THE POLITICS OF BLAME AVOIDANCE:

DEFENSIVE TACTICS IN A DUTCH CRIME-FIGHTING FIASCO

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Policy fiascoes, unlike natural disasters, cannot be observed by the use of our senses alone. Policy fiascoes are construed. They require the revelation and interpretation of facts and figures. Interpretation, in its turn, requires frames of references, scripts, and arguments. In this respect, it is very important to distinguish between a program and a political failure (Edelman, 1977; Mucciaroni, 1990; Bovens and 't Hart, 1996: 35-36). Roughly, a program failure pertains to the technocratic dimension of policymaking and organizational behavior. It occurs when a policy decision, plan, or strategy fails to have the desired impact on target populations, or even produces major unintended and unwanted effects. A political failure, in contrast, does not involve the social consequences of policies, but rather the way in which policies are perceived in the court of public opinion and the political arena. In particular cases, these two dimensions need not coincide. A policy may perform reasonably well according to the targets set by their designers, but may nevertheless be branded in the media or political arena as a major fiasco. The reverse is possible too, policies may entail major social costs or conspiciously fail to meet even modest performance standards, and yet are not labelled a failure in the political realm.

These discrepancies between technical performance and political perception will worry social engineers and the more instrumentally oriented public administrators. Reaching your targets may not suffice to prevent organizational failure or the termination of funding for your programs. On the other hand it also provides opportunities for more politically adroit policy elites. Unsuccessful programs and organizations may be kept alive through the careful use of political rethoric and symbols. Either way, the distinction between program and political failure stresses the importance for policy elites to monitor or even join the political processes that lead to the construction of policy fiascoes. These processes inavariably involve the attribution of accountability and blame.

Taking political constructivism as its starting point, this chapter analyses how policy elites may try to defend themselves in the different stages of the politics of blaming that may arise following some initial revelation about damages, deviance or other evidence of potential organizational or policy fiascoes. Firstly, it provides a provisional theoretical framework for the analysis of defensive tactics. Secondly, the recent crisis of crime-fighting in the Netherlands is introduced and the defensive tactics and arguments of some of the main actors in this major case of organizational failure are presented. The chapter then provides a more extensive typology of the argumentative tactics that can be used by policy makers in the aftermath of organizational failure. It concludes with some general reflections on the use and usefulness of these politics of blame avoidance.

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2. The political construction of policy fiascoes

At any point in time in any political system, there are plenty of undesirable and unacceptable social conditions. Likewise, there are many policies and programs failing to reach their aims, costing a lot more than planned, producing negative unintended effects, and many public officials operating at the borderlines of competent and ethical professional behavior. Yet of all these potential `fiascoes' only few become labelled as such in the public arena. Many of them go unnoticed or quietly become `causes celèbres' only among a small community of insiders.

It is therefore important to understand why some social problems, policy controversies and failing programs reach the limelight and enter collective memory as `fiascoes' and others do not (Edelman, 1988). Bovens and 't Hart (1996) have studied the political process of fiasco construction, and have argued that full blown policy fiascoes are those cases where the dominant public and political view of events is characterised by four related features:

* *Assessing events*: A certain set of events or developments has transgressed normal zones of public tolerance and has come to be viewed as highly undesirable. In short, some perceived `damage' to the public interest must be involved, for example, the flooding of a major river system.
* *Identifying agents*: The negative events are viewed as a consequence of well-defined acts or omissions by responsible public officials or agencies, and are not attributed to a conflux of larger, impersonal forces. In the case of floods, the emphasis is placed not on the unusual amount of rainfall combined with high temperatures in snow covered areas, but on the man-made erosion of river banks and the absence of adequate river dikes.
* *Explaining behaviour*: The crucial acts or omissions producing the negative events are seen as the product of avoidable failures on the part of the people and organisations in question. The absence of high and strong enough river dikes in the case of the floods is viewed as a safety policy failure, and attributed to a lack of political leadership in advancing the cause of fiasco prevention in the face of local environmentalist opposition to dike improvement programs.
* *Evaluating behavior*: There is a widespread feeling that blame has to be apportioned to those responsible for the course of events. At the same time, there is often intense controversy about who exactly should be blamed for what and what sort of punishment is in order, with different accountability fora mobilising to assign blame and take sanctions. In the floods case, some may blame the environmentalist groups trading off safety against natural conservation, others point towards local authorities for allowing unprotected river banks to be used for housing and industrial development, yet others blame national government for not stepping in to enforce the public interest.

When these four claims are made persuasively about a certain policy episode, the key policymakers and agencies involved are in for serious trouble. Labelling events as `fiascoes' (or, with slightly different connotations, `failures', 'disasters', `affairs' or `scandals') represents a seductive way of condensating these intricate evaluation questions into a powerful political symbol ('t Hart, 1993). Many ordinary citizens hardly wonder whether social events are caused by choice, chance or circumstance. In fact, in contemporary western European societies it is widely assumed that governments should be able to prevent most forms of physical harm and social hardship from occurring. Whenever major disruptions or extraordinary problems occur, many will conclude nearly automatically that some form of mishap must have taken place. Hence there are many possibilities to create scandal and to target policymakers for severe critique.

In many cases, however, pieces of the argument are missing or intensely contested by various protagonists. Careful investigations of what exactly happened can only help so much, since

none of these assertions can be established authoritatively by dispassionate, objective analysis. All of them require an assessment against certain norms and values, and all depend upon how the facts of the situation are represented. The construction of policy fiascoes is therefore a highly complex and intensely political process, with parties contesting both the facts of the case and the norms by which the deeds of those involved should be judged. Once events are being construed as fiascoes, questions about accountability and liability force themselves on the public agenda. Who should bear the blame for these negative events? Who shall remedy the victims? Will there be sanctions? The layers of assessing events, identifying agents and the explanation of their behavior can, therefore, never be seperated fully from evaluative issues of guilt and blame. The specter of administrative, legal, or political accountability is always lurking in the background. The attribution of blame is an integral part of the construction and evolution of policy fiascoes. This is the major reason why the public analysis of controversial policy episodes tends to be a highly adverserial process. This is highlighted especially by the behavior of many stakeholders during the `post mortem' period. Many of the officials involved in, or associated with, an alleged fiasco will engage in impression management, blame shifting, and bureau-political maneuvering.

The Bovens and 't Hart study focused strongly on the types of frames and arguments used in the professional analysis of policy fiascoes and did not deal with the various tactics and arguments of the policy makers who are involved in the process. In this chapter, we seek to fill part of this gap.[1] We seek to illuminate the public behavior of key policymakers faced with major public criticisms of their performance. What types of defensive tactics can they use? What are their main arguments and excuses when held accountable?

3. Elite tactics for blame avoidance

Understanding the construction of policy fiascoes should take into account how key policymakers and institutions respond to the chorus of criticism in the mass media and political arenas. Do they take an exclusively defensive stance, do they try to play down the importance of the fiasco or of their contribution, or do they actively seek to escalate the crisis, for example by `coming out' to tell more, leaking confidential information, or aggressively blaming opponents? There is a fairly extensive, but somewhat diverse literature available that can be used to better understand the various tactics of politicians and major civil servants for blame avoidance. There is of course the seminal work of Edelman (1977, 1988) on political language and political symbols. Edelman discusses a number of classic bureaucratic justifications of governmental policies that recur in response to criticism (1977, 98-102). According to Edelman (1977, 99): `A stock official response to public anxieties is that the action that arouses them is "routine"'. Sometimes an argument is made that the harm which is caused by the (failure of) the policy is helpful. In the end the victims will be better off. When the harm is very great and clear, they can use an even stronger justification and reply that sometimes "it is necessary to destroy in order to save". This is the classic omelet argument, so often incanted in revolutionary situations: `you cannot make an omelet without breaking some eggs'. Another stock response, mentioned by Edelman, is the tactic of exaggerating the record. Anticipating criticism, officials make grandiose claims about the positive effects and landmark character of the program or project.

Partly on the basis of Edelman's work, 't Hart (1993) has analysed the symbolical aspects of crisismanagement. Bovens (1998), has presented and analysed, partly on the basis of work by Thompson (1983, 1987), ten of the most common excuses that employees put forward when held accountable for organisational deviance. Many of these, particularly the excuse of dispensability (`even without my contribution it would have happened'), the excuse of null cause (`I had nothing to do with it'), the excuse of the novus actor interveniens (`I wash my hands of the whole business'), the excuse of ignorance (`I knew nothing of it'), the excuse of superior orders (`I only did what I

was told to do'), and the excuse of the lesser evil (`Without my contribution, it would have been even worse'), are also used in the political debates about alleged policy fiascoes. Ellis (1994) from whom we take the title of our piece, has focused on one particular presidential tactic for blame avoidance: the use of various subordinates as lightning rods to deflect blame from the presidency.

Focussing on the more argumentative tactics, we have found the work of Schutz (1996) on the defensive selfrepresentation of politicians particularly useful. In a contribution to a book that analysed how politicians try to maintain their credibility when confronted with a scandal, she discerned seven defensive tactics that can be used consecutively by politicians to defend themselves against allegations, in the media or in political arenas, that they are responsible for the alleged fiasco. The first tactic is denial: the accused politician denies that any negative event has happened. If that is not credible, they resort to reinterpretation, which amounts to arguing that the events have happened, but should not be seen as negative. Next, they can combat causality, arguing that they did not do it. A fourth tactic is justification, which amounts to arguing that their actions were right, or at least in the best interest of everyone. The next tactic is combatting capacity, which amounts to arguing that they had no control over their actions. When held fully responsible they can resort to two additional forms of damage control. They can try to prevent labelling, arguing this was atypical behavior. Finally, they can resort to public repentance and ask for forgiveness (Schutz, 1996:120-125).

Given our constructivist approach to policy fiascoes, we will concentrate in this paper on these argumentative tactics. However, there are also a number of non-argumentative tactics that can be applied to avoid blaming. For example, an often found tactic is that of *remaining silent*. Policy makers can try to stay out of the limelight by not reacting at all, hoping things will blow over or that the media will focus on some of the more vocal actors (Schutz, 1996:125). Among Dutch policymakers this tactic is often referred to with the phrase: 'when you are being shaven, you better sit still'. The idea behind this tactic is that reactions will spur extra negative media attention. Also, public reactions may easily backfire if they are not adequate or credible. When they do not succeed and are being called out into the open to defend themselves against allegations of faulty policy-making, policymakers can resort to *evasion*. They can try to evade answering critical questions when interviewed by journalists or interrogated by hearing committees. However, attack often is the best defense. Policymakers will sometimes try to exercise damage control by immediately *initiating an investigation* of their own account. By taking the initiative for an offical investigation, they can influence the research agenda and the choice of the analists and control the timetable. In this way they can not only silence their critics ('we are already looking into these matters') but also try to keep, or regain, control over the policy agenda. For these reasons it is a very useful tactic to depoliticise the crisis.

In a fully developed liberal democracy, with attentive newsmedia and active political representatives, policymakers will sooner or later have to resort to tactics of a rather argumentative nature to defend themselves. We will focus on these in our analysis of the case. First, however, we will present the outline and context of the case.

4. The crisis of crime fighting in the Netherlands

The historical context

Throughout three decades after the Second World War, crime in the Netherlands was low compared to its neighbouring countries. Consequently, crime-fighting was largely a depoliticised affair. For a long time, the Dutch police came close to the ideal image outlined for it by one of the fathers of the Dutch police system, the nineteenth century liberal statesman Thorbecke who wanted `a police that is seen and heard of as little as possible' (Rosenthal et al., 1987).

Things started to change in the early eighties. Drug abuse, drug trade, and drug related petty crime became the focus of public concern. Steep rises in major crime statistics attracted political attention. In 1990, the major policy plan of the Ministry of Justice was set in an outright alarming tone. It argued that the criminal justice system faced a discrepancy between the increasing demands and its abilities to apprehend, try and incarcerate criminals, seriously undermining the system's legitimacy. The report highlighted the shortcomings of the system in dealing with organised crime. Police investigators and public prosecutors lacked requisite specialised expertise in accounting, computing, environmental and fiscal law. Their information about the organisation and modus operandi of criminal groups was patchy. Furthermore, the police were constrained by law from using modern surveillance equipment and investigation tactics deemed essential to effectively combat criminal organisations. The then minister of Justice Hirsch Ballin embarked on a personal crusade to increase police effectiveness and declared a `war on crime'.

The major problem was organisational. While criminal groups increased their scale of operation to regional, local and international levels, the Dutch police was still organised principally on a local basis, with 148 local forces and a national police comprising seventeen districts. News travelled slowly between forces. Cultural barriers against intensified inter-force cooperation were strong. Attempts to reform the 1957 police law and create an unitary police had always failed to gain sufficient support. However, during the formation of a new cabinet in the summer of 1989, the decision was finally made to reform the police into 18 regional forces, coming into effect in January 1993.

The IRT

Anticipating the police reorganisation, the Justice department had already taken the initiative to intensify inter-force cooperation by forming so-called interregional criminal investigation teams (*IRT's - `interregionale rechercheteams'*). These were to be elite units devoted exclusively to the fight against large-scale organised crime. They were to contain the necessary mix of police and technical professionals, organized at an appropriately large scale, that could expect to be more effective in preparing the groundwork for a successful prosecution of the more serious criminal groups in the country. One such team, inaugurated in January 1989, involved collaboration between Amsterdam, Haarlem, Utrecht and Hilversum police forces.[2]

Because the team was focused on penetrating the core of criminal organisations, it operated in the strictest possible secrecy, and explored new tactics to obtain information about the organisation and modus operandi of major Dutch drugs importers in particular. These new tactics included the use of electronic surveillance equipment, phone tapping, undercover agents and paid informers. Although formally, the public prosecutor should have a key role in supervising the investigation process, in practice individual policemen of hard core units within the IRT were given or acquired considerable discretion in the use of investigation tactics. The perceived need for secrecy to protect the safety of informers was a major reason for a policy of compartmentalizing operational information pursued by some police investigators, even up to the point of not informing their superiors of what exactly they were doing.

While this by itself was a risky way of operating, its vulnerability was increased by a number of factors including: the absence of a legal framework regulating the use of intrusive surveillance and other investigation tactics, and thus a considerable risk of prosecutions based on information obtained by the use of these tactics not holding up in court; a lack of a clear investigation policy within the public prosecutor's office, and consequently large differences of supervision style maintained by individual prosecutors; pervasive speculation about `moles' in the police leaking information to the targets of major criminal investigations, as well as speculation about the use of other forms of `counter-surveillance' employed by the criminal opponents of IRT detectives; tense relations between the constituent forces making up the IRT's rooted in deep historical and cultural

barriers to intensified inter-force cooperation.

In figure 1, an outline is provided of the main events that caused the issue to flare up. The public debate started with a relatively simple release to the press. On 7 December 1993 it was announced that the Amsterdam-Utrecht interregional criminal investigation team, established in 1989, was to be disbanded. It resulted in capital headlines about police involvement in drug transports, a major parliamentary inquiry, and a crisis of the criminal investigation system. The parliamentary inquiry into investigation methods concerning organised crime revealed that Dutch police authorities had not only authorised the import of hundreds of tons of drugs into the country (many of which found their way to the streets), but in some cases also financed criminal investigations with the revenues of illegal transactions. Also, extensive use had been made of informers, who were often paid substantial sums, or were allowed to keep the revenues of their illegal transactions. There had been no systematic discussion, authorization, and monitoring of these very controversial methods. Also, it was observed that the criminal investigation process involved many different organisations. As a result, competencies and responsibilities were diffuse, communications faulty, and the criminal investigation system was afflicted by bureaucratic infighting, leaks to the press and personal strife. Finally, administrative, legal, and political authorities had great difficulties in exercising their authority. Police investigators often operated on their own and in secret. By the mid-nineties, the Dutch fight against organised crime had come to be regarded as a major policy fiasco.

Figure 1: Chronology

5. Elite tactics for blame avoidance: the IRT case

How did the main characters in the case react when the upheavel about the dissolution of the IRT turned into a public scandal? How did they try to diminish the political fall out for themselves or their organisation? We have focussed on four main characters, two at the local level: Amsterdam chief of police Nordholt and his Utrecht colleague Wiarda; and two at the national level: Van Thijn, erstwhile mayor of Amsterdam and minister of Home Affairs during most of the research period, and Hirsch Ballin, the then minister of Justice. To complete our picture, we also looked into the defensive behavior of other, less prominently involved officials. We have concentrated our efforts on those periods in which the public debates were most vehement:

* The public debate following the initial dissolution announcement in december 1993.
* The public and parliamentary debates following the publication of the Wierenga Report.
* The parliamentary debates about the institution of a parliamentary inquiry.
* The hearings of the Van Traa commission.
* The parliamentary debates following the publication of the Van Traa report.

The analysis of defensive tactics in the first two periods is based on a content analysis of 4 Dutch newspapers, two main national dailies (*NRC-Handelsblad* and *De Telegraaf*) and two local newspapers from Amsterdam (*Het Parool*) and Utrecht (*Utrechts Nieuwsblad*). The latter were chosen because of their proximity to the two main policing and political-administrative arenas pitted against each other following the dissolution of the interregional team. For the period of the Van Traa inquiry we also refered to a number of other newspapers. Furthermore we analysed the public hearings of a number of offials by the parliamentary commission of inquiry and the proceedings of the Lower House of the parliamentary debates on the Wierenga and Van Traa reports.

From program to political failure

On 8 November 1993, newly appointed IRT leader Van Kastel submitted a damning report to his Amsterdam superiors, alleging that factions within the team were involved in operations that violated criminal investigation codes. His main worry was the use of the so-called Delta method, which involved the use of informants in providing the police with information about drug import operations, who were monitored by the police but not intercepted in order to enable the informer to rise up the hierarchy. Moreover, the informer was allowed to keep most of the money paid to him by the criminal organisation; part of it was used to finance covered police operations. In the process, the police allowed large quantities of soft drugs (cannabis, marihuana) to reach the streets (much later it turned out that the same applied to hard drugs such as cocaine). In response, and after consultation with the ministers of Justice and Home Affairs, the use of the Delta method was terminated on November 15.

The public controversy about crime-fighting methods started when on December 7, 1993 the Amsterdam police `triangle', consisting of Amsterdam burgomaster Van Thijn, chief public prosecutor Vrakking and police commissioner Nordholt, announced the dissolution of the team, citing its use of inappropriate and unacceptable investigation methods as the main reason. It soon transpired that inter-personal and inter-force relations within the team had been highly strained, with hard-line pragmatists in Utrecht and Haarlem opposing due-process oriented formalists in Amsterdam. Refusals to share information were common, mutual distrust was high.

The dissolution announcement - which did not specify the Delta method episode because it was deemed to risky to publicize - triggered a media-amplified war of words between Amsterdam commissioner Nordholt, who took the initiative to dissolve the IRT, and Wiarda who strongly favoured of a continuation of the team and its methods and who was outraged about Nordholt's

unilateral action. Most of the skirmishes dealt with an assessment of the situation. Wiarda seized the offensive and attacked his opponent vehemently. Within weeks, the *NRC-Handelsblad* (22/1/94) reported, without literally citing him, that Wiarda had accused the Amsterdam police force to be infected by corruption up to its highest levels. According to Wiarda this - and not the use of dubious methods - had been the real reason behind the dissolution. Nordholt vehemently denied that corruption had been the cause, using the business as usual argument: `I do not exclude some corruption, that can be found at every major public institution'. He said that he had never in his career experienced such infamous accusations and used the tactic of initiating an investigation. He demanded, and was granted, an official investigation of the allegations by the the national police Internal Affairs unit, and asked Wiarda to be heard as a witness. He also accused his accusor and said he had contemplated a libel suit against Wiarda for discrediting him and the entire Amsterdam police force. Wiarda was thereupon forced into the defensive. Bolkestein, the leader of the Dutch liberal party, said that Wiarda's career was at stake if he could not substantiate his allegations. Wiarda quickly denied that he had made any specific accusations. He blamed the media for not having cited him correctly and announced taking the NRC to court; this never materialised, as it transpired that he had indeed accused the Amsterdam police of corruption in an interview with the regional newspaper *Leeuwarder Courant*, as early as December 1993. Eventually he was forced to repent in public: `I am sorry that the Amsterdam police department and, thereby the entire Dutch police force, has attracted such damaging publicity. They do not deserve that.'

Nordholt, at this stage, was succesful in countering the allegations of corruption and skillfully made use of the media to fence off his direct opponent, Wiarda. Wiarda could not substantiate his accusations and subsequently disappeared from the media and remained silent. However, Nordholt did not manage to take away the general impression that the Amsterdam police was to be blamed for the fiasco of the IRT. He did not mention the highly confidential facts contained in the Van Kastel report. Nordholt, however, was backed up by his erstwhile political superior, former Amsterdam burgomaster Van Thijn, who found himself in an awkward role transition having just succeeded the deceased Home Affairs minister Dales a few days earlier.

Another round of defensive tactics, aimed at blame avoidance, can be found after the publication of the Wierenga report, when Parliament started to press for concrete reforms and became strongly dissatisfied with the way the whole affair was handled. This was basically at the national political level and involved Van Thijn and Hirsch Ballin. Faced with an increasingly nasty scandal, the two ministers in charge of the police, Justice minister Hirsch Ballin (Christian Democrats) and Home Affairs minister Van Thijn (Labour) had used the tactic of initiating an investigation and had established an independent commission led by the burgomaster of the city of Enschede Wierenga. Its report appeared on March 24, 1994. It argued that the decision to abolish the team had been wrong and that no illicit methods had been used - again without any mention being made of the Delta method. However, immediately following the report's publication, the press reported from internal police sources that there had been `controlled transports' of major quantities of drugs. During the parliamentary debate about the Wierenga report on April 7, the ministers were summoned to take measures to clean up the mess.

At this second stage, there are several examples of the tactic of combatting capacity. Both Van Thijn and Hirsch Ballin, who came increasingly under pressure from Parliament, used the `novus actus interveniens' argument. They argued repeatedly that the police and public prosecutors have `a large measure of independent responsibility' and 'should be given ample leeway to fight crime'. As mayor of Amsterdam Van Thijn `had no official responsibility for the investigation of crime'. During the April-May 1994 national election campaign, a severe row soured relations between the two ministers. It was triggered by an issue unrelated to the case - abortion and euthanasia. Yet it can be interpreted as an attempt, particularly by Van Thijn, to attack his opponent and to deflect the attention from the criminal investigation issue on which he was vulnerable given his awkward double role.

The constitutionally prescribed dissolution of the cabinet in anticipation of the 3 May national elections provided little relief for the two ministers, who by then had developed serious personal and political disagreements, precluding any forceful joint intervention. The new parliament kept up the pressure. On May 25 1994, it judged that too little action had been taken, and accepted a motion calling on the two ministers to abstain from any further involvement in the affair, turning it over to the prime minister. The result of this parliamentary pressure was the resignation of Hirsch Ballin, followed the same day by Van Thijn.[3]

At this stage, one can find several attempts to prevent labelling. Hirsch Ballin, after being forced to resign, said he would stay on as a member of Parliament: `I am not a damaged man, I won't turn my back on politics with wrath'. Van Thijn even published a political biography that covered, and partly justified, his activities in office. He framed his predicament partly as a case of ideosyncracy and partly as a case of tragic choice. He probably could have saved his political career by citing a highly confidential part of the Wierenga report that casted serious doubts on some of the methods used by the IRT: "How could I have been so stupid [..] I should never have agreed with the secrecy. I should have insisted on an appropriate way of disclosure" (Trouw, 17/2/1996). He, and the other officials involved, had however taken a vow of secrecy. At that time, it was thought that revelation of the Delta-methods could seriously endanger the life of various informants and undercover inspectors.

From an organizational to an institutional crisis

Parliament subsequently started its own investigation of the affair, which was elevated in December 1994 to a formal Parliamentary Inquiry (*Parlementaire Enquête*) with quasi-juridical status and procedures. Its televised hearings in the fall of 1995 of a range of police and criminal justice officials caused the affair to resurface in the public domain, and revealed much deeper problems in the fight against organised crime than the internal squabbles of a single investigation team. During its investigations it became clear, for example, that even after the termination of the Amsterdam-Utrecht IRT, the Delta method continued to be used by other police units well after its abolition in Amsterdam, and that far more, and more serious drugs had been brought on the market in this way. In February 1996, the inquiry report was published amidst a blaze of publicity. Its main conclusion was that crime-fighting in the Netherlands was crippled by a threefold institutional crisis (Enquêtecommissie Opsporingsmethoden, 1996: 420-422):

* A crisis of *norms*. Police and prosecutors were operating in a legal and normative vacuum left by the government and the legislature. Consequently there was widespread uncertainty and ambiguity about the appropriateness of various investigation methods, which left room for strongly divergent interpretations by various police units and public prosecutors.
* A crisis of *organisations*. Crime-fighting tasks, responsibilities and capabilities were divided across a large number of organisations, without a clear division of labour or effective coordination arrangements existing between them. This set the stage for controversies about who were responsible for what.
* A crisis of *authority*. Public prosecutors had in effect lost their grip on the criminal investigation activities of the police. This was largely because the public prosecutor's office failed to produce a coherent and consistently implemented policy on investigation methods. The problem was exacerbated by the divided police authority structure.

No single actor or agency was held responsible for the development of this crisis. The inquiry report pointed at a combination of factors, including overzealous detectives and public prosecutors, a disorganised team structure, bad management at senior levels in the police force and the public prosecutor's office, a lack of accountability of the police vis à vis its superiors, and legislative negligence. The report rehabilitated the Amsterdam police force and strongly condemned the

methods used by the IRT.

The inquiry report soon became the authoritative statement on the IRT and policing in The Netherlands. Its assessment of the events and its identification of the main agents and its explanation of their behavior was hardly questioned. Unlike the Wierenga report, which was seriously disqualified during the hearings as unfair and unprofessional, Van Traa and his commission never came under attack. Most of the debates focused on the issue of blaming. The report contained harsh criticisms of many of the key agencies and officials involved, but did not explicitly call for the resignations of ministers or other personal sanctions against officials. In his public statements immediately following the publication of the report, the inquiry chairman nevertheless made it clear that he thought that various main actors, especially in the police and public prosecutor's office, should be punished. When it came to the prospects for ending the crisis, the inquiry warned that it could not be resolved by a limited number of dramatic decisions and sweeping reforms. Instead the report contained a wide-ranging package of legislative, administrative, and organisational reforms.

The parliamentary debate about the inquiry report became somewhat of an anti-climax. Most of the reform proposals were quickly accepted, and the Justice ministry was instructed to prepare an implementation plan. Most of the debate focused on two issues: the desirability of sanctions against officials and the report's proposed legal ban of some of the most sensitive investigation methods. Not surprisingly, the tactic of symbolic reform was very prominent in the defense of the then minister of Justice, Sorgdrager, who had succeeded Hirsch Ballin in the new cabinet. In the major parliamentary debate after the publication of the report she cited a series of reforms in the criminal investigation process that had been initiated over the past two years: "In short, talking about clear frames for the process and reorganisation of criminal investigation, it is apparent that steps have been made. This has also been noticed and acknowleged by the parliamentary inquiry committee. These steps will guarantee that we will never be caught unaware anymore" (TK, May 8, 1996:383-384).

There were also several instances of scapegoating. Within the Justice department, several key officials had been ushered out during or following the inquiry, largely under pressure of Justice minister Sorgdrager (who was politically highly vulnerable because she herself had been a top official within the public prosecutor's office before assuming a cabinet position in the Summer of 1994), who felt she had not been properly advised by her most senior civil servants. However, to the dismay of the inquiry chairman, parliament was reluctant to instigate tough sanctions against the major protagonists. In the end, Interior minister Dijkstal, the successor of Van Thijn, announced a `police carrousel', whereby many of the leading police chiefs, including the most controversial ones, would be rotated. None of the senior officials involved volunteered to act as a lightning rod, however. Eventually, a number of police chiefs were indeed rotated to other regional policeforces. Only a few minor inspectors, who had been particularly involved in illegal methods of inquiry were dismissed from their police force.

In sum, the case revealed significant but relatively mild blame avoidance behavior of policy elites. It could not be that the stakes were not high enough to motivate policy actors to go to the brink of propriety to defend themselves. The eventual resignation of two ministers, the dismissal of sseveral senior officials in the Ministry of justice, and the disconcerting results of the parliamentary inquiry speak for themselves. Also, the corruption charges raised against the senior ranks of the amsterdam police were hefty, and the force's eventual vindication by the parliamentary inquiry must have come as a relief for commissioner Nordholt. Most importantly, the crisis of authority over the police in the criminal investigation process severely hurt the standing of the public prosecutor's office, and put it under severe pressure to speed up reforms. Despite all this, there was certainly a good deal of animosity between some of the key actors, but there was never the kind of consistent use of scapegoats, lightning rods and enemy images encountered in other cases of policy failure (Ellis,

1992; Laux and Schutz, 1996; Bovens and 't Hart, 1996).

In this respect, the IRT affair was perhaps not an exemplary but an exceptional case. First of all, the self-restraint displayed by some actors may have been typical for the criminal justice domain in the Netherlands, a sector at the heart of the classical state functions with a relatively low politicisation and rather indirect lines of authority and accountability. For example, the notion that by going all out in self-defense the cause of justice might be hurt played a part in Nordholt's and Van Thijn's reluctance to reveal the existence of a secret part of the Wierenga report casting serious doubt on the acceptability of the methods used in the team's Delta project. Getting this information in the public domain could have saved Van Thijn's now aborted political career but was not provided until much later during the parliamentary inquiry. In other policy sectors, where security and legitimacy considerations are less conspicuous and delicate, and political lines of authority and accountability more transparent, we may expert less restraint on the part of elites under media pressure.

Self-restraint may also be a feature of the politics of blame avoidance in the Netherlands as a whole. For one thing, the Netherlands does not have the kind of aggressive tabloids that have destroyed many political careers in England and Germany, for example. The political culture evolves around the perennial need for multi-party consensus building, making the use of offensive tactics against political opponents potentially self-defeating in the long run. Moreover, playing up controversies along ideological or sectarian lines - more prevalent in Belgium and Italy - is considered not done in the predominantly technocratic tradition of depoliticising controversial issues. Scapegoating and the use of lightning rods also is more difficult in the absence of a spoilssystem or a political cabinet at the departments. Most of the senior positions in Dutch departments are occupied by professional career civil servants, whose loyalty ultimately lies with their department or the civil service, and not with their political superior. In the absence of an extensive system of patronage, few will volunteer to act as a lighting rod and sacrifice their career.

Also, the relatively mild blame avoidance behavior found in this case may be partly caused by our choice of research material. We have mainly focussed on written sources - newspapers, reports of parliamentary debates and hearings. It may well be that transcripts of interviews on radio and tv are a better source of defensive tactics, because of their improptu and confrontational character.

5. Defensive tactics and arguments: a typology

The case is very useful, however, to further refine the theoretical framework that was prsesented in paragraph 3. It provides us with a number of extra tactics and arguments that can be added to the typology of Schutz to make it more comprehensive. Most tactics turn out to consist of a series of specific arguments and excuses that can be put forward by policymakers to absolve themselves from blame. The case has particularly revealed a series of tactics with an offensive nature. At each of the stages we found the use of offensive, *ad hominem*, tactics which were used by the different protagonist to defend themselves against the allegations. Schutz (1996, 126) mentioned the use of 'counterattacks', but did not extend on them.

On the basis of Schutz (1996), Edelman (1977), and Bovens (1998), we can now present a typology of the most common defensive tactics and arguments that can be found in policy fiasco discourse. We have clustered these tactics and the corresponding arguments according to the four layers of fiasco construction that were distinguished in paragraph 2. Conceptually, these defensive tactics and arguments represent more or less linear, chronological steps in the genesis of a political scandal. It is thus assumed that the tactics and arguments first mentioned can be found predominantly during the earlier stages of the unfolding of a political scandal. In reality, we may most likely find more erratic uses of tactics. Many political scandals may not unfold in a linear way. They are

often conglomerates of overlapping and interwoven sub-scandals, as could be seen in the IRT-case. The row between Wiarda an Nordholt was in fact a full case within the IRT episode which in turn was itself a case within the larger fiasco of crime fighting in The Netherlands.

Assessing events: At the first layer of fiasco construction, that of assessing events, policy makers can try to play down the gravity of the event. To start with, they can argue that nothing happened, the journalists had it all wrong because the alleged negative event just did not occur. This was Wiarda's response when his accusation of corruption backfires; 'I have never said that'. They can also argue that nothing special happened, claiming the event was a routine matter. This is the business as usual argument, a 'stock official response to public anxieties' according to (Edelman, 1977: 99) and used by Nordholt in our case. These two arguments are examples of the *denial* tactic.

If denial is not plausible or feasible, they can counterattack and *accuse the accusers*. Sometimes attack is the best defense. They can, for example, argue that the accusers should be the ones on trial, because they themselves have been engaged in far greater forms of deviance. This was the initial tactic used by Wiarda when confronted by Nordholt's decision to dissolve the IRT.

Thirdly, they can try to portray events in a positive light. This is the tactic of *positive interpretation*. Policy makers can, for example, argue that in fact no societal harm resulted, or that the harm done was outweighed by the positive effects of the policy, or that victims have been properly compensated. When major social harm is manifest, they can use the 'omelet' argument, which amounts to arguing that individual losses are trivial when compared to the overall benefits (Edelman, 1977: 100).

The penultimate defensive tactic at this stage is that of *reframing* - arguing that, if seen from a different perspective, the policy has been an overall success. In this tactic policy makers do not reinterprete the facts within the same frame of assessment - as with positive reinterpretation - but they introduce different criteria for success and failure.

Identifying agents: When it comes to identifying the agents behind the contested events, policymakers can first of all try to *combat causation*. They can deny that they played any part in the causal chain producing the controversy, either because they did not contribute at all: 'the excuse form null cause', or only to an unsignificant degree: 'I was only a small cog in the machine', or because their contribution was minor: `It would have happened anyway' (Bovens, 1998:113-166). Particularly when they are accused of negligence, policymakers may claim that the negative events were beyond human control, for example because it was an Act of God (Bovens and 't Hart 1996:82).

At this layer too, protagonists can resort to an offensive, ad hominem tactic: *blaming the messenger*. One way to do so is to argue that the whistleblowing, leaks, investigations, or media attention have done more harm to the public interest than the actual policy mistakes. Not the policymaker, but the messenger caused most of the harm. This argument could be heared from the rank and file in the police forces involved in the IRT-case. By bringing the Delta-method into the open, the Van Traa investigation not only frustrated the fight against crime, but also seriously jeopardized the life of a series of valuable police informers.

Explaining behavior: At the next layer, that of explaining why they acted in the way they did, policymakers can use the tactic of *combatting capacity*. They may admit they played a role in the causal chain, but cite extenuating circumstances to explain their behavior. Or they testify to their original beneficial intentions and thus absolve themselves from blame. This tactic amounts to the French adage of `tout comprendre c'est tout pardonner'. It comes in several forms. Policymakers can use the argument of justifiable ignorance: at the time the negative consequences of their behavior were wholly unforeseeable, for example because of the extreme complexity of the process (Bovens & 't Hart, 1996: 80-81). Or they can argue, as did Van Thijn, that there has been a `novus

actor interveniens', who, further down the causal chain, had the final and decisive authority. This argument is often used by policy advisors (Thompson, 1983), but it can also be used by policy makers claiming not to have had full authority (for example because administrative powers were dispersed or decentralised). Those who cannot deny that they had been endowned with discretionary powers, can nevertheless argue that their hands were tied, because they acted under superior orders or because they were under tremendous social or political pressure.

At this layer there is also another ad hominem tactic available. Policy makers can argue that their role and mistakes have been misrepresented in the press or in the official reports, due to the use of partisan, unqualified or unprofessional analysts. This is the tactic of *disqualifying the analist*. It was used by Nordholt at several points - in the end with success - to disqualify the conclusions of the report of the Wierenga commission.

Evaluating behavior: Finally, when it comes to the evaluation of their behaviour, policy makers have several defensive tactics at their disposal to absolve them from blame, or to control the damage to their political position and personal prestige. Firstly, they can *justify* their actions, by stating that it was right or, at least, inevitable to act in the way they did. Everybody else in their position would, and should, have acted in the same way. They can argue that they had been faced with a tragic choice, a choice between two evils (Bovens & 't Hart, 1996: 78; Peters, 1992). Individual policy makers also will often resort to the argument of the lesser evil: they did contribute to the fiasco, but without their contribution things would have been even worse.

Secondly, they can try to *prevent labelling*. They can argue that this behaviour is by no means typical for them and bring out their track record to prove it. It was just an ideosyncratic event that should not be brought to bear on them (Schutz, 1996:125). Both Van Thijn and Hirsch Ballin used arguments to that effect in the wake of their resignation from office.

In the end, when all other tactics have failed, policymakers can try to exercise damage control through *repentance*. They can publicly admit their failures, ask for forgiveness, and promise that it will never happen again, hoping that by doing so they can clean their slate and clear the way for a continuation of their political career. This tactic often involves the public offering of excuses or the payment of damages. It can also be applied in the beginning of an affair when all other tactics seem unfeasible at the outset. Thus, a policymaker can try to nip a scandal in the bud, before it even got time to emerge.

A related tactic is *scapegoating*. This involves cases in which chief executives deflect the blame onto subordinates. They are presented to the public at large as the main culprits and are sacrificed through suspension, removal, or dismission, to satisfy the public need for sanctions and scapegoats. The IRT case provides several examples of this. Sometimes subordinate administrative officials intentionally act as `lightning rods', as they willingly step forward to divert criticism and to deflect blame away from their political superiors (Ellis, 1994).

Finally, a strategy with a somewhat more offensive nature is *symbolic reform*. Policy makers can try to show their good intentions by announcing major policy or legislative reforms, arguing that it can't happen again because measures have been taken. We saw this argument being used by the incumbent minister of Justice, Sorgdrager in the debates about the outcomes of the parliamentary inquiry.

Table 1: A typology of argumentative tactics in blame avoidance

Fiasco Layer	*Tactic*	*Argument*
Assessing Events	Denial	Nothing happened Business as usual
	Accusing the accuser	They did far worse
	Positive Interpretation	No harm resulted Harm was negligable Harm was compensated Omelet argument
	Reframing	It was a succes
Identifying Agents	Combatting Causation	Null cause Dispensability Act of God
	Blaming the messenger	Publicity caused the harm
Explaining Behaviour	Combatting Capacity	Ignorance Novus actus interveniens Superior orders Social/political pressure
	Disqualifying the analyst	Unfair investigation Unqualified analyst Unprofessional report
Evaluating Behaviour	Justification	Tragic choice Lesser evil
	Preventing Labelling	Ideosyncracy
	Scapegoating	Culprit is punished
	Repentance	Public excuses Damages
	Symbolic reform	It can't happen again

7. Epilogue

The case of the Dutch crime fighting fiasco and our resulting typology of argumentative tactics raises three different types of questions. First of all, it raises an analytical question: does this typology help to better describe and understand the political construction of policy fiascoes? The framework presented here, is meant to be an heuristic argument; it can be used as a tool for describing and analysing the political construction of a concrete policy fiasco. It is not meant to be comprehensive, as there is a large variety in arguments and in the way these arguments are phrased.

This first exploration has uncovered several weak points. Although the various tactics and arguments can be distinguished quite easily analytically, in practice they sometimes overlap. Most of the tactics and arguments mentioned need further operationalisation to be useful for narrative analysis.

What was particularly difficult in this case, was the multi-layered and overlapping character. There was no such thing as one fiasco, one particular event that needed to be assessed and justified, but there were a series of consecutive events that caused a chain of allegations and subsequent defensive tactics. For example, Wiarda's allegations of corruption became a fiasco in itself and caused a series of defensive tactics on the part of Wiarda (which resurfaced during the Van Traa hearings).

Also, there was a discrepancy between the parliamentary hearings and proceedings and the media accounts of the various discussions. Journalists, and particularly radio and tv reporters, tend to be much more critical and 'agressive' towards the various protagonists than members of parliament. Moreover, they tend to focus much more on the issue of personal blame and punishment. A content analysis of defensive routines should therefore not only concentrate on written sources, but also, and maybe even predominantly, on transcripts of oral interaction in the media.

How effective are these various tactics and arguments? Which ones help to avoid blame? This empirical-instrumental question cannot be answered, of course, on the basis of one case. Moreover, there are too many intervening variables. It is clear from the case that institutional and political contexts are important. In the Dutch political context, civil servants and magistrates tend to stay out of the limelight and can avoid the media much easier than can politicians. They can afford to use non-argumentative tactics, whereas politicians are daily questioned by the media and political fora. In the absence of a spoilssystem, there is no direct relationship between the parliamentary evaluation of administrative performance and the career of civil servants. The fate of politicians, however, is in the hands of the accidental majority of parliament. Timing is very important in that respect. Hirsch Ballin and Van Thijn had the ill luck of being in office at the end of the political cycle. The debates about the Wieringa-report were held against the background of the impending elections. This caused them to be more vehement. Sorgdrager and Dijkstal, the successors of Hirsch Ballin and Van Thijn, could get away with a number of mistakes, partly because they were fresh and because the new parliament gave them the benefit of doubt. Content analysis of media reports cannot get at this intricate question, that will require a more elaborate, multi-method and comparative research design. It is only appropriate then, that this paper ends with a call for a more systematic cross-national study of the politics of fiasco construction.

Finally, there are important issues of a more normative nature. How acceptable are these tactics and arguments in a liberal democracy? We have deliberately refrained from a normative analysis in this chapter, as our main aim was description. However, this does not mean that we assume that each of the tactics and arguments is always morally acceptable.[4] Bovens (1998), in a related but quite different project, has not only presented the ten most common excuses in cases of organisational

deviance, but also assessed to what extend they may pass muster to absolve individual officals from moral blame. It turned out that the majority is not, or only in certain circumstances, tenable. Of the excuses discussed here, the excuse of ignorance can, certainly in the case of complex actions and untransparent activities that stretch over the long term and across great distances, cut ice. Then again, it makes quite a difference whether we are assessing the behavior of civil servants or of politicians. In liberal democracies, political responsibility is much more comprehensive - often even bordering on strict liability - than moral or operational responsibility.

The normative evaluation of policy fiascoes is in liberal democracies ususally left to political bodies - except for cases of criminal deviance or civil punitive damages. That is why issues of political construction are so important for students of fiascoes in the first place. Does this mean that the political construction of policy fiascoes is basically a matter of spindoctering and image management? For those who fear the Machiavellian or Sophist use of the defensive tactics and arguments, our case provides some consolation. In the end, the facts of the case are not irrelevant. Even the heavy use of sophistry cannot set a bad record straight, provided the political system allows for enough checks and balances. At the early stage of the case, after the Wieringa-report, Nordholt and Van Thijn, took most of the blame and were presented as the main causes of the crisis. Nevertheless, they refrained from aggressive retorical tactics. Eventually, after the elaborate and careful parliamentary investigations, they were rehabilitated by the Van Traa report. Their decision to dissolve the IRT and to abstain from the delta-method was vindicated. In 1997, in the wake of the whole affair, Wiarda, who had used the most vehement defensive tactics, was subjected to the 'police carrousel' and was quitely transferred from Utrecht to Den Haag. Nordholt, however, retired as he had planned. He was given a statemanly offical farewell party by the city of Amsterdam and the Amsterdam police force, which was broadcasted on national television and visited by all major politicians and magistrates.

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Notes

1. Another important issue in this respect is the role of the media in the process of fiasco construction. An attempt to fill this gap, using the same case, can be found in Bovens et.al (1998).

2. Following the 1993 reorganisation of the police, the team was a joint operation of the regional forces of Amsterdam-Amstelland, Kennemerland and Gooi and Vechtstreek.

3. This created a constitutional novelty, since technically both ministers already had demissionary status following the dissolution of the cabinet before the elections. This also explains why parliament could not move for a straightforward vote of no confidence, since a demissionary cabinet by definition has an intermediary status pending the formation of a new cabinet and does not require parliamentary approval (it is therefore assumed to be a caretaker body and is not to take any politically consequential policy initiatives).

4. See for a normative analysis of a number of manipulatory tactics: Goodin (1980).