I am not claiming here, as Jones (1996) does, that trust is primarily an attitude of optimism, but rather that when you trust, you are likely to take an optimistic view of a person in virtue of your judgment that they are trustworthy.

somewhere between distrust or trust. However, as we'll see in the next section if trust and distrust admit of degrees, one could argue that mistrust is just a very, very weak form of distrust. I would be willing to accept such a concession since nothing in my account of trust requires mistrust. Nevertheless, given the salience of the pessimism of distrust, the optimism of trust, and the open-minded scepticism of mistrust, using the three terms distinctly seems to be a more useful delineation of the phenomena.

§ 1.4. Degrees of Trust and Trustworthiness

The idea that trust, trustworthiness, distrust, and untrustworthiness come in degrees is perhaps the most intuitive feature of these concepts. I trust my close friends more than I trust acquaintances, and I trust most acquaintances more than I do strangers. Likewise, an agent can be described as more or less trustworthy or untrustworthy than another. A coward is perhaps untrustworthy, but not so untrustworthy as a compulsive liar. A lover is more trustworthy with your deepest secrets than a stranger.

While intuitive that trust and its related concepts come in degrees, what is less intuitive are the different *ways* in which they come in degrees. Focusing on trustworthiness, McGeer and Pettit make an interesting and useful distinction between the durability and dependability of trustworthiness, both of which are different ways that trustworthiness comes in degrees (2017: 16-19). They regard trustworthiness as a kind of capacity, in the way that one has the capacity to lift weights or solve algebra puzzles. Such capacities, they argue, can be assessed according to their durability and dependability. A capacity is dependable to the extent that the capacity succeeds across different triggering scenarios. A capacity is durable to the extent that it is resistant to potential disrupters in any given scenario. McGeer and Pettit give the following analogy to elucidate the distinction:

> "We may be happy to ascribe an outstanding mathematical capacity to you, treating it as highly dependable – you can solve a great range of tricky problems – while recognizing that the ability is disrupted or masked by inhibition in the company of hostile or assertive competitors… we may be confident in treating you as a dependably kind person – this shows up in how you routinely treat your family and friends, colleagues, and strangers – while acknowledging that this capacity is disrupted or masked when you imbibe a few too many alcoholic drinks" (ibid).

In the case of trustworthiness, we must explain what trustworthiness amounts to (the task for the remaining sections). However, we can minimally say that a trustworthy person is the sort of person who makes good on instances of trusting reliance (or trust if you hold a reliance-based view). Trustworthiness requires one to be (as McGeer and Pettit note) voluntarily motivated to make

good on instances of trust (ibid: 15). You must be voluntarily moved to make good on trusting reliance because if you are forced by the relying party to make good on their reliance, then this is not trusting reliance. It is not trusting reliance because the trustor has not made themselves vulnerable to betrayal, which is what trusting reliance, as § **1.2** demonstrated, requires. This capacity could be dependable if you are disposed in many circumstances to respond voluntarily to make good on trusting reliance, yet, this capacity may be less durable if it is easily inhibited by disrupters, such as bribery or blackmail.

Though McGeer and Pettit do not focus on it, that trust and distrust also come in degrees makes sense once we acknowledge that trustworthiness comes in degrees. If you can be trustworthy to a more or less dependable and durable extent, then the strength of my trust in you will, if I am a good judge of your character, correspond to your degree of trustworthiness. My trust in an agent is dependable if I judge that the agent can be trustingly relied upon across a wide range of situations. My trust is durable if I judge that the agent can be relied upon even in situations where there are potential disrupters to their making good on that trusting reliance. Note that here I have presupposed an attitudinal account of trust. However, it is worth noting that one could make the same distinction if one thought trust was a form of reliance. In that case, trust is dependable when you rely on the agent in a broad range of scenarios, and it is durable when you continue to rely even when there are potential disrupters to the agents making good on your reliance.

§ 2. Motivational Accounts of Trust & Trustworthiness

In the previous section, I discussed the most salient and common intuitions regarding the nature of trust and trustworthiness, with one exception. This exception is the intuition that trustworthiness is not simply a matter of reliability, a matter of making good on trusting reliance. Instead, to be trustworthy, an agent must reliably make good on trusting reliance *and* be motivated in a specific way. Moreover, trust (whether reliance-based or attitudinal) is either reliance upon or an attitude regarding a trustee's satisfying trusting reliance because of that motivation. On an attitudinal account, we might say that I trust X when I am confident that X has the motivation of a trustworthy agent and will do what I trustingly rely on them to do in virtue of that motivation. On a reliance-based account, we might say that I trust X when I take X to have the trustworthy motivation, and I rely on that motivation. Accounts of trust that incorporate motivations are called *motivational* accounts of trust. In this section, I discuss three distinctive motivational accounts from Annette Baier, Karen Jones, and Russell Hardin.[27]

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[27] These three accounts, while not exhaustive, demonstrate the key insights of motivation accounts, as well as demonstrate the broad scope that motivational accounts can take.

I will present two arguments against motivational accounts of trust. The first is that such accounts are always too narrow; they exclude cases that intuitively are instances of trust or trustworthiness. The second objection, put forward by Hawley in motivating her non-motivational commitment account, is that motivational accounts fail to account for the intuition that trust and trustworthiness are contraries but not contradictories.

Before I begin my elucidation and rejection of motivational accounts, it is important to stress the intuitive appeal of motivational accounts of trust.[28] When we think of trustworthy people, we often think more of them than their being merely reliable. Suppose we discovered that the only reason a trustee made good on our trust was due to self-interest and not a genuine concern for ourselves. In that case, we may come to trust them less, and we'd certainly regard them as less trustworthy than someone who makes good on trust because they genuinely care about us. It is important to recognise this intuition's significance because neither Hawley's nor my modal commitment accounts of trust take motivations as necessary features of trustworthiness.[29] Thus, there is potentially no way to make distinctions between the agent motivated by self-interest and the agent motivated by benevolence. I return to this problem in § 3, arguing that while the commitment account of trust and trustworthiness does not take specific motivations as necessary conditions of either trust or trustworthiness, it has the resources to differentiate selfish and benevolent trustees.

The main difference between motivational accounts of trust and trustworthiness is what theorists take to be the salient motivations for trust and trustworthiness. For Annette Baier, the key motivation is that of goodwill (1984: 234-5). Baier argues that when we trust others, we do not simply rely on their more or less dependable psychological habits, but instead, we depend on their goodwill towards us. In consequence, trustworthy agents are those agents who make good on trust *and* do so out of goodwill for their trustors. If you have goodwill towards X, then you care for X and their interests in an intrinsic sense. Thus, one might describe Baier's account of trust as being somewhat moralised, in the sense that it puts a morally praiseworthy motivation – care for others – at the heart of the theory.

One criticism of Baier's account of trust is that it is too narrow. Noting this, Jones highlights instances of trust, such as trust in strangers, where it seems we trust quite well without needing to presuppose anything about the psychological character of the trustee (Jones, 2004: 4; Blackburn, 1998). In addition, it seems that there can be cases where someone can be trusted and trustworthy without bearing goodwill. Consider:

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[28] See McLeod (2015) for further discussion.
[29] It is worth noting here that neither does Hawley's own account.

Enemy Catsitter – Sarah needs a cat sitter again, but this time both Danny and Annabelle are out of town. The only other person Sarah can ask is Judith, her sworn enemy. However, Judith loves cats more than anything and would accept Judith's request if she asked, motivated only by her love of cats and not by any intrinsic concern for Sarah.

In this limited case, it seems that Sarah can trust Judith to look after her cat. But in this case, Judith's motivation to be trustworthy is not goodwill, but a motivation external from the trust-relation, stemming from being a cat lover. But Sarah can trustingly rely on Judith, be just as confident as she would be if Danny or Annabelle looked after the cat, feel no need to check up on Judith and so on, and so it would be odd indeed to say that she cannot trust Judith just because she isn't relying on her goodwill.

Karen Jones' account of trust can be taken as a modified form of Baier's goodwill account. She defines trust as "an attitude of optimism that the goodwill and competence of another will extend to cover the domain of our interaction with her, together with the expectation that the one trusted will be directly and favourably moved by the thought that we are counting on her" (Hawley 2019: 7, citing Jones, 1996: 1). The use of optimism allows Jones to avoid the accusation she levels at Baier's goodwill account. We no longer need to judge anything about the psychology of the trustee since our trust is an attitude of optimism rather than a judgment.[30] As such, in Jones' view, it is possible to trust strangers just so long as one has a general optimism that people, even strangers, are generally trustworthy.

However, it isn't clear that Jones' account of trust resolves cases like *Enemy Catsitter*. To trust Judith, Sarah must be optimistic that Judith will be directly and favourably moved *by the thought that she, Sarah, is counting on her*. But Judith is not moved by the thought that Sarah is counting on her; she is moved by the thought that she gets to spend time with Sarah's cat. Sarah is irrelevant to her thought processes. Nevertheless, I claim that Sarah does trust Judith, and she would describe herself as trusting Judith. However, she may acknowledge (and should) that her trust in Judith is limited only to situations involving cat sitting.

Russell Hardin offers a broader account of trust. Hardin rejects the moralising of Baier's account of trust and the optimism of Jones' account, arguing instead that to trust is to have a cognitive judgment regarding the trustworthiness of the trustee (Hardin, 2004: chp.1). This judgment's content is the belief that the trustee will, under an instance of trusting reliance, encapsulate our

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[30] McGeer (2008) makes a similar point.

interests among their own and do as trusted for this reason (ibid; Hardin: 2006). To be trustworthy then is to be an agent who, to some extent or other, encapsulates the interests of the trustor among their own interests when trustingly relied upon. Hardin's account of trust can deal with *Enemy Catsitter* because Sarah can reasonably judge that, because Judith loves cats, she is willing to encapsulate Sarah's interests among her own. Moreover, it allows Sarah to make intelligible her claim that she does not trust Judith very much. Sarah can say she knows that Judith will not encapsulate her interests across a broad range of cases and that the disrupters to Judith's being trustworthy will be generally effective. She can say this because Judith is only strongly motivated to encapsulate Sarah's interests among her own if there is some reward, such as looking after a lovely cat.

There are two worries with Hardin's account of trust. First of all, the epistemic demands of Hardin's account make trust difficult, especially in cases of trust in groups and strangers. Epistemic demandingness leads Hardin to hold that trust in big organisations like the government is nigh on impossible. Trust in government is epistemically demanding because it is difficult to have enough information to judge that the government/organisation is encapsulating one's interests (Hardin, 2006: chp.7). A second worry with Hardin's account is that it is too broad. On Hardin's account, a maximally selfish agent could also be maximally trustworthy just in case it so happens that it is always or often in the self-interest of the agent to encapsulate others' interests among their own. One of the significant advantages of motivational accounts of trust is that they can explain why a self-interested person is less trustworthy (or not trustworthy) compared with a benevolent person. Hardin's encapsulated interest view fails to provide this good explanation.

It is difficult to fix a specific motivation as *the* motivation required for trust and trustworthiness. Moreover, even if one could provide such a motivation, there is a deeper problem facing motivational accounts generally, which is discussed by Hawley (2014; 2019). Hawley notes that most philosophers of trust have neglected distrust when formulating their definitions of trust and thus have gone awry in defining the concept (2014: 1). Failure to account for the intuition that trust and distrust are contraries but not contradictories means that when we apply the intuition to motivational accounts of trust, what turns out to be distrust is not distrust at all but simply a lack of trust.

Consider Baier's view, on which to trust is to rely on an agents' goodwill, or more formally, X trusts Y if X relies on Y's goodwill. Apply the intuition that trust and distrust are contraries but not contradictories, and distrust amounts to the following: X distrusts Y if X does not rely on Y's goodwill. But this can't be right. In *Catsitter*, Sarah does not rely on Annabelle's goodwill because

she does not need to in that case, but it would be odd to say that she distrusts her. It would be odd because Sarah would happily rely on Annabelle if it were more convenient for her. Thus, to call this a case of distrust when the person would be willing to trustingly rely in appropriate circumstances is incorrect. In addition to cases like this, we also have instances of mistrust, which sit somewhere between trust and distrust. Motivational accounts also struggle to explain mistrust. For Baier, if you do not rely on the goodwill of a trustee, you distrust them. If you do not rely on an agent because you mistrust them, you will count as distrusting them since to distrust is to not rely on the goodwill of an agent.

The same argument can apply to any motivational account of trust. On Hardin's account, you trust if you judge that another agent will encapsulate your interests among their own if you trustingly rely on them. Applying the intuition, you distrust when you do not judge that another agent will encapsulate your interests among their own. If this is so, then you will count as distrusting in cases where you do not know enough about a person to be confident that they would encapsulate your interests among their own. Intuitively, these cases of not knowing enough should be explainable outside of the trust/distrust dichotomy, as instances of mistrust are instances where trust and distrust are not applicable.

Jones' account succumbs to the same problem. The contrary of her account of trust is such that one distrusts when one is not optimistic about the goodwill and competence of another, together with the expectation that the trustee will be directly and favourably moved by the fact that one trusts her. But I don't take my car to be motivated in this way, nor am I optimistic about its goodwill or competence. Yet I don't distrust my car; I rely on it every day! Equally, I am not necessarily optimistic about people I don't know, but neither am I distrusting them. I just need more information.

Hawley summarizes this recurring problem for motivational accounts in the following passage:

> "Hardin and Jones have each identified genuine attitudes that we do indeed sometimes adopt to one another. Moreover, these attitudes may sometimes be of great significance to all concerned. But if we identify either of these attitudes with trust, we limit our ability to account for a wide range of related phenomena, including distrust…" (Hawley, 2019: 18).

The problem with motivational accounts is they equate a lack of optimism/belief/reliance in the motivations of trustees with distrust, but this isn't always right. We can, after all, neither trust nor distrust and those are the cases in which we lack optimism/belief/reliance on the motivations of the trustee. When we distrust, Hawley argues, we do more than lack optimism/belief/reliance; we outright impute those we distrust (ibid). When I distrust, I don't just lack the judgment that you

will encapsulate my interests among your own; I outright believe that you will not do so. A good account of trust and distrust must account for this. However, motivational accounts of trust are incapable of doing so, even if they capture something salient about motivation and the kinds of motivations that seem to be required for trust.

§ 3.1. The Commitment Account

In this section, I put forward the accounts of trust, trustworthiness, and their contraries, that I will use in this thesis. My view stems from Hawley's commitment account of trust, which places commitment at the heart of the analyses of trust and trustworthiness rather than motivation. I describe Hawley's view in order to motivate the shift from motivation to commitment. However, I will reject Hawley's formulations of trust, trustworthiness, and their contraries, as they fail to account for all of the intuitive features of trust and its associated concepts outlined in § 1. Following this, I put forward my modal commitment account and defend it (and commitment accounts more generally) against the objection that they fail to account for the intuitive connection between trustworthiness and motivation.

Hawley defines trust and distrust as follows:

- "To trust someone to do something is to believe she has a commitment to doing it, and to rely on her to meet that commitment.
- To distrust someone to do something is to believe that she has a commitment to doing it and yet not rely upon her to meet that commitment" (ibid: 9).

Hawley's account of trust requires reliance, but rather than rely on a motivation such as goodwill, we rely on others to keep their commitments. For Hawley, commitments are the things we incur when we enter relations of trust. When I say that I will keep your secret, I make a commitment to doing so. The paradigm case of commitment-making and trust is promising, but as Hawley notes, we also incur commitments implicitly (ibid: 10-11). If we think there are moral obligations (for instance, telling the truth), we can always trust others to keep their commitments to honesty even if those others don't explicitly take on the commitment. The commitment is already there due to the moral obligation to tell the truth. Likewise, if one is a doctor, then one is already committed to following the profession's norms, procedures, and ethics, such that doctors and patients need not explicitly state and accept their trust and trusting reliance in each other at every appointment.

The commitment account is superior to the motivational account in explaining most of the intuitions set up in § 1. First of all, it does not refute the intuition that trust and distrust are contraries but not contradictories. On the account, to distrust is to believe that X has some

commitment but not rely upon X to meet that commitment. This account of distrust excludes a lack of trust as an instance of distrust. When I fail to trust my car, I do not distrust my car. This is because the reason I fail to trust my car is not that I believe that it has a commitment and do not rely on it. Instead, I just do not believe my car has a commitment. I simply predict it will be reliable and rely on its working well. Thus, we can say of my reliance on the car that I neither trust nor distrust it; I merely rely on it. A second reason to favour the commitment account of trust is that it explains, perhaps better than a motivational account, why trust is closely associated with betrayal. In Hawley's view, it is the breaking of a commitment to a trustor that results in betrayal. When you lie to me, I view that as a betrayal because you have failed to live up to your commitment to me to be honest. A final reason to favour a commitment view is by looking, as Hawley does, at the paradigm case of trust, which is promising. When Danny promises to look after Sarah's cat, or when Susan promises Sam that she will be faithful in the future, they are making a commitment to their trustors, a commitment to cat sit, or to remain faithful. When Sarah goes away on holiday, or when Sam doesn't check up on his wife, these trustors are relying on their trustees to keep the commitments they have made. If either of the trustees fails, they break the said commitment, resulting in betrayal. Thus, commitment appears to be an essential feature of trusting relationships that is neglected on motivational accounts.

The commitment account is good at explaining most of the key intuitions about trust and trustworthiness laid out in § 1. However, Hawley's formulation of the commitment account faces two significant challenges. Firstly, it is not obvious that, as a reliance-based account of trust, it can account for the intuition that trust and distrust admit of degrees. The second problem with Hawley's commitment account is that, as a reliance-based account, it is open to the objection to reliance-based accounts of trust that I made in § 1.1, where I argued that trust is not a form of reliance. In the next section, I explain these concerns and then respond to them by presenting my modal commitment account of trust. However, even my modal commitment account is open to a more general objection to commitment accounts of any stripe, which is that they ignore the importance of motivations in trust. In the final section of the chapter, I defend commitment accounts against this objection.

§ 3.2 The Modal Commitment Account of Trust

In § 1.1, I argued for the distinction between trust and reliance. Trust, I claimed, is something that comes before the act of reliance. It is (often) the presence of trust that describes our willingness to trustingly rely on others. I also argued that trust is something that admits degrees of

dependability and durability. Hawley's commitment account of trust runs into problems if we accept these two intuitions.

If one accepts the distinction between trust and trusting reliance, then Hawely's commitment account is no longer a characterization of trust but of trusting reliance. Since, on Hawley's account, to trust is to rely on a person to keep a commitment that they have, one can only trust in situations where one manifests trust in reliance. Thus, in cases like *Catsitter*, Sarah can only trust Danny because it is he whom she relies upon to keep his commitment to look after her cat. She does not trust Annabelle because she does not rely on her to look after the cat. Hawley's theory then does not allow Sarah to say that, despite only relying on Danny, she does trust both of her friends as catsitters.

The second problem of Hawley's commitment account is that, by binding itself to the manifestation of reliance, it is not capable of capturing the intuition that trust and distrust admit of degrees. If it is a condition of trust that I rely on you to keep a commitment, and a condition of distrust that I do not rely on you to keep a commitment, then trust, or distrust is like an on/off switch. If I rely upon you to keep a commitment, then I trust you, while if I do not rely upon you to meet a commitment, then I distrust you. This is a problem of reliance-based accounts in general, or at least, reliance-based accounts which focus specifically on whether there is reliance in the actual world.[31] On these accounts, whether commitment-based or motivational, trust is a matter of whether the reliance is placed or not. If it is placed, then you trust. If it is not, then you do not. It is difficult to make sense of trust coming in degrees in these cases. I either rely on you to keep a commitment, or I do not.

The two problems with Hawley's commitment account lead me to posit an attitudinal, modal account of trust. On this account, trust is a counterfactual judgment that one trusting agent holds regarding another agent (the trustee). This judgment regards the aptness of the trustee as an agent fit for trusting reliance and ranges over the dependability and durability of the trustee's capacity to respond to the trusting reliance of the trustor. If a trustor X has strong, dependable trust in a trustee Y, then X is confident in his judgment that, across a broad range of different scenarios, X can place his trusting reliance in Y (rely on Y to keep a commitment) and in those scenarios, Y will make good on X's trusting reliance. To say that a trustor X's trust in a trustee Y is durable is to say that X judges that, across scenarios in which there are potential disrupters to Y's making good on

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[31] One could have a reliance-based modal account of trust, such that you trust to the extent that you rely on an agent in a greater range of possible worlds. I reject such accounts however, because of my arguments against reliance-based accounts of trust detailed in **§ 1.1.**

X's trusting reliance, Y is resistant to those disrupters. More simply put, I dependably trust you when I judge that I can trustingly rely on you in many situations, and I durably trust you when I judge that you as a trustee are resilient against temptations that might encourage you to betray me.

In introducing a modal element to trust, we can: (1) more easily account for the fact that trust is something that comes in degrees, (2) explain why in cases like *Catsitter*, the trustor can trust without placing trusting reliance in a trustee, and (3) explain why in cases like *Cheating*, those who trustingly rely do not necessarily trust. In the previous paragraph, we already demonstrated (1). Demonstrating (2), we can argue that in *Catsitter*, Sarah trusts both Annabelle and Danny because she judges that, were she to trustingly rely on either of them to look after her cat, they would meet that commitment. Demonstrating (3), we can argue that in *Cheating*, Sam does not trust Susan, even though he trustingly relies on her, because he is not confident in the judgment that Susan will make good on her renewed commitment to fidelity. The problem, in this case, is one of durability. Sam is uncertain that the temptation of having another affair will not undermine Susan's commitment.

The key example that the modal commitment account explains for our purposes, however, is *Regulation*. In that example, organization A regulates P, Q, and R, but only because P is untrustworthy, and they are forced to give blanket regulation to all. On my modal commitment account, A can be said to trust Q and R, but not P, even though it trustingly relies on none of them, because A believes that, were it to trustingly rely on Q or R, these organisations would keep their commitments, but they do not believe this about P, and so do not trust P. I will return to this example in **Chapter 3** when I defend the position that audit regulation is conceptually compatible with civic trust.

In conclusion, on my modal, attitudinal, commitment account of trust, trust and its associated concepts are defined as follows:

Trust	X trusts Y, if and only if X judges that if X were to trustingly rely on Y, that X would meet their commitment to a dependable and/or durable degree.
Trusting Reliance	X trustingly relies on Y, if and only if X takes Y to have a commitment and relies on Y to keep that commitment to a dependable and/or durable degree.
Distrust	X distrusts Y if and only if X judges that if X were to trustingly rely on Y, that Y would not make good on their commitment.

Trustworthiness	X is trustworthy insofar as X is the sort of agent who makes good on the commitments they incur to a durable and dependable degree.
Untrustworthiness	X is untrustworthy insofar as X is the sort of agent who fails to make good on the commitments they incur to a durable and dependable degree.

§ 3.3. The Motivation Problem

Perhaps the biggest problem for commitment accounts of trust comes from removing motivations from the definitions of trust and trustworthiness. Even though motivational accounts do suffer in placing motivations in accounts of these concepts, it is hard to deny the intuition that motivations are important to trust. We think trustworthy people are more than merely reliable. A selfish person who only makes good on trusting reliance because they desire our good opinion is not someone we would praise to others as trustworthy, at least not compared to someone who is motivated out of genuine goodwill. If one thinks this, then we need to account for that difference in our account of trust.

At a first gloss, it seems that the commitment account is ill-equipped to deal with this problem. On my theory, to trust, you only need to make a counterfactual judgment that a potential trustee will keep the commitments they incur if you trustingly rely on them. As such, if I know that you will keep your commitment to me, not out of goodwill, but out of self-interest, then I can trust you so long as I think your self-interest is aligned with my interests such that you can be dependably trustingly relied upon, and that you will not be tempted to betray me. In terms of trustworthiness, a trustworthy person is one who keeps the commitments they incur when trustingly relied upon. A self-interested person can be trustworthy then, insofar as it is in their self-interest to keep their commitments to others. Moreover, it might even be possible for someone who is motivated by self-interest to be more trustworthy than a benevolent person, for example, if the self-interested person is maximally motivated to keep their commitments because doing that is in their interests.

I do not think one can resolve the motivational problem entirely. Nevertheless, I do have two strategies that allow the commitment account to explain the intuitive importance of motivations to a satisfactory degree, without making specific motivations constitutive features of trust, distrust, trustworthiness, and untrustworthiness.

My first strategy makes use of the fact that trust and its relatives come in degrees of dependability and durability. Motivations are significant for trusting others since they can and often do reveal important information about how dependably and durably trustworthy a person can be. For example, in *Enemy Catsitter,* Sarah knows that Judith is not motivated by goodwill or any similar positive fellow feeling towards her. Instead, Judith is selfishly motivated by her love of cats. In this specific instance of cat sitting, Sarah can trust Judith, but she would not trust Judith outside of this situation. Part of the explanation for this is that Judith is neither dependably nor durably trustworthy (for Sarah). She cannot be trusted in any circumstance other than cat sitting. Moreover, her capacity for trustworthiness in other cases will not be especially durable since she cares very little for Sarah. Contrast this to Sarah's friends, Annabelle and Danny, who act out of goodwill. Because of this motivation, Sarah can be more confident in the durability and dependability of their trustworthiness. If she knows her friends are motivated by a strong sense of affection and duty borne out of their friendship, she can be more confident that disrupters will not inhibit their trustworthiness capacities. The bonds of friendship make them more trustworthy. Likewise, she can be confident in the dependability of their trustworthiness in many cases.

My second strategy for making sense of motivations on a commitment account without making motivations necessary conditions for trust stems from the recognition that, in addition to trusting people to *do* different things (such as being faithful lovers or looking after our pets), we also trust people to do things in virtue of having a particular kind of relationship with them. For example, we might say, "I am trusting you, *as my friend,* to tell me the truth." When we make statements of this kind, and the trustee accepts the trustor's trusting reliance, they are not just committed to being honest, but there is a further dimension to the commitment to act in a way that accords with the norms of friendship. To see how this works, consider this reformulation of *cheating*:

> *Cheating 2* – Sybil is worried that her husband Frederick is having an affair. Samantha, who Sybil considers to be a friend, knows that he is having an affair. However, when Sybil asks Samantha to tell her the truth about the affair, Samantha *only* does so because she does not like Frederick, even before the affair, and hopes that this will get him out of Sybil's life.

In *Cheating 2,* Sybil can trust Samantha to tell her the truth about her husband's affair, but can she trust her to do so *as a friend?* Our answer will depend on what one thinks about the norms of friendship, but without digging too deeply into that, we can assume that friendship norms require a friend to bear goodwill or care towards their friends generally. In a case such as *Cheating 2,* we would expect the friend to tell us the truth, not because of self-interest, but because they respect

us and do not want to see us get hurt. Suppose that Sybil discovered Samantha's true motivations for revealing the truth. Suppose she overhears Samantha say to another friend, "I wouldn't have even told her if I didn't think she'd dump him for it." Sybil would realise that Samantha is not the true friend that she thought she was. This example allows us to make sense of motivations on a commitment account without making any specific motivation constitutive of trust or trustworthiness. On a commitment account, I can trust and trustingly rely on you to do X, and, in addition, I can trust and trustingly rely on you to do X in virtue of the kind of relationship that we have. In these cases, having specific motivations may be required for the trustee to be trustworthy. In *Catsitter,* Sarah can trust Danny and Annabelle to look after her cat *as friends.* However, she cannot trust Judith to look after her cat *as a friend* because Judith will only ever be trustworthy for Sarah if it is in her self-interest to do so, which, we assumed, is incompatible with acting as a friend. In *Cheating* 2, Sybil can trust Samantha's honesty but not trust her honesty *as a friend* because Samantha lacks the motivation required to act *as a friend.*

The two strategies above provide enough support to respond to the concern that commitment accounts cannot sufficiently explain the salience of motivations in trust. However, it is important to concede that taking into account both of these strategies does not fully resolve the problem. Even if we distinguish between trusting someone *as a friend* and trusting someone *as an enemy,* it is still possible, quantitatively speaking, for the enemy to be more trustworthy than the friend. If, in every scenario, it is in your enemy's interest to be trustworthy, and if this interest is so strong that it defeats any disrupter to your enemy's trustworthiness, they can still be regarded as more trustworthy than your more fallible friend. I am willing to concede this point, however, for two reasons. Firstly, returning to a motivation account of trust to resolve this problem reopens the problems of motivational accounts discussed previously. Secondly, and more importantly, I think what we can explain on a commitment account provides us with enough to make a meaningful distinction between the enemy and the friend. It allows us to talk about the *quality* of our trust relations. Even if I can trust an enemy to a highly dependable and durable degree, higher than my closest friend, the fact that I can trust my friend *as a friend* makes this trusting relationship more meaningful in a qualitative sense. No matter how durable and dependable their trustworthiness, my greatest enemy can never be trusted as a friend since they lack the requisite motivations that acting as a friend would require.

– CHAPTER 2 –

Public Trust and Distrust in Public Organisations

§ 0. Introduction

In **chapter 1**, I articulated and defended my modal commitment account of trust, trustworthiness and their contraries. I argued that this account explains trust relations between at least two agents, though I mostly focused on trust relations in the interpersonal sphere. In this chapter, I discuss this theory in terms of trust relations occurring between the public and public organisations. The aim is to provide an account of how the group we call 'the public' is said to trust public organisations and an account of what it means for public organisations to be trusted. To do this, I will determine whether the group in question should be construed under an eliminativist or emergentist conception of groups. That is, when I say that the public trusts or distrusts, am I making a claim referring *only* to the *individual* attitudes of members of the public (eliminativism), or am I making a claim about a *group entity*, whose trust or distrust is *not* reducible to the attitudes of members of the public (emergentism)? In § **1**, I set up the framework by which I will determine whether trust in the group context should be construed on eliminativist or emergentist terms. In § **2**, I argue that public trust should be understood on eliminativist terms. In § **3**, I argue that public organisations being trusted and public organisational trustworthiness should be construed on emergentist terms.

§ 1. Group Agency: Eliminativism vs Emergentism

In this section, I lay out the range of positions one might adopt concerning group agency. I then articulate the framework (borrowing from List and Pettit's 2011 book *Group Agency)* that will determine whether we ought to take an emergentist or eliminativist approach to understanding groups such as the public and public organisations in trust relations.

In daily life, we often talk about organisations as if they were fully-fledged entities in their own rights. We talk about the value that the NHS provides to the public or blame a corporation that avoids paying its taxes. We talk about the public in the same way, for instance, when describing what the public thinks or wills given the results of referendums or elections. Though some have pointed out that the prevalence of this practice is, of itself, enough to give support to the notion of group agency (Cooper, 1968: 258; Tollefsen, 2003), there is much debate about whether such talk refers to group entities over and above their members, or whether such talk is merely metaphorical shorthand for talking about group members, or whether it is non-sensical. There are various positions one might take on this topic. Still, to borrow terminology from List and Pettit,

they can be categorised into two broad camps: eliminativist or emergentist (List & Pettit, 2011: esp. Intro).

On eliminativist accounts of groups, talk of group entities is either metaphorical, simply a shorthand way of talking about the entities making up the group, or nonsensical. The metaphorical view is summed up well by Antony Quinton:

> "We do, of course, speak freely of mental properties and acts of a group in the way we do of individual people. Groups are said to have beliefs, emotions, and attitudes and to take decisions and make promises. But these ways of speaking are plainly metaphorical. To ascribe mental predicates to a group is always an indirect way of ascribing such predicates to its members… To say that the industrial working class is determined to resist anti-trade union laws is to say that all or most industrial workers are so minded" (Quinton, 1975: 17).

Supporters of the nonsensical view are also eliminativist. Rather than claiming that group talk is metaphorical, they argue that agents who talk about groups intend to refer to group entities above and beyond their members but that such talk is misconceived (List & Pettit, 2011: 3). List and Pettit suggest Margaret Gilbert's view 'singularism' as involving such a view, as she "asserts that there are only individual agents and that any talk of group agents is either metaphorical or wrong" (ibid; Gilbert, 1989). Despite these differences, eliminativist and other anti-realist views, such as singularism, share a common methodological conviction: Weber's principle of methodological individualism (Weber, 1922; also Hayek 1942 – 44; Popper 1944-45). To support methodological individualism is to support "the view that good explanations of social phenomena should not postulate any social forces other than those that derive agency from the agency of individuals" (List & Pettit, 2011: 3; Pettit, 1993).

Prima facie, methodological individualism seems incompatible with realism about group agents. As Sir Ernest Barker describes the realist position, a group entity is "the pulsation of the common purpose which surges, as it were, from above, not [from] the mind and behaviour of members" (Barker, 1950: 61). List and Pettit term such realist views about groups as *animation theories*. Following Runciman, they trace its origins in the formulations of legal historians Otto von Gierke and Frederick Maitland (List & Pettit, 2011: 9; Runciman 1997). Though the animation theory of groups was popular in the early 20th century, playing a central role in important political and legal reforms and developments (Nicholls, 1975; Vincent, 1987: chp 5; Runciman, 1997), its association with totalitarian images of society led to a waning in popularity (List & Pettit, 2011: 9), and a return

to a more eliminativist framework, whose history can be traced back to the political philosophies of Hobbes, Rousseau and Locke.[32]

Animation theories of groups are incompatible with methodological individualism because they entail social forces that are wholly independent of the agency of group members, the very thing that methodological individualism tells us not to do. Such a violation may also be construed as a parsimony problem. This is because animation theories violate Ockam's razor in positing mysterious social forces that lack sufficient explanatory power compared to more parsimonious emergentist theories of group agency.

Although it may seem that realism about groups is incompatible with methodological individualism, List and Pettit construct a realist theory of groups that is compatible with the principle (2011: 4). They achieve this through the use of the supervenience relation and using a biological metaphor. They argue that:

> "…as the agency of individual human beings depends wholly on the configuration and functioning of biological subsystems, so the agency of group agents depends wholly on the organization and behavior of individual members. Despite being non-eliminativist, this picture conforms entirely with methodological individualism" (ibid).

The thought, then, is that group agency does exist in the realist sense; a group agent can act and judge in ways that are not directly correlated to the specific actions and judgments of group members. However, the group agent's existence supervenes on the existence of group members playing the correct role in the group. Under emergentism, group entities can form non-reducible group judgments without violating methodological individualism. To see this, take Padro's example of a jury (Padro, 2015). A jury is an organized group that judges the defendant's guilt or innocence in a court case. Now, suppose that during a murder trial, a piece of evidence is given that convinces all jury members that the defendant is innocent. However, for good reason, the jury is told that they must disregard the evidence in question when forming their judgments as jury members. It could still be the case that each jury member still believes in the innocence of the defendant; they cannot, after all, unsee what they have seen and heard. However, because the court's rules demand that members of the jury ignore that specific piece of evidence, and the jury members must comply with the rules, they determine that the defendant is guilty. The judgment of the jury, then, is that the defendant is guilty. Now, this group judgment supervenes on the individual members' deliberations; if the jury disbanded, then no judgment could be formulated

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[32] For specific eliminativist formulations from these philosophers see Hobbes (1994) chp 16, Locke (1960) book 2 chp 8.96 & Rousseau (1997) book 4 chp2

(at least not without new members). However, the judgment of guilt does not correspond to the individual judgments of jury members because the jury members individually believe in the innocence of the defendant. Therefore, the jury can be regarded as a group entity that forms judgments that are not reducible to group members' judgments.

In this chapter, I do not concern myself with animist theories of groups because I adhere to methodological individualism. I do this for parsimony reasons; appealing to mysterious social forces seems conspicuous both on empirical grounds and metaphysical grounds, especially granted that List and Pettit provide a realist theory of groups that does not require the positing of mysterious social forces. Instead, I ask whether the eliminativist view of groups or List and Pettit's emergentist theory of groups is the right view to take when thinking about what it means for the public to trust and distrust and for public organisations to be trusted, distrusted, and be trustworthy and untrustworthy.

List and Pettit provide two reasons why one might adopt an emergentist account to describe a given group. The first of these reasons is negative. It tells us that if our talk of group agency is not always reducible to our talk of individual group members' agency, then we should use an emergentist account to fully explain the agency of the group entity (List & Pettit, 2011: 4-5). The preceding jury case is a good example of this reason in action. We cannot explain the jury judgment in terms of jury members' judgments because their judgments are all contrary to the jury judgment.[33] Because eliminativist accounts cannot adequately explain the discrepancy between the jury judgment and the individual members' judgments, we have good reason to adopt an emergentist account of groups for juries.

List and Pettit's second reason to endorse an emergentist conception of groups is the positive reason that "in thinking in terms of group agents, we are equipped to relate to the social world in a distinctive way" (ibid: 4-5; Coleman, 1974). Colvin provides an example of how referring to group agents on an emergentist account enables us to relate to the social world in a distinctive way. Colvin considers the case of the *Herald of Free Enterprise*, a ferry which sank in the English Channel in the 1980s, causing the deaths of roughly two hundred people (Colvin 1995). While the inquiry into this disaster found that the corporate body was "infected with the disease of sloppiness" (ibid: 17), the courts didn't hold any individual responsible because no individual was deemed significantly at fault to warrant responsibility for the disaster. If we insist on a reductive approach to describing this disaster, then we seem to lose the ability to meaningfully talk about the failure

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[33] Though of course, we can say that the jury judgment supervenes on the actions of the jury members, but that is not to fully reduce the jury as a group to the attitudes and actions of group members.

of the Herald of Free Enterprise. If it is true that no individual can justly bear the responsibility for the failure, then there is no sense in which we can talk about who is to blame. According to List and Pettit, the positive, distinctive advantage of ascribing group responsibility to the Herald of Free Enterprise is that by holding the group responsible for the disaster itself, one can derive sub-responsibilities for group members. These include responsibilities to determine how members' actions may have contributed to the disaster, determine what it is in the group's organisational structure that led to the disaster, and make appropriate changes. Holding group agents responsible enables us to create new obligations that do trickle down to members, thus creating important incentives for those members. Doing so, as List and Pettit conclude, "[ensures] that there is as much blame delivered as, on the face of it, there is blame deserved" (2011: 167).

In this section, I have provided a survey of the different approaches we might take to define group agency. I also articulated List and Pettit's positive and negative reasons for supporting their emergentist account of groups over an eliminativist account of groups. In the following two sections, I determine whether these reasons apply to the public as trustors and public organisations as trustees. Where they apply, I will adopt an emergentist understanding of groups as trustors and bearers of trust. Where they do not apply, I will adopt an eliminativist account of groups.

§ 2. What is 'Public Trust'?

In this section, I argue that public trust/distrust should be construed on eliminativist terms because public trust/distrust is always reducible to talk about the trust/distrust of group members. There are three sections. In **§ 2.1**, I determine what kind of group the public is. In **§ 2.2**, I argue for the eliminativist account of public trust, and in **§ 2.3**, I consider the implications of **§ 2.2** for how we might build models of trust-conducive public engagement.

§ 2.1. What Kind of Group is 'The Public'?

In order to determine whether to take an eliminativist or emergentist approach to 'the public', we first need to understand what kind of group 'the public' is. Philosophically, Peter French makes a distinction between two salient kinds of groups: aggregate-collectives and conglomerate-collectives. An aggregate-collective is "merely a collection of people" (French, 1984: 5). A conglomerate-collective is an "organization of individuals such that its identity is not exhausted by the conjunction of the identities of the persons in the organization" (ibid: 13). Paradigm cases of aggregate groups include social groups such as race, class, and sexuality. Such groups are aggregate-collectivities because they are simply collections of individuals who each bear the identity/feature/predicate named by the group type. If all the individual identities ceased to exist,

then the group would cease to exist. Paradigm cases of conglomerate-collectives would be organised groups such as social clubs, businesses, institutions, and, as we will see in **§3**, public organisations. These groups are conglomerate because the identities of these groups are not wholly dependent on the identities of group members; that is, you could remove or change the identities of all individuals in a business, and the business's identity would remain the same.

In this thesis, we are using the term 'the public' in the context of the Scottish Government, and Scottish Audit in particular. When Audit Scotland argues that it "provide[s] independent assurance to the people of Scotland that that public money is being spent properly and provides value" (Audit Scotland, 2016: 2-3), it is the Scottish public, or people living in Scotland, that they are referring to. As I aim for this thesis's conclusions to go beyond the Scottish context, we can stretch what we mean by the public to a more general level, focusing on the populace under the jurisdiction of any country. However, whatever the level of generality, the public is still an aggregate-collectivity; the group refers to some conjunction of individuals who live in a specific place, under specific jurisdiction. As the aim of this project is of an applied nature, with my public engagement models being targeted at public auditors, I accept Audit Scotland's definition of *the public*. My aim here is practical, and I do not mean to brush aside the important normative philosophical questions regarding who should count as the public.[34] I will not weigh in on that debate for the reason just given and because (however the normative questions are resolved) it will not affect what I have to say about whether we conceive of public trust as emergentist or eliminativist.[35]

§ 2.2. Public Trust is Eliminativist

In **chapter 1**, I argued that to trust an agent, an agent must have some degree of belief that the trusted agent will if trustingly relied upon, meet the commitments incurred by accepting that trusting reliance. In order to determine whether the public, as an entity over and above the trust of its members, can trust in this sense, we need to come up with a case in which the group trust (or distrust) cannot be reduced *solely* to the trust (or distrust) of group members. A first attempt might be to look at our ordinary usages of the term 'public trust' and the empirical studies on the subject. However, both of these suggest that our ordinary conception of 'public trust' is eliminativist. When I claim in conversation that there is, or seems to be, public distrust in government, business, or the media, I am not making a claim about some aloof entity; I am making

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[34] A key debate concerns whether the people who should count as the public include all and only those people subjected to the rule of a given country, or all and only those who are affected by the actions of a given country. For discussions see Miklosi (2012), Näsström (2011), Agné, (2006), & Dahl, (1990)

[35] The only significant difference will be one of size. If one takes an 'all-affective' approach to the public, for instance, one is likely to include a greater number of people in 'the public' than if one takes an 'all-subjected' approach.

a claim about the attitudes of many individual people who belong to the group we call 'the public.' Empirical studies take a similar tract, albeit more rigorously, in the form of large-scale surveys which aim to determine whether there is trust or distrust in public organisations.[36] Such surveys generally work by asking participants for their degree of confidence in public organisations' competency, morality, or honesty. In the case of these studies, the conclusions claiming that there is strong public distrust in different organisations are determined by some aggregate of the studies' participants. In such cases, the trust or distrust that is claimed to belong to the public stems directly from participants' attitudes. Thus, by looking at empirical studies, we see that it is a common approach to make claims about public trust or distrust under an eliminativist conception of groups. The group attitude is wholly determined by the corresponding attitudes of individual members of the public.

In order for public trust to be non-reducible to the trust or distrust of members of the public, it needs to be at least theoretically possible for the trust/distrust that we ascribe to 'the public' to differ from that of the trust/distrust of members of the public. This could be either a case in which a large majority of the population trusts, but the public is said to distrust (or vice versa), or a more extreme case in which the public is said to trust government despite no individual members of the public actually trusting it (or vice versa).[37] The closest argument I have found for such a position comes from Onora O'Neill, albeit indirectly[38], in her 2002 Reith Lectures, where she, among other things, criticises the empirical trust studies discussed above, arguing that they do not actually demonstrate distrust in government. O'Neill notes, despite the common expressions of distrust in government described in academic studies and opinion polls, that when we look at how people behave, we find that people continue to act as if they trust the institutions, organisations, and professions that they profess not to.

> "The polls supposedly show that in the UK public trust in office-holders and professionals of many sorts is low and declining… [but] much of the evidence of the way we actively place our trust seems to me to point in different directions. We constantly place trust in others, in members of professions and in institutions. Nearly all of us drink water provided by water companies and eat food sold in supermarkets and produced by ordinary farming practices. Nearly all of us use the roads… Nearly all of us listen to the news and buy newspapers. Even

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[36] For example, Edelman (2020), also Nannestad (2008) for a survey of studies.

[37] It may also be the case that so long as the trust we ascribe to the public is at odds with a salient majority of individual trust judgments, that we can have a non—reductive account of public trust, since our intuition on an eliminativist account is that public trust is determined by the trust attitudes of a salient majority of individuals. This might be slightly easier to defend than the more extreme case I use above, but as we'll see, neither are tenable.

[38] I say indirectly, because it is not O'Neill's goal in the book, to provide an emergentist account of public trust. Instead, it is just that the arguments she uses may be taken to suggest such a possibility, which is what I do here.

if we have some misgivings, we go on placing trust in medicines produced by the pharmaceutical industry, in operations performed in NHS hospitals, in the delivery of letters by the Post Office, and in roads shared with many notably imperfect drivers. We constantly place active trust in many others" (O'Neill, 2002: 11-12).

O'Neill's point about 'active trust' refers to (in my terminology) the placing of trusting reliance in a trustee. For O'Neill, if one has a choice to refuse to actively trust/trustingly rely on the agents one distrusts, and yet one continues to actively trust/trustingly rely, then one might doubt whether there is distrust at all (ibid: 12). In such a case, then, we have people claiming to distrust some agent, but when we look at the trusting reliance of people on those agents, it seems as though we have an overall trusting effect since people trustingly rely despite claims of distrust. Though this isn't O'Neill's point,[39] cases such as these might seem to be cases where there is group public trust despite the distrust of individual members of the public. However, after reflection, we will see that this cannot be the case. Firstly, it is worth noting that this argument assumes a reliance-based theory of trust, something we rejected in **chapter 1**. However, if we assume a reliance-based view, then what signifies public trust or distrust are the actions of a salient majority of members of the public and not their attitudes. What makes it true that the public trusts are not the individual attitudes of the public, but their individual actions, in this case, their continued trusting reliance and not the attitudes they express in the studies. Thus, we reduce public trust to individuals' actions such that, in my terminology, if enough people trustingly rely on public organisations, then the public counts as trusting, regardless of their attitudes.

In conclusion, public trust ought to be understood in an eliminativist sense, at least in so far as it fails to satisfy List and Pettit's negative reason for supporting emergentism. Public trust is always reducible to the trust of individual members of the public. Since public trust and distrust are always reducible to talk of trust or distrust in individuals, then we have nothing to gain in speaking of public trust in an emergentist sense. To do so would be a false characterization of the phenomena of group trust and distrust. Thus, in failing to satisfy the negative reason for adopting an eliminativist approach to groups, talk of public trust and distrust also fails to satisfy the positive reason that talk of group agency allows us to relate to the social world in a distinctive way. Given that any such talk could be reduced to talk of individuals, the distinctive ways we could relate to the public are explainable at the individual level. Thus, public trust is eliminativist.

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[39] For O'Neill, the cases are evidence that there is trust at the individual level.

§ 2.3. Implications for Public Engagement

Now that we have determined what kind of group the public is (an aggregate-collective) and how to understand public trust (eliminativism), we can now foreshadow the discussions of **part 3** of the thesis by discussing a key implication of these conclusions for constructing trust-conducive public engagement. The key implication is that when approaching the public, we must aim to build trust among individuals.

The implication stems from the eliminativist understanding of public trust. If public trust is a function of an aggregate of individual members' trust, then, if you want to build public trust, you have to deal with those who distrust to determine their reasons for distrust and address those reasons. Of course, one can still make use of groups and sub-groups; for instance, we can group groups of people who distrust or trust for shared reasons. We could talk of the distrust of minority groups in certain institutions or talk of the distrust of business owners in government, which they see as opposed to their business interests. In all the cases, we can make sense of different reasons for trust and distrust, and we can make aggregate-collectives of those who share the same reasons for trust or distrust and target those groups. Nevertheless, we must recognise that these groups are also eliminativist. The identity of the group is reducible to the identities of the trusting or distrusting individuals; the grouping is just a helpful way of targeting a multitude of people who share similar or the same reasons for trust or distrust. A problem with this implication is that it suggests that auditors, or any public organisation seeking trust, will have to appeal to the individual, perhaps even private, interests of the public. In certain domains appealing to private interests may be acceptable. However, we are working in the public domain here. So it might be argued that a theory that implies that we should build trust by appealing to citizens' private interests is contrary to the purpose of public organisations, which is to appeal to the public interest. We can respond to this worry by noting that the implication that public organisations should appeal to private interests *when aiming to build trust* does not imply that public organisations should appeal to the private interests of citizens when determining what courses of action to take/what services to provide/policies to enforce etc. In fact, the implication of my view is very similar to a problem that has dogged political philosophy for a long time, namely the problem of political authority. What reason does a citizen have to support the public interest when supporting the public interest is in direct contradiction to, or at least undermines their private interests? My answer, which stems from my argument in the introduction that trust legitimises political authority, is that if one distrusts a public organisation, then one is well within their rights to reject the authority of that institution. Thus, it is for public institutions, or publicly minded citizens, to build trust among the privately interested by persuading them that the public interest matters more than their private

interests. There is certainly more to say on this matter, but I reserve that discussion for **chapter 5**, where I deal directly with the dichotomy between public and private interests.

§ 3.1. Public Organisations as Trustees

In this section, I argue that there is an important sense in which public organisations can be trustees in trust relations with the public on an emergentist account of groups. As before, the question we want to answer is whether talk of public organisations is indispensable either because it is irreducible to talk of the individuals making the organisation up (negative reason), or because such talk reveals something distinctive about the social world that a reducible account does not (positive reason), or both. Like with the previous section, we should first determine what kind of groups public organisations are. Making use of the distinction between conglomerate and aggregate collectives, we can characterise public organisations as the former kind of group. A given public organisation is an organised group of members, with rules, regulations, and principles that function to steer it towards completing its goals. Such goals, of course, will vary depending on the organisational purpose; organisations belonging to the NHS are concerned with providing free health care at the point of use, organisations belonging to the fire service are concerned with preventing and stopping fires, and Audit Scotland is an organisation that aims to provide assurance that Scottish money is being spent effectively and efficiently. Though their goals may differ, however, each of these organisations are conglomerative collectives. Audit Scotland's identity as the public auditor for the Scottish government is not a function of the identities of the members who belong to it: its identity is distinct from the identities of members.

In this section, we are not concerned with whether public organisations can trust. Instead, we are concerned with whether they can be trusted or distrusted. In our ordinary talk, we claim to trust or distrust public organisations all the time. However, we need to know what we mean by that talk. Are we referring to individuals, or are we talking about some group entity over and above the organisational members? In the case of public organisations, there are clear cases where a claim to distrust an organization may, in fact, be a disguised claim about distrust in an individual.[40] A clear candidate here might be someone who distrusts a political organization simply due to a change in the party's leadership. In such a case, the distrust in the party is just a shorthand way of saying that you do not trust the party under the leadership of that individual, whoever they happen to be. So, we mustn't rule out the thought that in some cases, distrust (or trust) in an organisation can be

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[40] Anderson & Guillory (1997) and Anderson & LoTempio (2002) provide studies which shows that public satisfaction (1997) and trust (2002) of democratic government can be correlated directly to whether their preferred party is in power.

reducible to distrust (or trust) in members of the organization. And though I will conclude in this section that public organisations can be trusted in an emergentist sense, this does not rule out the possibility that organisational trust is eliminativist in some cases.

In order to demonstrate that public organisations can be trusted under an emergentist account of groups, I need to establish what it means for public organisations to be trustworthy or untrustworthy. If organisational trustworthiness or untrustworthiness is emergentist in some cases, then I'll argue that our trust in public organisations should be trust in the organisation in the emergentist sense in those cases. The first step in arguing for an emergentist understanding of organisational trustworthiness is to apply the commitment account of trustworthiness, established in **chapter 1**, to public organisations. I can then demonstrate that while organisational trustworthiness may supervene on the trustworthiness of organisational members, it cannot be wholly reducible to it in all cases. On my commitment account of trustworthiness, to be trustworthy, an agent must only make commitments that they have the competence to meet and then make good on those commitments. In applying this to an organisation, we need a picture of what kind of commitments organisations may or may not have. I will provide a full account of such commitments in **chapter 8,** but for now, I will focus on the main kind of commitments of public organisations, which are the commitments to fulfil their organisational purposes. That organisations are committed to fulfilling their organisational purposes seems to be intuitive enough not to need much argument, but it is worth noting that organisations and public organisations often express their organisational purposes in the language of commitments. A quick purview of the websites of public organisations and institutions provides many examples: Audit Scotland claims to "give independent assurance to the people of Scotland that public money is spent properly, efficiently and effectively" (Audit Scotland, 2016: 1), the NHS's driving principles include "a comprehensive [health] service, available to all" (Department of Health & Social Care, 2015), and of course, in every political manifesto, there is a laundry list of the various commitments that party leaders claim they will make good on if they are elected. In all these cases, the public organisations make commitments to fulfil their organisational purposes, so they are apt candidates for our trust and distrust.

Whether or not we understand organisations as trustees in an emergentist or eliminativist sense will turn on our view of who we think bears the commitments of a given organisation. In the case of Audit Scotland, who exactly is committed to providing independent assurance to the public that public money is being spent appropriately? In a given hospital, who is responsible for providing free health care at the point of use? In a given police station, who is responsible for providing safety and security for the local population? We cannot always point to one agent who is fully

responsible for the organisation's commitments. It would be impossible for a single police officer to provide security and safety for a large number of people, impossible for one doctor to provide free health care for all British citizens at the point of use, and so on. The commitments of these organisations require not just one person but a large number of people coming together, working on small tasks individually, so that the end product is the satisfaction of the overarching objective.

At this juncture, we might try arguing for an emergentist conception of groups to explain public trust in public organisations, at least when it comes to trusting organisations to fulfil their organisational purposes. The argument goes as follows: firstly, we recognise that no individual member of the organisation can be held rightfully responsible for delivering the organisational purpose alone. In light of this, the organisation delivering or not delivering its organisational purposes cannot be reduced to whether individual members fulfil that purpose since the commitments of organisational members are not to fulfil the organisational purposes but to fulfil specific sub-roles within the organisation. It is the combination of members working together that causes the group commitments to be satisfied, but, we can argue, this is just a relation of supervenience. Just as a jury needed members to form the jury judgment, so do organisations require members to act according to their principles to satisfy the organisational commitments. Thus, organisational commitments are not reducible to member commitments, though the former does supervene on the latter.

One might respond to the above argument by claiming that the organisational commitments can still be reduced to the sub-commitments of organisational members. Thus, when something goes wrong at the organisational level, we can look at the individual sub-commitments of members to determine what is going wrong at the organisational level. The problem with this view is that it does not seem a necessary condition that, for an organisation to satisfy or fail in meeting its general commitments, every or even many individual members of the organisation should satisfy or fail to satisfy their sub-commitments. If two doctors at the local GP are ill and thus unable to fulfil their individual commitments, the practice as a whole may still be able to make good on the commitment to providing free health care at the point of use, despite the failings of its members. One might respond to this point by noting that it doesn't matter that everyone fills their sub-commitments for the organisation to be trustworthy, just so long as enough of them do so. Just as, in the case of talking about public trust or distrust, we don't describe the public as trusting or distrusting only if they all share the same attitude, but only when a salient amount of them do. If we follow this line of reasoning, then it seems that we can always reduce our talk of group commitments to some subset of commitments of group members. However, I will now show that there are problems with this reasoning.

Firstly, there are examples where an organisation's untrustworthiness (caused by its failure to meet some commitment or other) is not wholly reducible to individual group members' failings. We have already introduced one such example in this chapter, Colvin's case of the Herald of Free Enterprise (Colvin, 1995). In this case, the courts didn't hold any individual responsible because the Herald of Free Enterprise's failure could not be adequately reduced to any individual member failings within the organisation. Thus, we have a case where the Herald of Free Enterprise can be said to be untrustworthy in that it failed to meet its commitment to keeping its passengers safe; however, this untrustworthiness is not fully reducible to the untrustworthiness of its workers. The second set of cases that suggest emergentism are cases in which each member of an organisation meets their sub-commitments (and are, therefore, trustworthy), but the organisation itself is untrustworthy. A good example of this would be when an organization is operating in a time of crisis, where this crisis is out of organisational members' hands. For instance, the covid-19 pandemic during its first peak in the United Kingdom in May of 2020 affected the NHS's ability to provide health care to people with pre-existing conditions, with access 20% lower than normal (Charlesworth et al., 2020). Now it is empirically difficult to know whether each member of the NHS satisfied their sub-commitments. Nevertheless, we can suppose for the sake of argument that every single member of staff working for the NHS was fulfilling their commitments in proportion to their role and in proportion to what can be reasonably expected of them. To strengthen the argument, we can suppose that the peak of the virus was so high that it was no longer possible for the NHS to provide free health care for members of the British public at the point of use. In this case, the NHS is untrustworthy as an organisation since it has become incapable of meeting its core commitment. However, this untrustworthiness has nothing to do with the trustworthiness of the NHS members, who are still meeting their sub-commitments. Instead, it is to do with a sudden and unprecedented external situation.

The examples above show that public organisations' untrustworthiness cannot always be reducible to talk about the trustworthiness or untrustworthiness of organisational members. They support the claim that List and Pettit's negative reason to support an emergentist conception of groups applies to organisational trustworthiness and untrustworthiness. Organisations have organisational commitments that they need to satisfy to be trustworthy. Organisations can fail to meet these commitments (making them untrustworthy) in cases where these failures of trustworthiness are not reducible to failures of trustworthiness at the individual level. Therefore, we should understand public organisational trustworthiness and untrustworthiness as emergentist. Moreover, since trustworthiness and untrustworthiness are not reducible to the individual level, neither should our trust or distrust in public organisations be reducible to individual members. In the case of the

Herald of Free Enterprise, it makes sense to distrust the Herald of Free Enterprise as an organisation; nevertheless, it would be wrong to distrust members due to its failure because the failing of the Herald is not reducible to the failings of members. Likewise, in our NHS case, to distrust individual doctors who meet their commitments as doctors due to a group level failure would be equally wrong. In both cases, the group untrustworthiness is not reducible to untrustworthiness at the individual level, and so neither should our distrust be.

What about the positive reason for holding an emergentist account of groups? Does talking about trusting public organisations as group entities allow us to relate to the social world in a distinctive way? List and Pettit, supporting the conclusion that organisations (public or private) are emergentist types of groups, focus on the advantages in ascribing responsibility and blame to organisations in their work. Their views are relevant here, as the possession of a commitment is a form of responsibility. The first thing they note, making use of the Herald of Free Enterprise case, is that an emergentist framing of groups allows us to hold, in cases where organisational failures are not reducible to individual failures, the group agent responsible, and not to put excess blame on individual members. This is essentially a point about fairness: we want to "ensure that there is enough blame delivered as, on the face of it, there is blame deserved" (List & Pettit, 2011: 167). Some argue, contra List and Pettit, that those supporting the idea of blame in the emergentist way is not fair; rather, it allows organisations to absolve individual actors of blame for failures by placing responsibility on some elusive, abstract 'group entity' (Kelly, 2003). While it is undoubtedly true that such an attempt could be practically possible, it is not a philosophical consequence of List and Pettit's view. For instance, in the Free Herald case, while it is not possible to hold individuals responsible for the disaster, we can hold them (or some relevant set of them) from the moment of the disaster, responsible for ensuring that such a failure does not reoccur. Remember, List and Pettit's view is not an animist view of groups where the group agent is wholly detached from its members. It is an emergentist view on which members are enactors or enablers of group agency: group agency supervenes on group members. List and Pettit's fairness argument can be easily applied to the case of trust relations. If the commitments of organisations are not reducible to individual commitments, and in consequence, if the trustworthiness of organisations is not reducible to the trustworthiness of individual trustworthiness, then we need a way to talk about the trustworthiness or commitments of organisations in a way that isn't dependent on members. The emergentist view of groups provides just that. Moreover, it does so without committing us to any metaphysically suspect entities, as group agency supervenes on the agency of members, even if it is not wholly reducible to it.

The second way in which the emergentist conception of groups allows us to relate to the social world in a distinctive way is that it allows us to make sense of our ordinary intuition that we can trust and distrust organisations and that such trust/distrust can be justified. This is an important point to stress because some have argued that government trust is not possible (or at least difficult) since government organisations are too complex for laypersons to know enough to trust them (Hardin, 2002; Montinola, 2004). The epistemological question of whether we can know enough to trust government is complex, and I do not attempt to answer it fully here. Instead, I want to look at how different conceptions of trust affect our answer to the epistemological question. Hardin's theory of trust, the encapsulated interest theory of trust, is a cognitive account of trust in which to trust is to know that the interests of one's trustee will encapsulate your own. Already, we can see that this theory of trust is more epistemically demanding than the commitment view I established. For Hardin, to know whether an organisation is trustworthy, we need to know the organisation's interests and whether those interests encapsulate our own. Of course, this is difficult to know. Even if many organisations have statements of their interests, we don't necessarily know that those statements are true as we don't have an intimate knowledge of organisations' interests. An additional problem with Hardin's theory of government trust is that he takes a reductive approach to it. He argues that in order to trust the government, one would either need to be sure that the interests of organizational members encapsulate your own, or at least that the organisation has mechanisms in place that ensure that organisation members encapsulate your interests. Of course, few people have the time to go through such rigorous investigation (we would hardly need auditors if they did!), and so few people ever have sufficient evidence to trust the government.

The advantage of both an emergentist conception of groups and a commitment account of trust is that they allow us to make sense of trust in government without setting the epistemic bar too high. To trust the NHS, all citizens need to know are its core commitments (a quick google search away for any who haven't heard yet), and then to experience, either first hand, through the media, and others, that the NHS does provide free health service at the point of use for citizens. We don't need to know about the NHS's inner workings to know that it satisfies some of its basic commitments, nor do we need to know about the individual trustworthiness or untrustworthiness of members. Now there may be specific cases where trust is harder; the secret service is an organisation that it is hard to know whether we can trust since so much of its operations work in the shadows. Another difficult case may be organisations of experts; if one doesn't know what it means to make advances in a specialist discipline, then how would one know that that discipline is making advances? Fortunately, I think these cases are relatively minor. When it comes to the core services that government organisations like the NHS, the police force, local councils, the fire

service, and hospitals provide, the epistemic bar is relatively low. We can easily understand what the commitments of such organisations are and whether those commitments are met. In conclusion, then, an emergentist picture of groups enables us to validate our intuitions that trust in public organisations is not only possible but well within the grasp of any reasonably politically aware citizen.

§ 3.2 Implications for Public Engagement

Having argued that public organisations can be trusted on an emergentist picture, I now want to consider a key implication of this view for how we might construct models of trust-conducive public engagement. When it comes to trust, it is important that if you are the trustee in a trust relation, you ensure that your trustor understands precisely the terms of the commitments you are undertaking. Of course, in interpersonal trust, it would seem unreasonable and silly to get out a list of terms and conditions every time you take up a commitment. However, in organisational trust where there is, as Hardin rightfully notes, an epistemic gap between trustor and trustee, it becomes important to make sure that both the trustor and the trustee have the right expectations of one another. If I am right that some organisations' commitments go beyond the commitments of individual members, then this is an understanding of groups that we want to emphasise. Getting this wrong could lead to unwarranted distrust. In the Herald of Free Enterprise case, if people insisted on blaming one individual in the organisation for the disaster because they believe that this individual is solely responsible for the disaster, then that would be an unfair ascription of blame because that individual is not responsible for the failure. Likewise, when it comes to communicating organisations' commitments, it is important to be clear, not just what those commitments detail, but to whom those commitments belong. Do they belong to the organisation's members, or do they belong to the organisation itself as an entity in its own right?

How might this strategy look in the context of conducting a public auditing report? Audit Scotland's work results in the publication of numerous audit reports focusing on different kinds of audit. Some of these reports are standard financial auditing reports. Others, such as Best Value and Performance Audit reports, go beyond standard financial reports to ask questions about the value delivered by public services and organisations. In such reports, auditors must communicate where there is failure or success in an organisation, just what or who is responsible for the failure or success. In some cases, this will result in individuals being responsible. Yet, in cases where failure or success is tied to something that is out of the hands of any individual or set of individual members, it is important in the very reporting to stress that thought. To reiterate List and Pettit's

earlier point, it is important to ensure that there is as much blame, or maybe we should say, responsibility, given as there is deserved.

§ 4. Conclusion

In this chapter, I have analysed trust and being trusted as they apply to groups such as the public and public organisations to determine whether these concepts apply to these groups in either an eliminativist or emergentist sense. I argued that public trust is eliminativist. I then argued that public organisations, as trustees, can be trusted on emergentist terms. Finally, I argued that the trustworthiness and untrustworthiness of public organisations is emergentist. I also considered the implications of these conclusions for how we might begin to approach building trust-conducive public engagement with audit. In the following interlude, I wrap up this foundational part of the thesis with a summary of the key positions of this part. Then I introduce **Part 2: Audit, Trust, and Trustworthiness**.

Part 1 Summary

§ 1. Part 1 Summary

In the introduction and **part 1**, I provided the motivations and foundations of this thesis. In the introduction, I presented both instrumental and intrinsic reasons for the importance of public trust in public organisations. On the instrumental front, I used empirical research to show that increased trust results in improved civic support and cooperation, while distrust is linked to greater public resistance and, at extreme levels, can result in the collapse of political stability. On the intrinsic front, I argued that public organisations' political authority depends on those organisations being trustworthy and having the trust of those they have political power over.

After motivating the project, I then provided its foundations in chapters **1** and **2**. In doing so, I articulated and defended the key concepts of trust, distrust, trustworthiness, and untrustworthiness. In the table below is a summary of the key concepts of **chapter 1**.

Chapter 1 – Key Definitions

Trust	If X trusts Y, then X judges that if X were to trustingly rely on Y to *t*, that Y would meet their commitment to *t*.
Trusting Reliance	If X trustingly relies on Y to *t*, then X takes Y to have a commitment to *t* and relies on Y to keep that commitment to *t*.
Distrust	If X distrusts Y, then X judges that if X were to trustingly rely on Y to *t*, that Y would not make good on their commitment to *t*.
Trustworthiness	X is trustworthy insofar as X is the sort of agent who makes good on the commitments they incur to a durable and dependable degree.
Untrustworthiness	X is untrustworthy insofar as X is the sort of agent who fails to make good on the commitments they incur to a durable and dependable degree.

My theory of trust is a cognitive, attitudinal, modal, commitment account of trust. I separate trust from trusting reliance because the latter is neither necessary nor sufficient for the former. I argued in favour of a commitment account of trust by arguing that motivational accounts are easily susceptible to counterexamples, and through Hawley's argument that they cannot account for the

fact that trust and distrust are contraries but not contradictories. I also argued that trust and trustworthiness come in degrees of dependability and durability. One's judgment of trust is more dependable if one judges, across a greater range of counterfactual scenarios, that a potential trustee would make good on their commitments. One's judgment of trust is more durable if one judges that disrupters do not easily defeat a potential trustee's motivation to make good on their commitments. Trustworthiness is more dependable where the trustworthy agent can be trustingly relied upon across a greater number of scenarios; trustworthiness is more durable if disrupters do not defeat the agent's motivation to make good on trusting reliance.

After defining the key concepts in **chapter 1**, in **chapter 2**, I applied those concepts to instances of trust between two kinds of groups, the public as trustors on the one hand and public organisations as trustees on the other. The key question in that chapter is whether we should understand trust and being trusted in the case of groups in an eliminativist or emergentist sense. With respect to public trust, I argued that such trust is explainable with recourse to individual citizens' trust/distrust, thus supporting an eliminativist view of public trust. With respect to public organisations being trusted, I argued that public organisations can be trusted as group agents in their own right, thus supporting an emergentist understanding of public organisations as trustees and trustworthy/untrustworthy agents. In the table below, I provide a list of the key definitions of **chapter 1**, applied to trust relations between the public and public organisations.

Public Trust	The public trusts Y iff a salient majority of members of the public judge that if they were to trustingly rely on Y to *t*, that Y would meet their commitment to *t*.
Public Distrust	The public distrusts Y iff a salient majority of members of the public judge that if they were to trustingly rely on Y to *t*, that Y would not meet their commitment to *t*.
Government Trustworthiness	Government G is trustworthy insofar as G makes good on its organisational commitments to a durable and dependable degree.
Government Untrustworthiness	Government G is untrustworthy insofar as G does not make good on its organisational commitments to a durable and dependable degree.

– Part 2 –

Audit, Trust, and

Trustworthiness

– Part 2 Introduction –

Audit, Trust, and Trustworthiness

In **part 1**, I defined trust, trustworthiness, and their contraries, then explained how those concepts work in trust relations between public organisations and the public. In the introduction, I agreed with Onora O'Neill's point that trust is only desirable insofar as the trusted party is trustworthy. Thus, I claimed that if we want to discuss which models of public engagement might enhance public trust, we ought to consider: (1) whether government organisations are trustworthy; (2) whether and to what extent public auditors might support the trustworthiness of government organisations, and (3), how they do this. This part of the thesis aims to address those three questions.

Answering (1) entirely would require a mass empirical study that would be a thesis in its own right. Instead, I aim to look at specific ways in which governments face obstacles to their trustworthiness and to see how audit might be used as a tool to overcome those obstacles. In chapters **4** and **5**, I answer all three questions in tandem, providing what I take to be the key areas in which audit can support public organisational trustworthiness. In **chapter 4**, I discuss how power relations between citizens and government can be an obstacle to government trustworthiness and how audit (to the extent that it redistributes power to make a fairer playing field between citizens and governments) can remove power-based obstacles to government trustworthiness. In **chapter 5**, I discuss how a disconnect between the interests of government and the wider public can provide obstacles to government untrustworthiness. Then I argue that to the extent that audit measures government performance in terms of how well it satisfies the public interest, audit can create important motivational structures within the government that further align the interests of government and the wider public, thus making the former more trustworthy.

I will also respond to audit sceptics like Power and O'Neill, who argue that public audit is either conceptually incompatible or pragmatically corrosive to public trust in public organisations and to the trustworthiness of public organisations. In **chapter 3**, I will argue against these audit sceptics by arguing that audit, in any of its current forms, is not conceptually incompatible with public trust. Then I will argue that whether audit is in practice corrosive to public trust and public organisational trustworthiness is firstly dependent on the ways in which auditors measure organisational performance, and secondly on the kind of accountability that auditors aim to provide.

At the end of this part, we will understand the potential positive effects of audit on public organisational trustworthiness, and we will have seen that it is neither conceptually nor practically

incompatible with public trust in government. This knowledge will provide the second foundation for constructing conceptual models of trust-conducive public engagement, which I will construct in **part 3**.

– CHAPTER THREE –

Making Audit Compatible with Trust

§ 0. Introduction

The conceptual and pragmatic compatibility of regulatory practices such as audit with trust and trustworthiness has been questioned by philosophers and scholars in management and economics. In this chapter, I argue against these sceptics. I'll argue that it is ultimately an empirical question as to what forms of audit regulation are in practice compatible with public trust in government and government trustworthiness. Nevertheless, I will show that there is no necessary incompatibility between the two at the conceptual level and that there may even be good reason to suppose that certain forms of audit regulation may support both public trust and organisational trustworthiness in practice. This latter point shall be enhanced when I look at specific ways in which audit can enhance government trustworthiness in chapters **4** and **5**.

My core argument in this chapter is that other things being equal, whether audit is incompatible with or undermines trust and trustworthiness is dependent on what kind of accountability audit delivers and under what paradigm of governance audit operates. In **§ 1.1**, I present two paradigms of governance that are dominant in contemporary times: New Public Management (NPM) and Public Value Management (PVM). In **§ 1.2**, I distinguish between three forms of accountability, judgment accountability, sanction/reward accountability, and answerability accountability. Ultimately, I will argue that those who criticise audit often criticise audit that is primarily focused on delivering sanction/reward accountability under the NPM paradigm of governance. I argue that audit under a PVM philosophy of governance that delivers answerability accountability is not conceptually incompatible with trust and trustworthiness. I then argue that we have good reason to suppose that it may even support organisational trustworthiness and public trust.

§ 1.1. Two Paradigms of Public Governance

In this section, I introduce two key paradigms of public governance: New Public Management (NPM) and Public Value Management (PVM). Also, I will note how these two paradigms have shaped how audit is practised in contemporary times, suggesting that audit as currently practised is in a transitional phase moving from NPM towards PVM.[41]

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[41] I say 'potentially' because it isn't clear that there will ultimately be a complete shift to PVM, or that some other form of governance might come in, or that we might return back to NPM.

As we will see when we discuss audit sceptics like O'Neill and Power, much of their criticism is dated roughly from the mid-to-late 1990s and the early 2000s. This was when public governance in many western nations was in the grip of "The New Public Management" style of governance (Hood, 1991). The rise of NPM is often associated with the governments of Margaret Thatcher (Kajimbwa, 2014) and was a popular mode of governance in the 1980s and onwards, particularly in the United Kingdom and Australia. NPM was taken as a response to the previous 'Public Administration' paradigm of governance. Under Public Administration, public organisations were conceived of as special forms of organisations distinct from businesses and charities, and the questions of what it meant for these organisations to provide public value was a question left primarily to politicians, professionals and experts, with little public input (Stoker, 2004; Mulgan & Muers, 2002). Managers also had a lesser role under this paradigm; their roles limited to ensuring that organisations followed the rules and procedures laid out by politicians, professionals, and experts. Champions of the NPM, such as Thatcher, believed that public organisations' performance would improve if they behaved more like private businesses and corporations. This underlying thought introduced a restructuring of public organisations, specifically, changes regarding how they were run, how they were regulated, and who had the power to determine what it means for them to perform well and deliver public value. In consequence, this led to an increase in hands-on professional management and a decrease in front-line professional management (O'Neill, 2002; Groundwater-Smith & Sachs, 2010), the introduction of explicit standards for performance and measurement, emphasis on output controls (Lapsley, 2009; Berry, 2007), competition, and greater discipline and parsimony in resource use which comes under the umbrella of effectiveness and efficiency (O'Flynn, 2007: 354). Under NPM, audit reflects the economic and 'business' approach to public organisations. To determine whether an organisation is performing well, the auditor will check whether the organisation has met the pre-established targets, which are generally performance indicators that are expressed in financial terms, be it financial efficiency or profit. The NPM approach is ultimately focused on control and accountability.

In contrast to NPM is a newer paradigm of governance called Public Value Management (PVM), or sometimes, New Public Governance. This form of governance is seen as emerging from the NPM paradigm (Osborne, 2006). As it is a rising phenomenon, there is less consensus in the literature on what PVM entails; however, its primary tenants can be seen as a refining of NPM, such that it aims to keep what worked in that model while developing a more nuanced approach that takes into account some of the criticisms of NPM. The central tenants of PVM are a focus on the creation of public value, where public value is not synonymous with the fiscal values of business and economics (Alford, 2002; Mulgan & Muers 2002; Moore, 1995); the re-establishment

of a specially public form of governance distinct from private governance; the collaboration between public, private, and charitable sectors to provide public services (Allison, 2008; Fisher, 2014), and a greater emphasis on public participation in governance (Horner & Hazel 2005). The essence of PVM is summarised well by Stoker (2006: 56):

> "Public Value Management does offer a new paradigm and a different narrative of reform. Its strength lies in its redefinitions of how to meet the challenges of efficiency, accountability, and equity and in its ability to point to a motivational force that does not rely on rules or incentives to drive public service reform. It rests on a fuller and rounder vision of humanity than does either traditional public administration or new public management."

It is this rounder vision of humanity that provides a distinctive feature of PVM. When determining the performance or value of public organisations, one must recognise that these questions require a broader consideration of values that goes beyond both the economic values of auditors and managers favoured under NPM but also beyond the values of the professionals, experts, and politicians favoured under the Public Administration paradigm. Instead, it recognises the significance of broad public deliberation and communication, as well as integration between public, private, and third sector forms of organisation and citizens' voices in determining the answers to questions of public value. A final key component of PVM is a shift away from control and accountability and towards a 'performance culture' in which the aim of regulation is less about oversight, monitoring, and control and regarded instead as a constructive process aimed at helping regulated bodies improve their future performance (Stoker, 2006: 48).

As it is practised today, audit seems to be somewhere between NPM and PVM. For example, in the case of Performance and Best Value audits at Audit Scotland, auditors engage with members of government organisations across various levels, wider interest groups, third-sector organisations, businesses, and the citizenry to support their audit findings.[42] The aim of engagement is to provide auditors with the right knowledge base to make informed judgments about government performance and help them understand what good performance would look like in these cases. Audit that engages with diverse groups recognises that determining what good performance looks like requires investigations across organisations and beyond them. This middle-ground approach to audit is not limited to Audit Scotland either. Mark Funkhouser summarizes the hallmarks of PVM and demonstrates its presence outside of Scotland, noting that under PVM:

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[42] Examples include the following performance audit reports: Self-Directed Support (Audit Scotland, 2014); Transport and Ferry Services (Audit Scotland, 2017c), and Early Learning and Childcare (Audit Scotland, 2018b).

"[A]uditors recognise that their work is only a small piece of a much larger on-going process of accountability for performance. The press, the courts, the legislative bodies, individual citizen activists, independent 'watchdog' groups and special commissions… are all part of the process. Often audits are triggered by the work of one or more of these other players. Sometimes audits cause one or more of these players to begin to focus on an issue, as in the case of the government sponsorship programme in Canada (Fraser, 2007). There is also considerable evidence from the UK of performance auditors making extensive use of outside experts and consultants to carry out audits with and for them, including whole studies in some cases (Lonsdale, 2008)" (Funkhouser 2011: 219)

Both mine and Funkhouser's examples demonstrate the presence of PVM influence on current audit practice. PVM entails recognising that questions about public value are complex, difficult, and have no easy answers. Thus, when it comes to regulating organisations under PVM, the government and their regulators must not restrict themselves to narrow modes of assessment but must engage with various stakeholders to accurately determine what it would mean for a given organisation to provide public value.

In this section, I have presented two paradigms of public governance, both of which impact how audit regulation is practised. On the one hand, we have NPM. On this paradigm, public organisations are treated like businesses, the voices of managers and accountants are taken as authoritative in determining the values and goals of organisations, and organisations are held accountable according to measurable, quantitative performance targets. On the other hand, is PVM. On this paradigm, determining organisations' values and goals is a matter of deliberation between different groups of stakeholders that often includes the public, where no specific voice is given authority in all contexts, and where the performance of public organisations is not reduced to fiscal, quantifiable measures.

§ 1.2. Three forms of Accountability

In this chapter, I will argue that audit can provide different forms of accountability and that different forms of accountability will determine the extent of the compatibility with audit, public trust, and government trustworthiness. Thus, we need an understanding of what different forms of accountability auditors can provide. To do this, we first need to know what it is for an agent to be accountable, and then we can look at how one might hold an accountable agent to account for that which they are accountable. If an agent is accountable for some X, then that agent bears a special responsibility for the X that they are accountable for. If an agent acting as a teacher is deemed accountable for ensuring that the pupils in the class all pass the test, then that agent is

essentially responsible for their performance on the test.[43] Because the agent is responsible for the class's performance, the pupils, their parents, and the employer can hold them to account if they fail to meet their responsibility, such as if too many pupils fail a given test.

However, holding an agent to account has multiple dimensions. In discussing accountability, Bivins describes two dimensions of accountability (2006: 21):

> "[T]he readiness or preparedness to give an explanation or justification to relevant others (stakeholders) for one's judgments, intentions, acts and omissions when appropriately called upon to do so.
>
> It is [also] a readiness to have one's actions judged by others and, where appropriate, accept responsibility for errors, misjudgements and negligence and recognition for competence, conscientiousness, excellence and wisdom. It is a preparedness to change in the light of improved understanding gained from others."

If an agent is held to account in the first sense, then they must explain their performance in meeting their responsibilities to their account holders. If an agent is held accountable in the second sense, then their account holders will judge whether they are deserving of praise or blame and will expect the accountable agent to respond to that praise or blame either by keeping a good thing going (if praised) or reflecting on mistakes and changing (if blamed). The first dimension of accountability I will call answerability accountability, since being held accountable in the first sense is to be compelled to 'answer for' oneself, that is, to justify or explain one's behaviour. The second dimension I will call judgment accountability since to be held accountable under this sense is to be judged by others as liable for praise or blame.

There is a third kind of accountability that can arise as an extension of judgement accountability, which I will call sanction/reward accountability. This third kind of accountability is a form of accountability where we hold someone accountable by punishing them when they fail to meet their responsibilities and rewarding them when they succeed. I see this form of accountability as tied to judgment accountability since judgment accountability is tied to judgments of praise and blame, attitudes that involve a kind of social reward or punishment. When I am praised, this makes me feel good and confident in what I do; it is a form of positive reinforcement. When I am blamed, this makes me feel ashamed of my actions; it is a form of negative reinforcement. I would consider the idea of collapsing these two forms of accountability into one another. However, I take there to be a substantial enough difference between the kind of punishment involved in blame and the

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[43] To some extent, of course, is the student taking the test.

kind of punishment involved in assigning punishments in terms of formal penalties and sanctions.[44]

Even setting sanction/reward accountability aside for the moment, there is a live debate among philosophers about whether the other dimensions of accountability belong to the same concept or whether they can be split into two distinct concepts.[45] David Shoemaker argues for their separateness by presenting cases in which it seems appropriate for an agent to be held accountable in the judgment sense, but not in the answerability sense, and vice versa (Shoemaker 2011). On the other hand, Angela Smith argues that the two are parts of a greater whole of accountability (Smith 2012). This is a debate that we need not weigh in on here. My reason for splitting up the two forms of accountability and distinguishing judgment accountability from sanction/reward accountability is pragmatic rather than conceptual. Audit can be in the business of providing either form of accountability, either on their own or combined. One could conduct an audit in which the aim is for public organisations to justify and explain their good or bad performance without adding additional sanctions or rewards. Alternatively, we could conceive of audits that ask auditees to provide numerical data to show that they meet performance targets and blame or praise auditees without asking for an account of the data provided. For example, suppose we reduce a hospital's performance to the measure of how short the average waiting room time is. In such a case, the auditor need only ask for the information, check whether it meets the target, and praise or blame on that basis alone. One could also incorporate sanction/reward accountability into audit, giving the auditors the power to punish auditees who fail to meet targets and reward those that do. I am not claiming that any of these forms of audit are ideal. I am claiming that because audit could provide any of these forms of accountability, it is helpful to distinguish between these three kinds of accountability for our purposes. I leave it to the reader to interpret them as entirely disparate entities or as different dimensions of a broader concept.

In my view, there seems to be a strong connection between the NPM paradigm of governance and sanction/reward accountability, in that audit conducted under an NPM paradigm seems to encourage sanction/reward-based audit. In requiring explicit performance targets, privileging fiscal values and quantitative over qualitative data, NPM results in audit that is focused on assessing numerical, measurable standards that explicitly demonstrate organisational performance. If you hit the target, you will be judged positively and rewarded as such, and if you fail to meet it, you will be judged negatively and punished as such. It is no wonder, as we will see when we discuss how

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[44] I apply the same reasoning to praising someone and rewarding someone.
[45] Watson (1996) is generally credited with instigating the temporary debate, see Eshelman (2016).

audit undermines trust and trustworthiness, that NPM in practice has led to an audit culture in which the focus is on sanctions and rewards for meeting clear performance standards.

By contrast, the PVM paradigm encourages an answerability approach to accountability and audit. In recognising the inherent problems in reducing performance to narrow, measurable targets and privileging fiscal values over other values, PVM encourages regulators (who, when conducting performance audits, are in the business of determining what it means for organisations to perform well) to bear in mind that there are no clear answers to what it is for something to be of public value. If auditors are to take PVM seriously, then they must be open-minded when determining the scope of their performance and best value audits. Moreover, when auditees set the standards by which auditors will assess them, they must accept that in some cases, performance cannot be reduced to profits, balancing the books, or quantitative targets. Answerability accountability reflects this kind of openness; the aim of holding someone answerable is primarily one of understanding the agent you are holding accountable. You are expecting them to give you some explanation or justification of why they did what they did, and you are open to their providing a satisfactory explanation. For this reason, I take PVM to encourage an answerability approach to audit.

When it comes to determining what kind of accountability Audit Scotland provides, the organisation provides only answerability and judgment accountability. Audit Scotland lacks the powers to sanction or reward auditees. The auditor provides judgments on the performance of organisations and may provide recommendations, (thus they provide judgment accountability), but none of these recommendations is binding in the sense that the auditee must follow them up. They provide answerability accountability because they provide reports that ultimately explain or try to understand the auditee's operations. Despite this, it could be argued that Audit Scotland supports sanction/reward accountability. This is because audit reports are reported, in public, to committees such as the Accounts Commission and the PAPLS committee. They, in turn, have the power to sanction or reward auditees if they desire, though it is worth noting that neither of them needs to do so simply because Audit Scotland provides a negative report. It is at the discretion of these committees and not the auditors what course of action to take given an audit report's findings.

In § 1, I have presented two paradigms of public governance, both of which impact the accountability provided by audit. On the one hand, is NPM, in which public organisations are treated like businesses, the voices of managers and accountants are taken as authoritative in determining the values and goals of organisations, and public organisations are held accountable according to clear, measurable, quantitative performance targets. On the other hand, is PVM,

where determining the values and goals of organisations is a matter of deliberation between different groups of stakeholders, making no specific voice an authority, and a broader, more bespoke approach is taken to assessing and understanding organisational performance. Now that we understand these paradigms and these forms of accountability, I will present the argument that audit is incompatible with trust and argue that the extent to which this is so is dependent on the kind of accountability that audit provides and under what paradigm of governance it operates.

§ 2.1. How Audit Undermines Trust

In this section, I introduce the argument that trusting reliance and audit are conceptually incompatible. I respond to the problem first by arguing that the incompatibility is not between trust and audit but between audit and trusting reliance. However, even accounting for this conceptual problem, a residual pragmatic problem emerges through the incompatibility with trusting reliance and audit, which may undermine trust relations between the public and government. I argue against this view by arguing that the incompatibility between audit regulation and trusting reliance goes away if audit is focused on delivering answerability accountability under a paradigm of PVM and if audit presents itself as such.

The conceptual incompatibility between audit and trust brings us back to the intuition, discussed in **chapter 1**, that to trust is to make oneself vulnerable to betrayal. If I trust you, the thought went, then I must make myself vulnerable to betrayal. If I don't do this, if I try to force you to do what I trust you to do, then I don't trust you. Critics of audit argue that audit is simply a replacement or, to borrow a term from Rom Harré, a "surrogate… of trust" (1999: 266), one that replaces the need for trust by creating rules and standards for organisations, which are then audited to ensure that they follow those rules, meet those standards, and are then punished or rewarded in consequence. The following passages from Behn's book, *Rethinking Democratic Accountability,* provide helpful insight into the initial conceptual worry that audit, specifically performance audit, undermines trusting reliance:

> "The problem with performance *auditing* is that auditors believe that theirs is the only profession that is capable, authorized, or entitled to do it. And if the auditors manage to convert their version of 'performance auditing' into the primary vehicle for creating accountability for performance, performance accountability will become compliance accountability. If this happens, accountability will come to mean nothing more than whether the agency – the performance auditee – has complied with the performance auditor's definition of performance. And for the performance auditor to do its audit, it will have to establish some rules, regulations, standards or other criteria so that it can audit the agency's records and

behaviour to determine whether it has indeed complied with the performance criteria" (Behn, 2001: 203).

When referring to styles of audit that focus on delivering compliance accountability, Behn claims that "those who employ the contracting (make-the-managers-manage) strategy often do so with specific, tightly written performance contracts that leave little room for such trust and that motivate improvements with very extrinsic rewards" (ibid: 30). In a similar vein, O'Neill calls this form of holding public organisations to account an exercise of *managerial accountability* in which the focus is on "establishing systems for *controlling* performance by *setting targets* for individuals and institutions, *measuring* success (or lack of success) in meeting targets, *publicising* that success or failure, and then *sanctioning* failure and *rewarding* success" (2014: 174).

Though they describe the kind of accountability that they take audit to deliver differently, both Behn and O'Neill are essentially taking audit to be in the business of providing sanction/reward accountability. Thus, they are responding to audit as it would be conducted (and was conducted when much of their works were written) under an NPM paradigm of governance. Under NPM, the focus is on setting quantitative targets, privileging the economic, fiscal values of economists and businesses, and motivating organisations to meet their commitments through coercive sanctions and rewards.

In responding to the worry that this form of audit undermines trust, we should remind ourselves of the distinction between trust and trusting reliance. On my account, to trust is to make a counterfactual judgment that some agent, if relied upon to keep a commitment, would meet that commitment to a dependable or durable degree. On my account, trust is compatible with even the most coercive form of regulation, since what matters for trust is not whether you do in fact rely on the agent to meet their commitments, but that you judge that the agent could be relied upon to meet their commitments. *Regulation* from **chapter 1** was an example of this. Organisation A regulates P, Q, and R, but it only regulates all three because it does not trust P without the regulation, and it must treat all three organisations the same. Nevertheless, because A judges that Q and R would keep their commitments without the regulation, A still trusts Q and R even though it regulates them. What regulation is incompatible with is trusting reliance, since to trustingly rely on an agent is to rely on them to keep their commitments voluntarily. When you regulate in the coercive ways described by Behn and O'Neill, you do not rely on organisations to keep their commitments in that sense; instead, you rely on your control mechanisms to force the organisation to meet its commitments. Thus, one can trust an agent that one regulates even if one does not trustingly rely on them.

Unfortunately, our problem is not eliminated by noting that coercive audit is not conceptually incompatible with trust. There is a pragmatic worry here, which is grounded in what coercive audit practices communicate to trustees. In **chapter 1**, we noted that trust disposes us to trustingly rely in appropriate circumstances and that distrust disposes us to refuse trusting reliance. A consequence of this is that when you trustingly rely on someone, this can communicate to that person that you do, in fact, trust them when you do not. *Cheating* was such an example. Alternatively, a lack of trusting reliance can communicate to an agent that you do not trust them even when you do, as *Regulation* and *Catsitter* showed. In the case of coercive audit, the auditors may still trust the auditees, but this counts for very little to a public who sees that public organisations must be held to account under coercive forms of regulation. Coercive audit regulation sends the message that auditees are not to be trusted, that they will not perform, that they will be corrupt unless we force them to act in the right way through regulation. Thus, even if trust and audit are not conceptually incompatible, the fact that audit regulation is incompatible with trusting reliance can prove detrimental to public trust in public organisations. The solution to this new problem can in part be answered by implementing answerability audit under a paradigm of PVM, as I will demonstrate in the following sections and the remainder of **part 2**. However, to a large extent, this problem is essentially a problem of communication. It isn't enough that answerability audit under PVM is compatible with trust; we also need to get the public to believe that this is so, which is something I will turn to in **part 3**.

§ 2.2. The Compatibility of Answerability Audit and Public Trust

In the previous section, I presented the worry that audit is incompatible with trust. I argued that it is incompatible not with trust but with trusting reliance. However, I noted that this incompatibility might undermine public trust by creating the impression that public organisations can only be relied upon when under the force of coercive regulation. In this section, I respond to this challenge by arguing that whether audit creates such an impression depends in part on the paradigm of governance it is under, the type of accountability it aims to serve, and the strength in which it tries to deliver it.[46]

In dealing with the pragmatic worry, it is important to note that the initial trust problem framed by Behn and O'Neill focused on sanction/reward accountability audit as practised under NPM. Behn and O'Neill worry that audit is focused on ensuring compliance with strict targets, conforming to standards, and motivating organisations to meet those targets and standards by

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[46] I say in part because, as noted at the end of the last section, there is still a question about how we communicate the compatibility to the public, the topic of **part 3.**

punishing those that fail and rewarding those who succeed. As we have seen, measurement through quantifiable performance targets and compliance-focused audit were hallmarks of NPM. Moreover, using punishments and rewards to hold governments to account *is* sanction/reward accountability. If we take audit to operate in these ways, then I agree with audit sceptics that this will create problems for trust; Not because trust and coercive sanction/reward audit are conceptually incompatible, but because, from a public engagement perspective, coercive practices of regulation present the public image that these organisations cannot be trusted. For O'Neill, I think this is what she means when she says that audit has created a culture of suspicion (2002, chp.3). Her thought is that by replacing trusting reliance on public organisations with coercive regulation, we have created the impression that public organisations should not be trustingly relied on. Moreover, if an agent is presented as the sort of agent who cannot be trustingly relied on, then we will take them to be untrustworthy and not trust them. What coercive sanction/reward-based audit does is communicate the impression that public organisations cannot be intrinsically motivated to make good on their commitments. It suggests that instead, we need to rely on threats of punishment and promise of reward, and we must constantly regulate them to make sure that they are always complying with the correct standards and meeting performance targets. NPM contributes to this image because it requires regulators to reduce performance to quantifiable targets that are easily measurable. This stark way of measuring performance makes it clear whether public organisations are succeeding or failing, and therein lies the attractiveness of this mode of regulation. But as we will see in § 3, this way of measuring is often too crude to give reliable information about the performance of public organisations and whether they provide public value.

While audit under NPM may have problems for trust, such problems are reduced if we consider audit under PVM. PVM does not require the setting of quantifiable performance targets, and its bespoke approach to determining public value encourages a broad-minded approach to how audit should be delivered and structured. In § **1.2**, I argued that PVM encourages an answerability approach to accountability, along with weak judgment accountability. I claim that answerability and weak judgment accountability are modes of accountability that do not undermine trust. To argue for this, I will use a paradigm case of answerability and weak judgment accountability: a philosophy conference.

> Imagine a philosophy conference. You are giving a talk. You have come well prepared
> to discuss your work and are confident in your ability to defend yourself against
> objections at the end. You also feel knowledgeable enough to flesh out any concepts,
> arguments or ideas should it be required. The talk ends. The first question is asked. A

sceptical audience member challenges your main argument convincingly. You respond. Someone asks a follow up question, unconvinced by your first response…

The audience members at the conference are holding you answerable for your arguments. They expect that you should have more to say about your position, that you should be able to defend yourself against objections. If you prove incapable of responding convincingly, they may well judge you to be a bad philosopher. However, the practice that occurs in the Q&A session is not about judgment, rewards and punishments, but about answerability. It is about getting the speaker to elaborate on their thought and explain themselves against objections, ultimately in the positive service of helping them strengthen their arguments. In other words, the kind of accountability delivered at an academic conference is answerability accountability. Moreover, the audience is not relying on sanctions or rewards to motivate the speaker to speak honestly or competently. They expect that the speaker is already self-motivated enough to meet these general commitments that a speaker at a conference would have, i.e., speaking honestly and only about what one is competent in speaking about. To some extent, there is a weak form of judgment accountability here because the members will judge the strength of your arguments and your competence, but this is not in the service of sanctions and rewards, but rather in the service of holding you answerable for your philosophical positions. Thus, in addition to being an example of answerability accountability, this is also an instance of weak judgment accountability.

The process of holding someone answerable at a conference seems to be a practice of mistrust rather than distrust. Insofar as the audience listens in good faith, they indulge in a degree of scepticism so that they can test the strength of the speaker's arguments. Even a scholar who is familiar with the speaker's work and therefore trusts that the speaker will be able to justify their arguments when questioned may still put questions to the speaker to help them recognise a weak point in the argument or a lack of clarity on some point. This practice of mistrust is compatible with trust and even trusting reliance in some cases. It is compatible with trust because trust is an attitude, and practising scepticism is an action that need not bear on one's attitudes of trust, distrust, or mistrust. It is even compatible with trusting reliance, in the sense that the audience at a conference still trustingly relies on the speaker to be honest, to have done diligent research, and to be able to respond to questions. The reason that we go through the process of answerability accountability is not so that we can expose the speaker as a liar and a fraud, but to help them strengthen their arguments or to help ourselves understand their arguments. In ideal cases, this is a positive process where academics help one another notice flaws in their work before publishing it, ultimately strengthening the academic rigour of papers. As currently practised at Audit Scotland, Performance and Best Value audit seem broadly in line with answerability accountability and the

constructive approach in the academic conference case. Such audits aim to provide accounts of the operations of the public organisations involved in delivering public services. They are rarely wholly negative or positive, and their conclusions are phrased in terms of recommendations and judgments aimed at ultimately improving and supporting the delivery of public services.

The aim of answerability accountability then is not compliance or coercion. For O'Neill and Behn, it was the coercive element of audit regulation that created trust problems by replacing trust and trusting reliance with these coercive surrogates and, consequently, presenting the public image that these organisations are untrustworthy as they will only meet their commitments if coerced. By removing the coercive element, answerability accountability can circumnavigate these worries, but residual pragmatic concerns remain. Sensitive speakers and auditees can feel that their authority is being questioned when critical philosophers or auditors ask probing questions and ask for justifications. However, it is important, just as it was important in the *Catsitter* case, to remember that this fault is at least to some extent on the auditee's sensitivity. One is not distrusted just because one is held to account for something. Moreover, if accountability focuses less on sanctions and rewards, and more on supporting and improving the accountable agent's performance, then the accountable person has little basis for complaints of distrust.

There are exceptions, of course. Suppose auditors hold public organisations answerable by demanding explanations for every minutia of their operations, demanding constant surveillance, or controverting every piece of evidence the auditee gives in accounting for its operations. In that case, the complaint of distrust is reasonable and likely accurate. In these cases, the extreme demand for answerability betrays an unwillingness to trustingly rely whatsoever and indicates distrust. However, the process of asking organisations to account for their operations, with the ultimate aim of helping to improve public organisations, is compatible with trust and trusting reliance. Moreover, if the auditee recognises that this is what audit is doing, our pragmatic worry about audit and trust may go away. Accepting that auditors are part of a constructive process rather than an adversarial one suggests that auditors are not overly distrustful.[47] There is some anecdotal evidence for this stemming from my interviews with employees at Audit Scotland. It was noted that when auditees are under the audit process, they tend to view the audit process as more constructive and positive when the audit is going well. In contrast, when the auditor is more critical, there tends to be more of an impulse to complain about the intrusiveness of audit. In addition, public organisations seem to find the audit reports of other organisations, especially organisations that are failing, especially useful as case studies that help them improve their organisations. These

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[47] There is still the problem of getting the public to share this view, but this is not our concern for this chapter.

examples, while anecdotal, suggest that auditees can and do recognise the positive aims of performance audits in improving public service delivery, but at the same time reflect the insecurity of auditees when the audit shines a negative light on their operations. Thus, we reach an impasse in terms of the pragmatic worry about trust. I do not think it is something that can be resolved entirely by focusing on answerability audit under a paradigm of PVM. Nevertheless, I do think that audit delivered in this way should provide a rational basis for accepting that this kind of audit regulation need not be incompatible with trust or trusting reliance.

Ultimately, the pragmatic worry is a worry about presenting public organisations as untrustworthy. Sanction-reward-based audit under NPM does this with its heavy focus on compliance, reliance on sanctions and rewards to motivate employees, and stark performance measures that reduce complex organisational performance questions to numbers and charts. Answerability audit under PVM requires auditors to be more open to the limitations of audit and the difficulties in measuring performance due to the inherent complexity in what it means for public organisations to deliver public value. Answerability audit also encourages a constructive focus in which the account holder aims to build and strengthen the organisation that is held answerable. To avoid pragmatic worries, audit should be structured to deliver accountability along these lines and communicate its constructive and positive contributions to public service delivery. If audit is construed not as a coercive regulator aimed at ensuring compliance, and instead as aimed at helping improve public service delivery (which may sometimes mean that bodies must be rewarded/sanctioned, or blamed/praised, though not necessarily by auditors), then audit will be less likely to create a culture of suspicion. This is because audit no longer frames itself as a public guardian against corrupt public organisations, but just another organisation, part of a generally trustworthy collection of public organisations, all aimed at improving the quality of public life.

One final thing to note before we discuss the relationship between audit and trustworthiness is that this chapter is not claiming that there is no place for sanction/reward-based accountability in regulation. In cases where auditees have proven to be especially corrupt or incompetent, there is a need for sanctions. And rewards should be given where performance is exceptional. I am making a point about what the focus of regulation should be and what image auditors should present if they are not to undermine public trust in public organisations. In answering these two questions, I have argued that answerability audit should be the focus of audit. Moreover, in presenting their public image, auditors should focus on their constructive role in improving public services. Nevertheless, being constructive in improving public services will sometimes mean intensive investigations into public organisations and negative performance reports where there are significant failings.

§ 3.1. How Audit Undermines Trustworthiness

In addition to the argument that audit is incompatible with trust is the challenge that audit undermines public organisations' trustworthiness. To be trustworthy, a public organisation must meet its commitments; chief among those commitments is the fulfilment of its organisational purposes. For audit sceptics, the argument that trustworthiness is undermined by audit works by showing how audit shapes public organisations is such that it prevents or makes it difficult for those organisations to meet their commitments.[48]

In the introduction, I noted how Audit Scotland's remit goes beyond traditional financial audit work. Audit Scotland has the power to conduct performance audits, which cover broad areas of public policy, including education, transport, and the NHS. They also conduct Best Value audits, focusing on the public value delivered by councils. This 'wider-scope' of audit is a phenomenon that goes beyond the Scottish context and has drawn heavy criticism across many fields of study. In one of the seminal audit-sceptic texts, *The Audit Society: Rituals of Verification,* Michael Power argues that this empowerment of auditors as the regulators and watchdogs of public organisations has caused a restructuring of auditees into auditable institutions.[49] He argues that in order to become an auditable institution, organisations must align their values with the (generally fiscal and economic) values of auditors over perhaps the more important professional values of the auditees. Framing Power's worry in terms of my account of trust, through this restructuring of public organisations, public organisations and professionals are no longer as capable of fulfilling the commitments that would make them trustworthy organisations and professionals.

In her 2002 Reith Lectures, Onora O'Neill provides us with a litany of examples of perverse performance targets set by managers operating under the NPM philosophy of management. They are perverse because they restructure organisations to be auditable in ways that undermine the professional values that they were arguably set up for in the first place (O'Neill, 2002: chp.3). Examples of this in practice include measuring the A&E service through ambulance response times, which leads to the prioritisation of hospital waiting times over the delivery of quality care (Lapsley, 2009: 12); setting arrest targets that cause the police to arrest needlessly in order to meet those targets (Reed, 2007; Berry, 2007), or schools discouraging pupils from difficult subjects to avoid being lowered on the league tables for generating fewer passing grades (Goldstein & Lecky, 2008). In the university context, this kind of restructuring has led some to proclaim, in block

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[48] I am paraphrasing the arguments here in terms of the language of my account of organisational trustworthiness.
[49] See especially Chp 5 Power (1997) for similar lines see also Jones (1993) p.192 and Neave (1988) p.18

capitals no less, that "THE UNIVERSITY WITHIN AN AUDIT CULTURE IS PSYCHOTIC" (Craig, Amernic & Tourish, 2014: 6).[50]

How does the creation of perverse performance targets undermine trustworthiness? The thought echoed in the papers above is Power's thought that audit regulation has a restructuring effect on auditees, such that auditees are shaped into auditable institutions. And that this restructuring ultimately corrupts or interferes with auditees satisfying their organisational purposes. Summarising this thought, Power states :

> "The most influential dimension of the audit explosion is the process by which environments are made auditable, structured to conform to the need to be monitored ex-post. Audits do not passively monitor auditee performance, but shape the standards of this performance in crucial ways, and public conceptions of the very problems for which is the solution" (Power, 1994: 7).

We can reframe Power's point as a point about trustworthiness as follows. Firstly, if we assume that the NHS's purpose is to provide quality healthcare, then we take the NHS to have a commitment to provide quality health care. To meet that commitment and thus be trustworthy, NHS organisations may break up the commitment into sub-commitments, hoping that in doing so, they will provide the quality care needed. However, under audit, the NHS's sub-commitments are said to be perverted in the sense that they do not, even if fulfilled, result in the satisfaction of the organisation's true purpose. If we reduce the NHS's performance to how quickly it discharges patients, then the organisation's sub-commitments will be geared towards this aim. However, meeting such sub-commitments won't necessarily result in quality care since quality care may be incompatible with speedily discharging patients. If we take the purpose of universities to be to provide quality research but reduce quality research to citation count, then we encourage academics to publish research at a rapid pace to beef up those citation counts, arguably spending less time on providing quality research, assuming this takes more time. If we assume the purpose of schools is to help their students realise their best potential, then reducing performance to pass grades and league tables steers teachers away from that purpose as they are more likely to optimise gaining pass grades, which may mean discouraging ambitious students. In addition, all these forms of measurement require auditees to keep mounting paper trails to prove their compliance with

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[50] It is worth noting that, within management, the problems of with audit are not limited to the problems discussed in this chapter. Smith (1995) presents eight key problem areas for audit. However, for this chapter I am only discussing the objections with audit that are related to public trust and organisational trustworthiness.

performance standards and targets. And more time spent on filling out paperwork means less time delivering the professional services of the organisation.

In addition to perverting organisations' commitments, audit may also create motivational structures that incentivise auditees to overlook their organisational purposes in order to meet performance targets. Insofar as there are rewards for meeting performance targets and sanctions for failing to do so, members of the organisations and the organisations themselves are incentivised to focus on the performance targets and not consider the broader impact of these performance targets on the organisation. Thus, teaching becomes not about enriching the intellectual lives of students but ensuring the school has a nice grade curve, academics care more about citation counts, which results in preferring popular topics and neglect of niche but important areas, and A&E is less about ensuring that patients are well cared for, and more about ensuring they get out of the hospital as quickly as possible. The problem of perverse incentives is that it shapes auditees in such a way that they are now no longer motivated to fulfil their commitment to satisfying their organisational purposes and are instead motivated to meet auditable targets that are at best irrelevant to and at worst, undermine, their organisational purposes. In management, this phenomenon is known as "measure fixation" (Pidd, 2005: 486). This is not to say that it is inherently required for members of organisations to be intrinsically motivated to serve organisational purposes for the organisation to be trustworthy. If an organisation has incentives which are tracking the true purpose of the organisation, then it can be a trustworthy organisation even if many of the employees are motivated by incentives such as high pay rather than genuine care for the organisational purpose itself. The problem here is that the incentives are mapping on to performance targets that are not in line with the organisational commitments, and so members become incentivised to ignore the organisational purpose.

§ 3.2. How Audit Supports Trustworthiness

In this section, I argue that whether or not audit enhances or diminishes organisational trustworthiness is to some extent dependent on the kind of accountability such audit delivers, as well as what paradigm of governance it operates under. I will argue that answerability audit under a paradigm of PVM does not undermine public organisational trustworthiness to the same extent as audit under a paradigm of NPM. This sets up the discussion for the following two chapters, in which I look at two specific areas in which I think answerability audit under PVM can enhance public organisational trustworthiness. Of course, none of this means that public organisations will be trusted. Being trustworthy does not mean that one will be trusted; that is a matter resolved by communication, which we will discuss in **part 3**.

We have already noted that O'Neill, Behn, Power, and other audit sceptics that describe audit as a highly coercive practice. Audit is about setting strict performance targets, the privileging of the economic and fiscal values of auditors, and the conceptualisation of public organisations as businesses rather than as distinct forms of organisation. I have identified these criticisms with the NPM paradigm of management and noted that NPM encourages a strong form of sanction/reward accountability approach to audit. I will show how these two in tandem undermine the trustworthiness of public organisations.

The criticism that audit creates perverse performance targets only holds because in creating those performance targets, auditors under NPM are privileging the wrong values when determining what it is for public organisations to perform well. This mistake causes the wrong performance targets to be set and the wrong sub-commitments to be taken up; thus, auditees become less capable of meeting their commitments, making them untrustworthy. The advantage of PVM is that it recognises this flaw in the NPM and aims to correct that problem by recognising the inherent complexity and nuance in questions of public value and encouraging the collaboration of diverse groups of people and types of organisations in order to determine what it means to deliver public value. Of course, it isn't clear that this process will necessarily get the correct results. However, the inherent flexibility of PVM means that public organisations, at least in principle, are less bound by strict standards of assessment and that there is scope to challenge current perceptions of what it means for public organisations to deliver public value. It is also worth noting that PVM does not rule out quantitative measurements or even privileging financial performance indicators. All it rules out is taking these values and measurements to be the *default* measures and values. Consequently, PVM has the potential to shape public organisations in ways that allow those organisations to be audited without necessarily creating perverse performance targets and incentives which pull organisations away from their organisational commitments.

In this chapter, there is little more to say about the relationship between audit and organisational trustworthiness. All I want to establish at this point is that audit under PVM is less likely to distort the organisational commitments of public organisations. The reason for this is that PVM takes a more inclusive approach to determine questions of public value. Thus, in principle, it is more likely to get questions of public value right than NPM, which takes a restrictive approach that has distorting effects on public organisations. Though this ends the discussion here, in the following two chapters, I continue to consider the relationship between audit and trustworthiness, arguing that there are two significant ways that audit enhances the trustworthiness of public organisations. Once we understand how audit affects the trustworthiness of public organisations, I will then

discuss how auditors and public organisations ought to communicate that in ways that improve public trust in public organisations, including in public auditors themselves.

§ 4. Conclusion

In this chapter, I argued that audit of any kind is not conceptually incompatible with trust, but rather that it is incompatible with trusting reliance. I then noted that the incompatibility of audit with trusting reliance can undermine trust because a lack of trusting reliance on public organisations, from a public image perspective, creates the impression that public organisations cannot be trusted. I also noted the criticism of audit sceptics that audit makes public organisations less trustworthy by restructuring public organisations in ways that take them away from meeting their organisational commitments. I responded to both of these worries by introducing two paradigms of governance, New Public Management and Public Value Management, and by introducing three forms of accountability: answerability accountability, judgment accountability, and sanction/reward-based accountability. I argued that the problems with audit, trust, and trustworthiness, can be resolved if auditors focus on delivering answerability accountability and weak judgment accountability and if they practice audit under a PVM philosophy of governance.

<center>**– CHAPTER FOUR –**</center>

<center>**Audit, Power, and Trustworthiness**</center>

§ 0. Introduction

In this chapter and the next chapter, I look at two salient ways in which answerability audit can, in principle, enhance the trustworthiness of public institutions. Considering how audit may affect public organisations' trustworthiness will provide fertile ground for thinking about how auditors and public organisations can communicate their trustworthiness effectively, the topic of **part 3**.

In this chapter, I argue that audit institutions enhance government trustworthiness by limiting government discretionary powers, which they do by making the government more accountable to the public. In **§ 1**, I define what it means for public organisations to have discretionary power. In **§ 2**, I make the argument that discretionary powers disrupt the durability of government trustworthiness. I then show that by providing government accountability, auditors can limit the discretionary powers of government, thus strengthening the durability of government trustworthiness. In **§ 3**, I defend my argument against two objections.

§ 1. What is Discretionary Power?

There are two broad ways in which philosophers describe power, and there is much debate as to whether they are compatible and whether one is more fundamental than the other. It has been argued that the preferred positions taken up in the debate on power will be influenced by one's theoretical or practical commitments (Lukes, 1986; Said, 1986; Haugaard, 2010: 426). Following this thought, I will define power in a way that serves my purposes in this thesis, so when I make certain conceptual commitments on forms of power, I am doing so on a practical rather than purely philosophical basis.

On the first understanding of power, call this the domination view, X's having power is a kind of domination over others, such that to have power is for the power holder to be able to get other agents to do things that they would not otherwise do (Dahl, 1957; Lukes, 2005).[51] Power, in this sense, boils down to one's ability to coerce or dominate others. On the second understanding, call this the capability view, power is understood as the capacity of an agent to act in some domain (Arendt, 1970; Barnes, 1988; and Morriss, 2002; 2009). On this account, power is not necessarily exercised over others; it is about an individual agent's ability to carry out some action or other. As examples of both kinds of power, consider the power of a strongman. In being strong, he has the power of domination insofar as his physical strength can dominate or intimidate others. He also

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[51] For examples see Dahl (1957) and Lukes (2005)

has power in the capacity sense, for in being strong, he has the capacity to lift heavy objects that weaker people could not lift. The strongman example highlights the thought that these two senses of power are conceptually compatible.[52] The strongman has both kinds of power. The example also suggests that the coercive power attributed to the domination view may be a particular instance of the capacity view since to be able to dominate others is just to have a capacity to dominate or coerce others. Nevertheless, I leave the interpretation of how these concepts relate to one another to the reader as the kind of discretionary power that I discuss will have both a coercive element and a capacity element, and nothing hinges on how we relate these concepts.

The main discussion of power in this chapter focuses on government organisations' discretionary powers and how the possession of these discretionary powers can have a negative effect on the durability of government trustworthiness. There are two dimensions to governments' discretionary powers, both of which are relevant for my purposes. The first kind of discretion is political discretion, which Jimenez et al. define as:

> "[The] ability of the government to unilaterally modify the "rules of the game": that is, the rules governing the various aspects that affect the behaviour and performance of firms, such as tariffs, conditions for entry into the sector, taxes, etc." (2017: 283).

Jimenez et al. define political discretion in the context of the relationship between governments and private firms; however, we can easily adapt this definition to relationships between the public and government. We can say that the government has political discretion to the extent that it can govern the various aspects of social life that affect the lives of the public, such as by determining the use of public money, providing public services, creating regulations, implementing policies, and so on. This form of discretionary power has both a capability element and a domination element. Government has the capacity to act in some domain, since it has the capacity, divided up between different public organisations, to create and implement policy, public service delivery, and create the rules and regulations that will govern these policies and services.[53] Political discretion also has a domination element, since in changing 'the rules of the game' public organisations have the power to set and enforce their rules and regulations, ensuring both compliance within the organisations themselves and public compliance. A government's ability to fine or imprison those who do not obey its rules and regulations exercises this domination element of their political discretion.

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[52] For support of this thought, see Haugaard (2010) p.1051
[53] These being just some examples of political discretion.

Political discretion is generally granted to public organisations formally through legislation. However, it is important to note that the strength of a public organisation's political discretion can be increased when there is strong public trusting reliance in that organisation and decreased where there is a lack of trusting reliance. This is because those who trustingly rely on a public organisation rely on it to keep its commitments without interference. In contrast, those who refuse to trustingly rely will be more inclined to practices of civil disobedience and coercive methods of regulation, thus interfering with and disrupting the use of political discretion. In addition, trust in a public organisation will increase its political discretion, while distrust will decrease it. If the public trusts public organisations, they will be more disposed to trustingly rely on them and be optimistic and positive about public organisations' capacities to make good on their commitments and not abuse their political discretion. On the other hand, a distrusting public will be pessimistic about public organisations' capacities to make good on their commitments and thus be inclined to resist or at least monitor the distrusted organisations' operations. As such, we can say that insofar as strong trust results in trusting reliance and insofar as strong distrust results in a lack of trusting reliance[54], public organisations that have public trust and trusting reliance will have stronger levels of political discretion than those that do not. This holds even if, in both cases, the governments officially have the same political discretion by law.

The second kind of discretion relevant to our discussion is what I'll term *secretive discretion*. This form of discretion denotes public organisations' ability to conduct their business in private, that is, avoiding public view. It also refers to public organisations' ability to keep their operations hidden from the public eye consistently. Secretive discretion is more intimately connected with trust and trusting reliance than political discretion in that it seems even more dependent on the presence of trust and trusting reliance. This is because when you trust and trustingly rely together, not only are you confident that the trustee can be relied upon without the need for coercion or monitoring (because of your trust), but you rely on them without coercion or monitoring (trusting reliance). If an agent is relied upon without monitoring or coercion, then they will have more secretive discretion than someone who is relied upon but watched every step of the way since it will be easier for the former to do what they do away from the eyes of the trustor. An important consequence of possessing secretive discretion is that it enhances the possessor's capacity to betray and their capacity to deceive, for instance, by hiding their betrayal. Suppose I trustingly rely on you to look after my cat while I go on holiday. Because I trustingly rely on you, I will be unlikely to check up on you. This gives you the secretive discretion to betray my trust, which you do by paying

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[54] Which the arguments in chapter 1, suggest that these connections are generally strong, if not necessarily.

another person to look after my cat. Since the cat is alive and well when I return, I never follow you up other than to thank you for doing a good job. In this case, you have used your secretive discretionary power to betray me and to conceal that betrayal. Moreover, you only had this degree of secretive discretionary power because I trusted and trustingly relied upon you. Had I not, I may have monitored you in such a way to make your deception more difficult, if not impossible.

In summary, two kinds of discretion belong to governments. Political discretion, which is the capacity of governments to govern citizens' lives, and secretive discretion, which is the capacity of governments to conceal their operations from the public eye. Both forms of discretion can be strengthened by the presence of strong public trust and trusting reliance and weakened by public distrust and a lack of public trusting reliance.

§ 2.1. How Discretionary Powers Undermine Trustworthiness

In **chapter 1**, I discussed the claim that trustworthiness can come in degrees and distinguished between the durability and the dependability of trustworthiness. Durability refers to the strength of one's capacity for trustworthiness against potential disruptors, while dependability refers to the number of scenarios in which an agent can be trusted. In this section, I argue that discretionary powers, especially secretive discretionary powers, can act as powerful disrupters for public organisations' trustworthiness.

There is a long history to the view that governments cannot and should not be trusted because they are likely to abuse their powers. James Mill claims that all men are self-interested and, as such, will misuse the power that we give them when they are trusted (Mill, 1955, esp. Chap VII). In the context of public democratic decision-making, John Stuart Mill warns us of the "tyranny of the majority", a worry predicated again on the underlying thought that the majority will not always act in the best interests of all, but only in their self-interest (Stuart-Mill, 1956). Hume's advice for a citizen is not to trust those that govern but to suppose that "every man must… be a Knave" (Hume 1987: 44). But why suppose that governments ought to be treated like Knaves? Does their being self-interested explain it? In the next chapter, I show that it does, but while being self-interested may explain why public servants' motivations are incompatible with the public interest, it does not explain how public servants are *capable* of failing to support the public interest in cases where they do this.

It is in thinking about what gives public organisations the capacity to betray the public interest that discretionary powers (in both senses) come in. By virtue of having political discretion, governments have the power to govern the lives of citizens in ways that may or may not go against

their private interests and the coercive power to enforce this. By virtue of having secretive discretion, governments may hide their failings, deceive the public into thinking something is in the public interest when it is not, and get away with it. As we saw previously, strong public trust and trusting reliance would only increase public organisations' discretionary powers. While trust and trusting reliance can be valuable (and as I said in the introduction, even necessary for political legitimation and stability), too much political and secretive discretionary power can create a context in which those powers become disrupters to the durability of government trustworthiness. To see this, let us consider one specific example highlighted in a section 102 report on Dundee council by Audit Scotland (Audit Scotland, 2018c).

The 2016/17 Audit report on Dundee city council details an account of a fraud committed by a member of IT staff, in which a long-term employee embezzled "£1.065 million from the council between August 2009 and May 2016" (Audit Scotland, 2018c: 5). In part, the employee was spurred on by his motivation to pay off his gambling debts (BBC, 2018a). While this may have motivated him, what allowed the success of this fraud (which lasted eight years in total) were the discretionary powers of the employee. As the report notes, "the employee was an IT officer with over 30 years' service, who had extensive access to a large number of the council's financial systems which had been built up over many years… The employee combined his knowledge of the systems and his systems access privileges to insert fake invoices into the purchase ledger for payment" (Audit Scotland, 2018c: 8).

A key factor in explaining the employee's motivation is that he had the capacity to commit the fraud due to his discretionary power, which was given to him by his colleagues, in the form of systems access privileges. His unrestricted privileges accorded him the secretive discretionary power to cover up the fraud for such a long time (ibid: 9). What this example shows then is how discretionary powers can disrupt the durability of the trustworthiness of agents. Had the employee lacked the discretionary power, committing the fraud would have been a greater risk because the employee's secretive discretion, which would be required to get away with the fraud consistently, would have been weaker. This is not to say that the fraud would not have been committed had the employee not had the same high level of secretive discretion; we cannot know that for sure. However, it is to say that the greater one's discretionary power, the easier it becomes to abuse that power and get away with it, and thus, the more incentive a person has to abuse that discretionary power for personal gain. It is in this sense that I say that political and secretive discretion provide disrupters of government trustworthiness.

In the fraud case, the abuse of discretionary powers was motivated by the employee's self-interest, but this need not always be the case. Government organisations may also abuse their discretionary powers to do something positive, as in the following case of NHS Tayside. In her fourth consecutive section 22 report on NHS Tayside, the Auditor General noted how the organisation misused money from an endowment fund to help ease the burden of its expenses (Auditor General, 2018; BBC, 2018b). The motivation here was not one of self-interest but rather in the organisation's interest to ensure that it could better perform. The decision of NHS Tayside to use the endowment fund for purposes other than those which the endowment fund was given is again an attempt of an organisation to misuse its discretionary powers. Although technically, NHS Tayside did use the endowment fund to suit purposes other than that for which the fund was given, some officials maintained that their use of the money was justified given the context of financial difficulties that had been plaguing the organisation. In other words, officials saw themselves as answerable for the use of their discretionary powers but did not think they deserved punishment as they believed that their account of their actions justified the spending. This is an instance of a trustee not doing specifically what they are trusted to do (using the endowment fund for purposes X), but instead justifying their change, of course, by providing us with an account of their actions.

Assuming an answerability approach to accountability, the success or failure of NHS Tayside's account would determine whether the council's actions constituted a breach of trust.[55] This is an open debate which I need not resolve here, but I want to point out that (1) the case shows that discretionary powers can also be used in non-self-interested ways and that (2) in providing an account of misuse of discretionary power, it is possible for an agent to overcome potential distrust, at least if they can provide a good account of their actions and assuming we take an answerability approach to accountability. If we had *only* sanction/reward accountability, then it is more likely that we would blame the organisation and punish it outright for breaking the rules, disregarding the account of its operations.

Given that political and secretive discretion provide disrupters to government trustworthiness, we may choose to practise distrust or mistrust in public organisations regardless of whether we trust them, simply to ensure that these organisations do not become untrustworthy by virtue of having too much discretionary power. If the public practises distrust in government, they weaken the discretionary powers (political and secretive) of government, even when those discretionary powers are granted to the government by law. Practising distrust means being sceptical, challenging

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[55] On a sanction/reward-based approach to accountability, punishment would be given due to the breach of the rule, regardless of explanations.

the system, protesting, and in extreme cases, rebelling. Practising distrust may mean demanding closer surveillance of government, demand for sanction/reward-based accountability, and strict rules of compliance. Distrustful activities such as these work to undermine the government's discretionary powers, which in turn makes it easier for us to rely on them without the need for trust. While it is true that while there may be space for limited forms of distrust in government[56], all-pervasive distrust in government is going to result in more harm than good. As we saw in the introduction, strong distrust has many negative effects on government and society's effectiveness at large. Moreover, there is a strong case to be made for the claim that public organisations need political and secretive discretion, whether that be due to the need to withhold sensitive information or because it would be impossible for the government to get much done. It would also undermine the purpose of having a representative democracy if the public were to involve itself so heavily in monitoring those who govern. The thought from the previous chapter that trust is needed for the government to function well returns again. Nevertheless, we should seriously consider that placing too much trusting reliance on an agent that already has a lot of discretionary power is risky, especially if we have no further measures to limit the temptation to abuse that discretionary power. It is for this reason that I will argue that institutions that provide accountability are necessary.

§ 2.2. Limiting Discretionary Power to Improve Trustworthiness

Throughout history, different forms of political order have provided different degrees and kinds of accountability, which have impacted the trustworthiness of those in power. This thought can be elucidated by contrasting an absolute monarchy with representative democracy. In the absolute monarchy of the United Kingdom, monarchs were generally accountable, both in the sense of moral responsibility and in answerability, to God, their vassals, but not so much to their subjects in general. This weak downward accountability gives the monarch a great deal of political and secretive discretionary power over the public. The reason is that the monarch has little obligation to account for their actions to the public on the one hand, and the public has less of a right and ability to demand the monarch take responsibility for her actions on the other.[57]

Philip Pettit calls the political discretion accorded to monarchs of the kind I am describing *domination*. An absolute monarch can "interfere, in particular, on the basis of an interest or an opinion that need not be shared by the person affected. The dominating party can practise

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[56] See Allard-Allard-Tremblay (2015 to follow on from this thought.
[57] Of course, there is always the threat of revolution for Kings and Queens who fail their subjects, so there is a sense in which they must make themselves somewhat accountable. Nevertheless monarchy still represents an extreme of power in which the accountability of the monarch to the public is very weak.

interference, then, at will and with impunity: they do not have to seek anyone's leave, and they do not have to incur any scrutiny or penalty" (Pettit, 1997: 22).

In contrast to a monarchy, Pettit shows how democracy provides a system of accountability that limits those in power's political and secretive discretion. Pettit argues that the democratic political tradition of republicanism is focused on creating freedom from the extreme forms of political discretion such as domination. Pettit argues that democracy is one of the best solutions to avoiding domination because democracies make room for accountability to the public (ibid, chp.1). For example, in a representative democracy, the public can reward good governance by voting to re-elect a party or punish bad governance by voting for an opposing party. In addition, citizens have the ability to vote for parties that support their private values and thus have a chance to change the way society is governed in ways that accord with what they want society to be. This, in turn, redistributes some of the governor's discretionary powers to citizens, and although we may worry about the rise of a tyrannical majority, the fact that many democracies work by a process of re-election means that those who hold power do not hold it indefinitely and that even a tyrannical majority may not hold sway in each election. The monarchs' lack of accountability provides monarchs with a high amount of political and secretive discretion that present strong disrupters to the durability of their trustworthiness. In the case of representative democracy, these disrupters are not eliminated but are reduced through the implementation of systems of public accountability, such as through elections.

The kind of accountability that democracies provide is a mixture of sanction/reward accountability and answerability accountability. Sanction/reward accountability is provided in the sense that poorly performing governments will be ousted in the next election, while high performing governments will be rewarded (at least, ideally, that's how it would go). Democracies also indirectly support answerability accountability. If a government wishes to be re-elected, it must, to some extent, be willing to give accounts of its operations to the public as a means of convincing them to re-elect them. A party that conducted its business entirely in secret, refusing to give an account of its operations at all, would be unlikely to succeed long term. Of course, political parties and government organisations are not always as candid as they should be, but the fact remains that democracies foster greater accountability. Unfortunately, as the examples earlier in this chapter show, democracy, while perhaps better at limiting abuses of power than a monarchy, is not perfect.[58] Recent history is littered with examples of governments abusing their political discretion

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[58] In fact, in discussing the republican tradition, Pettit argues that one need not support all forms of democracy, and that one even may support a form of monarchy, just so long as the form limits the power of the governing entity to arbitrarily interfere with their subjects.

and using their secretive discretion to get away with it.[59] Corrupt council members and politicians are re-elected, and corrupt public officials are quietly shifted to different departments, facing seemingly no punishments at all. So, while it may be true that democratic institutions may limit discretionary powers, we cannot rely on democracy alone to limit those powers enough to remove their capacity to disrupt trustworthiness. If we want to enhance public institutions' trustworthiness by limiting their discretionary powers, we are going to need to rely on more than democratic accountability.

Perhaps, to remove discretionary powers as disrupters to government trustworthiness, we should take Hume's advice and treat all those in governance like Knaves. If we refuse to trustingly rely on public organisations, we will rely on them only where there are coercive regulatory systems in place that catch corruption and incompetence. This would limit public organisations' discretionary powers to a high degree but at the cost of damaging the efficient functioning of public organisations. On the other hand, we could completely place our trusting reliance in government; this would allow efficient functioning but would induce great amounts of political and secretive discretion, thus creating more disrupters for trustworthiness. So, we need something that limits public organisations' discretionary powers in a way that makes corruption less likely, while at the same time not condemning the government to inefficiency and potentially a breakdown of its functioning due to extreme distrust. My solution is to avoid practising trust and distrust and to practise *mistrust*. To practise mistrust, one must scrutinise and be sceptical without being compulsively pessimistic. The advantage of practising mistrust in public organisations means that one always has a certain vigilance in the functioning of government, but in a way that is not so paranoid or pessimistic so as to result in either demand for extreme regulation or outright rejection of the authority of public organisations. To some extent, I think that a general practice of mistrust is important for citizens of democracies, even if they trust their government. Firstly, because too much trusting reliance in public organisations gives them more discretionary power, thus creating more disrupters for trustworthiness. And secondly, because it is important for democratic citizens, who are expected to vote in elections and referendums, to be aware of the performance of their public institutions. If everyone blindly trusted political party X with no reflection, then it isn't clear that there would be much point in a democracy other than as an exercise in stamp approval. Nevertheless, expecting the public to practise mistrust constantly may become just as impracticable as expecting them to practise distrust constantly. Therefore, to avoid the demandingness of

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[59] Guerin et al, (2018) p.4 provide a summary of a few further examples of a lack of government accountability.

expecting all citizens to engage in mistrustful scrutiny of government constantly, we might wish to create *institutions of mistrust* that do that work on the public's behalf. This is where audit comes in.

Audit institutions are, or at least can be, institutions of mistrust, and there are clear parallels between mistrust and the way auditors describe their regulatory processes. Auditors describe their stance towards public organisations as one of 'professional scepticism,'[60] which is the adoption of a critical stance towards auditees, such that one challenges them while not being so sceptical as to induce any Cartesian-level doubts in the auditee. Where the fine line sits between Cartesian and professional scepticism is hard to place, and auditors do sometimes fail in not being sceptical enough.[61] Nevertheless, audit is an institution of mistrust because it provides a system of accountability that investigates public organisations to determine whether they are functioning well, without presupposing anything positive or negative about their functioning (whether they meet their commitments, for example). As audit regulation is open to evidence of trustworthiness and untrustworthiness in the way that a mistrustful agent is, it is an institution of mistrust.

Institutions of mistrust provide further limits on the discretionary powers of government. Focusing on answerability audit, auditors require public organisations to provide evidence that they are meeting their public commitments to fulfilling their organisational purposes. The audit reports are ultimately disseminated in public and reported to the relevant committees. Both parts of this process limit the secretive discretion of public organisations since details of their operations will be made public. Moreover, answerability audit also helps constrain abuses of political discretion because, in a Performance or Best Value audit, the auditees must demonstrate that their use of political discretion has provided public value. In the case of Audit Scotland, auditors primarily provide answerability accountability since their aim is not to sanction or reward governments but to ensure that public organisations account for their operations. Recall that neither Audit Scotland, the Auditor General, nor the Controller of Audit have the coercive powers to reward or punish auditees, but they do have the power to investigate the operations of auditees. Answerability audit limits governments' discretionary powers because it requires governments to give accounts of their operations and do so in public. To the extent that this process limits public organisations' discretionary powers, it also limits the capacity of discretionary powers to be disrupters for trustworthiness. Of course, just as the shift from monarchy to democracy did not entirely remove discretionary powers as disrupters for trustworthiness, neither will audit. In fact, both the cases of fraud discussed in this chapter show that audit is not infallible. However, I am

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[60] Thank you to Antony Clark for pointing this out to me in discussion.
[61] The Dundee Council fraud is a case in point here.

not making such an idealist claim. There is a fine balance between the efficiency of letting those in power perform their jobs without interference and ensuring that they don't abuse their positions of trust. A democratic government without audit regulation, or at least some form of regulation that goes beyond a national vote every X amount of years, doesn't do enough to protect citizens from abuses of discretionary power. It is my view that audit regulation can provide us with the right limit to discretionary powers that still leaves public organisations enough discretionary powers to work efficiently, even if that ultimately leaves open the possibility for corruption.

In this section, I have argued that discretionary powers, whether political or secretive, can provide disrupters to the trustworthiness of governments. I have pointed out the various ways that institutions can limit those discretionary powers by making governments more accountable to the public. I have argued that audit is an institution of mistrust that limits governments' discretionary power by providing answerability accountability. If I am right, we have one key way that audit can support government trustworthiness by making governments less disposed to abuses of their discretionary powers.

§ 3. Objections

In this section, I want to discuss two key objections to my argument that audit practice supports government trustworthiness by providing answerability accountability. The first is the objection that because answerability audit removes the discretionary powers of public organisations, it removes the need to depend on public organisations' trustworthiness. The second objection is that in creating institutions of mistrust and arguing that these institutions make public organisations more trustworthy, we implicitly assume that auditors are trustworthy, thus pushing the trust problem back one step.

The objection that answerability audit undermines government trustworthiness is a reiteration of the audit sceptic objection discussed in the previous chapter. To briefly reiterate the response, now in the context of our discussions about discretionary powers, answerability audit, while it limits the discretionary powers of government, does not remove them entirely. Answerability audit is not in the business of making every facet of public organisations transparent or enforcing its recommendations on public organisations. This leaves public organisations with the political discretion to determine for themselves how to respond to the findings of audit reports. With respect to secretive discretion, answerability audit does limit the secretive discretion of public organisations, but not to such an extreme that these organisations conduct everything in public. Because answerability audit leaves public organisations with some political and secretive discretion, we must still trust that public organisations will not abuse this discretion. All answerability audit

does is make it more likely that they will use those powers trustworthily by limiting the capacity of political and secretive discretion to be disrupters of trustworthiness.

The second objection is more pressing. Throughout this chapter, I have posited answerability audit as a way of supporting the trustworthiness of public organisations by practising mistrust on behalf of the public. However, in creating these institutions, do we not run the risk of just widening the problem? What makes audit institutions exceptions to the rule that public organisations ought not to be trusted? If it is right for the public to practise mistrust in public organisations, shouldn't they also do the same for auditors? If that is so, then how can audit institutions act as institutions of mistrust on behalf of the public? Are we not just creating a regress problem, making it harder to trust all public organisations by making their operations more complex?

Fortunately, there is an argument that gives us reason to believe that auditors are trustworthy. The argument demonstrates that the structure of audit can be such that the system of accountability holding auditors and public organisations to account is not a regressive system of guardians and guarded, but instead, a network of reciprocal accountability. Determining the actual trustworthiness of auditors is largely an empirical question. Still, we can ask, just as we have asked in this chapter concerning public institutions and power, whether or not the way audit is structured creates or removes disrupters to its trustworthiness. In the case of Audit Scotland, auditors have very little political and secretive discretion. Auditors must present their work in public, defend their findings to parliament and the accounts commission, and share their reports with auditees so that auditees may check for factual errors. Moreover, key audit roles, such as the Auditor General and Accounts Commission, are distinct roles from Audit Scotland. These divisions of labour and powers are all in the name of ensuring the independence of Audit Scotland from the auditees so as to avoid manipulation by auditees, as well as to ensure that the audit work itself is properly scrutinised. Auditors make recommendations but ultimately, what is done with their findings is in the hands of the Accounts Commission, parliament, the auditees, the media and even the broader public insofar as the public read the reports. Ultimately, these checks and balances limit auditors' secretive and political discretion. Auditors lack the political discretion to directly govern the lives of the public because they cannot enforce their recommendations. They lack secretive discretion by being forced to present their findings in public to the PAPLS committee and Accounts Commission.

As far as discretionary powers go, audit institutions can be designed to limit their discretionary powers. However, this might create a new problem. If auditors can't force their recommendations or impose sanctions or rewards, what is the point of audit? This is a complaint often levelled at

Audit Scotland; however, I would respond by pointing out that such criticisms presuppose that the only form of accountability that is valuable is sanction/reward-based accountability. If we adopt an answerability approach to audit, then our aim is less about compliance and more about working together in a more collaborative way to improve public organisations. Of course, sanctions and rewards may be a necessary part of this process. Still, even here, we can divide the capacity to hold auditees answerable and the capacity to apply sanctions and rewards to auditees. This is the case in the Scottish context, and it is this division of powers that helps limit the disrupters of trustworthiness that too much power can result in.

Unfortunately, when it comes to disrupters of trustworthiness, there are other kinds of disrupters that are not linked to discretionary power. Arguably, no matter what systems of accountability we implement, there will always be disrupters to trustworthiness because there will always be individuals who are willing to risk being caught by accountability systems to abuse their positions of authority. This thesis will not examine every disrupter to trustworthiness; rather, it will focus on only those disrupters that audit can help resolve. On this track, there is one other salient worry, both about the trustworthiness of public organisations as entities committed to supporting the public interest and about the trustworthiness of public auditors as organisations committed to being institutions of mistrust on behalf of the public. I call these problems of interest divergence, and they will be discussed in the next chapter.

§ 4. Conclusion

In this chapter, I have looked at one key way that answerability audit can, in principle, enhance the trustworthiness of public organisations. I began the chapter by arguing that high amounts of discretionary power, whether political or secretive, present disrupters to public organisations' trustworthiness. I then noted how different political structures, such as a monarchy or a democracy, which provide different levels and kinds of public accountability, can influence those institutions' trustworthiness. Answerability audit, I argued, is a process that works to ensure that public organisations are answerable to the public. Insofar as they do this, they ensure that when public organisations claim to meet a commitment or fail to meet a commitment, these organisations justify either their claim to success or the reasons for their failure. I argued that this process limits public organisations' discretionary powers, thereby limiting key disrupters to their trustworthiness. I concluded the chapter by looking at objections, primarily the objection that we might question auditors' trustworthiness just as much as we question the trustworthiness of public organisations. I responded to this worry by noting the ways in which audit can be structured to limit its own discretionary powers but accepted that there are residual problems regarding the

trustworthiness both of public organisations and public auditors. In the next chapter, we will discuss the remaining key disrupter of public organisations' trustworthiness and public auditors: interest divergence.

– CHAPTER FIVE –

Audit, Trustworthiness, and the Problem of Divergent Interests

§ 0. Introduction

In the previous chapter, I showed how answerability audit could, in principle, enhance the durability of government trustworthiness by limiting the disrupting force of the government's political and secretive discretionary powers. In this chapter, I show how answerability audit can enhance both the dependency and durability of government trustworthiness by (1) fostering greater government organisational alignment with and support of the public interest and (2) less alignment (either intentionally or unintentionally) with the private interests of those running public organisations.

In **§ 1**, I present what I call *problems of divergent interests*. Problems of divergent interests occur in trust relations where there is a significant discrepancy between the interests of the trustor and the trustee in ways that either (1) make the trustee less dependably or durably trustworthy or (2) make the trustor less trusting (or even distrusting) of the trustee. In **§ 1**, I describe three ways that divergent interests can cause trust relations between public organisations and the public to break down. Then, in **§ 2**, I demonstrate how answerability audit can help resolve two of the three problems caused by divergent interests.

§ 1.1. The Problem of Divergent Interests

In **chapter 2**, I argued that a trustworthy public organisation is trustworthy insofar as it meets its commitments. I also argued that while the specific commitments of public organisations should be based on the goods that public organisations provide, ultimately, all public organisations are minimally committed to ensuring that they provide public value and that their operations support the public interest. Problems of divergent interests can emerge when there is a significant disconnect between the values or interests of the trustee and the trustor, such that the former may override or at least conflict with the latter. Problems of divergent interests can break down trust relations in different ways. In the context of government and public trust relations, I have identified three ways that they do this, which I will detail in the following subsections. These are defined as follows:

(1) **The Corruption Problem –** Divergent interests between the private interests of decision-makers and the public interest can cause decision-makers to implement policies, either innocently or deliberately, that are more in accordance with their private interests rather than in the public interest.

(2) **The Motivational Problem** – Divergent interests decrease the motivations of trustees, especially when the relationship between trustor and trustee is impersonal.

(3) **The Public Interest Problem** – Divergent interests between private and public interests result in public distrust of government institutions, even when these institutions correctly identify and support public interests, if such support is not in citizens' private interests.

Before we get into the meat of the chapter, some preliminaries: first, I will only address the first two interest divergency problems in this chapter. This part of the thesis focuses on audit as a force that can support public institutions' trustworthiness. The corruption and motivation problems are problems of trustworthiness; they make public organisations and their members less trustworthy. Thus, it is within the scope of this chapter to see how audit might mitigate these problems. The public interest problem is not a trustworthiness problem because, in this case, it is the public rather than public organisations that are at fault. I introduce all three problems here because this is where we begin to talk about interest divergence, and I want to highlight here the multi-faceted nature of these problems. However, resolving the public interest problem requires a discussion about public engagement, which is the topic of **part 3**. I will introduce the public interest problem in this chapter with the other two problems, but I will postpone its solution until **part 3**.

There are two more preliminaries. A careful reader might have picked up on two seeming inconsistencies between how I have introduced problems of divergent interests and the conclusions I drew in **part 1**, specifically about the nature of trust and trustworthiness in civic trust relations.

Firstly, noting that interest divergence can create motivational problems which undermine trustworthiness, one might think that I may be suggesting that despite my earlier rejection of motivational accounts of trustworthiness in **chapter 1**, that I am now advocating that motivation *is* a constitutive feature of trustworthiness. If interest divergence causes people to be less trustworthy, then perhaps Hardin is right, and people are only trustworthy when they encapsulate the interests of trustees among their own. This is not a view I advocate; my claim is that a lack of interest alignment can, under certain conditions, cause problems for trustworthiness. Moreover, my rejection of motivational accounts refuted the idea that any *specific* motivation is necessary for trust or trustworthiness. I maintain that despite not being necessary conditions for trustworthiness, motivations do impact the dependability and durability of trustworthiness. In this chapter, I aim to show that divergent interests can create motivations that disrupt the trustworthiness of trustees. I do not argue that any specific motivation is required for trustworthiness.

The second seeming inconsistency relates to my claim in **chapter 2** that when talking of trust in public organisations, we should construe such trust as applying to public organisations as entities in their own rights, not reducible to trust in organisational members. But the problem, as I have framed it above, is in individualist terms. I have talked about interest divergence between the public interest and the interests of members of organisations. In responding to this, it is important to reiterate that the talk of trusting organisational members is not eliminated on my account; it is just that we cannot always reduce the trustworthiness of a public organisation to individuals' trustworthiness. However, one can frame interest divergency problems at the organisational level in the emergentist sense. If organisation X has the purpose of satisfying the public interest by delivering Y, then that organisation must be structured in such a way that it can ensure that its members contribute to the delivering of Y. If organisational members lack sufficient motivation on their own to deliver Y and deliver Z instead, and if the organisational lacks controls to stop them delivering Z and start delivering Y, then that organisation *itself* is untrustworthy. This untrustworthiness is not a function of individual members' trustworthiness because it is explained by the organisation's inability to secure the right action from its members. The reason why the group untrustworthiness is not reducible to individual members' trustworthiness is that we could suppose that all or at least a majority of members are trustworthy in fulfilling their organisational roles; however, as the organisation is directing these people to activities that result in Z rather than Y, the organisation is untrustworthy, despite the trustworthiness of its members.

To foreshadow the conclusions of this chapter, when we think of solutions to interest divergency problems, we should think about how to structure our public organisations in ways that ensure or encourage organisational members to satisfy the commitments of their respective organisations. This is already in line with the previous chapters of this part, in which we have looked at how answerability and sanction/reward audit can affect the ability of auditees and their members to deliver on their commitments. With these preliminary concerns out of the way, let's explain the three key interest divergency problems.

§ 1.2. The Corruption Problem

The corruption problem is an interest divergence problem in which the trustee fails to meet their commitments to the trustor due to a divergence of interest with the trustor(s). Of the interest divergency problems introduced in these subsections, the corruption problem has been most thoroughly discussed by philosophers. Worries about conflicts of interest between those in governance and the public interest are arguably the driving force behind the historical arguments of Hume (1987: 44) and Mill (1955, esp. Chap VII), who claim that we should not trust those who

govern because we should take them to be self-interested. Patti Lenard rightly notes that concerns about the ability of those in power to support the public interest are a motivating force behind republican political philosophy, which advocates for public mistrust of political institutions to keep them in check (Lenard, 2008: 313). Motivated by similar concerns but going further than the republican philosophy, Yan Allard-Tremblay (2015), whose views form the basis of our discussion in this section, argues that a limited form of distrust in those that govern is required to ensure that they support the public interest.

Allard-Tremblay's argument begins with the observation that people of similar socio-economic classes often dominate positions of public authority. The following passage from his paper highlights the extent to which our political institutions are dominated by the members of a narrow class of wealthy elites:

> "H.W. Bush and G.W. Bush were both Presidents of the United States. Jeb Bush, President G.W. Bush's brother, and Hillary Clinton, President Clinton's wife, are likely candidates for the next presidential election. In Canada, Justin Trudeau followed in the footsteps of his father, former Prime Minister Pierre Elliott Trudeau, in leading the Liberal Party. These are but a few prominent examples of what can be called democratic dynasties. Another phenomenon conflicting with the expected consequences of equality of political opportunities consists in the overrepresentation of millionaires in institutions of representation. Philippe Couillard, the current Québec Prime Minister, and his partner are jointly worth $1.3 million. Pierre-Karl Péladeau, the favourite candidate to lead the main opposition party, is a multimillionaire, who also happens to control one of the biggest Canadian media conglomerates. The leader of the second opposition party, François Legault, is worth $9.8 million. More than half the members of the American Congress are millionaires. In the UK, Prime Minister David Cameron is worth £3.8 million; Nick Clegg, the Deputy Prime Minister, is worth £2 million; and Ed Miliband, the Labour leader, is worth £1.9 million. Additionally, in 2012, 18 ministers out of 29 were also millionaires" (Allard-Tremblay 2015 383).

For Allard-Tremblay, if the aim of a democracy is to ensure popular control of society, that is, control that is driven by the common interest as opposed to the interests of a privileged few, then we may worry about democratic institutions that consistently give power to narrow sections of society. Thus, he argues that:

> "since the rich, like many other identifiable caste or class, have interests that are specific to them due to their particular circumstances, it is not unreasonable to believe that the laws are biased towards their interests when they dominate democratic institutions…. Without thinking

that the rich perfidiously direct legislation, we can assume that a dangerous conflict of interests exists" (ibid).

It is easy to suppose that corruption problems are intentional abuses of power, and while recent political history is littered with scandals of deliberate abuses of power, it is an important part of Allard-Tremblay's argument that he recognises the potential for unintentional abuses resulting from interest bias. Unconscious interest bias occurs when decision-makers all have similar social positions and interests. This can result in echo chambers due to a lack of challenge, where the values and interests of those in power are reinforced and interpreted as being coextensive with the public interest when they are not. Allard-Tremblay's argument fits in well with similar problems of cognitive biases discussed both in philosophy and psychology. Such biases can be explicit, as in a case where a group is openly disparaging of another group, but they can also be implicit, which in some ways is worse (Brownstein 2019). Implicit biases occur when a person who consciously claims to treat two groups equally does, due to the internalisation of negative stereotypes about a group, unconsciously treat members of those groups negatively in accordance with those stereotypes.[62] These biases can become intensified in cases where everyone in a group shares the same bias since there is unlikely to be any challenge or recognition of the biases at play.

In conclusion, there are two forms that a corruption problem might take. In the first case, persons in power may knowingly abuse their position of power to further their interests. I'll call these cases of explicit corruption. In the second case, because persons in power all belong to similar groups with similar interests, they may have collective unconscious biases that cause them (however well-meaning their conscious motivations and intentions) to privilege their interests over the public interest. This, in turn, undermines their ability to satisfy the public interest. I'll call these cases of implicit corruption. In both cases, those in power fail to satisfy the public interest because they either intentionally or unintentionally support the interests of a narrow group, generally, the group that they all belong to. Both cases are instances of the corruption problem.

§ 1.3. The Motivational Problem

The motivational problem of trust is particularly pressing in civic trust relations. It might be viewed as a more general form of the corruption problem or as part and parcel with the corruption problem. Either way, it is salient enough to be discussed in its own right, and its solution is slightly different to that of the corruption problem. A motivational problem arises when there is interest divergence between the trustor and trustee. Suppose my interest diverges significantly enough

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[62] For example studies, see (Devine 1989; Devine & Monteith 1999; Dovido & Gaetner 2004)

from yours. In that case, when you trust me, expecting me to go against my interests to support yours, I have a motivation (in virtue of the divergence) to go against your interests. In interpersonal relationships, motivational problems have natural checks that can prevent them from becoming disrupters to trustworthiness, but these checks lack in civic trust relations. To see how the natural checks work, consider the following example of a motivation problem in an interpersonal setting:

> *Sexuality* – Alex is a teenage boy in a religious family that holds homosexuality to be a sin. Alex is more liberal in his religious beliefs, and he is gay. He wants to come out to his family, but he is afraid that they might reject him if he tells them the truth. The only person Alex believes that he could tell the truth to is his brother, Tom. Alex is willing to do this because, despite sharing their parent's homophobic convictions, Tom loves Alex to the point where he has respected their ideological/social/political differences in the past.

In *Sexuality*, there is interest divergence between Alex and his family. If Alex were to tell either of his parents about his sexuality and ask them to keep his sexuality a secret from the religious community, they might refuse because they believe it is in Alex's interests to be outed to the community so that he can begin the process of repentance and rehabilitation. Alex is more open to speaking to Tom because he is confident that Tom's love is strong enough to overcome his religious convictions. While people like to crowd around people of similar interests in ordinary life, we also find people with divergent interests and values who manage to put these differences aside and enjoy rich, trusting relations with one another. Families are arguably the paradigm case of this; how many of us have drastically different social, political, and even moral convictions to our parents, uncles, aunts, brothers, and sisters, and yet are still able to trust them dependably and durably when it counts?

In our interpersonal relationships, the existence of affective states like love and care can create additional motivational forces that may override potential disrupters to trustworthiness, including disrupters due to divergent interests. I propose that our affective states, especially in close interpersonal relationships, affect our motivations because they drive up our sense of moral obligation to those people. That is, we possess a strong sense of both moral and affective accountability to one another.

There is a common philosophical view that our moral obligations regarding agents that are personally close to us – obligations to our mothers, fathers, friends, lovers etc. – are stronger than our moral obligations towards those who are strangers (Sommers, 1986; Wicclair, 1999). While there is debate whether these special obligations exist, psychologically speaking, evidence shows

that people feel the force of such obligations, regardless of how the metaethical questions are resolved.[63] This is brought out in the psychological literature on the topic of statistical numbing. Statistical numbing occurs when we see numbers showing mass death, poverty etc., but are unmotivated to help those in need. Without going into much detail, the explanation of the lack of motivation to help is at least in part caused by the fact that statistics do not elicit affective states of empathy, sympathy, compassion, and sadness, which are taken to be necessary for motivating people to aid others (Slovic, 2007; Coke et al., 1978; Eisenberg & Miller, 1987). The research suggests that we are more likely to help others when we feel strongly for them (Batson, 1990). In the context of trust relations, the strength of positive affective states like love can have a big influence on the trustworthiness of the trustee since strong affective states such as love for our trustors will bring stronger motivations to resist disrupters to trustworthiness, while a lack of love may diminish such motivations. If a stranger asks me for directions and I get it wrong, I may not go running through the city to redress my error, but if the stranger were my mother, then I probably would because I would feel guilty if I did not. It may well be true in both cases that I have a commitment to right the wrong, though this is not relevant to my main point. Regardless of whether we have special obligations to family and friends, we do, psychologically speaking, feel a kind of affective accountability towards family and friends. Moreover, this feeling gets weaker as we move to impersonal relationships. By affective accountability, I am referring to this sense of being extra accountable to those with whom we share close relationships, even if such a feeling is not justified at the meta-ethical level.

In civic trust relations, there is little to no affective accountability, and this is one reason that the motivational problem is more significant. There are two main reasons I have identified for the lack of affective accountability. Firstly, civic relations between governments and citizens are of an impersonal kind. One's interactions with officials tend to be limited to narrow interactions with front-line workers and top-down relations with high-ranking officials, generally through public speeches or mediated through the media. Already, then, the kind of ties that would generate affective accountability are significantly less present in the context of civic relationships. It is important to stress here that this is not a bad thing. This brings us to the second reason for the lack of affective accountability, which is that it would be inappropriate for affective accountability to exist in civic trust relations to the same extent that it exists in interpersonal relations. To illuminate how bad this would be, we could imagine a small council area where council members are very much embedded in the community as friends and neighbours. While it might have some

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[63] I would even take the philosophical support of such a view about interpersonal moral obligation as further psychological evidence of such a thing.

positive effects on the council's motivation to support their area, this interpersonal connection can also cause problems in cases where councils must make tough decisions. If the public in the area views council members as friends first and council members second, they may have perverted expectations of how the council ought to behave, which will cause trust to break down when the council (rightly) does not meet those expectations.[64] Thus, some degree of impersonality between public organisations and the public is important and may even be necessary for public organisations to function well.

Ultimately, we end up in a catch-22 situation concerning the motivation problem. On the one hand, due to the impersonal nature of civic relations, the motivation for members of public organisations to meet their public commitments is weaker. On the other hand, if we were to introduce an interpersonal dimension to civic relations, then we would introduce a kind of relationship that seems inappropriate for those relations. Thus, when problems of interest divergence arise that provide additional motivations for those in power to go against the public interest, we cannot rely on public organisations' affective accountability to defeat their motivations to go against the public interest. Moreover, we should not rely on it because affective accountability is an inappropriate form of accountability for civic relationships.

Before we discuss the next interest divergency problem, I should say something to clarify the important distinction between corruption and motivation problems. In **chapter 3**, I discussed the audit sceptic objection that audit, under NPM, can restructure auditees in ways that make them less trustworthy. I will not go over these examples again. The point to make here is that if the performance targets used to measure public organisations do not accurately measure whether the organisation is providing public value or supporting the public interest, then holding auditees accountable to those targets creates new motivational problems. They do so because their performance targets create incentives for organisations to fail to meet their organisational purposes, focusing instead on the performance targets. I separate this from corruption problems for the following reason. It could be the case that public organisations and their members have interests that align with the public interest. However, when performance targets encourage organisations and their members to move away from the public interest, additional motivations are created that either warp the interests of public organisations towards meeting performance targets that are irrelevant to public value, or they disrupt the motivations of public organisations

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[64] This example is based off a discussion at an interview with a member of staff at Audit Scotland, of a real-world case

to support the public interest when they otherwise would. Thus, it is possible to have motivation problems that are distinct from corruption problems.

§ 1.4. The Public Interest Problem

This last problem of divergent interest is more optimistic about the government but less so about citizens. In this problem, we assume that the government has correctly identified and supported the public interest and acts according to that interest. However, either (1) the public does not believe that the government is truly supporting the public interest or (2) they do not trust the government because it is going against their private interests in supporting the public interest.

It is true that supporting the public interest can mean that citizens' private interests are negatively and disproportionally affected. The UK national health service is an example of a service that supports the public interest while disproportionately affecting citizens' private interests. The NHS supports the public interest because it supports the basic human desire to live a long, healthy life. It does so by ensuring that each citizen has free access to a service that supports that basic human need. This is more supportive than a private health service since private health services are conditional on the wealth of individual citizens. However, the NHS does benefit some citizens' private interests more than others. Since the NHS is tax-funded, it may have the consequence of increased taxes, specifically on the rich. Moreover, the rich are less likely to use the NHS (or at least have less need to) since they tend to live healthier lives and have the financial resources to use private healthcare. On the other hand, poorer citizens or citizens with chronic illnesses will get greater use out of the NHS while not necessarily paying the most into the service through tax.

A wealthy person may thus complain that the NHS benefits the private interests of the poor and the chronically ill over the interests of the rich and the healthy. The wealthy person has a legitimate complaint insofar as it is true that the NHS does benefit the poor and the ill more than the wealthy. However, just because a public service benefits some groups' private interests more than others, it does not stop it from being in the public interest. Even the rich have an interest in the NHS. It provides *unconditional* health care. Unconditional health care is in everyone's interest, even if they rarely use it because they are healthy or can afford private alternatives. Complaining that the NHS is not in your interest because you can currently pay for it yourself would be like an arrogant trapeze artist asking for the safety net to be removed because he has never fallen before. That the trapeze artist has never fallen before and is unlikely to do so does not mean that that net does not serve his interests; the same is true in cases where the public interest does not serve your private interests as much as you would like.

Although one can attempt to persuade the wealthy person that it is in their interest to have a national health service, this does not undermine their claim that it is also in their private interest to avoid paying the taxes required for the NHS. Suppose they claim that they want to privilege their private interests over the public interest. Now, it would be incorrect for the wealthy person to expect the government to support this private interest since it is not the function of the government to appease their private interests. However, it would be acceptable and even rational for the wealthy person to refuse to place their trusting reliance on the government since the government is an entity that is undermining their private interests. These problems bring us into new territory, to questions surrounding political authority and the reasons that citizens have for conforming to a government authority, especially when that authority demands that citizens go against their private interests. It is beyond the scope of the thesis to weigh in on these debates; however, what I will say is that with respect to trust, it seems to be legitimate for a person to refuse to trustingly rely on, and not to trust, public organisations that they deem to go against their private interests. It is the same logic at work here that applies in the *Sexuality* case. If we assume that Tom's religious values would cause him to betray Alex's confidence, then Alex would be justified in not trustingly relying on his brother because it is in his interests to keep his sexuality a secret.

The only thing that citizens shouldn't do is expect public organisations to appease their private interests over the interests of others since to do so is to expect public organisations to go against their purposes. Suppose it was really in the public interest that the government execute 1000 people. The government is trustworthy (at least in the sense that they serve the appropriate interest), but it would be wrong to say that the 1000 people to be executed should willingly submit to this decision. In this case, we seem to have a principled reason to favour our private interests over the public interest since arguably one of the most fundamental human interests is the continuation of one's life. However, in the NHS case, perhaps our wealthy elitist will argue that she thinks her private interests are more important *for her* than the public interest. What is needed then is a principled reason that the public interest should be favoured, and in my view, it is the responsibility of those in government to provide those reasons. In **part 3**, I will provide some tools to provide people with a reason to favour the public interest over their private ones.

The public value problem is the reverse of the corruption problem: it is a case where the divergent interests between citizens' private interests and the public interest cause citizens not to trust or trustingly rely on the government. I've noted the explicit ways that citizens can reject the public interest when it contradicts their private interests, but just as those in governance are subject to cognitive biases favouring their sectional interests, so are citizens. The voting decisions of citizens in elections or referendums, or the sentiments of protesters or movements, can sometimes focus

on promoting specific group interests rather than the public interest. Nevertheless, these decisions are often framed as being in the public interest, and while this can be the case, sometimes they are just in the sectional interests of some sub-group of the population. In a democracy, this is acceptable to some extent. Members of underrepresented groups overlooked by those in power may need to push their interests forward, not so much to privilege their private interests at the expense of the public interest but to ensure that their interests are taken into account by the government. This is on Allard-Tremblay's mind when he advocates for distrust in government, as well as with Krishnmanurthy (2015), Addis (2009), and O'Flynn (2006), who all advocate for similar forms of distrust and mistrust to protect vulnerable interests that are overlooked by government. The reason for the leeway with the public is that it is the government's job to determine and act in the public interest. Thus, as a citizen belonging to a vulnerable group, it is acceptable for you to focus on your own interest promotion to ensure that the government does not overlook them.

Nevertheless, just because there are some permissible cases in which citizens can push their own interests forward, it would still be a mistake to equate your private interests with the public interest. In making that mistake, citizens run the risk of forming the wrong expectations of public organisations and unfairly distrust them. Whether one trusts or distrusts public organisations, it is important that one's distrust or trust is grounded in truth about what the commitments of the organisation in question are and how well it satisfies its commitments.

§ 1.5. Conclusion

In summary, we have looked at three ways in which the problem of interest divergence can disrupt civic trust. Firstly, the problem of interest divergence emerges when the government either (1) fails to identify or (2) ignores the public interest in favour of serving their private interests or the private interests of other groups. Secondly, due to the impersonal relationship between government organisations and the public, government organisations often lack the sense of affective accountability that allows us to resolve interest divergence in our interpersonal relationships. Thirdly, even if the government correctly identify the public interest, if that interest is inimical to the private interests of citizens, those citizens may (1) argue that the public good has not been served or (2) distrust because they consider their private interests to be more important than the public interest on this matter.

§ 2.1. Accountability Audit and The Problem of Divergent Interests

In the previous section, I introduced the problem of interest divergence. Arguably, this problem cuts deeper than the problem of discretionary power in that it emerges in a multitude of ways, and it isn't always the trustee that is at fault. As such, it would be unrealistic to suppose that one institution could fix all these problems. In this section, I respond to the corruption and motivation problems and show how answerability audit can help make government organisations less susceptible to these interest divergency problems. This section is divided into two subsections. In the first, I look at how answerability audit can help resolve the corruption problem, and in the second, I look at how it can solve the motivation problem. In both cases, I'll use examples from Audit Scotland and the management literature more generally where appropriate.

§ 2.2. Eliminating the Corruption Problem

In this section, I argue that answerability audit can resolve corruption problems due to interest divergence. Corruption problems arise when positions of authority are dominated by people of specific social classes, such that the interests of these classes are, either explicitly or implicitly, privileged over what is in the public interest. To motivate answerability audit as a solution to corruption problems, I'd like to return to Allard-Tremblay's argument discussed earlier, focusing on his concept of sectional-distrust.

In a democracy, Allard-Tremblay advocates for the view that we should have what he calls "epistemically-guarded trust" towards those in governance. Such trust is "a guarded attitude since it seeks to avert the opportunities for abuse that the political condition makes possible by approaching others' assertions with doubt and with a wary eye, all the while considering them as valid objects of engagement that cannot be summarily dismissed such that they may ultimately lead to a change in beliefs" (2015: 384). In some sense, guarded epistemic trust is akin to Lenard's mistrust, specifically, the kind of mistrust that occurs in situations like academic conferences and in the context of public audit. Mistrust is the attitude that auditors take to auditees during the audit process. However, Allard-Tremblay goes on to say that sometimes keeping political authorities in check requires more than guarded epistemic trust or mistrust. It also requires sectional distrust, which is a narrow form of distrust that one places in authorities in cases where those authorities are dominated by people of a similar interest group or where authorities are at risk of supporting interests other than the public interest.

For Allard-Tremblay, the value of sectional distrust does not start and end with citizens. He also argues that we should have *institutions* that provide the sectional distrust needed to keep public

organisations in step with the public interest. As argued previously, while citizen distrust and mistrust can be valuable, there are limits to its effectiveness. This isn't to say that public distrust is unimportant; it is arguably essential for raising awareness of marginalised voices and public grievances. However, it is to say that if we want to have a stronger effect on corruption problems, we are going to need a force that has a bit more legal and political clout. Citizens can stand outside government buildings with placards, but auditors and regulators can enter and investigate. Allard-Tremblay notes that democracy is a form of political institution that aims to ensure popular control by the people, but because those who act as our democratic representatives belong to similar social demographics, their ideas of what is in the public interest become distorted through interest bias. Thus, democratic institutions "would need to be supplemented or replaced by other institutions that can inhibit or resist vitiating factors… sectional distrust is appropriate to remedy the type of vitiation encountered" (ibid: 382-383).

In the introduction, we noted that the scope of public audit goes beyond financial audit. Public auditors like Audit Scotland conduct audits that assess the performance of governing bodies and the performance of specific policy decisions or services. While they have financial and economic components, such as financial and economic sustainability and value for money, these reports also touch on broader questions of public value, where public value is not reducible to financial considerations.

An example of a performance audit that captures the wider remit and non-financial components of audit is the performance audit on Self-Directed Support (SDS). SDS is a means of delivering health care to people with disabilities, grounded on the principle that "people should be equal partners with relevant professionals in determining their social care needs and controlling how their social care needs are met" (Audit Scotland, 2014). SDS was said to achieve this goal by giving people in need of social care a wider range of options to choose from when it comes to determining how they receive their state social care services, allowing them to determine and control "what type of social care services they get, when and where they get them, and who provides them" (ibid). SDS gives service users the option to: (1) receive a direct government payment that allows them to select and arrange the support they want; (2) select the support wanted as well as a second organisation, who arranges the support for them; (3) have the local authority arrange and select the appropriate support for them; (4) or a mix of any of the previous three options (SDS Scotland).

The justification for SDS is grounded in concerns about the public interest. As the audit report notes, "SDS is based on the human rights principles of fairness, respect, equality, and dignity and

autonomy for all" (Audit Scotland, 2014: 4).[65] SDS is supposed to support this public interest by ensuring that these principles hold, even for people who have social care needs, and it does this by giving people a clear set of choices in how their care needs are met. Moreover, it supposedly empowers service users in letting them choose for themselves rather than having their autonomy taken away from them because they have social care needs.

One of the aims of the performance audit on SDS was to determine whether SDS met this objective. More importantly, in determining whether this objective was met, auditors did not simply refer to financial data, qualified experts, or members of relevant public organisations. They also contacted recipients of SDS and their carers to determine whether they found that this service enriched their lives in the ways claimed by proponents of SDS (Audit Scotland, 2014: 40). It is worth pointing out that some public organisations and officials think that Audit Scotland rely too much on service users' views in their reports, which could be taken as evidence of a failure or a success depending on how cynical your politics are.[66] However, that auditors are willing to engage with members of the public is a form of institutionalising public mistrust or even sectional distrust to limit corruption problems. In the case of self-directed support, public organisations claim that SDS is in the public interest, and especially in the interests of those with social care needs. The performance audit is a practice of mistrust that engages with public organisations, third sector organisations, front-line workers, and the services users themselves to determine whether the public interest is indeed being met. Auditors provide the public with a more constructive way to express any sectional distrust or mistrust in performing this function. The information provided by the public will inform the conclusions of the report. These conclusions will be reported in public, and while Audit Scotland doesn't have the powers to enforce its recommendations, bodies such as parliament and the Accounts Commission do have such powers. Thus, the potential impact of neglected voices or interests in public organisations is increased by practising these forms of audit that engage with the public to determine whether the government is meeting the public interest.

In a moment, we will turn to some of the limitations of audit as a solution to corruption problems. But first, I want to lay out the argument more explicitly. Corruption problems occur when there are diverging interests between the interests of those in power and the public interest. When, in addition, the interests of those in power are all the same or similar, which they are when positions of power are crowded with people belonging to similar social classes, corruption problems are

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[65] See also Human Rights Act (1998)
[66] This point was raised in a number of my interviews with employees at Audit Scotland.

more likely because decision-makers are less likely to notice unconscious biases that lead them to privilege the interests of their groups. Suppose we have regulatory institutions that bring to the table the voices of those whose interests are (whether intentionally or unintentionally) overlooked by those in power. In that case, we have a way of securing the sectional distrust that is sometimes needed to ensure that governments do not serve their own interests. Exposure to these alternative interests and voices may disrupt the cognitive biases of those running public organisations. This is so because the voices of the public involved in audit reports will become a determining force for the conclusions of the audits. Knowing that this is how they will be assessed, public organisations have greater reason to ensure that their public policy decisions and services really have a positive impact on public life.

Now that the argument has been made, we can look at some problems. The most glaring problem is, once again, a regress problem. Firstly, people who work in public audit are all relatively affluent, middle-class, university-educated people. Of course, the self-directed support audit demonstrates that these similarly minded people are willing to engage with and even embrace the voices of people who are not like themselves. However, one further problem remains. Who are the people who are engaged within these audit reports? Do they speak for everyone? Are they the voices of the most vulnerable in those groups? It is likely (and my discussions with employees at Audit Scotland suggest that it is) that those who are willing to respond or get involved with audit reports tend to be those who are either already connected to public services (and therefore probably belonging to a similar social demographic to auditors) or people with enough time and money on their hands to allow them the privilege of the time to get involved. One need only look at the Accounts Commission, which, while it is a public committee that anyone can join, is generally a committee of older people who have worked in public services in positions of relative prestige in the past. So, is audit doing the job I claim that it does, or are we just complicating the picture and creating another regress problem?

To some extent, residual problems like the regress problem will always remain. Still, I think I can say enough to warrant the thought that audit (although not necessarily as it is currently practised) is worth the extra-institutional baggage. While it may be true that the sorts of people who get involved with audit may belong to relatively similar social classes, arguably, these social classes are somewhat broader than those who dominate the highest positions of political authority. Allard-Tremblay's discussion of those in power focuses only on those in the highest positions, which is a narrow class to begin with, even if it is dominated by members of an also narrow elite class. Those who work in public audit and those citizens who engage with public audit, even if still a somewhat selective group, provide a broader source of information of what is in the public interest. Thus, it

is more likely that audit can provide enough diversity of thought to limit the extreme corruption problems of the kind discussed by Allard-Tremblay. Furthermore, public auditors themselves seem aware of these concerns. They seem motivated to ensure that they can have a broader reach with those they engage with, suggesting that there is motivation within public audit to ensure that audit grapples with these worries. Nevertheless, it is vital that in order to avoid these regress problems, public auditors wishing to engage with the public find the means to engage with those groups who are (1) most affected by the policy decision/service/organisation(s) being audited and (2), the most vulnerable or hard to reach members of those groups.

In conclusion, audit can limit the risk of corruption problems insofar as certain kinds of audit, such as performance audits or best value audits, engage with members of the public. This limits corruption problems by providing the opposing voices that in a political world dominated by those with similar and niche interests, are needed to ensure that those in power do not, intentionally or otherwise, privilege their private interests over the public interest. In terms of how audit is currently practised, there are pragmatic concerns surrounding the capacity of audit to reach the members of the public whose interests are potentially overlooked when corruption problems arise, though as suggested above, there are ways that audit can mitigate this concern.

§ 2.3. Answerability Audit as A Surrogate for Affective Accountability

In the opening to **§ 2**, I argued that an organisation could be trustworthy even if its members are not very trustworthy, just so long as the organisation has mechanisms in place that ensure that enough individual members fulfil their organisational roles in the ways required to meet the organisation's commitments. An organisation that fails to secure this kind of action is untrustworthy. In section **§1.3**, I introduced motivational problems of interest divergence. I argued that interest divergences could create incentives or motivations that disrupt a trustee's motivation to be trustworthy. I also noted that in our interpersonal relationships, we could rely on our sense of affective accountability to help resolve these problems. Nonetheless, when it comes to civic trust relationships, affective accountability is missing. In this section, I propose that answerability audit can serve as a surrogate for affective accountability by strengthening the motivational ties of those in power to make good on their commitments to the public interest.

To motivate the view that answerability audit can have a positive effect on motivations, we can return to Onora O'Neill and other audit sceptics from **chapter 3**. In that chapter, one of the main criticisms of audit, or specifically sanction/reward-based audit under NPM, was that such audit creates perverse incentives and sanctions that reshape public organisations in ways that undermine their organisational purposes. This creates motivational interest divergence problems because it

incentivises employees to meet targets by a desire for reward or fear of punishment, and insofar as these targets are out of sync with the commitments of the organisation, they encourage employees to overlook organisational commitments because it is in their interests as employees to gain the favour of reward and avoid punishment. I separate this from corruption problems because it could be the case here that the employees' interests align with the public interest but that, because of the threat of punishment or desire for reward, the employees ignore the alignment of interests to secure rewards and avoid punishment.

The idea that audit can restructure public organisations (in ways that corrupt the motivations of members of those organisations) is dependent on the claim that audit institutions are measuring performance in the wrong ways. If auditors found ways to measure whether public organisations are meeting their public commitments properly, then audit could be used as a tool that strengthens the motivations of members of public organisations to meet the commitments of their organisations, thus encouraging trustworthiness. As an example of this at work, let us return to the SDS audit. The conclusions of this audit were in part informed by the views of users of SDS and their carers, that is, the people whose lives would be enhanced by the introduction of SDS. If, as a member of an organisation who is involved in the creation and implementation of SDS, I am aware that a part of whether I am deemed as supporting the public interest will depend on the actual opinions of service users, then this provides an additional reason for me to care about whether my policy and its implementation are actually having the impact that I claim it is having on those service users.

I claimed that answerability audit provides a surrogate for affective accountability. When you have affective accountability, what you have is a feeling or sense that you are accountable to others in a way that encourages you to go above and beyond for that person. In interpersonal relationships, feelings of love, compassion, and care, provide the foundations of affective accountability. In civic relations, we cannot rely on these features of interpersonal relationships, firstly because these affective states are barely if at all present in civic relations, and secondly because they are inappropriate feelings in civic trust relations. However, suppose we can have institutions and organisations that provide a feeling of psychological accountability in ways that make members of organisations feel more strongly accountable to the public. In that case, we have institutions that are creating a kind of affective accountability. If we assume that answerability audit under a paradigm of public value management will be successful or at least get us closer to assessing public organisations in the right way, that is, in terms of whether their policies and services do support the public interest and create public value, then the presence of such an audit will, as audit critics have pointed out, shape the motivational structures of public organisations, only here that

motivational structure would be positive. I call this a surrogate for affective accountability because the sense of accountability that such audit invokes is not necessarily going to enhance any of the affective states of love or compassion that we get in interpersonal relations. However, what it may do is make even the most self-serving members of government feel the pull in the direction of the public interest because they know that their actions will be assessed by the standard of the public interest.

The argument here is quite simple. If I know I'll be tested on Plato, then I'll read Plato and not Aristotle, even if I happen to detest Plato and would rather read Aristotle. If institutions of mistrust demand that public organisations give accounts of their operations which show that their operations support the public interest (and we assume these institutions are capable of identifying or at least coming close to identifying what is in the public interest), then we can expect members of public organisations to have additional motivations to make good on their commitments to the public interest. And we can expect public organisations to feel an additional sense of accountability because they know that this is how they will be assessed.

§ 3. Conclusion

In this chapter, I introduced a second significant obstacle to government trustworthiness, problems of divergent interests. I noted that interest divergency problems are complex and can break down trust relations in different ways. In this section, we focused primarily on how interest divergency affects the trustworthiness of public organisations and their members. First, I argued that when there is interest divergence between members of public organisations and the public interest, this can present explicit or implicit corruption problems in which members of organisations privilege their interests over the public interest. I argued that answerability audit under PVM could help limit corruption problems because it demands that public officials and organisations provide accounts of how their actions benefit the public interest rather than their interests, thus discouraging self-interested behaviour. I then considered motivational interest divergency problems, which occur when diverging interests provide additional incentives or motivations to be untrustworthy, especially in civic trust relations, where the sense of affective accountability is weaker. I argued that answerability audit under PVM could help resolve these problems because it is a form of audit that forces public organisations to consider the public interest, thus strengthening the motivation to care about the public interest.

As with the previous chapter's conclusions, I do not claim that audit institutions that deliver answerability audit will resolve all these complex problems. My conclusion is that institutions of mistrust like audit can, in principle, and so long as they are guided by the right kind of managerial

philosophy, limit some of the main obstacles to public organisations' trustworthiness. To do that, audit should be practised in ways that ensure that public organisations are encouraged to meet their commitments and provide public value.

– INTERLUDE II –

Part 2 Summary & Implications for Public Audit

§ 1. Summary of Part 2

In **part 2**, I examined the effects of public audit on (1) trust relations between the public and public organisations and (2) the trustworthiness of public organisations. In **chapter 3**, I addressed the arguments of audit sceptics, who claim that audit is either incompatible with or has a negative effect on both (1) and (2). I argued that audit regulation is not conceptually incompatible with trust because the claim that audit regulation and trust are incompatible is dependent on presupposing a reliance-based account of trust, which my modal commitment account is not. I argued that audit regulation is incompatible with trusting reliance and that this incompatibility can create the impression that the auditee is being distrusted. However, this is not necessarily the case since one can refrain from trusting reliance yet still trust. In addressing the worry that audit can create the impression of distrust as well as the worry that audit regulation undermines the trustworthiness of public organisations, I argued that whether audit does this depends on (1) what kind of accountability audit provides and (2) what paradigm of governance it operates under. I suggested three forms of accountability and two forms of governance, summarized in the table below.

Chapter 3 – Key Definitions

Judgment Accountability	Accountability delivered by making judgments regarding the success or failure of public organisations, and whether they are deserving of praise and blame.
Sanction/Reward Accountability	Accountability delivered by rewarding successful organisations and punishing failing organisations.
Answerability Accountability	Accountability delivered by requiring the agent held to account to offer an account that explains and justifies their actions, judgments, intentions, and behaviours.

New Public Management	Government should be like business; success equated with economic and financial health and stability; empowering managers over professionals; performance measured by quantifiable performance targets.
Public Value Management	Government provides public value, distinct from business and the third sector; demands integrative approaches to determining what is in the public interest; bespoke approach to measuring performance.

In **chapter 3**, I argued that if we conceive of audit under PVM delivering answerability accountability, then this limits the extent of the incompatibility problems with trust and the problem that audit undermines trustworthiness. This is because the criticism of audit from audit sceptics is criticism of coercive sanction/reward audit under NPM.

In chapters **4** and **5**, I argue that power (**chapter 4**) and problems of divergent interests (**chapter 5**) provide disrupters to public organisations' trustworthiness. In **chapter 4**, I noted that positions of governance grant the position holder with two forms of discretionary power: secretive and political discretion.

Political Discretion	The power of government to govern aspects of social life that affect the public (determining use of public money, choosing, implementing, providing public services; creating regulations; implementing policies etc).
Secretive Discretion	The power of an agent to obscure, hide, or deceive others about their actions, intentions, or behaviours.

I argued that where there is trust and trusting reliance in public organisations, public organisations' political and secretive discretion will increase. I also argued that political and secretive discretion

disrupt the durability of organisational trustworthiness because they give agents the power to act in ways that direct public life (political discretion) *and* hide their failings or deceive the public (secretive discretion). I argued that audit regulation is a key way of limiting the political and secretive discretionary powers of public organisations and their members, thus limiting the strength of powers of political and secretive discretion as disrupters to trustworthiness.

In **chapter 5**, I argued that problems of divergent interest also present disrupters to the durability of public organisational trustworthiness. The table below contains the definitions of interest divergency problems introduced in that chapter.

The Corruption Problem	Divergent interests between the private interests of decision-makers and the public interest can cause decision-makers to implement policies, either innocently or deliberately, that are more in accordance with their private interests rather than in the public interest.
The Motivational Problem	Divergent interests decrease the motivations of trustees, especially when the relationship between trustor and trustee is impersonal.
The Public Interest Problem	Divergent interests between private and public interests result in public distrust of government institutions, even when these institutions correctly identify and support public interests, if such support is not in citizens' private interests.

I argued that answerability audit under PVM is likely to reduce the frequency of corruption problems for the following reason. If answerability audit under PVM demands that auditors ensure that they engage with a diverse range of stakeholders, especially the most vulnerable and affected by public organisations' operations, then audit, in bringing these voices into the reports, can limit implicit corruption problems. This is because corruption problems arise when stakeholders belong to the same narrow social classes, thus making it easy to conflate what is in their interest with what is in the public interest. Auditors can also limit motivational problems insofar as they create a

surrogate for affective accountability, which creates additional motivations for members of public organisations to support the public interests even when their interests differ.

§ 2. Implications for Public Audit

In this section, I want to briefly posit some recommendations for reshaping public audit so that it is more likely to avoid the criticisms of audit sceptics discussed in **chapter 3** and more likely to aid in removing power and divergent interests as disrupters to trustworthiness, as discussed in chapters **4** and **5**. The table below summarizes these recommendations. As these recommendations fall out of the discussions of previous chapters, I will not elaborate on them here.

Responding to Audit Sceptics	• Audit should take an integrative approach to determining public value in performance audit (i.e., it must include professionals, managers, experts, the public, and auditors. • Audit should take a flexible approach to measuring performance. • Audit should focus on making governments answerable to the public, not on coercion through sanctions and rewards.
Limiting the Disrupting Effect of Power	• Limit secretive discretion by making audit reports more transparent. Do this by ensuring that audit reports are visible and understandable by laypersons. • Redistribute political discretion – not only use public voice in audit reports but ensure that public voice has real impact in shaping public services/organisations.
Limiting the Disrupting Effect of Divergent Interests	• Utilize answerability audit to encourage decision-makers to factor in the public interest in the justification of their operations.

	• Reach (where relevant) underrepresented / vulnerable groups – ensure such groups have impact in audit reports. • Encourage integrative approach to public service delivery by taking an integrative approach to performance and best value audits.

– Part 3 –

Trust, Audit, and Public Engagement

Trust, Audit, and Public Engagement

In **part 1**, I articulated a theory of trust and trustworthiness and applied that theory to civic trust relations between the public and public organisations. In **part 2**, I looked at the impact that audit can have on civic trust relations and public organisations' trustworthiness. In **part 3**, I construct conceptual models of public engagement that are conducive to strong trust relations between public organisations and the public and between auditors and the public. I will also consider the extent to which audit, through public engagement, can positively impact trust relations between the public and the government. The first two parts of the thesis have provided the foundations for much of my conclusions in this part. Firstly, by knowing what trust and trustworthiness amount to in civic trust relations, we know that when constructing models of trust-conducive public engagement, what kind of trust we are aiming for. Since to trust is to have a positive judgment that some agent would meet the commitments it incurs if trusting relied upon to a dependable and durable degree, it is this positive judgment that we will be trying to form when strengthening trust relations. Secondly, **part 2** provided us with more ways to narrow the scope of what forms of public engagement will be conducive to strong trust relations. Ultimately, I will argue that public engagement models that demonstrate that auditors contribute to eliminating power asymmetries and divergent interests between citizens and governments will be more conducive to strong trust relations than those that do not.

Part 3 has three chapters. In **chapter 6**, I examine the extent to which audit *should* play a role in enhancing civic trust relations through public engagement. I will argue that audit cannot play a direct role in enhancing public trust in public organisations through public engagement because to do so would undermine the purpose of audit, which, I have argued, is a mistrustful enterprise. I will argue that public auditors should focus on enhancing public trust in their profession as a credible source of information about public organisations' performance and that public organisations should focus on doing the same for themselves. I will, however, point to some indirect ways in which audit can strengthen civic trust relations without undermining its purpose. With the responsibility for trust-conducive public engagement out of the way, in the final two chapters, I construct and discuss which models of public engagement are more likely to be trust-conducive.

In **chapter 7**, I consider the extent to which communicative obligations such as being open, honest, transparent, and sincere apply in cases where public organisations and public auditors engage with the public. I argue that public auditors (and expert authorities in general) have strong

communicative obligations to be open, honest, and transparent, which are grounded in their holding positions of trust.

Finally, in **chapter 8**, I advocate for what I call *empowering models* of public engagement; these being forms of engagement that redistribute power between the speaker and the audience in ways that allow the audience to participate in, shape, and direct both the discourse and its consequences. I will follow up this discussion by considering and recommending different forms of empowering models of public engagement, taking as a starting point some examples from the literature on the public understanding of science.

Thus, in **part 3**, we will understand: (1) who is responsible for civic trust-conducive public engagement; (2) what (if any) obligations do communicators have when communicating to the public; and (3) what models of public engagement are conducive to civic-trust.

– CHAPTER SIX –

The Responsibility for Building Trust

§ 0. Introduction

One of the stated aims of the thesis was to come up with conceptual models of public engagement that auditors can use to build trust, both in their own organisations and their auditees. There are two significant questions regarding public engagement and trust: (1) are different public engagement strategies required for these different trust-building purposes? (2) do these strategies conflict with one another? In this chapter, I argue that the two trust-building strategies would require different styles and forms of public engagement and that they conflict and undermine each other. Consequently, I argue that it is the primary responsibility of auditors to practise trust-building public engagement for their own organisations and not the public organisations that they audit. In doing so, auditors will be focused on the more important aim of establishing themselves as trustworthy sources of information that the public can use to make their own independent trust judgments regarding public organisations.

In **§ 1**, I demonstrate that auditors do not and should not be responsible for building public trust in government through public engagement. This seems to undermine a significant aim of the thesis because I am ultimately concluding that even if there is trust-conducive public engagement, auditors should not use those models of public engagement to build trust in public organisations. However, in **§ 2**, I will show that while audit lacks such a responsibility, it can and should use trust-conducive public engagement to build trust in audit. Moreover, I will demonstrate ways in which audit regulation can have an indirect but positive impact on civic trust. Thus, the argument I will be advancing in this chapter is that while auditors cannot play a direct role in civic trust in public organisations, they can play an indirect role in supporting public trust in those organisations.

§ 1.1. Why Audit Should Not Build Civic Trust in Public Organisations

There are two reasons for my claim that auditors should not directly build civic trust in public organisations. The first reason stems from the consideration that it is the purpose of audit to be mistrustful of public organisations. This was established throughout **part 2**. Answerability audit under PVM is a practice of mistrust where auditors take a sceptical approach to public organisations' performance. This process is mistrustful in that auditors, while sceptical, lack the added optimism or cynicism about the trustworthiness of auditees that would be required for trust or distrust. If it is part of the purpose of public audit regulation to practise mistrust, then, to be trustworthy, auditors must achieve this purpose. If however, we demand that auditors have an

obligation to build public trust in auditees through public engagement, then we ascribe public auditors a new purpose, one that is inimical to practising mistrust. It isn't clear that an organisation could sincerely practice mistrust while at the same time being committed to building trust in those whom they are supposed to be mistrustful about. At the very least, from a public image perspective, having an organisation that claims to be an independent watchdog of government, which at the same time is constantly trying to persuade the public to trust the government, is going to raise more than just a few eyebrows. To successfully practise mistrust in auditees and be seen as organisations that practise mistrust in auditees, we cannot ascribe auditors the role of directly improving civic trust in government through public engagement. Audit Scotland describes itself as a 'public watchdog', not an advocacy group or cheerleader for public organisations. What auditors should ensure that they communicate are their findings in given audit reports, whether such findings are positive or negative. If the findings are overwhelmingly negative, then auditors would be undermining civic trust and rightly so (assuming the audit reports are an accurate measure of government trustworthiness). This, then, is the first reason auditors should not have an obligation to improve civic trust through public engagement. Such an obligation is incompatible with audit as an institution of mistrust. Instead, public auditors' communicative obligation is to promote the findings of their reports, and whether such findings support civic trust will depend on whether those findings are positive or negative.

The second reason to argue that public auditors have no obligation to build civic trust through public engagement stems from considering what it would mean for there to be public trust in public audit. Public trust in audit is primarily epistemic. If the public trust auditors, then they will likely trustingly rely on the judgments of auditors to inform their knowledge and judgments of public organisations. If there is public trusting reliance in audit work, then whether there is also public trust in public organisations will depend on the findings of audit reports. In trusting auditors, the public will be disposed to judge that the testimony of auditors regarding the performance and value of government organisations is worthy of their trusting reliance. In making the trust judgment, trustors ascribe epistemic authority to auditors. When they trustingly rely on auditors' testimony, the trustors will take auditors to be better positioned than themselves to make judgments regarding the performance and value of governance.[67] As such, the trustor allows the

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[67] This argument comes from more abstract philosophical discussions about what it means for one agent to trust the testimony of another, though it is important to note that these thinkers do not make the distinction between trust and trusting reliance as I do, the general point is roughly similar. See Gibbard (1990), Brandom (1994), Fualkner (2007), Keren (2007)

auditor's authority to shape their beliefs about government organisations and public governance more broadly.

So, trusting auditors amounts to accepting the testimony of auditors. What is the content of such testimony? As we have already noted, the testimony of public audit reports may support the belief that public organisations are trustworthy, or they may undermine it. Therefore, if there is public trust in audit work, then the trust or distrust of the public in public organisations will be dependent on the positivity or negativity of the results of audit reports. Suppose we think it is important for auditors to establish themselves as credible sources of information about public organisations' trustworthiness. In that case, we cannot also argue that auditors should be directly involved in enhancing civic trust in their auditees. There is an incompatibility between these two things, such that auditors would make themselves untrustworthy if we were to ascribe both purposes to them. If there is high trust in auditors and auditors give overwhelmingly negative reports of public governance, then auditors should not use public engagement to build trust in such governance. Doing so would reveal the auditor to be untrustworthy because they are trying to create trust in organisations that are not deserving of trust, as their evidence shows.

In light of the two reasons discussed above, I propose that auditors ought to be engaged in building trust in their institutions through public engagement rather than forsaking that aim to build trust in public organisations. For auditors to focus on building public trust in public organisations would be inimical to their main purpose: to be mistrustful of public organisations. Trust in public audit is valuable (assuming that audit work is valuable and trustworthy[68]) as a source of evidence regarding public organisations' performance. As such, public auditors should see themselves not as supporting trust in governments but rather in supporting well-justified trust or distrust in public organisations, as well as improving public knowledge of such organisations. Before I discuss the ways that auditors can enhance trust in their institutions, I should briefly note that the arguments in this section do not rule out the positive contribution that auditors can make to civic trust. In § 3, I will look at how audit can have an indirect, positive impact on such trust relations in ways that are compatible with their being institutions of mistrust.

§ 1.2. The Public Perception of Auditors

In the previous section, I argued that public auditors have the responsibility to build trust in themselves rather than in public organisations. In this section, I examine how the language used by auditors (taking Audit Scotland as a case study) impacts the public perception of audit work.

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[68] See part 2 for justifications of the value of public audit

I'll begin this discussion by looking at a 2014 report commissioned by Audit Scotland, which investigated the stakeholder perceptions and expectations of Scottish public sector audit. Part of this study involved conducting focus groups with members of the public to understand what the public perception of Audit Scotland was at the time. The following quoted passages from the report offers a summative statement of that perception.

> "The public focus groups revealed clearly that participants had not given the issue of public audit any consideration. When provided with the opportunity to reflect on the role and significance of public audit there is a clear appreciation of its importance and value. However, it is also clear that it is unlikely that the general public will show a great deal of interest in this area in the future. The best way to increase awareness of public audit among the general public will be to maximise media coverage. However, as we show later, there are significant perceived risks in pursuing a strategy of doing this as it may jeopardise the presentation of a balanced view" (Rocket Science, 2014: 5).

> "Respondents display a great deal of cynicism towards public audit and question whether Audit Scotland offers a true and fair view; particularly against the backdrop of independence, there tends to be an assumption that all public bodies including Audit Scotland have to 'toe the line' and present a positive picture about how well public organisations are performing" (Rocket Science, 2014: 2).

In sum, then, the study demonstrated that while most participants were unaware of Audit Scotland's existence, there was a common appreciation that public audit, once reflected upon, is valuable in principle. However, there remains public doubt regarding the genuine independence of public auditors from the bodies that they audit.

Independence is a key principle among public auditors.[69] The primary importance of independence stems from the need for auditors to be seen as not influenced either by fear or favour by their auditees. This is why the Auditor General is a crown appointment. As a crown appointment, they cannot be sacked by the Scottish Government. In addition, because public auditors are recruited by the Accounts Commission and the Auditor General as opposed to by the audited bodies (which is what happens in the case of private audit), the appointed auditors are less likely to be influenced by their auditees since they do not depend upon them for hire.[70] The public perception that public auditors are independent of their auditees is also integral to fighting the kind of public suspicions laid out in the rocket science report. I think it also provides a basis for an additional argument to justify my claim that public auditors should focus on building trust in themselves and not in government organisations. If we claim that public auditors should try to build public trust in

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[69] See the chapter 3 summary of Audit Scotland
[70] I am again, grateful for Antony Clark for bringing this out in his feedback.

government organisations through public engagement, then we are asking auditors to take a presumptive stance on the trustworthiness of such organisations. Such presumptions of trustworthiness undermine independence because auditors presume the very thing they are supposed to be establishing. Moreover, since, in practice, it seems as though the public perception of audit is sceptical of auditors' independence, it is imperative that auditors ensure that the public perceives them as independent, credible sources of information on the performance of public organisations.

It is important, then, when communicating audit work, that auditors emphasise independence as a key component of the work and avoid language which might encourage the public perception that auditors are 'in the pockets' of their auditees. In the case of Audit Scotland, however, I noted several uses of language, which unfortunately encourage such a perception. In its Code of Audit Practice, Audit Scotland states, "through our work for the Auditor General and the Accounts Commission, we provide independent assurance to the people of Scotland that public money is spent properly and provides value" (Audit Scotland 2016: 2). The focus here is on the term 'assurance.' While assurance and trust are not the same things, there is a symmetrical issue here in that if you aim to provide assurance about X, the aim seems to presume that X is something we can have assurance about. Replace 'assurance' with 'trust', and this same presumption emerges. What if an audit reveals that public organisations are not spending money effectively or providing public value? In that case, Audit Scotland does not provide assurance that public money is being spent properly and provides value. It provides evidence of suspicion and distrust! After raising this point in discussion with members of Audit Scotland, the response was that 'assurance' should not be taken to imply a positive judgment about auditee performance, and that what is meant is that Audit Scotland provides assurance, either of well-performing or ill-performing public organisations. While I can appreciate this as an intention, it isn't clear to me that the sentence "through our work for the Auditor General and the Accounts Commission, we provide independent assurance to the people of Scotland that public money is spent properly and provides value," connotates this response. At best, the statement is ambiguous, and that is a problem if we aim to avoid encouraging the idea that auditors are "in the pockets" of public organisations.

Instead, auditors should try to use language that demonstrates their work as independent regarding public organisations' performance. As an example of a replacement sentence, one could say, "through our work for the Auditor General and the Accounts Commission, we provide independent information to the people of Scotland as to whether and to what extent public money is spent properly and provides value." This statement more explicitly stresses the fact that audit is an institution of mistrust by leaving it an open question as to whether and to what extent public

money is spent properly and provides value. Another suggestion is to change the wording from "provide information *to* the people of Scotland" to "provide information *for* the people of Scotland."[71] Although subtle, it is arguable that the former case implies that Audit Scotland is in a paternalistic organisation that engages in top-down communication with the public. The change to 'for' is preferable because it implies a more direct connection between Audit Scotland and the public, suggesting that ultimately, audit serves the public and their interests. I do not claim that these changes in phrasing are definitive; there may be a slightly snappier way of phrasing this purpose, but the phrasings above provide a good starting point for thinking about the correct phrasing of audit work.

I have argued that it is important that auditors avoid language that makes or implies a presumption favouring the trustworthiness of public organisations. By the same token, it is important that auditors also avoid language that makes a presumption (or implies a presumption) against public organisations' trustworthiness. As an example of what I mean here, take the common phrase used to describe Audit Scotland in the media: a 'public watchdog.' The problem with this description is that it might be taken to have the presumptive message that government organisations need to be watched and untrustworthy unless regulated. Simultaneously, because the public is generally prone (as the Rocket Science study showed) to presume that auditors are cowed by their auditees to some extent, it may be important (to combat that perception) to stress the adversarial dimension of audit. However, this should be done without presuming the untrustworthiness of the government. The balance here is tricky. Perhaps 'watchdog' as a phrase might be not too presumptive of untrustworthiness to be a useful phrase given the public's suspicious attitudes regarding audit. That said, it should be noted that in the UK, 'watchdog' also has connotations of a pesky neighbourhood community of busybodies poking their noses into everybody's business, an image which auditors should want to avoid projecting. In any case, whatever terms are used, auditors should ensure that they do not overtly or covertly suggest that public organisations are untrustworthy or only trustworthy under the watchful eye of auditors. What needs to be communicated is the independence of audit to questions of trustworthiness and untrustworthiness. This can only be done if the language used by auditors to describe how they regulate public organisations does not presuppose anything about the trustworthiness of public organisations.

I will end this section by highlighting a positive recommendation for how auditors might present their institution as an independent institution of mistrust, which does not presume upon the

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[71] Thank you to Philip Ebert for pointing out this additional point about the language Audit Scotland uses to describe its core purpose.

trustworthiness or untrustworthiness of public organisations. This suggestion comes from reflections on empirical research on the psychology of trust that shows that if there is a group (politicians, for example), which either is or is perceived to be untrustworthy, then if other groups (such as auditors) are taken to have similar characteristics, then distrust in politicians may also spread to those groups (Bless et al., 2000; Elsebach, 2004). One of the reasons there may be a suspicion that auditors are "in the pockets" of their auditees is that the public perception of public auditors is that auditors are no different from other groups who work in public services; that is, they are all part of the same in-group. On the back of these thoughts, I think auditors can avoid the independence dilemma by crafting a public image that sets them apart from public organisations and civil servants. Suppose the image of the public auditor is set apart from the general civil servant or politician. In that case, this may lower the risk of the generalised distrust in civil servants and politicians crossing over to auditors. Significantly, this image need not be presented by using negative presumptive language about government organisations, but rather through the ways in that auditors engage their public audience in conducting their audit work. An additional solution to the problem could be to encourage auditors (and perhaps the government more generally) to ensure that there is a good public grasp of what makes Audit Scotland an independent institution. This is because it is arguably a lack of awareness of auditors' independence that leads the public to think that auditors are in the pockets of the government. Both of these solutions apply not only to the case of Audit Scotland and public audit in Scotland but equally to other nations who carry out external public audit on their governments.

To conclude, auditors need to be careful about the language they use and the image they present to the public. They must ensure that their language does not invoke a presumptive attitude regarding the trustworthiness or untrustworthiness of auditees. Trust-building public engagement among auditors is a presumptive activity. It presumes that the auditee should be trusted, which auditors should be epistemically indifferent to, lest they undermine the public perception of auditor independence and cease to be an institution of mistrust.[72] Auditors should focus on establishing themselves as reliable and useful repositories of information about public governance and let trust judgments fall as they may, based on the findings of audit work.

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[72] The indifference is epistemic, in the sense that auditors are mistrustful and therefore open to evidence of trustworthiness or untrustworthiness either way. They could, at the same time, still be politically or morally in favour of public organisations being trustworthy, just so long as this does not impact how they conduct the reports. Thank you to Nikklas Becker for raising this point.

§ 2. An Indirect Role for Auditors

In the previous section, I argued that auditors have no obligation to build trust in public organisations through public engagement. This seems to undermine a key part of this thesis: to construct conceptual models of public engagement with audit that will enhance trust in public organisations. In this section, I demonstrate that audit still has a role to play in enhancing civic trust. However, such a role is indirect and does not require auditors to publicly engage on behalf of the government. I will also show that this indirect way works in synergy with the purpose and function of audit, quelling the objection that such a role would be too costly in time and resources for auditors.

The indirect role that audit can play in enhancing civic trust relations stems from Power's thought that audit organisations have the power to restructure auditees in ways that subvert their values so that they align with the values assessed by auditors. In **chapter 3**, I discussed Power's argument and highlighted specific studies that demonstrate the truth of Power's claim about the restructuring power of auditors. I agreed with Power that audit has the power to restructure organisations. Still, while Power and other audit sceptics focus on the negative impact of audit on public organisations, I argued that audit could shape public organisations in positive ways. I argued that audit conducted under PVM could positively impact the restructuring of public organisations because it ties them closer to delivering public value than has happened under alternative managerial paradigms such as the NPM. Stemming from the framework of PVM and considerations about the different kinds of accountability that auditors can support, I introduced the concept of answerability accountability. An auditor that provides answerability accountability is primarily concerned with providing accounts of the auditee's operations that demonstrate whether those operations are in the public interest. In the case of public organisations, provision of answerability audit means that auditors will investigate public organisations' practices to see whether those practices provide public value. In part, this means that auditors themselves need to engage with the public when determining the values of assessment in their performance and best value audits. And thus, we return to the idea that public engagement is still important for auditors, not just as a trust-building enterprise, but as a part of delivering well-justified performance and best value audit reports, which is the purpose of audit.

If auditors engage with the public to determine whether a given policy provides public value, and the auditee is aware that they will be assessed (to some extent) by standards set or shaped by the public, then the auditees have an incentive to ensure that when determining a given policy action, they engage with members of the public to ensure that their policy idea provides public value. This

is a similar thought to that of **chapter 5**, in which I argued that audit could have a positive effect on the motivations of decision-makers to be trustworthy. If the auditee knows it will be assessed in terms of X, then the auditee will do its utmost to ensure that it satisfies whatever X is, and if the public play a significant role in determining whether X is met, or what X is, then public organisations have additional incentive to ensure that they engage, before the audit takes place, with the public to make sure they get it right about X.

Under answerability audit under PVM, if a public organisation demonstrates sufficient engagement with the public in determining some policy strategy X, then it can provide justification that its operations are in the public interest and demonstrate its sense of answerability to that group. Auditors, if they work towards providing answerability audit under PVM, can influence auditees in such a way to encourage their auditees to engage with the public to a greater extent when conducting their operations. This is because answerability audit is about ensuring that public organisations' operations are justified by recourse to the public interest. Such engagement by auditees is necessary if the organisation is to demonstrate its commitment to the public interest and get the information required to satisfy the public interest, which is one of the key things that answerability audit tests for. There is still a role to play in building trust when it comes to public audit, but the role is indirect. Moreover, this role is more in line with the function of audit and so is not particularly costly to auditors. On the one hand, one can see public audit as an institution of surveillance that delivers compliance. On the other hand, one can see it as focused on improving public governance.[73] If auditors focus on the latter, then one of the ways public governance can be improved is through auditing government organisations in a way that encourages practices of public engagement among public organisations. One way to do this is by focusing on answerability audit since this kind of audit requires auditors to investigate organisations to see whether those organisations operate in ways that are justifiable to the citizenry. Knowing they will be audited in such a way, public organisations will be more prone to focus on public engagement to show that their operations are informed by public voice and interests.

§ 3. Conclusion

In this chapter, I drew two main conclusions. Firstly, I argued that when it comes to trust-building public engagement, public auditors should focus only on building trust in their own organisations and not in other public organisations. I demonstrated this through various arguments, but chief among them is that to focus on building public trust through audit work is presumptive of government trustworthiness, which is something auditors should be epistemically indifferent to.

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[73] These two perceptions are not the only ways in which one might see audit, nor are they mutually exclusive.

Moreover, suppose the public has trust in auditors. In that case, this means that they will trust whatever auditors have to say about public governance, and what they have to say can be overwhelmingly negative. The second conclusion is that auditors can positively impact the trust-building engagement of government organisations. I argued that the practice of answerability audit would encourage public organisations to engage with the public. Furthermore, to the extent that public organisations are encouraged to practice trust-building public engagement, audit can have an indirect and positive impact on building public trust in government.

The Trust-Based Obligation to be Open, Honest, and Transparent

§ 0. Introduction

In the last chapter, we determined who is responsible for what when it comes to building trust through public engagement. In this chapter, we will determine which forms of public engagement are legitimate or permissible forms of public engagement. This is an important consideration since it will limit what forms of trust-conducive public engagement are permissible. Without such limits, we might pose public engagement models that involve tactics of manipulation and deceit insofar as they get us the desired trust. In this chapter, then, I consider what the communicative obligations of public auditors are, focusing specifically on whether and to what extent public auditors have communicative obligations to be open, honest, and transparent when engaging with the public.

In the last chapter, I noted that the kind of trust placed in auditors is epistemic and that auditors (as providers of information about the performance and value of public organisations) are epistemic authorities. Prima facie, epistemic authorities of any stripe have basic obligations to be open, honest, and transparent when communicating with laypersons. Some philosophers ground these obligations as part of general moral precepts against lies or obfuscation (Keohane, 2014). Others put them in instrumental terms with phrases like *if expert authorities want public trust, then they should be more open, honest, and transparent* (Goodwin & Dahlstrom, 2014; Fiske & Dupree, 2014). Despite the intuitive appeal of these communicative obligations, recent empirical and philosophical research provides evidence to the contrary. In the Public Understanding of Science (PUS) movement, research controverts the intuitive link between honest, open, and transparent communication and trust-building (Bauer, 2009). In philosophy, epistemic paternalists such as Ahlstrom-Vij argue that 'we are sometimes justified in interfering with the inquiry of another for her epistemic good without consulting her on the issue' (2013: 4). Recently, Stephen John argues, under an epistemic paternalist framework, against the idea that epistemic authorities, specifically scientists, 'are under any basic obligation to be… honest, open or transparent' (John, 2018a: 75).

If the epistemic paternalist position is correct, then it may be permissible for epistemic authorities such as auditors to be less open, honest, and transparent than we might intuitively think. However, I will argue against epistemic paternalism as formulated by John and demonstrate that epistemic authorities of any kind have trust-based obligations to be open, honest, and transparent.[74] In

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[74] This chapter of the thesis has been adapted into a paper, see Kelsall (2021)

arguing for trust-based communicative obligations, my argument differs from the traditional arguments that ground such obligations in moral or instrumental concerns.

In § **1**, I set up the framework under which I will discuss and ultimately reject epistemic paternalism. In § **2** and § **3**, I articulate and rebut John's view that epistemic authorities have no basic obligations to be open, honest, and transparent. In rebutting John's epistemic paternalism, I will construct and strengthen my view that epistemic authorities have trust-based communicative obligations to be open, honest, and transparent. Before we begin, it is important to note that John uses scientists and climate science as his main examples to argue for his epistemic paternalist position. However, the arguments John makes (and my counterarguments) can easily be applied to the case of audit. This I will demonstrate throughout the chapter.

§ 1. Positions of Trust

In the introduction, I motivated this thesis by presenting both intrinsic and instrumental reasons which demonstrate the value of securing public trust in public organisations. I gave the intrinsic reason that it is a necessary condition for the legitimacy of political authority that such authorities have the trust of those they have power over. This insight, extended now more generally to authorities of any stripe, will ground the trust-based communicative obligations of epistemic authorities and aid me in refuting epistemic paternalism.[75] Since this idea was only discussed briefly in the introduction, I will elaborate on what it means for an agent to be in a position of trust and why such positions require trust to be legitimate.

Let's start by defining a position of trust. If X has a position of power, and that position of power allows them to direct, influence, or otherwise shape the lives of some less powerful agent, then X is in a position of trust with respect to that agent. This is a position of trust in the sense that when X holds such a position of power over Y, Y is placed in a dependency relation to X, such that Y is vulnerable to the use and potential abuse of X's power. For my purposes, there are two salient ways positions of trust are established:

(1) X is placed in a position of trust by Y when Y trustingly relies on X, and X (explicitly or implicitly) accepts that trusting reliance (or when Y encourages X to trustingly rely on Y, and X does so)

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[75] Though it is important to note that not all of my objections to epistemic paternalism are dependent on accepting my view that trust is a necessary condition for the legitimacy of authority, as will become clear in subsequent sections.

(2) X is placed in a position of trust over Y when either X makes themself a trustee in a matter that concerns/impacts Y, or where some other Z makes X a trustee in a matter that concerns/impacts Y.

The first way is an instance where trusting reliance establishes the position of trust. The second way is an instance where the position of trust is established not via trusting reliance (which may or may not be present) but by some other force, such as the powers of the trustee or the powers of some further agent(s).[76] Epistemic authorities such as public auditors may garner positions of trust along either of the two avenues discussed above. An individual who trustingly relies on public auditors' findings to determine their beliefs about the performance of public organisations places auditors in a position of trust in the first sense. On the other hand, and as is more generally the case with public auditors, if public auditors are accorded by parliament the authority to comment on public organisations' performance and value, then the auditors are accorded a position of public trust in the second sense. In the case of Audit Scotland, this is the case. One might argue that in the second case, parliament only puts auditors in a position of trust with respect to itself and not the public. However, the position of trust is a position of public trust because the position accorded to auditors gives auditors the authority to comment on and shape matters of public concern. Since public audit affects the way public organisations operate and how public services are delivered, the public is in a dependency relation to public audit, which creates the position of public trust. One might respond to this by arguing that there is no such dependency relation since auditors lack the coercive powers to change and shape public organisations. While this is true, Audit Scotland's influence through the recommendations they make in Performance and Best Value audits give them an indirect degree of power to shape public life. Thus, the dependency relation remains.

Though important to note how positions of authority are established, it ultimately does not matter for my argument for the trust-based obligations of epistemic authorities, just how auditors and other epistemic authorities are accorded positions of public trust. All we need to accept is that

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[76] Although (2) demonstrates that positions of trust can be established without the consent of trustors, it is difficult to put someone in a position of trust unless they accept the position. If I walk up to you, hand you my newborn son and tell you that I trustingly rely on you to take care of him, I might be attempting to rely on you to keep a commitment, but you do not have said commitment unless you accept it. Moreover, I cannot fairly say that you behave untrustworthily by refusing to look after my baby, since to be untrustworthy you must break commitments that you have, but, in this case, you have no commitment. We can, however, trustingly rely on others without their consent if there exists some prior obligation to satisfy trusting reliance. For example, if we suppose that speakers make an implicit commitment to truth telling when they make assertions, then it is within one's moral rights to trustingly rely on one's interlocutors to speak honestly, even if the interlocutor does not explicitly make such a commitment. Of course, it may not always be wise to do so (say your interlocutor is a compulsive liar), but in such a case, the commitment is still there, and so even if you do not trustingly rely, you can fairly say that the interlocutor is untrustworthy and express your distrust in them as a speaker.

epistemic authorities such as auditors hold such positions of public trust and ask what their communicative obligations are in virtue of holding such positions.

Now that we understand what positions of trust are and how they can be established, we can ask what it means to hold such a position legitimately. It is here that I reformulate my position from the introduction. Positions of trust are legitimate only insofar as the person in the position *earns* and *deserves* the trusting reliance of the person(s) under that dependency relation. To deserve a position of trust, the holder must be capable of making good on what the position entails. To be in a position of trust as a teacher of philosophy, I must at least be competent in the subject and capable of teaching; that much should already be clear from the commitment account of trust established in **chapter 1**. However, it isn't enough just to meet the criteria for being capable of satisfying the position; I must also earn that position. Suppose I know that I am a wonderful philosophy teacher, and in consequence, I shout and scream that I ought to be made a philosophy teacher without any kind of demonstration of my talents. Although I might *deserve* the position in terms of having the requisite talents, I have not *earned* the position and should not just expect society to put their trusting reliance in me because I know I can teach.

If an agent – say, some epistemic authority – either have been placed in a position of trust or desires a position of trust, then they have trust-based obligations to satisfy two conditions in order to hold that position legitimately. Firstly, they must ensure that they are *deserving* of the trusting reliance of those they hold the position over, in the sense that they are capable of making good on the position held. Second, they must ensure that they have *earned* the trusting reliance of those that they hold the position over, even if that position was granted to them by an external authority such as the government. In the next section, I will present the epistemic paternalist view of Stephen John. Putting epistemic paternalism in my terms, the epistemic paternalist would argue that if epistemic authorities such as auditors deserve their positions of public trust, they have no basic obligations to be open, honest, and transparent in order to *earn* that position of trust.

§ 2. Against Openness, Honesty, and Transparency

The first step in determining epistemic authorities' communicative obligations is to determine what it is exactly that epistemic authorities are in a position of trust with respect to. An intuitive answer is that, as epistemic authorities, they are in a position of trust with respect to the epistemic domain; that is, they hold positions of epistemic trust.[77] This is the view held by John (2018a: 78), and it

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[77] I use the epistemic domain in the same sense as Goldman (2001)

plays a key role in justifying his epistemic paternalism. Before we present that argument, let's first define epistemic trust and what it means to hold a position of epistemic trust.

Epistemic trust concerns the ways we trustingly rely on others to help form and shape our beliefs about the world.[78] When X epistemically trusts Y, he judges that when she asserts something in her field of competence, if that assertion differs from what he would assert, then her assertion has greater epistemic weight than his own (Keren, 2007).[79] If X epistemically trustingly relies on Y, then he ascribes authority to her in the sense that he is more likely to defer to Y when she asserts claims in her domain of expertise. Furthermore, he will allow Y's beliefs about the world to shape his own (Adler, 2017). Thus, if X is in a position of trust with respect to the epistemic domain, then X is in a position where the beliefs or assertions within X's domain of expertise are taken to have more credence than those who do not hold that position of trust. Those who hold positions of epistemic trust are therefore responsible for shaping laypersons' beliefs. In contrast, those laypersons are expected to defer to X's beliefs and assertions within X's domain of expertise and allow X's beliefs and assertions to shape their own. Thus, if I have epistemic trust in Audit Scotland, I will take Audit Scotland's findings to carry more epistemic weight than my own beliefs, and if I also trustingly rely, I will change my views accordingly. Moreover, if Audit Scotland holds a position of epistemic trust with respect to the performance of public organisations, then it is responsible for ensuring that the public has true beliefs regarding the performance of public organisations. Now that we know what it is to be in a position of epistemic trust, we can turn to John's argument against openness, honesty, and transparency.

To argue against openness, honesty, and transparency, John uses the example of the 'Climategate' controversy, which began when an archive of roughly 1000 emails from the Climate Research Unit at the University of East Anglia was leaked to the public in 2009 (McAllister, 2012). Climate sceptics used the emails to attack climate scientists for engaging in unprofessional behaviour, alleging a scientific conspiracy to misrepresent climate data to exaggerate warming trends and colluding to suppress alternative viewpoints by influencing the peer review processes of journals (ibid: 872). While investigations into the scientists' professional conduct largely exonerated scientists of these charges, the politicized nature of climate change research has left room for continued accusations and controversy (ibid: 872).[80] For the sake of ease in articulating and

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[78] McCraw, (2015: 421), provides the following formulation: 'H places ET [epistemic trust] in S that P iff: (1) H believes that P; (2) H takes S to communicate that P; (3) H depends upon S's (perceived) communication for H's belief that p; and (4) H sees S as epistemically well-placed with respect to p.'

[79] I have adapted the paraphrased quotes here to fit into my modal commitment account of trust.

[80] Also, see Lahsen (2010)

rebutting John's position, I will focus on the Climategate example, but at the end of each section, reframe the discussion in terms of public audit.

To make his argument, John provides an analysis of how public trust in climate science was broken down due to Climategate. He begins by noting that the 'flawed' scientific processes allegedly 'exposed' by climate sceptics were legitimate scientific processes (John, 2018a: 81).[81] And thus, the trustworthiness of climate scientists as epistemic authorities is exonerated. For John, this means that public trust in science is warranted. However, he notes that this warranted public trust broke down because it was founded upon false beliefs about scientific institutions and practices, what he calls a 'false folk philosophy of science' (John, 2018a: 81). Because public trust may be grounded in this false folk philosophy, John claims public trust is fragile. John argues that climate sceptics, many of whom he assumes to be agnotologists (ibid: 78) – people who deliberately and wilfully maintain ignorance to further their political or social ends (Proctor & Schiebinger, 2008) – prey on these false folk philosophies of science to undermine warranted but fragile public trust (John, 2018a: 81).[82] When agnotologists 'expose' scientific practice as in Climategate, they undermine warranted public trust by showing the discrepancy between the false folk philosophy of science and how science is practised. In consequence, warranted but fragile public trust is broken. To avoid breaking fragile trust, John claims that it is justifiable for scientists to 'play along' with false folk philosophies of science. If we need to be less honest, open, and transparent about scientific practice to maintain warranted but fragile trust, then we should do so because scientists are trustworthy. And it is good to trust what is trustworthy, even if that trust is grounded in false beliefs.

John's justification of scientists' communicative obligations mirrors similar arguments from epistemic paternalists such as Ahlstrom-Vij, who uses the notion of *epistemic interests* to justify paternalistic practices of science communication. The argument goes that scientists may lie or be less open and transparent, just so long as their doing so is in the epistemic interests of laypersons (Ahlstrom-Vij, 2013). Something is in my epistemic interest if it will lead me to have more true beliefs on a given matter. John's Climategate example provides good reason to believe that it would be in laypersons' epistemic interests for scientists to be less open, honest, and transparent. Assume there is a false folk philosophy of science that makes trust in science fragile and that scientific practice is epistemically trustworthy. In that case, it is in the epistemic interests of those who

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[81] Also, see McAllister (2012); Papineau (2012); Lakatos (1978) chp.9
[82] As a possible example of agnotology, Biddle and Leuschner (2008) note the attempts 'of the petroleum industry and other groups to cast doubt upon the conclusion that human consumption of fossil fuels contributes to global climate change.

believe in the false folk philosophy for scientists to play along with that false folk philosophy. This is because if scientists did not play along, the fragile public trust would break down, resulting in fewer true beliefs among laypersons.

Let us now reframe the epistemic paternalist argument in terms of the previous section. John argues that trust in climate scientists is warranted because the epistemic practices of climate scientists 'exposed' by climate sceptics were exonerated. This can be seen as a reformulation of the idea that climate scientists deserve their positions of epistemic trust because their epistemic practices are trustworthy. Now because climate scientists deserve epistemic trust, if they are aware that public epistemic trust in climate science is fragile, then they can legitimately meet the earn condition for maintaining and gaining their positions of trust by telling lies or being less open and transparent. They can do this because (1) they deserve the position of trust, (2) it is in the public's epistemic interests to trust climate science and (3) scientists are responsible for doing what is in the epistemic interests of the public.

One can easily reframe John's concerns to the context of public audit. Firstly, we assume that public auditors are trustworthy epistemic sources of information about public organisations' performance. Assuming this, we can say that it is in the public's epistemic interests to trust public auditors as credible sources of information about the performance of governments since trusting reliance on auditors to this end would result in a greater number of true beliefs about government performance. Secondly, assume that public trust in auditors is fragile because based on false beliefs about audit practice. In the case of Audit Scotland, there is evidence to suggest that there is such fragility, as we saw in the Rocket Science report. Given the fragility of public trust and given that it is in the epistemic interests of the public to trust public auditors (assuming public auditor trustworthiness), it is justifiable for auditors to be less open, honest, or transparent, in order to secure or increase public trust in audit.

The justification for epistemic paternalism depends on the claim that epistemic authorities are justified in their lack of openness, honesty, or transparency because it is in laypersons' epistemic interests. However, we cannot take this for granted. Two further conditions must be jointly satisfied to determine whether epistemic authorities are justified in privileging the epistemic interests of nonexperts. Firstly, it must be the case that the position of trust accorded to experts is a position of epistemic trust only. If experts are only in a position of epistemic trust, then privileging our epistemic interests in ways that may allow for less honesty, openness, or transparency is permissible. However, if the position of trust accorded to an expert gives them the power to shape non-epistemic matters (be it influencing issues in moral, social, or political

domains), then the idea that they are justified in privileging the epistemic interests of nonexperts is no longer so obvious. I discuss this condition below in § **3**.**2**. The second condition that must be satisfied to permissibly privilege a trustee's epistemic interests is that the position of trust of epistemic authorities is legitimised through the earning of the trusting reliance of trustees. I address this issue in § **3.3.** These conditions must be jointly satisfied because positions of trust, whatever they may involve, must be legitimised by ensuring that the agent holding the position has the trusting reliance of those that they hold the position over. Even if the first condition were met and epistemic authorities were justified in acting in the epistemic interests of nonexperts, they would also need to ensure that their positions of trust were legitimised by having the trusting reliance of nonexperts.

§ 3.1. Defending Openness, Honesty, and Transparency

The following subsections present two independent, trust-based arguments in favour of openness, transparency, and honesty.

The first argument (§ **3.2.**) works via an objection to John's epistemic paternalist claim that scientists' communicative obligations should be grounded in the epistemic interests of nonexperts. The argument goes thus: given that the positions of trust often accorded to scientists range over moral, social, and political domains as well as the epistemic domain, the communicative obligations of scientists must be grounded in concerns about the interests of nonexperts in these further domains. I also argue that insofar as scientists find themselves in positions of trust that range over non-epistemic domains, as scientists are not expert in these non-epistemic domains, they do not possess the level of trustworthiness required of them to adopt an epistemic paternalistic approach to communication.

The first argument only nods in the direction of greater openness, honesty, and transparency. The second argument (§ **3.3.**) provides epistemic authorities with trust-based obligations to be open, honest, and transparent. I argue that even if the arguments of § **3.2.** fail, epistemic authorities still have trust-based communicative obligations to be open, honest, and transparent in cases where they have yet to earn public trusting reliance and in cases where public trusting reliance is known by scientists to be founded upon false beliefs.

§ 3.2. The Political, Moral, and Social consequences of 'Epistemic' Trust

A key assumption upon which John's epistemic paternalism depends is the assumption that epistemic authorities such as scientists only hold positions of epistemic trust, and this is one of the reasons that it is permissible for epistemic authorities to privilege the epistemic interests of

laypersons when determining how to communicate with laypersons. In other words, if I know that it is in your epistemic interests to believe that P, but I know that you will not believe that P if I tell you the truth, then it is permissible for me to tell a lie to ensure that you believe that P. In this section, I will argue that in the case of science as well as audit, these epistemic authorities are not in positions of epistemic trust, but in fact often hold positions of trust that have moral, political, and social dimensions. That auditors and scientists hold positions of social, moral, and political trust, as well as epistemic trust, will undermine the epistemic paternalist claim that epistemic authorities are justified in privileging the epistemic interests of laypersons.

Philosophers of science and academics working on Public Engagement with Science (PUS) explain the non-epistemic public expectations of science. Resnik notes the public expectations that scientists use public resources well, provide information and knowledge that help inform policy debates, conduct research useful across many sectors, from medicine, industry, and engineering to technology, agriculture, etc. (Resnik, 2011). Grasswick claims that we trust "researchers to filter information for us, determining what the best understandings of the day are and omitting poorer quality, less important, or outdated research, and second… to treat stakeholder populations, including research subjects, ethically and not place them at too great a risk in the pursuit of knowledge" (2018: 78). These expectations are non-epistemic; they require social, political, and moral awareness when conducting experiments, determining how to use public resources, and considering the moral implications of studies and conducting research accordingly.

Cases in the PUS literature demonstrate that traditionally 'scientific' issues often have moral, social, and political dimensions (Buaer et al., 2000; Burk 2004; Grove-White, 2001; Sarewitz, 2004). This echoes the philosophical line that scientific inquiry is to some extent value-laden and that it is difficult, if not impossible, to frame, research, test, and provide public policy recommendations in ways not grounded to some extent in non-scientific values (Biddle, 2018; Weber, 2011; Wilholt, 2009). Despite this, many cases discussed by PUS researchers reveal a failure to appreciate this, with supporters of scientific inquiry taking such inquiries to be objective and definitive while denigrating public voice as irrational or disingenuous when it resists scientific expectations (Stilgoe et al., 2014: 7; Wynne, 2006: 214). This is arguably a game that John himself plays in claiming that climate sceptics are either agnotologists or misinformed. I will demonstrate that because scientific inquiry is value-laden, the positions of public trust held by scientists range over both epistemic and non-epistemic domains. This insight refutes the epistemic paternalist claim that experts' communicative obligations should be grounded in nonexperts' epistemic interests. Furthermore, it supports the conclusion that obligations should be grounded in concerns about all salient interests, which includes moral, social, and political interests as well as epistemic interests.

Moreover, this argument will apply to any authority that holds a position of trust across multiple domains, including auditors.

The genetically modified (GM) crops controversy from the United Kingdom in the late 1990s and early 2000s is a case commonly used by philosophers and PUS researchers to demonstrate how value-laden scientific inquiry can be.[83] Grove-White summarizes the controversy and its key elements in the following passage:

> "The period of 1996–1999 was one of mounting public controversy in Britain about the apparently imminent prospect of GM agriculture. Following Monsanto's well-publicized first shipment of GM soya to the UK in mid-1996, public discussion developed rapidly. Against a recent background of the BSE and other food and environment-related alarms, top down 'sound science' assurances of the 'safety' (the latter assumed to be the sole object of public concern…) of the indigenously grown GM crops simply fanned the flames. Meanwhile, independent social research was revealing mounting unease about a host of rather different social, ethical and environmental dimensions of the GM prospect: Why was this being done? For whose benefit? With what implications for the food chain, and for agriculture and food production more generally? Who would be accountable when unanticipated things went wrong? But the government, repeatedly invoking the authority of its key scientific GM advisory body, the Advisory Committee on Releases into the Environment (ARCE) insisted that only science… could decide the matter" (Grove-White, 2006: 171).

The GM controversy poses issues best answered via scientific methods, such as the safety of the crops. However, as Biddle notes, there are other factors to consider, some of which are not resolvable by science (Biddle, 2018). The implementation of GM crops involves the implementation of a new technology, which raises political questions (who is driving the changes? who will be accountable?), social questions (how will this affect farmers, agriculture, etc.?), ethical questions (should we tamper with nature?), and questions of risk (might something go wrong in the future that we cannot know about right now?). As Biddle and Grove-White argue, scientists and governments overlooked many of these broader questions because they were not captured by their narrow, scientific, epistemic framing of the issue (Grove-White, 2006). Such a narrow epistemic construal of the issue is incomplete because it ignores its social, political, and moral dimensions.

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[83] Other examples include interactions between scientists and Lake District farmers due to concerns about radiation effects on their land (Wynne, 1992; Michael, 1992), and public resistance to nuclear power as an alternative energy source (Wynne, 2006).

When scientists are accorded a position of trust as an epistemic authority in the GM crops case, they are accorded a position of trust not just in the epistemic domain but also in the social, moral, and political domains. If trusting reliance on scientists matches that position of trust, it must range over all relevant domains. As such, to legitimately hold a position of trust, one must have public trusting reliance with respect to the moral, social, and political domains as well as the epistemic. Failure to satisfy any one case can result in justified public distrust or refusal to trustingly rely on the epistemic authority of scientists.

The same line of argument can be made with respect to audit. In the case of Audit Scotland, Performance and Best Value audits give auditors the ability not just to act as epistemic authorities on matters concerning public organisations' performance but also to shape public organisations and affect future public service delivery. Power and O'Neill's concerns that auditors and regulators reshape public institutions in ways that have knock-on effects that impact service delivery are examples of this. Under NPM, we saw how a focus on measuring performance through quantitative performance targets reshaped those organisations. The examples discussed were the measuring of A&E service through ambulance response times, resulting in the prioritisation of hospital waiting times over the delivery of quality care (Lapsley, 2009); the setting of arrest targets encouraging police to arrest needlessly in order to meet the targets (Reed, 2007; Berry, 2007), or schools discouraging pupils from difficult subjects to avoid being lowered on the league tables for generating fewer passing grades (Goldstein & Leckie, 2008). Thus, public auditors' position of trust cannot be narrowed to the epistemic domain alone. While a key function of audit is to provide information on public organisations' performance and financial health, it is also in a position of trust with respect to other aspects of public life insofar as auditors affect how public organisations operate and deliver public services. If it is the case that an epistemic authority holds a position of trust that goes beyond the epistemic domain, then to legitimise that position, they must have the trusting reliance of citizens across these further domains. In the case of science and the case of audit, this is the case.

John's justification for epistemic paternalism depends on two points that fail in all cases where epistemic authorities hold positions of trust in non-epistemic and epistemic domains. The first point John depends on is the broader epistemic paternalist intuition that the communicative obligations of epistemic authorities should be based on what is in the epistemic interests of nonexperts. As noted in § 2, this intuition depends on the assumption that said authority is *only* in a position of epistemic trust centred on the promotion of true belief. However, if epistemic authorities hold positions of trust in non-epistemic domains, then their communicative obligations must account for those domains. When determining whether a lie might be permissible, epistemic

authorities cannot privilege the epistemic interests of nonexperts over their non-epistemic interests. It might be in my moral interest to know if there is exploitation in the processes of experts, or my political interest to know how the politics of epistemic institutions shape their claims, or in my social interest to know what the social impact of research may be on people in my social group.[84] At least not without substantive argument, epistemic authorities may not disregard non-epistemic interests when these interests are relevant to the trust relation.

The acknowledgement that experts' communicative obligations must be grounded in concerns about the moral, social, and political interests of nonexperts in addition to concerns about their epistemic interests does not necessarily lead to a trust-based obligation in favour of openness, honesty, and transparency. At most, it suggests that a bespoke approach to public engagement is called for, one that always accounts for the salient interests, be they epistemic or otherwise. After considering all salient interests, it may be the case that epistemic authorities should privilege the public's epistemic interests over their other interests. It is worth noting, however, that we can at the very least no longer take it for granted that epistemic authorities will be able to privilege epistemic interests in every single case. Moreover, we can get a stronger trust-based obligation towards openness, honesty, and transparency by rejecting the second point that John's epistemic paternalist argument depends on.

In his Climategate example, John notes that public trust in scientists is fragile (because it is grounded in false folk philosophies of science) but warranted (because scientists are epistemically trustworthy). Because scientists are epistemically trustworthy, John argues that it is permissible for scientists to lie, or be less open or transparent, to preserve the warranted but fragile public trust in science. This idea that trust is 'warranted' can be put in terms of scientists meeting the desert condition for legitimising positions of trust; that is, they have the capacities to make good on the position of trust held. However, if the position of trust accorded to scientists is also a position with social, moral, and political dimensions, then to meet the desert condition, scientists must be trustworthy with respect to these dimensions as well. As such, it becomes no longer obvious that scientists are appropriately trustworthy because they are neither moral, social, nor political authorities. If this is the case, then trust in science is no longer warranted because scientists lack the trustworthiness that matches their position of trust. If scientists were merely in positions of epistemic trust, then John's argument that trust in science is warranted would go through as scientists are epistemically trustworthy. But in recognising the moral, social, and political dimensions of positions of trust in science, it no longer holds that trust in science is warranted

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[84] Grasswick (2018) is motivated in part by these concerns.

whether founded on false beliefs or not because scientists lack trustworthiness across the relevant domains. It was the fact that trust in science was warranted that allowed John to make his paternalistic move. However, if the trust isn't warranted, it becomes hard to justify the claim that scientists can preserve unwarranted trust by being less open, honest, or transparent. Again, this line of argument can be run in the context of audit. If public auditors have positions of social, moral, and political trust as well as epistemic trust, then in order for trust in auditors to be warranted, they must be trustworthy across all domains. While we might easily take auditors to be trustworthy epistemic sources, we may doubt their trustworthiness across these further domains.

In this section, I argued against the epistemic paternalist position as formulated by John by refuting two of its key claims. I rejected the argument that epistemic authorities' communicative obligations should ultimately be grounded in considerations regarding nonexperts' epistemic interests. Then, I rejected the argument that trust in such authorities is warranted. Both arguments were rejected through the insight that the positions of trust accorded to experts often range over the social, moral, and political domains. To the extent that this is so, experts' communicative obligations should be grounded in concerns regarding these further domains. Moreover, to the extent that experts hold positions of social, moral, and political trust, as experts are not authorities in these domains, public trust in such cases is not warranted. It is not warranted because the trustee needs to meet the desert condition for trust to be warranted. The failure of these arguments does not necessarily lead to trust-based obligations to openness, honesty, and transparency. This is because it may turn out that even with a balancing of non-epistemic interests, one can still justify such strategies. What strategies of communication are available will likely be bespoke, changing depending on the intersection of the epistemic and non-epistemic domains and factors such as risk. Such complexities are beyond the scope of this thesis, but I think, will provide fertile ground for future research.

This section aimed to provide a refutation of the epistemic paternalist arguments of John. In the next section, I present a second and independent argument that demonstrates that even if the epistemic paternalist can respond to the arguments in this section, there are strong trust-based obligations to be open, honest, and transparent when earning and legitimately maintaining the trust of others.

§ 3.3. Relationships of distrust and ill-founded trust

In § 1, I argued that for those in positions of public trust to legitimise their positions of trust, they must be deserving of and earn their positions of trust. Epistemic paternalists argue that insofar as epistemic authorities hold positions of epistemic trust, if the authority is epistemically trustworthy,

then they meet the desert condition. Consequently, they may earn their position of trust and maintain it without needing to be open, honest, and transparent, just so long as their doing so is in the epistemic interests of laypersons. In the last section, I cast doubt on the idea that epistemic authorities such as auditors and scientists meet the desert condition because their positions of trust are not just epistemic. In this section, I argue that even if epistemic authorities met the desert condition and were solely in positions of epistemic trust, then in the most important cases (i.e. when it comes to gaining the trusting reliance of those who do not yet trustingly rely, and in cases where there is trusting reliance, but trusting reliance is grounded in false beliefs) epistemic authorities have trust-based obligations to earn and maintain trust only by being open, honest and transparent when they communicate with laypersons.

Assuming that we can limit the position of trust of an epistemic authority to the epistemic domain and assuming that the authority has the epistemic trusting reliance of laypersons, epistemic authorities may be less honest, open, and transparent with those that trustingly rely in order to satisfy the epistemic interests of their trustees. This is because when you give an epistemic authority your trusting reliance, you are granting them the right to shape your beliefs, and this gives them the right to privilege your epistemic interests. If the authority who is trustingly relied on knows you would have more true beliefs if they maintained your false philosophy of science (or audit), it is permissible for them to play along because that is required for them to meet their commitment as trustee, that is, their commitment to ensuring that you have more true beliefs. Unfortunately, this is the only case in which epistemic paternalism is permissible. And in the case of public audit in Scotland, the Rocket Science report demonstrates that most people lack trust in Audit Scotland because they are not aware of it, and those made aware demonstrated mistrustful or distrustful tendencies. Thus, we must consider the communicative obligations of auditors, or any epistemic authority, in cases where laypersons do not trustingly rely on them.

In cases where there is no trusting reliance, epistemic authorities may not earn that trusting reliance unless they are open, honest, and transparent in communication. That this is so requires a consideration of what it means to trustingly rely and what it means to refuse to trustingly rely. I can refuse to trustingly rely on you for many reasons, the most obvious being that I distrust you. In **chapter 1**, I argued that when I distrust you, I judge you to be someone who, were I to trustingly rely on you to meet some commitment, would not keep that commitment. I may also refuse to trustingly rely on you because I do not yet know whether I trust you or not; that is, I mistrust you. Whatever my reason, if I do not trustingly rely on you, then I have not granted you the discretionary powers accorded to those who have my trusting reliance to act in my interests, epistemic or otherwise. For instance, I have not given you the discretionary power that I give a

doctor who I trustingly rely upon to act in accordance with my interests in such a way that might justify a lack of openness, transparency, or honesty. It is my trusting reliance on you that gives you the right to act in my epistemic interests, but if I do not trustingly rely on you, then I have not given you any such right. However, when you lie or obfuscate to gain my trusting reliance quicker, you presume a right to act in my epistemic interests that I have not given you or that (in a case of distrust) I may be actively against.

In § 1, I demonstrated that if X is in a position of trust, then X is committed to (and thus has an obligation to legitimise that position by) earning the trusting reliance of those who X holds the position over. I left it open then just what it meant for an agent in a position of trust to earn the trusting reliance of a trustee, but now I can answer that question. In the case of the positions of trust of experts, these positions are established often without the trusting reliance of the majority of the nonexpert population but are instead established by the powers of powerful organisations, public or private, who call on experts to shape and influence matters of public concern. This is the case with public auditors, whose ability to make recommendations and assess public organisations' performance is granted through legislation, not the trusting reliance of citizens. As such, experts must legitimise their positions of public trust by ensuring that they earn broader public trusting reliance. Even if we assume that experts deserve the position because they are epistemically trustworthy and their positions of trust are solely epistemic, if experts gain the trusting reliance of the public through lies, obfuscation, or by playing along with false folk philosophies of science, then they have already presumed on the trusting reliance of nonexperts before they have earned it. What justifies the telling of lies or obfuscation is a presumed right to act in the epistemic interests of nonexperts. But it is precisely that right which trusting reliance is supposed to establish. To earn the trusting reliance of nonexperts, experts may not act in ways that presuppose nonexperts' trusting reliance. To lie or obfuscate in the name of nonexperts' epistemic interests is to make such a presumption and thus is an illegitimate way to earn the trusting reliance of nonexperts.

The previous paragraphs examined cases where scientists lack the trusting reliance of nonexperts. However, what about cases in which there is trusting reliance, but where that trusting reliance is grounded in false beliefs, such as the false folk philosophy of science that John discusses? In such cases, John believes that trust grounded in false beliefs is warranted just so long as the trustee is trustworthy (John, 2018: 81). I disagree. As trustors, we don't merely desire to trust the trustworthy, but we desire to trust well. Trusting well requires more than merely happening to trust the trustworthy; it requires trusting for the right reasons, reasons that are in some way connected to the actual trustworthiness or untrustworthiness of our trustees. To a large extent, this is a responsibility for trustors to get right themselves. If you trust me for the wrong reasons, I can't be

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expected to know this in advance, nor should it be an obligation of mine to double-check whether your reasons for trusting me are ill-founded. That said, in a case where I am aware that your trusting me is grounded in false beliefs about me – suppose you trust me because you think we are best friends, but that I actually don't like you very much – it seems like I am doing something wrong in maintaining that trusting relationship between us.

While the above reason seems to be a moral reason (and there is certainly a moral reason there), there is also a trust-based reason not to knowingly play along with trustors whose trusting reliance is founded on false beliefs and expectations. One of the central problems in trust relations between the public and epistemic authorities, one which John is all too aware of, are cases in which the public have this false folk philosophy of science. For instance, the popular public conception that science ought to provide definite, yes/no answers, and that scientific inquiry is 100% objective can give rise to the false expectation that scientists should provide such objective and definitive answers, and where science cannot provide such certainties, we become dubious of scientists' claims. As John would agree, these false expectations can lead to unwarranted distrust in science – unwarranted in the sense that the distrust is grounded in the false expectations about what science is and what it does. However, if scientists knowingly play along with those false beliefs, what they signal to trustors is not only that their trust is well-placed, but that their expectations in trusting are the right expectations. Doing this signalling in the knowledge that your trustor has wrong expectations validates the trustors' wrong expectations. If exposed, and if the trustor knows that you knowingly played along with their false expectations, they can rightfully complain that you behaved wrongly here, that you 'led them along' in their misconception of the relation. In addition to this, when scientists knowingly play along with these false expectations, they set themselves up to be trustingly relied upon as orators of definitive, objective truths, a position which they know they should not have because such beliefs about science are too often false. Thus, scientists help create and shape an ill-founded trust relation which they, in turn, accept by reinforcing and validating the false expectations and beliefs on which the trust is based.

Therefore, to legitimately maintain a position of trust, you must ensure that you set the trustor on the right path if you know that they have false beliefs and expectations about the trust relation. If you do not, then you put yourself in a position of trust that you ultimately cannot satisfy. Doing so requires you not only to not play along with false expectations but also to be open, honest, and transparent about what trustors can and should expect of you and what they cannot.

In conclusion, there are trust-based obligations to be open, honest, and transparent when it comes to legitimising one's position of trust. Suppose I hold a position of trust as an epistemic authority.

In that case, I have a commitment to legitimising that trust by ensuring that I earn the trusting reliance of those I hold the position of trust over. In earning that position, I cannot take any actions that already presuppose my potential trustors' trusting reliance. When I lie, obfuscate, or play along with false beliefs, justifying my actions because 'it is in the interests of those potential trustors', I am doing just that. I take it as my right to act in others' epistemic interests, but it is just that right to act in the epistemic interests of others that trusting reliance is supposed to give. In addition, in cases where one has the trusting reliance of trustors, if one knows that this trusting reliance is founded on false beliefs and expectations, one is under an obligation to set one's trustor on the right path. Once again, this requires openness, honesty, and transparency surrounding these beliefs. It does not, then, permit playing along with false beliefs about oneself. Knowingly validating trustors' false expectations tacitly commits oneself to being held to those expectations. In the case of science, this can mean being held to a standard that scientists cannot meet because science does not work according to those false expectations and beliefs.

§ 4. Conclusion

In this chapter, I have argued that the communicative obligations of epistemic authorities to be open, honest, and transparent are trust-based obligations that cannot be overridden to satisfy the public's epistemic interests. To the extent that the positions of trust of epistemic authorities have social, moral, and political dimensions, public trusting reliance ranging over all relevant domains is required to legitimise the positions of trust. Epistemic authorities cannot overlook those further domains when engaging with the public. Then, I argued that because epistemic authorities are in positions of trust, they are obligated to gain and maintain public trust to legitimise those positions. Finally, I argued that they must meet this obligation through openness, honesty, and transparency, capturing all domains that they are in a position of trust in. These conclusions apply to any authority in a position of trust. Being in a position of trust requires you to gain and maintain the trust of those you have power over to legitimise that position.

– CHAPTER EIGHT –

Building Trust Through Empowerment: Empowering Public Engagement

§ 0. Introduction

In this chapter, I articulate conceptual models of public engagement that are conducive to civic trust both in auditors and in public organisations. I will argue that trust-conducive public engagement is forms of engagement that demonstrate that public organisations can be trustingly relied upon to meet their commitments. I will then argue that *empowering* models of public engagement do this best. In § **1**, I list the four different kinds of commitments that public organisations have. These will provide the target at which the content and form of public engagement should be aimed at. As with the previous chapter, I will draw on literature from the public engagement with science (PUS) to inform the discussion about trust-conducive public engagement in this chapter.

In § **2** and § **3**, I discuss the PUS research, which suggests that one-way forms of public engagement such as education are unlikely to result in positive attitudes towards science such as trust, while two-way forms of communication involving participation, dialogue, and deliberation are more likely to improve trust relations. In § **2,** I discuss the benefits and limitations of one-way communication. In § **3,** I discuss two-way communication. In addition to looking at how these different forms of engagement may induce trust, I will consider the pragmatic implications for audit in using the two forms of engagement. Finally, I will demonstrate that PUS research concerns apply to our context of civic trust.

In § **4**, I argue that the dichotomy between one-way and two-way communication made in the PUS literature is an unhelpful dissection of trust-conducive and non-trust-conducive public engagement. I argue that trust-conducive public engagement is forms of public engagement which *empower* the audience. After explaining what it means to empower through public engagement, I will suggest concrete examples of one-way and two-way communication that are empowering. I then conclude the thesis with a summary of our main conclusions and a list of recommendations for public auditors interested in building public trust in public audit.

§ 1. The Commitments of Public Organisations

From the conclusions of **part 1**, we know that if there is public trust in public organisations, then the result is that a significant majority of individual citizens will have the counterfactual judgment that public organisations can be relied upon to meet their commitments to a highly durable and dependable degree. Given that this is what it means to trust public organisations, it seems that an

important factor in building trust is demonstrating that public organisations do meet their commitments to a highly durable and dependable degree. First, however, we need a sense of what commitments public organisations have. Throughout the thesis, I have discussed different kinds of commitments as they have arisen from our discussions, but I will lay them out systematically and explain them here.

Organisations are committed to:

(1) Fulfilling their organisational purposes.
(2) Fulfilling any public commitment that they make.
(3) Legitimising their positions of trust by earning trusting reliance.
(4) Fulfilling moral, political, and legal obligations.

That public organisations are committed to fulfilling their organisational purposes is intuitive. If the NHS fails to provide the public with a free health service at the point of use, then it is a failing institution that we should not only distrust but possibly scrap or restructure. That organisations are committed to fulfilling any public commitments they make is a consequence of the commitment account of trust. If an agent makes a commitment to do X, invites others to trustingly rely on them to do X, then the agent is now committed to doing X. Thus, when a public organisation makes a public commitment to do X, to be trustworthy, they must do X. That organisations are committed to legitimising their positions of trust by earning the trusting reliance of those depending on them was discussed in the previous chapter and the introduction. That organisations are committed to fulfilling any pre-established moral, political, or legal obligations is an extension of the view, detailed in **chapter 1**, that you can tacitly trust others to follow moral precepts without making this trusting reliance explicitly known to the trustee. I am not arguing that these obligations will be equivalent to those that govern ordinary individuals. All I assume is that organisations are obligated to adhere to some such principles and that the public can trustingly rely on organisations to adhere to them without consulting them first.

Suppose one makes the counterfactual judgment that a public organisation generally meets these four kinds of commitments (is dependably trustworthy) and is robust enough to resist corruption (is durably trustworthy). In that case, one trusts the organisation to a reasonably high degree. However, one may still be able to trust (to a lesser degree) if one makes the counterfactual judgment that the organisation meets just some of its core commitments or is somewhat resistant to corruption. A lesson learned from the previous chapter was that different people will take different commitments to be more important when determining whether they trust and insofar as the trustee has these commitments, and that is acceptable. I might be able to overlook an

organisation that occasionally fails to satisfy its organisational purposes or sub-commitments if it always meets its moral, political, and legal commitments and thereby trust the organisation in question. On the other hand, someone else may care little about moral commitments, preferring instead that an organisation fulfils its purposes, and so distrust the same organisation. Despite this, it is important to stress that this doesn't give public organisations a get-out clause when it comes to being trustworthy. To be maximally trustworthy, public organisations must meet all four kinds of commitments (if it has all four kinds). Thus, public organisations need to demonstrate their trustworthiness with respect to all of their commitments. To downplay some of the commitments of your position of trust to secure or maintain trust would be an illegitimate way of retaining your position of trust, as we saw in the previous chapter.[85] Thus, public engagement should demonstrate that public organisations can be relied upon to meet all of their commitments.

§ 2. Building Trust Through Education

If what we need to build trust is the confidence that public organisations meet their commitments, then the first public engagement model that suggests itself is education. Assuming public organisations generally meet their commitments, all we need to do is ensure that this is known among the public. In the context of audit, there is evidence to suggest that education may help improve trust in public audit work. This evidence comes from the Rocket Science report, discussed previously, in which the public lack of trust in audit was attributed to two causes. The first reason is public ignorance of Audit Scotland's existence, with many participants unaware or only vaguely aware of Audit Scotland (Rocket Science, 2014: 5). In this case, it is important to note that there is not public distrust of audit here. Where a person is unaware, there is neither trust, distrust, or even mistrust. Thus, we have another example that highlights Hawley's point that trust and distrust are contraries but not contradictories (Hawley, 2019: 4-7). The second reason for the lack of public trust in audit is that, even once they were made aware of the work of Audit Scotland as part of the study, participants were suspicious about the independence of Audit Scotland from the bodies that they audit (Rocket Science, 2014: 2). This suspicion betrays a mistrust at best, not just of Audit Scotland's core commitment to provide *independent* assurance, but also mistrust of Audit Scotland's moral integrity, because it seems to question the character of the institution (i.e. whether it truly represents the people, or whether it ultimately serves the narrow interests of those in power).

The problems of trust discussed above seem to be caused by a lack of public awareness of audit. The first problem is directly a problem of lack of awareness since it is a problem of people not

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[85] This being the sin of epistemic paternalists, who downplay the non-epistemic dimensions of epistemic authorities operating in the public sphere.

knowing what audit is. However, the second problem could also be interpreted as being caused by a lack of awareness about Audit Scotland. When introduced to the organisation through the study, the participants were not given a detailed survey of the Scottish audit structure. Thus, we might think that the best remedy for an improvement in trust in Audit Scotland here would be to educate the public by making them aware of Audit Scotland and demonstrating the structural components of public audit that secure their independence from auditees. It is largely an empirical question whether such a model of public engagement will be conducive to trust, and there is scant literature on the relationship between education about public audit and public trust in audit. However, there is substantial literature in the Public Understanding of Science, which has many parallels with our context. This literature will provide us with insight into the effectiveness of education as a trust-conducive model of public engagement.

The Public Understanding of Science as an academic discourse has a reasonably long history and was initially concerned not so much with trust in science but in educating the population to enhance democratic decision-making (Bauer et al., 2007: 80; Althaus, 1996). However, in 1985, with the publication of *The Public Understanding of Science* report by the Royal Society in the United Kingdom, there was a shift in focus in which scholars became concerned with encouraging positive attitudes towards science, which can be interpreted as desiring greater trust in, or at least deference to, science (Bauer, 2009). In diagnosing a perceived lack of trust in science, the Royal Report focused on the supposed public knowledge deficit regarding science (Royal Society, 1985). At the time, reports abound of the public's overwhelming scientific illiteracy, with many unaware of even the most basic scientific facts and scientific methodologies. They showed that only 34% of Britons and just 46% of Americans knew that the earth orbited the sun once a year; 28% of Britons and 25% of Americans knew that antibiotics are ineffective against viruses.[86] Thus, it was thought, if we get rid of the knowledge deficit, we might be able to create positive attitudes towards scientists (Miller, 2001: 116; Thomas & Durant, 1987). This is a parallel diagnosis and problem to what we saw in the Rocket Science report. We have a public knowledge deficit of audit, and it seems that such a deficit is at least partly responsible for the lack of trust in audit. Hence, we remedy the problem by increasing public awareness of audit.

Unfortunately, the lesson learned by PUS scholars was that education is not a particularly trust-conducive mode of public engagement. Firstly, the very question of public trust in science is too general. Whether there is trust or distrust in science is largely dependent on the science in question; are we debating whether to classify a tomato as a fruit or a vegetable or are we arguing about

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[86] Durant et al (1989) provide a comprehensive survey of these and other such studies.

climate change? In controversial cases, the correlation between increased knowledge and support for science is often lower or zero (Allum et al., 2008). This makes sense; in the previous chapter, we discussed how the political, social, and moral dimensions of 'scientific' controversy may result in distrust of science even if one is confident in the epistemic worth of science. Given that the controversial science cases are more likely to be cases in which public distrust of science is problematic (think of Covid-19 or Climate Change), if education is unlikely to be conducive to trust, then we already have some reason to refrain from using it as our main method of building trust.

A second problem in assuming that reducing knowledge deficits will generate positive attitudes in science comes from considering the psychological research on attitude formation. This research suggests that knowledge is not a determiner of either positive or negative attitudes but is instead correlated with an increase in the quality of the judgment (Eagly & Chaiken, 1993). We saw this at play in the climate change example from the last chapter; more knowledge about the processes of science did not cause climate sceptics or mistrusting laypersons to distrust. Rather, it strengthened negative attitudes about science. As Bauer et al. note: "knowledge makes the difference between attitudes and non-attitudes, [but] not between positive or negative attitudes" (2007: 84).[87]

Ultimately, while some degree of awareness and education is needed for people to form any attitudes of trust or distrust, we should not assume that these attitudes will be positive ones. Suppose I already think that Audit Scotland is not independent of its auditees. In that case, when I see a positive audit report about a public organisation, I am more inclined to take this as evidence that Audit Scotland is not independent of auditees than to think that Audit Scotland is providing me with genuine evidence of the trustworthiness of government.

PUS research has provided examples in which things other than knowledge seem better correlated with positive attitudes towards science. Bauer et al. relate the evidence that "positive attitudes to science and technology are related to general "political sophistication"…" (Bauer et al., 2007: 84),[88] and they note that "public interest in science is declining… while knowledge is increasing" (ibid).[89] Moreover, Bauer conducted a further study that showed that the positive correlation between scientific knowledge and positive attitudes about science might be dependent on the country's economic development. According to the study, "'the more you know, the more you love it' might be correct in the context of a developing and industrial society, but in the knowledge intensive

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[87] Also, see Converse (1964)
[88] Also, see Sturgis and Allum, (2004); Gaskell et al., (2003)
[89] Also, see Miller et al (2002)

post-industrial context, this is no longer the case; rather *'familiarity might breed (some) contempt' [or at least a sceptical loyalty]"* (Bauer, 2009: 231-232).

The diagnosis of a lack of support for science as a public knowledge deficit problem has proved somewhat untrue. To attribute distrust in science as an epistemic problem is to commit the same error of John and other epistemic paternalists from the previous chapter. It is to frame the issue as wholly epistemic, but as we saw in that chapter, such a framing is fallacious. PUS researchers have moved on to propose other models of public engagement, which we will discuss in due course, but first, I need to demonstrate how all of this applies to the case of building trust in public audit and public organisations.

In the introduction to this section, I suggested that there is a public knowledge deficit of audit in light of the Rocket Science report. Despite the limitations of education as a trust-conducive process, education is still required to create the possibility for public trust, given that the public knowledge deficit, in this case, is a lack of knowledge of public audit altogether. This much is trivial. However, the problems cited by PUS researchers in using education as a tool to build trust are just as applicable to building trust in audit. In both PUS and audit, the organisations seeking trust are primarily epistemic. Scientists seek to establish truths about the natural world, and auditors seek to establish truths about the use of public money and resources. However, our discussions in **chapter 7** demonstrated that for both scientists and auditors, their powers as authorities extend beyond the epistemic domain. One of the reasons why knowledge deficit is a bad diagnosis for trust problems is that the trust problem is construed as a wholly epistemic one, but we have seen in the case of audit and science, this is an incomplete diagnosis since increasing knowledge through education is insufficient to build trust.

To the extent that a public organisation has a position of trust with non-epistemic dimensions, I can distrust that organisation even if I am confident in the organisation's epistemic credentials. It isn't clear that knowledge of the audit process or the structure of public audit in Scotland would resolve value disputes between citizens and auditors' conclusions in a given report. In **chapter 5**, we looked at interest divergency problems. A significant interest divergency problem that was introduced but not resolved were *public interest problems.* These are interest divergency problems where we assume that a public organisation serves the public interest, but trust breaks down because satisfying the public interest has negative consequences for the private interests of a citizen. I argued that, while it isn't the job of public organisations to satisfy the private interests of citizens, it is reasonable for a citizen to not trustingly rely on a public organisation in this case if they judge that to do so would be damaging to their interests and they believe their interests have

prior importance. This kind of interest divergency problem cannot easily be resolved by more education about public organisations. In fact, more education and awareness might exacerbate these problems insofar as they may show just how opposed the distrusting agent's private interest is to the public interest supported by the public organisation. Moreover, the other kinds of interest divergency problems cannot easily be resolved by education. If citizens are already suspicious about audit independence, then it isn't clear that pointing to the structure of public audit will change their view of the organisation. It seems that instead, what we want is a form of public engagement that encourages the public to see that public auditors act in the public interest and see the value of the public over their private interests. Education in the sense of awareness spreading is certainly needed to inspire any attitudes regarding public audit and public organisations. However, we should not expect that education will lead to *positive* ones.

There is a final pragmatic reason to be sceptical of education as an effective tool for auditors to build trust, even if it was more trust-conducive than the previous discussion suggested. Public Auditors are not educators. While they may disseminate the findings of their research, giving the public the ability to educate themselves, auditors are not actively going out to educate the general population. And while there might be some benefits in increased awareness of Audit Scotland's work since this is required for attitude formation simpliciter, the work required for this form of education to be effective would take auditors away from their organisational purpose. Auditors should be engaging in audit, not education. Thus, an effective solution to knowledge deficit problems goes beyond audit and into politics and education.

Ultimately, education is an unlikely candidate for trust-conducive public engagement. Some degree of education and awareness about Audit Scotland is important for attitude formation. Yet, we cannot assume that education or awareness would lead to positive attitude formations such as trust. Furthermore, education and awareness campaigns on a large scale are unrealistic suggestions for auditors since they take auditors away from their primary purposes. As we have seen, taking an organisation away from its purposes can ultimately damage that organisation's trustworthiness. What we want from a trust-conducive model of public engagement is one with a closer tie to trust and a closer tie to auditors' organisational purposes. Such a model I will propose in the subsequent sections.

§ 3. Dialogue, Deliberation, and Participation

There are parallels between the PUS literature and the literature on different paradigms of management and audit scepticism. In **part 2**, we saw that the criticism of audit under NPM focused on delivering sanction/reward accountability centres on the claim that such audit narrowly

construes what it means for public organisations to provide value. Likewise, in PUS, public distrust or negative attitudes towards science was traditionally understood narrowly, with the assumption that the problem is solely epistemic. If the public only educated themselves, they would support science. In both cases, the narrow construal allows the epistemic authority to position itself as the primary source of authority, which in turn allows them to unjustifiably privilege their social, moral, and political values whenever epistemic issues intersect with these dimensions.

A second similarity between audit and science is that the problem of privileging the epistemic authority is resolved by opening discourse and interactions between the epistemic authorities and members of other groups, including the public. In **part 2**, I argued, to avoid the audit sceptics' objections, auditors should focus on delivering answerability accountability under PVM. This was because PVM requires auditors to engage with the public as well as public servants, professionals, and experts, in a way that allows these groups to inform the auditors' view of what it means for public organisations to provide public value. In the Public Understanding of Science, after recognising the social, moral, and political dimensions of science, scholars have made a similar move. Thus, we reach the most recent PUS research movement, heralded in the UK by the House of Lords report, *Science and Society* (House of Lords, 2000). In this report, talk of knowledge deficits as the cause of a lack of public support for science was abandoned. Instead, the report focused on a greater need for increased dialogue and interaction between scientists and the public. As with the previous section, I will focus on how this played out in PUS, then draw parallels with public audit.

Support for dialogical and participatory forms of engagement in PUS has generally been supported by looking at the corrosive effects on trust that a refusal to engage in dialogue with laypersons or them to participate in public policy matters has resulted in. Brian Wynne's work centres on this topic, his most well-known example being the relationship between government scientists and sheep farmers in the Lake District after the Chernobyl crisis (Wynne, 1992; Irwine & Wynne, 1996). The government scientists were called in to investigate the effects of radiation on the land. The farmers were then subject to erratic recommendations. They found that where they tried to engage with the scientists to share their local knowledge of the land and sheep farming, scientists ignored them, thinking that the farmers had no valuable knowledge to contribute to the discourse. This proved a false assumption as it resulted in their failure to recognise that the radioactivity in the Lake District was not a result of Chernobyl but of a nearby nuclear reprocessing complex called Sellafield (Am, 2016: 16). In addition, the recommendations of the scientists to the farmers were also ignorant of farming practice, with scientists recommending farmers to graze their lambs in the valley, "assuming that its improved grass would flush the radioactivity more quickly, ignoring the farmers' knowledge that intensive grazing on this sparse resource could have long-term

damaging consequences" (ibid). In this case, scientists framed the lack of deference from the sheep farmers as evidence of their scientific ignorance. Meanwhile, the sheep farmers, ignored and excluded from an issue that significantly impacted their lives, viewed the scientists as arrogant and careless. In the end, the sheep farmers views proved somewhat true, given the scientific errors that were made as a result of scientists refusing to engage with the farmers.

Wynne contends that had the scientists been willing to engage with the sheep farmers by considering their local knowledge of the land or listening to their concerns regarding the scientists' farming recommendations, there would have been greater support by the sheep farmers. This is bolstered by the fact that initially, the sheep farmers were willing to engage with the government scientists and more amenable to amending their beliefs in light of scientific advice. It was only in light of the scientists' refusal to listen to the sheep farmers or engage in dialogue that led to a disintegration of trust. In the sheep farmer case, it was noted that the exclusion of the sheep farmers led to overlooking valuable knowledge that could have helped the scientists in their investigations and proposed solutions. This kind of problem has a parallel in public audit. We saw in **chapter 3** that audit under NPM, by excluding the voices of the public, professionals, and other agents led to valuable knowledge regarding the public interest being ignored. That valuable knowledge could have helped auditors settle questions about public value and thus come up with the right methods and criteria by which to audit. Therefore, for both scientists and auditors, public engagement is valuable not just as a trust-building exercise but also for improving the professions' epistemic powers.

When discussing education, I noted that one problem with education as a primary mode of public engagement is that it would distract auditors from their organisational purposes. This objection does not apply to more interactive models of engagement since such engagement can be used to exchange knowledge that may improve the audit work. If interactive forms of engagement are, in addition to being useful tools for auditors to reach their conclusions, conducive to trust, then there will be an additional advantage in using these forms of public engagement to build trust. This is because trust-building and providing valuable audit work will be part of the same engagement process.

In the PUS literature, there are generally two examples of public engagement that are used to open dialogue between the public and scientists and to allow the public to participate in science. I will briefly explain these, then suggest ways in which they could have corollaries in public audit. The paradigm example of a deliberative model in science is the consensus conference. Pioneered in Denmark, these are public forums in which members of the public come together to discuss

scientific controversies to shape policy recommendations (Sclove, 2000). Kleinman et al. summarize the main components of consensus conferences as follows:

> "Consensus conferences generally involve four components: background reading preparation by participating citizens, facilitated discussion among citizens, interaction between lay panellists and content experts, and development by participants of a set of policy recommendations" (2011: 222)[90]

In the case of participation, the paradigm examples are *Citizen Science* projects. Citizen science denotes a broad category of public participation initiatives in which citizens are enlisted, not to debate science and technological issues in the public sphere, but to participate in scientific processes. Woolley et al. offer a helpful summary of the aims of citizens science and provides some examples:

> ""citizen science" projects have been mounted toward wide-ranging objectives – from bird migration patterns and ecological trends to the identification of food security factors that act as early warning indicators for famine. Beyond that, scientists have also begun to solicit the public's help in data analysis – or at least in computer time – from NASA mission data to folding proteins and running large scale calculations. At this level, the citizens might even claim to be involved in the conduct of science, albeit only as a lender of hardware and processing power. In all these cases the goal is to propel science within the constraints of its traditional institutional contexts, and under the supervision of professional scientists" (2016: 3).

The idea of public involvement and deliberation has analogues in the literature on PVM. In recognising that a narrow class of experts cannot determine questions of public value, it is argued that we need to take an integrative approach to public governance, which means collaborating with diverse groups of people, including the public (Maynhardt, 2009; O'Flynn, 2009; Klijn, 2010; Fischer, 2014). Collaboration is seen "not merely as a desirable mode of operation for local government; rather, it is fundamental to its capacity to deliver desired value for its constituents" (Allison, 2008: 127). In **chapter 3**, I argued that answerability audit under PVM is needed to avoid audit scepticism. Answerability audit requires greater communication between auditors and the public, especially in the context of Performance and Best Value audits, as this is a necessary step to determining what is of public value.

Audit Scotland already has parallels to citizen science in practice. We have examined many performance audits in this thesis (the Transport and Ferry Service Audit, the Early Learning and Child Care audit, and the Self-Directed-Support audit) that use the public as data points for information on the value that public services have provided. Not only is this a form of

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[90] Also, see Kleinman et al (2007)

participation, but for some of their field research, Audit Scotland has used focus groups as well as wider scale surveys. It is also possible for individual citizens to engage in discourse with Audit Scotland by recommending to them areas of public concern. Members of the public rarely use this method, but in principle, it is a form of dialogue with Audit Scotland that can affect what audit work is carried out.[91]

As with all the recommendations in this thesis, it is important to consider the balance between the potential for improving trust through public engagement and the cost of resources that such public engagement requires. In the case of focus groups and consensus conferences, and other forms of two-way engagement involving deliberation or dialogue, we have to accept that the potential trust-conducive benefits will be reasonably small. A consensus conference or a focus group generally involves a limited number of people. They are also somewhat exclusive in that they are likely only to attract those who have the time and money to spare. Critics of consensus conferences note that factors such as having a job, a working partner, and children constrain people's decision to actively involve themselves in demanding consensus conferences (Schlozman et al., 1999: 433; Schor, 1992). In a more political context, Hardin admits that while there is a value in the deliberative process as a means to help "us understand the interests of others… [and helps] …us discover better ways of accomplishing various ends" (Hardin, 1999: 105), he ultimately concludes that it "clearly has the same problem that Oscar Wilde saw in socialism: It would require too many evenings, evenings that are in short supply and that are in demand for other worthy activities, such as living" (ibid: 112).

If the only people that can get involved in audit are the reasonably affluent (since they have the time to do so), then Allard-Tremblay's worry returns. Members of the public involved in audit belong to a narrow social class, consequently having a disproportionate influence on audit reports, resulting in interest divergence. Therefore, it is important that auditors engage not just with those who have the leisure and money to get involved but that they engage communities who do not have those privileges to ensure that their interests are brought to bear in discussions about public value and interest.

Kleinman et al. (2011) discuss remedying these problems in the case of consensus conferences by offering financial remuneration to those that partake; nevertheless, this has the consequence of further increasing the cost of this kind of engagement. However, even if we can remedy these

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[91] It is worth noting that not only is this method rarely used, but interviews at Audit Scotland suggested that, because people often don't fully understand what Audit Scotland is or does, these kinds of requests and discussions often don't lead to much. This is an example of how having the wrong expectations about a trustee can cause trust to break down unjustifiably.

problems, the fact remains that focus groups and other participatory forms of engagement can, in general, only be done with small groups. Thus, we may be worried about the reach of such models of engagement in building trust among non-participants.

There are three questions that public auditors should ask when determining their methods of engagement. Firstly, how likely is the model going to build trust among the communities where trust is lacking? Second, what are the costs of the engagement strategy? Third, how far away does it take us away from our organisational purposes? In the case of education, I have argued that it is unlikely to be trust-conducive, that it may be relatively costly to public auditors, and that it takes them away from their organisational purposes. In the case of deliberative processes such as focus groups, the trust-conducive effects may be strong among the participants. Still, we might worry that the people who are likely to engage in more intensive engagement will belong to social groups where trust in public organisations is not much of a problem. Deliberative public engagement models are also costly to auditors in time and resources; however, due to the nature of some audit work (specifically Performance and Best Value audit), this kind of engagement can be integral to that audit work. Thus, while deliberative models may have some problems with the first question, they are still valuable tools for auditors to use, even outside of building trust, to help auditors achieve their purposes.

However, the aim of this thesis is to focus on models of public engagement that are trust-conducive. While deliberative models are somewhat trust-conducive, we can propose public engagement models that meet the criteria for trust-conduciveness a little better. In PUS research, citizen science is one way that scientists have engaged a wider population in the process of science, using the public as data gatherers. There are parallels to this in public audit work. The focus group is one example of this since the information provided by the public to the auditors will serve as data for the findings of given reports. But public auditors need not engage so intensively to receive information. Strategies such as using online surveys are less demanding of time and energy, and while these forms of public engagement are perhaps less qualitative since there is no real-time dialogue between the participant and the auditors, they are less demanding of the participants time and resources. These less intensive forms of engagement may be more effective for building trust among distrusting communities, communities where time and money are in short supply. As currently practised at Audit Scotland, surveys are done anonymously, and while this is important, it does result in a problem for building trust. In the case of citizen science, the participants have a degree of engagement with the scientists; the participants receive information about how their information has been used. This creates a kind of dialogue between the participant and the scientist, makes them feel part of the community and that their work has provided value. If data

is collected anonymously, there may be no direct feedback loop, so participants will not necessarily know what impact their voices have had on the audit reports. The feedback loop is important because if one of the main obstacles to citizen trust in public audit is a suspicion that auditors are not independent of the bodies they audit, then taking opportunities to demonstrate how auditors use the public voice to shape their audit findings is essential for showing the falsity of that belief and building confidence in the independence of audit.

In conclusion, deliberative and participatory models of public engagement in science have been shown to have more positive effects on people's trust in science. I have suggested that these forms of engagement may also do so in the context of audit but that these forms of engagement must be balanced against other concerns, such as their cost and whether they distract public auditors from their main purposes. I also argued that to build trust, auditors must make sure that participants in their processes of engagement have knowledge of the impact that their voices have had on audit reports. It is important to note that while this process may involve education to some extent, the ultimate end of such engagement is not to educate an ignorant public of public audit practices. Instead, the primary aim is to enable the public to participate in the audit process and to share information with them that demonstrates the effects that their participation is having on both the audit process and in government more broadly. Provision of such information must go beyond the publishing of audit reports online; auditors should contrive to engage their participants, providing them with feedback on how their voices have influenced auditors' findings.

§ 4. Why Empowerment Induces Trust

In the previous two sections, I utilized PUS research to show how different forms of public engagement have been used to elicit positive attitudes towards science. I then applied this to the case of public audit and public trust. While the PUS literature is useful in highlighting different public engagement methods, the dichotomy between one-way public engagement and two-way public engagement is not the best way to think about what forms of public engagement are conducive to trust and which are not. In this section, I provide a deeper analysis of trust-conducive public engagement that explains why two-way forms of engagement (such as participation and dialogue) are more trust-conducive. I will also show how one-way forms of public engagement can also be trust-conducive. My theory is that if a public engagement model is empowering, it will be more conducive to trust between the agent who engages and their audience, whether that form of engagement is one-way or two-way.

A form of public engagement is empowering if it meets any of the following conditions:

(1) It enables the audience to *meaningfully* change/influence the discourse at hand, e.g., by changing topics or determining conclusions.

(2) It enables the audience to *meaningfully* discuss and raise areas of concern.

(3) It enables the audience to *meaningfully* change/influence the consequences of the discourse.

(4) It enables the audience to *meaningfully* enact change/have influence outside of the discourse.

The application of *meaningfully* echoes a thought by Weatherford. It is the thought that for political engagement to effect optimism regarding governments' commitment to the collective good, the engagement should connect citizens to the world of politics in ways that allow citizens to have some impact within public discourse and in shaping its consequences (Weatherford, 1992: 160-1). To put this in terms of our previous discussions of power, empowering public engagement in the context of civic trust relations is a form of engagement that redistributes the discretionary political powers of public organisations to the public. This is not to suggest that empowerment requires public organisations to cede all their political discretion to the public; there must be give and take on both sides. But what matters, minimally, is that the engagement allows audiences to have concrete and sincere influence either on the discourse, its consequences, or both.

One of the main advantages of putting empowerment at the heart of the discourse on trust-conducive engagement is that it prevents public organisations from simply paying lip service. In focusing only on the form of public engagement (is it one-way or two-way?) PUS scholars risk institutions setting up dialogical and participatory forms of public engagement as empty exercises in public relations rather than as substantive opportunities to incorporate public voice into those institutions. Public engagement is not empowering if I have an open dialogue with you, allowing you to raise your concerns or change topic, which I then ignore and don't follow up on. Unfortunately, there are examples of consensus conferences and public deliberation conferences in which participants have been manipulated or coerced into adopting the desired conclusions of the more powerful.[92] While this is by no means a necessary consequence of deliberative practices, it is important to highlight the potential abuses of the system. It is also useful to highlight these cases because they are instances of two-way communication that do not classify as genuine empowerment. The participants in such cases do not have the power to meaningfully influence or shape the discussion or raise concerns because they are ultimately bribed or coerced into adopting

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[92] Menno & Joop, provide an example of an attempt at collaborative governance in which the citizens were included in part of the deliberative process, only to be bullied into adopting the conclusions of the moor powerful. This would count as a form of two-way engagement that is not an empowering form of public engagement (2010, pp.385-386). Smith also provides an example in which communities of indigenous people in West Arnhem Australia were brought in to collaborate with government to govern their regional territories, only for the federal government to sweep in at the last minute and seize control of the aboriginal territories, not consulting either the West Arnhem Government or the indigenous communities, both of which found out in a media release (2008, pp.77-79)

the preferred conclusions of the agent in power. Therefore, this two-way form of public engagement is not empowering public engagement.

Just as two-way public engagement can fail to be empowering and not trust-conducive, one-way communication can be empowering and trust-conducive. If one trusts an audit report, a scientist, or any other expert, then one-way forms of public engagement in which the expert provides one with information gives the trusting agent the capacity to use that information outside of the discourse. Knowing how well public organisations perform is useful for determining how one might vote, for example. The kind of empowerment here, however, is less direct, and it already requires the user to trust the organisation. A distrusting person is unlikely to use the information in these beneficial ways because they won't believe in its credibility. Nevertheless, it is important to highlight that education and other one-way forms of engagement can be empowering, though because these empowering effects are less direct, and one-way forms of engagement already demand trust in order to work, they are less likely to be trust-conducive.

In constructing models of public engagement, public organisations should ask themselves questions about whether the strategies of public engagement that they use are empowering to the intended audience. Two-way models of communication are arguably more likely to be empowering since they work by giving the audience a direct ability to influence the discourse and its consequences, but this does not rule out the empowering effects of one-way forms of communication.

Now that we have a grasp on what it means for public engagement to be empowering, we can understand why empowering engagement is conducive to trust. My argument for this is derived from **part 2** and psychological research on how to elicit trust. In **part 2**, I argued that there are two large barriers to trustworthiness in the context of public organisations: power and interest divergence. I argued that high degrees of political and secretive discretionary power provide disrupters to trustworthiness. I also argued that where trustees' interests differ from the interests that they are supposed to represent in a civic trust relation, this difference can provide disrupters to trustworthiness. Lastly, I argued that where the public interest differs from individual citizens' interests, this can provide the public with reasons not to trust governments that do satisfy the public interest. In addition to causing problems for public organisations' trustworthiness, these phenomena also cause problems for public trust. The greater one's political and secretive discretion, the harder it is for a trustor to trust because there is a greater risk of trusting. This was one of the justifications for the transition of the monarchy to democracy. The thought was that the level of political and discretionary powers of the monarchy was too high, thus making trust

difficult. This also brings back Pettit's point that in cases where the trustor is forced to trustingly rely on the trustee (as the citizen is forced to trustingly rely on a monarch), trust itself becomes empty. Why does my trust matter, the thought goes, if you can maintain your power over me without it? In the case of interest divergence, trust will also break down or become more difficult if I perceive a discrepancy between the interests you serve and my own. We noted in **chapter 5** how affective accountability can allow us to maintain trust in our interpersonal relationships where interest divergence occurs, but that in civic relationships, affective accountability is not present due to the impersonal nature of the relationship.

That power and divergent interest problems are great barriers to trust is supported by the research on public trust in public organisations, such as the Edelman Trust Barometer. These studies, going back 20 years, suggests that there is a growing trust gap. The 2020 Edelman report showed that "the informed public – wealthier, more educated, and frequent consumers of news, remain far more trusting of every institution than the mass population" (Edelman, 2020a). The report also highlighted that the distrust of the mass population is often driven by a sense of "inequity and unfairness in the system" (ibid) and that in the case of government, "57 per cent of the population say government serves the interests of only a few, while 30 per cent say government serves the interests of everyone" (ibid).

The fact that the educated and wealthy are more likely to trust and more likely to say that the government serves the public interest rather than private interests supports Allard-Tremblay's claim that public organisations crowded by a narrow social class leads to a privileging of the interests of those social classes over others. One could also frame this discrepancy in terms of political power. Although the Edelman Barometer frames the discrepancy as one between an *informed* and *general* (implying uninformed) public, it seems more plausible that those who trust governments tend to either have, or belong to groups that have, more political power than those who do not trust the government. Another trust survey bolsters both Allard-Tremblay's point and the reframing in terms of political power. This survey found that citizens who either hold positions in public organisations and institutions or have held positions in public institutions tend to be more trusting of government than those who have not (Christenson & Laegrid, 2005: 505).

While the Edelman Trust Barometer presents a clear picture of haves and have-nots, nicely correlated with trust and distrust, further research complicates the picture. For example, university education and affluence are more likely to be predictors for public trust in government if the university-educated affluent person shares the current political ideology of those in power or if

one's material goods are not negatively affected by those in power.[93] This makes sense since if one identifies strongly with party X, and X is in power, then one can be more confident that the government is serving one's interests, as opposed to those who do not support party X. While this does complicate the picture above, it also supports the conclusions that interest divergence is a key disrupter for trust and trustworthiness. Insofar as governments are perceived to satisfy my interests, I am more inclined to trust them. My inclination will change depending on how similar my social position or class is to those in power and the similarity between my ideological commitments and those of the government. Thus, to be trust-conducive, a model of public engagement must not only convey the message that the public organisation can be trustingly relied on to meet its commitments, but it must also account for these additional barriers to trust. In not doing so, the audience may not be willing to engage with or listen to the information that conveys the message that the organisation will meet its commitments because they will perceive the organisation as acting against their interests.

McLuhan argues that the medium in which we communicate can convey messages that go beyond the content of that communication: as he puts it, "The Medium Is the Message" (1997: 7). In my view, empowering models of public engagement do just that. It is a mode of communication that says, "We care about what you have to say", "we think what you have to say is important", "we want to make sure that we provide public value", and "we see you as integral to the work that we do." It does this because empowering models of public engagement require the speaker to grant the audience some political discretion to shape the discourse or influence its consequences, which in turn carries an implicit signal that the speaker thinks that the audience has valuable contributions to make. If the audience belongs to a less powerful group, it grants greater power to that group, thus taking away some of the risks in trustingly relying on the trustee. It may also reconcile interest divergency problems, not because empowering modes of public engagement means that the speaker must share the same interests with the audience either at the start or finish of the engagement, but because the willingness to allow the audience to discuss matters of interest to them, and the willingness to provide solutions and take those interests seriously, demonstrate that you care about those interests. In demonstrating these things, you assure your audience that they have the power to shape the discourse, potentially quelling their reluctance to trustingly rely grounded in power imbalances. You also assure your audience that their interests matter to the discourse, thus potentially quelling reluctance to trustingly rely grounded in interest divergence.

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[93] Rudolf & Evans (2005) focuses on the ways in which ideological differences between citizens and governments cause trust to break down, while Hetherington (2004) focuses on the ways that trust breaks down when citizens are asked to sacrifice their material interests.

There is an additional advantage to empowering public engagement, especially in the context of public organisations and public audit. I argued in **§ 1** that for public engagement to be trust-conducive, it needs to communicate that the engaging agent can meet their commitments. One of Audit Scotland's core commitments is its organisational purpose: to provide *independent* assurance that public money is being spent properly and provides public value. We have seen in the Rocket Science report concerns regarding the independence of Audit Scotland from their auditees. However, empowering public engagement models may be a key method by which auditors can prove their independence from auditees, at least to participants. If auditors engage with the public to determine the consequences of an audit, then this very act suggests that Audit Scotland is not simply 'in the pocket' of the auditees because they are willing to let the public voice shape the audit findings. It may also communicate that Audit Scotland has the competence to determine what is of public value, another core commitment since we have already noted that such a commitment requires auditors to engage with various groups, the public among them. In practising this form of engagement, auditors communicate at the very least that they take these commitments seriously, and at best, that they meet these commitments.

Empowering public engagement models are trust-conducive because they remove two of the primary barriers to trusting public organisations, namely power asymmetries and interest divergence. They can also communicate that the public organisation take their commitments seriously. In addition to these reasons, psychological research on trust formation suggests additional evidence of the trust-conducive nature of empowering engagement. Neko et al. note how perceptions of fairness and inclusion are key determiners of individual judgments surrounding effectiveness and satisfaction (2019: 1). In the context of relationships between patients and doctors, Keating et al. note how the willingness to allow patients to participate in the decision-making procedures surrounding their treatment increases patient trust in doctors (2002; Cook et al., 2004). This also extends in other cases, such as Wynne's case of the relations between the farmers and scientists in the Lake District, where scientists' unwillingness to include or care about the sheep farmers' knowledge or interest had ultimately damaging effects on trust relations. Empowering public engagement models, in being inclusive of the interests and concerns of the audience, in principle and practice, as the examples above show, are trust-conducive.

There is a further reason why empowering models may be more conducive to trust. In a non-empowering public engagement model, one in which the speaker is given ultimate authority, and the audience is expected to listen, receive and even accept information, the speaker is placed in a position of trust with the audience left to depend on the testimony of the speaker. In empowering models of engagement, this position of trust is shared between all participants. In empowering the

audience, the speakers trustingly rely on the audience to engage in the discourse in a meaningful way. This willingness for speakers to trustingly rely on the audience may itself induce a reciprocal trusting reliance in the audience. There is something rather ironic in the scientist or expert who denigrates public opinion on a scientific controversy as worthless and misinformed while simultaneously lamenting and expecting public trust in science. In such a case, the scientist is unwilling to trustingly rely on the public as having potentially useful information or legitimate concerns but simultaneously demands that the public trustingly rely on them. Empowering models of public engagement work under a presumption of reciprocal trust. The speaker communicates to the audience that they are willing to trustingly rely on the audience to provide an insightful and meaningful contribution to the discourse. This willingness to trustingly rely may elicit trust in the opposite directions. If I am willing to make myself vulnerable to you through trusting reliance, then you may be more likely to make yourself vulnerable to me through trusting reliance.

The reciprocal nature of trust is a further reason why I think one-way communication models are less conducive to trust and that they may require more pre-established trust to work effectively. One-way communication, at least in cases where the speaker has the power and the audience plays a passive role as information receiver, demands greater trusting reliance from the receiver since they are expected to be passive recipients of the information. For this reason, one-way communication is not very trust-conducive; however, it is an effective form of communication in raising general awareness about an organisation and useful for those who already trust the organisation. Couldn't one apply the same problem to two-way public engagement? If one-way engagement requires trust, why not also with two-way engagement? Moreover, since two-way engagement requires engagement in good-faith dialogue with the speakers, surely this requires even more trust? I would be willing to concede that if the form of two-way engagement is not empowering, then it would not only demand more trust but assuming that the audience was aware of the lack of empowerment, it would not be trust-conducive. However, an empowering form of two-way engagement, while it will require the same or a similar degree of trust to get off the ground, the empowering nature of the engagement may provide the requisite trusting reliance needed for the engagement to succeed. If it is the case that being a part of a focus group or consensus conference gives me some sway in determining its conclusions, then I may be more willing to trustingly rely on the participants, who are all trustingly relying on me to some extent, to provide contributions to the discourse. Being part of such a discourse is more palatable than being called in to listen to a group of people determine some public issue on my behalf, without any input from me at all. The reason is that in the former case, I have the power to air my concerns, to have my interests heard and incorporated into the discourse. Simultaneously, in the latter, I am expected to

be a passive recipient of the speakers' information. Thus, we can respond to this objection to two-way engagement by saying that the two-way forms of public engagement, insofar as they are empowering, have the capacity to create the trusting reliance required for participants to engage with the public organisation. This is because empowering forms of engagement reduce the risk of placing trusting reliance on the people you engage with because you have the power to shape the discourse, its consequences, and you have more power to have your concerns and interests represented. We can also say that one-way forms of engagement that are empowering will have the same effect for similar reasons. Still, we should note that one-way forms of engagement are, by nature, less direct in their mode of empowerment since the engagement itself does not give the audience the power to shape the current discourse and its conclusions. Rather it gives them (potentially) a capacity to use the information provided by the speakers in the future.

§ 5. Conclusion

In this chapter, we have looked at different conceptual models of public engagement and considered whether they are conducive to civic trust relations. The Public Understanding of Science literature informed much of our discussion. However, I noted that the PUS literature primarily focuses on the dichotomy between one-way and two-way models of engagement, the standard position being that the latter are more trust-conducive than the former. I agreed with the claim that two-way models of public engagement are more trust-conducive than one-way models, which I explained by noting that the former tend to be more *empowering* than the latter. I argued that if a model of public engagement is empowering, then it is a form of engagement which redistributes – in the civic context – discretionary political power from the public organisation that engages and to the public. In the case of audit, I argued that forms of engagement that are more likely to do this are participatory models of engagement that enable the public to influence and shape the findings of audit reports. However, I noted that for these forms to be effective, the public must be aware of the impact their work has on audit findings. Finally, I argued that empowering public engagement models are trust-conducive because they help remove two of the salient barriers to trust in public organisations, including public auditors. These are the power imbalances between those in governance and public audit on one side and the public on the other, which make public trust riskier and, therefore, more difficult. In redistributing political discretion to the public, empowering public engagement models can remove this barrier to trust to some extent. The second significant barrier to civic trust is the belief that those in public audit and public organisations do not serve the public interest but rather their own private interests. Empowering models of public engagement, by their very form, communicate that this is not the case. At a minimum, they communicate to the audience that the engaging organisations care about the

interests of their audience enough to let them contribute. At most, since empowering models of public engagement require that the audience has a *meaningful* impact on public discourse and its consequences, it demonstrates that the interests of the wider public do matter to public organisations since their interests are seen to shape public life.

– CONCLUSION –

§ 0. Conclusion

In this thesis, I have covered three broad topics to come up with trust-conducive public engagement. In **part 1**, I set the foundations for the thesis by determining the nature of trust, distrust and their contraries, as applied to civic trust relations, that is, relationships of trust between citizens and public organisations, including Audit Scotland. I advocated for a modal, commitment account of trust, trustworthiness, and their contraries, and I argued for the separation of trust, which is an attitude, and trusting reliance, which I defined as a special kind of reliance that is indicative, though not of necessity, of trust.

Trust	If X trusts Y, then X judges that if X were to trustingly rely on Y to *t*, that Y would meet their commitment to *t*.
Trusting Reliance	If X trustingly relies on Y to *t*, then X takes Y to have a commitment to *t* and relies on Y to keep that commitment to *t*.
Distrust	If X distrusts Y, then X judges that if X were to trustingly rely on Y to *t*, that Y would not make good on their commitment to *t*.
Trustworthiness	X is trustworthy insofar as X is the sort of agent who makes good on the commitments they incur to a durable and dependable degree.
Untrustworthiness	X is untrustworthy insofar as X is the sort of agent who fails to make good on the commitments they incur to a durable and dependable degree.

I argued that public trust should be construed under an eliminativist conception of groups, such that public trust or distrust is a function of the individual trust or distrust of individual citizens. I argued that the trustworthiness or untrustworthiness of public organisations should be construed according to an emergentist conception of groups, such that the trustworthiness or untrustworthiness of a public organisation is not a function of the individual trustworthiness or untrustworthiness of organisational members, thus allowing for the possibility that a public organisation could be trustworthy if it meets its core commitments, even if a majority of its members are not trustworthy. Given that public organisations' trustworthiness or untrustworthiness is emergentist, public trust should be targeted at the organisational rather than individual level.

In **part 2**, I examined the relationship between audit regulation and its effects on the trustworthiness of public organisations, as well as its compatibility with civic trust. I argued that audit is not conceptually incompatible with civic trust. On my account, trust is a judgment about whether one can trustingly rely on a trustee in counterfactual scenarios. Thus, one can still hold such a judgment even if one does not trustingly rely on the trusted trustee. I did, however, note that coercive practices of audit regulation can create the impression that the auditee is untrustworthy and not trusted since coercion is a signal of distrust. Thus, I advocated for audit, which is focused not on coercion but on providing answerability. I argued that answerability audit does not have the same corrosive effect on civic trust. I then argued that audit regulation could have positive effects on the trustworthiness of public organisations. Firstly, by limiting the political and secretive discretionary powers of public organisations, which can, if unchecked or too strong, create disrupters to trustworthiness. Secondly, I argued that answerability audit could help resolve problems of interest divergence, another significant barrier to organisational trustworthiness, by connecting the interests of citizens to public organisations and judging public organisations' performance in terms of those interests.

Parts **1** and **2** provided the foundations for thinking about what forms of public engagement might be conducive to public engagement, the topic of **part 3** of the thesis.

In **chapter 6**, I argued that the responsibility for building trust in a public organisation should ultimately reside in the hands of the organisation that desires civic trust. At the very least, audit cannot play a role in building trust in public organisations since this would presume in public organisations' trustworthiness, which would undermine audit practice. This is because audit is an institution of mistrust in which auditors take a mistrustful stance on public organisations to determine whether they perform well and provide public value. However, I did argue that public audit can indirectly encourage public trust in public organisations by using its indirect influence to encourage public organisations to engage with the public when determining how to satisfy and determine the public interest.

In **chapter 7**, I determined that public organisations such as Audit Scotland are bound, when they publicly engage, by norms of honesty, openness, and transparency. This argument set me against epistemic paternalists, who argue that epistemic authorities can lie, or be less open and transparent, just so long as their doing so is in laypersons' epistemic interests. In responding to this, I argued that any organisation that holds a position of public trust, whether epistemic or not, has a trust-based commitment to earn and deserve that position of trust. The desert condition is met by being trustworthy; the earn condition is met by ensuring that one gains the trusting reliance of those

dependent on you in your position of trust. I argued that if one is to lie or obfuscate in order to earn a position of trust, this very act presupposes a right to act in someone else's interests which, regardless of its consequences, is a presumption of the rights that only an agent who is trustingly relied on ought to have. I argued that you cannot gain the trust of mistrusting or distrusting people by presuming on their trusting reliance, which is what you do when you lie or obfuscate because it is in their interest.

In **chapter 8**, I argued that public engagement models that are *empowering* to their audiences are, in principle, most conducive to civic trust. A model of public engagement is empowering if it meets any of the following conditions:

(1) It enables the audience to *meaningfully* change/influence the discourse at hand, e.g., by changing topics or determining conclusions.
(2) It enables the audience to *meaningfully* discuss and raise areas of concern.
(3) It enables the audience to *meaningfully* change/influence the consequences of the discourse.
(4) It enables the audience to *meaningfully* enact change/have influence outside of the discourse.

In **part 2**, we noted that two significant barriers to civic trust are imbalanced power relations between those in power and citizens, as well as problems of divergent interests. In **chapter 8**, I argued that empowering models of public engagement are trust-conducive as they remove these barriers to civic trust. They remove power as a barrier to trust since it is a condition of empowering engagement that public organisations' political discretionary powers are redistributed to some degree to the public. They remove interest divergence problems as a barrier to trust because they require those who engage to take audiences' interests into genuine account. Not only may this resolve problems of interest divergence by giving voice to those whose interests may otherwise be overlooked, but the willingness to engage with audiences who have differing interests from the organisation itself communicates that the organisation cares about the interests of the audience. I argued that, in general, empowering models of public engagement require either participation or dialogue between the audience and the speaker; however, I noted that in some instances, one-way forms of engagement that focus on education can also be empowering. Still, they may be less trust-conducive since one-way forms of communication seem to require pre-established trust in order to be effective.

§ 1. Recommendations for Auditors

Throughout the thesis, I have made several recommendations as to how I think public audit should be conducted if it is to (1) contribute to the trustworthiness of public organisations, (2) build trust

in public audit, and (3) influence trust and distrust in public organisations. I will end the thesis by listing these recommendations, which I have categorized into different groups.

Group (1) details my recommendations to public auditors grounded in what I take to be public auditors' trust-based responsibilities. These recommendations stem from my claim that as professionals holding a position of public trust, public organisations have responsibilities that stem from this position of trust if they are to hold the position legitimately.

Group (2) contains recommendations that are centred on the claims in **part 2** that audit can be compatible with civic trust and that it can positively affect trustworthiness *if* audit is conducted in a specific way. It contains recommendations to auditors that aim to ensure that their work is compatible with civic trust and enhance public organisational trustworthiness.

Group (3) contains recommendations that stem from **part 3**. They are recommendations aimed at helping auditors enhance trust in audit and public organisations generally, through public engagement.

(1) The Trust-Based Responsibilities of Public Auditors

(i)   Public auditors hold positions of public trust; therefore, they must legitimise that position by earning and deserving the trusting reliance of the public.

(ii)   Public auditors can only earn public trusting reliance if they are open, honest, and transparent when engaging with the public.

(iii)   Public auditors are only responsible for building trust in their organisations/profession. To build trust in public organisations would be inimical to audit, which is a practice of mistrust.

(2) The Compatibility of Audit with Civic Trust and Public Organisational Trustworthiness

(iv)   Performance and Best Value audits touch on questions of public value. To determine public value, auditors must engage with diverse groups of people, including members of the public, professionals and public servants.

(v)   If public audit limits the discretionary and political discretion of public organisations by making them more accountable to the public, then public audit improves the trustworthiness of public organisations.

(vi)   If public audit makes use of public voice in its performance and best value reports, it can resolve interest divergence problems, which can cause both civic trust and public organisational trustworthiness to break down.

(vii)   (iv) – (vi) can be met if auditors look to incorporate the Public Value Management paradigm of management as an audit framework, as opposed to New Public Management.

(viii)   Public Audit should be focused on delivering accountability as answerability, as opposed to delivering accountability as coercive sanctions/rewards.

(ix)   Public Auditors should, when describing their work, refrain from using any language that presupposes either the trustworthiness or untrustworthiness of public organisations, as this can foster unwarranted distrust or trust.

(3) Trust, Audit, and Public Engagement

(x)   Public Audit is a practice of mistrust. For this practice to work, public auditors must not try to induce trust or distrust in public organisations since to do so would presuppose the trustworthiness or untrustworthiness of public organisations.

(xi)   In light of (i) and (x), public auditors are *only* responsible for building trust in their own organisations.

(xii)   To build trust, public organisations must communicate that they are capable of meeting their organisational commitments.

(xiii)   Auditors should use empowering models of public engagement, which are trust-conducive because they remove two great obstacles to civic trust – power imbalances and interest divergency problems.

(xiv)   To empower the public, auditors should identify and engage not just with those affected but those who are affected and underrepresented in positions of public authority.

(xv)   Auditors should find innovative ways to enable public participation in the audit process because participation is not only needed to conduct audit well (see (iv)), but because participation is an empowering form of public engagement.

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