

# Defining *Dirty Hands* in Politics

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*Just watch me.*

-Pierre Elliott Trudeau<sup>1</sup>

*I am not a crook.*

-Richard M. Nixon<sup>2</sup>

*I shall defer the more heady question of politicians  
being criminals in favour of the more banal notion  
that they are crooks.*

-Bernard Williams<sup>3</sup>

## I

Our first question will be this. Does Bernard Williams commit to a proposition relevant to the subject of *dirty hands* in politics? Does he contend anything? We are not in search of a well-developed philosophical system that is arguably incoherent, we are in search of one single plausible unequivocal commitment to any relevant proposition whatsoever. We shall not be picky. Our intention is to do everything possible to welcome Williams into our discussion. Before “philosophers” can become vulnerable to the accusation of incoherence they must already be presumed guilty of the charge of attempting to open their mouths.

The question of the type of person that we want and need, Williams suggests, is different from the question of what the correct answers are to the moral decisions that politicians are inevitably confronted with. Williams writes, “We may want – we may *morally* want – politicians who on some occasions ignore those problems.”<sup>4</sup> What does it mean to suggest that “we may want” in

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1 During an interview on Parliament Hill at the time of the “October Crisis”, October 13, 1970.

2 During a press conference in relation to the “Watergate” scandal, November 17, 1973.

3 “Politics and Moral Character”, *Moral Luck*, Cambridge University Press, 1981, page 55.

4 *Ibid.*, Page 54.

this context? At minimum it means to suggest that *we may not want* in this context. Williams is non-committal. Further, what would it mean to suggest that “we may *morally* want” politicians willing to “ignore those problems”?

Williams continues, “Since some of the correct answers involve actions which are nonetheless very disagreeable, further questions arise about the sorts of persons who will give – in particular, who may find it too easy to give – those right answers.”<sup>5</sup> Williams reminds us that “correct” or “right” decisions can be “disagreeable” decisions to have to make. Taking a life in self-defense is the most commonly used example. But what would it mean for someone to “find it too easy” to perform an action that is “right” or “correct”? Williams does not precisely explain. It may be possible to contend that he is simply concerned that a weak-kneed politician might choose a less distasteful action despite the fact that it represents a lesser obligation.<sup>6</sup> But this seems unlikely. For that would be to define weak-kneed actions as actions that dirty hands. And even if weak-kneed actions *are* to be defined as such, which is debatable, there is surely more to the concept of dirty hands in politics than simply and only the defining of those sorts of actions as such. More than weak-kneed action is implied by the concept of dirty hands, if weak-kneed action is implied by the concept of dirty hands at all. Further, if a politician were to conduct themselves in a weak-kneed manner then their actions would be immoral. It would be morally wrong to choose an overridden rather than an overriding obligation simply because it was the less disagreeable action to have to perform. Therefore again, this does not appear to be what Williams is worried about. For his stated concern is with those who would find it “too easy” to give “correct” and “right” answers, not with those who would find it “too easy” to give incorrect and wrong ones. Williams therefore may be expressing concern with the opposite of the weak-kneed, the morally principled and strong. He may be worried that a

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5 *Ibid.*

6 See “Utilitarianism and Moral Self-Indulgence”, *Moral Luck*, Cambridge University Press, 1981.

politician, due to their having an aversion to the performance of immoral acts, might be of the disposition to choose moral over immoral actions that would have been for certain utilitarian reasons deemed to have been preferable in a given situation, though overridden by obligations of principle. Noting his allusion to politicians willing to “ignore those problems” Williams may appear to be so concerned. And this may be relevant to any definition of dirty hands in politics that Williams may be pointing toward while falling short of contending. But Williams does not commit himself.

Let us consider our last cited passage again, but change one word for the purposes of our discussion. We shall italicize all but the replacement word. Williams almost writes: *Since some of the correct answers involve actions which are nonetheless very disagreeable, further questions arise about the sorts of persons who will give – in particular, who may find it too difficult to give – those right answers.* This sounds very much like a concern over the weak-kneed. But Williams chose the word *easy* and not the word *difficult* in this sentence. Thus his concern appears to be the opposite. His fear seems to be the morally strong, those with the disposition to stand upon principle rather than those more likely to choose utilitarianly preferable actions. However, the words “further questions arise” make it clear that Williams is not contending anything other than precisely that in this sentence.

Williams also states, “I am concerned with cases where the politician does something morally disagreeable, and with the problem that has been called that of *dirty hands*.”<sup>7</sup> It may or may not be possible to presume that by dirty hands Williams refers to actions that are immoral. For he is not clear about whether a “morally disagreeable” act is necessarily an immoral act or one that is simply disagreeable in the sense of being distasteful, or one that would have been immoral except for the existence of an overriding obligation. Williams then

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7 “Politics and Moral Character”, *Moral Luck*, Cambridge University Press, 1981, page 54.

writes that something, "...will have to be said about what it means to claim that a politician has adequate reasons to do something which is, as I put it, "morally disagreeable.""<sup>8</sup> Again, it is not evident whether or not Williams means to suggest that "morally disagreeable" acts are immoral acts. Why Williams is unclear is unclear. But if morally disagreeable acts *are* immoral, then what sort of definition of "morality" is Williams speaking of where there can be "adequate reasons" to do something immoral? Should "adequate reasons" not refer to an overriding obligation rendering the act morally acceptable or even obligatory? As already noted, if Williams is suggesting that something morally disagreeable is to be defined as something morally acceptable or even necessary then his concern is nothing more than the fear of a weak-kneed politician acting immorally by choosing the less disagreeable action even though it represents the lesser obligation. Now, perhaps Williams may be speaking of a "morality" where it is possible to have competing and irresolvable, or "insoluble" moral obligations that lead to the situation where no matter which choice a person makes they by definition must do something morally wrong. But given his choice of words we cannot be certain. Williams remains without any observable relevant contention.

Williams further elucidates, "Among political acts there are some for which there are good political reasons... but which are acts that honourable and scrupulous people might... be disinclined to do."<sup>9</sup> Yes, but the disinclinations that Williams speaks of are of two distinct and opposing types and the two must not be confused. There will be those persons who are disinclined to perform morally acceptable or necessary but disagreeable actions, and there will be those persons who are disinclined only with respect to the performance of immoral actions. Dispositions differ and persons that are "honourable" and "scrupulous" may nonetheless be either weak or strong. No one wishes for the

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8 *Ibid.*

9 *Ibid.*, Page 57.

first sort of person to be in power. Our own preference is for the second. But Williams appears to disagree. For there is a third alternative, and Williams may be showing a preference for a different sort of person altogether. Persons with no absolute compunction against acting immorally. Persons who do not “find it too easy” to act in a “scrupulous” and “honourable” manner. But rather persons with the disposition to choose utilitarianly preferable actions that on principle may not be “correct” or “right” and where rights characteristically “go to the wall”. The word *crooks* has been used by Williams in this approximate context. But his elusive wordings continue to preclude any form of decisiveness.

Williams states, “Of course, not all cases of the straight overriding kind [breaking a promise to save a drowning child for example] are clear cases of that kind.”<sup>10</sup> Williams is to be questioned as to his wording. His statement implies the premise that there exists cases of competing obligations of a kind distinct from the kind where overrides are possible- in other words, cases where overrides are not possible. But this proposition has not been established. It is at best what Williams hopes to establish, and at least what he wants. Therefore he disingenuously attempts to inveigle us into believing it. Williams has yet to offer a single contention relevant to our discussion.

Williams then explains, “I do not have in mind here drastic cases of tragic choice, where one might say that whatever the agent did was wrong.”<sup>11</sup> The use of the words “where one might say that” is skulduggery bordering on the pathetic. There is no contention offered, simply an attempt to hoodwink us by intimating an unsupported proposition while telling us what he is not talking about. For what if one *might not say that* about the cases that Williams does not have in mind? Williams “might” be trying to “say that” or to imply that it is possible to be in a situation where one must act immorally by definition. But he admits that he does not have those sorts of cases in mind. What then *does*

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10 *Ibid.*, Page 59.

11 *Ibid.*, Page 60.

Williams have in mind? What is he talking about?

Williams clarifies, "...it is a predictable and probable hazard of public life that there will be these situations in which something morally disagreeable is clearly required."<sup>12</sup> No. Not if by something "morally disagreeable" Williams refers to actions that are morally wrong. Yes, if by "morally disagreeable" Williams refers to actions that are simply distasteful or that would have been defined as morally wrong had there not existed an overriding obligation. But we cannot be certain of his intent, for he does not express one. Williams insists upon long-winded silence.

Williams also lures, "...we may be tempted by the following argument..." which involves the first premise, "In any complex society (at least) the enforcement of some legal rights involves morally disagreeable acts."<sup>13</sup> What is Williams attempting to argue by arguing that "we may be tempted by" an argument? This is becoming laughable. Perhaps we may not be tempted. For if the enforcement of legal rights necessarily involves doing something immoral, then it is immoral to enforce those rights for there will be no overriding obligation necessitating that action. There must always be an overriding obligation that justifies any deferral of other moral considerations regardless of whether or not rights are involved otherwise that action must be defined as immoral.

Let us pause and recapitulate. If by "morally disagreeable" Williams means by definition an action that would have been immoral had there not existed an overriding obligation that rendered it acceptable or necessary then perhaps he should consider saying so. If by "morally disagreeable" Williams means immoral then perhaps he should consider saying that. But he appears to want to blur or obfuscate this distinction. It does not seem as if his concern is only with the weak-kneed. For this is not the only allusion to a possible

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<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*, Pages 64 and 65.

definition of dirty hands that Williams appears to be making. His concern might be a fear of “honourable” and “scrupulous” persons with the disposition to stand upon principle and choose “correct” and “right” answers rather than risk dirtying their hands by choosing utilitarianly preferable actions where rights may at times have to go “to the wall”. For if his concern was only with the weak-kneed then his argument might simply run as follows. *It would be morally wrong for a politician to choose a lesser obligation that was overridden by a greater obligation simply because the lesser obligation represented a less disagreeable action to have to perform. Therefore we want politicians with the strength to do what is morally right and required no matter how disagreeable.* But Williams does not say this, or anything. Let us return to our analysis.

Williams presents the theoretical case of breaking a routine promise to save a drowning child and notes that it is a clear overriding circumstance. There will now be according to Williams a “moral remainder” that must be taken into account. In this case the moral remainder is the obligation to explain why the promise was broken. Williams also refers to political acts, “...that can still leave the moral remainder, the uncanceled moral disagreeableness...”<sup>14</sup> It can only be upon the supposition of these “ineliminable” moral remainders that Williams bases his suggestion that through nothing other than bad “moral luck” humans can find themselves in situations where by definition they must do something morally wrong.<sup>15</sup> But there is a fatal problem with this analysis. Yes, it is true that the agent will have the obligation to explain. But it is not the case that the agent has done something morally wrong in bringing about that obligation. Quite the opposite in fact. The obligation to explain is a new obligation that arises from the act of having fulfilled the obligation of choosing an overriding rather than an overridden obligation. In other words, from having acted in a

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14 *Ibid.*, Page 61.

15 See “Moral Luck” and “Conflicts of Values”, *Moral Luck*, Cambridge University Press, 1981.

dutiful manner. There is therefore no “moral” remainder in the sense that Williams implies. For there is nothing to apologize for. There exists only something to explain. The “remainder” is the moral obligation to explain, but nothing more. And a failure to live up to this new obligation would have no retrospective relevance to any previous obligation that had already been properly discharged. The obligation to explain comes about as a result of the correct resolution of the competing obligations into one overriding obligation. And the “moral remainder” that Williams suggests the possibility of can therefore exist only if the agent is necessarily morally culpable no matter which choice they make in a given situation. But this set of circumstances has not been exemplified.

Williams claims that, “In politics the justifying consideration will characteristically be of the consequentialist kind.”<sup>16</sup> And finally, in this light he offers what may or may not be a retraction of what he may or may not have contended. Quite possibly with a feigned mode of “reluctance” Williams concedes that, “Since in the political sphere of action the pay-offs are, or can readily be thought to be, very large, the probabilities can be quite small, and the victims may find that their rights have been violated for the sake of an outside chance.”<sup>17</sup> Does Williams prefer politicians with the disposition to take these sorts of “outside” chances? Those with the disposition to choose utility rather than principle in certain sorts of close or perhaps not so close political calls? And would the taking of these sorts of chances represent at least the potential dirtying of political hands? If this is the case, then is Williams advocating the dirtying of hands in certain sorts of political situations? Or does Williams prefer “scrupulous” and “honourable” persons to be those running his affairs? Those with the disposition to act upon principle so as to *avoid* dirtying their hands? Or is Williams concerned simply and only that weak-kneed politicians

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16 “Politics and Moral Character”, *Moral Luck*, Cambridge University Press, 1981, page 61.

17 *Ibid.*



might duck responsibility and dirty their hands thereby? It would be unfair to Williams to ascribe to him a position with respect to dirty hands in politics when he has not put forth even a single discernible contention on the subject.

## II

During the October Crisis of 1970 Canadian Prime Minister Pierre Elliot Trudeau invoked the War Measures Act. Why? The Front de libération du Québec, the FLQ, sought to usurp political power in the province of Quebec for the purpose of declaring an independent state. An escalation of illegal activities lead to the kidnappings of a member of the Quebec provincial Cabinet and a British diplomat. Legitimately incarcerated thieves, saboteurs and murderers were declared to be “political prisoners” by the FLQ and their freedom was demanded as part of a series of negotiations undertaken in the hopes of securing the release of the two hostages. Then several prominent elected Quebec politicians sided with the FLQ. Their names are on record. Each publicly stated their opinion that FLQ members in jail for crimes up to and including murder were political prisoners that should be released. Trudeau contended that something had gone very wrong in our society when politicians were taking the sides of of criminals. He responded by declaring a temporary state of martial law. Montreal was put on lock-down. The army was given specific instructions to round up and arrest anyone thought to be associated with the FLQ. The response of the kidnappers was to murder in cold blood one of their hostages, the Canadian Pierre Laporte. Many blamed Trudeau. They argued that his decision to suspend civil liberties was unnecessary, heavy-handed and morally wrong. And Trudeau has been accused of “dirty hands” as a result. In the end the British diplomat was released and the leaders of the FLQ were granted foreign asylum. Since those bleak days the people of Quebec have twice held plebiscites on the question of separation. Twice they have chosen to remain

Canadians.

Our purpose shall be to consider the concept of *dirty hands* as it relates to the political actions of Pierre Elliott Trudeau during the October Crisis. We will not ask the question what *does* the concept of dirty hands mean, we shall ask the question what *should* the concept of dirty hands mean if the definition is to be useful to us by referring to a distinct mode of conduct appropriate to the terminology. The expression *dirty hands* contains the word *dirty* and the word *hands*. The word *dirty* is a reference to something improper. The word *hands* is a reference to human actions. When we speak of *dirty hands* then, we are speaking of improper human actions, or at least we should be. Further, the use of the word *dirty* implies a moral judgment. If a politician *dirty* their hands then they have not simply made a mistake, they have done something *morally* wrong. Otherwise we should not use the word *dirty* to describe their actions. Politicians should not be defined as having dirtied their hands when they make disagreeable though morally acceptable or morally necessary decisions. Politicians should be defined as having dirtied their hands when they make a certain sort of *immoral* decision. Otherwise again, we should not use the word *dirty* to describe their actions. It would be a mis-defining to state that a politician can be morally justified in dirtying their hands. For it cannot be defined as morally justifiable to do something morally wrong. That is a contradiction in terms. It is true that politicians are forced to make decisions where certain persons or groups of persons will feel wronged, and it is true that politicians are forced to make profoundly difficult decisions where certain rights are deferred in favour of other considerations. It is also true that politicians may have to make decisions that would have been horribly morally wrong had there not been an overriding obligation that took priority. But politicians are not forced into situations where they must by definition act immorally. Nobody ever is. That would be a self-contradictory definition of

morality, a rigged game. Politicians will always have an obligation to avoid dirtying their hands. Or once more we should not be using the word *dirty* in this context. To do so would be a slight of hand, a case of dirty philosophical hands.

How might the concept of dirty hands be applied to the actions of Trudeau during the October Crisis? To begin we must ask the following question. Is Trudeau to be accused of doing something morally wrong? Because if not, then the question of dirty hands does not apply. The question is not whether Trudeau made a mistake by calling in the army. The question is whether doing so was morally right or wrong. If Trudeau is to be accused of dirtying his hands then it must be contended that his actions were morally wrong. It will not be sufficient to argue only that he made an error in judgment. Hands are neither dirtied nor dirty-able through honest mistakes. Not by the definition we advocate. Let us consider the reasoning of Trudeau when he invoked the War Measures Act in relation to the objections of his detractors.

Trudeau took the position that a criminal faction was attempting to supplant the democratically elected government and that invoking the War Measures Act as a response was necessary under the circumstances. His detractors did not agree. They felt that he overstepped and most importantly they contended that Trudeau's "suspension of rights" was unacceptable. Some of his detractors argued that Trudeau dirtied his hands through what they deemed to have been the immoral curtailing of civil liberties that the invoking of the War Measures Act authorized. This will always be a debatable question. But the point is that even if it can be demonstrated that Trudeau was excessive, this alone does not by our definition meet the threshold for an accusation of dirty hands. For Trudeau may simply have made a mistake in his assessment of the situation. If this was the case then he did nothing morally wrong and should not be said to have dirtied his hands. For Trudeau to be accused of having dirtied his hands something sinister in his thought processes must be posited,

something that as a consideration or motivating factor was improper. There must be malfeasance and not just incompetence if we are to ascribe dirty hands to any political action. Certain of his detractors contended that Trudeau immorally allowed the questionable calculation of consequences to override clear and obvious moral principles when he took his action. Trudeau responded by stating that he was protecting the overriding or higher principle of the right of a democratic society to protect itself from unlawful insurgencies. Perhaps this too is a question open to debate, but once more the point is this. If Trudeau after fair deliberation reached the conclusion that invoking the War Measures Act was necessary then he did nothing morally wrong and cannot be defined as having dirtied his hands, irrespective of whether or not he may have misjudged what the situation called for.

If however Trudeau's thought processes included considerations such as using the FLQ crisis as a pretext to invoke the War Measures Act though in his opinion the unrest could have been quelled with lesser measures, so as to be able to accomplish self-interested objectives beyond the mere suppression of the FLQ, then his decision process was improper, his actions were immoral and the accusation of dirty hands may be applicable. But a politician should not ever by definition be said to have dirtied their hands simply by choosing as best they can between alternative courses of action in a given situation. No matter how disagreeable the range of possibilities.

Our purpose is to clarify the concept of dirty hands, to show how dirty hands as an accusation might make sense, or be useful to us. And to show how it might not. Thus we shall contend that Trudeau *must not* be said to have dirtied his hands if after deliberation he did what he thought was necessary. This would be to use the word *dirty* in a misleading manner. We also contend that Trudeau *must* be said to have dirtied his hands if the FLQ crisis was used as a pretext for questionable measures put into effect for reasons of self interest

beyond the goal of suppressing the FLQ. This would be to use the word *dirty* in an appropriate manner. Whether or not Pierre Elliot Trudeau was dirty is not a question in need of resolution at this moment. And we all know what he got his hands on.

Let us change direction slightly. Is it possible to be in a situation where no matter what you do it will be morally wrong? A situation where competing obligations exist and where regardless of which choice is made a morally wrong action will be performed? The question is this. *Shall we define as possible a situation where a politician irrespective of which action they take must by definition act immorally?* Or will it always be possible to make a morally acceptable decision? We are asking how morality itself is to be defined. There are of course simple cases where there exists an obvious overriding obligation. We should break a routine promise in order to save a drowning child. We may also conceive of more complex cases where persons will have difficulty choosing an overriding obligation, and where disagreements as to which obligation overrides might arise. The case of Trudeau, for example. And we can imagine situations where there is little to choose from between obligations and where it is possible to act in such a manner as to do nothing morally wrong. But what about a situation where there is nothing to choose from between obligations while at same time either choice will be by definition morally wrong? Is such a situation conceivable? Let us consider a situation where a person is faced with apparently irresolvable competing obligations because they are identical competing obligations.

Suppose that from a distance you see two people being swept down a fast moving torrent, they appear to be drowning and they are headed for a waterfall. They are flailing and not wearing life-jackets. You run toward the torrent as fast as possible and get to the edge next to the waterfall three seconds before the two people come floundering by and over. You cannot swim and know you will

die if you fall in. There is a tree branch hanging down and you will be able to hold it tightly with one hand and hope that it does not break higher up. With the other hand you will only be able to save one person. Which person should you save? Well, if you notice that one is a child and the other an older person, you will likely decide that the overriding obligation is to the child. But what if the two appear to be identical twins? There is absolutely nothing to choose from between the competing obligations, they are exactly the same. The answer is of course profoundly simple, you grab one of them. You toss a coin. It would be nonsensical to suggest after the fact that the agent was morally wrong to not grab the person who was not grabbed. The obligation was to grab one of them, to toss a coin. And perhaps later to explain, yes. But not to apologize. What at first existed as a situation with identical competing obligations resolved itself into a situation with one obligation which if fulfilled rendered the agent morally blameless with respect to any and all previously competing obligations. Not the opposite. It cannot by definition be the case that there is no course of action that is not immoral.

The most difficult situations to assess are amplified examples of those such as that of Trudeau and the War Measures Act. In that situation the politician had a difficult decision to make, and he made one. Whether or not his motives were honourable is integral to any moral appraisal of his actions. But he either did something morally right if his motives were proper, or something morally wrong if they were not. It is not the case that he by definition did something immoral. Of course he may have. But he was not condemned to act immorally simply because he found himself to be in a difficult situation with the obligation to make a decision.

We have been speaking in the context of the agent having done nothing immoral in bringing about the circumstances that they find themselves to be in. But something needs to be said about situations where the agent is morally

responsible for having caused the state of affairs. It must be noted that even here it would not be accurate to state that the agent by definition must do something morally wrong. For the damage has already been done. An immoral action has already taken place. The agent morally responsible for the state of affairs is now in a very similar if not identical moral situation to the agent not morally responsible for the state of affairs. They both have the obligation to make the best possible decision in the given set of circumstances irrespective of the causal chain that brought those circumstances about. More could be said on this question, but the fact will always remain that there is a morally right and a morally wrong manner in which to proceed irrespective of how any situation came about. This is not the elusive case where a person by definition must do something immoral by definition. This is a case where someone has already done something immoral and now has an obligation to minimize the damage for which they are to be held responsible. To act so as to minimize the damage would not be a morally wrong action in this situation, on the contrary it would be a morally correct action, in fact a duty. It would be morally wrong to not act so as to minimize the damage. There is no definable set of circumstances where the agent by definition must perform a morally wrong action irrespective of which decision is made. That would be a self-contradictory definition.

We have discussed the invoking of the War Measures Act by Pierre Elliot Trudeau. And we have advocated a definition of dirty hands that would define Trudeau as having had clean hands if his motivations were proper and dirty hands if his motivations were not. We have rejected the defining of morally correct actions as being possible examples of dirty hands. Examples of dirty hands are always examples of immoral actions by our definition. This is to say nothing about whether or not certain acts are disagreeable. It should of course be disagreeable to have to perform an act which would otherwise be immoral except for the overriding obligation present in a given set of circumstances. But

so long as there is properly judged to be an overriding obligation then the disagreeable action is not an immoral one. Quite the opposite, it is in fact obligatory. Even though it could be a mistake. It cannot be obligatory to act immorally, this again is a contradiction in terms. There cannot be situations where one must do something morally wrong by definition. It will always be possible to avoid dirtying one's hands and it will always be possible to act in a morally acceptable manner. Otherwise there is no morality at all.

We shall conclude by turning our attention to the politicians who sided with the FLQ. How might the concept of dirty hands as we have defined it apply to their conduct? To begin we shall have to consider their motivations. If their motivations were proper then they did not dirty their hands, if their motivations were improper then they did. What were their motivations? Well, all of them agreed with the FLQ that Quebec should separate from Canada. Their motivation was the realization of this goal. What were their actions in attempting to realize that goal? They took the side of a murderous criminal insurgency that happened to share their ambitions for the province of Quebec. If it is to be defined as immoral to side with a murderous criminal insurgency unless there exists an overriding obligation then the question becomes one of articulating that overriding obligation. But such an excuse we are not ourselves capable of adducing. We contend therefore that the hands of these politicians were irreparably sullied. But we see nothing improper in the motivations of Trudeau. He stood little to gain other than criticism. Nor do we believe that Trudeau made a mistake. For we remember well the riveting and disturbing tensions of those dark and deeply Canadian days. Prime Minister Pierre Elliott Trudeau will always be remembered. May Pierre Laporte never be forgotten.