Editorial

End of the Public

The newspapers have recently been full of renewed talk about privatisation – mostly in its familiar sense of public utility sell-offs – British Rail, Coal, perhaps the Post Office; a lot of coloumn inches have also been devoted to parallel developments elsewhere in Europe. But there is another area of privatisation that has attracted rather less media attention, but which is in many ways potentially more important to the future shape of the society in which we live.

In November 1992, Stephen Dorrell, Financial Secretary to the Treasury, told the Centre for Policy Studies that the Government was embarking upon a 'long march' through Whitehall, in every department of state: "we are no longer simply looking for obvious candidates for privatisation. The conventional question was 'what can we sell?' That question must now be turned on its head. Now we should ask ourselves 'what must we keep?' What is the inescapable core of government?" More recently, the same minister has signalled the government's continuing commitment to privatisation of many functions of the executive agencies set up under the Next Steps programme of civil service reform, launched in 1988. According to a report in *The Independent* (23 March 1994), he told an audience of civil service union representatives that the agencies "will be tempted increasingly to ask why they should continue to live with the undoubted constraints that are employed by (*sic*) public sector ownership".

Lord Bancroft, a former Head of the Civil Service, and his former deputy, Sir John Herbecq – both forced into early retirement in 1981 when Mrs Thatcher decided to axe the Civil Service Department – wrote recently to *The Times* (25 February 1994), expressing concern about the long-term effects upon the efficiency and integrity of public administration, and the weakening of accountability, consequent upon "the accelerating break-up of the home civil service". They conceded that "with the ever-growing pervasiveness of central government, ways should be sought to limit the burden of responsibility on ministers and to devise new methods, such as market testing, of enhancing efficiency." But they warn that: "this should not be carried to the point at which standards of service, of conduct and accountability are at serious risk ... The permanent Civil Service of the State is self-descriptive: it has no autonomous existence, it is there to serve the State. If the fastidiousness of all its standards is perceived to decline, all citizens are diminished."

With the fragmentation of the civil service, along with comparable moves in other parts of the public sector – in particular in what is left of the local government system, and in the NHS – it is hardly an exaggeration to suggest that we may be witnessing the dismemberment of civil society. As government is reduced to its inescapable core, big questions arise about accountability and conduct in the grey area between the state and the market. This is an issue at the heart of political debate; but it has a crucial legal dimension, as the boundaries between private and public law become increasingly blurred. The enormity of the changes elevates the debate onto a constitutional plane. But the most frightening thing is that all this is happening without any serious constitutional debate, or even any apparent recognition by politicians and senior civil servants that there are constitutional issues that need to be addressed.

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