Public Trust*

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When the Dao is lost, it is replaced with 'humanity' and 'morality.'

When such practical wisdom emerges so does great artifice.

When the feeling of kinship is lost, it is replaced with 'filial piety' and 'affection.'

When communities and relationships are lost, they are replaced with 'loyal ministers.' Daodeching 18

1.   Introduction

We often think of trust as an interpersonal relation, and of the distinction between trust and reliance as a distinction between kinds of interpersonal relations. Indeed this is often the case. I may trust one colleague but not find her reliable; rely on another but find him untrustworthy; both trust and rely on my best friend; neither trust nor rely on my dean. One of us has discussed the nature of such relations and distinctions at length. But trust is not only an interpersonal matter. Human society comprises not only individuals but also institutions, and indeed individuals who occupy crucial institutional roles. We often individually or collectively trust, distrust, rely on, or fail or refuse to rely on such institutions or institutional players qua players. In this essay we explore the structure, scope and value of such institutional trust and distrust, which we call "public trust." Public trust, we will argue, plays a central role in constituting the public sphere and in structuring societies in which it is worth living.

We first characterize trust and distinguish it from mere reliance. We then apply this characterization to institutions, per se, arguing that the relations between individual or social clients and social institutions can be understood in these terms just as can those between individuals. With this account in hand, we turn to the importance of public trust in our collective life, to the appropriate limits of public trust and the circumstances in which reliance might be a preferable relation to public institutions and finally to the impact of modernity and mass society on public trust and to appropriate responses to this impact.

2. Trust, Reliance and Reactive Attitudes

Trust and reliance are distinct forms of dependence that are most familiar as relationships between persons in their private or public roles? Trust enables what Strawson (1974) called *reactive attitudes*, emotions that involve moral judgments specific to the action descriptions appropriate to the actions that inspire them. When we trust someone we become open to the possibility of our trust being rewarded or betrayed. In the first case, we may extend further trust; in the latter, we experience betrayal. In contrast, our expedient reliance can only be disappointed. Although any kind of dependence makes us vulnerable, not all forms of dependence potentiate the same moral emotions.

This is not to say that affective attitudes arise only when trust has been breached. One is often disgruntled, dismayed, frustrated and disappointed at failures of reliability, and these responses may manifest in strong emotional reactions. They may motivate withdrawal from the relationship. If Mary forgets one more time to put the cat out, despite promising to do so, John may move out, and take the cat. But it would be bizarre if he were to justify ending the relationship on the grounds that in being so unreliable, Mary *betrayed* him. But the reactive attitudes appropriate to betrayal form a distinct range of moral emotions, which arise when the relationship has been qualitatively undermined, not just contingently disrupted. If, on the other hand, Mary disclosed details of John's intimate confessions to his coworkers at a party, despite having promised not to do so, a feeling of betrayal might be more appropriate.

One party to a relationship might be unreliable because she is overwhelmed by work, or is unwell, or is grieving, such that a change in circumstances might motivate a reversion to and remedy of the dependence relation. Even irremediable unreliability due to cognitive infirmity need not undermine an entire interpersonal relationship. This isn't the case with trust breaches – "I am less busy now, so you needn't worry about my divulging confidences again" doesn't make sense in the way that "I am not so busy now, so I won't forget to let the cat out again" does make sense.

That trust is moral and reliance pragmatic explains why the goods of trust and the harms of betrayal, unlike the goods and harms pertaining to reliance, are not fungible. A failure of mere reliability can be offset by a compensatory or symmetrical benefit. If the pizza is later than promised, I don't have to pay for it. Mary might even agree to clean the bathroom for a month to make up for the inconvenience she caused by dereliction of feline duties. If trust has been breached, however, it makes no sense to compensate. What could John ask Mary to do to compensate for divulging confidences? What possible use would that be in repairing their relationship? (This does not mean there should be no effort at compensation for harm done, but that this can't be about fixing or making up for the betrayal per se). The re-establishment of trust amounts to reconstructing a relationship from scratch, and can't be achieved by providing an opportunity to even the score by doing to the betrayer what she has done to you. A tit for tat strategy does not work for trust. If a relationship has been breached by betrayal, not only will it not be remedied if it is breached in a similar fashion by the other party, but remedying the material harm, even if this were possible, will do nothing to repair the situation.

Trust, as Baier (1986) and Jones (1996, 2005) have emphasized, is not a simple two-place relation between a truster and a trustee. It is always a three place relation. One trusts another within a specific domain, or, on some accounts, with a specific good. On the other hand, as Jones (2005) argues persuasively, this three term relation is intimately bound up—both fostering and depending on—a fundamental character trait, that of *being trusting*. As Jones argues, and as we will argue below, this is a desirable and indeed essential attribute of a flourishing citizen.

Trust and its betrayal, as well as reliance and its disappointment, are not restricted to the private sphere. They have public dimensions as well. We rely on or trust public institutions and holders of public office; we expect to be trusted or to be relied upon by such institutions and officeholders, and we expect such relations to obtain between them. Such characteristically human relations as trust bring humanity to our public life as well as to our private life. In what follows, we choose the kind of institution we know best, the academy, as a case study in order to shed light on the structure and value of public trust and the dangers of betrayal of such trust.

Education is a public good enabled by public institutions (or private institutions operating squarely within the public sphere) within which various dependence relations are constituted, including both relations of trust and of reliance. We collectively *trust* teachers to discharge their responsibilities with integrity and *rely* on students to be honest. Teachers who offer an essay writing service to students *betray* the *public* trust in a way that the student-purchasers, who nevertheless act corruptly, do not, however much they may betray private trust. This section continues by using the example of a teacher and a learner to illustrate and make precise the distinction between trust and reliance. In the following section, we extend the discussion to trust in and reliance on the institution itself.

Consider a teacher, Terry, and her student, Lia. Both trust and reliance may be present in such a relationship, and either can be breached. Lia, like her classmates, depends on Terry to be competent, professional and responsible. The students *rely* on their teacher to keep track of assignments, to show up for class or meetings, to provide suitable course content and feedback and so on. Terry is also in a position of *trust* insofar she is expected to maintain the conditions for effective teaching and learning, and, for example, not exploit her position for reasons of personal advantage. These expectations are not only those of her students, but also of her colleagues, her institution/employer and from the public at large.

Terry is a trustworthy teacher, seeking to uphold the educational values with which she is entrusted. But she might be unreliable. For example, she might misplace Lia's assignment, or be egregiously late, and disorganized. Lia might become exasperated with

Terry's unreliability, and change classes, thereby ceasing to be reliant on this particular teacher. Nevertheless, she might still properly regard her as trustworthy. (Likewise, Terry may become exasperated with Lia's lateness, but need not for that reason distrust her.)

When Terry has lost an assignment, or been late in returning work, she might seek to make it up somehow, say, by making extra office hours available, or allowing extra time for her students to complete the following assignment. A student's lateness in submitting the assignment is met with a penalty such as loss of marks. This balancing of costs and benefits is possible because the reliance aspect of the relationship is instrumental and pragmatic – within it, the parties can try to establish other conditions that make up for lack of reliability. The goods of reliability and the harms of unreliability are, as we put it earlier, fungible.

Unlike Terry, Arthur is reliable, but *untrustworthy*. Arthur never loses track of an assignment, and is never late. He does, however, knowingly misappropriate student work, publishing some of the good stuff under his own name. He is a plagiarist. He also, from time to time, sells essays to students for use in other classes. Losing an essay is less than ideal, but plagiarism or selling assignments to students is not a simple mistake for which one might make amends in ways consistent with the preservation of the teacher-student relationship, or with the maintenance of public trust in the educational system. The very possibility of teaching and learning is undermined by such betrayal. Such acts destroy constitutive elements of a teaching/learning relationship, such as respect for intellectual production, academic integrity and the like. And a teacher's appropriation of a student's work is therefore worse than 'mere' plagiarism by a student, since particular responsibilities involved in a position of public trust have been violated, as well as the more general responsibility not to steal or cheat.

Terry could compensate Lia for losing a paper or for returning one late. If the compensation is accepted, the teacher-student relationship is maintained, and the broader relationship between academy and society is not injured. But Arthur can offer no such compensation. Is he to pay Lia for the labour involved in writing the paper of hers he plagiarized? Is he to offer her some of his own work for her to plagiarise? And how can he compensate the students to whom he sold papers for undermining their education and

the colleagues he deceived? Refund the students money? Re-grade new papers? Manifestly, while any of these actions might redress some of the costs of his betrayal, the massive and pervasive damage done to the relationships of trust that undergird academia and his place in it are irreversible. His career is (should be) over, and the damage he has done is literally irreparable. Trust and its goods are not fungible in the way that reliability and its goods are.

If trust is constituted and maintained by a commitment, when it is breached, the deal is off, whether distrust or betrayal has broken down the dependence. Personal and public relationships can survive failures of reliability but not failures of trust. This is because such failures undermine the relationship itself; they go to its heart.

There is a further, and perhaps more catastrophic, consequence of the regular or significant betrayal of trust in a domain central to public or private life, and that is the diminution of the degree to which one is trusting.? Let us first ask why it is good to be trusting (keeping in mind, that like any virtue, being trusting comes with a pair of correlative vices—one of deficiency, to which we refer in this discussion, and one of excess, *gullibility,* which we leave aside for present purposes). Our lives as moral and epistemic agents demand that we in general possess the virtue of being trusting. Knowledge is a collective good. Its production, transmission, storage and retrieval require that we can trust our sources, our collaborators and the social insitutions that mediate these activities. In order to collaborate effectively, this trust must be implicit. Without it, we would be solo operators, and would hardly be able to know anything; nor could we contribute effectively to the extension of knowledge. Similarly, much of our morally and politically significant action is joint or collective action that requires our pervasive and implicit trust in our fellows. Even such mundane acts as contributing to charities or voting demands considerable trust.

The betrayal of trust by another in significant domain can damage this virtue, rendering us untrusting. This can thus make us less effective epistemic and moral agents, and hence less effective citizens. Being less trusting makes us more individually fragile, and less capable of collective action. Failures of trust can hence have significantly deleterious effects on the quality of our collective social and political life. Conversely,

the trustworthiness of our fellows and of our social institutions can engender the virtue of trust and can hence enhance our collective social and political life. Integrity and mutual commitment to one another's good, individually and socially, hence make no small difference.

3.   Institutions and Trust

Above we showed that trust and reliance are distinct forms of dependence that can coexist between the same parties, here, we will show that patterns of reliance and trust between an institution and the public it serves are analogous to those between parties understood in terms of their social, professional or institutional roles. We have made a start by considering trust relations that are constituted in part by public roles, those of teacher and student. But we can go much further. The community depends on universities to educate some of its members and to contribute to a culture of intellectual excellence by teaching and research. Here too reliance and trust are distinct forms of dependence, not just between members of the university community such as a teacher and her student, but also between the institution and its direct stakeholders such as employees and students, and between the institution and the community at large.?

A university could fail in terms of reliability or in terms of trust. Take reliability first. Suppose Sandstone University fails to maintain the infrastructure necessary for its computing services, and as a result a server crashes, deleting students' grades from the system. This is a serious failure of the university, and the public, the students and the staff should expect the reasons for the failure to be identified and remedied without delay. Perhaps the reason is financial, the institution is struggling to meet its costs, and cut just a few too many corners in the technical and maintenance sections. Perhaps there was a simple mistake in operating procedures. This would be a significant mistake, but not necessarily one that indicates a bad or improper attitude to the enterprise of education, rather a lack of competence in pursuing that enterprise. Sandstone might be perceived as unreliable, but not as having betrayed the public trust, or indeed that of the affected students. Disappointment is reasonable; feelings of betrayal are not.

Vanstone University is coping with a similar financial squeeze, but instead of reducing costs, seeks to extend its sources of income. Identifying the marketable skills of its Philosophy faculty as a useful resource, Vanstone University contracts with the Australian Defence Force to have its philosophers produce the technical and operational manuals for various pieces of equipment. They are therefore relieved from all teaching responsibilities and research obligations. Philosophy classes and research will be suspended at Vanstone until the ADF work is completed. Such lucrative consultancy work will fill the university's budgetary gap for the term of the contract.

This arrangement is manifestly inconsistent with the goals proper to a University whose mission is teaching and research, contribution to intellectual culture. The purpose even of the philosophy faculty of a public university is not the direct material support of the military. When it acts in this way, Vanstone University betrays the public trust. This is because it has acted contrary to its entrusted purpose by abandoning its commitment to the cultural good of the nation in favor of commodifying the resources at its disposal. While the ADF might be worthy of public support and indeed needy, and while the University might well be in need of additional revenue, selling the university's expertise is not the way to meet either of these needs.

This case is like that of Arthur's misappropriation of his student's work and like that of his sale of student papers. He is in a position of trust and of power, which he exploited in order to meet his own financial needs and/or the needs of his students to pass classes. Vanstone's governing council likewise is entrusted with making decisions in the public interest. While their trust includes the financial position of the University, it is impermissible to pursue this end by violating the larger responsibility with which the public at large has entrusted it.

The university cannot compensate the Philosophy Department by ensuring that it benefits financially from the contract deal. They have betrayed the academic integrity of these academics by treating them as guns for hire and by disregarding the intrinsic value of their own philosophical projects, treating them as employees with 'billable hours' to be deployed to the university's best financial advantage. Once this betrayal has occurred, while compensation for damages might be considered, the relation of trust necessary to

the flourishing of an academic community has been destroyed. Repair would amount to reconstruction from scratch of a new university community. Nor can Vanstone compensate the public by employing more philosophers to contribute to intellectual excellence – these moves don't fix the problem, which is that the nation once trusted the university faculty to serve educational goals and can now no longer trust that this institution is committed to this purpose.?

4.   Why Public Trust is Important

Public trust is important because in any culture as articulated and complex as ours we must entrust certain things to institutions that transcend the individuals who might at any time be occupied in advancing their purposes. Educational institutions are indispensable for our way of life, as are city councils, the stock market, banks, benevolent societies, unions and other such bodies that serve the public. Our dependence makes us vulnerable, to unreliability and untrustworthiness, but we are better off with that vulnerability and those institutions than we would be without them. Indeed, we do not simply trade material or cultural benefits for vulnerability: our relations to institutions often mediate our relations to our societies and compatriots and themselves knit communities that are too large to be bound directly by interpersonal ties.

Unless institutions (and the people who make them up) are committed to values that preserve education and intellectual excellence, creativity and artistic excellence, the cultivation of excellent sports people, the preservation of historical artifacts and so on, such things will be lost, derailed or deformed and our society and culture loses much that gives collective life its point. Public institutions that are the repositories and beneficiaries of public trust make tacit or explicit commitments to uphold certain values. Most of these institutions—museums, art galleries and the like—extend over generations, hence must enculturate members of their direct communities and the public in general to continue to preserve the values. Many such values cannot thrive without such interdependent institutions and without these institutions enjoying public trust. This entails that these institutions are proper objects of moral reactive attitudes as well as parties to contracts, with attendant obligations for compensation when they fail to perform reliably in their

purely instrumental roles. These institutions are responsible not only for reproducing and maintaining skills and artifacts, but also for collective moral education—for showing us what matters and why, and for ensuring that what matters to us thrives.

Trust is unavoidable not only because to verify that public institutions and their officeholders are meeting their commitments would be too time consuming, but also because to engage in such monitoring would be to invoke relations of suspicion that are poisonous to the social order, just as such constant monitoring of one's children, friends, parents or life partners would poison those relationships. Moreover, even when we find it necessary and desirable to establish accountability mechanisms to scaffold the reliability of public institutions, trust in those institutions must already be presupposed in order for them to perform this first-order function. Trust must hence provide the context and the point for such social enterprises, making it possible even for those on which we merely rely to perform their functions in a healthy society.

Overinstrumentalising these public institutions can deflect attention from their central roles in forging community, and can in turn lead to the failure to sustain the relationships of trust and trustworthiness on which these institutions and the public life they enable depend. It is hence important that both members of the general public and of the institution take seriously the preservation of trust and what it protects.

5. The Limits of Trust

Trust may be a good, but it is surely possible to trust too much. In particular, it is possible both to be too trusting and to expect trust to be a basis of too many social relations. Some institutions, like some people, simply are not trustworthy, even when they may be perfectly reliable. For others, trust may simply be too much to ask. Our relations with such institutions are simply too businesslike, or too unimportant to our daily life for trust to matter. Some institutions we may expect to be trusting; others we may wish to eschew trust in favour of measured suspicion, simply in order to maintain their reliability. We now turn to an exploration of these limits of trust.

There are public institutions of different kinds to which the public as a whole or individual members of a society bear very different kinds of relations. Let us remain with

our academic examples for a moment and contrast two very different kinds of tertiary institutions, a small private college and a large state university. Sophist College is highly selective, enjoys a small student-faculty ratio, and a loyal alumni body. Its students, alumni and teachers regard themselves as bound by institutional loyalties and membership relations to a common, temporally extended and valued institution. Generic University is relatively unselective, maintains a high student-faculty ratio, is regarded by its students as an education service-provider and by its teachers as a workplace. Its alumni regard it with as much loyalty as they might a bus they once rode.

As different as these institutions are from one another in many respects, they are nonetheless similar in many other respects. In each case, student-teacher relations depend on a certain framework of trust. In each case, the larger social community in the context of which the institution in question is constituted trusts the institution with certain social and cultural goods. In each case, the institution itself and its employees, students and others involved in its operation must be reliable in a number of respects.

Let us first return to the two examples of domains in which questions about trust might be raised that we considered earlier, viz., integrity in scholarly/student work and in research reporting. We can then turn to some more general considerations of the boundaries between public trust and reliance.

When a student enters Sophist College, she participates in an orientation program in which the principles of academic integrity are explained, including the definition of plagiarism and the reasons that it constitutes such a serious betrayal of academic trust. While it is true that many students might, given the ambiguities of ethical principles regarding the use of publicly available information in the current internet environment, arrive at Sophist with an incomplete understanding of these issues, within a few hours of discussion they achieve a pretty clear understanding of the bounds of legitimate use of source material and of the reasons for these boundaries. Once the academic year begins, students are expected to act with integrity. To be sure, a few do not. Some, but not all, of these, are caught and punished. But there is no regular investigative procedure in place to which all student work is subjected. In short, there is a default trust in students' integrity.

When a student enters Generic University, on the other hand, he is handed a code of student conduct, part of which informs him of the bounds of legitimate use of source material, and part of which informs him, correctly, that all academic work must be turned in through software that checks electronically for plagiarism. At Generic, students can be relied upon not to cheat, but there is no default trust in play.

At the end of each year at Sophist College, each member of the faculty reports on his research and teaching activity. These reports constitute part of the basis on which decisions regarding merit pay, promotion, academic leave applications, etc are made. No documentation is expected regarding statements made in these reports. The institution trusts in the integrity of the individual faculty member. It is possible that some faculty members mis-state the enrolments in their classes, or even that some claim credit for nonexistent publications. But nobody checks.

At the end of each year at Generic University, each faculty member reports on her research and teaching activity. Each publication claimed must be accompanied by a photocopy of the original work, and evidence of peer review; each enrolment report must be accompanied by documentation from the university registrar. There are hence very few, if any, mis-reports; At Generic, faculty members can be relied upon not to cheat, but there is no default trust in play.

This might sound like the contrast between good and evil in academic life, but it is not. It is not even the contrast between institutions grounded in trust and those grounded in reliance. Let us take the second point first. Sophist College does not simply trust its students and faculty in every domain: library books are checked out, and security devices ensure that people can be relied upon not to remove materials from the library without checking them out. Faculty members must submit receipts for reimbursement for travel expenses. Generic University trusts its faculty members to teach conscientiously and its teachers typically trust their students' honesty when discussing academic matters.

More broadly, the accounts of Sophist College are audited, and donors and government agencies who are involved in funding many of its activities hence rely upon the College and its officers not to misappropriate their funds. On the other hand, nobody audits the academic records: a student's transcript is trusted as evidence of her attainment. Generic

University is trusted by its community to educate the youth, support industrial development and generally to contribute to the progress of culture. Life with respect to public institutions, like interpersonal human life, is characterized by a patchwork of trust and reliance, on combination with countless other relations.

Moreover, even the contexts in which we might find an absence of trust in the case of Generic University we find a background of trust. A faculty member from Sophist, for instance, who leaves for a position at Generic, might at first find it unpleasant and even insulting to be asked for documentation of her scholarly activity. Her colleagues are surprised. They point out that equity with other institutions in the state, who cannot be trusted to report accurately, demands such reporting, and they point out that they trust the government audit body who distributes funds in accordance with these research reports. The new hire from Sophist might express surprise that anyone can trust the government. Her new colleagues might be equally surprised that anyone would trust students not to plagiarise or faculty members not to inflate their research performance.

The lecturer who leaves Generic for Sophist might be equally surprised: How does one ensure that students don't cheat? What keeps me from claiming work I never published? Her new colleagues express shock. What would the point be of an educational community if we did not trust each other? The new lecturer adverts to other goods—the production of skilled students; equitable distribution of research money, etc—that depend on confidence in equity that would erode absent accountability guaranteed by verification mechanisms in which all have confidence.

All of this merely shows that, although we require a network of trusting relationships in order to flourish, and that these relationships extend well into the public domain, we do not require that all of our relationships, private or public, must be relationships of trust. It also suggests that there are no general rules governing where each is appropriate. A great deal might vary with culture and context. There are goods available to members of the Sophist community that are not available to those at Generic; but a relationship to the broader community at Generic that is absent at Sophist. Sophist faculty members risk betrayal by colleagues or by students; at Generic, that is hardly a possibility.

Trust is necessary in order to sustain moral accountability, moral development and a sense of community, and these are important human goods. When public trust is violated, community suffers. But community also suffers when trust is not violated, but simply not presupposed. This is because building and maintaining community involves trust, not only sets of relationships in which the parties are not interchangeable like interpersonal trust, but also institutional relationships within which the goods pursued and protected are not fungible. Intellectual integrity is not preserved or ensured by checks and balances unless educators and researchers care about it. If educators simply judge that the likely risks and costs of selling assignments to students and appropriating their work mean that complying with the rules is the best strategy we no longer inhabit a virtuous educational community.

There is a further lesson here. We demand accountability from public institutions and from public officeholders. Sometimes this accountability is obtained from conventions of trust; but where trust is impossible, mechanisms to assure reliability must be in place. The mechanisms in turn must be grounded in further networks of trust if our society is not to degenerate into a complex of coercive practices. There is always room for tradeoff, but never room for wholesale abandonment of trust if we are to have a society in which there is anything worth making reliable.

6.   Modernity, Community and Trust

Modernity is often regarded in Heideggerian (or Simonic) terms as constituting the inexorable march of technology, or, in Habermassian language, as the progressive colonization of the lifeworld by instrumental reason. The human lifeworld comprises not only individuals, but institutions. The public sphere in which we educate, are educated, debate, govern and transact our common life is integral to our lifeworld. Characteristically human relations between human beings, between social institutions and between human beings and their public institutions comprise trusting relations. It is, of course, possible in principle to construct a public sphere in which trust is absent, a public sphere in which the only ground for any confidence in institutions of government, of

education, of finance, and so forth is enforcement that guarantees reliability. Totalitarian and bureaucratic regimes exemplify this possibility.

Such a society, however, undermines the cultivation of the virtues and attitudes we value in each other and in our public institutions as well. Undermining these virtues both makes life less tolerable and less efficient even by the standards of a totalitarian society. Our collective moral and aesthetic goods are dimiished as is our effectiveness in political and epistemic activity. Nobody voluntarily inhabits such a society. In such a society not only does the Tao of humanity degenerate, but so does benevolence, virtue and even duty. In short, community degenerates, and it becomes hard to see what is worth preserving, or why we should care even about the *reliability* of any of our institutions.