

Anita L. Allen, "Cheating, the Big Mistake," in *The New Ethics: A Guided Tour of the Twenty-First Century Moral Landscape* (New York: Miramax Books, 2004), 28–57.

Cheating, the Big Mistake

If we were to make a list of the top ten moral rules, "do not cheat" would have to be somewhere on the list. Our laws and public policies condemn cheating. Our religions and moralities condemn cheating.¹ "Do not cheat" failed to make an explicit appearance on the stone tablets Moses brought down from the mountain.² However, cheating is a major category of ethical transgression today, and contemporary moralists often speak out against it. The moral philosopher Bernard Gert includes "do not cheat" on his list of imperatives.³ The anticheating rule clearly belongs with Gert's nine other choices: do not kill; do not cause pain; do not disable; do not deprive of freedom; do not deprive of pleasure; do not lie; keep your promises; do not commit adultery; and do not steal. Gert argues that cheating is the paradigm of all moral misconduct. Cheating, Gert concludes, "provides in miniature the nature of immoral action."⁴ Immoral persons knowingly violate rules of social cooperation that apply impartially to all. So do cheaters.

To cheat is to intentionally gain advantage over other people by violating standards of fair play.⁵ Standards of fair play include laws, as in the statutes violated by insider traders and tax evaders; nonlegal rules, as in the strictures of chess or baseball; and moral or ethical principles, such as the promise keeping principle violated by adulterers. The provisions of codes of conduct, such as a university's honor code or a profession's code of ethical responsibility, are also standards of fair play.

We know cheating is not right, but we do it anyway. Cheating is not simply prevalent. In some sectors cheating has begun to look like a moral epidemic. Most ethicists agree that dishonesty is justified in an extreme situation: it is fine to thwart a kidnapper or to depose a ruthless dictator. Contemporary Americans, however, commonly cheat and rarely face kidnappers or dictators. Americans cheat in entirely ordinary circumstances. We are starting to look like a culture of cheaters, unwilling or unable to reign in the vice.

¹ Henry C. Harpending and Jay Sobus, "Sociopathy as an Adaptation," *Ethology and Sociobiology* 8 (1987): 63S-72S.

² Since lying and envy are often predicates of cheating, Exodus 20:16–17 comes close to a prescription against cheating:

16: Thou shalt not bear false witness against thy neighbour.

17: Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's.

³ Bernard Gert, *Morality: A New Justification of the Moral Rules* (New York: Oxford University Press, 1988), 129.

⁴ *Ibid.*, 132.

⁵ *Ibid.*, 130.

A DISHONEST ECONOMY

In recent years the media has been filled with stunning examples of cheating that involve billions of dollars, major institutions and national leaders. While only the people who profit big-time to further selfish ends earn the label "cheater," nearly everyone cheats a little in some corner of their lives. Many of us supplement our wealth by breaking the law. Any serious attempt to describe the U.S. economy must understand the structures that allow workers to "rob, cheat, short-change, pilfer and fiddle customers, employers, subordinates and the state."⁶

Placed in charge of deciding where to invest Connecticut pension funds, former state treasurer Paul J. Silvester invested in companies that paid him kickbacks. A federal investigation led to criminal charges of money laundering and racketeering, and a guilty plea; in November 2003, Silvester was sentenced to jail. Other Connecticut employees have done more than take home paper clips, too. At the University of Connecticut's Environmental Research Institute lab employees stole tens of thousands of dollars while the chief laboratory director, Professor George Hoag was preoccupied with his lucrative, \$1.3 million outside consulting gigs. According to a report of the state attorney general, employees solicited charitable donations from the public that never went to fund the lab as promised. Lab employees Robert Carley and Shili Liu were convicted of charging unsuspecting international students rent for housing that had already been paid for, hoarding thousands of dollars in extorted cash on lab premises.

Cheating was part of the old economy and it is a part of the new economy.⁷ Cheating a business partner can mean secretly taking more profits from the company than allowed under contract. Cheating a customer can mean intentionally overbilling for services or skimping on construction materials. In June 2003, Sprint paid \$5.5 million to settle accusations that it had fraudulently overbilled the Justice Department. In August 2003, the Sprint company was accused by the General Services Administration of overbilling the federal government by \$2 million for its telephone services. Sprint said the jumbo billing error was inadvertent and no punitive action was taken. Cheating on the job can mean obtaining employment with a padded resume. It can involve claiming to have worked unworked hours, taking bribes, selling stock on insider information, or "late day" trading within the \$7 trillion mutual fund industry.⁸

⁶ Gerald Mars, *Cheats at Work: An Anthropology of Workplace Crime* (Brookfield, Vt.: Dartmouth Publishing Co., 1994) 1, 3. Mars cites four self-report studies from the years 1959–1971, and argues that arrangements that allow workers to "rob, cheat, short-change, pilfer and fiddle customers, employers, subordinates and the state" have serious implications. Regular cheating at work "affects the incomes and life styles of so many people that it has to be studied, discussed and understood by anyone trying to set out a description of the economy, to establish a policy for assessing industrial performance, to institute economic, technical, or organizational change."

⁷ Bao Zongliao, "An Ethical Discussion on the Network Economy," *Business Ethics: a European Review* 10, No. 2 (April 2001): 108–112.

⁸ Gerald Mars, *Cheats at Work*. Ali introduction by Mary Douglas to the 1994 edition points out what is truer still in 2004, that "there has been an extensive growth of electronic controls and surveillance at work." These controls may have reduced the prevalence of certain obvious forms of cheating.

The scale of corporate bankruptcies in which cheating by management played a causal role is enormous. The WorldCom bankruptcy, the largest in history at the time, involved billions in admitted accounting irregularities. Insider trading, sham transactions and accounting irregularities amount to massive unethical cheating by executives, shareholders, accountants and bankers. Judging by the public reaction to its bankruptcy, the cheating of which Enron executives were accused violated the public's ethical values as well as the laws. But the business world often seems to operate with its own standards. Cheating in business occurs in part because businesspeople's decisions and ultimate conduct are shaped not only by society's general culture but also by "company, personal, situational and industry standards."⁹ The sad truth may be that the general culture tolerates cheating, and business culture tolerates what I sardonically call "smart" cheating even more.

Research on business students carries grave implications for the ethics of corporate managers.¹⁰ Research by Donald L. McCabe suggests that business majors cheat more than other students.¹¹ A study of business students in which a large number of students admitted cheating but only a small number reported cheating by peers, "should be sobering for managers" who might like to count on whistle-blowing to curb corporate misconduct.¹²

That the elite business world is still dominated by men is an interesting fact to ponder in light of what research suggests about the gender differentials among cheaters. Although some researchers say women lie more often than men because they engage in more social interactions on average than men, several studies suggest that men may be more likely to cheat. In one study, little boys cheated more often than little girls on a puzzle-completion task promising a prize at task's end.¹³ The most typical college cheaters are younger males with low grades. Surveying the period following September 11, 2001, Professor Anita Hill noted that the most high-profile government and corporate whistle-blowers to emerge had been women. Three women, Cynthia Cooper, Coleen Rowley and Sherron Watkins, were named "Persons of the Year" in 2002 by *Time* magazine for bringing to light troubles at WorldCom, the FBI and Enron, respectively. Hill's theory is that women remain marginalized in the corporate hierarchy to such a degree that they do not develop

⁹ Nancy Fimbel and Jerome S. Burstein, "Defining the Ethical Standards of the High-technology Industry," *Journal of Business Ethics* 9 (1990): 929-948.

¹⁰ James R. Glenn, Jr., "Business Curriculum and Ethics: Student Attitudes and Behavior," *Business and Professional Ethics Journal* 7, Nos. 3-4 (1993): 167-185.

¹¹ Donald L. McCabe, "Classroom Cheating Among Natural Science and Engineering Majors," *Science and Engineering Ethics* 3, No. 4 (1997): 433-45, 439: "In general, these results are consistent with prior research—higher levels of cheating are found in the more vocationally oriented majors of business and engineering, with the highest levels found among business majors."

¹² Brian K. Burton and Janet Near, "Estimating the Incidence of Wrongdoing and Whistle-blowing: Results of a Study Using Randomized Response Techniques," *Journal of Business Ethics* 14 (1995): 17-30, 17.

¹³ Tracy L. Spinrad, Sandra H. Losoya, Nancy Eisenberg, et al., "The Relations of Parental Affect and Encouragement to Children's Moral Emotions and Behaviour," *Journal of Moral Education* 28, No. 3 (1999): 323-37. See generally, Bernard E. Whitley, Jr., Amanda Bichlmeir Nelson and Curtis Jones, "Gender Differences in Cheating Attitudes and Classroom Cheating Behavior: A Meta-Analysis," *Sex Roles* 41, Nos. 9-10 (1999): 657-80; Stephen G. Tibbetts, "Gender Differences in Students' Rational Decisions to Cheat," *Deviant Behavior: An Interdisciplinary Journal* 18 (1997): 393-414.

strong bonds of loyalty to wrongdoers and are therefore more likely to turn in unethical peers. She herself was one of the most famous whistle-blowers of the twentieth-century, appearing before Congress in 1991 to accuse Supreme Court nominee Clarence Thomas of sexual harassment.

UNIVERSITY OF CHEATING

Many colleges and universities have proud student honor codes. The honor codes of the U.S. Military Academy and the U.S. Air Force Academy state "We will not lie, steal or cheat, nor tolerate among us anyone who does."¹⁴ But can students be trusted? With the help of a cheat-detector computer program of his own design, University of Virginia physics professor Lou Bloomfield uncovered 122 cases of plagiarism among his science students in 2001.¹⁵ The professor subsequently erected a "Plagiarism Resource Site" on the Web to help other teachers ferret out student misconduct. The World Wide Web may be a better resource for cheaters than cheat detectors, however. A Web seminar on electronic plagiarism erected by Le Moyne College librarian Gretchen Pearson of Syracuse, New York, lists more than two dozen Web sites that offer academic papers for sale. The total number of free cheat sites may number in the thousands. Students of history, philosophy, politics, literature and African American studies can easily copy term papers on standard topics. Students of religion and ethics have their cheat sites, too.

Cheating is prevalent in secondary schools, colleges and universities. Cheating in higher education is an especially well studied phenomenon. Researchers have investigated whether, how, when and why students cheat. They have examined how one can be sure students have cheated, what students perceive as cheating and what we can do to reduce the incidence of cheating.¹⁶ Student cheating is lavishly studied in part because most social-science researchers are university professors with easy access to student subjects. The youngest college and university students are less mature than typical adults; nevertheless, what social scientists learn about student ethics may have important implications for our understanding of the ethics of the mature adult professionals, parents and citizens that students quickly become.

Surveys conducted by the Josephson Institute of Ethics suggests student dishonesty has been on the rise. Eight out of ten high school students say they cheat. Academic researchers worry that contemporary students may have "a diminished sense of academic integrity."¹⁷ A number of academic studies of students in the natural and social sciences indicate significant increases in unauthorized collaboration and serious exam cheating in the past thirty years. However, we need to be careful when interpreting cheating studies,

¹⁴ Bernard Rosen, "Honor and Honor Codes," *Teaching Philosophy* 10, No. 1 (1987): 37–47.

¹⁵ "Cheating at UVA," *The Richmond (Virginia) Times-Dispatch*, May 13, 2001, F6.

¹⁶ Brian K. Burton and Janet P. Near, "Estimating the Incidence of Wrongdoing and Whistle-blowing: Results of a Study Using Randomized Response Technique," *Journal of Business Education* 14 (1995): 17–30; and Dean Allmon, Diana Page and Ralph Roberts, "Determinants of Perceptions of Cheating: Ethical Orientation, Personality and Demographics," *Journal of Business Ethics* 23 (2000): 411–22.

¹⁷ Patricia Faulkender et al., "The Case of the Stolen Psychology Test: An Analysis of an Actual Cheating Incident," *Ethics and Behavior* 4, No. 3 (1994): 209–17, 215.

some of which draw broad conclusions from data relating to a single examination or homework exercise. Student research subjects may over-report cheating among their peers because they view cheating as the favored response on survey questionnaires.¹⁸ Although no one knows for sure whether the percentage of cheaters or the frequency of cheating is increasing overall, experts agree that cheating is pervasive and accepted as normal by students in American colleges and universities.

While American law, professional ethics, religion, secular morality and common sense are united in opposition to nearly all forms of cheating, their combined influence has been inadequate to stop academic dishonesty. Calling greater attention to cheating as an ethical issue could conceivably lead some student cheaters to refrain from dishonesty, although nearly all schools have adopted rules, codes, and policies that plainly condemn cheating. Handbooks, brochures and Internet materials detail what counts as cheating and how failures of academic integrity are harmful. However, students need to know not only that cheating is unethical but also how to avoid cheating when the pressure is on and so many others seem to be doing it without getting caught. A number of schools have tried to address that problem, but some students are determined to cheat and keep cheating.

In a study of 663 undergraduates at a southern university, 56 percent of whom identified themselves as cheaters or potential cheaters on two actual exams, the "cheaters indicated that they would continue cheating." The cheaters even suggested that "the teacher should ignore cheaters."¹⁹ Luckily for unreformed cheaters, many professors do ignore cheating. The results of a national survey of psychology professors suggest that professors ignore cheating to minimize stress, to cope with fears of retaliation or legal challenges, and to avoid thankless drains on time and wasted effort. Professors also disregard cheating to avoid punishing the easily detected bumbler while the more clever offenders go free.²⁰

I can attest to the price paid by faculty who hold college cheaters accountable. Early in my career, I once spent days dealing with what should have been a simple cheating case. Two Carnegie Mellon undergraduates in my required *ethics* class swore they had not cheated, even though the two not-so-clever young men turned in papers identical in every way, down to elaborate doodles in the margins. I flunked the pair after listening to hours of denials and plaintive pleas. Cheaters often run from blame by taking advantage of their procedural due process rights under university disciplinary rules. Indeed, I have spent months as defense counsel and also as a prosecutor in proceedings brought against law student cheaters caught red-handed. The wrongdoers could have pled guilty but chose to prolong their cases looking for every conceivable loophole in the student honor code.

¹⁸ See Donald L. McCabe, Linda Klebe Trevino and Kenneth Butterfield, "Cheating in Academic Institutions: a Decade of Research," *Ethics and Behavior* 11, No. 3 (2001): 219–32; Deborah F. Crown and M. Shane Spiller, "Faculty Responsibilities in Dealing With Collegiate Cheating: A Student Development Perspective," *Teacher Business Ethics* 1 (1997): 117–130; and Deborah F. Crown and M. Shane Spiller, "Learning from the Literature on Collegiate Cheating: a Review of Empirical Research," *Journal of Business Ethics* 17 (1998): 683–700.

¹⁹ Patricia Faulkender et al., "The Case of the Stolen Psychology Test," 214.

²⁰ Patricia Keith-Spiegel, Barbara G. Tabachnick, Bernard E. Whitley, Jr. and Jennifer Washburn, "Why Do Professors Ignore Cheating? Opinions of a National Survey of Psychology Instructors," *Ethics and Behavior* 8, No. 3 (1998): 215–27.

College seniors and recent graduates have found the temptation to cheat on standardized tests irresistible. The GRE, (Graduate Record Examination) administered by the New Jersey-based Educational Testing Service is a standardized test required for admission to universities offering masters and doctoral degrees in the sciences and humanities. Columbia University students were arrested as principals in a GRE cheating ring in 2002, the same year the ETS suspended computer-based GRE testing in Asia due to apparent widespread security breaches. In 1996, test takers paid thousands to a cheating ring headed by Po Chieng Ma (a.k.a. George Kobayashi), who pleaded guilty to conspiracy and obstruction of justice. With the help of coded pencils and cell phones, questions and answers were transmitted to university applicants who took three exams, the GRE, the GMAT (Graduate Management Admissions Test) required of elite business schools, and the TOEFL (Test of English as a Foreign Language) required of some non-U.S.-born university applicants.

BAD SPORTS

An article in the February 1, 1999, *Sports Illustrated* magazine bore a disturbing headline: "Lying is Sweeping the Nation."²¹ Published ten years after Pete Rose was banned from baseball for gambling on his sport, the article identified numerous examples of duplicity and dishonesty in professional, collegiate and amateur sports. The sports world is full of fair competitors and a few too many cheaters—cheating athletes, cheating coaches and cheating administrators.

In 2003, the president of Saint Bonaventure University resigned after revelations that he had permitted his school to recruit an ineligible player to play NCAA basketball. Late in 2001, an ethics scandal sent Notre Dame's newly hired head football coach out looking for a new job: George O'Leary resigned after an investigative journalist uncovered that he had lied for years about a supposed three-year football career at the University of New Hampshire and a master's degree from New York University.²² The 2002 Salt Lake Olympic Games were ethically tainted before they opened. Utah organizers paid extravagant incentives to members of the International Olympic Committee charged with selecting the host city. Lloyd Ward, former head of the U.S. Olympic Committee, was forced out in March 2003 for fraud. Investigating Republican Senators Ben Nighthorse Campbell of Colorado and Ted Stevens of Alaska uncovered evidence that Ward channeled business and perks to his family. Six other members of the troubled committee had been previously forced to step down for wrongdoing.

Olympic figure skating has been rife with ethics scandals, none more memorable than Tonya Harding's facing ethics charges under the amateur athletes' code of ethical behavior after her ex-husband Jeff Gillooly and bodyguard Shawn Eckardt conspired to bash ice skater Nancy Kerrigan in the knees. Some of Harding's friends said she was in

²¹ Rick Reilly, "Yo, Please Pass the Truth Serum," *Sports Illustrated*, February 1, 1999, 84.

²² Tom Spousta, "An Apologetic O'Leary Receives Another Chance," *New York Times*, December 9, 2003, D2.

on the plot to secure a spot for herself on the 1994 U.S. Olympic figure skating team. Harding never admitted a role larger than obstruction of justice. She was placed on probation and ordered to pay fines. She was allowed to participate in the Lillehammer Winter Olympics, but her performance was miserable.

Florence Griffith Joyner died suddenly at the age of thirty-eight after a brilliant Olympic career. She won three gold medals as well as a silver one amid allegations that she took human growth hormone and other drugs to achieve her meteoric rise.²³ It is not known for sure whether Griffith Joyner used prohibited drugs, but plenty of athletes reportedly do, and most are never caught. In 2003, four members of the Oakland Raiders football team tested positive for the steroid tetrahydrogestrinone (THG), a drug that, until recently, escaped detection using routine testing methods.

Basketball's good guys and bad guys have floundered off the court. The classy Michael Jordan faced the embarrassment of an extramarital affair with a woman to whom he paid \$250,000 to keep quiet. Allen Iverson barely escaped a weapons charge after showing up armed at a relative's home looking for his wife. In July 2003, married superstar Kobe Bryant was charged with sexually assaulting a nineteen-year-old hotel employee with whom the star admitted to having had adulterous sex.

In 2004, national controversy erupted over the use of performance enhancing drugs by Major League baseball players. Even wholesome Little League baseball has not been exempted from ethical tarnish. On a hot summer day in 2001, a cool young New Yorker from the Dominican Republic named Danny Almonte pitched a perfect game for the Bronx-based Rolando Paulino All-stars. It was only a child's game, but this boy's team had a shot at the Little League World Series championship. Nearly fifty years had passed since a Little League pitcher had thrown a perfect game, and this twelve-year-old's rare performance happened in the playoffs, live, on national television. Fanfare and adulation followed the boy's achievement. But the celebrations were cut short by a shocking revelation; the boy was not twelve years old, as his coach and parents claimed, but fourteen—much too old to play in the Little League division he had just conquered. It appears that Danny's parents and team manager wanted the talented, ineligible teenager to play for the team so badly that they knowingly used a falsified birth certificate obtained from the Dominican Republic to get around the rules. They cheated. Little League officials swiftly moved to invalidate the team's Little League World Series third-place tournament finish and to ban the boy's father and team manager Rolando Paulino from further participation in Little League ball.

Newspapers soon reported that the team manager had been banned from play at least once before for similar infractions of the rules. You have to wonder: was this man a repeat offender because he thought age qualifications were unimportant when compared to giving talented minority youth an opportunity to develop their potential for college sports scholarships and lucrative careers as professional athletes? Or was he a recidivist because he was a self-aggrandizing competitor determined to win at any cost? According to Little League president Stephen D. Keener, "Clearly, adults have used Danny Almonte

²³ William C. Rhoden, "Death at 38; Reviewing a Vibrant Life," *New York Times*, September 22, 1998, D9.

and his teammates in a most contemptible and despicable way," this, in a sport whose motto is "character, courage and loyalty."²⁴

Dominican youth have few of the opportunities enjoyed by counterparts living in affluent U.S. suburbs. In the Dominican Republic, boys play baseball with sticks and with balls made of rags. Behind many instances of cheating is a strong desire to compete to victory against formidable contestants in a high stakes arena for scarce rewards and opportunities. Fairness would call for a level playing field and clean, honest competition. In an "our kind" versus "their kind" world lacking a consistent tradition of social justice, people may doubt that there really are level playing fields, or resent the level fields as barriers to victory craved by self-esteem, cheating to compensate.

WHY CHEATING IS WRONG

What we ourselves define as cheating, many of us do anyway. On the one hand, we share a deep-seated hatred of the cheat, colorfully described by journalist Natalie Angier as, "the transgressor of fair play, the violator of accepted norms, the sneak who smiles with Chiclet teeth while ladling from the community till."²⁵ On the other hand, cheating and cheaters are deeply rooted in American culture. It is hard to escape childhood with a clean record on cheating, and adulthood is a forest of fresh temptation.

Most of us are taught at a very early age that cheating is wrong, but it takes a while to figure out what counts as cheating. I innocently cheated as a first grader. I used to finish my classwork quickly and then allow other children to copy. I had no consciousness of wrongdoing. One minute I would break my snack-time cookies into tiny pieces to share them with classmates seated around me and the next minute I would slide my answers around the table to share them, too. As we grow up, we learn that sharing schoolwork is sometimes cheating. We also learn that life is full of opportunities to cheat, and that many otherwise good people are cheaters.

We do not like cheaters and may be hardwired not to. Sociobiologists speculate that human beings have evolved into a species with a rational dislike of individuals in our midst who take more than their fair share and give less than their fair share in return.²⁶ Cheaters force us to work harder or consume less for their benefit. We may also be hardwired to respond to cheaters in a way that reflects social hierarchy. One study concluded that we are three times less likely to look for cheaters when checking on

²⁴ For news reports of Mr. Keener's widely quoted public statement see, for example, "Quotation of the Day," *New York Times*, September 1, 2001, A2; and espn.go.com/moresports/llws01/s/2001/0831/1246234.html. The Little League motto and the history of the organization will be found on the Little League's official website at www.littleleague.org/media/archive/heroesrelease.htm.

²⁵ Natalie Angier, "The Urge to Punish Cheats: It Isn't Merely Vengeance," *New York Times*, November 1, 2002, F1.

²⁶ Denise Dellarosa Cummins, "How the Social Environment Shaped the Evolution of Mind," *Synthese* 122 (2000): 3–28.

individuals who are lower-ranking than equally high, equally low, or higher-ranking.²⁷ So executives suspect and detect cheating secretaries, who suspect and detect cheating mail clerks, who suspect and detect interns. This makes sense. It is easier to blow the whistle on someone perceived as less powerful.

The anticheating ethic presupposes that cheating is a moral wrong in personal life, an ethical failing in business and professional life. Behind this supposition are powerful conceptions of fairness. One major conception of why cheating others is wrong is that it is an injurious lack of reciprocity. By deviating from standards that others stick to, cheaters exempt themselves from standards of fair play, thereby injuring the legitimate interests of others, including others' equal interest in wealth, opportunity and self-respect. Whether in isolation or as part of a collusive group, cheaters violate reciprocity by exploiting others' compliant behavior to their own advantage. Cheaters are free riders. And some free riders simply do not care. Although "humans are remarkable within the animal kingdom for the extent to which they become involved in cooperative exchange,"²⁸ strategies of asocial conduct and free riding are also potentially rational strategies.²⁹ If cheating is potentially rational, calculating individuals will be tempted by it.

When "everyone" cheats—say, a whole classroom of test takers or an entire industry of auto dealerships—the problem goes beyond a failure of reciprocity. Communities of cheaters rebuff standards that frame schemes of cooperation, trust and merit. If a whole class of medical students cheats on a chemistry examination by passing around a stolen answer sheet, the class violates institutional trust. Through collusive deception, the students manage to cooperate with one another, but by the same token fail to cooperate with teachers and administrators. They also undermine the system of merit through which prospective physicians are evaluated and rewarded. Plainly, cheaters sometimes lack a sense of collective responsibility.³⁰ Since cheating is not always the rationally optimal strategy, social scientists agree that cheaters fail to understand that their own rational self-interest may require cooperation with authorities. "Smart" cheating may not be as smart as the rational calculator thinks.

The anticheating ethic mainly targets the practice of cheating other human individuals. Cheating oneself can also be an ethical concern. The Enlightenment philosopher Immanuel Kant maintained that we have a duty to show ourselves the same moral respect we show others. Consequently, we should no more victimize ourselves than we should victimize others. Under a Kantian worldview, grounds exist for moral concern about

²⁷ Denise Dellarosa Cummins, "Cheater Detection is Modified by Social Rank: The Impact of Dominance on the Evolution of Cognitive Functions," *Evolution and Human Behavior* 20 (1999): 229–48.

²⁸ Daniel Nettle and Robin I. M. Dunbar, "Social Markers and the Evolution of Reciprocal Exchange," *Current Anthropology* 38, No. 1 (1997): 93.

²⁹ Henk de Vos and Evelien Zeggelink, "Reciprocal Altruism in Human Social Evolution: The Viability of Reciprocal Altruism with a Preference for Old Helping Partners," *Evolution and Human Behavior* 18 No. 4 (1997): 261–78.

³⁰ D. Kay Johnston, "Cheating: Limits of Individual Integrity," *Journal of Moral Education* 25, No. 2 (1996): 159–71; idem. "Cheating: Reflections on a Moral Dilemma" *Journal of Moral Education* 20, No. 3. (1991): 283–91.

people who cheat themselves, whether by taking less than they are due or by forgoing opportunities. The extreme altruist is thus a potentially worrisome self-cheater. When told the story of an Asian American woman who won a midwestern state lottery but gave the money to Washington University In Saint Louis for a new law library, I wondered if she had not perhaps cheated herself by being imprudently generous. She subsequently went bankrupt. Perhaps the philanthropic-minded men who have made the news in recent years because they wanted to donate a second kidney, relegating themselves to a life of dialysis, wanted to cheat themselves out of good health.

For the theologically inclined, "cheating God" is a significant ethical failing, as serious as cheating a human competitor, the government or oneself. I recently heard someone argue that cloning body parts for lifesaving organ transplants would "cheat God" by extending the normal human life span. If cheating God is blameworthy, "cheating death" sometimes elicits praise and admiration, as we describe the lucky passenger who walks away unharmed from the fireball of an automobile collision.

On a more practical front, in addition to cheating flesh-and-blood human beings, the anticheating ethic targets cheating the government, companies and "the system," for the obvious reason that cheating those targets takes advantage of other people, too. The doped-up sprinter is taking unfair advantage both of the institution of sporting and of other individuals running her race. The tax evader is taking unfair advantage of the government and the individuals who comprise the political community. Both the sprinter who uses prohibited performance enhancing drugs and the tax evader are dishonest. At the core of the anticheating ethic is condemnation of unfair advantage-taking that victimizes either flesh-and-blood human beings or the valued institutions that serve flesh-and-blood human beings.

In the United States we are forced to compete with other people for many of the good and necessary things in life, so the playing field of competition should be level. This is a requirement of basic fairness. When I was a small child, the American system of government was something of a cheater. The nation's constitutional principles of liberty and equality were unfairly applied, giving whites and men undeserved advantages. The playing field was not level—not even close. Members of racial minority groups were barely allowed in the game, and white women faced enormous obstacles. The system was radically unfair to the poor. Eventually, tax-financed government programs distributed modest resources to the needy, especially after the mid-1960s. Landmark antidiscrimination laws passed by Congress, starting with the Civil Rights Act of 1964 and continuing into the 1990s with the Americans with Disabilities Act, greatly improved the situation of women, racial minorities and the disabled. State and local antidiscrimination measures have contributed to an even more broadly egalitarian legal order. For example, although federal statutes do not specifically prohibit discrimination based on sexual orientation, many local laws do.

Civil rights laws function as leveling devices. Prohibit discrimination in employment, and people of any race, gender, national origin, orientation, disability or age can compete as equals for jobs and professions. Prohibit discrimination in housing, and everyone who

wants a new home can make their bid. Prohibit discrimination in public office, and any candidate has a shot at becoming mayor. Prohibit discrimination in education, credit, sport, contracts and public accommodations, and you are well on your way to a society of thoroughgoing equality of opportunity. The remarkable body of federal, state and local antidiscrimination law has not eradicated extremes of wealth and poverty, sexism or ethno-racial prejudice, but it has made things unquestionably better. Someone like me, whose African American and Cherokee great-grandmothers were maids and washerwomen, can attend Harvard Law School alongside men and women of genteel Caucasian ancestry.

Legal equality is a wonderful thing—and a necessity—but it does bring about problems of its own. Now that the number and variety of competitors for economic and social goods is greater, the pressure is on to resort to Hobbesian modalities of self-interest. Put everyone together so that men and women, blacks and whites, gays and straights, Spanish speakers and English speakers leave the starting blocks in unison in a fair race for the same prize, and people greedy for victory, bent on getting ahead of a crowded field, will cheat their way to the front of the pack. People accustomed to privilege may cheat to insure that they hold on to their lead, and people accustomed to exclusion may cheat out of self-doubt, a sense of superior need or a suspicion that the field is still somehow rigged against them. Both the Jayson Blair and the Danny Almonte cases looked to me like a case of this sort—doubt, need and suspicion.

Americans can take pride in the fact that some egregious forms of cheating are not a part of our mores. For example, bribing judges and other public officials is not a routine business norm in the United States the way it seems to be in parts of Latin America, Europe and Asia. Moreover, government-paid physicians in the United States do not exact "tips" as a condition of care, as sociologists report they have done in Hungary.³¹ Not only do Americans not engage in such practices, we puzzle over anthropological claims that seek to characterize what would be "cheating" in our towns and cities as something else abroad.

There is, though, a striking prevalence and curious persistence to cheating in the United States, a nation of religion, opportunity and bounty. We need a better understanding of why Americans resort to cheating when we do not have to—and when we've been taught that it is wrong. The competitive ethos of our society, its acquisitiveness and the vulnerability some of us feel about losing out and being left behind are important dimensions of the problem. We need a better understanding of how to tackle the cheating our ethos encourages but our ethics condemn.

³¹ Kim Scheppelle and Antal Orkeny, "Rules of Law: The Complexity of Legality in Hungary," in Martin Krygier and Adam Czarnota (eds.), *The Rule of Law after Communism: Problems and Prospects in East-Central Europe* (Brookfield, Vt.: Ashgate/Dartmouth Publishing Co., 1999), 55–76.

GETTING CAUGHT

Cheating is typically clandestine and has to be.³² Get caught cheating in a Las Vegas casino, and you are escorted to the door—you may even be arrested. Tax cheating and Medicare fraud can get you arrested, too. The most skillful cheaters escape the label by avoiding detection. Few will suspect just how much disrespect the clever cheater really has for the rules. Because the cheater pretends allegiance to the norms that regulate the activities in which he or she participates, others trust the cheater to their detriment. I know a Washington white collar crime lawyer who wrote his son's law school admission essays and managed not to get caught. He should have known better. His son entered law school on fraudulent terms.

Cheating does come to light. Cheaters often get caught. Detected cheating need not, however, ruin a life or a career.³³ Sammy Sosa returned to applauding crowds after being suspended for using a corked baseball bat.³⁴ Former New York Mayor Rudy Giuliani was named "Man of the Year" for the brilliance with which he handled the terrorist attacks on the World Trade Center, despite an unseemly adultery scandal. The general public may forget and forgive, but the Internal Revenue Service, the Securities and Exchange Commission, and some spouses are not terribly forgiving. The fact that one has managed to avoid cheating most of the time may mean little to a humiliated spouse, a government regulator or a hard-nosed judge and jury.

In some lines of work, people are on the lookout for cheaters. Writers, scholars and scientists often get caught because vigilant colleagues and competitors in their field suspect and expose them. Considerable fact checking and peer-policing by investigative journalists uncovers cheating among fellow journalists. In 2003, the *New York Times* fired two top editors under whose watch the paper published stories fabricated and plagiarized by reporter Jayson Blair. In 1998, the *New Republic* fired Stephen Glass, an associate editor and former fact checker, for fabricating stories out of whole cloth. Blair and Glass had learned nothing from the disgrace of Janet Cooke. In 1980, *Washington Post* journalist Janet Cooke made up a news story about a drug-addicted eight-year-old. Cooke's elaborate fiction won her paper a Pulitzer Prize for investigative journalism. Cooke, who, the *Post* learned, had doctored her resume to get hired in the first place, resigned, and the *Post* returned the Pulitzer. Cooke later explained that she concocted her sensational report under pressure. After hearing rumors of a drug-addicted child, she wanted to be the first to report it.³⁵

The late historian Stephen Ambrose plagiarized Thomas Childers's *The Wings of Morning* in his best-selling book, *The Wild Blue*, and failed to get away with it. Doris

³² Ernst Fehr and Simon Gächter, "Altruistic Punishment in Humans," *Nature* 415 (January 10, 2002): 137–40.

³³ Cheating can create successful champions, cf. Thomas H. Murray, "The Bioengineered Competitor? Steroids, Hormones, and Individual Rights," *Phi Kappa Phi Journal* (Fall 1989): 41–42.

³⁴ The Associated Press, "Baseball Roundup; Fans Shower Sosa With Cheers, Cork," *New York Times*, June 11, 2003, D7.

³⁵ Jonathan Friendly, "Writer Who Fabricated Story Tells of Pressure 'To Be First,'" *New York Times*, January 29, 1982, A18.

Kearns Goodwin was detected after copying and sloppily footnoting portions of her 1987 book, *The Fitzgeralds and the Kennedys*. Another acclaimed historian was disgraced in 2000 when Emory University Professor Michael Bellesiles published *Arming America: The Origins of a National Gun Culture*, which won the 2001 Bancroft Prize. The book came under attack after other researchers could not locate archives Bellesiles cited in support of his controversial thesis that fewer Americans owned guns in the past than previously assumed. In response to the attacks, an investigation by a panel of independent experts convened by Emory University concluded that Bellesiles faked archival data. Bellesiles denied wrongdoing but resigned his faculty post in October 2002. American Enterprise Institute affiliated-researcher John Lott has also denied deliberate wrongdoing in research on gun ownership. Yet top scholars, including Stanford professor John J. Donahue, have found errors in Lott's books and articles alleging that "right-to-carry" gun laws reduce crime. When critics asked to see data backing up some of his conclusions, Lott said the data in question had been lost in a computer mishap. In an attempt to defend his flagging reputation for integrity, Lott deceptively created a fictitious fan named "Mary Rosh." Between 1999 and 2003, Lott flooded the Internet with statements commending his character and abilities, all signed "Mary Rosh."

Historians and social scientists take dishonest shortcuts, and so do natural scientists. Bulgarian-born scientist Victor Ninov was on the staff of the prestigious Lawrence Berkeley National Laboratories when he announced the discovery of a new atomic element. In the summer of 1999, Ninov reported sightings of a brand-new building block of the universe, element number 118. The scientific community greeted this and other unique accomplishments Ninov claimed with high praise. But subsequent researchers inside and outside Lawrence Berkeley could not corroborate Ninov's momentous findings, and investigators concluded in 2001 that Ninov had deliberately fabricated research. Ninov lost his job in May 2002. A year after Ninov's unclocking on the West Coast, University of Connecticut and Connecticut state officials disclosed that employees of the University of Connecticut Environmental Research Institute in Mansfield Depot had been routinely falsifying test reports on toxins. "Sound scientific research and practices were often abandoned for convenience," the *New York Times* reported.³⁶ Laboratory manager Dr. Jianshi Kang admitted that he had knowingly changed results for toxic compounds found in air, soil and water samples "from unacceptable to acceptable levels."

One standard form of cheating can survive public disclosure: sexual infidelity often continues unabated after its discovery. However, since victims of flagrant, persistent cheating in personal relationships may understandably feel humiliated, cheating out in the open can be as or more wounding than cheating on the sly. From the cheater's point of view, openly cheating in relationships, like running a perpetual personals ad, may make it easier for the cheater to attract additional casual lovers. But the reputation as a cheater may make it harder for the cheater to someday secure a trusting new partner for a committed relationship. So even if a person feels he or she can get away with overtly cheating on a partner, there are incentives to keep cheating clandestine.

³⁶ Stacey Stowe, "Research Lab Falsified Tests of Toxins, Reports Say," *New York Times*, September 6, 2003, B6.

MAKING EXCUSES

The anticheating ethic admits bona fide exceptions and excuses, such as letting your guests win a tennis match. In the context of playing otherwise competitive games with young children, clandestine rule breaking is a way to teach children to be gracious winners and losers. I used to cook the outcomes of various board games to insure that I lost. I did it to model for my preschool daughter (she threw tantrums whenever she lost) how to be a good-humored loser. I also openly removed the "go backward" cards from the board game Candyland to spare her the pain of too frequently losing this popular game of chance that teaches taking turns and counting. In Chutes and Ladders we sometimes ignored the chutes that are supposed to force players to move backward and just attended to the ladders that give players the right to move ahead. On a related front, when my twelve-year-old son went to the Internet to get what are popularly known as the "cheats" for new video games to advance more quickly through the maze of perils, he was not really cheating in an ethically significant way. The video games are not serious, everyone has access to the "cheats," and the rules of the game serve no inherent moral or ethical purposes. Youthful and adult gamers who rely on "cheats" are not participating in an institution or practice colored by reciprocal expectations of unaided fair play. By contrast, when my son is on the field playing league soccer or lacrosse, he knows that the rules of play matter and strictly adheres to them. Context is everything.

Cheating is a paradigm ethical failing and therefore gives rise to a paradigm set of excuses. Poor excuses for cheating recur so often that they ought to have their own names: the "I just cheated a little" excuse; the "I'm not bad, the rule's bad" excuse; the "It's for a good purpose" excuse; the "I am just taking what I deserve" excuse; and the "Everyone else is doing it" excuse. These are the top excuses for cheating, but similar excuses are used for other ethical failings.³⁷

I Just Cheated a Little

The "I just cheated a little" excuse is the excuse of employees who pad expense accounts by a few dollars every now and then. Lawyers who overstate the number of hours spent on a wealthy client's case implicitly rely on the excuse, too. The habit of viewing some cheating as worse than other cheating can feed into the tendency to make excuses for oneself: "What I did was bad, but tiny when compared to what others do." Some types of cheating *are* genuinely worse than others, depending on a range of factors that include the motive for cheating, the consequences of cheating, and the context. Cheating in the context of employment is generally worse than cheating in the context of purely recreational sport. Because of the number of victims and the size of the losses, cheating in the context of big business is often worse than cheating in the context of small business. However, even in small businesses, misconduct can exceed the bounds of decency. Throughout the 1990s Tri-State Crematory in Georgia casually dumped at least 334 corpses on its property and then provided relatives with urns of "ashes, sticks,

³⁷ The Josephson Institute of Ethics' primer, *Making Ethical Decisions*, contains a longer, overlapping list of common excuses for wrongdoing.

insects, sand, gravel, ground masonry particles and other things."³⁸ These ghoulishly unethical business practices came to light in the winter of 2002, as the victims of September 11 terrorist attacks were still being mourned.

Cheating in government seems worse than cheating in most other contexts because public trust in the rule of law is one of the most essential needs of modern societies. Cheating in intimate relationships may hurt only the three people directly involved, whereas cheating in international finance may hurt tens of thousands. As a general rule, though, even tiny cheating can be big. Cheating in recreational sports can cause accidents, but has also been known to incite violence. Cheating in intimate relationships can have wide consequences beyond the principals; a single extramarital affair has been known to have a profound effect on the rejected spouse, on children, in-laws, and an entire network of angry and disappointed kin and friends. The adulteries of a political leader can shake a nation, as in the cases of Gary Hart, Bill Clinton and Gary Condit.

I'm Not Bad, the Rule's Bad

The "I'm not bad, the rule's bad" excuse has sophisticated applications to tax evasion. In grade-school civics, Americans learn that responsible citizenship means following the rules and working within the system to bring about change. To get rid of legal obligations that you believe are unfair or ineffective, you are supposed to use democratic political processes. Speak out at town meetings! Write your Congressman or Congresswoman! Run for office! But this lesson in democracy and change only goes so far. Americans' behavior suggests a willingness to simply skirt unwelcome legal and ethical standards. There are far more surreptitious tax evaders than there are bold tax protesters.

Taxpayers who underreport income year after year may feel justified in their failure to comply with the tax code, by virtue of a sincere belief that the system of taxation imposes undue burdens on income earners. But they may underpay for other reasons. They may underpay (or not file) because the forms and rules are too complicated, or because their peers do not pay. If the people you know do not file, it may seem to you that "nobody files" and therefore that you would be a sucker to file.

I asked Michael Graetz, an expert on tax compliance and member of the Yale University law faculty, what he thought about tax evasion, and in particular about the "I'm not bad, the rule's bad" excuse for not paying taxes.³⁹ Graetz originally got interested in tax cheating as a particular kind of law enforcement problem. He hoped general theories of law enforcement would illuminate the problem of tax law enforcement. Against the grain of leading economic theories, Graetz concluded that the IRS's responses to nonpayment, both to the legal kind (loopholes and shelters) and the illegal kind (under-reporting income) were critical factors in the pattern of tax compliance. He is disturbed that—in the

³⁸ Ralph Frammolino, "ID, Recovery of Bodies Likely to Take Months," *Los Angeles Times*, February 21, 2002, A21.

³⁹ Michael Graetz, *The Decline (and Fall?) of the Income Tax* (New York: W.W. Norton, 1997). See also Michael J. Graetz and Louis L. Wilde, "The Economics of Tax Compliance: Fact and Fantasy," *National Tax Journal* 38, No. 3 (1985): 355–63; and Jeffrey Dubin, Michael Graetz, and Louis Wilde, "Are We a Nation of Tax Cheaters? *New Econometric Evidence on Tax Compliance*," *AER Papers and Proceedings* 77 (May 1987): 240–45.

words of an April 8, 2000, *Wall Street Journal* headline—the "IRS Rides the Ups and Downs of Congressional Whim."⁴⁰ The IRS seems to get tougher or more lax as the politics of Washington demand.

Graetz speculates that tax cheating is becoming more common, especially among younger taxpayers, and that this may be part of a larger trend toward cheating in schools and sports. Professor Graetz thinks little of the excuses people give for not paying taxes. "People should pay their taxes. We have the fairest tax system in the world," he said. Graetz agrees that the system is too complicated, but views needless complexity as a reason to press for change rather than to break the law. I asked Graetz why a low-income family whose tax payments equal the cost of sending their child to preschool should not skip taxes and pay for preschool. I believe many in the United States would say that poor families are right to do what they have to do to cope with unfairness in the system. His reply was pointed. "Why shouldn't they go into the grocery store and steal groceries? It's the same thing." People think stealing groceries is worse because of the risk involved. It is riskier to steal \$500 in groceries than to under-report by \$500 wages earned as a maid. But either way you are taking someone's property, Graetz explained. The injury in the one case is more impersonal and distant, but it's the same injury. I agree with Graetz but would be outraged if the IRS allocated its scarce enforcement dollars into prosecuting the poorest tax evaders, or if fellow citizens rushed out to become citizen tax enforcers targeting low-income families. Graetz, too, was unenthusiastic about tax whistle-blowing that amounted to turning in one's neighbors.

Like taxpayers, students and employees use the "I'm not bad, the rule's bad" excuse. They will ignore requirements with which they disagree, if the requirements feel too burdensome. Studies show that college students who cheat on exams report thinking that cheating is justified when a professor's requirements have been unreasonably onerous.⁴¹ In 2001, Montgomery County, Maryland, schoolteachers leaked test answers to students taking standardized tests. Their defenders pointed to the unreasonable pressure teachers experience when government lays down unrealistic performance standards. To avoid penalties, teachers and administrators resorted to cheating, feeling okay about themselves because they could offer the "I'm not bad, the rule's bad" excuse. Although they may have acted from altruistic rather than selfish motives, their own students blew the whistle.

It's for a Good Purpose

The Maryland educators who gave their students test answers may have rested, in addition, on a different excuse, the "It's for a good purpose" excuse. They may have thought it more important that their pupils make a good showing on the tests than that the state know the students' actual level of preparation. Why waste time "teaching to the test" or coping with the institutional consequences of underperformance when you can simply let your students practice actual test questions? The dangers of the "It's for a good purpose excuse" are clear. An election official would not have the right to toss ballots

⁴⁰ John D. McKinnon, "IRS Rides the Ups and Downs of Congressional Whim," *Wall Street Journal*, April 8, 2002, A28.

⁴¹ Donald L. McCabe, "Classroom Cheating Among Natural Science and Engineering Majors," *Science and Engineering Ethics* 3, (1997): 433–45.

into the trash in a close election just because a larger margin of victory would spare the county an expensive runoff. The candidate who loses by a small margin is entitled to a recount to uncover errors—and so is the voting public, notwithstanding the expense. Public officials who accept illegal gifts may save taxpayers money, but they do so at the cost of public interests that are as important as money. Short-term economic utility is not the measure of right and wrong.

Frustrated professionals charged with the care of vulnerable people—children, patients, indigents—sometimes come to believe that the system is rigged against them. They conclude not only that they can cheat the system, but that they must. Lawyers find ways to bend and stretch rules so that people can get what they want without technically cheating. But a lawyer, like any professional who believes unjust rules are standing in the way of getting to a fair, humane outcome, may be tempted to cheat the system. Cheating rarely loses its unethical quality, though, when motivated by an individual's beneficent motive to get the best of an unfair bureaucracy. Even if cheating is not likely to be detected, relying on the "bad rule" and "good purpose" excuses may be self-serving. Moreover, it is risky to individuals to presume to know which social policy rules are "bad" and what conduct will in the aggregate, redound to the public good. Mistaken judgments have potentially enormous social costs that can be avoided by seeking relief through established channels.

I'm Just Taking What I Deserve

The "I'm just taking what I deserve" excuse is equally troublesome. Suppose you are a whiz in biology. You have never scored less than 95 percent on an assignment because you study hard before each test. Before this week's test, though, you get food poisoning and cannot study. If you cheat by bringing in a crib sheet, you will surely get the score that you always get. If not, you will get a much lower score. The wrongness of cheating in such a situation is clear if you subscribe to a blanket principle that cheating is always wrong. But if you run from blame with the "I'm just taking what I deserve" excuse, the cheating looks acceptable. From a prudent point of view, the biology whiz should not cheat because there is some chance she will be detected, placing her future career in jeopardy. From a moral point of view, the would-be cheater's conduct implies the untenable principle that unlucky people should break inconvenient ethical rules. Suppose you have been a top law student and would surely ace the bar exam. But the month before the exam you suffer an emotional blow—a divorce—and are unable to adequately prepare. Had you prepared, you would have passed with flying colors. Should you cheat to insure that you get the score you would have gotten but for the fortuitous bad timing of a personal problem? Not from an ethical standpoint. You could postpone taking the test and plan to sit for the bar exam when it is next offered in six months' time.

Some people who use the "I'm just taking what I deserve" excuse are busy, not unlucky. Historians who intentionally plagiarize other historians know how to write and conduct research, but they are not consistently willing to invest the time it takes to do it: they copy instead. Some users of the "I'm just taking what I deserve" excuse are neither unlucky, nor busy. They are lazy. They do not want to bother with the kind of careful preparation that assures success. The lazy cheater's cheating rewards two vices: sloth and deception.

Moreover, lazy cheating hurts fellow test takers who are denied the opportunity to be top scorers. A law license is supposed to certify knowledge. Credentials awarded to bright but lazy cheaters mis-state their accomplishments to the world.

People who feel cheated may be motivated to engage in anticipatory, compensatory, or retributive cheating. If you feel you are likely to be cheated, you may cheat first. If you feel you have been cheated by others, you may cheat them back, thinking, "I'm just taking what I deserve." Paradoxically, both cheating and feeling cheated are ethical failures. Cheating is failure to respect others as equals with needs and interests similar to one's own; while allowing oneself to feel cheated is an ethical failure when it amounts to unproductive self-pity or an ungenerous, uncooperative, cheating spirit. The competitiveness of American society may incline everyone toward a bit of paranoia about being cheated.⁴² Since we are fallible judges of fairness, it is prudent for the ethically fair-minded to play by the rules rather than cheat out of fear of being cheated. Playing by the rules curbs the contagion of cheating by denying another an excuse for competitive cheating.

Everyone Else Is Doing It

The final excuse I want to consider is "Everyone else is doing it." With respect to doped-up athletes, noted bioethicist Thomas H. Murray observes that "[i]f they could be assured that their competitors were free of performance-enhancing drugs, the pressure to use such drugs themselves would dissipate."⁴³ There is a strong element of pride in the psychology of cheaters who cheat because they believe everyone else is doing it. If people think all of their peers or competitors are cheating, the point of cheating may be to preserve reputation and standing.⁴⁴ To not cheat is to risk being a wimp (a weakling afraid of risk) or a fool (too dumb to care about self-interest). Cheating out of pride in some settings is peculiar, because deep down inside the cheater knows that his or her achievement is illusory; yet the felt need to maintain a facade of genuine achievement is satisfied even by false victory.

RACE TO THE TOP

In many cases, we Americans cheat because we are hell-bent on getting ahead. We know that this desire to get ahead is not a valid excuse to cheat, though it sometimes feels like a very practical justification. Cheating to get ahead seems "smart." Getting ahead today is unlike getting ahead fifty years ago, a hundred years ago, or centuries ago, when most of the moral and ethical traditions to which Westerners subscribe originated. An intense desire to get ahead coexists with the most diverse set of competitors in history. As

⁴² See Gordon Reddiford, "Cheating and Self-Deception in Sport," in M.J. McNamee and S.J. Parry, eds., *Ethics and Sport* (London: Routledge, 1998), 225–39.

⁴³ Thomas H. Murray, "The Bioengineered Competitor? Steroids, Hormones, and Individual Rights," *Phi Kappa Phi Journal* (Fall 1989): 41–42

⁴⁴ Deborah F. Crown and M. Shane Spiller, "Faculty Responsibilities in Dealing with Collegiate Cheating: A Student Development Perspective," *Teacher Business Ethics* 1 (1997): 117–30. Deborah F. Crown and M. Shane Spiller, "Learning from the Literature on Collegiate Cheating: a Review of Empirical Research," *Journal of Business Ethics* 17 (1998): 683–700.

observed, no one's race or sex absolutely predetermines his place. No one's identity or status takes her out of the race to the top. Playing a little dirty can seem like a rational strategy for success in competitive domains of education, employment and business. Undetected cheating can easily be the more lucrative alternative to honest competition. Risk takers prefer to cheat, profit and then deal later with any guilty conscience. A mildly guilty conscience is a lighter burden for some people to contemplate than living modestly like a loser. And there may be no guilty conscience to speak of where an individual believes cheating was the overwhelmingly smart and sensible thing to do under the circumstances.

A sense of fairness is a preeminent virtue and requirement of caring for others in a liberal democratic society. Fairness gets deliberately shoved into the closet by people who feel a strong need to run with the pack, if not at the front. Cheating is one way to get the diploma, then the job, the second home, the extramarital sex and the early retirement. Only a few Americans of any age are desperate enough to murder their political rivals or cripple the athletic competition; however, more than a few resort to serious, nonviolent forms of cheating. "Getting ahead" is the familiar story of cheating in the United States, but our complex motives for wanting to gain advantage deserve a fuller account.

Two things make "the top" seem desirable: the emotions one expects to feel and the material rewards one expects to reap. The people who cheat hoping to ascend to the top may be most interested in the inherent pleasures and rewards of knowing that they have achieved success; but much more cheating is doubtless motivated by a quest for material rewards. Money, a job, a glistening trophy, proud families and adoring friends. The monetary rewards that flow from cheating can be ends in themselves, or they can be a means to an end, like paying off debts or getting a parent into a better nursing home.

Cheating to experience the top is in some cases just a vintage form of greed. We want more than we are entitled to, so we violate well-established rules to get it. We need things we cannot acquire through honest means, so we resort to dishonesty. A certain amount of cheating among the poor results from unmet needs for vital resources, yet most of the cheating we read about is not committed by the poor and does not relate to vital needs like food, medicine or minimum-wage jobs. Physicians convicted of Medicare reimbursement fraud are not impoverished or unemployable. The standard of living is so high in the United States that most people have more than they need. Cheating is not, therefore, primarily a means of garnering essential resources. If need does not explain cheating, greed might come closer. Greedy people want more wealth, status and power than they believe they could as easily accumulate without cheating.

Many young adults cheat for reasons other than greed. They go to college and discover the campus cheating norm. Students enter college understanding that the wider society professes an antichecking ethic but feel impelled by the campus cheating norm to cheat anyway. They plagiarize because peers plagiarize, especially when they believe the opportunity to cheat without detection is presented. If it is easy to cheat, students may even conclude that authorities do not really care about cheating and that the expectation some people will cheat sometimes is somehow built into the system. At many schools,

students take most final examinations in large rooms without proctors. We do it this way at the University of Pennsylvania Law School, where the students are as honest as anywhere else. Examinees are told at the start of the exam that they are on their honor not to cheat and are asked to report cheaters. Cheating is rarely reported. Many schools have similarly optimistic honor systems.

In the university, young adults sometime break the rules against plagiarism because they are insecure about their ability to succeed. I have had to play the role of prosecutor in student misconduct cases, a downside of being a law professor. One of my reluctant prosecutions at Georgetown University led to the expulsion of a first-year student who had stolen a copy of his roommate's legal writing exercise. He had hoped that the professor and her teaching assistants would not notice that two of the six hundred papers they had to grade were identical. This first-generation college-educated Hispanic cheated out of insecurity. He lacked confidence in his ability to meet the demands of a top law school and was afraid of disappointing his family. I am sure he could have done the work.

Students cheat when they are anxious about not performing as well as their peers and the work they are asked to do is difficult or onerous. They cheat because they believe competition for good jobs requires that students do whatever it takes to graduate on time. A 1980s study concluded that a tight job market contributed to cheating. According to David Callahan, economic pressures are partly responsible for the cheating epidemic.⁴⁵ Indeed, I believe some of the cheating in the academy can be attributed to stiff competition for rewards that were once the exclusive provinces of white men. Whites may cheat to stay atop the heap, and minorities may cheat to get what they believe they will be wrongly denied by the "system."

I attended a large public high school. Each quarter, shortly after report cards were issued, one person from each grade was designated "top scholar." The top scholar was the person with the highest grade point average in his or her grade. The rewards of this designation were a form letter sent home to the top scholar's parents, and the announcement of the award over the intercom system during the principal's morning news. During senior year I was competing against two or three others to be named top scholar, and I wanted this designation badly. No African American had ever been a top scholar. I was a high achiever who had already been permitted to skip the tenth grade. A virtually straight-A student, I feared my one non-A mark in an advanced-placement math course would put "top scholar" out of reach. The day arrived for reporting our grade point averages for the current quarter to our homeroom teachers. We were supposed to do the math ourselves in accord with a set formula. Conveniently "forgetting" that A's in physical education did not count as much as A's in academic courses, I reported a higher score to my homeroom teacher than I had actually earned. The mistake was in plain view. My teacher had all my grades and courses in front of her but did not have time to double-check a classroom of

⁴⁵ Felicia R. Lee, "Is America in the Midst of a Cheating Epidemic?" *Star Telegram.com*, October 9, 2003, www.dfw.com/mld/dfw/living/6970318. him, quoting Callahan. See generally, David Callahan, *The Cheating Culture: What More Americans Are Doing Wrong to Get Ahead* (New York: Harcourt Trade Publishers 2004).

thirty pupils' math. She reported to the principal's office the scores we gave her. My misconduct was never detected. I became that quarter's top scholar.

I relished the admiration that came my way the day Principal Oscar P. Boyles announced my "achievement." As a black teenager in a newly integrated white school, my need for recognition was especially keen. I lived in fear of being, as I would have said, once again overlooked. With respect to the top scholar award, I exemplified the type of "high self-esteem, high need for approval" child identified by researchers as more likely to cheat than other high self-esteem children and as likely to cheat as low self-esteem children.⁴⁶ In general though, my high need for approval did not lead me to cheat. I loved reading and writing, and possessed an enviable memory. Indeed, I memorized the entire periodic table of elements to win a seventh grade science bee. Most of the time I willingly lavished the kind of attention on schoolwork that earns high marks the honest way.

FACING OUR PROBLEM

Many young people seem to think cheating in school is justified or innocent, like fibbing. Mature adults seem to think cheating in personal relationships is to be expected—the inevitable seven-year itch. In fact, many committed or married people will have an affair in their lifetimes, even if, as priest and novelist Andrew Greeley observes, "the monogamous bond . . . is far more powerful in this country than is the propensity . . . to adultery."⁴⁷ Corporate executives seem to think cheating in business is playing to win, something you are supposed to do. They do not bring fair-mindedness into the picture. And the fact of the matter is, a lot of people do not think cheating is really all that unfair, since anyone who wants to do it can. At issue here is the logic of cheating.

To address the logic of cheating that is turning us into a society of cheaters, we need to confront it openly. If people are deep down comfortable with cheating, they will probably keep on doing it. And if they are going to keep doing it, we should try to understand the reasons why and prepare for the societal consequences. Leaders and moralists who ought to know better often talk as though wrongdoing were the rare exception, as if it were easy to follow moral rules. Just do it! Just say no! Right is right and wrong is wrong! But it is not easy to do what is right. Good people frequently fail. We need to speak publicly to one another about why misconduct has appeal. We need more open discussion and debate about the norms of advantage taking under which we actually live.

As a polity, Americans rarely have thorough conversations about the cheating we accept and practice. Typical ethical discussions in public life are simplistic: cheating is bad; catch, expose and punish the cheaters; toughen standards. Episodes like the Gary Condit and Jesse Jackson marital infidelities lead us to opportunistically label particular people as bad guys and to reap the political benefits of doing so. Public scandals do not, however, do much to get us talking about our rich understandings of what moral decency

⁴⁶ Thalma E. Lobel and Ilana Levanon, "Self Esteem, Need for Approval, and Cheating Behavior in Children," *Journal of Educational Psychology* 80, No. 1 (1988): 122–23.

⁴⁷ Andrew Greeley, "Marital Infidelity," *Society* (May/June 1994): 9–14, 10.

really requires of emotionally needy, overworked, married men holding high public office. The Enron scandal led to loud expressions of outrage and tougher laws, but to no better understanding of why cheating big remains so attractive throughout the business and financial services communities.

Calling attention to cheating for the sake of public education and discussion can backfire. No one wants to appear to be defending, let alone promoting, what others may consider cheating. The fear is that one's own morality will be called into question, and one's own conduct and accomplishments rendered suspect.⁴⁸ Yet, honest disagreement exists about what counts as cheating, and when cheating is excused or "smart."⁴⁹ To ignore disagreement, to continue talking as though the cheating imperatives are categorical, simple and obvious, when they are contextual, complex, and contested, limits the ability to effect change. The discussions we need to have would accept that cheating is a normal, though morally compromised, response to need, want, suspicion, fear and competition.

Because cheating is out of hand in our society, an antichecking ethic has got to be brought front and center. We can reduce cheating and the temptation to cheat by taking responsibility for revising the policies, practices and laws that discourage fair play. As an adjunct to character training, we need tough laws that make cheating harder and less profitable. Through well-designed approaches to character training, we can both curb our own personal cheating and also take responsibility for curbing cheating in the institutions in which we work and learn. We need to focus on the practical aim of teaching and learning honesty as a requirement of ethical virtue. When a ten-year-old asks whether it is okay to cheat, it may be time for a long conversation, rather than an occasion to recite an unadorned black-letter rule. To improve the picture of moral failure, we need to approach the moral education of youth with conviction, but as a realistic, dynamic process that takes personal and cultural limitations seriously.

⁴⁸ Bell and Whaley, xxviii, make a similar point and also recount that they abandoned the title *How to Cheat* as a title for their book when they learned that "one of the largest bookstore chains" would refuse to carry the book, the authors surmise, for fear of "contamination" by cheaters.

⁴⁹ cf. E. D. Evans and D. Craig, "Teacher and Student Perceptions of Academic Cheating in Middle and Senior High School," *The Journal of Educational Research* 84 (1990): 44–45. This article concluded that "a student's knowledge of what constitutes cheating is probably formed by middle school age." Twenty to twenty-five teachers investigated "exhibited confusions about some aspects of cheating."