

# ETHICS ROLL CALL

TO CHAMPION THE NOBILITY OF POLICING



## Ethics Corner

Today, police misconduct seems that it may be trailing in the kind of creativity shown by cases of student misconduct in higher education. The issue here is one that has traditionally been the bane of professors for many a year: cheating. But this time it is cheating that is particularly insidious and creative and takes place in the online classroom, which is the growing delivery mode of instruction at colleges and universities nationwide. Some lines from the June 3, 2012 online edition of the *Chronicle of Higher Education* will make this problem alarmingly clear:

Tech-savvy student are finding ways to cheat that let them ace online courses with minimal effort, in ways that are difficult to detect. . . Take Bob Smith, a student at a public university in the United States. . . He never read the online materials for the course and never cracked open a textbook. He learned almost nothing. He got an A. . . His secret was to cheat, and he’s proud of the method he came up with – though he asked that his real name and college not be used, because he doesn’t want to get caught. . . as access [to such online courses] improves, so will the number of people gaming the system, unless courses are designed carefully. . . He is a first generation college student who says he works hard, and honestly, in the rest of his courses, which are held in-person rather than online. . . A professor familiar

with the course, who also asked not to be named, said that it is not unique in this regard, and that other students probably cheat in online introductory courses as well. . . “This is the gamification of education, and students are winning,” the professor told me.

Mr. Smith’s cheating seems eclipsed only by the pride with which it was performed. Yet, interestingly enough, he is not so proud that he wants to claim this action by his rightful name. While we refrain from going into detail about the secret method for his noble moments of cheating (we, too, have online offerings here at the ILEA), we can say that they are seriously creative and brilliant, indeed. It is really too bad that he does not use those same talents in learning what he claimed he wanted to learn when he enrolled for the course. That would be something he really could take some pride in.

Thus, be just as shrewd and careful as you recruit for your police agencies. Folks like Smith may find a way into your gates only to add to the workload of your IA units.

### Morality v. Prudence: A Short Roll Through Ethical History

By Dan Primoizic

“There is nothing new under the sun.” I think

**“Old wood best to burn, old wine to drink, old friends to trust, and old authors to read.”**

**Francis Bacon**

## INSIDE THIS ISSUE

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**ETHICS CORNER (P. 1)**

**MORALITY V. PRUDENCE: A SHORT ROLL THROUGH THE HISTORY OF ETHICS (PP. 1-3)**

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there is truth in that notion, even though saying it may be seen simply as a geriatric disease. Some discussion and proof follows.

Epictetus, the Roman slave made famous and published by the emperor Marcus Aurelius, divided things this way. There was the person of integrity and morality which one was to preserve intact and perhaps even nurture and grow, and then there was the person who was out for worldly gain and stockpiling personal pleasure and material advantage: i.e., there was the moral man and the practical (prudent) man. And often those two men were at war in the very same man. Hence, he feels the need to warn us that we should not sell off significant pieces of the ultimately important moral man to purchase ultimately cheap and insignificant rewards and trinkets for the practical (prudent) man. He puts this in illustrations of his own:

*Has someone been given a greater honor than you at a banquet or in a greeting or by being brought in to give advice? If these things are good, you should be glad that he has got them. If they are bad, do not be angry that you did not get them. And remember, you cannot demand an equal share if you did not do the same things, with a view to getting things that are not up to us. For how can someone who does not hang around a person's door have an equal share with someone who does, or someone who does not escort him with someone who does? You will be unjust and greedy, then, if you want to obtain these things for free when you have not paid the price for which they are bought. Well, what is the price of heads of lettuce? An obol, say. So if someone who has paid an obol takes the heads of lettuce, and you who do not pay do not take them, do not think that you are worse off than the one who did. For just as he has the lettuce, you have the obol that you did not pay. (Enchiridion)*

The thinking here is clear and pure, illustrative and bright. And, in that manner, Epictetus is warning us that we must realize that when we want things of prudence and practicality (and things he would call "beyond our control" because they are in the control of others or are simply "natural laws") like prestige, position, social advancement, material gain, or a better lot in life, there will likely be a cost to us that comes from the person who is in control of providing us with those things. They will

likely demand certain payment for the advantages we desire from them. They will want praise, attention, and they may even ask for things a bit more immoral than all that and thereby the cost may come at the expense of our morality and integrity. If we really think those things so valuable, then pay the person the cost. But if you eschew those practical advantages in the interest of retaining your morality and integrity then do not see that as a disadvantage but, to the contrary, see it as the greater advantage, because you must understand that the "moral man" is who you really are and should seek to keep whole and intact.

We see this ancient theme (already firmly in the thought of Epictetus' predecessor, Aristotle) reappear in the work of Immanuel Kant. Though Kant's work is in no way inferior to that of Plato, Aristotle and Epictetus, by now this is a thematic "retread," albeit a high quality one. Kant says it this way:

The moral worth of the action thus lies not in the effect to be expected from it: thus also not in any principle of action which needs to get which needs to get its motive from its expected effect. For all these effects (agreeableness of one's condition, indeed even the furthering of the happiness of others) could be brought about through other causes, and for them the will of a rational being is therefore not needed; but in it alone the highest and unconditioned good can nevertheless be encountered. Nothing other than the *representation of the [moral] law* in itself, which obviously occurs only in the rational being insofar as it, and not the hoped-for effect, is the determining ground of the will, therefore constitutes that so pre-eminent good which we call "moral," which is already present in the person himself who acts in accordance with it, but must not first of all be expected from the effect.

Kant wrote that in about 1785, a good distance down the road from Epictetus' time. Yet, Kant's thought is very close to his. And Kant does not anywhere pretend that what he is saying is new. There is still a distinction to be made between morality and prudence or practicality. There is a difference between doing something from the principle of goodness and the duty of action that attends that principle in an ethical person and doing something for what can be gained from



action that attends that principle in an ethical person and doing something for what can be gained from doing it, or the practical effects of doing even the right thing. The first kind of impetus for doing the “good” is to be called “moral” and the second kind is to be called “prudent” or practical.

So to bring this to some better light, a merchant can avoid shortchanging customers (this is a good thing) for one of two reasons: one prudent and the other moral. He can avoid being dishonest to customers so that they remain his faithful customers and are not driven from his doors by dishonesty (an expected, practical effect). Or he can avoid dishonesty toward his customers because it is simply morally correct to do so (principle) and therefore he sees it as his moral duty to behave according to that moral principle. Notice the action may be the same, but what makes the action moral is whether it was done from moral or from practical concerns.

Then similarly Epictetus’ banquet can be said to be attended with integrity if and only if there is no prudent expectation of gain involved, but only if attending it is somehow morally praiseworthy or honorable or noble *in itself*. Another contemporary example of this might be when a professional really performs their work *pro bono* without any expectation or thought of personal gain or advancement of personal cause. That would be a case of moral action according to Epictetus and Kant. The professional who only pretends to do their work without fee but still expects some personal advantage from it does that not from a strict *pro bono* cause but, instead from a very practical, cunning self-serving impetus.

We hear the echoes of this kind of ethical thinking when today’s police professionals utter what has come to be an ethical buzz phrase: “Ethics is what you do when no one is looking.” Though the expression of the thought is more in tune with the context of a bumper sticker than a volume of philosophical prose (and so much the better), the thought is similar and right enough. And my initial point is therefore upheld about there being nothing new here. And neither do I believe that any of the police that say it think that it is at all new. It’s just true.

I suppose what creeps under my skin are cases where famous experts in the field of ethics like to propose that what they have to offer is something new when, in fact, it is surely not. This is only made worse when people who are prominent and quite intelligent hear or read those ideas and really believe that those ideas are new and innovative when they are surely not.

I recently purchased a recent award- winning book that proposed some “new” ethical thoughts and remedies (using concepts and analytical structures very similar to those discussed above) that people who know better can easily trace back at least to Aristotle. Even though the prestigious authors of this book claimed to be and were well rewarded experts in ethics, they seemed absolutely clueless concerning the fact that what they were selling was sold long ago by a very ancient Greek philosopher and that their “innovative” way to remedy ethical misconduct was already freely accessible for centuries. Frankly, I found this sort of “selling water by the river” staggering. I only hope that their failure to cite the previous, ancient owners of these ideas was a sin of omission not commission. They do purport to be ethicists, after all.

But I was stunned much more powerfully by the book jacket comments of other famous traders in ethics and leadership who extolled the virtues of this as “game changing,” “fascinating,” “insightful,” “important,” and “a must read.” These appraisers also are apparently and disappointingly inattentive to the lengthy and rich ethical tradition that I have only pointed to above. And they, too, are experts in ethics, but evidently, today’s professional expertise need not include knowing about the long and esteemed history of that field. Sigh.

But there is a bright spot here and it is much brighter than the dark stains about which I have just spoken. Along with the disappointments mentioned is the fact that contemporary people are still being taught the right lessons, albeit in ways that are not entirely right and in ways where credit is given duly and in proper scholarly fashion. Yet, the message remains honorable, even though the messengers may be more prudent than moral. What’s new?

***Successful Contemporary Issues and Ethics Conference:***

Our recent Contemporary Issues and Ethics Conference was well attended and received. We were delighted to be able to honor two people at that conference.

Officer Jillian Smith of the Arlington Police Department was posthumously awarded the Center for Law Enforcement Ethics Ethical Courage Award for her heroically saving a young child from death which cost Officer Smith her own life. The award was presented to Officer's Smith parents at a special conference ceremony to honor her.

Another special conference ceremony was the scene of the inaugural presentation of the Dr. Gary W. Sykes Professional Achievement Award. It was given to Dr. Sykes himself as the first recipient of the award, named for him and his many years of excellent and matchless service to the profession of law enforcement and to the Institute for Law Enforcement Administration at The Center for American and International Law.

Both recipients represent the very best of the profession and we were honored to recognize them.



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