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## *Ruthlessness in Public Life*

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### *I*

The great modern crimes are public crimes. To a degree the same can be said of the past, but the growth of political power has introduced a scale of massacre and despoliation that makes the efforts of private criminals, pirates, and bandits seem truly modest.

Public crimes are committed by individuals who play roles in political, military, and economic institutions. (Because religions are politically weak, crimes committed on their behalf are now rare.) Yet unless the offender has the originality of Hitler, Stalin, or Amin, the crimes don't seem to be fully attributable to the individual himself. Famous political monsters have moral personalities large enough to transcend the boundaries of their public roles; they take on the full weight of their deeds as personal moral property. But they are exceptional. Not only are ordinary soldiers, executioners, secret policemen, and bombardiers morally encapsulated in their roles, but so are most secretaries of defense or state, and even many presidents and prime ministers. They act as office-holders or functionaries, and thereby as individuals they are insulated in a puzzling way from what they do: insulated both in their own view and in the view of most observers. Even if one is in no doubt about the merits of the acts in question, the agents seem to have a slippery moral surface, produced by their roles or offices.

This is certainly true of several American statesmen responsible for the more murderous aspects of policy during the Vietnam war. Robert McNamara is president of the World Bank. McGeorge Bundy is president of the Ford Foundation. Elliot Richardson was secretary of defense under Nixon during the completely illegal bombing of Cambodia which went on *after* the Vietnam peace agreements were signed. He then became attorney general and was

widely acclaimed for resigning that office rather than comply with Nixon's request that he fire Archibald Cox for demanding the White House tapes. His highly selective sense of honor has served him well: he has since been ambassador to Britain, secretary of commerce and ambassador at large, and we shall hear more of him. Kissinger is of course a highly esteemed figure, despite the Christmas bombing of 1972 and all that preceded it.

The judgments I am presupposing are controversial: not everyone agrees that American policy during the Vietnam war was criminal. But even those who do think so may find it hard to attach the crimes to the criminals, in virtue of the official role in which they were committed. Few old anti-war demonstrators would feel more than mildly uncomfortable about meeting one of these distinguished figures, unless it was just because we were unaccustomed to personal contact with anyone as powerful as the president of the World Bank.

There is, I think, a problem about the moral effects of public roles and offices. Certainly they have a profound effect on the behavior of the individuals who fill them, an effect partly restrictive but significantly liberating. Sometimes they confer great power, but even where they do not, as in the case of an infantryman or police interrogator, they can produce a feeling of moral insulation that has strong attractions. The combination of special requirements and release from some of the usual restrictions, the ability to say that one is only following orders or doing one's job or meeting one's responsibilities, the sense that one is the agent of vast impersonal forces or the servant of institutions larger than any individual – all these ideas form a heady and sometimes corrupting brew.

But this would not be so unless there were something to the special status of action in a role. If roles encourage illegitimate release from moral restraints it is because their moral effect has been distorted. It will help to understand the distortion if we consider another curiosity of current moral discourse about public life: the emphasis placed on those personal restrictions that complement the lack of official restraint – the other side of the coin of public responsibility and irresponsibility. Public figures are not supposed to use their power openly to enrich themselves and their families, or to obtain sexual favors. Such primitive indulgences

are generally hidden or denied, and stress is laid on the personal probity and disinterest of public figures. This kind of personal detachment in the exercise of official functions is thought to guarantee their good moral standing, and it leaves them remarkably free in the public arena. No doubt private transgressions are widespread, but when they are inescapably exposed the penalty can be severe, for a delicate boundary of moral restraint that sets off the great body of public power and freedom has been breached. Spiro Agnew will never be head of the Ford Foundation.

The exchange seems fairly straightforward. The exercise of public power is to be liberated from certain constraints by the imposition of others, which are primarily personal. Because the office is supposedly shielded from the personal interests of the one who fills it, what he does in his official capacity seems also to be depersonalized. This nourishes the illusion that personal morality does not apply to it with any force, and that it cannot be strictly assigned to his moral account. The office he occupies gets between him and his depersonalized acts.

Among other things, such a picture disguises the fact that the exercise of power, in whatever role, is one of the most personal forms of individual self-expression, and a rich source of purely personal pleasure. The pleasure of power is not easily acknowledged, but it is one of the most primitive human feelings – probably one with infantile roots. Those who have had it for years sometimes realize its importance only when they have to retire. Despite their grave demeanor, impersonal diction, and limited physical expression, holders of public power are personally involved to an intense degree and probably enjoying it immensely. But whether or not it is consciously enjoyed, the exercise of power is a primary form of individual expression, not diminished but enhanced by the institutions and offices on which it depends.

When we try, therefore, to say what is morally special about public roles and public action, we must concentrate on how they alter the demands on the individual. The actions are his, whether they consist of planning to obliterate a city or only firing in response to an order. So if the moral situation is different from the case where he acts in no official capacity, it must be because the requirements are different.

*II*

It is hard to discuss this subject in general terms, since roles and offices differ so widely. Nevertheless, the question of the nature of the discontinuity between individual morality and public morality is in part a general one, because the answer must take one of two forms. Either public morality will be derivable from individual morality or it will not. The answer will vary greatly in detail from case to case, but if a significant element of public morality is not derivable from the moral requirements that apply to private individuals, it is probably a common feature of many different examples.

To give the question content, it is necessary to say more about derivability. The interesting question is whether the special features of public morality can be explained in terms of principles already present at the individual level, which yield apparent moral discontinuities when applied to the special circumstances of public life. If so, then public morality is in a substantive and not merely trivial sense derivable from private morality.<sup>1</sup> It emerges naturally from individual morality under the conditions that define the individual's public role.

This could still yield different moral requirements in two ways. Either the general principles could imply additional constraints on public action; or the principles could be such that certain requirements would cease to apply once one assumed a public role, because the conditions for their application would have disappeared. Or the change might involve some combination of the two. In view of the second kind of change, even if public morality is derivable from private, it is possible that the moral restraints on public action are weaker than those on individual action.

The alternative to derivability is that public morality is not grounded on individual morality, and that therefore people acting in certain official roles or capacities are required or permitted to do things that cannot be accounted for on that basis. This also

<sup>1</sup> Public morality becomes trivially derivable from individual morality if individual morality is extended to include all true propositions of the form, 'if the individual is acting in public role X, he may (or must) do Y', and so forth. This is compatible, however, with there being no connection between the grounds of the public and private requirements.

might take two forms. They might come under restrictions in areas left free by individual morality: public officials might be held to higher standards of concern for the general welfare, for example, than ordinary people. Or else those acting in official roles might be permitted or even required to do things which, considered from the point of view of individual morality, would be impermissible.

Both derivability and non-derivability are formally suited to explain either the addition or the removal of restrictions in public morality; both can therefore explain the appearance of discontinuity. The only way to decide between them is to see which form of explanation can be more plausibly filled out. I shall begin with a version of the derivability hypothesis, based on familiar concepts of individual morality. But while this can explain a good deal, it also leaves something out. I shall therefore go on to say what seems to me true in the non-derivability hypothesis, and this will involve giving an account of the alternative basis on which special conditions of public morality depend.

Even if public morality is not derivable from private, however, it does not mean that they are independent of one another. Both may derive from a common source that yields different results when applied to the generation of principles for action in the widely differing circumstances of private and public life. Neither private morality nor public morality is ultimate. Both result when the general constraints of morality are applied to certain types of action. Public morality would be derivable from private only if those constraints had to be applied first to the development of principles governing the conduct of persons acting individually, and could not be applied directly to public life. In that case one would have to reach the private principles from the general constraints of morality, and the public principles only from the private ones, as applied to public circumstances. But there is no a priori reason to think that ethics has this structure. If it does not, then public and private morality may share a common basis without one being derived from the other. I shall say more about this later. First I want to explore the more direct connections between them.

Part of my aim is to give a correct account of facts that are easily distorted by those defenders of political, diplomatic or military license who cloak themselves in the responsibilities of office.

Whoever denies the application of moral restraints to certain public decisions is making a moral claim, and a very strong one. But there is something to the idea of a moral discontinuity between private and public, and to understand the distortions we must know what this is.

### III

Some of the moral peculiarity of official roles can be explained by the theory of obligation. Whoever takes on a public or official role assumes the obligation to serve a special function and often the interests of a special group. Like more personal obligations, this limits the claim that other sorts of reasons can make on him. Recall E. M. Forster's remark: 'I hate the idea of causes, and if I had to choose between betraying my country and betraying my friend, I hope I should have the courage to betray my country.'<sup>2</sup> He was not talking about public office, but similar problems can arise there. In a rigidly defined role like that of a soldier or judge or prison guard, only a very restricted set of considerations is supposed to bear on what one decides to do, and nearly all general considerations are excluded. With less definition, other public offices limit their occupants to certain considerations and free them from others, such as the good of mankind. Public figures sometimes even say and believe that they are obliged to consider only the national or state interest in arriving at their decisions as if it would be a breach of responsibility for them to consider anything else.

This apparent restriction on choice is easy to accept partly because, looked at from the other direction, it lifts restraints that might otherwise be burdensome. But any view as absolute as this is mistaken: there are no such extreme obligations, or offices to which they attach. One cannot, by joining the army, undertake an obligation to obey any order whatever from one's commanding officer. It is not possible to acquire an obligation to kill indebted gamblers by signing a contract as a Mafia hit man. It is not even possible to undertake a commitment to serve the interests of one's children in complete disregard of the interests of everyone else.

<sup>2</sup> 'What I Believe' in *Two Cheers for Democracy* (London, 1939).

Obligations to the state also have limits, which derive from their moral context.

Every obligation or commitment reserves some portion of the general pool of motivated action for a special purpose. Life being what it is, each person's supply of time, power, and energy is limited. The kinds of obligations one may undertake, and their limits, depend on how it is reasonable to allocate this pool, and how much liberty individuals should have to allocate it in radically uneven ways. This is true for personal obligations. It applies to public ones as well.

In private life some exclusivity is necessary if we are to allow people to form special relations and attachments, and to make special arrangements with each other on which they can rely. For similar reasons larger groups should be able to cooperate for mutual benefit, or to form social units that may have a geographical definition. And it is natural that the organization of such cooperative units will include institutions, roles, and offices and that the individuals in them will undertake obligations to serve the interests of the group in special ways – by promoting its prosperity, defending it against enemies, etc. To a degree, large-scale social arrangements can be seen as extensions of more individual obligations and commitments.

It may be that the added power conferred by an institutional role should be used primarily for the benefit of that institution and its constituents. The interests of mankind in general have a lesser claim on it. But this does not mean that prohibitions against harming others, directly or indirectly, are correspondingly relaxed. Just because the power to kill thousands of people is yours only because you are the secretary of defense of a certain country, it does not follow that you should be under no restrictions on the use of that power which do not derive specifically from your obligations to serve that country. The same reasoning that challenges private obligations that imply too much of a free hand in carrying them out, will also disallow public commitments with inadequate restraints on their greater power. Insofar as public obligations work like private ones, there is no reason to think that individuals in public roles are released from traditional moral requirements on the treatment of others, or that in public life, the end justifies the means.

## IV

Let me now say what such an account leaves out. The moral impersonality of public action may be exaggerated and abused, but there is something in it, which a general theory of obligation cannot explain. Such a theory fails to explain why the *content* of public obligations differs systematically from that of private ones. The impersonality suitable for public action has two aspects: it implies both a heightened concern for results and a stricter requirement of impartiality. It warrants methods usually excluded for private individuals, and sometimes it licenses ruthlessness. This can be explained only by a direct application of moral theory to those public institutions<sup>3</sup> that create the roles to which public obligations are tied. To account for the difference between public and private life we must return to a point mentioned earlier: that public morality may be underivable from private not because they come from different sources, but because each of them contains elements derived independently from a common source.<sup>4</sup>

Morality is complicated at every level. My basic claim is that its impersonal aspects are more prominent in the assessment of institutions than in the assessment of individual actions, and that as a result, the design of institutions may include roles whose occupants must determine what to do by principles different from those that govern private individuals. This will be morally justified, however, by ultimate considerations that underlie individual morality as well. I shall present the view only in outline, and mostly without defending the moral opinions it expresses. My main contention is that the degree to which ruthlessness is acceptable in public life – the ways in which public actors may have to get their hands dirty – depends on moral features of the institutions through which public action is carried out.

Two types of concern determine the content of morality: con-

<sup>3</sup> What I say will be put in terms of the largest and most powerful institutions, the state and its agencies. But there is a wide range of public institutions including universities, political parties, charitable organizations, and revolutionary movements. Much of what I shall say about nation-states applies to these cases also in some degree. They too come under a kind of public morality.

<sup>4</sup> This retracts something I said at pp. 139–40 of 'Libertarianism without Foundations', 85 *Yale Law Journal* (1975).

cern with what will happen and concern with what one is doing.<sup>5</sup> Insofar as principles of conduct are determined by the first concern, they will be outcome-centered or consequentialist, requiring that we promote the best overall results. Insofar as they are determined by the second, the influence of consequences will be limited by certain restrictions on the means to be used, and also by a loosening of the requirement that one always pursue the best results. The action-centered aspects of morality include bars against treating others in certain ways which violate their rights, as well as the space allotted to each person for a life of his own, without the perpetual need to contribute to the general good in everything he does. Such provisions are described as action-centered because, while they apply to everyone, what they require of each person depends on his particular standpoint rather than on the impersonal consequentialist standpoint that surveys the best overall state of affairs and prescribes for each person whatever he can do to contribute to it.

The interaction and conflict between these two aspects of morality are familiar in private life. They result in a certain balance that emphasizes restrictions against harming or interfering with others, rather than requirements to benefit them, except in cases of serious distress. For the most part it leaves us free to pursue our lives and form particular attachments to some people, so long as we do not harm others.

When we apply the same dual conception to public institutions and activities, the results are different. There are several reasons for this. Institutions are not persons and do not have private lives, nor do institutional roles usually absorb completely the lives of their occupants. Public institutions are designed to serve purposes larger than those of particular individuals or families. They tend to pursue the interests of masses of people (a limiting case would be that of a world government, but most actual institutions have a less than universal constituency). In addition, public acts are diffused over many actors and sub-institutions; there is a division of labor both in execution and in decision. All this results in a different balance between the morality of outcomes and the morality of actions. These two types of moral constraint are differently

<sup>5</sup> I discuss this distinction in 'War and Massacre', *Philosophy & Public Affairs*, vol. 1, No. 2 (1972) 123-44.

expressed in public life, and both of them take more impersonal forms.

Some of the same agent-centered restrictions on means will apply to public action as to private. But some of them will be weaker, permitting the public employment of coercive, manipulative, or obstructive methods that would not be allowable for individuals. There is some public analogue to the individual's right to lead his own life free of the constant demand to promote the best overall results, but it appears in the relations of states to one another rather than in their relations to their citizens: states can remain neutral in external disputes, and can legitimately favor their own populations – though not at any cost whatever to the rest of the world.

There is no comparable right of self-indulgence or favoritism for public officials or institutions *vis-à-vis* the individuals with whom they deal. Perhaps the most significant action-centered feature of public morality is a special requirement to treat people in the relevant population equally. Public policies and actions have to be much more impartial than private ones, since they usually employ a monopoly of certain kinds of power and since there is no reason in their case to leave room for the personal attachments and inclinations that shape individual lives.<sup>6</sup>

In respect to outcomes, public morality will differ from private in according them greater weight. This is a consequence of the weakening of certain action-centered constraints and permissions already described, which otherwise would have restrictive effects. The greater latitude about means in turn makes it legitimate to design institutions whose aim is to produce certain desirable results on a large scale, and to define roles in those institutions whose responsibility is mainly to further those results. Within the appropriate limits, public decisions will be justifiably more consequentialist than private ones. They will also have larger consequences to take into account.

To say that consequentialist reasons will be prominent is not to

<sup>6</sup> Would a giant with immense power be obliged to act primarily on impersonal grounds, if he were unique among millions of ordinary people whose lives he could affect? I doubt it. He would presumably have a personal life as well, which made some claims on him. The state is the closest thing we know to such a giant, and it is not similarly encumbered.

say what kinds of consequences matter. This is a well-worked field, and I shall avoid discussing the place of equality, liberty, autonomy and individual rights, as well as overall level of happiness, in a consequentialist view of the good. The point to remember is that consequentialist values need not be utilitarian; a consequentialist assessment of social institutions can be strongly egalitarian, in addition to valuing welfare, liberty, and individuality in themselves. Moreover, giving the members of a society the opportunity to lead their own lives free of consequentialist demands is one of the goods to be counted in a consequentialist social reckoning. But I won't try to present a complete system of public values here, for I am concerned with the more abstract claim that consequentialist considerations, together with impartiality, play a special role in the moral assessment and justification of public institutions.

The effect of these two deviations of public from private morality on the assessment of public action will be complex. The reason is that the constraints of public morality are not imposed as a whole in the same way on all public actions or on all public offices. Because public agency is itself complex and divided, there is a corresponding ethical division of labor, or ethical specialization. Different aspects of public morality are in the hands of different officials. This can create the illusion that public morality is more consequentialist or less restrictive than it is, because the general conditions may be wrongly identified with the boundaries of a particular role. But in fact those boundaries usually presuppose a larger institutional structure without which they would be illegitimate. (The most conspicuous example is the legitimacy conferred on legislative decisions by the limitation of constitutional protections enforced by the courts.)

By this rather complex route, the balance of outcome-oriented and action-oriented morality will justify the design of public institutions whose officials can do what would be unsuitable in private life. Some of the deviations will be conspicuously consequentialist: others will express the impersonality of public morality in other ways. Action-centered constraints will not be absent: there will still be restrictions on means. But those restrictions may be weaker in relation to the results than they are for individuals.

I have simply adapted a point made by Rawls in 'Two Concepts

of Rules'.<sup>7</sup> He argued that utilitarianism could justify practices that exclude utilitarian reasoning in some circumstances. I am arguing that a more complex morality than utilitarianism will likewise have different implications for human conduct when applied to its assessment directly and when applied indirectly via the assessment of institutions through which action occurs. The details of this morality cannot be explained here, but many of its features depend on an idea of moral universality different from that which underlies utilitarianism. Utilitarian assessment decides, basically, whether something is acceptable from a general point of view that combines those of *all* individuals. The method of combination is basically majoritarian. The alternative is to ask whether something is acceptable from a schematic point of view that represents in essentials the standpoint of each individual. The method of combination here is a form of unanimity, since acceptability from the schematic point of view represents acceptability to each person. Both of these moral conceptions can claim to count everyone equally, yet they are very different. My own opinion is that morality should be based on acceptability to each rather than on acceptability to all. The problem is to define the two points of view that express these opposed moral conceptions.<sup>8</sup>

It could also be said that the separate application of these basic constraints to social institutions and to individual conduct yields a moral division of labor between the individual and society, in which individual and social ideals are inseparably linked. The impersonal benevolence of public morality is intended to provide a background against which individualism in private morality is acceptable. It is a pressing and difficult question whether private individualism and public benevolence are socially compatible, or whether the tension between them makes this an unstable moral conception and an unstable social ideal.

<sup>7</sup> *Philosophical Review* 64 (1955) 3–32.

<sup>8</sup> One attempt is made by Rawls in *A Theory of Justice* (Cambridge, Mass., 1971), chap. III.

## V

Because they are specialized, not all public institutions are equally sensitive to overall consequences. An important exception is the judiciary, at least in a society where the courts are designed to protect individual rights against both public and private encroachment. Neither the institution itself nor the roles it defines – judge, juror, prosecutor – are dominated by a concern with overall results. They act on narrower grounds. To some extent this narrowing of grounds is itself justified by consequentialist reasoning about the overall effects of such an institution. However the courts also embody the state's action-centered moral constraints – impersonal but not consequentialist. Very importantly, they are supposed to enforce its impartiality in serious dealings with individual citizens. And by setting limits to the means that can be employed by other public institutions, they leave those institutions free to concentrate more fully on achieving results within those limits.

To illustrate the positive claim that these limits differ from those that operate in private life, let me consider two familiar examples of public action: taxation and conscription. Both are imposed by the legislature in our society, and it may be thought that they are therefore indirectly consented to by the population. I believe it is a desperate measure to impute consent to everyone who is drafted or pays income taxes, on the ground that he votes or accepts certain public services. Consent is not needed to justify such legislative action, because the legislature is an institution whose authority to make such decisions on consequentialist grounds is morally justified in other ways. Its periodic answerability to the electorate is one feature of the institution (another being the constitutional protection of rights) that contributes to its legitimacy – but not by implying each citizen's consent to its actions.<sup>9</sup> Particularly when those actions are coercive the defense of consent is not credible.

Some would describe taxation as a form of theft and conscription as a form of slavery – in fact some would prefer to describe

<sup>9</sup> This conception of legitimacy is found in Thomas M. Scanlon, 'Nozick on Rights, Liberty, and Property', *Philosophy & Public Affairs*, vol. 6, No. 1 (1976) at pp. 17–20.

taxation as slavery too, or at least as forced labor.<sup>10</sup> Much might be said against these descriptions, but that is beside the point. For within proper limits, such practices when engaged in by governments are acceptable whatever they are called. If someone with an income of \$2,000 a year trains a gun on someone with an income of \$100,000 a year and makes him hand over his wallet, that is robbery. If the federal government withholds a portion of the second person's salary (enforcing the laws against tax evasion with threats of imprisonment under armed guard) and gives some of it to the first person in the form of welfare payments, food stamps, or free health care, that is taxation. In the first case it is (in my opinion) an impermissible use of coercive means to achieve a worthwhile end. In the second case the means are legitimate, because they are impersonally imposed by an institution designed to promote certain results. Such general methods of distribution are preferable to theft as a form of private initiative and also to individual charity. This is true not only for reasons of fairness and efficiency, but also because both theft and charity are disturbances of the relations (or lack of them) between individuals and involve their individual wills in a way that an automatic, officially imposed system of taxation does not. The results achieved by taxation in an egalitarian welfare state would not be produced either by a right of individual expropriation or by a duty of charity. Taxation therefore provides a case in which public morality is derived not from private morality, but from impersonal consequentialist considerations applied directly to public institutions, and secondarily to action within those institutions. There is no way of analyzing a system of redistributive taxation into the sum of a large number of individual acts all of which satisfy the requirements of private morality.

In the case of conscription, the coercion is extreme, and so is what one is forced to do. You are told to try to kill people who are trying to kill you, the alternative being imprisonment. Quite apart from fighting, military service involves unusual restrictions of liberty. Even assuming agreement about when conscription is acceptable and what exemptions should be allowed, this is a kind of coercion that it would be unthinkable to impose privately.

<sup>10</sup> E.g. Robert Nozick, *Anarchy, State, and Utopia* (New York, 1974) pp. 169–74.

A can't force B to help him fight a gang of hoodlums who are robbing them both, if B would rather give them his money. Again, the more impersonal viewpoint of public morality gives a different result.

But not everything is permitted. Restrictions on the treatment of individuals continue to operate from a public point of view, and they cannot be implemented entirely by the courts. One of the hardest lines to draw in public policy is the one that defines where the end stops justifying the means. If results were the only basis for public morality then it would be possible to justify anything, including torture and massacre, in the service of sufficiently large interests. Whether the limits are drawn by specific constitutional protections or not, the strongest constraints of individual morality will continue to limit what can be publicly justified even by extremely powerful consequentialist reasons.

## VI

This completes my discussion of the continuities and discontinuities between public and private morality. I have argued that some of the special features of public morality can be explained in terms of a theory of obligation that also accounts for the steps individuals can take to restrict the grounds on which they will make certain choices. Public officials accept special obligations to serve interests that their offices are designed to advance – and to serve them in more or less well-defined ways. In doing so, they correlative reduce their right to consider other factors, both their personal interests and more general ones not related to the institution or their role in it.

I have also argued, however, that the special character of public obligations – the weight they give both to results and to impartiality – reflects the relative impersonality of public action: its scale, its lack of individuality, its institutional structure. A theory of obligation explains only part of the change that occurs when an individual takes on a public role. It does not explain either the prominence of consequentialism or the shift in strength and character of action-centered reasons. I have tried to explain these differences as the result of a direct application of basic moral

constraints to public institutions and therefore to the public functions that individuals may undertake.

Both of these sources of public morality generate limits to what a public official may do in the conduct of his office, even if he is serving institutional interests. It is easy to forget about those limits, for three reasons. First, restrictions against the use of public power for private gain can seem like a moral cushion that insulates whatever else is done officially from moral reproach. Second, the fact that the holder of a public office takes on an obligation to a particular group may foster the idea that he is obliged not to consider anything except the interest of that group. Third, the impersonal morality of public institutions, and the moral specialization that inevitably arises given the complexity of public actions, lead naturally to the establishment of many roles whose terms of reference are primarily consequentialist. Lack of attention to the context that is necessary to make these roles legitimate can lead to a rejection of all limits on the means thought to be justified by ever greater ends. I have argued that these are all errors. It is important to remember that they are *moral* views: the opinion that in certain conditions a certain type of conduct is permissible has to be criticized and defended by moral argument.

Let me return finally to the individuals who occupy public roles. Even if public morality is not substantively derivable from private, it applies to individuals. If one of them takes on a public role, he accepts certain obligations, certain restrictions, and certain limitations on what he may do. As with any obligation, this step involves a risk that he will be required to act in ways incompatible with other obligations or principles that he accepts. Sometimes he will have to act anyway. But sometimes, if he can remember them, he will see that the limits imposed by public morality itself are being transgressed, and he is being asked to carry out a judicial murder or a war of unjust aggression. At this point there is no substitute for refusal and, if possible, resistance. Despite the impersonal character of public morality and its complex application to institutions in which responsibility is divided, it tells us not only how those institutions should be designed but also how people in them should act. Someone who has committed public wrongs in the exercise of his office can be just as guilty as a private criminal. Sometimes his responsibility is partly absorbed by the

moral defects of the institution through which he acts; but the plausibility of that excuse is inversely proportional to the power and independence of the actor. Unfortunately this is not reflected in our treatment of former public servants who have often done far worse than take bribes.<sup>11</sup>

<sup>11</sup> I am grateful to Gerald Dworkin, Bernard Williams, and members of the Society for Ethical and Legal Philosophy for reactions to an earlier draft.

