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Abstract: This paper explores what the three best-known thinkers in the sentimentalist tradition - David Hume (1711-76), Adam Smith (1723-90), and Edmund Burke (1729-97) – have to say about the topic of “dirty hands” (the view that some forms of power, used properly, lead to guilt and bad actions). Although the views of these philosophers have often been declared inconsistent, my project is to defend and resurrect key elements of their position, which may have value for this debate. I contend that a coherent and unified view about dirty hands may be extracted from their work. By discussing this view, I aim to elucidate a philosophical tradition that may not be familiar to many readers today.

On their sentimentalist approach, all jobs or social roles inevitably lead to characteristic varieties of wrongdoing (i.e. dirty hands), due to corruption, increased temptation and opportunity. Such inevitability does not excuse the wrongdoing, but it might diminish the appropriate level of moral blame for those at the bottom, while enhancing blame for persons at the top.

1. The Background Theory

As I use the term, *sentimentalism* is the view that human behavior is motivated by (first-order) sentiment or passion, while moral evaluation of character or conduct is properly accomplished by way of the (second-order) moral sentiments of impartial human observers who are in standard conditions for such observation. The most

prominent authors in this historical tradition are David Hume (1711-76), Adam Smith (1723-90), and Edmund Burke (1729-97). Each of these authors produced his own large and multifarious body of work, leading to many opposing interpretations for each, and to claims that each author is inconsistent, along with counter-claims to the contrary. For example, some authors see a significant difference between Hume's moral psychology as presented first in the *Treatise*, and later in the *Enquiry Concerning the Principles of Morals*, while Vitz argues to the contrary that Hume's view remains the same.¹ Similarly, as Darwall puts it, "A generation or so ago, commentators used to discuss what they called the 'Adam Smith Problem': how to fit together Smith's sentimentalist virtue ethics, in the tradition of Hutcheson and Hume, with his seemingly egoistic or libertarian economics and politics?"² Darwall adds that, thanks to recent scholarly work, "we can now find ... a reconciliation between Smith's ethical and economic writings."³ Similarly, MacPherson wrote of what he called the "Burke Problem," comprising some major inconsistencies within Burke's work.⁴ To the contrary, says Conniff, "Burke's political and economic thought forms one consistent whole."⁵

These three sentimentalist authors are difficult to interpret, as each may be judged independently inconsistent (or not), in varying ways. Furthermore, they disagree among themselves in many cases, for example regarding the importance and value of political parties, or (established or other) religion. I have argued elsewhere that Hume and Smith make very different use of general rules in their respective moral theories.⁶ However, in this paper about dirty hands, my project is to search for unity and plausibility in their work, as I aim to extract a single, unified and coherent view from all three. While there may be no single fiber of the dirty hands discussion that runs through any one of them

from end to end, I contend that there is an overlapping of many fibers through them all - that they are in substantial agreement and provide mutual support and reinforcement for one another on this topic. Thus my aim here is to resurrect and plausibly unify key elements of a sentimentalist approach to dirty hands, as extracted from the works of Hume, Smith, and Burke.

The study of human nature is a crucial backdrop for sentimentalist theory (thus, e.g., Hume's *Treatise of Human Nature*). According to Hume, Smith, and Burke, humans are motivated by very many different (often inexplicable) natural passions. Hume remarks upon "the vast variety of inclinations and pursuits among our species; where each man seems fully satisfied with his own course of life, and would esteem it the greatest unhappiness to be confined to that of his neighbour" (1987, I.XVIII.3, "The Sceptic"). As Burke puts it, "the entire circle of human desires" (W V, 374)⁷ embraces "objects ... of the greatest possible variety," which are "in a manner infinite" (W V, 373).

According to these sentimentalists, human nature is largely uniform throughout time and space, while also variable in somewhat predictable ways. As Hume puts it, there are "characters peculiar to different nations and particular persons, as well as common to mankind" (T.403).⁸ While some character-types are peculiar to certain nations and persons, others may turn up in any human anywhere. Hume says that there are "circumstances, which are fitted to work on the mind as motives or reasons, and which render a peculiar set of manners habitual to us" (1987, I.XXI.2, "Of National Characters"). This is what "fixes the character of different professions, and alters even that disposition, which the particular members receive from the hand of nature. A *soldier* and a *priest* are different characters, in all nations, and all ages; and this difference is

founded on circumstances, whose operation is eternal and unalterable” (1987, I.XXI.4, “Of National Characters”).⁹ It is predictable that (many) persons placed in a given social role will take on certain characteristics, and behave in certain ways (for better or for worse). Hume says, “when any *causes* beget a particular inclination or passion, at a certain time, and among a certain people; though many individuals may escape the contagion, and be ruled by passions peculiar to themselves; yet the multitude will certainly be seized by the common affection, and be governed by it in all their actions” (1987, I.XIV.3, “Of the Rise and Progress of the Arts and Sciences”). A kind of cause acting on different people is likely to produce similar effects in those people. This may be parsed out in various ways, for example almost all Londoners may share a common passion or character trait, as may almost all workers of a certain kind in a particular factory, or almost all members of the Anglican Church throughout the British Empire, or almost all crowned heads in Europe, or almost all Spanish mothers.

For example, Smith says of those workers who must frequently switch tasks and tools, “The habit of sauntering and of indolent careless application, which is naturally, or rather necessarily acquired by every country workman who is obliged to change his work and his tools every half hour, and to apply his hand in twenty different ways almost every day of his life; renders him almost always slothful and lazy, and incapable of any vigorous application even on the most pressing occasions” (WN I.1.7).¹⁰ For another example, Hume says that when “the females enter into all transactions and all management of church and state,” ... “It is needless to dissemble: The consequence of a very free commerce between the sexes, and of their living much together, will often terminate in intrigues and gallantry” (E.339).¹¹ Or to take a different kind of example,

Hume says that if you give a person “lucrative [“employment”], especially if the profit be attached to every particular exertion of industry, he has gain so often in his eye, that he acquires, by degrees, a passion for it, and knows no such pleasure as that of seeing the daily encrease of his fortune” (1987, II.IV.11, “Of Interest”).

Thus, when dealing with sizable groups of humans, certain predictions may be reliably made on the basis of general rules. As Hume puts this point, “general principles, if just and sound, must always prevail in the general course of things, though they may fail in particular cases; and it is the chief business of philosophers to regard the general course of things. I may add, that it is also the chief business of politicians; especially in the domestic government of the state” (1987, II.I.2, “Of Commerce”). Or as Burke says in praise of ancient legislators, “The legislators who framed the ancient republics knew that their business was too arduous to be accomplished with no better apparatus than the metaphysics of an undergraduate and the mathematics and arithmetic of an exciseman. They had to do with men, and they were obliged to study human nature. They had to do with citizens, and they were obliged to study the effects of those habits which are communicated by the circumstances of civil life” (W III, 476-7). On this view, persons in positions of responsibility for human affairs are obliged to study human nature.

Moral judgment, i.e. moral praise and blame, is (according to sentimentalism) determined by what impartial human spectators in standard conditions for moral observation would feel upon observing a human character or quality or action or system. The fact that some particular evil is *predictable* does not flatly excuse it, although it does diminish the blame felt by carefully reflecting impartial spectators. As Hume says, for example, “We make allowance for a certain degree of selfishness in men, because we

know it to be inseparable from human nature, and inherent in our frame and constitution. By this reflection we correct those sentiments of blame which so naturally arise...” (T.583). Some humans will inevitably act on their darker motivations and impulses, rationally or irrationally, for better or for worse. Judicious impartial spectators recognize this fact, and make allowances for it in their moral judgments.

As Smith puts this point, “when we are determining the degree of blame or applause which seems due to any action, we very frequently make use of two different standards. The first is the idea of complete propriety and perfection, which, ...no human conduct ever did, or ever can come, up to; and in comparison with which the actions of all men must for ever appear blameable and imperfect. The second is the idea of that degree of proximity or distance from this complete perfection, which the actions of the greater part of men commonly arrive at” (TMS I.I.48).¹² Were an impartial spectator to compare a given instance of human behavior to the first standard, s/he would “see nothing ... but faults and imperfections,” however by using the second, “very different standard, the common degree of excellence which is usually attained,” and then judging the behavior “by this new measure, it may often appear to deserve the highest applause, upon account of its approaching much nearer to perfection” than most comparable human behavior in a similar situation (TMS I.I.49). To take a more specific example – for humans generally speaking, the greater the temptation for wrongdoing, the greater is the likelihood that wrong will be done. Thus Smith says, “the very circumstance which ought certainly to alleviate [“punishment”]” for the commission of a crime is “the temptation to commit the crime” (WN V.2.28). Recognition of, and allowance for, human frailty in the face of temptation is an important part of sentimentalist moral

theory. As Hume says, it is at least *prima facie* plausible (if not always the case) that “transgressions ... are more excusable, upon account of the greatness of the temptation” (T.572).

2. The Inevitability of Dirty Hands

According to the standard view of dirty hands, there are some forms of power that, when used properly, lead to guilt and bad actions. For example, Gavison aims to “draw the attention of those whose occupations involve systematic breaches of others’ privacy, such as journalists, doctors, detectives, policemen, and therapists, to the fact that although some invasions of privacy are inevitable, a loss of sensitivity about such losses may corrupt the invader as well as harm the victim.”¹³ Similarly, Smith in the passage below points to the predictable phenomenon that soldiers in war are likely “to suffer a considerable diminution” of their first-order motivating sentiments of “humanity,” i.e. sentiments of kindness or benevolence.

Under the boisterous and stormy sky of war ... the strongest suggestions of humanity must frequently be stifled or neglected; and every such neglect necessarily tends to weaken the principle of humanity. As it may frequently be the duty of a soldier not to take, so it may sometimes be his duty not to give quarter; and the humanity of the man who has been several times under the necessity of submitting to this disagreeable duty, can scarce fail to suffer a considerable diminution. For his own ease, he is too apt to learn to make light of the misfortunes which he is so often under the necessity of occasioning; and the situations which call forth the noblest exertions of self-command, by imposing the necessity of violating sometimes the property, and sometimes the life of our neighbour, always tend to diminish, and too often to extinguish altogether, that sacred regard to both, which is the foundation of justice and humanity (TMS III.I.79).

Indeed, as already noted above, every kind of social role will lead to predictable effects on human character, often (but not always) for the worse. Many otherwise good and innocent persons, when placed into certain positions and performing their roles as they should, will by degrees be hardened or changed, in an escalating cycle that may ultimately lead to abuse of power. As Hume says, “Instances of licence, daily multiplying, will weaken the scandal ...” (E.339).

According to Hume, Smith, and Burke, it is predictable with certainty that (at least some) humans in any social position will become corrupted and, as a result, behave badly. Within a sizable human population governed by rules, (nearly) every rule will be broken, even if only for its own sake. As Hume says, “we naturally desire what is forbid, and take a pleasure in performing actions, merely because they are unlawful” (T.421). More especially, rules forbidding things that humans naturally desire are certain to be disobeyed by many. As Burke puts it, “If legal ways are not found, illegal will be resorted to; ... Lawful enjoyment is the surest method to prevent unlawful gratification. Where there is property, there will be less theft; where there is marriage, there will always be less fornication” (W IV, 256). Natural human passions will certainly be gratified, one way or another. For a recent example of this phenomenon, consider Chang’s description of China under Mao. “Collecting of any kind, including stamps and paintings, had been banned as a ‘bourgeois habit.’ So people’s instinct for collecting,” Chang says, turned to “aluminum badges with Mao’s head on them ... although they could only deal in it clandestinely. Little did [Mao] know that even the image of his head had become a piece of property for capitalist speculation, the very activity he had tried so hard to stamp out.”¹⁴

For another example, Smith explains and predicts with regard to Portugal's prohibition, and Spain's taxation, of gold and silver export:

When you dam up a stream of water, as soon as the dam is full as much water must run over the dam-head as if there was no dam at all. The prohibition of exportation cannot detain a greater quantity of gold and silver in Spain and Portugal than what they can afford to employ, than what the annual produce of their land and labour will allow them to employ, in coin, plate, gilding, and other ornaments of gold and silver. When they have got this quantity the dam is full, and the whole stream which flows in afterwards must run over. The annual exportation of gold and silver from Spain and Portugal accordingly is, by all accounts, notwithstanding these restraints, very near equal to the whole annual importation (WN IV.5.19).

Not only will those at the bottom (for whom the rules are initially intended) break such rules, but also many of those who make and enforce the rules will certainly do wrong. Burke says, "those who are intrusted with an artificial and instituted authority have in their hands a great deal of the force of other people; and as their temptations to injustice are greater, so their means are infinitely more effectual for mischief by turning the powers given them for the preservation of society to destruction" (W IX, 462). Officials who make and enforce laws have the opportunity and the temptation to break those very laws, or to use those laws in pursuit of personal gain or other ends (e.g., settling scores with an enemy). Over time and with many persons filling such positions, it is certain that some persons in power will succumb to these temptations and take advantage of these opportunities to do wrong. As Burke puts it, "There are, and must be, abuses in all governments. It amounts to no more than a nugatory proposition" (W II, 443). It is an inevitable fact of human life that many persons in positions of power,

routinely faced with temptation and opportunity, losing their initial humility while growing hardened to the exercise of their power, will eventually abuse that power.

Indeed social roles of any kind, filled by humans, inevitably lead to characteristic varieties of wrongdoing. For example, the existence of *family* as an institution inevitably leads to spousal and child abuse, incest, nepotism, favoritism, murders within families, blood feuds between families, and countless other evils. This is not to say that all or most families or family members engage in these activities, but in a large society composed of families, such predictable evils will be widespread. Furthermore, this is not to say that the institution of *family* is itself bad, or should be abolished. Family, or something like it, is an inevitable part of human society. Wise leaders should foresee, and attempt to mitigate, its attendant evils.

By the same token, as Burke points out, “Party divisions, whether on the whole operating for good or evil, are things inseparable from free government. This is a truth which, I believe, admits little dispute, having been established by the uniform experience of all ages” (W I, 222). If humans are to have free governments, then they must accept the inevitable reality of party divisions and the accompanying evils of faction. However, Burke points out, to claim that party is “accidentally liable to degenerate into faction” (W I, 424) is not to say that the institution of *party* is itself bad, or should be abolished. Burke says, “Every profession, not excepting the glorious one of a soldier, or the sacred one of a priest, is liable to its own particular vices; which, however, form no argument against those ways of life; nor are the vices themselves inevitable to every individual in those professions. ... Commonwealths are made of families, free commonwealths of parties also; and we may as well affirm, that our natural regards and ties of blood tend

inevitably to make men bad citizens, as that the bonds of our party weaken those by which we are held to our country” (W I, 424). Families and parties alike have their own attendant evils, as do professions and social roles of any kind.

To have or to create a social role of any kind, such as a job or an official position, is to ensure that some humans filling that role will become corrupted and therefore engage in characteristic vices and abuses of power.¹⁵ Smith’s soldier example illustrates the corruption of sentiment that may occur in a person properly performing a job. When such damage has occurred, abuses are likely to follow. If there are adults working with children in some capacity, some of those adults will sexually abuse those children. If there are persons working with corpses, some of those workers will abuse those corpses in some way. If there are persons working with money, some of those workers will embezzle. If there are persons working with confidential information, some of those workers will abuse their access to this information. If there are persons confiscating illegal drugs, some of those persons will abuse their access to those drugs. And so on for any kind of work or power that someone might have. This is the very essence of *dirty hands*. Many otherwise and formerly good persons, when routinely faced with temptation and opportunity, will grow hardened and corrupted, and eventually succumb to temptation.

However, according to Burke, the predictable reality of role-related vices “form no argument against those ways of life; nor are the vices themselves inevitable to every individual” in a given role (W I, 424). Some roles are essential for human society, and individuals filling those roles are responsible for their own behavior. Burke says, “where duty renders a critical situation a necessary one, it is our business to keep free from the

evils attendant upon it; and not to fly from the situation itself. If a fortress is seated in an unwholesome air, an officer of the garrison is obliged to be attentive to his health, but he must not desert his station” (W I, 424). Roles that are necessary or inevitable must be filled, but it is incumbent upon persons in those roles to refrain from wrongdoing.

To consider an example of a necessary role, Hume says, despite the “strong and obvious necessity” of human respect for property rules, “such is the frailty or perverseness of our nature! it is impossible to keep men, faithfully and unerringly, in the paths of justice” (1987, I.V.2, “Of the Origin of Government”). As Hume says, persons are “frequently ... seduced from ... great and important, but distant interests, by the allurements of present, though often very frivolous temptations. This great weakness is incurable in human nature” (1987, I.V.2, “Of the Origin of Government”). Therefore, Hume says, humans “must ... endeavour to palliate what they cannot cure. They must institute some persons, under the appellation of magistrates, whose peculiar office it is, to point out the decrees of equity, to punish transgressors, to correct fraud and violence, and to oblige men, however reluctant, to consult their own real and permanent interests” (1987, I.V.3, “Of the Origin of Government”). An incurable weakness in human nature necessitates a system of rules and enforcement against fraud and violence, such that the role of enforcer against fraud and violence is a necessary one for human society.

Furthermore, Hume points out, “Revenge is a natural passion to mankind” (1987, Footnote 3, “Of National Characters”). Families and victims of crime will have their revenge, one way or another, whether administered privately or publicly. If “the right of private revenge” is allowed, Hume says, the result is “general misery, occasioned by the multiplicity of private feuds and battles” (1983, Vol. I, App. I). This is an intolerable

condition for human society. Thus, as Smith puts it, “The very existence of society requires that unmerited and unprovoked malice should be restrained by proper punishments; and consequently, that to inflict those punishments should be regarded as a proper and laudable action” (TMS Footnote: n2). And humans naturally find this practice agreeable. As Smith says, “All men, even the most stupid and unthinking, abhor fraud, perfidy, and injustice, and delight to see them punished” (TMS II.II.23; see also Hume, 1987, I.V.5, “Of the Origin of Government”). Burke agrees (W V, 197; W VI, 340), even though, as already noted, it is quite certain that some otherwise and formerly good persons engaged in these enforcement roles will become corrupted and abuse their power.

The evil of failing to have and to enforce laws against violent crime is greater than the evil certain to result from the abuses of enforcers. Punishment of violent crime is one of those cases where prudence may require, as Burke puts it, “compromises sometimes between good and evil, and sometimes between evil and evil” (W III, 313). Vengeance is a powerful human instinct that must be legally provided for, if human society is to subsist (W IV, 465-7; W XI, 178-9). “It is unworthy of the name of a government, which, taking justice out of the private hand, will not exercise it for the injured by the public arm” (W IV, 465). According to Burke, if “bloody and merciless offenders” are not “call[ed] to a strict account” (W IV, 465), then “there can be neither peace nor justice” (W IV, 467), as “government will not stand for a year” (W IV, 465). Echoing Burke on this point, Human Rights Watch recently proclaimed, “Justice is an indispensable part of lasting peace and security ... Time and again, impunity for grave crimes has resulted in outbreaks of violence from groups whose grievances have never

been addressed. ... Ending impunity for war crimes and crimes against humanity is crucial to building the rule of law and avoiding cycles of violence.”¹⁶

For violent criminals, Burke says, “a state of strong constraint is a sort of necessary substitute for freedom; since, bad as it is,” such constraint is not so bad as leaving violent criminals free to follow “their own blind and brutal passions” (C VI, 41-2).¹⁷ According to Burke, when lawmakers have “an incurable evil to deal with,” to the best of their ability they “should make it as small an evil as possible, and draw out of it some collateral good” (W VI, 258). Thus when forced to undertake the necessary evil of punishing crime, Burke says, “the great policy of government is, to teach the people to think both [“their own lives and those of others”] of great importance in the eyes of God and the state, and never to be sacrificed or even hazarded to gratify their passions, or for anything but the duties prescribed by the rules of morality, and under the direction of public law and public authority” (W IV, 463). Burke says of criminals, “Men who see their lives respected and thought of value by others come to respect that gift of God themselves” (W VI, 247). In this way, lawmakers (who must provide public punishment) may aim to mitigate the necessary evil of punishment, while also aiming to draw out from it some collateral good.¹⁸

3. The Need to Plan for Human Reality

The inevitable reality of human bad behavior is an important feature that any legislator or designer of human systems must keep in mind. Hume says, “whatever may be the consequence of such a miraculous transformation of mankind, as would endow them with every species of virtue, and free them from every species of vice; this concerns not the magistrate, who aims only at possibilities. He cannot cure every vice by

substituting a virtue in its place. Very often he can only cure one vice by another; and in that case, he ought to prefer what is least pernicious to society” (1987, II.II.22, “Of Refinement in the Arts”). For example, as we have seen, it is better to have organized legal punishment for crime (along with its inevitable corruption and abuses of power), rather than to rely on private revenge.

Furthermore, Hume endorses the “maxim, that, in contriving any system of government, and fixing the several checks and controuls of the constitution, every man ought to be supposed a *knave*, and to have no other end, in all his actions, than private interest. By this interest we must govern him, and, by means of it, make him, notwithstanding his insatiable avarice and ambition, co-operate to public good” (1987, I.VI.1, “Of the Independency of Parliament”). According to Hume, this forced cooperation for public good may be accomplished by a “skilful division of power” in the government (1987, I.VI.3, “Of the Independency of Parliament”). Human systems should be designed with the idea that every person in the system must be checked and restrained, with selfish passions redirected toward public good. Where “wisely constituted,” Hume says, “the particular checks and controuls, provided by the constitution,” make it “the interest, even of bad men, to act for the public good” (1987, I.III.3, “That Politics May Be Reduced to a Science”). Or as Burke puts it, “the wise legislators of all countries ... aimed at improving instincts into morals, and at grafting the virtues on the stock of the natural affections” (W V, 311). Hume adds, “Legislators ... ought to provide a system of laws to regulate the administration of public affairs,” since “wise regulations in any commonwealth are the most valuable legacy that can be left to future ages. ... the stated forms and methods, by which business must be conducted, are

found to be a considerable check on the natural depravity of mankind” (1987, I.III.12, “That Politics May Be Reduced to a Science”).

For an example of such wise regulation, consider Smith’s endorsement of the following maxim, for reasons given: “The tax which each individual is bound to pay ought to be certain, and not arbitrary. ... otherwise, every person subject to the tax is put more or less in the power of the tax-gatherer, who can either aggravate the tax upon any obnoxious contributor, or extort, by the terror of such aggravation, some present or perquisite to himself. The uncertainty of taxation encourages the insolence and favours the corruption of an order of men who are naturally unpopular, even where they are neither insolent nor corrupt” (WN V.2.26). Wise designers of tax codes must plan for the reality of human tax collectors, who are liable to corruption.

Unfortunately, no plan is perfect. As Burke puts it, “There is, by the essential fundamental constitution of things, a radical infirmity in all human contrivances” (C VI, 48).¹⁹ Humans will always find loopholes and ways to abuse the system, no matter how well designed. To create and staff any job or official position is to ensure that some persons in that position (even if previously blameless) will become corrupted and abuse their new power, damaging their own moral character in the process and thereby “losing ... all natural sense of wrong and right” (W III, 339). As Burke puts it, “criminal means once tolerated are soon preferred. They present a shorter cut to the object than through the highway of the moral virtues” (W III, 339).²⁰ In addition, some positions are inherently dirtier than others, for example the job of soldier, law enforcer, jailer, executioner, or torturer. When establishing such positions, it is crucial for leaders to question the necessity for these roles, whose duties may (in the words of Hume) “strik[e]

at all the most endearing Sentiments of the Heart, and all the most useful Byasses and Instincts, which can govern a human Creature” (1987, III.II.2, “Of Moral Prejudices”).

Burke levels harsh criticism against politics that “temper and harden the breast, in order to prepare it for the desperate strokes which are sometimes used in extreme occasions,” giving “the mind ... a gratuitous taint” and causing “the moral sentiments [to] suffer not a little” (W III, 316). Leaders who employ such techniques “have perverted in themselves, and in those that attend to them, all the well-placed sympathies of the human breast” (W III, 316). For example, Hume criticizes slavery due to its effect on those who own and rule over slaves. He says, “The little humanity, commonly observed in persons, accustomed, from their infancy, to exercise so great authority over their fellow-creatures, and to trample upon human nature, were sufficient alone to disgust us with that unbounded dominion,” which renders “domestic slavery more cruel and oppressive than any civil subjection whatsoever” (1987, II.XI.6, “Of the Populousness of Ancient Nations”).²¹

Burke presents a similar argument against the British war vs. British subjects in America. He says,

War suspends the rules of moral obligation, and what is long suspended is in danger of being totally abrogated. Civil wars strike deepest of all into the manners of the people. They vitiate their politics; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow-citizens in an hostile light, the whole body of our nation becomes gradually less dear to us. The very names of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this

misfortune. But we have no charter of exemption, that I know of, from the ordinary frailties of our nature (W II, 203).

In this example, otherwise good and innocent citizens acting as they should (patriotically supporting their government in time of war) are likely to have their morals corrupted.

Additionally, Smith provides an illustrative example of taxes upon luxuries, which “by subjecting ... dealers in the taxed commodities to the frequent visits and odious examination of the tax-gatherers, expose them sometimes, no doubt, to some degree of oppression, and always to much trouble and vexation” (WN V.2.210). Furthermore, those tax-gatherers’ “duty obliges them to be frequently very troublesome to some of their neighbours,” such that those tax-gatherers “commonly contract a certain hardness of character” (WN V.2.210). Even worse is the effect on luxury dealers, who are simply gratifying natural human passions in an otherwise innocent way. Smith says,

the hope of evading such taxes by smuggling gives frequent occasion to forfeitures and other penalties which entirely ruin the smuggler; a person who, though no doubt highly blamable for violating the laws of his country, is frequently incapable of violating those of natural justice, and would have been, in every respect, an excellent citizen had not the laws of his country made that a crime which nature never meant to be so. ... the smuggler is often encouraged to continue a trade which he is thus taught to consider as in some measure innocent, and when the severity of the revenue laws is ready to fall upon him, he is frequently disposed to defend with violence what he has been accustomed to regard as his just property. From being at first, perhaps, rather imprudent than criminal, he at last too often becomes one of the hardest and most determined violators of the laws of society (WN V.2.209).

These are entirely predictable effects of taxing luxury items, readily foreseen by one who has followed her “oblig[ation] to study human nature” (Burke, W III, 476). The

transformation in this case, of peaceable and productive citizens into violent criminals, is a predictable consequence of unwise regulation.

Some official roles are necessary, for example law enforcement against violent crime. Burke contrasts, on the one hand, “crimes, which in all seasons of our existence ought to put a generous antipathy in action, - crimes that provoke an indignant justice, and call forth a warm and animated pursuit,” with, on the other hand, “the preventive police of morality, all things merely rigid, harsh, and censorial” (W V, 197). When making laws, on Burke’s view, “the state ought to confine itself to what regards the state, or the creatures of the state, namely, ... to everything that is *truly and properly* public, to the public peace, to the public safety, to the public order, to the public prosperity. In its preventive police it ought to be sparing of its efforts, and to employ means, rather few, unfrequent, and strong, than many, and frequent, and, of course, as they multiply their puny politic race, and dwindle, small and feeble” (W V, 166-7).

To have many weak laws, haphazardly enforced, is to multiply abuse within the system. As Burke says, such laws are liable to become “instruments of oppression” (W VII, 26), as they “become instruments of private malice, private avarice, and not of public regulation” (W VII, 27). Such laws “put statesmen and magistrates into an habit of playing fast and loose with the laws, straining or relaxing them as may best suit their political purposes, - and in that light tend to corrupt the executive power through all its offices” (W VII, 27). At least some officials, otherwise good and innocent, will succumb to such temptation and opportunity if it is available to them. Thus it is better to have and to enforce few and strong laws against serious crime, rather than many weak laws restricting diverse aspects of human life. As Burke says, “it ought to be the constant aim

of every wise public counsel to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, ... restraint the community can subsist: for liberty is a good to be improved, and not an evil to be lessened” (W II, 229).

A law against something that (many) humans strongly desire is certain to fail in its object (i.e. failing to eradicate what it prohibits), in addition to producing secondary bad effects (such as corruption, oppression, and abuse by enforcers, plus the transformation of law-abiding citizens into violent criminals). For example, according to Burke, it is natural for humans to be strongly attached to the religion that has been passed down to them from antiquity (as in the case of Irish Catholics) (W VI, 339). Thus laws (purportedly aimed at moral improvement) prohibiting or punishing persons for being Catholic are likely to be no more successful than Mao’s efforts to eliminate collecting. Burke says, “Ireland, after almost a century of persecution, is at this hour full of penalties and full of Papists” (W VI, 334), adding elsewhere, “Two hundred years dreadfully spent in experiments to force that people to change the form of their religion have proved fruitless” (W VI, 370). Anti-Catholic laws failed to eliminate Catholics in Ireland (who now made up “full four fifths” of the population - W VI, 370), while producing many new evils. In addition to stigmatizing otherwise good citizens (W IV, 294; W VI, 371), such laws corrupt persons assigned to enforce them, as well as many persons in the larger society (W VI, 301, 330).

According to Burke, when some part of the population (e.g. the Irish Catholic part) is legally stigmatized, the remaining privileged part of the population is certain to behave badly toward them. He says that even “if they who compose the privileged body have not an interest, they must but too frequently have motives of pride, passion,

petulance, peevish jealousy, or tyrannic suspicion, to urge them to treat the excluded people with contempt and rigor. This is not a mere theory; though, whilst men are men, it is a theory that cannot be false” (W IV, 253-4). He adds, “whilst any kind of discouragements and disqualifications remain on the Catholics, an handle will be made by a factious power utterly to defeat the benefits of any civil rights they may apparently possess” (W VI, 370), “as long as any stigma remains on them” (W VI, 371).

Additionally, in Burke’s time, “Amongst the Catholics, as being by far the most numerous and the most wretched, all sorts of offenders against the laws must commonly be found,” for example “riot in open day, or ... nocturnal assemblies for the purpose of pulling down hedges, making breaches in park-walls, firing barns, maiming cattle, and outrages of a similar nature, which characterize the disorders of an oppressed ... populace” (W IV, 254). Oppression for the purpose of moral improvement not only fails to eliminate what it punishes or penalizes, but also makes it likely that the stigmatized group will turn to violent crime (while at the same time corrupting enforcers and others in the society).

Burke states his view more generally, “The legislature of Ireland, like all legislatures, ought to frame its laws to suit the people and the circumstances of the country, and not any longer to make it their whole business to force the nature, the temper, and the inveterate habits of a nation to a conformity to speculative systems concerning any kind of laws” (W VI, 402). He praises those forms of government where “the state has been made to the people, and not the people conformed to the state” (W V, 373), such that the state “aims at taking in the entire circle of human desires, and securing for them their fair enjoyment” (W V, 374). To outlaw things that (many) humans desire

is to guarantee predictable kinds of trouble. The outlawed items will not disappear, but will still exist accompanied by punishments, with the likelihood of transforming previously peaceable citizens into violent criminals. Meanwhile, many of the enforcers and the general population (who might otherwise have been good and innocent citizens) will surely be corrupted in the process. If the original outlawed items were evils, then their legal prohibition will (rather than eliminate them) certainly augment them by multiple additional evils.

(As we have seen, this is true even when prohibiting and punishing violent crime. Such prohibition and punishment does not eliminate violent crime, while at the same time enforcers and others are corrupted. However, the evils of failing to provide public vengeance for violent crime outweigh these necessary evils, which may themselves be mitigated to some degree, and which may be used to produce collateral good.)

When legislators dislike something in their society and hope to improve it, they would do well to avoid making “rigid laws ..., which of necessity more or less confine some action or restrain some function which before was free” (Burke, W II, 554). Rather, legislators should effect improvement “not by compulsion – but by encouragement – but by countenance, favor, privileges, which are powerful, and are lawful instruments. The coercive authority of the state is limited to what is necessary for its existence. To this belongs the whole order of criminal law,” which “does bear, and must, with the vices and the follies of men, until they actually strike at the root of order” (W VI, 340). Thus, Burke says of vices and follies, “We tolerate even these, - not from love of them, but for fear of worse” (W III, 447). Or as Smith says of the ruler “whose public spirit is prompted altogether by humanity and benevolence,”

When he cannot conquer the rooted prejudices of the people by reason and persuasion, he will not attempt to subdue them by force ... He will accommodate, as well as he can, his public arrangements to the confirmed habits and prejudices of the people; and will remedy as well as he can, the inconveniencies which may flow from the want of those regulations which the people are averse to submit to. When he cannot establish the right, he will not disdain to ameliorate the wrong; but like Solon, when he cannot establish the best system of laws, he will endeavour to establish the best that the people can bear (TMS VI.II.41).

Instead of punishments and prohibitions with their attendant evils, wise legislators “ought to know the different departments of things; what belongs to laws, and what manners alone can regulate. To these, great politicians may give a leaning, but they cannot give a law” (W V, 167). As Hume says, “most laws that thwart the manners of the people, and the prevailing customs of the times,” even “excellent” ones, are “ill observed” (1983, Vol. 2, Ch. XVII). He adds elsewhere, “Sovereigns must take mankind as they find them, and cannot pretend to introduce any violent change in their principles and ways of thinking. A long course of time, with a variety of accidents and circumstances, are requisite to produce those great revolutions, which so much diversify the face of human affairs. ... It is his [i.e. the sovereign’s] best policy to comply with the common bent of mankind, and give it all the improvements of which it is susceptible” (1987, II.I.9, “Of Commerce”). According to Burke, leaders aiming for improvement should provide encouragements, rather than penalties or punishments (W VI, 339-40).

The upshot of all this is that systems of enforcement, prohibition, and punishment should be introduced only with great caution, and preferably not at all. Such prohibitions, if unsupported by manners, are certain to fail at eliminating their object, while augmenting the original evils with additional ones (punishments, corruption of

enforcers and others, and transformation of peaceable citizens into violent criminals). Systems, institutions, jobs or roles that guarantee the existence of dirty hands (i.e. corruption of otherwise and formerly good and innocent citizens, leading to the likelihood of abuse) should be established only with great caution, and only when warranted. Burke solemnly advises, “whenever the sacrifice of any subordinate point of morality, or of honour, or even of common liberal sentiment and feeling is called for, one ought to be tolerably sure that the object is worth it” (C VI, 47).²² Generally speaking (in discussion of revolution), Burke addresses the question of when to undertake a project sure to produce dirty hands – “Without attempting, therefore, to define, what never can be defined, ... this, I think, may be safely affirmed, - that a sore and pressing evil is to be removed, and that a good, great in its amount and unequivocal in its nature, must be probable almost to certainty, before the inestimable price of our own morals and the well-being of a number of our fellow-citizens is paid ... If ever we ought to be economists even to parsimony, it is in the voluntary production of evil” (W IV, 81). Where a deontologist might hold the rule, “Never do evil,” sentimentalists like those discussed in this essay hold the rule, “Produce evil (including dirty hands) only when you are very sure that doing so is necessary to remove an even greater evil, and is sure to produce a very good result.”

4. Culpability for Dirty Hands

Hume heaps his highest praise on those who design and implement “wise laws and institutions,” saying, “Of all men, that distinguish themselves by memorable achievements, the first place of honour seems due to LEGISLATORS and founders of states, who transmit a system of laws and institutions to secure the peace, happiness, and

liberty of future generations” (1987, I.VIII.1, “Of Parties in General”). Smith concurs that “the greatest and noblest of all characters” is “that of the reformer and legislator of a great state,” who, “by the wisdom of his institutions, secure[s] the internal tranquillity and happiness of his fellow-citizens for many succeeding generations” (TMS VI.II.39).

In contrast, Hume heaps his greatest scorn on “founders of sects and factions,” who “ought ... to be detested and hated” for setting up (large or small) subgroups in society that bear “the fiercest animosities” to others (1987, I.VIII.2, “Of Parties in General”). A leadership role draws special praise or blame from impartial spectators, on this sentimentalist approach. Thus, for example, Hume may account for the exceedingly high degree of moral disapproval that impartial spectators feel toward such leaders as Hitler, Stalin, Mao, and Pol Pot, regardless of whether those leaders *personally* kill, rape, rob, or assault anyone. Or to take some earlier examples, Smith says, “When we read in history concerning the perfidy and cruelty of a Borgia or a Nero [“those scourges of mankind ... such insolent and inhuman oppressors of the earth”], our heart rises up against the detestable sentiments which influenced their conduct, and renounces with horror and abomination all fellow-feeling with such execrable motives” (TMS II.I.27).

In discussing punishments for the (massive, anti-Catholic) Gordon Riots of 1780, Burke notes that “the chief delinquents” were “the list-makers, the assemblers of the mob, the directors and arrangers,” and the “preachers of mischief,” while most of those who actually carried out the violence and received punishment were “a poor, thoughtless set of creatures” (W VI, 250), whose minds had been poisoned by anti-Catholic propaganda (W VI, 248). Thus the most blameworthy (on this sentimentalist approach) escaped punishment, while those arrested and placed on trial were “low, untaught, or ill-

taught wretches” who had been rendered by circumstances “an object of compassion” (W VI, 252). Smith calls wretches of this kind, seduced by factious leaders, “the weakest and foolishest of ... followers,” acting “under the common delusion” of “fanaticism” (TMS VI.II.40). Burke argued for reduced penalties for these wretches on sentimental grounds, stating, “offences committed by vast multitudes are somewhat palliated in the *individuals*, who, when so many escape, are always looked upon rather as unlucky than criminal. All our loose ideas of justice, as it affects any individual, have in them something of comparison to the situation of others; and no systematic reasoning can wholly free us from such impressions” (W VI, 252). When assigning blame and punishment, Burke thought it crucially important “to assort criminals, to discriminate the degrees and modes of guilt, to separate accomplices from principals, leaders from followers, seducers from the seduced, and then, by following the same principles in the same detail, to class punishments, and to fit them to the nature and kind of the delinquency” (W IV, 466-7). As in the case of Hitler, the highest degree of moral blame goes to those who instigate and lead, rather than those followers who act in predictable ways under such leadership.

Burke put his beliefs on this topic into practice. As Kramnick says, “Burke concluded that one person more than anyone was responsible for the East India Company’s rapacious and unjust rule in India – Warren Hastings, the Company’s governor general ... Burke drew up formal impeachment charges against him,”²³ and then spent years of diligent toil leading the impeachment prosecution against Hastings, attempting to avenge the wronged people of India (W XI, 178-82). For example, among other things, Burke charged Hastings as a “murderer in the largest and fullest sense of the

word” (W XI, 282), not because Hastings personally killed anybody, but because his policies and orders predictably provoked “a short, but most bloody war,” and “We charge the prisoner at your bar with all the consequences of this war” (W XI, 281). Using “the indignant language which Nature prompts, when great crimes are brought before men who feel as they ought to feel” (W XI, 181), Burke delivers a “solemn declaration” and “deliberate vow” on behalf of his prosecution team: “that they will ever glow with the most determined and unextinguishable animosity against tyranny, oppression, and speculation in all, but more particularly as practised by this man in India; that they never will relent, but will pursue and prosecute him and it, till they see corrupt pride prostrate under the feet of justice” (W XI, 180). Burke was serious about punishing “enormous guilt” even though the guilty person(s) had been previously “furnished with the arms and ... invested with the robes of power” (W IV, 466).

In addition to leaders with evil intent, there may be well intentioned but incompetent leaders who design unwise systems or do a poor job of implementing and executing systems, or of overhauling them. In particular, according to Burke, the East India Company “sent [“men”] over to exercise functions at which a statesman here would tremble, without any theoretical study, and without any of that sort of experience which, in mixed societies of business and converse, form men gradually and insensibly to great affairs,” with the predictable result that those English men governing India were soon corrupted (W IX, 358). In addition, Burke adds,

I should really think that the Company deserved to be ill served, if they had not annexed such appointments to great trusts as might secure the persons intrusted from the temptations of unlawful emolument, and, what in all cases is the greatest security, given a lawful gratification to the natural passions of men. ... for any man

to expect a series of sacrifices without a return in blessings, to expect labor without a prospect of reward, and fatigue without any means of securing rest, is an unreasonable demand in any human creature from another. Those who trust that they shall find in men uncommon and heroic virtues are themselves endeavoring to have nothing paid them but the common returns of the worst parts of human infirmity (W X, 173).

Designers of human systems “deserv[e] to be ill served” if they expect heroic virtues from officials within the system, and fail to provide for natural human passions (which will certainly be satisfied, one way or another).

Indeed, all “the servants of the Company ... are obliged to engage in a specific covenant ... to receive no gifts, gratuities, or presents whatsoever,” in a ceremony “which may be said to resemble confirmation in the Church” (W IX, 359). Thus, Burke says,

The consequence is this: he who has deviated but an inch from the straight line, he who has taken but one penny of unlawful emolument, (and all have taken many pennies of unlawful emolument,) does not dare to complain of the most abandoned extortion and cruel oppression in any of his fellow-servants. He who has taken a trifle, perhaps as the reward of a good action, is obliged to be silent, when he sees whole nations desolated around him. The great criminal at the head of the service has the laws in his hand; he is always able to prove the small offence, and crush the person who has committed it. This is one grand source of Mr. Hastings's power (W IX, 360).

On Burke’s view, this poorly designed system allowed and encouraged crimes small and great, devastating India and enabling a great criminal to flourish for a time, while dirtying the hands of many employees.

Smith agrees, noting that the Company's governmental "administration in India" is "incurably faulty" (WN IV.7.190). Among other problems, Smith points out (in agreement with Burke),

All the members of the administration ... trade more or less upon their own account, and it is in vain to prohibit them from doing so. Nothing can be more completely foolish than to expect that the clerks of a great counting-house at ten thousand miles distance ... should, upon a simple order from their masters, give up at once doing any sort of business upon their own account, abandon for ever all hopes of making a fortune, of which they have the means in their hands, and content themselves with the moderate salaries which those masters allow them ... In such circumstances, to prohibit the servants of the company from trading upon their own account can have scarce any other effect than to enable the superior servants, under pretence of executing their masters order, to oppress such of the inferior ones as have had the misfortune to fall under their displeasure (WN IV.7.191).

However, Smith adds, "I mean not ... by anything which I have here said, to throw any odious imputation upon the general character of the servants of the East India company, and much less upon that of any particular persons. It is the system of government, the situation in which they are placed, that I mean to censure, not the character of those who have acted in it. They acted as their situation naturally directed, and they who have clamoured the loudest against them would probably not have acted better themselves" (WN IV.7.193). Blame goes primarily to the faulty system and its unwise designers, rather than to persons who behave naturally and predictably within such a system.

Foolish design or innovation of a system (as in the governance of India, or of any place) is blameworthy. Burke says of leaders who have not adequately studied human nature, yet who undertake such innovation, "Men little think how immorally they act in

rashly meddling with what they do not understand. Their delusive good intention is no sort of excuse for their presumption” (W IV, 209-10; see also Hume, 1987, II.XII.28, “Of the Original Contract”). According to this view, leaders (whether ill-intentioned or incompetent) have a high degree of moral culpability for the predictable bad consequences of their leadership, including the dirty hands of their followers.

A final point is that leaders may powerfully influence manners. As Hume says of “persons in credit and authority,” “their influence on the manners of the people, must, at all times, be very considerable. If on the first establishment of a republic, a BRUTUS should be placed in authority, and be transported with such an enthusiasm for liberty and public good, as to overlook all the ties of nature, as well as private interest, such an illustrious example will naturally have an effect on the whole society, and kindle the same passion in every bosom” (1987, I.XXI.9, “Of National Characters”). In an opposite kind of example, Hume notes that “the crimes of Richard [III] were so horrid and so shocking to humanity, that the natural sentiments of men, without any political or public views, were sufficient to render his government unstable” (1983, Vol. 2, Ch. XXIII). Thus, Hume says of Richard III, “all his courage and capacity ... would never have made compensation to the people for the danger of the precedent, and for the contagious example of vice and murder, exalted upon the throne” (1983, Vol. 2, Ch. XXIII). Thus leaders may, for good or evil, have an even more powerful influence than the mere design or implementation of a system, by affecting the manners of their followers.

5. Conclusion

Many (if not all or most) humans in an official capacity will acquire dirty hands, as they grow corrupted by their daily routine, and eventually succumb to the

opportunities and temptations to abuse their authority. Every kind of social role, Burke says, “is liable to its own particular vices” (W I, 424). Human systems should be designed with these realities in mind. One way to do this is to make sure that natural passions are provided for, legally.

Human realities must be accounted for when planning systems, laws, regulations, and so on, according to the sentimentalist views of Hume, Smith, and Burke. Unwise laws and poorly designed systems, aimed at reducing or eliminating perceived evils, might instead multiply evils. Such laws and systems, if unsupported by the manners of the populace, will predictably fail to eliminate a prohibited item, while adding punishments and enforcers. Some of the enforcers will become corrupted and abusive, as will other members of the population, and previously peaceable citizens will be transformed into violent criminals (dirty hands all around). Blame for these outcomes belongs primarily at the doorstep of those leaders who bring about such evil, whether intentionally or through incompetence. Such leaders, who have a higher degree of responsibility, are more blameworthy than their weak and foolish followers who behave in predictable human ways. Dirty hands and abuses are inevitable, since no human system is perfect, but some systems are designed better than others.

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Bibliography

- Burke, E. (1869). *The Works of the Right Honorable Edmund Burke* (3rd ed.), 12 vols. Boston : Little, Brown, and Company.
- Burke, E. (1958-78). *The Correspondence of Edmund Burke*, 10 vols. Thomas W. Copeland (Ed.). Chicago: The University of Chicago Press.

- Chang, J. (2003). *Wild swans : three daughters of China* . New York: Touchstone.
- Conniff, J. (1987). "Burke on Political Economy: The Nature and Extent of State Authority." *Review of Politics* 49: 490-514
- Darwall, S. (1999). "Sympathetic Liberalism: Recent Work on Adam Smith." *Philosophy & Public Affairs* 28 (2): 139-164.
- Gavison, R. (1980). "Privacy and the Limits of the Law." *Yale Law Journal* 89 (3): 421-471.
- Human Rights Watch. (2007, September 25). *UN: Summit on Africa Should Not Overlook Justice*. Retrieved from <http://hrw.org/english/docs/2007/09/25/africa16942.htm>
- Hume, D. (1975). *Enquiries Concerning Human Understanding and Concerning the Principles of Morals*, ed. L.A. Selby-Bigge, revised by P.H. Nidditch. 3rd edition. Oxford: Oxford University Press.
- Hume, D. (1978). *A Treatise on Human Nature*, ed. L.A. Selby-Bigge, revised by P.H. Nidditch. 2nd edition. Oxford: Oxford University Press.
- Hume, D. (1983). *The History of England from the Invasion of Julius Caesar to the Revolution in 1688*, Foreword by William B. Todd, 6 vols. [online]. Indianapolis: Liberty Fund. Available from The Online Library of Liberty: Retrieved from <http://oll.libertyfund.org/title/1868>
- Hume, D. (1987). *Essays, Moral, Political, and Literary*, ed. E.F. Miller [online]. Liberty Fund. Retrieved from Library of Economics and Liberty: <http://www.econlib.org/library/LFBooks/Hume/hmMPL1.html>
- Kramnick, I. (Ed.). (1999). *The Portable Edmund Burke*. New York: Penguin Books.
- MacPherson, C.B. (1980). *Burke*. Oxford: Oxford University Press.
- Parrish, J.M. (2007). *Paradoxes of Political Ethics*. Cambridge: Cambridge University Press.
- Remow, G. (2007). "General Rules in the Moral Theories of Smith and Hume." *Journal of Scottish Philosophy* 5 (2): 119-134.
- Smith, A. (1790). *The Theory of Moral Sentiments* [online]. Sixth edition. London: A. Millar. Retrieved from Library of Economics and Liberty: <http://www.econlib.org/library/Smith/smMS1.html>

Smith, A. (1776, 1904). *An Inquiry into the Nature and Causes of the Wealth of Nations* [online], ed. E. Cannan. Fifth edition. London: Methuen and Co., Ltd. Retrieved from Library of Economics and Liberty: <http://www.econlib.org/library/Smith/smWN1.html>

Vierick, P. (1956). *Conservatism: From John Adams to Churchill*. Princeton, NJ: D. Van Nostrand Company, Inc.

Vitz, R. (2004). "Sympathy and Benevolence in Hume's Moral Psychology." *Journal of the History of Philosophy* 42 (3): 261-275.

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¹ See Vitz, 2004.

² Darwall, 1999, p. 139.

³ Darwall, 1999, p. 140. See also Parrish, 2007, Chapter 6.

⁴ MacPherson, 1980, Chapter 1. See also Vierick, 1956, p. 31.

⁵ Conniff, 1987, pp. 492-3.

⁶ Remow, 2007.

⁷ Burke, 1869. References to this source will be cited as "W," followed by volume and page number.

⁸ Hume's *Treatise on Human Nature* (hereafter designated "T," followed by page number).

⁹ See also Smith's *Theory of Moral Sentiments* V.I.14.

¹⁰ Smith's *Inquiry into the Nature and Causes of the Wealth of Nations* (hereafter designated "WN," followed by paragraph number).

¹¹ Hume's *Enquiries Concerning Human Understanding and Concerning the Principles of Morals* (hereafter designated "E," followed by page number).

¹² Smith's *Theory of Moral Sentiments* (hereafter designated "TMS," followed by paragraph number).

¹³ Gavison, 1980, p. 470.

¹⁴ Chang, 2003, p. 369.

¹⁵ Persons who were already evil or corrupted prior to taking a role may also commit abuses, but in this paper I am concerned to discuss persons who were and would have been good and innocent persons, if not for corrupted sentiments produced by properly performing their roles.

¹⁶ Human Rights Watch, 2007, Sept. 25.

¹⁷ Burke, 1958-78. References to this source will be cited as "C," followed by volume and page number. In this quote, spelling and punctuation are as per Kramnick, 1999, p. 542.

¹⁸ Note that the foregoing discussion provides the beginning of a framework for a sentimentalist justification of punishment.

¹⁹ Spelling and punctuation as per Kramnick, 1999, p. 548.

²⁰ Burke's claim here implies that small abuses are likely to lead to large ones. The abuses of a tax collector may (immediately or eventually) produce as much evil as the abuses of a soldier or a police officer. For example, Burke says, the French Revolutionaries' violation of property, and their compulsory paper currency, led to "an unheard-of despotism" (W III, 434), producing in the end very many violations of life and liberty. And so, for example, while the abuses of a funeral home worker may initially be less blameworthy than those of a priest who molests children, such abuses may lead to others. As Hume says, the fact that someone abuses corpses is evidence that her "sentiments of humanity" have been "destroyed" (E.255). Among those who have been corrupted and begin to commit abuse, commission of other and worse evils may be readily predicted, with no certainty as to where the abuse will lead, or end.

²¹ As a side note, it is to be remarked that Burke's approach to slavery is an interesting and illustrative case study in itself, worthy of in-depth discussion elsewhere.

²² Spelling and punctuation as per Kramnick, 1999, p. 547.

²³ Kramnick, 1999, p. 388.

This paper explores what the three best-known thinkers in the sentimentalist tradition - David Hume , Adam Smith , and Edmund Burke " have to say about the topic of "dirty hands" . Although the views of these philosophers have often been declared inconsistent, my project is to defend and resurrect key elements of their position, which may have value for this debate. I contend that a coherent and unified view about dirty hands may be extracted from their work. By discussing this view, I aim to elucidate a philosophical tradition that may not be familiar to many readers today. On their sentiments... Unlike Hume, Smith does not hold that moral distinctions derive from, or are evident to, sentiment as opposed to reason. Like Butler, Smith sometimes identifies "the great judge and arbiter of our conduct" with "reason" (TMS.137). 10. Smith also holds, of course, that these feelings can also be held improperly and, moreover, that "we ought always to punish with reluctance, and more from a sense of the propriety of punishing, than from any savage disposition to revenge" (TMS.i7z, see also.Â Jerry Z. Muller approaches Smith primarily from the perspective of history of ideas and intellectual history. And Charles Griswold is a philosopher who treats Smith's thought both in its eighteenth-century philosophical context and in relation to contemporary philosophical debate. Many sentimentalists, both traditional and contemporary, have tried to avoid this problem by adopting a noncognitive view of the emotions. Unfortunately, this theory is unappealing on independent grounds, as I have argued in previous chapters of this book. Noncognitivism is particularly implausible in the case of such emotions as pride, shame, guilt, indignation, admiration, and gratitude, which emerge late in ontogenetic development and are not merely caused but felt for reasons.