

# **The Problem of Dirty Hands: Can Public Guilt Produce Public Awareness?**

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## Abstract

What implications does a dirty-handed politician's assertion that dirty hands are *necessary* for certain political achievements have on our understanding of the relationship between political actors and the political community? The problem of dirty hands, as described in Michael Walzer's "Political Action: The Problem of Dirty Hands," occurs when a political actor finds that he must transgress one of his moral principles to accomplish what he sees as the right (and necessary) political action. While various political theorists have suggested that a political actor facing the problem of dirty hands ought to act as a consequentialist (and value the political outcomes of his actions above the "moral transgressions" they may require) or as a moral absolutist (and value his or her moral principles above any political goals), Walzer argues that a political actor *can* meet both moral-absolutist and consequentialist moral demands provided he does what is politically necessary (thereby violating his morals) but understands himself to be guilty as a result. Through guilt, we know the politician truly values the moral principles he has had to violate. As a result, Walzer suggests that a public display of guilt may help the dirty-handed political actor meet his or her moral and political obligations.

My thesis explores the implications of Walzer's public guilt from the standpoint of the political community at which the declaration of guilt is directed. What does the political actor's declaration of guilt tell us about the politician's relationship to the political community? How

does the declaration of guilt itself attempt to redefine that relationship? By considering the potential implications of public guilt, my thesis aims to investigate the significance Walzer's concept of public guilt may hold not only for the guilty politician at hand but for those who come into contact with him. In approaching the above questions, I turn to Niccolò Machiavelli's *The Prince* and *Discourses on Livy*, which both help to ascertain the moral and political conditions of dirty hands and to explain how the interplay between these conditions produces the problem itself. Thereafter, I examine two opposing interpretations of Machiavelli's works, both of which attempt to conceptualize the sorts of political actors that emerge from Machiavelli's logic. Considering the different interpretations of Machiavelli's works, I argue that Walzer's public guilt solution not only offers a dirty-handed political actor capable of articulating his moral dilemma but further enables a critical engagement with one's moral demands as an essential part of one's civic engagement. In contrast to Walzer's focus on the individual dirty-handed politician, I argue that the possibility for critical engagement suggested by the public declaration of guilt itself provides significant implications for reconceptualizing political action within the political community at large.

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## I

### **Introduction: Dirty Hands, Public Guilt, and the Political Community**

In his 1973 article “Political Action: The Problem of Dirty Hands,” Michael Walzer examines the dilemma of a political actor who wishes to both stay true to certain moral principles he considers to be binding and to his necessities as an official in power. For Walzer, a problem arises in the fact that when engaging in politics, a politician must transgress some of his moral beliefs to accomplish what he sees as the right political action. In other words, “a particular act of government... may be exactly the right thing to do in utilitarian terms and yet leave the man who does it guilty of a moral wrong.”<sup>1</sup> While various theorists have argued that either (1) a politician ought to adopt a consequentialist moral framework (e.g. if he must lie in order to save lives, he is justified in doing so) or (2) that no one should ever abandon a moral-absolutist standpoint, Walzer proposes a politician who is able to transgress his or her moral beliefs (consequently accomplishing the “right thing to do in utilitarian terms”) while simultaneously acknowledging that he or she has committed an immoral action. According to Walzer, the political community can identify this *good* politician by his public declaration of guilt: “his willingness to acknowledge and bear (and perhaps to repent and do penance for) his guilt is

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<sup>1</sup> Michael Walzer, “Political Action: The Problem of Dirty Hands,” *Philosophy and Public Affairs* 2, no. 2 (1973): 161.

evidence, and it is the only evidence he can offer us, both that he is not too good for politics and that he is good enough.”<sup>2</sup>

Even as Walzer’s public guilt solution allows for us to conceive of a political actor who is able to meet both his moral and political demands, a number of questions concerning that political actor’s interaction with and effect upon the political community remain unaddressed: what implications does a dirty-handed politician’s assertion that dirty hands are *necessary* for certain political achievements have on our understanding of the relationship between political actors and the political community? What does the political actor’s declaration of guilt tell us about his own relationship to the political community? In what ways does the declaration of guilt itself attempt to redefine these relationships? In proposing these questions, the goal of my thesis is to investigate the significance Walzer’s concept of public guilt may hold not only for the guilty politician at hand but for those who come into contact with him and for those at whom the public declaration of guilt is directed.

To approach the questions I have posed above requires an understanding of the dynamic between political action (and its consequentialist demands upon the individual) and those moral demands which claim to reside outside of politics (i.e. moral-absolutist demands). As a result, in the second chapter I delineate the moral-absolutist and the consequentialist conceptions of morality and political action, and subsequently review four responses to Walzer’s “Political Action” illustrative of the various moral-absolutist and consequentialist approaches to the problem of dirty hands. In reviewing these responses, I find that a morally and politically meaningful problem of dirty hands cannot be articulated without the recognition that *both* moral-absolutist and consequentialist moral frameworks assert legitimate moral demands upon the

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<sup>2</sup> Walzer, “Political Action,” 167-168.

political actor. To deny that moral-absolutist or consequentialist moral claims exist or to imagine a political community partitioned into different spaces or spheres where one type of demand operates but not the other is therefore to preclude the logic behind the problem of dirty hands; conversely, the problem itself resists any such moral partitioning. With the need for a simultaneous understanding of these different moral demands in mind, in the third chapter I turn to Niccolò Machiavelli's *The Prince* and *Discourses on Livy*, which expose (and endorse) the sorts of actions and valuations necessary for one's success as a political actor while nonetheless maintaining a moral-absolutist critique of those very actions and valuations. As a result, I argue that Machiavelli's works—in offering consequentialist political recommendations concurrent with moral-absolutist criticism—establish an understanding of the moral and the political logics behind the problem of dirty hands and explore how the interplay between these logics generates the problem.

In the fourth chapter, I examine two opposing interpretations of Machiavelli's works, both of which attempt to conceptualize the sorts of political actors that emerge from Machiavelli's argument. The challenge with Machiavelli's formulation of the problem of dirty hands is that it both conveys an awareness of moral-absolutist demands on behalf of Machiavellian political actors but also maintains that in engaging in political action they must understand that they will fail to meet such demands. For Machiavelli, to be wholly unaware of one's moral-absolutist demands is to be a criminal man,<sup>3</sup> and yet to engage in political action requires that one ignore the moral demands that one knows he ought not to ignore. In considering the different interpretations of Machiavelli's works, I argue that Walzer's notion of the guilty politician whose guilt enables him to sustain a set of incompatible moral demands

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<sup>3</sup> Niccolò Machiavelli, *Discourses on Livy*, translated by Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), 131.



provides an outlet for Machiavelli's moral challenge. With Walzer's approach (just as with Machiavelli's), insofar as the good politician enters into politics, he joins others who "are all too ready to hustle and lie for power and glory, and it is the others who set the terms of the competition,"<sup>4</sup> thereby necessitating that he act as a consequentialist. However, in suggesting that the good politician confess his guilt, Walzer imagines a politician capable of accessing the moral-absolutist demands that Machiavelli's actors cannot help but abandon. As such, I argue that Walzer's solution of public guilt both offers an essentially Machiavellian political actor capable of articulating the moral dilemma inherent within the problem of dirty hands and suggests a number of unique implications for this actor's interactions with his political community. It is the attempt to identify and examine these implications for the political community—which Walzer leaves largely unaddressed—that brings us back to the questions posed at the beginning of this introduction.

In my final chapter, I return to Walzer's articulation of the problem of dirty hands and his suggestion concerning the publicly-guilty politician, this time with the intent to examine the implications of dirty-handed political actor's interaction with the political community. Here I analyze two examples of dirty-handed political actors that Walzer presents in "Political Action." The first involves a candidate who believes public deception to be immoral but finds that he must make a deal with a corrupt ward boss in order to win an important election; the second involves an elected official in the process of ending a prolonged war who finds that he must authorize the torture of a terrorist leader—an act he considers to be unquestionably immoral—in order to prevent an attack. In arguing for his public guilt solution, Walzer maintains that in each case the political actor ought to transgress his moral beliefs in order to accomplish a meaningful political

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<sup>4</sup> Walzer, "Political Action," 163.

outcome, feel guilty as a result, and confess his guilt to the political community. While Walzer's primary use of these examples is to ascertain the logic of the problem itself, here I propose that a shift in focus from the dirty-handed political actor and his guilt to the political community's *apprehension* of the public communication of guilt offers significant implications for understanding the political actor's role in and relationship to the political community that Walzer himself overlooks.

Insofar as he focuses his analysis on the individual, dirty-handed political actor, Walzer is able to assume that he knows that politician's moral attachments and his subsequent guilt to be genuine. However, in suggesting a public guilt and a display of moral attachments aimed at the political community, Walzer's supposition concerning his political actor's moral claims encounters an obstacle. How can the community know this politician's guilt to be genuine? Indeed, if we know that to engage in political action necessitates hustling and lying, then can the community itself ascertain that *this* public display is not simply another consequentialist maneuver to attain "power and glory"? In moving away from the guilty politician and instead focusing on political community's apprehension of the assertion that dirty hands appear unavoidable in certain meaningful political circumstances, I argue that public guilt *itself* offers important implications for the community's understanding of the limits and moral significance of political action. Even as the dirty-handed politician, in his display of moral demands, may remain suspect, I suggest that the political community's apprehension of public guilt implies that a critical evaluation of the community's own moral attachments ought to be a fundamental aspect of civic engagement within the community. While the problem of dirty hands itself appears insurmountable, my approach indicates that the political community's awareness of the logic behind dirty hands may offer a meaningful civic function.

## II

### **Responses to Walzer's "Political Action": Moral Absolutist and Consequentialist Approaches to the Problem of Dirty Hands<sup>5</sup>**

To understand the significance of public guilt as a means to addressing the problem of dirty hands, it is first essential to establish an appropriate conception of the relationship between morality and political action that makes the problem of dirty hands both meaningful and virtually unavoidable. A number of sources that criticize Walzer's public guilt solution present fundamentally different conceptions of moral and political action, and therefore attach different implications and consequences to the ensuing dirty-hands problem. I begin by delineating the moral absolutist and the consequentialist moral frameworks, and subsequently present four illustrative examples of responses to Walzer's framing of the problem of dirty hands, two coming from moral-absolutist and two from separate consequentialist approaches. I argue that all four approaches, while diverse in their evaluations of Walzer's dirty-hands problem, suggest dynamics between moral and political action that, from their very conception, make the logic of dirty hands unfeasible. Outlining the responses that deny the necessary conditions for Walzer's dirty-hands problem, I argue that none of the competing approaches allow for Walzerian

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<sup>5</sup> The sources I review in this chapter each use gender pronouns in different ways. I will therefore adhere to each author's use in providing hypothetical examples based his or her arguments and alternate between gender pronouns in my own examples.

individuals to face multiple legitimate frameworks of obligation when engaging in political action.

### *Identifying Consequentialism and Moral Absolutism*

In order to arrive at a precise differentiation between the logic of consequentialism and moral absolutism, I first consider one of Walzer's own hypothetical examples in "Political Action," concerning the sort of moral dilemma the moral politician may face. In Walzer's first example, a politician running for office finds that he "must make a deal with a dishonest ward boss, involving the granting of contracts for school construction"<sup>6</sup> in order to win his election. Winning is necessary to help the politician attain some worthwhile political cause; losing will ensure that the politician's cause will fail to be achieved. Rather than considering the qualms and actions of the Walzerian politician within this context, I will instead substitute Politician A, a consequentialist, in his place. For Politician A, the following considerations may be pertinent: "how beneficial will this political cause be to my constituency?"; "will the corrupt construction contracts hurt the schoolchildren in any way? If so, will this harm outweigh the benefit of my political cause?"; "to what extent will lying harm my reputation, therefore jeopardizing my chances to work toward further political causes, which would further benefit my constituency?"; "to what extent will lying harm my reputation, which I value above the interests of my constituency?"; etc. The hypothetical questions above illustrate a variety of considerations, each contingent on the sort of end the politician ultimately wishes to achieve.<sup>7</sup> Accordingly, Politician

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<sup>6</sup> Michael Walzer, "Political Action," 165.

<sup>7</sup> There may be (and are) a variety of consequentialists: Consequentialist 1 may value the satisfaction of the greatest number in his or her constituency; Consequentialist 2 may value what he or she perceives to be best for the constituency as a whole; Consequentialist 3 may value his or her own reputation as perceived by the public. Each of these valuations serve as examples of politicians' *ultimate* (i.e. *not* immediate) ends.

A's actions (i.e. "lying," "running for office") are themselves devoid of value until the politician can discern their *social context*, and consequently their relationship to the ultimate end he wishes to accomplish.<sup>8</sup>

By *social context*, I mean the totality of reactions (i.e. changes in actions, perceptions, valuations, etc.) to the politician's initial action that in any way affect his ultimate end. Specifically, the social context entails three different types of considerations, relating to the political actor's *temporal orientation*, *political skill-set*, and *concern for office*. Regarding *temporal orientation*, the consequentialist's considerations and actions are always oriented toward the future: as valuations of specific actions can only be determined by their relation to the politician's ultimate goals, it is the *expected* effects of potential actions that shape the consequentialist's understanding of what he ought to or ought not to do. Keeping in mind the significance of social interaction, the consequentialist must then develop the proper *political skill-set* to shape his interactions according to his goals. In the context of my hypothetical alteration of Walzer's corrupt election example, Politician A would not simply weigh the costs and consequences of lying versus the loss of his election, but would have garnered the ability to lie *well* and appear innocent, the politician's considerations therefore entailing not isolated, one-time interactions but rather cultivated patterns of action. With the consequentialist relying on specific skills to affect future events, his relationship to other actors represents his third major concern. Again, not only does "lying" versus "winning the election" come into question, but

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<sup>8</sup> With the concept of ultimate ends in mind, it is now pertinent to consider Consequentialist 4 (given the consideration of Consequentialists 1, 2, and 3 above). Consequentialist 4 contends that he or she values both his or her own reputation *and* the satisfaction of his or her constituency as ultimate ends, and attempts to fulfill both. If, given the appropriate context, these ends happen to conflict, Consequentialist 4 may decide to favor actions that contribute to the satisfaction of his or her constituency above actions that contribute to his or her own reputation. Such a decision would signify that Consequentialist 4's valuation concerning his or her reputation *is* contingent upon the social context (albeit a context that rarely occurs), unlike his or her valuation concerning the satisfaction of his or her community above all else.

also the efficacy and the responsibilities associated with the office at hand as *distinct* from any other social position. Accordingly, for Politician A, questions such as “how would occupying this office change my potential to affect my political cause?”; “would occupying this office place me under any additional obligations?”; and “would occupying this office alter my relationship to the social context, and therefore my valuation of future action?” constitute his *concern for office*.<sup>9</sup> Together, the three types of considerations outlined above comprise the sort of calculus involved in navigating the complex array of social interactions prior to any moral judgment of potential actions.

Given its logic of social context, consequentialist morality therefore asserts that *all* valuations are contingent upon consequences and social factors, *except for* the valuation of the ultimate end itself, which is considered to be self-evident<sup>10</sup>. Returning to Walzer’s example, Politician A may decide to agree to the corrupt ward boss’s terms, reasoning that his dishonest action would likely remain undisclosed and do no damage his reputation, while his political success would enable him to provide great benefit to his or her constituency and secure great admiration for himself. Regardless of his specific reasoning and his ultimate ends, any consequentialist approach would examine individual actions within their social context, and thereafter establish their worth by considering their relation to the only point of reference beyond the social context, that of the ultimate end.<sup>11</sup>

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<sup>9</sup> For a discussion on the various conceptions of ethics of duty associated with political office, see Hollis, Martin. “Dirty Hands.” *British Journal of Political Science*. 12.4 (1982): 385-398.

<sup>10</sup> When considering the consequentialist logic, ultimate ends are allotted *a priori* value. As a result, I consider statements such as, “to provide benefit to the community (all other things held equal) is good” to be self-evident. An inquiry into the origins of these valuations as ultimate ends is outside of the scope of this thesis.

<sup>11</sup> Again, to be precise: the *origin* of the ultimate end as an end-in-itself may very well be social (i.e. it may be that we are socialized to believe that the good of the community has inherent value), but, once conceived as an ultimate end, such a valuation is no longer subject to evaluation within the social context (i.e. the question “how does the social context provide me with knowledge that the good of the community has inherent value?” cannot be answered) for the consequentialist.

With a conception of the consequentialist politician in mind, it is now relevant to consider Politician B, a moral absolutist, in place of the consequentialist in Walzer's election example. Faced with the same dilemma, Politician B (specifically, the sort of moral absolutist who would consider deceiving the members of his constituency to be absolutely bad) would surely refrain from engaging in the corrupt deal, consequently defeating his chances of winning the election. Such a decision reveals a number of details about the moral absolutist logic. First, each of the moral absolutist's valuations contains intrinsic value in themselves. Much like the consequentialist's ultimate ends, such valuations reside outside of the social context.<sup>12</sup> Consider, for example, that Politician B may come to believe that winning the election would drastically improve the lives of thousands of his constituents. Now imagine Politician B reflecting to himself: "perhaps it is right to deceive (at least in this case), if this deception drastically improves the lives of thousands." As soon as Politician B enters such a calculus, he moves away from moral absolutism, as the issue of social context, and, correspondingly, the possibility of measuring beyond the intrinsic value of Politician B's actions come into question. Given its rejection of any valuations external to those attached to individual actions, moral absolutism therefore provides an almost constant assertion that the individual may transcend socially-contingent fortunes and misfortunes by adhering to its asocial logic, which values actions rather than consequences, and appeals directly to the individual's sense of stable identity and easily-ascertainable self-worth. Considerations within the social context (regarding temporal orientation, political skill-set, and concern for office), so vital to the consequentialist's ability to

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<sup>12</sup> Just as with the question of origins in the consequentialist logic, I consider the origins of valuations within the Moral Absolutist logic to be beyond the scope of this paper. In "Political Action," discussing the question of prohibitions within the Moral Absolutist logic against consequentialist political methods, Walzer explains that "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" (Walzer 168), but does not commit himself to any one explanation concerning the origin of the prohibitions.

determine when certain values correspond to certain actions, become extraneous to the moral absolutist, as values remain temporally constant (knowledge of moral truths transcends temporally-contingent knowledge concerning social situations), skills associated with political maneuvering reflect nothing of individuals' moral insight (successful outcomes do not correspond to morally-right decisions) and all distinct positions of authority are held to equal moral standards (only one, absolute set of standards exists). Accordingly, Politician A (the consequentialist), may deceive his constituency, win his election, engage in a struggle to accomplish his political cause, and, eventually, argue that, all things considered, his actions *contributed* to a morally favorable outcome. In contrast, Politician B (the moral absolutist), upon deciding that he ought not to deceive, will resign to failure within the social context while instantly (and independent of any social judgment) maintaining that he acted as (and *is*) a moral individual.

With the above delineation between the consequentialist and the moral absolutist morality, the following four responses to Walzer's "Political Action" illustrate approaches to the dirty-handed politician (as well as the problem of dirty hands) within the moral absolutist and the consequentialist logic. I argue that each of the examples fails to satisfy Walzer's understanding of multiple frameworks of obligation in the context of an individual political actor.

### *Moral Absolutist Approaches*

While Walzer does not provide a thorough analysis of the mindset or the moral framework necessary for moral absolutism, he does offer a glimpse of the moral absolutist by contrasting him with the guilty, dirty-handed political actor. If the Walzerian political actor decides to violate his moral principles in order to accomplish a politically or socially worthwhile



outcome, then it is the moral absolutist who “remains innocent” when facing the dirty-hands dilemma.<sup>13</sup> The implications of such innocence are two-fold: first, the moral absolutist’s abstention from the dirty-handed action is an affirmation of the very same moral principles that trigger the recognition of guilt in the Walzerian political actor. The cause of the dirty-handed politician’s guilt, therefore, emerges from the same moral logic that the moral-absolutist embraces without exception: the sort of moral logic that precedes the social context (i.e. consequences) and maintains a direct connection to the individual’s actions as evidence of his morality. In a further formulation of the guilty, dirty-handed politician, Walzer asserts that “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.”<sup>14</sup> Here we observe the second implication associated with the moral-absolutist standpoint: given Walzer’s conception of “the terms of competition” within the political arena, the moral absolutist, here identified simply as “the moral man,” is decidedly barred from the type of interaction the politician (moral or not) engages in. In choosing to “remain innocent” (and, given the moral-absolutist logic, in choosing the only way in which to remain moral), he removes himself from the political arena.

Although Walzer’s “Political Action” offers an outline of the moral-absolutist position, the logic behind the choice to remove oneself from politics remains unaccounted for, as the moral absolutist primarily functions to illustrate the contrast between the types of individuals that *do* engage in politics. In a more complex analysis of the interaction between moral-absolutists and Walzerian political actors, Suzanne Dovi considers the dirty-hands dilemma from the moral-absolutist’s standpoint, consequently shedding light on the decision to assert “innocence.”

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<sup>13</sup> Walzer, “Political Action,” 161.

<sup>14</sup> *Ibid.*, 168.

Dovi's example involves an interaction between Leo Tolstoy (who embodies the thought and action of the moral absolutist) and the political actor Jane Addams. When Tolstoy meets Addams during her visit to Russia, he rebukes her for her "relatively privileged lifestyle," which, while enabling her to continue her political work in Chicago's poor neighborhoods, also requires that she forgo a life of manual labor, which Tolstoy considers to be morally necessary, regardless of the political opportunity costs. To be a moral absolutist would therefore require that Addams refrain from her political activity, which Addams considers to be necessary from a consequentialist lens. While Dovi argues that "absolutists like Tolstoy make vivid what political actors with dirty hands should feel guilty about,"<sup>15</sup> thereby focusing the bulk of her argument on the political effects of moral absolutists upon Walzerian political actors, Dovi's illustration of Tolstoy's rebuke provides insight into the moral-absolutist logic. Above all, Tolstoy's logic permits only one moral framework, which not only refuses to consider social and political ends when evaluating individuals' actions, but renders such ends meaningless. In facing the dirty-hands dilemma (in the present example, "ought I to forgo manual labor, which I believe I am obligated to pursue, in order to help Chicago's poor, which I believe will bring about the best outcome in utilitarian terms?"), the moral absolutist asserts that only one set of obligations exists ("manual labor"), that this set of obligations is morally significant and that socially or politically-contingent outcomes which conflict with this moral obligation do not, in fact, constitute *moral* obligations and ought not to be valued as such.<sup>16</sup> Helping Chicago's poor may certainly be *useful* considering the social benefit it attains, but such benefit cannot conflict with the moral requirements that moral absolutists know to be true *prior* to any social analysis or any

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<sup>15</sup> Suzanne Dovi, "Guilt and the Problem of Dirty Hands," *Constellations* 12, no. 1 (2005): 134.

<sup>16</sup> There is also the possibility that a political actor "poses" as a moral absolutist in order to engender the sort of effect upon Walzerian politicians that Dovi discusses in her article. I address this possibility of *feigned* moral absolutism in a later section.

contextualizing. Given such a moral framework, the moral absolutist denies the problem of dirty hands by rejecting the very logic of its moral valuations. Tolstoy's rebuke of Addams therefore serves as an example of moral-absolutist logic: if, in Dovi's words, the Walzerian political actor recognizes that "one ought sometimes to violate one's moral principles for the sake of achieving some morally weighty political end,"<sup>17</sup> then the dirty-hands dilemma certainly resides outside of the genuine moral-absolutist's worldview, being that "morally weighty political ends" *cannot* exist as morals from the standpoint of moral absolutism.

Tolstoy's moral absolutism, however, is not Dovi's own logic. Instead, she suggests a "division of moral labor approach,"<sup>18</sup> which stresses the importance of moral absolutism in reinforcing the "moral health" of the polity<sup>19</sup> and supports greater moral absolutist "influence" upon those who engage in (dirty-handed) political action. Dovi's approach therefore (1) recognizes an inevitable conflict between the moral absolutist and consequentialist logics (as she accepts the logic of both Tolstoy and Addams's conflicting arguments) but also (2) partitions this problem into non-political moral absolutists who exert "moral influence" and those who are not moral absolutists (i.e. both Walzerian politicians and consequentialists) upon whom "moral influence" is exerted. The result allows for something akin to a social awareness of all types of actors while leaving no room for a meaningful *individual* problem of dirty hands. It is Tolstoy—who, unlike the Walzerian politician, remains outside politics—that must remind Addams of her moral-absolutist demands, and Addams—who remains outside moral absolutism—that must reject them. In focusing on the polity's "moral health" and abstracting away from an individual who may face both sets of demands, this very disaggregation becomes the hallmark of Dovi's

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<sup>17</sup> Dovi, "Guilt," 128.

<sup>18</sup> *Ibid.*, 133.

<sup>19</sup> *Ibid.*, 142.

“division of labor,” approach, essentially conceiving of a polity comprised of two “camps” (moral absolutists and political actors) and asserting that the former should have greater influence upon the actions of the latter. But the dirty-hands problem, as well as Walzer’s consequent attempt to identify a politician capable of articulating this problem, falls outside of Dovi’s concerns for the *polity’s* moral health: in light of absolute, asocial moral principles, Tolstoy should remain divorced from politics, just as the moral-absolutist Politician B (from my earlier example) should instantly cede his chances of electoral success. Concerns relating to the usefulness and social benefit mentioned above are relegated for others to consider and act upon. Accordingly, any engagement within politics must signify a disregard for moral principles in the eyes of the moral absolutist, further cementing the notion of a *social partitioning* of the problem of dirty hands into a static, apolitical moral-absolutist sphere and a static, consequentialist-dominated political arena.

In contrast to Dovi’s approaches to the morally-absolute nonpolitical actor, David P. Shugarman’s “Democratic Dirty Hands?” suggests a potential alternate moral-absolutist standpoint, arguing that moral absolutists may commit “exceptional” violations while generally maintaining morally-absolute frameworks of action. In Shugarman’s “extreme situation,” individuals who normally identify as moral absolutists find themselves in circumstances where particular acts of deception or violence appear necessary to prevent outcomes that are substantially more violent. Shugarman argues that, given the moral absolutists’ initial aversion to violence as a means, the prevention of ends that are substantially more violent ought to be both permissible and preferred. Shugarman explains that “in such cases, one has to see the need to move away from an absolutist deontology,” while maintaining that “we would be mistaken to

think of this as a move or ‘surrender’ to consequentialism.”<sup>20</sup> While the “extreme situation” may not constitute “surrender”,<sup>21</sup> it does present a context in which, given Shugarman’s approach, the moral absolutist framework fails to foster actions that are morally sensible. Imagine, for example, that we now come to learn that the “just cause” of Politician B’s election, the moral absolutist substituted into Walzer’s corrupt ward boss example, involves preventing the escalation of a violent international conflict, which Politician B’s opponent will (we have cause to believe) intensify. Politician B may reason that, *given the extremity of this case*, deception (via cooperation with the corrupt ward boss) ought to be the morally right decision; after all, Politician B *does* consider loss of life to be morally unfavorable, and appears to face a decision which will grant him the ability to prevent this sort of outcome. While we may agree with Politician B’s reasoning, the reevaluation of “deception” in the context of the “extreme situation” flies in the face of the moral absolutist logic, as Politician B initially claims to *know* the moral significance of both “deception” and “loss of life” in the same way (i.e. prior to the social context). Given this sort of knowledge, the introduction of an alternate method through which to evaluate “deception” *does* suggest a departure from the moral absolutist logic, if even for the exceptional nature of the “extreme situation.”

By the conclusion of his argument, Shugarman elaborates upon the “extreme situation,” explaining that “dirty hands may be defensible when democracy is denied or democratic processes are subverted, or when it’s a matter of self-defence or the defence of others under attack, or when all other avenues have been exhausted—but only then.”<sup>22</sup> What emerges now is

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<sup>20</sup> David P. Shugarman, “Democratic Dirty Hands?” In *Cruelty and Deception: The Controversy over Dirty Hands in Politics*, edited by David P. Shugarman and Paul Rynard (Peterborough, Ontario: Broadview Press, 2000), 236.

<sup>21</sup> “Surrender,” as I understand it, would imply that, by virtue of judging *this* situation by its consequences, we therefore ought to judge all situations through a consequentialist lens.

<sup>22</sup> Shugarman, “Democratic Dirty Hands,” 246.

a class of cases in which a morally-absolute approach no longer fits and a switch to a *type* of consequentialist moral reasoning must follow<sup>23</sup>. Although Shugarman labels such situations as exceptions, he nonetheless establishes a defined space for consequentialist reasoning, and, by virtue of separating this “exceptional” space from the space where moral absolutism functions as the only appropriate moral framework (i.e. “normal” situations), denies the problem of dirty hands. In outlining the moral implications of switching to the “exceptional” moral framework, Shugarman asserts that “while you might regret having to do what you did, there would be no reason for you to feel guilty or to be punished.”<sup>24</sup> The denial of guilt, conforming to Shugarman’s delineation of the moral absolutist and the “exceptional” moral spaces, confirms the essential disparity between Shugarman’s (alternate) moral absolutism and the moral approach required by the dirty-hands dilemma: in outlining two separate moral spaces, Shugarman affirms that, given most everyday contexts, one ought *only* to be a moral absolutist, and, given certain extraordinary contexts, one ought to *only* be a specific, narrowly-defined consequentialist. Correspondingly, in the context of the above example, Politician B ought to either deceive in order to save lives, or reject deception, but not both. Whichever context we may find ourselves in, there will only be one correct course of action. I argue that Shugarman’s division between the “normal” moral absolutism and the “exceptional” consequentialism essentially amounts to a *temporal partitioning* of the problem of dirty hands: given Shugarman’s logic, we should never, in pursuing what we believe to be the right action, “get our hands dirty by doing what we ought to do” as we would with Walzer.<sup>25</sup>

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<sup>23</sup> This *type* of consequentialism assumes a very specific set of ends and obligations: a duty to the democratic process and the necessity of upholding the legitimacy of democratic processes.

<sup>24</sup> Shugarman, “Democratic Dirty Hands,” 236.

<sup>25</sup> Walzer, “Political Action,” 164.

### *Consequentialist Approaches*

Much like above-outlined the moral absolutist positions, consequentialist approaches to the problem of dirty hands appear in a more apparent and a more complex form. A more apparent articulation of the consequentialist position comes from Kai Nielsen's "There is no Dilemma of Dirty Hands." Nielsen argues that, when facing the sort of moral dilemma Walzer investigates, the political actor "may do things that in normal circumstances would be horribly wrong, but, in these circumstances of dirty hands, they are not, *everything considered*, wrong."<sup>26</sup> Addressing the ensuing feelings of guilt, Nielsen maintains that such anxieties are, at their core, simply the sentiments associated with committing actions that one would usually (but not in these particular circumstances) consider to be immoral. In other words, "to *feel* guilty is not necessarily to *be* guilty."<sup>27</sup> At the outset, Nielsen's segregation of moral considerations into those appropriate for "normal" circumstances and those appropriate for situations that call for dirty-handed actions harken back to Shugarman's *temporal partitioning* of "normal" moral absolutism, which nonetheless allows for "exceptional" cases, and, as a result, the application of an exceptional moral logic. The two approaches are in fact rather similar, their chief difference arising in their understanding of the significance that ought to be attributed to such "exceptional" cases. In contrast to Shugarman, Nielsen argues that his moral framework, which allows for rare exceptions to actions traditionally considered immoral (i.e. dirty-hands situations) constitutes a form of *weak consequentialism*. In approaching dirty-hands situations, Nielsen reasons that "where our choice is inescapably a choice between evils...we should, as responsible moral and

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<sup>26</sup> Kai Nielsen, "There is no Dilemma of Dirty Hands," In *Cruelty and Deception: The Controversy over Dirty Hands in Politics*, edited by David P. Shugarman and Paul Rynard (Peterborough, Ontario: Broadview Press, 2000), 141.

<sup>27</sup> Nielsen, "There is no Dilemma," 140.

political agents, batten down the hatches and try to do the lesser evil”;<sup>28</sup> in choosing the lesser evil, we refrain from the most harmful outcome, and therefore commit to the morally-appropriate decision.<sup>29</sup> While the logic of the “lesser evil” outcome is decidedly consequentialist, Nielsen maintains that such a consequentialism only becomes apparent when facing a choice between two evils, as all other situations can be managed by sticking to a framework equivalent to the moral-absolutist position.

Considering Nielsen’s weak consequentialism within the context of my hypothetical alterations to Walzer’s corrupt election example, we can now look back to Politician A, the consequentialist who ultimately decides to deceive in order to win his election. Politician A, following Nielsen’s advice concerning weak consequentialism, also considers his social context and decides that he ought to (almost always) refrain from deception, as it (almost) never contributes to his desired end of providing the best outcome for his constituency. Politician A therefore never lies, *except* in the case of his or her electoral race, where Politician A reasons an electoral loss would be far more damaging to his constituency than the comparatively less damaging effect of deception.<sup>30</sup> On a practical level, Politician A’s reasoning within Nielsen’s consequentialist logic would produce identical results to Politician B’s reasoning within Shugarman’s moral absolutism. Nielsen even affirms the possibility that his approach to the dirty-hands problem may coincide with certain “pluralistic deontological” views, provided that the *prima facie* values espoused by those deontologists may conflict, and, provided the proper consequences, may override one another, as the values considered in Shugarman’s “extreme

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<sup>28</sup> *Ibid.*, 140.

<sup>29</sup> For a similar articulation of the intersection of moral-absolutist and consequentialist moral demands see Max Weber’s “ethic of responsibility” in Max Weber, “Politics as a Vocation,” in *From Max Weber: Essays in Sociology*, Translated by H.H. Gerth and C. Wright Mills (New York: Oxford University Press, 1958), 77-128.

<sup>30</sup> Here, just as with the example concerning Shugarman and Politician B, we can assume an electoral win will prevent a substantial “loss of life.”



situation” do. In terms of Walzer’s problem of dirty hands, the implications of Nielsen’s argument match those of Shugarman: while we may believe that we face a choice between two evils, the proper (consequentialist) reasoning ought to lead us to the correct moral decision.

In “Admirable Immorality, Dirty Hands, Ticking Bombs, and Torturing Innocents,” Howard J. Curzer presents an alternate consequentialist approach that separates the concepts of “virtue” and “duty” when considering moral decision-making. According to Curzer’s differentiation, “a virtuous act in a given situation is an act of the sort that would flow from the disposition of a virtuous person in that situation...It is what a virtuous person does when he or she is acting in character.”<sup>31</sup> By “acting in character,” the virtuous individual develops “dispositions” which actually reflect the internalization of a (utilitarian) moral reasoning as it is applied in most “normal” situations. Consequently, the virtuous individual, in observing utilitarian principles such as “the injury caused by torture generally outweighs any potential benefits” (except, that is, in the highly-exceptional case that Curzer will shortly consider) gains the *disposition* that “to torture is vicious; to refrain from torturing is virtuous,” now phrased in morally absolute, rather than utilitarian, terms<sup>32</sup>. With his conceptualization of virtue in mind, Curzer considers a ticking-bomb torture scenario akin to Walzer’s example involving the torture of a terrorist leader. The torture scenario illustrates Curzer’s differentiation between *virtue* and *duty*, as he explains that “the disposition to refuse to torture works just fine for the vast majority of cases, but it yields the wrong answer in the very rare case where the choice to refrain from

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<sup>31</sup> Howard J. Curzer, “Admirable Immorality, Dirty Hands, Ticking Bombs, and Torturing Innocents,” *The Southern Journal of Philosophy* 44, no. 1 (2006): 51.

<sup>32</sup> As far as Curzer’s assessment of *Virtue* corresponds to my definition of moral absolutism, it is noteworthy that Curzer implicates the *origins* of valuations within moral absolutism, arguing that these valuations are simply the internalizations and generalizations of a utilitarian calculus. Not only does Curzer’s argument regarding moral absolutism position its origins firmly within a social context, but his assertion that moral absolutism functions as a less-precise form of morally-correct utilitarian reasoning casts doubt on moral absolutism’s claim to knowledge regarding moral and immoral actions from the very outset of his distinction between *virtue* and *duty*.

torturing ignores the morally much more important needs of the community as a whole.”<sup>33</sup>

Examining Curzer’s differentiation within the context of Walzer’s election example<sup>34</sup>, I find it pertinent to now consider Politician A (the consequentialist) and Politician B (the moral absolutist) side-by-side. Curzer’s concept of *virtue* corresponds to Politician B, as Politician B *always* acts as one would *usually* act given the utilitarian logic of *duty* (which Curzer believes to be morally correct). Politician A, realizing that virtuousness is generally respected within his social context, and that therefore it functions as a useful gauge of most actions’ moral rectitude, adheres to Politician B’s mindset and consents to its moral accuracy. The two politicians part ways when Politician A faces the corrupt election dilemma, in which case his utilitarian reasoning advises him to make the vicious choice (“deceive”) in order to save lives. It is here that Curzer endeavors to remind Politician A (or perhaps, to make him realize) that, since *virtue* does not correspond to moral reasoning but only to moral imitation, and since morally-right actions only coincide with, rather than originate from virtue-centered reasoning, a departure from *virtue* is both appropriate and morally necessary when *virtue* comes into conflict with *duty*. Regarding assertions (akin to Walzer’s) that the rejection of morally absolute (or, according to Curzer’s conception, *virtuous*) actions result in feelings of guilt, Curzer argues that the *feeling* of dirty hands (upon abandoning *virtue* for *duty*) reflects the “revulsion,” caused by the (morally necessary) execution of vicious acts, a feeling distinct from guilt, which arises from the recognition that one has actually committed an immoral action. In contrast to *duty* (which is derived from a utilitarian moral reasoning) *virtue* simply acts as a heuristic that usually

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<sup>33</sup> Curzer, “Admirable Immorality,” 49.

<sup>34</sup> As Curzer’s reasoning assumes a utilitarian calculus concerned with the issue of a ticking-bomb torture scenario, here I again consider it apt to assume that the hypothetical electoral “just cause” involves preventing the “loss of life” (as I have assumed with Shugarman and Nielsen’s examples).

corresponds with the right thing to do. *Virtue* is only a disposition toward the appropriate obligations; *duty* is moral obligation itself.

Though he published his article well before Curzer, Walzer considers a retort akin to Curzer's within "Political Action." In Walzer's articulation, certain utilitarian approaches may argue that dispositions toward morally-absolute rules (and the guilt associated with breaking said rules) simply constitute "useful feelings" to ensure that we do not "undervalue" in our utilitarian calculations. "The obvious difficulty with this argument," Walzer explains, "is that the feeling whose usefulness is being explained is most unlikely to be felt by someone who is convinced only of its usefulness."<sup>35</sup> In other words, to recognize that *virtue* is not always morally necessary is to cease to feel guilty; to relegate the moral-absolutist framework to a mere disposition derived from utilitarian moral reasoning is to do away with its moral significance and, consequently, the moral significance of the problem of dirty hands. Given Curzer's approach, the problem of dirty hands, and its ensuing problem of guilt, becomes psychological, rather than moral, in its nature.<sup>36</sup> The problem of dirty hands therefore dissolves into a *psychological partitioning* under Curzer's logic of *virtue* and *duty*. With the help of Curzer's argument, the dirty-handed political actor ought to realize that his feelings of guilt are actually feelings of "revulsion," and that they can, and should be, overridden.

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<sup>35</sup> Walzer, "Political Action," 171.

<sup>36</sup> In fact, considering my earlier delineation of the consequentialist's concerns when assessing his or her social context (on p. 2-3), it appears sensible to incorporate the *ability to suppress* those feelings that Curzer's approach implicates as merely psychological into the consequentialist's *political skill-set* if we were to accept Curzer's logic.

Each of the four approaches presented in this chapter attempt to dissolve the problem of dirty hands by *partitioning* moral absolutist and consequentialist demands: Dovi divides the two sets of demands among social spheres, Shugarman and Nielsen into temporally-disparate “normal” and “exceptional” categories and Curzer differentiates between those that are psychological and those that are genuinely moral. Assessing these approaches together, it becomes apparent that any analysis of Walzer’s “Political Action” which fails to consider the logic of consequentialism and moral absolutism *simultaneously* likewise fails to arrive at a morally significant articulation of the problem of dirty hands. In the following chapter, I suggest that an adequate articulation of Walzer’s problem of dirty hands requires the understanding that in recognizing the *a priori* moral demands of the moral absolutist and consequentialist moral frameworks, Walzerian politicians discover that they cannot reconcile their disparate logics and therefore attempt to sustain the demands associated with both.

Reviewing the logic of parallel, conflicting moral demands upon which Walzer’s argument relies, I argue that such dirty-hands situations are described in their clearest and most fundamental form in Niccolò Machiavelli’s *The Prince* and *Discourses on Livy*. As Walzer himself explains, without “the dilemma of dirty hands...the Machiavellian teaching loses what Machiavelli surely intended it to have, its disturbing and paradoxical character.”<sup>37</sup> My goal in the next chapter will therefore be to ascertain this very “disturbing and paradoxical” logic and to explain how Walzer’s problem of dirty hands flows out of its conclusions. Moreover, the different interpretations of Machiavelli’s works<sup>38</sup> will function to highlight both the moral logic behind Walzer’s argument for public guilt and its potential for providing an alternative

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<sup>37</sup> Walzer, “Political Action,” 168.

<sup>38</sup> In Chapter IV, I will focus specifically on Isaiah Berlin’s interpretation of Machiavelli’s thought, which provides an opposing logic to Walzer’s own interpretation of Machiavelli’s thought and his logic thereafter.

understanding of the politician's relationship to the political community to which he belongs.

An examination of Machiavelli's works will therefore serve two functions in the following two chapters: to provide, through examples and analysis, a clear understanding of the moral and political logic behind the problem of dirty hands; furthermore, to understand (and, in assessing against competing interpretations, to contrast) how a Walzerian political actor may uniquely challenge and transform this logic.

### III

#### **Machiavelli and the Problem of Dirty Hands**

In contrast to the four of approaches outlined in the previous chapter, Machiavelli presents a unique delineation of moral and political action that establishes the necessary conditions for a significant problem of dirty hands associated with political action. Before proceeding to discuss Machiavelli's thought, however, it is necessary to understand the rich variety of approaches to evaluating both the moral and political implications of *The Discourses* and *The Prince*. Keeping this breadth of complexity in mind, I consider three perspectives, the first of which I present in this chapter. Here, keeping in mind the previous arguments concerning moral absolutism, consequentialism, and the problem of dirty hands, I discuss the interplay between these concepts in Machiavelli's works, arguing that even as Machiavelli makes the case for a specific type of consequentialism given the realities of the social context and the valuations produced from within its logic, he also retains asocial, moral-absolutist judgments that exist distinct from this social context and that nonetheless provide competing normative claims. Machiavelli therefore allows for a consequentialist logic to exist side-by-side with a contradicting moral-absolutist logic. I further suggest that Machiavelli never fully resolves the tension that results from the existence of these two simultaneously-contradicting frameworks, but that this very lack of a resolution provides the groundwork for a meaningful articulation of the

problem of dirty hands. The second and third perspectives (from Isaiah Berlin and from Walzer), which I consider in the next chapter, involve two competing interpretations of Machiavelli's *The Prince* and *The Discourses*, both of which recognize the above-mentioned tension but offer different approaches to addressing (and possibly limiting) it. In contrasting the two interpretations, I find that while both Berlin and Walzer identify certain simultaneously-conflicting obligations in both *The Discourses* and *The Prince*, Berlin disaggregates Machiavelli's conflicting obligations to allow for a *toleration* of both moral-absolutist and consequentialist ends within the political community at large. In contrast, Walzer locates Machiavelli's simultaneously-conflicting obligations within the individual political actor. I subsequently return to my analysis of Machiavelli's thought from this chapter to argue that Walzer's interpretation, which does not disaggregate Machiavelli's conflicting obligations both (1) offers a more comprehensive analysis of Machiavelli's thought by examining Machiavelli's disparity between the political actor's a priori *knowledge* of moral-absolutist ends and his *need to learn* consequentialist methods and (2) provides a perspective of the dirty-handed politician whose public declaration of guilt challenges both moral-absolutist and consequentialist approaches to political action.

### The Discourses

Through different perspectives, both *The Discourses* and *The Prince* outline the mindsets and decisions necessary for political institutions to survive and flourish.<sup>39</sup> Just as Walzer, in "Political Action," assumes the "terms of competition" associated with the political sphere, Machiavelli's two works delineate, analyze, and attempt to negotiate these terms. Given my

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<sup>39</sup> Even though I do divide this chapter into a section on *The Discourses* and another on *The Prince*, I maintain in my analysis that Machiavelli's understanding of morality and politics remains constant from one work to the other.

approach to the four responses to Walzer in the previous chapter, here I also consider Machiavelli's conceptions of morality and political action through the lens of moral absolutism and consequentialism, specifically focusing on questions of the political actor's awareness of the social context and his understanding of what constitutes moral action relative to this context. I first turn to the opening of the First Book of *The Discourses*, where Machiavelli initially delineates the purpose of his work. Here Machiavelli explains that even as the societies of his day have recognized the virtue of the ancients, lauding their art, medicine, and jurisprudence as superior to those of his own time, praise or imitation of such ancient virtue is nowhere to be found in the politics or in the political institutions of Machiavelli's day. "This arises," Machiavelli argues, "not so much from the weakness into which the current religion has led the world, or from the evil that an ambitious idleness has done to many Christian provinces and cities, as from not having a true knowledge of histories,"<sup>40</sup> a knowledge Machiavelli sees as necessary for establishing and maintaining a well-functioning political order.

Even as Machiavelli identifies Christianity, as well as its morally absolute and socially disengaged consequence of "ambitious idleness," as merely secondary causes of the political instability of his day, their identification as such hints at the argument for the logic of effective political action that Machiavelli will develop through the course of *The Discourses*: namely, a recognition of the necessity of a consequentialist, social-context-oriented valuation of political action with the good of the political community as its end in favor of the sort of moral-absolutist "ambitious idleness" that renders such political action meaningless. On its surface, the course of the First Book therefore adheres to the argument Machiavelli outlines in his prologue, as he proceeds to trace the history of the Roman Republic and to provide commentary on how its

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<sup>40</sup> Machiavelli, *The Discourses*, 6.



founding and the development of its institutions secured it as a free and powerful city. However, a closer evaluation of Machiavelli's commentary reveals a more complex development of a number of concepts associated with the subject of his analysis. The first of these concepts that I will consider—Christian “ambitious idleness” and its attempt to disengage from the social context—ultimately allows Machiavelli to articulate both a criticism and (as I will argue) a limited rationalization of moral absolutism.

Machiavelli continues to refer to the pitfalls of idleness as he moves into the first chapter of his First Book of *The Discourses*. In outlining the factors that allow for cities to be founded successfully, Machiavelli returns repeatedly to the dangers of producing an idle citizenry in the selection of a city's location and its laws, referring to idleness first in contrast to industriousness, then in contrast to general unity among the citizens, and finally in contrast to “*any* (italics mine) virtuous exercise” that a properly-established political order could bring about.<sup>41</sup> Subsequently invoking a number of the great founders of cities, Machiavelli concludes that the Egyptian founders, as well as Alexander the Great and the Marmelukes all organized strong armies precisely because of their fear of an idle citizenry,<sup>42</sup> thereby suggesting that the ancient leaders likewise recognized the dangers of idleness. Missing in Machiavelli's initial analysis are either a precise delineation of “idleness” (i.e. how, exactly, does one come to be identified as “idle”?) or an explanation of the exact causal mechanism that leads such idleness to somehow preclude the sort of “virtuous exercise” one finds in well-ordered cities. Even as Machiavelli continues to sprinkle references to idleness throughout the First Book, listing it, among other places, alongside impiousness, violence, ignorance worthlessness, and cowardice in Chapter 10 and connecting it to those “who live...without having any care either for cultivation or for other

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<sup>41</sup> *Ibid.*, 8.

<sup>42</sup> *Ibid.*, 9.

necessary trouble in living”<sup>43</sup> in Chapter 55, our understanding of the concept remains confined to (1) the fact that it somehow impedes citizens’ abilities to function in a way that is necessary to the well-ordered republic and (2) that it was not as widespread in ancient political communities as it is in those of Machiavelli’s day. With the First Book largely devoted to tracing both the development of Rome, and, given Machiavelli’s commentary, the analysis of the consequentialist mindset (addressed below) necessary for such a development, an elucidation of the specific relation of idleness to political action, and, consequently, the relationship between political action and moral absolutism does not emerge until Machiavelli’s analysis of the role of idleness within the ancient and Christian religions in the Second Book.

Machiavelli opens the Second Book of *The Discourses* with a discussion of the prevalence of a “freedom-loving” mindset among the citizens of ancient cities contrasted to what he sees as a general disregard for such freedom in his times. Having outlined the virtue of ancient cities in defending their freedom against Athens (in the Peloponnesian War) and later against Rome, and arguing that such virtue is now harder to find, Machiavelli considers the effect religion (that of the ancients as opposed to “our religion”) upon the different conceptions of moral action in ancient cities and those of his own time:

Our religion, having shown the truth and the true way, makes us esteem less the honor of the world, whereas the Gentiles, esteeming it very much and having placed the highest good in it, were more ferocious in their actions... the ancient religion did not beatify men if they were not full of worldly glory, as were captains of armies and princes of republics. Our religion has glorified humble and contemplative more than active men. It has then placed the highest good in humility, abjectness, and contempt of things human; the other religion placed it in greatness of spirit, strength of body, and all other things capable of making men very strong. And if our religion asks that you have strength in yourself, it wishes you to be capable more of suffering than of doing something strong.”<sup>44</sup>

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<sup>43</sup> *Ibid.*, 111.

<sup>44</sup> *Ibid.*, 131.

A number of implications emerge from Machiavelli's evaluation of the moral frameworks of the two religions. First is the emphasis on ancient "honor," which forms its valuations decidedly in *our* world. Not only must the actions of ancient captains and princes emerge from their social contexts (as their chances of attaining honor depend on the *success* of their interactions with others), but they also locate the ends of their actions ("worldly glory") with the judgment of others, whether on the battlefield or within the political sphere. Only "worldly glory," itself the assertion that one's moral fulfillment relies on the reactions and judgments of others, remains an *a priori* valuation (i.e. "worldly glory" is a virtue), the standard in reference to which the meaningfulness of all action is determined. It follows that, in the sense that they commit to their social contexts to ascertain the value of their actions, Machiavelli's ancients map onto a consequentialist moral logic. Contrasted to this ancient, consequentialist moral logic is the Christian "true way":

[The Christian] mode of life thus seems to have rendered the world weak and given it in prey to criminal men, who can manage it securely, seeing that the collectivity of men, so as to go to paradise, think more of enduring their beatings than of avenging them. And although the world appears to be made effeminate and heaven disarmed, it arises no doubt more from the cowardice of the men who have interpreted our religion according to idleness and not according to virtue.<sup>45</sup>

The moral logic of Christianity, with its turn away from all social valuations (i.e. those not preoccupied with "[going] to paradise") therefore leaves its individuals unconcerned with "avenging [their beatings]" (such revenge, after all, would only be morally meaningful if the individual was concerned with worldly honor), consigning them to the fulfillment of moral-absolutist demands at the expense of social and political effectualness. Idleness, in this first analysis, emerges as the essential logic of moral absolutism as described in the previous chapter. It is this idleness, which, by definition, demands that one disregard the value of his interactions

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<sup>45</sup> *Ibid.*, 131-132.

on “all things human,” that precludes Machiavelli’s Christians from engaging in politics as did the ancients. Just as Dovi’s Jane Addams must move away from Tolstoy’s absolutist logic because it prevents her from helping Chicago’s poor, here Machiavelli appears to reject his Christians because their idleness strips them of the very virtue required for successful political action, which Machiavelli (unlike his moral absolutists) no doubt finds meaningful.

Expanding on the implications of the honor-centered, consequentialist moral logic, Machiavelli provides an example of the Samnites, an ancient population that established free and prosperous cities. The Samnites, given their valuation of honor within the social context, strove to (1) maintain a powerful army to defend against the Romans, (2) engage in the civic affairs of their cities, knowing that they could, “through virtue, become princes,”<sup>46</sup> and (3) acquire both public and private wealth. Considered together, the three aspects the Samnites’ consequentialism brought about a “free way of life,” here understood as the sort of political climate that compelled them to resist any forms of political “servility” (i.e. their resistance to foreign power, the sort of power which would have prevented them from attaining honor within the social context), exhibited most clearly in their struggle against Roman domination. Even though the Romans did ultimately conquer the Samnites, Machiavelli nonetheless praises the Samnites’ “worldly honor” logic (which he argues allowed them to repel the Romans as long as they did) while maintaining that the Samnites were defeated due to “Roman virtue,” thereby suggesting that only a greater adherence to “worldly honor” and to powerful political institutions (as those of the Romans) could ultimately take away the Samnites’ freedom.<sup>47</sup> Given the Samnite example, Machiavellian

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<sup>46</sup> *Ibid.*, 132.

<sup>47</sup> *Ibid.*, 132.

“freedom” emerges as the ultimate product of his specific consequentialist political order.<sup>48</sup>

This, then, is the *consequentialist reading* of Machiavelli’s beginning to the Second Book of *The Discourses*: it is the free city that both values “worldly honor” (i.e. it views consequentialist ends as meaningful) and creates the atmosphere where such honor is attainable for its citizens. It is the free city that allows for power and prosperity; it is the free city that presents an alternative to “enduring [the] beatings” of “criminal men.”

The means and valuations generated by the consequentialist moral logic no doubt may require individuals to commit actions considered immoral by non-consequentialists. The discussion and analysis of these actions, namely, the political tactics necessary for establishing, maintaining, and defending political power and political institutions, constitutes the bulk of *The Discourses* and *The Prince*; it is this discussion that earns Machiavelli his *Machiavellian* label as the cynical supporter of amoral political maneuverings. Nonetheless, prior to moving on to an assessment of the function and scope of Machiavelli’s tactics, it is first necessary to reconsider Machiavelli’s precise understanding (and criticism) of the politically ineffectual moral-absolutist moral demands—identified above as the Christian “idleness”—in his differentiation between the ancient and modern religions. Here, two aspects of Machiavelli’s language complicate an entirely consequentialist interpretation of his thought. First is the assertion that Christianity has “shown the truth and the true way,” a truth which Machiavelli never outright rejects. While he does offer criticism of the idleness associated with the Christian moral logic prior to moving on

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<sup>48</sup> While I do maintain that “freedom” amounts to Machiavelli’s primary end for the political community, there are a variety of approaches to understanding the function of this freedom. For instance, Isaiah Berlin, whose analysis I will focus on in the next chapter, argues that “that only freedom [Machiavelli] recognizes is political freedom, freedom from arbitrary despotic rule, that is, republicanism, and the freedom of one State from control by other States.” Isaiah Berlin, “The Originality of Machiavelli,” In *The Proper Study of Mankind: an Anthology of Essays*, edited by Henry Hardy and Roger Hausheer (London: Chatto & Windus, 1997), 281. For a different approach, see Hanna Fenichel Pitkin’s discussion of autonomy in Hanna Fenichel Pitkin, *Fortune is a Woman: Gender and Politics in the Thought of Niccolò Machiavelli* (Berkeley: University of California Press, 1984).

to his Samnite example, arguing that the inability of the Christians to defend against the domination of others “arises without doubt more from the cowardice of men,” who, “if they considered how [our religion] permits us the exaltation and defense of the fatherland... would see that it wishes us to love and honor it,”<sup>49</sup> even this criticism only attempts to *expand* the (moral-absolutist) Christian demands by adding “defense of the fatherland” to its moral-absolutist logic. Compared to the Samnite example which follows (with its focus on wealth and active civic engagement) such a reinterpretation scarcely suffices in meeting Machiavelli’s consequentialist requirements of the free city, which necessitate a general adherence to “worldly honor” in one’s public affairs. At best, Machiavelli’s criticism of the Christian logic may suggest that morally absolute Christians ought not to be “cowards,” and, *because Machiavelli interprets Christian moral demands as allowing for the a priori “love of one’s fatherland,”* ought to defend their cities. But a repudiation of Christian moral absolutism as such is never articulated.<sup>50</sup> Despite Machiavelli’s adjustment, the Christian moral-absolutist logic, obstinately referred to as “true” even as Machiavelli appears to argue against it, remains averse to both “worldly honor” (consequentialism) and to the sort of civic freedom present in the Samnite political order. Nonetheless, this sort of moral absolutism remains present in Machiavelli’s language.

If Machiavelli’s notions of political survival and political power necessitate a consequentialist logic, and if this logic runs counter to the moral “truth” of moral-absolutist Christianity, and if this label of “truth” is never rejected, then how can we understand

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<sup>49</sup> Machiavelli, *The Discourses*, 132.

<sup>50</sup> For a different analysis of Machiavelli’s attempt to reinterpret Christian morality, see Harvey C. Mansfield, *Machiavelli’s New Modes and Orders: a Study of the Discourses on Livy* (Ithaca: Cornell University Press, 1979), 196. Even though Mansfield maintains (as does my argument above) that Machiavelli’s consequentialist logic suggests that the *whole* of Christian morality, and not only the Christian’s failure to defend the fatherland, is unworkable considering the demands of the political community, Mansfield goes on to assert that Machiavelli recognizes Christianity “to be true, and yet not be true, or certainly not as true as the *truest truth* (italics mine)” of his own conception of virtue.

Machiavelli's conception of the relationship between moral and political demands? Upon closer examination, Machiavelli's prior assertion concerning Christianity's failure to avenge the "criminal men" in power presents a similar puzzle: how do we know these men to be criminal? Here Machiavelli offers us a case of men who (1) have somehow garnered political power, (2) act as consequentialists (albeit not the sorts of consequentialists that would value Machiavelli's specific "worldly honor" logic), (3) treat the moral-absolutists in Machiavelli's example cruelly, and (4) are consequently judged (by Machiavelli) to be immoral. It is unlikely that their political power alone earns them Machiavelli's harsh judgment (as his own purpose in *The Prince* is to discuss how one should go about garnering such power), but rather the *means* by which they have attained it, which, Machiavelli tells us, involve subjecting moral-absolutists to immense suffering.<sup>51</sup> As a result, Machiavelli is able to identify certain men who hold power (but do so in a cruel manner) in his own time as "criminal" *without* the knowledge of their long-term political success (although—again counter to what one would expect with a consequentialist approach purely concerned with political power—he does provide us with the knowledge that they are able to, at the very least, "manage [the world] securely" in the short term) or their ultimate ability to attain "worldly glory," but *solely* with the knowledge that they have been cruel in securing their power. Of course, such a conclusion suggests that Machiavelli's thought *does* contain certain *a priori* judgments of actions (i.e. "cruelty is bad") devoid of their consequences (political success).<sup>52</sup> Indeed, even as the bulk of Machiavelli's critique of the Christian moral logic is

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<sup>51</sup> Given Machiavelli's consequentialism, the men he refers to as criminals could only be rejected as such if they were identified, *after the fact*, to have failed *within the consequentialist moral logic*. Machiavelli's labeling of these men as "criminal," however, appears side-by-side with the assertions that these men do, indeed, "manage [the world] securely" (i.e. they are, at least in some form, successful consequentialists) but that this security comes at the cost of great suffering for the (moral-absolutist) Christians. It is this second assertion, which concerns the men's *means* of securing power that earns them the label of "criminals."

<sup>52</sup> A potential counter-argument here would be that excessive cruelty diminishes the chances of one's success, an argument that Machiavelli does indeed articulate in Chapter VIII of *The Prince*. But this is not his argument here,

certainly aimed at the moral-absolutists' steadfast rejection of his consequentialist morality, which would otherwise enable them to resist these "criminal men" and bring about a better political order, Machiavelli nonetheless appears to designate the political actors at hand as "criminals" precisely *because* of the nature of their political maneuverings. Much like Machiavelli's earlier sanction of the Christian, moral-absolutist "truth," the designation "criminal" suggests that Machiavelli asserts to know both truth and criminality prior to his considerations of the social contexts and consequences of untruthful or criminal actions, a knowledge and a "truth" unavailable to the logic that *only* evaluates social outcomes when determining morality. Considering Machiavelli's claim to such knowledge, his consequentialist critique of the failures of Christian morality emerges side-by-side with a language that nonetheless subtly endorses the presence of a moral-absolutist logic. Accordingly, I argue that Machiavelli offers meaningful evaluations of various actors from both the moral-absolutist *and* the consequentialist moral frameworks, with his Christians failing within his consequentialist logic and his "criminal men" failing from the perspective of moral-absolutists. As a result, both a politically-ineffectual, moral-absolutist "truth" and a socially-contingent, consequentialist "truth" appear to exist at once within Machiavelli's thought. But given this simultaneous endorsement of both moral frameworks, what if the moral-absolutist logic comes into contradiction with the demands of "worldly honor" and political necessity? What if, given certain circumstances, one *must* fail as either a consequentialist or as a moral-absolutist? In other words, can Machiavelli's *good* political actor also be a criminal?

To consider the implications of such a paradoxical arrangement, I turn to two of Machiavelli's examples, both of which illustrate the intersection of political and morally-

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as he makes no mention of the adverse political effects of the criminals' cruelty upon their political security, instead focusing on their cruelty itself and on those at whom it is directed.



absolutist necessities. The first involves the acquisition of cities, with Machiavelli considering the political maneuverings necessary for a prince to consolidate authority successfully when his political foundations are weak. Machiavelli initially offers the examples of King David and Philip of Macedon, both of whom, he argues, had “to build new cities, to take down those built, to exchange the inhabitants from one place to another; and, in sum, to not leave anything untouched... so that there is no rank, no order, no state, no wealth there that he who holds it does not know it as from you.”<sup>53</sup> Given the histories of these politically-successful rulers, Machiavelli argues that such measures appear necessary in order to secure political authority and order, which, given the consequentialist logic outlined above, are prerequisites to the long-term political security. In examining the implications of these necessary methods, however, Machiavelli concludes that “these modes are very cruel, and enemies to every way of life, not only Christian but human; and any man whatever should flee them and wish to live in private rather than as king with so much ruin to men.”<sup>54</sup> Again, here we see the same sort of paradox outlined above. Machiavelli’s methods appear to be both necessary to political success, which Machiavelli undoubtedly designates as meaningful, but also morally repugnant; in fact, the mere consideration of such methods may drive the potential political actor into the sort of private life Machiavelli has repeatedly critiqued as “idle.”

How, then, can one engage in necessary but immoral political action? To further highlight the moral and political significance of the intersection—and contradiction—between moral-absolutist and consequentialist moral demands, Machiavelli presents the case of Giovampagolo Baglioni, the tyrant of Perugia, whose inability to act as a complete consequentialist or a complete moral-absolutist led to his loss of Perugia to Pope Julius II. In

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<sup>53</sup> Machiavelli, *The Discourses*, 61.

<sup>54</sup> *Ibid.*, 61-62.

Machiavelli's retelling of the history, the Pope, wishing to take Perugia and knowing Giovampagolo to be a brutal tyrant, decided nonetheless to leave his troops outside the city and enter unarmed. Rather than seizing on this opportunity to slaughter the Pope, Giovampagolo instead relented to the Pope's demands and ceded the city. Machiavelli argues that, had Giovampagolo killed the unarmed Pope, consequently accomplishing that which was necessary to maintain his political power, he would have been "the first who had demonstrated to the prelates how little is to be esteemed whoever lives and reigns as they do," consequently attaining "greatness [that] would have surpassed all infamy" as the ruler that had stood up to the clergy.<sup>55</sup> Instead, Giovampagolo's defeat, and his ultimate inability to capture the demands of either the consequentialist, "worldly honor" logic (in relenting in his dealing with the Pope) or the moral-absolutist logic (in nonetheless being a corrupt ruler) stemmed from his "not knowing how to be honorably wicked or perfectly good."<sup>56</sup> Even as Giovampagolo felt both a necessity to maintain his rule *and* a necessity to spare the pope, Machiavelli's criticism suggests that his very inability to recognize these moral demands as essentially at odds with one another (and the confused actions that followed from this lack of awareness) ultimately resulted in failure as both a consequentialist and a moral absolutist. Machiavelli's example concerning Giovampagolo's failure therefore appears to affirm the existence of two *conflicting* moral pulls; although he makes the case for the necessity of a consequentialist logic for successful political action, I argue that Machiavelli never abandons the conflicting moral-absolutist judgments that accompany (and, as a result, offer counter-arguments to) his consequentialist methods and recommendations. What emerges is a recognition of the legitimacy of both those valuations necessary for political success *and* of those that operate in idleness, the two of which are essentially at odds with one

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<sup>55</sup> *Ibid.*, 63.

<sup>56</sup> *Ibid.*, 62-63.

another. Even as Machiavelli develops an intricate set of political methods necessary to bring about the consequentialist ends of the free city, the basic conflict between the two moral pulls remain unresolved. Accordingly, immediately following his verdict concerning the “inhuman” nature of certain consequentialist political demands (such as those outlined with David and Philip of Macedon, and those that had been required of Giovampagolo) and his conclusion that one may as well prefer the private life, Machiavelli turns back to the political actor. “Nonetheless,” he continues, “he who does not wish to take the first way of the good must enter into this evil one if he wishes to maintain himself.”<sup>57</sup> The political actor, to maintain himself, to ultimately bring about meaningful political outcomes, must commit himself to evil. In doing what is necessary within the logic of consequentialism, he will become a criminal within the logic of moral absolutism. Here is Machiavelli’s articulation of the problem of dirty hands.

### The Prince

Even as Machiavelli appears to acknowledge the moral demands of both consequentialism and moral absolutism, it still remains important to understand the exact implications of this dual awareness upon Machiavelli’s conceptualization of the political actor as he “enters into the evil” that Machiavelli both recommends and problematizes. In analyzing *The Prince*, I therefore set two primary objectives: first, to grasp the mindset of the individual who recognizes both moral-absolutist and consequentialist demands, and how he comes to the *decision* to meet one set of demands and not the other; second, to compare this individual to the sort of consequentialists present in Curzer and Nielsen’s approaches (outlined in the previous chapter) to the problem of dirty hands, and to determine why the differences between their

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<sup>57</sup> *Ibid.*, 62.

approaches and Machiavelli's are meaningful. Given that *The Prince*, in contrast to *The Discourses*, focuses more on the individual, non-republican ruler (even as the examples of David, Philip of Macedon, and Giovampagolo illustrate that *The Discourses* has something to say for princes as well), and keeping my second objective in mind, I will therefore introduce the concepts of a "Curzerian Prince" and a "Nielsenian Prince,"<sup>58</sup> and subsequently compare the logic of these two competing consequentialist political actors with Machiavelli's own approach as I investigate his arguments in *The Prince*.

Prior to considering specific methods that Machiavelli offers to political actors, I first wish to examine two quotations, both of which attempt to identify the rift between apolitical moral demands and consequentialist necessities. In the first, explaining that he wishes "to go directly to the effectual truth of [what the modes of government of a prince should be] than the imagination of it," Machiavelli asserts that "it is so far from how one lives to how one should live that he who lets go of what is done for what should be done learns his ruin rather than his preservation. For a man who wants to make a profession of good in all regards must come to ruin among so many who are not good."<sup>59</sup> Again, just as with the above example from *The Discourses*, we see Machiavelli's reliance upon (moral-absolutist) normative assertions concerning what constitutes "goodness" coupled with the renunciation of such claims as ineffectual. Further expounding on the sorts of situations in which one may find it necessary to withhold a "profession of good," Machiavelli outlines the necessities of successful political action:

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<sup>58</sup> I draw the logic for these two political actors from Nielsen and Curzer's responses to Walzer's "Political Action" in the section on *Consequentialist Approaches* in the previous chapter. It is important to note that, just as with the argument in the previous chapter, here I assert that the actions of the Nielsenian Prince will also likely match those of a prince who follows Shugarman's logic.

<sup>59</sup> Niccolò Machiavelli, *The Prince*, translated by Harvey C. Mansfield (Chicago: University of Chicago Press, 1998), 61.

A prince, especially a new prince, cannot observe all those things for which men are held good, since he is often under a necessity, to maintain his state, of acting against faith, against charity, against humanity, against religion. And so he needs to have a spirit disposed to change as the winds of fortune and variations of things command him, and as I said above, not depart from good, when possible, but know how to enter into evil, when forced by necessity.<sup>60</sup>

Machiavelli's two quotations begin to reveal the limits of both consequentialist and moral-absolutist morality. First we see the demands of the prince, identified in the second quotation as the necessity to maintain his state. It is the fate of the state that is subject to the influence of "so many who are not good" in the first quotation; it is social context created by the interaction of this multitude of actors that the prince must navigate for both himself and his state to survive. On the other hand, Machavelli still retains the moral-absolutist designations of "good" and "evil" and still judges the methods he recommends to be evil *given the moral-absolutist logic*. Again Machiavelli asserts that an engagement in politics is both necessary and immoral.

Now, in contrast to Machiavelli's two quotations, it is pertinent to introduce the *Curzerian Prince*, who will adhere to the consequentialist logic Curzer advances in response to Walzer in the previous chapter. This prince believes in the division between the (consequentialist, morally-binding) *duty* and the (moral-absolutist, psychologically-demanding) *virtue*. As such, he recognizes that, given the situation Machiavelli describes above, he may find himself "under a necessity to maintain his state," and therefore will have to act "against faith, against charity, against humanity, against religion." The Curzerian Prince, of course, will recognize that the necessity of maintaining his state constitutes *duty* and that the moral-absolutist demands Machiavelli subsequently lists constitute nothing but *virtue* and therefore are not morally binding, especially when they come into such direct conflict with duty as they do in the above example. The Curzerian Prince, recalling Machiavelli's quotation regarding his desire to

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<sup>60</sup> Machiavelli, *The Prince*, 70.

reveal the truth about political action, and not “the imagination of it,” might further assert that he, too, wishes to expose *virtues* as products of one’s imagination, and that therefore both he and Machiavelli see morally-absolute demands as essentially “imagined” and not morally meaningful. It is this last assertion that I wish to dispute, and, in disputing it, highlight the differences in the Curzerian Prince’s and the Machiavellian Prince’s associations of “imagination” with moral absolutism. Machiavelli tells us that the prince, if he wishes to be good (as the moral absolutist sees it) will “come to ruin among so many who are not good.” “Imagination,” here, is not the valuation of good and bad itself, but rather the belief that one’s goodness will be effectual in “maintaining the state,” that such goodness will survive within the social context. Machiavelli therefore rejects the “imagination” that moral-absolutist concepts of good and bad constitute the “terms of competition” (as Walzer puts it) of the social context. But such a rejection does not entail a rejection of the moral significance of moral-absolutist demands, as Curzer would have it. Instead, the conflict, for Machiavelli, is not between an “imagined,” moral-absolutist good and evil and a “real” consequentialist good and evil, but rather between those moral qualities that “everyone will confess... would be a very praiseworthy thing to find in a prince” and the fact that “human conditions do not permit” a successful prince’s observation of all these qualities.<sup>61</sup>

Machiavelli presents a number of examples to examine the implications of his findings concerning the intersection of moral-absolutism and consequentialism, specifically focusing on the commonly accepted virtues of liberality, mercy, and faith in chapters XVI-XIX of *The Prince*. To illustrate just how the conflicting moral demands play out in these contexts, here I will assess his first example, involving the opposition between *liberality* (i.e. generosity toward

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<sup>61</sup> *Ibid.*, 62.

one's subjects) and *parsimony*. Just as he introduces the concept of liberality, Machiavelli presents two different approaches to evaluating this virtue, first asserting that "it would be good *to be held* (italics mine) liberal"<sup>62</sup> but then immediately complicating his assertion with the reality that "if [liberality] is used virtuously and *as it should be* (italics mine) used, it may not be recognized, and you will not escape the infamy of its contrary."<sup>63</sup> Here I argue that Machiavelli presents us with two essentially different ways of understanding the concept of liberality, namely, *seeming* as opposed to *being* liberal. To *seem* liberal is "to be held" liberal by others. The trouble, as Machiavelli will explain, is that if one truly *is* liberal (i.e. if one is actually charitable to those around him and uses liberality "as it should be used") then one will end up wasting his resources and overburdening his subjects, consequently requiring him to pull back from his spending and, as a result, "[incur] the infamy of meanness"<sup>64</sup> rather than a reputation for liberality. To *be* liberal therefore appears antithetical to *seeming* liberal; *being* liberal, in contrast to its intention, will ultimately bring about such a social context that one will *seem* mean (i.e. miserly). Moreover, in approaching moral-absolutist virtues, it is the effects how one *seems* that shape one's ability (and success) in interacting with one's subjects, while *being* ultimately disappears from view. As a result, if one wishes to interact effectively within one's social context, and if one values the outcomes of such an interaction, the primacy of *seeming* over *being* emerges as indisputably preferable:

So as to not have to rob his subjects, to be able to defend himself, not to become poor and contemptible, nor to be forced to become rapacious, a prince should esteem it little to incur the name for meanness, because this is one of those vices which enable him to rule... Among all the things that a prince should guard against is being contemptible and hated, and liberality leads you to both.<sup>65</sup>

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<sup>62</sup> Ibid., 62.

<sup>63</sup> Ibid., 63.

<sup>64</sup> Ibid., 63.

<sup>65</sup> Ibid., 64-65.

In approaching liberality, one must therefore either be virtuous and thereby fail as a prince, or one must commit to vice to succeed in politics. Again, here we can observe the difference between the *Curzerian* and the *Machiavellian* prince: the Curzerian, upon seeing Machiavelli's reasoning, will conclude that the virtue of liberality itself is imagined, and that, barring negative social consequences, it should not matter whether one is liberal or mean, that these labels only assume moral significance when their consequences upon the state are considered. But this is not Machiavelli's argument. With Machiavelli, liberality, by its definition, is good. Such goodness is as imagined as the goodness associated with "maintaining one's state." The fact that liberality *and* consequentialist success are both granted the same valuation of "goodness" suggest that Machiavelli recognizes *both* moral frameworks as asserting parallel claims to *a priori* knowledge of certain values (i.e. "the survival of the state" as an end vs. "one's own goodness" as an end), and, as a result, offers a consequentialist moral framework that allows for his political methods while retaining, at the very least, the language of the moral-absolutist framework that critiques such methods.<sup>66</sup> Such a retention differs significantly and meaningfully from Curzer's consequentialism, as Machiavelli both discovers that one can be good in two different, disparate ways, and that one's ability to meet the demands of one "goodness" does not dissolve the moral demands of the other. If to *be* liberal is good and if to maintain one's state is also good, then one's ability to attain goodness necessitates that he also be bad.

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<sup>66</sup> For a discussion of the necessity of the common language of moral absolutism upon the prince's ability to partake in meaningful consequentialist action, see Ruth W. Grant, *Hypocrisy and Integrity: Machiavelli, Rousseau, and the Ethics of Politics* (Chicago: University of Chicago, 1997), 49. Here Grant explains Machiavelli's conception of a political community assumes that "public discourse is conducted in moral terms, and that shared language is itself part of the constitution of any particular public...Mutually interdependent interests are not enough to create lasting bonds between people." Given the moral-absolutist language, it is these "interests" that the prince must negotiate from a consequentialist standpoint.



At this point the second, *Nielsenian*, prince comes into play. The Nielsenian prince, observing Machiavelli's analyses of liberality, mercy, and faith, concludes that it is indeed morally-binding to be liberal, merciful and to keep faith (i.e. not to break one's promises) given *most* contexts, specifically those in which these virtues do not come into conflict with the demands of maintaining the state. Moral-absolutist demands are therefore binding *within the appropriate space*, just as consequentialist demands are binding when one has to make a choice between two evils. The Nielsenian prince differs immediately from his Curzerian counterpart, as we see that his primary concern is not so much to determine which moral demands are "real" and which are "imagined," but rather which moral demands (all of them being real) operate at what time and in what space. Accordingly, the Nielsenian prince may point us toward Machiavelli's discussion regarding the concepts of *cruelty* and *mercy* to—much like the Curzerian prince before him—argue that he fits within Machiavelli's moral frameworks. Just as with the analysis of liberality above, here Machiavelli begins with two contrasting statements, at first asserting that "each prince should desire to be held merciful and not cruel"<sup>67</sup> but then going on to observe that Cesare Borgia's cruelty "restored the Romagna, united it, and reduced it to peace and faith," and thereby concluding that the prince who wishes to ensure a long-term peace and order "should not care about the infamy of cruelty, because with very few examples he will be more merciful than those who for the sake of too much cruelty allow disorders to continue, from which come killings or robberies; for these customarily hurt a whole community; but the executions that come from the prince hurt one particular person."<sup>68</sup> Given Machiavelli's analysis of the interplay between cruelty and mercy, the Nielsenian prince may argue that Machiavelli does indeed grant that cruelty is generally bad; but the prince's *unique* position makes displays of

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<sup>67</sup> Machiavelli, *The Prince*, 65.

<sup>68</sup> *Ibid.*, 65-66.

cruelty (i.e. the “particular” acts Machiavelli refers to) necessary if one wishes to avoid larger-scale disorder, which is, on the whole, more cruel. Cruelty is therefore usually bad but sometimes good. The Nielsenian prince, given his *weak consequentialist* conception of morality and given the environment Machiavelli describes, finds himself in the unusual situation where cruelty is indeed morally binding.

My main disagreement with the Nielsenian interpretation lies in its *compartmentalization* of moral absolutist and consequentialist demands, which in turn allows for cruelty to either be good or bad, but never both. The prince, realizing that his use of cruelty is necessary for him to succeed in politics, therefore concludes that cruelty is good within this facet of the political sphere. Indeed, Machiavelli’s own example concerning Cesare Borgia may appear to support the Nielsenian prince’s conclusion, *if* we can show that Machiavelli shifts his valuation of cruelty when moving from “normal” contexts to “political” ones. I argue that this is not the case, especially considering Machiavelli’s subsequent analysis of the usefulness of cruelty in the context of a prince and his armies. Here Machiavelli turns to the example of Hannibal:

When a prince is with his armies and has a multitude of soldiers under his government, then it is above all necessary not to care about a name for cruelty, because without this name he never holds his army united, or disposed to action. Among the admirable actions of Hannibal is numbered this one: that when he had a very large army...no dissention ever arose in it, neither among [the soldiers] nor against the prince, in bad as well as in his good fortune. This could not have arisen from anything other than his inhuman cruelty which, together with his infinite virtues, always made him venerable and terrible in the sight of his soldiers.<sup>69</sup>

Here Machiavelli’s logic remains essentially the same as with the example of Cesare Borgia, as we see that (inhuman) cruelty is necessary to the prince’s projection of power, which is in turn necessary to his (admirable) success. The stakes for the Nielsenian prince’s argument, though, are markedly higher, as he now has to explain Machiavelli’s identification of cruelty that *does*

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<sup>69</sup> *Ibid.*, 67.

appear necessary to the consequentialist cause (i.e. cruelty used within the “political” and not the “normal” context), and indeed, as associated with the political actor’s “infinite virtues” as nonetheless “inhuman.” At this point, given the above quotation, I can identify three potential conclusions regarding Machiavelli’s understanding of moral-absolutist and consequentialist demands. The first (the Nielsenian prince’s) asserts that Hannibal, in choosing (given Machiavelli’s explanation of the context at hand) the “lesser evil”, was indeed completely moral. The second (the anti-Nielsenian, or, perhaps, the Nielsenian that conceives of a *weak consequentialism* with a different set of valuations), would assert the opposite: that the (consequentialist) success Machiavelli identifies cannot contend against the “greater evil” of Hannibal’s widespread cruelty. But both of these interpretations, in compartmentalizing when cruelty is *actually* good and when it is evil, would have to ignore either the “inhumanness” or the “admirableness” that Machiavelli associates with the successful consequentialist. It is the third interpretation—that which views the prince’s action as both evil in one way and good in another—that reflects the complexity of Machiavelli’s examples without attempting to “solve” away his moral challenges.<sup>70</sup>

Machiavelli’s final renunciation of the logic present within both the Curzerian and the Nielsenian prince’s reasoning comes with his assertion following his analysis of the commonly-

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<sup>70</sup> For a comparable example of the evil/virtuous political actor, see Machiavelli’s discussion of Agathocles (king of Syracuse) in Chapter VIII of *The Prince*. Here in discussing Agathocles’ accomplishments, Machiavelli includes (perhaps most notably) the fact that he “freed Syracuse from the [Carthaginian] siege and brought the Carthaginians to dire necessity.” Considering the significance of such an achievement, Machiavelli further maintains that “one does not see why [Agathocles] has to be judged inferior to any most excellent captain.” However, in attaining political power, Agathocles “assembled the people and the Senate of Syracuse” and “had all the senators and the richest people killed by his soldiers,” an act which Machiavelli clearly labels a “crime.” Evaluating Agathocles’ cruelty and his political success, Machiavelli explains that “his crimes were accompanied with...virtue of spirit and body.” Furthermore, considering that Agathocles’ crimes appear to have been *instrumental* to his successes, Machiavelli concludes the chapter maintaining that political security obtained by cruel means “comes from cruelties badly used or well used. Those can be called well used (if it is permissible to speak well of evil) that are done at a stroke, out of the necessity to secure oneself.” Again, even as Machiavelli identifies (and esteems) Agathocles’ political success, he never relinquishes the moral-absolutist criticism of Agathocles’ political maneuvers. Machiavelli, *The Prince*, 34-38.

held virtues. Here, after concluding that the prince will have to *seem* good and *be* bad in order to *be* a good politician, Machiavelli now reveals the full extent of the seeming-being disparity within his conception of morality and politics:

Men in general judge more by their eyes than by their hands, because seeing is given to everyone, touching to few. Everyone sees how you appear, few touch what you are; and these few dare not oppose the opinion of the many, who have the majesty of the state to defend them; and in the actions of all men, and especially of princes, where there is no court to appeal to, one looks to the end. So let a prince win and maintain his state: the means will always be judged honorable, and will be praised by everyone. For the vulgar are taken in by the appearance and the outcome of a thing, and in the world there is no one but the vulgar; the few have a place there when the many have somewhere to lean on.<sup>71</sup>

There are two ways to know (and to judge) the prince: “touching” and seeing. “Touching” is how one would determine whether the prince is actually liberal, actually merciful, and, on the whole, actually good within the moral-absolutist logic. Machiavelli does not show this knowledge (this way of judging) to be false, even though it does become muddled with the misguided opinions and valuations of others as it enters into the social context. One must therefore rely on others’ “seeing,” and, more generally, one must negotiate the correct end within one’s social context to “win and maintain his state” and thereby be “judged honorable” by those who rely on “seeing.” This, then, much like the “worldly honor” of the ancients, is the concept of *goodness* within the logic of consequentialism. But such a conclusion does not consign “touching,” or moral-absolutist goodness, to the world of the “imagined” or to any separate space. Indeed, with Machiavelli’s argument both seeing/*seeming* (i.e. what is necessary for the consequentialist) and touching/*being* (i.e. *all* that is necessary for the moral absolutist) not only acquire equivalent moral justifications insofar as Machiavelli recognizes both to be real but also both appear accessible to the prince. It is the prince (and, perhaps, a handful of others who

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<sup>71</sup> Machiavelli, *The Prince*, 71.

“touch” him) that both *shows* and *is*, or at least the prince that perceives (or ought to perceive, if he does as Machiavelli instructs) both forms of action.

So Machiavelli’s prince must recognize that to succeed politically he will have to engage in dirty-handed action. But what the above quotation reveals—perhaps more problematically than Machiavelli’s similar conclusion regarding “perfect goodness” and “honorable wickedness” in *The Discourses*—is the role of those who *are* capable of “touching,” rather than simply “seeing” the prince. Given his candid analysis and his ability to discern both moral-absolutist and consequentialist successes and failures (i.e. Cesare Borgia’s; that of the Samnites), Machiavelli likely counts himself among those *few*. “Touching,” then, relates more to *knowledge* and to *self-awareness* than to physical proximity.<sup>72</sup> But how will Machiavelli’s prince understand these “few”? Will Machiavelli’s prince also become one of them? In other words, will Machiavelli’s prince—if he pays close enough attention to what Machiavelli has written, and also gains the knowledge and self-awareness Machiavelli wishes to impart—also become a consequentialist in one way, and a moral-absolutist in another? As Machiavelli puts it, the prince must “*learn (italics mine) to be able to not be good,*”<sup>73</sup> which suggests that he *already knows* moral-absolutist goodness prior to his decision to acquire the skills of (and thereby act as) a consequentialist. And in this way Machiavelli’s prince does indeed emerge as qualitatively different from the “criminals” Machiavelli speaks of in *The Discourses*, and perhaps even those political actors in *The Prince*—such as Cesare Borgia and Hannibal<sup>74</sup>—who, while succeeding as

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<sup>72</sup> For a discussion of Machiavelli’s conception of his *own* (rather than the prince’s) role as one who ushers in this new knowledge and self-awareness, see Leo Strauss, “Machiavelli’s Intention: *The Prince*,” *The American Political Science Review*, Vol. 51, No. 1 (Mar., 1957), 13-40. For two different approaches to this question, see John Langton and Mary G. Deitz, “Machiavelli’s Paradox: Trapping or Teaching the Prince,” *The American Political Science Review* 81, no. 4 (1987): 1277-1288.

<sup>73</sup> Machiavelli, *The Prince*, 61.

<sup>74</sup> The Curzerian Prince and the Nielsenian Prince can, of course, be added to this list.

consequentialists do not appear to be as keenly aware of their “entrance into evil” as is Machiavelli. It is this “knowing” and subsequent “learning” that may enable Machiavelli’s prince, unlike all others (except, of course, Machiavelli), to become aware of and to embrace the moral demands and the moral contradictions of moral-absolutism and consequentialism. But what effect does this have on his rule? Do his interactions with his political community differ meaningfully from those of other consequentialists? Of those not aware of their dirty hands? And what becomes of moral absolutism?

It is these last questions that remain essentially unanswered in both *The Discourses* and *The Prince*. Machiavelli leaves us with the understanding that his prince—the prince that will transform the political community in new and unique ways—will have dirty hands and will *know* he has dirty hands. But the extent of the prince’s transformation of (or ability to transform) the political community remains elusive. Even as Machiavelli asserts that he who follows his moral and political lessons will finally “redeem [Italy] from these barbarous cruelties and insults,”<sup>75</sup> the exact understanding of this “redemption” requires a further discussion of Machiavelli’s dirty-handed conclusion upon the nature of the prince’s relationship to the political community. In the following chapter, I turn to two interpretations of Machiavelli’s thought that—both reaffirming the interplay between moral absolutism and consequentialism I have described above—engage in this very discussion. In the first interpretation, Isaiah Berlin argues that Machiavelli’s unique and unprecedented awareness of two conflicting moral logics forces the political actor to commit to a *decision* which he recognizes to be arbitrary. For Berlin, this logic of decision, and the awareness of conflicting moral demands upon which it relies, ultimately ushers in a standard of *toleration* that allows for actors with both consequentialist and moral-absolutist objectives to

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<sup>75</sup> Machiavelli, *The Prince*, 102.

exist within one political community and accept each others' moral frameworks as similarly legitimate, albeit conflicting. Berlin's interpretation therefore (1) recognizes the moral conflict present in the problem of dirty hands, but thereafter (2) disaggregates the problem among the political community so as to allow consequentialists and moral absolutists (both of whom have legitimate claims to moral demands; both of whom become tolerant of conflicting demands) to exist simultaneously within one political community, albeit as separately-defined actors. In contrast to Berlin's disaggregation, Walzer locates the two moral frameworks within one individual—the guilty, dirty-handed politician—whom he suggests ought to publicly declare his guilt. In the course of the next chapter, I argue that Walzer's public-guilt approach both (1) presents a more meaningful interpretation of the Machiavellian political actor's necessity to “learn to be able to not be good” and (2) offers a fundamentally different understanding of the limits of political action in relation to the political community, the implications of which I discuss in the final chapter.

## IV

### **Interpreting Machiavelli: Public Guilt as a Response to the Problem of Dirty Hands**

To talk about Machiavelli's moral and political thought is to talk about the problem of dirty hands; conversely, the problem commits us to Machiavelli's logic. If, as argued in the previous chapter, we have established that the problem exists and that it is indeed virtually unavoidable, then where does that leave us? If we are political actors, does it affect how we act? If we are on the sidelines of politics, should awareness of the problem inform our interactions with the political realm? Can such an awareness alter our understanding of the political community, and its relation to its political actors?

Having ascertained the moral logic of the problem of dirty hands, I now turn in this chapter to examine the problem's potential implications upon political interaction. Here I review two different attempts to negotiate Machiavelli's conflicting moral frameworks, the first from Isaiah Berlin's 1972 review of the numerous readings of Machiavelli's works<sup>76</sup> and the second from Walzer's own "Political Action." Contrary to the approaches offered in the second chapter, both interpretations in this chapter grant the problem's necessary conditions (i.e. the simultaneous existence of conflicting consequentialist and moral absolutist moral demands) , but

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<sup>76</sup> There are two publications of Berlin's article in slightly different forms: a 1971 "Special Supplement" on Machiavelli in the *New York Review of Books* and an updated form of the article in Berlin's *The Proper Study of Mankind*. While Walzer references the former article, I reference the latter. The differences in Berlin's interpretation of Machiavelli's thought between these two versions are insubstantial.



present different conceptions of political action thereafter. In interpreting the problem, Berlin and Walzer therefore offer not only different “solutions,” but different understandings of the implications of the logic of the dirty-hands problem upon the relationship between the politician and the political community. For Berlin, Machiavelli’s logic essentially forces the politician to *decide* between the consequentialist and moral-absolutist “moral universes,” and, in committing to either moral framework, to recognize that such a decision cannot be justified within any overarching moral logic but essentially entails an arbitrary choice. Awareness of the arbitrary decision, Berlin argues, ultimately ushers in a broad framework of *toleration*—an acceptance that some will decide to be moral absolutists and some consequentialists, but that both moral universes contain similar claims to legitimacy. Berlin, in disaggregating the problem of dirty hands into those that decide to commit to one moral framework and those who commit to another, argues that Machiavelli ultimately ushers in a conception of the political community which allows for multiple, conflicting actors to exist side-by-side.

In contrast to Berlin’s interpretation, I introduce Walzer’s logic of public guilt, which, while starting with the same understanding of Machiavelli’s moral conflict as Berlin’s, posits a political actor who attempts to *communicate* his awareness of the moral conflict back to the political community, essentially asserting that he belongs, and cannot help but belong, to both moral universes at once. Considering Walzer’s interpretation of Machiavelli’s thought, I argue that it is precisely the public declaration of guilt which makes the shift from *individual awareness of dirty hands* to *social awareness of conflicting moral demands* possible. Examining the political implications of Walzer’s interpretation in my fifth chapter, I argue that the public declaration of guilt disrupts Berlin’s conception of static (albeit tolerant) moral identities,

thereby opening the space for political action that posits a critical engagement with its own logic and its own ends as a civic function in itself.

### *Decision, Disaggregation, and Toleration*

In contrast to the many traditional readings of Machiavelli, Berlin argues that Machiavelli's originality lies in his envisioning the existence of two simultaneously-existing, autonomous *moral universes*: the Christian and the Pagan.<sup>77</sup> The Christian Morality, in its idealization of “charity, mercy, sacrifice, love of God, forgiveness of enemies, contempt for the gods of this world, faith in the life hereafter, belief in the salvation of the individual as the being of incomparable value” not only offers a set of moral principles (i.e. “ends”) but posits such ends as “higher than, indeed wholly incommensurable with, any social or political or other terrestrial goal, any economic or military or aesthetic consideration.”<sup>78</sup> The Christian moral universe therefore represents the logic of moral absolutism as outlined in the previous chapter. In rejecting the Christian Morality, Berlin argues, Machiavelli endorses not simply a set of alternate, politically-necessary ends with the necessary methods to accompany it (e.g. a consequentialism for “extraordinary” political situations as Nielsen or Shugarman would have it), but a fundamentally different moral universe.

In contrast to the “idle” Christian framework, Machiavelli's Pagan morality emerges and aims to regulate individuals as social creatures, thereby maintaining that “there exists an equally time-honored ethics, that of the Greek *polis*,” in which men's “communal purposes are the ultimate values from which the rest are derived, or from which their ends as individuals are

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<sup>77</sup> I borrow the term “moral universe” from Berlin's article. Given Berlin's logic, my identifications of consequentialism and moral absolutism qualify as such universes.

<sup>78</sup> Isaiah Berlin, “The Originality of Machiavelli,” In *The Proper Study of Mankind: an Anthology of Essays*, edited by Henry Hardy and Roger Hausheer (London: Chatto & Windus, 1997), 289.

identified.”<sup>79</sup> Considering the Pagan Morality’s social-context logic, Machiavelli does not simply celebrate its overarching virtues of “courage, vigour, fortitude in adversity, public achievement, order, discipline, happiness, strength, justice,” and “above all assertion of one’s proper claims and the knowledge and power needed to secure satisfaction,”<sup>80</sup> but furthermore asserts that the Christian moral virtues, “whatever their intrinsic value, are insuperable obstacles to the building of the kind of society that he wishes to see; a society which, moreover, he assumes that it is natural for all normal men to want—the kind of community that...satisfies men’s permanent desires and interests.”<sup>81</sup> Berlin therefore identifies this wedge—between moral absolutism/“perfect goodness”/the Christian Morality and consequentialism/“honorable wickedness”/the Pagan Morality—as Machiavelli’s first achievement: the recognition of two autonomous moral universes.

For Berlin, the above-outlined segregation, however, does not constitute Machiavelli’s crowning achievement. Rather, Machiavelli’s originality rests in his consequent recognition that there exists no overarching method or principle on which to arbitrate between the two. Upon discussing the methods employed by King David and Philip of Macedon in creating their political communities in *The Discourses*, Machiavelli concludes that we can either “flee” from his methods (and “live in private”) or “enter into this evil” (the evil of the consequentialism, judged to be evil from within the logic of moral absolutism) and do what is necessary to maintain ourselves. But if both options constitute separate moral universes, with their own logics and their own ends, how *can* one rationally choose between the two? Imagine attempting to convince Machiavelli’s morally-absolute Christian that he ought to violate his moral convictions

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<sup>79</sup> Berlin, “The Originality of Machiavelli,” 297-298.

<sup>80</sup> *Ibid.*, 289.

<sup>81</sup> *Ibid.*, 290.

in order to achieve something “honorable” in the eyes of his society. To the “idle” Christian, such an argument would only appear sensible if he had accepted the logic of consequentialism (the Pagan Morality) as worthwhile in the first place; in other words, the consequentialist argument against moral absolutism remains within (and cannot escape from) the consequentialist logic: it is good to reject moral absolutism because such a rejection would help access the ends of the consequentialist framework, but the ends themselves are always presupposed, and therefore inaccessible to any logic but their own. Berlin maintains that Machiavelli’s uncovering of two “autonomous” moral frameworks constitutes a discovery both disturbing and original in that it presents an “insoluble” dilemma of moral and political action:

Some thought that there was a single end for all men in all circumstances, or different ends for men of different kinds or in dissimilar historical environments. Objectivists and universalists were opposed by relativists and subjectivists, metaphysicians by empiricists, theists by atheists. There was profound disagreement about moral issues; but what none of these thinkers, not even sceptics, had suggested was that there might exist ends—ends in themselves in terms of which alone everything else was to be justified—which were equally ultimate, but incompatible with one another, that there might exist no single universal overarching standard that would enable a man to choose rationally between them.

This was indeed a profoundly upsetting conclusion. It entailed that if men wished to live and act consistently, and understand what goals they were pursuing, they were obliged to examine their moral values. What if they found that they were compelled to make a choice between two incommensurable systems, to choose as they did without the aid of an infallible measuring-rod which certified one form of life as being superior to all others and could be used to demonstrate this to the satisfaction of all rational men? Is it, perhaps, this awful truth, implicit in Machiavelli’s exposition, that has upset the moral consciousness of men, and has haunted their minds so permanently ever since?<sup>82</sup>

By denying a method of rational arbitration (and, indeed, by offering what appears to be an ontological impossibility of ever finding such a method), Berlin’s Machiavelli presents perhaps the most paradoxical articulation of the problem of dirty hands: the Machiavellian actor, in becoming a consequentialist, both (1) recognizes two incompatible moral logics *and* (2)

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<sup>82</sup> *Ibid.*, 314-315.

recognizes the critique of each moral logic from within the logic of the other. Here it is pertinent to turn back to Machiavelli's example of Giovampagolo Baglioni from Book I of *The Discourses*: Giovampagolo appears to understand that he both ought to kill the pope (if he wants to succeed as a consequentialist) and that he ought to spare him (if he wants to be a good Christian); and yet it is precisely his consequentialist logic which asserts that Christianity is socially harmful and his Christian logic which asserts that consequentialism is meaningless. In recognizing that he cannot arbitrate between moral absolutism and consequentialism, the "rational man" (insofar as he reasons logically from basic assumptions) gains an awareness that being *good* in one way entails being *bad* in another. As Berlin puts it, "one can save one's soul, or one can found or maintain or serve a great and glorious State; but not always both at once."<sup>83</sup> Or, to put it in the perspective of Walzer's logic, to attempt to do "both at once" is to enter into the problem of dirty hands.

Berlin's identification of the "insoluble dilemma" prompts a second dilemma: if, as argued above, Machiavelli appears to grant moral legitimacy to both consequentialism and moral absolutism (i.e. the "insoluble dilemma"), then *how* can he (strongly) recommend one "moral universe" over the other, and, if such an endorsement is indeed possible, *what* are we to make of our awareness of its arbitrariness? As both Berlin and Walzer will note, Machiavelli's works appear peculiarly inconclusive about the questions posed above. As a result, it is at this juncture that Berlin must move from an interpretation of Machiavelli's morality to an assessment of its effects upon political action: now we must understand in what ways the political actor will commit to consequentialism, and, moreover, what sort of political community Machiavelli's logic will bring about. Here Berlin's interpretation of both Machiavelli's thought and of the

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<sup>83</sup> *Ibid.*, 294.

implications one's awareness of the logic behind the problem of dirty hands will differ fundamentally from both Walzer's interpretation and his reasoning thereafter (discussed more thoroughly below). In what follows, I argue that Berlin's logic of *decision*, *disaggregation*, and *toleration* essentially offers a dynamic between dirty-handed politician and political community *absent* the logic behind the public declaration of guilt found in Walzer. As such, Berlin's interpretation will highlight the very conceptions of political action and political community that Walzer's "Political Action" will attempt to challenge; in offering a dirty-hands interpretation that parts with Walzer's logic, Berlin's argument will thereby expose exactly what is at stake in a *public guilt* response to Machiavelli's moral and political conclusions.

First, then, is Berlin's assessment of the consequences of Machiavelli's logic. Taking his conclusions regarding the existence and the insolubility of the two moral frameworks, Berlin argues that Machiavelli's writings present its readers with an arbitrary yet inescapable demand to *decide* between the moral-absolutist and the consequentialist ways of life. "In choosing the life of the statesman," for example, "you commit yourself to the rejection of Christian behavior. It may be that Christians are right about the well-being of the individual soul, taken outside the social or political context. But...you will have made your choice: the only crimes are weakness, cowardice, stupidity, which may cause you to draw back in mid-stream and fail."<sup>84</sup> Similarly, the decision in the opposite direction likewise commits one to a certain static moral framework and to certain social space:

If you object to the political methods recommended because they seem to you morally detestable...Machiavelli has no answer; no argument. In that case you are perfectly entitled to lead a morally good life, be a private citizen (or a monk), seek some corner of your own. But, in that event, you must not make yourself responsible for the lives of

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<sup>84</sup> *Ibid.*, 309.

others or expect good fortune; in a material sense you must expect to be ignored or destroyed.<sup>85</sup>

By *static moral frameworks*, I mean that the decision to affirm either morality entails a commitment which will, thereafter, allow the decision-maker to follow a consistent set of moral principles. *Once one has committed* (of course, arbitrarily) to either moral absolutism or consequentialism (as one has no choice but to commit), one can then be a good moral absolutist or a good consequentialist. Here, again, we can recall Machiavelli's criticism of Giovampagolo: it is precisely his decision "draw back mid-stream," *after committing to consequentialist methods* that marks him as a "coward," and nothing more. By *social space*, I refer to the unsurprising social partition of moral absolutists into apolitical private actors and consequentialists into political actors following each individual's decision to commit to either moral universe. Christians, following Machiavelli's indictment, will do little to "found or maintain or serve a great and glorious State," while consequentialists will fail to "save [their] souls"; in remaining consistent within their own logics, the two moralities effectively *disaggregate* individuals among separate moral "camps." One will have to commit to either moral universe, but one will also have to accept that he (and others) could have committed otherwise. With Berlin, the logic of the problem of dirty hands therefore shifts from an *individual* to a *social* problem: moral absolutist X will claim a monopoly over all of morality until he encounters consequentialist Y, whereupon he will come to realize that other, incompatible moral logics exist. Conversely, in attempting to convince undecided actor Z to subscribe to his moral logic, consequentialist Y will come to understand that moral absolutist X does indeed offer equally-legitimate moral claims, even if they are incompatible with his own. Even as Berlin, in recognizing both moral universes, admits Machiavelli's "incommensurable" moral logic, his own *political* solution begins to

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<sup>85</sup> *Ibid.*, 302.

approach Suzanne Dovi's moral partitioning in her response to Walzer's "Political Action."<sup>86</sup> Here we can, again, imagine the moral-absolutist Tolstoy's interaction with the politically-minded Addams: Tolstoy would remain an absolutist (and outside of political action) and Addams political (and divorced from moral absolutism), and Berlin would maintain that *both* present legitimate though incompatible claims to moral demands. Each actor's decision to commit to either moral universe indicates *his or her own* response to Machiavelli's problem, thereby eliminating the individual problem of dirty hands through a social disaggregation of moral frameworks. The problem of moral incongruity therefore persists meaningfully only on the level of social interaction, which concerns the inability of different committed moral actors' inability to articulate an overarching moral framework.

Berlin's dependence on *decision* and *disaggregation* essentially attempts to address the problems Machiavelli appears to leave unanswered, namely problems emerging from his (1) acceptance of two different sets of "incommensurable" moral demands *and* (2) his conclusion that political actors ought to pursue one set exclusively, as if no incongruity existed. In arguing for the logic of *decision*, Berlin suggests that both moral-absolutist and consequentialist *actors* (rather than, perhaps, moral demands or dispositions) may exist side-by-side and may both present equivalently-legitimate justifications for their existence. For Berlin, the ultimate implications of such a dual existence usher in a sort of awareness "unintended" even "by its originator"<sup>87</sup>—the logic of *toleration*:

So long as only one ideal is the true goal, it will always seem to men that no means can be too difficult, no price too high, to do whatever is required to realize the ultimate goal.

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<sup>86</sup> See the first moral-absolutist response in the second chapter. Though I am not suggesting that Berlin and Dovi offer the same response to the problem of dirty hands, both do partition the moral problem among social "camps," which I argue essentially devalues the problem of dirty hands at the individual level. I expand on the Berlin-Dovi comparison in the next chapter.

<sup>87</sup> Berlin, "The Originality of Machiavelli," 324.



Such certainty is one of the great justifications of fanaticism, compulsion, persecution. But if not all values are compatible with one another, and choices must be made for no better reason than that each value is what it is, and we choose it for what it is, and not because it can be shown on some single scale to be higher than another; if we choose forms of life because we believe in them, because we take them for granted, or, upon examination, find that we are morally unprepared to live in any other way (though others choose differently); if rationally and calculation can be applied only to means or subordinate ends, but never to ultimate ends; then a picture emerges different from that constructed round the ancient principle that there is only one good for men.

If there is only one solution to the puzzle, then the only problems are firstly how to find it, then how to realise it, and finally how to convert others to the solution by persuasion or by force. But if this is not so...then the path is open to empiricism, pluralism, toleration, compromise. Toleration is historically the product of the realisation of the irreconcilability of equally dogmatic faiths, and the practical impossibility of complete victory of one over the other. Those who wished to survive realised that they had to tolerate error. They gradually came to see the merits in diversity, and so became sceptical about definitive solutions in human affairs.<sup>88</sup>

In proposing two incompatible moral universes, in necessitating an arbitrary decision, in, perhaps most importantly, exposing that such arbitrary decisions occur on the level of each individual and are indeed the “entryways” into any moral universe, Berlin’s Machiavelli produces a broad social toleration of the different moral decisions. Absent such a social outcome, we are left with a paradox Berlin is unwilling to admit—a Machiavelli who proposes a consequentialist logic that is both arbitrary *and* exclusively-legitimate. The individual political actor may be a consequentialist (he *has* to be a consequentialist, after all, to succeed), but, according to Berlin, his political interaction a world of competing, incompatible absolutes will ultimately transform the very nature of political interaction in that world: politicians will recognize monks and vice-versa, both informed by an overarching idea of toleration. The awareness induced by Machiavelli’s works, Berlin concludes, becomes, “by a fortunate irony of history...the [basis] of the very liberalism that Machiavelli would surely have condemned as feeble and characterless, lacking in single-minded pursuit of power, in splendour, in organisation, in *virtù*, in power to

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<sup>88</sup> *Ibid.*, 323-324.

discipline unruly men against huge odds into one energetic whole.”<sup>89</sup> *Toleration*, in its acceptance of disparate individual ends, is Berlin’s answer to the logic behind the problem of dirty hands. Some men will save souls, some will save cities, and both practices will come to be socially accepted by the now-liberal consequentialists and moral absolutists.

### *The Individual Problem of Dirty Hands*

In presenting a *social* solution to the logic behind the problem of dirty hands,<sup>90</sup> Berlin’s argument risks (and, as I will argue, commits) two errors. The first is a misrepresentation of the interplay between the two moral universes at the level of the individual actor in Machiavelli’s own thought. Here, referring back to the previous chapter’s explanation of Machiavelli’s moral logic, I argue that both Machiavelli’s conception of the prince’s “learning” of the consequentialist methods and his frequent references to the two “moral universes” *together* in describing the prince’s accomplishments undermine Berlin’s understanding of *decision* and consistent commitment in approaching moral incongruity. Instead, I argue that Machiavelli’s logic suggests an *individual* (rather than a society) that appears to in some way belong to both moral universes at once. Berlin’s second error consists of extending his logic of morally-static individual actors onto a larger social framework (i.e. in his argument for toleration), which ultimately advances a strictly-bifurcated conception of the political community (and the limits of its action) and those by whom it is ruled (and the limits of their action). Here I introduce the

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<sup>89</sup> *Ibid.*, 324.

<sup>90</sup> Again, to be clear: I refer to Berlin’s solution as essentially *social* because it relies on an ongoing interaction between actors of different moral frameworks (each of whom appears to have overcome the problem on an individual level) to both reaffirm that the existence of conflicting moralities and, through social toleration, to reconcile (though not eliminate) the fundamental incongruities of the different moral universes.

Walzerian political actor as a competing interpretation of Machiavelli's thought. In contrast to Berlin, I argue that Walzer's interpretation of the individual problem of dirty hands is more faithful to Machiavelli's own morally-dynamic political actors. Finally, in the following chapter, I will argue that Walzer's public guilt solution provides a meaningful alternative to the political bifurcation inherent in Berlin's logic of toleration.

My first objective is therefore to assess dirty-handed political actors at the individual level—the level at which Berlin argues decisions between the moral universes are made—to determine whether such individuals are consistent with Machiavelli's logic. Here I suggest that Berlin overlooks Machiavelli's relationship between *knowing* and *learning* in describing the political actor's development, concepts which Machiavelli exposes with his initial arguments about the prince's morality. In setting out to describe his methods, Machiavelli contrasts, from the outset, the prince's necessity to "*learn* (italics mine) to be able to not be good"<sup>91</sup> with the prince's original *knowledge* of goodness. The prince (and, as Machiavelli maintains, virtually everyone) *knows* that it would be good to be liberal, to be merciful, and to be faithful. Indeed, entering into that knowledge does not entail a decision; it is simply presupposed.<sup>92</sup> The potential political actor (and everyone who enters into Machiavelli's discussion, except, perhaps, for his criminals<sup>93</sup>) therefore approaches Machiavelli's teachings *from within the moral absolutist universe*. This is why Machiavelli—prior to *teaching* his consequentialist methods—is able to begin with the understanding that such teaching is (known to be) bad, even if we will soon learn that it may be good, too, in another way. Decision, then, is certainly *not* how one enters into

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<sup>91</sup> Considering that this argument in *The Prince* comes right before Machiavelli's discussion of the various virtues and his subsequent complication of any single understanding of "goodness," his use of the term here—prior to that discussion—evidently refers only to moral-absolutist "goodness."

<sup>92</sup> For Walzer's discussion of the *source* of Machiavelli's moral-absolutist knowledge in *The Prince*, see footnote 12 in Chapter II.

<sup>93</sup> See Chapter VIII of *The Prince*.

moral absolutism, as one is already there to begin with, prior to one's awareness of the possibility of any alternate moralities. Instead, taking moral-absolutist demands and its knowledge as a given, Machiavelli offers us his consequentialist teachings so we can both learn to not be good and succeed at it, thereby accessing another sort of goodness. At this point, we do indeed face certain decisions—whether to accept his logic (i.e. to recognize that two moral universes exist) and whether to agree to his methods—but again, neither of these junctures constitute Berlin's "choice between two incommensurable systems" as much as an *awareness* that any action thereafter will be good in one way but bad in another. We cannot choose to regard Machiavelli's Hannibal as *either* "inhumanly cruel" *or* "infinitely virtuous"; rather, it is the very acceptance of the simultaneous legitimacy of these opposite judgments that defines the Machiavellian political actor. This simultaneity—rather than the availability of alternative ways of life—is the moral awareness the Machiavellian political actor gains through his "learning."

I imagine that even with my inclusion of original moral-absolutist knowledge, we could still readjust our reading of Berlin to allow for the logic of decision: perhaps, we could argue, it is the *awareness* of two moral universes (which Machiavelli's teaching brings about) that places us in the position of decision-makers. As a result, even though we might have began as moral absolutists, Machiavelli's teaching will *now* force us to decide between sticking with moral absolutism or making the switch. Considering such a counter-argument, it is again pertinent to reevaluate the case of Giovampagolo Baglioni from *The Discourses*—the political actor in Machiavelli's works whose failure appears *most* tied to his incorrect understanding of Berlin's logic of decision. Giovampagolo, Berlin's argument would contend, in becoming a tyrant, had committed to the consequentialist moral universe. He therefore ought to have done what a good consequentialist needs to do to succeed: rejected the moral absolutist logic. His inability to

slaughter the pope (i.e. to *decide*, once and for all, that slaughtering the pope is permissible) marked his political failure and his downfall: given that Giovampagolo had decided to be a tyrant, his failure as a tyrant rendered him a “coward” and in no way a moral man. Against such a conclusion, I argue that Machiavelli’s example functions primarily as a criticism of the potential political actor’s *lack of awareness* of two conflicting moral universes, but does not propose a necessary decision between two types of lives. In contrast to Berlin’s logic of decision, I suggest that Machiavelli presents us with a political actor who identifies both the necessity of maintaining his rule and of sparing the pope, but fails to see the two necessities as essentially in conflict. “Giovampagolo,” Machiavelli maintains, “who did not mind being incestuous and a public parricide, did not know how—or, to say better, did not dare, when he had just the opportunity for it—to engage in an enterprise in which everyone would have admired his spirit and that would have left an eternal memory of himself.”<sup>94</sup> To “engage in” such “an enterprise” is to become the Machiavellian political actor. It is to recognize the “incommensurable” sanctions of the moral-absolutist and consequentialist demands and to act as a consequentialist with the awareness that one’s action is nonetheless immoral. It is, perhaps, to decide to accept the ultimate incongruity of any moral decision, but *not* to decide between two moral universes as Berlin would have it. Machiavelli’s awareness—the awareness he wishes that political actors to gain in “learning” from *The Prince*—is exactly the sort of knowledge Giovampagolo lacks. It is what prevents him from a greater, Machiavellian political engagement in *The Discourses*.

So, to return to Berlin’s initial challenge: the Machiavellian political actor, in contrast to Berlin’s committed decision-maker, must (1) accept two different sets of incongruous moral

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<sup>94</sup> Machiavelli, *The Discourses*, 63.

demands *and* (2) pursue one set (consequentialism), as if no incongruity existed. As mentioned above, Berlin is unwilling to allow for such a conflicted political actor, and, therefore, with his logic of *decision*, argues that the political actor will have to reject of one set of demands. Such a conclusion shifts the moral incongruity *away from an individual awareness* and into the social sphere where observers (i.e. Machiavelli, Berlin) and not political actors can attempt sort it out.<sup>95</sup> However, for political actors to do as Berlin commands is to forget or to ignore (i.e. to fail to learn, as argued in the above paragraphs) Machiavelli's first condition; it is to misunderstand the sort of political actor Machiavelli envisions. It is to imagine a consequentialist who may join the ranks of Hannibal and Cesare Borgia in his understanding of political methods, but not the ranks of Machiavelli in his moral awareness. It is, finally, to envision a fundamentally bifurcated political community, divided among politically-active consequentialists and apolitical moral absolutists and bolstered by a logic of toleration which essentially reinforces the very "terms of the competition" Walzer describes in outlining our conventional understanding of the relationship between politician and political community: "no one succeeds in politics without getting his hands dirty";<sup>96</sup> "if [the political actor] didn't want to get his hands dirty, he should have stayed at home";<sup>97</sup> the political sphere is, therefore, by its nature limited to "men [who] are

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<sup>95</sup> Again, such a conclusion would appear inconsistent with Machiavelli's own logic concerning one's *knowledge* of moral absolutist demands and actions. In addition to the argument above, also consider Machiavelli's assertions regarding the ability of some (i.e. few) to "touch" the prince and most to only "see" him (see the section on *The Prince* in the previous chapter). Here, in contrast to the "many," who can *only* judge the prince based on his social-context outcomes (i.e. through a consequentialist lens), the "few" understand the prince through both consequentialist and moral-absolutist logics. However, given Berlin's conception of the prince-as-decision-maker and its conclusions regarding the prince's ensuing commitment to the consequentialist moral universe (and rejection of the moral absolutist universe), it appears the prince *himself* would (following his decision) fail to qualify among these "few" and consequently would forgo the ability to view *himself* through both frameworks—an odd conclusion indeed.

<sup>96</sup> Walzer, "Political Action," 164.

<sup>97</sup> *Ibid.*, 165.

all too ready to hustle and lie for power and glory”<sup>98</sup> and nothing more. It is, indeed, Berlin’s logic of toleration which remains fundamentally *intolerant* of the morally-dynamic individual capable of challenging the above-outlined assumptions, the sort of individual that Machiavelli’s logic anticipates and that Walzer’s public guilt solution proposes. In what follows, I argue that Walzer’s alternative interpretation of the Machiavellian political actor in “Political Action” addresses the very same problem Berlin attempts to eradicate: Machiavelli’s apparent acceptance of two different sets of incongruous moral demands *and* his subsequent recommendation to pursue one set, as if no incongruity existed. Where Berlin turns away from the Machiavellian political actor, concluding that such an actor (contra Machiavelli) cannot continue to accept moral absolutist and consequentialist demands, Walzer remains committed to Machiavelli’s moral incongruity on the level of the individual political actor. The challenge, for Walzer, is therefore to identify the mental state of a genuinely dirty-handed politician, the sort that acknowledges both the severity of his moral violation and the necessity of his political action; the sort of political actor that, as I have argued, emerges from Machiavelli’s logic. Walzer’s ability to identify such an actor both (1) captures Machiavelli’s essential moral incongruity on an individual level, as Berlin fails to do and (2) presents a challenge to Berlin’s morally and socially bifurcated political community. Ultimately, I suggest that in denying an individual political actor capable of accepting two different sets of incongruous moral demands, Berlin undermines the very driving force behind the Machiavellian political actor’s ability to affect the relationship between the political actor and political community—his potential to *communicate* the fact that he faces a problem of dirty hands.

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<sup>98</sup> *Ibid.*, 163.

Walzer, from the outset, accepts as given the two paradoxical conditions which Berlin—with the logic of decision and the shifting of the problem of dirty hands away from the individual actor—had attempted to deny. With Walzer’s argument, we therefore attempt to locate Machiavelli’s logic (granting, at least for the moment, all incongruities we may encounter) within the *individual* political actor. First, we have to envision an individual who recognizes both of Berlin’s “incommensurable” moral universes or, in Walzer’s language, recognizes that “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.”<sup>99</sup> Keeping in mind that our political actor does indeed claim to *know* that cruelty (or, more broadly, necessary consequentialist action) is bad “in some other way” (and that no *decision* can alter this knowledge), we now grant that he commits cruelty in spite of his moral-absolutist demands, consequently both affirming the two moral universes in thought and committing to action which seems to negate them. Can we conceive of such a political actor? Moreover, *if* such an actor is possible, and if his acceptance of the moral-absolutist logic is genuine, then what is the consequence of his negation? “Machiavelli,” Walzer tells us, upon accepting the above conditions, “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.”<sup>100</sup> This *inwardness* is precisely what Walzer’s handling of the problem of dirty hands and the Walzerian political actor attempt to provide: inwardness is the space in which we can still access—and verify—the political actor’s moral-absolutist logic.

If the Walzerian political actor affirms the moral-absolutist logic in his mind (i.e. if he, with Walzer and with Machiavelli, *knows* moral absolutist demands to be true) and denies it in

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<sup>99</sup> *Ibid.*, 175.

<sup>100</sup> *Ibid.*, 176.



action, then in his mind—at least in his mind—he must suffer. Moreover, Walzer’s isolation of individual inwardness as the space where the individual’s moral claims are assumed to be genuine grants us definitive knowledge concerning the political actor as he *is*, and not as he *seems to be*.<sup>101</sup> So the dirty-handed Walzerian political actor violates the moral demands he accepts to be true, he suffers in his mind, and he suffers in a way we know to be real: he feels guilty, and his guilt indicates a genuine acceptance of both moral absolutist valuations and consequentialist necessities. He, unlike Berlin’s decision-maker, adheres consistently to Machiavelli’s logic on an individual level; he learns of *both* Machiavelli’s political methods and of his moral conclusions, and as a result he suffers and in suffering identifies a way of realizing Machiavelli’s “incommensurable” moralities. Here, then, is Walzer’s innovation: what if he confesses his guilt? What if he asserts, to the public, that he belongs to both the moral absolutist and consequentialist moral universes? What if he asserts his claim to an inwardness, asserts that such an inwardness—a negation of seeming—is instrumental to his political action? “Guilt,” Walzer asserts, “is evidence, and it is the only evidence [the political actor] can offer us, both that he is not good for politics and that he is good enough.”<sup>102</sup> Walzer’s concern, for the remainder of his argument, is that individual’s own handling of his incongruous moral demands. In my final chapter, I turn instead to his very *communication* of his awareness of the problem of dirty hands and his subsequent guilt. In what follows, I argue that this *public declaration of guilt* functions as a disruption of the logic established with Berlin’s decision-makers, with Dovi’s

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<sup>101</sup> In a parallel to Machiavelli’s logic in *The Prince*, here it appears that we are able to “touch” Walzer’s political actor and not simply “see” him (i.e. insofar as we know in what ways the political actor is *actually* moral and immoral, we have gained the knowledge of *the few*). Indeed, if we read Machiavelli’s distinction between “touching” and “seeing” as likewise presenting a space where the individual’s moral claims can be assumed to be genuine, such a distinction may suggest the potential for a *Machiavellian* inwardness. Machiavelli’s writing, however, does not appear to venture into this territory.

<sup>102</sup> Walzer, “Political Action,” 167-168.

Tolstoy and Addams, with Walzer's "terms of the competition"—a disruption of the very logic behind the problem of dirty hands.

## V

**Public Guilt and Public Awareness**

Thus far, the three previous chapters have attempted to ascertain both the necessary conditions and the moral significance of the problem of dirty hands. In reviewing the responses to Walzer's "Political Action," I have argued that the problem entails the acceptance of simultaneous consequentialist and moral-absolutist moral demands. In approaching the problem through Machiavelli's (and subsequently, Berlin and Walzer's) logic, I have argued for a problem of dirty hands with significant moral implications upon the *individual* political actor. The problem, if it is to be meaningful, must be manifested as an individual moral conflict and not a social disaggregation of conflict. However, insofar as the individual political actor does encounter the problem of dirty hands, her attempt to address it can (and, as I will argue, should) have consequences both *within* and *upon* the social context.

I therefore turn to Walzer's concept of public guilt, not, primarily, to understand (as does Walzer) the individual actor's attempt to handle her own incongruous moral demands but to examine the implications of that actor's *communication* of moral incongruity. To do so, I divide this chapter into three parts. First, I return to Walzer's two cases of dirty-handed politicians: the candidate who must enter into corruption and the elected official who must agree to torture. While Walzer's primary use of these examples is to ascertain the logic of the problem itself, here

I turn to consider two fundamentally *public* questions that Walzer leaves largely unexamined: (1) What does the political actor's declaration of guilt tell us about the politician's relationship to the political community?; and (2) How does the declaration of guilt itself attempt to reconceptualize that relationship? In addressing these questions, I argue that the public communication of guilt can either operate within a bifurcated conception of the social context (which I examine with Walzer's first case) or (as Walzer's second case suggests) attempt to introduce a critical examination *on behalf of the political community* of the sorts of crimes intrinsic to political action.

In contrast to Walzer's focus on the individual, dirty-handed politician, I argue that an examination of the political community's apprehension of the public communication of guilt offers significant implications for understanding the political actor's role in and relationship to the political community. Where Walzer's analysis centers on the individual's struggle with his conflicting moral demands, my analysis shifts not simply the moral problem but the *awareness* of this problem onto the political community. In confronting the political community with an awareness of dirty hands, I argue that public guilt functions as a challenge to the bifurcated conception of civic engagement and—with its dual moral absolutist and consequentialist assertions—proposes a critical evaluation of one's moral demands as a fundamental aspect of one's civic engagement.

#### *Case #1: The Corrupt Candidate and the Public Display of Guilt*

With our first case, we return to Walzer's corrupt election example, which I relied upon in the second chapter to introduce the distinction between the moral-absolutist and the consequentialist actor. Here, in more specific detail, are the conditions of Walzer's example: we

begin with a *good* man who wishes to run for public office, good (for now) only in the moral-absolutist conception. Given our original assumption concerning his morality, we know that “he wants to win the election...but he doesn't want to get his hands dirty.”<sup>103</sup> Our good man soon confronts a dishonest ward boss and comes to realize (here is our second assumption) that he must agree to a corrupt deal with the ward boss in order to win. Our third assumption concerns the candidate's understanding of the importance of the *outcome* of this election and the significance of his ability to attain public office and work to institute the policies he believes to be imperative. *If*, as we will assume, our candidate believes something to be “at stake” in this election, then his valuations enter into the social context: he recognizes both moral-absolutist (insofar as we have assumed he is a “good man”) and consequentialist moral demands. As Walzer points out, the conflict between such demands will produce a host of potentially more or less significant “scruples”:

Now, if he [is reluctant to consider the deal] 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.<sup>104</sup>

It is important to note that it is possible to conceptualize Walzer's above-outlined scruples as emerging from valuations both forged *outside* the social context but also from those forged *within* it. The candidate's belief, for instance, that “the deal is dishonest and therefore wrong”

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<sup>103</sup> *Ibid.*, 165.

<sup>104</sup> *Ibid.*, 166.

belongs *solely* to his moral-absolutist logic, and therefore refuses to take into account any consequences of such dishonesty. In contrast, his concerns that “his supporters support him precisely because they believe he is a good man” may suggest both considerations belonging to a moral-absolutist logic (e.g. he may consider it immoral to deceive his supporters) and/or those belonging to a consequentialist calculus (e.g. he may be worried that that he will not receive future support if his supporters discover that he is a deceiver). Indeed, just as we can isolate two “types” of scruples, we can similarly extend the logic of each type to conceive of two fundamentally different functions associated with the candidate’s ensuing declaration of guilt. In the following analysis of Walzer’s cases, I examine the logic behind the two different conceptions of the potential functions of public guilt as they emerge from moral-absolutist and consequentialist logics. Thereafter, I suggest that we can understand Walzer’s public guilt solution to serve essentially in producing *accountability* or in producing *awareness*—the latter of which attempts to communicate a transformative conception of the politician’s relationship to the political community.

So, to return to our present example, I will now examine the dirty-handed politician who approaches his declaration of guilt as an essentially consequentialist ordeal and thereby envisages a *public guilt of accountability*. Here, we can revisit our candidate’s scruples. If his constituents knew him to be a dishonest man, they would not support him—he may reason—because they want honest men to represent them. In terms of their preferences for the sorts of (social-context) outcomes they wish to see, his constituents therefore want not only those policies that would be made possible by his victory in this election, but also would prefer for their representatives (and, perhaps more broadly, all those involved in politics) not to deceive them. Insofar as our candidate encounters the corrupt ward boss, he comes to understand that he

cannot meet both of the above-stated demands: his scruples, in this case, emerge from his inability to meet his constituents' preferences adequately.<sup>105</sup> Given such an approach, our candidate may reason that a public declaration of guilt would reveal some of the corrupt practices that go on in politics. In admitting his own wrongdoing, our candidate would, of course, implicate the ward boss and bring public attention to the campaign process. Properly directed, our candidate's admission could therefore—by focusing the attention of the public, the press, and lawmakers—function as a check on the *sorts* of consequentialist maneuvers that other political actors commit and would consider committing in their future interactions. Following an (effective) declaration of guilt, we can, for instance, imagine the (thoroughly-consequentialist) ward boss X from a neighboring state decide to scale back some of his corrupt practices in fears similar confessions against him, just as we can imagine the (likewise consequentialist) senator Y decide to conduct hearings on the matter to assuage popular outrage or imagine the (moral-absolutist) journalist Z publish a scathing opinion piece about the evils of deception in politics, thereby making consequentialist political figures even more wary of entering into corrupt campaign practices given the great political costs they would face if exposed. The public declaration of guilt, conceived as it is above, would thus serve to generate public accountability of consequentialist actors.

On one hand, the public guilt of accountability approach certainly appears attractive. If successful, it promises us consequentialists who are less likely to break rules (or to make “exceptions” to the moral absolutist moral standards) and more likely—in fearing for their own

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<sup>105</sup> This approach is not meant to deny the presence of other scruples (e.g. the ones outlined above by Walzer) but rather to isolate one *type* of scruple and not the other. Our candidate may very well feel that to deceive his constituents is also simply dishonest (and wrong in a moral-absolutist sense), but fail to identify the necessity for a *public* outlet for such feelings. As I argue in this section, such an approach would allow our candidate to keep his private scruples to himself while still arriving at a justification for a public guilt that primarily exposes the corrupt practices within the political sphere.

political careers—to listen to moral absolutist demands. In essence, such a solution to the problem of dirty hands renders certain moral-absolutist demands more political (and therefore more consequentialist) in nature: it now becomes more dangerous to deal in dubious campaign practices; to return to Machiavelli's formulation, the prince, along his consequentialist reasoning, will now know that it is *very* good to be held uncorrupted following this public scandal. And yet this understanding of public guilt, as potentially effective as it may be at influencing political action, fails to capture a fundamental aspect of Walzer's logic. Essentially, the public guilt of accountability aims to influence the calculus (and ensuing interaction) of future consequentialist political actors. It aims, perhaps, to produce politicians more akin to Nielsen's *weak consequentialists*—in that they commit actions that moral absolutists would find repugnant less often—but does not aspire to instill an understanding of the problem of dirty hands in others. “Other politicians,” our candidate may reason, “will be forced to act differently (to save their skins) if I admit to guilt. But they are, after all, *just* politicians, just consequentialists. They will in no way share my guilt; they will calculate around its effects.” With such reasoning, our candidate will reproduce the very same bifurcated logic we have seen with Berlin: politicians will remain consequentialists and moral absolutists will remain private citizens; the “terms of competition” within politics will remain unchanged. We can, furthermore, imagine the function of such a public guilt carried out through outlets that bypass the problem of dirty hands altogether. Perhaps a scrupulous investigative journalist (one who is a moral absolutist or a consequentialist, but not necessarily both) can reveal the ward boss's corruption; perhaps a (moral absolutist) secretary can stumble across and make public certain incriminating documents; or, perhaps, even a (consequentialist) colleague wishing to establish credibility among a certain base can decide to divulge the shocking information concerning our ward boss's



corruption. Indeed, the above examples of alternative methods of accountability suggest that any act of public guilt justified solely within the logic of accountability essentially functions as a *substitute for* or a *replication of* other methods which aim to somehow limit the actions of other (consequentialist) political actors.

In employing the declaration of guilt, the dirty-handed political actor therefore works *within* a political sphere he assumes to be fundamentally bifurcated to shape future policy; but his suppositions concerning the bifurcation itself remain intact. Here I wish to suggest that in the context of the individual problem of dirty hands, this sort of bifurcation emerges from the types of “scruples” the candidate expresses and from his understanding of their potential political function. Again, Walzer’s delineation of the various scruples is significant: our candidate may indeed believe that deceptive dealings are *a priori* wrong but also (considering his assumptions concerning the political community’s bifurcation into moral absolutists and consequentialists) may conclude that public action (i.e. the public expression of guilt) can only achieve meaningful results if it affects the political sphere, which, considering his prior assumptions concerning the “terms of competition,” our candidate would take to be inexorably consequentialist in its nature. If we establish such parameters (as we do, with the example above), the public declaration of guilt becomes an essentially consequentialist endeavor: the candidate needs to *appear* guilty (whether he is or is not is no longer of importance) in order to force certain issues into the public eye and thereby alter other consequentialists’ perceptions of the social context. In fact, with such an approach we may conclude that our publicly-guilty candidate may be nothing more than a particularly-clever consequentialist, the sort that sees a public display of guilt as instrumental in bringing him fame and political success.<sup>106</sup>

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<sup>106</sup> Such an interpretation of Walzer’s “Political Action” certainly is not inconceivable, though (as I will argue) its understanding of public guilt as an essentially consequentialist maneuver strips such guilt of any meaningful

Consequentialist guilt therefore unfolds from the logic behind the public guilt of accountability. If public guilt is, at most, a means of affecting other consequentialists, awareness of the dirty-hands problem itself loses its uniquely-meaningful function. Our candidate, we may reason, if he truly believed deception to be *a priori* wrong, *could have stayed at home*. If deception was his primary concern, he could have chosen to take up the role of the moral absolutist who pressures politicians but remains on the periphery: the Tolstoy who addresses Addams but keeps his own hands clean. Conversely, if our candidate can suppress or ignore his strictly-moral-absolutist scruples (as he does in the example above), he in effect joins the other (consequentialist) political actors.<sup>107</sup> His declaration of guilt offers nothing beyond its effects within the consequentialist political sphere. Indeed, if our candidate happens to witness *another* declaration of guilt from some other political actor, he will likely assume that such guilt cannot be anything but a consequentialist maneuver: *feigned* guilt, public for the sake of that politician's own ends.

Missing from the above approach is any attempt to express the types of scruples that—by their very conceptualization of political action and morality—are not informed by the social context. These are the strictly-moral-absolutist scruples: our candidate “may doubt his own motives for considering the deal”; he may “simply think that the deal is dishonest and therefore wrong”; he may, in other words, believe that his action violates precepts that take no notice of

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function beyond the political actor's own advantage. For such a reading of Walzer's “Political Action,” see Don Herzog, *Cunning* (Princeton, NJ: Princeton University Press, 2006), 48. Herzog argues that “recent political theorists anguishing over this problem of dirty hands have cast it as generally applicable to politics. Not only new princes, but democratically elected leaders entrusted with the welfare of their citizens may find that lying, cheating, even killing are helpful, even required tactics. They may fool themselves or try to fool us about these matters. Caught with ballot boxes stuffed, their Swiss bank accounts laden with bribes, their henchmen in the other party's headquarters, they may invite us to lament the agonies of their dirty hands when all they really are is selfish scoundrels.”

<sup>107</sup> Of course, for all we know other political actors could also be suppressing their moral-absolutist scruples, though such mass suppression would not change their calculations and actions as consequentialists. For an exploration of these sorts of actors, see Walzer's “protestant perspective” in Walzer, “Political Action,” 176-178.

consequentialist calculation, and therefore cannot be fixed by a simple adjustment of consequentialist maneuvers. Here our candidate's primary concern is no longer to trick (or pressure) other politicians into telling fewer lies by making deception more costly—it is to communicate that *lying is wrong* and that he understands this outside of any social-context valuations. To claim such an understanding is to speak from within the social context (our candidate is a political actor) but to assert an indictment upon it. Our candidate's guilt is not evidence that fewer lies could be told, or that politics could entail fewer dirty-hands situations, but that insofar as *the political community* wishes to claim that political outcomes can (and ought to) be meaningful, it commits itself to moral conflict. With the bifurcation of moral agency, the crimes of the consequentialist, as well as those of the dirty-handed politician who suppresses his guilt, “are limited only by *his* capacity for suffering and not, as they should be, by *our* capacity for suffering,” Walzer explains. “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.”<sup>108</sup> The consequentialist may fail in his political endeavor or the political community may punish him for being too cruel; but in neither case does “*our* suffering” enter into his understanding. Such an understanding would require the reaffirmation of “the moral code” on behalf of the political actor—an explicitly public act aimed at the community as such and not only its (consequentialist) political actors. The attempt to produce an interaction that asserts such an understanding brings us to the *public guilt of awareness*.

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<sup>108</sup> Walzer, “Political Action,” 179.

*Case #2: Torture and the Public Display of Guilt*

To examine the public guilt of awareness—which both emerges from a different type of scruple and suggests a fundamentally different relationship between the politician and the community—I turn to Walzer’s more “dramatic” example of the problem of dirty hands: the political actor who must agree to torture.<sup>109</sup> In this example, we imagine a candidate who has just been elected during “prolonged colonial war” on the pledge of “decolonialization and peace.” The candidate has (genuinely) opposed the war from the outset, and indeed draws his legitimacy from his moral opposition to his government’s own actions.<sup>110</sup> Once elected, our political actor heads straight to the colonial capital to negotiate a peace treaty with the opposition only to find the capital in the midst of a terrorist operation: bombs have been planted in buildings throughout the city, set to detonate within the coming day. A terrorist leader who is said to know the bombs’ location has been captured, and our political actor is asked to authorize his torture to obtain vital information. In Walzer’s example, our political actor “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>111</sup> This example is remarkable in that it isolates the most crucial elements of the problem of dirty hands: we have no *future* ward bosses (or torturers) whose behavior we might wish to influence and no moral-absolutist refuge from which our political actor can attempt to pressure other consequentialists to refrain from committing crimes. Unlike the previous example, here our political actor’s primary moral concern is with *this* act, and not its

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<sup>109</sup> This is not to say that the same analysis could not be carried out with the first (corrupt candidate) example. Though Walzer’s torture example does *primarily* highlight the sorts of strictly-moral-absolutist scruples required for a public guilt of awareness, it could be possible to articulate either example as a public guilt of accountability or a public guilt of awareness if we adjust our assumptions concerning political actors’ primary motivations.

<sup>110</sup> Walzer, “Political Action,” 166.

<sup>111</sup> *Ibid.*, 167.

outcomes. We may, indeed, think of him as Nielsen's *weak consequentialist* (insofar as he would not torture in any less significant situation) who now finds himself in an "exceptional circumstance" and yet is unable to abandon (or, as the logic of dirty hands would have it, ought not to abandon) his moral-absolutist claim: our candidate's primary consequentialist objective has been to halt the war and its deleterious effects, and he has believed his moral-absolutist assertion that torture is immoral to be consistent with this objective; now he finds that to realize his consequentialist objective he must torture *just once*.

Prior to moving on to an assessment of our political actor's guilt, it is pertinent to draw several contrasts between this declaration of guilt and the one that preceded it. Though with the public guilt of accountability we had moved from Machiavelli's division between the Christians who denied political action any meaning and the consequentialists whose political action amounted to little more than crime,<sup>112</sup> and perhaps even moved from the bare-minimum of Berlin's toleration (where moral absolutists and consequentialists recognized each other but then dispersed into their respective social spheres), the understanding of moral and political action in the previous section had still essentially left us trapped within a bifurcated dynamic largely akin to Berlin's. With the logic behind the public guilt of accountability, we could, for instance, imagine three types of moral-absolutist attitudes toward those who participate in political action. The strictest moral absolutist (akin to Machiavelli's Christian), would withdraw from the public altogether, denying that it held anything of significance. The more tolerant, Berlinian moral absolutist would maintain that a distinct (social and moral) sphere for consequentialist action does exist, but in remaining tolerant of that sphere's claim to legitimacy would have nothing else to offer, would remain categorically outside it. The third, extra-tolerant moral absolutist would

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<sup>112</sup> Here I am referring to Machiavelli's descriptions of the moral and political divisions of his time, not his own prescriptions. See Machiavelli, *The Discourses*, 131-132.

likely emerge from Dovi's logic: this would be the Tolstoy who pressures consequentialists to act in certain ways, the moral-absolutist who demands *better* outcomes from political actors but refuses to join them and to dirty his own hands.<sup>113</sup> Parallel to these actors we may imagine three types of consequentialists: Machiavelli's "criminal man," Berlin's tolerant consequentialist, and Dovi's Addams, who interacts with moral-absolutists and may even reflect their demands in her consequentialist actions, but remains within a consequentialist sphere when it comes to action. The "extra-tolerant," Dovian moral absolutists and consequentialists essentially capture the logic behind the public guilt of accountability. It is with Dovi that we learn that one sphere can apply pressure on the other, can force it to alter its calculus, and can render its methods less repugnant. If our political actor wishes to do nothing more than increase accountability (as the argument concerning scruples in the previous section maintained) than he need not express guilt; or, if he expresses guilt, we ought not to expect anything *other* than consequentialist accountability as its effect. In either case, claims to moral-absolutist demands remain fixed outside the political sphere, while claims to public guilt (on the politician's behalf) cannot help but function *within* the political sphere as consequentialist maneuvers. Though Dovi and Berlin imagine different types of interactions between the two types of actors, both reify the bifurcated dynamic between the non-political-moral-absolutist and the political-consequentialist sphere, thereby rendering the public declaration of guilt functionally superfluous. Our current example will resist such a

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<sup>113</sup> Dovi's article provides a number of additional examples of such moral absolutists and argues for their potential in shaping consequentialist action within the political sphere. For instance, in examining the function pacifist activists can play during a war, Dovi maintains that "the presence of pacifists can provide morally valuable political cover to other political actors. The political pressure exerted by pacifists who call for ending the human suffering inflicted in war can make morally preferable choices available to public officials. The present point is not merely that those who stress the human cost of war, regardless of what side bears them, can in doing so place pressure on military and political leaders to conduct war in ways that minimize those costs. For example, pacifists can, by drawing attention to the death of non-combatants in a war, put pressure on public officials to provide public accountability for war practices of the military." Dovi, "Guilt," 139-140. Considering my throughout this chapter, Dovi's approach provides a characteristic example of the social and moral dynamic behind the public guilt of accountability.

conclusion by challenging the logic behind the two moral spheres. In declaring guilt, our present political actor will not attempt to *fix* consequentialist action, but rather to bring to attention the political community's *inability* to posit a necessary consequentialism alongside a meaningful moral absolutism while avoiding moral conflict.

To return to our example: as Walzer explains, our political actor “had expressed [his belief that torture is wrong] 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?)”<sup>114</sup> A public declaration of guilt in the context of this dilemma functions in a fundamentally different way than the public guilt of accountability. Our political actor's concern here is not to prevent future torture or to pressure future political actors to stick to their promises;<sup>115</sup> in the context of this war, our candidate's public guilt is not meant to alter the social context as to allow himself (or others) to *torture less*—it is to articulate that *this* action was necessary but *a priori* wrong, that the social context is such that he could not adjust his consequentialist maneuvers to avoid or to improve his moral and political dilemma. Our political actor has not simply tortured (as could any consequentialist) or affirmed that torture is wrong (as could any moral absolutist). Rather, in his action he has embodied the political community's contradictory moral demands, carrying them out to their logical ends. As such, our political actor's public guilt functions to expose a condition of political action *itself*. Even as he indicts himself, asserts that *he* committed a wrong, his public guilt of awareness reflects the political community's own logic back onto itself: it is the community that demands security and demands integrity, the community that both advances “the moral code” and requires that its members act to uphold it; it is the community that must

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<sup>114</sup> Walzer, “Political Action,” 167.

<sup>115</sup> To reiterate, these may constitute secondary concerns for our political actor or may emerge as side-effects of his declaration of guilt. But to conceptualize the declaration of guilt as emerging solely from these consequentialist concerns is to return to the first example.

recognize that it has learned (and taught) “to be able to not be good” so as to preserve its own goodness.

If, as argued above, the public display of guilt can reveal significant implications for the political community’s own understanding of the contradictions inherent in moral and political action, then Walzer’s approach to the dirty-handed political actor encounters a complication. On one hand, in imagining the guilty, dirty-handed political actor, Walzer has taken *this* politician’s acceptance of the logic behind the problem of dirty hands to hold true. It is in positing this hypothetical political actor and his inwardness that Walzer’s argument has allowed for the politician’s claim to “*our* suffering.” To return to Machiavelli’s language—it is Walzer’s supposition that we can “touch” the political actor that has enabled the identification of a politician somehow more meaningful than the consequentialist who has simply realized that it is advantageous for him to bend to moral-absolutist demands. The problem, then, is in moving away from the particular political actor (and his inwardness) to his interaction with the political community, where he is “seen” and not felt. Supposing the political community comes to witness a public display of guilt, how can it ascertain that *this* political actor is a “good politician” and not a clever consequentialist? How, in other words, can the political community differentiate between the public guilt of accountability and the public guilt of awareness?

Walzer’s own analysis concerning the community’s contact with the publicly-guilty political actor likewise reveals the apparent tension suggested in the above questions:

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.<sup>116</sup>

In invoking the images of punishment and confession, Walzer leaves us with two frameworks of analysis, neither of which, I argue, draws out the full implications of the public communication of the problem of dirty hands. To imagine a “punishment” for the guilty politician is to return to the logic behind the public guilt of accountability: it is no longer to be concerned with the political actor’s own apprehension of the moral crime, but with the punisher’s (i.e. the political community’s) assertion that the politician’s action was, indeed, criminal. The politician, however, appears to lose his ability to communicate a genuine affirmation of moral-absolutist demands (i.e. his claim to an inwardness) as soon as he enters into the social context, a consequence of political action which no act of punishment can reverse. Can we not imagine the political actor who tortures (and does not find it morally abominable) and reasons that an admission of guilt and a claim to moral-absolutist awareness will bring him renown (from political actors for ending the war; from non-political actors for admitting to having committed a wrong) and glory? And if such a politician is imaginable, then does not *any* public claim to an inwardness become suspect? Walzer’s alternate image—that of the confessional—reinforces the problems suggested with the above question. To sustain his moral-absolutist claim, the politician must move out of the social context and into the confessional: he must enter a (narrow) space where *being* and inwardness are taken as a given, but in doing so must relinquish his *public* claim to guilt. How, then, is the political community to understand the politician’s public display of guilt? If political action necessarily entails *seeming*, then does not the guilty, dirty-handed political actor necessarily function within the public guilt of accountability?

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<sup>116</sup> Walzer, “Political Action,” 179.

In confronting the obstacles suggested with the questions above, Walzer's "Political Action" vacillates between the public guilt of accountability and of awareness but ultimately fails to offer significant implications for the political community beyond the bifurcated logic we have seen with Berlin and Dovi. On one hand, where Walzer remains close to the dirty-handed politician, he is able to conceive of guilt which functions to implicate the political community's own understanding of the space for and limits of moral and political action. On the other hand, in imagining the interaction of such a political actor with the political community, Walzer's approach offers the political community no possibility of ascertaining the sort of inwardness he requires of the dirty-handed politician. Consequently, Walzer concludes that the guilty, dirty-handed politician leaves "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."<sup>117</sup> Again, the political community ends up bifurcated: moral absolutists must pressure consequentialist political actors ("set the stakes") and consequentialists must adjust their actions accordingly. The political community that encounters the publicly-guilty politician should approach him as it would any other consequentialist and, as with any other consequentialist, demand accountability and nothing more. The public guilt of awareness is nowhere to be found.

It is here that I depart from Walzer's approach to publicly-guilty political actor and suggest a different understanding of the significance of public guilt. If our understanding of the social context is such that the political actor's interaction with the political community cannot help but operate within the confines of *seeming*, then our analysis ought to shift from the politician himself and focus instead on the political community's *apprehension* of public guilt. Insofar as our political actor attempts to advance a public guilt of awareness, it is the *political*

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<sup>117</sup> *Ibid.*, 180.

*community's* awareness of the problem of dirty hands, and not his own, that is instrumental. Even as the politician's utilization of public guilt may be nothing more than a consequentialist maneuver, I maintain that the display of public guilt itself both (1) projects the problem of dirty hands upon the political community, regardless of the guilty politician's own (likely unascertainable) motives and (2) posits a space for a critical examination of the political community's moral and political attachments. Where Walzer's approach has intended to ascertain the implications of the dirty-handed politician's guilt on our understanding of the relationship between *that* politician and the political community, here I suggest that we ought to reformulate our primary concern in approaching guilt and the problem of dirty hands. Instead of the focus on the guilty politician, what insights does an examination political community's apprehension of the problem of dirty hands reveal about its own relationship to its moral demands? And to political action?

#### *Public Guilt and the Political Community*

Just as Dovi and Berlin's identifications of strictly-defined moral absolutists and consequentialists enabled (and limited our analysis to) the morally and socially bifurcated conception of the political community, an identification of a politician defined by his display of guilt limits us to a likewise bifurcated community where this individual must interact, and cannot help but become indistinguishable from, other (consequentialist) political actors. In contrast, a focus on the display of guilt itself and not the guilty political actor envisions a community whose understanding of itself *as a community*, and not an amalgamation of moral absolutists and consequentialist actors, is defined by its awareness of and engagement with its own moral and political demands.

An approach which isolates the community's apprehension of the public display of guilt resists the logic behind the public guilt of accountability by complicating the political community's conception of the boundaries and function of the social context. Here I return to Walzer's torture example, but shift focus from the publicly-guilty politician to the public declaration of guilt itself. From the standpoint of the political community, the communication of guilt not only offers two conflicting moral claims (e.g. "to torture was necessary"; "to torture was wrong") but suggests that both can and ought to emerge from within the political sphere, thereby advancing a moral-absolutist critique *as a form of political action*. Indeed, such an understanding of public guilt suggests that the awareness of the logic (and contradiction) behind both moral claims itself plays a civic role. Significant here is not simply that *this* guilty politician's guilt may be disingenuous, but that insofar as his display of guilt indicts the political community and proposes action, public discussion, and the reconsideration of the community's moral demands, it reveals that any public *reaction* from members of the community likewise commits *them* to a critical engagement with both the moral-absolutist and consequentialist frameworks. *If* public guilt both produces a moral-absolutist critique from within the political realm and directs this critique at the political community (and not simply its consequentialists), then it calls upon the community to confront (and, potentially, to reassess) its own attachments and its own claims to what is meaningful. Detached moral-absolutist criticism of consequentialist actors now locates its outlet in *judgment*—action which is both public and self-reflective. One finds it increasingly more problematic to strictly *be* a moral absolutist or a consequentialist, as our political actor proposes moral-absolutist *action* (as opposed to moral-absolutist identity) which is explicitly political: those in the political community must judge, must reevaluate, must, if need be, punish. We can imagine, for instance, the Duvian moral

absolutist who sees our politician's display of guilt and, believing that the moral prohibition against torture ought to outweigh any considerations, wishes to condemn his action. "Torture is always wrong," the moral absolutist declares to the public, "and we ought to punish the politician for committing it." But in advancing his moral-absolutist critique, does not the moral absolutist likewise posit himself as an individual who is "seen" (and not "touched") by the political community? Can the political community know *his* moral demand to be genuine, and not the product of a clever consequentialist?

The public display of guilt makes it increasingly more difficult to partition the political community into a space where one can make claims to *being* good and a space where one *seems to be* good, as the public display of guilt suggests that *any* individual's publicly-articulated moral demand (be it consequentialist or moral-absolutist) now enters into the social context (i.e. the space of *seeming*), and, as a result, renders the individual who advances it suspect in the moral-absolutist assessment. To declare (to others) that one is a moral absolutist is therefore to enter the social context, insofar as declaring anything onto the political community commits one to being "seen," (would not Machiavelli's prince, just as our moral absolutist, declare that he, too, is moral and abhors torture?), and *further* necessitates (public) moral-absolutist criticism, which once again invites action and reevaluation on behalf of the community. As a result, the logic of public guilt asserts two disparate assertions to the political community: (1) that moral absolutist *claims* can emerge from within the political sphere, and that therefore the political sphere holds something morally meaningful for non-political actors; and (2) that any attempt on behalf of members of the political community to *advance* moral-absolutist claims upon the political sphere (seeing that it holds something morally meaningful) commits them to the social context and to political action. To hold moral-absolutist demands to be true *and* to hold the political

community meaningful therefore demands both political action and critical evaluation of that action. Insofar as he communicates his guilt, the political actor conceives of a space for critical engagement—not outside of (and, as Berlin hopes, tolerated by) the political sphere but as part of its very function. In acknowledging his display of guilt, the political community commits itself to self-reflective political action: its own conception of itself as a community now depends upon a critical awareness of and a continuous engagement with its moral contradictions.

What does a “critical engagement” look like? And where does this leave the dirty-handed politician? Here I wish to turn to two examples Walzer offers as “analogous” to public guilt, which, I argue, reveal a subtle shift in his own notion of political action in the course of his argument. On one hand, Walzer’s original delineation of the problem of dirty hands presents the politician in his “official capacity” as its focus. In both cases, he is (or wishes to be) an elected representative; he identifies a strictly-defined political sphere and attempts to participate in it. He not only knows the “terms of competition” but knows *where* these terms operate. And yet as we move into Walzer’s description of the public declaration of guilt, both the subjects of political action and the limits of its space expand. Walzer presents us with two examples analogous to public guilt: the figures in Albert Camus’ *The Just Assassins* and those individuals who engage in civil disobedience. The former is a group of Russian revolutionaries described as “innocent criminals, just assassins, because, having killed,” they recognize their crimes and “are prepared to die.”<sup>118</sup> The latter “violate a set of rules, go beyond a moral or legal limit, in order to do what they believe they should do” while “[acknowledging] their responsibility for the violation by accepting punishment or doing penance.”<sup>119</sup> Remarkable about both examples are not simply their parallels to Walzer’s public guilt solution, but Walzer’s choice of the *types* of individuals

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<sup>118</sup> Walzer, “Political Action,” 178.

<sup>119</sup> *Ibid.*, 178.

themselves. Neither are politicians in the strict sense. Both take part in political action as *citizens*. Insofar as they engage in politics, they do not imagine a political community partitioned into political and non-political spheres. Rather, their political activity is inextricably connected to their moral-absolutist claims: if they were not explicitly moral individuals, they would be criminals; their admissions of guilt are intrinsic to their political action. Again, the logic behind the public guilt of awareness reflects the problem of dirty hands from the political actor onto the political community—it is those in the community that must now act with the awareness of the community’s moral incongruities in mind.

In concluding “Political Action,” Walzer brings his focus to the political community’s reaction to and interaction with the dirty-handed political actor:

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... Meanwhile, [the dirty-handed political actor] 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.<sup>120</sup>

Up until his final statement, Walzer again takes us back to the logic behind the public guilt of accountability: our politician may be (and, indeed, likely is) a liar and it is up to the political community to make sure he (and others) tell fewer lies. Indeed, the greatest political maneuver (and here Machiavelli would surely agree) may be to *be* cruel but to *be held* merciful and to *be* bad but to *be held* good. To this list we may add: “to *be* guilty but to *be held* innocent.” Either way, the community can never know for sure whether the public admission of guilt is a ploy or a genuine claim to one’s inwardness, whether it is the work of a good politician or a clever consequentialist. If Walzer’s “we” (i.e. the political community) interacts with the dirty-handed political actor *only* insofar as it holds him accountable, then the dilemma of dirty hands becomes

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<sup>120</sup> *Ibid.*, 180.

an insurmountable and recurring problem of political action (i.e. in punishing dirty-handed political actors, “we” will get our hands dirty and others will have to punish us, ad infinitum) but leaves the bifurcated dynamic between moral non-actors and political actors intact. However, more significantly, the public admission of guilt implicates the political community, and it is here that I maintain the community’s interaction with public guilt itself ought to come into focus. The community must not simply punish the dirty-handed political actor, must not simply recognize that to *punish* is to dirty its hands, but must become aware of the problem of dirty hands as a condition of the community’s own existence. With this final formulation—aimed squarely at the political community and its own action—the admission of guilt inverts the dirty-hands equation: *if*, it asserts, those within the community hold both consequentialist and moral-absolutist ends to be worthwhile, and withdraw from political action, then *they*, too, are guilty of inaction. To hold the political community meaningful is therefore to become guilty, to become aware of the necessity of action and of critical reflection. To recognize the political community and to exist within it is to enter into the problem of dirty hands.



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