



**Political Action: The Problem of Dirty Hands**

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In an earlier issue of *Philosophy & Public Affairs* there appeared a symposium on the rules of war which was actually (or at least more importantly) a symposium on another topic.<sup>2</sup> The actual topic was whether or not a man can ever face, or ever has to face, a moral dilemma, a situation where he must choose between two courses of action both of which it would be wrong for him to undertake. Thomas Nagel worriedly suggested that this could happen and that it did happen whenever someone was forced to choose between upholding an important moral principle and avoiding some looming disaster.<sup>3</sup> R. B. Brandt argued that it could not possibly happen, for there were guidelines we might follow and calculations we might go through which would necessarily yield the conclusion that one or the other course of action was the right one to undertake in the circumstances (or that it did not matter which we undertook). R. M. Hare explained how it was

1. An earlier version of this paper was read at the annual meeting of the Conference for the Study of Political Thought in New York, April 1971. I am indebted to Charles Taylor, who served as commentator at that time and encouraged me to think that its arguments might be right.

2. *Philosophy & Public Affairs* 1, no. 2 (Winter 1971/72): Thomas Nagel, "War and Massacre," pp. 123-144; R. B. Brandt, "Utilitarianism and the Rules of War," pp. 145-165; and R. M. Hare, "Rules of War and Moral Reasoning," pp. 166-181.

3. For Nagel's description of a possible "moral blind alley," see "War and Massacre," pp. 142-144. Bernard Williams has made a similar suggestion, though without quite acknowledging it as his own: "many people can recognize the thought that a certain course of action is, indeed, the best thing to do on the whole in the circumstances, but that doing it involves doing something wrong" (*Morality: An Introduction to Ethics* [New York, 1972], p. 93).

that someone might wrongly suppose that he was faced with a moral dilemma: sometimes, he suggested, the precepts and principles of an ordinary man, the products of his moral education, come into conflict with injunctions developed at a higher level of moral discourse. But this conflict is, or ought to be, resolved at the higher level; there is no real dilemma.

I am not sure that Hare's explanation is at all comforting, but the question is important even if no such explanation is possible, perhaps especially so if this is the case. The argument relates not only to the coherence and harmony of the moral universe, but also to the relative ease or difficulty—or impossibility—of living a moral life. It is not, therefore, merely a philosopher's question. If such a dilemma can arise, whether frequently or very rarely, any of us might one day face it. Indeed, many men have faced it, or think they have, especially men involved in political activity or war. The dilemma, exactly as Nagel describes it, is frequently discussed in the literature of political action—in novels and plays dealing with politics and in the work of theorists too.

In modern times the dilemma appears most often as the problem of "dirty hands," and it is typically stated by the Communist leader Hoerderer in Sartre's play of that name: "I have dirty hands right up to the elbows. I've plunged them in filth and blood. Do you think you can govern innocently?"<sup>4</sup> My own answer is no, I don't think I could govern innocently; nor do most of us believe that those who govern us are innocent—as I shall argue below—even the best of them. But this does not mean that it isn't possible to do the right thing while governing. It means that a particular act of government (in a political party or in the state) may be exactly the right thing to do in utilitarian terms and yet leave the man who does it guilty of a moral wrong. The innocent man, afterwards, is no longer innocent. If on the other hand he remains innocent, chooses, that is, the "absolutist" side of Nagel's dilemma, he not only fails to do the right thing (in utilitarian terms), he may also fail to measure up to the duties of his office (which imposes on him a considerable responsibility for consequences and outcomes). Most often, of course, political leaders accept the utilitarian

4. Jean-Paul Sartre, *Dirty Hands*, in *No Exit and Three Other Plays*, trans. Lionel Abel (New York, n.d.), p. 224.

calculation; they try to measure up. One might offer a number of sardonic comments on this fact, the most obvious being that by the calculations they usually make they demonstrate the great virtues of the "absolutist" position. Nevertheless, we would not want to be governed by men who consistently adopted that position.

The notion of dirty hands derives from an effort to refuse "absolutism" without denying the reality of the moral dilemma. Though this may appear to utilitarian philosophers to pile confusion upon confusion, I propose to take it very seriously. For the literature I shall examine is the work of serious and often wise men, and it reflects, though it may also have helped to shape, popular thinking about politics. It is important to pay attention to that too. I shall do so without assuming, as Hare suggests one might, that everyday moral and political discourse constitutes a distinct level of argument, where content is largely a matter of pedagogic expediency.<sup>5</sup> If popular views are resistant (as they are) to utilitarianism, there may be something to learn from that and not merely something to explain about it.

## I

Let me begin, then, with a piece of conventional wisdom to the effect that politicians are a good deal worse, morally worse, than the rest of us (it is the wisdom of the rest of us). Without either endorsing it or pretending to disbelieve it, I am going to expound this convention. For it suggests that the dilemma of dirty hands is a central feature of political life, that it arises not merely as an occasional crisis in the career of this or that unlucky politician but systematically and frequently.

Why is the politician singled out? Isn't he like the other entrepreneurs in an open society, who hustle, lie, intrigue, wear masks, smile and are villains? He is not, no doubt for many reasons, three of which I need to consider. First of all, the politician claims to play a different part than other entrepreneurs. He doesn't merely cater to our interests; he acts on our behalf, even in our name. He has purposes in mind, causes and projects that require the support and redound to the bene-

5. Hare, "Rules of War and Moral Reasoning," pp. 173-178, esp. p. 174: "the simple principles of the deontologist . . . have their place at the level of character-formation (moral education and self-education)."

fit, not of each of us individually, but of all of us together. He hustles, lies, and intrigues *for us*—or so he claims. Perhaps he is right, or at least sincere, but we suspect that he acts for himself also. Indeed, he cannot serve us without serving himself, for success brings him power and glory, the greatest rewards that men can win from their fellows. The competition for these two is fierce; the risks are often great, but the temptations are greater. We imagine ourselves succumbing. Why should our representatives act differently? Even if they would like to act differently, they probably can not: for other men are all too ready to hustle and lie for power and glory, and it is the others who set the terms of the competition. Hustling and lying are necessary because power and glory are so desirable—that is, so widely desired. And so the men who act for us and in our name are necessarily hustlers and liars.

Politicians are also thought to be worse than the rest of us because they rule over us, and the pleasures of ruling are much greater than the pleasures of being ruled. The successful politician becomes the visible architect of our restraint. He taxes us, licenses us, forbids and permits us, directs us to this or that distant goal—all for our greater good. Moreover, he takes chances for our greater good that put us, or some of us, in danger. Sometimes he puts himself in danger too, but politics, after all, is his adventure. It is not always ours. There are undoubtedly times when it is good or necessary to direct the affairs of other people and to put them in danger. But we are a little frightened of the man who seeks, ordinarily and every day, the power to do so. And the fear is reasonable enough. The politician has, or pretends to have, a kind of confidence in his own judgment that the rest of us know to be presumptuous in any man.

The presumption is especially great because the victorious politician uses violence and the threat of violence—not only against foreign nations in our defense but also against us, and again ostensibly for our greater good. This is a point emphasized and perhaps overemphasized by Max Weber in his essay “Politics as a Vocation.”<sup>6</sup> It has not, so far as I can tell, played an overt or obvious part in the development of the convention I am examining. The stock figure is the lying, not the murderous, politician—though the murderer lurks in the background,

6. In *From Max Weber: Essays in Sociology*, trans. and ed. Hans H. Gerth and C. Wright Mills (New York, 1946), pp. 77-128.

appearing most often in the form of the revolutionary or terrorist, very rarely as an ordinary magistrate or official. Nevertheless, the sheer weight of official violence in human history does suggest the kind of power to which politicians aspire, the kind of power they want to wield, and it may point to the roots of our half-conscious dislike and unease. The men who act for us and in our name are often killers, or seem to become killers too quickly and too easily.

Knowing all this or most of it, good and decent people still enter political life, aiming at some specific reform or seeking a general reformation. They are then required to learn the lesson Machiavelli first set out to teach: "how not to be good."<sup>7</sup> Some of them are incapable of learning; many more profess to be incapable. But they will not succeed unless they learn, for they have joined the terrible competition for power and glory; they have chosen to work and struggle as Machiavelli says, among "so many who are not good." They can do no good themselves unless they win the struggle, which they are unlikely to do unless they are willing and able to use the necessary means. So we are suspicious even of the best of winners. It is not a sign of our perversity if we think them only more clever than the rest. They have not won, after all, because they were good, or not only because of that, but also because they were not good. No one succeeds in politics without getting his hands dirty. This is conventional wisdom again, and again I don't mean to insist that it is true without qualification. I repeat it only to disclose the moral dilemma inherent in the convention. For sometimes it is right to try to succeed, and then it must also be right to get one's hands dirty. But one's hands get dirty from doing what it is wrong to do. And how can it be wrong to do what is right? Or, how can we get our hands dirty by doing what we ought to do?

## II

It will be best to turn quickly to some examples. I have chosen two, one relating to the struggle for power and one to its exercise. I should stress that in both these cases the men who face the dilemma of dirty hands have in an important sense chosen to do so; the cases tell us

7. See *The Prince*, chap. XV; cf. *The Discourses*, bk. I, chaps. IX and XVIII. I quote from the Modern Library edition of the two works (New York, 1950), p. 57.

nothing about what it would be like, so to speak, to fall into the dilemma; nor shall I say anything about that here. Politicians often argue that they have no right to keep their hands clean, and that may well be true of them, but it is not so clearly true of the rest of us. Probably we do have a right to avoid, if we possibly can, those positions in which we might be forced to do terrible things. This might be regarded as the moral equivalent of our legal right not to incriminate ourselves. Good men will be in no hurry to surrender it, though there are reasons for doing so sometimes, and among these are or might be the reasons good men have for entering politics. But let us imagine a politician who does not agree to that: he wants to do good only by doing good, or at least he is certain that he can stop short of the most corrupting and brutal uses of political power. Very quickly that certainty is tested. What do we think of him then?

He wants to win the election, someone says, but he doesn't want to get his hands dirty. This is meant as a disparagement, even though it also means that the man being criticized is the sort of man who will not lie, cheat, bargain behind the backs of his supporters, shout absurdities at public meetings, or manipulate other men and women. Assuming that this particular election ought to be won, it is clear, I think, that the disparagement is justified. If the candidate didn't want to get his hands dirty, he should have stayed at home; if he can't stand the heat, he should get out of the kitchen, and so on. His decision to run was a commitment (to all of us who think the election important) to try to win, that is, to do within rational limits whatever is necessary to win. But the candidate is a moral man. He has principles and a history of adherence to those principles. That is why we are supporting him. Perhaps when he refuses to dirty his hands, he is simply insisting on being the sort of man he is. And isn't that the sort of man we want?

Let us look more closely at this case. In order to win the election the candidate must make a deal with a dishonest ward boss, involving the granting of contracts for school construction over the next four years. Should he make the deal? Well, at least he shouldn't be surprised by the offer, most of us would probably say (a conventional piece of sarcasm). And he should accept it or not, depending on exactly what is at stake in the election. But that is not the candidate's

view. He is extremely reluctant even to consider the deal, puts off his aides when they remind him of it, refuses to calculate its possible effects upon the campaign. Now, if he is acting this way because the very thought of bargaining with that particular ward boss makes him feel unclean, his reluctance isn't very interesting. His feelings by themselves are not important. But he may also have reasons for his reluctance. He may know, for example, that some of his supporters support him precisely because they believe he is a good man, and this means to them a man who won't make such deals. Or he may doubt his own motives for considering the deal, wondering whether it is the political campaign or his own candidacy that makes the bargain at all tempting. Or he may believe that if he makes deals of this sort now he may not be able later on to achieve those ends that make the campaign worthwhile, and he may not feel entitled to take such risks with a future that is not only his own future. Or he may simply think that the deal is dishonest and therefore wrong, corrupting not only himself but all those human relations in which he is involved.

Because he has scruples of this sort, we know him to be a good man. But we view the campaign in a certain light, estimate its importance in a certain way, and hope that he will overcome his scruples and make the deal. It is important to stress that we don't want just *anyone* to make the deal; we want *him* to make it, precisely because he has scruples about it. We know he is doing right when he makes the deal because he knows he is doing wrong. I don't mean merely that he will feel badly or even very badly after he makes the deal. If he is the good man I am imagining him to be, he will feel guilty, that is, he will believe himself to be guilty. That is what it means to have dirty hands.

All this may become clearer if we look at a more dramatic example, for we are, perhaps, a little blasé about political deals and disinclined to worry much about the man who makes one. So consider a politician who has seized upon a national crisis—a prolonged colonial war—to reach for power. He and his friends win office pledged to decolonization and peace; they are honestly committed to both, though not without some sense of the advantages of the commitment. In any case, they have no responsibility for the war; they have steadfastly opposed it. Immediately, the politician goes off to the colonial capital to open negotiations with the rebels. But the capital is in the grip of a terrorist



campaign, and the first decision the new leader faces is this: he is asked to authorize the torture of a captured rebel leader who knows or probably knows the location of a number of bombs hidden in apartment buildings around the city, set to go off within the next twenty-four hours. He orders the man tortured, convinced that he must do so for the sake of the people who might otherwise die in the explosions—even though he believes that torture is wrong, indeed abominable, not just sometimes, but always.<sup>8</sup> He had expressed this belief often and angrily during his own campaign; the rest of us took it as a sign of his goodness. How should we regard him now? (How should he regard himself?)

Once again, it does not seem enough to say that he should feel very badly. But why not? Why shouldn't he have feelings like those of St. Augustine's melancholy soldier, who understood both that his war was just and that killing, even in a just war, is a terrible thing to do?<sup>9</sup> The difference is that Augustine did not believe that it was wrong to kill in a just war; it was just sad, or the sort of thing a good man would be saddened by. But he might have thought it wrong to torture in a just war, and later Catholic theorists have certainly thought it wrong. Moreover, the politician I am imagining thinks it wrong, as do many of us who supported him. Surely we have a right to expect more than melancholy from him now. When he ordered the prisoner tortured, he committed a moral crime and he accepted a moral burden. Now he is a guilty man. His willingness to acknowledge and bear (and perhaps to repent and do penance for) his guilt is evidence, and it is the only evidence he can offer us, both that he

8. I leave aside the question of whether the prisoner is himself responsible for the terrorist campaign. Perhaps he opposed it in meetings of the rebel organization. In any case, whether he deserves to be punished or not, he does not deserve to be tortured.

9. Other writers argued that Christians must never kill, even in a just war; and there was also an intermediate position which suggests the origins of the idea of dirty hands. Thus Basil The Great (Bishop of Caesarea in the fourth century A.D.): "Killing in war was differentiated by our fathers from murder . . . nevertheless, perhaps it would be well that those whose hands are unclean abstain from communion for three years." Here dirty hands are a kind of impurity or unworthiness, which is not the same as guilt, though closely related to it. For a general survey of these and other Christian views, see Roland H. Bainton, *Christian Attitudes Toward War and Peace* (New York, 1960), esp. chaps. 5-7.

is not too good for politics and that he is good enough. Here is the moral politician: it is by his dirty hands that we know him. If he were a moral man and nothing else, his hands would not be dirty; if he were a politician and nothing else, he would pretend that they were clean.

### III

Machiavelli's argument about the need to learn how not to be good clearly implies that there are acts known to be bad quite apart from the immediate circumstances in which they are performed or not performed. He points to a distinct set of political methods and stratagems which good men must study (by reading his books), not only because their use does not come naturally, but also because they are explicitly condemned by the moral teachings good men accept—and whose acceptance serves in turn to mark men as good. These methods may be condemned because they are thought contrary to divine law or to the order of nature or to our moral sense, or because in prescribing the law to ourselves we have individually or collectively prohibited them. Machiavelli does not commit himself on such issues, and I shall not do so either if I can avoid it. The effects of these different views are, at least in one crucial sense, the same. They take out of our hands the constant business of attaching moral labels to such Machiavellian methods as deceit and betrayal. Such methods are simply bad. They are the sort of thing that good men avoid, at least until they have learned how not to be good.

Now, if there is no such class of actions, there is no dilemma of dirty hands, and the Machiavellian teaching loses what Machiavelli surely intended it to have, its disturbing and paradoxical character. He can then be understood to be saying that political actors must sometimes overcome their moral inhibitions, but not that they must sometimes commit crimes. I take it that utilitarian philosophers also want to make the first of these statements and to deny the second. From their point of view, the candidate who makes a corrupt deal and the official who authorizes the torture of a prisoner must be described as good men (given the cases as I have specified them), who ought, perhaps, to be honored for making the right decision when it was a hard decision to make. There are three ways of developing this argument.

First, it might be said that every political choice ought to be made solely in terms of its particular and immediate circumstances—in terms, that is, of the reasonable alternatives, available knowledge, likely consequences, and so on. Then the good man will face difficult choices (when his knowledge of options and outcomes is radically uncertain), but it cannot happen that he will face a moral dilemma. Indeed, if he always makes decisions in this way, and has been taught from childhood to do so, he will never have to overcome his inhibitions, whatever he does, for how could he have acquired inhibitions? Assuming further that he weighs the alternatives and calculates the consequences seriously and in good faith, he cannot commit a crime, though he can certainly make a mistake, even a very serious mistake. Even when he lies and tortures, his hands will be clean, for he has done what he should do as best he can, standing alone in a moment of time, forced to choose.

This is in some ways an attractive description of moral decision-making, but it is also a very improbable one. For while any one of us may stand alone, and so on, when we make this or that decision, we are not isolated or solitary in our moral lives. Moral life is a social phenomenon, and it is constituted at least in part by rules, the knowing of which (and perhaps the making of which) we share with our fellows. The experience of coming up against these rules, challenging their prohibitions, and explaining ourselves to other men and women is so common and so obviously important that no account of moral decision-making can possibly fail to come to grips with it. Hence the second utilitarian argument: such rules do indeed exist, but they are not really prohibitions of wrongful actions (though they do, perhaps for pedagogic reasons, have that form). They are moral guidelines, summaries of previous calculations. They ease our choices in ordinary cases, for we can simply follow their injunctions and do what has been found useful in the past; in exceptional cases they serve as signals warning us against doing too quickly or without the most careful calculations what has not been found useful in the past. But they do no more than that; they have no other purpose, and so it cannot be the case that it is or even might be a crime to override them.<sup>10</sup> Nor is it

10. Brandt's rules do not appear to be of the sort that can be overridden—except perhaps by a soldier who decides that he just *won't* kill any more civil-

necessary to feel guilty when one does so. Once again, if it is right to break the rule in some hard case, after conscientiously worrying about it, the man who acts (especially if he knows that many of his fellows would simply worry rather than act) may properly feel pride in his achievement.

But this view, it seems to me, captures the reality of our moral life no better than the last. It may well be right to say that moral rules ought to have the character of guidelines, but it seems that in fact they do not. Or at least, we defend ourselves when we break the rules as if they had some status entirely independent of their previous utility (and we rarely feel proud of ourselves). The defenses we normally offer are not simply justifications; they are also excuses. Now, as Austin says, these two can *seem* to come very close together—indeed, I shall suggest that they can appear side by side in the same sentence—but they are conceptually distinct, differentiated in this crucial respect: an excuse is typically an admission of fault; a justification is typically a denial of fault and an assertion of innocence.<sup>11</sup> Consider a well-known defense from Shakespeare's *Hamlet* that has often reappeared in political literature: "I must be cruel only to be kind."<sup>12</sup> The words are spoken on an occasion when Hamlet is actually being cruel to his mother. I will leave aside the possibility that she deserves to hear (to be forced to listen to) every harsh word he utters, for Hamlet himself makes no such claim—and if she did indeed deserve that, his words might not be cruel or he might not be cruel for speaking them. "I must be cruel" contains the excuse, since it both admits a fault and suggests that Hamlet has no choice but to commit it. He is doing what he has to do; he can't help himself (given the ghost's command, the rotten state of Denmark, and so on). The rest of the sentence is a justification, for it suggests that Hamlet intends and expects kindness to be the outcome of his actions—we must assume that

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ians, no matter what cause is served—since all they require is careful calculation. But I take it that rules of a different sort, which have the form of ordinary injunctions and prohibitions, can and often do figure in what is called "rule-utilitarianism."

11. J. L. Austin, "A Plea for Excuses," in *Philosophical Papers*, ed. J. O. Urmson and G. J. Warnock (Oxford, 1961), pp. 123-152.

12. *Hamlet* 3.4.178.

he means greater kindness, kindness to the right persons, or some such. It is not, however, so complete a justification that Hamlet is able to say that he is not *really* being cruel. "Cruel" and "kind" have exactly the same status; they both follow the verb "to be," and so they perfectly reveal the moral dilemma.<sup>13</sup>

When rules are overridden, we do not talk or act as if they had been set aside, canceled, or annulled. They still stand and have this much effect at least: that we know we have done something wrong even if what we have done was also the best thing to do on the whole in the circumstances.<sup>14</sup> Or at least we feel that way, and this feeling is itself a crucial feature of our moral life. Hence the third utilitarian argument, which recognizes the usefulness of guilt and seeks to explain it. There are, it appears, good reasons for "overvaluing" as well as for overriding the rules. For the consequences might be very bad indeed if the rules were overridden every time the moral calculation seemed to go against them. It is probably best if most men do not calculate too nicely, but simply follow the rules; they are less likely to make mistakes that way, all in all. And so a good man (or at least an ordinary good man) will respect the rules rather more than he would if he thought them merely guidelines, and he will feel guilty when he overrides them. Indeed, if he did not feel guilty, "he would not be such a good man."<sup>15</sup> It is by his feelings that we know him. Because of those feelings he will never be in a hurry to override the rules, but will wait until there is no choice, acting only to avoid consequences that are both imminent and almost certainly disastrous.

The obvious difficulty with this argument is that the feeling whose usefulness is being explained is most unlikely to be felt by someone who is convinced only of its usefulness. He breaks a utilitarian rule (guideline), let us say, for good utilitarian reasons: but can he then

13. Compare the following lines from Bertold Brecht's poem "To Posterity": "Alas, we/ Who wished to lay the foundations of kindness/ Could not ourselves be kind . . ." (*Selected Poems*, trans. H. R. Hays [New York, 1969], p. 177). This is more of an excuse, less of a justification (the poem is an *apologia*).

14. Robert Nozick discusses some of the possible effects of overriding a rule in his "Moral Complications and Moral Structures," *Natural Law Forum* 13 (1968): 34-35 and notes. Nozick suggests that what may remain after one has broken a rule (for good reasons) is a "duty to make reparations." He does not call this "guilt," though the two notions are closely connected.

15. Hare, "Rules of War and Moral Reasoning," p. 179.

feel guilty, also for good utilitarian reasons, when he has no reason for believing that he *is* guilty? Imagine a moral philosopher expounding the third argument to a man who actually does feel guilty or to the sort of man who is likely to feel guilty. Either the man won't accept the utilitarian explanation as an account of his feeling about the rules (probably the best outcome from a utilitarian point of view) or he will accept it and then cease to feel that (useful) feeling. But I do not want to exclude the possibility of a kind of superstitious anxiety, the possibility, that is, that some men will continue to feel guilty even after they have been taught, and have agreed, that they cannot possibly *be* guilty. It is best to say only that the more fully they accept the utilitarian account, the less likely they are to feel that (useful) feeling. The utilitarian account is not at all useful, then, if political actors accept it, and that may help us to understand why it plays, as Hare has pointed out, so small a part in our moral education.<sup>16</sup>

16. There is another possible utilitarian position, suggested in Maurice Merleau-Ponty's *Humanism and Terror*, trans. John O'Neill (Boston, 1970). According to this view, the agony and the guilt feelings experienced by the man who makes a "dirty hands" decision derive from his radical uncertainty about the actual outcome. Perhaps the awful thing he is doing will be done in vain; the results he hopes for won't occur; the only outcome will be the pain he has caused or the deceit he has fostered. Then (and only then) he will indeed have committed a crime. On the other hand, if the expected good does come, then (and only then) he can abandon his guilt feelings; he can say, and the rest of us must agree, that he is justified. This is a kind of delayed utilitarianism, where justification is a matter of actual and not at all of predicted outcomes. It is not implausible to imagine a political actor anxiously awaiting the "verdict of history." But suppose the verdict is in his favor (assuming that there is a *final* verdict or a statute of limitations on possible verdicts): he will surely feel relieved—more so, no doubt, than the rest of us. I can see no reason, however, why he should think himself justified, if he is a good man and knows that what he did was wrong. Perhaps the victims of his crime, seeing the happy result, will absolve him, but history has no powers of absolution. Indeed, history is more likely to play tricks on our moral judgment. Predicted outcomes are at least thought to follow from our own acts (this is the prediction), but actual outcomes almost certainly have a multitude of causes, the combination of which may well be fortuitous. Merleau-Ponty stresses the risks of political decision-making so heavily that he turns politics into a gamble with time and circumstance. But the anxiety of the gambler is of no great moral interest. Nor is it much of a barrier, as Merleau-Ponty's book makes all too clear, to the commission of the most terrible crimes.

## IV

One further comment on the third argument: it is worth stressing that to feel guilty is to suffer, and that the men whose guilt feelings are here called useful are themselves innocent according to the utilitarian account. So we seem to have come upon another case where the suffering of the innocent is permitted and even encouraged by utilitarian calculation.<sup>17</sup> But surely an innocent man who has done something painful or hard (but justified) should be helped to avoid or escape the sense of guilt; he might reasonably expect the assistance of his fellow men, even of moral philosophers, at such a time. On the other hand, if we intuitively think it true of some other man that he *should* feel guilty, then we ought to be able to specify the nature of his guilt (and if he is a good man, win his agreement). I think I can construct a case which, with only small variation, highlights what is different in these two situations.

Consider the common practice of distributing rifles loaded with blanks to some of the members of a firing squad. The individual men are not told whether their own weapons are lethal, and so though all of them look like executioners to the victim in front of them, none of them know whether they are really executioners or not. The purpose of this stratagem is to relieve each man of the sense that he is a killer. It can hardly relieve him of whatever moral responsibility he incurs by serving on a firing squad, and that is not its purpose, for the execution is not thought to be (and let us grant this to be the case) an immoral or wrongful act. But the inhibition against killing another human being is so strong that even if the men believe that what they are doing is right, they will still feel guilty. Uncertainty as to their actual role apparently reduces the intensity of these feelings. If this is so, the stratagem is perfectly justifiable, and one can only rejoice in every case where it succeeds—for every success subtracts one from the number of innocent men who suffer.

But we would feel differently, I think, if we imagine a man who believes (and let us assume here that we believe also) either that capital

17. Cf. the cases suggested by David Ross, *The Right and the Good* (Oxford, 1930), pp. 56-57, and E. F. Carritt, *Ethical and Political Thinking* (Oxford, 1947), p. 65.

punishment is wrong or that this particular victim is innocent, but who nevertheless agrees to participate in the firing squad for some overriding political or moral reason—I won't try to suggest what that reason might be. If he is comforted by the trick with the rifles, then we can be reasonably certain that his opposition to capital punishment or his belief in the victim's innocence is not morally serious. And if it is serious, he will not merely feel guilty, he will know that he is guilty (and we will know it too), though he may also believe (and we may agree) that he has good reasons for incurring the guilt. Our guilt feelings can be tricked away when they are isolated from our moral beliefs, as in the first case, but not when they are allied with them, as in the second. The beliefs themselves and the rules which are believed in can only be *overridden*, a painful process which forces a man to weigh the wrong he is willing to do in order to do right, and which leaves pain behind, and should do so, even after the decision has been made.

## v

That is the dilemma of dirty hands as it has been experienced by political actors and written about in the literature of political action. I don't want to argue that it is only a political dilemma. No doubt we can get our hands dirty in private life also, and sometimes, no doubt, we should. But the issue is posed most dramatically in politics for the three reasons that make political life the kind of life it is, because we claim to act for others but also serve ourselves, rule over others, and use violence against them. It is easy to get one's hands dirty in politics and it is often right to do so. But it is not easy to teach a good man how not to be good, nor is it easy to explain such a man to himself once he has committed whatever crimes are required of him. At least, it is not easy once we have agreed to use the word "crimes" and to live with (because we have no choice) the dilemma of dirty hands. Still, the agreement is common enough, and on its basis there have developed three broad traditions of explanation, three ways of thinking about dirty hands, which derive in some very general fashion from neoclassical, Protestant, and Catholic perspectives on politics and morality. I want to try to say something very briefly about each of them, or rather about a representative example of each of



them, for each seems to me partly right. But I don't think I can put together the compound view that might be wholly right.

The first tradition is best represented by Machiavelli, the first man, so far as I know, to state the paradox that I am examining. The good man who aims to found or reform a republic must, Machiavelli tells us, do terrible things to reach his goal. Like Romulus, he must murder his brother; like Numa, he must lie to the people. Sometimes, however, "when the act accuses, the result excuses."<sup>18</sup> This sentence from *The Discourses* is often taken to mean that the politician's deceit and cruelty are justified by the good results he brings about. But if they were justified, it wouldn't be necessary to learn what Machiavelli claims to teach: how not to be good. It would only be necessary to learn how to be good in a new, more difficult, perhaps roundabout way. That is not Machiavelli's argument. His political judgments are indeed consequentialist in character, but not his moral judgments. We know whether cruelty is used well or badly by its effects over time. But that it is bad to use cruelty we know in some other way. The deceitful and cruel politician is excused (if he succeeds) only in the sense that the rest of us come to agree that the results were "worth it" or, more likely, that we simply forget his crimes when we praise his success.

It is important to stress Machiavelli's own commitment to the existence of moral standards. His paradox depends upon that commitment as it depends upon the general stability of the standards—which he upholds in his consistent use of words like good and bad.<sup>19</sup> If he wants the standards to be disregarded by good men more often than they are, he has nothing with which to replace them and no other way of recognizing the good men except by their allegiance to those same standards. It is exceedingly rare, he writes, that a good man is willing to employ bad means to become prince.<sup>20</sup> Machiavelli's purpose is to persuade such a person to make the attempt, and he holds out the supreme political rewards, power and glory, to the man who does so and succeeds. The good man is not rewarded (or excused), how-

18. *The Discourses*, bk. I, chap. IX (p. 139).

19. For a very different view of Machiavelli, see Isaiah Berlin, "The Question of Machiavelli," *The New York Review of Books*, 4 November 1971.

20. *The Discourses*, bk. I, chap. XVIII (p. 171).

ever, merely for his willingness to get his hands dirty. He must do bad things well. There is no reward for doing bad things badly, though they are done with the best of intentions. And so political action necessarily involves taking a risk. But it should be clear that what is risked is not personal goodness—*that is thrown away*—but power and glory. If the politician succeeds, he is a hero; eternal praise is the supreme reward for not being good.

What the penalties are for not being good, Machiavelli doesn't say, and it is probably for this reason above all that his moral sensitivity has so often been questioned. He is suspect not because he tells political actors they must get their hands dirty, but because he does not specify the state of mind appropriate to a man with dirty hands. A Machiavellian hero has no inwardness. What he thinks of himself we don't know. I would guess, along with most other readers of Machiavelli, that he basks in his glory. But then it is difficult to account for the strength of his original reluctance to learn how not to be good. In any case, he is the sort of man who is unlikely to keep a diary and so we cannot find out what he thinks. Yet we do want to know; above all, we want a record of his anguish. That is a sign of our own conscientiousness and of the impact on us of the second tradition of thought that I want to examine, in which personal anguish sometimes seems the only acceptable excuse for political crimes.

The second tradition is best represented, I think, by Max Weber, who outlines its essential features with great power at the very end of his essay "Politics as a Vocation." For Weber, the good man with dirty hands is a hero still, but he is a tragic hero. In part, his tragedy is that though politics is his vocation, he has not been called by God and so cannot be justified by Him. Weber's hero is alone in a world that seems to belong to Satan, and his vocation is entirely his own choice. He still wants what Christian magistrates have always wanted, both to do good in the world and to save his soul, but now these two ends have come into sharp contradiction. They are contradictory because of the necessity for violence in a world where God has not instituted the sword. The politician takes the sword himself, and only by doing so does he measure up to his vocation. With full consciousness of what he is doing, he does bad in order to do good, and surrenders his soul. He "lets himself in," Weber says, "for the diabolic forces

lurking in all violence." Perhaps Machiavelli also meant to suggest that his hero surrenders salvation in exchange for glory, but he does not explicitly say so. Weber is absolutely clear: "the genius or demon of politics lives in an inner tension with the god of love . . . [which] can at any time lead to an irreconcilable conflict."<sup>21</sup> His politician views this conflict when it comes with a tough realism, never pretends that it might be solved by compromise, chooses politics once again, and turns decisively away from love. Weber writes about this choice with a passionate high-mindedness that makes a concern for one's soul seem no more elevated than a concern for one's flesh. Yet the reader never doubts that his mature, superbly trained, relentless, objective, responsible, and disciplined political leader is also a suffering servant. His choices are hard and painful, and he pays the price not only while making them but forever after. A man doesn't lose his soul one day and find it the next.

The difficulties with this view will be clear to anyone who has ever met a suffering servant. Here is a man who lies, intrigues, sends other men to their death—and suffers. He does what he must do with a heavy heart. None of us can know, he tells us, how much it costs him to do his duty. Indeed, we cannot, for he himself fixes the price he pays. And that is the trouble with this view of political crime. We suspect the suffering servant of either masochism or hypocrisy or both, and while we are often wrong, we are not always wrong. Weber attempts to resolve the problem of dirty hands entirely within the confines of the individual conscience, but I am inclined to think that this is neither possible nor desirable. The self-awareness of the tragic hero is obviously of great value. We want the politician to have an inner life at least something like that which Weber describes. But sometimes the hero's suffering needs to be socially expressed (for like punishment, it confirms and reinforces our sense that certain acts are wrong). And equally important, it sometimes needs to be socially limited. We don't want to be ruled by men who have lost their souls.

21. "Politics as a Vocation," pp. 125-126. But sometimes a political leader does choose the "absolutist" side of the conflict, and Weber writes (p. 127) that it is "immensely moving when a *mature* man . . . aware of a responsibility for the consequences of his conduct . . . reaches a point where he says: 'Here I stand; I can do no other.'" Unfortunately, he does not suggest just where that point is or even where it might be.

A politician with dirty hands needs a soul, and it is best for us all if he has some hope of personal salvation, however that is conceived. It is not the case that when he does bad in order to do good he surrenders himself forever to the demon of politics. He commits a determinate crime, and he must pay a determinate penalty. When he has done so, his hands will be clean again, or as clean as human hands can ever be. So the Catholic Church has always taught, and this teaching is central to the third tradition that I want to examine.

Once again I will take a latter-day and a lapsed representative of the tradition and consider Albert Camus' *The Just Assassins*. The heroes of this play are terrorists at work in nineteenth-century Russia. The dirt on their hands is human blood. And yet Camus' admiration for them, he tells us, is complete. We consent to being criminals, one of them says, but there is nothing with which anyone can reproach us. Here is the dilemma of dirty hands in a new form. The heroes are innocent criminals, just assassins, because, having killed, they are prepared to die—and will die. Only their execution, by the same despotic authorities they are attacking, will complete the action in which they are engaged: dying, they need make no excuses. That is the end of their guilt and pain. The execution is not so much punishment as self-punishment and expiation. On the scaffold they wash their hands clean and, unlike the suffering servant, they die happy.

Now the argument of the play when presented in so radically simplified a form may seem a little bizarre, and perhaps it is marred by the moral extremism of Camus' politics. "Political action has limits," he says in a preface to the volume containing *The Just Assassins*, "and there is no good and just action but what recognizes those limits and if it must go beyond them, at least accepts death."<sup>22</sup> I am less interested here in the violence of that "at least"—what else does he have in mind?—than in the sensible doctrine that it exaggerates. That doctrine might best be described by an analogy: just assassination, I want to suggest, is like civil disobedience. In both men violate a set of rules, go beyond a moral or legal limit, in order to do what they believe they should do. At the same time, they acknowledge their responsibility for the violation by accepting punishment or doing penance. But

22. *Caligula and Three Other Plays* (New York, 1958), p. x. (The preface is translated by Justin O'Brian, the plays by Stuart Gilbert.)

there is also a difference between the two, which has to do with the difference between law and morality. In most cases of civil disobedience the laws of the state are broken for moral reasons, and the state provides the punishment. In most cases of dirty hands moral rules are broken for reasons of state, and no one provides the punishment. There is rarely a Czarist executioner waiting in the wings for politicians with dirty hands, even the most deserving among them. Moral rules are not usually enforced against the sort of actor I am considering, largely because he acts in an official capacity. If they were enforced, dirty hands would be no problem. We would simply honor the man who did bad in order to do good, and at the same time we would punish him. We would honor him for the good he has done, and we would punish him for the bad he has done. We would punish him, that is, for the same reasons we punish anyone else; it is not my purpose here to defend any particular view of punishment. In any case, there seems no way to establish or enforce the punishment. Short of the priest and the confessional, there are no authorities to whom we might entrust the task.

I am nevertheless inclined to think Camus' view the most attractive of the three, if only because it requires us at least to imagine a punishment or a penance that fits the crime and so to examine closely the nature of the crime. The others do not require that. Once he has launched his career, the crimes of Machiavelli's prince seem subject only to prudential control. And the crimes of Weber's tragic hero are limited only by *his* capacity for suffering and not, as they should be, by *our* capacity for suffering. In neither case is there any explicit reference back to the moral code, once it has, at great personal cost to be sure, been set aside. The question posed by Sartre's Hoerderer (whom I suspect of being a suffering servant) is rhetorical, and the answer is obvious (I have already given it), but the characteristic sweep of both is disturbing. Since it is concerned only with those crimes that ought to be committed, the dilemma of dirty hands seems to exclude questions of degree. Wanton or excessive cruelty is not at issue, any more than is cruelty directed at bad ends. But political action is so uncertain that politicians necessarily take moral as well as political risks, committing crimes that they only think ought to be committed. They override the rules without ever being certain that they have found the best

way to the results they hope to achieve, and we don't want them to do that too quickly or too often. So it is important that the moral stakes be very high—which is to say, that the rules be rightly valued. That, I suppose, is the reason for Camus' extremism. Without the executioner, however, there is no one to set the stakes or maintain the values except ourselves, and probably no way to do either except through philosophic reiteration and political activity.

"We shall not abolish lying by refusing to tell lies," says Hoerderer, "but by using every means at hand to abolish social classes."<sup>23</sup> I suspect we shall not abolish lying at all, but we might see to it that fewer lies were told if we contrived to deny power and glory to the greatest liars—except, of course, in the case of those lucky few whose extraordinary achievements make us forget the lies they told. If Hoerderer succeeds in abolishing social classes, perhaps he will join the lucky few. Meanwhile, he lies, manipulates, and kills, and we must make sure he pays the price. We won't be able to do that, however, without getting our own hands dirty, and then we must find some way of paying the price ourselves.

23. *Dirty Hands*, p. 223.