PARADOXES OF POLITICAL ETHICS

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CAMBRIDGE UNIVERSITY PRESS
The pre-modern origins of dirty hands

(1) God must rule (2) an obedient city; and due to this (3) the souls of individual people in the city must rule their bodies and (4) reason must rule the vices within their souls, in order that they may (5) live on the basis of faith and (6) show love to God and (7) to their neighbor. In other words, according to Augustine, an awful lot of pretty improbable dominoes have to fall in order to get a true politics off the ground at all.

But Augustine is willing to acknowledge that there is another sense in which it is appropriate to call a people a res publica in a weaker sense of that term, and thus that Rome “certainly was a commonwealth to some degree, according to more plausible definitions.” We can call a people a kind of commonwealth whenever they are “united by a common agreement on the objects of their love.” On this view, Rome does count as a community: the object of the Romans’ love was glory, and they were in agreement on it. When applying this secondary definition of a commonwealth or people, it also follows for Augustine that “the better the objects of agreement, the better the people; and the worse the objects of this love, the worse the people.”

Due to its sinful love of glory, Rome is far from being the best of all possible peoples. Yet at the same time, Augustine says, “I shall not make that a reason for asserting that a people is not really a people or that a state is not a commonwealth, so long as there remains an association of some kind or other between a multitude of rational beings united by a common agreement on the objects of its love.” Still, unless God rules in the city in the very precisely ordered and carefully calibrated sense implied in Augustine’s overall moral theory, the city will remain in another sense “devoid of true justice.”

TWO CITIES AND TWO LOVES

We are now prepared to turn our attention directly to the implications of Augustine’s innovations in moral psychology and political theory for the development of the problem of dirty hands and the ethics of political action. As we have seen, the responsible actor in Augustine’s politics undertakes to make use of an imperfect peace and of the shadowy goods of the earthly pilgrimage for higher purposes. And it is here that another aspect of pride’s imitative capacity, namely its creation of a world of profound moral opacity, comes to play a role of key importance in Augustine’s thinking about political ethics. For Augustine’s proposed resolution of the problem of dirty hands rests on his claim that the moral opacity that characterizes humanity’s sinful nature serves to justify and excuse political actors in engaging in a wide range of actions that otherwise would have been morally impermissible.

In considering the problems of political ethics, Augustine displays a clear-sighted realism about the moral difficulties that may confront those who are called upon to rule. Unlike many of his early Christian predecessors, Augustine does not urge Christians to avoid public life. The claims of political responsibility, he acknowledges, may frequently compel a person to take upon the active life out of love for others. “It is the compulsion of love that undertakes righteous engagement in affairs,” Augustine tells us, and so if the task “is laid upon us, it is to be undertaken because of the compulsion of love.” God assigns us this responsibility according to his ineffable will, and it is this assignment that gives us a special moral permission grounded in our general duty of love toward others.

Thus those who so act are called, Augustine believes, to a special role of political responsibility, in which they act not merely as themselves, but on behalf of their role or office. This move of Augustine’s is of crucial significance for the later development of this line of thought, and in Augustine’s own formulation the idea is closely tied to the actor’s sense of responsible vocation, grounded in the general moral duties of love and benevolence. Augustine explains about the person called to a vocation of public responsibility that as a man, he serves in one way, as a king in another. As a man, he serves by living faithfully, as a king by sanctioning with suitable vigour laws that order just behaviour and prevent its opposite. All kings serve the Lord in this way in so far as they are kings, performing in his service deeds that they could not perform unless they were kings...

We can see this same idea about the moral implications of political roles further developed in the thought of Martin Luther, who in this as in so much else follows the lead of Augustine’s theology to its logical conclusion. Explaining to his followers that the ethical teachings of the Sermon on the

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94 CG xii.19, p. 880. See also Augustine, Sermon 301, s. 47, in Political Writings, ed. Adkins and Dodaro, p. 116.
95 Augustine explains: “The eternal law, which commands maintaining the natural order and forbids disturbing it, places some human actions in a middle position, so that when human beings take it upon themselves to do these actions, their audacity is rightly blamed, but when they do them in carrying out a command, their obedience is justly praised. In considering the natural order, one must consider what is done, by whom it is done, and under whose command it is done. If Abraham had sacrificed his son of his own accord, what would he have shown himself to be except horrible and insane! As God was commanding him, however, did it not prove him to be faithful and devout?” Augustine, Against Faustus xiii.37-39, pp. 222-223.
96 Augustine, Letter 185, Augustine to Boniface, in Political Writings, ed. Adkins and Dodaro, p. 185.
Mount apply only to "how individuals are to live in relation to others, apart from official position," Luther tells us:

We must distinguish sharply between these two, the office and the person. The man who is called Hans or Martin is a man quite different from the one who is called elector or doctor or preacher. Here we have two persons in one man ... God adorns and dresses you up as another person. He makes you a child and me a father, one a master and another one a servant, one a prince and another a citizen ... 102

In developing this influential line of reasoning, Luther appeals exactly as Augustine had to the limited, temporal necessity of establishing peace. "God himself," Luther argues, "has ordained and established this secular realm and its distinctions ... For without them this life could not endure. We are all included in them ... [and] we must also remain in them as long as we are on earth ... There is no getting around it, a Christian has to be a secular person of some sort ... 103 The reason, moreover, that this simultaneous, dual existence is necessary, is that the Christian

lives in human society and has to make use of secular and imperial things, the same way that heathen do. For until he has been transferred bodily from this life to another one, his flesh and blood is identical with theirs; and what he needs to provide for it does not come from the spiritual realm, but from the land and soil, which belongs to the emperor ... 104

Still, Luther cautions, Christians are to inhabit this dual existence "only according to our outward life and our physical existence," appealing again to a distinction made far more plausible by Augustine's inward turn. Thus Luther argues:

When a Christian goes to war or when he sits on a judge's bench, punishing his neighbor, or when he registers an official complaint, he is not doing this as a Christian, but as a soldier or judge or lawyer. At the same time he keeps a Christian heart. He does not intend to harm anyone, and it grieves him that his neighbor must suffer grief. So he lives simultaneously as a Christian toward everyone, personally suffering all sorts of things in the world, and as a secular person, maintaining, using, and performing all the functions required by the law of his territory or city, by civil law, and by domestic law ... 105

Augustine stresses, however, that roles of political responsibility are not something to be sought for their own sake; if such roles are "not imposed on us, we should employ our freedom from business in the quest for truth and its contemplation." 106 The principal reason we should avoid politics if we can, according to Augustine, is that of the grave moral dangers which politics poses for its practitioners. Nothing is more morally dangerous than the lust for domination which is an inevitable temptation for those who wield power. "Why do you want the difficult task of accounting for someone else's death ...", Augustine asks, when "God has given you the freedom of not being a judge" and so "the burden of authority isn't yours to carry" 107 Given this risk of moral corruption, Augustine thinks, we should prefer even to endure the rule of an unjust government rather than hazard our own moral purity unnecessarily. For "as for this mortal life, which ends after a few days' course, what does it matter under whose rule a man lives, being so soon to die, provided that the rulers do not force him to impious and wicked acts?" 108 So while the political life does not for Augustine necessarily entail moral tragedy, its avoidance of such tragedy is strictly a matter of moral luck. 109

But it is not only these hazards of the soul that complicate Augustine's account of the ethics of political action. Perhaps even more importantly, Augustine is acutely aware that human life, especially in politics, is beset by unavoidable choices that appear, at least on the surface, to constitute genuine moral dilemmas. And the cause of these recurrent dilemmas, according to Augustine, is most frequently our blurry perceptions of human motivation and the consequent difficulties that arise in trying to render our inevitable judgments upon them.

When Augustine lists the ills of our mortal condition, he focuses sharply on those features of human life that are caused by the uncertainty of our moral knowledge. Even peace, Augustine says,

is a doubtful good, since we do not know the hearts of those with whom we would wish to maintain peace, and even if we could know them today, we should not know what they might be like tomorrow. In fact, who are, in general, more friendly, or at any rate ought to be, than those within the walls of the same home? And yet, is anyone perfectly serene in that situation, when such grievous ills have so often arisen from the secret treachery of people within those walls? And the bitterness of these ills matches the sweetness of the peace that was reckoned genuine, when it was in fact only a very clever pretense. 110

It is precisely for this reason that Augustine uses the terms "pitiable" and "lamentable" to describe "those judgments passed by men on their

102 Luther, "The Sermon on the Mount," in O'Donovan and O'Donovan, From Irenaeus to Grotius, p. 586.
103 Ibid., pp. 598-601.
104 Ibid., p. 600.
105 Ibid., p. 601.
106 Augustine, Sermon 302, s. 13, p. 115.
107 Augustine, Sermon 302, s. 13, p. 115.
108 Augustine, Sermon 302, s. 13, p. 115.
109 Augustine, Sermon 302, s. 13, p. 115.
110 Augustine, Sermon 302, s. 13, p. 115.
fellow-men, which cannot be dispensed with in cities, however much peace they enjoy."

Moreover, the reason for this tragic state of affairs is at root an epistemological problem, arising out of the moral opacity that creates pride’s ability to imitate charity and its virtuous outward effects. We see this especially clearly in Augustine’s account of the moral problems encountered by judges in the execution of their duties. Augustine explains that the judge’s moral responsibilities are different from those of ordinary citizens, based on the necessary function to which the judge is called.

Usually a judge unsheathes his sword only when forced to. When he strikes, he does so unwillingly. Personally, he would have liked to have avoided bloodshed when sentencing; but maybe he did not want public order to collapse. He was obliged to act this way by his office, by his authority, by the demands of his situation.

The trouble, Augustine tells us, is that “those who pronounce judgment cannot see into the consciences of those upon whom they pronounce it.” As a consequence, those who exercise political power are often compelled to seek the truth by torturing innocent witnesses in a case which is of no concern of theirs. And what about torture employed on a man in his own case? The question is whether he is guilty. He is tortured, and, even if innocent, he suffers, for a doubtful crime, a punishment about which there is no shadow of doubt and not because he is discovered to have committed it, but because it is not certain that he did not commit it. This means that the ignorance of the judge is often a calamity for the innocent. And there is something yet more intolerable: “the fact that the judge tortures the accused for the sole purpose of avoiding the execution, in ignorance, of an innocent man: while his pitiable lack of knowledge leads him to put to death, tortured and innocent, the very person whom he had tortured to avoid putting the innocent to death.”

And if, as frequently occurs, the accused, though innocent, “confesses to a crime he has not committed,” then afterwards “the judge still does not know whether it was a guilty or an innocent person he has executed, after torturing him to avoid executing the innocent in ignorance.”

All this might appear to the modern reader to constitute a strong argument against the employment of torture and execution as means, but

Augustine refuses to draw this conclusion. More conspicuously, Augustine resists even the claim that the Christian judge will decline to employ these methods himself. Instead, he takes for granted that the Christian who has truly been called to a life of political action will undertake to use even these extremely dubious means, given the weight of his responsibility for the public good. In view of this darkness that attends the life of human society,” Augustine asks, “will our wise man take his seat on the judge’s bench, or will he not have the heart to do so? Obviously he will sit for the claims of human society constrain him and draw him to this duty; and it is unthinkable to him that he should shirk it.” In fact, Augustine goes on to say, “it is not to him an unthinkable horror” that innocent witnesses should be tortured in cases in which they are not accused, or that prisoners should be driven to make false confessions through torture (even torture that results in death), or that witnesses should give false evidence, or that the judge “in his ignorance, may condemn” the innocent.

But despite the fact that Augustine’s judge must make use of such violent and uncertain methods, Augustine consistently maintains that, when the judge does so in fulfillment of the public responsibilities to which he has been called, he incurs no moral blame. In other circumstances, Augustine shows himself to be extremely resistant to the notion that human beings might sometimes need to employ evil means to promote just ends; he argues, for example, that “anyone who believes that a lie is sometimes useful believes that injustice is sometimes useful” (which is according to Augustine “impossible.”) So, inverting this same line of reasoning, in the case of the judge Augustine argues that he will not only participate in these questionable processes, but will do so blamelessly: “All these evils our philosopher does not reckon as sins,” Augustine tells us, “for the wise judge does not act in this way through a will to do harm.” His predicament is rather that “ignorance is unavoidable – and yet the exigencies of human society make judgment also unavoidable.” The wise man who acts in accordance with this reality and performs his responsibilities does not do evil “in his judicial capacity,” since “it is through unavoidable
ignorance and the unavoidable duty of judging that he tortures the innocent”; he is rather excused, Augustine believes, by the joint pressures exercised by his office and his ignorance.\textsuperscript{133}

Thus, it is the opacity of human moral existence that makes the evils and tragedies characteristic of political action both necessary and endurable; it is our helplessness to distinguish definitively among inner moral phenomena that both requires and excuses the brutality of our public actions. And yet, in fulfilling his duty innocently, the Christian political actor is not to be deemed “happy,” Augustine tells us: he is called to troubling work, and therefore is expected to be troubled by it. It is not wickedness, but rather “the wretchedness of man’s situation,” which accurately characterizes the judge’s predicament: “How much more mature reflection it shows, how much more worthy of a human being it is when a man acknowledges this necessity as a mark of human wretchedness, when he hates that necessity in his own actions and when, if he has the wisdom of devotion, he cries out to God, ‘Deliver me from my necessities!’”\textsuperscript{124}

A different formulation of the same dynamic can be found in Augustine’s influential treatment of international political action, including his pioneering theory of “just war.”\textsuperscript{125} In his most fully developed reflections on the topic, Augustine challenges the pacifist viewpoint typical of most of the preceding Christian tradition by arguing that, under the sinful and uncertain conditions of temporal reality, it will sometimes prove necessary for even Christians to use force for the purpose of resisting evil. Always of course it is preferable to avoid violence; but sometimes, Augustine believes, there are situations in which, regardless of which action one takes, someone will be harmed. Given these harsh realities of life in the earthly sphere, it will sometimes be necessary for those in political authority to choose whom the burden of this unavoidable harm will fall upon. Augustine’s view is clear: those in authority must choose based on the least of the various evils. “It is much better,” he tells us, “that one who plots against another’s life should be killed rather than one who is defending his own life”; but also (and perhaps more at odds with contemporary moral intuitions), “it is much worse for someone unwillingly to suffer a sexual assault, than for the assailant to be killed by the one he was going to assault.”\textsuperscript{126}

Someone must make these difficult choices, and this burden Augustine again places on the shoulders of those called to positions of public responsibility. Citing a remark by John the Baptist to soldiers seeking moral guidance, Augustine argues that the political role that soldiers undertake distinguishes and alters the consequent morality of their actions. Even though such soldiers might be forced to use violence in the course of their work, Augustine maintains, “they are not murderers but ministers of the law, and not avengers of their own injuries but defenders of public well-being”; and this distinction of role or function matters crucially for Augustine.\textsuperscript{127}

For it makes a great difference by which causes and under which authorities men undertake the wars that must be waged. The natural order, which is suited to the peace of mortal things, requires that the authority and deliberation for undertaking war be under the control of a leader, and also that, in the executing of military commands, soldiers serve peace and the common well-being.\textsuperscript{128}

Thus, on Augustine’s view, the good person will in general wage war when doing so is just; but in doing so he will also “lament the fact that he is faced with the necessity of waging just wars; for if they were not just, he would not have to engage in them, and consequently there would be no wars for a wise man.”\textsuperscript{129} What lays the duty of waging wars on the wise man is “the injustice of the opposing side,” and injustice is assuredly “to be deplored” even though “no necessity of war should arise from it.”\textsuperscript{130} For Augustine, it is significant that the soldier acts within a context which it is beyond his power to control or alter; indeed, in a sense it is this context rather than the soldier himself that can be seen as the true agent of violence. Thus, Augustine argues that, when a soldier or other authorized agent exercises violence, “it ought to be necessity, and not your will, that destroys an enemy who is fighting you . . . ”\textsuperscript{131}

These factors, emerging out of Augustine’s innovative moral psychology, allow Augustine to offer to the soldier the same escape from the dirty hands predicament that he had offered elsewhere to the judge: namely, that since morality is at its core a matter of intention and disposition, conceivably a person could commit any external act, even killing,
without incurring the moral blameworthiness associated with murder. As Evodius, one of Augustine’s interlocutors in his dialogue *On Free Will*, states with Augustine’s apparent approval,

If murder is just killing a human being, then there can be murder that is not sinful. When a soldier kills the enemy, when a judge or his representative puts a criminal to death, or when a weapon accidentally slips out of someone’s hand without his willing or noticing it: these people do not seem to be sinning when they kill someone.\(^{132}\)

Thus for Augustine killing on behalf of one’s community in a just cause is morally in approximately the same class as someone whose weapon injures someone by slipping from his grasp: both are outcomes of external processes that are no part of the agent’s internal will.

Indeed, it turns out that, for Augustine, not only is the difference between killing and murder exclusively a matter of intention, but also war itself is mostly lamentable not because of the physical suffering it causes but rather because it tends to damage the moral intentions of those it involves. Augustine asks:

What is it about war that is to be blamed? Is it that those who will die someday are killed so that those who will conquer might dominate in peace? This is the complaint of the timid, not the religious. The desire for harm, the cruelty of revenge, the restless and implacable mind, the savagery of revolting, the lust for dominating, and similar things – these are what are justly blamed in wars.\(^ {133}\)

Thus the crucial thing about whether an act of killing can be justified is whether it occurs with pure intention: or to put it more precisely and in Augustine’s own terminology, whether or not it is motivated by lust or “inordinate desire.”

It is in this light that we can see what Augustine is morally distinctive about politics, what ultimately permits those who hold political authority or enact political roles to take actions others cannot. For it is in politics especially that we find those rare cases where such actions as killing might plausibly be taken *without* inordinate desire. “A soldier who kills the enemy is acting as an agent of the law,” Augustine observes, and “so he can easily perform his duty without inordinate desire.”\(^ {134}\) Politics creates a sphere which aims to protect interests that are not merely our own, and this fact allows political actors to do what they must *without* requiring any

improper motivation. Indeed, in a sense the purpose of politics is to permit the actions necessary to secure temporal peace, while at the same time cordon off those morally suspect motivations which typically accompany the actions. Thus Augustine holds that “the law itself, which is established with a view to protecting the people, cannot be accused of any inordinate desire.”\(^ {135}\) In a way, the point of the kind of politics Augustine has imagined is precisely that it justifies the necessary actions of political life: first by isolating the morality of those actions in internal states of mind, and then by using the idea of politics itself as a way of purifying the intentions of the actors involved.

Exponents of Augustine’s political theory often casually attribute his stance on political action to an endorsement of what is necessary in a world of fallen men, and at the most fundamental level this is of course correct. But it is important to stress that for Augustine it is not merely human sinfulness in some *general* sense that lies at the root of the special ethical problems attached to political action. This more generalized view fails to capture two of the more interesting aspects of Augustine’s treatment of the problem.

First, we find in Augustine’s account of the mutually reflective relationship between pride and charity the basis of his insistence on the morally opaque character of human existence – an opacity that characterizes both human motivation and the workings of God’s providence (from the point of view of the human moral agent). It is this dynamic of opacity that both motivates and facilitates the celebrated “inward turn” of Augustine’s psychology. But it is also this dynamic that makes it possible for subsequent thinkers drawing on Augustine to further extend the concept of sinfulness almost completely beyond human comprehension and differentiation (as we will see in Chapter 5). By bringing vice indoors, so to speak, and thereby radically internalizing the conceived location of moral action, Augustine is able to portray vice as both a much more widespread and a much more inconspicuous phenomenon than any previous moral theory had done.

Second, we also find that this moral opacity is what leads Augustine to single out the epistemological blindness of the human condition as the fundamental problem that plagues the ethics of political action. The inimical, reflective quality of pride as against love, the earthly city as against


\(^ {133}\) See further Augustine, *Against Faustus* 300.73–79, p. 221.

\(^ {134}\) *FP* 1.9, p. 8.

\(^ {135}\) Ibid. Of course, Augustine acknowledges, either the person who enacts the law or the person who obeys the law might act from inordinate desire, using the law as an excuse. But if either the legislator or the executive power in such a case acts from a pure will, an impugn the morality of the other’s action (that is, a purely enacted law can be lawfully obeyed, and a lustfully enacted law can be innocently obeyed).
The heavenly, is precisely what makes ethical action in politics so difficult for human beings to perform. Yet at the same time, because of that reflective quality's usefulness in the hand of God, it also constitutes one of the most common modes of operation of God's mysterious providence. The political actor does not seek to capitalize on this usefulness himself, in Augustine's theory: that is left to the hand of God. Nor is he required to commit actual moral evils himself: the combination of his office and his ignorance excuses him. But in a strange way, Augustine's responsible political actor, while in one sense the instrument of God's providence, is also placed in the position of navigating the uncertain and treacherous moral waters of the problem of dirty hands, precisely because this is the sea God has chosen to set him adrift on: for it is God who has chosen to use the mysterious moral blurriness of the human condition as a means of providence for his human creation.\footnote{For an alternative view, see by comparison Peter Burnell, "The Problem of Service to Unjust Regimes in Augustine's City of God," Journal of the History of Ideas 54 (1993): 177-188.}

As we will see in the chapters that follow, subsequent thinkers drew on these two aspects of Augustine's thought in a variety of surprising ways. But Augustine's proposed resolution of these moral problems of public action came at a cost, and resulted in a synthesis of ancient political and Christian moral motivations that was eventually to prove to be fundamentally unstable. It is to the story of the unraveling of this Augustinian synthesis in the early years of modernity, and the vivid re-emergence of some of the very problems Augustine himself had sought thus to resolve, that we will turn in Chapter 3.