10. Conclusions

10.1. Placing this research

In the final chapter, the findings of this dissertation will be viewed from a range of perspectives, moving from risk and error management to popular discourse and towards a perspective of administrative evil. The two central research questions will then be returned to briefly. Following this, the dynamics within governmental organizations will be examined. The chapter will end with some final remarks and by identifying opportunities for moving forward in the cases where governmental organizations are connected to deaths and serious injuries.

From risk management to error management

When he resigned on account of the Schiphol detention center fire, Minister of Justice Donner asked ‘What responsibility can government bear for preventing danger?’ These words began this dissertation. They are representative of a school of thought in which the role of government in society is closely connected to the risk society. Beck introduced the concept of the risk society in which instrumental rationality is what leads action. According to this way of thinking, disasters or accidents are not caused by nature or by an act of God, but by rational decisions taken by human beings. If risks materialize and become accidents, the search for an organization or person to blame starts. Following this line of thought, one could conclude that government has become the most likely scapegoat for whatever goes wrong in society. Bad luck, failures, impossibilities and coincidence are no longer accepted as reasons. ‘Bad luck must go’. Ministers and State Secretaries are often asked to assure the House of Representatives that ‘this will never happen again’. Van Eeten has argued that fatalism (summarized simply by ‘that is how it is’) seems to be forbidden in politics, even though ordinary citizens understand full well that a risk-free society is impossible and that mistakes will always be made. Frissen added that government fails to understand that, by definition, the human condition is tragic. But in an effort to prevent tragedy, government intervenes in society, driven by a misguided aspiration to solve all of our problems.

In the report about the risk rule reflex published by the Dutch Council for Public Administration (the Rob), the main question was how government should cope with risks and incidents. Government often operates in different capacities: lawmaker, policymaker, implementer or law enforcer. Government is expected to maintain strict policies, while at the same time an accommodating attitude is often asked for, with more leniency ever adhering to rules and regulations. However, according to the Rob this ‘over asking’ should, not be used as a mask for underperforming. Government is just one of the actors that determines what happens in the risk society and not always the most important one. While government is often still characterized by hierarchical, vertical relationships, society itself is developing into a network society in which horizontal relationships matter most. According to In ‘t Veld, the problematic aspect here is that governments have trouble adapting to what is required by a network approach. In any given problem more than ten different actors might play a role. They need each other to be effective in

844 Mertens, Pieterman, Schuyt, Vries de et al. (2003).
845 Van Eeten (2010).
846 Frissen (2013).
this network setting. This means steering discussion away from who is responsible for what, or redirecting focus away from budget limits and regulations and how to stick to them. Empathy should be the central value in such a network. In this view, government is struggling to come to grips with this new reality.

Incidents can be highly influential in altering the trust that citizens have in their government. The Rob stated that in responding to incidents government should influence its own reputation and image by competent action (‘doing the job right’), adhering to values that are shared with citizens and by consistent image building. When investigating incidents, steps should be taken in the correct order: first establish the facts, then establish accountability and finally the lessons to be learned. In line with De Bruijn\(^{849}\), the Rob stated that the crucial question is why something happened (including attention to context) and should be preferred over one-dimensional causal explanations (‘if fire safety had received sufficient attention, than there would have been fewer casualties or none’).\(^{850}\) In investigations, the possibility of bad luck should be kept in mind: One dimensional causal explanations can lead to the ritual conviction of governmental organizations. It is argued by the Rob in its report that when it comes to dealing with risks, by its very nature there will always be risk acceptance. The question of which risks should still be considered acceptable is a political question that involves calculating costs and estimating probability. Helsloot, who participated in the Rob report, has consistently pleaded for more rationality in dealing with these risks.\(^{851}\) But the desire to achieve absolute safety leads to disproportionate investment. Analyzing costs and benefits in the domain of physical safety then makes sense.

This entire line of thinking seems to have gained popularity within government circles. Consider the opening lines of the letter that the Dutch government sent to the House of Representatives in reaction to the report by the Rob:

“People cannot protect themselves against every danger in society. Government has a task in this. Over the last decades this task has steadily become broader, thereby giving government a continually increasing responsibility for guaranteeing safety and dealing with the consequences of incidents. This creates a dilemma for the role government plays. In a society that is characterized more and more by horizontal relationships, government can be expected to play a smaller role, but that is complicated by the assumption that it should go further and further in covering physical and other risks, even when this involves low risks with limited impact on society.”\(^{852}\)

Hirsch Ballin’s words, quoted before, are mirrored in this: Citizens can expect government to care for their safety, but promises of a zero risk society should not be made nor expected. The risk of stepping into the trap of the risk rule reflex is highlighted in this approach. In ′t Veld, too, has warned that in such a situation, professionals are not given enough trust and room to be effective. We are moving from ′high trust′ towards ′low trust′. The tendency by parliament to demand stern measures and guarantees that ′this will never happen again′ reinforce the vertical approach and compound the problems.\(^{853}\) The research on error management should be taken into account here.

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\(^{849}\) De Bruijn (2007)

\(^{850}\) To be precise: De Bruijn argued that both questions have advantages and disadvantages, he pleaded for a combination.

\(^{851}\) Helsloot (2007).

\(^{852}\) Letter by the Minister of Interior Affairs and Kingdom Relations to the House of Representatives, May 27, 2013, nr. 2013-000309300.

when discussing risk management. The body of knowledge on this was quoted extensively and holds valuable lessons for both preventing errors and for learning from them. In each case, many errors can be identified. These errors do not stand alone, but are often complexly intertwined with other circumstances and compounded by other mistakes.

**Popular discourse**
The public debate about these cases (in parliament, in the media, on the internet) contrasted with the approach taken in risk management and error management literature. In the public debate, words like ‘scandal’, ‘cover-up’ and ‘conspiracy’ were often coupled with ‘government’. Actions by government were believed to have deeper motives and intentions. In this line of thought, government was not willing to admit its shortcomings and tried to divert the blame for what went wrong. Such a view draws a clear conclusion: Government did a poor job, perhaps unintentionally but often intentionally, tried to blame the victim or others (private or governmental organizations) and refused to admit its mistakes and to compensate the victims. In this popular discourse, there seems to be a need for one single responsible actor who can be blamed (government being a popular target) and one single cause for the fatal accident. This research has looked at these cases at some distance and, admittedly, with the wisdom gained with the passage of time. In every case there were many investigations carried out, reports and books published, debates held, and one case even inspired a theatre play. This dissertation combined information from all of these sources and interviews with key players in each case. As a result, the findings often differ from the views expressed in public discourse, although some of what was said in popular discourse was confirmed in the case studies.

Let us look at just one case to illustrate this. The popular discourse about the Probo Koala could present this as a case in which the Dutch government allowed a ship with toxic waste to leave the harbor of Amsterdam, making it possible for the ship to continue its journey and dump the waste in Ivory Coast, causing deaths and serious injuries. The case study has shown that by now it should be considered improbable that the waste of the Probo Koala led to any deaths. The municipality of Amsterdam was prosecuted, but the Court ruled that in this case the municipality held immunity from prosecution. The reconstruction of the case showed that, in fact, the municipality had done its utmost to consult all the parties involved and had tried to reach a solution. Rules and regulations were complex and cooperation between governmental agencies was not up to standard, as many shirked their responsibilities in response to the questions put to them by the municipality. There are some striking features in this case. In the end deaths have not been proven, government was in fact just one of the many players in this case (and arguably not the dominant one) and the private company involved was convicted twice for their actions, which should be labeled as a serious environmental crime, before agreeing to settle and accepting the biggest fine possible. This forms a stark contrast with the public discourse, but what has become known in the case has not affected or changed the discourse. This is most probably because virtually all the information provided in this case has been heavily contested by the parties involved. Legal issues, publicity campaigns, framing: It has all added to the blurring of the real facts in the case. Some of those facts will probably never be fully known, while other facts have been evinced as arguments on every possible side of the story. For the uninformed reader it is an almost impossible task to separate fact from fiction. Even for the informed reader it remains a daunting task.

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855 About the case of the Probo Koala, [http://www.mightysociety.nl/\~1koloms.asp?path=02y0pdp.uk](http://www.mightysociety.nl/\~1koloms.asp?path=02y0pdp.uk) (date last accessed: 12-05-2014).
A different perspective: towards administrative evil

There is another way of looking at these accidents and the role that government plays. This perspective can be connected to other areas of knowledge. Research on rule breaking by government, which is still relatively limited, showed that governmental organizations sometimes violate rules or standards while carrying out their responsibilities. This concerned criminal law, but also administrative law, constitutional law and civil law. Research on corruption and integrity violations is more developed and has focused on bribing and on acting in accordance with moral values, norms and rules. Criminological research has looked at organizational crime, showing how motives and opportunities can combine to offer possible explanations for criminal acts. State crime research has a longer tradition and has focused on crimes committed by states for the attainment of their own goals. A new perspective in this analysis of criminal behavior by public authorities is 'Unmasking administrative evil'. The book by Adams and Balfour has led to much debate in public administration science, but has rarely been followed up by research in which the theories from the book have been operationalized for research purposes.

The subject of evil has been studied by many disciplines such as philosophy, sociology and psychology, but is also slowly gaining ground with social scientists that have an interest in organizational behavior. Jurkiewicz brought together various social scientists to study evil within organizations. Although evil is a highly contested concept, often stirring up fierce emotions, it is believed that it is possible to take evil as an analytical framework and that this is necessary for the understanding of the dynamics within organizations. To quote Hannah Arendt:

"The sad truth of the matter is that most evil is done by people who never made up their minds to be or to do either evil or good."

Unless we pay attention to the idea of evil, it is very difficult to establish how organizations that start with decent people harboring good intentions can develop into organizations that harm people for their own benefit. This line of thought is more susceptible to ethical judgments than factual description and analysis of organizational behavior, but it also allows valuable insights into organizational dynamics.

One thing should be made clear: The concept of administrative evil has certainly not been developed to add to government bashing. Adams and Balfour point that out when studying genocide and administrative evil. Here, states are inevitably recognized as the major perpetrators. That does not mean that we should not appreciate all the good work that is being done daily in public administration by dedicated and benevolent people. However, it is essential
to adopt a critical stance when looking at government, not to take part in government bashing but rather to prevent disasters taking place. This point of view is confirmed in this dissertation. After reading this book, no one should be able to conclude that the Dutch government, or the governmental organizations involved, could be described accurately as ‘evil’, or by the more complicated term ‘administrative evil’. However, there is sufficient reason to look critically at the organizational dynamics in these cases, in an effort to learn from them.

10.2. Returning to the central research questions

In the previous chapter, the findings of the case studies were collated and general conclusions were drawn. In this paragraph, a brief return to the central research questions will be made. The first research question was:

1) Why and how does governmental behavior in the Netherlands lead to the occurrence of deaths or serious injuries to human beings?

In this dissertation, the combination of opportunities, motives and masking in each case was explored. The findings under each heading were considered as a whole in an effort to find just how governmental organizations became connected to the deaths and serious injuries described.

Opportunities
A trend towards ‘deverticalizing’ relationships with government has been pointed out, a trend from top-down government (where government is the dominant actor) to a form of governance (where government is but one of the actors in a broader societal network, operating in both a bottom-up and horizontal fashion). From these cases, it appears that hierarchical organizational structures (such as those found within the fire brigades, Defense and ministries) increase vulnerability to these kinds of fatal accidents. Cooperation between governments has become more important, but government also needs to cooperate with other actors (companies, citizens, media, interest groups, etc.). If responsibilities were found to be divided between many actors, the risk of finger pointing and scapegoating others increased. Governmental organizations often blamed other governmental organizations, causing a deterioration in the relationships within government. Relationships between politicians and civil servants also came under pressure quite often. The dissertation has also shown the risk of accepting responsibility where it should not be taken (Alderman Vos in the case of the Probo Koala, for instance). In the organizational culture of the entities studied, hierarchy was a relevant factor, as well as loyalty and dedication to the job. This is congruent with the observation that governmental organizations in the Netherlands still struggle with the shift from hierarchy to network, from vertical to horizontal relationships. These cases have shown that, in line with this hierarchical, bureaucratic culture, a disproportionate amount of attention was paid to legal, financial and political risks. Fear of claims for compensation was influential in the internal discourse. As pointed out before, advice about legal, financial and political risks is by nature part of the work of civil servants. However, this research produces examples of cases in which these concerns seemed to dominate over other relevant concerns, such as openness, empathy and the interest of the victims. The political system and relationships with companies were not found to be an opportunity for things to go wrong.

Motives
A distinction was made in this dissertation between primary motives (which have an individual
origin) and secondary motives (organizationally oriented). The primary motive that turned out to be the most relevant was ignorance, which in a broad sense included errors of various kinds. Ignorance, in the sense that professionalism or knowledge was insufficient, was actually found less than might be expected. The civil servants involved in these cases were most often dedicated professionals who needed discretion to be able to fulfill their tasks. Unwillingness was seldom found as a motive, although governmental organization certainly faced some wicked dilemmas in these cases. Financial motives often played a role, but were seldom the only or dominant factor. The position of the governmental organization and its image, preferring other norms than the law and demands by politicians, citizens and interest groups were not found to be relevant motives in the majority of these cases. Each case appears to have its own dynamics and the motives vary. A pattern is difficult to discern, other than that errors can always be found and that often means that someone has made a mistake or is at least responsible for some form of shortcoming.

Masking
This research shows that the masking factors that were introduced by Adams and Balfour in fact apply to most of these cases. Distance in time, perspective, scapegoating and technical rationality often masked what was going on. Over time, the way the case was viewed changed substantially. Often, the perspective was also part of the masking. There seems to be a myth of pure evil that is kept in place and there is a ‘magnitude gap’ between the perspective of victims and perpetrators. What this research has shown is how unmasking is fraught with difficulties and by nature uncertain and contested. The mask can stay on for a very long time, and this can also be an excuse for one of the parties involved to keep up the accusation of a cover-up, or conspiracy, indefinitely.

These case studies seem to occupy consistent territory between error and evil. The findings revealed plenty of error, no corruption, some integrity violations, not a lot of organizational crime (often because government is difficult to prosecute), some form of rule breaking by government in all cases, and no state crime (because of the definition of crime, and because actions were not taken in pursuit of operational goals). There may be have been some hints of administrative evil in some instances, but the only case where, for a certain period of time, it was really a fitting description was that of the AP-23 land mines and Spijkers. However, it was often masked and these cases have shown that there is reason enough for government to be cautious and to be aware of the dangers of administrative evil.

Explaining why and how governmental organizations are connected to deaths and serious injuries
For every case, a large number of investigations were carried out. There are certainly patterns and mechanisms to be discerned in the combination of all these reports, as well as in the other research material that has been presented in this dissertation. Offering explanations and drawing conclusions in these government-connected cases of serious injuries and death requires sensitivity. Judgment should not be made lightly, should be done by independent organizations and should be based on the facts, not on emotions.

It is interesting to examine the conclusions drawn in the investigative reports in these cases. The exact wording of the conclusions by the Safety Council in the case of the Schiphol detention center fire gives food for thought. For example, in the case of the fireman drowned in Utrecht, the municipality was convicted of death by guilt for not adhering to the rules and regulations on labor conditions for the divers involved. If that line of argument had been followed by the Safety Council in the case of the Schiphol detention center fire (of course the accident in Utrecht took place before the Schiphol detention center fire, so this is a fictional notion), one could

come up with the same conclusion: 'There would not have been any victims if the governmental organization involved had focused its attention on safe labor conditions'. This might have brought about a quite different dynamic in the political arena. De Bruijn has explained this phenomenon by comparing the conclusions drawn by the Safety Board in the case of the Schiphol detention center fire and those of the Hulshof Committee in the case of the Probo Koala. De Bruijn distinguished a focus on causality (the Safety Board: ‘If they had focused on fire safety, there would have been fewer or no deaths’) and a focus on context (Hulshof Committee: ‘Under these special circumstances, the way of operating was not adequate’). Both approaches have disadvantages: Causality approaches do not explain why certain rules were broken and why cooperation or coordination was inadequate, while context approaches can offer legitimation for existing harmful situations and reduce judgment to a marginal check. De Bruijn concluded that a comparative approach should be preferred over single case analysis and that elements of causality and context approaches should be combined in reports by investigative committees.

Later research on methods of accident investigation has signaled a trend. First, attention was focused on errors (both human and technical) and causality. Later, there was more interest in the context in which these errors had occurred and in the role the organization played. Finally, the focus seems to be shifting to the system as a whole, with more attention being devoted to interactions and dynamic relationships. Most investigations still focus on causality but the Safety Board has moved on to an approach that is more in line with context-driven analysis. A more system-driven approach is being developed and tested as the latest method for inspectorates and investigative authorities.

**Summing up the explanations**

In each case a combination of errors was seen, often in a cascade of coincidences, failures, bad luck and sometimes wrong choices. These errors can be identified at different levels: the individual level (for example, the cell door was not closed), and the organizational level (staffing was inadequate, not enough training, and culture not aimed at learning from errors). In some instances, the societal level can be involved as well (for example the importance that is attached to environmental concerns as opposed to economic concerns or the choices made concerning immigration or detention). Merely looking at errors is not enough. Government should be aware of the small, simple steps that taken together can form administrative evil. Moral decisions rarely present themselves as moral decisions. These are not ‘black and white’ decisions, but small steps, at first sight doing little harm. Nevertheless, a slow process can start down the slippery slope. This process is difficult to discern, or to unmask for that matter. Civil servants and politicians must therefore be keenly aware of what exactly their role requires: A strongly felt identity that is fed by relevant moral values and norms and that is well adjusted to expectations within society, is vital here.

All of this requires a strong awareness of the dangerous dynamics that can come with large and complex organization. Within governmental organizations, a shared ‘frame’ can develop in a case in which a victim or whistleblower is involved. The case of Spijkers can serve as an example: Without a doubt, many Defense employees thought they were doing the right thing in their individual contribution to this case over the years. Nevertheless, if the case had been handled differently from the start, with serious attention to the victims and the employees involved and

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867 De Bruijn (2007).
869 This corresponds with the micro-to-macro distinction that was discussed before in paragraph 3.4., Coleman (1987), De Graaf (2007), p. 547-553 and Huberts (1998), p. 35.
empathy for their story, it probably would not have developed into decades of struggle between government and one of its citizens. If the first step in such a process turns out to be the wrong one, the process afterwards becomes difficult to reverse. That leads to embitterment and struggle and in the end to large damage compensation claims and serious damage to the image of the governmental organization involved. It is this organizational dynamics that is sensitive to the development of administrative evil and this is precisely the danger governmental organizations should be more aware of.

In these cases of fatal accidents, overview and coordination was often lacking, thereby begging the question who was really in charge. The danger of administrative evil that stays masked for a long time can loom in the background. This research shows that such masking in fact takes place, mostly without the persons involved knowing about it. A tragic turn of events is often more the result of a slow creeping process which people do not recognize than that it is the outcome of a ‘conspiracy’ or ‘cover-up’ that is often assumed to be present in these cases.

Government has not internalized error management to the extent that the aviation industry or the medical industry has. Although many measures are often adopted (risk rule reflex), learning from errors can still be improved. This will involve more focus on system-oriented learning in investigative reports, instead of individual or organizational analysis. From this research, it does not appear that bad intentions on the part of governmental actors were often present, but large organizations and bureaucracy can cause defensiveness, a ‘closed’ culture and ultimately a tension between taking either too much or too little risk.

That brings us to the second central research question:

2) How do governmental organizations in the Netherlands respond to these cases and why do they respond that way?

Examining the response of governmental organizations to these cases leads to several conclusions. Governmental organizations’ first line of communication was often that they had to await the results of the independent investigation. Following that, full cooperation with these investigations was promised. In most cases, support for their own personnel was voiced in one way or another, but this did not always happen. Such words of support are appreciated within their own governmental organization, and there is strong reaction if such support is not articulated. This can be connected to the culture of strong loyalty within these organizations. Governmental organizations stressed that they were completely open and transparent about what happened. Reference was made to the complex and ambiguous rules that governmental organizations had to deal with. Responsibilities by other parties were pointed out.

A noticeable element in the external language used by governmental organizations in these cases was reference to the uniqueness of the situation and the lack of relevant information and knowledge at the time of the accident: ‘with the knowledge we had then, things were generally in order, with the knowledge we have now perhaps other choices would have been made’. There were noticeable differences between external and internal language. That should not come as a surprise, since it is the job of civil servants to advise their ministers, aldermen or mayors about all kinds of aspects. Internally, in addition to providing relevant information, advising often seemed to focus on limiting risks – on controlling risks, confidentiality, financial claims, political damage and legal restrictions.

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870 This can be seen as an example of the cascading mechanism that was identified by Leeuw and Vaessen, Leeuw and Vaessen (2009), p. 18.
As a strategy, governmental organizations often seemed to try to buy time in cases like this: ‘First the facts, then the judgment’ is a popular strategy here. This requires thorough and independent investigations. It should be noted that in all these cases, independent investigations were invariably carried out and that governments often had to go to great lengths to cooperate with the investigative authorities and to provide the information that was asked for. The number of investigations was significant. The parties involved often used investigations as part of the struggle, each investigation giving fuel to the arguments of one of the parties involved. In some cases, it appears that the parties could not agree on any single fact. This led to a seemingly endless cascade of investigations, the ‘incessant investigation cycle’. In fact, dissatisfaction was often so great that not one single cause could be agreed as forming the definitive answer to why the fatal accident took place.

Governmental organizations took a large number of measures to prevent repetition of these accidents. This can be referred to as the risk reflex, but it should also be recognized that these measures indeed led to significant improvements. Fire brigade diving became safer after the third diving accident in several years took place in Terneuzen, but absolute guarantees that such accidents can never happen again cannot and should not be given. Hopefully, the chances of such accidents happening will have decreased and governmental organizations will be better prepared.

In most of these cases governmental organizations reacted in a defensive way, out of fear, with a lack of openness and a lack of empathy. Legal concerns were often dominant. Governmental organizations often struggled with being open and with handling Wob requests. Where Wob requests were refused, documents were often leaked to the press, strengthening the appearance of a cover-up. Governmental organizations struggle to respond to that accusation. The Catshuis fire serves as an example: ‘How can we prove that something has not happened?’ There is no simple template for responding to accusations of ‘cover-up’ and ‘conspiracy’. Another strategy adopted in some cases was ‘incremental defensiveness’: conceding responsibility step by step only when it becomes almost unavoidable. Not following a consistent line of communication, although it displays greater openness, seems to make politicians more vulnerable to political problems than incremental defensiveness. This is crystallized in the case of the Probo Koala comparing the outcomes for Alderman Vos, who wavered in her response even though she was being more open in so doing, and State Secretary Van Geel, who adopted incremental defensiveness as a strategy. The conclusion should be that for politicians, consistency (even when this implies a defensive, ‘closed’ attitude and denying responsibility each time) is appreciated more than changing your mind.

Two subjects will be discussed briefly since they play an important role in the way government reacts in these cases: the way governmental organizations deal with claims for financial compensation and the impact these cases have on the relationships between politicians and civil servants.

Dealing with damage claims
How should governmental organizations deal with claims for financial compensation in these cases? Administrative law expert Scheltema pleaded for more personal contact between governmental organizations and citizens in order to reach swift solutions. Settling cases out of court is also advantageous for the governmental workload. At the same time this calls for responsible citizenship in society: Government belongs to all citizens. The State advocate, Houtzagers, chose a different approach. He felt that government should communicate more

871 The Rob referred to this as ‘the disaster after the disaster’. Rob (2012), p. 10.
clearly why claims are turned down. In his view, bringing in the right legal expertise is crucial. Careful communication is seen here as the key to avoiding lengthy procedures. Payment of compensation based on leniency should, in Houtzager’s view, only happen in very special cases, since it involves the use of taxpayers’ money. This dissertation shows that in the cases studied, Houtzagers’ approach (‘we would like to explain again why your claim was turned down’) was adopted much more often than Scheltema’s (‘we would like to talk to you personally about what happened and about your claim’).

What do these cases tell us about the relationships between politicians and their civil servants? Disciplinary sanctions against civil servants are a sensitive issue within governmental organizations. As a matter of constitutional law, politicians are responsible for the actions of their civil servants who cannot, and will not, defend themselves in public. That is the job of the minister and is what determines the nature of the relationship between civil servants and the politicians whom they are to serve loyally. This Weberian view has been challenged and criticized over the years. Adams and Balfour (and Arendt before them) argued for a more active stance to be taken by civil servants in their relationship to politicians than would be expected in the Weberian ideal. The subject of loyalty has been a research topic for a long time. De Graaf has researched the loyalties of top public administrators. He found several different concepts of loyalty, displayed by administrators who focus on serving society and its citizens, administrators who believe they should be as neutral as possible, administrators whose loyalties lie with their private lives and individual consciences and administrators whose loyalties lie with their own principles, with the law and with official rules. It was found that combinations of these loyalties exist, but being loyal to the minister and serving society still came out on top.

Nieuwenkamp found that relations between members of government and top civil servants had deteriorated over the years, putting mutual trust and mutual loyalty at stake. Nieuwenkamp uncovered a ‘sorry culture’ in which ministers apologized, stayed on and officials left office. Such a blame culture made top civil servants cautious and defensive, avoiding risks as much as possible. Nieuwenkamp noted that in practice many top civil servants protect themselves against the risk of being scapegoated by a disloyal minister after incidents or parliamentary inquiries. These top officials sometimes keep diaries, send deliberate written warnings to ministers and take ‘witnesses’ to meetings with their own minister. An explanation for this trend was found in the ‘primacy of politics culture’ with top-down leadership styles.

This research established that immediately after these fatal incidents, there was a strong feeling among civil servants that they should receive backing from their political superiors. A lack of initial support can have a negative impact on the subsequent relationship between the politician and his civil servants. This support should also be forthcoming in the democratic arena. In some of these cases, ministers, state secretaries and aldermen have come under fire for their role. If the threat of political damage develops, it can be tempting for politicians to blame the civil servants involved. This is a delicate matter. Sometimes the minister genuinely was not informed well enough about the case. In such cases, the minister often says that they would have wanted to know all about the incident when it happened. In other cases it seems that the ministers jumped to conclusions too early in blaming their civil servants. The research found that, in the cases examined, relationships between politicians and civil servants often came under stress and at times were seriously damaged.

873 National Ombudsman (2009), p. 34.
The central research questions have been answered in line with the research design. However, reflecting on this subject matter led to yet another perspective that can be taken on these cases and will be explored briefly in the next paragraph. From this perspective, the organizational dynamics that have been examined bear many of the characteristics of tragedy.

10.3. The dynamics of governmental tragedies

In the cases that have been studied and in the interviews that have been done, it is striking that there seems to be some sort of inevitability in the dynamics of cases like these. These dynamics seem to create, maintain and then expand themselves. It all begins like a movie or a play with a tragic ending from which we cannot seem to escape. The plot possesses many complexities and the main characters face impossible dilemmas. The script seems to have been written beforehand and the characters have already been cast. Reality seems to adapt to this scenario. To quote Dutch sociologist Schinkel:

"Of course it is no longer so that film resembles reality, it is the other way around: reality resembles film."\(^{877}\)

The question, then, is what this scenario looks like and what factors influence the dynamics. And even if we understand who plays which part, the question is also about where we might find the director of the play. Is this 'rule by nobody,' as Arendt called it, that played a major part in 'Unmasking administrative evil'? Or is something else going on? An important element in all of this is that reality is often distorted before the eyes of the actors and the audience, as it is masked in many ways. The masking factors which have named by Adams and Balfour offer valuable insights here.

Attention to dramaturgical aspects in governmental behavior can be found in the work of Hajer. Together with Uitermark, he analyzed the performance of the Dutch authorities following the murder of Dutch filmmaker Theo van Gogh by an Islamist extremist.\(^{878}\) In the article, Hajer and Uitermark stated that the way in which a murder may shape politics depends on the struggle over the meaning of the murder. They look at authority in times of crisis in a discourse-analytical way and see two dimensions: the discursive (what is said) and the dramaturgical (how it is said and in what setting). For the discursive dimension, political leaders must come up with the right words in the right 'frame' to influence people successfully. Metaphors, story lines and rhetoric are often more influential than rational arguments. The dramaturgical dimension refers to how the setting influences the act. It is not just what is said that is relevant, but also who says it, how, and in what particular context. Discourses are not just a way of looking at the world, but are embedded in social practices that reproduce the way we look as a form of truth. Examining what is said and written can teach us how views on the state of the world are constructed.\(^{879}\)

The significance of context was mentioned before, in the work of De Bruijn, who emphasized the importance of including not only causality, but also context in the work of investigative committees.\(^{880}\) Another interesting phenomenon is what communication scientists call 'context collapse': the interlocking of endless contexts, making it so diffuse and inconclusive that in fact there is less context. Wijnberg wrote about this:

\(^{877}\) http://www.groene.nl/2008/7/wij-joran (date last accessed: 19-2-2014)
\(^{878}\) Hajer and Uitermark (2008)
\(^{880}\) De Bruijn (2007).
“It is a cathartic realization that the bulk of our ideas and judgments about the world is focused on emotion, prone to simplification and designed through an increasingly sophisticated communication technologies derivative: a picture, squeezed into a format, interpreted by a transmitter, commented by an audience, cooked back to ultimately the most lasting impression. Of the remaining 99.9 percent, we know virtually nothing.”

It is concluded that this simplified and condensed picture of reality, in which the context has become almost irrelevant (thus 'context collapse') has an enormous impact on what we see as truth and reality. There can be a tendency to see the fatal accidents in these cases as examples of what happens in daily government practice, even when in fact (as the numbers have shown) these cases can, and should, be described as clear exceptions. Important exceptions to be studied and learned from, but yet still exceptions. Earlier, this research focused on the importance of 'framing' in communications, highlighting certain aspects of a situation using language designed to influence public opinion (consider, for instance, the frame ‘Europe poisons Africa’ in the case of the Probo Koala). De Bruijn gave the following definition of framing:

“a substantive political message, which is used in the political debate and which leads to a specific interpretation of reality.”

Hajer looked at the sequence of ‘performances’ to understand how meaning was produced and distributed. The success of political leaders is dependent here on the extent to which they succeed in influencing the public understanding of a situation and, in so doing, change the political significance of a particular event. All this does not mean to imply that politicians or civil servants are merely actors who simply ‘play’ a role. Hajer and Uitermark refer to Bourdieu for a better understanding of this:

“In practice, politicians need to act not on the basis of rational calculation but out of a ‘feel for the game’ that they have accumulated over time and in environments both inside and outside politics.”

Hajer and Uitermark concluded that the dramaturgical dynamics do not match with a model of politicians as rational actors who calculate which step should be taken next. Rather, things evolve in a natural way as each politician is limited by their ‘performative habitus’. Hajer and Uitermark end by restating what good governance is all about: awareness of the many different discourses that people might use to attach meaning to what politicians do. Hajer is interested in examining this ‘performative habitus’ to understand how administrators respond tactically in emotional discussions. This is summarized in the following boxes:

**BOX 1 Discourse (refers to markers, structures and patterns in a discussion)**

- **Discourse**: an ensemble of ideas, concepts and categorizations through which meaning is allocated to social and physical phenomena, and which is produced and reproduces in an identifiable set of practices
- **Metaphor**: understanding and experiencing a particular thing/event in terms of another

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881 https://decorrespondent.nl/947/erens-is-en-leed-van-de-handed-en-her-wordt-wel-van-genonden/24271610-
88bc23da (date last accessed: 09-04-2014)


883 Hajer and Uitermark (2008), p. 3.

884 Hajer and Uitermark (2008), p. 3.
The discourse here concerns the ideas and concepts that determine how we 'talk' about governmental tragedies. Three discourses can be identified. The first is the popular discourse, which was discussed at the start of this chapter. The second can be called the risk and error discourse, which provides a specific lens through which these fatal accidents can be viewed. In this discourse, it is emphasized that risks and errors are part of life. Risk management and error management are aimed at coping with these risks and errors. We should learn from errors, but also accept them: 'shit happens'. Aiming to eliminate all risks is something which comes at a cost for society. In this view, governmental organizations should be cautious of stepping into the trap of the risk rule reflex. More realistic demands and expectations of the role of government in society (a smaller government that acts more as one of the partners in the risk landscape instead of presenting itself as the 'solver of all problems') is needed in this perspective. The legitimate claim for safety (for which government should take its responsibility) should not be confused with the illusion of a zero risk society. The downside is that this discourse could seem to offer an easy way out for governmental organizations who have failed in some way: 'shit happens', expectations of government are unrealistic and so government should be exonerated from blame no matter what. Such relativism is not advocated by anyone, but could be a consequence if this discourse is taken too far.

The third discourse is the one that looks at the potential of government for rule breaking, crime and administrative evil. This can be called the evil discourse. In this discourse, it is emphasized that government as a large bureaucratic organization holds strong potential for breaking rules, committing crimes for its own goals and a potential for administrative evil. That is not to say that this is always coupled with intent. On the contrary, it is argued that most problems arise because of routine actions and decisions, which never presented themselves as moral decisions. The disadvantages of bureaucracy and hierarchy are often quoted in this discourse. Mechanisms like scapegoating and shirking responsibilities are seen as relevant responses in fatal accidents. In this view, governmental organizations would do well to be aware of the organizational dynamics that can build towards something that nobody wanted beforehand. Acquiring a better overview, maintaining moral standards and courage are advocated as important features in a government that can prevent the growth of its potential for evil. The downside of this evil discourse is the mirror image of the down side for the error and risk discourse: It is an easy way out for all parties involved to blame government for everything that went wrong. In this discourse, it is very difficult not to find government guilty. This comes close to what Donner warned of: a responsibility for every possible disaster which is impossible for government to bear. If this discourse is the dominant one at all times, trust in government will probably be eroded further.

The collision of these discourses brings us to the core of this dissertation: between error and evil. In the cases studied, it has become clear that these discourses continually clash with each other. In most cases, two sides appear. One will lay more emphasis on the risk and error discourse, the other will emphasize elements from the evil discourse. In the end, both discourses have one thing in common: Government doing a good job is seen as the best possible remedy. In the risk and error discourse, reference can be made to the title of the report by the Rob: 'The embodiment of the competent government'. For the evil discourse, the words of Guy Adams can be quoted:

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"Imagining a model public service professional who might be less receptive to administrative evil is instructive. Such a person should be expert, knowledgeable, competent, effective—all these attributes almost go without saying. The public service professional also needs to be an educator who can help foster learning organizations and learning communities—in effect, schools where citizens learn, deepen, and eventually habituate the practices of democratic citizenship. This professional also needs to become adept at systems thinking, and to learn the public value of courage. Courage in the face of fear is a crucially important virtue that should not be underestimated. Franklin Roosevelt, in the midst of the Great Depression, wisely said that we have nothing to fear but fear itself. Fear is almost always involved when we go really wrong; it plays well to our worst instincts. So the professional who can foster public courage is to be prized."

Metaphors were often used in these cases: ‘Europe poisons Africa’ in the case of the Probo Koala is a classic example. The symbolism is very strong here, even when in retrospect, if one considers the facts of the case, this can be considered far too sweeping a statement. Storylines are often highly influential and difficult to reverse. In the case of the Schiphol detention center fire, the case was linked to the immigration policies in the Netherlands and the level of care for illegal aliens. The fire was thus presented as part of, and exemplary of, a bigger problem. Here too, a sharp analysis of the case should lead to a more balanced judgment, in which the cascade of errors and coincidences is studied more closely in order to improve organizational learning.

**Box 2 Dramaturgy (analysis of policy making as a sequence of staged performances)**

| Performance: The way in which the contextualized interaction itself produces social realities like understandings of the problem at hand, knowledge, new power relationships |
| Setting: The physical and organizational situation in which the interaction takes place, including the artifacts that are brought to, or found, in the situation |
| Scripting: The efforts of protagonists to create a particular political effect by determining the characters in the performance (‘Dramatis Personae’) and to provide cues for appropriate behavior |
| Counter-scripting: Efforts of antagonists to undo the effect of the protagonists’ scripts |
| Staging: The deliberate organization of an interaction, drawing on existing symbols and the invention of new ones, as well as to the distinction between active players and (presumably passive) audiences (‘mise en scene’) |

The dramaturgical setting in these cases holds many resemblances to Greek tragedy. The setting is often classical: Debates in the House of Representatives, criminal courts and city councils can easily be compared to the Greek arenas and theatres. The performance by the governmental organizations in these cases has been scrutinized by many. For example, the performance of Prime Minister Balkenende in the case of the Catshuis fire was often coupled with the debate about his performative habitus: His political opponents often questioned his leadership skills. The fatal accident with the painter formed an opportunity to frame this as an example of his poor leadership skills. In this view, Balkenende was not ‘on top of things’. It was clear that Balkenende was forced to defend himself, urging people with relevant knowledge about the case to present themselves and provide him with information. The lamentation heard in this view ‘how can we prove that something has not happened’ confirmed that Balkenende was not in charge in the way that he

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887 Hafter and Ultermark (2008), p. 3.
should have been. The case ended with the scolding of his civil servants, whose actions were labeled by Balkenende as 'inaccurate, incorrect and incomplete'.

*Scripting and counter-scripting* have been part and parcel of these cases. In these governmental tragedies, the antagonists and protagonists were often identified at an early stage. It is sometimes possible to reverse the way the ‘Dramatis Personae’ are seen. Consider, for example, the case of the AP-23 and Spijkers: The role of the perpetrator and the victim has shifted back and forth over time. First, the test leader was blamed, while on the same day he was exonerated from blame. Spijkers was seen for many years as a conspiracy theorist in a labor conflict with Defense. When, after many years, Defense was blamed for the accident, his image changed and Spijkers was seen as ‘One man against the State’, out to find out the truth. Over the years, many efforts have been made by both parties to script and counter-script in the struggle about who should be considered antagonist and protagonist. Language is a vital instrument in the struggle between the opposing sides. *Staging* (deliberate organization of interactions with the use of symbols and distinguishing actors from the crowd) has been arranged on many occasions: Consider for example the ceremony in which Spijkers was awarded a royal decoration or the visit by the EU-committee member Dimas (accompanied by camera crews from the media) to the Probo Koala when it was in Estonia.

The dramaturgical dimensions present in the five cases that were studied make clear that there are similarities between these cases and the world of theatres and movies. Our cases can be likened to several different art forms: drama, thrillers, whodunits and tragedies. Although elements from the first three are present in these cases, tragedy seems the most appealing and fitting art form of all. Tragedy can be defined as follows:

> "Tragedy is a form of drama based on human suffering that invokes in its audience an accompanying catharsis or pleasure in the viewing."[^888]

In all the cases discussed there is a tragic ending. It is typical of Greek tragedy that many plays end with almost all of the main characters dead and lying in a pool of blood. Masking was certainly important here, as actors in Greek tragedies always wore masks. If we continue with this metaphor, we should develop a new form of drama, which builds on the classical form of tragedy, but does so with a new ‘look and feel’ of its own. This could be called the ideal typical ‘governmental tragedy’: a description of the fundamental basic scenario that applies when government is connected to deaths and serious injuries. This is a play in itself that is detached from the five cases researched, has elements in common with those cases but shelters a broader applicability. ‘Governmental tragedies’ often take place in real life, in a setting in which it has become difficult for the audience to separate facts from fiction. The organizational dynamics that have been discussed before are fascinating to study here and can offer valuable insights into the way governmental organizations can deal with cases in which they are connected to deaths and serious injuries in the future.

### 10.4. Final remarks and opportunities to move forward

This dissertation demonstrates that different discourses are relevant when it comes to dealing with cases in which governmental organizations are connected to serious injuries and deaths. Governmental organizations nowadays must adapt to developments in society and adjust the way they operate: from vertical to horizontal relationships, from hierarchy to network. Government is not the only player in the network society, but it is still a special player. Citizens exert high

[^888]: http://en.wikipedia.org/wiki/Tragedy (date last accessed: 05-03-2014)
demands on government. That should not lead to complaints from government. It should step forward to meet the challenge. These cases have shown that when risks materialize, this is often caused by a complex set of factors, in which errors, coincidence, rule breaking, criminal breaches and sometimes administrative evil can be identified and intricately interact with one another. Government too often reacted in a restricted way. Fear appears to have played an important role.

To be sure, many things actually went right in these cases: Staff were often dedicated, loyal and professional, independent investigations were carried out, information was supplied and measures for improvement were taken. Nevertheless, when things went wrong, fear was often a bad counselor. Fear of financial, political and legal risks was present in those instances when, in retrospect, the wrong decisions were taken. The clear vision of what happens, and the overview that is needed within governmental organizations were often lacking. The masking factors that were discussed in the dissertation can help explain why this happens. The dynamics that followed often played on those fears and strengthened them, plunging all parties involved into a downwards spiral from which it seemed impossible to escape. Although government should sometimes come to grips with fatalism, this downward spiral in cases such as these should not be accepted as a given fact.

Although some fascinating insights can be gained from the approach taken in this dissertation, the limitations of this research should be kept in mind. The research did not include cases in the private sector, but was limited to the public sector. This dissertation focused on a limited number of cases (five), which should lead to some restraint when drawing broader conclusions. The research concerned cases in the Netherlands and did not include cases which primarily involved governments from other countries. The research was based on open sources and interviews, confidential files or criminal records were not used. There are many opportunities ahead in the future for a broader research agenda. Research in different settings and contexts can add to deeper insights and knowledge into what happens in the area between error and evil, especially when it involves the role of government in fatal accidents.

To quote the Dutch poet Deelder: "I harbor no illusions, but I remain an optimist." With this motto in mind, some opportunities for doing better in the future can be pointed out. This is done in the knowledge that recommendations at the end of a dissertation often feel obligatory and a bit empty. De Bruijn has rightfully indicated that recommendations in investigative reports often adopted an 'a contrario' scheme: Communication between governmental organizations in this case was not good, hence the recommendation is to communicate better. That does not help much. Therefore, only modest ambitions are harbored in pointing out seven opportunities for moving forward:

1) Establish contact (preferably on a high level) with the victims and their relatives as soon as possible after the accident and first show empathy, rather than concern for procedures and claims. If the case shows signs of becoming a long-lasting struggle, consider starting a 'breakthrough' team, which actively pursues the options to establish a breakthrough in communication and negotiation. The costs of the struggle almost always outweigh the costs of compensating the victims. Adopt Scheltema’s approach to dealing with damage claims: ‘We would like to talk to you personally about what happened and about your claim’.

2) Consider the possibilities for compensating victims and their relatives before accidents happen: in sectors where fatal accidents happen more often, a good arrangement (for

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example with insurance) can prevent long lasting procedures. This has proven its worth in the case of the fire brigade divers.

3) Take the lead in promoting cooperation between investigative authorities: It is in everyone's interest that the investigations provide solid conclusions and that there is no need for parties to start up the incessant investigation cycle.

4) Organize the internal debate: Often the civil servants that were responsible for what happened in the case of the fatal accident are the same ones who advise the minister or alderman about how to deal with the case. Their knowledge and expertise is often necessary, but including someone from the organization who is used as counter expert can help to prevent tunnel views on a case.

5) Encourage people to speak up within governmental organizations, to be open about their errors and show courage as political leaders or as top public administrators in order to reach solutions in these cases.

6) Error management has been applied successfully in the medical and aviation industry. Government is not far down this line yet, but can benefit from explicit attention to learning from error management. Promoting an error management culture is vital. Attention to systematic analysis in investigative reports is wise: not just focusing on the individual or the organization, but on the system as a whole.

7) Go back to square one: If a case has gone on for years, go back to the roots and examine what really happened at the start. If you start with the wrong assumptions, the rest of the case cannot go right.

In the end, easy and ready-made solutions are not available. Although it might not sound exciting, doing a good job is probably still the best remedy against trouble. And doing a good job is what citizens could and should expect from their government. In my opinion, working for government is attractive precisely because government needs to find solutions to difficult dilemmas and expectations. If anything, I hope this research will encourage governmental organizations and the people who work for them to continue to be professional in their jobs, to examine critically what happens in cases like these ones, and to have the courage to speak up if their questions do not lead to satisfying answers or results.

The space between error and evil is filled with difficulties, especially since there is no guiding light to help. The masking that goes on there holds many challenges and dilemmas for government. For government, this can feel like commuting between 'damned if you do and damned if you don't'. It requires that governmental organizations manage to cope meaningfully with many forms of duality. It requires choosing between the tough or the soft approach. Between empathy and enforcing the rules. Between openness and confidentiality. Between being cautious in spending taxpayers' money and being generous. Between accepting responsibility and laying responsibility with those who should be held responsible. Between error and evil.