Abu Ghraib, Administrative Evil, and Moral Inversion: The Value of “Putting Cruelty First”

September 11, 2001, was a shocking and traumatizing moment in American history. Terrorists, using passenger jets as missiles, attacked symbolically strategic targets in New York and Washington, DC, killing thousands of innocent civilians. The planning for finding those responsible and bringing them to justice began almost immediately. In his speech to the U.S. Congress on September 20, President Bush defined the actions of the September 11 terrorists as an act of war against the United States and declared war on terrorism:

On September the 11th, enemies of freedom committed an act of war against our country. Americans have known wars—but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war—but not at the center of a great city on a peaceful morning. Americans have known surprise attacks—but never before on thousands of civilians. All of this was brought upon us in a single day—and night fell on a different world, a world where freedom itself is under attack. Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated. (White House 2001)

In November 2001, American forces moved into Afghanistan, toppled the Taliban regime, and launched an intensive search for al-Qaeda and Taliban personnel. As we began to capture and detain elements of both, we were confronted with a consequence of the awkward juxtaposition of war and terrorism. If our actions in Afghanistan indeed amounted to a war, we had well-established rules for how to prosecute it; yet the terrorism we had declared war on was not the product of any one state but of a loosely organized, coordinated, worldwide collection of groups operating outside any government. How, then, could terrorists be considered prisoners of war, making them subject to the Geneva Conventions, among other protocols and laws? If they were not prisoners of war, what exactly were they?

The answers to these questions, we argue here, combined with events to create a climate that ultimately contributed to the torture and abuse of detainees at the Abu Ghraib prison in Iraq, as well as other locations. The extent of the torture and abuse perpetrated at Abu Ghraib burst on the American consciousness when the CBS news magazine 60 Minutes II aired an episode exposing it in April 2004. These abuses, however, were already under investigation and had previously been made public. The final report of the Independent Panel to Review Department of Defense Detention Operations, commonly referred to as the Schlesinger Report, noted that the U.S. Central Command first distributed a press release on the abuses as early as January 2004 (Strasser 2004, 14). The disturbing photographs of U.S. soldiers, who appeared to be gleefully humiliating, punching, and terrifying naked prisoners with dogs, indicated that something had gone terribly wrong at Abu Ghraib.

The photograph of a hooded prisoner standing on a box connected to wires leading out of view has already become an unfortunate and enduring symbol of a superpower that veered dangerously away from its
reprised values. That photograph now appears on a billboard in downtown Tehran, with a message that is less than flattering toward the United States.

Even for a nation seared by the attacks of September 11, engaged in continuing military operations in Afghanistan and Iraq, and pursuing a global war on terrorism against a shadowy enemy, these images caused a wave of revulsion. The public recoiled and the military and intelligence establishments were embarrassed. Protracted warfare has an eroding effect on the moral fabric of any nation, but by any standard, the line between military necessity and cruelty was crossed at Abu Ghraib. It was as if America had walked up to the edge of a moral precipice and, looking into the abyss, decided that it did not like what it saw. Myriad criminal investigations and administrative inquiries were already under way at the time of the CBS report, and more would follow.

The torture and abuse of detainees at Abu Ghraib and other sites, including Afghanistan and Guantánamo Bay, raise disturbing questions that have few, if any, easy answers. Were these intentionally evil acts committed by a few bad apples who took advantage of the situation to indulge the power they wielded over the inmates? Or were they cases of “administrative evil” (Adams and Balfour 2004) in which the obvious evil of torture and abuse was masked from the perpetrators, including those who performed subsidiary and supportive functions? Were those brought to trial the only ones responsible for the abuse, or were they scapegoats, deflecting attention from broader systemic problems? (Hersh 2004). Even more fundamental is the question, are torture and abuse always wrong? (Levinson 2004). Can they perhaps be justified, at least in a carefully limited way, in the context of the global war on terrorism and the need for timely intelligence on potential terrorist attacks? (Mayer 2005).

How these questions are answered may have profound implications for our ability to recognize and avoid acts of administrative evil and even for the future of democratic governance (Terry and Stivers 2002). In a special issue of the Public Administration Review published one year after September 11, Lewis poses an essential question:

The world after September 11 presents a particular challenge to all of us. We have to deal with a shadowy enemy that lets nothing, not even human life, get in the way of its terrifying aims. It is a cliché to say that now; we know it too well. But the challenge of dealing with terrorism includes another aspect that we may not understand so well: We have to fight an unprincipled enemy without losing our principles. (2002, 61)

These dilemmas have a historical context. Martin Cook observes that although violent conflict has been a mainstay of the history of mankind, it is also true that the modern world has struggled to “limit, constrain, and to establish criteria that sanction the use of violence in the name of the state and society” (2004, 21). This struggle is apparent in the Judeo-Christian tradition of just war theory, whereby “self-sacrifice for the sake of others is admired, and feelings of guilt are an appropriate reaction to the fact that you have trampled on others in pursuit of your own goals” (Glover 1999, 14). The codification of the laws of land warfare in conventions and treaties is a means of encouraging—if not enforcing—restraint in what can be a brutal undertaking: “Normal moral restraints emphasize the respect for people’s dignity, which protects them from barbaric treatment. In war, this inhibition is selectively removed” (Glover 1999, 48).

The moral ambiguities of state-sanctioned force, which reach their zenith in times of war, are hardly new. Saint Augustine envisioned the retreat of the Roman Empire and the attendant decline of civilization that heralded the Dark Ages. He struggled with the practicalities of earthly existence and concluded that although perfect justice might be attained in the kingdom of God, justice on earth would require the imposition of force by the state.

Though the excesses of the state are to be lamented, they appear to be preferable to the Hobbesian misery of disorder that results without government. The moral state should, however, be expected to exercise restraint in its use of force. But the record of attempts to limit the excessive use of force has been mixed, to put it mildly.

In virtually every conflict, there are violations of the rules and conventions designed to prevent acts of cruelty and inhumanity. Despite the existence of codes and orders designed to limit suffering, the violence that is inherent in war defies constraint even in the most well-trained and disciplined armies: “All sides violated these rules in World War II, especially in the use of airpower” (Cook 1999, 24). In some of the most egregious cases, high-level officials have been held accountable for their actions through tribunals, such as those held in Nuremberg and Manila after World War II. For German generals, the defense that
they were simply following orders was rejected by the tribunals. Japanese General Tomoyuki Yamashita was tried and hanged, not for ordering the atrocities but for failing to control the troops under his command who committed them. The lineage of such accountability measures continues today in the International Criminal Tribunals in the former Yugoslav republics and in Rwanda. In lesser cases, states have dispensed accountability through internal criminal justice measures—for example, in the prosecution of Lieutenant William Calley for the massacre at My Lai during the Vietnam War and in the courts-martial of soldiers who engaged in prisoner abuse at Abu Ghraib. On the issue of “dirty hands”—the intentional commitment of normally reprehensible acts for “good” reasons of state—Adams and Balfour note that this concept does not apply to administrative evil (2004, 7). Before we address the particulars of this case, we will first turn to a brief discussion of evil and administrative evil.

**Administrative Evil**
The *Oxford English Dictionary* defines “evil” as the antithesis of good in all its principal senses. Staub offers a more expansive characterization: “Evil is not a scientific concept with an agreed meaning, but the idea of evil is part of a broadly shared human cultural heritage. The essence of evil is the destruction of human beings . . . By evil I mean *actions* that have such consequences” (1992, 25). Katz provides a useful behavioral definition of evil as “behavior that deprives innocent people of their humanity, from small-scale assaults on a person's dignity to outright murder . . . [this definition] focuses on how people behave toward one another—where the behavior of one person, or an aggregate of persons is destructive to others” (1993, 5).

These definitions, though helpful, can be further refined. Rather than a continuum of evil, as Katz's definition suggests, we propose a continuum of evil and wrongdoing (Adams and Balfour 2004, 12), with horrible, mass eruptions of evil, such as the Holocaust and other instances of mass murder, at one extreme and the white lie, which is only somewhat hurtful, at the other (Staub 1992, xi). Somewhere along this continuum, wrongdoing turns into evil. The lower end of the continuum is of considerable importance because the road to evil often begins with seemingly small acts of wrongdoing. Staub notes that “[e]xtreme destructiveness . . . is usually the last of many steps along a continuum of destruction” (1992, xi). In many cases, evil is enmeshed in cunning and seductive processes that may lead ordinary people in ordinary times down the proverbial “slippery slope.”

The modern age, especially the last century and a half, has been marked by *technical rationality*. Technical rationality is a way of thinking and living (a culture) that emphasizes a scientific-analytical mind-set and a belief in technological progress. The culture of technical rationality has enabled a new and bewildering form of evil known as *administrative evil* (Adams and Balfour 2004). What is different about administrative evil is that its appearance is masked. Administrative evil may be masked in many different ways, but its common characteristic is that people may engage in acts of evil without being aware that they are, in fact, doing anything wrong. Indeed, ordinary people may simply be acting appropriately in their organizational role—in essence, just doing what those around them would agree they should be doing—and at the same time, participating in what a critical and reasonable observer, usually well after the fact, would call evil. Even worse, under conditions of *moral inversion*, a situation in which evil is convincingly redefined as good, ordinary people can all too easily engage in acts of administrative evil while believing that what they are doing is not only correct but, in fact, good (Adams and Balfour 2004).

The basic difference between evil as it has appeared throughout human history and administrative evil, which is a fundamentally modern phenomenon, is that the latter is not so easily recognized as evil. People have always been able to delude themselves into thinking that their evil acts are not really so bad, and we have certainly experienced moral inversion in the past. But there are three very important differences between this historical evil and administrative evil. One is our modern inclination to *unnamed* evil, an old concept that does not lend itself to the scientific-analytical mind-set (Bernstein 2002; Neiman 2002). The second difference is found in the structure of the modern, complex organization, which diffuses individual responsibility and requires the compartmentalized accomplishment of role expectations in order to perform work on a daily basis (Staub 1992, 84). The third difference is the way in which the culture of technical rationality has analytically narrowed the processes by which public policy is formulated and implemented, making moral inversions more likely. (These differences are further elaborated in Adams and Balfour 2004, chap. 1.)

The fact that administrative evil is masked suggests that evil also occurs along another continuum: from acts that are committed in relative ignorance to those that are knowing and deliberate—what we would characterize as *masked* and *unmasked* evil. Individuals and groups may engage in evil acts without recognizing the consequences of their behavior, or they may be convinced that their actions are justified or are serving the greater good, as Staub notes:

> We cannot judge evil by conscious intentions, because psychological distortions tend to hide
even from the perpetrators themselves their true intentions. They are unaware, for example, of their own unconscious hostility or that they are scapegoating others. Frequently, their intention is to create a “better world,” but in the course of doing so they . . . destroy the lives of human beings. Perpetrators of evil often intend to make people suffer but see their actions as necessary or serving a higher good. In addition, people tend to hide their negative intentions from others and justify negative actions by higher ideals or the victims’ evil nature. (1992, 25)

Administrative evil falls on the continuum along which people engage in or contribute to acts of evil without recognizing that they are doing anything wrong.

Our understanding of administrative evil has its roots in the genocide perpetrated in Nazi Germany during World War II. Lang (1991) argues that in the case of genocide, it is difficult to maintain that evil can occur without the knowledge of the actor. Genocide is a deliberate act; mass murderers know that they are committing evil. Katz (1993) recounts several instances in which deliberate acts of evil occurred in bureaucratic settings, such as those based on the testimonies of the commandants of Auschwitz and Sobibor. However, the direct act of mass murder, even when facilitated by public institutions, is not what we would call administrative evil—or at least it represents its most extreme and unmasked manifestation. Before and surrounding such overt acts of evil, there are many more and much less obviously evil administrative activities that lead to and support the worst forms of human behavior. Moreover, without these instances of masked evil, the more overt and unmasked acts are less likely to occur (Staub 1992, 20–21).

If administrative evil means that people inflict pain, suffering, and death on others but do so neither knowingly nor deliberately, can they be held responsible for their actions? We believe the answer is yes, but when ordinary people inflict pain, suffering, and death on others in the course of performing their “normal” organizational or policy role, they often justify their actions by saying that they were just following orders and doing their job. This fact reflects the difficulty of identifying administrative evil and the possibility of missing it altogether—or perhaps worse, calling mistakes or misjudgments evil.

The Holocaust occurred in a culture that was suffused with technical rationality, and most of the Nazis’ activities were accomplished within organizational roles and legitimated public policy. Ordinary Germans fulfilling ordinary roles carried out extraordinary destruction in ways that were successfully packaged as socially normal and appropriate—a classic moral inversion (Arendt 1963). The key question, therefore, is how did the much larger population of ordinary Germans come to be involved in the Holocaust? Lozowick (2000) rejects the slippery-slope metaphor and argues that hard-core Nazis pulled others into their realm of anti-Semitism like expert alpinists helping others to climb to new heights of evil. While Eichmann and his associates climbed highest—and continued to kill Jews right up until the end of the war—they nevertheless led many others into evil doing that they would not have engaged in otherwise. This metaphor suggests that the evil of the Nazis was both seductive and powerful, masked not by banality (administrative evil) but by visions of grandeur and superiority. As Lozowick puts it, “The word evil fits them in its full awesome sense” (2000, 75).

The danger of this assertion is that it lends credence to the “satanic greatness” thesis that Hannah Arendt found so objectionable. Arendt rejected the notion that there is any dimension of greatness, accomplishment, or achievement in the act of genocide. For Arendt, evil lacks depth and is characterized by an inability to make independent judgments or appreciate another’s point of view (Bernstein 2002, 218). Though Eichmann may have been cunning, ambitious, and intelligent, he limited the application of his skills to the surface level of understanding, studiously avoiding the depths of human experience and feeling. Indeed, this sort of shallowness was necessary for the sustained effort of mass murder that came to define the Holocaust. Eichmann and his accomplices in genocide did not reach great heights of evil but rather fell into a total moral collapse, a nearly complete failure to recognize or understand the full and tragic results of their actions. At best, administrative evil occurs while operating at a surface level of consciousness and morality, failing to recognize and admit to the full implications of one’s actions, and at worst, with a morally inverted consciousness. Though it is clear that the torture and abuse of detainees at Abu Ghraib and other facilities—as bad as it was—pales in comparison to the Holocaust, the question we raise here is the degree to which it constituted a case of administrative evil and moral inversion.

The Road to Abu Ghraib
In January 2002, the U.S. Department of Justice prepared a series of memoranda arguing that both the Taliban and al-Qaeda could be considered “unlawful combatants” operating outside the Geneva Conventions. During this same period, the U.S. Department of State prepared memoranda arguing that whatever advantage might be gained in the war on terrorism by declaring the Geneva Conventions inapplicable would be far outweighed by the disadvantages, including the potential loss of the moral high ground accorded the
United States in the aftermath of September 11. Alberto Gonzales, then White House counsel and currently attorney general, advised the president that he was persuaded by the Justice Department’s position, and the president issued a memorandum on February 7, 2002, on the “Humane Treatment of al-Qaeda and Taliban Detainees.” Perhaps the most relevant point from that memo was the following: “As a matter of policy, the United State Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva” (Strasser 2004, 145).

All of these communications are replete with references to a new paradigm of war, a different kind of war, and a global war on terrorism. There is an inherent ambiguity in this new paradigm, and within that ambiguity is the potential for moral inversion. These memoranda represent attempts to clarify some of that inherent ambiguity. However, subsequent documents and events suggest that considerable ambiguity in the treatment and interrogation of detainees remained in the system and continues even to the present.

Redefining Torture?
In a 50-page memorandum prepared in August 2002 for White House counsel Alberto Gonzalez, the Justice Department’s Jay S. Bybee (who has since been appointed to a federal judgeship) examined the question of what conduct rises to the level of torture in interrogations. Its summary conclusions bear quoting at length:

We conclude that for an act to constitute torture as defined in Section 2340, it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under Section 2340, it must result in significant psychological harm of significant duration, e.g., lasting for months or even years. We conclude that the mental harm also must result from one of the predicate acts listed in the statute, namely: threats of imminent death; threats of infliction of the kind of pain that would amount to physical torture; use of drugs or other procedures designed to deeply disrupt the senses, or fundamentally alter an individual’s personality; or threatening to do any of these things to a third party. The legislative history simply reveals that Congress intended for the statute’s definition to track the Convention’s definition of torture and the reservations, understandings, and declarations that the United States submitted to with its ratification.

We conclude that the statute, taken as a whole, makes plain that it prohibits only extreme acts. (Bybee 2002, 1)

The UN Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment was instituted in 1984, signed by the United States in 1988, and ratified with reservations by the U.S. Senate in 1994. The convention outlines a broad and general definition of torture:

For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

The U.S. Senate, which has the constitutional authority to ratify international treaties, insisted on a narrower definition of torture, outlined in the Bybee memorandum, and specifically developed the language later included in the Bybee memo. That language was included in both the U.S. “reservations” to the UN Convention against Torture and in Section 18 of the U.S. Code, from which Bybee quotes directly. In other words, Bybee did not simply invent a new and narrower definition of torture; rather, this was the definition that the U.S. Senate had insisted on when it ratified the UN Convention against Torture.

It is interesting that most of the public debate has focused on torture and has discussed the UN Convention against Torture as if it were not also about “other forms of cruel, inhuman or degrading treatment or punishment” as well. In particular, Article 16 of the convention states,

Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
might be particularly concerned that its officials and national courts. Furthermore, an activist superpower might be particularly concerned that its officials and military could be especially vulnerable to international courts and claims. However, from a moral perspective, countries that seek leadership in the world might find in that article of the convention a useful aspiration that begins to define the moral high ground that such leadership entails.

**Ambiguity in Interrogation Policy and Procedure**

All of these discussions on torture and abuse became a bit less academic in late 2002 (Bowden 2003). Apparently, the use of conventional interrogation techniques—that is, the standard operating procedures defined in Army Field Manual 34-52—at the Guantánamo Bay facility in Cuba had achieved about as much as they were going to. Some Guantánamo detainees effectively resisted the American interrogation methods, prompting authorities to request strengthened interrogation techniques in October 2002 (Strasser 2004, 31). If additional usable intelligence were to come from the detainees, new techniques would have to be introduced, but they would need to be duly authorized. Accordingly, the secretary of defense authorized the use of 16 additional techniques beyond the standard army doctrine in force at the time (and still in force today). By April 2003, these new techniques were mostly rescinded, and additional permissions were put in place in order to use the few techniques that remained. Most importantly, they were limited to use only at Guantánamo. It is worth noting that these techniques were, in fact, only used on two detainees there (based on Department of Defense information currently available and verifiable; a variety of allegations have been reported in the press but have not yet been substantiated).

Operation Iraqi Freedom was a near-perfect storm of unexpected and worst-case developments in terms of detainee operations. According to the Schlesinger Report, “In Iraq, there was not only a failure to plan for a major insurgency, but also to quickly and adequately adapt to the insurgency that followed after major combat operations” (Strasser 2004, 10). Some of these conditions could have been—and possibly should have been—better foreseen or addressed. Early projections estimated a need for 12 facilities to house 30,000–100,000 enemy prisoners of war (Strasser 2004, 11). As the Iraqi army dissipated in the face of U.S. and allied forces, the estimated number of enemy prisoners of war did not materialize. The planned flow of troops, including military police designated for the detention mission, was adjusted. As the occupation developed and the insurgency grew, however, the population of the 17 detention facilities in Iraq began to mushroom with criminals, some enemy prisoners of war, and growing numbers of suspected insurgents. In October 2003, Abu Ghraib was manned with a security force of about 90 military police officers who provided custody and control of 7,000 detainees (Strasser 2004, 11).

A rather poorly trained and poorly led reserve military police brigade was put into Abu Ghraib and fairly quickly matched up with a military intelligence brigade from Germany, some elements of which had already been in the theater in Afghanistan. Having been stripped of interrogators and linguists during the post–Cold War drawdown, the brigade gathered interrogators from any units where they could be found. Both training and working/command relationships were predictably problematic and done on the fly. To this already chaotic mix were added OGA personnel—other government agency, a frequent euphemism for the Central Intelligence Agency (CIA)—along with large numbers of civilian contractors who had, at best, variable levels of training and qualifications. There were simply no operational guidelines for how these different elements were supposed to work with each other (or not), lines of authority were not clear enough, and whose rules applied in what situations were also unclear. Worse, not only was Abu Ghraib not in a secure area “behind enemy lines” (a fundamental assumption about military detention facilities), it was under more or less constant mortar attack and subject to violent and unpredictable detainee eruptions. Finally, as the insurgency really took hold, the last ingredient to be put in place was an urgent prompting for actionable intelligence.

**Detailing the Abuses**

At the time of this writing, some investigations are still under way, but much is known from the publication of a number of publicly released investigations. Although the Schlesinger Report is an authoritative source on detention operations, the Department of the Army released AR 15-6 reports conducted by Lieutenant General Anthony Jones and Major General George R. Fay (Strasser 2004). The American Civil Liberties Union (2005) has posted numerous redacted Army Criminal Investigation Division (CID) reports obtained through Freedom of Information Act requests on its Web site, and the Center for Public Integrity (2004) has posted an investigation reportedly authored by Major General Antonio Taguba. The events at Abu Ghraib brought into question detention operations at other locations, such as those in Afghanistan and at Guantánamo Bay, Cuba.

The evil at Abu Ghraib was revealed when Specialist Joseph Darby first slipped an anonymous note under
the door of a CID special agent and later provided testimony about the abuses. The U.S. Army CID is a unit designed for one overriding purpose: to investigate felony crimes in which the army is directly involved or has an interest. Agents and officers in the CID are not part of the local chain of command, insulating them from local interference with their investigations. Their orders come from regional CID headquarters, and their reporting chain extends directly to command headquarters in northern Virginia. Once an agent opens an investigation and the reports start to flow into the CID automated reporting system, there is no stopping the investigation unless the agents themselves and their CID supervisors, supported by legal advice from military lawyers, determine that further action is unwarranted. This organization emerged from the hard lessons learned during the Vietnam War, and it remains fiercely independent. Although field commanders may not always fully appreciate this stovepipe organization, they know that any attempt to influence an ongoing investigation will be immediately reported to Washington for disciplinary action, so such attempts are infrequent.

In the aftermath of the obvious and incontrovertible evidence of abuse at Abu Ghraib, the initial statements of government and military officials described the abuse as anomalous acts of an errant group of poorly led and insufficiently trained reservists. President Bush remarked, “But I also want to remind people that those few people who did that do not reflect the nature of the men and women we’ve sent overseas. That’s not the way the people are, that’s not their character, that are serving our nation in the cause of freedom” (White House 2004). Brigadier General Mark Kimmitt, deputy operations director for the Combined Joint Task Force in Iraq, pointed out that the 20 soldiers suspected of abuse were among 150,000 who had operated properly (Rhem 2004). Major General Taguba testified before the U.S. Senate that the abuse had been the direct result of a “failure in leadership . . . from the brigade commander on down” and cited a lack of discipline, as well as inadequate training on internment operations and the Geneva Conventions (Gilmore 2004).

In its report “The Road to Abu Ghraib,” Human Rights Watch (2004) alleges systematic abuse—not just the acts of a few errant soldiers but also administration policies that sought to partially circumvent the Geneva Conventions of 1949 and the UN Convention on Torture. Although the Schlesinger Report acknowledged multiple causes for the detainee abuse, including inadequate or deficient policies at multiple levels extending from the Department of Defense to the various facilities and prisons, it found no evidence that abusive techniques were official policy. The investigation of the Abu Ghraib detention facility and 205th Military Intelligence Brigade conducted by Major General George Fay, known as the Fay Report, found that “abuse was directed on an individual basis and never officially sanctioned or approved” (Strasser 2004, 109).

At the time of its publication in August 2004, the Schlesinger Report noted that U.S. military and security operations had resulted in the detention of approximately 50,000 individuals worldwide, with a total of 300 allegations of abuse. About half of those allegations were investigated, resulting in 71 substantiated cases (some investigations were still open when the report was prepared). Allegations that were not investigated were not necessarily false, as many times investigations are not mounted for lack of available evidence. Twenty-six detainee deaths occurred under U.S. custody, and though some of those deaths have been explained, none can be excused (except possibly for a few cases in which detainees had preexisting medical conditions). The independent panel rejected the notion that existing policies had directed the abuse, but it did say that “the abuses were not just the failure of some individuals to follow known standards, and they are more than the failure of a few leaders to enforce proper discipline” (Strasser 2004, 2). The report revealed dozens of contributing factors that combined to create a moral debacle that centered on Tiers 1A and 1B of the prison at Abu Ghraib. The worst cases of brutality apparently occurred on the night shift.

A Benighted Prison
The story of Abu Ghraib is one of chronically underresourced military police and military intelligence units located in the middle of a deadly insurgency. These units were faced with an extremely difficult and unfamiliar mission without clear procedural guidelines and under considerable pressure to produce actionable intelligence. Under the best of conditions, the running of a maximum security prison is a high-risk operation that requires extensive oversight and professional staff. Firm rules and clear procedures are important control mechanisms, not just for the inmates but also for the staff. Military prisons in the United States are staffed and operated by correctional specialists who are trained specifically for that mission. There are just enough of them in the force to secure the existing

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fixed facilities. The number of correctional specialists in the active-duty military force structure is not intended to meet the needs of wartime requirements for detention operations. Thus, virtually all of the units designed to deal with detainees existed in the reserve components.

Operations at Abu Ghraib took place in an environment that was inherently complex and dangerous. The fact that the soldiers had to deal with insurgent attacks on the compound—in addition to the custody mission—made it even more challenging. The 372nd Military Police Company, a reserve unit from Cumberland, Maryland, and its higher headquarters were trained, manned, and equipped for an enemy prisoner-of-war mission, not for the running of a prison that housed a volatile mix of hostile insurgents and criminals. Lest it be inferred that the abuses were excusable, there were a number of detention facilities that managed to avoid the problems experienced at Abu Ghraib. Both the Schlesinger and Fay reports cited culpable deficiencies in command and control that extended from the lowest levels to the commander of the 800th Military Police Brigade, Brigadier General Janis Karpinski, as key contributing factors in the debacle.

**Intelligence Operations in Iraq**

The role of intelligence operations bears special mention. Counterinsurgency operations in Iraq—and indeed in the greater global war on terror—hinge on the collection, analysis, and timely dissemination of intelligence. Intelligence personnel were clearly under pressure to produce information that could be acted on to quell the insurgency and prevent terrorist attacks. Some of the pressure was self-induced, and some was undoubtedly inferred from the visits of senior officers, including one by the commander of the Guantánamo facility, Major General Geoffrey Miller. The Schlesinger Report was careful to point out that “the Panel found no undue pressure exerted by senior officials,” but it was apparent to the interrogators that lives were at stake (Strasser 2004, 69).

As a result of decisions made during the drawdown of the army at the end of the Cold War, there were too few linguists and human intelligence operatives to meet the demand. There was a critical shortage of both experienced and well-trained interrogators and interpreters. Civilian contractors, some with dubious expertise, represented almost half of the interrogators at Abu Ghraib and were involved in more than one-third of the abuses (Schooner 2005; see also O’Toole and Meier 2004; Singer 2003). The Schlesinger Report indicated that the Joint Interrogation and Debriefing Center was cobbled together from six different units (Strasser 2004, 71). The intelligence personnel involved in the interrogations were implicated in a number of excesses. Specialist Charles Graner, Jr., a military policeman and a central figure in the abuses, steadfastly maintained at his court-martial that he was just following orders—that he had been encouraged to soften up inmates for interrogation.

**Blurring the Boundaries**

Somewhere along the way, the military police mission of providing custody and control became enmeshed with the mission of producing actionable intelligence. This was deliberately done at Guantánamo Bay and appears to have migrated to Iraq. Interrogators at Abu Ghraib relied on outdated field manuals from the late 1980s that authorized the control of environmental factors such as light, food, clothing, and temperature (Strasser 2004, 72). Techniques that may have been authorized at one time or another at Guantánamo, as well as those used in Afghanistan (apparently by OGA personnel and perhaps by Special Operations personnel), including the use of stress positions, the removal of clothing, isolation, and sleep deprivation, found their way to Iraq (Strasser 2004, 72).

The line between the permissible and the prohibited was blurred by varying legal opinions, a lack of clearly established written procedures, and a perceived need to adapt to a new paradigm of warfare in which the enemy did not adhere to the established rules of land warfare. Rule and procedure ambiguity may provide beneficial space for flexibility and creativity when individuals have a clear sense of professional ethics and a well-grounded moral compass. Without ethical and moral anchors and lacking clear procedural guidelines or solid supervision, some military police soldiers at Abu Ghraib moved from passive observers and reporters of prisoner conduct to active participants in the process of breaking inmates down for interrogation purposes. It was an inappropriate function for which they were ill-suited on multiple levels. The prison was under the tactical control of a military intelligence brigade, and intelligence production apparently trumped good practices of custody and control in the field of corrections.

The Fay Report observed that the CIA had conducted unilateral detention and interrogation operations at Abu Ghraib that contributed to the abuse and lack of accountability (Strasser 2004, 111). The Schlesinger Report also noted that the CIA had been allowed to conduct its interrogations separately and “under different rules” (Strasser 2004, 75). Both reports noted the existence of unregistered “ghost” detainees, which complicated prisoner-reporting processes, quite apart from violating the inspection and reporting protocols of the International Red Cross. Neither report addressed the specific interrogation tactics used by the CIA (OGA personnel) and instead focused on the absence of a memorandum of agreement between the military command and the CIA. Civilian contractors
may well have been in an even more ambiguous situation. The extent to which CIA tactics influenced the conduct of interrogations by military intelligence personnel is therefore a matter of speculation but remains an obvious possibility. Recent accounts (White 2005) of the death of an Iraqi general in November 2003 during interrogation by CIA personnel, their hired Iraqi mercenaries, and an army interrogator in Qain suggest that this was indeed a toxic mix.

The excesses perpetrated on Iraqi prisoners in Tier 1 at Abu Ghraib fit the clear definition of evil as acts of knowing and deliberate infliction of pain and suffering on other human beings (Adams and Balfour 2004). For examples of administrative evil, whereby people “engage in acts of evil without being aware that they are in fact doing anything wrong” and by “acting appropriately in their organizational role,” we must look to the guards and interrogators and their commanding officers—who did not participate directly in the abuse but ignored what they saw or failed to act on it—as well as to the myriad other personnel who intersected with the detention and intelligence systems.

Dr. William Winkenwerder addressed the role of military health workers in the Abu Ghraib scandal at a recent media roundtable (Funk 2005; see also Lifton 2004). While denying any evidence that health workers took part in abuse, there were apparently a number of health workers who observed suspicious injuries or evidence of abuse but did not report it to authorities. They remained within the boundaries of professional practice by recording the injuries in their medical records, but they did not raise an alarm to those who were empowered to stop the abuse. Thus, we see an important aspect of administrative evil: Actions that may have been viewed as appropriate in a professional role are viewed as morally questionable in retrospect. We are left to wonder how much sooner the evil might have been unmasked had the medical workers not only recorded the injuries but also reported them through their chain of command. Additionally, there may well have been a number of other professional clusters and groups who chose not to see the torture and abuse they were in fact witnessing.

Making Sense of the Senseless
In the aftermath of September 11, our choice to redefine the rules of war to fit a new paradigm of war—the global war on terrorism—set off a whole paper trail of memos on torture. We believe this series of discussions and events was a defining moment for our country in which we walked up to the precipice of overtly sanctioning torture and other abusive practices and began to walk down the path toward moral inversion. This nascent moral inversion created a climate that enabled the migration of practices and attitudes from Afghanistan to Guantanamo to Iraq. Like other historical examples of moral inversion and administrative evil, there was no overt paper trail; no explicit orders were given to torture anyone, but a climate was created that implied, “Because these terrorists are so thoroughly bad, we are justified in approaching this war differently from all other wars, and redefining the rules accordingly.” Although detainee abuse within the military system has been drastically reduced, it is not yet clear whether we are still on that path toward moral inversion.

With all of these elements combined in an unholy mix, one almost had a field replication of the Stanford prison experiment (Haney, Banks, and Zimbardo 1974)—indeed, a number of individuals answered the invitation to sadism that is irresistible to the handful of thugs who always seem available and waiting in the wings. There were also presumably well-intentioned people who found themselves drawn in, both passively and actively, by the social-psychological cues that were loaded into the situation.

Contributing to the climate of ambiguity that enabled (or at least exacerbated) the abuses was a perception that we were engaged in a new form of warfare. Some argued that new warfare calls for new rules. A number of attorneys from the Department of State, as well as military attorneys, felt that traditional interpretations of the Geneva Conventions provided a sufficient framework for the global war on terror (Strasser 2004, 4). Others, including the Department of Justice’s Office of Legal Counsel, proffered differing opinions that prompted a number of policy changes about how to deal with “unlawful combatants” between December 2002 and April 2003 (Strasser 2004, 6). The result was ambiguity and uncertainty about the rules our military had come to rely on after hard-won experience. Thus, there are several possible explanations why the prisoner abuses occurred.

The Individual Perpetrator
One explanation centers on those who were directly involved. The simplest explanation is that the perpetrators were bad apples who committed the crimes on their own—no one else was responsible for their heinous acts. In effect, this is the explanation of theory-in-use behind the trials and convictions of Specialist Charles Graner and others. The trials did not seek to assign responsibility or accountability beyond the scope of the accusations of prisoner abuse (nor is it typically their role to do so).

Whether Graner and others had followed orders was a separate issue. The trials focused only on whether the abuses (and conspiracy to abuse) had occurred and whether they had been illegal acts. Whatever the outcome of the individual trials, questions remain about what other factors may have been involved. As all of the investigations noted, commanding officers in
were doing what was expected of them. On May 11, 2004, Major General Taguba told the Senate Arms Services Committee that he “did not find any evidence of a policy or direct order given to these soldiers to conduct what they did. I believe that they did it on their own volition and I believe that they collaborated with several MI [military intelligence] interrogators at the lower level.” On the other hand, the low-ranking personnel accused of abuse in the prisons claimed that they “were just following orders” and could not have been expected to disobey directives from their superiors in a wartime situation. Though some have stated that they felt uncomfortable about some of the acts they were involved in, they also felt that they were doing what was expected of them.

**Group and Organizational Dynamics**

An experiment in compliance conducted in the basement of the Psychology Department at Stanford University provides another potential explanation for how ordinary Americans can comfortably adopt destructive behaviors without being especially “bad apples” or directly following the orders of others (Haney, Banks, and Zimbardo 1974). In this experiment, three psychology professors selected 22 of the most “normal” male undergraduates they could find at Stanford. They specifically tested for and excluded individual “dispositional characteristics” that might have inclined subjects toward higher degrees of passive or aggressive behavior. The plan was to create a simulated prison in the basement of the building in which 11 subjects were randomly assigned to be prisoners and 11 others assigned to be guards (with two in each group serving as backups in case of illness). Nine prisoners were to occupy three cells in groups of three, and the nine guards were divided equally into three shifts of eight hours each.

The “contract” offered to the subjects at the beginning of the experiment—the experiment’s Geneva Conventions, as it were—gave assurances of adequate diet, clothing, housing, medical care, and more generally, “humane conditions.” Prisoners were told they could expect to be under surveillance and would have some of their basic civil rights suspended but that there would be no physical abuse. The directions for the guards were simple: “maintain the reasonable degree of order within the prison necessary for its effective functioning.” Prisoners were provided a loose muslin smock with a number on the front and back, no underclothes, a light chain and lock around one ankle, rubber sandals, and a nylon stocking cap. Guards were given a uniform of plain khaki shirts and pants, a whistle, a night stick, and reflecting sunglasses (making eye contact impossible). The Palo Alto Police Department helped out by “arresting” each prisoner and running them through all of the standard booking procedures. The situation was loaded with social cues to mimic the experience of prison, but unlike the Milgram experiments, there was no scientist or other authority figure present to take responsibility for the choices made by the participants.

The prisoners followed rules that were developed by the guards: three supervised toilet visits, two hours for reading or letter writing, work assignments (to earn the $15 per day that all participants were paid), two visiting periods per week, movie rights, and exercise periods. Three times a day, at the beginning of each shift, there was a lineup for a count (with nine prisoners, this was hardly difficult). The first of the lineups lasted 10 minutes, but these were spontaneously increased in length by the guards until some lasted several hours. The interactions between the guards and prisoners quickly assumed a negative tone. The prisoners took on a passive, sullen role and the guards an aggressive, initiating role characterized by verbal affronts.

Total guard aggression increased daily, even after the prisoners had ceased any resistance and deterioration had become visible. Prisoner rights were redefined as privileges to be earned by obedient behavior. The experiment was planned for two weeks, but it was terminated after six days. Five prisoners were released because of extreme emotional depression, crying, rage, or acute anxiety. The guards forced the prisoners to chant filthy songs, defecate in buckets that were not emptied, and clean toilets with their bare hands. They acted as if the prisoners were less than human, and so did the prisoners:

At the end of only six days we had to close down our mock prison because what we saw was frightening. It was no longer apparent to us or most of the subjects where they ended and their roles began. The majority had indeed become “prisoners” or “guards,” no longer able to clearly differentiate between role-playing and self. There were dramatic changes in virtually every aspect of their behavior, thinking and feeling. In less than a week, the experience of imprisonment undid (temporarily) a lifetime of learning; human values were suspended, self-concepts were challenged, and the ugliest, most base, pathological side of human nature surfaced. We were horrified because we saw some boys (guards) treat other boys as if they were despicable animals, taking pleasure in cruelty, while other boys (prisoners) became servile, dehumanized robots who thought only of escape, of their own individual survival, and of their mounting hatred of the guards. (Haney, Banks and Zimbardo 1974, 94)

This experiment suggests that group and organizational roles and social structures play a far more
powerful part in everyday human behavior than most of us would consider. And we can see clearly how individual morality and ethics can be swallowed and effectively erased by social roles and structures. One is rarely confronted with a clear up-or-down decision on an ethical issue; rather, a series of small, usually ambiguous choices are made, and the weight of commitments and habit drives out morality. One does not have to be morally degenerate to become caught in a web of wrongdoing that may even cross the line into evil. The skids are further greased if the situation is defined or presented as technical or calling for expert judgment or if it is legitimated, either tacitly or explicitly, by organizational authority. It becomes an even easier choice if the immoral behavior is itself masked, redefined through moral inversion as the “good” or “right” thing to do.

**Administrative Evil and Dehumanization**

The Stanford prison experiment suggests that the social and psychological dynamics at Abu Ghraib carried the potential for abuse, but it does not fully fit the specifics of the situation. Unlike the Stanford experiments, the guards at Abu Ghraib did not act in an isolated and controlled environment but were part of a larger organizational structure and political environment. They interacted regularly with all sorts of personnel who were both directly and indirectly involved with the prisoners. They were in a remarkably chaotic environment, by and large poorly prepared and trained for their roles, and faced with both enormous danger and ambiguity. But most importantly, like the Stanford prison experiment, tacit permission to abuse was available to those who chose to accept it.

In his groundbreaking book *The Destruction of the European Jews*, Raul Hilberg observes that during World War II, a consensus for and the practice of mass murder coalesced among German bureaucrats in a manner that “was not so much a product of laws and commands as it was a matter of spirit, of shared comprehension, of consonance and synchronization” (1985, 55). In another study of mid-level bureaucrats and the Holocaust, Christopher Browning describes this process in some detail, finding that direct orders were not needed for key functionaries to understand the direction that policy was to take:

Instead, new signals and directions were given at the center, and with a ripple effect, these new signals set in motions waves that radiated outward... with the situations they found themselves in and the contacts they made, these three bureaucrats could not help but feel the ripples and be affected by the changing atmosphere and course of events. These were not stupid or inept people; they could read the signals, perceive what was expected of them, and adjust their behavior accordingly... . . . It was their receptivity to such signals, and the speed with which they aligned themselves to the new policy, that allowed the Final Solution to emerge with so little internal friction and so little formal coordination. (1992, 141–42)

If something as horrific and systematic as the Holocaust could be perpetrated based more on a common understanding than on direct orders, it should not be difficult to imagine how the abuse of detainees in Iraq and elsewhere occurred, with otherwise unacceptable behaviors substituting for ambiguous, standard operating procedures. Although the Nazi Holocaust was far, far worse than anything that has happened during the American occupation of Iraq, it has been amply demonstrated that Americans are not immune to the types of social and organizational conditions that make it possible and seemingly permissible to violate the boundaries of morality and human decency, in at least some cases, without believing that they are doing anything wrong.

It would be naïve to assume that the few bad apples acted alone, that others in the system did not share and support the abuses as they went about their routines and did their jobs. Before and surrounding overt acts of evil, there are many more and much less obviously evil organizational activities that lead to and support the worst forms of human behavior. Moreover, without these instances of masked evil, the more overt and unmasked acts are less likely to occur (Staub 1992, 20–21). The apparent willingness and comfort with taking photos and being photographed while abusing prisoners seems to reflect the “normalcy” of the acts within the context of at least the night shift on Tiers 1A and 1B at Abu Ghraib (and is hauntingly similar to photos of atrocities sent home by SS perpetrators during World War II). In the camps and prisons run by the U.S. military in Iraq and Afghanistan, orders and professional standards forbidding the abuse of prisoners and defining the boundaries of acceptable behavior for prison guards could be found in at least some locations posted on some walls, but they were widely ignored by the perpetrators. Instead, we find a high-stress situation in which the expectation was to extract usable intelligence from detainees in order to help their comrades suppress a growing insurgency, find weapons of mass destruction, and prevent acts of terrorism.
In this context, the power of group dynamics, social structures, and organizational ambiguities can be readily seen.

The normal inhibitions that might have prevented those who perpetrated the abuses from doing so may have been further weakened by a shared belief that the prisoners were somehow less than human—that getting information out of them was more important than protecting their rights and dignity as human beings. For example, in an interview with the BBC on June 15, 2004, Brigadier General Karpinski stated that she had been told by Major General Miller—who was later placed in charge of Iraqi prisons and had served as commander at Guantánamo Bay—that the Iraqi prisoners “are like dogs and if you allow them to believe at any point that they are more than a dog then you’ve lost control of them.” Just as anti-Semitism was central to the attitudes of those who implemented the Nazi policy of mass murder during the Holocaust, the abuses at Abu Ghraib may have been facilitated by an atmosphere that dehumanized the detainees, although the extent of the dehumanization is difficult to assess accurately. Still, these detainees, with their ambiguous legal status, could have been seen as a “surplus population” living outside the protections of civilized society (Rubenstein 1983). When organizational dynamics combine with a tendency to dehumanize or demonize a vulnerable group, the stage is set for the mask of administrative evil.

**Putting Cruelty First**

Given the complexity of this case, with its individual, group, organizational, and institutional dimensions, it would be presumptuous to claim that all abuse could or should have been prevented. At the same time, Abu Ghraib serves as an example of what the first steps down the road to administrative evil might look like. Though we can take some comfort in the fact that the abuses were uncovered at a fairly early stage and that reforms were instituted, it is still too early to know the full extent of the harm done to the reputation and credibility of the United States and what it may mean in the future when American soldiers are taken prisoner by hostile forces. Clearly, it would have been better had the abuses never taken place. Looking at the Abu Ghraib case, it would seem that better planning and training might have prevented the abuses. But revelations of abuse in other settings (such as Guantánamo Bay and Afghanistan; see ACLU 2005; Human Rights Watch 2005) in which the lack of technical competence was less of an issue suggest that technical rational solutions may not be sufficient—and may even be part of the problem (in situations in which abuse may be perceived as part of the job).

The concept of “putting cruelty first” (Shklar 1984) provides at least one possible means of stopping or even preventing such acts and deciding when, if ever, torture may be permissible, though not without considerable uncertainty and self-doubt. Putting cruelty first means that the first principle of political and organizational action at all levels is to avoid cruelty as the most heinous of vices, the one that most undermines democracy and human rights. It entails being continually watchful for potential “surplus populations” and other potential targets of unbridled political and organizational power. Had such an ethic been in place at Abu Ghraib, the wider administrative apparatus (e.g., health care workers and other intersecting professional groups) may have been less likely to leave the night shift to its own devices and ignore evidence of abuse.

If our first consideration in public life is the cruelty that human beings all too often inflict on one another, our normal response is a healthy fear of cruelty, leading us to a liberalism of fear, one whose first and foremost mission is to avoid the worst excesses of state power run amok:

> Tolerance consistently applied is more difficult and morally more demanding than repression. Moreover, the liberalism of fear, which makes cruelty the first vice, quite rightly recognizes that fear reduces us to mere reactive units of sensation. . . . The alternative . . . is . . . between cruel military and moral repression and violence, and a self-restraining tolerance that fences in the powerful to protect the freedom and safety of every citizen, old or young, male or female, black or white. (Shklar 1984, 5)

A polity based on a liberalism of fear is focused on avoiding our worst proclivities. At the same time, it paradoxically makes strenuous ethical demands on citizens. This sort of “liberalism imposes extraordinary ethical difficulties on us: to live with contradictions, unresolvable conflicts, and balancing between public and private imperatives which are neither opposed to nor at one with each other” (Shklar 1984, 249). These demands are all the more strenuous in the context of a global war on terrorism.

Putting cruelty first leaves one with a minimalist public ethic. Transparency becomes the chief principle, based on an assumption that when people can see the worst excesses, they will respond to correct them. Regardless of whether more transparency might have prevented the abuses at Abu Ghraib, it is clear that neither the perpetrators nor our leaders had cruelty as their first priority. The system worked well enough to eventually bring the abuses to light and to engender sufficient outrage over the cruelties to bring most of the abuses to an end. But this does not bring us even close to the point of moral comfort.
Our human capacity for cruelty has been unmasked (once again), along with our willingness to lower our constitutional and moral standards in the name of the global war on terrorism. And there seems to be little or no concern about the cruelties that are outsourced to others, even as we condemn them as enemies of freedom (Schooner 2005). The program of “extraordinary rendition” in which certain detainees are transferred (without due process) to other countries, some of them well known for their torture and abuse of detainees, continues and may be expanding (Mayer 2005). Perhaps the cruelties that we do not wish to see or do not commit ourselves are for now considered acceptable tactics in the war on terror:

We have learned to shrug at massacres, especially among peoples whom we cruelly disdain as our racial or cultural inferiors, but we still react to those that occur in our own cultural orbit . . . they reveal not only our capacity for cruelty, but also an infinity of illusion and hypocrisy. And it is the latter, rather than the cruelty they seek to mask, that appear to arouse the greatest public censure. (Shklar 1984, 43)

The abuses at Abu Ghrail should prompt us not only to punish the perpetrators and better train their replacements (technical rational solutions) but also to think more deeply about the contradictions and challenges of the way we govern ourselves in the context of the global war on terror (see Kettl 2004). Our capacity for cruelty and administrative evil has been briefly unmasked, and so has our hypocrisy and reluctance to confront the full implications of these sorry events. Only time will tell whether Abu Ghrail will serve as a lesson for achieving a more humane and democratic governance, or whether it will fade into obscurity behind the masks of moral certainty and technical solutions.

References


