Moral Responsibility of Public Officials: The Problem of Many Hands

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That many different officials contribute in many different ways to decisions and policies in the modern state makes it difficult to ascribe moral responsibility to any official. The usual responses to this problem—based on concepts of hierarchical and collective responsibility—distort the notion of responsibility. The idea of personal responsibility—based on causal and volitional criteria—constitutes a better approach to the problem of ascribing responsibility to public officials. Corresponding to each of these criteria are types of excuses that officials use in defending the decisions they make. An analysis of the conditions under which the excuses eliminate or mitigate responsibility provides a foundation for accountability in a democracy.

Philosophers and political scientists in recent years have begun to apply moral principles to public policy and to public officials.[1] None of these scholars supposes that moral principles can, without modification, be directly deployed in politics. Indeed, one of their preoccupations is the possibility that public life may require officials to act in ways that would be wrong in private life, raising the classic problem of "dirty hands" (Walzer, 1973). But in a significant respect, their analyses are often apolitical: the official they portray agonizing over a moral dilemma seems a solitary figure, single-handedly gathering information and implementing decisions. This paradigm of the lonely leader obscures a pervasive feature of modern government—a feature that stands in the way of applying moral principles, whatever their content, to individual officials. Because many different officials contribute in many ways to decisions and policies of government, it is difficult even in principle to identify who is morally responsible for political outcomes. This is what I call the problem of many hands.

I shall argue that the two most common ways of ascribing responsibility to officials—the hierarchical and the collective models—do not adequately respond to this problem; and that personal responsibility, suitably interpreted, can be imputed to officials more often than these models suggest. The criteria for personal responsibility I adopt are common to a wide range of moral theories; they hold us responsible for outcomes insofar as we cause them and do not act in ignorance or under compulsion. On these criteria we can say that one official is more or less responsible than another official without implying, as in the law, that degrees of fault correspond to proportionate shares of compensation or match the standard categories of criminal liability. Legal responsibility, though suggestive, is not a reliable guide to moral responsibility (see Hart, 1968, pp. 211–30; and Feinberg, 1970, pp. 24–54).

Corresponding to each of the criteria of personal responsibility are types of excuses officials use to eliminate or mitigate their responsibility for political outcomes.[2] Drawing examples from episodes in contemporary American government (chiefly the executive branch), I shall outline some of the conditions under which the excuses seem to be acceptable or unacceptable. From such an outline, we should not expect to derive anything so systematic as a general theory of excuses, but we should be able to develop a set of considerations based on a body of cases, more like traditional moral casuistry than modern ethical and political theory. In most political contexts, this set of considerations will have to be supplemented by substantive principles of political ethics grounded in concepts such as justice and the public interest. But even by itself an analysis of excuses can serve to inform our judgments about those who govern us, and thus enrich our understanding of political responsibility.[3] Its use might even influence the

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[1]E.g., Anderson, 1979; Bok, 1978; Hampshire, 1979; Rohr, 1978; and Walzer, 1973. For a survey of the growing literature in this field, see Fleishman and Payne, 1980.

[2]Austin's classic essay (1956–57) is a valuable source on this topic, but more directly relevant are Hart and Honoré, 1959; and Feinberg, 1970.

[3]Generally on the concept of political responsibility, see Pennock, 1979, pp. 260–308.

conduct of public officials. Those who took the idea of personal responsibility seriously would perhaps make decisions with greater care, and if they did not, citizens or other officials could reinforce ascriptions of responsibility with sanctions, such as public criticism, dismissal from office, or exclusion from public office in the future. Whether personal responsibility could actually support democratic accountability in this way depends partly on the nature of the social and political structure in which citizens and officials act. But as important as it is to analyze this structure, the prior task, and the one on which I concentrate here, is to establish a framework for the discourse of responsibility.

Hierarchical Responsibility

According to the hierarchical model, responsibility for political outcomes falls on the person who stands highest in the (formal or informal) chain of authority. Weber provides the classic statement of the model. He holds, first, that modern government recognizes "fixed jurisdictional areas" and "office hierarchy" in which "there is a supervision of the lower offices by the higher ones" (Gerth and Mills, pp. 196–97). Second, he sharply distinguishes between administration and politics: administrators merely execute the policies set by politicians (pp. 95, 214–16). Finally, the administrator and the politician are therefore subject to "exactly the opposite principle of responsibility":

> The honor of the civil servant is vested in his ability to execute conscientiously the order of the superior authority, exactly as if the order agreed with his own conviction. . . . The honor of the political leader . . . however, lies precisely in an exclusive personal responsibility for what he does, a responsibility he cannot and must not reject or transfer.[4]

Weber's model vastly simplifies the task of ascribing responsibility to public officials since it places most public officials most of the time beyond the province of moral responsibility. As long as they follow the orders of their superiors and the procedures of the organization, they are not responsible for any harmful results of their actions. We are of course still left with the chore of sorting out the responsibility of the various politicians who have a hand in making the policies that the administrators carry out, but because the hands are fewer and because the jurisdictions are well defined, the problem is much more tractable.

Weber's model, however, does not correspond to the portrait of politics that emerges from modern studies of the making of public policy. Instead of functioning within well-defined jurisdictions and settled lines of authority, officials act within overlapping "issue networks" whose membership is shifting and partially drawn from outside government (Heclo, 1978, pp. 87–124); they engage in a "bargaining game" where victory depends more on "skill and will in using [other] bargaining advantages" and "other players' perceptions" than on positions in a hierarchy (Allison, 1971, pp. 144–84). Instead of respecting a clear distinction between politics and administration, bureaucrats exercise discretionary authority either delegated to them, or simply assumed by them, to shape and often to make policy; meanwhile, elected politicians concern themselves with the details of implementation (Altshuler, 1977, pp. 2–17; Lowi, 1979, pp. 92–126; and Rourke, 1978, p. 253).

The empirical deficiencies of the hierarchical model do not necessarily defeat it as a normative standard. Weber himself anticipated some of the developments that impugn the model (pp. 232–33), and later writers continue to commend the model in spite of—or because of—the growth of administrative discretion and the dispersion of authority in the modern state (e.g., Lowi, 1979, pp. 295–313; and Krasner, 1972, p. 160). But even if a more hierarchical structure of government is desirable, the hierarchical model is not a satisfactory basis on which to ascribe responsibility in the structure of government that now prevails—at least not where discretion and dispersion abound. Insofar as officials holding the top positions in a hierarchy cannot be expected to have control over political outcomes, hierarchical responsibility does not coincide with moral responsibility. To try to impute moral responsibility according to hierarchical position would in these circumstances violate a fundamental presupposition of morality, namely, that a person should be blamed only if he or she could have acted otherwise. The difficulty is not that it would be unfair to hold top officials responsible for failures beyond their control. Officials know in advance that they may lose their jobs because of events over which they could have had little or no influence, and they thus tacitly consent to the risk of this kind of political "punishment." Such risk, moreover, may be a useful feature in the design of political institutions, encouraging officials to take every possible precaution to avoid mistakes. But these considerations show only that strict liability in politics may be morally justifiable; they do not establish that such liability is equivalent to moral responsibility. Even when we hold officials strictly accountable in this

[4]Gerth and Mills, p. 95. This distinction does not depend on accepting Weber's further claim that the political leader should act on an "ethic of responsibility" rather than an "ethic of ultimate ends" (pp. 120–28).

way, we usually do not condemn them morally.

That hierarchical responsibility imparts scarcely any moral force explains why political leaders are often quite ready to declare themselves fully responsible for some pernicious decision or policy. Taking responsibility becomes a kind of political ritual that has no negative effect on a leader. Indeed, leaders can often turn this ritual to their advantage (cf. Thompson, 1961, pp. 129–37; and Edelman, 1964, p. 79). With regular incantations of "I accept full responsibility," an official strengthens his or her own political standing—by reassuring the public that someone is in charge and by projecting an image of a courageous leader who does not pass the buck. Also, as one becomes known as a leader who takes the blame for subordinates, one gains gratitude and thus greater obedience from those subordinates in the future. Most significantly, the ritual often quells public debate about a controversial decision or policy, effectively blocking further inquiry into the genuine moral responsibility of all of the officials involved, especially that of the leader. After the failure of the Bay of Pigs invasion, President Kennedy privately blamed the CIA, the Joint Chiefs, and just about everyone who knew about the invasion in advance. But publicly he accepted the "sole responsibility" and objected to anyone's "attempting to shift responsibility" away from him (Schlesinger, 1965, pp. 289–90). The hierarchical model, reinforcing this ritual taking of responsibility, in this case not only cut short public inquiry into other officials' responsibility for the failure of the invasion, but more importantly, also forestalled public debate about each official's failure to consider whether subversion of this kind is morally justified at all. It seems, further, that the more personally blameworthy an official, the more strenuously the official is likely to insist on accepting hierarchical responsibility. In the spring of 1973, as Watergate intruded more and more into the office of the president itself, Nixon invoked the ritualistic formula of responsibility in almost its pure form:

> Who is to blame for what happened in this case? . . . The easiest course would be for me to blame those to whom I delegated the responsibility to run the campaign. But that would be a cowardly thing to do. . . . In any organization, the man at the top must bear the responsibility. That responsibility, therefore, belongs here in this office. I accept it (transcribed from tape of CBS broadcast of Nixon's address to the nation, April 30, 1973).

Collective Responsibility

The argument underlying the collective model begins by posing a version of the problem of many hands: many political outcomes are the product of the actions of many different people whose individual contributions may not be identifiable at all, and certainly cannot be distinguished significantly from other people's contributions. The second step is the claim that no one individual, therefore, can be morally blamed for these outcomes. At the final stage of the argument, its proponents reach two seemingly contradictory conclusions: one stating that every individual associated with the collectivity should be charged with moral responsibility, the other holding that only the collectivity can be so charged. But the conclusions are not so different since neither ascribes responsibility to persons on the basis of their specific and distinct connections to the outcome in question.

The first version of the collective model can be illustrated by Herbert Kaufman's effort to pin the blame for the (immoral as well as inefficient) consequences of bureaucratic "red tape":

> It would not surprise me . . . if [public officers and employees] are merely scapegoats. . . . We may accuse them because, intuitively, we want to divert the guilt from the real cause: ourselves. No one element of the population is responsible for all red tape or even for most of it . . . we all have a hand in it.[5]

W. H. Walsh (1970) has offered a general theoretical defense for this sort of dispersion of responsibility. Walsh rejects non-collective ideas of moral responsibility because they incorrectly assume that the individual is "self-contained and self-subsistent" (p. 4). We are morally responsible for the actions of people with whom we have any "special relationship" (p. 5); that includes all our fellow citizens, and even earlier generations, but fortunately does not encompass all humanity since we are not, Walsh concedes, culpable for the actions of Genghis Khan. While Walsh thus radically expands the responsibility of citizens, he drastically diminishes the responsibility of public officials. Because officials act as representatives, limited by the demands of citizens and bound by long-standing commitments their predecessors have made, their decisions are not fully voluntary, and, Walsh concludes, they are therefore not fully responsible for the decisions.

This version of the collective model, however, cannot account for many distinctions that we intuitively wish to draw in apportioning blame. We normally distinguish degrees of responsibility that citizens and officials bear for policies of the government or of the groups with which they are associated. For example, those who do not protest

[5]Kaufman, 1977, pp. 27–28. For discussion of similar arguments in the context of war crimes, see French, 1972.

against an unjust policy are normally thought to be more responsible for it than those who do protest; and among those who do not protest, those who have greater resources with which to influence the policy are more responsible than those with fewer such resources. These and many other similar distinctions presuppose some form of the principle Walsh must reject (at least for citizens), namely, that responsibility for a policy depends in part on the contribution an individual actually made, or could have made, to the policy.

The second version of the collective model—blaming the collectivity rather than any specific member of it—is sometimes represented by the hypothetical example of the old-time train robbery (Feinberg, 1970, p. 248). An armed bandit holds up a carful of passengers and escapes with all their money. All of the passengers, or even a few of them, could have prevented the robbery, had they coordinated their actions. In this way the passengers were collectively responsible for their own losses, but since no passenger was obligated to resist the bandit, none was individually responsible. The fault lay not in individual actions or omissions, but in the structure of the group.[6]

Similarly, a political system may suffer from structural faults that block the efforts of all but the heroic bureaucrat or politician to accomplish morally respectable ends. An example appears in "The Blast in Centralia No. 5," the introductory case in a widely used casebook in public administration:

> Responsibility [for the mine disaster that killed 111 men] here transcends individuals. The miners at Centralia, seeking somebody who would heed their conviction that their lives were in danger, found themselves confronted with officialdom, a huge organism scarcely mortal. . . . As one strives to fix responsibility for the disaster, again and again one is confronted, as were the miners, not with any individual but with a host of individuals fused into a vast, unapproachable, insensate organism. Perhaps this immovable juggernaut is the true villain in the piece.[7]

However, the responsibility of the private and public officials in this case differs from that of the passengers in the train robbery example. Officials act in the context of an ongoing institution, not an isolated incident, and they or other officials therefore may be culpable for creating the structural faults of the institution, or for neglecting to notice them, or for making inadequate efforts to correct them. The responsibility of officials is no more temporally bounded than is the existence of the institutions in which they act.

Because both versions of the collective model distort the idea of responsibility, neither can serve as the foundation for judgments we wish to make about public officials. The first version blurs moral distinctions not only among various officials but also between officials and citizens. The second version recognizes no connection between structural faults and individual responsibility for making structural criticisms or changes. The hierarchical model has the advantage of locating responsibility in determinate positions, but it neglects the problem of many hands. Proponents of the collective model take that problem all too seriously, reproducing it in the model itself and as a result weakening democratic accountability. I do not want to deny that hierarchical position is relevant in imputing responsibility, or that collective responsibility sometimes makes sense. But I do wish to suggest that an approach that preserves a traditional notion of personal responsibility—with its advantages for democratic accountability—can accommodate many of the complexities of a political process in which many different officials contribute to policies and decisions.

Personal Responsibility

Ascribing responsibility to officials as persons rather than simply as occupants of certain offices or as members of a collectivity relies on two criteria of moral responsibility. An official is morally responsible for an outcome insofar as (1) the official's actions or omissions are a cause of the outcome; and (2) these actions or omissions are not done in ignorance or under compulsion. These are notoriously difficult ideas, and I can provide only a few general comments about them before turning to the excuses they underlie.

The criterion of causal responsibility, as I interpret it, is quite weak: it requires only that one be a cause of an outcome in the sense that the outcome would not have happened but for one's act or omission.[8] To say that a person is a cause merely

[6]I put aside the question of whether it makes sense to hold a collectivity morally responsible. Even if it does, individual responsibility for collective faults is not necessarily or usually extinguished.

[7]Stillman, 1976, p. 34. For some other examples (drawn from the Vietnam War), see Weisband and Franck, 1976, pp. 79–80.

[8]The interpretation of this statement is not only much more complex than I can indicate here, but it is also a chief point of controversy between the two best works in the theory of responsibility. Cf. Hart and Honoré, 1959, pp. 61–62, 103–22; and Feinberg, 1970, pp. 201–07, 184. My interpretation more closely follows Feinberg.

connects his or her action with the outcome—along with the action of many other hands and the influence of many other forces. It does not establish that the person is the most important cause or even an agent on whom we should pin responsibility at all. If we wish to select an individual from among all the other causal factors in this "cone of causation," we have to invoke other moral and political considerations, chiefly the importance of the outcome in question and the formal and informal expectations of the individual's official role.

It might be objected that we should not use the causal criterion at all. Ladd (1970) argues that the part played by any single official is neither necessary nor sufficient to bring about an organizational decision; therefore, to require, as a necessary condition of responsibility, that an official be a cause of the decision is to "give aid and comfort to officials who want to avoid responsibility" (pp. 513–15). Ladd is surely correct in refusing to assimilate moral responsibility to causal responsibility: we should not want to say that an official is less responsible to the degree that he or she is less causally effective. But the weak causal criterion does not have this implication since it is not sufficient to determine moral responsibility, let alone degrees of moral responsibility. Yet unless an official's action is at least a causal factor of an outcome, it is hard to see why the question should arise of holding that official, rather than anyone or everyone else, responsible for it.

The second criterion—volitional responsibility—in its most general form stipulates that a person is responsible for an action insofar as he or she could have done otherwise.[9] Inability to act otherwise takes many different forms, ranging from general incapacity (such as insanity) to specific defects in particular actions (such as inadvertence). Most relevant for assessing the actions of public officials are these specific faults, which may be considered under the traditional Aristotelian categories of ignorance and compulsion (Aristotle, 1109b–1111b; cf. Glover, 1970, esp. pp. 60–61; and Donagan, 1977, pp. 112–42). Ignorance of what one does (not knowing that a certain description applies to one's action) counts as an excuse only if the ignorance is not negligent. In the case of public officials, the standards of negligence depend on moral and political considerations, such as an assessment of the outcomes in question and the nature of the role of the official. So does the question of whether compulsion should count as an excuse. The compulsion that public officials cite to excuse their conduct is rarely the extreme physical and psychological kind that philosophers and lawyers usually discuss. When officials proclaim, "I had no choice," we seldom take them literally. They can usually be understood as implying that they did not choose the *range* of alternatives within which they made some decision. Like Aristotle's sea captain (1110a 8–15), they confront two undesirable options (jettisoning the cargo or sinking the ship); the duties of office conspire with the forces of nature to pose a choice between disagreeable alternatives. Limitations on the range of alternatives do not eliminate an official's responsibility, but they do warrant our specifying, in any ascription of praise or blame, what alternatives were realistically accessible.

[9] I hope that I will be excused for disregarding the relevant but complex metaphysical problems raised by this criterion. Two of the best contemporary discussions are: Frankfurt, 1971; and Strawson, 1968.

Causal Excuses

In "Centralia No. 5," one of the persons blamed for the deaths of the miners was Inspector Scanlan, who had the authority to close the mine he knew to be unsafe but failed to do so. Scanlan's defense (in part) was that "had he closed the Centralia mine, Medill [the Director of the Illinois Department of Mines and Minerals] simply would have fired him and appointed a more tractable inspector" (Stillman, 1980, p. 33). This is an example of the excuse from alternative cause: "If I hadn't done it, someone else would have," or "If I don't do it, someone else will." The excuse is more common in official than in personal life because in organizations the empirical assumption on which it depends is more likely to be true; in organizations persons often are fungible.

In a general and unqualified form, the excuse seems incoherent. To relieve one person of responsibility, the excuse asserts that other people (the alternative causal agents) would be responsible for the action; but if the excuse is valid, each of the other people would be exonerated, seriatim, in the same way as the first person. In other words, if the excuse is valid, no one is responsible. In any case, the excuse evidently has not been accepted in civil or criminal law (Hart and Honoré, 1959, pp. 225–26), and moral judgment seems to agree with the law in this regard.

Nevertheless, the excuse may sometimes be acceptable in a modified form. One such form is as a criterion of causal relevance. Here an official claims not that someone else would have made the same mistake, but rather that someone else would have made a different mistake that would have been sufficient to cause the harmful outcome. The excuse is thus used to show that the respect in which the official's action is faulty is not a cause of the outcome.[10] In the political process, however, judgments about causal connections or their absence are often uncertain. Consider the case of an FDA official who permits a drug, which subsequently turns out to be unsafe, to be placed on the agency's list of substances "generally recognized as safe"—without ordering certain standard laboratory tests on the drug. We might perhaps not blame this official for any harm suffered by users of the drug if we believe that the technicians charged with performing the tests would have approved the drug anyhow. But to the extent that the causal relevance remains uncertain (e.g., we doubt that the technicians would have approved the drug), then other factors will influence our judgment about the validity of the excuse. Specifically, we will be more likely to accept the excuse if the fault is relatively minor (e.g., failing to order the tests because of overlooking some technicality rather than because of accepting a bribe), or if the consequences to which the fault allegedly contributed are relatively harmless. It is perhaps odd that these factors should affect our judgment at all, since in principle an official should be blamed only if his fault was a cause of the outcome, but given the inevitable uncertainty of causal connections in organizations, we may be justified, as a practical matter, in considering these other factors when assessing even causal excuses.

The excuse from alternative cause is also acceptable if it is combined with certain kinds of justifications. To the plea that someone else would have committed the wrong is added the claim that he or she would have committed a worse wrong, or in some other way would have made the consequences worse. This excuse comes most naturally to officials who do not resign from a government that is pursuing an admittedly wrong policy. During the Vietnam War, many officials, including Hubert Humphrey and Robert McNamara, privately told friends that they were staying on to keep the escalation from getting worse; others, like Charles Frankel (Assistant Secretary of State for Educational and Cultural Affairs) pointed to benefits they could accomplish that in their judgment outweighed any effect their resignations might have on the war (Weisband and Franck, 1976, pp. 92–93). We are right to be suspicious of such pleas; the heady mixture of exercising power while believing oneself to be doing good can easily forestall a sober assessment of the consequences of alternative courses of action. Still, the plea is sometimes surely acceptable. Even when the government an official serves is utterly evil, resignation may not be the most appropriate course. It has been argued that the S.S. Officer Kurt Gerstein, by continuing in his post during the Second World War, "prevented worse things from happening" (Friedlander, 1969, p. 199). In less extreme circumstances, the range of choice is usually greater, but an argument based on the worse alternative may still seem plausible. After Attorney General Elliot Richardson and then his deputy resigned rather than carry out Nixon's order to fire the Watergate Special Prosecutor Archibald Cox, the Solicitor General Robert Bork decided to stay on the job and dismiss Cox. Bork argued (in part) that he would be more likely to protect the integrity of the Justice Department and the independence of any future Special Prosecutor than anyone Nixon would appoint as his replacement (Lukas, 1977, p. 592). In this way, the justifiability of Bork's use of the argument from the worse alternative comes to depend on his subsequent conduct.

It might be argued that the validity of this sort of excuse-cum-justification should not turn on simply a comparison of the consequences of an official's actions and the consequences of the actions of alternative causal agents. Bernard Williams (1973) maintains that this way of ascribing responsibility (which he associates with utilitarianism) ignores the value of personal integrity (pp. 97–98). He argues that a young scientist who opposes research on chemical and biological warfare should not take a job in a government laboratory engaged in such research, even if as a result another scientist will take the job and pursue the research much more zealously. Agents should be primarily responsible for their own "projects" (actions based on commitments that form part of their personal character) and should not abandon them simply because the calculation of general social utility dictates that they should (p. 116). While Williams may be correct in criticizing utilitarianism for permitting an impersonal perspective to dominate a personal one, his own account of personal integrity remains insufficiently developed to support the radically circumscribed responsibility he evidently favors. Acting to protect one's personal integrity, at the expense of avoidable and serious harm to other people, seems too close to moral self-indulgence; it could represent an effort to keep one's hands clean no matter what happens to the rest of society.

A second category of causal excuses comprises those pleas that would disconnect an official completely from the chain of events leading to a

[10]Feinberg, 1970, pp. 196, 207–12. In this form, then, the excuse from alternative cause becomes the basis of what I call below the excuse from null cause. Both kinds of excuse should be distinguished from the excuse from additional cause (see Hart and Honoré, 1959, pp. 216–25).

harmful outcome. These may be called excuses from null cause. Since it is often possible to cite as a cause almost any act or omission by an official in the organization that brings about the outcome, an official who uses the excuse must distinguish his or her act or omission from that of others. One way to do this is the familiar plea, "It's not my job." In this form the excuse is usually intended to cut short any argument about whether the official could have made any difference, or could make any difference in the future. Because the duties of the official's role do not concern the policy in question, failure to oppose the policy or to resign from the government that pursues it should not be considered a cause of its perpetuation. As George Ball said in an interview in 1973, "Why *should* I have resigned in protest over Vietnam policy just because I disagreed with it? My main responsibility . . . was Western Europe. Perhaps five per cent of my time was spent on Vietnam. It simply wasn't my responsibility; . . . it wasn't as if I were the Honduras desk officer being put in the position of having to approve a U.S. military action in Honduras" (quoted in Weisband and Franck, 1976, p. 139). Ball is surely right to suppose that the nature of an office circumscribes an official's responsibility to some extent; one cannot be culpable for all the policies on which one could have had any influence. That Ball's "main responsibility" did not concern Vietnam at least counts as a reason for ascribing less responsibility to him than to those officials whose main duties did concern Vietnam. By the same token, as a high-ranking State Department official, Ball shares more blame than (say) an official in the Department of Health, Education and Welfare. The nature of the role or office, however, should not be understood rigidly. Contrary to the implication of Ball's reference to the Honduras desk officer, it is not enough to claim that one's role does not require specific positive decisions in the area in question. Omissions, acquiescence, tacit approval, even ritualized opposition—all may gain one a place in the causal chain.

Similarly, a narrowly technical definition of an office does not necessarily exonerate the person who holds that office. Scientific personnel, for example, may be responsible for the uses others make of their work, especially if the risks of harm from these uses are great. The case for ascribing responsibility to scientists for their discoveries increases if, like J. Robert Oppenheimer, they continue to have influence on how politicians use their discoveries. Defending himself in 1954, Oppenheimer disclaimed any such responsibility: "I did my job . . . I was not in a policy-making position. . ." (U.S. Atomic Energy Commission, 1971, p. 236). But earlier he evidently accepted a rather extreme form of such responsibility. According to Truman, Oppenheimer in 1946 "came into my office . . . and spent most of his time wringing his hands and telling me that had blood on them because of the discovery of atomic energy" (Donovan, 1977, p. 97). To say that scientists or other officials who are engaged in technical work may be morally responsible for the consequences of their work is not necessarily to claim that they should not perform the work when its use offends their conscience (they may have an overriding duty to contribute their talents and skills to society in some circumstances). But it does imply that their choice of whether to perform the work is a moral one, and that they have a continuing obligation to consider and question the uses to which their contributions are put. Even if the duties of office do not require (or perhaps do not permit) an official to do anything about an immoral policy, we may wish to criticize the official for remaining in office as part of an immoral regime. But this would be an accusation of complicity (claiming that one's association with this regime is itself immoral or dishonorable), rather than an ascription of responsibility (asserting that by some act or omission, one actually furthered specific immoral politics) (see Hill, 1979, pp. 83–102).

In another form of the excuse from null cause, an official cites a *novus actus interveniens*—a subsequent act by another official who can control whether the first official's action has any effect and therefore supposedly bears the entire responsibility for any harmful consequences. It is sometimes said, for example, that advisers are not responsible for the results of policies since the person whom they advise is free to accept or reject their counsel (e.g., Nelson, 1968, p. 119). Hobbes put forward such a view maintaining the innocence of advisers, but he recognized that it makes sense only if advisers are understood as providing instrumental counsel for achieving ends that are not in dispute (1962, pp. 191–92). The trouble is that beyond the boundaries of the Leviathan, ends usually are controversial, and so then is the question of whether instrumental analysis of means or advocacy of ends is the appropriate role for an adviser to assume. A report by a professional association (Operations Research, 1971) criticizing six scientists for engaging in advocacy instead of analysis in the controversy over the Anti-Ballistic Missile System in 1969 itself generated further controversy. Reaction to the society's definition of the proper role of an adviser evidently depended on where one stood on the substance of the ABM issue (Doty, 1972, p. 281).

In general, we assume that even an adviser who advocates a position bears less responsibility than the official who decides to follow the advice. However, this assumption depends on the personal relationship between the adviser and the advisee, and on the ways the adviser perceives the advice. If an official adopts a proposal mostly because he trusts the adviser personally—as President Kennedy was said to have decided for a blockade because those with whom he was "personally most compatible" recommended it (Allison, 1971, pp. 203–04)—we might want to say that the adviser should accept equal responsibility for the decision, or in some cases even more responsibility than the official who makes the decision. Similarly, in deciding whether to press the perspective of a particular office or to advocate a more general perspective, an adviser must assess how other people are likely to react—including how other advisers are performing their own jobs, and how the balance of advice is likely to come out. For this reason even devil's advocates, if their opposition begins to legitimize the course of action they oppose, may come to share some responsibility for it (cf. Hirschman, 1970, pp. 115–19). A *novus actus interveniens* therefore does not in general, and certainly not in any simple way, cancel an adviser's responsibility for the policies about which he or she offers counsel.

Volitional Excuses

Some theories of responsibility would obviate the problem of many hands by making officials responsible only for what they intend, not at all (or at least never as much) for what anyone else does as a result of their decisions. Kant expresses this view in its most absolute form. Kant insists, for example, that you must tell the truth even to a murderer who asks where your friend, his intended victim, is hiding (1949, pp. 346–50). You are responsible for your own intentional act (truth-telling or lying), and if you tell the truth you cannot be blamed for what other people do as a result of your honesty. The implausibility of this view in ordinary moral life is magnified in public life. Even if we deny that a public official should let utilitarian calculation determine whether he or she lies or commits other acts that are absolutely wrong on a Kantian view, we would surely hold the official morally responsible for failing to take precautions to avoid harmful consequences of others' responses to his or her decisions. Even a traditional morality, which otherwise disregards consequences, "commands" that we carefully consider "what bad consequences, flow from abiding by it" and "what dispositions [we] can make to avoid them. . ." (Donagan, 1977, pp. 206–07). To say that intention is not a necessary condition for charging an official with responsibility is not inevitably to embrace a consequentialism that holds that we are all "equally morally responsible for all consequences."[11] It is simply to recognize that, at least for public officials, the contours of responsibility are likely to be more irregular than the criterion of intention would draw. In tracing the bounds of responsibility, we shall also have to pay attention to other criteria, specifically those of ignorance and compulsion.

If ignorance in general were a valid excuse, the innocence of some public officials would be irreproachable. But the kind of ignorance relevant to the problem of many hands concerns an official's lack of specific knowledge about the actions of other officials. An official who admittedly contributes to an objectionable outcome may seek to excuse the contribution by claiming that he or she did not know, and should not have been expected to know, that other officials had acted wrongly or would act wrongly. When as UN Ambassador in 1961 Adlai Stevenson stated that the U.S. did not have anything to do with the invasion of Cuba, he could not have been expected to realize that his statement was false, and therefore escapes responsibility for any wrong that was committed (Muller, 1967, pp. 283–84). Whether Stevenson should have been told is another matter, but ambassadors, spokespersons and others in similar roles have to trust that they are being told the truth, or at least that they are being told everything they need to know about governmental activities within their purview.

At the other end of the causal chain, an official may sometimes be excused for consequences of a decision when he or she could not be expected to foresee the wrongs that other officials would commit in implementing the decision. President Truman, after the surrender of Germany, signed an order terminating the shipment of food, clothing and other goods that our allies had been receiving under Lend-Lease; the abrupt disruption of these supplies threatened significant hardship for many citizens in these countries until Truman rescinded the order. Truman defended himself by claiming that his aides had executed the order too literally (1955, pp. 227–28). Such an excuse will not work when officials are the instruments of their own ignorance. They may, for example, encourage subordinates not to tell them about certain possibly objectionable plans so that they can deny knowledge of the plans if they go awry. Or officials may

[11]Fried, 1978, pp. 34–35. Fried himself defends a qualified version of the Kantian theory, conceding that we are morally responsible for some of the unintended consequences of our actions but insisting that we are "primarily" responsible for only what we intend in the sense that we may never do intentional harm in order to avoid greater unintended harm (pp. 21–22, 26, 28, 42, 168).

elicit misleading information from subordinates by indicating, sometimes unwittingly, what kind of conclusions they wish to hear, as when Rusk and McNamara, considering an American intervention in the Dominican Republic in 1965, asked the acting U.S. Ambassador to the Dominican Republic if "he agreed with their view that a rebel victory would probably lead to a pro-Communist government" (Martin, 1966, p. 659). Not surprisingly, the acting ambassador agreed.

To reject a plea of ignorance, we do not have to show that an official should have foreseen the specific act of some particular official (for example, that an aide would misinterpret an order in exactly this way). It is sufficient that the official should have realized that mistakes of the kind that occurred were likely. In bureaucracies, certain patterns of fault are common enough that we should expect any competent official to anticipate them and to take reasonable precautions to avoid them or at least to minimize their harmful consequences. During the early months of the Peace Corps, Sargent Shriver, disappointed in the small number of requests foreign governments had submitted for Corps programs, urged his "programmers" to seek out more requests. According to one account, those who failed to come back with programs "in their pockets" were fired or fell into disfavor; consequently, some programmers created fictitious programs. It has been argued that Shriver should bear some responsibility for these consequences since he should have foreseen that his own injunction could induce such behavior by some of his staff (Peters, 1973, p. 22; for a different account, see Ashabranner, 1971, pp. 19–42). When a superior puts great pressure on subordinates to produce results and gives the impression that questionable practices to achieve these results will be condoned—as allegedly occurred in the army recruiting scandals reported in the fall of 1979—then the blame falls at least equally on the superior. Ignorance ceases even to mitigate responsibility.

But that an official apply pressure, even of the mild sort Shriver evidently exerted, is not a necessary condition for making an official responsible for the subsequent actions of others. An official who sets in motion bureaucratic routines cannot escape culpability for the consequences even if he or she is no longer involved in the process when the consequences occur. The system of double-bookkeeping that Henry Kissinger approved in 1969, supposedly to conceal a single bombing attack on Cambodia, persisted "by rote and without a special new decision" and led other officials in 1973 to give Congress false information (Kissinger, 1979a, p. 7; 1979b, pp. 239–54). Even if the initial bombing and secrecy could somehow be justified, Kissinger would not escape blame for the subsequent deception. Whether the bureaucratic routines are pathological or conventional (or both), that they have a life of their own, often roaming beyond their original purpose, is a fact of organizational behavior that officials should be expected to appreciate. The more that the consequences of a decision fit such bureaucratic patterns, the less an official can plausibly appeal to the excuse from ignorance.

Yet an official may still have an escape. Some of the most normal and expected patterns of behavior in bureaucracies are also the most difficult for anyone to change, and some of these may obligate an official to act in certain ways despite harmful consequences he or she may be able to foresee. Thus, just as the excuse from ignorance begins to falter, the excuse from compulsion comes to the rescue. Of the many kinds of constraints that officials cite to reduce their responsibility for decisions, those that derive from other officials' actions, rather than from forces of nature or reactions of the public, most directly bear on the problem of many hands.

The question of responsibility certainly arises when an official issues an explicit order to carry out some morally objectionable policy, but I pass over such cases because they are extensively discussed in the literature on war crimes (Walzer, 1977, pp. 287–327), and also because they are less prevalent in the workaday life of administrators in modern bureaucracies. More common are cases where no explicit order has been given but a subordinate believes that a superior expects him or her to pursue what is seen as a morally dubious course of action. This is the gray area between command and discretion. When a superior relies on subordinates to know what to do without being told, the superior can no more escape responsibility for the subordinates' actions than they can. No one ordered FBI Director L. Patrick Gray to destroy the incriminating files from E. Howard Hunt's safe, but, as Gray later testified, "The clear implication . . . was that these two files were to be destroyed. . ." (Congressional Quarterly, 1975, p. 226).

But perhaps an even more common constraint than orders from a superior, however implicit, is that of various practices and procedures established by other officials who may not be identifiable, or, for that matter, may no longer be alive. Such practices circumscribe an official's range of choices, and thus may mitigate his or her responsibility. Consider Mayor Beame's dilemma during the New York City fiscal crisis before the market for city securities collapsed in the spring of 1975 (Thompson, 1981). Among other charges, critics accused Beame of misleading the public by failing to disclose the true state of the city's finances. Beame insisted that it was not his fault if the budget misrepresented the city's financial condition. He had inherited the questionable accounting practices ("gimmicks," the critics called them) that gave rise to any misrepresentation. Those practices that he knew about, he could neither change nor even publicize (he believed) without risking the bankruptcy of the city, and jeopardizing the welfare of millions of the city's residents and employees. For example, the budget overstated the amount of federal and state aid the city expected to receive because city officials recorded, as receivable, funds that federal and state authorities did not intend to allocate. Beame argued that if he had removed the disputed receivables from the books, or even had conceded that they were in dispute, he would have significantly reduced the chances for collecting these funds from the federal and state governments. There were other such "gimmicks"—nearly all difficult to change and none of them of the mayor's making. We may be prepared to excuse Beame as mayor for the existence of these practices, and blame him less for any decisions constrained by these practices. We would normally impute more responsibility to the mayor's predecessors. But in this case there is a twist: among his predecessors were Abe Beame, Controller, 1969–73, 1962–65; Abe Beame, Budget Director, 1952–61; and Abe Beame, Assistant Budget Director, 1946–52. Personal responsibility, unlike role responsibility, pursues officials through time.

Some bureaucratic practices, unobjectionable in intent, turn out to constrain the performances of officials in harmful ways. Such constraints particularly affect those officials who have been called "street-level bureaucrats"—social workers, policemen and the like, who deal frequently with citizens, and exercise considerable discretion in an uncertain environment (Lipsky, 1980, pp. 81–156). Because these officials face demanding standards of job performance and rarely have sufficient resources to meet them, they develop "bureaucratic mechanisms" to evade responsibility for their failures. For example, because the performance of officials in the Job Corps program was measured by the number of trainees who received a job after completing the program, officials tended to recruit those youths who already seemed disposed to succeed in a job; these turned out to be youths with more middle-class than lower-class orientations (Sjoberg et al., 1978, pp. 42–43). A seemingly neutral procedure of evaluation thus gave rise to discriminatory bureaucratic conduct. In these circumstances, we would want to impute major responsibility to the higher-level officials who set up the procedures—if we can locate these officials.

But street-level bureaucrats themselves cannot be considered blameless no matter what they do. Even within the constraints of fixed routines, some officials perform worse than others; and these variations open some space for ascribing responsibility. A measure of actual variation—for example, an average performance—would not serve as a satisfactory base line from which to assess responsibility since all officials may be doing less well than they could, even given the constraints. We would need some criterion based on a hypothetical average performance—what the average official could reasonably be expected to do under the circumstances (a "reasonable bureaucrat" test?). Moreover, when these lower-level officials come to recognize how certain bureaucratic routines cause them to perform in morally questionable ways, they acquire, as do other officials who work within defective structures, a special responsibility to call attention to the defects, even if they cannot correct them.

Conclusion

The conditions under which excuses eliminate or mitigate the responsibility of a public official depend not only on factors to which the excuses refer directly (causality and volition) but also on factors that help interpret the excuses (the nature of the policy in question and the role the official holds). The interaction of these factors is best captured not by a general theory of responsibility but by a casuistic analysis of a range of exemplary cases. I have given reasons for rejecting the simpler approaches of the hierarchical and collective models, as well as for avoiding formulas (such as alternative cause) that would simplify the ascription of personal responsibility itself.

Insofar as we can locate those officials who are personally responsible and thus most closely connected with the policies and decisions that governments promulgate, we refine and fortify the praise and blame that, as democratic citizens, we direct toward public officials. Personal responsibility in this way can lay a foundation for democratic accountability of the officials who make objectionable decisions and policies. But it also supports accountability for harmful policies and decisions that are less attributable to any current officials as moral agents than to bureaucratic routines and structural defects of the organization in which the officials act. Because personal responsibility attaches to persons, not to offices or collectivities, it follows an official wherever he or she goes. We can trace it through time—to the past when the mayor was the controller, or to the future when the solicitor general makes good on his claim that he was the least bad alternative. Moreover, our assessment of an official's responsibility for harmful decisions made within a defective structure, even if the official did the best job possible in face of the constraints imposed by this structure, depends on the efforts he or she makes to criticize and change those defects. The grounds for this extension of responsibility derive from the volitional criteria. Officials who operate within faulty machinery of government may be presumed to know more than others about its faults; the excuse of ignorance is usually less accessible to them. They are also often in the best position to refute or to fulfill the claim that they cannot do anything about the defects; hence, the excuse from compulsion becomes less plausible to the extent that an official fails to make efforts toward criticism or reform.

We can hardly expect to identify officials who are responsible for all, or perhaps even the worst, evils that governments visit upon their citizens; nor for that matter can we always identify officials who deserve credit for the good that governments occasionally accomplish. But the pursuit of personal responsibility provides the best foundation for understanding the role that human agency plays in good and bad government, and therefore, establishes some basis for initiating whatever political change may be necessary.

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