The Problem of Clean Hands

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Abstract. The problem of dirty hands concerns the apparently inevitable need for effective politicians to do what is ethically wrong. This essay discusses a related problem in democratic elections of politicians being unwilling to commit themselves to precise positions on controversial policy issues. Given certain plausible assumptions, I demonstrate using a simple game theoretic model that there is an incentive structure for political candidates that is damaging to the public good. I contrast this problem with the classic prisoner's dilemma and then go on to discuss some possible strategies for overcoming this problem by an improved system of political debates.

It has been 35 years since Michael Walzer published his famous article "The Problem of Dirty Hands", which examines the moral dilemma in real world politics that good politicians must learn how not to be good in order to be effectively good.[1] One aspect of this old problem is that it seems impossible to be a successful major politician without making various unsavory deals and alliances, and yet we want our politicians to be ethical – the sort of people who would not make such ethically suspect deals and alliances. Walzer sees this problem as primarily a problem for the politician. Of course, in a democracy, which politician ends up leading the nation is up to the voters, who face a different (albeit related) problem. This is the heretofore unnamed problem of clean hands. Allow me to explain.

Let us assume that information alienates voters. In other words, as a statistical generalization, that it is easier to convince voters not to vote for someone than to vote for someone. They are easier to turn off than to turn on. More precisely, let's assume that a voter's agreement with a candidate on a single issue is much less likely to cause the voter to vote for that candidate than a single disagreement is to cause a voter to vote against (i.e., to rule out voting for) that

candidate. The prevalence (and apparent effectiveness) of negative campaign advertisements certainly suggests that this is true. So, by taking a clear stance on an issue, a candidate is doing two things: giving those who agree with the stance a reason to vote for her, and giving those who disagree a reason to vote against her. A vague, equivocal or non-committal stance is likely to neither incline voters to vote for the candidate nor incline them to vote against. Or, even better for the candidate, they may imaginatively project their own views onto the candidate.[2] At the very least, it is the safe strategy. Because of this, savvy candidates (especially those leading in the polls) will often avoid taking clear stances. This infuriates some political commentators and many other intelligent people who are looking for more information on which to base their decisions. We want politicians who are clear, direct and forthcoming about their views, but the candidates are unwilling to get their hands dirty (or what will be seen by some voters as dirty) by taking clear stances. The question is whether we can reasonably be upset with these slippery rhetoricians (i.e., savvy candidates), and what voters should do about it?

The similarity in both problems, dirty hands and clean hands, is that both are concerned with the gap between what we want in an elected representative and what is necessary to get elected.[3] We want politicians to be honest and incorruptible, and yet because they are good we also want them to do what is necessary to win the election, even if that means lying and making deals with corrupt power brokers (for they will do us no good if not elected). We want politicians to be honest and forthcoming about what they would do if they were elected, but we don't want them to alienate so many voters with the details of their plans that they never reach office.[4] Again, they do us no good if they don't win. But the problem is obviously that if all the candidates follow this advice, no one clarifies their positions and voters are left with no clear means of determining who they should vote for. By candidates doing what is individually rational for themselves (and those who share their real beliefs), they end up creating a situation that is worse for everyone.[5]

The problem here is similar to classic problems of collective action. If we idealize the situation, it can be represented game theoretically. We can assume that candidates have two distinct choices, obfuscate or clarify. Though a similar analysis applies to *n* candidates, for convenience we can represent just two candidates. The payoffs for each candidate will be the probability that they will win the election.[6]

Weak William ⇲ ＼ Strong Sally ⇨	Obfuscate	Clarify
Obfuscate	**(3)** 52% 48% **(2)**	**(4)** 47% 53% **(1)**
Clarify	**(1)** 59% 41% **(4)**	**(2)** 55% 45% **(3)**

We can assume that there is one candidate that is marginally stronger. This stronger candidate is the more qualified candidate.[7] I assume that if we set various prejudices to one side, then voters will be more likely to vote for the better qualified candidate if both candidates clarify.[8] Of course, these probabilities are somewhat arbitrary, but they are useful in giving a better feel for the meaning of the ordinal rankings of each candidate's preferred outcome.

Each candidate benefits most if he obfuscates while his opponent clarifies. If both candidates clarify, then Strong Sally has a marked advantage over Weak William because once voters have seen their stances clearly, they are more likely to vote for the qualified candidate.

This game has some things in common with the classic prisoner's dilemma (PD), but it is certainly not the same thing. In the first place, the ordinal payoff matrix is different.[9]

Player A ⇲ ＼ Player B ⇨	Confess	Stay Quiet

Confess	(3) *7 years* *7 years* (3)	(4) *10 years* *0 years* (1)
Stay Quiet	(1) *0 years* *10 years* (4)	(2) *1 year* *1 year* (2)

In the PD, the equilibrium is at a point that is clearly irrational (from collective perspective, at least) in that it is not pareto optimal. In the problem of clean hands (PCH), the equilibrium is arrived at because it is the dominant choice for both players, which is the same reason behind the equilibrium in the PD. But in the PCH it is better for Weak William than the other shared strategy of both players clarifying. In the PCH, all outcomes are on the pareto frontier because it is a zero-sum game, not a cooperative game. The sense in which the equilibrium reached in the PCH is irrational comes from the fact that it is bad for society, not for the players. In the PD, the players end up in a situation that is collectively worst (say, 14 total years spent in prison), while in the PCH the end result from the candidates individually rational action is a sub-optimal situation for society (who are not exactly players in the game), but not the worst case scenario for society, which would be having Weak William obfuscate and Strong Sally clarify.

Nevertheless, there are enough similarities to think that perhaps a similar kind of solution might help. In order to solve PD kinds of collective action problems, it is often best for someone to step in and alter the payoff matrix so as to change the equilibrium. In social situations this is often the government's job. Of course, these changes to the payoff matrix are generally not without some cost, which leads to inefficient externalities, but nevertheless these are often worthwhile in avoiding the fundamental problem caused by the PD. The PCH seems to cry out for a similar kind of solution. The question is how we can alter the payoffs so that candidates have the incentive to clarify and not obfuscate.

The best social outcome is the one that gives the strong candidate the best chance of winning the election, which would mean allowing the strong candidate to obfuscate while motivating the weak candidate to clarify. However, it seems quite impossible to develop a fair and effective means of doing this. The best we can hope to do is to ensure that both candidates clarify their positions. Under our (admittedly idealized) assumptions, this gives strong candidates a fair advantage over weak candidates. But the question is what social or legal pressure can be applied to ensure that this clarification occurs. One cannot simply issue a legal mandate that candidates clearly articulate their positions. This wouldn't work for any number of reasons.[10] To be effective, a strategy needs to give candidates a reason to prefer providing more clarity.

Campaign speeches and political advertisements are of little help in providing clarity because they are entirely controlled messages with nothing promoting candor. But, in principle, political debates have a structure that can promote clarification of candidates' positions, especially if candidates can question each other directly, because each candidate typically benefits from the other candidate clarifying his stances (especially on issues where he wishes to avoid clarification). So, society might be able to solve the PCH, at least in part, by pressuring candidates into participating in public debates that would lead to a clarification of their positions. Indeed, this pressure seems fairly easy to generate because candidates already have a legitimate concern about being seen as afraid to debate their opponent.

However, in practice, political debates tend to have very little about them that resembles 'real' debating, because the candidates' own campaign staff have taken control of how these debates are run and have opted for less risky formats where candidates can present largely prepared remarks that are not significantly more clarifying than their campaign speeches.[11] Occasionally, some bit of candor or insight will come through, but this is exceptional. Moreover, the length of candidates' responses at these events is generally much too short to provide much substance.[12] One might

locate the real source of the problem with debates in the lack of critical listening skills among the electorate, which seems more moved by the pathos of stories than the logos of policy analysis.[13] Rationally self-interested candidates play to the mass audience. This is a problem that might be rectified by having the news media commentators focus our attention on the substance of what is said, but the opposite seems to be much more prevalent.[14] Commentary on political debates seems to focus much more on style than on substance, again perhaps because there is too little substance in the first place to focus on.

Perhaps the debates can be fixed or another medium could be found to promote clarification by candidates, but this will be difficult. In the US, candidates have found ways to avoid clarifying their controversial positions while appearing willing to do so, such as by our system of pseudo-debates. Since one cannot force candidates to speak, a solution would need to provide adequate incentive for candidates to clarify. One approach could work by dramatically increasing public campaign funding and making receipt of these funds dependent on participation in some system designed to clarify candidates' views. Another more bottom-up approach would involve changing the practices of the news media in how they cover campaigns, so that more substantial positions were demanded from candidates. The former seems unlikely, though not unthinkable. The latter would be wonderful (for many reasons) and is possible, but it seems even less likely. The problem of clean hands is a formidable foe.

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<div align="center">ENDNOTES</div>

1   Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs*, Vol. 2, No. 2 (Winter, 1973), pp. 160-180

2   Similarly, recent studies of on-line daters show that people tend to be more excited by people when they know less about them. Most people seem to fill in the gaps in their knowledge favorably in that context. A similar phenomenon may be at work in political candidates.

3   Of course, Walzer's argument was extended to include politicians more generally, not just those who are democratically elected when they are seeking office, but there's reason for us to be particularly concerned with elected representatives and how they get elected.

4   The problem exists regardless of what positions you believe to be right. A liberal voter may thus want a candidate who is will probably support gay marriage if elected to lie or obfuscate about this position. Similarly, a conservative voter may want the same kind of deceit from a candidate who would likely support teaching creationism in public schools.

5   Of course, the sense of rationality intended here is instrumental rationality – is the action most effective at achieving the agent's own ends, whatever those might be.

6   The bottom left in each box represents William's payoff, while the top right represent's Sally's. The number in parentheses is that player's ordinal preference, "1" being the best.

7   If all the candidates in a race were equally well qualified, then it wouldn't really matter who won and all election issues become much less interesting, but typically this is not the case.

8   There are many well acknowledged problems in democratic elections. Foremost among these is that voters are often swayed (i.e., prejudiced – often unconsciously) by irrelevant factors such as how tall candidates are or their racial background, or any other irrelevant factor. I don't intend anything in this essay to address this vexing problem. These prejudices obviously complicate any discussion, but for our purposes it makes most sense to temporarily idealize away from these factors and assume that the candidates are roughly on par with respect to prejudices. The problem would be just as serious if there were prejudices in favor of one candidate, as there are for William in the chart below where William is no more qualified, just more popular due to prejudice. We still are best off if we find a way to make both candidates clarify.

Weak William ⇗ Strong Sally ⇨	Obfuscate	Clarify
Obfuscate	**(3)** 46% 54% **(2)**	**(4)** 42% 58% **(1)**
Clarify	**(1)** 53% 47% **(4)**	**(2)** 49% 51% **(3)**

Of course, the prejudice could just as well run in Sally's favor, but this would still not change the underlying structure of the problem where obfuscation dominates clarifying to the detriment of good governance.

9   This is the ordinal payoff matrix for a prisoner's dilemma, with numbers of years in prison associated with a typical background story.

[10] One reason is that democratic systems are as reluctant to force speech as they are to suppress it. Perhaps a more basic problem is that it wouldn't be possible to precisely specify the degree clarity required or to measure precisely the adequacy of the clarification provided on the issues. Numerous other problems also exist.

[11] In saying that modern political debates (in the USA) do not resemble *real* debates, I am comparing them to a numerous styles of scholastic debating competitions, such as: WUDC (World Universities Debating Council) style, policy debate (a uniquely US style), British parliamentary debate, American parliamentary debate, etc. Obviously public political debates will need to differ from these competitions in numerous ways, but all these disparate styles of debate have elements in common that political debates have come to lack, such as: adequate time for participants to make sustained arguments; an expectation by the audience that justifications will include some theoretical normative grounding where appropriate; ample opportunity to directly criticize the arguments made by one's opponent (including direct questions); the expectation that criticisms will not only be made, but also answered; a wariness concerning appeals to emotion instead or reason; and, a focus on substance over style in evaluating the debate. Presidential debates are clearly the most important political debates in the United States, and these usually last around 90 minutes. Even when these debates focus on a particular topic (say, the environment), it is safe to say they remain more superficial than even moderately good collegiate level debates about the environment (though the latter typically take up less time). This analysis based on my own experience with teaching and coaching debate over the past seventeen years.

[12] See: Harlan Ullman "Change the forum, substance of presidential debates" *The Washington Times*, 16 April 2008; Marvin Kalb "Nine Ways to Elect a President" *The New York Times*, 5 May 2007; Kathleen Hall Jamieson and David S. Birdsell, *Presidential Debates: The Challenge of Creating an Informed Electorate*, Oxford University Press, 1988.

[13] The role of ethos is much more complex, since there's a sense in which the ethos of the candidate is of central importance, on par with the reasonability of their policy positions. We certainly want our elected officials to have great integrity as well as other strong character traits. On the other hand, if one's sense of appropriate ethos in a candidate is characterized by whom you'd rather have a beer with, then ethos distract as much as pathos.

[14] See: Jamieson and Birdsell, 1988. Jennifer Williams and Christina Fiebich "'You're No Jack Kennedy!' The Influence of Post-Debate Commentary on Candidate Evaluations" *Proceedings of the 84th Annual Meeting of the Association for Education in Journalism and Mass Communication*, August 2001. Peter Marks "Instant Media Analysis Often Proves at Odds with Public Opinion", *The New York Times*, 13 October 2000.