ACCOUNTABILITY AND THE EVIL OF ADMINISTRATIVE ETHICS

MELVIN J. DUBNICK
University of New Hampshire
Queen's University, Belfast

JONATHAN B. JUSTICE
University of Delaware

Scholars of administrative ethics have recently been attentive to the problem of so-called administrative evil. The authors argue that evil can be understood as a socially constructed category of agents and acts specific to particular circumstances and moral communities, and the authors apply a framework of accountability to reflect the dynamics of that constructed reality. Selected examples of efforts to hold evil actors accountable or otherwise to account for evil acts illustrate a paradox: Responses to so-called evil may themselves be labeled evil in hindsight or by members of other contemporaneous communities. In light of this paradox and attendant ethical dilemmas, the authors argue that conventional ethical and behavioral prescriptions are necessary but insufficient protections against catastrophic mis-, mal-, or nonfeasance in and by organizations.

Keywords: *accountability; ethics; moral responsibility; organizational behavior; bureaucracy; moral dilemmas; theodicy*

I can see that it happened, I can be told how, and after nearly three years of looking around Rwanda and listening to Rwandans, I can tell you how, and I will. But the horror of it—the idiocy, the waste, the sheer wrongness—remains uncircumscribable.

—Gourevitch (1998, p. 19)

236

> It felt like you were descending into the rings of hell, and it was of our own creation.
>
> — U.S. Senator Richard Durbin, May 13, 2004,
> after viewing photos from Abu Ghraib Prison
> (as quoted in Cornwell, 2004, p. 9)

Until recently, the contemporary study of administrative ethics in the United States has been preoccupied with an explicitly normative agenda focused on the search for those core and higher values that ought to drive the work and choices of public administration professionals (T. L. Cooper, 1994, 2001; Martinez, 1998). With the publication of Adams and Balfour's (1998) *Unmasking Administrative Evil*, however, the field was pulled out of the metaphysical closet and confronted with historical questions about the role of "evil" in administrative life and vice versa. Intellectual efforts devoted to combating the nihilism of contemporary life (Scott & Hart, 1973) were now to be shifted toward exposing the pervasive and devastating consequences of modernity that is allowed to run its logical and deadly course. Despite doubts about the value and wisdom of relying on the concept of evil in scholarship or reasoned discourse (Dubnick, 2000; Eberly, 2003; Levine, 2000), there is no denying the key role it has played in the attempt to comprehend horrific occurrences throughout history, from its status as a universal force in religious cosmology (see Parkin, 1985) to its naturalized and conventional applications in contemporary theories of human behavior (see Alford, 1997a, 1997b; Delbecq, 2001). In this article, we explore the role of evil in administrative ethics from a functional perspective, accepting its importance as a socially significant concept that requires attention on those grounds alone. Posited within the historical context of modernity, we find that various notions of evil have served (and continue to serve) a social purpose in both rationalizing and transforming otherwise morally inexplicable events and behavior. Understood in this way, evil has indeed played a key role in modern life, although more as a mediating social construct than as an actual metaphysical or natural force. Moreover, we find that this functionally significant evil has had consequences (some of them quite dysfunctional) that become more evident when viewed in this light.

Two points about this analysis need to be clarified at the outset. First, our claims for the value of the functional approach applied here are limited. We do not intend this analysis to stand as a theory, nor do we make any pretense to scientific explanation. Rather, we regard this perspective on evil as providing an analytical approach that can generate insights but

does not promise complete answers to the issues it raises. Second, the focus of our analysis is administrative ethics broadly defined, that is, ethical standards and choices made by those in administrative positions as these relate to the design and delivery of public sector policies and programs. In that sense, we are concerned with more than the specific rules and codes related to the control of administrative behavior while at the same time concentrating on ethical norms and standards relevant to this particular sector of social behavior.

We begin our analysis with Susan Neiman's (2002) insight that the simultaneously metaphysical and ethical "problem of evil is fundamentally a problem about the intelligibility of the world" (pp. 7-8) and her explication of the centrality in modern philosophical thought of the search for solutions to the problem of evil. This provides a context for understanding ethical responses to evil as attempts to render morally intelligible what would otherwise be incomprehensibly wrong acts and actors. Then we introduce the Strawsonian account of the everyday human practices and reactive attitudes associated with moral judgment and responsibility (Fischer, 1999; Strawson, 1962; Wallace, 1994). In this light, efforts to hold individuals ethically accountable can be understood as responding to a moral community's collective desire to render morally unintelligible behavior and outcomes less problematic. Actors and actions previously beyond moral comprehension are now perceived as violations of established and accepted moral obligations actually or potentially subject to customary responses such as expressing indignation and applying sanctions. Accountability, we argue, provides the primary mechanisms through which this is accomplished.

But there is a flaw in this approach, and it emerges in the form of a paradox as the efforts to eliminate evil through its transformation into accountable acts and actors generate their own morally inexplicable situations. This is most evident in the area of public sector ethics where those who bear the burden of implementing those efforts are also subject to the judgments of politics, law, society, and (ultimately) history.

THE PROBLEM(S) OF EVIL

"Why did you do this to us, God?" cried an old woman, looking skyward. "What did we do to upset you? This is worse than death." (Rajesh, 2004)

Prior: If He ever did come back, if He ever *dared* to show His face, or his Glyph or whatever in the Garden again . . . if after all this destruction, if after all the

> terrible days of this terrible century He returned to see . . . how much suffer-
> ing His abandonment had created, if he did come back you should *sue* the
> bastard. That's my only contribution to all this Theology. Sue the bastard
> for walking out. How dare He.
>
> *Pause*
>
> Angel: Thus spake the prophet. (Kushner, 1994, p. 88)

The concept of evil has played a central role in various aspects of mod-
ern intellectual life and is especially prominent in theology, philosophy,
and ethics. In all three, evil has been approached as a core problem. The
term *problem of evil* is typically used to designate the theological dilemma
that evil poses for those seeking to sustain a belief in a beneficent, omni-
scient, and omnipotent God. Most famously addressed by Leibniz in 1701
(Leibniz, 1985), the issues have generated a distinctive branch of meta-
physics termed *theodicy*. Central to the theological problem of evil is the
difficulty of maintaining the simultaneous validity of three basic state-
ments: "God is omnipotent; God is wholly good; and yet evil exists"
(Mackie, 1955, p. 200).[1]

In modern philosophy, issues related to horrific events—both natural
and human—were a source of concern and reflection that generated some
of the most important works of the 18th and 19th centuries. The questions
addressed were not those of theists contending with challenges to the exis-
tence of a higher authority; rather, they were those of Enlightenment ratio-
nalists and empiricists confronted with conditions and situations that
made no sense within accepted metaphysical or epistemological frames of
reference. "Every time we make the judgment *this ought not to have hap-
pened*, we are stepping onto the path that leads straight to the problem of
evil" (Neiman, 2002, p. 5).[2]

In ethics, the challenge of evil is to deal with those actions that, by defi-
nition, defy moral comprehension. Despite its use in political rhetoric
(McDaniel, 2003) and everyday life (Darley, 1992),[3] the term *evil* remains
ambiguous at best, a holographic concept that we see without being able
to grasp its meaning. What it represents in almost all these forms, how-
ever, is "*absolute wrongdoing that leaves no room for account or expia-
tion* [italics added]" (Neiman, 2002, p. 3).[4]

Underlying this view is a foundational distinction between those
phenomena (natural and human) we are able to describe and even explain
and those that can be subjected to judgment through account giving (i.e.,
excuses and justifications). Within the modern, nontheistic context, what
constitutes evil is not the indescribable event or the unexplainable
act (in either scientific or literary terms) but the morally unfathomable

occurrence—that is, the event or action that stands beyond our capacity to judge or account for it because judgment and accountability both imply the ability to comprehend events and actions within a moral discourse.

This position on evil challenges two common perspectives on evil. The first is the application of the label *evil* to merely bad or deviant behavior (cf. Menzel, 2001). Simple malfeasance or corrupt behavior is, by definition, already within the purview of ethics and in fact poses no significant problem save for the dilemmas caused when one is faced with excuses, justifications, or other rationalizations for seemingly unethical behavior.

As important, this view also belies efforts to find the source of so-called evil because these efforts are rooted in a belief that evil has some objective existence. This can range from postulating the radical evil of human nature (Bernstein, 2002; Grimm, 2002; Kant, 1960, Pt. 1) to the physicalist search for evil's neurobiological roots (Stein, 2000) to the search for evil forces in astrological heavens (Adorno, 2002) or theological hells (Pagels, 1995). What these views have in common is a belief in evil as a defining condition of human life, and they generate responses ranging from nihilistic resignation (Schopenhauer, 1969) to active pursuit of control over the evil forces, whatever their origin (Kekes, 1990).

In contrast, the present approach assumes notions of evil to be functional historical constructs. These are relied on to provide useful but essentially mythic representations of the unfathomable cause, the unimaginable experience, and the unspeakable event or act. The idea of perpetrators of evil is also a construct with this purpose. An event, act, or actor designated as evil are all socially functional constructs. These constructs are created to define (and thus partly deal with) an experienced threat to the social order as a moral order. Such a threat is defined not merely in terms of the damage that has been or can be done; it also challenges the ability of society to deal with the situation. The role of ethics is to bring evil within the purview of the community's norms, rules, laws, and related actions.

This approach was implied in Hannah Arendt's analysis of evil, and we will rely on one aspect of her work to help us grasp the various dimensions of the ethical problem of evil. In recently published lectures from the mid-1960s, Arendt (2003) highlighted a historical distinction between "transgressions," which can be punished and forgiven, and "those offenses where all we can say is 'This should never have happened'" (p. 109). Directly related to that distinction is that between a mere "transgressor" (who can be punished and forgiven) and an agent associated with the

	Transgressor	Evil Actor
Transgression	A Accountability & Judgment	C Banality of Evil
Evil Act	B Gray Zone	D Wickedness

Figure 1:   Conditions for the Ethical Problem of Evil

offense that should never have happened, for "it is but one step to conclude that whoever did it should never have been born" (p. 109).

These distinctions within the problem of evil plague ethicists in general and administrative ethicists in particular. In Figure 1, the distinctions are transposed to generate four variations on the ethical problem of evil, each characterized by a combination of assumptions about the nature of the act (transgression vs. evil act) and actor (transgressor vs. evil actor).[5]

Condition A is, at first blush, the least problematic for it seems to establish the existence of ideal conditions for operations of ethical standards outside the delineated area of evil: transgressive acts that are subject to judgment and transgressors who can be called into account for their actions. Beneath the surface, however, is found lurking a premise that such transgressions and transgressors have a propensity to—and potential for—evil (Kant's idea of "radical evil"; see below) that justifies the need for norms, rules, laws, ethical codes, and all the formal and informal institutional elaborations that surround them. In good Kantian fashion, modern ethics has taken on the Enlightenment project of applying reason to our understanding and treatment of human conduct. Evil, whether it is perceived to exist in fact or fiction, begs for resolution through actions that will bring it to judgment, and this requires transforming the unfathomable, unforgivable, and unpunishable into acts and actors who can be comprehended, punished, and forgiven by moral judges. Seen in this light, Condition A is not premised on the absence of so-called evil acts or actors but on their transformation (albeit superficial) into another form or status that enables the society or community to contend with them. Thus, as illustrated in Figure 1, the modern ethical endeavor is to shift evil from its darker shaded areas into an arena where previously evil acts and

actors can be treated as transgressions and transgressors. (The nature of that transformation—and the potential problems associated with it—is discussed in the next section.)

At the other extreme, Condition D settings are the most obvious source of the ethical problem of evil. It is the situation encompassing both the acts that should not have happened and the actor who should never have been born, and its exemplary historical manifestation is the Holocaust and Hitler (Alexander, 2002). The problem of evil here is shaped and driven by an urge to, at the least, understand and explain the source and dynamics of the confluence of evil acts and actors in certain times and places—a task that preoccupied Arendt and others for decades (see Arendt, 1958) and that still frustrates those who continue the search for moral comprehension of Hitler and the Holocaust (Rosenbaum, 1998). It is also the setting for the growing number of moral panics that plague a tabloid-based media culture where specific atrocities and tragedies, such as the murder of children by their mothers or other children, become short-term obsessions creating a collective (and dangerous) flailing about in search of immediate answers and solutions (Cohen, 2002; Rosenbaum, 1995).

The most studied form of Condition D evil has been discussed from Aristotle onward as *wickedness*, and it poses a particularly powerful challenge to the modern Kantian project for it assumes that the evil act is perpetrated with forethought and purpose (i.e., rationally) by an actor committed to an evil maxim. For Kantians, the truly evil act is one that is freely chosen in that it is guided by a standard of conduct (maxim) that would not be selected under conditions of practical rational reflection. These are then wicked acts committed by wicked people, and the maxims that drive them can be attributable to a range of sources: self-centeredness that puts the well-being of the self and family above all else; some universalized commitment to one's race, country, religion that again trumps respect for others and the law; or, worse still, a malignant commitment to evil itself—harming others for the sake of doing harm (Benn, 1985). Where the ethical problem emerges is in the consideration of solutions to the double bind of wicked acts and actors, for they are often explicitly wicked in themselves, ranging from lobotomies and other forms of personality- and mind-altering procedures to life internment and death sentences. Only the legitimacy of state action seems to distinguish these from the evil they are intended to offset (see Sarat, 2001).

Condition B poses the problem of evil in two major forms. The first is a conundrum of collective action that has attracted the most systematic attempts at understanding, some of them relatively successful. Historical

episodes in which the (nonevil) behavior of individual transgressors is associated with evil acts of collectivities have been subjected to considerable examination, theorization, and reflection. To some extent, the evil act of Condition B is similar to natural forms of evil such as earthquakes or perfect storms that can be subjected to empirical scrutiny and so explained. This is the case with evil acts framed as examples of crowd or mob behavior, a particular form of collective behavior (Le Bon, 2001; Schelling, 1978) associated with numerous tragedies where patrons and fans died as a result of crowd behavior under panic conditions that seem rationally and morally inexplicable.[6] More disturbing—and less subject to solution—is the need to deal with situations in which hundreds and thousands of individual transgressions contributed to catastrophic episodes such as the Holocaust and similar genocides. The core difficulty in such cases has less to do with the evilness of the act than with the problem of how to approach the perpetrators. Are they mere transgressors, guilty only to the extent that they went along with the crowd or followed the seemingly innocuous orders of true evil actors?[7] Or are they "willing executioners" (Goldhagen, 1996), and, if so, are they to be treated as evil actors on par with those who initiated the actions (see discussion below of the "banality of evil" in regard to Condition C)?

Complicating the picture is the existence of a second form of the Condition B setting that generates what Primo Levi (1989) termed the "gray zone." Here he locates those individuals—the *kapos*, *Sonderkommandos* (the "special squads" of inmates who ran the crematoriums) and others who directly implemented the evil of the Holocaust—whose status as transgressors emerges as much from our inability to pass judgment (*impotentia judicandi*) as it does from empathy. The acts they commit in the process of operating the deadly machinery of Lagers are wicked by definition,[8] and yet those who commit the acts are no less victims than the other inmates of the camps. "Conceiving and organizing the [special] squads was National Socialism's most demonic crime" (p. 37), declares Levi.

> Behind the pragmatic aspect (to economize on able men, impose on others the most atrocious tasks), other more subtle aspects can be perceived. This institution represented an attempt to shift on to others—specifically the victims—the burden of guilt, so they were deprived of even the solace of innocence. . . . The existence of the squads had a meaning, contained a message: "We, the master race, are your destroyers, but you are no better than we are; if we so wish and we do so wish, we can destroy not only your bodies but also your souls, just as we have destroyed ours." (Levi, 1989, p. 37)

In Levi's gray zone, traditional categories of morality collapse, and an ethical problem of having to deal with evil acts undertaken by actors who cannot be judged under any of the extant ethical categories or standards emerges (Agamben, 2000; Levi, 1989).

The problem of evil for ethicists under Condition C settings has been among the most controversial and sensitive, especially in light of Arendt's (1963) observations at the Israeli prosecution of Adolph Eichmann in 1961. This is an arena of ethical action more closely associated with law than ethics (Martinez, 1998), but the overlap is significant in terms of issues raised by the nature of the transgressions and efforts to delineate the qualities of evildoers. Condition C transgressions are characteristically indictable offenses, expressible as violations of explicit rules, laws, standards, and so on. As horrific and wickedly unimaginable as the Holocaust was, the acts prosecuted at the Nuremberg war crimes trials were articulated as an indictment, supplemented by an extended narrative (Stationery Office, 1999). At the international level, the Nuremberg indictment constituted a major advance in translating so-called evil acts into prosecutable crimes (Mettraux, 2002; Van Schaack, 1999).[9] But it did so at the risk of begging the question as to the character of the evildoers, potentially rendering them mere transgressors who could then offer legally accepted defenses related to the specified accusations (thus transforming these into Condition A settings). This privilege would be withheld under Condition C settings, where the wicked nature of the actor would be retained, thus leading observers such as Arendt to struggle with ways of maintaining the identity of evildoers through the prosecutorial process. But the power of juridical logic is strong, and the ethical problem of evil in this setting remains a difficult one.

Condition C can be seen as built on the foundation laid by Kant's (1960) preemptive assertion that the otherwise rational human species is flawed by a predisposition to evil—what he termed "radical evil" to highlight its rootedness (Grimm, 2002). Civilization, whether in the form of rationality (Kant), historical development (Hegel), morality (Freud), or socialization (Elias, 1994), overcomes this flaw, although it never quite eliminates it. The propensity for evildoing may be hidden, but it is always just below the surface, ready to emerge under the right conditions (Elias, 1994). The problem of evil for ethicists under Condition C is how to deal with this seemingly inherent and intractable factor short of efforts (discussed in the next section) that attempt to transform the evil actor into a transgressor.

One approach would be to submit to the assumption of radical evil and present the evildoers for what they are: demonic personalities and evil incarnate that have escaped the restraints of civilization (McGinn, 1997). This is easier to do in a media culture where images can be selected to portray the Stalins, Kadafys, and Saddam Husseins of the world in the worst possible light, but it is more difficult in the midst of a trial where one is usually struck by the obvious ordinariness of those who sit in the dockets.

Arendt (1963) found herself in just such a situation when she observed the Israeli prosecution of Eichmann. Her response was to create a different approach to portraying Eichmann by stressing the banality of evil. The face of evil was not the actively malevolent one portrayed more recently in Oliver Stone's *Natural Born Killers*, nor the cold-blooded psychotic genius represented by Dr. Hannibal Lecter in Thomas Harris's novels. Rather, Arendt (2003) would argue that the evil actor should be understood to be a banal functionary like Eichmann, whose major characteristic was his thoughtlessness and commitment to life as a nobody:

> To put it another way, the greatest evil perpetrated is the evil committed by nobodies, that is, by human beings who refuse to be persons. Within the conceptual framework of these considerations we could say that wrongdoers who refuse to think by themselves what they are doing and who refuse in retrospect to think about it, that is, go back and remember what they did (which is *teshuvah* or repentance), have actually failed to constitute themselves into somebodies. By stubbornly remaining nobodies they prove themselves unfit for intercourse with others who, good, bad, or indifferent, are at the very least persons. (pp. 111-112)[10]

In ethics, therefore, the particular problem of evil society faces relates to the conditions under which it is operating. Despite differences, three of the settings (B, C, and D) lead to a common agenda: the need somehow to reconcile the assumed existence of evil acts or actors with the urge, need, or desire to sustain the rational and reasonable moral community that is central to modern life. In most cases the effort is to reconfigure the evil act or actor into a subject suitable for treatment under Condition A. As we discuss in the next section, this can be and has been accomplished by applying at least four approaches to accountability. But there are significant costs paid for such efforts, and these are discussed in greater detail in the final section of the article.

MAKING EVIL ETHICAL

When placed in functional context, ethics and related systems of law and social control can be regarded as the effort to deal prescriptively or proscriptively with the potential for inappropriate behavior. When faced with an ethical problem of evil as defined under Conditions B, C, or D, the challenge is to redefine (reconstruct) the relevant actor or event into a morally accountable form that can be subjected to judgment. In short, the ethical problem is to eliminate the very existence of evil by changing its character. In terms of Figure 1, this is accomplished through efforts made to move the evil acts and actors of Conditions B, C, and D to Condition A settings, where they can be regarded as transgressions and transgressors who can be held to account and judged.

ETHICS IN A STRAWSONIAN MORAL COMMUNITY

Another way of viewing such efforts is to regard the settings in Condition A as defining the standards, norms, and parameters of a moral community in the Strawsonian sense. In 1962, philosopher P. F. Strawson articulated a naturalistic perspective on the practice of moral responsibility and judgment that stresses the social nature of responsible action. Explicitly rejecting any metaphysical or transcendental basis for morality, Strawson's conception allows for agents to be held responsible to the extent that they act within the context of a moral community wherein they can be called to account and judged. At its most fundamental level, this accounting and judgment occurs informally and is reflected in the range of reactive attitudes individuals have toward the actions of others.

The Strawsonian moral community is not (at its core) some formalized or ritualized structure but rather a reflection of the standards and expectations that arise from the day-to-day interpersonal relationships among individuals. For Strawson, the essence of responsible behavior is found in the reactions an agent's behavior and ascribed intentions generate among those she or he interacts with. These reactive attitudes can run the range from gratitude to resentment, from embarrassment to indignation. What they produce, in turn, is a response in the actor (e.g., guilt, shame, remorse) and the assumed set of responses that can range from excuses and justifications (speech acts) to adjustments in current or future behavior (becoming more responsible). Because our experience of reactive

attitudes as both judges and judged is so thoroughly grounded in familiar daily practice, it is unproblematic, and we readily hold ourselves and other agents responsible for fulfilling the obligations for interpersonal conduct and regard imposed by our moral communities. On this view, everyone in a moral community is a potential or real transgressor, and every act is subject to judgment as a potential transgression.[11]

The problem of evil for the ethicists associated with the Strawsonian position is how to deal with those actors and actions that stand outside a moral community defined by interpersonal relationships and the shared norms, expectations, and attitudes that go with them. Recent elaborations of the Strawsonian description of ordinary ethical practices have concluded it is within the bounds of ordinary practice for a moral community's standards for conduct to be imposed on nonmembers who are capable of understanding the expectations of (Wallace, 1994) or subject to "moral address" by (McKenna, 1998) the relevant community and capable of regulating their behavior accordingly, regardless of whether they agree with or accept those standards. For students of administrative ethics, this is an empirical question reflected in the need to reestablish evil acts and actors under Condition A.

TRANSFORMING EVIL THROUGH ACCOUNTABILITY

In the rest of this section, we review how this transformation might be accomplished by encompassing evil actors and acts under different forms of accountability. Four distinct mechanisms are highlighted, based on an accountability systems framework developed elsewhere (Dubnick, 2003). For current purposes, we will briefly review each as answerability, liability, blameworthiness, and attribution. Although all four forms of accountability are relevant to acts or transgressions and actors or transgressors, each tends to give priority to either acts or actors. Answerability and blameworthiness stress the actor, whereas liability and attribution will be more closely associated with the acts or occurrences under consideration.

Making evildoers answerable. A deadly gas leak in Bhopal, a nuclear meltdown at Chernobyl, the crash of a DC-10 jet in the Azores, the hiring of a known sexual predator as a school custodian in Britain—these are the headlined stories of today, and yet few mainstream news outlets would report them as evil acts or associate them with evil actors. We have come to accept that horrific events and human errors are possible (Bovens & 't Hart, 1996), and in doing so we acknowledge our increasing reliance on

a form of accountability that pervades modern organized relationships: answerability.

The central feature of answerability is the placing of an actor within the context of organizational relationships that are superordinate-subordinate (hierarchical) in nature or based on assumed principal-agent agreements intended to guide and restrict agent actions. The implied impact is twofold.

First, answerability is designed to deal with situations ex post, requiring reporting and account giving after an answerable event has occurred. In some cases the requirement is triggered by a designated event, in other cases by the fact that a particular actor (or type of actor) was involved. Although some might entertain the idea of evil forces at work in response to news of major disasters (e.g., airplane crashes, the space shuttle disasters, the deadly release of toxic gases at the Union Carbide plant in Bhopal), such considerations are preempted by formal investigations intended to ascertain the cause of the disaster. In the case of air disasters, the investigatory mechanisms are in place and at the ready to contend with otherwise unfathomable acts of horror. Similarly, mechanisms and procedures are mobilized or already in place to seek answers about the behavior of specific individuals who fall under some suspected class of potential evildoers. In many jurisdictions, for example, police officers who fire their weapons are automatically called to account for their actions.

Equally important are the pervasive ex ante forms of answerability that seek to prevent potentially evil actions or to fend off possible evildoers. High reliability, error-intolerant organizations are increasingly in evidence in those public and private entities engaged in providing goods (nuclear power) and services (air traffic control) where mistakes would prove devastating (Bigley & Roberts, 2001; Frederickson & La Porte, 2002; Grabowski & Roberts, 1997; Rochlin, La Porte, & Roberts, 1998). On the personnel front, organizations in all sectors have developed a number of practices and tools to prevent the hiring of potentially troublesome employees (Connerley, Arvey, & Bernardy, 2001; Edwards & Kleiner, 2002) or to monitor those already in place (Cozzetto & Pedeliski, 1996, 1997).

The effectiveness of these answerability mechanisms depends heavily on the establishment and maintenance of ethical norms that stress an actor's obligation to meet or at least be responsive to expectations defined within the context of the relationships in which they are engaged. Whether the relationship is organizationally hierarchical or socially contractual, the pull of answerability is toward conformity with the standards of the moral community. Any violation is regarded as (again, at the least)

defensible even if the specific account giving (i.e., excuses, justifications) is judged unacceptable. Thus, by (re)locating an actor and action within an organizational frame, answerability converts what was previously evil (or potentially evil) into a more manageable form and thereby renders them subject to the various forms of ethical judgments of and reactions to irresponsible conduct.

When these various answerability mechanisms fail in specific instances, as they invariably seem to do (e.g., the 2003 Columbia shuttle disaster or the murder of two children by an unvetted pedophile hired as a school custodian), the idea that some evil force is at work is likely to emerge in some quarters. But it is a tribute to the strong public belief in answerability that this tendency is limited in its scope and impact.

Establishing liability for evil acts. This approach deals with evil acts by rendering them subject to sanctionable rules, codes, laws, and legal systems. From the creation of categories of indictable crimes against humanity to the establishment of a legal basis for civil claims against the perpetrators of otherwise unpunishable evil acts (e.g., tort claims based on a defendant's production and distribution of harmful but legal products), this form of accountability is perhaps the most active means for reconfiguring what had previously been deemed evil.

The defining concept in this approach to transforming evil is *juridicization*, an awkward but useful term that highlights the juridical (as opposed to merely judicial) nature of this form of accountability. Although answerability locates actors (and their acts) within an organized social relationship, liability places acts (and the actors who perform them) within a juridical context. And although answerability subjects the actors and their acts to judgment, liability exposes acts and their actors to sanctions. Under answerability, an actor is subject to demands for providing a defensible position for her or his actions through account giving, excuse making, justification, and so on. Under liability, an act is subject to assessment under rules of evidence, determination of fact, standards of proof, and similar procedures, and the actor's role is to offer a defense at each point of the process.

Accountability as liability manifests itself in several ways, ranging from its formalization as law to the establishment of ethical codes and enforceable rules of behavior. The norms themselves need not be explicitly stated to be sanctionable, as indicated by the military charge of conduct unbecoming that is used to juridicize a lengthy manifest of actions (Meyers, 1994-1995). At the same time, there is a growing trend toward formalization in law, and this is particularly evident in efforts to juridicize

genocide and other human rights violations that previously stood outside the reach of sanctionable legal action (Anash, 2003).

As with answerability, liability can be used to deal with actions both ex post and ex ante. The juridical prosecution of war crimes is now an accepted part of international law, as are litigious actions taken against those who violated ethical codes or are deemed negligent in a range of professional contexts. In judicial terms, we have been witnessing both an expansion of legal standing to sue and a narrowing of immunity from legal action.

But juridicization has its limits. The ability to sanction actions against wicked behavior does not preempt that behavior, nor do such forms of accountability create ethical people from those who chose to follow evil maxims. The existence of laws and policy commitments against genocide did not make the events in Rwanda in the early 1990s any less "the problem from hell," nor did direct threats to hold the perpetrators to account stop the slaughter (Power, 2001, 2002).

Judging agents blameworthy. Where answerability locates potentially evil actors in organizational relationships and liability focuses on redefining so-called evil acts, the process of establishing social responsibility through role definitions provides a mean for capturing otherwise unreachable actors. The pressures of blameworthiness are such that they act as regulating mechanisms on the behavior of individuals who might otherwise escape attention under organizational or legal controls and as rationales for the moral condemnation and sanction of such individuals. Agents may be deemed blameworthy in instances where we react with moral disapproval and indignation to acts that do not necessarily violate formal ex ante stipulations of their direct obligations but nevertheless fail to meet the expectations of appropriate behavior associated with the role.

The power of roles and role expectations in shaping behavior and social relationships is well documented and extensively studied (e.g., Biddle, 1986; Dubnick & Romzek, 1993; Troyer & Younts, 1997; Turner, 1978). Within the context of accountability, roles and role expectations establish standards of blameworthiness for individual behavior that have been used both to explain so-called evil behavior and to indicate a means for preventing it.

The accountability as blameworthiness approach emerging from this perspective finds expression in the project of instilling appropriate or right values in those who occupy possible evildoing roles. This view of accountability is implied in the attention paid to the concept of public service and other values in public administration (Denhardt & Denhardt, 2000;

Dobel, 1990; Garofalo & Geuras, 1999; Hart, 1984; Perry, 1994; Pfiffner, 1999; Rohr, 1998; Selden, Brewer, & Brudney, 1999). But the faith in human goodness that underlies this approach must be offset by the question of what happens if those values deemed right in this place and at this time change. What if one stands blameworthy for not fulfilling one's role as the exterminator of society's evildoers? This was in fact central to Eichmann's own defense, for when he argued that he had to obey orders, he was contending not that his obligation was legal or formal but rather that it was what was expected of someone in his position. Thus, Arendt (1963) argued that the "ruthless toughness" assiduously cultivated by Nazi administrators was in fact "nothing more than a myth of self-deception, concealing a ruthless desire for conformity at any price" (p. 157).

Arendt's (1963) commentary on the Eichmann trial reflects two sides of this approach. On one hand, Arendt provides one of the most effective critiques of the bureaucratic milieu in which blameworthiness can be used to justify the work of the perpetrators or rationalize the indifference of the bystanders. In both instances, blameworthiness is assumed thoughtlessly and without reflection by the nobodies in the Nazi regime, thus forestalling resistance or opposition to the vast machinery of death. On the other hand, Arendt also takes note of how similar officials in other jurisdictions had applied their role expectations in ways that led to resistance and resulted in the saving of many lives. Her examples include the open resistance of Danish officials and masked resistance in Italy (pp. 154-162).

Arendt's (1963) examples also illustrate that feelings of shame, guilt, and moral obligation, so central to the Strawsonian concept of responsibility, are powerful forces for accountability from the moral agent's position. Thus, in the case of Denmark, Nazi officials' ruthless desire for conformity in Arendt's account made them lose their ruthless toughness as the result of immersion in a moral community that prized adherence to a democratic "patriotism of benevolence" (Frederickson & Hart, 1985) as a central obligation of public servants. Similarly, Arendt cited Bulgaria as another place where popular and official unwillingness to cooperate with deportation and liquidation led to a situation in which "the local German officials became unsure of themselves and were no longer reliable" (p. 169).

Attributing responsibility to agents. Perhaps the riskiest of approaches is to rely on stereotypes and statistical generalizations to categorize actors as associated with potentially evil actions or occurrences—and thereby prevent such acts or render them accountable by controlling or sanctioning the actors who possess the suspect attribute. Modern epidemiology re-

flects the positive aspect of this approach, and its role and value in the discovery and prevention of infectious diseases and other preventable harms is well documented (Schwartz, Susser, & Susser, 1999). However, spurious attributions of responsibility can result from the effort to channel our indignant or resentful reactions to incomprehensible events into a form that permits us to respond to them as preventable or redressable consequences of willing moral agents.

The classic historical examples for this process are the European and American witch hunts and witch trials. The practice of witchcraft and the existence of witches were assumed and accepted facts of social life for most of the middle ages. Witches were regarded as members of the community with special powers or knowledge giving them the capacity to manipulate nature through the use of spells, potions, and so on. Neither their existence nor activities were perceived as inherently threatening. In the period from the 14th century through the mid-17th century, however, somewhere between 200,000 and 500,000 supposed witches were tried and executed throughout Europe and in the North American colonies. What had occurred during that period was a transformation in how the behavior and powers of suspected witches were perceived. In the period from the start of the Inquisition until Louis XIV ordered a halt to witch trials in France, witchcraft and those who were perceived to practice it were seen as agents of evil forces bent on subverting Christian order. In that sense, witches were held responsible for maladies and troubles that plagued the communities in which they lived and as such were formally charged, convicted, and punished accordingly. Although through historical hindsight these episodes are regarded as classic examples of scapegoating, from the viewpoint of the times the trial and punishment of witches entailed the enforcement of community norms and laws (Anderson & Gordon, 1978; Swales & McLachlan, 1979). Once attribution of responsibility for evil acts was assigned to this group of individuals, they were susceptible to the social and legal processes and sanctions. In contrast to the tendency to demonize bad behavior, attribution humanizes evil acts and thereby makes it possible to contend with otherwise unfathomable behavior.

Two contemporary forms of this accountability through attribution process stand out. The first is associated with the phenomenon of moral panics and the related process of creating folk devils. A moral panic is a general sense of intense concern among a population about a perceived threat to their community or themselves, and folk devils are typically groups (real or perceived) who are regarded as the agents of that threat

(Cohen, 2002; Goode & Ben-Yehuda, 1994). The theory of moral panics posits a sequence of stages that leads to a demand for actions to deal with the threat, and this in turn leads to social or legal steps against individuals who fall within the folk devil attribution. One example is the prosecution of the parents—mostly the mothers—in families that suffered multiple sudden infant death syndrome fatalities. When the number of reported crib or cot death cases reached its height in the 1970s and 1980s, moral panic set in, and suspicion of infanticide was implied by the growing news coverage. The inexplicable nature of crib or cot death striking twice or three times in the same families created a demand for action, and with the support of little else than expert testimony about the long odds against multiple infant deaths in a single family, several women were prosecuted and imprisoned for life in the United Kingdom. By 2003, however, several convictions were overturned, and the related convictions were placed under review.

A second form of accountability by attribution has emerged from the growing practice of profiling, a statistically based process that has allowed society to characterize behavior and actors through the discovery of regularities and patterns. Profiling is a common technique applied in a range of areas from consumer marketing to education and health care, and it is most controversially applied in the area of criminal law enforcement where racial profiling became a major issue during the 1980s and 1990s (Buerger & Farrell, 2002; Ward, 2002). But it is in the area of criminal investigations and forensics that profiling has been most notable (Cook & Hinman, 1999; Davis, 1999; Egger, 1999), especially in the capture and conviction of serial criminals who otherwise confound investigators. Efforts to transform these profiling approaches into crime prevention or preemption tools make them even more significant as means for dealing with acts and actors who otherwise might be classified as evil. These are mobilized in times of moral panic, most recently in the war on terrorism (Heymann, 2002; Ignatieff, 2004; Posner, 2002).

CREATING NEW EVILS

The elimination of so-called evil has been a major (if not the major) project of the Enlightenment, both philosophically and ethically. The process has been transformative in the conceptual sense, for although the events in question and their agents have not disappeared, our understanding of them has reconstituted their meanings. To some extent, this under-

standing has made it possible to deal effectively with events and behavior previously thought to be as intractable as they were incomprehensible. This is particularly true for natural evils such as earthquakes and hurricanes, but even in those cases there is a sense that our understanding is inherently limited and that there are forces of nature that we will never quite comprehend enough to be able to control (McPhee, 1989).

Moral evils—those that emerge from human action and choices—have similarly been subject to the effort to understand unfathomable acts and actors. Modern ethics is a product of that effort. It is the work of accountability systems to convert the evil actor into a moral transgressor and the evil act into a moral transgression. Thus perceived, *ethics does not contend with so-called evil by confronting it on objective, empirical grounds but through conceptual and contextual transformations of our sense of the acts and actors associated with the horrific event.*

As with the scientific comprehension of natural evils, however, there are limits to the elimination of evil through accountability. Accountability mechanisms are imperfect at their best (see Bovens, 1998) and dangerously paradoxical at their worst. The imperfections are evident in the moral evils they are unable to prevent—in the genocidal episodes of the 1990s in Kosovo and Rwanda, in the terrorist attacks that began with the horror of 9/11, and in all the unfathomable events we confront when we tune in our news broadcasts. The paradoxical dangers, however, are not as evident and perhaps do not become so until some time and distance has passed. These are the dangers of creating new so-called evils out of the efforts to respond to the old ones.

This is the paradox of ethics in general, but it is particularly relevant to the arena of governance where most accountability mechanisms operate.[12] Efforts to contend with actual and potential evildoing and evildoers are typically implemented through the wide range of regulatory and legal mechanisms of modern public sector governance. Whether dealing with genocide, corrupt behavior, the spread of disease, child abuse, rogue states, or international terrorism, we rely on governmental institutions and procedures to bring such behavior to account—to render it comprehensible and actionable within the parameters of our moral communities. In so doing, we are demonstrating either our reasoned faith in those institutions or a sense of desperation in seeking to confront otherwise inexplicable situations with collective actions. Whichever is the case, the standards applied are subject to the vicissitudes of temporal, spatial, and cultural change (Hood, 1998; Thompson, Ellis, & Wildavsky, 1990). Thus, what

might be deemed an appropriate standard for dealing with transgressions at one point can be regarded as manifestly evil at another point.

The witch hunts of the early modern era pose the archetypal historical case of this paradox, for although we regard the actions of the governing theological tribunals with shock and dismay today, at the time the actions were those of legitimate authorities working within the moral discourse of the times. But we need not rely on such historical cases to demonstrate the nature of the paradox, and it no longer takes generations to emerge. International sanctions, frequently adopted as a means of holding evil regimes accountable, generate unwarrantable deprivations for innocent members of the target population (Addis, 2003; Tostensen, 2002). Aerial bombings ordered to bring an end to injustice in a troubled land produce unavoidable collateral damage (S. A. Cooper, 2001). Expertise intended to serve justice and end alleged infanticide creates, instead, modern-day witch hunts that add to already tragic losses (Watkins, 2000). Steps taken to put a halt to terrorism create their own horrors in the treatment of individuals and groups (Levinson, 2003; Waxman, 2000). The publication in the spring of 2004 of photos showing the mistreatment of Iraqi prisoners by U.S. armed forces personnel reflects the paradox all too well (Hersh, 2004). The evil of terrorism emerging out of the horrific events of 9/11 was transformed by the early spring of 2003 into a campaign against the evil regime of Saddam Hussein and his minions. Similarly, the rules adopted for the treatment of those detained as part of the war on terror—rules unilaterally declared as necessarily exempt from international law and treaty obligations given the special nature of the enemy and their evilness ("Decision Not to Regard," 2002; Mundis, 2002)—were transferred to the treatment standards used on detainees at the infamous Abu Ghraib facility in Baghdad. The rationalizations for this departure from international standards were contested (Amann, 2004), but in the end there was little choice but to defer to the stated American commitment to treat the detainees humanely.

The treatment of the Iraqi detainees included, as is now well known, efforts to overcome their resistance to interrogation—a phrase (abbreviated R2I by its practitioners) that emerged as a term of art among those who administered the detention and interrogation process. R2I techniques included a range of activities designed to lower resistance through physical and mental cruelty that brought about submission through humiliation. These methods were regarded as a necessary and acceptable aspect of the administrators' job, and their use has been morally justified on grounds that the intelligence extracted in this way would prevent even greater cruelties.[13] It was regarded as part of the new moral order brought

about by the tactics of the evil enemy in the perpetual war against terrorism (Daalder & Lindsay, 2001; Ignatieff, 2004).

Those who conducted the R2I and similar activities were engaged in what they regarded as lawfully authorized conduct. Even as internal investigations into reported incidents at Abu Ghraib got under way in December 2003, however, it was evident that they were regarded by many higher level officials as unacceptable excesses in the use of interrogation procedures legitimized under the conditions of war. The collective effort to deal with the evil of terrorism had blurred and shifted the boundaries of ethical governance. Private behavior once ignored or protected was now subject to regulation, whereas government actions, once constrained by ethical, legal, professional, and even organizational norms, were sanctioned and promoted. The evildoers—actual and potential, real and imagined—were rendered subject to a system that had reconfigured its legal reach and moral capacity to contend with a previously unfathomable set of actors and actions.

Reports of the excesses at Abu Ghraib had circulated through the media many months before the infamous photos made their appearance on U.S. television, and the American military had every reason to be surprised at the scale and scope of the adverse reaction to the pictures. What they failed to comprehend is the extent to which the attitudes of the American public—and world opinion in general—would be transformed by the images, for what had been reported as a mere criminal transgression involving detainee rights was now evidence of something much more sinister: A new evil had emerged, and it beckoned from within our own moral community. In true Strawsonian terms, British commentator Robert Fisk (2004) captured the sense of the moral community's reaction in a front page editorial published as the first photos were released.

> First, our enemies created the suicide bomber. Now we have our own digital suicide bomber, the camera. Just look at the way US army reservist Lynndie England holds the leash of the naked, bearded Iraqi. Take a close look at the leather strap, the pain on the prisoner's face. No sadistic movie could undo the damage of this image. In September 2001, the planes smashed into the buildings; today, Lynndie smashes to pieces our entire morality with just one tug of the leash. (p. 1)

The source of this event is not some ahistorical logic of technical rationality (see Adams & Balfour, 1998) but human choices made in response to a historically driven need for moral certainty—the same need that drives accountability, the construction of ethical systems, and a range of

other mechanisms developed to deal with threats to our social and moral order. And it is here we find the most insidious paradox of all, for many of the moral evils we confront today and in the future are created by our responses to the moral evils of the past. Institutions and practices designed to deal with past (or prevent future) evils can and do generate their own evils. The challenge is to develop an effective way to approach the paradox.

CONCLUDING THOUGHTS:
DEALING WITH THE EVIL OF ETHICS

In the traditional literature on ethics, we are told that ethical dilemmas involve choices that have to be made between two or more right actions. If the preceding analysis is correct, the true dilemma for those who participate in the administrative functions of governance is the choice between what is judged to be ethically legitimate or even obligatory here and now and the possibility that the same activity will be condemned in another ethical context. We do not pretend to have a ready administrative solution for this. Our immediate purpose has been to articulate a descriptive analysis for consideration, and indeed we believe the analysis indicates precisely that simple solutions are likely to be unsatisfactory. The instinctive human desire for moral certainty inevitably conflicts with the reality of multiple ethical communities across time and space. Only a decisively successful crusade both to impose a single set of universal ethical standards on the world's population and to abolish any evolution over time of those moral beliefs could reconcile the two.[14]

We do, however, wish to argue against on one hand scholarship that objectifies evil as a quasimystical entity in itself and on the other hand against scholarship that trivializes the term by applying it to virtually every organizational ill. Rather than promote dread of the supernatural or overreaction to quotidian injuries and inefficiencies, scholars of administration can respond to the problem of evil by recognizing it as a contextually specific construct that serves as an indicator and is not in itself the problem. We might be able best to serve practitioners in their efforts to respond to instances (or fears) of evil by helping them to recognize the basis of their incomprehension—the particular mix of factual, technical, and moral in a given instance—and devise contextually appropriate responses. The transformation of evil by preventing and punishing evil agents and actions is a natural response, but it may not always be the best

one. Engaging in such counterintuitive reasoning is precisely one of the strengths of the systematic (dare we say scientific?) thinking about social problems and solutions we expect from scholars.

In that spirit but without claiming to offer a fully worked-out solution, we offer some concluding observations on the implications of our analysis for some widely adopted and recommended approaches to dealing with the potential for ethically incomprehensible conduct. Three traditional models are preemption through ethical prescription, the "panopticon" model of policing and prosecution, and liberalism's willingness to tolerate or even encourage ethical dissent and noncompliance by administrators.

Preemption assumes that the paradox can be avoided by getting at its root cause—either through avoiding the legal or ethical or administrative mechanisms that generated the horrific behavior or by changing the value system of the actors engaged in the behavior. Proposals to reject liberalism and ethical pluralism in favor of an appropriate set of substantive administrative ethics that can guarantee administrative benevolence fall within the mainstream of scholarly ethicists' normative agendas as described by T. L. Cooper (1994, 2001) and so enjoy a considerable measure of academic legitimacy. They also promise to yield the degree of efficiency we associate with unanimity of purpose in organizations. However, such preemptive approaches are subject to the criticism that they rely on utopian assumptions about the malleability and adaptability of human nature and our collective capacity to bring about effective change through radical alterations of organizational life. Moreover, preemptive solutions appear likely to exacerbate the vulnerability of administrators and administrative organizations to precisely the ruthless conformity diagnosed by Arendt (1963).

The panopticon model of pervasive behavioral prescription, surveillance, and prosecution aims either to prevent or (when prevention is not achieved) to punish ethical lapses in the hope of deterring future lapses. This is reflected in the continuing trend toward increases in the breadth and depth of scrutiny and punitive accountability mechanisms intended to maintain the ethical probity of public servants. In spite of the increasing scope and reach of this public panopticon, however, there is little sign that public sentiment or administrative reformers are satiated. Indeed, dissatisfaction with officials presumed to be corrupt and unethical continues to generate calls for still more intrusive surveillance of and punitive responses to public servants' mal- and misfeasance. Yet it can be argued that not only has this strategy failed to eliminate ethical violations, but it

has also produced disproportionate losses of efficiency and effectiveness (Anechiarico & Jacobs, 1996).

Although utterly reasonable on their own terms, these efforts to solve the ethical problem of evil by prescribing beliefs (preemption) and/or behavior (panopticon) and then enforcing adherence through the mechanisms of accountability have the potential to generate still another round of new evils. It is certainly natural to seek unambiguous solutions to complex moral problems and certainty in the face of the ethical dilemmas endemic to public service in complex situations and diverse societies. However, as the examples offered above illustrate, efforts to eliminate evil through explicit prescription and proscription can themselves generate so-called evil—actions and consequences that are both unacceptable and inexplicable from the perspectives of relevant moral communities.

We suggest that it may be necessary to accept a trade-off between reliability in administrators' responses to ethical dilemmas and their individual and collective capacities to recognize the demands of moral communities broader and deeper than those defined by administrative ethics. This implies a readiness to adopt a strategy of tolerating or even encouraging ethical dissent in administrative organization. We do not by any means intend to suggest that some measure of normative and prescriptive administrative ethics together with some degree of surveillance and sanction for misconduct are not plainly necessary for democratic administration. Both mechanisms for maintaining compliance with administrative ethical standards respond not only to our Strawsonian moral sentiments but also to factual observation and often bitter experience. Ethical prescription and systematic mechanisms of accountability are both indisputably necessary for an efficient and responsive public service. They are, however, insufficient in and of themselves—either singly or in combination—to eliminate the risk of horrific administrative evil altogether. We have seen on the contrary that the cultivation of a ruthless desire for conformity can create as readily as cure so-called evil and that the application of a panopticon model for ensuring probity can render public organizations as bafflingly ineffective as the corruption it seeks to control.

Contrary to the assertion that promulgation of substantive ethics and a communitarian model of governance is the most effective preventative measure, then, we believe that our analysis makes a case for the defense of liberalism in the broadest sense (cf. Ignatieff, 2004). This includes both procedural protections for individual conscience and the cultivation of a willingness to question ethical verities. It also includes the recognition that we are unlikely ever to devise the one best way to prevent admin-

istrative evil in every circumstance and dilemma. Prescriptive efforts to advance conformity to particularistic obligations can inhibit administrators' ability and willingness to respond to the conflicting demands of administrative, political, and more general moral communities by engaging in reflection leading to an active choice. At the same time, failure to establish and enforce firm standards for administrative behavior can lead to inefficient and unreliable administration at best and horrific consequences at worst.

Given the moral complexity and pervasiveness of public service dilemmas associated with a diverse and globalized society, the psychological and punitive pressures for local conformity that promote reliability in routine administration must be balanced against the authorization and capacity for engaging in and acting on moral reflection that can restrain large-scale, systematic wrongdoing. Every bureaucrat for herself or himself (or for her or his own particular moral community) is undoubtedly a recipe for administrative mal-, mis-, and nonfeasance. Still, historical and contemporary events suggest plainly that under some circumstances, it can be appropriate to sacrifice administrative consistency and efficiency by allowing (or even requiring) administrators to constitute themselves into somebodies by engaging in active moral reflection and behaving accordingly. Although traditional liberal ideals are derided from all sides nowadays as obsolete, in a world where continuing globalization is accompanied by pervasive moral absolutism, religious fundamentalism, and nationalism, this old-fashioned reluctance to accept easy certainties may prove the lesser of evils.

NOTES

1. Although Theodicy as a subject is associated with Leibniz, the reasoned argument for the existence of God can be traced to Thomas Aquinas's *Summa de Veritate Catholicae Fidei Contra Gentiles* (Treatise on the Truth of the Catholic Faith, Against Unbelievers), written in the early 1260s. For a recent elaboration and critique of contemporary theodicy-relevant paradigms, see Nelson (2003).

2. Compare with Kekes (1990). The phrase that characterizes evil—"this ought not to have happened"—is attributable to a comment Arendt made in a 1964 interview with Gunther Grass (see Bernstein, 2002, p. 11).

3. For example, President Reagan's designation of the Soviet regime as an "evil empire" and President George W. Bush's labeling of certain nations as an "axis of evil."

4. Notably, Neiman (2002) does not proffer this as a definition of evil and in fact denies herself the opportunity despite the centrality of the concept to her analysis of contemporary

philosophy: "Among the many things this book will not offer is a definition of evil or criteria for distinguishing evil actions from those that are simply very bad" (p. 8).

5. For a more detailed exploration of the nature and relationship between evil acts and evil persons' character, see Calder (2003).

6. Among the best known examples are the 1942 Coconut Grove nightclub fire in Boston that took 492 lives and the 1989 Hillsborough soccer stadium disaster in the United Kingdom where 95 people died from crush asphyxia and more than 800 were injured. Mark Bovens (personal communication, January 16, 2004) notes that such events are today more likely to be regarded as "fiascoes" linked to some detectable administrative or sociotechnical blunder (see Bovens & 't Hart, 1996).

7. A particularly challenging case is that of the infamous 23 "Nazi doctors" tried at Nuremberg who insisted that the work they did at concentration camps was not in violation of their professional ethical obligations (see Pellegrino & Thomasma, 2000).

8. As Agamben (2000) states,

> Their task was to lead naked prisoners to their death in the gas chambers and maintain order among them; they then had to drag out the corpses, stained pink and green by the cyanotic acid, and wash them with water; make sure that no valuable objects were hidden in the orifices of the bodies; extract gold teeth form the corpses' jaws; cut the women's hair and wash it with ammonia chloride; bring the corpses into the crematoria and oversee their incineration; and, finally, empty out the ovens of the ash that remained. (pp. 24-25)

9. As Fine (2000) states,

> The Nuremberg Charter . . . held that individuals acting within the legality of their own state could nevertheless be tried as criminals. It established a link between people and their actions by treating "cogs" in the Nazi murder machine as perpetrators and thus as responsible human beings. It stated that service to the state does not exonerate any official in any bureaucracy or any scientist in any laboratory from his or her responsibilities as an individual. It removed from perpetrators the excuse of only obeying orders. (p. 294)

10. Also see Bauman (1989) and Hilberg (1985), who provide similar perspectives but with different intentions and results. Unlike Arendt (2003), who sought to maintain the attribution of evil for the "nobodies," Bauman and Hilberg provide more systemic explanations that lift the veil of evilness from the perpetrators and make them transgressors who can claim to be themselves victims of a dehumanizing bureaucratic world.

11. Strawson (1962) does make two important exceptions relevant to this discussion. First, local excuses are obtained for those acts or outcomes that are judged by others to be outside the control (responsibility) of the actor. These

> might give occasion for the employment of such expressions as "He didn't mean to," "He hadn't realized," "He didn't know"; and also all those which might give occasion for the use of the phrase "He couldn't help it," when this is supported by such phrases as "He was pushed," "He had to do it," "It was the only way," "They left him no alternative," etc. (p. 192)

The second exception composes the generalized exemptions accorded to agents regarded as lacking the capacity for responsible action—children, the criminally insane, those regarded as "warped, deranged, compulsive in behaviour or peculiarly unfortunate in his formative circumstances" (p. 195) and similar cases. In such cases, patience, treatment, and perhaps institutionalization might be in order, but not the real or potential judgment and punishment reserved for those who are regarded as responsible agents (Stern, 1974; Strawson, 1962). In short, members of a moral community judge and are judged according to the extent to which they are perceived to have utilized their powers of reflective self-control to engage in the requisite consideration of the interpersonal implications of their conduct and to have intended to behave in accordance with the obligations associated with membership in the community.

12. The focus here is on public sector governance, but the analysis is relevant as well to private sector (corporate) governance, where similar forms of accountability systems are developed to deal with evil-like issues.

13. Even the most adamant opponents of cruelty on ethical grounds allow for that exception (see Kekes, 1996; Shklar, 1984).

14. For a related discussion regarding the problem of taking absolutist positions on ethical issues, see Ignatieff (2004).

REFERENCES

Adams, G. B., & Balfour, D. L. (1998). *Unmasking administrative evil*. Thousand Oaks, CA: Sage.

Addis, A. (2003). Economic sanctions and the problem of evil. *Human Rights Quarterly*, *25*, 573-623.

Adorno, T. W. (2002). The stars down to earth. In S. Crook (Ed.), *Adorno: The stars down to earth and other essays on the irrational in culture* (pp. 46-171). London: Routledge.

Agamben, G. (2000). *Remnants of Auschwitz: The witness and the archive*. New York: Zone Books.

Alexander, J. C. (2002). On the social construction of moral universals: The "holocaust" from war crime to trauma drama. *European Journal of Social Theory*, *5*(1), 5-85.

Alford, C. F. (1997a). The political psychology of evil. *Political Psychology*, *18*(1), 1-17.

Alford, C. F. (1997b). *What evil means to us*. Ithaca, NY: Cornell University Press.

Amann, D. M. (2004). Guantanamo. *Columbia Journal of Transnational Law*, *42*, 263-348.

Anash, T. (2003). Surprised by sin: Human rights and universality. *Syracuse Journal of International Law and Commerce*, *30*, 307-337.

Anderson, A., & Gordon, R. (1978). Witchcraft and the status of women: The case of England. *British Journal of Sociology*, *29*(2), 171-184.

Anechiarico, F., & Jacobs, J. B. (1996). *The pursuit of absolute integrity: How corruption control makes government ineffective*. Chicago: University of Chicago Press.

Arendt, H. (1958). *The origins of totalitarianism* (2nd ed.). Cleveland, OH: World Publishing.

Arendt, H. (1963). *Eichmann in Jerusalem: A report of the banality of evil*. New York: Viking.

Arendt, H. (2003). *Responsibility and judgment*. New York: Schocken.

Bauman, Z. (1989). *Modernity and the Holocaust*. Ithaca, NY: Cornell University Press.

Benn, S. I. (1985). Wickedness. *Ethics*, *95*, 795-810.

Bernstein, R. J. (2002). *Radical evil: A philosophical interrogation*. Cambridge, UK: Polity.

Biddle, B. J. (1986). Recent developments in role theory. *Annual Review of Sociology*, *12*, 67-92.

Bigley, G. A., & Roberts, K. H. (2001). The incident command system: High-reliability organizing for complex and volatile task environments. *Academy of Management Journal*, *44*, 1281-1299.

Bovens, M. (1998). *The quest for responsibility: Accountability and citizenship in complex organisations*. Cambridge, UK: Cambridge University Press.

Bovens, M., & 't Hart, P. (1996). *Understanding policy fiascoes*. New Brunswick, NJ: Transaction.

Buerger, M. E., & Farrell, A. (2002). The evidence of racial profiling: Interpreting documented and unofficial sources. *Police Quarterly*, *5*, 272-305.

Calder, T. (2003). The apparent banality of evil: The relationship between evil acts and evil character. *Journal of Social Philosophy*, *34*, 364-376.

Cohen, S. (2002). *Folk devils and moral panics* (3rd ed.). New York: Routledge.

Connerley, M. L., Arvey, R. D., & Bernardy, C. J. (2001). Criminal background checks for prospective and current employees: Current practices among municipal agencies. *Public Personnel Management*, *30*, 173-183.

Cook, P. E., & Hinman, D. L. (1999). Criminal profiling: Science and art. *Journal of Contemporary Criminal Justice*, *15*, 230-241.

Cooper, S. A. (2001). Air power and the coercive use of force. *Washington Quarterly*, *24*(4), 81-93.

Cooper, T. L. (1994). The emergence of administrative ethics as a field of study in the United States. In T. L. Cooper (Ed.), *Handbook of administrative ethics* (pp. 3-30). New York: Marcel Dekker.

Cooper, T. L. (2001). The emergence of administrative ethics as a field of study in the United States. In T. L. Cooper (Ed.), *Handbook of administrative ethics* (pp. 1-36). New York: Marcel Dekker.

Cornwell, R. (2004, May 14). Iraq crisis: US officials split on whether to release images of abuse. *The Independent*, p. 9.

Cozzetto, D. A., & Pedeliski, T. B. (1996). Privacy and the workplace. *Review of Public Personnel Administration*, *16*(2), 21-31.

Cozzetto, D. A., & Pedeliski, T. B. (1997). Privacy and the workplace: Technology and public employment. *Public Personnel Management*, *26*, 515-527.

Daalder, I. H., & Lindsay, J. M. (2001). Nasty, brutish and long: America's war on terrorism. *Current History*, *100*(650), 403-409.

Darley, J. M. (1992). Social organization for the production of evil. *Psychological Inquiry*, *3*, 199-218.

Davis, J. A. (1999). Criminal personality profiling and crime scene assessment: A contemporary investigative tool to assist law enforcement public safety. *Journal of Contemporary Criminal Justice*, *15*, 291-301.

Decision not to regard persons detained in Afghanistan as POWs. (2002). *American Journal of International Law*, *96*, 475-480.

Delbecq, A. L. (2001). "Evil" manifested in destructive individual behavior: A senior leadership challenge. *Journal of Management Inquiry*, *10*, 221-226.

Denhardt, R. B., & Denhardt, J. V. (2000). The new public service: Serving rather than steering. *Public Administration Review*, *60*, 549-559.

Dobel, P. J. (1990). Integrity in the public service. *Public Administration Review*, *50*, 354-366.

Dubnick, M. J. (2000). The case for administrative evil: A critique. *Public Administration Review*, *60*, 464-474.

Dubnick, M. J. (2003). Accountability and ethics: Reconsidering the relationships. *International Journal of Organization Theory and Behavior*, *6*, 405-441.

Dubnick, M. J., & Romzek, B. S. (1993). Accountability and the centrality of expectations in American public administration. In J. L. Perry (Ed.), *Research in public administration* (Vol. 2, pp. 37-78). Greenwich CT: JAI.

Eberly, R. A. (2003). Deliver ourselves from "evil." *Rhetoric & Public Affairs*, *6*, 551-553.

Edwards, R. M., & Kleiner, B. H. (2002). Conducting effective and legally safe background and reference checks. *Managerial Law*, *44*(1/2), 136-150.

Egger, S. A. (1999). Psychological profiling: Past, present, and future. *Journal of Contemporary Criminal Justice*, *15*, 242-261.

Elias, N. (1994). *The civilizing process*. Oxford, UK: Blackwell.

Fine, R. (2000). Crimes against humanity: Hannah Arendt and the Nuremberg debates. *European Journal of Social Theory*, *3*, 293-311.

Fischer, J. M. (1999). Recent work on moral responsibility. *Ethics*, *110*, 93-139.

Fisk, R. (2004, May 7). The destruction of morality. *The Independent*, pp. 1, 4-5.

Frederickson, H. G., & Hart, D. K. (1985). The public service and the patriotism of benevolence. *Public Administration Review*, *45*, 547-553.

Frederickson, H. G., & La Porte, T. R. (2002). Airport security, high reliability, and the problem of rationality. *Public Administration Review*, *62*, 33-43.

Garofalo, C., & Geuras, D. (1999). *Ethics in the public service: The moral mind at work*. Washington, DC: Georgetown University Press.

Goldhagen, D. J. (1996). *Hitler's willing executioners: Ordinary Germans and the Holocaust*. New York: Knopf.

Goode, E., & Ben-Yehuda, N. (1994). Moral panics: Culture, politics, and social construction. *Annual Review of Sociology*, *20*, 149-171.

Gourevitch, P. (1998). *We wish to inform you that tomorrow we will be killed with our families*. New York: Farrar, Straus, and Giroux.

Grabowski, M., & Roberts, K. (1997). Risk mitigation in large-scale systems: Lessons from high reliability organizations. *California Management Review*, *39*(4), 152-162.

Grimm, S. R. (2002). Kant's argument for radical evil. *European Journal of Philosophy*, *10*(2), 160-177.

Hart, D. K. (1984). The virtuous citizen, the honorable bureaucrat, and "public" administration. *Public Administration Review*, *44*, 111-120.

Hersh, S. M. (2004). *Chain of command: The road from 9/11 to Abu Ghraib*. New York: HarperCollins.

Heymann, P. B. (2002). Civil liberties and human rights in the aftermath of September 11. *Harvard Journal of Law and Public Policy*, *25*, 441-456.

Hilberg, R. (1985). *The destruction of the European Jews* (student ed.). New York: Holmes and Meier.

Hood, C. (1998). *The art of the state: Culture, rhetoric, and public management*. Oxford, UK: Clarendon.

Ignatieff, M. (2004). *The lesser evil: Political ethics in an age of terror*. Princeton, NJ: Princeton University Press.

Kant, I. (1960). *Religion within the limits of reason alone*. New York: Harper.

Kekes, J. (1990). *Facing evil*. Princeton, NJ: Princeton University Press.

Kekes, J. (1996). Cruelty and liberalism. *Ethics*, *106*, 834-844.

Kushner, T. (1994). *Angels in America: A gay fantasia on national themes: Part two: Perestroika*. London: Hern Books.

Le Bon, G. (2001). *The crowd: A study of the popular mind*. Mineola, NY: Dover.

Leibniz, G. W. (1985). *Theodicy: Essays of the goodness of god*, *the freedom of man*, *and the origin of evil* (A. M. Farrer, Trans.). La Salle, IL: Open Court.

Levi, P. (1989). *The drowned and the saved*. New York: Vintage.

Levine, M. P. (2000). See no evil, hear no evil, speak no evil: Psychiatry, psychoanalysis and evil. *Psychoanalytic Studies*, *2*, 265-276.

Levinson, S. (2003). "Precommitment" and "postcommitment": The ban on torture in the wake of September 11. *Texas Law Review*, *81*, 2013.

Mackie, J. L. (1955). Evil and omnipotence. *Mind*, *64*, 200-212.

Martinez, J. M. (1998). Law versus ethics: Reconciling two concepts of public service ethics. *Administration & Society*, *29*, 690-722.

McDaniel, J. P. (2003). Figures of evil: A triad of rhetorical strategies for theo-politics. *Rhetoric & Public Affairs*, *6*, 539-550.

McGinn, C. (1997). *Ethics*, *evil and fiction*. New York: Oxford University Press.

McKenna, M. S. (1998). The limits of evil and the role of moral address: A defense of Strawsonian compatibilism. *Journal of Ethics*, *2*, 123-142.

McPhee, J. (1989). *The control of nature*. New York: Farrar, Straus, and Giroux.

Menzel, D. C. (2001). Ethics versus evil: Is it before or after midnight in the garden of ethics and evil? *American Review of Public Administration*, *31*, 340-350.

Mettraux, G. (2002). Crimes against humanity in the jurisprudence of the international criminal tribunals for the former Yugoslavia and for Rwanda. *Harvard International Law Journal*, *43*, 237-316.

Meyers, C. R. (1994-1995). Officership and a code of ethics. *United States Air Force Academy Journal of Legal Studies*, *5*, 9-18.

Mundis, D. A. (2002). The use of military commissions to prosecute individuals accused of terrorist acts. *American Journal of International Law*, *96*, 320-328.

Neiman, S. (2002). *Evil in modern thought: An alternative history of modern philosophy*. Princeton, NJ: Princeton University Press.

Nelson, S. L. (2003). Facing evil: Evil's many faces. *Interpretation*, *57*, 398-413.

Pagels, E. (1995). *The origin of Satan*. New York: Vintage.

Parkin, D. J. (Ed.). (1985). *The anthropology of evil*. New York: Blackwell.

Pellegrino, E. D., & Thomasma, D. C. (2000). Dubious premises—evil conclusions: Moral reasoning at the Nuremberg trials. *Cambridge Quarterly of Healthcare Ethics*, *9*, 261-274.

Perry, J. L. (1994). Revitalizing employee ties with public organizations. In P. W. Ingraham & B. S. Romzek (Eds.), *New paradigms for government: Issues for the changing public service* (pp. 191-214). San Francisco: Jossey-Bass.

Pfiffner, J. P. (1999). The public service ethic in the new public personnel systems. *Public Personnel Management*, *28*, 541-555.

Posner, E. A. (2002). Fear and the regulatory model of counterterrorism. *Harvard Journal of Law and Public Policy*, *25*, 681-697.

Power, S. (2001, September). Bystanders to genocide. *Atlantic Monthly*, *288*, 84-108.

Power, S. (2002). *A problem from Hell: America and the age of genocide*. New York: Basic Books.

Rajesh, V. P. (2004, December 29). *Two days after tsunami, Indian village awaits help*. Retrieved January 9, 2006, from http://sadatv.com/read.asp?newsID=941

Rochlin, G. I., La Porte, T. M., & Roberts, K. H. (1998). The self-designing high-reliability organization: Aircraft carrier flight operations at sea. *Naval War College Review*, *51*(3), 97-113.

Rohr, J. A. (1998). *Public service, ethics, and Constitutional practice*. Lawrence: University Press of Kansas.

Rosenbaum, R. (1995, June 4). Staring into the heart of the heart of darkness. *New York Times Magazine*, pp. 36-44, 50, 58, 61, 72.

Rosenbaum, R. (1998). *Explaining Hitler: The search for the origins of his evil*. New York: Random House.

Sarat, A. (2001). *When the state kills: Capital punishment and the American condition*. Princeton, NJ: Princeton University Press.

Schelling, T. C. (1978). *Micromotives and macrobehavior*. New York: Norton.

Schopenhauer, A. (1969). *The world as will and representation*. New York: Dover.

Schwartz, S., Susser, E., & Susser, M. (1999). A future for epidemiology? *Annual Review of Public Health*, *20*(1), 15-33.

Scott, W. G., & Hart, D. K. (1973). Administrative crisis: The neglect of metaphysical speculation. *Public Administration Review*, *33*, 415-422.

Selden, S. C., Brewer, G. A., & Brudney, J. L. (1999). Reconciling competing values in public administration: Understanding the administrative role concept. *Administration & Society*, *31*, 171-204.

Shklar, J. N. (1984). *Ordinary vices*. Cambridge, MA: Belknap.

Stationery Office. (1999). *The judgment of Nuremberg, 1946* (abridged ed.). London: Author.

Stein, D. J. (2000). The neurobiology of evil: Psychiatric perspectives on perpetrators. *Ethnicity & Health*, *5*, 303-315.

Stern, L. (1974). Freedom, blame, and moral community. *Journal of Philosophy*, *71*(3), 72-84.

Strawson, P. F. (1962). Freedom and resentment. *Proceedings of the British Academy*, *48*(1), 187-211.

Swales, J. K., & McLachlan, H. V. (1979). Witchcraft and the status of women: A comment. *British Journal of Sociology*, *30*, 349-358.

Thompson, M., Ellis, R., & Wildavsky, A. (1990). *Cultural theory*. Boulder, CO: Westview.

Tostensen, A. (2002). Are smart sanctions possible? *World Politics*, *54*, 373-403.

Troyer, L., & Younts, C. W. (1997). Whose expectations matter? The relative power of first- and second-order expectations in determining social influence. *American Journal of Sociology*, *103*, 692-732.

Turner, R. H. (1978). The role and the person. *American Journal of Sociology*, *84*, 1-23.

Van Schaack, B. (1999). The definition of crimes against humanity: Resolving the incoherence. *Columbia Journal of Transnational Law*, *37*, 787-850.

Wallace, R. J. (1994). *Responsibility and the moral sentiments*. Cambridge, MA: Harvard University Press.

Ward, J. D. (2002). Race, ethnicity, and law enforcement profiling: Implications for public policy. *Public Administration Review*, *62*, 726-735.

Watkins, S. J. (2000). Conviction by mathematical error? *British Medical Journal*, *320*(7226), 2-3.

Waxman, D. (2000). Terrorizing democracies. *Washington Quarterly*, *23*(1), 15-19.

Melvin J. Dubnick is a director of the University of New Hampshire's Master of Public Administration Program. He is also a senior fellow at the Institute of Governance at Queen's University Belfast and professor of political science at the University of New Hampshire. In addition to his work on government accountability systems, his scholarly publications include articles on civic education, government regulatory politics, intergovernmental relations, administrative reform, and teaching administrative ethics.

Jonathan B. Justice is an assistant professor in the School of Urban Affairs and Public Policy and an associate policy scientist in the Institute of Public Administration of the University of Delaware, College of Human Services, Education, and Public Policy. His professional and scholarly interests include public budgeting and finance, local economic development, accountability and decision making, institutional analysis and development, and nongovernmental and collaborative public administration.