

## CHEATING

*Bernard Gert*  
*Dartmouth College*

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It is surprising, and a little disheartening, that very few philosophers who are involved in applied and professional ethics, are concerned with the concepts and topics that are relevant to their own profession. It might have been thought that the most discussed concepts in applied and professional ethics would be those concepts that are involved in academic life, and that the most discussed ethical problems would be those ethical problems that arise in academic life. Perhaps philosophers are properly concerned that they cannot achieve the required disinterestedness in dealing with these concepts and problems. Whatever the explanation, there has not been much discussion of one of the central ethical concepts, the concept of cheating or of one of the most important topics in academic life, academic cheating.

Philosophy, properly done, should affect the way we understand the world and our place in it. Sometimes, as in epistemology and metaphysics, the changes in the way we see the world are immediately apparent, but when doing ethical theory, or moral philosophy, the consequences of correctly understanding a concept are not always clear. The concept of cheating has been almost completely neglected by philosophers. The failure to examine the concept of cheating has led to the view that an analysis of cheating is unnecessary because cheating, like lying, is simply a subclass of deception. Alternatively, the view that an analysis of cheating is unnecessary may be based on the view that cheating is a special case of breaking one's promise. Both of these views are plausible. Most cheating does involve deception and cheating may even seem to necessarily involve deception. Cheating also seems to be closely related to breaking a promise; it seems, in fact, to be the breaking of an implicit promise. In order to show that these views are wrong requires an analysis of the concept of cheating.

## ANALYSIS OF CHEATING

Cheating in its basic form takes place only in activities like games that have a built-in goal, and which people enter voluntarily.<sup>1</sup> The rules of this activity can be drawn up explicitly, as in most games, or simply grow out of custom, as in generally agreed-upon practices in buying and selling. Games are the paradigm case of what I call public systems. I use the phrase “public system” to refer to a guide to conduct that has the following two features. 1) All persons to whom it applies, that is, all those whose behavior is to be guided and judged by that system, know what behavior the system prohibits, requires, discourages, encourages, and allows. 2) It is not irrational for any of these persons to accept being guided and judged by that system. Most public systems, like most games, are entered into voluntarily. It is very difficult to have a system that applies to people, if they chose not to have it apply to them, be a public system. However, academic activities can be public systems even if they are not entered into voluntarily.

Although colleges and universities are entered into voluntarily, and so their academic activities are more clearly public systems, elementary and high schools try to make their academic activities as much like a public system as they can. These schools, like colleges and universities, try to make sure that everyone engaging in academic activities knows what behavior the system prohibits, requires, discourages, encourages, and allows. They also try to make the system such that it is not irrational for any of these persons to accept being guided and judged by it. All schools, at whatever level, try to make the system that governs their academic activities known to everyone governed by that system and also try to make that system acceptable to all of them.

However, the clearest examples of public systems are games such as baseball or bridge. These games have an inherent goal and a set of rules that form a system that is understood by all of the players. They all know what kind of behavior is required, prohibited, discouraged, encouraged, and allowed by the game, and it is not irrational for all players to use the goal and the rules of the game to guide their own behavior and to judge the behavior of other players by them. Games, like all public systems, apply only to those playing the game. If a person does not want the goal sufficiently to abide by the rules, she can usually quit. The paradigm cases of cheating occur in such voluntary activities. However, sometimes there are such strong reasons for entering into an activity governed by a public system, that persons stay in that activity even though they do not want to abide by its rules. Although going to elementary and high schools is not

voluntary and going to college or university is, the reasons for going to college are so strong, that there is not much difference. But often there are also strong reasons for playing a game, especially if one is a professional. Cheating in academic activities at college is cheating in the paradigm sense of the term.

Cheating, in the paradigm case, involves violating the rules of a public system in order to gain the built-in goal, but not merely this. It is a violation that is not incorporated into the activity, unlike fouling in basketball, which has set penalties. Fouling is often done openly, and it can be part of the strategy of the game to foul. Cheating usually involves violating a rule of the public system that no one is permitted to violate and remain in the activity governed by that system. At least initially, cheating includes no explicit penalty except perhaps expulsion from the activity. In normal circumstances, cheating is never done openly, and it is never part of the strategy of the game to cheat. This may lead some to regard cheating as breaking an implicit promise. Cheating is violating the rules of a public system in order to obtain the built-in goal or benefit of participating in the activity governed by that system. Cheating will usually not be successful if the other participants in the activity discover that you have cheated. That cheating involves attempting to gain the built-in goal without following the agreed upon rules explains why cheating almost always involves deception. People who know that a person has cheated are generally not going to allow him to benefit by breaking a rule of that activity.

Although cheating is closely connected to both breaking a promise and deceiving, it is distinct from both. Promises are always made to a particular person or group of persons. This is true even of genuine implicit promises. An implicit promise is sometimes characterized by saying, "Silence gives consent." Someone is made an offer and, by not refusing, implicitly promises to carry out his part of the bargain. A person can cheat, however, never having come into contact with anyone who can claim that a promise, implicit or explicit, was made to him. Cheating depends on a social institution rather than on personal interaction; cheating necessarily involves violating the rules of an activity governed by a public system. Everyone participating in an activity governed by a public system would, at least publicly, claim to condemn cheating in it.

Entering a game may sometimes involve making a promise to the other players that one will abide by the rules of the game, but usually this does not happen. Claiming that there must always be an implicit promise even when there is no communication between the players, because

cheating is the breaking of a promise, is simply begging the question. It has no more force than the claim that cheating at solitaire is breaking a promise to oneself. Although there are similarities between breaking a promise and cheating, not every case of cheating is plausibly regarded as a case of breaking a promise.

The account of cheating provided above also explains why a person who cheats generally will try to conceal his cheating from others. Most people participating in an activity will not allow a cheater to gain the built-in goal of that activity when he has not abided by its rules. However, when all of the people participating in an activity are employees of one person, this person can take advantage of his position outside of the activity to cheat without even bothering to conceal it from the others. The boss who plays golf with his subordinates may sometimes cheat quite openly. He may not count missed strokes, or he may remove the ball from the rough without taking a penalty. Of course, if he cheats too much, it might be said that he is not really participating in *that* activity or playing *that* game. But in a sense, cheating just is “not playing the game,” and so this is not a serious objection. One need only notice the reactions of the people being cheated to realize that they do not consider themselves to be playing a different game.

This same kind of non-deceptive cheating can occur in more important matters than games. If there is a shortage of some item, for example, meat, then the butcher may openly put his thumb on the scale, knowing that no customer will complain about his cheating because they do not want to jeopardize their chances of getting meat. In general, those with sufficient power can cheat without deception. Why cheating normally involves deception is that few people, or companies, or countries, are that powerful. This analysis also explains why cheating at solitaire is possible even though a person plays that game by herself, and so it is not a moral matter. But some philosophers are so committed to their mistaken analyses that they think that a person cheating at solitaire is deceiving himself, or breaking a promise to himself. This is reminiscent of what some people say about academic cheating.

Cheating, however, is not reducible to either breaking a promise or deceiving, although all three of them might be classified as a violation of trust or faith. However, this would be to use “violation of faith” in a technical sense and so is not helpful in understanding what counts as cheating. Although cheating is distinct from deceiving and breaking promises, it is like them in all the morally relevant respects. Like deceiving and breaking a promise, cheating may even be justified. Justified cheating

may seem to be a contradiction, but although examples of justified cheating may be rare, they are certainly possible. Playing cards with someone who will kill my family if he wins certainly justifies cheating. (If he will kill them if he loses, letting him win is not cheating.)

Cheating does have one characteristic that neither breaking a promise nor deceiving have. This rule cannot be broken unintentionally. There seems to be no such thing as unintentional cheating. Simply forgetting about a promise counts as breaking it unintentionally. Although it is not clear what, if anything “unintentional deception” normally refers to, a natural referent can be found without too much difficulty. Some actions not intended to deceive would naturally count as unintentional deception, for example, telling jokes to naive people who will be misled by them or passing on false rumors that one has no good reason to believe true. Such actions would naturally count as unintentional deception.

It is much more difficult to find a natural referent for “unintentional cheating,” but a plausible example is the following. A person playing a card game breaks a rule unintentionally, discovers it later, but tells no one about it. Cheating is failing to abide by the rules of the public system of some activity in which one is engaging, but I do not claim that this is now called unintentional cheating. I am not even sure that it would actually be called either cheating or unintentional. Even though there is no intentional breaking of the rules, there is an intentional concealing of a past violation, and in some games, e.g., golf, people are required to reveal that they have broken the rules, not doing so counts as cheating. In other activities, such as adultery, not reporting past violations does not count as cheating, even though adultery itself counts as cheating.

#### CHEATING AT GOLF AS A MODEL FOR ACADEMIC CHEATING

It is worthwhile to use golf as a model for academic activity and to use cheating at golf as a model for academic cheating. Golf is a useful model because, like academic activity, it can be pursued in two distinct settings. In the first case, you have the goal of getting the ball in the hole in the smallest number of strokes. This occurs when you simply play golf for fun, by yourself or with a friend. Playing golf in this way can be like playing *solitaire*. The game has clear rules and a player is expected to abide by these rules as he seeks to get the ball in the hole. However, if you are playing simply for fun, by yourself or with a friend, you may decide not to abide by the standard rules, and so not count missed balls or not count moving a ball that has landed in a particularly bad spot. If

playing by yourself, there is nothing really wrong with doing this, although you may be deceiving yourself about how well you play and even breaking a promise to yourself to keep an honest score. Nor is there anything morally wrong with doing this if your friend agrees to this change in rules. However, if you report to someone else that you shot a 79 on the course, when you did not abide by the standard rules, then you are deceiving someone else and that is a moral matter, if only a minor one.

Academic activity can be like this, you may simply be interested in testing your academic skills, for example, testing your word power in an issue of the *Reader's Digest*, or seeing how many foreign words you can translate without a dictionary. People can take practice tests in this way. Some of these activities, like playing golf for fun, have established rules, and failing to abide by these rules simply involves giving up the original activity and doing something different, e.g., deciding if you know the meaning of the word after you see the answer. Like changing the rules when playing golf simply for fun by yourself or with a friend, there is nothing wrong with doing this. You and your friend can even help each other with the test as long as you do not tell anyone else that you got 18 out of 20 words correct, or scored 1500 on the SAT when you took more time than allotted or got help from each other.

Cheating on a practice test or when playing golf by yourself is probably not a good way to prepare for taking a real test or playing golf in a tournament, but it is not a moral matter in itself. Morality concerns our interactions with others. Academic cheating concerns our relationship with others. Cheating as an immoral activity does not apply to behavior that does not affect others. But cheating at solitaire is so similar to immoral cheating in every respect except that it does not involve others, that it is not surprising that we use the same word to refer to it. Indeed, the similarity is so great that some people even regard cheating at solitaire as slightly immoral. I agree that a person can cheat at solitaire or on a practice test or when playing golf by himself, but I do not regard it as immoral in any way.

Playing golf in a tournament is different from playing golf for fun by yourself or with a friend, just as taking a test in school is different from taking a practice test. When you enter into a golf tournament, you not only still have the goal of getting the ball in the hole in the smallest number of shots, you also have the goal of getting the ball in the hole in a smaller number of shots than most, if not all, others. Playing in a tournament adds a new element, competition with the other players. Similarly,

taking a test in school (or writing a paper or doing a research project) has the same individual goal, doing the best that you can do, but it also has another goal, doing better than others who are taking the same test. Competing with others is not the only, or even the primary, goal of academic activity. That goal is to learn new information, or improve your academic skills, but being in a college or university adds the element of competition.

There is a tendency to downplay the element of competition in academic life, to talk about academic activity as if it were simply an attempt to learn new information or improve your academic skills. This is a mistake. If academic activity were solely about learning new information or improving your academic skills, then why should anyone care if you cheat. Of course, if you cheat in an activity that prepares you for a role that you will take on after graduation, you will not be as prepared to fulfill that role. However, to claim that cheating will make you unqualified to fulfill your role and so other people will suffer because of that is quite a stretch and does not seem to apply to required philosophy courses. To say that to cheat is really to cheat yourself out of an education makes cheating a prudential, not a moral matter.

To claim that cheating is wrong because it affects the prestige of a college or university is also quite a stretch, unless it becomes widely known that a very large number of the students cheat in a large number of their courses. Furthermore, to say this makes it sound like the cheater is really cheating the college or university. Accepting this view makes it not surprising that other students do not get upset by a cheating student. Cheating damages the university, not them. So one student may actually help another student cheat by allowing him to copy her answers or her paper or telling him where he can get a paper from the Internet. However, even on this account, students who do not cheat suffer some harm because they do not rank as high in the course as they deserve.

No one claims that a golfer who cheats in a golf tournament is really cheating himself, or cheating the tournament. Everyone knows that the people being cheated are the other golfers in the tournament. That does not completely eliminate cheating, or even some golfers helping their friends to cheat, but it does affect the general attitude toward cheaters and even toward those who help others to cheat. Cheating in a golf tournament is not something that anyone brags about. Honest golfers do not think that they should stand together with cheating golfers against the officials at the tournament and protect the cheaters from those officials.

In golf, or any other game, no player who cheats (violates the rules) thinks of himself as cheating the referees or umpires, he knows that he is cheating the other players or other team. A student who cheats on a test may be deceiving his teacher, but he is not cheating her, he is cheating the other students in the course. Colleges should make clear that the faculty and administration are functioning as referees or umpires, or tournament officials, allowing each student to have a fair chance to compete with others. Students should be helped to see that those who cheat, by plagiarism from the Web, or in any other way, are cheating them, not the school. I hope that this would have some impact on their attitudes, making cheating seem less acceptable both to potential cheaters and to those students who are being cheated.

One of the features of a golf tournament is that the participants in the tournament have some say about the rules that govern the tournament and which they are expected to follow. Of course, golf tournaments are often held annually so that a tradition has developed concerning the rules, but all of the players know the rules of the tournament and if they think that some of the rules are not appropriate they can try to get them changed. The golfers know that the point of the rules is to bring about the result that those having the greatest ability or luck on a given day or set of days will win the tournament. Many of them know that they will not win the tournament, but they still want to play the best they can play and finish as high as they can. These two goals are distinct, but they are related.

Some golfers prefer to play in more prestigious tournaments even though they know that they are less likely to win or even to finish high in the standings, because they think that the increased competition will benefit their game. Others prefer to play in tournaments with players of about the same level as themselves. They think that having a decent chance of winning or of finishing high in the standings gives them a competitive motivation to play better. Few, if any, golfers choose to play in lesser tournaments where they know that they are better than the other players, because winning in this kind of tournament is least likely to help them play as well as they can. But no matter what kind of tournament they play in, golfers do not want any other golfer to cheat, because even though others cheating will not affect their primary goal of playing as well as they can, someone cheating will affect their standing in the competition.

My suggestion is that colleges and universities initiate policies that make students realize that they are like golfers in a golf tournament. They

should make clear that there are two closely related goals, the first is doing as well as you can, and the second is trying to be as high in the standings as you can. It should be made clear that although cheating makes it less likely that you will be as well prepared as you could be, and that it decreases the prestige of the school if many students are known to cheat, the primary reason for not cheating in school is the same as the reason for not cheating in a golf tournament, that it gives you an unfair advantage over others in the competition.

It is not an excuse for cheating in either a golf tournament or in a college that you do not have the same level of ability as others in the tournament or college, or that you did not have the same level of opportunity for training as others. When you enter the tournament or college you should know the competitive level and be prepared to compete fairly. Even more than in golf, in academic life, doing as well as you can is the primary goal, but that is not the goal that makes cheating wrong, what makes cheating wrong is that it unfairly disadvantages the other people in the tournament or in the college. This is the primary message that must be conveyed if we are to have students take the same attitude toward cheaters that golfers take.

Except for pass/fail courses in which all students are expected to pass, all courses are graded on a curve, regardless of whether they are officially on a curve or not. It makes no difference whether each student's progress is judged against some independent standard such that in a given semester theoretically all students could get "A"s or all students could fail, cheating affects your competitive ranking among students. Dartmouth College explicitly recognizes the competitive aspect of academic activity by reporting grades on a student's record by listing the course average as well as the student's grades. Although they did not adopt this policy in order to show students that cheating affects them adversely, by making explicit the competitive aspect of academic activity, it does show this.

Some may find it distasteful that I am emphasizing competition so much. They may insist that competition for standing is irrelevant to academic activities. This has a nice idealistic sound. However, if competition is not involved, then in prohibiting cheating, schools are primarily engaged in a paternalistic practice. Colleges are trying to protect students against their own poor judgment. If that is the case, it is not unreasonable for students to claim that they know what is best for themselves and that cheating, especially in a required philosophy course, is not going to hurt them at all. When cheating is seen as unfairly disadvantaging other stu-

dents, it is the enforcement of a justified moral rule, not paternalism that is being practiced.

There is such an understandable emphasis in education to stress that its goal is the gaining of knowledge and skills by and for the individual, that the competitive aspect of academic activity is downplayed. Competition is something that businesses engage in, not academics. This idealistic attitude, like all unrealistic attitudes, has some bad effects. It is true that the goal of academic activity is the gaining of knowledge and skills by and for the individual, but in colleges and universities this is done in a competitive context. To ignore the competitive aspect makes it impossible to provide a plausible moral argument against cheating. It would be interesting to see how this account of cheating is viewed by teachers and school administrators. It does have some interesting policy implications for school policies.

In order for this view of cheating to be successfully presented to the students, it must be shown that the rules governing academic activities really do generally result that those who do better in legitimate academic activities gain a higher standing, just as those who demonstrate better golfing abilities generally rank higher in the standing of the tournament. It is also essential that students know all of the relevant rules. As with golf, most of these rules are self-evident. All work you turn in must be your own. You should not take credit for any work that is not your own, and should give appropriate credit to whomever deserves it. However, not all rules are self-evident, even though they may seem so to the professor in the course. It would be useful if each professor were able to hand out the idiosyncratic rules that she requires students to follow, and it would be even more useful if there were no idiosyncratic rules.

Orientation programs concerning cheating should be entirely student run. They should make clear that it is primarily the non-cheating students that are disadvantaged by the cheaters, not the cheater in the future or the prestige of the school. It would be useful to point out the arrogance of the cheater. Arrogance does not entail that you view yourself superior to others, but only that you do view yourself as not subject to the same constraints of morality that everyone else is constrained by. The cheater is allowing himself to violate those rules that he would not be willing for everyone to know that they were allowed to violate. He is taking an unfair advantage. Faculty and administrators must be clear and make clear that with regard to cheating, their function is to protect the honest students from being taken advantage of by those who cheat.

In order to help students realize that the rules are designed to protect them from being taken advantage of, it would be useful for students to have a real say in how the rules are enforced. I am not talking about a student committee that adjudicates purported cases of cheating. This involves only a handful of students, those who already have the appropriate attitude about cheating. Whether or not a college has an honor system, the vast majority of students should have a say in how they want the rules enforced. It is not an entire college that is like a golf tournament, it is each individual course. Students are in courses where different levels of enforcement of the rules are possible, and they should have a say about how they want the rules enforced in that course. Giving students a real say in how they want the rules enforced makes it clear to them that they are the ones primarily affected by whether the rules are violated.

It may not be possible in every course, but for those courses that have exams, students could pick either supervision or no supervision, allowing the faculty member to pick between sporadic supervision and continuous supervision. For courses utilizing the web, there also might be different levels of supervision, or kinds of exams. What is important is that students should be able to express their view in a way that has a real impact on the way their course is run. They should not be forced to accept something handed down by the school and which they might consider inappropriate for their particular course. It would emphasize in the most dramatic way that it is the students who are most affected by cheating and that they should decide what is needed in that particular course to discourage cheating.

The students could be presented with a form that presented the different options and asked to vote for one of them. This should, especially after it had been done several times, take very little time. It would not only provide some opportunity for the professor to say something about the honor principle, or lack of it, at the school, and how it applies to her course, but it would give some importance to her remarks, for they might be relevant to the way the students vote. Taking such a vote in every course would give faculty a real sense of how their students regard the course, e.g., how important the competitive aspect of the course was. It would also give each student a chance to express his own view on this matter.

More than a mandatory signing of an honor pledge, it would allow students to say yes or no to whether they want their exam supervised. A vote for supervision would show that they were concerned enough about cheating to want supervision; a vote against supervision would show that

they did not expect anyone to cheat in that course and so did not think any supervision was needed. If some students vote for no supervision and then cheat, then they are so far gone that there is nothing that can be done about them; it would show a premeditation with regard to cheating that I do not think is the major problem. It would also let students who were thinking of cheating know that other students did not approve of such activities. This would be true regardless of how the students voted. The results of the voting could be made available to the class.

There are many ways of deciding how much of a vote is needed to have supervision or not to have it. The simplest is majority vote, but it would also be appropriate for schools to require a two thirds vote to go against normal school policy. A school with an honor code could require a two-thirds vote for supervision and a school without an honor code could require a two-thirds vote for no supervision. But regardless of the outcome, having such votes would provide a continuous and important guide to the way students felt about cheating in that course. Changes in student voting patterns could indicate trends that need to be examined. Differences in the way students vote in different departments' courses might also provide valuable information.

It would, of course, be a real effort to initiate this kind of vote in courses. If not properly interpreted, such a vote might even have a bad public relations effect if the outcome conflicted with the school's reputation. But I do not see how any outcome could really be disadvantageous. If the vote in every class were overwhelmingly for supervision, this need not show the prevalence of cheating. On the contrary, it could show that the overwhelming number of students were so against cheating that they voted to restrict their own freedom to prevent cheating by anyone. If they voted overwhelmingly for no supervision, this could show that they thought cheating was not a serious problem at all.

Since this vote has real consequences for the students voting, it would provide a much more reliable guide to student attitudes toward cheating than anything else we now have. It would empower students in a way that had an important impact on their lives. Most important, from my point of view, is that it would make it absolutely clear to students that they are the ones affected by cheating and that cheating in school should be tolerated no more than cheating in a golf tournament.

It is going to take a long time to change student attitudes toward turning in cheaters. Misplaced loyalty is one of the greatest obstacles to morally good behavior, not only in schools but also in all organizations. However, many students do realize that they are being disadvantaged by

those in their courses that cheat. Initiating policies that enable more students to see this more clearly, it is necessary to admit that academic activities are inherently competitive, and to make this point evident to the students as well.

The proper behavior of a person participating in the activities of an institution is to abide by those rules that he would not want other people participating in those activities to know that they are allowed to violate. This behavior shows respect for the other persons who are also participating in these activities by abiding by those rules that he expects them to follow. However, a person who cheats fails to show this respect. By cheating he demonstrates that he does not regard himself as bound by the same rules that he expects everyone else to follow. Cheating, no matter what the motive, shows that he regards himself as not being subject to the same constraints of the activity that everyone else participating in that activity is required to obey. It demonstrates an arrogance that is likely to show itself in even more harmful ways than cheating.

*Bernard Gert is Stone Professor of Intellectual and Moral Philosophy at Dartmouth College.*

## NOTES

<sup>1</sup> For a fuller analysis of cheating see *Morality: Its Nature and Justification*, revised edition, Oxford University Press, 2005.

