

## THE CONCEPT OF RESPONSIBILITY

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## FOREWORD

I would like to discuss a crucial question of today, namely, whether public service is the responsibility of particular individuals, groups or the government and to what extent. This analysis will be primarily prescriptive, while also incorporating some theories based on empirical investigation. This paper is the translation of Chapter II of *Public Service and Responsibility* which I published in 1988. It is composed of four chapters: "The Concept of Public Service", "The Concept of Responsibility", "Nine Categorical Territories of Citizens' Life in the Present Japanese Conditions" and "A Hypothesis of Public Service and Responsibility: Cycle of Service Revolving in Nine Territories".

This paper is also based on my previous books and papers, some of which are referred to as follows: *Public Administration and the Average Citizen: Land Expropriation and the Citizen* (Nihon-hyoronsha, 1975) will be referred to as *Average*, *The Present Public Problems and the Citizen: the Average Citizen's Political Maturity* (Gyosei, 1978), as *Public Problems, Public Servant as Vocation: its Physiology and Pathology* (Komushokuin-Kenshukyokai, 1978), as *Vocation, Interdisciplinary Approach: Theology, Medicine, Law, Architecture, Public Administration, Political Science* (Gyosei, 1980), as *Interdisciplinary, The Study of the Local Citizen's Autonomy: Regionalism as a Civil Discipline in Interdisciplinary Approach* (Komushokuin-Kenshukyokai, 1981), as *The Study, Local Community and College: Establishment of the Cooperative System of Citizen, Public Official and Scholar* (do., 1982), as *College; Esashi-Oiwake and Japanese Democracy*

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*Reconstruction of Democratic Political Theory from Local to National* (do., 1983), as *Esashi-Oiwake* ; *Of Public Administration Reform* (do., 1984), as *Reform* ; and *The Theory of Local Society based on Self-History* (Nihon-hyoronsha, 1986), as *Self-History*.

## CHAPTER II What is Responsibility : A Nationalistic Approach

### 1 AN AUTOBIOGRAPHICAL COMMON-SENSICAL APPROACH : in Fear of Arbitrary Error

#### The Term, Responsibility, and my Reserch Experience : How I Gave Up Borrowing Foreign Ideas

As I pointed out before, no other word is so irresponsibly and ambiguously used as "responsibility" (*Reform* P. 30). I intend to explore the concept of responsibility through an analysis of my own experience.

When I entered a law school about half a century ago, I was impressed at first by the exactness of the definitions applied to technical terms in jurisprudence, especially in interpretative jurisprudence. However, as my studies progressed, I was disappointed to learn that many of the definitions were formal and lacked solid content. A striking example of this was the term, "responsibility". The formal definitions of this word differed subtly when used in the fields of administrative, civil, and criminal law. Since, in general, I never felt that I could adequately master a subject unless I fully understood it, I could not be satisfied with any of the definitions. I became disillusioned with jurisprudence, and anxious about my own ability. It worried me that in the final examination for the course there might be a question on responsibility. Fortunately, no such question was set, and I was able to graduate. When I became a college professor, I admitted this worry to a professor of criminal law, who reassured me

by saying: "There are endless disputes about the definition even among legal and academic experts." As a result my anxiety disappeared.

Later in my career, however, I had to tackle the question again. I examined the definitions and explanations of "responsibility" and "Verantwortlichkeit" in English and German books. In particular I examined in detail the theories of responsibility in American Public Administration. Work in this area had had a significant impact upon postwar Japanese research in public administration. I scrutinized the arguments of C. J. Friedlich and looked closely at H. Finer's controversial 1930s theory of responsibility in public administration. At the end of my investigation, I could not find any single comprehensive definition or explanation of the term. Moreover, I was dissatisfied with all of the existing definitions and explanations. When I considered the Japanese, English and German usage of the term, "responsibility", I realized that it covered a wide range of human behavior, encompassing the actions of men as individuals as well as as members of society, groups and organizations. I concluded that the scholars disagreed about the definitions of the term and I was obliged to reject the competing interpretations since each definition failed to address the topic as a whole, or at the very least focussed too narrowly on one specific aspect of the concept.

Consequently, contrary to the practice of most Japanese scholars I gave up borrowing ideas from the works of Western intellectuals.

#### Self-Examination in the Local Community : a Nationalistic Approach

Later in my work, I came across a passage in a lecture entitled "My Individualism" given by the famous writer Natsume Soseki. During his three-year stay in a boarding house in London he read a great many foreign books and wrote: "However many books I might read, they were

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not useful to me. I did not know why I read them. That was the first time I realised that *there was no other way to save myself but by creating my own notion of literature*. I realized, after a long time, that I was not satisfied because I had been others-centered, and had been drifting here and there randomly just like floating seaweed. By "others-centered" I mean mimicry: that is to adopt someone else's ideas unreservedly and indiscriminately as one's own. A great many people proudly show off their knowledge of foreign words. I do not mean to speak ill of them. I was among them." (Italics mine) Using my own theory of "Individualism" I have ambitiously sought to clear a path through the dense jungle of ambiguity that surrounded the term "responsibility". My method is, as detailed in *Self-History*, to use my experience as a member of my own local community to verify for myself all of the past theories, doctrines and ideas thoroughly. I begin by examining the way the term responsibility has come to be used in Japan, a country which displays features common to international society as well as the local community. I shall then consider how the concept of responsibility is used in various contexts and venture a tentative conclusion. This kind of nationalistic method may be termed a "nationalistic approach".

I was unable to adopt this method in the examination of the word, service, since the term originates from Christianity. But I can adopt it in the case of "responsibility", and I am convinced that it is the royal road. I have a "strange" conviction that any great theory or law of social affairs such as Hegel's, Marx's or Freud's, which is not endorsed by many citizens' lively experience is invalid in the society in which they live.

(RESPONSIBILITY) : Going Back to the Chinese Classics

1) Ambiguity of the Word, Sekinin ; Need to "Clean up the Term"

Ambiguity of the Word as a Daily Term : Opposite Senses

The nationalistic approach is central to this work, but before turning to this it is necessary to examine the ambiguities inherent in the term "sekinin". I believe it is the key to the clarification of the term.

In "a non-committal criticism" which examines *The Meaning of Political Responsibility*, Mr. Kiyooki Tsuji, citing several usage of the word, "sekinin", says, "The term covers such a broad area that neither its usage nor the meaning of the term is clear." (*The Use of the Jingsa, a Soldier's Camp Hat*, Nihon-hyoronsha, 1972) He suggests that it may be necessary to distinguish between "the responsibility that an institution is commonly expected to observe" and "responsibility as an abstract principle per se". The term is used every day in many situations, but its meanings remain very ambiguous. Indeed, the degree of ambiguity is such that often the competing meanings of the term seem contradictory. When we say that an individual has fulfilled his responsibility, we assume that the person should be praised, while when we say, "He is responsible," we assume that he is open to criticism. Clearly this demonstrates that the term "responsibility" can often be irresponsibly used. Then, what about "sekinin" as a technical term? We encounter unfortunately a similar problem when we examine the technical use of the term "sekinin".

Ambiguity of Sekinin as a Technical Term : Various Questions

Even amongst academics considerable ambiguity surrounds the term responsibility. Consider the definition of the word found in *Sekai-daihyakkajiten* (The World Encyclopedia) (Heibonsha, 1966), one of the

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most authoritative encyclopedias in Japan. As detailed by two famous scholars, Mr. Testushi Furukawa and Mr. Shigemitsu Dando, it is useful to give the definition in full although somewhat long.

“Responsibility is divided into *moral responsibility* and *legal responsibility*. While the latter is mainly concerned with the specific actions themselves of individuals, the former focuses on the performer’s personality, and all responsibility is said to rest with the performer of a deed. For a moral responsibility to apply to someone, it is necessary that the agent should foresee as fully as possible the consequences of his behaviour, and for the motivation behind his actions to satisfy moral laws. Free will is also a necessary condition. Immanuel Kant postulated a theory of emotional ethics, where the freedom of man’s will is emphasized, and the consequences of a particular set of actions are not considered. In turn, Max Weber sought to compensate for a theory that seemed at odds with conventional morality which forms judgements according to both the motivation of the individual agent as well as the ultimate outcome of a series of actions. He emphasized the performer’s responsibility for a deed carried out. According to this interpretation, though, there is no abstract and absolute responsibility, and one behaves simply according to the consequences of a given situation, i.e. society determines and shapes the values that govern the behaviour of its members. Just as moral responsibility remains a controversial topic, the concept of legal responsibility is also open to conflicting interpretations. (1) Loosely defined, “legally responsible” suggests that an individual may suffer legal sanction or punishment. (2) More specifically, civil responsibility and criminal responsibility respectively mean “being held liable for reparations for tort” and “the responsibility to suffer punishment for a crime”. In either case, an individual is deemed to receive punishment whenever he

commits an illegal deed. (3) The concept of criminal responsibility posits a relationship between the crime itself and the personality or motives of the criminal. To assess the degree to which an individual is criminally responsible is to determine the extent which the individual should be reproached or punished for his actions."

Many questions arise in the course of defining responsibility in this manner.

One of the major questions relating to this definition challenges the presupposition that responsibility need be divided into moral and legal responsibility. Closely linked to this question is the problem of deciding under which of the two headings or definitions of responsibility, various more specific characteristics of response such as social responsibility, technical responsibility and vocational responsibility should be included. Alternatively, it is unclear whether these should be viewed as distinct concepts, unrelated to the two earlier definitions. Responsibility in public administration, my own research field, for example, is generally considered amongst academics to be closely related to the concept of political responsibility. Nevertheless, the boundary between these two fields remains unclear. Clarifying this issue gives rise to some difficult empirical and theoretical questions concerning the distinction between politics and public administration and the role of morality and law in public administration.

Another big question related to the above question is that the definition, especially that of moral responsibility, may not clarify the full content of the term, "responsibility". It explains only that responsibility concerns man's personality, motivation and foresight without considering the reasons for this. This may be unavoidable because the term covers a very wide range: from psychological motion, which may originate in the depth of man's mind, to the results of external events, which cannot be easily

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evaluated when effects and aftereffects are considered. It is obvious when we consider the not easily reconcilable opposition between Kant's absolutism which stresses emotion (motivation), and Weber's relativism which stresses results, as well as between the retributive punishment principle and the objective punishment principle in criminal law.

In short, although we often use the term, "responsibility", both in daily life and academic life, it is impossible to obtain a clear definition of it in either field. Consequently we misuse and abuse it rather freely. It is necessary, therefore, as Mr. Tsuji claims, to do "a wash of words" so as to wash out "stains and smells" caused by the abuse. Of course, whatever kind of "wash" is done, the not easily reconcilable opposition may remain. However, the wide range of meanings which the term covers, may be put in order to some extent.

## 2) "A Wash of Word" : Examination of the Chinese Classics

Now with what should the "wash" begin? Since this is a nationalistic approach, the meaning of "sekinin" the Japanese term, should be examined first. I have consulted some dictionaries, most of which give roughly this meaning: "task to be carried out with responsibility" (*Nihon kokugo-daijiten*). *Daigenkai* and *Kojiseigo-daijiten* cite the authority of a passage in Chung-tze's *Tendo-hen* XIII (the way of Heaven): "Suppose the emperor and sage are resting. Rest means emptiness, and emptiness is the reality. One who is real has ethics. Emptiness is stillness, and stillness is action. Action leads to gain. Stillness is doing-nothing. Doing-nothing means that the appointee is responsible." *Daikanwajiten* cites *Rikubuseigo-chukai*: "what the government official should rule and judge". Although this is a nationalistic approach, we must refer to the Chinese classics. This cannot be avoided, considering the history of the formation of the Japanese

language. At any rate, let us begin with *Tendo-hen* as it is a very early work.

#### Chung-tze's Idea : Connection between Taoism and Confucianism

Chung-tze was a representative Taoist, who was quite active in the age of civil wars in China in about 300 B. C. Taoism is also called the philosophy of Lao-tze and Chung-tze, a philosophy not readily understood by common people, as the use of "Stillness is action", and "Doing-nothing means that the appointee is responsible" demonstrate. Fortunately, though, *Tendo-hen* does not necessarily express Chung-tze's ideas correctly, and is influenced by the philosophy of Han Fei Tzu (Han Fei's work), the Legalist contemporaneous with Chung-tze. (Osamu Knaya 'Chung-tze' *Sekai-daihyakkajiten*) Moreover, not only Taoism and the Legalists, but also the relationship of two these notions with the Confucianism of Confucius and Mencius figure in in Kotaro Tanaka's *Hoka no Ho-jisshoshugi* (Law Positivism of the Legalists) (Fukumura -shoten, 1947).

According to this interpretation, Confucianism represents virtue government, which in the final analysis can be viewed as sage government. However, "sages such as Yao and Shun, or the tyrants such as Chieh and Chou, appear only once in a thousand years. Often, emperors are uninspiringly mediocre. As rulers, they are neither as good as Yao and Shun, nor as bad as Chieh and Chou. *Average* and common emperors must be expected. Even the *average emperors* can govern people easily if they have laws and accept the principles of action they embody. (Tanaka, *op. cit.*, p. 30. Italics mine) The Legalists, like Han Fei Tzu, were well aware of the practical constraints of the governing process, and needed the principle of doing-nothing, the basic philosophy of Taoism, in order to reject Confucian virtue government. "The Legalists, in terms of

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opposition to sage government, learned something from Taoism ” (*Ibid.*, p. 45)

A passage from *Tendo-hen* clearly shows the above connection between the Taoist and the Legalist. *Tendo-hen* “is supposed to have been written in the latter half of the age of civil wars or later, when Lao-tze and Chung-tze’s philosophy of doing -nothing started to be adopted into the Legalist’s idea of rule by authority.” (Koji Matsunaga *Chung-tze* Asahi-shimbunsha, 1966, p. 224) This passage means that “the emperor and sage peacefully lives in the condition of quiet disinterestedness and quiet doing-nothing and unless he plays with artificial tactics, he can trust each official’s ability; each one assumes responsibility for his work.” (*Ibid.*, p. 222)

Examination of Each Word : A Literal Interpretation with Stress on the Origin of Characters

The authoritative definition of the term, “sekinin”, approximately matches the interpretation above, but questions concerning the academic definitions of the term remain. Let us examine each word or phrase more closely.

First consider “teio seijin” (帝王聖人) (emperor and sage). The emperor and the sage in this case are one and the same. As is well known, in Chinese thought, especially in Confucianism, virtue government is government. The studies of the emperor are those of the sage, and the emperor, who is the political ruler, is a man of noble character and sagacity.

Next, let us examine the title “koto ni ninzuru mono” (事に任ずる者) (appointee). Koto 事 combines the simplified characters 之 and 史. It originally meant “the office of describing everything” (Man-nen Ueda

*Daijiten*, 1910). This represents intellectual work in contrast to physical work ; office work and clerical work.

“Nin” 任 means that “one bears a burden on one’s back”. “Ninjisha” 任事者 is one who assumes responsibility for the clerical work necessary in order for the emperor to govern, that is, a government official.

Now, the ninjisha or appointee is engaged in many kinds of complicated clerical government work. Therefore, the emperor employed many ninjisha who formed a hierarchy in which their positions were determined by the nature and scope of the problems they were required to solve. The government official was called kanri 官吏, and 官 (kan) is the combination of 宀, which means the government office, and 呂, which means “many because of accumulation”. Therefore, 官 (kan) means “that one hundred officials serve the emperor” (*Daijiten*). Further, *Rikubuseigo-chukai*, on which *Daikanwa-jiten* is based, makes this point even clearer. *Rikubuseigo-chukai* is a commentary on “*Rikubuseigo*, a Manchu-Chinese collection of government office idioms, which was compiled during the Ching dynasty (1636-1912) for the study of Manchu”, and which probably “was published in response to a Japanese’ request”. (Kankichi Naito *Rikubuseigo-chukai* Daian, 1962 p. 13) This collection of idioms may be more recent than *Tendo-hen* and similar to Japanese writings. According to this work “sekinin” means “clerical work which government officials are appointed to do according to their jurisdiction and the type of problems they are accustomed to solving.”

“Seki” 責 is the combination of 束 (toge, or a thorn) and 貝 (kai, or an ancient coin), and it means “to lend money and claim interest”. “Seki ari” (responsible) means that when the emperor entrusts an appointee or a government official with certain work, he should carry it out as instructed. Then, what does the emperor require of the appointee to whom

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he entrusts this work ?

The Legitimate Basis and Rule or Criterion According to Which the Emperor Entrusts Responsibility to His Appointee : Norm and Standard

Now what does the emperor require of the appointee to whom he entrusts his clerical work? We need to discuss this question independent of a literal interpretation of the Chinese characters. This is necessary since we seek an understanding of the principles which provide the emperor with legitimate basis to rule, and the rules which govern the exercise of this authority. Such an investigation concerns basic and traditional Chinese political thought ; it is beyond me. However, Mr. Noboru Niida says in *Chugoku-hoseishi* (History of Chinese Law) (Iwanami, 1952), "Confucian, Taoist and Legalist political science are all studies of the ruler. But while the first two are the studies of wise and eminent rulers and ministers, the last one tends to be those of organization." (p.45) In other words, legitimacy and rule are often identified with one another. What is identified is a kind of natural law of Heaven (virtue), or strict principles of behaviour in the Confucian interpretation, doing-nothing in the Taoist sense, and a kind of positivistic law according to the Legalist (Tanaka, *op. cit.*, pp.46-7). Indeed, in a variety of complicated ways each school of thought is influenced by the competing philosophies, while at the same time it is clear that some basic rule is required in each school. It should be mainly an ethical or legal "norm". It must be noted, however, that the rule implies the essence of the thing, *der Wesen der Sache*, upon which most people admit, "weights and measures as social techniques" should be based. Moreover, such a rule provides a reasonable "standard" as a guide for the tasks of government which is accepted as an objective fact only for the ruler in

a particular age (Tanaka, *op. cit.*, pp.24-5). I suggest that the above norm and standard is implicit in the term, "rule". This will be discussed again below.

Such an "idea of standard" is seen most remarkably in the Legalists, but it is also seen in Confucian theory. For instance, Mencius, one of the Confucians, says in *Riro-hen*, "The sage has used all his sight, and in order to help it, he uses a compass, a tapeline, a water gauge and an inkling line . . . He has used all his hearing, and to help it, he uses six rhythms. He cannot use the rhythms too much to correct five scales." Han Fei, who represents the Legalists, says in *Yojin-hen*, "If he gives up rules and governs with his mind only, even a Yao (one of the eminent and sage emperors), cannot correct a nation. If he gives up a compass and a tapeline, even a Keichu (one of the master hands) cannot make a wheel . . . If an average emperor observes legal principles and practices, and an unskilful carpenter follows a compass and a tapeline, nothing will be lost." The compass and the tapeline, the water gauge and the inkling line are equivalent to standards or technical rules in today's architecture and civil engineering, while the six rhythms and five scales play a similar function in meter and vocalization.

The above rule, however, is to be observed mainly by the emperor or the sage. Therefore, it would be impossible to require the appointee to observe it as a rule of conduct. To some extent, the appointee may be required to observe virtue and decorum as his guiding principles. Obviously, though, "the condition of quiet doing-nothing" can be a rule for the emperor, but not for the appointee probably, the law or the techniques which include the idea of some standard would be the most realistic rule: what Han Fei calls law and techniques is a general term for law as both a behavioral and a technical norm. This is probably why

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the Legalist's studies of organization appeared together with the Confucian and the Taoist, each one being a study of wise and eminent rulers.

**Rule and Discretion : The Contradiction between the Emperor's Rule and the Appointee's**

When the emperor entrusts the appointee with his work, he defines both the scope of the appointee's jurisdiction and the nature of the judgements that may be handed down. Nevertheless, however detailed these standards may be, their range is limited. There is still room for the appointee to make his own judgement freely. Such free judgement is generally called discretion.

Certainly the appointee should usually be able to decide his conduct according to the emperor's standards or according to the spirit (or psychology) peculiar to the emperor. But when it comes to the details of conduct, there always remains some area where the appointee must decide according to "his own standards". His own standards" include his technical confidence, beliefs and interests, and irrational preferences. But in many cases, the appointee does not have many "standards of his own", and these in turn are necessarily connected with the emperor's confidence, interests and preferences. It is usually advantageous for the appointee to form judgements according to the emperor's wishes and inclinations. This is why the relationship between the emperor and the appointee is, in most cases, not a cold human relationship governed only by norms and rational standards ; it is also an irrational, subtle and emotional personal relationship between a master and a servant. At any rate, while the standards which the emperor presents to the appointee are external and objective standards and rules of conduct for the appointee, the standards that the asppointee adopts in exercising his discretion are

internal and subjective ones.

What is remarkable is that conduct according to the internal and subjective standards sometimes contradicts and destroys the requirements embodied in the external and objective standards. Afraid of such destruction, Han Fei said, "The wise ruler refrains from even a slight smile and grimace," believing that it is inadvisable to show one's feelings. It is probably for the same reason that Chung-tze's interpretation, the authoritative definition of the term of *sekinin*, urges doing-nothing, a response which does not depend on artificially created principles. It was because he wanted to prevent the destruction caused by the above contradiction that Han Fei wrote in *Nihei-hen* the following episode of King Zhao of Han. King Zhao was taking a nap drunk one day. Supposing that the king felt cold, the official in charge of the crown put the king's clothes over him. Learning later of what had taken place, the king punished the official because of action ultra vires, and also punished the official in charge of clothes for idleness.

### 3) Two Points that We Learn from A Literal Interpretation of the Chinese Classics : The Context of Public Administration and the Wide Range of the Question of Responsibility

In the above discussion, it seems, we have already developed the examination of the idea of responsibility beyond merely an analysis of the term "sekinin", and a literal examination. At any rate, the following two remarkable points can be pointed out.

First, the term "sekinin" is necessarily connected with the emperor's government, which in turn depends per force upon the hierarchical clerical organization, or bureaucracy. Kiyooki Tsuji defines public administration, saying, "public administration is the conduct or process by which public

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policy is realized. It is the collective work of government officials who carry out daily government activities within systematic organizations." Masaru Nishio has recently interpreted it in a broader sense, and said that "public administration is group work of hierarchical organization (bureaucracy) in the governing process." Either definition denies the idealistic or value-laden concepts which the theory of public administration embodies, but at the same time is a valid definition in analysing the actual practice of public administration. Thus, it can be said that the term "sekinin" was first used in the context of public administration. It suggests at the same time that the question concerning the nature of "sekinin" occurs not only between the emperor or sovereign ruler, and the appointee as an individual, but also between the emperor and the hierarchical organization of the appointees. In other words, "sekinin" implies from the beginning, a conflict between individual sekinin and the group sekinin of government officials, who are themselves citizens but at the same time are distinguished from the other general citizens. This is clearly demonstrated by the episode of King Zhao, where the King questions not only the individual responsibility of the official in charge of the crown, but also the group responsibility of the official in charge of clothes.

Secondly, the question of "sekinin" arises when the emperor entrusts the appointee with some clerical work, and ends when the emperor sanctions or punishes the official. Again this is clearly shown in King Zhao's episode. Thus, "sekinin" ranges widely from permitting certain forms of conduct to punishing individuals. In turn, it naturally reflects the complex and subtle characters of human beings and the nature of human relationships. And yet, in using the term "sekinin" we seek to grasp the entire range of ideas that the concept covers. This probably accounts for the misuse of the term "sekinin", and the ambiguity

surrounding the concept. Consequently we must first set this wide range of meaning and interpretation in order.

**The Meaning of Rules in Bureaucracy : The Confusion between an Administrative Reform Emphasizing Efficiency with One Emphasizing Fairness and Equality.**

To begin, let me give some supplementary explanation of the phrase, "rules in bureaucracy". At this point I deviate a little from "the nationalistic approach". The analysis here primarily concerns not only my year-long research on "bureaucracy", but also the idea of efficiency in the context of present-day administrative reforms.

Weber, who formulated a classical definition of bureaucracy, defined the special functions of the modern bureaucracy as follows :

"1. The regular activities required for the purposes of the bureaucratically governed structure are distributed in a fixed way as official duties.

"2. The authority to give the commands required for the discharge of duties is distributed in a stable way and is strictly delimited by rules concerning the coercive means, physical, sacerdotal, or otherwise, which may be placed at the disposal of officials.

"3. Methodical provision is made for the regular and continuous fulfilment of these duties and for the execution of the corresponding rights ; only persons who have the generally regulated qualifications to serve are employed". (M.Weber *Wirtschaft und Gesellschaft* 2. Auflage, Tübingen, 1925, S. 650...quoted from H. Gerth and C. Mills *From Max Weber : Essays in Sociology* Oxford University Press, p. 196 translation). Weber says that the rules in this instance can include "technische Regeln" and "Normen". (Weber, op. 1. Auflage, S. 126) I read the book during the war in 1944. I did not know what the technical rules were, although I understood the

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substance embodied in the notion of "norms", which could be viewed as the laws and mores necessary to regulate our daily lives. Weber does not explain it.

In 1951, when Japan was under the U. S. occupation, I went to the U. S. as a member of the Mission of University Education for Public Administration in the U. S. (chairman, Masamichi Royama). In a bookstore in Washington D.C. I found a book in which Henderson and Parsons translate part of the book. In a translator's note Parsons say, "Weber does not explain this distinction." I discovered that Parsons faced the same question that had troubled me. He adds, however, "By a 'technical rule' he probably means a prescribed course of action which is dictated primarily on grounds touching efficiency of the performance of the immediate functions, while by 'norms' he probably means rules which limit conduct on grounds *other than those* of efficiency. Of course, in one sense all rules are norms in that they are prescriptions for conduct, conformity with which is problematical." (A. M. Henderson and Talcott Parsons *The Theory of Social and Economic Organization* 1947, p. 331 italics mine) I mostly agreed with this argument, although I did have some questions of my own. In 1949, I had written a paper in which I had employed the same assumption. Within the paper entitled "Kanryosei no Tokushitsu" (The Characteristics of Bureaucracy), (*Hogakuronso*), I drew a connection between Weber's theory of bureaucracy and American Public Administration before World War II, a system of government efficiency, after recognizing a common ground between the two spheres of investigation.

I still had some doubts about whether technical rules and norms were distinguishable in terms of efficiency alone, an argument that is used in business administration and management. This doubt arose, since

although the identity between bureaucratic and legal government is clearly shown in Weber's books, terms such as "efficiency" and "effective" never appear. Upon reflection I came to the conclusion that technical rules imply rational standards which include "the essence of things", "social techniques" and "governmental techniques" (which will be discussed in detail later). I reached the conclusion partly because I came across the following words of Weber's. "The only decisive point for us is that in principle a system of rationally debatable 'reasons' stands behind every act of bureaucratic administration, that is, either subsumption under norms or a weighing of ends and means." (Weber, op. 2. S. 664. Gerth & Mills *From Max Weber : Essays in Sociology* Oxford University Press, 1946. p. 220) It should be understood that "subsumption under norms" is equivalent to a norm, and "a weighing of ends and means" represents technical rules. As I mentioned previously, I was also awakened to the rational Chinese idea of "standards" through Mr. Kotaro Tanaka.

Strangely enough, I came across the following two passages in a series of books written by British scholars. They thought it was necessary to make a thorough reexamination of the most basic key-words in the study of social science. One is written by Albro, who reexamined the key-word "*Bureaucracy*". "Weber termed rules 'rational' in so far as their intention was to help the achievement of purposes (technical rules) or to realize values (norms). . . . It would be quite misleading to equate Weber's concept of formal rationality with the idea of efficiency . . . It also indicates that 'efficiency' was for him a foreign term". (M. Albro *Bureaucracy* 1970 pp. 63 - 4) The other is Plamnatz's phrase. He reexamined the key-word *Ideologie*, which is used more widely and in more meanings than rules: "it would not be ideological if, in addition to its descriptive (equivalent to standards - Adachi) and prescriptive

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elements (equivalent to norms – Adachi), it merely expressed the feelings of its propagators. To be ideological, it must be a set of beliefs to which a community or social group ordinarily resorts in a situation of a certain kind . . . And ideology, in this sense, is a possession or resource of a social group to be used on appropriate occasions . . . why, then, not call rules of conduct ideological? Why not follow the example of Marx and of others?" (J. Plamnatz *Ideologie* 1970 pp. 76 – 77) Now I claim that my idea of rules is not dogmatic, and I am convinced that the reader understands why I attribute approximately the same meaning to the phrase, "rules of conduct", as I do to the notion of "rules".

I must emphasize that the investigation here does not merely concern the question of which terms should be used to distinguish between the idea of efficiency (which implies "sooner, more, cheaper and better") and the idea of rational standards. If we define the terms, as Parsons does, we will identify a governmental or administrative reform whose chief purpose is efficiency, and a reform whose chief purpose is rational standards. It will cause us to identify an administrative reform stressing economy, and one stressing rational and scientific standards. A mere child would notice it is a basic mistake, but strangely enough, it seems to be accepted in the current theory of administrative reforms. Now let us return to the question of "sekinin."

### 3 WHAT IS "SEKININ" ?

#### 1) The Idea of "Sekinin" : Four Phases of Sekinin and their Cycle

The idea of "sekinin," as the words of Chung-tze suggest, concerns clerical work or work in general as well as the man who performs this work. Now from the above description, I am going to conclude that "sekinin" proceeds from obligatory responsibility or responsibility as

obligatory work, to responsive responsibility or responsibility as responsive work, to accountable responsibility or responsibility as accountable work, and to liable responsibility or responsibility as liable work, returning to obligatory responsibility and then repeating this four stage cycle. The concept of "sekinin" should be viewed as a cycle. Let us explain each phase.

i) Obligatory Responsibility : the Appointee's Obligation

**Beginning with the Establishment of Relationship between the Mandator and the Appointee : Premise of the the Relationship between Principal and Agent**

At the very beginning the term "sekinin" means a certain clerical work or function which must be performed at first. Therefore, on the one hand it means : objective and material work, thing, work or job in English, and Sache, Geschäft and Arbeit in German. On the other hand, it represents an individual's subjective work, that is, his duty and obligation in English, and Obligation and Verpflichtung in German. In other words, it contains a functional factor that must be recognized as an objective and material fact, and a normative factor that should be viewed as one's subjective duty. The phrase "official work" simultaneously includes these two factors. This phrase is probably equivalent to the German term, "Amtspflicht". It should be noted that "Amt" is translated as "official work". Therefore, I term responsibility as used in this phase, responsibility in the sense of "obligatory work" or "obligatory responsibility". The descriptions "We fully realize the importance of responsibility" and "we fully realize the importance of official work" are usually synonymous ; responsibility in this case means what I call "obligatory responsibility".

Now the official work, as in Chung-tze's case, should be performed by someone like the emperor, and not by the performer or the appointee.

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But since the emperor cannot do it himself, he selects a certain performer, and entrusts him with it. Therefore, responsibility belongs to the individuals who have been selected to perform this work.

When the official work belongs to the emperor's government, and therefore the emperor selects (or pretends to select) the performer of the work, the one to be selected to do the work is considered to have a special position. He is selected from among those of a privileged rank or even among the general public in a strict and solemn way ; in this sense he is clearly distinguished from the general public. He is called a subject (臣), or a government official. This idea still exists in Japan – a democratic country – where the ranking government official in the highest position is called a daijin 大臣 (a great subject or minister). The majority of the Japanese people consider it a supreme honor to be made a minister. The difference between 臣 (shin) and 民 (min) will be discussed in detail later. The view of the work of a specially selected person is not characteristic of government alone. As the phrase, “the unity of the shrine and state”, clearly shows, such an interpretation is also characteristic of religion (and in light of the Yasukuni Shrine Problem such a similarity persists) which was, or is, identified with government. Shinto priests and ministers are selected by gods or God. Indeed this idea exists in all the other kinds of occupations apart from politics and religion. When an occupation is called a vocation or a calling, it is implied that the work has been entrusted to someone by God. This probably accounts for why within both companies and the government, an entrance ceremony is traditionally a particularly solemn event today.

Responsibility corresponds to the person who has been selected. Moreover the concept of responsibility implies certain relationships between principal and agent or deputy, appointer and appointee, and constituents

and the constituents' representatives. In other words, it implies an appointing agency, as well as the representative relationships themselves. That is why the idea of responsibility is connected with that of representativeness.

Distinction between "Shin", a 'subject' and "Min", 'people': An Examination of Whether the Government Official Relationship is a Special Power Relationship or a Contract Relationship

Before discussing the distinction between "shin" and "min", let me relate a short episode. In 1953 Prime Minister Shigeru Yoshida, "the one man", described by some commentators of the time as "arrogant and narrow-minded", read a congratulatory address at the ceremony marking the investiture of the Imperial Prince. He finished the address with two words 臣茂 ("shin Shigeru" or "Shigeru, a subject"). I conclude that this showed that Yoshida's long career as a government official since prewar days had been based on the spirit of the feudalistic vassal-servant, or on the loyalty of an individual person to the Emperor and the Imperial family, and not on the loyalty of an official working within an established legal framework. Mr. Tatsukichi Minobe, the then professor of Japanese Constitution at Tokyo University, who was persecuted by the military and right wing for advocating the theory of the state as a juridical entity before the war, says in his *Gyosei-ho Satsuyo* (a Compendium of Administrative Law) (Yuhikaku, 1934), "The relationship between government and government official is akin to that of sovereign and subject in the feudal system. In the feudal system the subject offers to the lord not only his labor in an economical sense. He offers his whole self to the lord. Their relation is an ethical one. The government official's relationship with the state is like this . . . In this sense, the

relationship between government and government official is different from *that of employment or commission* in civil law." (italics mine) I do not believe I have given a dogmatic conclusion.

I further observe that Shigeru Yoshida called himself 臣茂, that is, he used the single character 臣, and not 臣民. Whether he was aware of this or not, such a choice shows the original difference in meaning between 臣 and 民. The Chinese characters 臣 and 民 meant different things originally. The combination of these words, 臣民, was possible only because both 臣 and 民 were required to obey the emperor. This idea existed from 1879, when the Meiji Constitution was established, until 1940, the second year of World War II, when Prime Minister Konoe advocated "complete practice of the way of a loyal subject" in the building up of "the New Establishment". Trying to remove the clear distinction between 臣 and 民, he emphasized that the general public (民) must be as loyal to the Emperor as it was to government officials (臣).

Then, how do 臣 and 民 differ in their original and literal definitions? The character of 民 is the combination of 母 (mother) and 一 (one). It means the one who was born of a mother, or a man. Therefore, 民 means 人民 (people). In ancient China, however, especially in the Nine Chinese Classics and other books on politics, 民 means common people, that is, the governed, or the peasants who constitute the majority of the nation. They did not serve the lord as government officials. It is apparent in Chinese-Japanese dictionaries. Since 民 do not directly serve the lord, nor do they see his face. Even when they see the lord, they prostrate themselves on the ground; they are not allowed to see his face, as was the case in prewar Japan, where people were not permitted to see the face of the emperor. On the other hand, 臣 are government officials who serve the emperor. They govern by conveying the emperor's will to the

people. They contact the emperor, and occasionally see his face. At best, though, they view him with downcast eyes. That is the reason the character of 臣 comes from 目, which shows a downcast eye or 目. In every Chinese - Japanese dictionary, 臣 should be explained as "showing the face of one who bows to the emperor". In my opinion Shigeru Yoshida called himself 臣 Shigeru, in order to show that he was not 民, one of the governed, but 総理大臣, Prime Minister, the highest individual 臣 in the official hierarchy that served the Emperor.

By now, it must be clear what I want to point out. The prewar government officials, though belonging to the general public, occupied a position clearly distinguished from that of the general people, who participated in a general power relationship with the state which was personally embodied in the form of the emperor. A special relationship existed between the officials and the Emperor of the state. It was called the government officials' *special power relationship*. Although such a relationship was presupposed, there was an academic controversy as to whether the action of selecting and appointing government officials from among the general public (selection) was "an administrative disposition which requires the appointee's approval" (disposition can be unilaterally cancelled by the appointor), or "a legal contract". Even for today's government officials the three rights of labor and political freedom are limited, while for the general public these rights are unrestricted. Government officials are distinguished from general people. Even though they retain the status of citizens, their position remains a special one. The legal nature of the government official relationship is still an important and controversial problem, although the controversy is no longer as topical as it used to be. The difference of opinion surrounding this question is sometimes seen in the case of the labor rights of

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government officials and public school teachers. For further details relating to this point, please refer to Adachi, *Vocation* (pp. 50~108), and Tsutomu Muroi *Tokubetsukenryoku-Kankei-ron* (Special Power Relationship) (Keisoshobo, 1968).

ii) Responsive responsibility: Work to be Responded to by the Appointee  
From the Appointer to the One Who Lays Down Requirements: from the Appointee to the One Who Responds

The one who selects a performer and entrusts him with a certain work, entrusts him what he himself would have done originally. He then requires the performer, who is also an appointee and agent, to perform the work according to his own wishes. I have already mentioned that the character 責 denotes "requirement". Now the selector and appointer becomes the one who establishes certain requirements. Indications of what these requirements usually consist of are made in the form of orders, and the one who requires is an orderer and instructor. He selects and summons a performer from among many people — the Chinese character for summoning or calling 召 is the combination of 刀 (a sword) and 口 (a mouth), and to call means that a superior verbally calls an inferior — and gives him orders and instructions; he is properly known as a caller or the one who calls.

At any rate, the performer must respond to the requirements, order and calling. The performer, who is an agent and appointee, must be the one who responds. In the relationship of responding to a summons, "sekinin" enters into the second phase. "Sekinin" becomes work to be responded to. The authoritative Japanese definition "sekinin", the phrase in *Rikubuseigo-chukai*, lists the Chinese character 應 (response) three times. Let us call it "responsibility as responsive work", or "responsive responsibility". We most frequently use the term in sentences such as

“He responded to responsibility”. and “He fulfilled his responsibility”, implying responsive responsibility. The common usage of the term “responsibility” in such a context suggests that this definition captures the essence of the term. This is probably why the term “sekinin” reminds us of the English “responsibility” and the German “Verantwortlichkeit” — both terms mean “responsiveness”. Moreover this is probably why some English reference books cite “responsiveness” and “answerability” as well as “representativeness” as factors that constitute responsibility.

#### Normative Rules of Conduct to Respond to, and their Variety : the Various Forms of Normative Responsibility

The performer usually responds to the appointer's will, requirement, order and calling. But if no rule of conduct exists to guide the performer, it will be very difficult for him to respond. The rule of conduct is usually formulated as a series of norms. For this reason responsibility is termed “normative work”. The norms which control our lives most are probably moral and legal norms. This is the reason why the scholars' definition of the term “sekinin” refers to moral and legal responsibility only. But the performer is not expected to respond to the two kinds of responsibility alone. He is restricted by religious norms, too, which are distinguished from moral norms although they are indispensable to one another. The performer is also controlled by social norms, such as customs, conventions and common ideas, which are distinguished from legal norms, although they are themselves social norms ; therefore, in defining “sekinin”, it is very natural to also include religious and social responsibility (more strictly defined as socially normative responsibility), together with moral and legal responsibility. We actually use these terms frequently. Normative responsibility takes many forms.

Institutions as Providers of Normative Rules of Conduct and the Principles behind such Rules : Agreement and Opposition between Responsibility for the Institution and Responsibility for the Principle

Some norms are clearly recognized as part of "the frame of continuous and publicly recognized social life", or formal institutions. For instance, legal norms are clearly stated in provisions, and deviation from them is punished by exercise of government power. Similarly, deviation from some kinds of moral norms and social norms is socially sanctioned. The institutions, however, are supported by the consciousness of their members. The individual members of an institution originally think well of the institution to which they belong. Only later, if at all, are they likely to criticize such an institution. At some point, as the history of the Catholic Church so clearly demonstrates, support for an institution may diverge from the loyalty of its members to a particular creed or code of beliefs. (Hans Wenke *Geist und Organisation* 1961, S. 4)

The institution tends to be independent of its principle as time goes by, especially in its day to day practical affairs. This is evident in the application of Article 9 of the Constitution of Japan: "Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

"In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized". It is for this reason that response to the principle, or "responsibility for the principle" must, as Mr. Tsuji suggests, be conceptualized apart from response to the institution or "responsibility for the institution". It is certainly desirable that institution and principle, and responsibility for

these, should be in agreement. It is very difficult, however, for them to agree today when so many varied interpretations of the principle persist. Such views are often diametrically opposed. The more conscientiously we try to live, the more we suffer from the conflict of these responsibilities. The dictates of our conscience are those well established principles to which we are expected to respond.

The Standard Rule of Conduct to be Responded to and its Variety :  
the Various Forms of Technical Responsibility

When I discussed the meaning of rules in bureaucracy, I said that in the response phase of responsibility, the appointer requires the appointee to observe rational standards as well as norms in the form of rules of conduct. According to Korato Tanaka's suggestion, these include social techniques and governmental techniques, as well as the essence of things. To talk of the essence of things is to conceive of a universal starting-point : such questions cannot be concretely discussed. Many scholars must have deduced various social techniques from what they considered the essence of things, and therefore I prefer to use the phrase "social techniques which are less objective".

In short, in my discussion of rational standars, I will chiefly examine social govermental techniques. In terms of the examination of responsibility, resposiveness to standard rules of conduct can be called "standard responsibility", just as responsiveness to normative rules of conduct is called "normative responsibility". But since standard responsibility is not a common term, the term "technical responsibility" will be used.

In the Chinese examples I referred to "weights and measures as social techniques". For instance, "kikujunjo" (a compass, a tapeline, a water

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gauge and an inking line) is what architects, who are professionals, and carpenters, who are craftsmen, have developed and used as knowledge and techniques according to the essence of the things. "Rikuritsu-goin" (six rhythms and five scales) is also what the professionals and craftsmen of voice and music have developed and used as the standards of length, pitch and rhythm in music. Further, law in the form of governmental techniques, which the Legalist stressed, represents, as Han Fei noted, the knowledge and techniques which lawyers, professionals, political scientists who study government, and government officials who practice government, have developed and used. Of course, I do not ignore the ideological nature of knowledge and techniques in government. This is why I wrote "governmental techniques, which are accepted as objective, if only for the ruler of the age". This point will be discussed later again. In summary, the technical rules of conduct are knowledge and techniques which social and vocational groups in a broad sense such as professionals, craftsmen, political scientists and government officials, develop and use. Therefore, we are going to generically call social techniques and governmental techniques, social techniques in a broad sense. We will call the social techniques themselves social techniques in a narrow sense.

Let us examine social techniques in a narrow sense first. It is said that in Europe, the classical professionals were priests, physicians and lawyers, and classical craftsmen were carpenters, blacksmiths and tailors. The holders of each social technique got together and formed a vocational social group. Today there are many kinds of such groups. This can be explained by the emergence of many other professional and craftsmen-like people's groups, and by the development by each group of highly specialized and sophisticated techniques. This pattern is evident in medicine for doctors, law for lawyers and architecture for architects. Both

professions and crafts have become much more specialized, and as a result, the differences between practitioners in these fields has become less. Compare, for instance, the qualifying examinations for second-class registered architects, who are professionals, and those for first-class carpenters, who are craftsmen. Specialization almost means professionalization. Thus, social vocational groups become more various, and so do the techniques required of the members of each group. We call this a "variety of technical responsibilities". What is known as "vocational responsibilities." includes moral responsibilities (such as social norms peculiar to the group of physicians) and legal responsibilities (such as the Medical Practitioners' Law), as well as the above technical responsibilities. Hence, various vocational responsibilities also exist.

In *Vocation and Interdisciplinary* (Adachi) I detailed the following points. (1) Political scientists are not always professionals, strictly speaking. (2) Government officials who confidentially develop and use peculiar knowledge and techniques within the government can not be said to have social, or at least civil, vocation in the same way that physician can. (3) Lawyers display a special professionalism that ultimately depends on governmental power. (4) The classical difference between professions and crafts, and the appearance of para-professionals, semi-professionals and sub-professionals (such as surveyors, nurses, judicial scribes, administrative scribes etc.), which is indispensable to the dimness of the distinction between professions and crafts. In relation to these points, knowledge and techniques which are developed and used by professionals, semi-professionals and craftsmen will be called professional knowledge and techniques. Now such knowledge and techniques are developed or produced by various professionals, and offered to nonprofessionals. Therefore, they will be called knowledge and

techniques to be produced and offered according to a given context.

Opposition and Contradiction among Various Technical Responsibilities :

The Decline of the Authority of Professional Learning

What is remarkable is that the specialized techniques, which are developed and used in each occupation, are studied and developed as independent techniques regardless of work being conducted in other fields. In many medical schools, the training schools for would-be physicians, internal medicine, a branch of medicine, is divided into eleven departments which specialize in the diseases of nerves, the digestive organs, the respiratory organs, the circulatory organs, the urinary organs, internal secretion, metabolism, the hematogenic organs, contagion, muscles-bones-joints, and allergies. Each department is producing specialists of its own. The specialists though are so independent that, for instance, some of them can treat the diseases of circulatory organs confidently, but not those of digestive organs. Recently in Japan, Dr. Shigeo Okinaka and Dr. Shigeaki Hinohara, authorities on internal medicine, have proposed that "practitioners who hold more than a certain level of experience in, and techniques and knowledge of, internal medicine in general should have their qualification examined, and be given the title of internal specialists." After some fierce arguing, a system of internal specialists, which is to address the whole area of internal medicine, has been started. (Susumu Shibata "Can Medical School Respond to the Society's Demand?" *Modern Medicine of Japan* November, 1977 issue *Asahishimbun* p. 32). (It should be noted, though, that the system barely functions.) Certainly from the viewpoint of specialization being professionalization, this is a strange system. But to the general and ordinary citizen, or to what I call the average citizen, who often learns that "The operation was successful,

but the patient died," the appearance of the system is something like a gospel. Nevertheless, such a system cannot be accepted uncritically. Behind the appearance of the gospel is the fact that today's specialized professional techniques oppose and contradict one another, and the average citizen is at a loss which technique to select, sometimes at the risk of his life.

Such a situation is becoming more and more general today. As academic learning is becoming more specialized, what is asserted as the most rational and best procedure in one particular field opposes and contradicts the theories defended in other competing fields. Consequently, a decline of the academic authority of each field occurs. This phenomenon is evident in the case of architecture and building construction. The architect, who still has the most say in architecture, generally considers the best buildings to be those that are beautiful and strong. This is clear when we observe public buildings. Therefore, architects compete in colors and designs of reinforced concrete. But practical psychologists, whose views are popular these days, consider the best buildings to be those which least tire the workers who work inside. Applied chemists say wood and straw - mats are better for the health than reinforced concrete and chemical fibre, because they absorb nitrogen oxide better. Economists have considered the best buildings to be those that are built fastest and most inexpensively, while the scholars of business administration, who stress the efficiency of use of a building, have begun to assert that those that can be destroyed most easily and inexpensively are the best. They make such an argument since they believe that present-day buildings will be out of date in twenty or thirty years as a result of the changes in clerical techniques and life style. Thus, today's various technical and professional responsibilities contradict and oppose each other, and confuse us. Because of this,

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ironically, the more specialized each field of learning becomes, the more the authority of each declines.

It must be pointed out that the decline has not been caused by opposition and contradiction alone. It is often said in medical circles that "Yesterday's medicine is no longer today's medicine." Professional techniques are rapidly changing today. *First*, the above phrase may highlight today's medical progress, billing it as good news to us who benefit from it. On the other hand, it may give rise to fear and doubt. Just as yesterday's medicine was immature and full of mistakes from today's medical viewpoint, today's medicine may be immature and full of mistakes from tomorrow's medical standpoint. What was once welcomed as a cure for diseases of the bowel is now considered the prime cause of Smon. A rapid change of professional knowledge always accompanies fear of a decline in its authority. This is one of the reasons for the decline of authority. *Secondly*, the authority of old masters in every field is challenged and rebelled against by younger generations, and as a result, such authority is always in decline. About ten years ago, ex-premier Sato had a stroke at a Japanese restaurant. He died in spite of treatment by a few first-rate old masters of medicine. Not long after that, a symposium on "Whether the ex-premier had the best treatment" was held by a few young doctors and others sponsored by *Bungeishunju*, a monthly publication, and the conclusion was that the prime minister had received the most old-fashioned and inappropriate treatment. There is a rebellious group inside any professional group. A group without one would be a stagnant lazy group. The fall from power of old masters is caused not by the gap between the senses of value of different generations alone. *Thirdly*, a few decades ago professional scholars were produced and nurtured in the upper-middle class alone, while today some of them come

from what was once considered the proletariat of the working class as well as from the lower-middle class. This is due to equalization of income (a phenomenon which among the free countries of the world is most advanced in Japan) and the spread of scholarships. As a result, individuals with norms and values that differ from those possessed by the traditional recruits have joined professional groups. The gap in the sense of norms and values, together with the gap between generations, has enhanced the challenge of these newcomers against the old masters. *Fourthly*, the greatest fruit which our effort in professional learning has brought about has turned out to be mass massacre with nuclear weapons, mass deception through mass media, and the techniques of cloning man in bioscience; ordinary citizens as well as scholars fear that the dignity of man, which was presupposed when truth for truth's sake was advocated in modern sciences, may be totally destroyed. This is the reason why I have used the expression, "the *change* of knowledge and techniques", and not the term "progress". (Please refer to Adadhi, *Public Problems* and *Interdisciplinary* for details.)

There is another big question, important for technical or professional responsibilities of professionals. There is a very delicate relationship between the professionals' responsibilities and the corresponding citizens' responsibilities. There is a grave defect in professional learning, which causes the decline of authority, although few people are aware of this process. This weakness is of fundamental importance to the delicate relationship that exists between the professionals and citizens and will be discussed below.

The Difference between Social Techniques and Governmental Techniques :  
Two Differences between Social Technical Responsibilities and

## Governmental Technical Responsibilities

Let me mention the difference between social techniques in the narrow sense and governmental techniques. I consider the most noteworthy difference to be as follows. Just as "kikujunjo" and "rikuritsu - goin" were probably developed and used by architects and carpenters, and musicians and entertainers in olden times, these concepts are sometimes developed and used by common people, ordinary people, mediocre people and what I call average citizens in their daily experience, as well as by intellectual elites inside and outside the government. Indeed such techniques may be more prevalent amongst common people than amongst government officials. On the other hand, the latter techniques are developed and used chiefly inside the government and by a certain social power (class) related to government. Or, alternatively, these techniques are developed and used by a certain power which tries to establish a government (a revolutionary one) to take over the existing one, or by intellectual elites representing the vanguard of political power. This view of mine, especially of the latter may be dogmatic prejudice, since it implies something very important and influential. However, those who develop and use knowledge and techniques of government are intellectual elites, and they need to be in a social environment where they can use such intelligence. It seems true in all countries and at all times that such elites do not come from poverty-stricken surroundings where the standard of living is below that of the average citizens. This is true of those who have discussed politics and government, such as Plato, Aristotle, Confucius, Mencius; it is even true of Marx, Lenin, Freud, Mao Tse-tung and Castro.

What I first conclude from this difference is as follows. Professionals' social techniques (in the narrow sense) and their technical or vocational responsibilities *as individuals* include responding to their vocational groups,

just as each group has its own code of ethics (as is the case with doctors and lawyers). But they chiefly respond to a great majority of *nonprofessional* general and ordinary citizens, or what I call average citizens, or those below them in social status, who do not possess these techniques, and in their social lives have to receive and consume what the professionals develop and use, or produce and offer. Such professionals are sometimes very few. This is easily understood when we Japanese reflect that many of us lead our lives without receiving the legal services of a lawyer. On the other hand, governmental techniques and governmental technical or governmental responsibilities as individuals of those who are based on them (which are not completely civil vocational responsibilities) include response to the head of the governmental structure (an emperor or a president) and to their own group. But, the professional elites chiefly respond to all the members of society who do not possess the necessary techniques, and who have to receive and consume in their social life what professional knowledge and techniques produce and offer, namely, public service. It may be rather because even if the members of society possess these techniques, they are not allowed to use those legitimate powers that are peculiar to government. This is evident in that everybody receives (except in a revolutionary period) the service of the police to ensure that order is maintained. Those who see a cure for an illness or a solution to a particular conflict from (respectively) a doctor or a lawyer, are called clients or the clientele in English. The clients or trusters to whom each technician or professional must respond with his social technical responsibilities are an unspecified minority who constitute the society. On the other hand, the trusters to whom each governmental official, a member of the government structure, (those in the broad sense including the Diet members) must respond with his governmental technical

responsibilities are either all the members of the society or an unspecified majority. In the United States, an advanced democratic country, citizens are called clients or the clientele in works dealing with public administration. In such Western countries as the United States, Britain and France, the voters are called the constituency. Neither rightists nor leftists are opposed to a clause in the preface to the Japanese Constitution, "Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people," or to a clause in Article 15, "All public officials are servants of the whole community and not of any group thereof." Thus, it would be simply a matter of course, although such an approach is not yet popular, to call the people the sovereign trusters.

What I conclude secondly from the difference between social techniques and governmental techniques is as follows. As I have emphasized in earlier parts of the text, in the process of the production and offering, and the receipt and consumption of public service through governmental techniques, the legitimate power peculiar to governmental structure is allowed to be used, while in the case of social techniques such usage is officially not allowed at all (see later section). Therefore, in terms of governmental technical responsibilities, the relation, as defined by the norms and principles of modern democracy, between the sovereign trusters or service receivers who entrust, receive and consume the production and offering of public service, and the trustees or servers who produce and offer service, tends to be contrary to the normative order in actual power relations. From the viewpoint of norms, this is evidently a kind of pathological phenomenon. Power is not exercised against what are referred to as the privileged classes in society. Indeed these groups are treated

favorably by the higher echelons within government organizations and their cooperation is eagerly sought. Therefore, it may be said that the phenomenon is limited to the average citizens and the people below the average citizens. It is even more pathological since the phenomenon is in conflict with Article 14: "All of the people are equal under the law." Even now, however, in administrative law, the government or the state is called the governmental subject, while the people are known as the governmental object; the agent who instigates and decides the will subject is a member of the government. In daily usage the government is called "okami" or "the superior", and the people are called "shimojimo" or "inferiors". But in the case of social technical responsibilities, in which legitimate power is not allowed to be exercised, such a phenomenon of putting the cart before the horse cannot happen either normatively or actually. Nevertheless, we might consider whether such a phenomenon really happens. This concerns the question of the subtle relationship between the technical responsibilities of professionals and those of ordinary citizens.

**The Delicate Relationship between the Technical Responsibilities and Those of Nonprofessional Citizens: the "Contrary-to-the-Ideal-Tendency of the Reversed Order of Host and Guest"**

Each professional is required to improve in his professional techniques, and respond to his clients, who entrust, receive and consume his service. But the professional techniques can be observed by nonprofessional citizens who receive and consume them, as well as by the professionals. All the citizens, or at least the average citizens of this country have, or are required to possess, to a certain degree, such professional techniques. Most people have mathematical or engineering knowledge and techniques,

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equivalent to "kikujunjo" in China, where the notion of a basic level of ability was first espoused. If citizens do not possess such knowledge and ability, they will be required to acquire them. A citizen who complains that he has lent some money to someone without drawing up a contract, and has not had the money returned, would be criticized for not having elementary legal knowledge. Likewise, a citizen who has a high fever continuously for no known reason, and only asks an incantation performer for a cure would be criticized for not having elementary medical knowledge. This is very evident. Therefore, it is quite proper to think of technical responsibilities, which are included in social responsibilities in the broad sense, (apart from normative responsibilities such as moral responsibilities) as applying to the average citizen. Actually the term "responsibility" commonly embodies this notion. The average citizens' technical responsibilities are various, just as are those of the professionals.

It must not be overlooked, however, that between the social technical responsibilities of professionals and those of nonprofessional citizens, just as in the case of governmental technical responsibilities, the phenomenon of putting a cart before a horse tends to happen. Just as in the case of governmental technical responsibilities it does not occur officially and actually, but unofficially and latently ; it is a delicate relationship.

Let us consider an instance. When a nonprofessional citizen judges that he cannot cure his disease with his own medical techniques, he entrusts a physician, a professional, with the healing of the disease. The physician, who is entrusted, is responsively responsible for producing and offering medical service to the citizen-patient by means of his medical knowledge and techniques. On the other hand, the citizen, who has received and consumed the service, has the responsive responsibilities of following the physician's advice, and paying for the service. Therefore, the relationship

between both parties when a medical service is performed is as follows. The citizen is the one who entrusts, commits, receives, consumes and pays for the service, and the physician is the one who is entrusted, committed, offers, produces and receives the money. They are in an equal contractual relationship. Based on this contractual relationship, the physician can refuse to give service to the citizen who dose not perform the responsibility of following his advice. Further, when the aspect of ideal, norm, ethics and principle of service is stressed, it is a relationship between one who should be served and one who should serve. In terms of the essence of responsive responsibilities, it is the relationship between the master who calls and requires, and the agent who responds to the master faithfully. This is true of lawyers and architects, too. In English, the individual to whom the professionals respond is called a client. We say, "The consumer is king."

What I have said is a "should-be" idealism. The fact is that the positions of both parties are often reversed. It most typically happens when a physician is involved. Let us take an example. When the ordinary citizen judges that the medical service, which he entrusts, commits, consumes and pays for, does not fully respond to his requirement, he can dismiss the physician and replace him with another physician. In this sense, he is master and king. In this instance, social technical responsibilities are distinguished from governmental technical responsibilities, since in the latter case, such a personal change can hardly ever take place. Often, however, the individual dose not have enough knowledge to judge whether he should change physicians. Often, judgement is based only on the rumors about the physician ; the information is not objective. When the ordinary and general citizen faces the complex reality of international politics, political knowledge is described as follows :

"We know too much to be comfortable, and we know too little to be useful." Such a description accurately characterizes the relationship between doctor and patient. Therefore, we often make erroneous and arbitrary judgements. However politely a doctor may say, "You are suffering from stomach cancer, and need an operation," he is in fact establishing a requirement which you must obey absolutely. Moreover, the doctor's self-interest and desire for social fame may also have a role to play. In such a situation where the patient has a responsibility to follow his physician's advice, the doctor's suggestions more closely resemble absolute command than helpful requests or instructions. When these conditions collectively apply, doctors, (especially those in Japan, who tend to give various treatment to patients without prior information) rather than patients are the masters and behave like kings. The director of a maternity hospital who carries out unnecessary hysterectomies on many patients; the director of a mental hospital who abuses some patients to death; a medical professor's round of visits which is called a daimyo-procession; the proud professor's sudden change to modesty the instant he practices medicine himself; we are familiar with these facts, and very well understand the reversed order of host and guest. This is true of professionals of other kinds. Some lawyers convince their clients that a suit is winnable while there is no such prospect, and in general exploit their clients. Some architects simply emphasize new and fashionable designs, ignoring the opinions and personal convenience of the customer.

**How the Pathological Phenomenon of the Reversed Order of Professionals and Clients Should be Overcome : Improvement in Ethics and Discipline in Both Parties, and Completion of Institutional Measure for Prevention**

It is clear that the tendency for the position of professionals and clients

to be reversed in social techniques in the narrow sense is a pathological phenomenon in terms of the essence of responsive responsibilities and the essence of occupational ethics. It is also a pathological phenomenon in responsive responsibilities in governmental techniques. How should the pathological phenomena in the two kinds of responsibilities or in the social technical responsibilities in the broad sense be overcome? What many people propose is the improvement of morality and discipline, on the one hand, and various institutional remedies to prevent the phenomena, on the other.

The former represents an improvement in individual morality, and establishment of a group code of ethics while on the part of the trusters, it represents an improvement of knowledge and the establishment of civil discipline. The latter assumes its typical form in the establishment of service regulations for both parties, especially for the trustees, together with the disciplinary machinery needed to deal with violations of an agreement (for instance, the provisions of the Canon Law for ministers and laymen, and the Welfare Ministry's disciplinary committee for doctors), as well as machinery establishing the commitments of the representative trusters, as well as a system allowing for the inspection and sanction of trustees (for instance, various systems of election, the Diet and Court). Certainly, much has been discussed in each related field of learning such as theology, medicine, law, architecture, public administration and political science (please note that the subtitle of my *Interdisciplinary* adopts the same order). Yet, although there has been much discussion, it has produced little change. There still remain many questions to be examined and plans to be devised. I only point out two points, both of which are basic to the problem.

The Difference between the "Fellowship of Science" of Japan and the United States : Difference in the Background of Nonprofessional Citizens in both Countries

What I want to point out first is this. Functional responsibilities, which C. J. Friendlich, (noted for his role in the responsibility controversy in the United States) stressed, based on the existence of a set of mutually critical sanctions that were part of a "fellowship of science" among professionals and trustees. We do not have such sanctions in any professional group. Instead, what we have is a system of obligation among colleagues, which is a form of mutual protection in the "fellowship of science". This arrangement intensifies the phenomenon of the reversed order of host and guest in Japan. Probably there exists a difference between Japan and the United States. In the United States nonprofessional citizens and trustees constantly watch the behavior of professionals, while in Japan, nonprofessional citizens are not particularly conscious of being trustees, and have "the structure of being too dependent". The question is how to resolve this difference.

Hoheitlichkeit (High Status and Importance) Which is Associated with Career Officials : the Importance of Supplement by Nonprofessional Citizens with Knowledge of Experience

What I want to point out secondly is this. Some professionals may come from the lower-middle class, or the proletariat or the working class ; they may publicly declare that they are trustees faithful to their trustees. But they sometimes unconsciously think and behave in a way that is contrary to the interests of the class they come from, and in contrast to their public declarations. More concretely, they look at general citizens, who are supposed to be trustees, from a superior and higher position,

and as a result, they unconsciously make light of, or ignore, the grass roots struggle of the general citizen. I have elsewhere termed such an attitude unconscious *Hoheitlichkeit* or highness (for instance, in my *Reform*). Contemporary society is called the Information – oriented Society in Japan, and Post – Industrial Society or Knowledge Society in the United States, and each displays certain characteristics. As a member of the intellectual elite of a single specialized field an expert enjoys an exaggerated status in society, and his natural sense of self – importance is inflated so much that he forgets the interests and feelings of the class he comes from. From the end of the 1960s to the 1970s, when the New Left movement was active, one scholar in the United States proudly said, “Every professional group today has a young rebellious group inside.” Contrast this statement with a more recent report. “Those in the East like Boston and New York, and those in the West like California do not believe that a map of the U. S. contains the Midwest. The yuppies (young urban professionals) do not care about others’ unhappiness as long as they are happy. Therefore, the farmers in the Midwest are stuck, and rely instead on unfamiliar and unconventional alternatives (such as neo Nazi groups and the KKK).” (Yoichi Funahashi ‘Desolate Farm Village’ May 5, 1986 issue of the *Asahi shimbun*) In Japan, the authority of the old masters within a discipline is still so strong that very few professional groups harbour any noticeable rebellious groups. Scholars, young and old, tend to be obsessed with imitational todayism and uniform conformity. They echo the general theories, models, assumptions and dynamics of Western scholars, who observe social phenomena from a superior and higher position. I maintain that “Hoheitlichkeit” is, consciously or unconsciously, wide spread.

Certainly I am not ignorant of the establishment and development of

behavioral system engineering and policy science. Then, why do I continue to criticize and accuse? I argue thus mainly because recent popular research, which has been described variously as "the science of information" and "the science of management", has made the general citizen the mere material of management, or what Yoshihiko Uchida calls "the mere recipient of social science", reinforcing in turn technocratic government and rule by elites. More importantly, there is a lack of awareness of and sensitivity to the sorrow and suffering of the average citizen and those below him who struggle with specific grass-roots problems in local societies. Moreover, the valuable knowledge and experience (hereafter referred to as "knowledge"), which the ordinary citizen has acquired in the course of his daily struggle, is ignored. Such a lack of sympathy and concern is shared by the leftists who preach the proletariat's liberation. They call themselves a "vanguard" or advance guard, demonstrating in turn that they consider the average citizen to be merely a "rear guard" whose role is to follow the revolutionary leadership. (Concerning these points, please refer to my *College and Self-History*.)

I have deviated from the questions of responsibility and professional knowledge, but I believe professional knowledge cannot be sufficient knowledge unless it is supplemented with the knowledge of the average citizen and those below him. Many citizens' dissatisfaction with intellectual elites is caused by a refusal to recognize this point. This refusal also accounts for the decline in the authority of today's academics and the working class's advance into the intellectual elites.

Then, with what kind of knowledge does the nonprofessional average citizen supplement professional expertise? I think the average citizen has access to an unlimited amount of knowledge, but before citing examples

let me give a supplementary explanation of my idea of the average citizen.

The Average Citizen and J. S. Mill : The Importance of the Eccentric Nonconformity of the Exceptional Citizen, as Contrasted with the Average Citizen's Uniform Conformity

In an earlier work I made the following points (*Average*). The average Japanese physique and attentiveness, as well as income, comprehension of public information, and access to such information (the most standardized and socialized in the world), can be numerically expressed. Such data can and must provide guidelines for professional service such as medical service. Please recall for instance the sidewalk and traffic lights which ignore the average Japanese breadth of shoulders and attentiveness, deliberately difficult articles of law (tax law, especially) and budget which are beyond average comprehension, and the fact that those who have higher than average income also receive welfare service. But I am afraid that the idea of the average citizen is considered a traditional Japanese characteristic, which furthers the trend of uniform conformism. Therefore, I depart from the nationalistic approach. Let me point out that my idea of the average citizen was suggested by the following passage in J. S. Mill's *On Liberty* (1859).

"In sober truth, whatever homage may be professed, or even paid, to real or supposed mental superiority, the general tendency of things throughout the world is to render mediocrity the ascendant power among mankind. In ancient history, in the Middle Ages, and in a diminishing degree through the long transition from feudality to the present time, the individual was a power in himself; and if he had either great talents or a high social position, he was a considerable power. At present individuals are lost in the crowd. In politics it is almost a triviality to

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say that public opinion now rules the world. The only power deserving the name is that of masses, and of governments while they make themselves the organ of the tendencies and instincts of masses. This is as true in the moral and social relations of private life as in public transactions. Those whose opinions go by the name of public opinion are not always the same sort of public ; in America they are the whole white population ; in England, chiefly the middle class. But they are always a mass, that is to say, collective mediocrity ••• But that does not hinder the government of mediocrity from being mediocre government. No government by a democracy or a numerous aristocracy, either in its political acts or in the opinions, qualities, and tone of mind which it fosters, ever did or could rise above mediocrity except in so far as the sovereign. Many have let themselves be guided (which in their best times they always have done) by the counsels and influence of a more highly gifted and instructed *one* or *few*. The initiation of all wise or noble things comes and must come from individuals ; generally at first from some one individual. The honor and glory of *the average man* is that he is capable of following that initiative ; that he can respond internally to wise and noble things, and be led to them with his eyes open. I am not countenancing the sort of "hero-worship" which applauds the strong man of genius for forcibly seizing on the government of the world and making it do his bidding in spite of itself. All he can claim is freedom to point out the way. The power of compelling others into it is not only inconsistent with the freedom and development of all the rest, but corrupting to the strong man himself. It does seem, however, that when the opinions of masses of merely *average men* are everywhere become or becoming the dominant power, the counterpoise and corrective to that tendency would be the more and more pronounced individuality of those

who stand on the higher eminences of thought. It is in these circumstances most especially that exceptional individuals, instead of being deterred, should be encouraged in acting differently from the mass. In other times there was no advantage in their doing so, unless they acted not only differently but better. In this age, the mere example of nonconformity, the mere refusal to bend the knee to custom, is itself a service. Precisely because the tyranny of opinion such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny that people should be eccentric." (italics mine) My idea of the average citizen is far from furthering uniformity. Its minimum requirement is that despotic rule should be avoided and that, in offering a service to citizens, the government should be guided by the average rather than a superior level of ability or understanding.

The Knowledge Required by the Nonprofessional Average Citizen to Overcome the Reversed Order of Host and Guest in Responsive Responsibility : Some Examples of Nonprofessional Grass – roots Citizens Being More Professional than Professionals

Now what kind of treasure of knowledge do nonprofessional average citizens have, which can supplement professional knowledge and allow the pathological phenomenon of the host and guest's reversed order to be overcome? If we are attentive enough, we will find numerous examples of such knowledge. Let me cite three conspicuous instances.

The first instance. In the latter half of the 1960s in the United States, as the American government was engaged in its famous "war on poverty", many criticisms were made of earlier policy as Spiro Agnew noted, "The slum experts know the slum better than the slum-dwellers." Such complaints suggested that until about 1960 the slum specialists, who were

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from the middle class, were merely working out solutions to urban problems from a lofty, far-removed position without genuinely understanding the slum-dwellers' sorrow and anger, or what they really required. I cannot make a definite statement on this particular example since I have not studied this subject in detail, yet the Japanese experts on the "Dowa minorities problem" may be criticized in the same way. What I can confidently say concerns the noise pollution of the Osaka Airport near my house. Noise, ear and throat specialists and acousticians have never researched the effects of airplane noise on the human body. Therefore, those who live near airports and experience daily such noise have more professional knowledge of the noise's effect on human bodies.

The second instance concerns the late Mr. Taro Takemi, former president of the Japan Medical Association. He used to be quite authoritative and criticize the mass media and general public as being "those illiterate people". About two years before he died, he was hospitalized for a year with cancer. In several issues of the *Nichii-news* after that, he cited various instances of new clinical findings which he made as a patient. Of course, this is nothing new. Some conscientious practitioners of the Tohoku District make it a motto "to listen to the patients and learn from them."

The third instance concerns my personal experience. To me this shows a nonprofessional knowledge's excellence more clearly than any other example. A visually handicapped friend of mine, a masseur, once said, "Quite a few masseurs, who have been officially designated first degree visually handicapped, or nearly totally blind, will visit their customers' houses by bicycle." I said, "How can that happen?" "Blind persons like us can easily deceive eye doctors." was the reply. Then he added, "I wish they would allow us blind persons to make the official judgement

of blindness." I was much amazed and said, "How can a blind person judge another blind person's eyesight?" He said, "If we listend to someone walking with a white walking-stick, given to blind persons, on the asphalt sidewalk for fifty meters, we would be able to judge. Between those who always use one and those who do not, there is a difference in the sound and number of times of using it." Blind citizens, struggling daily, may be nonprofessional in clinical ophthalmology, but they have a kind of professional ability acquired out of daily experience. In some regards they are better able to judge visual handicaps than eye doctors. It should not be hastily assumed, however, that such an ability is valuable only where so-called welfare services are concerned. For instance, visually handicapped persons know that they are at a crossroads by detecting a delicate breeze which those with normal eyesight cannot feel ; by contrast they will often knock against a billboard in front of them. There are a number of billboard regulations or traffic police services which fail to take account of such details.

**A New Proposal to Overcome the Pathological Phenomenon in Professionals' Social Technical Responsibilities : the Urgent Need to Establish a Cooperative System between the Citizen, Government Official and Scholar**

Let me cite some examples of pathological phenomena in professionals' social technical responsibilities, or their authoritarian attitudes. These examples concern architects.

I once went to the City Hall of Toronto, Canada, for several days in order to conduct an investigation. The City Hall is such a famous structure that a picture of it never fails to appear in a tourist guide of the city. It was designed by a celebrated architect. The structure includes some

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semicircular obelisk – like tall buildings which face one another. It is a unique and beautiful city hall. However, a number of officials complained to me about how inconvenient it was. In order to go from one section to another, one has to go out one semicircular obelisk – like building, and walk to another. Therefore, it was inconvenient for the general citizens as well as for the officials who worked there. I told the story to an official in the Tokyo Metropolitan Government Office. He gave me a long lecture on how it was difficult to use the Office building, which was designed by Mr. Tange, a famous designer. I live in Takarazuka City in the Hanshin area which has a population of 170,000. A few years ago the city had its city hall rebuilt. It is a beautiful big building. There is a high ceiling and wide hallway on the first floor. The mercury lamps reflect themselves in the nearby river at night. The building was designed at a famous architect's office. But it is about two kilometers from the nearest train stations, and inconvenient for citizens like me who do not have cars. Many officials complain that it is inconvenient for them, although it contains the mayor's and city assembly chairman's offices, offices that are luxurious enough to satisfy officials' desire for power and honor. According to my investigation, the upkeep expenses of the city hall (about 700 million yen a year) are five times those of the former city hall building. It can be easily imagined from the very high ceiling that electricity expenses have enormously increased because of the need to provide air conditioning. This means that every citizen pays about 4,200 yen, and every tax payer pays about 12,000 yen extra per year. Thus famous architects may design beautiful-looking buildings, which turn out to be inconvenient for city officials and citizens, and expensive, too. Once again we have another instance of the reversed order of host and guest.

Prevention of the pathological phenomenon requires two measures already mentioned : first, an improvement in the ethics and discipline of both parties and the completion of institutional measure ; secondly, the average citizens' knowledge must be actively used. With these two points in mind, let me propose the following measure.

Let us take an instance in architecture. Supposing we are going to have a house built. According to Japanese architectural terminology we are called "seshu" or "the builder-in-chief" (my coinage). The builder-in-chief tries to commission an architect that is as famous and excellent as possible. The architect will value the beauty of exterior appearances and interior decoration. When the builder-in-chief thinks that the design is inconvenient for daily life, he will complain to the architect. When the architect and we reach an agreement, we exchange written contracts. In the world of politics and public administration, the builder-in-chief is, needless to say, the sovereign citizen. The architect corresponds to politicians or government officials in Special Service (whether they belong to the leading party, or an opposition party) and professional scholars sitting in the supporting seats. Once a design is made, carpenters and plasterers build our house. These individuals are government officials in General Service. When the builder-in-chief goes to the building spot and asks the person in charge to, for example, make the walls white, or use wooden boards, a house will be built which will be convenient for its users. Unless sovereign citizens ask government officials in public and general services to give them proper service, they will not be able to receive proper service.

These days the importance of industry-university cooperation and industry-government-university cooperation is discussed in the mass media, while some leftist scholars still actively support union-university

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cooperation. A dozen years ago industry-university cooperation and industry-government-university cooperation were harshly criticized in the mass media, but they are accepted today. I consider it a mysterious apostasy. I feel this way because every cooperation which I have cited is accompanied by an authoritarian tendency to ignore or make light of the will, experience and wisdom of citizens at the grass-roots level. Their politics and public administration do not fully absorb the will of sovereign citizens, who are trusters, builders-in-chief and consumers of public service. That is why I have earnestly advocated citizen-government official (including politicians)-scholar cooperation. This is a natural conclusion arising from the theory of responsibility in terms of securing responsive responsibility. I have long discussed responsive responsibility. Let us move on to accountable responsibility.

Incidentally, I am fully aware that, at the time of signing a design contract between builder-in-chief and architect, especially when the builder-in-chief is responsible for a public building (such as a city hall), he is not always guaranteed a position superior, or even equal to that of the architect. He is not allowed to make even a slight change in the design. Probably this situation arises because of the architect's desire to be proud of the beauty of his design in later ages. I am convinced he will acquire instead a bad reputation for ignoring the wishes and needs of ordinary citizens. It seems to me, that in the circles of architecture, the customs of the medieval ages still remain, when the builders-in-chief were crowned heads and privileged priests.

iii) Accountable Responsibility : Work to be Accounted for by One Who Responds

From the One Who Calls to the One Who Calls to Account : From the

## One Who Responds to the One Who Accounts for

In terms of responsibility, as I have discussed, the performer, in carrying out his duty, must respond to the will of the one who calls and requires, as much as possible. When the one who calls judges that his will has been fully responded to, he is satisfied, and at this point the question of responsibility ends. But when the performer does his best to respond according to his inner subjective motive and morale, the one who calls sometimes judges from the outer and objective outcome of the behavior and procedure, that the performer has not fully responded to his requirement. Then, the one who calls turns to the one who calls him to account. 責 is the combination of 貝 and 束, and 束 is a "thorn", which means to blame. The performer has to account for his behavior, and turns to the one to whom he is accountable. Thus, responsibility enters into the third phase. Responsibility in this phase is that thing which the one who responds should fully account for. We call it responsibility as accountable work, or accountable responsibility.

Responsibility of this kind is equivalent to "accountability" in English, and "Rechenschaft" in German. It should be noted, at any rate, that in the books on public administration written in English, responsibility and accountability are separately used according to the context. Some controversies concerning administrative responsibility can be solved to some degree by distinguishing between these two ideas. Probably in Japanese books on public administration, these two interpretations are distinguished; accountability is translated as "legal responsibility". But it should be clear from the discussion of the variety of rules that accountable responsibility and legal responsibility are not always identical.

The one who calls is most fully informed when the performer accounts for his work by using numerical calculation such as number of sales.

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The term, "accountability", comes from "accountable", which means "capable of being explained by account or count". "Rechen" in "Rechenschaft" means to count, too. Accountability often means responsibility in accounting. 貝 (shell) in 責 means a coin .

Incidentally, I believe that Friedlich and Finer's controversy occurred in the late 1930s, partly because Friedlich defined responsibility in terms of responsiveness and answerability, while Finer defined it in terms of accountability and liability.

The Difference between Responsive Responsibility and Accountable Responsibility : The Extent of Work Caused by the Difference between an Emphasis on Motive and an Emphasis on Outcome

Now how is accountable responsibility different from responsive responsibility? They are different in two respects. In the case of responsive responsibility, the performer must try his best to realize the will and rule of the one who calls. Therefore, "responsibility" is felt mainly by the performer, but its significance is illustrated in the outcome and procedure of the task performed. In accountable responsibility, on the other hand, the performer is called to account, and has to explain that the outcome and procedure of his work agree with the rules of the one who calls. First, the two kinds of responsibility differ from each other in the aspects of work which they emphasize. The former stresses the performer's inner and subjective motive and morale, as well as the result and procedure of the work, while the latter mainly stresses the outer and objective result and procedure of the work. Secondly, they differ in the extent of work. The latter is established chiefly when the performer is called to account, and covers a smaller extent. That is probably the reason why the sense of duty is emphasized mainly in responsive

responsibility. The fatal opposition between Kant and Weber concerning motivational responsibility and resultant responsibility may be moderated to some extent by this distinction. The difference between the two concepts of responsibility as well as variety of rules to be responded to, shows itself in our daily conversation: "There is no question in terms of legal responsibility, but moral and political responsibility still remain."

The one who calls the performer to account judges whether the work has been carried out according to the rules or not. When the one who calls the performer to account and the performer (that is, the one who accounts for the work) interpret the rules differently, it becomes difficult to determine who is responsive. But this chiefly concerns the question of discretion, and ought to be skipped here.

**Procedural Responsibility between Motivational Responsibility and Resultant Responsibility : Not that "All is Well That Ends or Is Motivated Well "**

I have emphasized procedure as a means of reaching a result. As I have written elsewhere (*Reform* P.258), I am much disappointed that many of us, even specialists in jurisprudence and political scientists, who should value the democratic process, place very little weight on the procedure which connects a purpose or motive and its result. "The tendency most dangerous for democracy (a tendency, that is, peculiar to Japanese) is the habit of disregarding procedure and means when connecting purpose and result, saying instead, 'All is well that is meant well,' and 'All is well that ends well.' I consider Hoheitlichkeit which since Emperor Nintoku of the fifth century uncritically affirmed that the good nature of the emperor was sufficient to ensure good government, to be one of the most dangerous threats to democracy. I also consider particularly dangerous

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the policy-is-everything theory which says that in politics policy (broadly speaking, policy-making within the government) is everything." Actually, in classical Anglo-American jurisprudence, law is not statute law, in which the nation or the parliament provides for the people's rights and duties in substance. Rather it is case law or common law, that is, law of the cases casuistically induced from a record of the decisions of past cases or precedents. It is also called the code of procedure. In ethics as well as in jurisprudence procedural justice is even more valued than substantial justice. In Japan, however, where jurisprudence has been much influenced by Anglo-American jurisprudence since the end of the war, substantial justice is still more valued than procedural justice. In the books on law, political science and ethics, Aristotle's idea of justice is introduced. Aristotle divides justice into legality and equality, and further divides equality into distributional justice and correctional justice. In relation to legality, the distinction between within-law justice in the positive law and beyond-law justice which the positive law should aim at, and also the distinction between absolutistic justice and relativistic justice are discussed. In other words, only the distinction in principle between the substance and content of justice is discussed, while the distinction between substantial justice and procedural justice is overlooked. In Japan, as far as I know, there are many fewer cases than in Anglo-American law where, in the interpretation of the positive law, procedural defects are considered grounds of the nullification of a deed, especially in administrative law. For some years after the end of the war the enactment of "Administrative Procedure Act" based on the American principle of due process of law was discussed, but now it has been forgotten by most of the lawyers. In discussing responsibility, only the distinction between motivational responsibility and resultant responsibility is discussed, while intermediate

procedural responsibility is not. It shows that between both parties of responsibility, or between principal and agent (performer) the idea of calling and responding according to some established procedure is lacking. I am afraid that in both parties the idea of being a sovereign trustee and of being a servant-trustee are lacking; the ultimate faith in procedure, that is essential to democracy, is lacking. That is why I stress the importance of the performer's accountable responsibility for procedure, or procedural responsibility.

I have seen a number of examples of lack of procedural responsibility, or examples of "All is well that is motivated or ends well" in Japan in judicial service. I have seen them in public service, too. They are too many to cite. Let me give one example. It concerns fiscal accountability, a typical example of accountable responsibility. Commonly in the central, prefectural, municipal and town and village governments, explanation and publication of the governments' budget centers on the purposes for which money is going to be spent. Moreover, political scientists, mass media and citizens also discuss only this question. But they show very little interest in closing accounts which reveal whether the money has been spent properly according to the budget or not. In a strictly secret investigation of a certain local government I found that only a few officials out of several thousand were fully aware of the technique required to match closing accounts with the budget when they did not agree. (Concerning this point, please refer to Shoji Inagawa, "Administrative Reform and the Paralysis of A Sense of Law : Skeletonization of Constitutionalism through Preceding Politics and Lack of Legal Management" a December, 1982 issue of the *Horitsu-jiho*.)

Lack of accountable responsibility of this kind is not confined only to public service alone. This tendency is also found in medical service,

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where patients are often denied information on the price of medicines. This practice is found also in architectural service, where buildings are not constructed according to the specifications or blue prints which the architect presents to the builder-in-chief. The problem is common to all forms of professional service.

iv) Liable Responsibility : The Work of the One Who Accounts Should be Censured

From the One Who Calls to Account to the Censurer : From the One Who Accounts to the Censured

When the one who calls the performer to account fully understands and accepts the performer's account, the question of responsibility is completed. But sometimes the performer cannot account for his work at all, and even if he can, he cannot let the one who calls him to account fully understand and accept it. When it is clear that the work of the one who accounts does not agree with the rules, responsibility enters into the fourth phase. The one who calls the performer to account, tries to run "a thorn" into him, he censures and punishes him. The one who calls the performer to account becomes a censurer and sanctioner, and the one who must account for his own behaviour, a censured or sanctioned person.

Responsibility in this phase, or work to be censured or sanctioned is called "liable responsibility" or "responsibility as liable work". We use the term, responsibility in this sense when in daily life we say "I bear the responsibility", because then we are ready to accept censure and sanction (disadvantage). Likewise, in the academic definition of the term which says that *in the broadest sense*, legal responsibility "means the position to be given legal sanction or disadvantage" (italics mine), this

aspect of responsibility is stressed. It is equivalent to "liability" in English, and "Haftbarkeit" (or Schuld) in German. Both of them mean "censurability" and "able to be sanctioned".

The Difference between Accountable Responsibility and Liable Responsibility : The Extent of Work Is Decided by the Fact that Illegality Does Not Directly Lead to Punishability

Incidentally, in the definition of "legal responsibility", interpreting it as responsibility in the broadest sense, a distinction is drawn between "the responsibility for an illegal deed" in civil and criminal cases, and "the relationship between a crime and the *criminal's personality*, or the censurability of the performer" (italics mine). It is made clear that an illegal act is not always a censurable or sanctionable act, nor does illegality always directly lead to punishability. Probably it comes from the rule or rule of conduct, universal to us. We must decide sanction and penalty while considering the relationship between a deed and the performer's personality, together with the particular context. I think the judge's conviction theory refers both to the conditions in a given situation, and also the personality peculiar to the performer. Therefore, liable responsibility is narrower than accountable responsibility. Even when a deed does not agree with various rules stated above as well as with legal norms, it is not always subject to censure and sanction. This is what we experience not only in judicial service and public service governed by legal principles, but also in human relations in various areas of our daily life. What I have discussed is quite true of the professional service of priests, doctors and lawyers. We witness this when individuals are expelled from their professions and deprived of their qualifications.

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v) The Eternal Cycle of Responsibility

Appointment, Calling, Bringing to Account, Censure, New Appointment :  
Acceptance of an Appointment, Response, Accounting, Suffering,  
Acceptance of a New Appointment

Responsibility ends in the fourth phase. In the phase of calling to account, however, the principal evaluates the result of the agent's deed, discovers the difference between it and his will, and calls the agent to account. Therefore, while the principal calls the agent to account and sanctions him, he usually makes a new appointment and lays down new requirements. Thus, responsibility returns to the first phase in which, appointment occurs. It then goes on through the second, third and fourth phases. This is what I called the cycle of responsibility. Responsibility is to be viewed as an eternal cycle : first, obligatory responsibility is established between principal and agent or appointee, then responsive responsibility operates between the one who calls and the one who responds, which in turn becomes accountable responsibility between the one who calls to account and the one who accounts, then changing into liable responsibility between the censurer and the one who is censured, and finally developing into obligatory responsibility between principal (appointer) and a new agent (appointee). In terms of responsibility in public service and governmental service, responsibility should be interpreted as an eternal cycle stretching from obligatory responsibility to liable responsibility of the agent and performer, (who is the government) and then returning again to obligatory responsibility.

Cycle of Responsibility and Stein's *Handbuch der Verwaltungslehre* (3 Bde, 1887 - 88) (Handbook of Administration) : Stein's "eternal circulation" and Easton's *Political System*

I deviate from the nationalistic approach again. The eternal cycle reminds me of the administrative theory of Lorentz von Stein, who had much to do with the institution of the Meiji Constitution of Japan. Let me summarize his explanation of "die Wechselwirkung der Verfassung und Verwaltung" (the interaction of constitution and administration) in *Handbuch der Verwaltungslehre*. "Constitution is, according to its own concept, without content (inhaltlos) without administration, while administration is powerless (machtlos) without constitution." (S. 28) "Administration is acting constitution." The above interaction is found in the formal process of their combination. The formal process of combination is as follows. (a) Administration obtains ideas on how to provide an order for practical life. In other words, it starts drawing up a law (Gesetzesentwurf). (b) These ideas are either manifested as the will of the person of the nation and operate through a system of self-regulation, or they become laws (Gesetz). (c) In order to be carried out, law requires the order (Verordnung) of public administration. (d) Law and order are carried out in actual situations (Ausführung). (e) As a result, we return to the drawing up of a law in the first stage. According to von Stein, although administration and constitution are distinguished, they are in "der ewige Kreislauf" (eternal circulation). I find in this something very close to my cycle of responsibility. Further, I find something even closer to the diagram of input - conversion - output - feedback - input. This appears in the system theory of Behavioral Science, a theory popular all over the world since David Easton published *Political System* in 1953.

I return to the nationalistic approach. Now I appreciate the phrase "getting new knowledge by studying old things" said by Confucius more than two thousand years ago. Professor Hajime Tanabe, a philosopher,

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whose lecture I once listened to, says, "Dialectical idealism and dialectical materialism both deny the dualism of logic and teleology, which is the basis for establishing history and practice, leading to the abandonment of history and practice which they emphasize." (Tanabe, *Hegeru Tetsugaku to Bensho* Hegelian Philosophy and Dialectic p.393. Iwanami, 1932) Tanabe established an absolute dialectic which unifies a series of contradictions, such as logic and teleology, theory and practice, object and subject, and nature and man. (Tanabe, *Tetsugaku Tsuron* An Outline of Philosophy. Iwanami, 1932) Certainly I am not qualified to evaluate various theories of dialectic, which have been advocated since old times. While afraid of misunderstanding Professor Tanabe's words, I will give my theory in terms of responsibility.

In the principal-agent relationship that is essential to the idea of responsibility, the principal selects, calls, calls to account and cesures the agent. In this sense, the agent is created by the principal. To the agent, the principal exists in much the same way as nature does and creates him. Their relation is that between the one who creates and the one who is created. As we have seen, however, responsibility circulates for ever, interacting with both the principal and the agent. It is natural that the one who creates restricts and limits the one who is created. But the agent can exercise his own discretion, and the one who is created restricts and limits the one who creates. In other words, the relationship between principal and agent, or between the one who creates and the one who is created, is a dialectical relationship, just as subject restricts object, and object restricts subject. To express it in terms of political science and public administration, at least in democracy, good (or bad) citizens create a good (or bad) government and public administration, while a good

government and public administration create good citizens. An interactive dialectical relationship obtains.

This is not true of political circles alone. The interactive dialectical relationship is found between a patient, who entrusts healing to a doctor, and a doctor, between a client who asks a lawyer for a settlement of a case, and a lawyer, between a church member, who asks for peace of mind in this and other worlds, and a priest (a pastor); between a client, who is a truster, and a professional, who is a trustee. Good (or bad) clients make good (or bad) lawyers, good church members, good pastors, and good patients, good doctors. On the other hand, good lawyers make good clients, good pastors make good church members, and good doctors make good patients. In Japan it seems, however, that only good government, politicians, public officials, lawyers, doctors and pastors are wanted. I want to emphasize the need to look at the relations between both parties. In terms of public administration in political science, together with patient-doctor relations in medicine, client-lawyer relations in law and believer-pastor relations in theology, citizen-administration relations is a new and important field. Let me add that this is not a novel idea. This is close to what Orion White of the United States refers to "client-bureaucracy relation" in his "The Dialectical Organization : Alternative to Bureaucracy" (PAR. Vol. XXIX, No. 1, 1969). Incidentally, student-teacher relations in education would be a new and great field, too.

## 2) Responsibility and Discretion

### i) Dilemmatic Problem in Responsibility and Discretion : Skeletonization of Constitutionalism and Democracy

Analysis of responsibility into four phases or stages will help settle the ambiguity of the term. The contradiction between "He has fulfilled

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the responsibility” and “He is responsible” can now be solved ; the former concerns obligatory or responsive responsibility in the first and second phases, and the latter concerns accountable or liable responsibility in the third and fourth phases. Understanding responsibility in the cycle of four phases would help make clear comprehensively the wide range of human life which the term responsibility covers. Relations between citizens, who entrust and receive public service, and the government, which is entrusted with providing this service, or citizen-administration relations, would be understood better with the idea of responsibility. So would be relations between clients, who entrust and receive professional service, and professionals, who are entrusted with providing this service, or client-professional relations, and the interactive dialectical relationship between them. But even if the ambiguity of the term is solved, and a comprehensive clarification of the term is possible, not all the difficult questions of responsibility are settled. It is mainly because we must admit that the agent, one party of responsibility, has his own style of conduct based on his free judgement, which may conflict with the principal's will. We must ultimately consider the agent's discretion or discretionary conduct. The question of discretion is so important that without discussing it, the question of responsibility could not be fully discussed. Therefore, let us examine it now.

#### The Identification of Principal and Agent in Responsibility : the Question of the Sense of Responsibility

It has already been suggested that several dilemmatic problems are contained in the idea of responsibility. It has to be added in relation to this that what makes it more dilemmatic is contained in the above analysis itself. It is presupposed in the analysis of responsibility that the

principal, who is the appointer, the one who calls, the one who calls to account and the censurer, exists apart from the agent, who is the appointee, the one who responds, the one who accounts for the work, and the censured. Now in actual reality, however, the principal and the agent coexist in the same person in every phase or in a certain phase of responsibility. In other words, identification of principal and agent constantly happens in each performer's mind, or in his subjective sense of responsibility. Strictly speaking, it always happens. Let us cite an extreme instance.

General Nogi committed suicide on the funeral day of Emperor Meiji. It is likely that he committed suicide because, given the profound emotional human loyalty between him and the emperor, he could not find any significance in life after the emperor's death. Then, he entrusted himself with an obligation, called himself to account and censured himself. He committed suicide according to his sense of responsibility by identifying himself with all the four phases of responsibility. Even if he killed himself according to a conventional practice of following the lord to the grave, he responded to the emperor's comprehensive obligatory responsibility-"Be loyal to me"-based on the social norm (rule) of the traditional bushi society. In this case, the general called himself to account and censured himself according to the rule. He committed suicide with a sense of responsibility in identification of the second, third and fourth phases. Alternatively, if he killed himself, as some people say, because he felt responsible for losing a battle flag in the Satsuma Rebellion when young, then he called himself to account and censured himself for having evaded being called to account, he killed himself with a sense of responsibility in identification of the third and fourth phases.

**The Performer's Unconscious Identification : "I Have a Guilty Conscience"**

In this extreme example, we have to pay attention to the following point. The reason for General Nogi's suicide may be mystery, as many people have tried to find out. No one can be sure of it, but probably General Nogi himself was not clearly conscious in which phase of responsibility he committed suicide: it was a mystery to him, too. Probably his conduct was based on an aesthetic consciousness peculiar to him, which cannot be logically explained away. Therefore, it is very difficult in many cases, to decide in which phase the above identification is caused. We sometimes say, "I have a guilty conscience," but we say so without being clearly conscious in which phase the guilty conscience — the above identification — arises. We say so in a situation which is even more difficult for others or the third party to identify. Probably such unconscious identification comes from a complex and subtle psychology and from aspects of spirit peculiar to each individual.

**The Inevitable Development of the Performer's Discretion : The Impossibility of Automation of the Agent's Conduct**

"In principle, the idea of a law without gaps is, of course, vigorously disputed. The conception of the modern judge as an automation into which the files and the costs are thrown in order that it may spit forth verdict at the bottom along with the reasons, read mechanically from codified paragraphs...this conception is angrily rejected." (Max Weber *op. cit.*, S. 664) These words of Weber's written seventy years ago are still true in very sophisticated contemporary science. Human complexity and subtlety suggest that there is always and inevitably a gap between the principal's expectations and requirements and the agent's conduct and the result of his actions. In whatever detail the principal entrusts the agent with

the content of work and rules of conduct, and calls him, the agent does not perform it as the principal would do. The principal cannot entrust and call the agent in such a detailed way that the desired conduct will automatically occur. The principal must recognize more or less, the agent's free judgement or discretion. Discretion means, ultimately, the identification which develops in such a case. If the principal could automate the agent, he would not need to call the agent to account in any phase of responsibility. The question of responsibility would not arise. It is often said that "freedom accompanies responsibility," but "responsibility accompanies freedom," too. Responsibility contains the element of compulsion, as is shown by the fact that it is accompanied by censure in the last phase. On the other hand, it has to contain a notion of freedom, which contradicts the element of compulsion. Thus, the idea of responsibility itself already implies a dilemma. The ambiguity surrounding the term "responsibility" derives also from this problem. This is the reason the question of discretion is another central element in the idea of responsibility.

#### Conscious Identification Disguised as Unconscious Identification : The Possibility of the Performer's Arbitrary Judgement Intervening When Discretion Operates

What should be paid attention to is that it is possible for the performer to identify his subjective and arbitrary judgement such as interests, ideology and preferences, along with the rules of conduct. He can do so while conscious of the arbitrary judgement of other people or a group whose interests are connected with his. In other words, the performer can adopt such arbitrary judgements when he exercises his discretion. It is possible for the performer to disguise such conscious identification

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as unconscious identification, by incorporating it within his discretion. In other words, it is possible to define one's clear sense of interests, apparent in one's psychology and mind, in terms of the delicate and complex structure that includes what is latent in the depth of one's psychology and mind. This is why, I think, the question of discretion, a question that is central to the idea of responsibility, represents a particularly awkward dilemma.

The difficult question which in this way is related to discretion appears not only in the responsibility of the one who offers public service, or public administrative responsibility, but also in the responsibility of the one who offers professional service, or professional responsibility. Nevertheless in relation to the subject of the present article, the former type of responsibility will be focused upon.

**Discretion in the Four Phases : Identification of the Agent's Rule with the Principal**

The question of discretion appears in every phase of responsibility. Generally speaking, it is discussed in relation to rules, or in the phase of responsive responsibility, but it also appears in the first phase of obligatory responsibility. This is because in most cases strictly speaking, there is room for the performer or agent to exercise discretion when assessing the extent of his obligation, and when discretion is required. Indeed discretion becomes more necessary when the principal does not clearly suggest that the performer can freely exercise his own judgement. It does not always happen that the principal's expectations, requirements or will are communicated to (or entrusted to) the agent in a clear manner. When a group of people (such as the nation or diet), acts as the principal, conflicts within the group often remain unresolved, and the principal's

will is entrusted to the performer even though its important items are still ambiguous. Probably the Japanese follow the teaching of "Shotoku-taishi" ("Peace and harmony is what should be valued"), this situation is very apparent in the Japanese. We Japanese tend to consider as a definite conclusion that in fact is very unclear. In an extreme case, the principal suggests his will to the agent, while he himself is not very conscious of his own intentions. We often realize the original intention in the process of carrying out our instructions. In such a case, the agent identifies his own rule and will, which are sometimes arbitrary, with the principal's. The question concerning the nature and extent of discretion becomes more important.

The question of identification most frequently occurs, and becomes most vital in the second phase, that is the phase of responsive responsibility. When the principal and caller's rules are too ambiguous or unclear for the agent, the agent interpretes them according to his own discretion and makes up more specific and detailed rules. Such identifying work is inevitable and is carried out in many situations. It is often the case that there is a gap between the principal's will and the agent's conduct and the resulting outcome. In the case of decisions concerning public service, the principal is generally a representative pluralistic body (for instance, the Diet), which contains many different viewpoints. In many cases, therefore, the principal's rules themselves are a product of "iridescent" compromise. In other words, these rules are too vaguely defined, or in extreme cases, they may contradict one another. Consequently, the exercise of discretion becomes more common, and the gaps between the principal's will and the agent's actions frequently diverge. When, within the body of people that corresponds to the principal, the rules are determined according to a majority decision, the agent's

conduct, especially when the agent is required to exercise his discretion, is constantly challenged by the minority.

In the third and fourth phases (the phases of accountable and liable responsibility), there is room for the question of discretion, i.e. when the agent and principal are identical, to appear. In some cases like that of General Nogi, while the principal does not call the agent to account and censure him, the agent calls himself to account and censures himself according to his identification or discretion based on his rules. In some other cases, when the principal tries to call the agent to account and censure him, the agent rejects this attempt, saying, "I have done right in the sight of God and man."

#### The Question of Discretion and the Degree of Clarification of Rules : the Skeletonization of Constitutionalism and Democracy

The frequency with which discretion must be exercised depends on the clarity and specificity of the rules that the principal lays down to guide the actions of the agent. Needless to say, when the principal presents the rules very clearly and specifically, the gap between principal and agent, which arises from the above identification, can be prevented. What should be remembered at this point is that in the case of public service in Japan, the gaps between the Diet and the public employee are becoming smaller and smaller. This may be because of a climate of tacit understanding. Or it may be because the Japanese live in a society where the ruling psychology and custom is "All is well that is motivated (or ends) well." It is also probably because there still remains a tradition of regarding the relationship between the principal - appointer of public service and the agent - appointee, as that between an inferior and a superior. The old Japanese proverb, "You might as well contend against the government

authorities as reason with a crying child" is not old for the average citizens who are supposed to be the principal – appointer. Also as public service expands and becomes more complicated, it is more difficult for the principal to suggest detailed and specific rules. At any rate, for these reasons, the following things are to be skeletonized : English "rule by law", constitutionalism in general, and Carl Schmitt's ideal of democracy as "identity of the ruler and the ruled, of the governor and the governed, and the commander and the commanded." (Carl Schmitt *Verfassungsrecht*, 1928 S. 234) "Discretion" implies such important problems.

ii) The Challenge to the Dilemma Inherent in the Concepts of Responsibility and Discretion : Citizens' Education in Public Administration and the Question of Japanese Culture

The Heated "Rational Debate" on "a System of 'Reasons'" : The Argument That Supplements "Regular Rule"

When I consider the vital question concerning the skeletonization of constitutionalism and democracy, (a process that occurs when discretion is exercised), I am reminded of Weber's previously quoted words. "The only decisive point for us is that in principle a system of rationally debatable 'reasons' stands every act of bureaucratic administration, that is, either subsumption under norms or a weighing of ends and means." By establishing a kind of rule called "a system of 'reason'" Weber intends to prevent a behaviour based on the agent's subjective and arbitrary rule and will (that is, discretion), which is different from the principal's, supplementing what he calls "legal rule" (*legale Herrschaft*), "regular rule" (*regelmässige Herrschaft*), and "bureaucratic administration", preventing skeletonization. I believe, therefore, that it is fundamentally important for the prevention of the skeletonization of constitutionalism, democracy, and

civil liberties that a heated "rational debate" on "a system of 'reasons'" to guide the agent's conduct should be held between principal-citizen and agent-public official. A claim for freedom of information of accessible public service is equivalent to a demand for such a heated "rational debate."

Two Difficulties in Heated Rational Debate : The Importance of Citizens' Sophistication in Public Administration Which Is Necessary to Oppose the Rational Self-justification of Government with Enormous Professional and Factual Knowledge

It is easier to defend the importance of "rational debate" with words, than through actions. At least two difficulties arise.

The first difficulty is as follows. In actual public administration, the rule that establishes "a system of rationally debatable 'reason'" is sometimes a rule which the agent (public official) makes up based on his arbitrary judgement. It is what I call "a self-made private bylaw". (See Adachi, *Vocation* 1979, p. 180) I do not make light of the significance of such a rule. But what I consider more important is the fact that many rules are made up by groups. I call such rules "homemade bylaws". (*op. cit.*, p. 177) It must be noted that the rules cover a very wide range. They cover interests, which exist not only in the individual agent's mind, but also in the group as group psychology, ideology, preference and a desire to expand power. These are subjective, unsteady and arbitrary. They also cover something akin to beliefs and skills, (which are found in the group and yet have some objective steadiness, convention for instance) and something approaching systematized professional knowledge and techniques such as unofficial custom barriers and "sensitive" government information that the government often arbitrarily decides the public should

not have access to. Needless to say, subjective rules are less worthy of "rational" than objective, publicly recognized ones. In either case, however, it is usual that the agent, whether an individual or a group, has at hand "a system of rationally debatable 'reasons'", or "rational self-justification". (See *op. cit.*, pp. 152 - 5)

What is more remarkable is that behind such self-justification lies what I call a treasure house of enormous professional and factual knowledge. It is knowledge, information, techniques and experience which have been accumulated for many years in a government bureau, where legitimate power is allowed to be exercised. Such an administrative organization is ruled by strict hierarchy. It is, in a true sense, a treasurehouse of enormous professional and factual knowledge for self-justification itself. (Adachi, *Gyooseigaku* Public Administration, 1971, p. 291) It is obvious that citizens' professional factual knowledge and techniques of calling to account cannot equal this. Actually, a young scholar from the Ministry of Finance, Hidetsugu Sakakibara, points out how great "officials' power through the monopolization of information" is. He says, "Compared with the quantity of information in the Budget Bureau, the Ministry of Finance, what professors of public finance say often sounds like nonsense." (Sakakibara, *Nihon o Enshutsusuru Shinkanryo-zo* New Types of Public Officials Who Present Japan to the World) This is partly why citizens' movement sometimes goes beyond "rational debate" into emotional actions.

I need to clarify what I mean by "partly why". There is a serious problem concerning the role of citizens, that is central to the principal in the concept of responsibility. This is the second difficulty. It is, in a word, political immaturity. Not only general citizens, but also famous scholars, coolly demand "as high wages as in the United States, as

comprehensive welfare services as in Sweden, as spacious housing as in Australia and tax as low as those in Kuwait." We are so politically immature that we require what is simply impossible to carry out. I shall discuss this in more detail, but please refer to "Importance of Research on and Education of Public Administration for Administrative Reform" (pp. 237 - 240) in *Reform*. Freedom of information would result in something contrary to our expectations if the political immaturity of citizens concerning public service were not first corrected. Education in the field of public administration, as mature and penetrating research shows, should first be provided. This will be discussed in more detail later.

**One Easy Way to Overcome the Tension between the Principal and Agent When Discretion Is Exercised : the Transformation of Internal Responsibility into External Responsibility**

Let us look again at the general character of the question of discretion. The above analysis shows that there is always a possibility of a difference of opinion concerning rules, and hence some oppositional tension may appear between principal and agent (performer). Specifically, the tension appears between the principal, the owner of the highest political power, a despot in an absolute monarchy, and the representative organ of the people within a democracy, (in Japan the Diet which is "the highest organ of national power") and the agent, which in a hierarchal organization is entrusted with the exercise of power (that is the administrative organization headed by the Cabinet). Such tension is constantly generated between superiors and inferiors within a hierarchy.

There is one way, however, to effectively deal with this tension, although it may be an easygoing one. The agent must give up his own rules, however sure he may be of their effectiveness, and adopt the principal's

rules, or the rules which the agent supposes the principal would use while exercising his discretion. In other words, the agent does not judge according to his own internal and autonomous rules, but judges according to the principal's internal rules, which are external to the agent. This overcomes the tension, by transforming internal rules and responsibility into external rules and responsibility. In the case of an absolute monarchy, where every agent adopts the despot's rules and will as his own, the agent's responsibility scarcely proceeds to the third and fourth phases, that is the stage calling to account and sanction. When the principal is equivalent to the Diet or parliament in a democracy, a similar method is adopted as long as there is a majority pluralistic group within the principal. What is true of an absolute monarchy is true here when every agent makes the rules and will of the majority his own. When this method is stressed, what is called personal responsibility comes to the surface. In terms of this point, it is easily understood that in Japan, where the Liberal-Democratic Party has been the leading party in the Diet for about thirty years, almost all the officials accept the party discipline and, make decisions and behave according to its will. They try their best to have their personal responsibility guaranteed. It is very clear, however, that such an approach is very easygoing.

#### Some Problems in Reaching the Stage of External Responsibility : The Decline of Functional Responsibility and Active Persons

When the agent constantly seeks the rules which the principal or the superior agent would adopt, and makes them his own, the human relations of principal and agent become master-and-servant relations. What is important in terms of the idea of responsibility is that, although responsibility is controlled by the principal's personal rules, when the rules

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are subjective, unsteady and arbitrary ones peculiar to the principal, his political rule becomes subjective, unsteady and arbitrary both for the agent in the hierarchy and for the people who are governed. The principal's political rule would be considered irresponsible by those who cannot approve of his personal rules. In the event that the principal were a despot, it would be impossible for the governed to question his political responsibility except through a riot, a rebellion or a coup d'etat. Supposing the people were not satisfied with the conduct of officials or subjects of the despot, the officials could quote the despot's rules as the rules governing their own conduct. Then, the people would not be able to challenge the monarch in any way. The monarch assumes responsibility towards Heaven or God, but not towards the people. Even the monarch is against apparent codes of conduct such as laws, it is impossible to question his responsibility, unless he calls himself to account and takes sanctions against himself. The Imperial Constitution used to say, "State ministers are responsible for giving advice to the Emperor." (Article 55) But the Emperor, to whom they were responsible, was "sacred and inviolable" (Article 3). The Imperial Constitution assumed that the Imperial government was free to treat the people in any way it pleased...this view has been drastically modified and now detailed in Article 3 of the Japanese Constitution.

In the theory of responsibility, responsibility is frequently divided into personal responsibility and functional responsibility. If on the one hand personal responsibility is understood as described above, then functional responsibility, on the other hand, can be summarized as follows. The agent should try to be faithful to the objective rules embodied in his obligation (function), instead of easily adopting the principal's or superior's rules. This is the essence of obligatory responsibility. In terms of the purpose

of the function (conduct) and the means to carry it out, the agent needs to create "a system of rationally debatable (accountable) reasons" based on his autonomous judgement. Then, an independent, autonomous and active person, and not a subordinate, heteronomous, and passive one, whose existence is stressed in the account of personal responsibility, would be required. Consider for instance that Japanese are still as described in Takeo Doi's book *Amae no Kozo* (The Anatomy of Dependence) (1971), and that Japanese society is characterized by what Chie Nakane calls *Tateshakai no Ningenkankei* (Human Relationship in a Vertical Society) (1967). If we assume that Japanese organizations are governed by "the logic of private family" (a system in which people think and behave with the family as a model), just as those who are proudly engaged in the Japanese-style group-oriented management say, (Adachi, *College* 1982, pp. 63-8) (I think each theory is an assumptive model.) then, the active person, together with functional responsibility, is in decline.

#### Aporia in the Idea of Responsibility : A Question of Human Culture

The question of discretion is the most central problem in the discussion about responsibility, and is the most difficult aporia because it appears in the above context. The agent's control by the principal and the agent's freedom, external responsibility and internal responsibility, heteronomous responsibility and autonomous responsibility, personal responsibility and functional responsibility are intermingled in a complex way. Ultimately, intentional responsibility and resultant responsibility, and the related concept of procedural responsibility, and more fundamentally, human existence itself, (that is the question of culture in the forms of thought and behaviour peculiar to the Japanese) are intermingled. We are thus thrown into confusion.