

## Why moral paradoxes matter? “Teflon immorality” and the perversity of life

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**Abstract** “Teflon immorality” (or TI) is immorality that goes on unchecked—the wrongdoing is not stopped and its perpetrators, beyond the reach of punishment or other sanction, often persist in their immoral ways. The idea that the immoral prosper has been recognized as morally (and legally) disturbing presumably for as long as humanity has been reflective, and can be found already in the Bible. The reasons behind a great deal of successful immorality are important practically, but uninteresting philosophically. Sometimes, however, we face events that are more interesting philosophically, and Teflon immorality results from oddities such as moral paradoxes and perversions. These, however, have remained largely unnoticed. I will outline a tentative survey of this topic. After showing its pervasiveness and importance, I will briefly reflect on its relevance to the way we should think about morality and about the means to further it, and confront possible objections.

**Keywords** Moral paradox · Immorality · Teflon immorality · Perversity of life · Blackmail · Existential paradox

“Teflon immorality” (or TI) is immorality that goes on unchecked—the wrongdoing is not stopped and its perpetrators, beyond the reach of punishment or other sanction, often persist in their immoral ways. The idea that the immoral prosper has been recognized as morally (and legally) disturbing presumably for as long as humanity has been reflective, and can be found already in the Bible. The term Teflon immorality (which I first used in Smilansky 2007, p. 136) seeks to capture

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the “Teflon effect”, suggesting that the immorality does not “stick” and has therefore triumphed and may even persist and flourish.<sup>1</sup>

The reasons behind a great deal of successful immorality are important practically, but uninteresting philosophically: criminals have greater resources than the authorities, or an unjust aggressor-nation has a stronger army than the neighbor it invades, or an individual cares more about doing bad things than those around him care about stopping him. All these matters are familiar. Sometimes, however, we face events that are more interesting philosophically, and Teflon immorality results from oddities such as moral paradoxes and perversions. These, however, have remained largely unnoticed. Though the peculiarity of one or another example has occasionally been noted, the more general phenomenon associated with the idea of immorality’s systematic victory due to moral paradoxes and perversions has not, to the best of my knowledge, been seriously discussed. Nor has the great variety and prevalence of the phenomena been recognized: this in itself seems to me worth seeing. I will outline a tentative survey of this topic, which could be helpful in understanding the ever-present threat of TI. After showing its pervasiveness and importance, I will briefly reflect on this topic’s relevance to the way we should think about morality and about the means to further it, and confront possible objections.<sup>2</sup>

The notion of the paradoxical that I use here is closely akin to the perverse and absurd. The paradox does not necessarily denote some error of understanding or a need for revising the premises or the argumentation. It is not a mistake on our part, due to our epistemic limitations. Rather, the paradox describes the way things are, namely, their absurdity. An “existential paradox” is “an absurd conclusion derived by acceptable reasoning from acceptable premises” (Smilansky 2007, p. 5), which needs to be accepted. I leave the notions of absurdity and perversity intuitive at this stage hoping that, in a sufficient number of cases, the intuitions will be shared; indeed, I trust that they will often be fairly obvious.

<sup>1</sup> A broad category that might also be placed under the heading of “Teflon immorality” concerns excuses from blame and punishment due to limitations in agency. Here we find, for example, the difficulty that people doing awful things when intoxicated could be faulted for becoming intoxicated but not, or at least not obviously, for what they have done under the agency-debilitating influence. Likewise, those who have non-culpable false beliefs may do wrong but later be morally excused because, it may be thought, they did not know that what they were doing was wrong. Some interpretations of the free will problem may also, in the broadest sense, be thought to provide a blanket excuse for wrongdoers, leading to absurdity (see, for example, Smilansky 2011). These topics are philosophically interesting and have been discussed at great length in the past. The more useful approach would thus be to limit the discussion of Teflon immorality to instances of people knowingly and freely doing wrong but nevertheless escaping from paying the price or, in other words, to the “Teflon effect” as it comes into action once no doubt is thought to exist about moral agency.

<sup>2</sup> The “Teflon” element and the immorality are distinct. We can of course have non-Teflon immorality, meaning immorality that can either be stopped or where wrongdoers are punished for their wrongdoing. More interestingly, the Teflon effect can be operative in *morally good* cases, creating “Teflon morality”. Imagine a father in the former Communist East Berlin who sacrifices his well-being in order to smuggle his son to West Berlin. He will be captured and pay a very severe price, but he may think that all that really matters to him is his son’s having the opportunity to live freely. In a sense, then, he cannot really be harmed, and he will have triumphed irrespective of what ensues. My focus here, however, is on the more disturbing issue of Teflon immorality.

## 1 Examples

Consider a case of libelous statements: a bad person knowingly and intentionally says deeply harmful and untrue things about another person, group, or institution. This behaviour is immoral and merits a response. Libel laws are intended for such circumstances, and sometimes they can help. But often things are more complicated: doing anything will only make matters worse, calling attention to what was originally said. Whatever the eventual legal result, the lies will only spread even further if taken up. The best course of action may well be to do nothing, and let the poison take its course. In some cases, no legal option is available: a newspaper article expresses outrageous views, it is radically biased in its judgments and intentionally and grossly misleads readers about the historical facts. One could write letters to the editor or try to publish an article in response, refuting the factual claims and uncovering the unacceptable judgments. Sometimes, one might consider it worthwhile to set the record straight, despite the expected price. And yet, taking into account that this would only draw attention to the original article and make it the centre of controversy, the decision here too might be that anything done may not correct the damage but rather increase it. So again, doing nothing might be best. In an important sense, then, the wrongdoers will have won while their victims find themselves in a trap, where the process of fighting back becomes self-defeating. Perversely, the victims' very attempt to defend themselves only leaves them worse off and helps the wrongdoer. Given common moral and legal constraints, nothing useful can be done, wrongdoing is victorious. The impotence of the good obviously does not make the bad morally better, just as the fact that truth will be unrecognized does not make the false true. Nevertheless, the triumph of lies and immorality is no small matter in practice.

In this first sort of case, the Teflon effect follows primarily from the nature of the harm—if countered, it will only multiply. It cannot be touched without becoming worse. Another possible aspect is that the libeler may not care or may actually enjoy the dirt and welcome the notoriety. Any criticism only adds grist to the slander mill and makes the libeler even more invincible, for the very remedy which is supposed to counter these actions only helps their perpetrator to flourish.

This “I don’t care” attitude may find other expressions. A measure of stoicism may sometimes be quite effective: I have done what I wanted, the person declares, and care little about whatever you may do to me in response. One context for such attitudes is the person’s impending death from a fatal disease. Such a person need not fear what will be done to her personally since, given her situation, very little can be done. An extreme form of indifference to punishment is suicide bombing. In the last decade, many hundreds of people intentionally sacrificed themselves as live bombs, intending to kill surrounding bystanders. This is a striking act. It is also Teflonic in that, if people are willing to kill themselves, the threat that anyone can pose to them is radically limited. They obviously were not deterred, even by the threat of death. Instituting the death penalty for successful suicide bombers would be a joke. The willingness and often even the ostensible eagerness of suicide bombers to die apparently coat them with Teflon from any deterrent harm, at least insofar as they themselves are the focus of the threat (conceivably some of them

might fear death if captured without carrying out their mission, but this should only increase their resolve to succeed).

Thinking futuristically, radical identity change would in some ways function like death, but not in every respect. Once modifying one's identity becomes feasible by, for instance, erasing old memories and implanting new ones, one could change into an entirely different person. This transformed person may be happier than the original self, which one may not have particularly cherished being, so the change could be welcome—even aside from the Teflon benefits. In any event, according to our standard views about moral accountability, the wrongdoer will have thereby disappeared and no one can be called to account by us. This example of TI would put morality in an absurd predicament (see Smilansky 2007, p. 136). When monetary obligations or the like are at issue, we may extend the liability as it were “beyond identity” (see e.g. Holm 2011), but there would clearly be ontological and legal limitations: think about imprisonment, for example. Would wrongdoers be able to return to their original selves at a later stage as, for instance, after the legal statute of limitations on their crimes applies? Even if they are forced to remain as their second selves, will there be someone that is nevertheless able to laugh after getting away? The question is who the latter self is, and how this latter self views the earlier one's attitudes and actions.

Some affinity with the old self can remain, coupled with enjoyment by the new self of the thought that the system was made fun of, even if this new self is sufficiently different from the old one so as to be morally untouchable. But even without any triumphant cynicism, and even if the new self shares in the normative attitude about the old one, something quite disturbing about the ensuing situation may oddly remain. On the one hand, the outcome is positive: a moral conversion has taken place resulting in a new, much better agent. On the other, however, in the new situation the wrongdoing ought, morally, to go unpunished. Accountability has failed, and it has failed through the machinations of the wrongdoer. On the margins, such events are possible even today through, for example, radical religious conversion, but technologically foreseeable possibilities are likely to make such forms of Teflon immorality much more accessible.

Wrongdoers can also be beyond the reach of deterring sanction in cases of “saturation”. Think about people who have already been extremely harmful to many others and have perhaps been fully punished for it, receiving consecutive life sentences. If such people were to go on causing harm by, for instance, ordering the murder of yet more people while in prison, their moral and punitive situations arguably could not worsen (at least within the constraints of what we deem permissible). In a sense, those last bad deeds would be “for free”. Likewise, individuals who prefer and even enjoy punishment, such as potential criminals who are also masochists, will not be easily deterred by the threat of punishment. Their psychological makeup protects them from threats, not *despite* the possibility of being punished but rather, perversely, *because* of it. Despair may place others in a similar situation: those who go hungry and who have no shelter, for instance, may see prison as a place where at least their basic needs will be met.

Sometimes, wrongdoers wear their Teflon suit because they are weak: they are the underdog and will thus not be dealt with as harshly as they may deserve. At least

up to a point, then, they can more or less do as they wish, immorally harming their victims. Often, the victims who fight back are the ones who are criticized, for sympathy is reserved for the underdogs. Younger brothers and sisters through the ages have repeatedly taken advantage of this because, in many family settings, being the smaller and allegedly weaker sibling can become an advantage and provide a measure of Teflon power. In many cases, victims may not be to blame for being stronger and, possibly, the underdogs may themselves be responsible for their underdog status. And yet, widespread sympathy may nevertheless extend only to the wrongdoers. Again, the victims are trapped: fighting back may not be as directly self-defeating as in the first (libel) type of example, but their prospects do not reflect the objective power discrepancy and their reputation will suffer despite their status as the actual victims. When fighting an underdog, and almost regardless of what happens, one cannot win. Their very weakness gives wrongdoers a measure of invincibility. This can apply both to individuals and to groups. The much discussed topic of “Asymmetrical warfare” illustrates the way in which weakness itself can provide TI resources for the weak.

At other times, the strong will be those enjoying the benefits of Teflon immorality. One paradoxical situation concerns extreme power discrepancies. If the bad are unfairly attacking the good and are bound to win, whom should we help? Justice requires that we help the victims. They are the weaker party and they are subject to unjust attack. What could be simpler? But helping the weak may only make their lot worse: since they are bound to lose; prolonging the battle will only make it more vicious and increase the suffering among them. So perhaps we should help the (unjust) strong in order to defeat the (just) weak more quickly by, for instance, providing the oppressors with better intelligence or more accurate weapons. Doing so, at least in certain cases, will predictably speed up their victory and limit the number of casualties on the victims’ side. *Though this may rightly be thought of as absurd, it does not follow that it is not the correct moral response.* Prima facie, utilitarians seem obliged to support a conclusion that minimizes suffering and loss of life; concerns about justice and paternalism would be sidestepped. Moreover, assuming epistemic clarity, and if the number of innocent victims that can be saved is large enough, even non-utilitarians may well reluctantly come to see this as the correct moral conclusion. Failure to help the (unjust) strong might come to appear as moral indulgence on our part.

Moreover, if the (unjust) strong are known to be particularly ruthless, this may only *increase* the moral impetus to help them. Since their victory is assured, the wish is for them to do this (all things considered) as quickly and efficiently as possible, lest they resort to worse methods if the battle drags on. The very nature of the situation creates an extremely perverse trap. Not only are we not permitted to help the just party, although they are the weaker party and are being victimized, but the ruthlessness of the wrongdoers may provide a further moral reason for supporting them. Though we are not doing this for their sake, in practice this does not matter. The same perverse and yet compelling logic that made differences in power a consideration in favor of helping the unjust defeat their victims may operate

even more strongly when (and insofar as) the unjust are ruthless in their fighting. By helping them, however, we would be fortifying their Teflon immorality status.<sup>3</sup>

A different but equally disturbing outcome of strength inequalities concerns compensation. Here as well, moral absurdity yields benefits to wrongdoers. It makes sense to think that the greater the harm one has inflicted, the greater the compensation one ought to provide the victim. But this statement applies only insofar as the victim can benefit from added compensation, as is indeed often the case. Sometimes, however, if one harms one's victim *more* severely, there may be *less* need for compensation because the victim's needs can then be supported for very limited cost. If a victim suffers moderate damage, considerable caring expenses will be required. But if the damage is more severe, the victim may simply be unable to gain anything from capable and costly caregivers and *less* compensation will suffice. Only basic issues will now require attention, dismissing the need for the extensive support staff demanded for a less severely damaged victim. In the more severe scenario, a victim that has only limited mental abilities can hardly be helped, and extracting more compensation from the wrongdoer would be pointless. In those circumstances, not only will further expenditure be far less useful to this victim than it is to others but, after a certain stage, any further outlay of money or effort will make no difference at all. "Optimal compensation" (based on the victim's capability) will involve only a small outlay.

Similarly, harm that causes the victim severe depression may render compensation, beyond a certain level, futile. In both types of examples, the wrongdoer may benefit from the greater harm inflicted on the victim. Or perhaps the victim has not even survived the harm inflicted, so that there is no one left to be compensated; indeed there may be no one left even to ask for compensation. That is the case with large numbers among the millions of Jews exterminated by the Nazis and their helpers during the Holocaust. Whole extended families were expunged from the face of the earth, and their material assets have often gone to their murderers. There is no one who seeks restitution, let alone compensation and, arguably, no one to compensate. Beyond a certain threshold, inflicting greater harm may benefit the wrongdoer: insofar as the actual burdens of compensation are concerned, wrongdoers are better off because they have caused their victims greater damage. Paradoxically, the wrongdoing itself has limited or even eliminated the need to compensate for it; benefiting the wrongdoer. Morally, this matter is significant even when criminal sanctions are available, but at times they are obviously not, either because the legal standards for criminal conviction are higher than those required in

<sup>3</sup> Daniel Statman (2008) considered the question of whether the just side has a right to fight back against its victimizers in self-defence when it has no realistic chance of victory or, in other words, whether the prospect of success is indeed a condition of just warfare. He concluded that upholding the victims' honour could permit such a hopeless struggle. But even if people are permitted to engage in hopeless struggles so as to defend their honour, this decision is particularly problematic when the combatants are risking not only their own lives but those of many other innocent people. Hence, even if Statman's argument has some merit, it does not necessarily follow that third parties ought to support the hopeless struggle of the weak (even setting aside the issue of humanitarian intervention). Matters would surely also depend on the particular circumstances. In any event, this issue also exposes the "trap" element and shows how the strong may enjoy TI status simply because they are stronger.

civil (tort) cases or for other reasons. Compensation, then, may be the only matter at issue and will be paradoxically Teflonic (see Smilansky, forthcoming).<sup>4</sup>

In cases of compensation, the wrongful acts benefit the wrongdoer because they change the condition of the victim. In other cases something even more subtle is going on: the standards by which the actions are appraised are changed by the TI acts, thereby making them Teflonic. There is the familiar epigram, “Treason does never prosper; what’s the reason? For if it prosper, none dare call it treason”. This can be interpreted in various ways, but one thought that is relevant in our context is that if a treasonous agent succeeds in taking power, he may then confer on himself retroactive legal immunity. A different illustration of this category of TI concerns Jeff McMahan’s contrast between fetal injury and abortion (McMahan 2006). Consider a case where a woman intending to have a child recklessly injures the fetus by a bout of binge drinking. If she bears the child it will still have a rewarding life, but she will have then wronged a person of full moral status. If on the other hand she aborts the fetus, then (on certain plausible assumptions about moral status) she will thus avoid the wrong of having recklessly injured her child, for there will be no such child.

Other ways of harming people can bring forth a Teflon element as well. In some cultures, if a man rapes a woman he will be permitted to marry her so as not to shame all those involved. Since raping the woman may be the easiest way of acquiring her as a wife, which he desires, he will have been rewarded for his wickedness. Note the perverse “logic” in operation here: at risk is not so much the reputation of the rapist but rather that of his innocent victim. Since the woman was raped, she must be married in order to save her honor in terms of the cultural norms, but because she is no longer a virgin, no one will marry her. The rapist can therefore now marry her and, in some perverse way, is her only hope for social respectability, as a direct result of his evil deeds. His deeds ensure not only his immunity to punishment but also his reward. In western cultures, women who trick men into unintentional fatherhood will typically be not only beyond legal sanction but, as a rule, will be supported by the law in their quest for financial support for themselves and for the children. Since the wrongdoing created a third, vulnerable party, the women will have triumphed through the deceitful process of producing it; at the expense of the male victims who wanted neither fatherhood nor the responsibilities and expenses involved.

A particularly horrific example of a perversely-Teflonic use of children concerns adoption of the children of one’s victims. During Argentina’s “dirty war”, for example, quite a few military couples adopted and lovingly parented the orphaned infants of the left-wing activists they were complicit in killing. Most such couples

<sup>4</sup> I am focussing here on the difficulty in compensating the direct victims (and perhaps their close relatives). For a broader notion which may include the need to compensate everyone in the society, see e.g. Boonin (2008). “Wrongful life” cases also pose a challenge to the idea of compensation but from a very different direction. In such cases, victims complain about certain actions or forms of negligence that, had they not occurred, the victims would not have been born. The courts have often refused to convict wrongdoers because these complaints appeared paradoxical. Their paradoxical quality, therefore, stands in the way of both compensation and accountability. These unusual cases have received extensive attention but, as I have argued, a much broader problem emerges regarding compensation.

were never punished for unrelated reasons, but in any case the thought of punishing them by taking away the children, after many years, would be morally unattractive because doing so would be devastating to the children.

Subtle ways of perverse-Teflon harming are not rare. Harm that results in the victims' reduced expectations can linger on unrecognized precisely because it has been successful. As a result of oppression, victims may be too shell-shocked or cowed to realize the harm or be able to resist it; indeed, they may even be grateful for the crumbs that are left to them. Manipulation is one particularly nasty way of achieving the Teflon effect: if an evil cult lures innocent adults and turns them into blind adherents, the new converts will not wish to complain precisely because they have been subjected to the manipulative brainwashing that constitutes the wrongdoing. In a very real sense, they will have lost themselves but, because of the radical nature of this process, they may no longer be capable of realizing and addressing what has happened. The surprising prevalence of the "Stockholm syndrome" whereby hostages empathize and support their captors illustrates human susceptibility to such manipulation. In more ordinary personal relations too, victims can perversely sometimes become emotionally dependent on their oppressors and even "love" them as well as the harm or humiliation brought upon them. Although they have been manifestly wronged, losing their autonomy and becoming their oppressors' playthings, they will not realize this because of the nature of their dependence. And again, greater harm may ensure greater safety to the wrongdoer because it lowers the victim's ability to resist, or even desire to do so.

Who is weak and who is strong may not be obvious, or else they may be roughly balanced, and the outcome thus depends on the behavior of the parties involved. As I have argued elsewhere (Smilansky 2010), the bad may then triumph over the good just because they are more willing to behave immorally by, for example, positioning their military installations within civilian areas, thereby hindering the good's attacks against them and limiting the latter's options of self-defense. The good would have moral scruples about harming enemy non-combatants through collateral damage, and would most likely also fear to be the ones condemned for the casualties. The bad would have no scruples about using their own civilians as shields in their attacks, putting their trust in the moral scruples of their opponents who, insofar as they are moral, will consistently undermine their own advantage so as to avoid hurting these targets. The bad will thereby be using the moral scruples of the good in a particularly nasty way, exploiting their goodness, but will receive Teflon powers as a result. While our focus is on the TI of the bad, it is important to see that often what makes things particularly perverse is that TI operates through the vulnerability of the conscientious, who choose to make themselves vulnerable due to their moral scruples. This may make morality itself self-defeating: in extreme situations, the good will not survive, either because (a) no one will remain good in the face of such risk of great harm; or, if the good persist in following strict moral standards, because (b) in fact the evil will triumph, making use of the advantage over the good that morality has handed them, and eliminate the good.

The more ruthless a wrongdoer, the more inclined we may be to let him go. Consider a speed violator who, when waved to stop by the police, escapes driving recklessly. The police ought to try pursuing him and stopping him. Often, however, if the driver is



sufficiently callous and ready to harm bystanders, he may actually acquire Teflon coating. It is frequently better to call off the chase and give up the attempt to capture him, at least for now. The risk to bystanders is too great. Similarly, encouraging an uprising against a dictator is no light matter: many people will be tortured and lose their lives during the uprising and in its aftermath. In a regime known to be more lenient, attempts at rebellion, and outside support for it, might be advisable, while such attempts would not even be considered when more nasty regimes are involved. Such a regime should arguably be left alone longer than a more lenient one because of the greater risks of unconscionable actions and even of a massacre, particularly if the gamble fails. Ruthlessness itself thus adds a perverse Teflon coating in some situations.

## 2 Typology

The examples above point to considerable variety and make possible distinctions according to different criteria. One distinction already noted is that between difficulties that focus on the harm as such and those that focus on the harming agent. Both may be found in libel cases. One type of difficulty emerges when dealing with the harm actually aggravates it; another arises when exposing and countering the wrongdoing agent contributes to his flourishing and may add to his mischief. As noted in regard to cases of manipulation, a further locus of difficulty may be the victim who, as a result of the wrongdoing, now prefers to leave matters alone.

Another distinction is that between prevention and accountability. Sometimes the difficulty concerns the prevention or limitation of the wrong immediately before or as it occurs, as when the wrongdoer is not susceptible to threats (is ready for self-sacrifice to accomplish the deed, is already maximally punished as in “saturation” cases, has little to lose from the punishment or, as is true of some masochists, actually looks forward to it). Sometimes the deeds have been done, and the problem lies in bringing the perpetrators to justice (as with those who may cause great harm if an attempt is made to stop them, or, differently, in cases of identity change). On other occasions, all these difficulties are present (many of the factors reducing deterrence will also make punishment unfeasible or take the sting out of it).

At times, the difficulty lies with us, again in different forms: we may be too weak to stop the wrongdoers or, more interestingly philosophically, we may be too strong and feel embarrassed to use our full strength against an underdog. Particularly disturbing are cases where the fault, as it were, lies with our goodness and touches on moral scruples, as in cases of fears about harm to non-combatants or bystanders. And so, the more ruthless and unscrupulous the wrongdoer’s reputation, the more we may reasonably hesitate before seeking to confront him. The most absurd sort of case may be one where we feel obliged to help wrongdoers so as to limit the damage they inflict on their victims, whereby, in a perverse framing of the situation, we become their direct accomplices. Whereas the problem in some situations is that nothing useful can be done (such as in libel or, for other reasons, in compensation cases), in the support-for-wrongdoers inducing cases a great deal could be done, and that precisely is the problem: the Teflon not only coats immoral agents but also implicates us.

Common to many of these examples is a blackmailing element, when the wrongdoer signals, “Try to stop me or counteract what I did, and matters will get worse”. The libel will spread, or the innocent will bear even more harm, or your moral reputation will suffer what you consider as unbearable damage. This blackmailing feature, however, is not always present. In cases of “saturation”, the limits are conceptual and empirical: if we punish wrongdoers to the full extent possible, or at least to the extent that we feel we can within our notion of acceptable punishment, we lose the ability to deter them because we have already used all our ammunition. Any immorality from now on will be Teflon-coated. In compensation cases, matters are even worse: little (if anything) can be done in any event as a direct result of the wrongdoing, leading to absurd results. Due to the thoroughness of the harm, there are but meagre remedies for the victims, hence there are only limited duties upon the wrongdoers. Similarly, in some extreme manipulation cases, we may be unable to help the victims, and they may not want to be helped or feel that they need help, because of the nature and thoroughness of the harm. The harm proves its Teflonic strength by the victim’s aversion to its very designation as harm and to any attempt to correct it.

Naturally, some of the forms of Teflon immorality are inherently of greater moral-theoretical concern (irrespective of the question of their prevalence, a matter that will be addressed below). What I have in mind here is the idea that sometimes TI matters, but is not troubling beyond itself. For example, the wrongdoer will not be adequately dealt with because he has cancer and we have no deterrent towards him, or he has been already punished to the (normative) maximum. This is problematic, but the problem is limited to the TI effect. Cases which involve blackmail will however be often morally more disturbing, because our acquiescence as a society involves greater complicity in evil. It is not only that the evildoer gets away unpunished, but that we are involved in facilitating this. Even when we are actively involved, there is likely to be a scale of involvement here and of a corresponding emergent moral distaste. The libel cases would be less disturbing here because we would be in effect surrendering due to our overall calculation of self-interest, and similarly if we refrain from pursuing wrongdoers because we fear for bystanders then we are merely being passive. At the opposite end would lie much more disturbing cases, where we actively assist the evildoers, becoming ourselves tools of their oppression (even when this is done so as to limit the evildoers’ damage to third parties).

The difficulties in desiring to prevent, limit, compensate for, or punish wrongdoing may present the Teflon element as part of a practical dilemma. We may confront questions such as the following: ought we to stop the wrongdoer by incurring risks to bystanders or should we let him go? Ought we perhaps even to help him in order to limit the damage? How do we balance the desire to limit harm with the wish to establish justice? How do we choose when the possibility of improving matters is very strong, but acting on it will come at the expense of our integrity? Such dilemmas are familiar, yet the contexts of perversity and absurdity may give them a particular bite. Often, however, the difficulty with TI will not be practical but evaluative: either because, in fact, nothing can be done or because the price of doing whatever can be done is normatively prohibitive, wrongdoing will be

left alone and wrongdoers will have triumphed, secure under their paradoxical or perverse Teflon-coated cloaks.

### 3 Objections

Several objections can be anticipated. First, is there a significant category of paradoxical or perverse TI, different from the forms of TI with which we are all familiar? Sometimes, wrongdoing cannot be stopped nor wrongdoers brought to justice but this is not new; and talk about perversity merely sows confusion. This claim, however, is not persuasive. A situation where people provide misleading information or lie about someone is not perverse, but having no way of countering it because circumstances are structured so that any move to do so will only make things worse, is perverse. Similarly, nothing is perverse in the fact that people are harmed and therefore need to be compensated, but the fact that, in many cases, the *greater* the harm to the victim the *lesser* the compensation called for is undeniably perverse and absurd. Nothing is perverse in a person straightforwardly causing harm to others but “manipulation” cases, wherein the victims come to love and support those who have wronged them, unquestionably involve perversity. Nothing is unusual about dictators, who still rule large parts of the world. Something is clearly morally absurd, however, when the decision of whether we ought to support a rebellion against a dictator is largely dependent on how ruthless and vindictive he is and, often, the *worse* he is, the *less* we ought to support attempts to unseat him. And surely to think that the moral course is to assist the strong and unjust side defeat the weak side that they are victimizing is paradoxical and utterly vicious.

One possible claim would be that paradoxical or perverse developments are not at all unusual and could indeed be expected, given the plurality of conflicting values. For utilitarians, for example, setting aside epistemic difficulties it is clear what we need to do, hence no so-called “paradox” ensues. Again, however, while the response of various utilitarian theories to some TI cases may be debatable, this claim seems to me implausible. Admittedly some of the issues I have discussed would be particularly salient for normative pluralists (like myself), and “monistic” adherents of some normative theories may be less worried by them. However, each theory could be confronted with cases that it will find disturbing. Moreover, nothing in the perversity of libel cases is deeply theory-dependent, for example; similarly, in many manipulation or compensation cases. The perversity is as it were lying there, awaiting anyone, irrespective of his or her theoretical commitments. And, even when theoretical principles are at stake, perversity is inherent in the cases themselves. Take the dilemma of whether to resist or support a ruthless dictator: surely even utilitarians will see the issue as morally perverse. They may come to realize that the dictator ought not to be resisted because he is ruthless and even ought to be assisted to put down his enemies, but the wickedness and perversity of such circumstances will be obvious even to utilitarian agents. Although perversity as such would not be a consideration against an action for a utilitarian, nothing in utilitarianism demands rejection of the idea of absurdity, and I am sure that most

utilitarians would find it insulting that anyone would think that they would not see perversity here.

Another claim may be that even if we admit the existence of paradoxical or perverse sorts of Teflon immorality, these cover no more than a set of unusual but minor cases that are perhaps entertaining but need not trouble us too much. Some of the examples considered are indeed more interesting than practically important: how should one deal with a masochist who positively craves punishment? May we, perhaps, seek to deter him through the threat that, if caught, he will be mercilessly pampered? This is hardly a common case, but many of the other examples do concern frequent and troubling real-life issues. Libel and manipulation cases are neither rare nor trivial. The dilemma of whether to topple a dictator (or assist those trying to do so) is clearly pertinent and vital, in today's world. The TI element discussed in situations of warfare, where the scruples of the good are exploited to their detriment by the bad, touches on crucial moral issues in the real world. Whether as actual dilemmas that require our attention or through the mere realization of our helplessness, we often confront tragedy here. Sometimes there might be a "technical" solution, but often the perverse TI element is too fundamental, following from deeply-ingrained features of moral or social situations, or indeed from human nature itself.

The aversion to absurdity and perversity itself may be questioned: why should we care even if certain corners of our moral life are perverse? I have argued before that, all considered, moral paradoxes can be positive and that the absurd can be good (Smilansky 2007, Chap. 11). Some of the perversity we have encountered here as well is in a sense our own doing, and it might be best not to try and avoid it, because it reflects our best moral principles and practices (think about "saturation" cases, where we will not go beyond our standards of just punishment even though this presents those already "fully" punished with no further incentive to desist, for example). Yet the hope that morality will be coherent and consistent, and that moral life will make good sense, are not unimportant, and to the extent that our findings raise doubts about these ideals we do need to be concerned. But in a much more direct and concrete way, we clearly do need to care about perversity: recall that our basic concern is with TI. As we have seen repeatedly, paradox and perversity matter because they assist in the TI of the bad (often appearing through the exploitation of the goodness of the good, which also matters). Hence, even if the limiting of perversity is not a major intrinsic ethical goal, perversity matters because, often, it assists Teflon immorality, and TI matters undeniably.

A final objection may be that my very discussion of these matters ought to be dismissed as harmful. Investigating the paradoxical aspects of morality or highlighting the perversity or absurdity of much of moral life could be viewed with a degree of wariness. Might we not be giving the bad new ideas on how to enhance their Teflonic powers? Are we not risking public disillusionment with and cynicism about the criminal justice system, or the morality of warfare, just to take two important examples? The limitations of this objection need to be noted. Mapping and exploring the grim aspects of the reality under discussion is definitely a worthy philosophical endeavor, and engaging in philosophy without integrity is surely quite pointless. As for the *public* disclosure and discussion of philosophical

findings, matters are more complicated. Spreading understanding and awareness of these issues does entail genuine hazards. But we are already involved in debates about punishment, war, or international intervention and taking note of the perversity lurking here may be helpful. More generally, knowing more should help us to confront the challenges of TI: the devilish ingenuity of some of the mechanisms making for perverse TI require hard and clear thinking if any solutions are to be found. I have not been averse to the idea of positive illusions or even of an esoteric morality in some matters (see, for example, Smilansky 2000, 2004). On the present issues, however, I tend to think that greater awareness and sophistication are more likely to do good, overall. The loss of innocence is in itself valuable and can help us endorse more adequate, possibly less optimistic and, in any event, more nuanced attitudes, thereby improving our ability to counter TI.

#### 4 Implications

Many disturbing real-life examples have been presented, where Teflon immorality is established or enhanced because of morally paradoxical or perverse situations. How should we deal with them? Sometimes, we have leeway. Once we recognize how moral reality throws curve balls at us, we can see the need for approaching the game differently. Modifying how we do things may limit Teflon immorality to some extent. Although the different contexts would require detailed discussion, a brief clarification on a few examples may be helpful. Sometimes we seem to be too complacent with wrongdoing: consider the rape-and-marriage cases, or the acquiescence in the cases where women force parenthood upon unwilling men. Perversity is, in different ways, involved here, making it difficult to solve the issues, but we should simply be more concerned and try harder. Less tolerance for barbaric practices is called for in the first case, and although we would hardly wish to give up the request for child support from the men tricked into paternity, we might seek some forms of social sanction towards the mothers.

Consider also the situation discussed above of two countries at war, with one gaining unfair advantage by exploiting its adversary's moral scruples. To some extent, the Teflon license for immorality can be overcome by revising the relevant moral principles, laws, and attitudes. Once we recognize that the prevailing morality and the accepted laws of war have become a liability, we may consider amending them by mitigating certain provisions, or at least limiting our harsh judgment of the defenders.

The importance of TI in such cases emerges beyond its status as an obstacle in the way of the proper functioning of morality, and can turn into a consideration that may affect its nature. In other words, understanding certain forms of TI would not only invite concern about practical responses, but turn into an exercise in reflective equilibrium. It might well be that certain fundamental moral considerations and constraints should be re-considered, for TI of the perverse kind—in compensation, or in procreation, or in warfare, just to take three very different examples—show common morality and prevailing legal norms to be in need of being re-thought.

A related meta-normative implication of our results is that we need to be cautious in rejecting an argument or proposal because it leads to perverse or absurd results. To the extent that I have succeeded in showing that our moral universe is filled with absurdity and perversity, absurd or perverse outcomes may sometimes be unavoidable; and in this sense absurdity and perversity themselves do not suffice in themselves in creating a *reductio*. This connects once again to the notion of an “existential paradox” (which I introduced in Smilansky 2007), whereby paradoxes need not indicate that our thinking is confused but, on the contrary, help us to see the paradoxicality and perversity of reality.

A measure of “deontological” toughness and inflexibility, even of punitive vindictiveness, may also help to deal with TI better. If wrongdoers judge that our taking into account their potential for doing greater harm may cause us to hesitate in our dealings with them, they will most likely be encouraged to persist in it. Several ways were pointed out above how the perceived ruthlessness of the bad may, perversely, only strengthen the case for not stopping them or, at the margins, even for helping them. Projecting the image that we will disregard the morally salient factors conducive to TI, refusing to bow to blackmail, and doggedly pursuing wrongdoers may help to limit their immoral actions.<sup>5</sup>

Even what appears as the ultimate means of TI, the willingness to sacrifice one’s life, need not make it as powerful as it does at present. We need to think imaginatively about ways of harming the dead as a potential deterrent even for suicide bombers, contingent on the beliefs of the relevant individuals about what happens after death. Even regardless of their beliefs, they might be sensitive, for instance, to the public defilement of their memory. The threat of certain courses of action, mostly symbolic ones, could be highly unpleasant to them, helping us to fight back.

Occasionally, then, some options are open, and we need to think creatively about possible reactions to the paradoxical and perverse kinds of TI explored above. Often, however, not a great deal, all considered, can be done.

Beyond making us think anew about what we can do against the paradoxical variations of Teflon immorality, this analysis sheds light on the significance of “Crazy Ethics”—how our true or at least our most plausible moral beliefs might still be fundamentally absurd. TI is of immense practical importance, but there are *inherent and systematic limitations* on how we can fight it. For many reasons, as noted, doing so successfully may be impossible. Wrongdoers may be off the hook because they have harmed their victims so badly that little room or need for compensation remains. Wrongdoing may also change the moral status of previous wrong acts, as in the case of the woman who aborts a fetus she has previously recklessly injured. Or attempts to correct the wrongdoing, as in a libel case, may only make things worse and play into the hands of the wrongdoer, who may even enjoy the process. Manipulation cases clearly result in victims who neither recognize their status as victims nor wish to change it, and may indeed support and shield the people who wronged them. People who have already been punished to the

<sup>5</sup> Gregory Kavka (1987) ingeniously explored the advantages of such measures and their accompanying paradoxes in the extreme context of nuclear deterrence.

(actual or moral) limit may thereby be beyond further deterrence. The same applies if they have little to lose by punishment, or indeed think they would enjoy it. The wrongdoers' status as underdogs may at times give them Teflon powers. At other times, however, strength will do so, even inclining well-intentioned third parties to help the unjust stronger party subdue its victim more easily. The very immorality of wrongdoers, their willingness to do very bad things if touched, may make them in practice invincible: the worse they are, the more they can threaten to do if stopped, thus providing further motivation for letting them continue unchecked.

The diversity and complexity of these phenomena are self-evident. And yet, the wealth of examples should not obscure the more general lesson: paradoxes and perversions are significant in Teflon immorality, which means that our world is bad partly because of these paradoxes and perversions. *Paradoxes are thus a key to the understanding of the moral world.* Only by paying attention to moral paradoxes and related phenomena, only through the philosophical exploration of the perverse and absurd side of life, can we gain some understanding of important aspects of reality, and try to deal with it.

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