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# Do Dirty-Handed Public Officials Owe Reparations?

Dr Christina Nick, [C.Nick@leeds.ac.uk](mailto:C.Nick@leeds.ac.uk), School of Philosophy, Religion and History of Science, University of Leeds, Woodhouse Lane, Leeds, LS2 9JT, UK

## Abstract

In the problem of dirty hands, agents must choose between two incompatible moral demands, thereby inevitably violating an important moral value. While dirty hands cases can arise in all areas of life, it has been argued that they are particularly pressing in the realm of politics. To illustrate the issue at hand the paper introduces the real-life case study of the cover up of the Claudy Bombing in Northern Ireland. With the help of this example, the aim of the paper is to suggest a shift in the literature to turn our focus to what is owed to the victims of dirty hands. In particular, it defends the claim that public officials owe reparations to those that have been negatively affected by their dirty-handed decisions. To support this, the paper addresses two worries that opponents of reparations in this context might have, discusses a number of responses, and finds that at least some of them are credible ways of answering these worries. The paper concludes by outlining some key considerations when envisioning what reparations for dirty hands could look like.

**Keywords:** problem of dirty hands, moral conflict, moral responsibility, reparations

## 1. Introduction

In the problem of dirty hands (DH), agents must choose between two incompatible moral demands, thereby inevitably violating an important moral value. While DH cases can arise in all areas of life, it has been argued that they are particularly pressing in the realm of politics. As I have recently argued (Nick 2022), the DH literature so far has primarily focussed on how a dirty-handed public official ought to feel and what DH imply for the wider democratic system and its underlying values. Doing so, the DH literature has wrongly relegated what is owed to the victims to an afterthought, often a few brief sentences (Digeser 1998, 709, Nussbaum 2000, 1009, Levy 2007, 50, de Wijze 2013, 890-891, Roadevin 2019, 131;136). As a result, many simply assume that some form of reparation is appropriate in the wake of DH decisions, without exploring the theoretical commitments accompanying this. This paper therefore addresses those writing on DH and outlines the potential problems they face when attempting to argue that DH create reparative

duties. It then considers different ways in which DH theorists could credibly respond<sup>1</sup>, concluding that DH theorists have good reasons to take a more victim-centred than perpetrator-centred approach (Goodin 2013, 480), taking seriously that dirty-handed agents owe reparations to those whom they have harmed.

## 2. The Problem of Dirty Hands

On 31st July, 1972 three car bombs exploded in Claudy, Northern Ireland, and killed nine persons (including three children) and injured over thirty others. Anne Bradley, one of the survivors, recounts the atrocity: “There was black smoke, people screaming, dust, slate stones and glass, everything flying, a large piece of a car landed at my feet ... It was a trap. No matter what direction you went in there was a bomb” (Wilson 2022).

1972 was one of the most violent years of the Northern Ireland conflict; that year alone nearly five hundred people were killed. In 2010, after several years of investigation, a Police Ombudsman report (Hutchinson, 2010) was published which concluded that then Secretary of State for Northern Ireland, William Whitelaw, together with Cardinal William Conway from the Roman Catholic Church and Royal Ulster Constabulary (RUC) Chief Constable Sir Graham Shillington, conspired to cover up the involvement of the person they thought responsible for the attack: the Catholic priest James Chesney, a high-ranking member of the local Provisional Irish Republican Army (IRA). He was never taken in for questioning despite several police reports alleging his involvement and, instead, it was agreed behind closed doors that Chesney would be transferred silently to the Republic of Ireland. Chesney spent the rest of his life, until his death in 1980, in parishes there. The Ombudsman’s report frames the decision as a possible DH problem: “The Police Ombudsman accepts that 1972 was one of the worst years of the Troubles and that the arrest of a Catholic priest might well have aggravated the security situation. Equally, the Police Ombudsman considers that the police failure to investigate someone they suspected of involvement in acts of terrorism could, in itself, have had serious consequences” (Hutchinson 2010, 23).<sup>2</sup>

According to the Ombudsman’s analysis, the officials involved faced a conflict between two opposing moral demands: not aggravating a deadly political conflict on the one hand, and bringing

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<sup>1</sup> It is beyond this paper to provide a fully-fledged defence of any of them, but I have throughout provided footnotes pointing towards useful further reading.

<sup>2</sup> A complication in using this case as an example of DH is that failing to prosecute a suspected criminal is not just immoral, but also illegal. For my purposes here, I will leave the issue of legality aside and concentrate solely on what is, morally speaking, owed to the victims.

a criminal to justice on the other.<sup>3</sup> They could act in accordance with one of the moral requirements at stake but not both. In this case, preventing the conflict from further escalating and thereby potentially reducing the number of future deaths was the “action-guiding” moral consideration (Stocker 1990, 11). Though, conversely, meting out justice was the “non-action guiding” moral consideration (1990, 13), this does not negate it as a genuine moral demand. For this reason, Michael Stocker (1990) argues, the non-action guiding consideration is then “double counted” (12): it is taken once into account in the initial deliberation, and then again on its own. In this way the agent gives due credit to what they take to be an important moral value, even if it had to be forgone on this occasion. Double-counting signals that an agent understands the demands of all the moral requirements at stake, whether they were acted on or not. They did wrong to do right and got their “hands dirty by doing what [they] ought to do” (Walzer 1973, 164). In such cases, each action available is, in the words of Michael Stocker (1990), best described as an “impossible ought”; although the action is “morally unavoidable” it “stains both the act and the agent” (12). The problem of DH highlights both the complexity and tragic nature of moral life in which sometimes, even if we do the best that we can<sup>4</sup>, we are faced with, in Christopher Gowan’s (1994) terms, “inescapable moral wrongdoing”. Following from this, I define DH as situations in which an agent must choose between two incompatible moral demands, meaning they will inevitably have to violate something of important moral value.<sup>5</sup>

This, DH theory argues, will leave the official with a significant moral remainder because, even if they did the best they could, they violated a cherished moral value. The source of the moral remainder in DH cases is, as Carla Bagnoli (2000) puts it, “a valuable unchosen and not necessarily overriding alternative” (178). This moral remainder manifests in a negative emotional response,

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<sup>3</sup> It is beyond this paper to consider whether this is an accurate description of the conflict, or whether this was the real motivation for the officials’ actions at the time. I will simply assume that the Ombudsman’s report provides a credible interpretation of the situation they faced.

<sup>4</sup> Throughout I use the phrase “doing the best that one could” (or similar). This is not meant to limit DH to moral conflicts where there is an overall morally better option available. Even in a moral dilemma where there is no all-things-considered better course of action, the agent can do the best they could. For example, in *Sophie’s Choice* (Styron 2004) a mother is forced to choose which of her children will be sent to certain death and which may stay with her upon entering Auschwitz; if she does not choose, both will be killed immediately. Here the best that she could do may have been to choose at random, or based on purely prudential considerations. Either way, she made a choice rather than letting both children go to certain death and that was the best that she could do. DH can take the form of both moral conflicts and moral dilemmas.

<sup>5</sup> There is disagreement in the literature about the definition of DH. Roughly speaking, there are three camps. The first understands DH as a distinctly political phenomenon that results from a clash between the moral codes applying to public and private life respectively. For example, see Tillyris (2015). The second camp sees DH as a clash between competing forms of moral reasoning; specifically, situations in which deontological commitments must be overridden in favour of consequentialist considerations. Most notably this is defended in Walzer (1973). Finally, are those who understand DH to arise from particularly grave clashes between plural and conflicting values. Next to the account by Stocker, this view is also taken by, for example de Wijze (2007). My own view falls within this latter camp and I have defended my stance on this elsewhere (Nick 2019).

which Stephen de Wijze has termed “tragic remorse”. de Wijze (2004) argues that we need this distinct concept because “to feel mere regret about this state of affairs would fail to do justice to the serious moral violation ... while to feel remorse would falsely suggest that [the agent] had no moral justification for [their] actions” (464). Experiencing this moral remainder is crucial in DH situations because it shows the agent’s continued commitment to the forgone value, ensures that she will stay reluctant to dirty her hands in future, and helps to make her behaviour intelligible to others. If a dirty-handed agent fails to experience the appropriate emotional response in acknowledgement of this moral remainder, they have fallen short in understanding the complexity of the decision they faced.<sup>6</sup>

In the case of public officials in a democracy, though, it has been argued that this appears inadequate. In a democracy we require a public and retrospective phase of holding officials accountable in order to uphold the democratic process. Citizens must be able to hold those who act in their interests and in their name liable for their actions because, otherwise, as S.L. Sutherland (1995) has argued, there will exist “an unbridgeable gulf between those who lead and those who are led” (483). Given these considerations, DH theorists have primarily focussed on how an agent ought to feel having dirtied their hands, to what extent they must reveal their DH to the public, and whether they ought to be punished.<sup>7</sup>

I will argue that the DH literature has focussed on the perpetrator at the expense of considering what is owed to victims. There is broad agreement that reparations are owed in response to wrongdoing (Boxill 2003, Posner and Vermeule 2003, Butt 2007, Satz 2012), and as a core tenet of DH theorising is that they involve wrongdoing (Walzer 1973, Stocker 1990, Gowans 1994, de Wijze 2007), there is at least an initial plausibility to the claim that DH should trigger reparative duties.<sup>8</sup> Yet, this issue has received little attention so far. To rectify this imbalance, I want to ask what, if anything, dirty-handed agents owe to those harmed because of their wrongdoing.

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<sup>6</sup> This view is articulated, for example, in Michael Walzer’s (1973, 174-180) discussion of the theories of Machiavelli, Weber and Camus and Martha Nussbaum’s (1986, 25-50) analysis of the Aeschylus play *Agamemnon*. For a critique of having to experience anguish in the wake of DH see Tillyris (2015).

<sup>7</sup> For example, see Meisels (2008) and Bellamy (2010).

<sup>8</sup> Some might not see this initial plausibility. We may think that, because the wrongdoing in DH cases was justified, all that is owed to victims is an explanation. In the context of justified rights violations, Phillip Montague (1985, 394) uses an example in which I am late to see my friend, thereby breaking my promise to them, because I stopped by the site of an accident to offer help. Montague thinks that, once I have explained why I was late and thereby have shown why my conduct was justified, there is nothing else that I owe to my friend. I think the force of Montague’s example relies on the fact that the right infringed is a minor one with little resulting harm. But in DH cases we are talking about justified wrongdoing in which we violate some of our most cherished and fundamental values causing significant harms to others (Nick 2021). While giving an explanation might be sufficient in cases of infringing a promise to meet my friend on time, this seems insufficient when talking about a case such as the cover-up of the Claudy bombing in which the wrong involved was preventing the victims of sectarian violence to seek justice.

Let us return to the case of the cover-up of the Claudy Bombing to find out what happened in the aftermath of the publication of the Police Ombudsman report. The then Secretary of State for Northern Ireland, Owen Paterson, issued an official statement to the survivors and loved ones of victims: “For my part, on behalf of the government, I am profoundly sorry that Father Chesney was not properly investigated for his suspected involvement in this hideous crime, and that the victims and their families have been denied justice” (Northern Ireland Office and Paterson 2010). The demands for further investigation by the survivors and loved ones of the victims, however, were denied, and they only received compensation from police and government after a lengthy legal battle, in the form of a confidential settlement without an admission of liability. A legal case brought against the Roman Catholic Dioceses of Derry is still ongoing. The families of the victims have said that they “have been continually failed by those who [they] had placed [their] trust in to serve this justice” and that “the pain and trauma are still unbelievably deep” (Wilson 2022). They are seeking repair for the harm caused to them by those responsible for the cover-up.

Before moving on, I want to clarify why I am concentrating on the dirty-handed agent (and the institutions they represent). Should not the person who caused the DH scenario, and therefore the need to commit wrongdoing in the first place, also be the one who owes reparations? While I agree with this<sup>9</sup>, in DH cases this will often be impossible. Firstly, on at least some views, DH are not necessarily caused by the evil actions of others but could, for example, result from an accident that was nobody’s fault (Nick 2021, 191-196). More importantly, as I will argue later, often a considerable amount of time will pass before DH are publicly revealed, meaning the relevant agent or organisation will by then be dead or defunct. Hence, we ought to consider which other agents could owe something to the victims in such cases. While those with DH seem a natural fit, it is important to note that some might not share this intuition. In the literature on justified rights infringements, it has been argued that those benefitting from the wrongdoing ought to be liable for compensating victims (McMahan 2014, 120-123, Hecht 2021, Eggert 2024). For example, in a scenario in which person A breaks into person B’s house to steal medical supplies to save the life of person C who would otherwise die, it appears that C, the person who benefitted from the rights infringement, should owe B for the stolen items rather than A who acted on behalf of C. Various justifications have been offered to support this intuition<sup>10</sup>, and while we need not go into detail here, it is sufficient to say that I agree there is a very plausible case for the duty of beneficiaries to pay compensation. My reason for focussing on dirty-handed agents as the appropriate locus for

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<sup>9</sup> An upshot of this view is that, in cases where the person who brought about the DH scenario is also the victim who is wronged as a result of the dirty-handed action, they are not owed reparations. For a real-life scenario in which this would apply, see my discussion in footnote 26.

<sup>10</sup> See Hecht (2021) for a helpful overview.

providing reparations, is that I understand cases where public officials in a democracy commit justified wrongdoing not to be completely analogous to the thought experiment above. As McMahan (2014, 122) suggests, things are more complicated when the person who committed the wrongdoing did so in their professional capacity. Public officials have assumed their roles knowing they will encounter difficult moral choices, and, even if broadly restricted by their mandate, will exert considerable autonomy in their decisions. Because of this, I find it plausible to focus on the dirty-handed agent as, often, the most suitable candidate for making reparations. This is not, however, to deny that the beneficiaries of DH might not also have an important role to play<sup>11</sup> and I believe this to be an important avenue for future enquiry.

Having clarified my focus on the dirty-handed agent there is, however, a potential concern regarding the unique nature of DH: as public officials are forced to choose between two cherished but competing moral values, some DH theorists may worry that the officials cannot actually be said to have a reparative duty in the first place. After all, if we accept the DH explanation of their decision, they did the best they could in extremely difficult circumstances. If they did the best they could, how could they owe anything?

### **3. Two Worries**

The problem in arguing that dirty-handed agents have reparative duties may take two forms.<sup>12</sup> Rather than aiming to be definitive, my responses are intended to illustrate that we can find credible ways of responding to scepticism about reparations for DH.

#### **3.1. The Harness of Necessity**

For someone to be morally responsible for an outcome, they must satisfy several individually necessary and jointly sufficient conditions. While accounts differ in the specifics, they broadly agree that the agent must have had suitable cognitive capacities to understand what she was doing, that she knew – or should have known – the likely consequences of her actions, that she must have acted voluntarily and not as a result of force or compulsion, and finally that her actions stood in the right causal relation to the outcome so that it can be attributed to her.

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<sup>11</sup> Who owes how much depends on the relationship that holds between leaders and led, and DH theorists have given different accounts of this. Some (Thalos 2018) think that the public is the ultimate author of DH and holds all responsibility, with officials mere tools to execute actions on their behalf; others (de Wijze 2018) argue that the official is the author of DH but that citizens have knowingly consented and therefore share in the responsibility and dirt; and others (Kirby 2023) hold that, at least sometimes, all responsibility rests with the dirty-handed official such that the public can be completely shielded from it. Understanding what exactly is owed by the public is therefore beyond what this paper can hope to do, so I will confine myself to understanding on what grounds, given that public officials had a professional obligation to commit a justified wrongdoing, they can owe reparations.

<sup>12</sup> These worries are expressed by Levy (2007), albeit in the context of punishing dirty-handed agents. I think that these same worries will likely arise for sceptics of reparations for DH.

The first problem is that it is often acknowledged that DH happen under the “harness of necessity” (Williams 2008, de Wijze 2004, 468-469): when an agent’s options are reduced by external circumstances beyond her control so that she must violate something of important moral value whatever she does, her wrongdoing cannot be voluntary. As one of the individually necessary and jointly sufficient conditions is not met, we should not deem her morally responsible for the wrong she committed. Following Neil Levy (2007), we can distinguish between the bad and the blameworthy: while, in violating a moral value, the public official has done something morally bad, we should not take her to be blameworthy. He argues that “if dirty-handed actors are blameworthy, then it must be the case that there is some act or omission available to them that would allow them to avoid blame” (44-45). DH situations, however, are characterised by the very fact that there is nothing the agent could have done to avoid violating one moral value or another, so “by the principle of the avoidability of blame they are therefore blameless” (45). According to Levy, judging the dirty-handed agent not blameworthy does not explain away the problem of DH: just because we cannot blame them, does not make their hands are clean. “If I perform the best action in the circumstances in which I find myself, but the best action is categorically wrong, then I perform a wrong action without being blameworthy for it” (45). His argument relies, firstly, on the premise that the public official in question exercised their agency voluntarily when choosing the best course of action available and therefore can be morally responsible, and praiseworthy, for doing so. Secondly, it relies on the premise that choosing to do something morally bad in a DH situation cannot be considered a voluntary exercise of agency, because there was no blameless option available. To wit, while the agent has voluntarily chosen the best action possible, she was unable to change the fact that the best action possible was a morally bad one. We may think, returning to the Claudy Bombing, that preventing a violent conflict from potentially escalating was the best option available to the officials at the time and, unfortunately, owing to circumstances beyond their control, doing so entailed committing the moral wrong of covering up a crime. By this reading, they chose the best action possible, when doing so was exceedingly difficult. We can therefore praise them for doing so, but we cannot blame them for that option constituting a moral wrong. However, if a dirty-handed agent is not blameworthy for the wrong committed, one might contend that we cannot hold her responsible for repairing the wrong either.

We can answer this worry in numerous ways. Firstly, we could accept the harness of necessity objection that the agent was not morally responsible for their DH and therefore cannot be duty-bound to make reparations, but note that good moral agents would want to make reparations anyway. As Eric Posner and Adrian Vermeule (2003) argue, “it is commonly observed that people feel a ‘moral taint’ as a result of an association with wrongful behaviour over which they had no

control” (709). Even those not morally responsible, “often feel shame, and are stigmatized by others, as a result of their association with the wrongful conduct. Though the shame and stigma seem irrational from a moral point of view, they are psychological and social facts, which have behavioural consequences” (709). A way to distance and rehabilitate oneself from the wrong committed is to make reparations. In doing so, the agent reaffirms the violated value and re-establishes herself, to both herself and others, as someone who genuinely cares about this moral value. While this might explain why agents often desire to do something for the victims of their DH, it cannot support the stronger claim that agents have an obligation to do so. It cannot reconcile the intuition that when the government, police and church do not respond to the demands of the survivors and loved ones of the victims of the Claudy Bombing, they are falling short of what is morally required of them. As such, this response is not a sufficient defence of the need to make reparations for one’s DH.<sup>13</sup>

The second response to the harness of necessity worry argues that we can accept that the dirty-handed agent is morally blameless for their action but that they nonetheless have an obligation to make redress because reparative obligations are based on outcome responsibility rather than moral responsibility. Tony Honoré (1988, 544-545) defines outcome responsibility as the attribution of consequences to an agent independent of whether they deserve it or were at fault. When a football player shoots badly, but a strong wind fortuitously carries the ball into the goal, the goal would be credited to the player even though we would not praise them for it. Similarly, if the player takes a good shot on target but a strong wind diverts the ball from the goal, we may praise them for their skill but we could not accredit a goal. David Miller (2007) builds on this, arguing that outcome responsibility goes beyond mere causal responsibility, as the former requires “that there is a foreseeable connection between [the] action and the result” (88). Miller illustrates why such outcome responsibility is sufficient to ground reparative obligations: walking on the pavement, despite taking due care not to bump into anyone, I stumble and topple another pedestrian. I did my best to avoid the foreseeable risk, but through sheer misfortune I find myself in the situation of having harmed another. Miller argues that “everyone in the vicinity is under some obligation to help him to his feet and make sure that he is not badly hurt; yet we believe that the responsibility is in the first place mine, so I have the primary obligation to act. I did nothing wrong – indeed I could not help doing what I did – yet having done it, having been the cause of P falling to the

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<sup>13</sup> Another line of argument might also accept the harness of necessity objection, but hold that the dirty-handed agent nonetheless has a moral responsibility to make reparations because of their complicity within the wider socio-political structures which enabled the occurrence of DH in the first place. While this might be the case, the problem with this approach is that it can only ground a generalised reparative duty instead of a duty to redress the specific harm caused by, for example, the decision to cover up the Claudy Bombing. It therefore does not answer whether dirty-handed agents have reparative obligations qua their DH.

ground, I seem to be linked to him more strongly than B who just happened to be passing by” (458). My causal connection to an outcome, whether I am morally responsible for it or not, can establish a connection between myself and the victim that grounds a special responsibility to repair the harm that I have caused them.<sup>14</sup> Bernard Williams (2008), in his discussion of responsibility in tragic situations, argues that “those who have been hurt need a response; simply what has happened to them may give them a right to seek it, and where can they look more appropriately than to you, the cause?” (70).<sup>15</sup> This approach goes beyond the idea of moral taint, which merely provides the agent with an incentive to act above and beyond what is morally required of them. Instead, the agent can be morally required to make reparations for the results of their action, even when they acted involuntarily and are therefore blameless.

We can now apply this idea to the problem of DH. When an agent is forced to violate something of important moral value, their moral, but not outcome, responsibility may be undermined. When a dirty-handed agent commits a wrong, this connection can be sufficient to ground a responsibility to redress the harm caused to the extent possible. While the public officials who covered up the likely involvement of Chesney in the Claudy Bombing only did so because they were forced to violate an important moral value in pursuit of another, this does not preclude their owing reparations to the survivors and loved ones of victims. The officials made a decision that they knew would cause severe and long-lasting harm, and as such they have acquired a reparative duty to address the consequences of their actions, whether they were blameworthy for that decision or not.

The above account can plausibly ground reparative obligations in cases where, through the harness of necessity, the agent is not morally responsible and therefore blameless. However, we might question whether the assumption that a dirty-handed agent cannot be held morally responsible for their actions because of the harness of necessity holds true. Nikolas Kirby (2023), for example, has argued that “dirty hands cannot arise merely via the attribution of reparative duties with respect to that dirty action. We might say: dirty hands requires the propriety of morally *owning the action*, not merely *owning the consequences*” (544). The third response to the objection is therefore to argue that a dirty-handed agent has acted voluntarily, even if they could not have avoided moral

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<sup>14</sup> The argument that outcome responsibility (or “liability”), rather than moral responsibility, is sufficient to ground reparative duties is also found in, for example, Butt (2006, 361), Souter (2014, 330-332) and Táíwò (2022, 117-124).

<sup>15</sup> Someone might object that the plausibility of outcome responsibility is entirely dependent on the particularities of the case I chose – were, say, another pedestrian closer to the person I toppled, they would surely assume the primary duty to help by virtue of their proximity. While I agree that the other pedestrian acquires a duty in virtue of their capacity to assist, this does not undermine my remedial duty. I should still walk over, check on the person, express my regret and offer further assistance if needed. Were I not to do this, I would certainly fall short of what is morally required of me. Hence, outcome responsibility is one – albeit not the only – ground for assigning reparative responsibilities to an agent.

wrongdoing.<sup>16</sup> To understand the arguments for this, we will consider different conceptions of what it means to act voluntarily.

First, in perhaps the most common understanding of voluntariness<sup>17</sup>, Serena Olsaretti (1996) argues that an action is involuntary if “A does x because A has no acceptable alternative to doing x” (54). Olsaretti emphasises that this is not to argue that someone acts involuntarily whenever the alternative option is worse than the one chosen. Only if the other option is unacceptable can the action be involuntary. Elsewhere she argues that “the standard of acceptability by which options are assessed is an objective one that views basic needs satisfactions as central, so that choices made so as to avoid having one’s basic needs go unmet are non-voluntary ones” (2004, 140). By definition, the alternative option available to an agent in a DH situation is not an acceptable one as it involves violating some of our most important moral values. Therefore, on this view, the dirty-handed agent acted involuntarily and is blameless.

While this notion of voluntariness appears initially plausible, it has been criticised. Alan Wertheimer (2012, 235-236) asks us to consider a medical patient with a potentially fatal disease. Their only available options are to consent to an invasive but potentially life-saving procedure, or to accept death. Death, all other things being equal, counts as an unacceptable alternative, yet we say the patient voluntarily consented to the medical intervention. By Olsaretti’s account, the patient would be acting involuntarily and, crucially in the medical case, this would undermine their ability to give valid consent. Accordingly, either we should not provide the life-saving treatment, or it is acceptable to provide a very invasive procedure without the patient’s consent. Since neither option seems attractive, it is worthwhile to consider some alternative, albeit less common, understandings of voluntariness and if they can make sense of Wertheimer’s patient and allow for the possibility of acting voluntarily in DH scenarios.

The first has its origin in ancient Greek philosophy. Karen M. Nielsen (2007), for example, argues that on an Aristotelian conception of voluntariness, a choice reduced to one between two mutually exclusive moral demands is straightforwardly voluntary because “his choice is a *sine qua non* of the action” and “it is ... ‘up to’ the agent to act well or badly”(278). Along similar lines Bernard Williams (2008) reconstructs a notion of voluntariness from various Greek tragedies that holds that “a certain thing is done voluntarily if (very roughly) it is an intentional aspect of an action

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<sup>16</sup> Another way to undermine the underlying assumption of the objection is to follow non-voluntarists in denying that voluntariness is a requirement for moral responsibility. Non-voluntarists, however, are typically concerned with showing that we can be responsible for our characters, even if we were not in control over and had not voluntarily chosen them, rather than with responsibility for specific actions. See, for example, Smith (2008). I will therefore leave this debate aside for my purposes here.

<sup>17</sup> Levy appears to embrace this approach in arguing that dirty-handed agents are blameless.

done in a normal state of mind” (66). If the agent had two or more options available and, understanding what each of the options entailed and without any external force or coercion, chose one of them over the other, then they have acted voluntarily. Both Wertheimer’s patient and dirty-handed agents could therefore be said to act voluntarily and be morally responsible for their decision, even if the only alternative course of action available was a morally unacceptable one. The problem is that those subscribing to the harness of necessity objection will accuse this solution of question-begging. While there is a sense in which the agent voluntarily chooses the best action available and can be held responsible for that, the sceptic will continue, the agent was forced by external circumstances to commit a moral wrong regardless, and therefore cannot be blamed. According to the sceptic, the ancient Greek understanding of voluntariness fails to account for this second consideration.

Williams is also sceptical about this notion of voluntariness and instead offers a solution that differs both from the ancient Greek and Olsaretti’s understanding: “Being free stands opposed, above all, to being in someone’s power; and the mark of that ... is that my choices or opportunities are not merely limited, as they are in all these cases, but that they are designedly and systematically limited, by another person who is shaping my actions to his intentions. To lack freedom is paradigmatically not simply to be short of choices, but to be subject to the will of another” (2008, 154).<sup>18</sup> This account can explain why Wertheimer’s patient acts voluntarily: while their choices are limited, they are not purposely limited by another person to whose will they are subjected. But this account of voluntariness will not help DH theorists as many of the most paradigmatic DH cases involve the agent becoming entangled in the evil plans of another (e.g. the terrorist in Walzer’s ticking bomb scenario or the Claudy bombers).<sup>19</sup>

Wertheimer (2012, 242-243) proposes a final conception of voluntariness: a moralized account by which, to determine the voluntariness of an action, we must include certain moral judgements about the situation in which the agent is acting; we must ask whether we have good moral reasons in a given situation to call an act voluntary or not. Regarding his example of the patient deciding between accepting death and consenting to surgery, he provides us with both a deontological and

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<sup>18</sup> Understanding voluntariness as freedom from someone else’s will also recalls Harry Frankfurt’s (1969) dismissal of “the principle of alternate possibilities” (829). Frankfurt argues that whether an agent acted is not solely determined by whether they could have done otherwise, because we must also consider their reasons for action. After all, “a person may do something in circumstances that leave him no alternative to doing it, without these circumstances actually moving him or leading him to do it – without them playing any role, indeed, in bringing it about that he does what he does” (830). Instead, he argues, to be excused from moral responsibility, the agent must have done what they did “*only because* he could not have done otherwise” (838). Again, this account will not help us to explain how dirty-handed agents could act voluntarily. When an agent is presented with a choice of incompatible moral demands, the circumstances in question certainly played a role in determining what they chose to do.

<sup>19</sup> See, for example, Stocker (1990, 19-25) and de Wijze (2007, 12) for accounts that understand the evil agency of another to be an important, even necessary, element of DH.

a consequentialist reason for calling the choice voluntary. The choice being voluntary is the only way to ensure the patient's autonomy (i.e. the deontological reason) and that she can engage in actions that improve her well-being (i.e. the consequentialist reason). We want people to be able to give valid consent to treatment in life-or-death decisions because doing so is important for having control over one's life. For people to have this power and to give valid consent, though, their decision must be voluntary.<sup>20</sup>

DH theorists could argue that we have good moral reasons to call the officials' decision voluntary because DH are an inescapable part of our moral lives, and it is morally important that agents can make voluntary choices in the face of competing moral demands. DH decisions will be pivotal in our lives since they involve the violation of our most important moral values, and it is important that individuals can exercise moral agency to determine who they want to be and become. Returning to our case study of public officials deliberating whether to bring a suspected criminal to justice, if they have fully grasped the gravity of letting a likely murderer off the hook, they must accept that they are the kind of people who are willing to break this particular rule and cause harm to the victims. Though they had a good moral reason for doing so, this tells us something about who they are and who they were willing to become. They did not say "here I stand, I can do no other" (Weber [1919] 2010, 367); this was a deliberate choice, and we have good moral reasons to call it voluntary.<sup>21</sup> Such a moralised account of voluntariness significantly deviates from standard understandings of the concept and is likely to be controversial, but it would enable us to make the stronger claim that dirty-handed agents act voluntarily within the confines of the harness of necessity and are therefore not only outcome but also morally responsible for their actions.<sup>22</sup>

My intuition is that Wertheimer's account of voluntariness allows us to capture the moral complexity and decision-making at the core of DH situations best, but it would be beyond this paper to provide a thorough defence of this. For our purpose, even if DH theorists are unconvinced that the agent in question acted voluntarily, I have argued that they have good reasons

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<sup>20</sup> This view is also defended by, for example, Gutmann (2018). For a response see Olsaretti (2018).

<sup>21</sup> A quick clarification on the role of consent in Wertheimer's argument: he is not arguing that an action is voluntary when an agent would consent to it being thought of as such. That a dirty-handed agent thinks that it would be in their interest to be seen as not having acted voluntarily, thus avoiding responsibility, does not undermine the argument I present here. While Wertheimer is interested in the issue of consent, his broader account of voluntariness can be applied to other contexts, and simply states that an action can be termed voluntary when there are good moral reasons (e.g. both deontological and consequentialist) behind it. All that we need to show for my argument to succeed is that there is a moral justification for understanding DH situations generally as voluntary choices.

<sup>22</sup> Whether this line of argument is available to DH theorists will depend on the relationship that they think holds between public officials and democratic citizens. Specifically, for those following Thalos (2018) in arguing that officials are mere tools for executing political actions of which citizens are the true authors, the solution I have offered may be irrelevant. For those following de Wijze (2018) or Kirby (2023), in thinking that officials have substantial autonomy in their decision-making, Wertheimer's account of voluntariness might be attractive.

to accept that the agent is at least outcome, if not morally, responsible and therefore owes reparation to the victims.

### 3.2. Praiseworthiness

If we do want to argue that dirty-handed officials acted voluntarily, though, we face a further complication. They only did wrong in order to do right, and thereby chose the best course of action available when doing so was exceedingly difficult. If the dirty-handed agent's reparative duty is grounded in their blameworthiness this stands in tension with the argument by various authors that we need also to praise them for doing the best they could in adversity. Walzer (1973), for example, states that we could "honor him for the good he has done" (179), Levy (2007) agrees with Walzer that "we honour her" (43), de Wijze (2013) argues that "those who get DH ought to be ... praised" (896), and Daniel Tigard (2019) says that a dirty-handed-agent has "reasons to experience ... pride" (360).<sup>23</sup> If someone acted praiseworthily, how could we square this with a need to make reparations grounded in blameworthiness? How might we demand of someone to make reparations for their blameworthy actions in a way that also expresses praise for their conduct?

We might respond that it would be odd for anyone comfortable with the paradox of DH to worry about the paradox of simultaneously praising and expecting someone to make reparations. After all, this seems a natural conclusion of the thought that the action committed was, simultaneously, morally right and wrong. Similarly, DH theorists who prefer to assign reparative duties based on outcome rather than moral responsibility might not worry about this objection. Insofar as they do not hold the dirty-handed agent morally blameworthy, the idea of simultaneously praising them seems less problematic. Nonetheless, I do consider it helpful to explore this objection further. Firstly, for those DH theorists who prefer assigning reparative duties based on moral responsibility and, secondly, because, the following discussion offers important insights into the value of making reparations for DH that have not been sufficiently explored in the literature.

Firstly, we may think that publicly expressing praise for DH, while theoretically correct, is not appropriate in practice. Granted, we could acknowledge to an extent that the agent chose the best available action, but maintain that we should not overemphasise this attitude publicly and through official channels, because it would show disregard for the victims. Walzer appears to think along

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<sup>23</sup> In some DH cases it would seem inappropriate to praise the agent – especially those involving tragic dilemmas with, morally speaking, no all-things considered better option. Returning to Sophie's Choice, it seems odd to praise Sophie for choosing to send one of her children to certain death. If there are some cases of DH where we do not want to praise the agent, the praiseworthiness objection is of no concern there. But, insofar as many DH theorists hold that there are at least some, if not many, instances where we should ascribe praise, it is still important to attend to this objection.

these lines in his later writing when discussing the case of Arthur Harris, who led the RAF Bomber Command during WWII. Note that Walzer (2006) describes the decision of both Harris and Churchill to continue the terror bombings of Germany in the later stages of the war as indefensible, but holds that we can use it as an example of a DH conflict anyway “for it apparently had that form in the minds of British leaders” (324). Walzer argues that the best approach for Churchill would have been “if he had praised the courage and endurance of the fliers of Bomber Command even while insisting that it was not possible to take pride in what they had done” (325). Independent of our assessment of Churchill and Harris here, Walzer’s broader point rings true: the defeat of the Nazis at times required means with real moral costs, and this is not something to feel jubilant about. It is one thing to accept that agents engaged in a justified war exhibited certain admirable qualities in extremely difficult situations; it is another to publicly celebrate them for committing actions directly resulting in so many civilian deaths. We should therefore minimise the public praise we afford to dirty-handed agents. One might contend that it seems possible to both praise and blame dirty-handed agents as part of a nuanced enquiry or other form of public reckoning that acknowledges the complexities of choosing between cherished but competing moral demands, but I worry that this nuance is often lacking in current public discourse. Even the Police Ombudsman report on the Claudy Bombing, which first hints at the competing considerations facing the officials in question, concludes by saying that the RUC’s decision not to investigate the involvement of Chesney was simply wrong as “it failed those who were murdered, injured and bereaved by the bombings” (Hutchinson 2010, 25).<sup>24</sup>

In the case of the Claudy Bombing, even if we accept that the officials chose the best course of action available, we might find it problematic to emphasise their choice over the agony and trauma suffered by the survivors and loved ones of victims. Focusing on the supposed courage of the officials in making this decision, and publicly praising them for so harmful an action, would betray those victims and show a lack of understanding for the deleterious effects that these actions had on others. We might wonder why we should prioritise the interests of victims over those of public officials. As Walzer (1973) puts it, “political action necessarily involves taking a risk” (176) and I

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<sup>24</sup> A possible exception to this is the legal and media response to the DH of Wolfgang Daschner, former vice president of the Frankfurt police. In 2002 Frankfurt police arrested Magnus Gäfgen, the kidnapper of 11-year-old Jakob von Metzler. The police’s main priority was finding von Metzler as soon as possible, but Gäfgen refused to cooperate. Daschner decided to order one of his subordinates to threaten Gäfgen with a mild form of torture. It worked, and Gäfgen gave away von Metzler’s location; unfortunately, it turned out that von Metzler had been dead all along. Daschner was prosecuted but received only a fine which led the media to conclude that he had been “convicted but not punished” in acknowledgement of the moral conflict he faced. In 2011 Gäfgen received compensation from the state of Hessen because he had been threatened with torture. The media described this decision as “legal but not right” (Nieuwenburg 2014, 374). This case shows how the reality and complexity of DH conflicts can be acknowledged by a legal system, the media and the public. My argument here, however, is simply that such nuance is rare.

believe that political actors should bear the consequences of the risky business that they have chosen to engage in while prioritising the needs of victims of such a risky enterprise. So, while in theory it may be appropriate to praise a dirty-handed public official for choosing the best course of action available when doing so was extremely difficult, we should limit reactive attitudes of praise in practice to show respect for the victims of those DH. If public expressions of praise are not appropriate in practice, then the fact that demands for reparations do not publicly communicate praise is not a problem.<sup>25</sup>

More fundamentally, however, given that part of the agent's action was praiseworthy, it is important to implement measures reminding the agent that their action also caused significant harm. Demands for reparations could result in "an appreciation of the effects that fully justified actions can have on us" and "alert us to moral dangers" (Cunningham 1992, 244).<sup>26</sup> This is important because public officials in DH situations can become corrupted by the power that they wield, and when they become "accustomed towards [their] dirt" (Tillyris 2015, 67)<sup>27</sup> they may start to violate moral constraints in situations where this is not strictly speaking necessary. Instead, we want a moral public official who, despite having to violate important moral principles, continues to understand and feel constrained by the demands of morality. As Walzer argues, "because he has scruples of this sort, we know him to be a good man. ... It is important to stress that we don't want just anyone to make the deal; we want him to make it, precisely because he has scruples about it. We know he is doing right when he makes the deal because he knows he is doing wrong" (1973, 166). Reparations could function as, what Joseph Wiinikka-Lydon (2023) has called, "a politico-moral pedagogy" (522) that serves to develop the official's continued sense of morality in the face of having to make dirty-handed decisions.

Demanding reparations from dirty-handed agents can achieve this by reinforcing to them that the constraint they violated was, in Lisa Tessman's (2023) words "non-negotiable" (499). A moral demand is non-negotiable when, intuitively, violating it would be unthinkable to us. It would impose on us a cost that no one should have to bear because there is nothing that could "substitute or compensate for the sacrificed value" (501). When faced with a moral conflict in which we must

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<sup>25</sup> This position does, however, allow the possibility of privately communicating to the dirty-handed agent that they did well in making the right call in a tough situation. Friends and colleagues may show sympathy for the position that the official was thrust into and express this through praise. Insofar as these sentiments are not made publicly and through official channels, however, this will not interfere with the communicative element of the demand for reparations and therefore does not re-introduce the problem articulated at the start of this section.

<sup>26</sup> Cunningham makes this statement not in the context of demands for reparations, but to defend the claim that dirty-handed agents rightfully experience a negative emotional response despite being blameless.

<sup>27</sup> Tillyris (2015), pace the argument presented here, defends that becoming accustomed to their dirt is an integral part of being a public official because "conducive to a virtuous political life is the cultivation and *continuous* exhibition of certain ordinary vices" (64).

choose between two unthinkable options, “the unthinkable of each action automatically triggers the judgment that one is impossibly required to avoid it” (502). Confronted by the impossibility of the demands facing us, we experience the unintelligibility of having to choose between them. The unintelligibility lies in “[comparing] what is especially incomparable” (504). We cannot compare the values of bringing a murderer to justice and of preventing a deadly conflict from escalating – prioritising one at the expense of the other is simply unintelligible to us. Having to choose regardless is what results in the tragic loss associated with DH, because the option chosen cannot make up for what is lost in forgoing the other. We do not want public officials to lose sight of the unthinkable of violating important moral constraints, or the unintelligibility of having to pursue one at the expense of another. Asking public officials to make reparations to the victims of their DH aids this: they are public signs that the value overridden has not vanished but still stands, exerting a moral pull on the agent. Having to repair the damage their action caused reminds the dirty-handed official that they violated something of important moral value – something that ought never to have been violated. Rather than the public official becoming accustomed to their dirt over time, the need to repair acts as a constant reminder that they did something that was morally so wrong that it should be unthinkable. By ensuring that dirty-handed agents retain a reluctance to engage in the morally unthinkable, this secures the prerequisites necessary for an official to act in a praiseworthy manner when faced with future DH situations.

One might wonder why reparations are uniquely placed to play this function; could not, for example, punishment play a similar role? I take the difference between punishment and reparations to be that the former is primarily aimed at the offender (e.g. by giving them what they deserve) while the latter is primarily aimed at the victims (e.g. by giving them something of value in recompense for what was unjustly taken). I am open to the possibility that punishment could operate as a form of reparation (United Nations General Assembly 2005) – especially when it incorporates a mandated element of restorative justice in which perpetrators and victims engage with one another – but, more frequently, punishment and reparations serve separate functions. Coming to terms with the reparations owed requires understanding the nature of the wrong committed and what this has done to the victims of one’s action. It is this focus on the victim that is the source of moral education for dirty-handed agents.<sup>28</sup>

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<sup>28</sup> There is a large literature examining the effectiveness of punitive sanctions (e.g. imprisonment). The overarching finding is that it does not, in and of itself, reduce rates of recidivism (in some cases it has shown to increase them) (Lipsey and Cullen 2007). If someone reoffends this does not necessarily indicate whether their moral attitudes have changed or stayed the same, but it does cast further doubt on the idea of punitive sanctions as an effective moral education.

While a demand for reparations cannot express praise for the courage it took to make difficult decisions, it can help the agent act praiseworthily again in future. Reparations can ensure that the unthinkable remains such.

#### 4. Reparations for Dirty Hands

Having shown how DH theorists can credibly respond to the two worries above, I will conclude by outlining some important considerations for identifying forms of reparation appropriate to DH cases. Roughly speaking, reparations can take two forms. Restitution involves returning to the victim what was wrongfully taken. Sometimes, however, restitution is impossible because what was taken no longer exists (e.g. property may have been destroyed), or because what was taken was not of the kind that can be returned (e.g. a victim's life). In such cases, compensation is a more appropriate form of reparation.<sup>29</sup> Compensation aims at giving to the victims something alternative of value, though there is disagreement in the literature about what the exact aim of compensation ought to be. Some argue that compensation should try to bring victims to the status quo ante or the status that they would have been were it not for the injustice. Others have responded that this is often not feasible, and instead compensation should acknowledge that it can never fully make up for what was lost, though it can at least partially mitigate the wrong. Finally, some have argued that ultimately the aim of compensation should be to enable perpetrators and victims to move forward and coexist. Whichever aim we want compensation to fulfil, it can take two forms: material (e.g. money, land) and non-material (e.g. apologies, truth-telling).<sup>30</sup> A major issue in the reparations literature is the passage of time. Ideally the perpetrators repair the harm done to the victims, but frequently things are more complicated. If enough time has passed that the perpetrators are now dead (or, in an institutional context, no longer in office), we must question whether there are others who owe reparations, for example, those benefitting from the injustice or the wider institutions that the perpetrators represented. Similarly, if the victims are dead, others could be owed reparations on their behalf, such as their descendants, who might arguably inherit their parent's claim for reparations. Alternatively, we could posit that current generations have been disadvantaged by the harm done to their ancestors, which gives them a claim to compensation, if not for the original injustice, then at least for the harm suffered subsequently.<sup>31</sup>

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<sup>29</sup> I started by arguing that reparative duties are usually understood as arising from wrongdoing. Compensation as a form of reparation is therefore different to compensation as it is sometimes understood when thinking about insurance pay-outs. In the latter, an individual can be compensated for a loss or harm irrespective of whether any wrongdoing or injustice was involved (Goodin 2013, 482, Buxton 2019, 197-199).

<sup>30</sup> For discussions on this see, for example, O'Neill (1987), Radin (1993), Posner and Vermeule (2003), de Greiff (2006), Urban Walker (2010), and Satz (2012).

<sup>31</sup> For discussions on this see, for example, Thompson (2002), Boxill (2003), and Butt (2006).

Given that DH involve the violation of an important moral value, compensation more likely befits the harm done in DH cases than restitution. The psychological trauma caused through the persistent cover-up of the Claudy Bombing, for example, is not of a nature that can be undone through restitution. While appropriate compensation varies significantly between cases, various important observations can be made in the case of the Claudy Bombing.

The Police Ombudsman report itself can be understood as an important form of non-material compensation insofar as it is an example of institutional truth-telling. Margaret Urban Walker, for example, has argued that truth-telling is not only a precondition for appropriate redress, but can itself be understood as a form of reparation as it addresses two specific harms often suffered by the victims of injustice: “their *epistemic impeachment* and their *degradation from the moral status of a credibly self-accounting actor*. These harms constitute a fundamental form of moral disqualification, a morally annihilating insult added to the original injury” (2010, 536). Additionally, truth-telling can disrupt the “social and epistemic orders” used to uphold “oppressive and abusive power arrangements” (2010, 535).

Additionally, the statement from then Secretary of State for Northern Ireland following the report, if constituting a genuine apology, could also be an important form of non-material compensation. I have argued elsewhere (Nick 2022) that official apologies can be an appropriate response to the negative impact of DH. Following Ernesto Verdeja (2010), I hold that a sincere apology requires both “moral” and “practical redress” (567). The statement in question, however, appears to fall short on both fronts. While it expresses sorrow and regret for the pain and trauma caused to the victims, it does not clearly and unambiguously take responsibility for the role that a senior government official played in the wrongdoing. It therefore falls short of moral redress and, consequently, it is doubtful whether the statement constitutes an apology at all. Secondly, even if it did constitute an apology, it would not appear sincere, because the statement includes no commitment to practical redress such as re-opening the investigation or agreeing to negotiate an appropriate reparations package with victims.

Finally, the undisclosed settlement that the survivors and loved ones of the victims received from both government and police is an important form of material compensation. The fact that this took a lengthy legal battle and involved no admission of liability, however, significantly dampens its reparative effect. Best practice for making compensation in the wake of DH would instead involve an active dialogue between perpetrators and victims. While I cannot defend this here, there are numerous arguments in the reparations literature for why and how victims should be pivotal in determining appropriate forms of reparation for the harm they have experienced. The form of

reparations for a particular case should not be decided unilaterally by the perpetrator but should instead be agreed on in a consultation process that centres the voices, needs and interests of the victims. This is not saying that anything victims demand will automatically be appropriate, but the fact that the victims of the Claudy Bombing and their loved ones have found the proposed reparations unsatisfactory, should give us cause for concern.<sup>32</sup>

Secondly, just as the form of reparation depends on the case at hand, so will the appropriate aim vary. As DH involve serious violations of cherished moral values, however, the aims of either returning the victims to some status quo ante or the status they would have been without the injustice, may often be impossible. In the case of the Claudy Bombing, for example, the psychological trauma experienced by the victims and their loved ones as the result of the cover-up is not something that can simply be erased; it is something that will likely stay with them for the rest of their lives. Given the grievous nature of the wrongs involved in DH cases, it is more likely that the focus of compensation will be as a gesture to partly repair what was broken and, hopefully, to enable those that have been wronged to move on with their lives.

Thirdly, ideally it is the dirty-handed agent who owes reparations to the victims of their actions: we usually want the perpetrator to be the one who makes up for the harm that they have caused. Frequently, however, a substantial amount of time passes between DH occurring and the agent being able to publicise what they did – potentially so long that the official in question is no longer in office or even alive. Public officials will often have to get their hands doubly dirty: once by committing a dirty-handed action and again by using secrecy, lies and deception to hide it from the public (Thompson 1987, 32). In the case of the Claudy Bombing, for example, publicising the cover-up could only happen once tensions and violence had subsided, the very point of the cover-up having been, according to the Police Ombudsman report, to not stoke the conflict further. By the time the report was eventually published, the dirty-handed agents were no longer alive. Insofar as dirty-handed agents act within public office it will therefore often be appropriate for the institution – which persists beyond changes in individual office holders – to offer reparations instead. In evidence of this, the Secretary of State for Northern Ireland at the time of the report's publication offered a statement on behalf of the institution.

While the passage of time in the case of dirty-handed perpetrators in public office can therefore often be mitigated through the institutional nature of the wrongdoing, the passage of time presents a thornier issue in the case of victims: as soon as the original victims are dead, it becomes more

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<sup>32</sup> For discussions on adjudicating the demands of victims and perpetrators to negotiate appropriate reparations packages see, for example, Amighetti and Nuti (2015), Nuti and Page (2018), and Moffett (2023).

difficult – though not necessarily impossible – to offer grounds on which reparations are owed. Ideally, therefore, perpetrators should publicise their DH as soon as revealing them would no longer undermine the value which justified DH in the first place.<sup>33</sup> When public office holders keep their DH hidden beyond this point, withholding the truth wrongs the victims further. Note that in the case of the Claudy Bombings, Conway died in the late 1970s while both Whitelaw and Shillington died only a few years after the 1998 Good Friday Agreement, so the window in which they would not have been justified in keeping their DH secret was, potentially, fairly brief.

Let us summarise the considerations concerning reparations for DH: Firstly, because of the nature of the actions involved in DH, compensation rather than restitution will usually be the most suitable form of redress, and the exact shape that it takes should be determined in dialogue with the victims. The aim of compensation is to be a gesture that can partly, albeit never fully, repair some of the harm done, enabling both victims and perpetrators to move on. In the absence of those who caused the DH problems in the first place, dirty-handed public officials can acquire reparative duties; they should publicise their DH to facilitate this process as soon as doing so does not endanger the very reason why DH were justified in the first place. In cases where this means that so much time has passed that the public official is no longer in office, or even alive, the institution on behalf of which they were acting usually ought to take on this responsibility. While it is beyond this paper to provide a more thorough defence of these claims, I hope that they can provide a starting point for taking a more victim-centred approach in the DH literature.

## 5. Conclusion

I have argued that there are numerous ways to defend the view that dirty-handed agents owe reparations to those they have harmed. In concluding, I would like to highlight two further points.

Firstly, a caveat: like other cases in which reparations are owed by those in positions of authority, it is one thing to argue that a reparative duty exists and another to find ways to ensure that wrongdoers act on that duty. This paper has not offered any solutions to this problem except by hinting that it is acceptable for dirty-handed agents to delay making reparations until doing so does not risk undermining the end that justified dirtying one's hands initially, and briefly gesturing at

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<sup>33</sup> Not all DH theorists agree with this conclusion. Richard Bellamy (2010), for example, argues that liberal democratic politics cannot fulfil its own ideals of eliminating conflict and the need for dirty measures, but insofar as it does a better job than other forms of political governance, it is important that we do not become disillusioned with the system to the extent that it would collapse. To that end, successful liberal democratic politics requires dirty-handed public officials to “wear clean gloves” (416) and keep hidden from citizens the morally fraught actions they must routinely commit as part of that system. “Wearing clean gloves” clearly precludes victims of DH from receiving reparations. We might interpret the decision between upholding the public's belief in liberal democratic politics and enabling victims to receive reparations as a secondary DH problem faced by the agent. Which of the two options presents the better course of action is a decision that must be made on a case-by-case basis.

literature that examines reparative negotiations between perpetrators and victims. This is because the aim of the paper was to establish a ground for such reparatory obligations in the first place, leaving practical concerns over implementation for future research.

Secondly, it will be helpful to end by positioning the argument presented here within already-existing debates on how agents ought to respond to their DH and how we should respond to them. There are three potential elements: 1) the agent acknowledges the moral remainder of their action by experiencing a negative emotional response, such as tragic-remorse; 2) the agent is punished for the moral wrong that they have committed through, for example, a fine or removal from office; and 3) the agent (or, where appropriate, the institution in whose name they were acting) makes reparations to those they have harmed through a mixture of non-material (e.g. official apology, commemoration) and material (e.g. money, access to institutional support) compensation. Accounts of DH may advance arguments for the appropriateness of none, any, or some of these three elements. The position I have presented in this paper assumes, like many in the DH literature, that 1) is a crucial element of how an agent ought to respond to their DH. I did not, however, take a stance on 2). Instead, the aim of the paper was to focus on 3) in order to suggest that understandings of the problem of DH that do not include a need to make reparations have overlooked an important part of what it means to get one's hands dirty or, at the least, owe an explanation for why they think a duty to make reparations does not apply. The DH literature needs to start taking a more victim-centred approach, focussing not only on how the agent ought to act when faced with a choice between valuable but incompatible moral demands, but also on what is owed to the victims of DH.

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