

# Ethics Alarms

## Unethical Rationalizations and Misconceptions

Discussions about ethical issues, not to mention attempts to encourage ethical behavior, are constantly derailed by the invocation of common misstatements of ethical principles. Some of these are honest misconceptions, some are intentional distortions, some are self-serving rationalizations, and some, upon examination, simply make no sense at all.

Some common ones are listed here. It will never be a complete list, and additions are welcome. All of us can benefit from reviewing them from time to time, so that we may detect them in the arguments of others, and be aware of what we are doing when we use them ourselves.

*Note: The numbering changes periodically; a new #10 was added on 1/12/14, pushing all subsequent rationalizations up one.*

### **1. The Golden Rationalization, or “Everybody does it”**

This rationalization has been used to excuse ethical misconduct since the beginning of civilization. It is based on the flawed assumption that the ethical nature of an act is somehow improved by the number of people who do it, and if “everybody does it,” then it is implicitly all right for you to do it as well: cheat on tests, commit adultery, lie under oath, use illegal drugs, persecute Jews, lynch blacks. Of course, people who use this “reasoning” usually don’t believe that what they are doing is right because “everybody does it.” They usually are arguing that they shouldn’t be singled out for condemnation if “everybody else” isn’t.

Since most people will admit that principles of right and wrong are not determined by polls, those who try to use this fallacy are really admitting misconduct. The simple answer to them is that even assuming they are correct, when more people engage in an action that is admittedly unethical, more harm results. An individual is still responsible for his or her part of the harm.

If someone really is making the argument that an action is no longer unethical because so many people do it, then that person is either in dire need of ethical instruction, or an idiot.

#### **1A. Ethics Surrender, or “We can’t stop it.”**

This is the rationalization that argues that if society is incapable of effectively preventing unethical conduct, for whatever reason, we might as well stop regarding that conduct as wrong. This is yet another variation on the most common and insidious rationalization of them all and #1 on the list: “Everybody Does It.”

The Golden Rationalization has many variations, among them...

*"It's done all the time."*

*"It's always been done this way."*

*"It's tradition."*

*"Everybody is used to it."*

*"Everybody accepts it."*

*"Nobody's complained before."*

*"It's too late to change now."*

...and others. Ethics Surrender, however, warrants particular attention, as it encourages moral cowardice and ethics complacency. "We can't stop it" is a lazy capitulation that assumes cultures can't change, and we know they *can and do* change, both for better and worse, all the time. One society has been convinced, though legitimate, persistent, coherent and ethically valid arguments, that a common practice or conduct is bad for society, society can stop or seriously inhibit that unethical practice of behavior, either by law, regulation, or best of all, the evolution of cultural consensus. The examples of an Ethics Surrender resulting in undesirable societal consequences are too numerous to list, and many of them are still controversial. I would assign having children out of wedlock, adultery, lying by elected leaders and the use of illegal recreational drugs to the "We can't stop it, so let's say it's not so bad" category. The most obvious and currently significant example is illegal immigration, wrong, but increasingly being rationalized by both advocates and lawmakers who have run out of ideas and principle. At this moment, we are hearing the defenders of dubious police shootings making that argument to avoid examining possible changes in law enforcement policy so there will be fewer deaths without putting police in peril.

Ethics is *hard*. Rationalization 1A, **Ethics Surrender, or "We can't stop it,"** wrongly concludes that it is impossible.

## **2. Ethics Estoppel, or "They're Just as Bad"**

The mongrel offspring of The Golden Rationalization and the Bible-based dodges a bit farther down the list, the "They're Just as Bad" Excuse is both a rationalization and a distraction. As a rationalization, it posits the absurd argument that because there is other wrongdoing by others that is similar, as bad or worse than the unethical conduct under examination, the wrongdoer's conduct shouldn't be criticized or noticed. As a distraction, the excuse is a pathetic attempt to focus a critic's attention elsewhere, by shouting, "Never mind me! Why aren't you going after *those* guys?"

### **2 A. Sicilian Ethics, or "They had it coming"**

The other familiar, equally absurd but even more corrupting manifestation of Rationalization 2 is

the “They had it coming” variation or essentially the ethics of the Mob, “The Godfather” and Hollywood revenge fantasies. This argues that wrongdoing toward a party isn’t really wrong when the aggrieved party has aggrieved the avenger. The victim of the unethical conduct no longer deserves ethical treatment because of the victim’s own misconduct.

But the misconduct of a victim *never* justifies unethical conduct directed against that victim.

### **3. Consequentialism, or “It Worked Out for the Best”**

The ethical nature of an act must be evaluated when it is done, and not based on its results.

*Consequentialism* is an open invitation to extreme “the ends justify the means” conduct, where even cruel and illegal conduct becomes “ethical” because good consequences happen to arise out of it, even when the good was completely unintended or unpredictable. Snooping into the contents of your host’s medicine cabinet is wrong, and the fact that you discovered a mislabeled pill bottle with rat poison in it doesn’t make your violation of her privacy ethical, even though it allows you to tell her and save her life. That is good fortune, not ethics. Similarly, an ethical act doesn’t become wrong because it happens to set in motion an unpredictable chain reaction resulting in a catastrophe. In the classic old “Star Trek” episode, “The City on the Edge of Forever,” Dr. McCoy rescuing a woman from being killed results in Nazi Germany winning WW II. That doesn’t mean his courageous and selfless act was unethical. It was still the right thing to do.

### **4. Marion Barry’s Misdirection, or “If it isn’t illegal, it’s ethical.”**

The late D.C. Mayor and lovable rogue Marion Barry earned himself a place in the Ethics Distortion Hall of Fame with his defense of his giving his blatantly unqualified girlfriend a high-paying job with the DC government. Barry declared that since there was no law against using the public payroll as his own private gift service, there was nothing unethical about it. Once the law was passed (because of him), he then agreed that what he did would be wrong the next time he did it.

Ethics is far broader than law, which is a system of behavior enforced by the state with penalties for violations. Ethics is good conduct as determined by the values and customs of society. Professions promulgate codes of ethics precisely because the law cannot proscribe all inappropriate or harmful behavior. Much that is unethical is not illegal. Lying. Betrayal. Nepotism. Many other kinds of behavior as well, but that is just the factual error in the this rationalization.

The greater problem with it is that it omits the concept of ethics at all. Ethical conduct is self-motivated, based on the individual’s values and the internalized desire to do the right thing. Barry’s construct assumes that people only behave ethically if there is a tangible, state-enforced penalty for not doing so, and that not incurring a penalty (that is, not breaking the law) is, by definition, ethical.

Nonsense, of course. It is wrong to intentionally muddle the ethical consciousness of the public, and Barry’s statement simply reinforces a misunderstanding of right and wrong.

Closely related to the Barry Misdirection is.....

## 5. The Compliance Dodge.

Simply put, compliance with rules, including laws, isn't the same as ethics. Compliance depends on an individual's desire to avoid punishment. Ethical conduct arises from an individual's genuine desire to do the right thing. The most unethical person in the world will comply if the punishment is stiff enough. But if he can do something unethical without breaking the rules, watch out!

No set of rules will apply in all situations, and one who is determined to look for loopholes in a set of laws, or rules, or in an ethics code, so that he or she can do something self-serving, dishonest, or dastardly, is likely to find a way. This is one reason why the ubiquitous corporate ethics programs that emphasize "compliance" are largely ineffective. By emphasizing compliance over ethics, such programs encourage the quest for loopholes. Remember that when Enron's board realized that one of its financial maneuvers violated its Code of Ethics, it made compliance possible by changing the Code.

When an organization or society makes compliance...doing the right thing to avoid unpleasant consequences... the focus of its attempt to promote ethical conduct, it undermines the effort by promoting confusion in the not-infrequent circumstances when doing the right thing hurts. The better approach, and the one promoted by Ethics Alarms, is to teach and encourage good behavior and ethical virtues for their own sake. When the inevitable loophole opens up in the rules, when the opportunity to gain at someone else's expense is there and nobody will ever know, it is the ethical, not the compliant, who will do the right thing.

## 6. The Biblical Rationalizations

*"Judge not, lest ye not be judged,"* and *"Let him who is without sin cast the first stone,"* have been quoted by scoundrels and their allies and supporters for centuries. Neither quotation means what those guilty of ethical misconduct would have us believe, but the number of people who accept the misreading is substantial.

"Judge not, lest ye not be judged" (Matthew 7:1) is frequently cited to support the position that it is inherently wrong to judge the conduct of others. Of course, if this were indeed the intended meaning, it would rank as one of the most anti-ethical sentiments ever put into print, a distinction we would not expect from the Bible. For the very concept of ethics involves the development of customs and practices that evoke approval from one's group and those in it, and there cannot be any approval without judgement. Judging the actions of others and communicating (and perhaps even codifying) that judgement is the way ethical standards are established and maintained. To use the Biblical text in this manner is to make ethical standards all but impossible.

"Judge not..." stands instead for two tenets of wisdom, both debatable (but not now):

- Don't judge people. Ethics involves the judgement of behavior, which is everyone's duty in a society. Judging the whole of a person, however, as wicked, or immoral, or good, is beyond the ability of human beings. Except in very rare cases, we cannot look into a human being's soul and determine that because he or she has done wrong, that person is a bad person.

- Be prepared to be judged by the same standards you use to judge others. It should also be noted that in several other places the Bible specifically instructs us to “judge.”
- Let him who is without sin cast the first stone” (John 8: 7,10,11) is frequently used to support the contention that only those who are perfect, that is, saints, are qualified to condemn the behavior of others. This use of the Bible passage illustrates the insidious nature of using famous phrases divorced from their contexts. The quote is from the tale of the adulteress, in which Jesus admonishes a crowd preparing to stone an adulteress, and exhorts her to “go and sin no more.” It is a story about redemption, a caution against hypocrisy, and an extension of the Golden Rule, as Jesus is calling for sympathy and empathy rather than righteous anger, especially from the men who had done exactly what she was being stoned for.

One must also remember that stoning was a life-threatening ritual in Biblical times. Like many metaphorical passages in the Bible, this metaphor can be carried too far, and has been. There is a big difference between participating in the physical wounding of an individual when one has been guilty of similar failings, and simply disapproving such conduct and calling for appropriate punishment. Interpreting the passage to mean that nobody can ever be punished or admonished for ethical misconduct except by the ethically pure is simply a cynical justification for a universal lack of accountability and responsibility.

#### **7. The “Tit for Tat” Excuse**

This is the principle that bad or unethical behavior justifies, and somehow makes ethical, the same or equivalent unethical behavior in response to it. The logical extension of this fallacy is the abandonment of all ethical standards. Through the ages, we have been perplexed at the fact that people who don’t play by the rules have an apparent advantage over those who do, and “If you can’t beat ’em, join ’em!” has been the rallying cry of those who see the abandonment of values as the only way to prosper.

The very concept of ethics assumes that winning isn’t the only thing. Vince Lombardi to the contrary, and that we must hold on to ethical standards to preserve the quality of civil existence. Although maxims and aphorisms cause a lot of confusion in ethical arguments, this one is still valid in its simple logic: *“Two wrongs don’t make a right.”*

#### **8. The Trivial Trap (“No harm no foul!”)**

Many argue that if no tangible harm arises from a deception or other unethical act, it cannot be “wrong:” *“No harm, no foul.”* This is truly an insidious fallacy, because it can lead an individual to disregard the unethical nature of an action, and look only to the results of the action. Before too long, one has embraced “the ends justify the means” as an ethical system, otherwise known as “the terrorism standard.”

Closely related is the “white lie” syndrome, which embodies the theory that small ethical transgressions are not ethical transgressions at all. Both carry the same trap: the practice of ethics is based upon habit, and one who habitually behaves unethically in small ways is nonetheless building the habit of unethical behavior. Incremental escalations in the unethical nature of the acts, if not inevitable, are certainly

common. Thus even an unethical act that causes no direct harm to others can harm the actor, by setting him or her on the slippery slope.

### **Rationalization 8A. The Dead Horse-Beater's Dodge, or "This can't make things any worse"**

Rationalization 8, The Trivial Trap or "No harm no foul!", relies on **#3. Consequentialism, or "It Worked Out for the Best"** for its dubious logic, but is less demanding. **#3** posits that unethical conduct that ends up having beneficial or desirable results has been purged of its unethical nature. **#8** argues for an even more lenient standard, holding that as long as the unethical conduct—usually a lie—has no negative effects, it can't be wrong. **The Dead Horse-Beater's Dodge**, carries this unethical reasoning even further with the theory that as long as a situation can't be made worse by wrongful conduct, the conduct itself can't be wrongful.

In ethics, wrongful conduct is usually identifiable by its nature and intent. *"This can't make things any worse"* is an assumption that individuals seldom can make with guaranteed accuracy, and it usually presumes consent from the supposedly bottom-lying individual or organization that is the target of the unethical act.

Get the informed consent, 8A devotees, and then we'll talk.

No, looters, the fact that a business is a smoldering wreck does not make stealing even damaged merchandise from it "okay." No, pulling the plug on a comatose patient without his previous consent or that of someone he has authorize to give it is still wrong, both legally and ethically. In most cases, the presumption that conduct unethical in its form and substance will not "make things any worse" is something about which the rationalizing wrong-doer can't possibly be certain. That's what makes it a rationalization: it is a lie we tell to ourselves.

### **9. The Reverse Slippery Slope**

Turning the slippery slope argument around, defenders of unethical conduct like to project legitimate criticism of genuinely harmful conduct into apocalyptic over-reach and ridiculously broad application of the principles at issue. *"Irresponsible not to put our kids in safe car seats? What's next, mandating special armor and helmets when they are just walking? Will we be required to have soft foam around their little chairs in the home in case they fall off?"* This attempts to make the original, legitimate point seem unreasonable by raising related but absurd variations that are self-evidently unreasonable.

### **10. The Unethical Tree in the Forest, or "What they don't know won't hurt them."**

The habitually unethical as well as the rarely unethical who don't want to admit they have strayed are vulnerable to this classic, which posits that as long as the lie, swindle, cheat, or crime is never discovered, it hardly happened at all...in fact, one might as well say it *didn't* happen, so you can't really say anything really was wrong...right? Wrong. First of all, a remarkable percentage of time, the wrongful act is discovered. Even if it is not, however, the unethical nature of the act is intrinsic, and exists independently of how many people know about it. Just as a tree that falls in the forest with nobody around both makes noise and causes damage, so undetected, well-disguised or covered-up wrongs are exactly as wrong as

those that end up on the front pages. They also cause the same amount of harm much of the time. A cancer you don't know about can still kill you. #10 is one of the dumber rationalizations.

### **11. The King's Pass, The Star Syndrome, or "What Will We Do Without Him?"**

One will often hear unethical behavior excused because the person involved is so important, so accomplished, and has done such great things for so many people that we should look the other way, just this once. This is a terribly dangerous mindset, because celebrities and powerful public figures come to depend on it. Their achievements, in their own minds and those of their supporters and fans, have earned them a more lenient ethical standard. This pass for bad behavior is as insidious as it is pervasive, and should be recognized and rejected whenever it raises its slimy head. In fact, the more respectable and accomplished an individual is, the more damage he or she can do through unethical conduct, because such individuals engender great trust. Thus the corrupting influence on the individual of The King's Pass leads to the corruption of others, through...

#### **11. (a) "I deserve this!" or "Just this once!"**

The individual application of this rationalization is common to the hero, the leader, the founder, the admired and the justly acclaimed. It is the variation on The King's Pass that causes individuals who should know better to convince themselves that their years of public service, virtue and sacrifice for the good of others entitle them to just a little unethical indulgence that would be impermissible if engaged in by a lesser individual. When caught and threatened with consequences, the practitioner of this rationalization will be indignant and wounded, saying, "With everything I've done, and all the good I've accomplished for others, you would hold this against me?" The correct answer to this is "We are very grateful for your past service, but *yes*."

The group version is perhaps more insidious. It typically occurs when a group or class that has been mistreated (or considers itself so) demands a special privilege to be unethical for a brief interval, and a dispensation from any adverse consequences.

### **12. The Dissonance Drag**

Cognitive dissonance is an innately human process that can muddle the ethical values of an individual without him or her even realizing that it is happening. The most basic of cognitive dissonance scenarios occurs when a person whom an individual regards highly adopts a behavior that the same individual deplors. The gulf between the individual's admiration of the person (a positive attitude) and the individual's objection to the behavior (a negative attitude) must be reconciled. The individual can lower his or her estimation of the person, or develop a rationalization for the conflict (the person was acting uncharacteristically due to illness, stress, or confusion), or reduce the disapproval of the behavior.

This is why misbehavior by leaders and other admired role models is potentially very harmful on a large scale: by creating dissonance, it creates a downward drag on societal norms by validating unethical behavior. Tortured or inexplicable defenses of otherwise clearly wrong behavior in public dialogue are often the product of cognitive dissonance.

### 13. The Saint's Excuse: "It's for a good cause"

This rationalization has probably caused more death and human suffering than any other. The words "it's for a good cause" have been used to justify all sorts of lies, scams and mayhem. It is the downfall of the zealot, the true believer, and the passionate advocate that almost any action that supports "the Cause," whether it be liberty, religion, charity, or curing a plague, is seen as being justified by the inherent rightness of the ultimate goal. Thus Catholic Bishops protected child-molesting priests to protect the Church, and the American Red Cross used deceptive promotions to swell its blood supplies after the September 11, 2001 attacks. The Saint's Excuse allows charities to strong-arm contributors, and advocacy groups to use lies and innuendo to savage ideological opponents. The Saint's Excuse is that the ends justify the means, because the "saint" has decided that the ends are worth any price—especially when that price will have to be paid by someone else.

#### 13A The Road To Hell, or "I meant well" ("I didn't mean any harm!")

This sub-rationalization to the Saint's Excuse is related to its parent but arguably worse.

**Rationalization 13** is one of the really deadly rationalizations, the closest on the list to "The ends justified the means":

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But while the wielder of the Saint's Excuse typically at least has a beneficial or valuable result to claim as justification for unethical and inexcusable acts, the desperate employers of 13A only have their alleged good *intentions*, which may be the product of emotion, misunderstanding, ignorance or stupidity. How a bad actor intended his unethical conduct to turn out is no mitigation at all. The underlying logic is that the wrongdoer isn't a bad person, so the wrongful act shouldn't be held against him or her as harshly as if he was. The logic is flawed (it is the same logic as in **The King's Pass, #11**, which holds that societal valuable people would be held to lower standards of conduct than everyone else) and dangerous, encouraging the reckless not to consider the substance of a course of action, but only its motivations.

The Saint's Excuse attempts to justify unethical actions that accomplish worthy goals The Road to Hell attempts to justify unethical conduct even when it does undeniable harm, just because it was undertaken with admirable intent.

### 14. Self-validating Virtue

A corollary of the Saint's Excuse is "Self-validating Virtue," in which the act is judged by the perceived goodness the person doing it, rather than the other way around. This is applied by the doer, who reasons, "*I am a good and ethical person. I have decided to do this; therefore this must be an ethical thing to do, since I would never do anything unethical.*" Effective, seductive, and dangerous, this rationalization short-circuits ethical decision-making, and is among the reasons good people do bad things, and keep



doing them, even when the critics point out their obvious unethical nature. Good people sometimes do bad things because they are good people, and because of complacency and self-esteem they begin with a conviction, often well supported by their experience, that they are incapable of doing something terribly wrong. But all of us are capable of that, if our ethics alarms freeze due to our environment, emotions, peer pressure, and corrupting leadership, among many possible causes. At the end of the movie “Falling Down,” the rampaging vigilante played by Michael Douglas, once a submissive, law-abiding citizen, suddenly realizes what he has done. “I’m the bad guy?” he asks incredulously. Indeed he is. Any of us, no matter how virtuous, are capable of becoming “the bad guy”...especially when we are convinced that we are not.

#### **15. The Futility Illusion: “If I don’t do it, somebody else will.”**

It is a famous and time-honored rationalization that sidesteps doing the right thing because the wrong thing is certain to occur anyway. Thus journalists rush to be the first to turn rumors into front page “scoops,” and middle managers go along with corporate shenanigans ordered by their bosses, making the calculation that their refusal will only hurt them without preventing the damage they have been asked to cause. The logic is faulty and self-serving, of course. Sometimes someone else won’t do it. The soldiers asked to fire on their own people when the Iron Curtain governments were crumbling all refused, one after another. Sometimes someone else does it, but the impact of the refusal leads to a good result anyway. When Elliot Richardson was ordered by President Richard Nixon to fire Watergate Special Prosecutor Archibald Cox, he refused and resigned. Cox ended up being fired anyway, but Richardson’s protest helped turn public opinion against the White House. Even if neither of these are the final result, the individual’s determination to do right is always desirable in itself. The Futility Illusion is just a sad alternative to courage.

#### **16. The Consistency Obsession**

Philosopher Emmanuel Kant demanded that ethical principles pass muster as universal, to be applied by all people in all circumstances...the Categorical Imperative. The truth is, however, that no ethical system or principle is going to work all the time. The point of ethics, and even professional ethicists often lose sight of this, is to do the right thing, not to construct the perfect formula for doing the right thing. It is not only acceptable, it is necessary to use a variety of ethical approaches to solve certain problems. In real life, situations come up that just don’t fit neatly into the existing formulas. Recognize that, and you will have an easier time dealing with them.

#### **17. Ethical Vigilantism**

When a person who has been denied a raise he was promised surreptitiously charges personal expenses to a company credit card because “the company owes me,” that is Ethical Vigilantism: addressing a real or imagined injustice by employing remedial cheating, lying, or other unethical means. It has its roots in many of the fallacies above: Tit for Tat, the Golden Rationalization, The Trivial Trap, and The Saint’s License. Its results are personal corruption, harm to innocent parties, and the forfeiture of the moral high ground. Nobody is “owed” the right to lie, cheat, or injure others.

#### **18. Hamm’s Excuse: “It wasn’t my fault.”**

This popular rationalization confuses blame with responsibility. Carried to its worst extreme, Hamm's Excuse would eliminate all charity and much heroism, since it stands for the proposition that human beings are only responsible for alleviating problems that they were personally responsible for. In fact, the opposite is the case: human beings are responsible for each other, and the ethical obligation to help someone, even at personal cost, arises with the opportunity to do so, not with blame for causing the original problem. When those who have caused injustice or calamity either cannot, will not or do not step up to address the wrongs their actions have caused (as is too often the case), the responsibility passes to whichever of us has the opportunity and the means to make things right, or at least better.

This rationalization is named after American gymnast Paul Hamm, who adamantly refused to voluntarily surrender the Olympic gold medal he admittedly had been awarded because of an official scoring error. His justification for this consisted of repeating that it was the erring officials, not him, who were responsible for the fact that the real winner of the competition was relegated to a bronze medal when he really deserved the gold. The ethical rule to counter Hamm's Excuse is a simple one: if there is a wrong and you are in a position to fix it, *fix it*.

#### **19. The Perfection Diversion: "Nobody's Perfect!" or "Everybody makes mistakes!"**

This is a legitimate defense if, in fact, an individual has been accused of not being perfect. Usually, however, it is an attempt to minimize the significance of genuine misconduct. When an act suggests that more than an honest mistake or single instance of bad judgment was involved, and that an individual's conduct indicates a broader lack of character or ethical sensitivity, "Nobody's perfect!" and "Everybody makes mistakes!" are not only inappropriate and irrelevant, but are presumptively efforts to change the subject. The fact that nobody is perfect does not mean that it isn't necessary and appropriate to point out unethical conduct when it occurs. It also does not argue for failing to make reasonable assumptions about the ethical instincts of the actor if and when the unethical nature of conduct strongly suggests that it is not an aberration, but a symptom.

Though nobody is perfect and everyone makes mistakes, we are all still accountable for the mistakes we make.

#### **19A The Insidious Confession, or "It wasn't the best choice."**

As with its parent, #19, 19A falsely changes an accusation of wrongful conduct into one of *less than perfect or ideal* conduct. Unlike it, however, this variation even rejects the proposition that the choice that was made *was* a mistake. "Mistake" implies *error*, which implies *wrong*. "No," says the wielder of 19A, "I made no mistakes. It simply wasn't the *best* choice. But isn't it outrageous that I'm getting all this criticism because I made a perfectly reasonable choice that after the fact we realize could have been better?" is a framing trick, and a slick one. "It wasn't the best choice" is also insidious, because using the guise of an admission of wrongdoing, it invites acceptance of the false premise that there was nothing *wrong* done. It slyly removes the possibility of wrongdoing, unlike #22, **Comparative Virtue**, which accepts it. Framing what was a wrongful act as simply an act that wasn't as good as it could have been, the wrongdoer poses as imperfect but virtuous and sincere, doing the best she can. The misleading framing—not wrong, not bad, just *imperfect*, also permits

the wrongdoer to avoid the indignity of an apology.

In a sentencing hearing, a defendant who describes his crime as “not the best choice” tells the judge that for him, a criminal act is always among the practical options. Since unethical conduct is an option, if it works, it was the *best* option. If it doesn’t work, and if the wrongdoer gets caught, well, it seemed like a good choice at the time, but it wasn’t the best thing to do.

Ethical people don’t think like that. Trustworthy people don’t think like that.

Interestingly, using the Insidious Confession is damning for the user whether it is sincere or not. If the user really thinks that an unethical act can be legitimately framed as “not the best.” that tells us that he or she believes an unethical act can be good. If the rationalization is verbalized as a cynical tactic to influence how a wrongful act is seen by others, that makes the wrongdoer a liar, and worse, an ethics corrupter.

## **20. The “Just one mistake!” Fantasy**

Related to #16 but still distinct is the excuse that a particular unethical act should be ignored, forgiven or excused as an aberration because “it was just one mistake.” This argument intentionally glosses over the fact that one mistake can be so blatantly unethical and harmful that an ethical person literally never does such a thing, and thus the “one mistake” is a reliable indicator that the actor does not deserve to be trusted. Abuse of power is in this category. Defenders of the unethical also often use this excuse dishonestly and deceptively to designate as one mistake an ongoing episode of continuous unethical conduct. For example, Bill Clinton didn’t make “one mistake” regarding Monica Lewinsky, but hundreds of them, involving lies, deceits, cover-ups and betrayals.

## **21. Ethics Accounting, or “I’ve earned this”/ “I made up for that”**

Related to **11(a)** above. You cannot earn the right to act unethically by depositing a lot of ethical deeds in the imaginary ethics bank, nor can unethical conduct be erased by doing good for someone else. The illusion that one can balance the ethics books this way is referred to on the Ethics Alarms blog as “the Ruddigore Fallacy.” Nobody earns the right to be unethical, not even once, no matter how exemplary their conduct. An unethical act is just as unethical, whether it is performed by a saint, a hero, or a villain.

### **21A. The Criminal’s Redemption, or “It’s just a small part of what I am!”**

**21. Ethics Accounting (“I’ve earned this”/ “I made up for that”)** holds that someone can eliminate or mitigate wrong doing by loading up the good side of the ethics ledger so that the bad side looks puny by comparison. Unless, however, those virtuous entries include measures to undo the wrong on the bad side and to make any victims whole, the imagined justification is just that: imaginary. Good people have no more leave to be unethical than anyone else, and nobody earns the right to be unethical without consequences.

21A resembles its parent by using unrelated activities as counterweights to clearly unethical ones. Its delusion, however, is that unethical deeds shouldn’t be measured by their own content but by the

proportion of an individual's total activity they represent. Imagine a defense attorney arguing to a jury in a case where his client has been proven guilty of a single, calculated, gruesome murder. "Yes, my client killed," she intones...

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"But he is so much more than a murderer. Indeed, this single, admittedly horrible act is a tiny part of his life! He is 45 years old! He has been a loving son, a devoted brother, a faithful husband and a wonderful parent! He has been a community leader, a successful businessman, an animal lover, a donor to many charities! He has been a good and loyal friend to hundreds of people in this and other communities! He is an author, an inventor, a funny and clever companion who makes all around him happy. This one, single murder is an infinitesimal portion of who he is, the least representative portion of them all. It is unjust to judge him, indeed to disproportionately punish him, his family, and his community by preventing him from doing all the other things that characterize this 99.9999% good citizen and honorable human being, because of something that doesn't fairly represent who he truly is."

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The response to this should be: *baloney* (but nice try, Counselor!). Murder is murder, and someone who commits it is a murderer, 100%. The percentages don't matter. Even Genghis Khan, Hitler and Mao spent didn't spend the majority of their time killing, and so what? The fact that someone's unethical acts don't dominate their lives in terms of time, expense or dedication does not and cannot alter, improve or mitigate the unethical nature of the act itself.

## **22. The Comparative Virtue Excuse: "There are worse things."**

If "Everybody does it" is the Golden Rationalization, this is the bottom of the barrel. Yet amazingly, this excuse is popular in high places: witness the "Abu Ghraib was bad, but our soldiers would never cut off Nick Berg's head" argument that was common during the height of the Iraq prisoner abuse scandal. It is true that for most ethical misconduct, there are indeed "worse things." Lying to your boss in order to goof off at the golf course isn't as bad as stealing a ham, and stealing a ham is nothing compared selling military secrets to North Korea. So what? We judge human conduct against ideals of good behavior that we aspire to, not by the bad behavior of others. One's objective is to be the best human being that we can be, not to just avoid being the worst rotter anyone has ever met.

Behavior has to be assessed on its own terms, not according to some imaginary comparative scale. The fact that someone's act is more or less ethical than yours has no effect on the ethical nature of your conduct. "There are worse things" is not an argument; it's the desperate cry of someone who has run out of rationalizations.

## **23. The Dealer's Excuse. or "I'm just giving the people what they want!"**

**The Dealer's Excuse**, in addition to being a rationalization, is often disingenuous. Those who employ the Dealer's Excuse usually aren't providing a service out of altruistic motives, but out of the *profit* motive. They want the money they can make by doing unethical things that make society uglier, dysfunctional and dangerous, and they really don't care if their customers come to a bad end or bring miseries to others.

The most famous exposition of The Dealer's Excuse is in "The Godfather," as Don Corleone and the other mafia heads discuss their "business." The Godfather is balking at adding drugs to the mob's businesses, and says:

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When — when did I ever refuse an accommodation? All of you know me here — when did I ever refuse? — except one time. And why? Because — I believe this drug business — is gonna destroy us in the years to come. I mean, it's not like gambling or liquor — even women — which is something that most people want nowadays, and is forbidden to them by the *pezzonovante* of the Church. Even the police departments that've helped us in the past with gambling and other things are gonna refuse to help us when it comes to narcotics. And I believed that — then — and I believe that now.

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The Don knows that drugs are exactly like liquor, prostitution and gambling. Each harms society in well-understood, well-documented and tragic ways, and each has been prohibited or inveighed against by moral authorities for centuries. He isn't concerned about the damage the narcotics business will do, only that societal objections are currently so strong that the business is too much of a risk. He is a capitalist without scruples, and #23 is a capitalist rationalization, one that demonstrates vividly why conscience-free capitalism is societal poison, sometimes literally.

**The Dealer's Excuse** isn't only or even primarily used to justify making destructive and illegal products and conduct available, acceptable and commonplace. It is the rationalization of choice when elected officials pass irresponsible laws, like tax cuts, and unaffordable entitlements. It is how General Mills and Kellogg's justify selling breakfast cereal dangerously loaded with sugar; why Hollywood no longer makes movies that require an IQ above 85 to understand, why TV shows no longer bother to insist on civil language or avoid gratuitous sex and violence, and why over 50% of network programming is reality shows, celebrity shows, quiz shows and dreck.

It is how schools justify giving out high grades to students who deserve low ones; how the the National Football League rationalizes allowing its game to sacrifice brains in the name of bone-crunching action; why governments use aggregated uninformed opinions revealed in polls to make complex decisions. The Dealer's Excuse is what news organizations now use to justify what stories to cover, and how they are covered. It is also the rationalization for cowardly subordinates who don't tell management when the organization is rotting from within, or when they nod vigorously knowing that their leader's proposed action will be a disaster.

The more I think about #23, the more I conclude that it is one of the most insidious rationalizations of them all.

### **23 A. Woody's Excuse: "The heart wants what the heart wants"**

This was Woody Allen's famous "explanation" for courting, bedding, and ultimately marrying Mia Farrow's adopted daughter, as Allen was living with Farrow and functioning as his soon-to-be lover's adoptive father. It is a particularly cynical and logically thread-bare rationalization, relying on popular sentimental concepts of romance rather than any legitimate system of right and wrong. When the heart "wants" something that it is wrong to acquire, this should carry no more justification

that when some other body part is involved. The brain may “want” revenge, other people’s money and to be successful at any cost. The stomach and the palate can “want” food, even when it must be stolen. The libido “wants” pleasure and gratification, even if it is adulterous. Ethical people possess consciences, self-control, and the rational ability to deny and resist “wants” that involve betrayal, hurtful conduct, crimes and wrong-doing. Woody’s Excuse boils down to “If you want it badly enough, it is OK to take it,” essentially equating passion and obsession with good. Good movies, maybe, although Woody has had mixed results making those, too. But this rationalization doesn’t make good people, and good people usually don’t rely on it.

#### **#24. Juror 3’s Stand (“It’s My Right!”)**

In the climax of “Twelve Angry Men,” a juror who had been advocating a guilty verdict for a teenager accused of murdering his father finds himself the only remaining member of the jury who refuses to accept that there is reasonable doubt about the defendant’s guilt. It is dawning on him that his certitude is based more on stubbornness, ego, emotion and bias than facts, but before he gives in, his last argument to support his vote is to shout, “*It’s my right!*” He finally realizes, however, that his right to be unjust doesn’t excuse him. We all have a right to do many terrible, unfair, wrongful and harmful things. People have a right to have children they can’t take care of, for example. They have a right to be unfaithful to their spouses, to misrepresent their affections to partners who think they are loved. Parents have a right to warp the values and education of their children. People have a right to accept jobs that they are unqualified to do well; they have a right not to retire long after they know they have become incompetent. We have a right to be biased, to be prejudiced, and to hate irrationally. We have a right to vote, even if we vote ignorantly and without meeting our duty to be informed citizens. The issue in which this rationalization was raised on Ethics Alarms was a news story about a grandmother who killed her cat and kittens to punish her grandchildren. Yes, she had a right to kill them, for they were her property. A billionaire could buy a great work of art and destroy it on a whim, too. Gratuitous, wanton or cruel destruction of property that others derive joy or practical use from, however, is still unethical.

Yes, we often have a right to do something wrong. Using rights that way, however, is to abuse them

#### **24. A. Free Speech Confusion**

The most frequently used variation on #24, so frequently that it earns its own title, is the assertion that unethical conduct in the form of speech, including incivility, genuinely hurtful or misleading speech and outright lies, are ethical because “we have Free Speech in the country.” Indeed we do, and what a boon it is for reckless, mean-spirited, dishonest people who chose to use their right of expression to deceive, disrupt and injure—though usually short of the extent that would be criminal or justify civil damages. The First Amendment is the bulwark of our freedom; it also is license for people who want to use their rights irresponsibly to be jerks, or worse. Free speech is a right, but that doesn’t necessarily mean it *is* right.

#### **25. The Coercion Myth: “I have no choice!”**

When people say they had to behave unethically because they had no choice, it is almost always a lie. What they mean is that they didn’t like the choices they had, and taking the unethical option involved less

sacrifice, less controversy, less criticism, less effort...in short, less courage, than doing the right thing. Ethics often requires pain; if making the ethical choice was easy, there would be no need to practice being ethical. You may decide that doing the right thing is too costly or requires more personal misery than you can bear—a lost job, a ruined reputation, financial capacity, punishment for breaking with tradition or rules—sometimes that is a reasonable choice. But you still *had* a choice, and you are still accountable for the choice you made

### **25A. Frederick's Compulsion or "It's My Duty!"**

As any Gilbert and Sullivan fan knows, February 29 is the troublesome birthday of Frederick, the dim and conflicted hero of "The Pirates of Penzance." Apprenticed to a pirate as a child by mistake (his nurse heard "pirate" rather than "pilot"), the lad was bound to serve as a cutthroat until his 21st birthday, and thinking that the terms specified his obligation to reach until his 21st year, quits the pirate band that raised him and joins the police, who are seeking to put his old comrades behind bars. But poor Frederick learns that because he would only be free of his obligations until his 21st birthday, and since he was born—*Oh, horror!*—on Leap Year, he is technically only five ("and a little bit over"), and won't be 21 by the terms of his apprenticeship until he is 84 years old. His beloved, the equally dim Mabel, vows to wait for him. Meanwhile Frederick, declaring himself a "slave of duty," joins the pirates again, as they prepare to murder Mabel's father.

W.S. Gilbert, who wrote this famously nutty plot, was satirizing the substitution of duty (and legal contracts) for reason, morality, ethics, and sanity. 25A, Frederick's Compulsion, is a sub-rationalization of #25. **The Coercion Myth: "I have no choice!"** Frederick believes that the existence of a contract creates a duty that he must obey without question, regardless of the consequences.

Duty is seldom as simple, or simple-minded, as Frederick thinks. We all have competing duties; that's what makes ethics difficult. He has a duty to the pirates (I would say that his stated determination to "wipe them off the face of the earth" is also unethical, given their treatment of him.) He is, or should be conflicted. How ungrateful can you get? He has a duty to Mabel, the "don't murder your girl friend's dad" duty. He, like all citizens, has a duty to obey the law, and once he has joined the police, he has a duty to fulfill his commitment. Duty is important as an ethical guideline, but it is not absolute. Even in the U.S. army, soldiers have a duty to obey orders and a duty not to obey illegal ones, despite the fact that it is their superiors, not them, who are charged with knowing the difference.

Ethics requires that when performing a duty will unquestionably result in injustice and harm to others, some consideration and balancing must be applied, followed by making one or more difficult choices. Duty itself is not enough to dictate those choices, and ethics may, and often does, dictate that a duty must be superseded by other priorities.

### **26. "The Favorite Child" Excuse**

This irritating, hypocritical and illogical rationalization is less a true rationalization than it is a childish deflection of accountability. It is especially popular in the political arena, and practiced with special

shamelessness by pundits. When a critic points out a genuine example of dishonesty or other unethical conduct on the part of particular official, that official's defender will immediately retort with the names of one or more examples of similar conduct by individuals the critic favors. Note that this does not in any way address or disprove the charge; indeed, resorting to this tactic usually means that the critic is correct. The argument being put forward is essentially the same as the one offered by a child admonished by a parent: "But you let my brother get away with the same thing! You like him best!" The theory is that it is unfair to criticize anyone for conduct the critic may have excused or ignored in another. That may be true, but it is irrelevant to the conduct under discussion. If the conduct of an elected official is unethical, then the official is accountable for it whether others have gotten away with it or not. Adopting the Favorite Child Excuse has several implications, none of them valid, including:

- *What my guy did is OK, because your guy did it.*
- *The conduct of your guy, which I think is wrong, should set the standard of conduct for my guy, who I think is better than your guy.*
- *The worse your guy can behave without being criticized, the worse my guy can behave without my objecting.*
- *The conduct I deplored in your guy is acceptable to me in my guy, because you didn't have the integrity to criticize it.*
- *It's all right for my guy to do what your guy did, but I still think your guy is scum for doing it, and you were a hypocrite not to criticize him.*

### **27. The Victim's Distortion**

When someone belongs to a group that is commonly treated with bias, or has a history of being so, or when an individual feels, perhaps legitimately, that he or she is personally discriminated against or disliked because of external factors such as appearance, social background, past indiscretions, or personality problems, the victim mindset creates the conditions of a potentially crippling rationalization. Such individuals can become incapable of distinguishing legitimate criticism from bias, and thus may refuse to acknowledge their own wrongdoing or mistakes, choosing instead to attribute the criticism to irrational and unjustified animus. Someone may be biased against you, however, and still be right in their assessment of your misconduct. We have to learn to be able to separate the critique from the critic, especially when our own ego wants the criticism to be unfair and invalid.

### **28. The Revolutionary's Excuse: "These are not ordinary times."**

An argument for those who embrace "the ends justify the means"—but only temporarily, mind you!—the Revolutionary's excuse has as long and frightening a pedigree as any of the rationalizations here. Of course, there is no such thing as "ordinary times." This rationalization suggests that standards of right and wrong can and should be suspended under "special" circumstances, always defined, naturally, by those who defy laws, rules, and societal values. Their circular logic results in their adversaries feeling justified in being equally unethical, since times in which the other side engages in dishonesty, cheating, cruelty, and more is, by definition, extraordinary.

The inevitable result is a downward spiral of conduct, until unethical behavior is the norm. Ironically, the



rationalization that “these are not ordinary times” no longer is necessary at that point. Unethical conduct has become ordinary, the new normal. This is, it is fair to say, the current state of American politics.

### **29. The Altruistic Switcheroo: “It’s for his own good”**

This rationalization is a pip, because it allows one to frame self-serving, unethical conduct as an act of good will and generosity. Cheating the young sprout will teach him to be more careful the next time, and it’s just a pleasant coincidence that you benefit from the deception. It is true that misfortune carries many life lessons, that what doesn’t kill us often makes us stronger, and that what hurts today may be the source of valuable wisdom and perspective later, but it really takes a lot of gall to cheat, lie to, steal from or otherwise harm someone and claim it will be a good thing in the long term. Yet an amazingly large number of people possess this much gall, because the Altruistic Switcheroo is very common, especially among parents who want to convince themselves that bad parenting is really the opposite. A marker for this rationalization is the statement, “*You’ll thank me some day*”—the specious theory of the sadistic parent who named his son “Sue” in the famous Shel Silverstein song made famous by Johnny Cash. No, he won’t.

#### **29 (a). The Gruber Variation, or “They are too stupid to know what’s good for them”**

This is the useful and apparently popular version of The Altruistic Switcheroo based on paternalistic concern and contempt for the victims of unethical conduct. They have been deceived, tricked or otherwise coerced, ignoring their autonomy and treating them with disrespect, because the unethical actor views them as so dumb and unworthy of self-determination, he or she is justified in manipulating them for his—of course, theirs too, if they only were smart enough to realize it!—own benefit.

### **30. The Prospective Repeal: “It’s a bad law/stupid rule”**

Citizenship, an ethical value, requires obeying the law, but a lot of people convince themselves that that laws are voluntary, and that it is somehow ethical to violate “bad” ones, defined, of course, as those that are inconvenient, burdensome, or that stop you from doing what you want to do. Laws embody the ethical values of society, and if one of them seems wrong to you, you are nonetheless obligated to follow it as part of the social contract. To do otherwise is unethical. Your options are limited: write and speak in opposition to the law (or rule), in hopes of changing the societal consensus; work within the system and with others to change the law; find a legal and ethical way around it; or violate it openly as a matter of conscience, and accept the penalty—civil disobedience. It isn’t ethical to violate what you think is a bad law while it is still a law, because this creates an obvious breach of the Rule of Universality: if everyone followed that course, we would have chaos and anarchy. There are bad rules and laws, no doubt about it. It must be the group—society, the culture—that decides when one of them needs to be amended or eliminated. The individual who does this unilaterally is threatening the stability of society, and that’s unethical no matter what the law is.

### **31. The Troublesome Luxury: “Ethics is a luxury we can’t afford right now”**

Ethics is never “a luxury.” It is slyly effective to describe it as such, however, and those who do so usually

believe it—which means you should sleep with one eye open when they are around, watch your wallet, and never turn your back. Saying ethics is a luxury simply means that the speaker believes that one should be good and fair when it is easy and benefits him or her, but when problems loom and crises have to be faced, ethics are optional. This attitude is another calling card of Oliver Wendell Holmes' "Bad Man," the law abiding citizen who will cut your throat for his own benefit if he finds a legal loophole. In a true crisis, ethical values are often the only thing standing between us and catastrophic misconduct in the throes of desperation and panic; they aren't luxuries, they are life-lines. When you hear yourself saying, "I'll do anything to fix this! Anything!" it is a warning, and the ethics alarm needs to start ringing hard. Grab those ethical values, and hold on to them. They are the last thing you can afford to be without at such times.

### **32. The Unethical Role Model: "He/She would have done the same thing"**

This is a fantasy rationalization, and therefore a wonderfully versatile one. Just pick the great, famous and admired man or woman who you think would be most likely to engage in the wrongful conduct you are considering, and you will immediately feel good about it. If you are doing no worse than Churchill, of Gandhi, or Lincoln, or Martin Luther King or Princess Diana, after all, how bad can you be? This is a clever rationalization, but a transparent one. Andrew Jackson was a racist and a killer, but he isn't admired for being a racist and a killer. FDR was vindictive and ruthless, but those aren't the qualities that made him a great President. Lincoln, Jefferson, Oprah—it's easy to cherry-pick flaws among the great and famous, but absurd to use those aspects of their personalities as objects of emulation. It is true: Clarence Darrow would have bribed a jury (and did); Arthur Miller would have neglected a disabled son; Jackie Kennedy would have lived a lie. The fact that we can find someone objectively remarkable who engaged in just about any crime or unethical act we can imagine merely proves that even the best of us fail to negotiate the challenges of life perfectly. It isn't an excuse to stop trying to do the best we can in our own lives.

#### **32A. Imaginary Consent, "He/She Would Have Wanted It This Way"**

Someone wants to profit through some dubious scheme or transaction, and uses the argument that a revered and quite dead family member, personage of importance or icon "*would have approved*," or "*would have wanted it*." Like its progenitor #32. **The Unethical Role Model: "He/She would have done the same thing,"** which employs misdeeds of presumably admirable figures of the past as precedent for misdeed in the future, this is an appeal to irrelevant authority. Worse, Imaginary Consent presumes what cannot possibly be determined without prior express statements from the deceased.

This is one reason why DNR ("Do not resuscitate") orders are essential. Using a fictional consent to absolve a decision-maker from actual responsibility is both a dodge and cowardly, as well as dishonest. I remember the horrible day that my sister and I were called upon to decide whether to terminate my mother, who was unconscious, on life support and beyond recovery. We made the decision quickly, and what my mother "would have wanted" was never a factor. (She had delegated the decision on her own DNR to my sister.) What my mother *wanted*, we both agreed, was to live forever. She would have been willing to have her comatose body waiting for a miracle or a cure until

the hospital crumbled around her....in fact, that's why she delegated the decision without instructions. Sure, it would have been easier to fool ourselves with **#32A**. But it would have been a convenient lie.

The other true story this rationalization makes be think of is the time the elderly parents of a friend decided to euthanize their wonderful, bounding, big and joyful dog Roxie, some kind of a felicitous hybrid between a boxer and a freight train. They were moving into a resort where dogs were not allowed. I was aghast, but they insisted, "We just know Roxie wouldn't be happy living with anyone else."

I argued(they did not appreciate it), "You know what? I bet if she could talk, Roxie would say, *You know, I really like you guys, really, and I'll miss you a lot, but on balance I think I'd rather keep living, thanks. I'll miss you, but I'm pretty sure I'll get over it. Have a great time in Florida.*"

They killed her anyway.

**#32A** is a way to pass off responsibility for an ethically dubious decision on someone who is beyond participation in that decision, and sometimes even the victim of it. It is cowardly, unaccountable, and based on an assertion that may not be true.

### **33. The Management Shrug: "Don't sweat the small stuff!"**

It isn't just small lies that lead down a slippery slope to corruption. Small but unethical short cuts, lazy mistakes, careless inattention and routine sloppiness do so as well. The Management Shrug is the favored rationalization of supposed "big thinkers" who are willing to make a million tiny concessions—often involving harm to others and needless risk—in pursuit of their grand design. Not only does the accumulation of little wrongs, ineptitudes and transgressions erode values, cultural norms and efficiency, it also eventually undermines the mission and goals as well. "Don't sweat the small stuff" is the mark of a bad manager as well as leaders who encourage and foster bad management. The philosophy is one of built in excuses for failures, on the logically absurd theory that a thousand little failures won't add up to one big one.

### **34. Success Immunity, or "They must be doing something right!"**

We often hear this when a successful individual or organization is justly criticized for unethical habits, routines, tendencies or policies, and defenders recoil at the suggestion that a successful formula might be altered in any way. Thus have cruel hazing traditions by winning football coaches received official passes from greedy university presidents, and careless and risky management practices been ignored by voters, as long as an elected leader's policies haven't imploded yet. **Success immunity** is related to **#10, the King's Pass**, but it is even more illogical: it assumes that the wrongful and irresponsible aspects of an individual's or organization's conduct must somehow be part of a magic recipe for success, rather than a serious flaw in that recipe that can and should be removed. *"The chef puts a roach in his soup? Well, it's delicious! He must be doing something right!"* I'm sure he is, but that something isn't the roach. This rationalization embodies the popular and over-used conservative mantra, "If it ain't broke, don't fix it." The problems with that cliché are 1) things that aren't broken can still be improved, 2) things that are

broken will often keep working until they fall apart and someone is hurt, and 3) “not broken” is a long way from “the best it can be.” “*They must be doing something right!*” carries this illogic to the point of absurdity by asserting that what clearly is broken should still not be fixed, because the individual or organization continues to be successful in *spite* of it, on the Bizarro World theory that the perceived success could somehow be a result of it. Like many rationalizations on this list, Success Immunity twists common sense to avoid admitting that obviously unethical conduct is what it is: *wrong*.

### **35. The Tortoise’s Pass: “Better late than never”**

Indeed, when it comes to rectifying or ending unethical conduct, late is definitely better than never. This is, however, nothing but a particularly insidious employment of the worst of all rationalizations, **#21, The Comparative Virtue Excuse** or “There are worse things!” Late is also better than setting the neighborhood on fire, but finally doing what should have been done before harm resulted is nothing to be proud of, unless the agency taking ethical action never had the opportunity of ability to do it sooner. Yes, abolishing slavery in 1865 is better than never abolishing it at all, but the 13th Amendment doesn’t erase the wrong or relieve the accountability of allowing slavery to continue from 1776 until the ban. Absolutely, ending “Don’t ask, don’t tell” was long in coming and necessary, but it is still a disgrace that it took so long to end a disgraceful policy. The worst use of The Tortoise’s Pass, perhaps, is when it is used to excuse from just punishment women who knowingly sent innocent men to prison on their false accusations of rape, and who much later come forward to recant after an attack of conscience. It is true that if you are hitting me over the head with a brick, I am grateful when you stop, and whenever you stop, the end to my pain is appreciated. Don’t expect me to thank you, however, or to relieve you of the responsibility for the consequences due for hitting me *at all*.

### **36. Victim Blindness, or “They/He/She/ You should have seen it coming.”**

[Two readers, [Dwayne Zechman](#) in 2012, and [Mark Draughn](#), who blogs at [Windypundit](#), proposed this latest addition to the **Ethics Alarms Rationalizations list**, and it is an excellent one. *Ethics Alarms is indebted to them both.*]

Asserting the rationalization of Victim Blindness attempts to shift responsibility for wrongdoing to the victims of it, who, the theory goes, should have known that their actions would inspire the conduct that caused them harm, and thus they should have either avoided doing what sparked the unethical response, or by not doing so waived their right to object to it. This is closely related to a sub-category of **#7, The Tit-For-Tat Excuse**, which holds that one party’s unethical conduct justifies similar unethical conduct in return. The sub-category is “*They asked for it.*” Victim Blindness is similar, but it applies even greater responsibility to victims: whether they asked for it or not, they *should have known* their actions would be met with this unethical response, and their ignorance, carelessness or stupidity constitutes a waiver of ethics.

Clever, but nonsense. We do not judge the ethics of conduct according to the virtues, or lack of same, of its object. Rescuing a rotter from certain death is as admirable as rescuing an innocent child; horse-whipping a chiseling, cheating, wife-beating cannibal is still wrong. Predicting that another individual’s unethical conduct might follow from one’s own acts, good or bad, is irrelevant to the analysis of whether that

subsequent conduct is right or wrong.

Stopping or avoiding unethical conduct that I know is coming may be wise and it may be prudent, and I may blame myself for failing to do either if that was possible, but the last person who has standing to blame me for my fate is the one doing me harm. He, not I, had the last opportunity to prevent the wrongdoing, by simply declining to do it.

**#36 A. The Extortionist's Absolution** ("You were warned!")

**#36, Victim Blindness** takes the side of the treacherous scorpion in the fable of "The Scorpion and the Frog." #36 A, "Extortion Ethics," takes that argument one step further, asserting that a victim's defiance of a threat or warning that unethical conduct will be the response to an ethical action constitutes a waiver of ethical principles by the victim.

It doesn't. The fact that a victim ignored a warning may make him guilty of negligence, or recklessness, or foolishness, or bad judgment, but it doesn't mitigate the unethical quality of the threatened response in any way. The law takes the same approach. A "Trespassers will be shot!" sign doesn't give a property owner the right to shoot trespassers with impunity. "**The Extortionist's Absolution**" rationalizes that the threat "Do what I want or I'll harm you!" removes all future ethical responsibility from the potential harm. This does not apply, of course, to a warning that is reasonable and justified, of consequences that are proportionate, legal and fair.

**36 B. The Patsy's Rebuke, or "It's not my fault that you're stupid!"**

**Rationalization #36, Victim Blindness**, holds that a purveyor of unethical conduct should be exonerated if his victim "asked for" mistreatment or should have taken affirmative steps to avoid it, and **#36 A, The Extortionist's Absolution**, holds that when there were sufficient warnings that a victim was at risk, that victim can't complain about results he could have and should have avoided. **36 B, The Patsy's Rebuke**, covers the related but distinct situation where deception, fraud or misrepresentation would be "obvious" to a perceptive, intelligent, educated individual, so the unethical actor argues that nobody but the victim of that deception is blameworthy.

Politicians, policy advocates, scientists, academics, lawyers and doctors, among others, all are prone to using **36 B** to justify their adoption of deceit and obfuscation to accomplish their ends. Lawyers use jargon to sound authoritative and to obscure meaning from laymen. Policy advocates quote statistics to "prove" what the numbers really don't prove, counting on the inability of the trusting, inattentive, ignorant and gullible to see the flaws as insulation against rebuttal. Advocates use statistics, falsity, jargon and ambiguity with the assumption, sadly justified, that most listeners and readers are both overly trusting and lacking in the training and acumen to know when they are being manipulated. If anyone is misled—and the intent is to mislead them— it's their own fault for being stupid, lazy and ignorant.

It is not, however. Politicians, policy advocates, scientists, academics, lawyers and the rest have an ethical obligation to recognize the abilities of their likely audience (including those who will relay or interpret it, like the news media), and make their meaning as clear, direct and unambiguous as

possible.

### **37. The Maladroit's Diversion, or "Nobody said it would be easy!"**

This rationalization is used to cleverly shift the responsibility for failure away from the individual or team that mishandled a task, obligation, promise or mission. By emphasizing that the goal was difficult, a fact that indeed was known to all and should have figured into the planning and the execution of the operation to accomplish it, The Maladroit's Diversion focuses attention and criticism away from those responsible for a disaster—those whose incompetence, lack of diligence, and poor judgment were the real reason an important task was not accomplished, not the fact that it wasn't "easy." The rationalization strives to avoid accountability, and conveniently prepares for an ultimate failure to succeed by planting the thought: "This objective is so difficult, who can blame him/her/them for failing to do it?"

### **38. The Miscreant's Mulligan or "Give him/her/them/me a break!"**

**The Miscreant's Mulligan** is in a large cluster of rationalizations that aim to avoid the consequences of wrongful conduct by making others feel guilty about placing responsibility squarely where it belongs, by arguing that the miscreant isn't so bad, isn't different from anyone else, or that he meant well.

Among the rationalizations it hangs out with are **1. The Golden Rationalization**, or "Everybody does it;" **6. The Biblical Rationalizations** "*Judge not, lest ye not be judged,*" and "*Let him who is without sin cast the first stone,*" **10. The King's Pass** (of course); **12. The Saint's Excuse**, or "It's for a good cause;" **18. The Perfection Diversion**: "Everybody makes mistakes!" and last, right where it belongs, **21. The Comparative Virtue Excuse**: "There are worse things." Essentially what "the break" translates into is an unearned opportunity to commit the same unethical act again...or worse, without accountability or contrition in the interim. Individuals who knowingly and intentionally engage in wrongful and unethical conduct or who breach ethical duties should always experience the appropriate consequences, be it criticism or something more tangible. Unless "Give him a break!" is accompanied by a compelling reason not found on this list, the proper answer to the plea is simple, "No."

#### **#38 A. "Mercy For Miscreants."**

The theory behind this sub-rationalization is that it is only fair to assign a criticism *quota* to groups and individuals: at a certain point, no more criticism is allowed, because nobody should have to be criticized that much. It is so darn *mean* to keep heaping abuse on someone, even if they deserve it. This is arguably more sinister and illogical than its parent, because it is based on the counter-intuitive theory that the more someone is deserving of criticism, the less they *should* be criticized. On occasion, this rationalization also appeals to **#21. Ethics Accounting**, arguing that if an individual or a group has been unfairly criticized in the past, that should count in their favor and relieve them of being legitimately criticized later.

Advocates of this rationalization are prone to say things like "Move on!", "Let it go," and "Stop beating a dead horse." Unethical people count on this: their persistent unethical conduct wears us out. Nonetheless, The amount of criticism for actual wrongdoing should be directly and exactly proportional to the extent and seriousness of the wrongful acts.

### **39. The Pioneer's Lament, or "Why should I be the first?"**

This rationalization was proposed and perfected in the drafting by treasured Ethics Alarms reader Eeyore, who described The Pioneer's Lament as being the rationalization of choice for

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*"...a person who avoids accountability, and who rejects the full consequences of accountability for an unethical act, by taking a position of, "Why should \*I\* be the one who makes an example of himself? Why should \*I\* be the first to suffer consequences, when so many more do the same thing and get away without suffering?" That is the persecution I might feel, and how I might think, if I was pulled over for speeding while driving amidst a cluster of other speeders: "Why am I being singled out? Why should I have to pay a fine for this, when so many others are speeding right along with me (and so many more are speeding by even faster than I did while I stand still here, kept from going my way, for this futile, revenue-grabbing police action)? How likely is any punishment I receive for this going to cause me not do the same thing again? How likely is any punishment I receive for this going to cause anyone \*else\* not do the same thing again? What's the point of my doing only what I should, only to miss out on doing what I can like everyone else does, when nobody else is doing what they should do anyway?"*

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The presumption that lack of enforcement or punishment for unethical conduct means that the conduct is no longer wrong is illogical, self-serving, unjustified and unwarranted. Wrong is wrong, whether there is a formal rule against it or not, or whether or not anyone is paying attention to the misconduct at any particular time. Whether you are the first or the only one to face the just consequences of intentional conduct you knew was wrong, the systemic problem of inconsistency is the system's issue to address. Your conduct, however, still reaped what it sowed.

### **40. The Desperation Dodge or "I'll do anything!"**

Desperation and crisis do not suspend ethical imperatives. Indeed, that's when values and integrity becomes most important. Feeling like the walls are closing in and that all may be lost is when sound ethics stand as a bulwark against the temptation to prevail no matter what the cost to others. Hearing the voice in one's head say, "I'll do anything!" should set off the most jarring ethics alarms of them all, because the boundary between principle and expediency, good and evil, and courage and cowardice, lies dead ahead. If one is truly ethical, there are things you will never do and must never do, no matter what the crisis. Desperation doesn't suspend ethics. It validates ethics.

### **41. The Evasive Tautology, or "It is what it is."**

Comparative Virtue, or "It's not the worst thing" is my least favorite of all the rationalizations, but **The Evasive Tautology** is the most annoying. It is the increasingly popular rationalization of the eternal shrug, the genesis of "Well, what are you going to do?"... "Who can blame him?"... "That's life!"... "It's the way of the world" and dozens of other facile clichés in many languages that essentially boil down to the excuse of ethical surrender. This is the rationalization of low expectations, not merely a rationalization but a life philosophy of passive acceptance of wrongdoing, apathy, and non-judgmental complicity in life's injustices and the lowest common denominator of human behavior. The statement "**It is what it is,**"

whether by others or oneself, must never end an ethical debate but begin it, with the essential follow-up being the question: “What is it?” Often, the answer is unwelcome but simple, and the very fact the Evasive Tautology is designed to evade. What is it? *Wrong*.

#### **Rationalization 41 A. Popeye’s Excuse, or “I am what I am.”**

This sub-rationalization embodies the proposition that genuine unethical conduct and incivility becomes magically virtuous and praiseworthy if it is “real,” “sincere” and “unapologetic.” Utter nonsense. I suppose a complete jerk who advertises the fact in neon on his forehead at least can’t be accused of trying to fool anyone, but that is hardly a mitigating factor. Sure, let’s stipulate that the jerk is exactly who and what he presents himself as being. This doesn’t excuse his conduct in any way. *He is what he is*, and what he *is* is an irresponsible, narcissistic, rude, boorish, uncivil, nasty, destructive, ignorant, impulsive untrustworthy and despicable creep. Being a *real* irresponsible, narcissistic, rude, boorish, uncivil, nasty, destructive, ignorant, impulsive untrustworthy and despicable creep is no more ethical than being a phony one. In this case, transparency is not a virtue.

#### **42. The Hillary Inoculation, or “If he/she doesn’t care, why should anyone else?”**

This is a complex, hybrid rationalization that draws upon the warped and corrupting logic of “Everybody does it,” the Biblical rationalizations, Comparative Virtue (“there are worse things!”) and a few others to reach an absurd argument that nevertheless sometimes carried the day. One example that will live in infamy, and the inspiration for #42’s title, was Bill Clinton’s Monica Lewinsky scandal, which exposed him beyond all doubt as a liar, a power abuser, a hypocrite and, incidentally, an adulterer, not that anyone was surprised at that. His wife, First Lady Hillary Clinton, prominently defended her husband, somehow keeping her feminist creds at the same time, a neat trick. She knew which side of the bread her butter was on, as the saying goes: her loyalty was going to pay off more than righteous indignation. Thus she obfuscated, spun and lied for Bill, and gave his defenders this jaw-dropping argument, which they used liberally:

“If Hillary is willing to forgive him, why shouldn’t we?”

Let us count the ways. *Why?*

- 1. Because her relationship to her is as a wife to a husband and ours is as citizens to a national leader. The standards are different, the stakes are different, and the consequences of the betrayal of trust are different.*
- 2. Because the seriousness of an ethical violation is not defined by who chooses to tolerate or forgive it.*
- 3. Because her decision to ignore, forgive or tolerate may be the product of bias, self-interest, or other non-ethical considerations that make the decision unreliable, untrustworthy, and a poor template for the response of others.*
- 4. Because she may be wrong, mistaken, or a fool.*



5. *Because we each are responsible for making our own ethical judgments, and to delegate those judgements not only to a third party, but to a third party who is not objective and likely to be affected by conflicts of interest, makes neither logical nor ethical sense.*

#### **43. Vin's Punchline, or "We've never had a problem with it!"**

This frequently heard rationalization is named for the moment in that ethically-rich Western classic, "The Magnificent Seven," when Vin, played by Steve McQueen, says, "Reminds me of that fella back home who fell off a ten-story building. As he was falling, people on each floor kept hearing him say, "So far, so good." Heh, so far, so good."

When individuals, organizations and institutions are warned about conduct that is irresponsible, reckless, dangerous, or clearly unethical, as in an ongoing conflict of interest, the brush off frequently is expressed as "We've never had a problem with it." This is, of course, the equivalent of Vin's punchline. Irresponsible, reckless, dangerous, and unethical conduct IS a problem, and if bad consequences have not arisen as a result, they are almost certainly will. Even if somehow they do not, all Vin's Punchline argues is that the conduct hasn't been noticed yet ("The Unethical Tree in the Forest" rationalization) or hasn't caused any harm ("No Harm, No Foul"). It isn't really "So far, so good." It is really "So far, so bad." The conclusion that because there hasn't been a disaster yet, the conduct is acceptable is a particularly idiotic brand of *consequentialism*, and a form of magical thinking. If one is juggling chainsaws, the intelligent retort to someone who claims you are risking your life should not be that it's obviously safe because you are not yet cut to ribbons.

#### **44. The Unethical Precedent, or "It's Not The First Time"**

This rationalization can be another variation on the Golden Rationalization, "Everybody does it," like *"It's done all the time"* and *"We've always done this,"* but its intent is often different. The suggestion is that because an unethical act has been done before and presumably permitted, ignored, or endorsed, that presumptively ratifies the same or similar conduct as acceptable from now on. In fact, it does not. In *fact*, the argument is nonsensical.

An individual instance of bad conduct may have been tolerated or forgiven on the theory that a warning was sufficient, or that the circumstances prompting it were unlikely to occur again. That didn't mean that the conduct was desirable, responsible, fair or something that would make a good societal norm. Moreover, *"It's not the first time"* cuts the other way: if this conduct is happening repeatedly and with increasing frequency, that may make it *worse*, not more permissible. (*"Hey, this isn't the first shell that Hamas has shot into Israel! What are you so bent out of shape for?"*)

This extremely versatile rationalization also can carry a similar unethical rational to the worst of all rationalization, **#22, Comparative Virtue, or "It's not the worst thing."** After all, it can't be the worst thing because it's been done before! *"Ray Rice isn't the first man to hit his girlfriend"* (so it's unfair for the NFL to punish him severely), The most common use, however, is to use "It's not the first time" to claim a double standard. Today, arguing on Sunday Morning shows about whether President Obama was exceeding his Constitutional authority by unilaterally changing the provisions of the Affordable Care Act, a Democratic Congressman pointed out that it wasn't the first time a President had done this. The simple

response is: “So what? It was unconstitutional then, and it’s unconstitutional now. It should have been stopped the first time, if it had been, we wouldn’t be having this conversation.”

In this use of the Unethical Precedent, the unethical actor or his or her defender is laying the groundwork for Rationalization #39. **The Pioneer’s Lament, or “Why should I be the first?”**, which stakes out a different position. The Unethical Precedent posits that because the conduct has been done before, it isn’t unethical; #39 is the fallback: “OK, it’s unethical, but it’s unfair to punish me for it if you didn’t punish everyone else before me.”

As with all of the entries on the [Rationalizations List](#), you should protest any time you hear someone use the phrase to justify his conduct or that of anyone else. Any time you here the phrase forming in your own brain, you should realize that you are preparing to lie to yourself to justify an unjustifiable action. Finally, any time you hear, see or read about a politician or pundit using the phrase, understand that they are 1) lying, 2) unethical, 3) not very bright, or all three.

#### **45. The Abuser’s License: “It’s Complicated”**

CNN’s host Carol Costello, explaining why it was unfair to criticize Janay Palmer for marrying Ray Rice, the pro football star who punched her lights out in a hotel elevator when they were engaged, said, as the entirety of her argument, **“It’s complicated.”** My rationalization alarm immediately began clanging.

Later, Costello noted that the decision to stay with a potentially deadly partner was related to the emotion of *love*, as if love deserves an ethics pass that other emotions do not. In this context, “It’s complicated” is a matched set with #23. Woody’s Excuse: *“The heart wants what the heart wants.”*

Love does not get a pass, or warrant one. Love is one of the most powerful of the non-ethical consideration magnets that stop ethics alarm clappers from moving when they should, and the sentimental, warm and fuzzy tradition of excusing harmful, irresponsible, clearly wrongful conduct because it might have been motivated by love is a rejection of ethics in favor of romance. Love is not the most benign of impediments to sound ethical reasoning, but rather one of the most insidious. Some of the worst crimes in human history have been rationalized by lovers. If the the coded meaning of *“It’s complicated”* is “it’s love, and we can never plumb the mysteries of the heart!”, the sentiment should be received with exactly the same contempt as “It’s greed,” “It’s hate,” or “It’s revenge.”

Fine: Ray Rice’s fiancée will allow him to escape accountability for criminally assaulting her, thus putting herself and other women in mortal peril as well as encouraging similarly irresponsible and reckless conduct from similarly deluded and vulnerable women. It may be *complicated*, but its still wrong. If we don’t criticize people who do obviously wrongful, self-destructive, anti-social things, like marrying domestic abusers and allowing them to avoid the consequences of their actions, then such conduct appears to be acceptable in the eyes of society.

“It’s complicated” has broader uses, however. The implication is that “yes, this looks bad, but if you knew all of the details, history and considerations, you would understand.” The meaning, however, is simpler still: *“This was a difficult decision, so we shouldn’t judge it.”*

Of course we should.

Ethics decisions are often difficult and complex; if they are easy, then there is seldom a problem. Complexity doesn't change the nature of right and wrong. When an ethical dilemma or conflict is complicated, that is when special care, thought and analysis is mandatory. When the wrong resolution is chosen, the fact that the issue was complex is irrelevant to the fact that the final decision was unethical. If it was unethical, it is important to say so, to make certain that *nobody labors under the misconception that it was the right thing to do* when they face similar decisions.

"*It's complicated*" is also lazy. Let's tackle the complicated ethical issues, dive into them, and solve them. Abortion is complicated; capital punishment is complicated; the Israel- Palestinian problem is complicated; illegal immigration policy is complicated; euthanasia is complicated; the proper use of U.S. power in the world is complicated. Complexity doesn't relieve us of the responsibility of seeking the right approach to these matters. "*It's complicated*" is an ethics cop-out.

The irony is that the decision of Janay Palmer to let her abuser avoid appropriate legal consequences and trivialize his conduct toward her by endorsing a dangerous social pathology and marrying Ray Rice *isn't* all that complicated.

It is just *wrong*.

#### **46. Zola's Rejection, or "Don't point fingers!"**

"*J'accuse ...!*" ("I accuse...!") was a famous open letter to French president Félix Faure, published January 13, 1898 in the newspaper L'Aurore by novelist Émile Zola. It accused the French Government anti-Semitism and a breach of justice in the prosecution and imprisonment of Alfred Dreyfus, a French Army General Staff officer sentenced to lifelong penal servitude for espionage. His well-argued accusation was the epitome of effective finger-pointing, and played a major role in bringing down a corrupt government.

Nonetheless, pointing fingers where they need to be pointed, when they need to be pointed, is inconvenient for the incompetents, miscreants, con artists, spinners and otherwise accountable parties so accused. Thus they and their allies often exploit this peculiar rationalization, which is better described, perhaps, as rationalization fertilizer. "*Don't point fingers!*"; or its common variation, "*Stop pointing fingers!*" provides protection for the very people who most deserve to be pointed to, allowing them to deny culpability, avoid the just consequences of their failings, and best of all, divert appropriate attention from what they have done or not done to the supposed meanness and vindictiveness of critics who want to make sure the same mistakes don't occur again, especially with the same officials in charge.

And, ironically, the cry "*Don't point fingers!*" is often followed by those who cry it pointing fingers themselves, at others. It has unlocked, in such circumstances, the use of **Rationalization #7, The Tit-For-Tat Excuse**, which holds that one party's unethical conduct justifies similar unethical conduct in return.

**#46, Zola's Rejection**, is especially insidious because it is literally true when the finger-pointing is an effort to divert attention *away* from the individuals and bad decisions responsible for a disaster. We are

seeing this in the reaction to the complete inadequacy of the Obama Administration's response to the Ebola crisis. Various professional Obama accountability-evaders are now making the accusation that the breakdown in the health system was caused by Republican-led budget cuts. Glenn Kessler, the Washington Post Factchecker and himself an Obama accountability-evader on occasion (though much less lately), [pronounced \*that pointed finger a digital lie\*](#):

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“Generally, Congress gave the NIH about what the president requested — sometimes more, sometimes less. In 2013, for instance, Congress gave the NIH more than what the White House had requested, but then \$1.5 billion was taken away by sequestration. Whose idea was sequestration? It was originally a White House proposal, designed to force Congress to either swallow painful cuts or boost taxes. The law mandating sequestration passed on a bipartisan vote — and then Republicans embraced it even more strongly when they could not reach a grand budget deal with President Obama. For fiscal year 2015, the documents show, it was the Obama White House that proposed to cut the NIH's budget from the previous year. Moreover, we should note that President George W. Bush, a Republican, is responsible for significantly boosting NIH's funding in the early years of his presidency.”

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Yes indeed, we should certainly stop *this* kind of finger pointing.

As Zola's audacity showed, however, justified finger-pointing is essential for society to improve, reform, and advance. Finger pointing is how ethical standards are decided and enforced, by objective and responsible citizens and institutions pointing fingers and saying, “You are right, you are wrong,” and explaining why, fairly and reasonably. During the various interviews as the entire set of Ebola protocols and their execution were shown to be ineffective and ill-considered, I watched one official after another say, “We have to stop pointing fingers and fix the problem.” How can any problem be fixed without identifying who screwed up, and making certain they either don't do it again, or are not in the position to do it again?

Those who employ Zola's Rejection exploit the Golden Rule distortion used by the anti-snitching forces: none of us would want the finger pointed at us, so, the argument goes, we shouldn't point at others. It is clever, because their real motivation is to take accountability off the table, since they are the ones accountable. An ethical individual, however, especially a public servant, should always want the finger pointed at him or her if in fact he or she is responsible. It is the only way to do one's job better—to learn from mistakes. Ethical people willingly, openly and fearlessly point fingers at themselves, if necessary and deserved.

#### **47. Contrived Consent, or “The Rapist's Defense.”**

Many of the rationalizations involve a wrongdoer's claims that the victim of wrongdoing justified the unethical act. In Rationalization #2, **The “They're Just as Bad” Excuse, or “They had it coming”** the claim is that the wrongdoing of the victim either earned the misconduct or somehow made it ethical by the victim's own conduct. The related Rationalization #7, The “Tit for Tat” Excuse, posits that one can do anything, no matter how wrong under normal conditions, to someone who engages in the wrongful conduct toward you. It is the rationalization for vengeance. **#10, The Unethical Tree in the Forest,**

or **“What they don’t know won’t hurt them,”** stands for the convenient and absurd proposition that as long as someone doesn’t know they have been lied to, cheated or otherwise harmed by unethical conduct, that conduct isn’t really unethical.

**#29. The Altruistic Switcheroo: “It’s for his own good,”** is self-explanatory. **#36. Victim Blindness, or “They/He/She/ You should have seen it coming”** adopts the position that a victim is responsible for his or her own mistreatment by being insufficiently alert to prevent it. **#42. The Hillary Inoculation, or “If he/she doesn’t care, why should anyone else?”** is the argument that forgiveness, acceptance or submission after the fact by the victim or target of unethical conduct somehow makes bad conduct more virtuous.

**Contrived Consent, or “The Rapist’s Defense,”** aims to cleanse unethical conduct by imagining that the victim consented to it, or secretly sought the result of the wrongful act. The most infamous example of this rationalization is, of course, the rapist’s defense that the victim either was inviting a sexual assault by flirtatious conduct or provocative dress, or secretly “wanted it.” This is also a common theme of totalitarian rationalizations: the peasants don’t want to have to think for themselves. They *want* to be dominated and brutalized.

It is, perhaps, the ugliest rationalization of all.

#### **48. Ethics Jiu Jitsu, or “Haters Gonna Hate!”**

This vintage of obnoxious rationalization is recently pressed. Its objective is to turn the tables on legitimate critics of unethical conduct by asserting that it is the act of criticism itself that is wrong, thus allowing the object of the criticism to not only escape unscathed, but to claim victim status.

**Ethics Jiu Jitsu** is similar to the **#6, the Biblical rationalizations** *“Judge not, lest ye not be judged,”* and *“Let him who is without sin cast the first stone,”* except that those are used (incorrectly) to suggest that nobody is good enough to criticize the conduct of others, not that the act of criticism is inherently hateful. The insidious trick that this rationalization embodies thrives on the modern criminalization of hate in the culture. Hate is just very intense dislike, and as a feeling, it is well within the realm of personal rights. Hate crime is a variety of thought-crime. The politically-motivated legal monstrosities known as “hate crimes” have inspired this rationalization by making it plausible to argue that dislike itself is wrong, even when what is being disliked, criticized or hated is objectively wrongful conduct. All “haters” are lumped together, whether the object of hate is Lance Armstrong’s cheating, the NFL’s conspiracy to hide the effects of concussions, or Barack Obama’s ineptitude, in a linguistic trick that suggests that sincere critics are no different from people who hate the United States, minorities, decency, true love and puppies. They are all haters, hate is bad, and it’s the haters who are the problem, not the corruption, dishonesty, and betrayals they criticize.\*

In truth, those who don’t have the ethical bearings, the courage or the civic responsibility to criticize unethical conduct in the culture are the real problem as we strive for an ethical culture. They can often be identified by their mouthing of the fatuous accusation, *“Haters gonna hate!”*

**\*NOTE:** *In popular culture, the supposed motive for the hate is envy and jealousy, as in the juvenile*

*rejoinder, "You're just jealous!"*

#### **49. "Convenient Futility," or "It wouldn't have mattered if I had done the right thing."**

One of the more pathetic excuses incompetent and negligent individuals try to employ when they have made bad decisions is to argue that a better decision would have not made any difference, so, by implication, it wasn't such a bad decision after all. It may or may not be the case that the irresponsible or incompetent decision wasn't the reason for the related harm, but that is just moral luck. The decision was wrong when it was made, and whether it actually caused the damage, harm, or catastrophe because of what the law calls "intervening causation" in no way mitigates the individual's incompetence.

The rationalization confounds law and ethics. I was once on the jury for a medical negligence lawsuit in which a woman was suing a doctor for causing her to go blind by giving her an incompetent diagnosis. The doctor's defense was that she would have lost her sight anyway because she didn't follow the treatment prescribed by another doctor. That defense worked: he wasn't legally responsible for her blindness due to an intervening cause. Nevertheless, the doctor was still an incompetent, dangerous doctor. He was just lucky that his ineptitude didn't blind her.

"It wouldn't have mattered because the same thing would have happened even if I was competent" is still an admission of incompetence.

#### **50. The Apathy Defense, or "Nobody Cares."**

Rationalization #50 is kind of a reverse #1, which is, of course, "Everybody does it." The Apathy Defense doesn't hold that wrongful conduct is right because lots of people do it. Its dark genius is to confuse consequences with values. What nobody will hold you accountable for must not be very wrong, or even wrong at all, since people are good, and good people care about right and wrong. Therefore, if a wrongdoer can successfully convince the public or society not to care that they are doing wrong, that wrong no longer exists, at least as far as that wrongdoer is concerned. It's *not* wrong, because nobody gives a damn.

The Apathy Defense is at the root of many other rationalizations, like The King's Pass, The Saint's excuse, and even "the ends justify the means." It is, in fact, one of the most dangerous and corrupting rationalizations of all. *Politicians are taking bribes? Who cares? What matters is whether they make the government work.* So taking bribes becomes acceptable. *Leaders are lying to the public? **Nobody cares!** What matters is that he's our guy! It only matters when their guy lies!* Now leaders know they can lie with impunity, without consequences or shame.

*"Our Jewish neighbors who are being shipped out of the country are being liquidated? **Who cares?** Things are getting better here."*

Naturally, the next step is to mock and deride anyone who says we should care.

When a wrongdoer or a wrongdoer's allies use **Rationalization #50**, be afraid...for yourself, and your culture.

#### **Rationalization 50A. Narcissist Ethics , or "I don't care"**

Rationalization 50 is **The Apathy Defense, or “Nobody Cares.”** The theory there is that as long as “nobody” is bothered by the unethical conduct, it’s ethical. Of course, the flaw in that argument is that there is always someone who properly objects to unethical conduct, so the rationalization fails for the same reason as #1, **“Everybody does it”**...it often isn’t true.

**Rationalization 50A** solves that technical problem by asserting the validity of completely subjective ethics: as long as the self-satisfied, egomaniacal individual doesn’t care about the ethical standards and values being breached or the predictable results of the conduct breaching them, it doesn’t matter who cares. His or her own assessment is enough. If it’s not unethical to him, it’s not unethical. Neat!

This places 50A in close proximity to #14, **Self-validating Virtue**. The difference is that in that rationalization, the unethical actor is convinced that since he or she is inherently virtuous, anything **they** do must therefore also be virtuous. 50A re-defines ethical conduct as only involving “things I care about,” no matter who is involved.

### #51 . **The Underwood Maneuver, or “That’s in the past.”**

This rationalization has the honor of being named for a President, though a fictional and sinister one: Frank Underwood, the devious, psychopathic, lying and murdering Chief Executive, played by Kevin Spacey, who leads the den of thieves and blackguards who populate the fictional Washington, D.C. in the Netflix drama, “House of Cards.”

**The Underwood Maneuver** is versatile. Frank’s favorite use of it is when he is seeking assistance from one of the many elected officials, appointees and others whom he has lied to or metaphorically stabbed in the back. “Why should I trust you now, when you betrayed me?” these poor souls are always asking. “Oh, but that was in the *past!*” says Frank, in his gentle South Carolina accent. “This is *now*. We need each other *now*. What’s done is done. Let’s move forward.”

What makes the Underwood Maneuver so devilishly effective is that, like many other rationalizations, there is a nugget of common sense in it that makes it seem reasonable. Why let an incident that cannot be undone limit our options today? Why be hampered by bitterness, anger, and hurt, when a new slate looms, and all can be made right? Like #50, **The Apathy Defense**, #51 also hints that dwelling on past wrongs is pointless, graceless and irrational. *Everybody has forgotten about that, so why can’t you? Why can’t you move on?*

**The Underwood Maneuver** falsely holds that time erases accountability. Like Frank, real life unethical politicians know that if responsibility for a scandal, lie or crime can be denied, delayed, ducked, distorted and ignored long enough, the news media and the public will become fatigued and frustrated, and ultimately give up on holding the wrongdoers accountable. Outside of political life, we have a sack full of nostrums and wise saying that urge us to move on from bad experiences. *Let bygones be bygones. Forgive and forget. Let the past stay in the past.*

This of course, is wonderfully useful to the habitually unethical, because “moving on” gives them the benefit of undeserved forgiveness and trust, and an opportunity to repeat their unethical and harmful conduct, or worse. **The Underwood Maneuver** doesn’t just urge its victims to give up

crippling grudges, which would indeed be positive advice. It also manipulates the victim of wrongful conduct into forgiving and forgetting without the essential contributions a truly reformed wrongdoer must make to the equation: **admission of harm , acceptance of responsibility, remorse and regret, amends and compensation**, and good reason to believe that the unethical conduct **won't be repeated**. Frank Underwood never provides any of that, because **“That's in the past”** is designed to put gullible victims at ease so they will let down the guard that experience would otherwise provide to them.

By emphasizing that wrongdoing was in the past, this rationalization all but assures that it is also lurking in the near future.

## **52. The Hippie's License, or “If it feels good, do it!” (“It's natural”)**

One of the most seductive and simple-minded of rationalizations, The Hippie's License flourished in the 1960's and still haunts us today. The theory is that that up-tight and sanctimonious moralizers drive mankind into misery, stress and insanity by denying basic human urges and instincts, and worse, declaring conduct based upon them wrong. This leads to guilt and the reduction of self-esteem. The Hippie's License was employed in the Swinging Sixties to justify everything from promiscuity and adultery to petty theft and lawlessness, incivility, vandalism, public defecation and poor hygiene. It was also, as it is today, wildly hypocritical: the hippies derided violence, and little is more human or natural than *that*.

The sad truth is that ethics are unnatural, civilization is unnatural, and the state of being human demands a greater acceptance of responsibility to others than nature has programmed into us. Ethics evolve faster than we do; while our DNA is telling men to mate with every healthy and attractive female, to fight those who challenge their status in their group and to take what we want and need whenever we want and need it, civilization, traditions, laws, societal standards, experience, knowledge, education and ethical systems instruct us otherwise for our own good. Indeed, much of the task of being ethical involves recognizing natural instincts that make us do bad things, and resisting them.

Nothing, for example, is more natural than bias. Bias is a reflex emotion created by experience. We are hard-wired to be biased, because thinking takes too long in the wilderness, and by the time Natural Man or Natural Woman has examined all relevant factors in a situation rationally, they are dead. Bias is what makes us reluctant to eat strange looking foods that smell funny. In the jungle it keeps us from being poisoned; in civilization, it robs us of the joys of Brussels Sprouts. Bias aids survival, but it impedes the construction of a fair and just society where everyone can thrive and enjoy their lives. Let us stipulate that it is natural for those with power to use it, and thus to abuse it; it is *natural* to hate, envy, to be jealous, and selfish, and to act according to all of those natural impulses and more. That doesn't make conduct springing from any of these natural impulses right, even if it feels good, and it often will.

**Rationalization #51** has as many defenders as **The Golden Rationalization, #1, “Everybody Does It.”** Whole philosophies have been based on it, like Hedonism, which holds that personal pleasure is the highest human value. Ethics, however, is a practical discipline: an ethical theory that leads to societal disaster isn't ethical. Hedonistic societies don't work; that's why you don't see a lot of hippies any more, or if you do, you think of them as *“inmates,” “convicts,” “incapacitated”* or *“the homeless.”*



Defending conduct as ethical because it's natural makes as little logical sense as the converse, arguing that what isn't natural must be wrong, otherwise known as "*If God had meant us to fly, He would have given us wings.*"

Sadly, it is natural to be unethical, which is why learning, thinking about and practicing ethics are necessary and important. It is also why coming naturally can't possibly mean that a particular form of human conduct must be ethical. To argue that would mean that being unethical...is ethical.

I believe that we all can agree that it isn't.

### 53. Tessio's Excuse, or "It's just business"

Near the end of "[The Godfather](#)," longtime Don Corleone loyalist Sal Tessio (played by the immortal Abe Vigoda) is caught attempting to ally with a rival family in an attempt to kill the new Don, Michael Corleone. As he is taken to the car for his final ride, Tessio turns to *consiglieri* Tom Hagen and says...

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**"Tell Mike it was only business. I always liked him."**

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Ah. It wasn't *personal*, you see, this attempted assassination. That makes it all right.

It is true that in leadership positions, duties to stakeholders may require ugly trade-offs and collateral harm to innocent people, but Rationalization #52 makes such decisions too easy. They should be hard. By pretending that caring isn't a core ethical value, Tessio's Excuse turns what must be an ethical decision into a pragmatic one.

If Winston Churchill, allowing Coventry to be firebombed in WWII in order to protect the secret that the Allies had broken the Enigma Code, had later explained that "it wasn't personal," the comment would have been viewed as callous, and rightly so. When the lives, fates and welfare of human beings are judged to be insufficiently important to spare them, not a high enough priority to choose them over "business," then that is a personal decision, at least in significant part. The decision-maker didn't care enough about the people to choose another course.

In Tessio's case, he chose to betray an ally, friend and leader for his own benefit. Such conduct has to be personal. The assertion that only the abstract, not the personal, is relevant is the mark of a sociopath. He knows that a person will be killed, and that the victim's loved ones will be hurt. Waving aside these relevant factors in the ethical balancing process will lead inevitably to a pure "ends justify the means" philosophy: money means more than human beings, success means more than human beings, advancement means more than human beings. For the human beings sacrificed and any objective observer, the message is that the impersonal actor doesn't give a damn.

The explanation can be a valid one when professionals behave professionally. A lawyer is bound to seek her clients' legal objectives, and is required not to have any regard for the opposing party's needs and interests at all. (Harming someone without a legitimate reason, however, is still unethical.) For professionals, who are dedicated to the best interests of society, it really *isn't* personal. Nor is a general

who must kill civilians to defend a city acting out of personal animus.

If a CEO or manager is ethical, he or she will fire a best friend from the staff in a budget squeeze when the friend is the least profitable staffer. When the harm done is voluntary and unethical, however, and not dictated by a prior duty or legitimate orders, it may breach both the ethical principles of reciprocity and the categorical imperative. When people are harmed, they really don't care whether the motive was personal dislike or lack of caring, so why assume that the "it was just business" makes the damaging conduct better? Meanwhile, saying that you harmed another person to accomplish a personal or professional objective is an admission that one has used a human being to accomplish an end without the individual's consent.

There is an ethical obligation for all of us to balance the harm our conduct does to other human beings with that conduct's benefits. **Tessio's Excuse** isn't a justification. It's a confession.

#### **54. The Joke Excuse, or "I was only kidding!"**

This is a common backtracking strategy when someone has been caught making a hurtful, unfair, false or otherwise unethical statement. It is also the default rationalization for hoaxes that are irresponsible.

When non-comedians try the joke excuse, it is usually recognized for the lie it is. For example, failed Massachusetts Senate candidate Martha Coakley's embarrassing identification of Yankee-killing Red Sox pitching hero Curt Schilling as "a Yankee fan" was pathetically explained by her spokesman as "a very dry joke." *Right*. But that was hardly less plausible than defenders of comedian Wanda Sykes applying the joke excuse to her purely mean-spirited comment about Rush Limbaugh at a White House Correspondents Dinner, when she said "I hope his kidneys fail." What a knee-slapper! As a general rule, "I hope you die" is not a joke, no matter who says it.

Even when it is a joke, the jokester is still accountable for how people react to it. When a Washington D.C.'s shock-jock made the second of two racially-charged quips that facetiously encouraged the murder of African Americans, it didn't matter that everyone knew he was trying to be funny. He lost his job and his career, because his employers didn't want somebody on their payroll who made those kinds of "jokes." Everyone knew Don Imus's infamous insult to a women's basketball team was supposed to be a joke too, but if it was going to lose enough listeners and sponsors, his employers had every right and reason to bid him *adieu*.

Comedy is not for the faint-hearted. There should be few, if any, limits and barriers, but crossing into dangerous territory requires both guts *and* talent. Nobody should accept the defense that "it was a joke" if it wasn't a *good enough* joke to compensate for the damage it did, the people it hurt, or the trouble it will cause. There are also people and organizations who make jokes in public at their peril. Professionals. Elected officials. Scholars. People who expect to be taken seriously and trusted.

Making a joke, after all, is a little like shooting a gun: whether or not it hits the mark, you're responsible for the result. "It was a joke" is not a justification in every case, never when it really wasn't a joke, and often even when humor was the intent.

### 55. The Scooby Doo Deflection, or “I should have gotten away with it!”

Everyone knows that Scooby Doo cartoons invariably end with the captured miscreant, who typically was pretending to be a ghost, a ghoul, or some kind of monster to frighten people away from a gold mine / buried treasure / crime scene or something else, being unmasked and stating ruefully, “I would have gotten away with it, too, if it hadn’t been for those meddling kids!” Needless to say, this is neither a defense nor a mitigation. Yet you will hear or read variations on **The Scooby Doo Deflection** from non-animated characters, like pundits, politicians and others, all too frequently. Their versions typically take the form of protests that since Conduct X by a party or party was unfair or wrong, dishonest or unethical, Conduct Y on the part of someone else—often the protesters— shouldn’t count, should be considered less wrong, or should be punished more leniently.

The argument is silly in Scooby Doo cartoons, and is even more ridiculous in real life.

The idea may arise from a misunderstanding of [the exclusionary rule](#) in criminal procedure, which holds that evidence or confessions of guilt obtained by law enforcement officials by illegal or unconstitutional means cannot be used in the case against the defendant, and the so-called [“Fruit of the Poisonous Tree”](#) doctrine, which holds that all evidence found as a result of illegally obtained information anywhere in the investigative process must be excluded from trial. Neither principle, however, means that the incriminating evidence is less true because of how it was uncovered, or the conduct behind it less wrong. The purpose of the exclusionary rule and the “Fruit of the Poisonous Tree” doctrine is to protect rights by discouraging police misconduct, not to give excuses to rotters. In “Dirty Harry,” for example, a serial killer goes free because Harry tortures him to find out where he buried a girl alive. Everything found as a result of the torture, including the dead girl, is excluded from trial, so the serial killer has to be released. It still doesn’t make him a better person.

*“You can’t use this against me, because you cheated!”* is not the same as *“Because you cheated, what I did is OK!”*

A typical use of the Scooby Doo Deflection includes *“Mom! How dare you look in my private diary and find out about my heroin ring?”*

It really is one of the most pathetic rationalizations. How strange that it’s so popular.

### 56. “The Idealist’s Delusion,” or “We’re/ You’re Better Than This.”

Like the other rationalizations, “The Idealist’s Delusion” may sometimes be fair and true, but it is still an unethical argument if there is nothing more substantive to back it up. Think of it as the reverse of **#14. Self-validating Virtue**, in which unethical conduct supposedly becomes ethical because the person doing it is deemed—usually by himself— incapable of wrongdoing. **Rationalization #56** uses presumed virtue to claim that a potential actor is too *good* to do something...without ever making the case that the considered conduct is really wrong or unwise. #56 is a pretty neat trick, when you think about it: it simultaneously appeals to an individual or organization’s self-esteem while unilaterally declaring an objective, motive or methods demeaning. This relieves the advocate for avoiding the conduct in question of the requirement to make the case with more than vague declarations of principle. If #56 is effective, it

can only be because those persuaded never engaged in critical thinking, asking and answering such crucial questions as what are the benefits of this proposed action, who will it benefit, what ethical principles does it follow or violate, and are the intended results worth the cost? The Idealist's Delusion is a cynical tool to bypass ethical decision-making by assuming the result, and using ego and guilt to stifle objective analysis. As I wrote in a post...

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When "We are better than this" is followed by "because.." and more substantive points, I have no objection to it, although "we should be better than this" is fairer. It can begin an analysis, but is not an analysis itself. However, when it is used as a substitute for analysis, it is pure rationalization.

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### **57. The Universal Trump, or "Think of the children!"**

Like its immediate predecessor, #57 is designed to end arguments before they start, using a conversation-stopper, dripping with sentiment, that only heartless curs and brutes can ignore. Bias makes us stupid, and since almost everyone is biased toward children, Rationalization #56 has the effect, and the *intentional* effect, of spraying Stupid Gas far and wide to ensure that reasoned analysis is impossible. It is an assertion that bias not only trumps legitimate objections to a course of action, but that it should.

"Think of the Children!" is virtually always used as a short-term argument, never expanding analysis into a more inclusive and responsible framework by considering, for example, all of the children who may be harmed in the future because of necessary action not taken, out of concern for children now. The theory behind The Universal Trump is that children trump everything, and outbalance all other considerations. The use of #57 is akin to a human shield, employed to block incoming logic.

#### **#57 A. The Utilitarian Cheat or "If it saves just one life"**

Invoking **Rationalization #57A** is as good a test as there is for identifying an untrustworthy demagogue. The claim that something is worth enacting, eliminating, establishing or doing is ethically and morally validates "if it saves juts one life" is aimed directly at the mushy minds of sentimentalists and the dangerously compassionate. If the argument is made in good faith, the speaker is an incompetent dolt; usually it is the desperate last resort of a someone who has found that their real arguments are inadequate or unpersuasive.

The insidious trick inherent in the device is that we agree that human life is precious, and that we can not and will not place a dollar sign on a human being. The next step, however, in which a single life, or even many, is deemed justification for any expense or other draconian societal trade-offs, is impractical and irrational. It would save many lives if automobiles were built like tanks and could never exceed five miles an hour. Locking up ever angry husband that threatened the life of an estranged spouse with a menacing phone call would save many lives. So would forcing women to carry their babies to term, eliminating the right to have an abortion. Torture used without restrictions probably would save one life or more. Prohibition was sold using #57A.

All of these policy conundrums and many others are too complex by far to use simple-minded absolutism as their ethical guideline, and about 30 seconds of logical clarity will usually make that

clear. Those who employ The Utilitarian Cheat, however, don't want clarity. It is an appeal to embrace acts that can do wide-ranging harm to society, civilization, human aspirations and liberty, because un-named, speculative lives can be saved. Though it is opposite of the exploitation of human life for other goals that Kantian ethics forbids, it is equally invalid.

#### **58. The Golden Rule Mutation, or "I'm all right with it!"**

The hardest unethical conduct to detect is that which you don't find objectionable even when you are the object of it. Thus the devout Catholic reasons that there can be nothing unethical in corporal punishment inflicted by teachers because Sister Mary used to smack him with a ruler and he grew up just fine. Another example is the open-minded and vulgar liberal who doesn't mind four-letter words in public, so he uses them in front of everyone. Cruel pranks and practical jokes are often excused with this rationalization: "Hey, I wouldn't get upset about that!"

The issue that prompted the use of this rationalization in an Ethics Alarms thread was [taking photographs of strangers in public](#) without their consent. The position that there was nothing unethical about the conduct was supported by a chain of rationalizations: 1. **The Golden Rationalization, or "Everybody does it,"** 1A. **Ethics Surrender, or "We can't stop it,"** 4. **Marion Barry's Misdirection, or "If it isn't illegal, it's ethical,"** 10. **The Unethical Tree in the Forest, or "What they don't know won't hurt them,"** 36. **Victim Blindness, or "They/He/She/ You should have seen it coming,"** and #24. **Juror 3's Stand ("It's My Right!").** Then I realized that one rationalization that appeared was missing from the list. It was an appeal to the Golden Rule: *I'm not doing anything to the stranger I'm taking a photo of that I would object to if he did it to me!*

That's not the Golden Rule, however. The Golden Rule asks you to consider how another party would feel if you treat him or her a certain way, by placing yourself in his belief system with his sensitivities, experiences and needs. It does not mean, for example, that because you like snakes, it is ethical to place a rubber snake in the bed of a friend who might be terrified of them. In the case of taking non-consensual public photographs of strangers, the photographer must assume that the subject might not want to be photographed, that it might make him uneasy or place him in fear, and that ethical principles of empathy, respect, fairness, kindness and caring require that the photographer ask permission first.

True, that requirement means that capturing a candid, unconscious moment may become more difficult. It would also be fair and considerate to take a photo first and then ask permission to keep it. Maybe that process increases the likelihood of being asked, "*What will the photo be used for?*" "*Are you going to profit by it?*" "*Is my image going to end up on line?*" Well, those concerns are legitimate, and help explain why taking photos of strangers without consent is unethical.

**58. The Golden Rule Mutation, or "I'm all right with it!"** is like a reverse #32. **The Unethical Role Model: "He/She would have done the same thing."** In #32, a famous individual is cited who would engage in the same unethical conduct, suggesting that the conduct couldn't be unethical if such a revered individual did it or would do it. In #57, the unethical actor substitutes himself for his victim, and his values and needs as well.

This is as good a place as any to mention some of the more popular distortions of the Golden Rule used to

validate unethical conduct, like...

- **Do unto others as you know others would do unto you.**
- **Do unto others what they did unto you.**
- **Do unto others as you wish others would do unto you even though you wouldn't deserve it.**
- **Do unto others as those others treat others.**
- **Do unto others as they threatened to do unto you.**
- **Do unto others as others who think like you do would also do to those others.**
- **Do unto others according to how you feel about what they did unto you.**
- **Do unto others before they do it unto you.**
- **Do unto me as you would want to have done unto you if you were as devoid of civilized values as I am.**

As for #58, it translates into...

**“Do unto others as if the others felt like I do, even though they may not.”**

### **59. The Ironic Rationalization, or “It’s The Right Thing To Do”**

This rationalization can sometimes be a fair statement of fact rather than a rationalization. But *“It’s the right thing to do”* is routinely used to end a debate when it is only a proposition that must be supported with facts and ethical reasoning. Simply saying “I did it/support it/ believe in it because it’s the right thing to do” aims at ending opposition by asserting virtue and wisdom that may not exist.

The question that has to be answered is why *“it’s the right thing to do,”* and *“Because it’s just right, that’s all,”* *“Everybody knows it’s right,”* *“My parents taught me so,”* *“That’s what God tells us in the Bible,”* and many other non-answers do not justify the assertion.

Maybe it’s the right thing, and maybe not. Just saying it conduct is right without doing the hard work of ethical analysis is bluffing and deflection. “It’s the right thing to do” you say?

**Prove it.**

### **60 A, B, and C. The Cheater’s Rationalizations**

**60. A. Barry Bonds’ Pass:** *“He didn’t need to cheat.”*

This has long been the refrain in the Barry Bonds argument for baseball's *uber* cheater to be admitted to the MLB Hall of Fame. Bonds, you see, was a great player before his alleged use of steroids began, so even if he did use steroids (he did), what difference did it make? How do we know that the steroids helped him? Some excuse Bonds on the grounds that whatever advantage he thought he was gaining by using PEDs, they were imaginary. He may have tried to cheat, but since he really didn't benefit, there is no cheating to punish. Similarly, Tom Brady is a great quarterback, so what proof is there that deflating the balls was the reason he had a great second half in the play-off game in question?

The argument doesn't make sense, logically or ethically. It is like arguing that a young Einstein *couldn't* cheat on a physics exam even if he stole the answers and memorized them, because he would surely have figured them out anyway. Cheating demonstrates dishonesty, trustworthiness and a lack of integrity, whether it materially assists the cheater or not. What is wrong with cheating is the act itself, not the magnitude of the results, or even whether there are any.

**60 B. The Vendetta Excuse:** *"It's not the cheating, it's the cheater"*

I heard ancient Boston sportswriter Bob Ryan shout on ESPN that the NFL was going after Tom Brady to punish and embarrass his coach, Bill Belichick and his team, the New England Patriots, as well as Brady, all because of accumulated suspicion, jealousy and animus over the years. The standard defense of Barry Bonds was that he was being targeted for cheating allegations because he was black, and no white player would be hounded that way. Then came the Roger Clemens scandal. Lance Armstrong dismissed accusations that he was doping by attributing it all to the age-old desire of opponents to discredit the one who surpassed them. *"They are out to get me/my family/my employer"* might be the oldest cheating deflection of them all.

**60 C. O.J.'s Facade:** *"You can't prove it!"*

A cheater doesn't have to be proven guilty beyond a reasonable doubt unless his conduct gets him charged with a crime. Those who are charged with overseeing the integrity of competitions and competitive exercises like academic exams must often make reasonable assessments based on less than conclusive proof. That is why carrying a cheat sheet into an exam is itself cheating, even if there is no way to prove you looked at it. It is why the Chicago Black Sox were banned from baseball for life for taking bribes from gamblers, even though it couldn't be proved that they didn't play to win while losing the 1919 World Series to an inferior team.

In sports, the fans of a sport believing that an athlete or team has prevailed by cheating is destructive to the sports itself, so the appearance of cheating is as damaging as the cheating itself. The accused cheater, like the accused murderer in a "Columbo" episode, whose response to an accusation isn't *"I didn't do it!"* but *"You can't prove it!"* has merely added to the suspicion of wrongdoing.

**61. The Paranoid's Blindness,** or "It's not me, it's you."

This is the common rationalization of the constant screw-up, whose explanation for always getting in

trouble, continually making others angry or upset, encountering hostility or sanction in employment, and failing at personal relationships, is that everyone is out to get him or her, for reasons unknown.

It is true that certain iconoclasts, curmudgeons, rebels and critics naturally engender hostility from those upon whose toes they step in the pursuit of justice and truth. However, few of the individuals in this position labor under the delusion that the reasons for the opposition to them is a mystery. #61 is the refuge of the individual who refuses to take stock of his or her own inadequacies, and seeks to shift responsibility for the consequences of personal misconduct and incompetence to others. A simple rule of thumb suffices: when in repeated situations it seems that everyone is against you, the overwhelming likelihood is that it isn't they who need to change. It's you.

## **62. The Doomsday License**

This is one of the most pernicious rationalizations of all, right down there with #22, **“It’s not the worst thing.”** Movies and TV shows have been based on the premise that once you know the world is going to end (or lesser extinctions), the usual rules of right and wrong are suspended. The argument is that since ethics are based on the best interests of society and its residents, once society and the residents are doomed within a short time span, it is silly to persist in following the limitations imposed by ethical values. Movies and TV shows also have been responsible enough to base plots on cautionary tales where individuals wrongly assume that the end is at hand, only to be faced with the awful consequences of their conduct when they mistakenly believed ethical conduct was futile.

Ethical analysis can be profoundly affected by changed circumstances and exigencies, but nothing suspends the duty to be ethical, or at least to try. No, you don't rape the sexy teen next door because you are both about to be plunged into the sun. No, you don't stalk and kill the former employer who fired you unjustly because the zombie apocalypse is at hand. Our duty is to act to ensure that the final days, hours and minutes of everyone we share existence with are as endurable, free and painless as possible, not merely to indulge ourselves at their expense because their discomfort will be limited. Those who reason otherwise were never really ethical at all. They simply were unwilling to face the consequences of all the unethical acts they wanted to do.

## **63. Yoo’s Rationalization or “It isn’t what it is”**

Named after John Yoo, the Bush Justice Department lawyer who wrote the infamous memo declaring waterboarding an “enhanced interrogation technique,” and not technically torture, #63 is one of the most effective self-deceptions there is, a handy-dandy way to avoid logic, conscience, accountability and reality.

Examples of this are everywhere. Paul Krugman, the progressive economist and Times columnist, began a column like this:

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“Remember all the news reports suggesting, without evidence, that the Clinton Foundation’s fund-raising created conflicts of interest?”

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The Clinton Foundation’s fundraising created a conflict of interest, by *definition*. For a non-profit



organization, with family connections to either a current Secretary of State or a Presidential candidate, to accept money from any country, company or individual who has or might have interests that the Secretary or potential President can advance **is** a conflict. It's indisputable. No further 'evidence' is needed."

How does Krugman deal with this problem? Simple: he convinces himself that *screaming* conflicts aren't what they are without "evidence," by which he means "proof of a *quid pro quo*." But a *quid pro quo* is bribery, not a conflict of interest. A conflict of interest might *lead* to bribery, but a conflict is created as soon as there is a tangible reason for an official's loyalties to be divided.

**Yoo's Rationalization or "It isn't what it is"** turns up everywhere, and has since time began. A mother swears that her serial killer son "is a good boy," so she doesn't have to face that fact that he's not. It is denial, it is lying, but it is lying to convince oneself, because the truth is unbearable, or inconvenient. It is asserting that the obvious is the opposite of what it is, hoping that enough people will be deluded, confused or corrupted to follow a fraudulent argument while convincing yourself as well. The Rationalization includes euphemisms, lawyerisms, and the logic of the con artist. *Illegal immigration is just immigration. Oral sex isn't sex, and so it's not adultery, either. I didn't steal the money from the treasury! I was just borrowing it!*

And waterboarding isn't torture.

**#63** also could be named after Orwell's "1984," and called "Big Brother's Rationalization" in homage to "War is Peace," etc. But John Yoo deserves it.

#### **64. Irrelevant Civility or "But I was nice about it!"**

This one is easy. Doing unethical things nicely is better than doing them cruelly or while laughing with maniacal glee, but the protest that an unethical act is somehow less unethical because of the manner in which it was performed is delusional, and no excuse at all. The rationalization emerges from the ooze that is #22, "It's not the worst thing," the bottom of the rationalization barrel. No, one does not enhance an unethical act by being polite in the process, or handing a victim flowers before kicking him in the groin.

I almost called this the "Frosting on a Turd" Rationalization.

An undeserved firing is just as undeserved if a nice farewell party follows. A betrayal of trust is just as wrong when the betrayer has the manners to reveal it himself, directly and with a sympathetic look on his face. Refusing to help someone dangling over a precipice is just as bad whether the bystander watches as he falls to his death, or sings him a lovely farewell song.

An unethical act completed using gentle words and a smile is seldom materially improved. By all means, mitigating the harm is an ethical obligation, but the core conduct is usually unaltered.

#### **64A. Bluto's Mistake or "I said I was sorry!"**

A sub-category of #63 is **#63A. Bluto's Mistake**, named for the classic moment in "Animal House" in which the chaotic Bluto, played by the late, great John Belushi, impulsively smashes to smithereens the guitar being strummed, to the sighs of comely co-eds, by a pompous student folk

singer in accompaniment to his off-key crooning. “Sorry!” shrugs Bluto, as he hands the ruined instrument back to its owner.

Saying sorry before, during or after an unethical act is almost always insincere, but even if it isn't, it doesn't mitigate the conduct. Usually, the apology is being used to make the unethical party feel better and assuage his or her conscience. It doesn't help the victim at all. True apologies are both admissions of wrongdoing and a request for forgiveness. They cannot and do not change the nature of the conduct being apologized for. In too many cases, 63A apologies are meaningless, and are attempts to avoid accountability.

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