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978-0-521-72836-2 - Confronting Evils: Terrorism, Torture, Genocide

Claudia Card

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PART I

*The concept of evil*

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## CHAPTER I

*Inexcusable wrongs*

A morally inexcusable action may fall anywhere on a continuum from culpable ignorance or weakness to deliberately and knowingly doing evil for its own sake. (Kekes 2005, p. 2)

The bombings of September 11, 2001 (hereafter 9/11), abuse of prisoners at Abu Ghraib, and mass rapes and murders in Darfur have kept terrorism, torture, and genocide in the global public eye through the first decade of this century. Responses to atrocities are a continuing source of controversy within and without congress halls and university walls. Although terrorism, torture, and genocide are today's paradigms of evil, each has been itself a response to perceived or threatened evils. A motivation for this book is the hope that atrocity victims and governments can learn to respond without doing further evil and that they can model, instead, humanitarian values. That hope takes seriously the concept of evil from a secular moral point of view.

Increasingly since 9/11, philosophers are giving sustained attention to that precise secular sense of "evil" in which it refers to especially heinous wrongs (Bernstein 2002, 2005; Grant 2006; Kekes 2005; Lara 2007; Morton 2004). At the same time, others (such as Cole 2006) remain skeptical of the value of rehabilitating the concept of evil after Friedrich Nietzsche's critique (Nietzsche 1969, pp. 24–56). Many have worried about its use as a political club and rallying tool that has the potential to stir up mass hatreds. That worry was aggravated when former United States President George W. Bush labeled Iran, Iraq, and North Korea an "axis of evil," following the precedent of former President Ronald Reagan's labeling the Soviet Union an "evil empire" in 1983.<sup>1</sup>

<sup>1</sup> In his State of the Union Address on January 29, 2002, former President G. W. Bush coined the term "axis of evil," naming those three countries. President Ronald Reagan used the term "evil empire" in a 1983 speech to the National Association of Evangelicals, available online at: [www.youtube.com/watch?v=r5ZMeFXh4UI&feature=related](http://www.youtube.com/watch?v=r5ZMeFXh4UI&feature=related).

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The concern of many of us who are not persuaded to jettison the concept of evil is not with labeling individuals, countries, or alliances. It is more basic also than the classic theological conundrum of how a world that contains evils could have been created by a benevolent Supreme Being. Our concern is with certain logically more fundamental questions of philosophical ethics: What distinguishes evils from lesser wrongs? What kinds of evils are there and how are they related to each other? How are evils perpetrated, especially on a massive scale? Who is vulnerable to them and how? What responses to evils are honorable? Such are the questions addressed in this book's chapters.

This book continues the project of *The Atrocity Paradigm: A Theory of Evil* (Card 2002) to develop and deepen a secular understanding of evils that captures major evils of my lifetime, which spans nearly seven decades. My intent is to present a conception that is not vulnerable to Nietzsche's charge that the judgment "evil" embeds slavish values (Nietzsche 1969, pp. 15–56). Another aim is to provide a conception that is less vulnerable to political abuse. Chapter 2 rejects the Manichean fantasy of good and evil forces that eventually divide humanity into good and evil camps. Taking issue with the widely shared view of Immanuel Kant that nothing lies between good and evil (Kant 1996b, pp. 70–71), that chapter defends the possibility that many who are complicit in real evils are as individuals neither positively good nor downright evil. Kant discusses evil in terms of maxims defining individual intentions. Yet many evils are produced by collective activity that is not adequately captured by maxims of individual intention. Many who are complicit in collectively produced evils are not even well described as evil-doers.

Since 9/11, I have amplified my account of evil and modified it in three ways. Briefly, the modifications are (1) that evils are *inexcusable*, not just culpable, (2) that evils need not be extraordinary (probably most are not), and (3) that not all institutional evil implies individual culpability.<sup>2</sup> This chapter re-presents the atrocity theory with those revisions and defends them against certain natural objections. The revisions lead also to amplifications of the theory. First, they lead to an extended examination of collectively perpetrated evils (chapter 3). Second, they lead also to extended reflections on the question of to whom or to what evils can be done (chapter 4), with attention to evils suffered by groups. Chapters of Part II

<sup>2</sup> I share the views put forward in John Kekes's *Roots of Evil* that evils are inexcusable (Kekes, 2005, pp. 1–3) and that severe harm is an important element (Kekes 2005, p. 2), but not the view that an evil deed necessarily has a malevolent motive.

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examine terrorism, torture, and genocide in light of the atrocity theory so revised and expanded. They address issues of recognition that arise because terrorism, torture, and genocide are seldom so called by perpetrators, and they address issues regarding temptations to use torture or measures that are terrorist or genocidal either in retaliation or as weapons of defense.

My first two modifications of the atrocity theory – that evils are inexcusably wrong and that they need not be extraordinary – appear initially and in opposite ways to jeopardize two objectives that animate my construction of a philosophical theory of evil. One of those objectives is to avoid demonizing most perpetrators. The other is to distinguish evils from lesser wrongs. Restricting evils to inexcusable wrongs narrows the scope of evils. The question arises whether doing so risks demonizing most perpetrators after all. At the same time, if evils need not be extraordinary, their scope is broadened. Does that broadening erode the distinction between evils and lesser wrongs? Does it lessen the gravity of judgments of evil? Sections 2 through 5 of this chapter defend the “inexcusability” and “ordinariness” modifications against these worries.

I begin in the next section with a quick review of the theory of the atrocity paradigm and of reasons to preserve the distinction between evils and lesser wrongs despite a continuing history of political abuse of the concept of evil. There follows a discussion of the influences of Hannah Arendt, Stanley Milgram, and Philip Zimbardo on my approach. Barely mentioned in *The Atrocity Paradigm*, these thinkers were nevertheless very much in the background. A new way to look at their work supports my revisions. Following that discussion is an overview of the revisions and then an extended examination of each. The chapter concludes with an illustrative look at implications regarding the US debate over the death penalty, introducing the topic of collectively perpetrated evils, which is the subject of chapter 3.

1. *The Atrocity Paradigm*

*The Atrocity Paradigm* (Card 2002) developed the theory that evils are reasonably foreseeable intolerable harms produced (maintained, supported, tolerated, and so on) by culpable wrongdoing. So understood, evils have two irreducibly distinct components: a harm component and an agency component. What distinguishes evils from lesser wrongs is the harm component. In contrast to lesser wrongs, evils do intolerable harm. Ordinarily these harms, rather than the motives of perpetrators, are what distinguish evils from other wrongs. Evil-doers need not be evil (“wicked”) people. On a radio call-in show where I was interviewed just after publication of

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*The Atrocity Paradigm*, callers asked if I thought Saddam Hussein was evil, or (then) President George W. Bush. Few asked whether I thought this or that deed or practice an evil. My focus is on deeds, institutions, practices – evils (plural). My motivating interest is not in putting labels on people (or empires or alliances).

The analysis of *The Atrocity Paradigm* does not yield a comprehensive theory of ethics. It presupposes that there are defensible norms of right and wrong. But it neither specifies a particular theory of those norms nor does it depend very much on what they are. The atrocity theory is compatible with many non-utilitarian theories of right and wrong, such as those of Immanuel Kant (1996a) and W. D. Ross (1980 [1930]). I did not expect the theory, abstractly stated, to be controversial. Everything interesting, I thought, would lie in the interpretations of culpable wrongdoing, intolerable harm, and reasonable foreseeability. Yet an aspect of the theory has been controversial in a way that I now find justified. As originally stated, it does not capture well the evils of social practices, institutions, and other social structures, including many paradigms of evil in my lists of atrocities. Those lists include the Holocaust, carpet-bombings in WW II, and the Tuskegee syphilis experiments, all collectively perpetrated (Card 2002, pp. 8–9).

I call my theory the atrocity paradigm (or atrocity theory) because atrocities are my paradigms of evil. Atrocities I define only ostensively; I list several. My lists include, besides the atrocities just mentioned, Stalin's gulags, the 1937 rape of Nanking, the 1995 Oklahoma City bombing, the 1964 murder of the three civil rights workers, James Cheney, Michael Goodman, and Andrew Schwerner, in Mississippi, and the dragging murder of James Byrd in Jasper, Texas, 1998. Natural catastrophes, such as hurricanes, tornados, floods, and earthquakes, can be as devastatingly harmful. They are not atrocities when they are not produced, aggravated, and so on by culpable wrongs. Also, not all evils are atrocities. Murder is an evil when there is no moral excuse for it. Yet not every murder is an atrocity. Atrocities are useful as paradigms not for their shock value or even the number of victims but because they are uncontroversially evils, if anything is. In atrocities the ingredients of evil are writ boldly.

Three tasks guide my inquiries. One is to clarify further the differences between evils and lesser wrongs. Marcus Singer writes that "evil," used precisely, "is the worst possible term of opprobrium imaginable" (Singer 2004, p. 185). What underlies that opprobrium? Through most of the history of ethical theory, moral philosophers have not, in fact, systematically distinguished evils from lesser wrongs. They have referred loosely to anything bad or wrong as an evil. Yet outside academic philosophy, "evil"

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carries the emotive load that Singer notices. “Evil” in this more specific sense tends to be reserved for the worst wrongs, those we think no one should have to suffer. Genocide is an evil. Premeditated murder is an evil. Petty theft and tax evasion are not.

Why distinguish evils from lesser wrongs? One reason is to help set priorities when resources are limited for preventing wrongs and repairing harms. Another is to set limits to excusable forms of defense against or retaliation for atrocities perpetrated or threatened by others. With regard to the first of these concerns, the temptation is often to address lesser wrongs first, deferring indefinitely attention to real evils. Lesser wrongs can be easier to repair. But evils are urgent. Life and basic quality of life are at stake. Many lesser wrongs do not necessarily add up to an evil. Nevertheless, deep and pervasive inequalities that may not be evils considered simply in themselves can set a stage for evils, generating resentments and fostering abuses of power, as Nannerl O. Keohane argues in discussing Rousseau’s thoughts on evil (Grant 2006, pp. 75–99; Rousseau 1950, pp. 176–95). Collectively perpetrated evils can also be the cumulative result of wrongful deeds which, considered individually, are not evils. And so, there are good reasons not to go to the opposite extreme of neglecting lesser wrongs just because their victims’ needs are not urgent. Still, the harm of evils is intolerable, often irreversible, frequently uncontainable. Progress in containing, terminating, preventing, and repairing what can be repaired is apt to be incremental. But even slow progress can save many lives.

In regard to the second concern, limiting excusable forms of defense or retaliation, it is important to rule out measures that are inhumane or degrading and incompatible with basic democratic values. Inhumane responses by a government not only jeopardize the possibility of post-conflict peaceful coexistence but also rightly undermine the confidence of a people in the government that so responds. Such responses are unworthy of a government that means to offer protection against evil. They tend to be sufficiently shocking that those in power are tempted to maintain secrecy around them. Secrecy jeopardizes accountability and procedural justice. It results in an improperly informed electorate. Confidence is weakened in an electorate that comes to know or strongly suspect that it is improperly informed. Even with an unaware electorate, the government’s *trustworthiness* is weakened.

A second task guiding my inquiries is to rehabilitate the concept of evil in the face of widespread skepticism, especially among intellectuals, given the ongoing history of political abuses of the label “evil.” Three myths

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facilitate such political abuses. One myth is that evil-doers are monstrous and cannot be reasoned with. A second and related myth is the Manichean fantasy that humanity can be divided into the good (most of us, or, on some religious views, an elect few of us) and the evil (“them”; the rest). A third myth is the idea that evil is a metaphysical power or force that possesses some individuals. Given the harm done by such myths, it is fair to ask again why evil is a concept worth retaining. My first response is that the myths themselves have been instrumental in the perpetration of much evil. To sustain that judgment, it is necessary to make sense of evil independently of the myths. And so my second response is that evil can be demythologized. A demythologized understanding of evil is useful for thinking about how to respond with as much honor as possible to the worst wrongs of which humanity is capable. It is helpful for setting priorities, constraining responses, and encouraging moral imagination. The dismal history of the concept of evil has been about labeling agents, not identifying evil deeds and practices. That history has also involved religious beliefs that are not part of my project.

Finally, a third task guiding my inquiries, which comes to prominence in chapters 6, 8, and 10 in Part II, is to facilitate the identification of evils, in the hope that once they are identified, people who currently support a number of evil practices might cease to do so. Carrying out this task is aided by clarification of the differences between evils and lesser wrongs and by the general demythologized appreciation that evils need not be extraordinary.

My secular approach to understanding evil mediates between Stoicism, which takes evil to reside solely in wrongful intentions, and Epicureanism, which takes it to reside solely in the experience of harm. Evils, on my view, have both a Stoic and an Epicurean component, neither reducible to the other. Intolerable harm (the Epicurean component) deprives victims of basics ordinarily needed to make a life (or a death) decent. “Intolerable,” here, is a normative concept. It refers not to what individuals cannot in fact tolerate but to what a decent life cannot include. That is not an entirely subjective matter, even if what is worth tolerating is somewhat relative to time and place, available resources, available knowledge, and so on. Examples of intolerable harm include lack of access to non-toxic food, water, or air; lack of freedom from prolonged and severe pain, humiliation, or debilitating fear; prolonged inability to move one’s limbs or to stand, sit, or lie down; lack of affective bonds with others; and the inability to make choices and act on at least some of them effectively. The degree of deprivation that is intolerable varies. Still, intolerable harm is not simply

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relative to what can be withstood. Freedom from such deprivations are basics that all humans, as members of a common species and regardless of cultural differences, need for our lives to be not just possible but decent, and for our deaths to be decent. Evils rob us of these things or jeopardize our access to them. Lesser wrongs do less serious harm. The *motives*, however, to both evils and lesser wrongs are often the same – greed or impatience, for example.

This analysis still seems to me a good beginning. But there are gaps to fill, qualifications to develop, disclaimers to make, and modifications to incorporate. Initially I intended to follow *The Atrocity Paradigm* with a book on responses to atrocities that preserve humanitarian values: apologies, truth commissions, reparations, memorials, education, and the like. Thinking about responses brought a shift in my focus from the harm component to the agency component of evils. Thinking from the agency perspective led to thinking about temptations to evil responses. A connecting thread between my initially imagined book and the current project is the moral challenge of avoiding evil responses to evil. Meeting that challenge, by the way, need not require forswearing revenge or retaliation – only evil forms of it. Revenge is not always evil. It need not do intolerable harm, or any harm at all. My revenge on those who did what they could to impede my professional endeavors is to exploit opportunities they inadvertently opened up for me to achieve what success I can in developing a theory of evil.

Thinking about how to avoid doing evil, I was led to a new view of the later work of Hannah Arendt and the famous experiments in social psychology of Stanley Milgram and Philip Zimbardo. The work of all three thinkers had initially confirmed me in the idea that evils differ from lesser wrongs only in the severity and nature of the harm they do, not in anything special about the agency of their perpetrators. I no longer find that view adequate. Nor do I think it quite the right conclusion to draw from their work. What is shocking about evils is not only that the harm is intolerable but also that the deed producing it is utterly without moral excuse. Although none of these thinkers comments on that fact, and perhaps they would not agree, I find it a common element of the disturbing choices they studied.<sup>3</sup>

<sup>3</sup> Arendt might have agreed. But my hypothesis throws a monkey wrench into the idea widely associated with social psychology that it is (if not *only*, then *mainly*) the situation that distinguishes evil-doers from others, not something about the agents.



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[More information](#)2. DEMYTHOLOGIZING EVIL: ARENDT, MILGRAM, AND  
ZIMBARDO

The myths that evil-doers must be monsters and that the human race can be divided into the good (most of us) and the evil (“them”) take a powerful hit in the later writings of Arendt and in the well-known experiments conducted by Milgram and Zimbardo. Milgram’s obedience experiments and Zimbardo’s Stanford Prison Experiment (SPE) are widely cited in support of Arendt’s controversial observation regarding “the fearsome, word-and-thought-defying *banality of evil*,” which concludes the last chapter of her book on the 1961 trial of Adolf Eichmann in Jerusalem for crimes against the Jewish people (Arendt 1965, p. 252). These three thinkers are often misunderstood as offering hypotheses about evil in general. They sometimes say things that encourage that misunderstanding. But their focus is actually more specific, namely, the monstrous deeds of people who are not (or not necessarily) monsters. None of these thinkers claims or implies that no one is monstrous. One might even disagree with Arendt’s view that Eichmann was not monstrous (and cite the very banality of his motives as evidence that he was) without disagreeing with her view that much evil is a result of shallow thinking and culpable failures to think at all. The work of Arendt, Milgram, and Zimbardo need not be read as support for the view that there is an Eichmann in all of us (clearly, not Arendt’s view). Their points are far more modest: that agents need not be deeply vicious or freaks of nature to do monstrous deeds.

Listening to Eichmann at his trial and reporting on his conversations and his last words, Arendt was taken aback by the superficiality of his character. His speech was trite. He utterly failed to consider the perspectives of his victims. Her diagnosis of what underlay his willingness to plan and coordinate trains to the death camps was that he never learned to think. He seemed unable to put two and two together morally for himself, although he was innovative in devising means to ends. This failure to take moral responsibility does not distinguish him from many bureaucrats who never become major criminals. In a morally less demanding political climate, as Arendt noted, he might have led an unremarkable life.

Regarding the Milgram and Zimbardo experiments, as well as the case of Eichmann, I was struck initially by a basic similarity in the motives from which people do evils and the motives from which they commit lesser wrongs. I concluded that since evils and lesser wrongs can be committed from the same motives (say, greed, impatience, or desires for approval), motives do not define the differences between them. Both evils and lesser

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wrongs are culpable. But only evils do intolerable harm. I still find truth in that view. But I also think it not the whole truth about the agency component of evils. What strikes me now in addition is a certain *contrast* between the agency exhibited by Eichmann, most of the subjects in Milgram's obedience experiments, and most of the "guards" in Zimbardo's SPE, on one hand, and the agency, on the other hand, of many less serious wrongs, such as lying to protect someone against undeserved harm. For such a lie there is at least a good reason, one that carries some moral weight, although perhaps not enough to justify the lie, all things considered. But subjects who thought they were inflicting severe shocks in Milgram's experiments (and SPE "guards" who badly abused "prisoners") had *no moral excuse* for their choices, no comparably good reason. It is still true that their motives are not what stand out. What stands out is that lack of any moral excuse, given what they knew or had reason to believe about the harm they were being asked (in Milgram's experiments) or permitted (in Zimbardo's SPE) to do. Their culpability is unmitigated by any diminished capacity for agency and by any even partly justifying reason. They had reasons, to be sure. But those reasons do not begin to justify their choices. To elucidate further, it is necessary to summarize those experiments and then clarify what I mean by "no moral excuse."

Milgram's 1960s obedience experiments were motivated by his desire to understand how so many citizens of the Third Reich, from unskilled workers and housewives to educators, lawyers, and doctors, became complicit in the Holocaust. Milgram asked people in advance of his experiments how many they thought would obey requests by an authority to do something they could foresee would inflict intolerable (even potentially fatal) harm. He and they were astonished to learn from the experiments that in fact the number was not the tiny fraction they had anticipated but roughly two-thirds of the subjects who were tested.

Milgram's *Obedience to Authority* (1974) describes experiments carried out from 1960 to 1963 while he was in the Department of Psychology at Yale. To review, Milgram asked subjects to push a switch that he said would deliver an electric shock to a subject in a neighboring room as punishment for giving a wrong answer in what was presented as a "learning experiment." With each wrong answer, Milgram asked the switch-pusher to deliver what he said was an increasingly severe shock. Subjects actually received conflicting information. Milgram said the shocks would do no permanent harm. Yet the highest level of shock was clearly marked "danger," and the responses and eventual lack of *any* response from the "learner" at the higher levels of shock sent a message incompatible with