

**The Problem of Dirty Hands:  
Thomas More's Reflections on Complicity with Evil  
in the *History of King Richard III*  
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*I. Introduction*

Thomas More's *The History of Richard the Third* can be profitably read from many perspectives. The approach that I want to champion here is intended to see this book within the context of moral philosophy, especially as practiced by Renaissance humanists. The scholarly literature on this book is rightly filled with discussions about the vagaries of Richard's life and the veracity of More's account, about the influence of various classical sources on More and the influence that More's account exercised on figures like Shakespeare as well as on Richard's reputation within English historiography. What I would like to add to the conversation is the perspective of moral philosophy. To undertake this project I intend to divide my labors into four parts: (1) the context of More's writings in the period of the composition of the *History of Richard the Third*, (2) the resources of rhetoric and history for moral philosophy, (3) the general problem of "dirty hands", and (4) the results of More's humanist approach for the problem of dirty hands, that is, the problem of cooperation with evil that More would have wanted to understand for himself and the dangers of complicity against which a Christian statesman like More would have wanted to inoculate himself and to warn others.

*II. The Clusters of More's Writings*

There is a period in More's life when his mind was given primarily to addressing the threat that he perceived in Lutheranism, and another period where More's focus is mainly on trying to challenge as well as to continue to form the conscience of his king. Earlier in his life there is a period in which the writings that are still extant show the sparkle of a young man testing the waters, exploring themes, and honing his skills.

The decade from which the *History of Richard the Third* comes is the period during which More was busy preparing himself for public service. It is not just that More took seriously the task of readying himself in general for storms that he knew

would be coming, even if he could not know in advance their specific contours. I believe that he took great pains to anticipate some of the difficulties that were more than likely to occur in public life. It seems clear that by the time of the composition of this work he already had enough of a taste of politics to realize that it is not for the faint of heart and that the stakes can be high. Likewise, his experience had given him a lively sense of the need for astute compromises within the sphere of politics, but equally the need to be clear on one's principles, those non-negotiable principles of Christian morality on which no compromise is possible. Having recognized the need to think through questions about the moral dimensions of politics—so far as he could, prior to being faced with the specific dilemmas of having to choose some course of action, especially in the inevitable situations where the best thing that one can do is to determine what might bring on the lesser of two evils—he made use of the resources of the Catholic tradition of moral thinking on such topics. His own preference for considering these questions is the style that today we associate with the fashion of the humanist scholar and statesman.

In the *Utopia*, for instance, he seems clearly to have reflected on the question of the non-negotiable principles of Christian statecraft. As Prof. Gerard Wegemer has shown so clearly in *Thomas More on Statesmanship*,<sup>1</sup> the second book of the *Utopia* involves a systematic denial of the fundamental principles of Christian political philosophy that More would have learned from his study of Augustine. Much like the sustained ironies of the *Republic* that was his model, More worked to envision what a state would look like that was shorn of the basic protections that the principles of Christian morality provide.

This decade in which More composed the *History* and the *Utopia* falls within the period (1500 to 1516) during which More also composed various poems on tyranny. Some of the more caustic among them show his clear hatred of corrupt government in any form, not only in the form of utter despotism but also that of amoral statecraft. In addition to his humanist inclination to use the expansive possibilities of imaginative fiction and the highly controlled satire of short verse forms, More shows the humanist penchant for thinking through the problem of government through his focus on history and biography, larded especially with the tools of rhetoric, in *The History of King Richard the Third*.

Although unpublished during his lifetime, the *History* provided More yet another venue besides the *Utopia* for thinking through some important problems of political philosophy. It is not only the veiled allusions of the *Utopia* but the sordid machinations recounted in the life of Richard III that provided a way for More to explore the webs that can ensnare those who need to work close to the center of political power. The life of Richard III offered not only an object lesson in the ways of a usurper, a despot, and a tyrant, but a stage on which to ponder the temptations of a courtier to bend the truth and to risk being all too clever for his own good in rationalizing the commands that a sovereign may impose. I do not at all mean that More is guilty of moralizing—in fact, *The History of King Richard the Third* usually steers clear of explicitly drawing the morale—but for those who have eyes to see, the events narrated say all that it is necessary to say.

<sup>1</sup> Gerard B. Wegemer, *Thomas More on Statesmanship* (Washington, D.C.: The Catholic University of America Press, 1996).

### III. *The Resources of Rhetoric and History for Moral Philosophy*

The renewal of attention to rhetoric and history, and especially the use of rhetoric in the writing of history, is one of the most important aspects of Renaissance humanism. In the then newly recovered texts of ancient historians Renaissance humanists found ready models for their efforts. Thucydides, for instance, expends considerable ingenuity in developing speeches for the main characters at each of the crucial junctures of his story. By shifting to the voice of the proponents who were engaged, for instance, in the Melian dialogue Thucydides can bring to the reader's attention not just the chief aspects of the situation that were in play for the participants, but the ways in which they attempted to persuade the public whom they addressed. In the *History* More seems to have been especially indebted to the writings of Sallust about the case of Jugurtha, in particular for the deathbed scene of Edward IV. Jugurtha was the adopted son and co-heir of Micipsa, whose sons Jugurtha murdered in order to gain possession of the throne. In the *Annals* of Tacitus, a book that was only newly recovered during the decade of More's composition of the *History*, we find an important classical model for More's considerable use of rhetoric within historical writing. Besides the service that rhetoric provides for a realistic portrayal of the events under description, the judicious employment of this rhetoric serves also for Tacitus's own commentary on the events of his time.

The use to which More and other writers of Renaissance humanism put these classical models of rhetoric and history frequently includes the exploration of problems in moral and political philosophy. Given the rich biographical and historical resources within which we are accustomed to operate today, it can be difficult for us to appreciate the liberty that these models afforded the writers of the Renaissance. The forms of writing typical of scholastic thought, and especially the forms of inquiry characteristic of the nominalism that dominated late scholasticism, were dry and confining. Even for those who have a deep appreciation for the clarity and rigor of scholastic thinking, and its efficiency in making sharp distinctions, raising and refuting objections, systematizing vast masses of material, and training minds in the habits crucial for good philosophizing, including the area of morality, one cannot help but notice the ways in which the scholastic style can seem excessively limiting.

While I do not believe that the differences between scholasticism and humanism are simply a matter of temperament, there are some respects in which temperament plays a considerable role. The sphere of ethics is a case in point, for the razor-sharp distinctions possible in a scholastic culture trained in a certain pattern of abstractions readily appeals to someone intent on the unification of knowledge.<sup>2</sup> But to one who is interested in the affairs of state, and especially the affairs of state in a political era more fluid than most, the writing of biography and history will seem more attractive. And the Tudor period was an age of great fluidity—in part, due to the discovery of a whole new world, in part to the religious stirrings that eventually resulted in the Reformation, and in part to the

entry of Machiavellian currents into politics in a way that changed the some of the ground-rules of the game.

But just as it is unfair—in fact, seriously mistaken—to suppose that the new humanists were all Protestants and that the old scholastics were always Catholics, I believe that it is inappropriate to suppose that political philosophy done in humanist style was innocent of the insights of scholasticism. The history of Renaissance philosophy is all too clear about the way in which nascent Protestant convictions as well as the ways in which Machiavellian reasoning found fertile territory among those who still wrote in scholastic style. There are scholastic treatises on the absolute power of the king, for instance, as well as arguments for practices such as tyrannicide.

What the use of rhetoric and history opened up for moral philosophy, as did the use of allegory and fiction, was a way to explore questions of moral psychology and even casuistry, without the confining forms of treatise, syllogism, and disputed question. The rhetoric of praise and blame that Renaissance humanists learned from classical oratory made possible not only elegant but frank comment on moral questions as well as an authorial evaluation of the actions and the plans of public figures and a thorough exposition of the causes of important events. The genre of history, larded with orations, character portraits, and narrative accounts, offered new kinds of opportunities for commentary on the significance of various events and the exploration of moral problems of current concern.

### IV. *The Problem of Dirty Hands in General*

One of the particularly crucial problems for a Catholic preparing himself for a career as a statesman is the problem of dirty hands. It does not take terribly much experience in the world of politics to realize that one will have to make alliances with individuals of a questionable sort. Politics is, after all, the art of the possible, and the character Thomas More in the *Utopia* argues vigorously against the reluctance of Hythloday ever to enter the political arena. It seems to me that More has a certain confidence that it will be possible to distinguish between cases of moral principle, on which no compromise is possible, from cases on which it is possible to work together, perhaps with something like a close-pin on his nose, so as to accomplish some particular aim. But the person who is readying himself to undertake such a life needs to confront the fact that there will be recurrent temptations to rationalize one's compromises and to risk crossing some lines that should not be crossed. In short, the would-be statesman has to reflect on the problem of dirty hands and to form a sense of how to proceed in the rough and tumble of a world that gives little chance for lengthy deliberation when speedy action is required.

The Catholic moral tradition that More knew makes an important distinction between material cooperation with evil and formal cooperation with evil. Formal cooperation with evil refers to any situation in which one deliberately chooses to assist with a wicked project of another, whether by adopting this project as one's own end or by selecting some means that is intrinsically disordered and wicked out of a desire for some otherwise legitimate good. Needless to say, for this tradition, one is never permitted formally to cooperate with evil, because one may never

<sup>2</sup> See Richard W. Southern, *Scholastic Humanism and the Unification of Europe*, 2 vols. (Cambridge MA: Blackwell, 1995).

deliberately choose to perform an act that is wicked, whether as an end or as a means. But this moral tradition is also mindful that it is impractical (if not impossible) to insist upon such a level of purity that one may never be involved whatsoever with anything that in any way touches on what is wicked. Certain forms of such involvement (called by this tradition “material cooperation with evil”) are undesirable but sometimes unavoidable, whether in situations where one is confronted with options that are all undesirable and thus facing a need to choose the lesser evil, or where an otherwise morally permissible course of action involves some physical contact with wickedness without in any way sanctioning it or enabling it. If I might cite a relatively straightforward example from the present day, one may never deliberately perform an abortion, or make a piece of equipment whose only use is to perform an abortion, or undertake the financial negotiations that would make possible the funding of an abortion clinic. But one may be a postal worker who delivers the mail, including checks, to an abortion clinic that happens to be on his route. One may work for the electrical company that provides electricity to a city whose buildings number various abortion clinics. The reasoning involved here is that one may never formally cooperate with evil, but that there are also situations in which one’s cooperation is only material.

#### V. *The Problem of Dirty Hands*

Within the text of *The History of King Richard the Third*,<sup>3</sup> I would like to direct our attention to the scene in which Richard gets control of the second prince, despite the “protection” that the Queen seeks to retain by the appeal to “sanctuary” (350-96 in the Latin text). The basic story, as you will remember involves the Queen’s flight with Prince Richard after she learns that Richard has taken charge of the young King Edward and has managed to arrest Rivers and Grey and Vaughan. The narrative includes the strange scene of the Archbishop of York bringing the Great Seal to the Queen and then secretly recovering it, only to have it stripped from his possession as one unworthy to bear it. It includes the “persuasions” that Lord Hastings uses to calm fears and the rhetoric that Richard uses to persuade some of the officials of London, particularly by his account of the way in which he treats Prince Edward. It includes the speeches by which Richard and his minions try to persuade the lords of Edward’s council, and Buckingham’s speech against the abuses of sanctuary, just after the Cardinal’s declarations that nothing can break the immunity of sanctuary. The scene closes with the debate that ensues between the Cardinal and the Queen and the Queen’s decision to handover her son.

Having framed the question for the council of nobles as a matter of recognizing that the royal boys would be more safe in the hands of the protector than in those of the Queen, Richard urges that “it was only malice, frowardness, or folly that caused her to keep him” (32). The protector tries to persuade the council to affirm that there would be greater likelihood of peace in the kingdom “if the mother be by good means induced to deliver him.” The Cardinal (here More by mistake writes “the Archbishop”) is dispatched to convince her, but they all assume that there will

be no attempt to remove him from sanctuary “against her will.” The text then turns to the right of sanctuary:

“For it would be a thing that should turn to the great grudge of all men and high displeasure of God, if the privilege of that holy place should now be broken, which had so many years been kept, which both kings and popes so good had granted, so many had confirmed, and which holy ground was more than five hundred year ago by Saint Peter his own person in spirit, accompanied with great magnitude of angels, y night so specially hallowed and dedicate to God (for the proof whereof they have yet in the abbey Saint Peter’s cope to show) that from that time hitherward was there never so undevout a king that durst that sacred place violate, or so holy a bishop that durst it presume to consecrate.” (32-33)

After the rhetorical flourishes here in the narrator’s voice, presumably to establish on historical and religious grounds the inviolability of the right of sanctuary (and even to invoke the “interesting” evidence of St. Peter’s cope!), the text returns to the report of speeches. The Cardinal (once again mistakenly called “the Archbishop of York” at this point in the text) solemnly voices the view that nothing can break the immunity of sanctuary:

“And therefore... God forbid that any man should, for anything earthly, enterprise to break the immunity and liberty of that sacred sanctuary, that hath been the safeguard of so many a god man’s life. And I trust,” quod he, “with God’s grace we shall not need it. But for any manner need, I would not we should do it. I trust that she shall be with reason contented, and all thing in good manner obtained. And if it happen that I bring it not so to pass, yet shall I toward it so far-forth do my best, that we shall all well perceive that no lack of my devoir, but the mother’s dread and womanish fear shall be the let.” (33)

We have here a humanist version of the traditional concept of an exceptionless duty: “But for any manner need, I would not we should do it.” In the language of the scholastic philosophy, we have a clear statement of principle, articulated in terms of a universal negative, a statement of something that is wrong *semper et ubique* (always and everywhere), and for this reason there is a refusal even to consider the prospect that the right of sanctuary should ever be compromised.

The immediate reply to the Cardinal by Buckingham is a stinging rebuke: “‘Womanish fear? Nay, womanish frowardness!’ quod the duke of Buckingham.” His scornful remarks seem entirely designed to force the Cardinal to treat the matter in some other way: “For I dare take it upon my soul, she well knoweth she needed no such thing to fear, either for her son or for herself. For as for her, here is no man that will be at war with women...”. Buckingham then tries to undermine the legitimacy of any fear on her part—the protector’s party bears her family no ill will, and they could not possibly be thought to “hate the king’s noble brother, to whose grace we ourself be kin.” In fact, Buckingham insists, it is only his safety and honor that they have in mind, and for this reason she ought to bring the child out to a more honorable place. Having thereby explained his own good intentions, Buckingham turns the consideration to the possibility that she may refuse. In his so doing we get an analysis of the legitimacy of taking the boy by force that rests on

<sup>3</sup> In what follows, the passages I cite come from the following edition: *The History of King Richard the Third*, ed. George M. Logan (Bloomington IN: Indiana University Press, 2004).

what I have called above the distinction between formal and material cooperation—according to the distinction that Buckingham wants us to use, the physical crossing of the line of sanctuary could be an act of wrongdoing in the formal sense or might be merely a technical transgression and thus only a matter of material cooperation. It is, I think, a false application of the traditional distinction, a misuse of a legitimate strategy, but one that gets its persuasive force with the council from Buckingham's clever and sustained use of rhetoric. We have here, I submit, More the humanist imagining the devious use of what is in principle a legitimate and useful moral tool, for the persuasion of the council to accept a means to Richard's end that they really ought to reject and one that they would have rejected had they held fast to the moral absolute that the Cardinal stated in the speech quoted above.

The reasoning that Buckingham proposes involves a lengthy discussion of the privilege of sanctuary. Admittedly, the appropriate limits to the right of sanctuary were much discussed in More's time and are found even in his *Utopia*.<sup>4</sup> There More has his characters employ one of the very same reasons that Buckingham here avers, namely, the abuse made of the privilege by career criminals. That More puts this reasoning into the mouth of Buckingham may well have been a good way for More the author to reflect on the question for himself—just as he sometimes does in the *Utopia*. I can well imagine that More may have had questions about it personally. But the way in which the reasoning of Buckingham proceeds suggests to me that in the *History* we mainly have here More operating as moral philosopher, exploring the ease with which one can misuse the distinction between material and formal cooperation with evil through self-serving rhetoric and the re-definition of crucial categories.

Buckingham's first gambit, once he turns to the question of what to do if the Queen were to refuse to hand the child over, is to suggest that the more she "feareth to deliver him, the more ought we fear to leave him in her hands" (p. 34). Her fear about missing some opportunity should give them grounds to fear her designs. Listen then to the language with which he starts to redefine the sanctuary question: "For she will soon think that if men were set (which God forbid) upon so great a mischief, the sanctuary would little let them. Which good men might, as methink, without sin somewhat less regard than they do." In short, he thinks that the forcible removal of some types of refugees is not so great a matter—a material complicity to be regretted, not a formal crime that would be sinful. After raising the possibility that their inaction could give her leeway to send the child abroad and thus render them subject to the judgment of having been poor councillors to the king (a grave misdeed, compared with whatever misdemeanor would be involved in taking the child out of the sanctuary).

In a move that is precisely the necessary strategy required for a successful use of the distinction between material and formal cooperation in moral analysis, Buckingham then turns his speech to defending the claim that he will not be engaged in formal complicity: "And yet will I break no sanctuary therefor. For verily, sith the privileges of that place and other like have been of long continued, I am not he that would be about to break them" (34). His sphere here reveals the mind of a person who is fixed on never violating sanctuary (that is, a refusal ever to

engage in formal complicity), but who then turns within a few lines to a distinction that will allow him to enter into the situation of material cooperation (that is, a justification for technically violating the protection of sanctuary but not formally doing anything wrong). The distinction that he employs is between what he considers legitimate purposes of a sanctuary and its abuse. Those who have been reduced to poverty by the loss of their goods at sea or by bad loans deserve to have a place of refuge from their "cruel creditors." Likewise, a situation in which the crown is under dispute would (he argues) justify their being a place of refuge for one party whom the other party considers a traitor. But, he insists, "it is pity the sanctuary should serve" thieves, "of which these places be full, and which never fall from the craft after they once fall thereto." As for murderers who take refuge, he cites Ex. 21:14 to argue that God orders that willful killers be pulled from altars and slain.

Having made his basic distinction between legitimate and illegitimate uses of the privilege of sanctuary, Buckingham elaborates his case largely in terms of the far greater proportion of illegitimate than legitimate refugees who actually use the right of sanctuary. His conclusion turns on a principle of the sort that proportionalist moral philosophers in our own day could have stated no more clearly:

"What a rabble of thieves, murderers, and malicious, heinous traitors, and that in two places specially: the one at the elbow of the city [that is, close by the City of London, at Westminster], the other in the very bowels! [the one at the monastery of St Martin's le Grande near Cripplegate]. I dare well avow it: weigh the good that they do with the hurt that cometh of them, and yet shall find it much better to lack both than have both." (35-36)

The proportional reasoning that Buckingham invokes here would have been perfectly in place for a discussion in Parliament about whether or not the law ought to maintain so many (or even any) places of sanctuary, for that is a decision about the number of places and for this decision one has to weigh the benefits and the burdens of one number rather than another. But such proportionate reasoning is illegitimate in a situation where one has already established places of sanctuary that are open to any who ask, without any further conditions placed on those who seek refuge. His reasoning tries to take the matter out of the domain that the Cardinal had articulated as the prevailing assumption, namely, that places of sanctuary, once established, are inviolable. Rather, Buckingham tries to reframe it in terms of the distinction between those cases that would truly be violations of the right of sanctuary (namely, refugees who take refuge for the right reason) and merely technical violation of a place of sanctuary. The latter case would not be a case of formally wrongdoing but merely a material cooperation by the use of force within a sacred space in the case of someone who has no genuine right to claim such sanctuary.

Sensing his rhetorical advantage, Buckingham then builds the rest of his case in elaborating the crucial distinction between those who have a legitimate right to sanctuary and those who do not:

<sup>4</sup> See *Utopia* (CW 4.81, CU 75-77).

“Now unthrifths riot and run in debt upon the boldness of these places, yea, and rich men run thither with poor men’s goods: there they build, there they spend, and bid their creditors go whistle them. Men’s wives run thither with their husbands’ plate, and say they dare not abide with their husbands for beating. Thieves bring thither their stolen goods and there live thereon.”

If things were really this way, one might wonder how the Queen and her child ever found room at all! Buckingham then makes a rhetorical appeal to the council whom he is addressing by flattering their wisdom:

“Howbeit, much of this mischief, if wise men would set their hands to it, might be amended, with great thank of God and no breach of the privilege. The residue, sith so long ago I wot never what pope and what prince more piteous than politic hath granted it, and other men since, of a certain religious fear, have not broken it, let us take a pain therewith and let it a God’s name stand in force, as far-forth as reason will—which is not fully so far-forth as may serve to let us of the fetching forth of this nobleman to his honor and wealth, out of that place in which he neither is nor can be a sanctuary man.”

In short, the formal act of violating a sanctuary depends not on the fact of having taken refuge in the designated place, but on the status of the refuge-taker:

“A sanctuary serveth always to defend the body of that man that standeth in danger abroad, not of great hurt only, but also of lawful hurt. For against unlawful harms, never pope nor king intended to privilege any one place: for that privilege hath everyplace. Knoweth any man any place wherein it is lawful one man to do another wrong? That no man unlawfully take hurt, that liberty the king, the law, and very nature forbiddeth in every place, and maketh, to that regard, for every man every place a sanctuary.”

The sophistry involved here involves a confusion between the physical protection that a sanctuary affords and the moral security that innocence ought to afford a person. But if moral security were enough, no physical protection would be needed. And the very presumption of the establishment of sanctuaries is that those who are threatened may not be able to find a reasonable judge to verify their innocence and to withstand the pressing attack of a hunter. My reflections here are not meant to decide the question that Buckingham has raised, a question that would be a legitimate object of legislative inquiry in the abstract. My intent is merely to point out that the whole point of sanctuary is to provide safety for anyone, independently of the reason and thus is not subject to the sort of judgment that he is trying to make about the legitimacy of the sanctuary claim.

The peroration of Buckingham’s case makes the claim that the child neither needs nor can have sanctuary for any legitimate reason, and that he is too young to have asked for it. The nobles are persuaded: “When the duke had done, the temporal men whole, and good part of the spiritual also, thinking none hurt earthy meant toward the young babe, condescended in effect, that if he were not delivered he should be fetched.” They direct the Cardinal first to try to secure the Queen’s

cooperation, and only to use force if necessary, and the scene then moves to the Cardinal’s interview with the Queen.

## VI. Conclusions

In this passage More shows a clear sense of the distinction that moral theorists had carefully articulated between formal and material cooperation in wrongdoing. He presents it, not in the abstruse categories of the schools but in the rhetorically fulsome speech of an agent of Richard the Third who knows exactly what he is doing. The traditional distinction is utterly reasonable, and by the force of the rhetoric the council is unfortunately persuaded. It is not, I submit, that the distinction is faulty.

Rather, it seems to me that More the moral philosopher is really focused on a different aspect of the situation: the abuse that can be made of a valid and legitimate distinction in moral casuistry, especially when someone makes the case in a proportionalist manner, by citing cases designed to upset the listener by offering valid evidence of actual abuses of a right like sanctuary and the resultant injustice. But in calling the reader’s attention—or perhaps simply his own attention—to the slippage from the abuse of a right to a willingness to do a wrong—More is proving a sophisticated moral philosopher and, I think, preparing himself to spot such reasoning, whether in others, or even in his own deliberations within his conscience. His strong sense of what he could learn by history and biography, and especially by exploring the power of rhetoric to move a group of people and to cover over irreducible distinctions, would prove essential to his vocation as a Christian statesman.