Claude.the Problem of Dirty Hands, and Just War theory.SEP

summarize Shifting Interpretations

**AA**

Here is a summary of the section "Shifting Interpretations" from the Philosophy article on the problem of dirty hands:

* The problem of dirty hands refers to the dilemma of whether political leaders should violate moral rules to achieve important goals for their communities.
* The term "dirty hands" was coined by Michael Walzer in a 1973 paper, adapting it from Sartre's play. Walzer later used the idea in his book Just and Unjust Wars to argue that Allied bombing of German cities in WWII could be justified by "supreme emergency."
* However, Walzer's identification of supreme emergency with dirty hands in Just and Unjust Wars was a shift from his 1973 paper. In the original paper, the examples of dirty hands were less extreme, like a leader torturing a terrorist suspect to prevent likely deaths.
* Earlier writers like Machiavelli also viewed politics as requiring dirty hands, though they were ambiguous on the scope - sometimes portraying it as an extreme circumstance and other times as just the general nature of politics.
* So there has been shifting interpretations on the scope of dirty hands over time - from politics in general, to supreme emergency, and views in between. This reflects an ambiguity in the tradition between viewing dirty hands as an anomalous extreme versus an accepted part of politics.
* 3. A Conceptual Confusion?

**AA**

Here is a summary of the section "A Conceptual Confusion?" from the article:

* Some theorists have argued that the problem of dirty hands is conceptually confused or contradictory. The idea is that morality by definition constrains what can be done, so one cannot coherently speak of sometimes having to violate morality.
* However, the dirty hands advocates can respond that morality encompasses more complexity than this criticism assumes. Moral theories recognize necessity and emergency as relevant factors in judging the rightness of actions.
* Also, moral theories incorporate thresholds, so that an action may be deemed wrong but not categorically prohibited if it passes a certain threshold of necessity. The dirty hands problem arises when those thresholds are exceeded.
* So the dirty hands dilemma is not conceptually confused, but rather points to the inherent tensions in morality between its prohibitions and the recognition that they may sometimes need to be overridden. The problem highlights gaps or gray areas in moral theories between the absolutely prohibited and the merely undesirable.
* 4. A Conflict Within Morality?

**AA**

Here is a summary of the section "A Conflict Within Morality?" from the article:

* A key debate is whether the dirty hands dilemma represents a conflict within morality or instead a conflict between morality and some other value like political success.
* If it is within morality, then the moral theories themselves incorporate emergency exceptions or thresholds where prohibited acts become permissible when the stakes are high enough.
* Walzer seems to take this view, arguing that supreme emergency is an extreme case where morality itself allows crossing moral lines for the sake of a greater good.
* An alternative view is that dirty hands represents a tension between moral prohibitions and non-moral values like political success or national security. The politician steps outside of morality to secure these important goods via immoral means.
* On this view, dirty hands is not about exceptions within morality, but about choosing to override moral values for other priorities. The politician does wrong but is excused due to circumstances.
* Resolving this issue depends on complicated analysis of moral theories and their scope of exceptions. But it delineates two broad approaches - dirty hands as either an anomalous provision within morality or an overriding of morality for urgent non-moral values.
* 4. A Conflict Within Morality?

**AA**

Here is a summary of the section "A Conflict Within Morality?" from the article:

* A key debate is whether the dirty hands dilemma represents a conflict within morality or a conflict between morality and politics.
* If it's within morality, then the moral principles themselves dictate when violations are justified for emergency. If it's between domains, morality prohibits the acts but politics permits them anyway.
* Walzer seems to treat dirty hands as within morality, since he speaks of it being "necessary" or "justified" rather than simply excused.
* But some argue dirty hands reflect moral skepticism - that politicians don't believe the moral prohibitions apply to the political realm. Politicians may pay lip service to regretting the immorality while not really viewing it as wrong.
* Others counter that dirty hands agents do experience genuine moral regret and ambiguity. The dilemma arises because they recognize the moral reasons against the act even as they feel compelled by circumstances to do it.
* So the dirty hands problem likely represents a conflict within morality, not between separate domains. The dilemma highlights tensions and gaps within moral thinking itself.
* 5. The Scope of Dirty Hands and Some Significant Distinctions

**AA**

Here is a summary of the section "The Scope of Dirty Hands and Some Significant Distinctions" from the article:

* An important debate is whether dirty hands is restricted to extreme circumstances like supreme emergency, or applies more broadly to regular politics.
* Walzer originally took the broader view but later restricted it to supreme emergency. Others argue dirty hands applies routinely in politics which inherently requires some immorality.
* Relatedly, does dirty hands apply only to top leaders or also to citizens? Walzer focuses on leaders but some argue citizens who support dirty hands policies are also complicit.
* Dirty hands is also distinguished from political realism, which says morality doesn't apply to politics. Dirty hands agrees morality applies but that it sometimes needs to be violated.
* Role morality has been proposed to justify dirty hands by appeal to the politician's professional duties. But critics say role morality reduces morality to permissible goal achievement.
* Punishing dirty hands agents is debated - some argue it reinforces moral norms, others that it is hypocritical if the act was justified. But punishment can be symbolic or limited.
* So the scope of dirty hands involves key questions - how exceptional or routine it is, who it applies to, and how it relates to punishment, realism, and role morality. This defines the stringency and range of the dilemma.
* 7. The Issue of Absolutism

**AA**

Here is a summary of the section "The Issue of Absolutism" from the article:

* The dirty hands problem relates to the debate between moral absolutism and thresholds.
* Absolutism says certain actions are categorically prohibited regardless of context. Threshold views allow extraordinary context can override prohibitions.
* Dirty hands arises most clearly if absolutist prohibitions are assumed, since overriding them is more starkly immoral.
* But even threshold views face dirty hands dilemmas when acting beyond the threshold. And most non-absolutist theories still have some categorical prohibitions.
* Walzer exemplifies the ambivalent attitude toward absolutism in dirty hands thinking. He overrides claimed absolutes but does so with regret and ambiguity.
* The sense that absolutes should apply but can be overridden captures the tension in dirty hands. It affirms core moral norms while violating them for urgent reasons.
* So dirty hands reflects an ambivalence about absolutism - rejecting it de facto while still being pulled by the sense that certain principles should be inviolable.

Please name some representives and their works of ideas and opinions of each section

**AA**

Here are some key representatives and their works for the different sections summarized:

1. Shifting Interpretations

* Michael Walzer - "Political Action: the Problem of Dirty Hands" (1973), Just and Unjust Wars (1977)
* Jean-Paul Sartre - play Dirty Hands (1948)
* Niccolò Machiavelli - The Prince (1532)

1. A Conceptual Confusion?

* Sissela Bok - Lying: Moral Choice in Public and Private Life (1978)
* Alan Donagan - "Consistency in Rationalist Moral Systems" (1954)

1. A Conflict Within Morality?

* Bernard Williams - "Politics and Moral Character" (1981)
* Stuart Hampshire - Innocence and Experience (1989)

1. The Scope of Dirty Hands and Some Significant Distinctions

* Max Weber - "Politics as a Vocation" (1919)
* Michael Stocker - “Dirty Hands and Ordinary Virtues” (1990)

1. The Issue of Absolutism

* Charles Fried - Right and Wrong (1978)
* Judith Jarvis Thomson - “The Trolley Problem” (1985)

Let me know if you need any specific views summarized for these or other authors relevant to the sections.

Please briefly summarize the work you listed above, each with a few sentences

**AA**

Here are brief summaries of some of the key works mentioned:

Michael Walzer - "Political Action: the Problem of Dirty Hands" (1973): Originated the term "dirty hands" and argued that political leaders sometimes must violate moral norms for the greater good, though they should recognize the wrongdoing and not try to evade responsibility.

Michael Walzer - Just and Unjust Wars (1977): Argued that the Allied bombing of German cities early in WWII could be justified by supreme emergency despite being immoral. Clarified his view that dirty hands applies only to such extreme cases.

Niccolò Machiavelli - The Prince (1532): Seminal work arguing that moral norms may not apply to the political ruler, who must be concerned above all with power and the security of the state. Associated with the view that politics inherently requires "getting one's hands dirty."

Jean-Paul Sartre - Dirty Hands (1948): Plays in which characters grapple with moral dilemmas in politics and war. The title inspired Walzer's coinage of the term "dirty hands."

Bernard Williams - "Politics and Moral Character" (1981): Argues that politics inherently requires dirty hands compromises between different values, posing challenges for individual moral character.

Judith Jarvis Thomson - “The Trolley Problem” (1985): Famous set of moral dilemmas, like the trolley thought experiment, designed to probe moral intuitions about harming some to save more. Relevant to dirty hands debates.

Let me know if you need me to summarize any other specific works related to this article.

And the other ones?

**AA**

Here are brief summaries for some of the other works mentioned in the article:

Sissela Bok - Lying: Moral Choice in Public and Private Life (1978): Influential examination of the morality of lying. Argues that some lies may be morally permissible, but we risk great harms if we normalize deception. Relevant to dirty hands debates.

Alan Donagan - "Consistency in Rationalist Moral Systems" (1954): Article that argues moral theories cannot coherently accept both an absolute prohibition and necessity as justifications for violating the prohibition. Critique of dirty hands.

Stuart Hampshire - Innocence and Experience (1989): Book exploring the relationship between morality and politics. Argues politicians must sometimes compromise innocence (morality) to do what is needed based on experience.

Max Weber - "Politics as a Vocation" (1919): Classic essay arguing politics requires a commitment to ultimate ends, sometimes overriding ordinary moral concerns. Discusses need to use ethically dubious means.

Michael Stocker - “Dirty Hands and Ordinary Virtues” (1990): Article examining the implications of dirty hands for the virtue ethics tradition and the moral psychology of politicians.

Charles Fried - Right and Wrong (1978): Book defending moral absolutism against critics who argue absolutes must sometimes be overridden. Relevant to dirty hands debates.

Let me know if you need any clarification or have additional works you would like me to summarize briefly.

TXT

paste.txt

111.69 KB

4. *Jus in Bello*

**AA**

Here is a summary of the section on *jus in bello* from the Stanford Encyclopedia of Philosophy article on War:

* *Jus in bello* refers to the morality of conduct within war, as opposed to *jus ad bellum* which is about resorting to war. The traditional principles are discrimination, proportionality, and necessity.
* Discrimination prohibits intentionally attacking civilians, proportionality constrains unintended civilian casualties, and necessity requires using the least harmful means. These place no direct constraints on killing enemy combatants.
* Michael Walzer provided an influential defense of these principles based on rights forfeiture - combatants lose their rights not to be attacked. But his critics have undermined this, showing many combatants do not forfeit their rights.
* This creates a "responsibility dilemma" between setting a high or low threshold for liability to be killed. A high threshold risks pacifism as few combatants are liable. A low threshold allows intentionally attacking some noncombatants.
* Potential solutions include endorsing limited combatant equality, arguing for a moral distinction between combatants and noncombatants despite their equal rights, or accepting override of rights as a lesser evil.
* Proportionality and necessity remain central as they require weighing harms versus goods achieved. But the law uses a neutral conception of proportionality, avoiding contested moral judgements.
* Necessity also involves weighing protection of civilians versus risks to our own forces. Overall, *jus in bello* remains complex with core tensions around permissibility of killing.

"But his critics have undermined this, showing many combatants do not forfeit their rights" Which critics and their arguments

**AA**

Here are some key critics of Walzer's rights forfeiture argument and their counterarguments:

Jeff McMahan - Argued in "Innocence, Self-Defense and Killing in War" (1994) that merely posing a threat is insufficient to forfeit rights, as threats can be posed for good reasons like self-defense.

David Rodin - In War and Self-Defense (2002), argued Walzer's argument fails the "bloodless invasion" counterexample, where aggression may occur without violence.

Richard Norman - Claimed in Ethics, Killing and War (1995) that consent to fight doesn't void soldiers' rights because unjust soldiers have nothing to gain by consenting.

Larry May - Developed the "contingent pacifist" view in Contingent Pacifism (2015) that few soldiers meet a high threshold of responsibility to forfeit rights, making much killing impermissible.

Helen Frowe - Argued in Defensive Killing (2014) that forfeiture requires extensive knowledge and acceptance of risk, which many combatants lack.

So in summary, these critics have challenged forfeiture of rights based on posing a threat, consent, and responsibility arguments, often appealing to cases of non-liable or "innocent" combatants.

his critics have undermined this, showing many combatants do not forfeit their rights. Which critics and their arguments?

**AA**

Here are some key critics of Walzer's rights forfeiture argument and their counterarguments:

* Jeff McMahan - Argued in "Innocence, Self-Defense and Killing in War" (1994) that merely posing a threat is insufficient to forfeit rights, as threats can be posed for good reasons like self-defense.
* David Rodin - In War and Self-Defense (2002), argued Walzer's argument fails the "bloodless invasion" counterexample, where aggression may occur without violence.
* Richard Norman - Claimed in Ethics, Killing and War (1995) that consent to fight doesn't void soldiers' rights because unjust soldiers have nothing to gain by consenting.
* Larry May - Developed the "contingent pacifist" view in Contingent Pacifism (2015) that few soldiers meet a high threshold of responsibility to forfeit rights, making much killing impermissible.
* Helen Frowe - Argued in Defensive Killing (2014) that forfeiture requires extensive knowledge and acceptance of risk, which many combatants lack.

In summary, these critics have challenged forfeiture of rights based on arguments about posing a threat, consent, and degree of responsibility. They appeal to cases of non-liable or "innocent" combatants to undermine Walzer's view.

* 4.4 Proportionality

**AA**

Here is a summary of the section on proportionality in jus in bello from the Stanford Encyclopedia article:

* Proportionality requires that unintended civilian casualties must be proportionate to the military advantage gained. This constraints killing noncombatants as "collateral damage".
* Critics like McMahan argue proportionality makes no sense for unjust combatants - their military gains are unjust, so no civilian casualties are proportionate.
* Proportionality involves weighing lives versus military objectives. But the law uses a neutral conception, avoiding contested moral judgements.
* Philosophically, proportionality depends on weighing factors like responsibility, vulnerability, intentions, and the agent's knowledge.
* Another issue is whether using civilians as involuntary shields reduces their proportionality weighting. Some argue it does; others disagree.
* Overall, proportionality centers on assessing when unintended civilian casualties reach an excessive level compared to military objectives. But the philosophical and legal conceptions differ.

But the law uses a neutral conception, avoiding contested moral judgements. Please explain in more detail

**AA**

The legal and philosophical conceptions of proportionality differ in the following ways:

* Legal proportionality weighs the anticipated civilian casualties against the "concrete and direct military advantage" gained. It is a neutral comparison focused on the outcomes.
* Philosophical proportionality involves substantive moral judgements about factors like moral status, responsibility, intentions, and the nature of the military objective.
* For example, philosophical proportionality contends that civilian casualties are harder to justify for unjust combatants since their military gains are morally illegitimate.
* But the law avoids these moral assessments of the warring parties and just focuses on a technical weighing of civilian casualties vs. military gains.
* The neutral legal conception aims to be justiciable and get broad agreement among nations with different moral views. Contested moral judgments could undermine this.
* So the law adopts a shallow proportionality test that sidesteps deeper philosophical debates about the nature of the goods and harms. It is formal rather than substantive.
* This is seen as allowing the law to regulate war effectively. But it diverges from the moral truth that philosophical proportionality aims for.

But the law uses a neutral conception, avoiding contested moral judgements.

**AA**

The legal conception of proportionality in jus in bello avoids contested moral judgments in a few key ways:

* It focuses only on weighing the anticipated civilian casualties against the concrete military advantage gained, without making qualitative judgements on the value of those goods.
* It does not factor in considerations like the justness of the overall war, intentions, or moral responsibility that philosophical accounts of proportionality consider.
* It avoids judging whether the military advantage consists of legitimate objectives or not - any military gain counts equally in the calculus.
* So whether the war is just or unjust, defensive or aggressive, and no matter the objectives sought, the same legal proportionality test applies neutrally.
* This formal weighing of harms vs. benefits avoids substantive evaluations of the moral status of the belligerents and their objectives.
* The goal is to get agreement among nations with radically different values and moral beliefs. Contested moral judgments would undermine this.
* So the law adopts a shallow test focused just on outcomes, detached from the deeper moral context that philosophical proportionality considers.