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Casting the first stone: did Cohen have standing to condemn Israel's condemnation of terrorism?

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ABSTRACT

One of the first philosophers to discuss the topic of standing to blame was Jerry Cohen in his oft-cited paper 'Casting the First Stone: Who Can and Who Can't Condemn the Terrorists?'. Cohen takes as his point of departure the condemnation made by Israel against Palestinian terror during the *Intifada*. In Cohen's view, this condemnation was out of place. Thus, his paper not only offers a philosophical analysis of the right to condemn, but is itself an exercise in condemnation. My paper tries to show that this condemnation on Cohen's part was ungrounded and motivated by anger, hence (a) he had no standing to voice it and (b) its condemnees were justified in disregarding it. I base this conclusion on an explanation I offer to show why, when condemning somebody for *phi*-ing is not motivated by a genuine commitment to the values that underlie the opposition to *phi*-ing, the blaming is standingless and the blamees have good reasons to ignore it.

KEYWORDS Standing to blame; Jerry Cohen; doctrine of double effect

Introduction

After years of neglect, the question regarding who has the right – or, as it is usually put – who has the *standing* to blame whom is finally receiving the philosophical attention it merits. One of the first philosophers to discuss it was Jerry Cohen in his oft-cited paper 'Casting the First Stone: Who Can and Who Can't Condemn the Terrorists?' (Cohen, 2013a, first published in 2006), which noted in passing the paucity of philosophical material on the topic at that time (*ibid*, n. 8).¹ Although the philosophical issues discussed by Cohen concern all condemners and condemnees (to coin a term), he focuses his attention on one specific act of condemnation, that expressed by Israel against Palestinian terror at the height of the *Al-Aqsa Intifada* that started in October 2000 after the failure of the peace negotiations between Israel and the Palestinian Authority, and which

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lasted until the beginning of 2005. The *Intifada* was characterized by indiscriminate attacks on Israelis, resulting in more than a thousand casualties and thousands of injured.² Nonetheless, in Cohen's view, this condemnation was out of place. Thus, his paper not only offers a philosophical analysis of the right to condemn, but is itself an exercise in condemnation. Cohen assumed that while Israel had no standing to condemn terror, he himself did have standing to condemn Israel for this condemnation.

My main purpose is to show that this condemnation on Cohen's part was ungrounded and biased, hence Cohen had no standing to voice it. I base this conclusion on an argument I develop elsewhere (Statman, 2023), to the effect that when condemning somebody for *phi*-ing is not motivated by a genuine commitment to the values that underlie the opposition to *phi*-ing, the condemnees have good reasons to ignore it. I take that argument one step further here and apply it to the condemners as well.

Before I start, a word about terminology. While the title of Cohen's paper talks about condemnation, much of the current philosophical debate on the topic is formulated in terms of (standing to) blame. Other terms used in this debate are 'criticism' (Cohen, 2013b) and 'rebuke.' In spite of some differences between these notions, I shall be using them here interchangeably.

Cohen on the conditions for condemnation

Cohen's paper was triggered by a brief statement made by the Israeli Ambassador to the UK in 2003 saying that although the Palestinians have some legitimate grievances, 'nothing can justify the deliberate targeting of innocent civilians,'³ a statement that Cohen uses as a constant point of reference. In Cohen's view, as a spokesman for Israel, the ambassador had no standing to voice this condemnation of Palestinian terror. Why not? Cohen offers two answers. The first is that the condemnation was hypocritical as Israel was responsible for wrongs similar in kind and just as bad in their magnitude. The second is that Israel was partly responsible for, or at least causally involved in, the creation of the circumstances that led to the very actions – the indiscriminate attacks on Israeli civilians – for which she now blames the Palestinians. Thus, according to Cohen, there are at least two conditions that need to be satisfied in order for someone to acquire standing to condemn; the non-hypocrisy condition and the non-involvement one.

Let me start by saying something about the latter. Mere causal involvement cannot be sufficient to silence critics. If it were, then my innocently selling a gun to somebody who then shoots me would prevent me from blaming him, and a rape-victim would be barred from condemning the rapist if she innocently went to his apartment. In both cases, the victims are causally involved in the wrongdoing yet that clearly doesn't prevent them (morally) from blaming their respective attackers for their immoral behavior. Partial

responsibility would not help either because I would not lose the right to blame my attacker even if I bore *some* responsibility for selling him the gun, for example, because I didn't verify his ID.

Cohen's response would probably be that the involvement he has in mind is neither innocent, like in the case of the rape victim, nor a matter of minimal responsibility, like in the case of the gun seller, but culpable. What triggered Palestinian terror against Israel was Israeli's illegitimate occupation of Palestinian lands, which is a very different example to the ones just mentioned.

But even the full responsibility of some agent, A, for some wrong committed to another, B, does not silence A from complaining about certain acts taken by B as a result of (or 'in response to') A's wrongful behavior. For instance, the fact that A makes an insulting anti-Semitic comment to some Jewish colleague does not imply that A is barred from complaining if, as a result, the Jew shoots her or burns down her house. The point applies on the international level as well in a way that is not unrelated to the topic under discussion. If country A unjustly launches war against country B, it nonetheless has full standing to complain about breaches of the Geneva Convention committed by country B. Thus, even if Cohen was right in arguing that Israel bore moral responsibility for putting the Palestinians in a situation in which they had no choice but to take arms and fight for independence,⁴ it would not follow that, by doing so, Israel lost its standing to complain about *how* the Palestinians chose to conduct their fight.⁵

These general difficulties in the non-involvement condition led Patrick Todd to conclude that 'involvement removes standing only when it indicates a lack of commitment to the values that would condemn the wrongdoer's actions' (Todd, 2019, p. 355). Thus, if A asks B to *phi*, encourages him to *phi*, gives him the means to *phi* and so on, he loses standing to condemn B for *phi*-ing only to the extent that such types of involvement indicate that A does not genuinely endorse the prohibition on *phi*-ing. Contrary to what Cohen seems to have believed (Cohen, 2013a, p. 126), then, the non-involvement and the non-hypocrisy conditions are interrelated; they are 'two versions of what is fundamentally the same response' (Todd, 2019, p. 357).

Back, then, to Israel's condemnation of Palestinian terror. Based on Todd's proposal, the only plausible way to interpret Cohen's argument is the following: Since Israel was not committed to the relevant values, mainly to the idea of civilian immunity, she had no standing to condemn the Palestinians for lacking such a commitment. Our first task in evaluating this suggestion is to explore whether there was, indeed, some inconsistency between what Israel practiced and her condemnation (via its UK ambassador) of the Palestinian actions. That will be the topic of the next section. Our second task is to inquire whether *Cohen* had standing to voice this condemnation of Israel's

condemnation of terror, regardless of whether such hypocrisy existed or not on the part of Israel. That will be the concern of the following section.

Terror vs. anti-terror measures

The fundamental premise that underlies any allegation of hypocritical blame is that the blamer has behaved as badly (in the relevant respect) as the blamee (or worse). In the example at hand, Cohen assumes that Israel's anti-terror measures were as bad as the terror attacks committed by the Palestinians, hence Israel had no moral standing to condemn the Palestinian attacks. Yet this assumption is ungrounded, or so I shall argue.

As indicated above, the second *Intifada* was characterized by thousands of deliberate attacks on innocent Jewish civilians across Israel, in buses, restaurants, and other public places. What, in Cohen's estimation, did Israel do which was even remotely close to this that could warrant silencing her from criticizing the Palestinians? Cohen mentions no case of Israeli deliberate killing of Palestinian civilians which could compare in its moral horror to the deliberate killing of Israelis by the Palestinians. The only incident he points at as proof for the above claim is Israel's attack on a central figure in Hamas (Saleh Shehade), an attack which brought about the death of 15 civilians nearby.

Regrettable as this result was, an Israeli commission of inquiry, chaired by retired Supreme Court Justice, Tova Strasberg-Cohen, concluded that there had been a failure in intelligence gathering and that there had been no premeditated intention to kill those civilians. According to the commission, the army did not know there were innocent people in the building at the time and that, had it known, it would have called off the attack.⁶ Cohen might be skeptical about these conclusions, but one would like to hear the basis for such skepticism. The very fact that a disproportionate number of civilians is harmed in an attack does not prove that the attackers were 'willfully reckless.'

But even, for the sake of argument, if we grant that the attack on Shehade was 'willfully reckless' and that its result was disproportionate,⁷ it's unclear how this one incident could show that, *in general*, Israel's anti-terror measures were morally on par with the consistent strategy of intentional attacks against civilians carried out by all Palestinian organizations and supported by an overwhelming majority of the Palestinian population.⁸ Such wide support among Palestinians for the killing of Jews seems to have made the moral condemnation of *the Palestinians* – rather than of only the individuals who executed these crimes – very much appropriate, with nothing similar to be found on the Israeli side, namely, no deliberate attacks on civilians and no significant public or political support for opting for such measures.

I should add that Cohen's assumption that Israel's behavior during the second *Intifada* was morally more or less as bad as that of the

Palestinians is incompatible with his explicit acceptance of the Doctrine of Double Effect [DDE], according to which intentionally killing people is morally worse than unintentionally yet foreseeably doing so. To overcome this incompatibility, Cohen suggests that this distinction depends on numbers, namely, killing N civilians intentionally is morally better than killing $N + 1$ (or maybe some larger number) collaterally. Yet this proposal is usually taken as an *objection* to this doctrine,⁹ not as a version of it. Moreover, it runs against the common understanding of the legal and ethical prohibition against the deliberate killing of civilians. Such killing is unconditionally ruled out even if the alternative is an attack (on a military target) that is expected to end up in *more* civilian casualties.¹⁰

If my criticism is sound, then Cohen's condemnation of the Israeli Ambassador was groundless because Cohen was wrong to assume that Israel's anti-terror measures during the *Intifada* were more or less morally similar to Palestinian terror. He, therefore, failed to establish the required inconsistency between the values that underlay the ambassador's condemnation of the Palestinians and Israel's own behavior.

Cohen's standing to blame Israel

Regardless of whether Cohen's condemnation of Israel was correct, did Cohen have the moral standing to express it?

Let me start by noting that Cohen himself confesses that he doesn't have an answer to a central philosophical puzzle concerning standing to blame, namely, how and why blamers lose their right to blame others as a result of their own wrongdoing. If blaming somebody is appropriate because that somebody truly *phi*-ed, and given that *phi*-ing is wrong, why are some people barred from voicing this blame just because they *phi*-ed themselves? Cohen says in this regard:

I have not to date produced an explication that specifies, with satisfying precision, and in general terms, the nature of the defect in speech-acts of condemnation that is my topic, but I am confident that the words 'I am not in a position to criticize' signify an *explicandum* that is eminently worth explicating. (Cohen, 2013a, p. 121)

In a footnote (*ibid.*, fn. 8), Cohen refers the reader to his paper on silencing critics (Cohen, 2013b), but that paper too provides no clear explanation for the *tu quoque* silencing. Cohen concludes it by admitting that his discussion has 'rambled,' but 'we should not expect a compelling account of *tu quoque* to be forthcoming in advance or some measure of debate about this largely undiscussed matter' (Cohen, 2013b, p. 140).

On the one hand, Cohen's readiness to confess his inability to solve the central philosophical problem of why people with beams are barred from

condemning people with motes is admirable. On the other hand, this confession is a bit surprising given the harshness of his criticism against Israel for her assumed lack of standing to condemn attacks on innocent civilians. The reason it is surprising is that without an account of how people lose standing to blame, the condemnation of standing-less blamers should be cautious and limited to clear cases of such condemnation. The Israeli Ambassador's statement did not belong to that category, hence Cohen's lack of an account of how and why blamers lose their right to blame should have led him to be more hesitant in his condemnation of the ambassador.

There are other reasons to regard Cohen's criticism of the Israeli Ambassador as overly harsh. The first has to do with a distinction that Cohen draws between the utterance of a belief about somebody's wrongdoing (or moral defect more generally) and the speech act of condemnation. In Cohen's view, if somebody commits a wrong, it's perfectly okay for me to 'perceive and register and speak the truth' about it, typically in the third-person, regardless of whether I, too, am guilty of the same wrong. What I am barred from doing is to condemn the wrongdoer in the second-person for his wrongdoing. In other words, while it's all right to utter true propositions about somebody's moral failure, it's wrong to do so 'in the posture of judgment' (Cohen, 2013a, p. 116). While it's okay to *make* judgments, it's unacceptable 'to *pass* judgment' (p. 119, italics added).¹¹

The problem is that Cohen himself seems not to follow this rule. The statement at the center of his paper, that of the Israeli Ambassador against terrorism, is not directed in the second person to the Palestinians, but made in the third person during an interview on BBC Radio. It falls exactly within Cohen's category of 'uttering a well-grounded truth'; after all, Cohen never denied that terrorism is deeply wrong. And yet, surprisingly, it is this utterance that is for him paradigmatically hypocritical, hence made without standing. I should add that the ambassador's judgment was made in the mildest terms given the circumstances, not at all 'with vehemence and indignation' (Cohen, 2013a, p. 116). The ambassador didn't say that the Palestinian attacks on the innocent were, say, cruel or barbaric, only that they were 'unjustified.' It's hard to think of a weaker term that the ambassador could have chosen to express the truth about these attacks.

One might respond by arguing that although, technically, the ambassador was engaged in third-person condemnation, as he was not talking *to* the Palestinian terrorists but talking *about* them to a British audience, this is how diplomacy works; A sends a message to A's enemy, B, by saying something about B while talking to C. Hence, perhaps the ambassador *could* be said to have engaged in second-person condemnation and, consequently, could be blamed for hypocritical blaming.

This is an interesting move, but I suspect that it undermines the very distinction between second- and third-person judgements. After all, many

cases of 'registering and speaking the truth' about somebody's condemnable behavior can be seen as forms of sending a message to that somebody, but surely Cohen wouldn't like to say that, because of that, such cases satisfy the second-person condition and make their utterers appropriate objects for charges of hypocritical blame.

The harshness of Cohen's condemnation of the Israeli ambassador is particularly noticeable when compared to his well-known treatment of professed egalitarians, namely, philosophers arguing for egalitarianism while being themselves quite wealthy (Cohen, 2000). Although the inconsistency between their professed views and their actual way of life is far more obvious than the assumed inconsistency between Israel's condemnation of terror and the anti-terror measures it utilized, Cohen is much more lenient in his judgment of these alleged egalitarians than of Israel. He emphasizes that the hypocrisy of these egalitarians doesn't necessarily imply that they are *blamable* for their moral fault. This is because one should distinguish between questions concerning the justness or unjustness of practices and those concerning the praiseworthiness or blameworthiness of the people involved in or benefitting from them. As Cohen puts it, 'sound judgments about the justice and injustice of people are much more contextual' (Cohen, 2000, p. 212). Cohen is willing to apply this cautious and restrained approach to blaming even to (some) slave holders of the 18th century, who obviously acted wrongly, but nonetheless, in his view, were not to be blamed.

I appreciate this contextual approach to blaming, but I think that it should have applied to Cohen's condemnation of the Israeli ambassador as well. If some slave-holders in the 18th century can be excused for failing to see the evident moral truth about the unjustness of slavery, then surely state officials in the 21st century can be excused for failing to see the not-at-all obvious (actually the *false*, as argued above) view that killing civilians as an unintended side effect of legitimate military attacks is at times morally the same as intentionally and systematically blowing up civilians in pubs and shopping malls.

Finally, Cohen's choice of the Israeli ambassador as his paradigm example of hypocritical blame is unjustified given the argument of the previous section. Hypocrisy requires more than mere inconsistency between what one says and to what one is genuinely committed because such inconsistency can be a result of a naïve mistake, weakness of the will, self-deception, or other factors. For hypocrisy, the condemner must condemn others for *phi*-ing while aware of the fact that she herself is not against *phi*-ing, as she herself has *phi*-ed. But there is no evidence that the ambassador (or *Israel*) believed that intentionally killing civilians was morally justified.

The upshot of the above is that the Israeli Ambassador's statement was a bad example to illustrate the phenomenon of hypocritical blame. Given that Cohen's paper was not about Israel or the Israeli-Palestinian conflict, but

about the ethics of blaming – about ‘casting the first stone’ - one wonders why he took Israel as his paradigmatic example of such blaming, mentioning the ambassador by name no less than 34 times, as if he were some kind of arch-hypocrite. Even if Cohen hadn’t said so, one cannot fail to sense the anger at the ambassador – and at Israel – that underlies the paper, and he actually *does* say (twice) that the ambassador’s statement ‘made him angry’ (pp. 114, 124).

What fueled this anger and the overly harsh condemnation flowing from it is a matter of speculation which goes beyond the scope of the present discussion. What I do wish to focus on now is on why this is normatively relevant, namely, why did the fact that Cohen’s criticism was ungrounded and driven by anger have an effect on his standing to blame? To answer this question, I wish to take an argument I propose elsewhere (Statman, 2023) one step further. According to that argument, when blaming is ill-motivated, as it often is, the blamee has good reason to disregard it. To illustrate the point, think of a battered wife whose husband blames her constantly for everything that goes wrong (or that he assumes goes wrong) in their joint household – with their children, the maintenance of the house, their relationship and so on. In between, he is also physically abusive, offensive and rude. Now although some of his allegations might be true, namely, their content might be correct, the wife is justified in totally ignoring them. The husband’s abusive behavior makes it clear that it is not the children he cares about when he beats her, nor the order of the books on the shelf which she changed, and so on. Rather, his accusations are just another way of controlling and humiliating her, in the same way as are the odd beatings and the use of offensive language. If the wife wants to reflect on her behavior as a spouse or as a mother, her husband’s accusations would be a very poor source for consultation. Ill-motivated blaming is often ill-informed and unbalanced.

In addition, her willingness to even consider the husband’s allegations would be a compromise on her self-respect and would intensify her humiliation. As if it weren’t enough to have to suffer his abusive behavior, now she’s expected to consider seriously whether any of the long list of harsh and often ridiculous claims against her merit serious consideration.

These points, however, refer only to one aspect of the philosophical problem concerning standing to blame, namely, to why, regardless of its content, *blamees* are allowed to ignore standingless blame. The other aspect, and the one that has attracted the most philosophical attention, concerns the *blamers’* perspective, namely, why do blamers lose their standing to blame just because they have committed the same wrong for which they are blaming others.

I submit that the key to answering the latter question also lies in the blamer’s motivation. To further develop this point, let me rely on a paper I co-authored several years ago with Ronen Avraham concerning the puzzle of

how imposing upon a criminal the punishment *he truly deserves*, on the basis of some retributivist view, could nonetheless be unjust if the judge is motivated by racism or other problematic motives (Avraham & Statman, 2013). Our proposal was that such deplorable motivation contaminates the otherwise justified imposition of deserved punishment and transforms it from a justice-promoting act into a brute use of force in the service of the judge's racism. This would be another case of motivation affecting wrongness.¹²

My contention is that a similar explanation applies to blaming too, which is not that surprising given that blaming is a form of punishment, a kind of sanction imposed upon those who are assumed to deserve it.¹³ Thus, people have the moral right – the *standing* – to condemn others only insofar as they are motivated by a genuine concern for the values that underlie the condemnation. When they are not – when their act of condemnation is an expression of their own faults, their individual or group biases, their desire to elevate themselves by demeaning others and so on – the condemnation loses its moral legitimacy. Hypocritical blame is a prominent instance of this phenomenon because when somebody blames another for *phi*-ing although she herself has *phi*-ed, it's obvious that what drives her in the blaming is not a concern for morality or for the blamee's welfare, but some other, less respectable motives. Yet such non-respectable motives are frequently at work even when the blamer did not herself commit the relevant wrong.¹⁴

Ill-motivated blame is, therefore, inappropriate, indeed *standingless*, for the same reason that ill-motivated punishment or ill-motivated law enforcement are. A racist policeman who gives a ticket to a black driver just because she is black cannot morally justify himself by pointing to the parking violation committed by the driver. What he does is not really an act of law enforcement but a brute use of force in the service of his racism. In many legal systems, the ticket would also be legally invalid. Similarly with acts of blaming that pretend to care about morality but are carried out in service of the blamer's psychological and social needs.

One side benefit of this proposal is that it makes sense of the fact that a person might lose his standing to blame even if his pack of sins does not include the particular sin he ascribes to the blamee. Think of a person like Stalin condemning somebody for one of the rare moral transgressions that Stalin happened never to have committed himself. The blamee's response 'Look who's talking!' would nonetheless be fitting. And the reason is that Stalin's outright contempt for morality, expressed in so many awful transgressions, makes it impossible to believe that any condemnation by him could be motivated by a genuine concern for morality.

To conclude, the problematic motivation underlying hypocritical blame explains not only why their blamees are permitted to disregard the blame, but why the blamers have no standing to express it in the first place.

Back, then, to Cohen. I tried to show that his harsh criticism of the Israeli Ambassador was not motivated by his declared philosophical interest in the ethics of blaming, but by his explicit anger towards Israel. It was this anger that led him to his unfair criticism of the Israeli Ambassador, and it was this anger that explains both why he had no standing to voice that criticism and why Israel was allowed to disregard it.

The point can also be stated in terms of hypocrisy. Cohen condemned the Israeli Ambassador for his condemnation of the Palestinians. In Cohen's view, the ambassador wasn't genuinely committed to the values that underlay his (the ambassador's) condemnation because Israel itself had committed similar crimes. While pretending to care about innocent lives unjustly taken by Palestinian terror, what really motivated the ambassador was his biased anger at the Palestinians. But if my argument is sound, then Cohen's condemnation could itself be seen as hypocritical. While pretending to be motivated by a genuine concern about blame, namely, that blame should be voiced only if the blamer has standing, this wasn't what really motivated him. His condemnation manifested the same moral failure that he attributed to the ambassador, namely, the failure to condemn somebody for *phi*-ing without being genuinely committed, in doing so, to the values underlying the condemnation.

Two concluding remarks

- (1) Cohen's condemnation of the Israeli Ambassador's condemnation seems ungrounded and unfair. To justify this condemnation, Cohen commits himself to doubtful assumptions about the Doctrine of Double Effect and about the ethics of war. I tried to show that these assumptions are false but, even if I'm wrong, there are surely much stronger examples of hypocritical blame that Cohen could have used. For instance – if, for some reason, the example must come from the Middle East – he could have used the way Hamas leaders routinely condemn Israel for killing Palestinian civilians while openly calling for and praising the murder of Israelis. Interestingly, Cohen is aware of this possibility and says that he would also have been angry if a Hamas leader had accused Israeli of a callous disregard for human life, but – he adds – 'that isn't the example on the table' (Cohen, 2013a, p. 125). But it is *Cohen* who decided what would be 'on the table,' and it is he who decided to illustrate hypocritical blame by the at best weak example of the Israeli Ambassador instead of by the very strong example of Hamas leaders.
- (2) The paper is a bothersome reminder that even great philosophers, like Jerry Cohen, might be driven in their philosophical moves and in the examples they pick to substantiate these moves by negative emotions against some individual or some group that distort their judgement and lead to unfairness. This is not really news because philosophers too

are susceptible to bias, as recent research has confirmed.¹⁵ But it still pays to be reminded of this susceptibility, especially in an era in which moral and political philosophers are routinely sought as impartial experts on moral matters, whose sole aim is truth and justice.

Notes

1. On this paucity, see also Lippert-Rasmussen (2013, p. 297).
2. I say 'Israelis', but I really mean Israeli *Jews*, who constitute approximately 80% of Israeli citizens. Here and there Israeli Arabs were also harmed, but, from the point of view of the Palestinian organizations, when this happened, it was viewed as a tragic misfortune.
3. Cohen (2013a, p. 116), quoting from an interview on BBC Radio 4, May 1, 2003.
4. Unpacking the 'no choice' move would be too much of a digression from my main argument. Let me just note that once this move is admitted, Israel can also treat itself to it and argue that given the murderous nature of the *Intifada*, she had *no choice* but to respond as she did.
5. McMahan (2009), and other revisionists famously reject the traditional separation between questions concerning jus ad bellum and those concerning jus in bello. But revisionists too would agree that the fact that country A is the unjust side does not silence it from complaining about in bello violations by country B (the just side).
6. See <https://www.gov.il/en/departments/news/spokeshchade270211>.
7. In a recent paper (Statman et al., 2020), we show how unstable and uncertain judgments about in bello proportionality are, even among experts. Cohen was probably aware of this difficulty because the example he offers for a wrongful collateral attack is one in which the death of *two hundred* innocent people was foreseen. He probably realized that, given an important military target, the collateral killing of only 15 is not that clearly wrong.
8. At the height of the *Intifada*, 85% of Palestinians supported the above terror attacks on Israelis. See Bloom (2004, p. 68).
9. See, for instance, Schwartz (2016), section 2.
10. Cohen further muddies the waters when he compares the collateral killing of 200 innocents with the intentional killing of one and claims that the latter is morally better. The example is misleading because the collateral killing of 200 innocents would probably be wrongful on grounds of disproportionality. The relevant comparison is between a proportionate, hence legitimate collateral killing, on the one hand, and intentional killing that achieves the same military results with fewer civilian casualties, on the other. As explained, if Cohen thinks that the latter option should be selected, he seems to be rejecting DDE and, at any rate, goes against the common interpretation of the Geneva Convention.
11. For a similar distinction, see Radzick (2012, p. 644), who says that 'rebukers tell the wrongdoer, not just that she did something blameworthy, but that the speaker *blames* her. Rebukers do not just express the belief that she is responsible; they *hold her* responsible.'
12. For defense of the idea that motivation might affect wrongness, see Sverdlik, 2011.

13. See, for instance, Wertheimer (1998), who argues that condemnation, ‘like punishment ... is assaultive, expressing aggressive antipathy, anger, hatred, or disgust’ (p. 493) and, furthermore, that condemners ‘favor some suffering for the condemned’ (p. 491). These references are borrowed from Sher (2007, pp. 79–80) (who himself rejects the view expressed by them).
14. If she *would have* committed the wrong, that is usually sufficient evidence that what drives her criticism of others for doing so is not a concern about morality. For a discussion of whether counterfactual wrongdoing makes one lose one’s standing to blame, see Lippert-Rasmussen (2013), pp. 305–306.
15. What I have in mind is a body of research purporting to show that the intuitions of philosophers are as susceptible as those of non-philosophers to cognitive and other biases. See, for instance, Schwitzgebel and Cushman (2012) and Tobia et al. (2013). For a response to this challenge, see e.g. Drodowicz (2018).

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