

Lies in Politics: Boris Johnson, the Law and the European Union

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An enduring memory of the 2016 Brexit campaign, so marked by the foppish-haired blusterer, Boris Johnson, was the [claim](#) that the European Union was hungrily drawing out from British coffers £350 million a week. It was insufferable, unqualified and dishonest. It was a claim reared in the atmosphere of outrageous deception marking the effort on all sides of the debate regarding Britain's relationship with the EU. But some deceptions have the ballast to go further than others.

Rooted in the machinery of politics, such deceptions might have stayed there, deemed those natural outrages of a not so noble vocation. After all, political figures do make lying an art, if a very low one. But Johnson has not been so fortunate. A [private prosecution](#) has been launched against the aspiring Tory leader and possible replacement for Prime Minister Theresa May based on allegations he “repeatedly lied and misled the British public as to the cost of EU membership” with specific reference to the £350 million figure. Marcus Ball, the initiator of the action and a Remain campaigner, had the heavy artillery £236,000 will bring, the very healthy result of crowdfunding.

Johnson's legal team was quick to suggest that the whole matter was vexatious, an around about effort to question the legitimacy of the 2016 referendum result. A source close to Johnson (and who might that be?) [told the BBC](#) that the case was a “politically motivated attempt to reverse Brexit.” Adrian Darbishire QC, representing Johnson, was withering in [describing the action](#) as a political stunt intended to create mischief in an effort “to regulate the content and quality of political debate” using the criminal law.

Such debate might well feature figures and claims, and Johnson, at best, [could only be accused](#) of using the £350m sum for no other purpose than “in the course of a contested political campaign.” Such campaigns are bound to contain a range of claims duly “challenged, contradicted and criticised.”

Ball's legal representative, Lewis Power QC, took the [broader view](#). The proposed prosecution was not an attempt to “seek to prevent or delay Brexit”. There was a larger principle at stake: “when politicians lie, democracy dies”. Much to be said about that; but taken to its logical conclusion, no democracy can be said to be extant, let alone breathing, given how alive the lie industry is.

Ball's case, nonetheless, has an ethical sting to it, and seems to be one of whether lies have a meaningful role in politics. Ball's legal representative was adamant: “Lying on a national and international platform undermines public confidence in politics... and brings both public offices held by the (proposed) defendant into disrepute”. The law offered a solution: “misconduct to such a degree requires criminal sanction. There is no justification or excuse

for such misconduct.”

In its purest sense, the case has the trimmings of Michel de Montaigne, that wonderful man of letters who, four centuries ago, thought the lie reprehensible. In “On Liars”, he is curt and unforgiving. “Lying is indeed an accursed vice. We are men, and we have relations with one other only by speech. If we recognised the horror and gravity of an untruth, we should more justifiably punish it with fire than any other crime.”

In 1975, Adrienne Rich [wrote](#) with more poignancy than flames that,

“The possibilities that exist between two people, or among a group of people are a kind of alchemy. They are the most interesting thing in life. The liar is someone who keeps losing sight of these possibilities.”

Not quite as savage as Montaigne, but a similar point on value and relations bound by speech. Certainly, when it comes to politics, Rich is clear that the loss of perspective the liar suffers is acute, being most “damaging to public life, human possibility, and our collective progress”.

Such instances may seem a bit high barred. The politician is a creature of deception and dissimulation, and avoiding the compromising wet by keeping to high and dry moral ground may be a difficult thing. Even Montaigne also offers a subtle exit, if not excuse, for one economic with the truth: he who has involuntary defects – a poor memory, for instance – should be treated kindly; those with intent to deceive – well, that’s something else entirely. “Not without reason is it said that no one who is not conscious of having a sound memory should set up to be a liar.”

When Hannah Arendt turned her mind to the [nature of lying in politics](#) in 1971, seeking to understand the entire episode of the Pentagon Papers and their publication, a more complex view was advanced.

“Truthfulness,” she laments, “has never been counted among the political virtues, and lies have always been regarded as justifiable tools in political dealings.”

But moral outrage alone, she insists, is insufficient when faced with deception. When we confront what she describes as “factual truths”, we face the problem of compellability. “Facts need testimony to be remembered and trustworthy witnesses to be established in order to find a secure dwelling place in the domain of human affairs. From this, it follows that no factual statement can ever be beyond doubt.” Hence such generously distributed, and acceptable notions, as the £350m figure.

Whatever might have been busying the mind of District Judge Margot Coleman, she was sufficiently persuaded by Ball’s daring suggestion to take the matter further. In a written decision published on Wednesday, the judge ordered Johnson to attend Westminster Magistrate’s Court at a date not yet specified. There, a decision will be made to assess whether the case has sufficiently nimble legs to get to the crown court. “Having considered all the relevant factors, I am satisfied that this is a proper case to issue a summons as requested for the three offences [of misconduct in public office].”

Should the case against Johnson stick, it will ripple and trouble. For private citizens to succeed in actions against politicians who lie would be astonishing, if not perplexing for practitioners of the political art. Time to add Montaigne et al to the House of Commons reading list.

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