Ethical conduct of the UK Post Office in relation to the Horizon Scandal

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A B S T R A C T

This article will detail the Post Office and Horizon scandal (United Kingdom), from the implementation of the system to the wrongful accusations and fallout from the High Court case that found the system utterly unfit for purpose. Four ethical theories will be detailed: Foucault's ethics, Utilitarianism, Deontology, and Sartrean Existentialism. The Horizon scandal represents a significant ethical failure within the Post Office, according to notions of accountability, transparency, and corporate responsibility. The primary ethical issue was the lack of accountability from the Post Office management. Despite repeated reports of problems with the Horizon system, the Post Office continued to rely on its data to prosecute sub-postmasters. This shows a disregard for the responsibility they held over the system's accuracy and the lives of their subpostmasters. In light of the Horizon scandal, and as a means to attempt to regain public trust, there should be reforms under four headings: Improved Oversight; Greater Transparency; Compensation and Rehabilitation; and Ethical Training. Compensation and Rehabilitation implies providing adequate compensation and support for those wronged by the scandal and ensuring that their reputations are restored. Ethical Training means implementing comprehensive ethical training programmes within the organization to foster a culture of accountability and fairness.

Keywords: Deontology; Foucault and ethics; Post Office and Horizon scandal; Sartrean Existentialism; Utilitarianism.

INTRODUCTION

This article will detail the Post Office and Horizon scandal (United Kingdom), from the implementation of the system to the wrongful accusations and fallout from the High Court case that found the system utterly unfit for purpose. Four ethical theories will be detailed: Michel Foucault's ethics, Utilitarianism, Deontology and

Jean-Paul Sartre's Existentialism. The case will be explored using each of the theories and drawing observations from each. We conclude with recommendations and thoughts towards future conduct.

Post Office and Horizon Scandal
Introduction of the Horizon System

The Horizon IT system, developed by International Computers Limited and later managed by Fujitsu, was first introduced in 1999. This system was implemented into the postal service under the Pathway Project. The aim of this project was modernization, digitizing the benefits payment system across the vast network of branches. The Horizon system was designed to handle various transactions, including accounting for payments, sales, and stock control, thus eliminating the need for traditional manual bookkeeping methods.

The system promised to enhance efficiency, reduce errors associated with manual accounting, and streamline the overall day-to-day operations of the Post Office branches. It did not take long for issues to arise from the implementation of the new software. In fact, sub-postmasters reported early on various discrepancies in their accounts, with frequent unexplained shortfalls appearing.

By the early 2000s, subpostmasters (private owners of individual branches) from across the UK were reporting significant discrepancies in their branch accounts. These would often appear to be shortfalls, often amounting to thousands of pounds. There was serious pressure placed upon the subpostmasters from the Post Office headquarters to make up the difference from their funds. The Post Office never wavered in its support of the Horizon system, shifting blame for the discrepancies to user error, theft, or fraud by the subpostmasters. The Post Office acted against the subpostmasters, including criminal prosecutions, civil actions and internal disciplinary procedures. The fallout of this was severe for the subpostmasters; they suffered financial and legal consequences.

Between 2000 and 2014, over 700 subpostmasters were prosecuted by the Post Office based on information from the Horizon system. Many of these ended in convictions against the subpostmasters, with sentences ranging from hefty fines to imprisonment. Many subpostmasters faced bankruptcy, loss of livelihood and irreparable reputational damage. The impact of this was felt by entire families, causing immense strain and psychological harm.

Emergence of doubts and initial challenges

Despite the growing number of allegations against subpostmasters, doubts about the reliability of the Horizon system were beginning to grow and come to the surface. Subpostmasters, utterly convinced of their innocence, started challenging these prosecutions. They argued that the discrepancies were entirely the fault of the Horizon system, rather than any wrongdoing on their part. These early challenges, however, were largely unsuccessful due to the Post Office's firm stance on Horizon's fit for purpose. In 2009, a pivotal moment occurred when a group of accused subpostmasters formed the Justice for Subpostmasters Alliance. The group aimed to collectively seek justice and challenge the prosecutions based on Horizon data. They played a crucial role in bringing public attention to the issues with the Horizon system and the wrongful prosecutions of subpostmasters.

These efforts led to a series of investigations and legal battles. During this they gained media attention, support from the public, and legal assistance to challenge the Post Office's actions. Their persistence and the growing body of evidence against the reliability of Horizon prompted a major legal battle in the form of a group litigation order in the High Court.

The High Court verdict

In December 2019, following a considerably lengthy and complex trial, the High Court delivered a judgment in favour of the subpostmasters. The Court ruled that the Horizon system was deeply flawed and prone to a series of errors. The judgment highlighted that the system both could and did cause discrepancies, with there being no fault on the part of the subpostmasters. The Honourable Mr. Justice Fraser (2019) criticized the Post Office headquarters for its 'oppressive behaviour' in prosecuting subpostmasters and failing to adequately investigate the issues associated with the Horizon system.

Post-verdict developments

In the wake of the High Court ruling, there was massive pressure on the Post Office to compensate the affected subpostmasters. In December 2019, the Post Office agreed to a settlement amount of £58million to be distributed among the 555 claimants involved in the litigation. However, it

was argued that this amount was far from sufficient to cover the losses and damages suffered by the various victims. The settlement also did not cover the legal costs incurred by the claimants (Wallis, 2021).

Following the High Court judgment, the Criminal Cases Review Commission (hereafter CCRC) began reviewing the cases of subpostmasters who had been handed wrongful convictions based on Horizon data. The CCRC referred many of these cases to the Court of Appeal, leading to the quashing of convictions. This process of overturning wrongful convictions has been ongoing, providing some measure of justice to the affected subpostmasters (Wallis, 2021).

The Horizon scandal prompted significant scrutiny from various sources, including the Parliament. Multiple inquiries were launched to investigate the handling of the Horizon system within the Post Office and the prosecutions that arose as a result. This series of inquiries revealed systemic failures within the Post Office, a complete lack of accountability, and an undue pressure placed on innocent subpostmasters. The findings called for comprehensive reforms within the Post Office and greater protections for subpostmasters.

Impact on the Post Office and reforms

The Horizon scandal has had a profound impact on the Post Office as an institution. It has led to widespread calls for reforms. These reforms include changes in the governance structure, better oversight of IT systems, and more robust mechanisms for addressing perceived grievances. The Post Office has since undertaken measures to rebuild trust and ensure that such a miscarriage of justice does not occur again.

The Horizon Post Office scandal has had devastating personal consequences for many of the subpostmasters affected by the wrongful accusations and prosecutions, including suicides. One notable and tragic case is that of Martin Griffiths, a former subpostmaster from Ellesmere Port, Cheshire, England. Griffiths was accused of theft and false accounting due to discrepancies purportedly caused by the Horizon system. Facing financial ruin and immense stress, he sadly took his own life in 2013.

Michel Foucault's theory of ethics
Introduction

Michel Foucault (1926-1984) was a French philosopher and social theorist who through his works made significant contributions to the understanding of power, knowledge, and ethics. His theory of ethics is a complex and multifaceted concept he evolved throughout his life's work. Foucault's ethical thought is primarily articulated in his later works, particularly in the context of his historical analysis of sexuality and his ideas about subjectivity and care of the self. He claimed that all of his work revolves around the question of the subject's relation to truth where truth is seen as a social construct and product of power.

Key concepts in Foucault's ethics
Ethics and aesthetics of existence

Foucault's ethics is rooted in the idea of the 'aesthetics of existence'-- this is defined by how individuals fashion their lives as a work of art (Foucault, 1994/1997). This concept is closely tied to the ancient Greek idea of 'Bios'. As Foucault (1994/1997, p. 261) said:

Foucault: What strikes me is the fact that, in our society, art has become something that is related only to objects and not to individuals or to life. That art is something which is specialized or done by experts who are artists. But couldn't everyone's life become a work of art? Why should the lamp or the house be an art object, but not our life?

The idea is that life is not only just lived but crafted in such a way to reflect one's ethics and aesthetics. Foucault argues that ethics involves the continuous shaping of consciousness, making life a project of self-creation (Foucault, 1984/1986).

Care of the self

Central to Foucault's ethics theory is the notion of the 'care of the self', which he explores extensively in his later works, particularly in The History of Sexuality volumes 2 and 3 (Foucault, 1984/1985, 1984/1986) and 'The Hermeneutics of the Subject'. This concept, which is derived from ancient Greek philosophy of the third and fourth centuries BC, emphasizes the importance of self-care as a fundamental ethical practice. Foucault, Martin, Gutman, and Hutton (1988) suggest that caring for oneself involves practices of self-discipline, self-knowledge, and self-transformation, which enables individuals to attain a form of freedom and autonomy.

Technologies of the self

Foucault introduces the idea of 'technologies of the self', which are techniques and practices that individuals use to transform themselves. These

technologies are ways in which individuals exercise power over themselves to achieve ethical self-fashioning. Examples of these technologies include meditation, confession, and other forms of self-examination that help individuals understand and change themselves by their ethical goals (Foucault, Martin, Gutman,& Hutton, 1988).

Ethics and power

Foucault's ethics cannot be fully understood without considering his broad analysis of power as was articulated in Discipline and Punish (Foucault, 1975/1977) and The History of Sexuality volume 1 (Foucault, 1976/1979). His position is Discipline and Punish is that power/knowledge is omnipresent and operates through various institutions and discourses. However, he distinguishes between disciplinary power, which imposes norms on individuals and an ethical relationship with oneself, which involves a more personal and autonomous form of self-regulation. Foucault's ethical theory advocates for a form of resistance to normative power through the cultivation of self-mastery and autonomy (Foucault, 1984/1985).

Parrhesia: Truth-telling and ethics

Another significant aspect of Foucault's ethical thought is the concept of 'parrhesia', or fearless speech. In his later lectures, Foucault explores the role of parrhesia in ethical practices. This involves the act of speaking the truth in a way that risks the speaker's safety or social standing. It is an ethical act because it requires courage to confront power and to speak honestly about yourself and the world (Foucault, 2011). Foucault (1994/1997, p. 260) noted that in Ancient Greece if one overstepped perceived ethical boundaries then a bad reputation was inescapable. Then one would no longer be entrusted to govern a city and its peoples. This was not the same as what would later become pressures leading towards normalization of peoples and behaviours within modernist era institutions.

Regarding the ethical approach to the world that Foucault proposes, the case of the Post Office and Horizon lacks the ethical character and integrity suggested. There is a failing at the principle of Parrhesia and speaking the truth an abuse of power and no internal discipline. It has come out in enquiries since that the issues were known about the Horizon system and that they were suppressed internally by the Post Office. There were no

technologies of the self to transform and examine the self to fix the issues. Instead, their response was to purposefully choose to project outward the need for change and blame onto others. Power was abused and lives ruined when the Post Office knowingly punched down to the subpostmasters, making them carry the faults of the system they employed. Power/knowledge was enforced through the system of hierarchy, surveillance, and control (Foucault, 1975/1977) and the Post Office, unlike the subpostmasters, made no effort to form themselves as ethical subjects in a way that would win respect in the public realm.

Utilitarianism

Utilitarianism is an ethical theory that the best action is the one that maximizes overall happiness or utility. This theory is a form of consequentialism, where the moral worth of an action is determined by the outcome. The foundations of utilitarianism were laid by Jeremy Bentham and further developed by John Stuart Mill (1859/1974). Utilitarianism is often divided into two main branches: act utilitarianism and rule utilitarianism. Act utilitarianism evaluates the moral worth of each action individually, based on its consequences. In contrast, rule utilitarianism considers the consequences of following general rules of conduct. John Stuart Mill (1863) argued for a version of rule utilitarianism, emphasizing the importance of general principles for overall happiness.

Key principles of utilitarianism
The principle of utility

The core principle of utilitarianism is the 'Principle of Utility', that actions or policies should be evaluated based on their ability to produce the greatest happiness for the greatest number. De Champs (1789) articulated this principle when he introduced the idea of utility as a measure of pleasure and pain.

Hedonic calculus

Bentham proposed the Hedonic Calculus as a quantitative method to evaluate the moral rightness of an action, basing it on the potential to produce pleasure and avoid pain. This calculus considers factors such as intensity, duration, certainty, propinquity, fecundity, purity, and extent of the pleasures and pains resulting from an action (De Champs, 1789).

Higher and lower pleasures

Mill (1859/1974, 1863) expanded on the ideas of Bentham by making a distinction between higher and lower pleasures. He argued that intellectual and moral pleasures (higher pleasures) are superior to physical pleasures (lower pleasures) because of their greater inherent value. This very distinction is crucial in addressing criticisms that utilitarianism reduces human experience to simplistic pleasures and pains (Mill, 1863).

Utilitarianism is not without its criticisms, that it can justify actions that harm minorities if those actions produce greater overall happiness. 'Tyranny of the majority', as it is known, raises concerns about justice and individual rights. Critics argue that utilitarianism may sanction morally deplorable acts if they benefit the majority (Rawls, 1971). Being able to define what is considered pleasure and pain isn't without difficulty. Different individuals have different preferences and experiences, making it a real challenge to apply a uniform measurement (Nozick, 1974).

In this case, the 'pain' being avoided was having to internally investigate and fix the issues with the Horizon system. A decision was made that may have minimized pain at headquarters, but it clearly created more suffering and unhappiness in the long-run within the society at large. Therefore, the singling out of subpostmasters was utterly deplorable.

Deontology

Deontology is an ethical theory that emphasizes the importance of duty, rules, and obligations in moral decision-making. Unlike consequentialist theories, such as utilitarianism, deontology asserts that the morality of an action is based on whether it adheres to certain rules or duties, regardless of the consequences. The most prominent advocate of deontology is the eighteenth century German philosopher Immanuel Kant.

Key principles of deontology
The categorical imperative

At the heart of deontology is the concept of the Categorical Imperative, a universal moral law that applies to all rational beings. Kant expresses the Categorical Imperative in several ways, with the most notable being:

1. Universalizability Principle: 'Act only according to that maxim whereby you can at the same time will that it should become a universal law' (Kant, 1785/1998, p. 30). This principle requires the individual to consider whether or not their action could be consistently applied as a universal rule.

2. Humanity Principle: 'Act in such a way that you treat humanity, whether in your person or the person of any other, never merely as a means to an end, but always at the same time as an end' (Kant, 1785/1998, p. 45, emphasis added). This principle emphasizes the inherent value of human beings and the importance of respecting their autonomy.

Duty and moral worth

Kant (1785/1998) argues that the moral worth of an action lies in its adherence to duty rather than its outcomes. Actions performed out of a sense of duty, rather than self-interest, possess true moral value. This emphasis on duty is what distinguishes deontological ethics from other moral theories (Kant, 1785/1998).

Autonomy and rationality

Deontology places significant importance on the concepts of autonomy and rationality. Kant believes that moral agents are autonomous, rational beings capable of making independent moral decisions. This autonomy is essential for moral responsibility, as individuals must be free to choose their actions based on rational deliberation (Kant, 1785/1998).

Patient-cantered deontology

Patient-centred deontology, on the other hand, focuses on the rights and claims of individuals affected by actions. It emphasizes the importance of respecting the rights of others and avoiding actions that would violate these rights. This approach seeks to balance the duties of moral agents with the rights of those impacted by their actions (Nozick, 1974).

Deontology garners criticism for its perceived rigidity. The strict adherence to moral rules can lead to moral dilemmas where duties conflict. For example, the duty to tell the truth may conflict with the duty to protect someone's life. Critics argue that deontology lacks the flexibility to resolve such conflicts effectively (Williams, 1973). Deontology is often criticized for what has been noted as a disregard for consequences. By focusing solely on adherence to rules and duties, deontologists may endorse actions that lead to harmful outcomes. Critics argue that a complete ethical theory should consider both the principles guiding actions and their potential consequences (Smart & Williams, 1973). Deontology places a strong emphasis on rationality and autonomy, which may not fully account for the complexity of human emotions and

social relationships. Some critics argue, from an ethic of care perspective, that this emphasis on rationality can overlook the moral significance of emotions and the social context of ethical decision-making (Gilligan, 1982).

Nothing about the actions of the Post Office in their scandal finds any common ground or remotely resembles Patient-Centred deontology. No consideration was given at all to the subpostmasters who were accused of crimes they simply did not commit. It would be argued that a sense of duty was upheld by those at the Post Office about prioritizing the profits and shareholder interests without much concern for the outcome. The Post Office viewed its duty to the shareholders and profits of the organization to be worth adhering to, with no regard to the consequences that were a result of such actions. It could be argued that their actions were morally justified to a degree under Deontology theory in following their duty. However, in the long run, even the best interests of the organization were not advanced by the decision. Surely executives and finance managers have a duty to act in their employer's long-term best interests instead of in their short-term best interests when these two things conflict?

Existentialism

Existentialism is a philosophical movement that emphasizes individual freedom, choice, and existence. Although gaining prominence in the twentieth century, its roots can be traced back to earlier thinkers such as Søren Kierkegaard and Friedrich Nietzsche (Nietzsche, 1883-1892/2006). Existentialism focuses on the human condition, the meaning of life, and the challenges of human freedom and authenticity.

Key concepts in existentialism
Existence precedes essence

One of the central tenets of existentialism is the idea that 'existence precedes essence'. This means that individuals are not born with a predefined purpose or nature; rather, they must define themselves through their actions and choices. Jean-Paul Sartre articulated this idea in his lecture 'Existentialism is a Humanism' (Sartre, 1946). According to Sartre, humans first exist and then create their essence through lived experiences.

Freedom and responsibility

Existentialism places a strong emphasis on human freedom and the responsibility that comes with it.

Sartre argued that individuals are 'condemned to be free', meaning they must choose their actions and bear the responsibility for the outcomes (Sartre, 1943/2003). This freedom is both liberating and daunting, as it requires individuals to confront the anxiety and uncertainty that accompany relative freedom.

Authenticity and bad faith

Authenticity is a key concept in existentialist thought. To live authentically means to acknowledge and embrace one's freedom and to act by one's true self, rather than conforming to external pressures or societal norms. Conversely, bad faith is the denial of freedom and responsibility, resulting in self-deception and inauthentic living (Sartre, 1943/2003).

Absurdity and meaning

Existentialists often grapple with the notion of the absurd, the conflict between humans' search for meaning and the indifferent, meaningless universe. Albert Camus (1942/1991) argues that the absurd arises from the human desire for clarity and the irrationality of the world. Despite this, he contends that individuals must confront the absurd and create their meaning through rebellion and perseverance (Camus, 1942/1991).

One criticism of existentialism is its emphasis on subjectivity, which can lead to moral relativism. It could be argued that if individuals create their values, it becomes difficult to establish any objective or universal moral standards. This subjectivity can potentially justify any behaviour as long as it is consistent with one's self-created values (MacIntyre, 1981). The counterargument would be that, implicit in its concepts and ideas, is that to be consistent one must work towards the freedom of others as well as oneself, which does mean that a normative ethic can be said to be inherent in it. For example, can a heroin dealer truly be said to believe in the freedom of others? Existentialism is sometimes criticized for its focus on the darker aspects of human existence, such as anxiety, despair, and absurdity. Critics contend that this emphasis can lead to a pessimistic worldview that overlooks the potential for human happiness and social progress (Heidegger, 1995, pp. 308-359). The counterargument would be that Sartre's version of existentialism focuses more on self-creation by one's acts than absurdity. Hence, it could be perceived to be a positive and liberating framework rather than a depressing framework.

And, if it is still perceived by some to be depressive, the cause of depression is the nature of real life and not the theory.

It could be said that existentialism places too much emphasis on individualism and personal responsibility, potentially neglecting the importance of social and collective dimensions of human life. Critics argue that this focus on individual freedom can undermine the significance of social structures and community in shaping human existence (Habermas, 1987). However, Sartre applies existentialist ideas not only to persons but to groups and even to countries and generations. Existentialism may still offer important insights.

It could be argued that within the Post Office/Horizon scandal there was an element of bad faith as defined by existentialism. There was a complete denial of responsibility for so long that they allowed themselves to be deceived that the Horizon system would one day turn itself around. This led to them taking a massive hit, shattering all credibility and reputation. They denied even to themselves what they must have known early on-- the Horizon system was at fault and not the subpostmasters. This would seem to be a classic illustration of bad faith. Their attitude caused the loss of public trust and millions of pounds of legal fees. Existence still precedes Essence, the actions over the course of the Horizon system issues have shaped the essence of the Post Office in the public eye. The purpose of the postal service is to serve the public and businesses, but through their greed and hubris, their reputation may never recover. It certainly won't in the eyes of the subpostmasters and their loved ones.

CONCLUSION

The Horizon scandal represents a significant ethical failure within the Post Office, as perceived through the lens of accountability, transparency, and corporate responsibility. The primary ethical issue was the lack of accountability from the Post Office management. Despite repeated reports of problems with the Horizon system, the Post Office Limited continued to rely on its data to prosecute subpostmasters. This shows a disregard for the responsibility they held over the system's accuracy and the lives of their subpostmasters. The Post Office's failure to transparently address the issues with Horizon further exacerbated the situation. Instead of investigating the claims of discrepancies thoroughly, the Post Office presented it as truth that the system was infallible. This lack of transparency prevented a fair and just examination of the problems faced by subpostmasters. The Post Office, as a corporate entity, failed to uphold its ethical duty to ensure that its systems were reliable and that errors were addressed promptly and effectively. Another ethical dimension is the treatment of those who raised concerns about Horizon. There was little to no protection or support for whistleblowers who pointed out the system's clear and undeniable flaws. This discouraged others from coming forward and perpetuated the cycle of injustice.

In light of the Horizon scandal, and as a means to attempt to regain public trust, there should be reforms under four headings:

- Improved Oversight: Enhancing oversight mechanisms to ensure that issues with internal systems are identified and rectified promptly.
- Greater Transparency: Ensuring that all processes, especially those involving legal actions based on system data, are transparent and subject to independent review.
- Compensation and Rehabilitation: Providing adequate compensation and support for those wronged by the scandal and ensuring that their reputations are restored.
- Ethical Training: Implementing comprehensive ethical training programmes within the Post Office to foster a culture of accountability and fairness.

It will take some time for trust to return to the Post Office as a service provider and for those who continue to work for them. Enquiries are still currently ongoing. Through greater transparency and actively looking at their ethical practices, they can start to rebuild their reputation.

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