On the way to professionalism — the promotion of law students’ academic integrity

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Abstract

As the Council of Bars and Law Societies of Europe has stated, ability to behave professionally and with integrity has to be developed already in the process of training future lawyers. A fundamental value of teaching, learning and scholarship is academic integrity, yet surveys indicate significant number of cases of students’ academic dishonesty. The purpose of this paper is to reveal the relationship between integrity as professional value of lawyer and commitment to academic integrity and to systematize the applicable means for promotion of academic integrity. The results of the research support the assumption that academic integrity is significant for the development of professionalism of future lawyer. The promotion of academic integrity depends not only on the efforts of students and teachers but of academic institutions and the whole society as well.

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1. Introduction

The development of ability to behave professionally and with integrity is one of the purposes of training future lawyers (Council of Bars and Law Societies of Europe (CCBE), 2007, para. 1.2.d). A fundamental value of teaching, learning and scholarship is academic integrity, yet the International Centre for Academic Integrity (ICAI, 2012) reports that “cheating among high school students has been increasing dramatically during the past 50 years”. The poll of Lithuanian students in spring 2012 also indicated wide prevalence of cheating and moreover, they indicated high level (24%) of academic dishonesty among students of social sciences (Kriaučiūnas, M., 2012, p. 21). These tendencies can cause serious damage for the preparation of qualified professionals.

The purpose of this paper is to reveal the relationship between integrity as professional value of lawyer and commitment to academic integrity and to systematize the applicable means for promotion of academic integrity. In order to achieve this purpose, the relationship between integrity and conscience is determined and possibilities of their development in higher school are analysed, the best practices of the International Centre for Academic Integrity (ICAI) are examined and roles of different social agents in promotion of academic integrity are described. The methods of the research are linguistic analysis, logical and systematic analysis of legal documents and literature, descriptive method and generalization.

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2. Integrity as professional obligation of lawyer and possibilities for education

The notion of professionalism implies, inter alia, a commitment to certain values not only in public service but also in everyday practice (William, 1991, p. 66; CCBE, 2007, para.1; Gerst, S. & Hess, G., 2009, p. 519). Integrity is one of the most important principles for the lawyer. So as he would be guided in his activity with the support of the relationship of trust between the lawyer, clients, third parties, courts and the state. Therefore, CCBE (2010) considers integrity not only as traditional virtue but also as a professional obligation of a lawyer (para. 2.2). Psychology, business administration and management researchers also indicate personal integrity as an important criterion which allows us to evaluate the ability of performing a job. They conclude that “people with higher integrity are more innovative and productive than those with lower integrity” (Becker, Th. E., 1998, p. 160; Behrling, O., 1998, p. 85).

Future lawyers acquire basics of professional competences during studies at a higher school. Is the higher school able to provide a significant impact on integrity as personal as well as on a professional virtue? In order to answer this question the essence of the concept of integrity should be explored.

The noun integrity has several meanings: steadfast adherence to a strict moral or ethical code; soundness of moral character; honesty; the quality or condition of being whole or undivided etc. (Collins English Dictionary, 2003; The American Heritage Dictionary, 2003). All these meanings here are significant, since ‘someone has integrity if he acts in accordance with important moral principles, does so in a coherent and consistent way, over time <…>’ (Maak, Th., 2008, p. 358). Thus integrity requires unity of words and actions which enables to evaluate the person as trustworthy. Integrity also “requires acting in accordance with one’s conscience” (Audi, R. & Murphy, P. E., 2006, p. 4) which is understood as “the awareness of moral or ethical aspect to one’s conduct together with the urge to prefer right over wrong; a source of moral or ethical judgment or pronouncement; conformity to one’s own sense of right conduct” (The American Heritage Dictionary, 2003). One of the philosophers who explored the notion of conscience most precisely is saint Thomas Aquinas. He understood human conscience as an inner quality which enables us to discern what is right and wrong and to apply this knowledge to particular decisions about some of our actions. According to philosopher, human conscience consists of: (1) a specific habit of practical reason (racio practica) - the inherent knowledge of common moral-practical principles (synderesis); (2) an acquired world-view concerning practically important basic beliefs and basic values (sapientia); (3) an acquired empirical knowledge (scientia) which helps an individual to recognize and judge the actual practice (Anzenbacher, A. 1998, p. 80-81). Synderesis of every person is equal as far as everyone bears a conscience, but sapientia and scientia vary as far as every person may acquire different knowledge.

The conviction of personal conscience is always subjective therefore it can be wrong. According to T. Aquinas, conscience is wrong when individual world-view or empirical approaches do not conform to the widely recognised public standards (Anzenbacher, A., 1998, p. 99). Understanding of right conscience as corresponding of public standards indicates the cohesion of individual conscience and social ethos. According to A. Anzenbacher (1998), on the one hand, individual conscience is formed and defines itself through an existing ethos. On the other hand, mass of consciences causes a dynamic of an ethos (value change). These interdependent processes reveal themselves through various social institutions including education (p. 109).

T. Aquinas as well as I. Kant believes that the moral quality of the action ultimately depends on the inner act of will, which determines the action. However, the moral quality of this inner volition depends on the object, i.e. on the motive of the will which defines itself in conscience. Namely human conscience (synderesis, sapientia and scientia) indicates the rightness or the wrongness of a motive, object or action. Then the free self-determined will choose the object, its’ wish is to pursue (Anzenbacher, A., 1998, p. 82). Thus, the main task for education is to develop individual sapientia and scientia, by providing certain knowledge which enables us to evaluate the rightness or the wrongness of the motive (object) of will and encouraging practices which support widely recognised public standards (values).

These ideas of T. Aquinas and I. Kant are reflected in the Universal Declaration of Human Rights (1948): “All human beings are <…> endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (art. 1). Contemporary researches on integrity and conscientiousness also indicate the relevance of T. Aquinas’ ideas and provide the basis for the comparison of these notions which finally lead to the conclusion that
integrity is “morally laden element of conscientiousness” (Becker, Th. E., 1998, p. 158; also see Audi, R. & Murphy, P. E., 2006, p. 4), i.e. integrity is adherence of the instructions of right conscience. However, conscientiousness is the internal quality (virtue) of person. It can be governed by right or wrong conscience which affects his way of thinking, talking and acting. Whereas, integrity is an external quality which imperatively requires us to address statements and actions to widely recognised moral principles and values. Therefore, integrity can be considered as personal as well as an institutional quality (value). As far as the notion of integrity through the right conscience involves the notions of sapientia and scientia, it is possible and necessary to talk about the ways of promotion of integrity in the process of education.

3. The alliance against academic dishonesty – guidelines for the promotion of academic integrity

The professional activity of a lawyer is essential for the maintenance of justice and social sustainability. As the Constitutional Court of the Republic of Lithuania (2008) held, these and other fundamental legal values can be ensured only “in a legal system, where lawyers have the necessary professional competence” (para. II.1). National and international (e.g. CCBE, 2007) documents establish the compulsory knowledge and skills for future lawyers, but value-based education though theoretically mentioned, practically still stays in the background. The lack of clear and substantial position concerning value-based education of future lawyers reveals itself through considerations of students. E.g. when 136 third course students of law programme were asked to describe a good lawyer in 5-10 words, they noted 129 various and sometimes quite different features. Only 34% of students indicate that a good lawyer is the one who is conscientious. Similar amount (35%) of respondents indicated that dishonest student might not become a good lawyer, whereas 18% of respondents see no connection between the academic integrity and the professionalism.

As Th. E. Becker (1998) notes, “integrity involves acting according to a code (integrated system) of morally justifiable principles” (p. 158). Then codes of ethic and conduct can be considered as widely recognised public standards which reflect the most important values and moral principles of particular institution or profession. Academic integrity is one of the most significant values of higher schools. It maintains fluency and transparency of educational processes including provision of knowledge, development of skills and shaping “the moral behaviour of future generations” (Nijhof, A., Wilderom, C. & Oost, M., 2012, p. 93) and thus contributes to the training of future professionals.

An increasing number of higher schools which were recently involved in the fight against academic dishonesty shared their experience in promoting academic integrity at both national and international levels. E.g., the ICAI unifies more than 260 academic institutions from different countries, provides assessment services, resources and consultations to its member institutions as well as information to the society on the issues of academic integrity. The ICAI emphasizes value-based programmes and defines academic integrity as “a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility”. Unlike compliance-based programmes which embody a coercive orientation with measures designed to prevent, detect and punish violations of present standards of behaviour, integrity-based or values-based ethics programmes incorporate an enabling orientation, encourage ethical aspirations of autonomous individuals based on their understanding of what is the right way to act in a specific situation and requires participants “to balance and apply different values in concrete settings” (Nijhof, A., Wilderom, C. & Oost, M., 2012, p. 100). Therefore, the ICAI provides seven recommendations for academic institutions including clarifying academic integrity statements, policies, and procedures, informing and educating the entire community, practicing these policies and procedures, providing support to those who faithfully follow and uphold them, etc. In order to maintain and promote academic integrity higher schools also establish offices of academic integrity, share the best practices and issues with other institutions as well as in public sphere in order to demonstrate the principled position of institution towards academic dishonesty.

According to the ICAI, the highest stage of the development of academic integrity is the situation when students take a major responsibility in implementing the integrity policy. However, to do this without the support and continuous cooperation with institution and especially with teachers would be difficult, if not impossible, therefore, teacher and student roles in promoting academic integrity should be considered in parallel.
Integrity requires us to know what the person is doing and why (Becker, Th. E., 1998, p. 158). Therefore, the teacher already in the first lecture introduces the objectives of the course, the list of competences the students will acquire during their studies, explains the significance of the course to future professional activity. This information is assimilated better when the choice of particular studies is motivated. If the student does not appreciate chosen study as attractive and significant, the explanation requires more of the teachers’ efforts. Therefore, the institution’s strategy of selection of students is also relevant.

According to Th. E. Becker (1998), absence of integrity may be influenced by discrepancy between personal desires and moral values (p. 158). Therefore, the teacher introduces students to the fundamental values of institution, clarifies the meaning of these values and their importance to successful learning process as well as to student’s moral development and the whole society. Teacher also should believe and follow institutional and other moral values so as the students could constantly see the samples of academic integrity.

It is also necessary to remove the tension of students by explaining objectives and purposes of certain educational stages or methods. E.g. students should recognize the assessment not as a punishment but as an opportunity to evaluate the knowledge and skills they have acquired and to notice where they need to pay more attention. For this purpose the teacher should guarantee the clarity of the exam format and content, transparency and objectivity of the evaluation and remove any possibilities of academic dishonesty. Students should also understand that, e.g., the paper writing promotes the ability to express their ideas creatively, critically, correctly and helps develop other skills important for professional activities. For this purpose the teacher should set clear requirements for papers. So as the students would acquire the basic knowledge and skills important for academic integrity as early as possible, it is necessary to include courses like introduction to studies, the basics of research methodology, informational technologies and other important courses in the first year of the curriculum. Teachers and institutions may disseminate the information on academic integrity also by preparing printed or electronic manuals, websites etc. for teachers and students, where it is explained how to promote academic integrity, avoid academic dishonesty and (or) how to recognize it. It is undoubtedly important for the effective dissemination of information student’s initiative in organizing meetings and discussion with professionals, administration, teachers etc.

No less the provision of possibilities for academic community to report the cases of academic dishonesty is important. Here not only legal and technical tools, but also the position of institution is significant: one should not be doomed to feel internal or external tension because of the report. Therefore, students should also have the possibility to report dishonesty anonymously and institution or the teacher should react immediately. If the efforts of the academic community fail and student violates the requirements of academic integrity the penalty should be inescapable. Afterwards the causes of particular academic dishonesty should also be analysed, academic integrity incentives revised and strengthened.

Social pressure is another serious cause of academic dishonesty (Becker, Th. E., 1998, p. 158-159). E.g. students may experience pressure and encouragement to act dishonestly if others are constantly and coercibly asking for inappropriate help or the teacher ignores requirements of academic integrity or the reaction of the institution is not principled and the penalties for academic dishonesty are not applied etc. But not less than the academic community, the society in general has a significant impact on the promotion of academic integrity.

As A. Anzenbacher (1998) notes, individual conscience is formed and defines itself through an existing ethos (a public standard). In homogeneous societies where norms are acceptable strongly and unanimously, conscience usually is consistent with social ethos. Whereas, the identification of common ethos and its’ impact on human consciousness in contemporary liberal heterogeneous societies becomes problematic (p.110-111). These (especially young democratic) societies maintain moral relativism and prefer individual conscience over common values, still the plurality of values does not mean that there are no common values at all. According to A. Anzenbacher (1998), namely the ethos of human rights is excellent example of widely accepted public standards (p. 99). The core of human rights is the categorical imperative “act so as to treat humanity in oneself and others only as an end in itself, and never merely as a means” (Kant, I., 2002, p. 46-47).

Human rights certainly are the most important values for every individual and every nation, therefore “every individual and every organ of society <…> shall strive by teaching and education to promote respect for these rights and freedoms <…>” (Universal Declaration of Human Rights, 1948, preamble). On the other hand, the international documents on human rights also sustain scientific research and education as significant values of contemporary society (e.g. International Covenant on Economic, Social and Cultural Rights, 1966, art. 13, 15.3; Charter of
Fundamental Rights of the European Union, 2000, art. 13, 14, etc.). Thus, the international community and every signatory state commit to secure effective recognition and observance of these rights, including accessibility and honest realization of the right to education and free scientific research. The role of the state in the promotion of academic integrity may be crucial not only in the establishment of scientific and educational institutions, but also in protection of intellectual property and copyright, fair competition of students and scholars etc. Therefore, the state should look for possibilities and offer the means which would enable to promote academic integrity, e.g. to forbid or to limit the activity and (or) advertisements of firms, offering services which promote academic dishonesty (i.e. “paper mills”, cheating equipment etc.), to establish governmental institutions responsible for the maintenance of academic integrity etc. Moreover, societies should actively protect their values demonstrating intolerance to academic dishonesty and providing information for certain institutions. If the society remains apathetic or tolerate violations of academic integrity, governmental institutions and schools alone will be powerless to deal with this problem. Such public position sooner or later can become harmful for society itself because it will receive less or even no professional services.

4. Conclusions

1. Integrity is adherence of the instructions of right conscience, i.e. the conscience which reflects social ethos. The most important task for education is to develop individual integrity, by providing certain knowledge which enables the ability to evaluate the rightness or the wrongness of motive (object) of will and encouraging practices which support widely recognised public standards (values).

2. Academic integrity is one of the most significant values of academic institutions. The promotion of academic integrity is significant for the development of integrity as the professional value of future lawyer, since it ensures fluency and transparency of educational processes including provision of knowledge, development of skills and value-based attitudes and thus contributes to the training of future professionals.

3. Education and scientific research are significant values of contemporary society. Therefore, the efforts of students, teachers, academic institutions and the whole society are essential for the promotion of academic integrity. The manifestations of academic dishonesty indicate the deficiency of positive efforts and require unavoidable penalties.

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