

## Some Thoughts on Terrorism, Moral Complaint, and the Self-Reflexive and Relational Nature of Morality

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**Abstract** The contemporary discussion of terrorism has been dominated by deontological and consequentialist arguments. Building upon my previous work on a paradox concerning moral complaint, I try to broaden the perspectives through which we view the issues. The direction that seems to me as most promising is a self-reflexive, conditional, and, to some extent, relational emphasis. What one is permitted to do to others would depend not so much on some absolute code constraining actions or on the estimate of what would optimize overall the resulting well-being but on the precedents that the past actions of those others provided, on the relationships among the participants, on tacit or explicit offers and possible agreements among them, and on the reciprocity (or lack thereof) that ensues.

**Keywords** moral complaint · terrorism · agreements · reciprocity · prisoners of war

When a uniform exercise of kindness to prisoners on our part has been returned by a uniform severity on the part of our enemies, you must excuse me for saying it is high time, by other lessons, to teach respect to the dictates of humanity in such a case, retaliation becomes an act of benevolence.

Thomas Jefferson (Letter to William Philips, July 22, 1779)

The questions relating to the moral evaluation of the different instances of terrorism, and of what may be done to combat them, are immensely complex, and I shall not attempt to map the issues, let alone touch upon most of them. Two types of argument have marked the discussion of these issues so far: On the one side, more or less deontological arguments forbidding terrorism (or putting strict constraints on the treatment of terrorists); on the other side, consequentialist arguments favoring terrorism in certain situations (or permitting the torture of terrorists). Although both types of arguments have been presented in rich variety, I think that it would be helpful to try to broaden the perspectives through which we view these issues.

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The direction that seems to me most promising is a self-reflexive, conditional, and, to some extent, relational emphasis. What one is permitted to do to others would depend not so much on some absolute code constraining actions, or on the estimate of what would optimize overall the resulting well-being, but on the precedents that the past actions of those others provided, on the relationships among the participants, on tacit or explicit offers and possible agreements among them, and on the reciprocity (or lack thereof) that ensues. I propose to attack this large topic from a specific angle only, and with a limited focus. The angle primarily concerns the issue of moral complaint and its implications, and the focus is on exploring the moral status of terrorists.

My statements so far may give rise to a feeling that I have a greater sense of what is going on morally and philosophically than is the case, and so before I begin to do the philosophical work, I would like to clarify this point. What I have are mostly doubts, motivated mostly by my work on moral complaint.<sup>1</sup> I am dissatisfied by the duopoly of deontologists and consequentialists dominating the debate, and my thoughts about the issue of moral complaint seem to point elsewhere, but I shall be sharing my questions with the reader rather than offering answers that I feel quite sure about.

In a broad way, terrorism can be defined as “intentionally targeting noncombatants with lethal or severe violence for political purposes” (Coady, 2001: 1697). In ethical terms, this formulation seems to capture the salient feature of the practice: The intentional targeting of noncombatants (and not in the context of crime). However, most of my focus will be on terrorism in a narrower sense, as practiced by members of small or weak groups that lack the capacity to field an army and engage in warfare.

## Moral Complaint

The basis for our discussion of the moral status of terrorists will be what I have elsewhere named the “Paradox of Moral Complaint” (Smilansky, *forthcoming*). I need to present the paradox in some detail, but I shall not enter into its full complexity and its implications.

The issue of the basis on which we have a right to morally complain can usefully be considered within the context of a view that sees moral action as universally prescriptive. Let us assume *L*: *The general ‘legislative’ nature of morality and moral action*. The moral principles one puts forth apply equally to everyone, in relevantly similar circumstances. And actions count: When one performs morally significant actions, one thereby legislates, in some sense, that according to one’s principles it is permissible for relevantly similar others to perform similar actions under similar circumstances. According to *L*, we should take our actions very seriously, for they may rebound against us: They have the power to serve as moral precedents. Hence, when proposing to act in ways that morally affect others,

<sup>1</sup> Beyond the influence of the issue of moral complaint, I have also been led to explore the relational direction by some surprising moral-psychological results of my investigation into the idea of not being sorry (or even of being happy) when morally bad things happen to others (Smilansky, 2005). My colleague at Haifa Daniel Statman has been thinking philosophically about warfare and terrorism far longer than I have, and we have shared our thoughts in a way that has affected this paper. And while working on these topics, G. A. Cohen sent me a draft of his unpublished paper “Casting The First Stone: Who Can, and Who Can’t, Condemn the Terrorist?.” In this paper Cohen takes up the issue of condemnation. He concludes that there may be limits as to who can *condemn* terrorists, which are similar in kind (although in fact go in opposite directions) to my own doubts about when terrorists may *complain*. Cohen’s discussion also seems to strengthen the need for exploring what I am calling self-reflexive and relational ways of thinking about morality.

we should ask ourselves how we would feel, or how we would judge the specific situation, if others were to treat us in that way in similar circumstances.

Terrorists and their defenders often complain about having no recourse to judicial appeal. They complain about the unfair conditions of their detention. They also complain when innocent persons they care about are killed. What are we to make of such complaints?

Two very different conceptions of moral complaint seem to underlie such cases:

*N: The noncontradiction condition for complaint:* Morally, a person cannot complain when others treat him or her in ways similar to those in which the complainer freely treats others.

*U: The unconditional nature of some moral standards:* Some moral standards apply unconditionally. These standards allow anyone to hold others to them, and to complain if those others do not act in accordance with those standards.

Each conception has implications that are contrary to those of the other conception. And both conceptions seem intuitively compelling. That is the paradox. (Both also seem to be interpretations of *L*).

I want to examine *N* and *U* in more detail in order to account for their inherently strong intuitive appeal. I want also to show how both can be thought to follow from *L*.

### **N: The Noncontradiction Condition for Complaint**

Moral complaint occurs when my moral expectation is unmet in a way that I believe to be unjustified, and that I therefore *resent*. General moral principles that I assume others share (or ought to share) are the basis for moral complaint. But this becomes very problematic when another person's action that harms us is in accordance with our own actualized principles. How can I morally resent or complain about another's doing to me as I freely do to him (unless unusual circumstances exist)? How can I morally resent or complain about his *applying against me the moral rule that I myself have set*? According to this interpretation of *L*, "Do not do unto others as you would not want them to do unto you" implies "And if you so do unto others and they so do unto you, you cannot complain." You condemn yourself to live as you have legislated.

Terrorists, who by definition intentionally target noncombatants, cannot complain when they themselves are summarily treated or when subterfuge or violence is aimed at them. Nor can they speak about the sanctity of the lives of noncombatants. Both these complaints are illegitimate, on pain of self-contradiction.

How *can* one morally complain about the very thing that one persists in doing to other people in relevantly similar circumstances? Surely the terrorist concerned for the lives of noncombatants stands on extremely dubious ground. Why should we find his protests convincing? What basis can he have for moral indignation, when he freely and repeatedly contradicts his words through his actions? (I bracket genuine contrition and repentance and, differently, weakness of will).

The point is not only that it is natural not to feel sympathy for the terrorist when he complains about the very same sort of actions that he freely and regularly inflicts on others. The point is also, and more forcefully, that the *claim* that he has on others, to morally care about the way in which he is treated, loses its foundation. When he has been so grossly disrespectful of others, he has thereby lost the basis for complaint at being treated with similar disrespect. By flouting the integrity and the consistency between his actions and the actions he demands from others, he displays an absence of the moral good

will that is required in order to deserve our concern about *his* moral expectations. Wrongdoers legislate in a way that precludes their own moral complaint, for there is no grounding for their complaint within the legislation they implicitly extend to their own action. *L* thus implies that a person cannot legitimately morally complain about being treated in a way that is similar to the way that that person freely treats others. That is, *N* is a consequence of *L*.

### U: The Unconditional Nature of some Moral Standards

We feel that there are standards that apply ‘no matter what,’ and these allow even the most sordid terrorist to hold us to them, and to complain if we do not apply them. The fact that those who are morally bad do wrong does not permit us to do wrong. This *also* follows from *L*: If A wrongly harms B, it is not permissible for the relevantly similar C to wrongly harm the relevantly similar D (even if D is A). Since morality is legislative, and actions count, to wrongly harm A would be to condone A’s harm to B. Admittedly, what would be permissible (or even morally required) to do to terrorists might change as a result of what they have done: An action of theirs might deserve condemnation or punishment. Even so, there are still things that we are not permitted to do to them; and if we do such things, they *can* complain.

When governments torture suspected terrorists, or conduct counterterrorist activity by actions that involve the loss of innocent lives (even if unintended), this is a source for moral worry. The view that everything is permitted in the struggle against terrorism is not morally acceptable. If principles and constraints are breached, moral complaint is justified.

We have, then, two contradictory views of complaint, and two interpretations of *L*. Both have considerable intuitive support. What are we to make of this?

One option is to attempt to reject one of the interpretations. ‘Diehard’ deontologists can insist on such a strong notion of human rights that it would automatically triumph over the dubiousness of any wrongdoer’s complaint, and this dubiousness would be shrugged off. Or, by contrast, by making the question of complaint elementary, one could deny terrorists any opening, arguing that they had forfeited any basis for complaint, no matter how they might be treated. But I think that the intuitive salience of *both* intuitions – that what you do matters greatly to your right to complain, and that certain standards seem to allow universal complaint – should be respected, and that we should resist both easy ways out of the dilemma.

A different option is to acknowledge that some terrorists attempt to put forward *particular* claims without contradicting themselves. For example, terrorists have claimed that particular and very extreme conditions are in place, that merit their taking of innocent lives, while counterterrorist activity that harms innocent people lacks such justification. Counterterrorists have similarly claimed that targeting urban areas where terrorists reside is justified because that is the only way in which terrorism can be eliminated, even if many innocent bystanders will also be killed. Doubts about the innocence of civilians on one’s opponents’ side but not on one’s own side have been heard. And, of course, the very humanity (or equal human value) of one’s opponents is sometimes denied. Such ‘special pleading’ is much more difficult to defend than following a general rule that is widely assumed to apply to everyone.

But in any case, the argument does not typically proceed in this way. Terrorists and their supporters demand, as a matter of principle, that counterterrorist forces follow international law and respect the sanctity of the moral innocence of civilians. Such people typically make

these complaints in wide and general terms, basing them on universal moral and legal principles.

A third option is to interpret such moral complaints in a way that does not imply that the complainers accept the moral principles that ground the complaint. It is, after all, open to anyone to argue against a person that that person is not standing up to his or her *own* standards. But such a charge of moral laxity, or of hypocrisy, still does not enable us to overcome the difficulty with the sort of moral complaint I am discussing, which must assume common moral ground. The complaints of the terrorists that we are considering assume that they have a moral *claim* based on principles they agree with. The difficulty arises precisely because they themselves manifestly *do not* follow those principles.

Once we set aside these three options, *N* and *U* still confront us as viable alternatives, as compelling ways of viewing such complaints, despite the contradiction between them.<sup>2</sup> The Paradox of Moral Complaint is a paradox, and hence we should be wary of reaching one-sided conclusions from it (otherwise we are implicitly assuming that we have a solution).

### Moral Complaint and the Relational Direction

In spite of our results on the paradoxicality of moral complaint, I shall put them aside for now, and focus on one of the sides, on the intuitions I explored that raise doubts about absolute deontological constraints. At once we see that *the source of such doubts is not consequentialist*. When we come to doubt whether a terrorist may complain, morally, about his being wrongfully treated, or (differently) about the wrongful treatment of people he cares about, it is his *being a terrorist* that in itself seems to matter.

But what does this difficulty about complaint imply about the ways in which terrorism can be combated? One can say ‘very little.’ One might argue that, even if terrorists could not complain if they were tortured, or were used as ‘bargaining chips,’ we are nevertheless not permitted to torture or to use them in such ways. But if the terrorist cannot morally complain about his being tortured or used as a ‘bargaining chip,’ it is also difficult to believe that that indicates that torturing him would be as bad as torturing an innocent person, and likewise for other ways in which we are normally not permitted to treat human beings.

Take a somewhat different sort of example: The treatment of prisoners of war that Jefferson alludes to.

#### *The Case of the POWs*

Country A and country B are at war, and soldiers of both sides are captured by their enemies. Country A severely mistreats the POW’s of B, randomly executing a dozen of them every day (the idea being to put fear into the hearts of those of country B’s soldiers who are still fighting).

<sup>2</sup> A further option might be to disconnect moral complaint from moral constraint. This would allow us to integrate the insights of both *N* and *U*. We could say that wrongdoers cannot complain if treated in the ways that they have normatively supported through their actions, but that nevertheless there are constraints on how anyone may be treated. In this new option the ‘right’ to complain may be curtailed even when people become the target of morally wrong acts, but the general constraints on what would be morally permitted to do to other people would remain in force. The commonsense assumption that, if one is wronged, one may complain (and that, if one cannot complain about an act done to one, then presumably that act *may* be done to one) is abandoned.

It seems to me that country B may (a) protest country A's practices, and (b) warn A that it will treat A's soldiers in similar and proportional ways unless A stops its immoral practices. If A does not heed the warning, and if B has good intelligence indicating that A thinks B is bluffing, and if B can reasonably estimate that its behaving as A behaves will have the impact on A's behavior that B desires, while nothing else would help, then it also seems to me that B may (c) temporarily treat A's soldiers as A treats B's soldiers.

The primary moral justification would *not* be consequentialist. It is easy to imagine that the consequences of B's continuing to abide by the norms breached by A would be better overall (say, other countries are looking at B's example, and it is better for the world order that the principles be unconditionally applied). Nevertheless, the *relational* factor comes into play, and, it seems to me, that permits B to behave very differently than B was permitted to do before A began its abhorrent policy. It is one thing to breach deontological constraints simply because doing so would be to the advantage of one's side, and another thing to threaten with retaliatory measures in order to stop the breach of such deontological constraints. It seems pertinent here that, if the leaders of A condemned B's reactive policy, their complaint would be very dubious. I think that it is not inconceivable that even some of A's POWs could come to see things in such a way: Having sympathy for B's efforts to save its own soldiers, believing that the blame lies with their own leaders, and holding that the actions of B's leaders (that threaten them) are not morally on the same footing as those of their own leaders. If POWs, who cannot be assumed to have breached any moral principle, may be treated in such ways, in extreme situations such as we have described, then the moral status of captured known terrorists cannot be sacrosanct.

### Self-Reflexive Effects Beyond the Relational Factor

The relational factor emphasizes the interaction and reciprocity involved, and lets us draw the conclusion that acceptable moral standards (along with the possibility of moral complaint) are affected by the earlier actions of one's opponents. Matters do not, however, always seem to depend on a relational factor.

Consider now:

#### *The Case of the Sinking Pirates*

A band of ruthless pirates terrorizes the Atlantic Ocean. They specialize in European vessels. Once they capture such a ship, they board it, and loot anything of value in it. Then they tie up the crew and passengers, shoot holes in the ship, and leave for their own vessel, from which they watch as the captured ship slowly sinks into the sea with its cargo of helpless people. On one occasion, a group of courageous South American whale-hunters catch the pirates 'on the job' and subdue them. Unfortunately the ship begins to sink, with the whale-hunters, pirates, and innocent crew and passengers on board. The whale-hunters can save only themselves and either the innocent passengers and crew, *or* the pirates (or a mix of the two groups), for the whaling ship cannot accommodate everyone. Whoever won't be taken aboard the whaling ship will drown. The whaling captain would prefer to take everyone aboard, but he also knows of the notorious practices of the pirates. He decides to leave the pirates behind.

It seems to me that the whaling captain made the right moral decision. While perhaps a quick lottery-like procedure would be the morally appropriate way to decide in other circumstances, here the non-pirates have priority. It is *relevant* that the pirates cannot *complain* about being left behind. The fact that the whalers were not in any danger from the

pirates, who have not harmed *them* (that is, there is no relational factor here) does not affect this conclusion.<sup>3</sup>

## Backtracking

The relational factor in morality has of course been recognized before, although contemporary discussions (particularly discussions of terrorism) have neglected it. Perhaps Western fear of indiscriminate *lex talionis*, and our desire to transcend a destructive cycle of tit for tat, have made us retreat too far into the deontological fold. Those who seek a way out of this tight corner have focused on consequentialist considerations. We should also recover our awareness of the relational nature of much of morality.

Similarly, the idea of legislating through one's actions has been a central feature of moral thought for more than two millennia. Once again, we need to recover moral resources that we already have. "Do Unto Others..." *can* be taken as a mechanism for generating the deontological code, which we must then follow absolutely. For all their differences, both Kant and Rawls pursued that direction. Since one could not rationally wish to be treated in way X, X is not allowed to anyone, according to the code. We would be looking in a different direction if we construe the legislative function as applying more directly to one's own actions, as indicating that action which, *concerning oneself*, was the implied limit. In other words, if one acts in way X, that *prima facie* makes X permissible in dealing with one.

The idea of a social contract can enable us to think about these matters. A civilized moral code would apply to those who follow it, and a special code (or perhaps no code at all) would apply to those who choose not to follow the civilized code. Nonfollowers would then be liable to sanctions – a staple, after all, even of absolutist deontological ways of thinking about morality – but would also not be able to count on the moral restrictions that apply when the civilized deal with one another. In other words, morality would not defend those who do not follow the code, no matter how they are treated: Through their actions, they have lost their subscription to morality.

These conclusions are too morally permissive, and need to be balanced by concern for consequences and by the weight of deontological constraints, forming a complex pluralism of considerations. The pertinence of the self-reflexive and relational approaches does, however, emerge directly from the intuitions the examples generated, and from my arguments.

## Some Difficulties

Such a direction for our moral thinking and practice would need to allow for regret, so that offenders could come back into the civilized moral fold. Epistemic guidelines would need to be established for determining when a party has breached the civilized code. And it

<sup>3</sup> This is not to deny that there are likely to be moral differences between the moral case that a party to a conflict can make for responding in kind, and the moral case of an unrelated party to take advantage of the unacceptable behavior of the offending party, allowing those who have not been involved to treat the offending party as it has treated the offended party. Even the optimistic case of morally motivated humanitarian intervention is not the same as the case for relational self-defense in kind. That we are taking care of ourselves and our dependents, and are involved in *self*-defense, will typically be significant.

would also be necessary to make specific criteria clearly known concerning who could not be treated under the civilized code, in which respects, and for how long. Beyond these difficulties, two others seem central to me.

The first is: *But he started it*. Terrorists or counterterrorists who would be charged with operating in ways that contradict the civilized moral code might counter by saying that they were only responding to the similar actions of others. Sometimes this could be easily refuted. When did the terrorism start? Have the targets of terrorism themselves been practicing terrorism (i.e., intentionally targeting noncombatants)? At other times there would be no way of untangling the recent history, and a decision would need to be made that ‘everyone stop at once,’ that from now on everyone must follow the civilized code of refraining from intentionally targeting noncombatants. The first to breach *this* proposed agreement will be the one who is at fault. For these reasons, I do not think that this difficulty is overwhelming.

A second, more troubling, feature follows from the collective nature of terrorism and of the challenge of the response to it. If we take the nonabsolutist line in the Paradox of Moral Complaint, not only can the terrorist not complain when he is mistreated but also neither can he complain when his family is mistreated. But what is the moral standing of the members of his family who do not support terrorism? They could certainly complain if mistreated, for they themselves have done nothing wrong. The problem is that, in warfare, effective means often put noncombatants at risk. This lies behind the centrality of the Doctrine of Double Effect within the morality of warfare (a topic which we cannot take up here). We can see the collective factor at once, in dramatic form, in the issue of nuclear deterrence. A nuclear response to nuclear aggression would not enable the original aggressors to complain morally: But who are we speaking of? The civilian and military leaders could not complain, but can the citizens complain? Perhaps if the civilian victims had almost universally supported the aggressive policy, then matters would be less worrisome (except for the issue of children). But things would rarely be so clear-cut.

What we are able to say is that, in lieu of the collective nature of warfare, much more of the moral responsibility for noncombatant casualties would rest on the party transgressing the civilized code in the first place. Consider:

*The Case of the Israeli\* Raids On Nazi Germany*

Assume the existence of an independent Israel that we name Israel\*. Assume that Israel\* had come into existence a few years earlier than Israel in fact had.<sup>4</sup> Thus, after late 1942, when the fact became widely known that massive extermination of Jews was taking place daily in German extermination camps throughout Europe, there was a possibility of Israeli\* raids on Germany as part of the Allied effort to shorten the war.

<sup>4</sup> This possibility is not completely farfetched. After the Nazis came to power in Germany in 1933, a significant new wave of Jewish emigration to Palestine ensued, increasing as the persecution and the sense of mortal danger intensified. This brought about a violent revolt against the British by the local Arabs. In 1937 the British Peel Commission recommended the establishment of separate Arab and Jewish states (the Jewish one was much smaller than that established by UN resolution after the war). This compromise plan was accepted by the Jewish leadership, but the Arab leadership rejected it. The British did not implement it, choosing instead to radically curtail Jewish emigration. The establishment of such a Jewish state would of course have enabled hundreds of thousands, if not millions, of Jews to be directly saved from the Holocaust, since they could have emigrated to Israel\*, at a time when all other countries shut their gates. Once World War II began, the Israel\* bombing scenario might also have become a reality. Jewish units from Palestine did participate in the Allied effort, as members of the “Jewish Brigade” of the British army and other units, but they had no operational autonomy.



An eight-year-old German girl who would have been killed by such Israeli\* raids on Germany in the Second World War would be just as much an innocent victim as an eight-year-old Jewish girl killed by the Germans. But there is no overall moral symmetry here. The moral status of the Israeli\* bombings would not be the same as that of the German actions, simply because the Israeli\* bombings are a self-defensive response: They follow the horrible and unprecedented breach by the Germans of civilized moral practices. Both the self-reflexive and the relational factors manifestly preclude any moral complaint on the part of the German leadership. I cannot take up here the complexity of the historical situation and evaluate how widely this also applied to other adult Germans. But within the case that can be made for such bombings, my point is that the self-reflexive and relational factors linking to complaint are *pertinent*. We must consider these factors too, not consequentialist considerations alone.

The collective nature of warfare creates a grave moral difficulty, for warfare will harm people who morally *can* complain if they are harmed. The underlying factors relating to complaint that we have explored seem to me to affect the permissibility of counterterrorist measures that are taken in self-defense. The idea of the “collective difficulty of complaint,” as in the cases of the POWs and of the Israeli\* Raids on Nazi Germany, while it must be taken up with care, may be pertinent.

When decision-makers who must combat terrorism decide on appropriate ways of defending members of their own collective, or of defending the existence of the collective itself, or indeed of defending humanity more broadly, the permissibility of crossing the familiar deontological constraints would seem to be affected sometimes by self-reflexive and relational reasons such as we have been considering, as much as by consequentialist reasons.

### **But is it Morality?**

It might be countered, once again, that perhaps the self-reflexive and relational directions have some pragmatic value, but that they cannot be considered moral. Only the absolutist deontological constraints set the acceptable moral standards. Anything else is morally inexcusable. This, however, is unconvincing. The idea of self-reflexivity, whereby one is liable for the standards one sets, has strong intuitive force. In fact, deontologists such as Kant use this very idea to establish the moral code. I claim that it directly affects morality, in ways such as we have been considering. Likewise, the views that morality is relational and that reciprocity is important are distinctly moral. Even deontologists condemn not picking up one’s side of the bargain and free riding. These distinctly moral components can therefore also be used more widely, in the ways suggested above.

It is important to note that the directions I am exploring here are normative, and that it is not necessary to interpret them in a stronger, metaethical manner. One *could* be more extreme and argue that morality is constituted by our self-reflexive practices, and that there are no moral criteria outside of or logically prior to those prescriptions. Likewise, one can see morality as emerging only by the voluntary establishment of contracts that assume relational reciprocity and, barring such agreement, the very notions of what is morally permitted or forbidden make no sense. But I do not need such extreme metaethical assumptions. I can well admit that moral badness is intrinsic in the death of noncombatants and in intentionally targeting them, and yet I can say that the terrorist (or counterterrorist) cannot complain about such practices if he himself practices them regularly. More tentatively, I can say that the permissibility of actions that are bad in themselves may be affected when the victims of such

actions self-reflexively affirm such standards, just as the permissibility of actions bad in themselves can be affected when those actions are responses to actions bad in themselves.

In any case, it seems to me that the normative priority that we are permitted to give to the interests of ourselves and our dependents, particularly in contexts of self-defense of the sorts that we have been considering, is not sufficiently accounted for by deontological or consequentialist reasoning. Even when these theories give the right replies, they will often not do so for the right reasons. Such metanormative thoughts will need to be further developed on a different occasion.

Finally, it can be argued that the direction that I am proposing that we explore is dangerous. Better to leave things as they are, and attempt to strengthen the respect for deontological constraints in warfare and counterterrorism; as indeed has been the clear pattern within international law. I am sympathetic to such pragmatic concerns, and such a line of thought tempts me (Smilansky, 2004).<sup>5</sup> The present discussion is, however, philosophically explorative. Surely we need to allow ourselves room for philosophical speculation, alongside the pragmatic worries. Once we understand things better, we shall need to think what to do with our philosophical conclusions, and whether pragmatically it would be best to inculcate them.

A pluralism aiming to combine different moral perspectives is messy, but even moral objectivists should allow for this possibility. Morality need not be thought of as emerging metaethically through self-reflexivity or relational reciprocity, and it is not limited to these aspects, but they too play their part. There is room for deontological constraints and for concern for consequentialist optimization, which will contain and affect the tentative conclusions of the present paper, but the results of self-reflexivity, and relational concerns, need to be taken into account as well. We should go beyond absolutist deontology and consequentialism as our sole perspectives, and explore these further concerns.<sup>6</sup>

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<sup>5</sup> I have defended the idea of an esoteric morality elsewhere (Smilansky, 2000). I think that there are good reasons for thinking that the morality of warfare would exhibit such features, and that it will present, for pragmatic reasons, a much more deontological face than is philosophically justified; a thought that I began to explore in Smilansky (2004). But it is philosophically too early to decide on this possibility.

<sup>6</sup> A shorter version of this paper was given at the annual meeting of the Israeli Philosophical Association on February 17, 2005, and I am grateful for comments made by the co-discussant, David Enoch, and by members of the audience. I am very grateful to Michael Gross, Iddo Landau, Jeff McMahan, Jonathan Smilansky, Daniel Statman, and the Editor, for comments on drafts of this paper.