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Welcome to the spring issue of the APA Newsletter on Philosophy and Medicine. This issue contains three papers on very different topics. In the first, “Reflections on Procreative Asymmetry,” David DeGrazia engages in a thoughtful analysis of the Misery Claim (it is wrong to bring into existence one whom we can predict will have a miserable life) and the Happiness Claim (it is all right not to bring into existence one who will have a happy life). He works his way carefully through this complicated landscape to the conclusion that this procreative asymmetry ought to be accepted.

Timothy Murphy’s paper, “Against the Interpretation of Homosexuality as Disability,” takes up, as the title suggests, Richard Swinburne’s claim that homosexuality is a form of disability, and, as such, presents a new challenge different than previous claims suggesting that homosexuality was sinful or immoral. Swinburne thus argues that, as we should be working to reduce disability, the same should be true for homosexuality. Murphy takes the disability claim head on and identifies, in his brief discussion, various problematic implications of such a claim, and reveals a number of other weaknesses to such a view as well.

In the third paper, “Terrorism’s Apologia and the Relevance of Philosophical Analysis,” Jan Narveson takes on the position of the Jihadis and the claims they make for their actions that justify the intentional killing of the innocent, individuals whom, from their religious perspective, they deem infidels. Narveson gives their view a “hearing,” the only thing, according to him, that they deserve, but he sees no merit at all in their case. Last, we have included a poem, “I’ve Been Bad,” by Felicia Nimue Ackerman.

We hope you find this issue, while brief, as interesting as we have. And please keep this newsletter in mind as a place to publish the preliminary drafts of your next papers or book chapters, or the occasional piece that doesn’t really fit anywhere else.
Lawyers tend to have trouble making sense of the misery claim and so tend to be skeptical of legal claims of wrongful life. But they easily make sense of the happiness claim insofar as merely possible people are not recognized as having legal standing. Conversely, many moral philosophers (a notable exception is D. Heyd) are confident about the misery claim and defend it in various ways. But some of these same philosophers struggle to explain the happiness claim because their defenses of the misery claim cast doubt on the happiness claim.

I will offer some reflections on both claims. I am not sure anything I say will be entirely original, but I hope that everything I say will enjoy the virtue of good sense. I also hope that the body of my reflections will form a coherent whole.

THE MISERY CLAIM

Lawyers often doubt this claim. Yet it is extremely plausible. Why don’t they accept it? I think there are two reasons.

First, they tend to think of wrong action in terms of harm. Tort law requires of a successful complaint, among other things, a demonstration that the defendant caused harm to the claimant. So the first reason lawyers often doubt the Misery Claim is that they assume there must be harm in any case of wrongful life.

Second, if I’m not mistaken, lawyers tend to assume a comparative conception of harm: A harms B only if A makes B worse off in some relevant way. B might be harmed by being made worse off than B was beforehand (a temporal notion of harm) or worse off than B would have been otherwise (a counterfactual notion).

But consider now what is asserted in a wrongful life claim: that someone is wronged by being brought into existence when it is reasonable to expect that she will have a terrible life. The qualification “when it is reasonable to expect that she will have a terrible life” is roughly the charge of negligence, which is also required of a successful complaint in tort law. But let’s set aside negligence so we can focus on what’s really distinctive here.

What’s distinctive is the idea that someone is harmed by being brought into existence. Neither of the two versions of the comparative understanding of harm—neither the temporal nor the counterfactual understanding—seems to fit creation cases: cases of bringing individuals into existence.

Let’s first consider the temporal understanding of harm. Most of us assume that coming into existence does not involve a change in a pre-existing entity—a metaphysically extravagant notion requiring that individuals in some sense exist before they exist! Or, more charitably, we might say that the notion of a pre-existing entity requires the idea of someone’s existing possibly before existing actually, which sounds more like a change of state.

I must admit, though, that I find this way of thinking conceptually monstrous. Accordingly, I will assume that existing is the same thing as actually existing, and that existence is not a property a preexisting entity may or may not have, but more like the metaphysical positing of an entity. It follows that one cannot be harmed by coming into existence, if harm is construed temporally: being made worse off than one was before.

What about the counterfactual understanding of harm? To assert that one is harmed in this sense by being brought into existence is to assert that coming into existence makes one worse off than one would have been otherwise. But if one hadn’t been brought into existence, one would not have been—existed—at all. Some philosophers (e.g., Feinberg) have tried to show that, despite initial appearances, it does make sense to say in wrongful life cases that it would have been better for one not to have existed, in which case one was harmed in the counterfactual sense by being created. I remain skeptical about this way of thinking. If one doesn’t exist, one isn’t in any state at all, so one can’t be better off than one would be if one existed.

In sum, then, if we assume a comparative conception of harm, then as I understand the matter we cannot make sense of the idea of being harmed by being brought into existence. For, to be harmed, one would have to be made worse off than one was beforehand—but one wasn’t beforehand—or worse off than one would have been otherwise—but one wouldn’t have been otherwise.

Getting back to our lawyer friends, they tend to judge quite reasonably that coming into existence is not a matter of being made worse off. From this it follows, on a comparative understanding of harm, that one cannot be harmed by coming into being. And if harm is necessary for wrongful life, then there’s no such thing as wrongful life. This, I think, is Heyd’s view. It enjoys the advantages of conceptual tidiness and logical consistency. But it doesn’t enjoy the advantage of intuitive plausibility. Intuitively, it seems that the Misery Claim is correct. It seems possible to wrong someone by bringing that someone into an existence that we have every reason to believe will be terrible for them.

For those, like me and various other philosophers who wish to vindicate the Misery Claim, there are a couple of moves available.

One possible move is to deny the comparative conception of harm. According to a noncomparative conception, A can harm B simply by making it the case that B is in an intrinsically bad state. Depending on one’s account of prudential value, one might conceptualize intrinsically bad states in terms of an “objective list”: say, suffering, injury, major disability, extreme constraint, and premature death.

One challenge to understanding harm in this way is the challenge of explaining how all of these states are instances of the same basic thing: harm. This challenge is especially acute when we note that death is, presumably, not really a state at all. Note that this problem exists even if one conceptualizes harm in hedonistic rather than objective terms: There is no way that death is a hedonistically bad state. (Unless, that is, there’s an afterlife, including a hell, and one doesn’t make the crucial grade! I am assuming that there is no afterlife.)
But I won’t lean heavily on my doubts about noncomparative conceptions of harm. Maybe some such conception is correct. Or maybe a disjunctive conception, according to which all instances of harm are to be understood either comparatively or noncomparatively, is correct. Although my sympathies lie more with the comparative understanding of harm, I must admit that explaining the harm of death is difficult no matter what one’s conception of harm—assuming, again, death ends one’s existence. For starters, when is the individual who dies harmed?

Rather than pursuing this first way of responding to the lawyer’s challenge to wrongful life—namely, advancing a noncomparative conception of harm—I will favor a second response. This second response is to make the charge of wrongful life independent of any claim of harming. All one needs to motivate this second approach is the observation that not all wronging involves harming.

For example, a doctor might violate a patient’s confidentiality by discussing her case with people who have no business knowing about it, but in such a way that there’s no reason to expect any harm to befall the patient. The patient doesn’t even know about the disclosure. She is wronged but not harmed.

So it seems perfectly possible for A to wrong B without harming B. This opens up the possibility that in wrongful life cases, the relevant decision makers—presumably the parents—wrong the individual brought into being without harming him. They wrong him by bringing him into being when it is reasonable to expect that he will have a terrible life. The life is judged to be terrible in terms of some account of prudential value. No judgment of harm is needed.

This is the approach I took in the relevant discussions in Human Identity and Bioethics and Creation Ethics. More precisely, I stayed neutral on the question of which conception of harm—comparative or noncomparative—is most adequate and then claimed that, in wrongful life cases, the individual brought into being is wronged whether or not she is harmed. The charge of wronging was decoupled from any assertion of harm. (My approach bears the influence of discussions by Jeff McMahan.)

At the risk of being slightly original, let me now extend the idea of wrongful life to nonhuman animals. Above, in stating the Misery Claim, I deliberately used the term “individuals” rather than “persons.” I stated the claim as “It is wrong to bring into existence animals and individuals of whom it would be reasonable to predict that they would have miserable lives or lives of extremely low (prudential) quality.” Melinda Roberts, by contrast, habitually refers to persons when talking about this and other important moral ideas. For example, in the description of this panel she speaks of “the misery claim, according to which it’s wrong (other things equal) to bring a miserable person into existence....” And, in her paper, she defines consequentialism in terms of a claim about “the simple summation of the individual welfare levels of all the people who do or will exist....”

There are two problems with the idea that the misery claim, or consequentialism, or ethics in general, is only about people.

First, as many or most philosophers conceptualize personhood, there are human beings who are not persons who nevertheless matter morally. No one on this panel doubts that newborns, for example, matter morally, yet they are not yet persons—at least not on the sort of roughly Lockean understanding of personhood that is common among philosophers. Nor are some severely cognitively disabled, yet sentient, human beings—and surely, they matter morally.

A second problem with referring only to persons in stating the Misery Claim, or defining consequentialism, or, say, characterizing the scope of ethics, is that doing so excludes most or all nonhuman animals. But sentient animals surely matter. Indeed, I don’t think I can name a single respected consequentialist who would deny that sentient animals matter. But let me advance a more controversial idea.

This is my thesis that the Misery Claim should extend beyond persons and human beings to include sentient animals. I claim that it is wrong to bring into existence individuals, including animals, of whom it would be reasonable to predict that they would have miserable lives or lives of extremely low (prudential) quality. This is at the heart of what is wrong with factory farms. Factory farming, as an institution, is guilty of wrongful life.

THE HAPPINESS CLAIM

Let’s turn now to the Happiness Claim: roughly, that it is permissible to decline to bring into existence individuals we expect to have very good lives. Again, lawyers tend to be comfortable with this claim. After all, here the so-called “individuals” we’re talking about—and, to be sure, even to use the noun “individuals” is to reify a bit dangerously—never come into being. By contrast, with the claimants in wrongful life cases, there are determinate, actually existing individuals who claim to have been wronged. In the cases at issue in the Happiness Claim, there are no relevant determinate individuals. No individuals, no claimants. So the lawyers’ conceptual conscience is clear.

But I represent the philosophers who think wrongful life makes sense. I think it’s wrong to bring into being predictably terrible lives—and, more specifically, that doing so wrongs the created individuals—while it is perfectly okay not to bring into being happy lives. Each of the two claims of the Procreative Asymmetry is intuitively plausible, but the question is whether the conjunction and the reasoning in support of each claim can be coherently maintained. I certainly think so.

One difference between the two claims concerns the existence status of the prospective claimants. In short, the individuals who are wronged according to the Misery Claim exist whereas the “individuals” who are permissibly deprived of good life according to the Happiness Claim never exist. In other words, in every wrongful life case there is an actual, determinate victim. By contrast, in every case of nonprocreation there is no actual, determinate individual who suffers the loss of a happy life. If nonprocreation did have real victims, there would be significant grounds for condemning nonprocreation. But it doesn’t, so any
compelling grounds for condemning nonprocreation will have to be of a different sort.

These grounds might appeal to *impersonal* value. Where we talk about victims of harm or other types of wrongdoing, we are employing *individual-affecting* grounds for moral judgment. In every such case, at least one identifiable individual is affected (though not necessarily harmed) by an action judged to be wrong. But some wrongful actions might be wrong only for impersonal reasons. (Several philosophers, including me, have argued that an adequate solution to the nonidentity problem in the context of reproduction and in the context of affecting future generations must appeal to impersonal value. But I won’t get into the nonidentity problem here.) Is it plausible to claim that we have an obligation, grounded in impersonal value, to bring happy individuals into being? Some consequentialists would argue affirmatively.

These consequentialists doubt the moral significance of the difference between harming, or causing bad states to exist, and benefiting, or causing good states to exist. They understand a moral agent’s job description as acting in a way so as to make the world as good as possible. So omissions and, in particular, failures to bring good into the world are on a par with actions and, in particular, making things worse. For this reason, they may believe the Misery Claim is correct while the Happiness Claim is incorrect.

But I am not a theorist of this ilk. I think of myself as either (1) a hybrid consequentialist-deontologist or (2) an indirect consequentialist who believes we should internalize principles of conduct that coincide with many of those favored by deontologists. So I think that not harming tends to be somewhat more important, at least in practice, than benefiting and that not creating bad states of affairs tends to be more important, in practice, than creating good states of affairs. If this is correct, it helps to justify the asymmetry—even if we give a lot of weight to impersonal value. For even if there are moral reasons to create good lives, these reasons would be less weighty than the reasons to avoid creating bad lives—and the former reasons need not amount to an obligation.

Let me add that I think procreative freedom counts for something. Procreative freedom isn’t everything, morally speaking; if it were, there would be no basis for wrongful life claims. Nor, contrary to what I argued in *Creation Ethics*, would there be any basis for criticizing other dubious procreative decisions. But procreative freedom does, I think, have some moral weight.

Suppose I’m right. Suppose procreative freedom has some moral importance. Let’s add the idea that individual-affecting considerations support the Misery Claim but not the Happiness Claim, due to the aforementioned difference in existence status. The further idea that not harming or creating bad states of affairs deserves some priority over benefiting or creating good states of affairs also lends support to the Misery Claim but not the Happiness Claim.

In conclusion, I suggest that we accept the Procreative Asymmetry. It is wrong to bring into existence individuals we expect to have terrible lives. Expecting those we create to have good lives is a necessary condition for the permissibility of procreating. But this expectation does not generate an obligation to create individuals with good lives. The lack of an obligation traces to an asymmetry in existence status between the victims of wrongful life and the imaginary “victims” of nonprocreation, a general moral priority in practice of not producing bad states of affairs over producing good states of affairs, and the value of procreative freedom. The view sketched here is incompatible with some forms of consequentialism but is compatible with good sense.

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**Against the Interpretation of Homosexuality as Disability**

**Timothy Murphy**

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Richard Swinburne argues that Christian ethics prohibit homosexual relationships, but he deploys philosophical objections against homosexuality as well. For the most part, his objections tread familiar ground, but he also introduces one novel claim.¹

It appears that Christians continue to sort out whether the tenets of their faith require the interpretation of sex between men or sex between women as sinful. To judge from the outside, that denomination looks irretrievably divided on the topic, as a matter of theory and practice.² Even if homosexuality-as-sinful were to prevail as the most defensible theological interpretation, it would remain a separate and not-only-theological question whether the law and public policy ought to be deployed against it. The interpretation of an act as sinful does not automatically mean that law and policy should move to punish and/or deter the behavior in question.

When it comes to secular and, thus, purely moral and/or philosophical objections, Swinburne characterizes homosexuality as a disability, saying that “a homosexual cannot beget children through a loving act with a person to whom they [sic] have a unique lifelong commitment.” Same-sex couples are infertile without reaching outside their relationship for gametes, no matter the duration of their relationships, and they are therefore, in Swinburne’s eyes, disabled relative to an important human capacity. Not only that, but Swinburne also describes homosexuality as incurable and as having harmful effects on children, what with its social visibility leading in a self-reinforcing way to more of that incurable disability.

**Disability**

The novelty of Swinburne’s account is its shift away from objections that homosexuality is a sin or immorality, arguments which many people no longer find persuasive.³ Interpreting homosexuality as a disability opens up new prospects for constraining it as a matter of moral judgment, law, and policy.
Swinburne’s argument that homosexuality is a disability relies on its obstruction of the conception of children through acts of sexual intercourse in the context of long-term relationships. Sexual acts between men or between women are sterile and therefore closed off to this good. Whatever their value, on this understanding the sexual acts between men and between women are only simulacra of sex. Whatever their value, the relationships between men and women are only shallow compared to the deepest goods available to different-sex couples. Whatever their value, the children produced in same-sex relationships are deprived of the metaphysically robust parentage to which they are presumably entitled. It is in these senses that Swinburne labels homosexuality a disability.

By invoking the language of disability, Swinburne effectively asserts a naturalized order of sexuality, with the conception of children through acts of intercourse in the context of a long-term relationship at its center. As with other attributions of disability, a primary argumentative gain in doing so is to assert the status inequality of the people labeled as disabled. The “sexually disabled” represent, by God; a grace, a talent.” On such an interpretation, the goods available in the charism of homosexuality can, as such. Without a secular grounding of the idea that people and their children are better off—indeed fully realized—by reason of this interpretation of sexuality, it is hard to see why all sexuality and the conception of children should be measured against it relative to morality, law, or policy. We are, with Swinburne’s account, back in the domain of some version of Natural Law, disputable because of its metaphysical accounts of the ends of human beings.

Most ethics accounts rightly accept the view that the conception of children is an option for human beings and not any kind of duty or pathway into “true” human fulfillment. People may lead lives of moral integrity and value without having children of their own or in raising children of others. Most ethics accounts also accept the use of assisted reproductive treatments as means to help people have children when they are not able to do so as a matter of their anatomy, physiology, or other circumstances. Most ethics accounts also defend homosexuality not only as not harmful in a moral sense but also as positively valuable for some people.

**INCURABLE?**

Swinburne labels homosexuality as “incurable” as a way of bolstering the idea that society has a positive obligation to obstruct it.

Is homosexuality incurable? It is not, but it is not incurable because there is no treatment for it. It is incurable because it is not a disease or a disorder, and something that is not a disease or disorder is neither curable nor incurable. Some people may try to alter their sexual orientation because it is unwanted as a matter of their sexual values. Even then, they are not moving to “cure” themselves of a disease or disorder. They are engaging in “sexual orientation change efforts”—as they have come to be known, or SOCE—in order to change their sexual traits as given.

One might try to change all kinds of traits—from hair color to nose size to fat distribution—but one is not “curing” anything in those efforts. To be sure, some clinicians and therapists have tried to help people redirect their sexual interests from homosexual to heterosexual, but sexual orientations are stubbornly resistant to change. Even here, again, this intractability to change doesn’t mean that homosexuality is “incurable,” only that it is durable in the same way that heterosexuality is.

**EFFECTS ON CHILDREN**

It’s helpful to Swinburne’s analysis that homosexuality be “incurable” because that interpretation legitimizes his interest in constraining social opportunities available to homosexual men and women. Outward social tolerance of gay men and lesbians has the effect—he says—of presenting homosexuality as an option equivalent in value to heterosexuality. He therefore counsels that “if older and incurable homosexuals abstained from homosexual acts, that would have a great influence on young and curable ones; and the older ones would be doing a great service to others, and one which would help to make themselves saints.”

On this account, abstinence from homosexuality is therefore a double good: men and women with homosexual interests would have in that sexuality a charm, which in theological terms means “a free gift or favour specially vouchsafed by God; a grace, a talent.” On such an interpretation, the deficits of homosexuality can be overridden by a certain kind of spiritual life so long as sexual abstinence is observed. The goods available in the charism of homosexuality can, on this interpretation, be achieved only in a particular way, namely, by its sublimation, which sublimation is imagined as more than compensating for the ‘loss’ of any overt sexual behavior. This is the pathway to sainthood that Swinburne describes.
But it’s a lot to ask that all men and women with homosexual interests work toward sainthood. If some people can be protected from this burden, then why not minimize the risk of homosexuality so far as possible in advance? Why not, for example, reduce the ways in which society treats homosexuality as an equivalent in full measure of heterosexuality? Keeping homosexuality at a moral and social distance will—to some degree—prevent some men and women from falling into the category of “incurable.”

In terms of protecting future people from the ills of homosexuality, John Finnis has trod a path similar to Swinburne’s. In the name of protecting children from homosexuality, Finnis has argued that society should limit the “accommodation” of homosexual behavior. He says that the law has a “compelling interest in denying that homosexual conduct—a ‘gay lifestyle’—is a valid, humanly acceptable choice and form of life.” He has therefore called for the state to discourage homosexuality through legal intolerance of advertising and marketing of homosexual services, places of resort for homosexual activity, educational promotion of homosexual lifestyles in media or education, adoption of children by homosexually active people, and same sex marriage. All of this is presented as protecting people from a sexuality that is—as Finnis sees things—morally degrading in itself and its effects.

The presumption at work in both the Swinburne and Finnis accounts is that homosexuality is “catching” in the sense that the observable social life of gay men and lesbians inclines maturing adolescents and young people toward homosexuality in ways that would not happen otherwise. The infectious character of homosexuality has long been used as a cudgel against the social visibility of gay men and lesbians, but this characterization does not succeed, and that’s true no matter whether homosexuality is “catching” in the ways imagined or not.

If homosexuality is not objectionable in itself because it is not a disability, for example, it does not matter whether more people engage in same-sex sexuality or relationships. Future people do not need to be protected against sexualities that are not morally objectionable in themselves. Neither do people need to be protected against sexualities that are not morally objectionable in their effects. In some ways it may well be that a society which accepts homosexuality on a par with heterosexuality leads more people to engage in that kind of sexuality than would otherwise happen. Such an increase would not necessarily represent an increase in the total amount of homosexual interest, only an increase in the number of people who act on—rather than suppress—their homosexual interests. But even if there were more homosexual interest overall, more homosexual experimentation, more gay and lesbian people than would otherwise have been, it is difficult to maintain that this interest should be constrained in the name of an aspirational ideal of sexuality that is disputable as to its nature and meaning.

CONCLUSIONS
Homosexuality is not a disability in any morally meaningful sense. Life’s major activities are open to men, women, and adolescents, any homosexual interests notwithstanding, so long as societies allow as much. Men can have sex with men, and women can have sex with men, all the while building identities and relationships and also taking steps to have children, if they wish.

While Swinburne extends the concept of disability to homosexuality in the name of protecting people from what he sees as a kind of metaphysical impoverishment, he can only do so by relying on one amalgamated view of sexuality, conception, and parenthood as coextensive with human fulfillment itself. People have many ways in which to fulfill themselves as sexual beings. His characterization of homosexuality as incurable is, moreover, incorrect because it wrongly treats a trait as if it were a disease or disorder; not even the durability of homosexuality is evidence for its “incurability.” It might well be that social visibility of gay and lesbian people may lead to more homosexuality in the future, but that matters not at all if we accept that homosexuality is not immoral in itself or its effects. Anyone not persuaded about the immorality of homosexuality is, of course, free to try and disengage from homosexuality and even to treat his or her own homosexual interests as the opportunity for spiritual growth by sublimating them.

I want to close by saying that my response so far has let Professor Swinburne set the agenda. He has claimed that homosexuality is a disability, and I have tried to show that it is not. I think I have more than met the burden of proof in this regard, but I have not tried to throw into question the integrity of the idea of disability itself. If we consider the effect of the label disability—that is, justifies differential social treatment—it may ultimately be more important to show that we need considerable reason to accept at face value any label that works to the social disadvantage of the people it purportedly characterizes. I hope this is at least part of the effect of my analysis.

As against just simply announcing that “homosexuality is a disability,” it would be nice—just once—to have people making claims like this seek the advice and consent of the people the judgment would most affect. It has always been very curious that people making judgments that put gay and lesbian people at an advantage—such as Margaret Somerville’s case against same-sex marriage—would not at least have the courtesy to address their arguments to the people most directly affected by them. Why not go to gay and lesbian people themselves and ask if they wish to be considered “disabled”? Why not go to gay and lesbian people and ask if they accept the view that their marriages would be damaging to the sexual ecology in which one generation transmits life to the next? Why is there no dialogue here, and just pronouncements from on moral high? Gay men and lesbians should, that is, be assumed as equal participants in their social fate, and not just objects of academic authorities deciding what is and what is not best according to their interpretations of human nature.

In the end, Swinburne’s Procrustean sexual metaphysics is dangerous for the authority it implies in regard to the suppression of the social visibility of gay and lesbian people. Extending the label of disability to people should ordinarily benefit the people in question, not impose social burdens on them, especially when those burdens are
grounded in a natural sexual order that is itself very much in doubt.

NOTES

1. H. Farley, “Eminent Christian Philosopher Richard Swinburne Criticized After Calling Homosexuality a ‘Disability’,” Available at www.christiantoday.com/article/eminent.christian.philosopher.richard.swinburne.criticised.after.calling.homosexuality.a.disability/96687.htm. All further quotations from Swinburne are from this article.


Terrorism’s Apologia and the Relevance of Philosophical Analysis

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Despite the title, this isn’t exactly about terrorism, and I won’t be entirely fussy about how the term is defined. I want, however, to seize on one familiar vein of definition: that terrorism is the deliberate targeting, for violent death, of noncombatants or (in a more controversial wording) innocents. This sort of activity is by no means unique to those usually called “terrorists,” and that this paper, as I say, is “not exactly” about terrorism is why that doesn’t bother me much.

I lean considerably here on a recent good book by Alex Bellamy about all this. He does want to emphasize the wrongness of killing noncombatants. But I want to insist that the reasons why we should consider the killing of noncombatants as wrong is also a reason why the killing of some combatants would also be wrong. And so my general program here is also a short essay about war and what makes it wrong when it is.

Let’s go back, though, to terrorism ordinarily so called for the moment. Our most prominent cases of terrorism in the recent past, no doubt, are jihadists, or Islamic fanatics. (I have to emphasize the word “fanatics.” By far not all Muslims are fanatics, nor perhaps “Islamists” either, as that term has come to be used of late. The fact that most of our prominent examples these days are Muslims is not intended to impugn that religion specifically, or any religion necessarily. However, the standard examples of terrorists, as it were, do display quite prominently a feature that is my central concern in this discussion, and which I call “fanaticism.”) Namely, Jihadis are distinguished—insofar as they are—from mere thugs and the lesser-order fanatics especially by claiming divine sanction for their activities. As analyst Scott Stewart notes, It is very important to understand that jihadists are theologically motivated. In fact, in their ideology there is no real distinction between religion, politics and culture. They believe that it is their religious duty to propagate their own strain of Islam along with the government, legal system and cultural norms that go with it.:

Their activities are also political, which is something of a giveaway. Those religious proclamations, of course, promote their political ends in two ways. First, they inspire the fanaticism that is such a prominent feature of jihadi activities. And second, they hope to cement good relations on the “home front.” Most Muslims are not jihadi, to be sure. But they tend to have a general sympathy at least with the fundamental aims of the jihadi, if not with their methods.

The idea is to ennoble their stature, as it were, by putting forth visions of the Good for Man, and by claiming to be on the right side, if not to be the right hand, of God. Good credentials, no? And so when they proclaim that this or that group are “infidels” or some such thing, their idea is to bring the weight of theology on behalf of their programs of intense violence.

Are those, as they think, “good credentials”? Well, no. We need to understand why the jihadi’s shrill sermons need to be firmly rejected. What they present is, to be precise, a ploy. Undoubtedly it’s an effective one among some—and that’s what provides the motivation for this paper. For the truth is it doesn’t deserve anyone’s favorable response. It is, to be blunt about it, a loser. That is, it’s a philosophical loser. The jihadi build on a house of sand.
Liberal tolerance, especially, inhibits people from speaking out about the basic paucity of conceptual appeal in the jihadis’ case. But wrongly, I think. Liberalism should never prevent a careful critique of ideas put forward on behalf of social causes. And that goes double for causes so potentially calamitous as this one.

Here’s why. It’s not a new story, but perhaps it is one whose importance for present purposes has been underappreciated.

According to jihadis, the apparently (as we would say) innocent people they blow up or shoot are not, actually, really innocent. After all, they are infidels! And as to the many Muslims among those victims, well, so worthy is this cause that they too should feel honored to be selected for this treatment. That’s the sort of thing they would reply to critics who accuse them of moral wrong in their terrorist attacks. It is, after all, the only thing they can say.

But it doesn’t fly.

The reasons for this were well understood by Socrates but can be solidified for our day and age.

We need to ask the Jihadi why he is so confident that Allah is on his side, especially in this respect and to this extent. Or we need to ask him why he thinks that the presumed preference by Allah constitutes a morally good reason for carrying on as he does. (The two questions are closely related.)

Islam belongs to the sizable group of world religions who proclaim a universal god who is supposed to have created the whole show and who is supposed to have some kind of very special moral authority. It is the latter we are especially concerned about here, of course. So why does Jihadi think that if Allah approves of x, then that is sufficient reason to think that x is right?

To this the answer is familiar: Allah is a good being (“God is good”; “Allah the great, the merciful,” etc.) This should lead the philosophically curious among us to ask, well, what makes him a good being?

There are two sorts of answers that have been floated. (1) According to one of them, Allah’s power enables him simply to make things right—anything whatever. He says it’s right, and that’s it! According to the other, (2) Allah in his wisdom, etc., knows what’s right and wrong, and, being such a Good being, is, of course, firmly in favor of what’s right.

Every thinking religious person has seen the absurdity of the first idea. We should be careful here. What would be absurd is that God creates the universe as it is and that nevertheless, morality is, as it were, a totally independent variable that can be absolutely subordinate to somebody’s will. That was the idea that St. Thomas Aquinas refuted with his theory of “natural” law. What makes that law natural is the way we, and things, are. Even if the world had somehow not been created by an intelligent being, it is those facts that would determine what’s right—not the independently operating will of the creator. Once God creates the world with features x, y, and z, what’s right and wrong is thereby determined. There is no space for, and no sense to, the idea that nevertheless God is free, just on a whim, to make murder right and assisting the lame wrong. Maybe in some weirdly different universe, which, let us assume, He could have created had he felt like it, things would be different—but in ours, that’s how it is.

This means that we have to take the second option. What God does is to see that this and that are right, and then on some (perhaps the usual) account, he acts as universal administrator and, perhaps, policeman as it were. But what is right is so for reasons fundamentally independent of God.

There is no coherent alternative to that sort of view. And so the question we must ask the Jihadi is this: How can you think that God is in favor of various actions that look to be totally immoral—blowing up peaceful people, for example?

It would follow also that God can’t play favorites among people: “He” couldn’t have created the world for the special benefit of some smallish fraction or any fraction, of the world’s people, for all of whom (after all) he in some way is responsible for their creation. And so, for example, the jihadi’s military actions are directed toward the erection of a theocracy, then that looks flatly impossible.

This all interacts with the other general problem he has. He supposes that his religion is a distinct one, different from and incompatible with those of millions of others, such as the Christians and Jews. But there is no way he can prove that his is the right one among these any more than the Christians or whatever could prove that their view is the right one.

But this matter of being “the right one” is important because he’s proclaiming to the whole world that this is how things ought to be and purports to justify his actions on just those premises. But proclaiming this is pointless if you don’t have solid reasons you could present to the others to persuade them of your way. Needless to say, neither the jihadi nor any other proponent of any religion can do that.

Consequently, the jihadi is in the position of fighting a sort of war against everyone else—a war that he can’t justify and which is prima facie thoroughly immoral. The fact that I, or you, or Mohammed, believes that p is not any sort of reason why any of the others should accept p. And if they don’t, then the jihadi, or any other religious fanatic, has no basis for claiming that his view is reasonable. He needs to go back to the beginning and provide credible moral reasons why it is OK or even obligatory to blow miscellaneous people to smithereens.

But, when we come to social interactions, what this means is that terrorism isn’t reasonable. It is, instead, quite simply outrageous.

So we should not think that somehow jihadis are noble or worthy of some kind of recognition for their supposedly elevated motivations. They’re not. They’re just sophomore philosophy students, only a lot more dangerous.
All of which makes us justified in attributing to them the same old motivations that every other murderer, conquerer, or would-be potentate has always had: the desire to enhance their own position by controlling everyone else’s. Jihadis look like a gang of cutthroats because they are a gang of cutthroats.

If this sounds pathological, it’s because it is.

Jihadis deserve no sympathy whatever. What they deserve, like everyone else, is a hearing; but it’s a hearing that we can see from the general features of their “case” is doomed to failure. And when what it’s supporting is wholesale murder, that is not OK. The fact that someone is not of the same religion cannot constitute any justification for using violence against that person. Until the jihadi comes to see that, there can be no peace with them.

The “war on terrorism” has more than its share of problems. But one of them isn’t that our position lacks foundations.

NOTES
4. The term “knows” here is used simply to mean whatever is meant by claims to moral knowledge; no particular meta-ethical outlook is being invoked here.
5. This article does not discuss possible political justifications for terrorism. It is an interesting further question whether anything like terrorism can be justified for political reasons. I am only addressing here the theological/moral position that appears to be assumed by typical jihadis in interrogations, etc. I also assume that the possibility that awaiting the terrorist upon entry into heaven is a substantial staff of virgins to accommodate his sexual interests is beneath discussion.

I’ve Been Bad
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“I’ve been bad,” you gravely told me. So I asked what you had done. Did you sneer at someone homeless, As he sweltered in the sun? When you saw your daughter shoplift, Did you shrug and just keep quiet? “None of that,” is what you answered, “But I cheated on my diet.”