# The Evil of Administrative Ethics

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**Melvin J. Dubnick**
Visiting Professor & Senior Fellow (2003-2005)
Institute of Governance, Public Policy and Social Research
Queen's University, Belfast
Northern Ireland
Phone: +44 (0)28 9027 2544
Res: +44 (0)28 9022 8375
Email: dubnickmj@yahoo.com

**Jonathan B. Justice**
Assistant Professor
School of Urban Affairs and Public Policy
College of Human Services, Education and Public Policy
Graham Hall 298N
University of Delaware
Newark, DE 19716
Phone: (302) 831-1682
Fax: (302) 831-3587
Email: justice@udel.edu

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## Abstract

One recent development in the literature concerned with administrative ethics has been an explicit concern with defining and then preventing or redressing a variety of forms of so-called administrative evil. Definitions of evil encompass a range of behaviors and consequences ranging from the genuinely horrific to the merely unpleasant. This essay locates the concern with administrative evil within the context of post-Enlightenment Western philosophers' efforts to come to grips with ethically or metaphysically incomprehensible wrongs. In this context, "evil" can be understood as a social constructed category of agents and acts which is specific to particular moral communities and so subject to redefinition over time or in different contexts. The examination of several historical examples of efforts to hold "evil" actors accountable or otherwise to account for "evil" acts illustrates a paradox – that responses to so-called evil can themselves be labeled evil in hindsight or even when seen through different contemporary eyes. This leads to the identification of a key dilemma of administrative ethics, the possibility that ostensibly ethical conduct will later be condemned. Alternative responses to this dilemma involve different tradeoffs among administrative efficiency, effectiveness, and the avoidance of "evil." The most commonly proffered diagnoses and ameliorative prescriptions tend to reflect the scholarly tradition of normative ethics (aimed at the preemption of evil) and the practical tradition of policing and prosecution of administrative behavior (the "panopticon"), either singly or in combination. Based on our own analysis, however, we suggest that these are necessary but insufficient protections against catastrophic mal-, mis-, or non-feasance in and by organizations.

## The Evil of Administrative Ethics

> 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

> It felt like you were descending into the rings of hell, and it was of our own creation.
>
> -US Senator Richard Durbin,
> after viewing photos from Abu Ghraib Prison, 13 May 2004

Until recently, the contemporary study of administrative ethics in the U.S. 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 (Cooper 1994, 2001; Martinez 1998). With the publication of Adams and Balfour's *Unmasking Administrative Evil* (Adams and Balfour 1998), 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.[1] Intellectual efforts devoted to combating the nihilism of contemporary life (Scott and 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 Delbecq 2001; Alford 1997, 1997).

In this paper 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 as opposed to promising complete answers to the issues raised by our subject.[2] Second, the focus of our analysis is administrative ethics broadly defined, i.e., on 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 insight that the simultaneously metaphysical and ethical "problem of evil is fundamentally a problem about the intelligibility of the world" (Neiman 2002, 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 (Strawson 1962; Wallace 1994; Fischer 1999). 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 amenable (at the least) 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

> 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 suffering 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.
>
> -"Angels In America: Perestroika" Act 5, Scene 5 Kushner 1994

The concept of evil has played a central role in various aspects of modern 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, omniscient, and omnipotent God. Most famously addressed by Leibniz in 1701 (Leibniz 1985), the issues have generated a distinctive branch of metaphysics termed "theodicy." Central to the theological problem of evil is the difficulty of maintaining the simultaneous validity of three basic statements: "God is omnipotent; God is wholly good; and yet evil exists" (Mackie 1955, 200).[3]

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 existence of a higher authority; rather, they were those of Enlightenment rationalists and empiricists confronted with conditions and situations that make no sense within accepted metaphysical or epistemological frames of reference. "Every time we make the judgment *this ought not to have happened*, we are stepping onto the path that leads straight to the problem of evil" (Neiman 2002, 5).[4]

In ethics, the challenge of evil is to deal with those actions that, by definition, defy moral comprehension. Despite its use in political rhetoric (McDaniel 2003)[5] and everyday life (Darley 1992), 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, however, is *"absolute wrongdoing that leaves no room for account or expiation"* (Neiman 2002, 3, emphasis added).[6]

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, non-theistic 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 (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, justification or other rationalizations for seemingly "unethical" behavior.

As important, this view also belies efforts to find the source of so-called evil, since these efforts are rooted in a belief that evil has some objective existence. This can range from postulating the radical evil of human nature (Kant 1960, Part One; Grimm 2002; Bernstein 2002), 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 upon 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 actors designated as evil are all socially functional constructs. These constructs are created to define (and thus partly deal with) a *perceived* 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 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.'" Directly related to that distinction is that between a mere "transgressor" (who can be punished and forgiven) and an agent associated with the offense that should never have happened, for "it is but one step to conclude that whoever did it should never have been born" (Arendt 2003, 109).

These are distinctions within the general ethical problem of evil that plague ethicists in general and administrative ethicists in particular. In Figure 1, the distinctions are transposed to generated four variations on the ethical problem of evil, each characterized by a combination of assumptions about the nature of the act (transgression versus evil act) and actor (transgressor versus evil actor).[7]

| | **Transgressor** | **Evil Actor** |
|---|---|---|
| **Transgression** | **A**<br>**Accountability & Judgment** | **C**<br>**Banality of evil** |
| **Evil Act** | **B**<br>**Gray Zone** | **D**<br>**Wickedness** |

**Figure 1: Conditions for the Ethical Problem of Evil**

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 that 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 "gray"-shaded areas into an arena where previously evil acts and actors can be treated (in various ways[8]) 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 still frustrates those who continue the search for moral comprehension of Hitler and the Holocaust (Rosenbaum 1998). It is also the setting for 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 (Rosenbaum 1995; Cohen 2002).

The most studied form of condition D evil has been discussed from Aristotle onwards as "wickedness," and it poses a particular 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 which 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 (non-evil) behavior of individual transgressors is associated with evil acts of collectivities have been subjected to considerable examination, theorizing and reflection. To some extent, the evil act of Condition B is similar to natural forms of evil such as earthquakes or "perfect storms," which can be subjected to empirical scrutiny and so accounted for. 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[9] that seem rationally and morally inexplicable.[10] 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 evil-ness 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?[11] Or are they, in Goldhagen's terms, "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, which generates what Primo Levi 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 (Levi 1989). The acts they commit in the process of operating the deadly machinery of Lagers are wicked by definition,[12] and yet those who commit the acts are no less victims than the other inmates of the camps. "Conceiving and organizing the[se special] squads was National Socialism's most demonic crime," declares Levi.

> Behind the pragmatic aspect (to economise 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. . . . [T]he 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, 37)

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

The problem of evil for ethicists under Condition C settings has been among the most controversial and sensitive, especially in light of Arendt's observations at the Israeli prosecution of Adolph Eichmann in 1961 (Arendt 1963). 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 evil doers. Condition C transgressions are characteristically indictable offenses, expressible as violations of explicit rules, laws, standards, etc. 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[13] (Mettraux 2002; Van Schaack 1999). 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 normal defenses against for these specified accusations (and 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 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 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; Kant 1960). 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 evil doers 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 found herself in just such a situation when she observed the Israeli prosecution of Eichmann (Arendt 1963). Her response was to create a different approach to portraying

Eichmann by stressing the "banality of evil." The face of evil was not the popular one portrayed in Oliver Stone's "Natural Born Killers," nor the cold-blooded psychotic genius represented by Dr. Hannibal Lecter in Thomas Harris' novels. Rather, the evil actor should be understood to be banal functionaries 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. (Arendt 2003, 111-112)[14]

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/actors with the urge/need/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/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 paper.

## 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 so-called 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 that 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 (Strawson 1962). 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 *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 comprise 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 these 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)[15] 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.

From this view, everyone in a moral community is a potential or real transgressor, and every act is subject to judgment as a potential transgression. Strawson does make two important exceptions relevant to this discussion. First, local excuses obtain 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." The second exception comprises 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", 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 (Strawson 1962; Stern 1974). 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.

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[16] 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.[17] 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 briefly 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. While all four forms of accountability are relevant to acts/transgressions and actors/transgressors, each tends to give priority to either acts or actors. Answerability and blameworthiness, for example, stress the actor, while 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 only the most bizarre news outlets would report them as "evil acts" or associate them with "evil actors." We

have come to accept the fact that horrific events and human errors are possible (Bovens and 't Hart 1996), and in doing so we acknowledge our increasing reliance on a form of accountability that pervade 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 two fold.

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 that a particular actor (or type of actor) was involved. While some might entertain the idea of evil forces at work in response to news of major tragedies (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 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 (Grabowski and Roberts 1997; Frederickson and La Porte 2002; Rochlin, La Porte, and Roberts 1998; Bigley and Roberts 2001). 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, and Bernardy 2001; Edwards and Kleiner 2002) or to monitor those already in place (Cozzetto and 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 they are engaged in. 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 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 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. While 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 while 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 their actions through account giving, excuse making, justification, etc. 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 formalizaton as law to the establishment of ethical codes and enforceable rules of behavior. The norms themselves need not be explicitly stated in order 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).[18] 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 or 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 (Biddle 1986; Burke and Reitzes 1991; Troyer and Younts 1997; Tsui et al. 1995; Turner 1978; Webster 1969), and note has been take of the influence expectations have in public administrative behavior (Dubnick and Romzek 1993). 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 evil-doing roles. This view of accountability is implied in the attention paid to the concept of public service and other values in public administration (Dobel 1990; Hart 1984; Perry 1994; Rohr 1998; Garofalo and Geuras 1999; Pfiffner 1999; Selden, Brewer, and Brudney 1999; Denhardt and Denhardt 2000). 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 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" (Arendt 1963, 157).

Arendt's commentary on the Eichmann trial reflects two sides of this approach. On the 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 providing no resistance or opposition to the vast machinery of death. On the other hand, she 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 (Arendt 1963, 154-162).

Arendt's 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" as a central obligation of public servants (Frederickson and Hart 1985). Similarly, Arendt cited Bulgaria as another place where popular and official unwillingness to cooperate with deportation and liquidation led a situation in which "the local German officials became unsure of themselves and were no longer reliable" (Arendt 1963, 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 reflects 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, and 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 an assumed and accepted fact 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, etc. 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.[19] In that sense, witches were held responsible for maladies and troubles that plagued the communities they lived in, and as such were formally charged, convicted and punished accordingly. While 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 and Gordon 1978; Swales and 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 and 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 (SIDS) fatalities. When the number of reported crib/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/cot death striking twice or three times in the some families created a demand for action,[20] 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, 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 which 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 (Ward 2002; Buerger and Farrell 2002). But it is in the area of criminal investigations and forensics that profiling has been most notable (Cook and 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/preemption tools make them even more significant as means for dealing with acts and actors which otherwise might be classified as evil. These are mobilized in times of moral panic, and most recently in the war on terrorism (Heymann 2002; Klinger and Grossman 2002; Posner 2002; Ramirez, Hoopes, and Quinlan 2003).

## 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 while the events in question and their agents have not disappeared, our *understanding* of them has reconstituted their meanings. To some extent this understanding 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. 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 1990s in Kosovo and Rwanda, in the terrorist attacks which began with the horror of 9/11, and 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 past. 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[21] where most accountability mechanisms operate. Efforts to contend with actual and potential evil-doing and evil-doers 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, and 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 while 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 (Tostensen 2002; Addis 2003). Aerial bombings ordered to bring an end to injustice in a troubled land produce unavoidable “collateral

damage" (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 (Waxman 2000; Levinson 2003).

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 September 11, 2001 were 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 evil-ness (Mundis 2002; [AJIL] 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 (called "R2I" by its practitioners[22]) 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.[23] 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 and Lindsay 2001; Ivie 2003; Marden 2004).

Those who conducted the R2I and similar activities were engaged in what they regarded lawfully authorized conduct. Even as internal investigations into reported incidents at Abu Ghraib got underway 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 shifted the boundaries of ethical governance. Private behavior once ignored or protected was now subject to regulation, while government actions once constrained by ethical, legal, professional and even organizational norms were sanctioned and promoted. The evil-doers – actual and potential, real and imagined – were rendered subject to a system that had reconfigured its legal reach and moral capacity in order 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 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. (Fisk 2004, p. 1)

The source of this event is not some ahistorical logic of technical rationality (see Adams and 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 mechanism developed to deal with threats to our social and moral order. And it is here we find the most insidious paradox of all, for the moral evils we confront today and in the future are of our own choosing in an ongoing confrontation with the moral evils of the past.

## Concluding Thoughts: Dealing with the Evil of Ethics

In the traditional literature on ethics, true ethical dilemmas we are told involves choices that have to be made between two or more right choices. 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 today and the possibility that the same activity will be condemned tomorrow.

A first step in contending with this dilemma is to admit its existence. It is frequently assumed that truly horrific behavior can always be traced to bad actors or unique conditions that convert otherwise good people into evil doers. This is especially true when that horrific behavior is seen to have emerged from within the normal and legitimate operations of administrative and other governance institutions. And it is particularly frustrating to deal with when, upon closer investigation, it becomes evident that those who are engaged in the horrific behavior were of the impression that they were engaged in doing what was legitimately expected of them.

It has not been easy for us to face the reality that institutions and practices designed to deal with past (or prevent future) "evils" can and do generate their own "evils". Adams and Balfour objectified it as a pervasive and pernicious "administrative evil", while others have *ex post facto* declared it to be the result of rogue behavior by a few "bad apples," as exemplified by President Bush's response to the Abu Ghraib controversy. Arendt's response was to give the phenomenon a name (the "banality of evil") and to spend the rest of her intellectual life attempting to understand it as part of the human condition. The challenge is to develop an effective way to approach the paradox.

Responses to the potential for such ethically incomprehensible conduct can be sorted into three broad categories: preemption through ethical prescription, the "panopticon" model of policing and prosecution, and the willingness to tolerate or even encourage ethical dissent and noncompliance by administrators. Each implies a different understanding of and response to the relationship of administrative efficiency and ethics, and each involves a different tradeoff between the evil of administrative inefficiency and ineffectiveness and the evil of ethically incomprehensible administrative behavior.

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. Such an approach would live up to the name "radical" in its focus on getting to the root causes. Proposing a preemptive response, Adams and Balfour (1998) argue against liberalism and ethical pluralism, and recommend a search for an appropriate set of substantive administrative ethics that can guarantee administrative benevolence. These ethics could then be promulgated as the appropriate set of norms to be adopted universally by administrators, bringing them, in effect, within the

scope of an idealistic administrators' moral community. This and related proposals fall within the mainstream of scholarly ethicists' normative agendas as described by Cooper (1994; 2001), and so enjoy a considerable measure of academic legitimacy. It also promises to yield the a degree of efficiency we associate with unanimity of purpose in organizations. However, such preemptive approaches are subject to criticisms 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) or the subsequently lamented excesses of enthusiasm at Abu Ghraib.

The panopticon model of pervasive procedural prescription (and proscription), surveillance, and prosecution, aims either (at best) 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 response to public servants: mal- and misfeasance. Thus the escalating calls for strict accountability and harsh consequences for ethical violations in an increasing range of professional and personal settings, and the occasional hyperbole of describing administrators or their behavior as evil, immoral, and unacceptable. Yet it can be argued that not only has this

strategy failed to prevent ethical problems in public service, but it has also produced disproportionate losses of efficiency and effectiveness (Anechiarico and Jacobs 1996).

Although utterly reasonable on their own terms, these efforts to solve the ethical problem of evil through still more instrusive and pervasive ethical prescription, surveillance, and increasing attentiveness to the problem of administrative evil presumably inherent in large-scale organization, have the potential to generate still another round of new evils. It is certainly natural to seek unambiguous solutions to complex moral problems, and clarity in the murky situations and gray areas that create and result from the ethical dilemmas endemic to complex and diverse societies generally and public service particularly – both the extraordinary dilemmas confronted by *Sonderkommandos* and the routine dilemmas experienced daily by street-level bureaucrats (Levi 1989; Lipsky 1980). However, as the examples offered above illustrate, efforts to identify, define, and respond to every instance of undesired conduct by public servants and to prescribe normative models of suitable ethics for them can themselves generate so-called evil – actions and consequences that are both unacceptable and inexplicable from the perspectives of relevant moral communities.

We suggest in response that it may in fact be necessary to accept a tradeoff 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 – as a complement to if not an adequate substitute for the other two responses to the potential for so-called administrative evils – a strategy of tolerating or even encouraging ethical dissent in administrative organization, even at the cost of incurring the inefficiency and turmoil engendered by even the most well-intentioned whistleblowers (Jos, Tompkins, and Hays 1989; Jos 1991; Alford 1999). 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 "moral sentiments" (Strawson 1962) 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 (Arendt 1963) 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 (Anechiarico and Jacobs 1996).

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 explication of administrative ethics develops a case for the defense of liberalism and procedural protections for individual conscience, as well as for the recognition that we are unlikely ever to devise the *one best way* of ensuring ethical conduct by administrators in every circumstance and dilemma. Prescriptive efforts to advance conformity to administrative obligations can inhibit administrators' capacity for responding to the conflicting demands of administrative 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 corrupt plunder regimes at worst. Given the moral complexity and pervasiveness of public-service dilemmas associated with a diverse and

globalized society, the pressures for local conformity that promote reliability in routine administration must be balanced against the authorization and capacity for moral reflection that can restrain large-scale systematic wrongdoing. “Every bureaucrat for herself” (or for her own particular moral community) is undoubtedly a recipe for administrative mis-, non-, and even malfeasance. Still, historical and contemporary events suggest plainly that under some circumstances, sacrificing administrative consistency and efficiency by allowing (or even requiring) administrators to “constitute themselves into somebodies,” through a willingness to engage in active moral reflection and to behave accordingly, may prove the lesser of evils.

## Notes

1. In this respect, students of administrative ethics were not alone. Stuart Hampshire noted of the irony that in a century when the reality of evil behavior has been so prominent, philosophers in general, and students of ethics in particular, have spent most of their energy elaborating on the meaning of "good" (Hampshire 1989; cited in Scarre 1998, 423). Guy Adams articulated the case for a more historical perspective in administrative studies in earlier works (see Adams 1992, 1993).

2. For a discussion on the parameters and limitations of various forms of functional analysis, see (Mahner and Bunge 2001).

3. Although Theodicy as a subject is associated with Leibniz, the reasoned argument for the existence of God can be traced to Thomas Aquinas' "*Summa de veritate catholicae fidei contra gentiles*" (Treatise on the Truth of the Catholic Faith, against Unbelievers) written in early 1260s. For a recent elaboration and critique of contemporary theodicy-relevant paradigms, (see Nelson 2003).

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

5. For example, President Reagan's designation of the Soviet regime as an "evil empire" (Ivie and Ritter 1989) and President George W. Bush's labeling of certain nations as an "axis of evil" (Maddox 2003; also see Johnson 2002; Bar On 2003).

6. Notably, Neiman 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"(Neiman 2002, 8).

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

8. We are intentionally avoiding a discussion of what those various treatments might be, although that is no less important an issue. In general, the options of treatment typically posit the Kantian position of retribution against the Benthamite utilitarian position (see Thomas 2001). Implied in the present discussion is a bias leaning toward the Kantian view of treatment under Condition A.

9. 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 UK where 95 people died from "crush asphyxia" and more than 800 were injured. Such disasters are reported to have occurred throughout the world in recent years and have become part of a global effort at risk management (see Richardson 1994; also see West 1939).

10. Mark Bovens notes that such events are today more likely to be regarded as "fiascoes" (i.e., linked to some detectable administrative or socio-technical blunder; see (Bovens and 't Hart 1996)) ; or in earlier times it would be considered a "tragedy" in the classic sense of inevitable event.

11. 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 and Thomasma 2000).

12. "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" (Agamben 2000, pp. 24-25).

13. "The Nuremberg Charter advanced a strong notion of personal responsibility. It announced that individuals, rather than states, could be held responsible not only for crimes against humanity but for all crimes under international law. It 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. It held those who sit behind desks planning atrocities as guilty as those who participated directly in their execution. Not least, it signified that atrocities committed against one set of people, be it Jews or Poles or Gypsies, are an affront not only to these particular people but to humanity as a whole" (Fine 2000, 294).

14. Also see Bauman (1989) and Hilberg (1985), who provide similar perspectives but with different intentions and results. Unlike Arendt 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.

15. See Austin (1956-57). Strawson's interest in speech acts is reflected in his work on "intentions," published just two years after his watershed work on free will (see Strawson 1964).

16. And therefore does not undermine the compatibility of moral responsibility with behavioral determinism.

17. Of course, in the absence of transcendental standards or universal agreements about what our moral obligations are, we are thus potentially subject to the ethical dilemmas that arise when we are caught among multiple relevant moral communities or competing moral obligations. As moral agents, the best we can hope for is that moral judges will discern our sincere and competent attempts (if this is the case) to exercise appropriate moral judgment and reflective self control in the face of contingencies and competing obligations.

18. The complications of relying on such a system are evident in recent controversies in both the military (Velloney 2003) and the legal profession (Levine 2003).

19. The literature on witches and witch hunts is a rich one in sociology and history; (see Horsley 1979; Ben-Yehuda 1980; Worobec 1995; and Monter 1997).

20. These prosecutions followed the 1994 confession and conviction of Waneta E. Hoyt, an upstate New York woman whose five infant children died between 1964 and 1971. In the 1970s, Hoyt's was the central case used by researchers who argued that SIDS was linked to genetic factors (Firstman and Talan 1997).

21. 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.

22. This acronym is not widely used outside that specific community. In law enforcement circles, for example, R2I is a shorthand designation used for "response to incidents." The use of R2I by British forces is first noted by Leigh (2004).

23. Even the most adamant opponents of cruelty on ethical grounds allow for that exception (e.g., Shklar 1984; cf. Kekes 1996)

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