

THE MAGAZINE OF THE OKLAHOMA HUMANITIES COUNCIL

# *Oklahoma* HUMANITIES

FALL 2012



## **Ethics**

**Conflict. Character. Consequences.**

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# Oklahoma HUMANITIES

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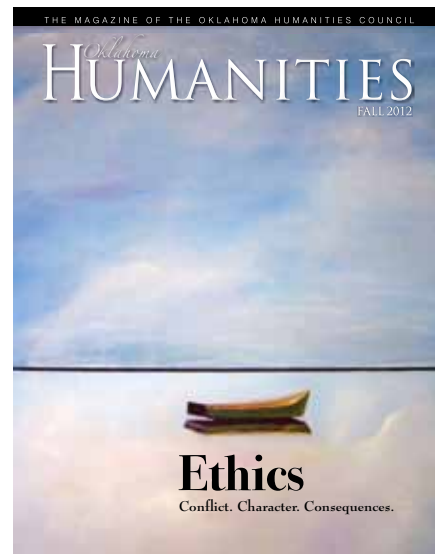
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## ON THE COVER

*What a Wonderful World* by artist Corazon Watkins.

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*Corazon Watkins, Diva.  
Corazon received an MFA in Fine Arts at the University of Oklahoma and has exhibited her work nationally and internationally. As a multi-media artist she enjoys installation, mixed-media, and sculpture. [www.corazon7.moonfruit.com](http://www.corazon7.moonfruit.com)*

## ETHICS

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### CONFLICT. CHARACTER. CONSEQUENCES.

From everyday decisions of personal choice to the global impact of world diplomacy, ethics is often employed without our ever being aware of its effects. In this issue, our authors bring this often-used but seldom-discussed discipline into focus. Because of its multifarious nature, the subject of ethics calls for vibrant, compelling illustration—so we're pleased to feature artwork from nine Oklahoma artists. Their compositions will make you think. Artist bios appear near their pieces, including a web address where you can see more of their work. We're grateful to these artists and authors for contributing to our most visually stunning and imaginative issue to date. Enjoy!

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From the Executive Director  
ANN THOMPSON

This issue's theme began with a conversation I had with our editor, Carla Walker. I remember saying that we haven't "done" much with the topic of ethics and perhaps we should explore it. Thus began an education for both of us as to how we define ethics, how it relates to morality, and how prevalent ethics is in our lives. As you will read in these articles, ethics is at work in business, at home, and in our communities, in ways of which we are mostly unaware—until a sticky situation presents itself.

"Integrity," for example, is often associated with business practices, but it also relates to the authenticity of our interactions with others. In her article, author Daryl Koehn tells us that integrity is variable; it is a quality which, she explains, requires reasoned responses to the situation at hand. Philip Patterson's article makes a distinction between morality and ethics. Ethics, he says, kicks in when moral choices become difficult—sometimes as a choice between good and better; sometimes, between bad and worse.

Do you ever wonder why some murders are classified as first degree and others as second degree? Art LeFrancois' contribution is a fascinating study of how morality affects criminal law. The law, he says, not only reflects but also advances particular moral visions. Scott Davidson employs the Classics and Socrates to explore how reason, morals, and choice collide. Imprisoned and facing death, Socrates is presented with the opportunity for escape. Should he take it? What are the consequences if he chooses to flout justice?

Lastly, a personal essay from Kim Stafford describes how he wrestled with the decision to become a conscientious objector during the Vietnam War. In his story we see how ethics can suddenly become very personal. These articles were the subject of many spirited discussions around our office. We hope they will be meaningful for you, too.

## LETTERS

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### LEARNING TO RECONCILE

Thank you for the wonderful Summer 2012 edition devoted to Reconciliation. It captured so well the lingering historical divisions in America—from African slave castles to the racial mixing of Native Americans, African Americans, and Europeans; from the 1921 Tulsa Race Riot to a search for identity and the possibility for racial healing. Many people call this complex issue—how we reconcile our differences and learn to live together well—America's great unfinished business.

The Oklahoma Humanities Council has enthusiastically supported the examination of these issues at the John Hope Franklin Center's three national symposia, each a gathering of the scholars and practitioners of reconciliation who share their knowledge and experience with more than 175 participants. The audience grows each year. We are grateful for OHC's commitment to fostering these courageous, life-changing conversations. —Lee Clark Johns, Program Committee Chair, John Hope Franklin Center for Reconciliation, Tulsa

### CAPTIVATING CONTENT

Congratulations on your riveting Summer 2012 issue! The day I received my copy, I started to browse, but ended up reading the magazine from cover to cover. The articles are so well-written and illustrated. I am interested in the histories of Native Americans and African Americans, but did not know much about the material you published. Thank you so much for presenting the Reconciliation information.

—Dr. Margaret Flansburg, Emeritus Professor, University of Central Oklahoma

### SETTING THE BAR HIGH

I always look forward to the next issue of *Oklahoma HUMANITIES* magazine. Each edition sets the bar higher. The recent edition (Summer 2012) was not only visually stunning—what an incredible cover photograph by Doug Henderson—but provided excellent material to foster further conversation about racial reconciliation. The cover photograph was very familiar to me since it was included in the exhibition *Doors of No Return: The Remains of Africa's Slave Castles* held at Philbrook Museum last summer. From those incredible photographs by Doug Henderson and Greg Merrell to Otis W. Pickett's "Hope for Racial Healing: Rethinking Christian Missions among the Chickasaw," the magazine provided intelligent insight into a challenging topic. We are fortunate to have this exceptional publication in our state.—Janet W. Walker, Tulsa

### FRAMEWORK FOR DISCUSSION

I was interested in your civil rights articles [Summer 2012] because they align with some of the work I am doing on Native Ways of Knowing, or indigenous pedagogy, as we try to incorporate that into Northeastern Oklahoma A&M College, one of Oklahoma's Native American-serving, Nontribal Institutions, designated by the U. S. Department of Education. These articles will provide framework for discussion on access. Please consider a future issue on Native Ways of Knowing. —Linda Sue Warner, Ph.D., Special Assistant to the President on Tribal Affairs, Northeastern Oklahoma A&M College

### OHC PRIVACY POLICY

Protecting your privacy is extremely important to us. For detailed information on our privacy policy, call us at (405) 235-0280 or go to our website: [www.okhumanities.org](http://www.okhumanities.org)

## MAGAZINE AWARDS

*Oklahoma* HUMANITIES magazine continues its award-winning record for outstanding content, recognized by some of the most prestigious journalism competitions in mid-America. Recent awards include:



- State Historic Preservation Officer's Citation of Merit, presented by Oklahoma Historical Society, State Historic Preservation Office in recognition for outstanding accomplishments contributing to the preservation of Oklahoma's heritage
- Third Place, General Writing, presented by Society of Professional Journalists, Oklahoma Pro Chapter, for "Unforeseen Beauty and Possibility" by Krista Tippett, Fall 2011 issue
- Finalist, Feature Writing, presented by Great Plains Journalism Awards for "Last Suppers: A Meditation on Family Foods" by Thomas Fox Averill, Fall 2011 issue

Three of our featured contributors also took honors at the 2012 Western Heritage Awards presented by the National Cowboy & Western Heritage Museum. Congratulations to:

Byran Price for Outstanding Art Book, *The Eugene B. Adkins Collection*  
 J. Don Cook for Outstanding Photography Book, *Shooting From the Hip*  
 Thomas Fox Averill for Outstanding Western Novel, *rode*

### LEAVE A LEGACY

By making a gift provision in your will or trust—often referred to as a planned gift—you can defer a contribution, relieve the tax burden on your estate and, in some cases, retain an income stream during your lifetime, while still creating a lasting legacy to benefit the Oklahoma Humanities Council. For information, contact Traci Jinkens, OHC Marketing & Development Director: (405) 235-0280 or [traci@okhumanities.org](mailto:traci@okhumanities.org).

CORRECTION: We misspelled an artist's name in our Summer 2012 issue. *George Washington in Conference with Representatives of Six Nations*, which appeared on page 13, was painted by Junius Brutus Stearns.

### SEND US YOUR FEEDBACK

Send your letters and opinions to the Editor at: [carla@okhumanities.org](mailto:carla@okhumanities.org). Include "Letter to the Editor" in the subject line of your message. We look forward to hearing from you.



From the OHC Board of Trustees  
ANN NEAL, CHAIR

*The unexamined life is not worth living.—Socrates*

One way I have examined my own life is through reading and considering the excellent articles in *Oklahoma* HUMANITIES magazine. This issue, a multi-layered discussion of ethics, is my last as Chair of the OHC Board of Trustees. I hope you enjoy Daryl Koehn's article on integrity as much as I did. As a long-time friend of Dr. Koehn, I read with interest her reminder that achieving integrity is a process, not necessarily a trait we possess. As is typical, the OHC staff leads us to an idea or issue we want to ponder. Over the past few years I have witnessed that time spent "thinking" about humanities issues brings deeper meaning to all our lives.

Imagine living in a time of the great Greek or Roman philosophers, statesmen, and writers. During our family's summer vacation in Italy, I visited sites that inspired these reveries. Walking in the footsteps of Cicero, Plutarch, and Dante was a treat and a time to consider how relevant their writings are. The society these early thinkers helped create still influences modern thought and decision making. My husband and I have encouraged our children to pursue and value a humanities-based education. Terrific teachers and professors have opened their minds to the great thinkers, artists, and writers of the ages. Can this knowledge change your life? Certainly. Just understanding that as individuals we are part of a greater society can shape our actions and choices.

Thank you to all our supporters for encouraging OHC to develop programs, including this magazine, which will influence not just our generation but future generations of Oklahomans. Thank you to the staff and Board for their tireless work and invaluable insights. We need discussion of these great topics to help us be better leaders, teachers, students, and decision makers for our state's future. I look forward to continuing to be a part of the Council and examining other humanities topics in history, languages, culture, and literature.



## LINCOLN ESSAY WINNERS

OHC honored winners of its 2012 Lincoln Essay Contest at a reception at the Oklahoma History Center on April 21. More than 900 students competed. First place winners received a cash prize of \$200 and their teachers received a \$250 classroom grant. Second place winners received \$150 and third place winners received \$100.

As a new element to this year's competition, teachers submitted a lesson plan which incorporates the Lincoln Essay Contest in their classroom. First place, \$600, was awarded to Corde Dunlap of Anderson Elementary in Sand Springs. Second place, \$500, was awarded to Karen Cruise of Destiny Christian School in Oklahoma City. Third place, \$400, was awarded to Melissa Cavenah of Mannford Elementary School.

"Our combined class of 40 students embraced the week-long lesson on 'The Everyday Life of a Civil War Soldier' with rapt attention and inquisitive minds," said Dunlap. "The weather for our two-hour outdoor classroom in November was a brisk 45 degrees. Not one six-year-old complained. They were tough just like Civil War soldiers!"

Bruce Fisher, Administrative Program Officer for the Oklahoma Historical Society, was the featured speaker and discussed how the preliminary Emancipation Proclamation of September 1862 set the stage for the abolition of slavery.

The annual contest was sponsored with support from Pottawatomie Telephone Company and SONIC, America's Drive-In. Becky Rickard of SONIC Corporation presented SONIC gift cards to all the winning students. Panera Bread provided cookies. Contest winners and their schools are posted on the OHC website: [www.okhumanities.org/press-releases](http://www.okhumanities.org/press-releases).

## WHY I GIVE TO OHC

Charitable giving supports those things and needs we believe in. The Oklahoma Humanities Council has as its purpose to promote the understanding of the humanities, an exploration that evokes an appreciation for what it means to be an Oklahoman, an American, and a citizen of the world. Giving to OHC allows every interested person to not only support such understanding but also to provide that education and appreciation to future generations. To my way of thinking, giving to OHC helps make Oklahoma a better place to live.—*Ron Wright, Board of Trustees*

Your Oklahoma Humanities Council does so much good, especially for early childhood education. Nearly every day I receive a postcard or short letter from teachers who are the recipients of grants from OHC. Especially heartfelt are the notes from rural areas where schools really don't have the funds locally to present many programs to knowledge-hungry students. A \$200 grant is a BIG deal to these schools and helps school-age children learn of life outside their small rural community. What a gift you give if you choose to become one of the patrons of the Oklahoma Humanities Council.—*John Martin, Board of Trustees*



*Colonial Day at the Capitol, funded in part by an OHC grant. Tulsa fifth-grader Harrison Prough (above left) in a debate between British loyalists and American colonists. Children with Mount Vernon historical interpreter Tom Plott (above right). Below, students learn eighteenth-century silversmithing.*



## KEY INGREDIENTS A SUCCESS!

This past year, the Smithsonian Institution exhibit *Key Ingredients, America by Food* visited six Oklahoma communities. Thousands of Oklahomans learned more about how our state and nation have been influenced by the culture of food. From sand plum jelly to sorghum, moon pies to Harvey House cuisine, and sofke to Three Sisters Stew, this exhibit and its programs left a lasting legacy in each community it visited. Thank you to the staff and volunteers of these host communities for their hard work, dedication, and enthusiasm.

*Scenes from the Oklahoma tour of Key Ingredients, a Smithsonian traveling exhibit. Host communities included: Collinsville, Waynoka, Purcell, Fort Gibson, Wewoka, and Goodwell. State scholar Julia Abramson (bottom left corner) assisted communities in finding local perspectives to augment exhibit themes.*



## LAWTON STUDENT TAKES STATE

OHC is pleased to have Denise Burns, a student at Lawton High School, as this year's Oklahoma state champion of *Poetry Out Loud*, a national poetry recitation contest. OHC sponsors the state program in cooperation with the Oklahoma Arts Council, the National Endowment for the Arts, and the Poetry Foundation.

As the state champion, Denise received a \$200 scholarship and an all-expenses-paid trip to Washington, D.C., to compete in the national finals. "This was my third time competing in *Poetry Out Loud*," Denise stated. "On finally making it to the national competition, I was excited to discover the genuine kindness that the other competitors and their chaperones showed me. Moreover, I am now more connected with poetry than ever before. I can't wait for next year's poems and competition."

Dr. Terence Freeman, Denise's teacher, believes the program's impact is substantial. "Thanks to *Poetry Out Loud*," said Freeman, "more and more American high school students are in hot pursuit of beautiful language, which in recent times has been on the run, hiding out, masked, and hard to nab." Six regional finalists competed at the state finals. Student names, schools, and prizes are posted on the OHC website: [www.okhumanities.org/press-releases](http://www.okhumanities.org/press-releases).

"I congratulate the over 5,800 students who participated in the statewide classroom, school-level, and regional competitions," said Kelly Elsey, OHC Program Associate and state coordinator for *Poetry Out Loud*. "They should be proud of their accomplishments."

*Photo credit: Denise Burns [center], state winner of the 2012 Poetry Out Loud competition, is pictured with judges [left to right] author Rilla Askew; University of Oklahoma English associate professor Dr. James Zeigler; poet and Oklahoma Arts Council Teaching Artist Deborah Hunter; and OHC board member Dr. Mary Brodnax, University of Central Oklahoma professor of Humanities and Philosophy.*



# The Good, The Bad, and the Moral Imagination

BY SCOTT DAVIDSON

*Exercising ethics (and imagination) when choices are difficult*

**S**hould a corporation have the same rights as individual citizens? Should parents be allowed to use genetic engineering to create “designer” children? Do I have a responsibility to promote the well-being of future generations?

The practice of questioning ourselves is as old as philosophy itself and students are flocking to the discipline. A recent report from Rutgers University boasts that their philosophy department now has over 200 undergraduate students. Other programs across the country have seen similar increases in enrollment. My own department at Oklahoma City University has followed this trend, increasing our majors from six to thirty in only four years.

What explains philosophy’s newfound appeal? One reason might be the discipline’s renewed focus on ethics. As society evolves, life’s questions become more complex. When the choices are difficult we come to appreciate the practical value of philosophy and ethics to help us analyze options and make good decisions. Philosophical ethics is particularly well positioned to address “the big questions” of importance to public life.

The art of questioning has been synonymous with the practice of philosophy from its outset in Ancient Greece. Its most important question has been: *How should one live?* This is evident, for example, in Plato’s dialogue “Crito,” which describes a scene from the final days of Socrates’ life. Sentenced to death, Socrates is visited in jail by a young student, Crito, who presents him with an elaborate escape plan. Most of us would jump at an opportunity to escape death, but Socrates is altogether unusual. Before consenting to the plan, he reminds Crito that what is of paramount importance is the question of the ethical: what is just and unjust—that is, the question, *How should one live?* It is only after that question has been explored that Socrates will even entertain the subsequent question of whether he ought to escape from jail.

This same questioning of the just and unjust would later have a profound effect on American society and thinkers like Henry David Thoreau, Elizabeth Cady Stanton, Rosa Parks, and Martin Luther King, Jr. They, like Socrates, rejected the notion that the fundamental question is simply, “To be or not to be?” as if human life were only about living or dying. Instead, they believed it was of the utmost importance to live one’s life in the right way, under laws that are just. The actions of these moral exemplars are familiar to us, and yet the power of their choices resides primarily in what remains mysterious and puzzling about them. We wonder: *How were they able to do the right thing, while so many others could not? In a situation like theirs, would I find the resources within myself to act in a similar way?* More than any of their actual contributions to society, their greatest legacy is the fact that they get us to raise these questions.



*Audra Urqubart’s work evokes a dream world that beckons the viewer on an inward journey. She merges the abstract with the natural world, exploring the idea that common experiences and familiar forms hold deep meaning for us as humans.*  
[www.audrapaints.com](http://www.audrapaints.com)







Audra Urquhart, *Half-Awakened by the Storm Rolling In*

To be sure, we are all born and raised in “communities of value,” communities with pre-established ethics. Our community instills us with a sense of what is worthwhile or not in life and what types of actions are acceptable or not within a community. Parents would rightly feel proud to hear me report that when I ask students about the source of their values, the overwhelming answer is, “Our parents.” That pride might be shaken quickly, though, when I report what happens with my follow-up questions. I ask students to give me specific examples of how their parents instilled values and who taught their parents those same values. At this point, most students have nothing to say. Now let me be clear: this is not a fault of their upbringing, as if they failed to recall those important lessons or their parents failed to provide a moral upbringing. Instead, their stunned silence is an indication that their initial response was naïve. They are realizing that what they call “their values” are not really their own at all; instead, they are the values of others. It is here that the study of ethics finds its genuine starting point. It leads us

to raise the Socratic question (*How should one live?*) anew, to work toward the reflective and critical understanding of “the good” that has inspired the actions of our great thinkers.

Ethics has been defined in many different ways. In my opinion, it is captured best by Paul Ricoeur who describes ethics as the effort to live “the good life with and for others under just institutions.” This formulation helps us to distinguish between three important areas of ethical concern: the individual good, the interpersonal good, and the public good. Although we often don’t notice this distinction, the differences between these three aspects of the good become apparent in cases where they conflict with one another. To illustrate, let me return to the example of Socrates and his reflection on whether or not he ought to escape from jail. First, there is the question of Socrates’ personal good. It seems, at least initially, that it would serve Socrates’ best interests to save his own life by escaping from jail, as Crito

*We have a built-in bias toward our own good,  
which makes it difficult for us to approach  
situations in an open-minded or neutral way.*



*J. Don Cook, The Dawn of the Dragonfly. J. Don Cook is an award-winning photojournalist, artist, poet, and entrepreneur. His most recent book, Shooting from the Hip, won Outstanding Photography Book at the 2012 Western Heritage Awards. [www.jdon-cook.artistwebsites.com](http://www.jdon-cook.artistwebsites.com)*

has arranged. Second, there is the question of what is good for others. If Socrates were to escape, it is obvious that there would be many benefits for his family and friends. Third, there is the question of the good of institutions and laws. If Socrates follows Crito's escape plan, their standing in relation to the law would be harmed—they would be outlaws. Their actions would also call into question the authority of law, which is instituted for the good of society. The result, then, is a conflict between the three dimensions of the good. Regardless of what he chooses, Socrates will have to prioritize one aspect of the good over another.

Socrates' example is instructive because our most difficult ethical dilemmas are strikingly similar. Instead of requiring us to make a simple choice of good over bad, the toughest choices are those that require us to choose one good over another good or one harm over another harm. Philosophical ethics does not yield ready-made formulaic answers, but it does provide tools to help us to work through difficult ethical dilemmas. Consider the following example.

- Identify the question. *Should Socrates accept Crito's proposal to escape from jail?*
- Identify the alternatives. *Create two columns: one for "escape from jail" and one for "remain in jail."*
- Enumerate all of the possible reasons that could support the various alternatives. *List the possible reasons in support of escape, such as the good of oneself and others. List also the various reasons to support remaining in jail, such as the good of the institution of law.*
- Weigh the various reasons in terms of strengths and weaknesses. *Do the best reasons (not the most reasons) support the good of oneself and others or the good of the institution of law?*
- Select the alternative that has the strongest support. *Socrates chooses to remain in jail. Would you have done the same?*

When we analyze Socrates' ethical dilemma, students mostly disagree with his decision to remain in jail and undergo punishment by the law. This shows a difference between the priorities that they place on different aspects of the good. Whereas Socrates emphasizes the obligation to respect and preserve the good of institutions, students emphasize the obligation to the good of oneself and others. How can we settle this disagreement?

One possible solution would be to determine whether one side or the other has failed to apply the method correctly. This is often the case. In fact, one of the greatest dangers to this method comes from the human mind itself. We have a built-in bias toward our own good, which makes it difficult for us to approach situations in an open-minded or neutral way. We tend to use the word "ethical" to describe those who agree with us and the word "unethical" to describe those with whom we disagree, regardless of the reasons behind their agreement or disagreement with us. Even worse, this bias remains in play even when we are trying to be



open-minded. Psychologists call this a confirmation bias, meaning we are more likely to select the reasons that confirm our point of view and to ignore or miss those that disconfirm it. Thus, in applying ethics or weighing decisions, we have to be vigilant over the natural tendency to favor our own good (and our established opinions about the good) over the other dimensions of the good.

Even when this method is applied correctly, there are inevitably some tough cases in which disagreement will prevail. I suspect that some readers have already arrived at this conclusion. This might lead them to believe that our ethical differences cannot be overcome and that debates over differing opinions can never be productive. In response to those readers, I say: If an ethical difference seems too big, then perhaps your imagination is too small.

Ethical disagreement is inescapable in a world of free-thinking individuals and diverse communities of value. However, this does not mean that solutions to such disagreements are impossible; they are difficult, to be sure, but possible. Solutions to ethical disagreements may point beyond the resources of faith and reason that are ordinarily associated with ethics; they may require us to develop what I call “the moral imagination.” Our ethical differences often follow the limits of “what is known” or “accepted precedent.” The moral imagination can help us to look beyond the actuality of differences and open the discussion to what is possible.

This capacity to imagine new and better possibilities for the world is something that our greatest moral exemplars all share. It is an ability that all of us can foster within ourselves.

In our quest to develop the moral imagination, we find that ethics profoundly overlaps other disciplines in the humanities. The humanities counteract our natural tendencies to see the world through our own lenses and to focus narrowly on the present. Whether through the study of literature, poetry, languages, or history, the humanities help us to question the actual and envision the possible. We come to appreciate new perspectives through the eyes of others; we come to discover values other than our own; we come to see alternatives for how we might live within new communities of value.



*John Brand, Fractured World. John Brand acquired his first camera as a teenager. His subjects include landscapes, nature, architecture, and street scenes, making his work eclectic and difficult to categorize. He also makes intaglio etchings from solar plates and mixes his own ink colors. [www.brandphotoart.com](http://www.brandphotoart.com)*

The humanities provide vital nourishment to the moral imagination. Imagining a community to come, and pondering the complexity of issues that come with it, is what makes philosophical ethics, along with the other humanities, so appealing to students today and so vital to our future. ☺

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Scott Davidson is Associate Professor and Chair of the Philosophy Department at Oklahoma City University, where he teaches courses in ethics and the history of philosophy. He is the author of *Totality and Infinity at 50* (Duchesne, 2012) and *Ricoeur Across the Disciplines* (Continuum, 2010). He also serves as co-editor of the journals *Etudes Ricoeuriennes/Ricoeur Studies* ([ricoeur.pitt.edu](http://ricoeur.pitt.edu)) and the *Journal of French and Francophone Philosophy* ([www.jffp.org](http://www.jffp.org)).



A painting of a face constructed from various wood panels. The eyes are painted on two separate panels, looking forward. The lips are painted on a lower panel, showing a slight smile. The background is dark and textured, suggesting a sky or a wall. There are some green and red splatters on the right side of the painting.

# TRUTH AND CONSEQUENCES: A LESSON IN ETHICS

By Philip Patterson

*Ethics begins when moral choices conflict.*

Imagine a situation where you could interview and choose your next-door neighbor. You ask the first applicant, Mr. Smith, how he feels about taking someone's life. He replies that he wouldn't commit murder, because if he got caught he would go to jail. Applicant number two, Mr. Jones, says he would never kill anyone, because he believes in the sanctity of life. It takes little reflection to decide which neighbor you prefer. Motive matters. Choosing to commit murder is a moral decision, and Smith and Jones both passed the moral standard. But in ethics, the motivation behind our choices counts, too, and some motives may seem better or worse than others.

Since most people are moral most of the time, *ethics begins when moral choices conflict*. Morality is about the conflict between right and wrong. Ethics tends to be about the choices we must make between good and better or even poor and worse. Consider the following case study as a premise for ethical reasoning. It comes from the field of journalism and is loosely based on a real case in Texas.

You are the promotions director for a local television station that sponsors a large Christmas drive for charities that help the needy in your community. The station not only provides a large advance gift to start the campaign but also airs a feature story each night after Thanksgiving on a different charity receiving money. To avoid tying up staff, the station outsources the stories to a local public relations firm specializing in video news releases.

About a week into this year's campaign, you get a call from a woman who says that yesterday's video for the food bank where she works was staged. She also tells you, off the record, that the story stretches the truth about the amount of good the food bank does. You call a few of the other charities already profiled by the PR agency and detect a similar pattern: staged video and exaggerated stories. No one, however, wants to go on the record for fear they will be dropped from the list of charities receiving funds. What do you do next? Do you pull the plug on the entire charity drive? Do you inform the viewers of the exaggerations and let them decide whether to give or not? Do you stay quiet?

In the case above, ethicists might disagree on "the right thing to do." To understand why, you have to know something about the history of ethics, which has been evolving for more than 3000 years.

The concept of ethics comes from the Greeks, who divided the philosophical world into separate disciplines. *Aesthetics* was

the study of the beautiful and whether it is possible to analyze beauty without subjectivity and bias. *Epistemology* was the study of knowledge: what constitutes learning and what is knowable. It is the study of how you know what you know. Perhaps you sang an epistemology in Sunday school: "Jesus loves me, this I know, *for the Bible tells me so*." A third area of Greek philosophy was *ethics*, the study of right and wrong, of good and bad, both for the individual and for society.

Fast-forward a couple of millennia. English philosopher John Locke's writings on ethics began with his *social contract* theory. According to Locke, the social contract got us out of our caves and created the cooperation necessary for society to develop. Under the contract, I rein in my limitless appetite for all the goods and glory in the world, as does my adversary and my friend. The result is the social contract.

While the social contract has laws, its tightest binds are those of ethics. There are activities we *must* do to be a citizen in our modern social contract, such as paying taxes and driving the speed limit, and there are things we *ought* to do, such as voting or volunteering or performing jury duty. In the end, a society is as bound by what its citizens *ought* to do as what they *have* to do. Ethics is the oil that makes the machinery of society work. Society is better, safer, and more enduring when its people are ethical.

Locke also wrote about the concept of *natural law*—those notions so obvious that they need not be debated. His work had a tremendous effect on Thomas Jefferson. Locke's natural laws included the freedoms of life, liberty, and the preservation of property. Similar words would make their way into the Declaration of Independence when Jefferson penned his "unalienable Rights" of "Life, Liberty and the pursuit of Happiness." The first two freedoms Jefferson borrowed from Locke; the last he borrowed from Aristotle, who preached that the promotion of happiness—personal and corporate—was the utmost goal of a society.

Today, ethics has come to mean "learning how to make rational decisions among an array of choices, all of which may be morally justifiable, with some more ethical than others." Rationality is important in any ethics discussion: people should be able to explain their decisions to others, and acting ethically should be a rational decision. "It seemed like the right thing to do at the time," is an embarrassing and ethically unsatisfactory explanation when confronted by angry stockholders, consumers, or neighbors.

Depending on the philosophy to which they ascribe, ethicists may choose very different courses to decide moral questions. Ethics has a Great Divide—one that is hundreds of years in the making. On one side are the deontologists (*deon* being the Greek word for "duty"). To the duty-based philosopher, the

solution to an ethical dilemma is to find one's duty and then do it every time. In eighteenth-century Germany, Immanuel Kant was deontology's primary apologist. Deontology is often reduced to Kant's *categorical imperative*, which calls for one to *act in such a way that one's actions could be universal law*. According to Kant, if I speed through school zones, I allow it for everyone. If I cheat on my taxes, then cheating should be universal. If I tell the occasional white lie, then I can expect to be lied to. What is allowed for one is allowed for all.

On the other side of ethics' Great Divide are the consequentialists. Under this philosophy, the solution to an ethical dilemma is to predict the likely outcome of the available options and choose the one that helps the most people or does the least harm. This theory was first called *teleology* (a combination of two Greek words meaning "to know at a distance") or *predicting the outcome of an action before doing it*. Consequentialism is an outgrowth of utilitarianism, a philosophy espoused by Englishmen Jeremy Bentham and, later, John Stuart Mill in the nineteenth century. They introduced what was then a novel notion: *The consequences of our actions are important in deciding whether the acts are ethical*. In the utilitarian view, it may be considered ethical to harm one person for the benefit of the larger group. Utilitarianism (and its progeny, consequentialism) has been condensed to "the greatest good for the greatest number." While this pithy phrase is an approximation of how consequentialism works, it has led to an overly mechanistic application of the principle: *Just tally up the amount of good and subtract the amount of harm; if the remaining number is positive, the act is ethical*.

This latter theory matches Western sensibilities quite nicely. Any politician knows that promising enough to make the greatest number happy will get one re-elected. Our graduated tax system is based on utilitarianism. Our welfare system is, too. Capitalism requires it. The money spent on

education is justified by it. Nothing can be more utilitarian than giving every child an equal chance at a good education—the premise of the No Child Left Behind Act of 2001. Using our powers of teleology (seeing afar) we can assume that an illiterate child creates consequences that will last for decades and cost society thousands of dollars in lost productivity, possible incarceration, probable welfare, and more. So we try to intervene with more and more spending on education. From whom does the money come? In most jurisdictions it comes from property owners on the assumption that they are the fortunate of society and have a burden to share in taxes based on the value of their homes.

Don't like your taxes? Philosopher John Rawls says it's because you're biased. Rawls, one of the twentieth century's leading writers on justice, argues that we are blinded in ethical decision making by knowing our own station in life. For instance, I know that I am well-educated, middle-class, married, etc., when I enter into a discussion about taxes (or other public policy), so I'll naturally argue for policies that benefit my own situation. Under Rawls' theory, if no one knows their own or others' circumstances—if they were behind what he calls the "veil of ignorance"—just decisions for the good of the social contract would be made more easily. Behind the veil of ignorance no one knows the burdens or benefits that he or she will derive from social cooperation. Rawls argues that, behind the veil, reasonable people will seek to maximize liberty (think: capitalism for the entrepreneur) and minimize risk (think: Medicaid for the disabled).

The veil of ignorance is virtually impossible in the real world, as we can't be neutral or objective about ourselves. But there is a close approximation: Major League Baseball salary arbitration. When players and team owners can't come to terms, they may agree to arbitration. In arbitration, a player submits a salary figure he thinks he is worth and justification for it. The team owner does the same. The arbitrator cannot



David Holland, *Storm Veil*

“split the middle” as a mediator can; he or she must pick one figure or the other. The process forces a player and the team owner to take a realistic look at the facts (and consider at least some of the needs of all sides) or risk losing everything—quite like the veil asks us to do.

So what’s the right decision in our Christmas charity case? That depends on my viewpoint: Am I a donor or a recipient? Behind the veil of ignorance I wouldn’t know. What decision would I make then?

Kant, a deontologist, would argue that telling the truth is a fundamental duty in a society. If one person lies, all can lie; and, ultimately, a society of liars is a dangerous society. In our Christmas charity case, Kant would contend that we should tell the truth even if it means donations dwindle. Mill, a consequentialist, might argue that harm would come to those who depend on the charity funding if it is suspended; that the exaggerations in the videos were, at most, white lies and the greatest good would come from overlooking them and letting the charity drive continue.

It’s important to note that much of the time deontologists and consequentialists agree. This case was chosen to demonstrate how they might disagree. In the end, the television station in our Texas test case chose to end the charity drive.

So did they make the “right” decision?

That question reminds me of a day, many years back, when one student had the last hand up after a particularly heated debate on a case study. When I called on her, she asked, “Well, what’s the answer?” I was surprised by the question, but more surprised that I didn’t have a ready reply. I joked my way out of the predicament by asking if she wanted the answer with a capital “a” or a lowercase one.

If she asked today, I’d respond differently. I’d tell her that the answer exists within her and when it emerges she will know it. Why? Because it will be the answer that she can justify. Not the answer that makes her the most comfortable. Not the one that advances her career. The answer that is justifiable. For, in the end, the goal of ethics is about each of us fulfilling our role in the social contract in a manner that can be justified in the court of public opinion—and within ourselves.

Maybe that’s the “Answer”: all of us striving to create cooperative communities where no charity drive—exaggerated or otherwise—need ever be held again. ☺

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Dr. Philip Patterson is Distinguished Professor of Mass Communication at Oklahoma Christian University, where he has taught since 1981. His college textbook *Media Ethics: Issues and Cases* is the leading media ethics text worldwide. It is now in its eighth edition and has been translated into several languages including Mandarin Chinese. He has also authored eight books on religion and spirituality.

Matt Josef’s work (page 12) is in private and corporate collections across the U.S. and in Honduras. A self taught artist, he has spent the past ten years experimenting with a variety of techniques, media, and subject matters, including figurative oil paintings and, most recently, abstract botanicals. [www.mattjosef.com](http://www.mattjosef.com)

David Holland lost his three-dimensional sight in a 1983 work accident. Left with sight in only one eye, he retrained himself to see depth in a different way, finding vivid color and contrast as the key to representing the third dimension. Holland’s current work (pages 14, 15, 17, 18, 20-21) includes a series of oil paintings that capture the mercurial power of thunderstorms on the plains. [www.DavidHollandArtist.com](http://www.DavidHollandArtist.com)



David Holland, *Vapor Dance*

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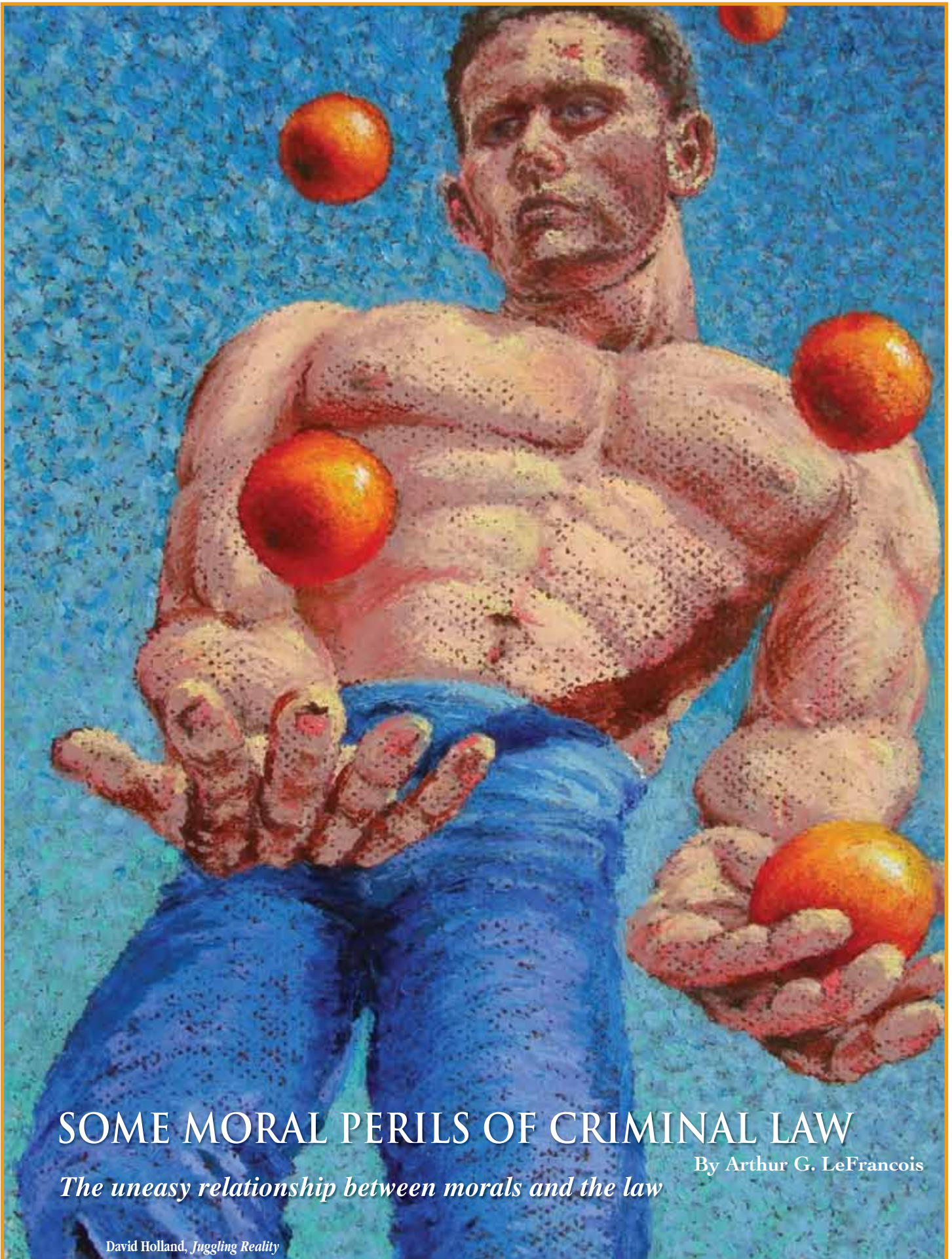
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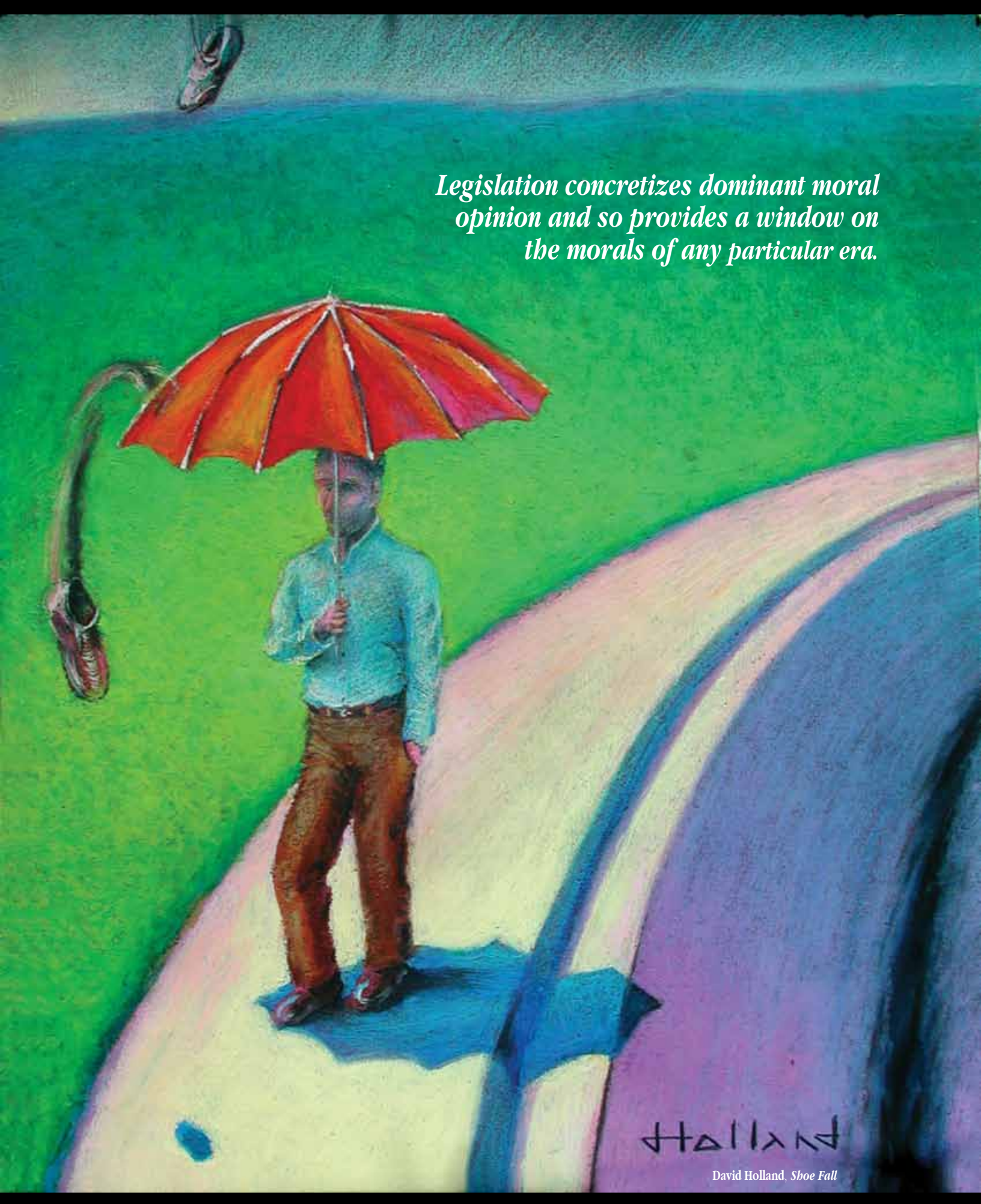
# SOME MORAL PERILS OF CRIMINAL LAW

By Arthur G. LeFrancois

*The uneasy relationship between morals and the law*

David Holland, *Juggling Reality*

*Legislation concretizes dominant moral opinion and so provides a window on the morals of any particular era.*



David Holland, *Shoe Fall*

Law cannot require all that is good or forbid all that is bad. For that reason alone, we know that law and morality (beliefs about what is right or wrong) are not the same. Still, law is inevitably a repository of our moral beliefs (our ethics). Legislation concretizes dominant moral opinion and so provides a window on the morals of any particular era. Law is also used to advance, and not simply reflect, particular moral visions. Think of the recent battles over Oklahoma's "personhood" bill. Law is an agent, as well as a mirror, of morals. Unsurprisingly, then, the relationship between law and morals is complex. It is also uneasy.

Law and morals seek to influence human behavior, and the former often does so for reasons grounded in the latter. The law does what *we* do when we act on the basis of moral principles or intuitions. It requires, it prohibits, it ignores. It ranks, it symbolizes, and it expresses. It justifies, excoriates, and excuses. I consider here three simple interfaces of just one branch of law (criminal law) and morals.

### WHEN CRIMINAL LAW RANKS

How would you rank the following three killings on a scale of evil or of the defendant's dangerousness?

*Case 1:* Robert Anderson lived with Mrs. Hammond and her three children. Robert had been home for two days, heavily drinking. Mrs. Hammond went to work early in the morning, leaving ten-year-old Victoria, her youngest, alone in the home with Anderson. Thirteen-year-old Kenneth, Victoria's brother, discovered his little sister's bloodied, naked corpse in her bedroom. She had been stabbed more than sixty times. Robert Anderson was convicted of her murder.

*Case 2:* Eight-year-old Ronnie Midgett, Jr. weighed no more than forty-five pounds. His dad weighed more than three hundred. Ronnie Jr.'s sister, ten-year-old Sherry, testified that, several days prior to Ronnie Jr.'s death, Ronnie Sr. had spent the day drinking and had beaten his tiny son. An autopsy revealed recent rib fractures, healed rib fractures, and bruises all over Ronnie Jr.'s body. Ronnie Midgett, Sr. was convicted of murder.

*Case 3:* On Christmas Eve, John Forrest visited his father, Clyde, at the hospital where John had taken him two days earlier. Clyde was critically ill. It was determined that extraordinary measures would not be taken to prolong his life. John was visibly upset. He told his father how much he loved him and broke down when his father emitted a gurgling and rattling noise. John had brought a gun to the hospital. He fired four shots at his father's head, then left the room, dropped the gun, and waited to be apprehended. He was candid about what he did, and told the police that while they could "burn" him for it, at least his father wouldn't suffer any longer. "I killed my daddy." "He won't have to suffer anymore." "I promised my dad I wouldn't let him suffer." John Forrest was convicted of murder.

So, how did you rank these killings? Do they seem equally heinous? Is one less odious than the others? Are the killers equally dangerous? Do they deserve the same punishment?

Courts in California (case 1), Arkansas (case 2), and North Carolina (case 3) decided whether the killings were first-degree or second-degree murder. Only the third killing, that of Clyde Forrest, was determined to be murder in the first degree. The other two were murders in the second degree. This intuitively unappealing result came about because the law often casts its moral judgments in the language of rules and formulas. Aristotle was on to

something when he observed that it is hard to squeeze the complexities of life into such formulas.

It was 1794. The Pennsylvania legislature was of the view, quite rightly, that some murders were worse than others. So it passed a statute dividing murder into two degrees. One of the kinds of first-degree murder was killing that was willful (intended), premeditated (thought about beforehand), and deliberate (calm). The idea was that spontaneous killings, or those committed unintentionally, or those lacking a certain kind of calm, were bad, but not as bad as killings that were purposeful, planned, and deliberate. This legislative scheme was adopted thereafter in state after state.

Using this formula, it was difficult for the Supreme Court of California to find evidence of premeditation in the killing of Victoria Hammond. And intention to kill might more easily be shown by a strategically placed wound rather than a frenzied hacking. To the Arkansas Supreme Court, it seemed Ronnie Sr.'s intention was to beat or discipline Ronnie Jr.—however harshly—but where was the evidence of intention to kill or of premeditation? Contrarily, the Supreme Court of North Carolina had trouble *not* seeing a premeditated intention in John's killing of his father. He'd essentially promised his father that he would kill him, if necessary, to relieve his suffering. He'd taken his gun to the hospital. His confession supported both premeditation and intention to kill.

Whether you agree with the courts' application of law in cases 1 and 2, you will likely agree that John's act, in case 3, fits the "murder one" category created in Pennsylvania more easily than those of Ronnie Sr. or Robert. My point is not that the Pennsylvania formula requires the counterintuitive results reached above, but that it allows them. Efforts to specify with precision under just what circumstances a particular killing is first- or second-degree murder will inevitably fail to accommodate the complexities of real life.

So it's proven difficult to rank murders as between first- and second-degree. Other ranking problems include another first-degree murder theory (deaths caused by certain felonies, like robbery, constitute first-degree murder even in the absence of any intention to kill or hurt), the controversial grounds used to trigger the death penalty (such as predictions that the defendant poses a future danger), and many other issues, including the extraordinary (and recently reduced) sentencing disparity between crack and powder cocaine offenses. Ranking may be necessary (surely, unjustified killing is worse than a drug offense), but ranking within categories (say, murder, or drug offenses) is more problematic than we might have thought. There are, of course, cross-category ranking issues that are challenging as well.

### WHEN CRIMINAL LAW PROHIBITS

One of the bromides we often hear about law—that it can't legislate morality—may hide more truth than it reveals. But law's efforts to reflect values have a troubled history, a history that suggests what people mean when they say law can't legislate morality; namely, that it repeatedly tries, but often fails. Think of the failures of criminal prohibitions against drugs, including alcohol. Or against certain sexual practices.

American states long ago passed laws forbidding prostitution, sex outside of marriage, and certain non-procreative sex acts (whether homosexual or heterosexual). Law, like the communities from which it comes, has thus characterized certain sexual behavior as a matter of morals about which the law should speak. Over time, states tended to relax regulations of sexual conduct, removing or not enforcing criminal prohibitions against, for example,

fornication, adultery, and certain sexual acts. Homosexual sodomy proved a more difficult matter. In England and the United States, for example, legislation outlawing homosexual sex proved resistant to change. The history of this legislation is, with the benefit of hindsight, ugly, as are the histories of its enforcement and of the social forces that gave rise to such legislation. At the very least, the law justified, perpetuated, and encouraged discrimination against homosexuals. The law spoke with its imperious force, ossifying community sentiment against those who dared violate majority norms.

Patterns of enforcing (against homosexuals) state sodomy laws varied over time. The United States Supreme Court upheld state criminalization of homosexual sodomy in 1986, then struck it down in 2003, finding that due process protected consensual sex.

To many contemporary observers, it is not clear what moral issues could reasonably be thought to inhere in same-sex sexuality. A recent Gallup poll indicates that a slight majority of Americans consider same-sex relations morally acceptable. As for law, the criminal law is typically concerned about social harm. So what was the social harm done by homosexual sex? Great Britain's influential *Wolfenden Report* (1957) found it difficult to find such harm. The *Report* argued that there must be private matters about which the law has no business, and it consequently recommended lifting the prohibition against consensual homosexual sex between adults. Not everyone in Great Britain agreed—it took ten years to change the law. The United States Supreme Court, in its 1986 opinion, *Bowers v. Hardwick*, evaded the issue of harm, appealing instead to the “ancient roots” of sodomy prohibitions, their relative frequency here, and their origin in majority conceptions of morality. The Chief Justice, concurring, appealed to religious tradition. Years earlier, across the Atlantic, arguing against the *Wolfenden Report*, the English judge, Patrick Devlin, had pointed to the “genuine feeling” of society.

Thus, the public harm done by private, consensual homosexual sodomy was thought to be the fact that such acts ran afoul of religious dictate, cultural norms, and society's sentiments. Such acts were judged to be immoral. And they were apparently much more so than other immoral acts; namely, those we chose not to criminalize.

So sometimes it appears, at least in retrospect, that criminal law's prohibitions, to understate it, haven't quite got it right on one or another moral question. There are many such examples. They include slavery laws, bans on racially mixed marriages, other Jim Crow laws, and legal bans disadvantaging women, such as those disallowing them to vote or to serve as executors of estates. Perhaps it is unsurprising that we have been too certain too often about behavior we condemn or benignly prohibit, and that we too readily have been agnostic or insensitive about the social justice consequences of legal doctrine.

### WHEN CRIMINAL LAW REQUIRES (OR DOESN'T)

If I can save a drowning child without undue risk to myself, must I do so? The criminal law of many countries says yes: it recognizes an extensive duty to rescue. The idea is that the gain of lives saved outweighs the cost of the



loss of freedom entailed by the duty to rescue. But American criminal law generally says we have no such obligation in the absence of an independently grounded duty such as created by a status relationship (say, parent to child), a contractual obligation, a statute, or the voluntary assumption of the care of the helpless (if we take in an aged aunt, we're obliged to care for her).

A famous early twentieth-century Michigan case refused to impose criminal liability on a man who, while spending the weekend with his mistress, allowed her to die by failing to seek obviously needed and readily available medical attention. The court determined that it would be morally “repugnant” to recognize a duty to help her. It would insult marriage, that is, to require one to take simple steps to prevent a paramour's death. Such outcomes reflect the primacy of individual autonomy in America, a kind of libertarian suspicion of governmental efforts to require conduct. They can also reflect, as in the Michigan case, moral norms unrelated to the “no rescue” rule, such as judgments about the impropriety of extra-marital sex.

The February 2012 killing of Trayvon Martin in Florida highlights some



David Holland, *The Balance of Head and Heart*

moral positions the criminal law has taken regarding just what is required to justify deadly force in self-defense. At issue is whether George Zimmerman, a community watch coordinator, was justified in killing Martin, an unarmed seventeen-year-old African American who had been visiting, with his father, the latter's fiancée in her gated community. As Martin returned from a trip to a nearby convenience store, Zimmerman called 9-1-1 and reported that the teen "looked suspicious." During an altercation, Zimmerman shot Martin in the chest in what he said was self-defense. Immediately following the incident, there were accusations that the violence was racially motivated; further investigation only raised more questions about who initiated the violence.

Should it matter whether an alleged self-defender like George Zimmerman thought he had to kill his alleged attacker to prevent serious bodily harm or death? The English common law thought so. It required that self-defensive killings reasonably appear to be necessary to prevent either of the harms just mentioned. One manifestation of the necessity requirement was the duty to retreat, if one could do so safely, rather than use deadly force. The necessity

principle, and the duty to retreat in particular, were means to respect and preserve life. Many American states came to reject the "unmanly" retreat doctrine, allowing self-defensive deadly force even where one could have safely retreated. The principle behind this American rule was that one shouldn't have to run from another if one reasonably fears unlawful deadly force from the other. Early in the twenty-first century, in a kind of second wave of anti-retreat sentiment, some state legislatures, like Florida's and Oklahoma's, passed "Stand Your Ground" laws that once again rejected or limited the retreat obligation and often provided immunity from suit or prosecution for those using deadly force to defend themselves or others, or to prevent certain crimes. These laws are, in part, symbolic efforts to signal intolerance for lawbreakers. But they are, of course, more than symbols. As we have seen in the case of Trayvon Martin, allowing deadly force even in the absence of necessity can activate fault lines of autonomy, culpability, and race.

Your views regarding the case of Trayvon Martin and of the propriety of self-defense doctrines such as necessity and retreat will depend on your moral intuitions or beliefs. Perhaps you believe that those who unlawfully threaten deadly force lose their right to live. Or that those who are faced with deadly threats are entitled to preserve their lives and safety. Maybe you prefer the retreat rule as an abstract matter, but you think it's unfair to expect people who are under a deadly threat to have the presence of mind to take advantage of a path of retreat. Or you might be concerned that "stand your ground" symbolism is an invitation to violence. These concerns about principles and pragmatics are, at bottom, moral concerns regarding our beliefs about the conditions under which it is appropriate to take life.

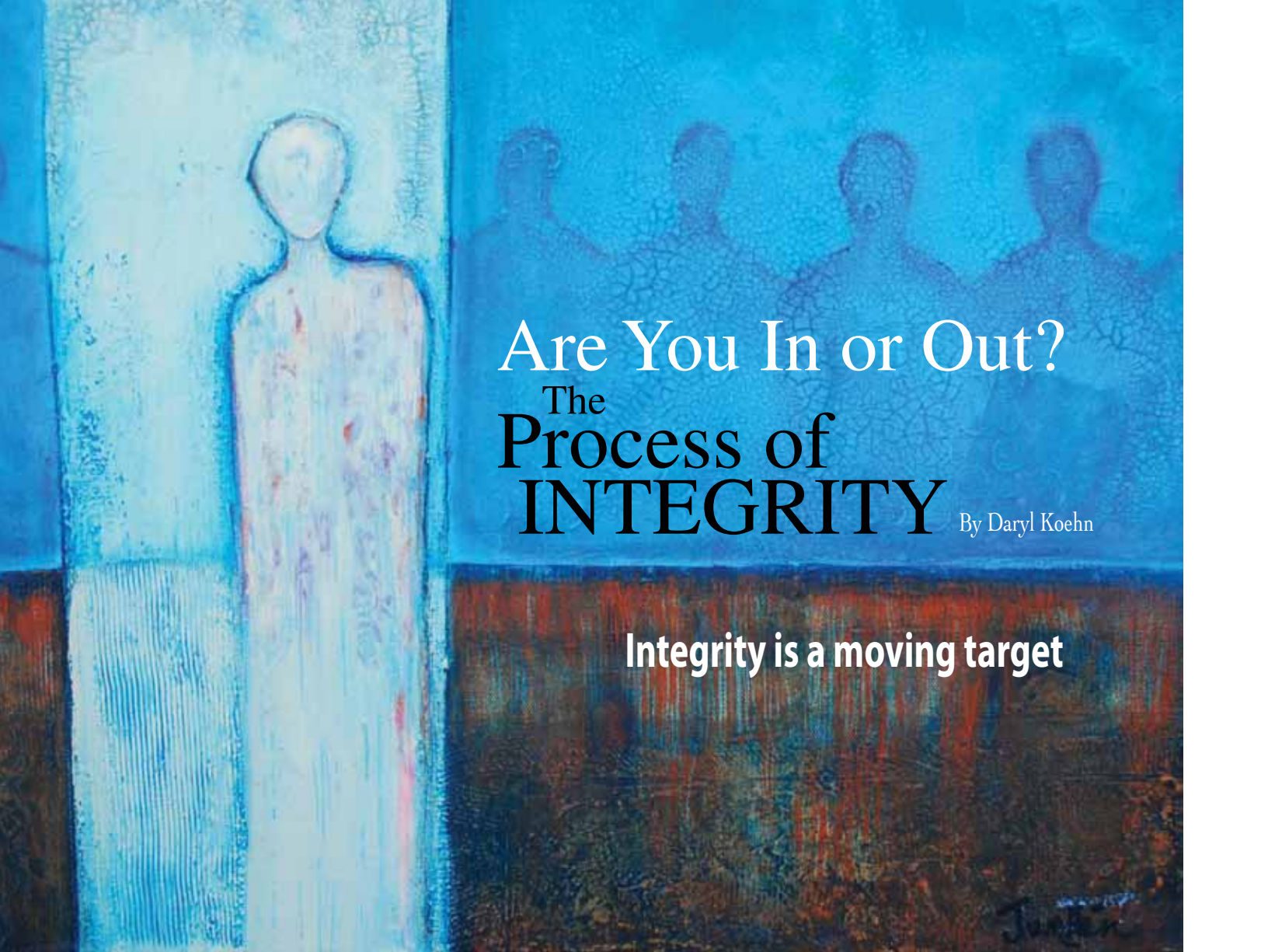
## LAST THOUGHTS

The interplay between criminal law and morals is endless. I have, for the most part, ignored less formal and more discretionary aspects of doing criminal law, like the higher rates of stopping, searching, arresting, charging, and harshly sentencing black Americans. Or the fabrications of police forensic scientists. Or the criminal law's treatment of (as opposed to non-criminal treatment for) people facing addiction and other mental health challenges that strain an already overburdened prison system.

The United States leads the world in incarceration rates. Oklahoma is very near the top of the list of state incarceration rates and routinely leads the nation in its rate of female incarceration. For these reasons alone, it would serve us well to attend more carefully to the moral and social consequences of criminal law's doctrines and practices. ☞

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Arthur G. LeFrancois has taught at Oklahoma City University School of Law since 1979, where he has won a number of teaching and scholarship awards. He graduated from Beloit College and the University of Chicago Law School.



# Are You In or Out?

## The Process of INTEGRITY

By Daryl Koehn

**Integrity is a moving target**

*Michelle Junkin, Persevere and Carry On. Michelle Junkin received the 2011 Paseo Arts Association Emerging Artist Award. She works in a variety of mediums and exhibits in juried national shows and regional competitions. She finds inspiration around every corner: the colors in a sunset, a pattern of brickwork, even the Oklahoma red dirt under her feet. [www.JunkinArt.com](http://www.JunkinArt.com)*

I was chatting recently with a fellow professor who, like me, frequently speaks to the business sector on the topic of ethics. We have both noticed a curious phenomenon. After suggesting that we humans should not be so convinced that we unfailingly behave with integrity, both my colleague and I have been challenged by agitated, if not downright irritated, businesspeople in our audiences: How dare we professors suggest that *they* might not be individuals of the utmost integrity?

This response got me thinking: *Why is there such hostility to the idea that there are times when we may not act with integrity?* The confusion arises, I think, for two reasons. First, we have a false understanding of what integrity is. Second, integrity, at its heart, does not lie entirely within our individual control. Integrity is a word bandied about by reporters, consultants, and others of the chattering classes, but is rarely defined. This lack of a single definition is not surprising. Integrity is a difficult notion to grasp. "Acting with integrity" can be construed as "doing the right thing," but such a construal is vacuous; it tells us nothing about what qualifies as right, much less what would be ethically proper behavior in some tricky case at hand.

Take, for instance, the tobacco industry. In testimony before Congress in 1998, many industry executives admitted that nicotine is addictive. In an interview with Jim Lehrer, Steven Goldstone, former CEO of RJR Nabisco (former parent company to the R. J. Reynolds tobacco conglomerate), said:

What I feel is an obligation, ethically and responsibly, ... is to make sure that people do not make decisions about smoking until they're old enough to make it and that they're fully educated on what all the issues are. This is a legal product, and the consensus in the country is very strong that we should not have prohibition and that the product should stay legal.

I will be very proud if I can participate in a resolution of this where we have civil discourse, where we have the appropriate place for this product in society, where Americans who are adults can make the decision to smoke or the decision to quit, but I can be confident that they're fully informed.

If we interpret integrity as "doing the right thing," did Goldstone and other tobacco industry executives act with integrity? The devil is in the details of

the definition. Some philosophers define integrity simply as being honest. But one of the fundamental ideals of American democracy is also individual freedom and choice. To proclaim that “I have integrity” presumes that we get to define integrity however we wish, as long as we communicate our definition honestly and consistently, and that we adhere to whatever meaning we bestow upon the term “integrity.” Businesspeople who claim to “possess” integrity usually justify the assertion using parameters they define and apply unilaterally. In our consumerist society, integrity has become akin to “fair advertising”: what I communicate should be true, but the content of what I communicate is up to me. In that case, tobacco companies may claim integrity because they admit their product is addictive and print warning labels on packaging to inform the public.

Other thinkers argue that integrity requires more than mere honesty. They assert that a person of integrity must be “whole” in the sense that all of the individual’s stances and beliefs must cohere as meaningful and defensible. On that view, tobacco industry leaders’ integrity could be called into question: it would be difficult to defend the medical consequences and public harm caused by the product they produce. Why should tobacco producers be different from toy manufacturers who must produce safe products and who cannot get away with saying, “Let the parents choose whether to expose their children to small toy parts that are easily swallowed and may cause choking or death”?

These dilemmas arise, in part, because we think of integrity as something we either have or lack: either we are people of complete integrity or we are utterly lacking in it. We desperately cling to the belief that we are in no way lacking in integrity because we do not want to think of ourselves as bad people. Yet the truth is that sometimes we act in ways that are just, compassionate, and courageous; other times, we fall short of doing so. A prominent Houston banker got it exactly right when he confessed to me during an interview, “You know, sometimes I am *in* integrity, and sometimes I am *out* of it.”

We need to get away from the false notion that integrity is a fixed state in a pair of binary traits—good/ethical or bad/unethical. Integrity is an aspect of our being. Integrity is something we are (or are not) *becoming*, not something we *have*. We should think of integrity less as a character trait and more as a commitment to the ongoing *process* of seeking to make ever more considered, courageous, and fair choices. This “process viewpoint” provides hope that, even though we make mistakes or fall short of always making fair or courageous decisions, we have the ability to make better choices in the future.

When we are engaged in this thoughtful process, we are “in” integrity. When we are shooting from the hip or rationalizing behavior we secretly suspect is less than forthright, we are “out” of integrity. Individuals who take counsel with others about how best to act, who seek out contrary points of view, who accept that others may have legitimate objections to a course of action they happen to favor—these folks are “in” integrity. When we act in ways that show we are at least trying to be just, fair, and honest (in our dealings with others *and* ourselves), then we are “in” integrity. Often we could be even more generous or fair, but in striving for ethical decisions and actions, we are participating in the ongoing process of acting with integrity. We can be flawed people without forfeiting all claims to integrity.

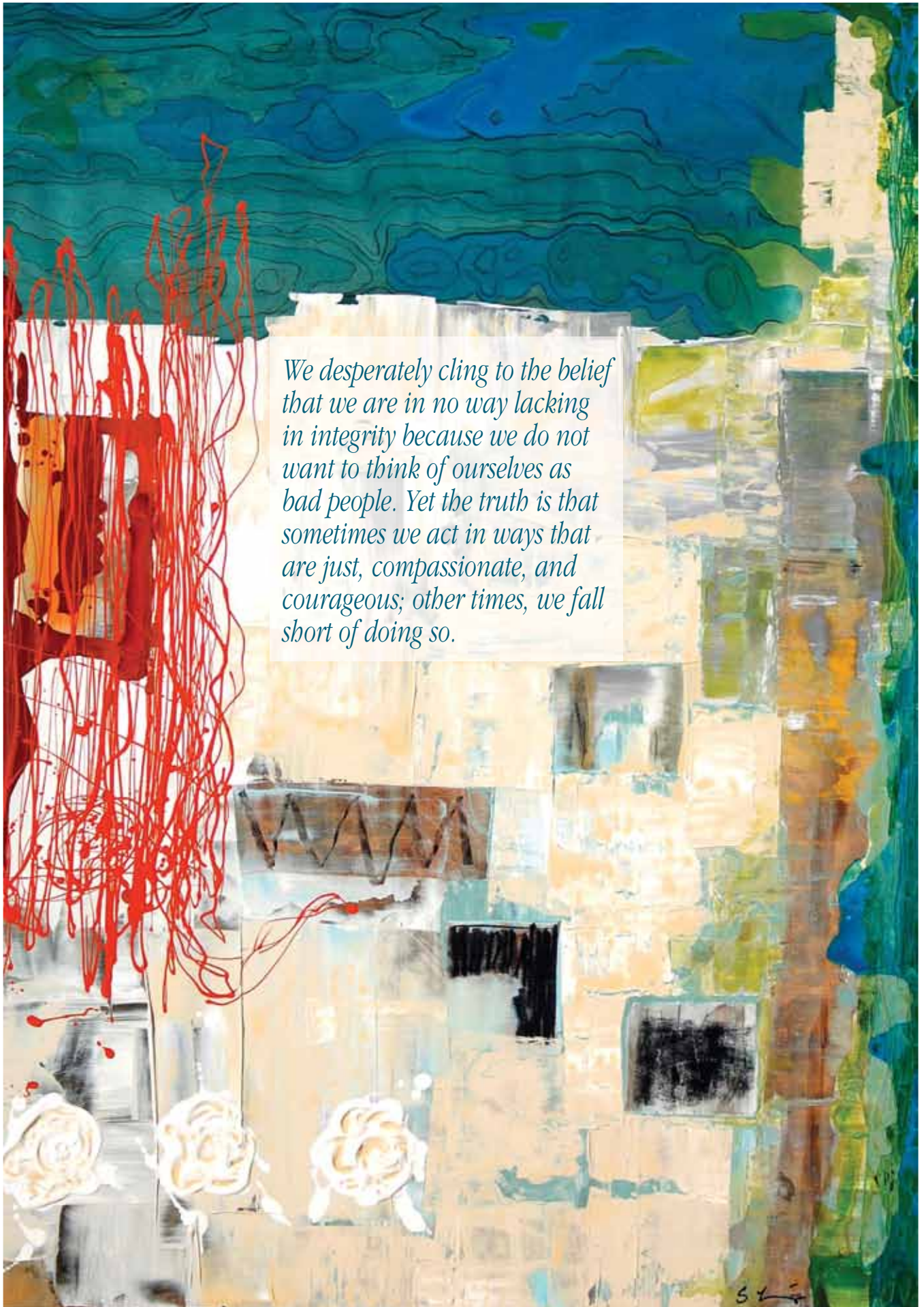
Another misconception involves treating integrity as something we can possess. You might say that we have “economized” integrity. This mistake helps explain why businesspeople become anxious when someone suggests that they might not always behave with the utmost integrity. We treat integrity as a thing to which we have property rights; just as we either possess or do not possess some particular object, so, too, it seems that individuals either have or lack integrity. The analogy quickly breaks down, though. Possession and ownership persist over time. I don’t typically own



*Don Holladay, Standing Figure. Don’s work has appeared in numerous solo and group shows across Oklahoma. He holds a law degree from the College of Law, University of Oklahoma. Photographed by Konrad Eek. [www.donholladay.com](http://www.donholladay.com)*

a Mercedes at 10 a.m., not own it at 11 a.m., and then own it again at 2 p.m. However, I *can* be involved in a judgment-refining process at some points of the day and not be involved in that process several moments later. When I recognize that my decisions or actions are less than kind or fair, I can re-engage with the process and be back “in” integrity for the remainder of the day.

Economics and the way we think about consumption and production so pervades modern culture that we have begun to think of integrity as something we can produce. Here we see the influence of consumerism.



*We desperately cling to the belief that we are in no way lacking in integrity because we do not want to think of ourselves as bad people. Yet the truth is that sometimes we act in ways that are just, compassionate, and courageous; other times, we fall short of doing so.*



Production of goods or services is a matter of developing a technique and then applying that technique to yield a finished product. Consultants abound, each promising a path to integrity. Google a phrase such as “steps to integrity” and you’ll find websites offering three- (seven-, twelve-) step programs for achieving integrity. One is guaranteed to have integrity, for example, if one always tells the truth. A moment’s reflection shows that integrity cannot be reduced to mechanical adherence to some rule or precept. When the Nazis showed up at Miep Gies’ door and asked whether she was harboring Jews, she could have said, “Yes, I’m hiding Anne Frank and her family in a warehouse attic. Let me show you the way.” That would have been an honest answer, but would we say she acted with integrity? Of course not. Integrity requires acting in ways that reason discloses are appropriate to the situation at hand. As each case arises, we must think through the various (often competing) values involved. This deliberation and evaluation is never-ending. There is no magical technique or rule that guarantees we have achieved integrity once and for all. Even if we try to deliberate carefully and choose well, we may still make mistakes. The best we can hope for is to commit to the process of refining our judgments and seeking to become ever more just, compassionate, and generous.

We get confused about integrity not only because we misconceive of it but also because it is never fully within our individual control. Our ability to act with integrity depends on a host of factors that may or may not converge to enable us to do what the situation requires. Years ago Beech-Nut was found to have adulterated its apple juice. The story broke because a whistleblower alerted the authorities to the deception. We can and should praise the whistleblower for courageously doing the right thing. Note, though, how dependent this individual’s integrity was on the presence of forces and institutions that may not exist in other cultures or contexts. The whistleblower might not have come forward at all if America had lacked laws against product adulteration; prosecutors willing to take on a major company; a relatively uncorrupted judiciary committed to enforcing laws; a free press; and well-informed consumers who grasped the power of boycotts. Again we find integrity is not simply a character trait of the individual. Integrity is also a function of larger social and political systems that elude the control of a single individual.

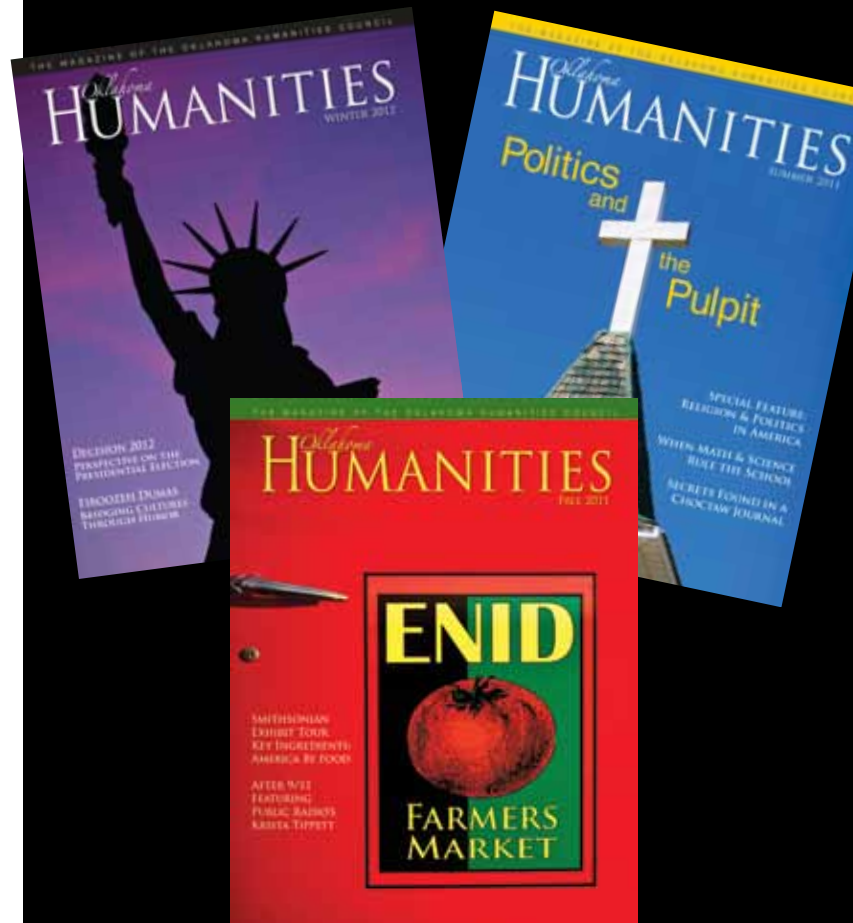
Ralph Waldo Emerson was partly correct when he wrote, “In failing circumstances no one can be relied on to keep his integrity.” On the other hand, we don’t have simply to accept “failing circumstances.” If we embrace the idea that integrity is an ongoing *process* of deliberating as best we can, striving for ethical decisions and actions, and supporting institutions that foster justice, then we can reasonably hope to become people who spend more of our day “in” integrity than “out” of it. ☺

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Dr. Daryl Koehn is a professor in the Ethics and Business Law Department of Opus College of Business, University of St. Thomas, Minneapolis-St. Paul. She holds advanced degrees in economics and philosophy and is author/editor of several books, including: *Living with the Dragon: Thinking and Acting Ethically in a World of Unintended Consequences* (Routledge, 2010) and *The Nature of Evil* (Palgrave Macmillan, 2005).

Left, Shelly Lewis Stanfield, *Once Upon a Time*. Shelly Lewis Stanfield’s modern acrylic paintings combine a passion for bold colors and raw materials. As a self taught painter, her inspiration comes from a love affair with architecture, interior design, and nature. [www.shellylewisstanfield.com](http://www.shellylewisstanfield.com)

# EXTRA!



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*Oklahoma* HUMANITIES **EXTRA!** is a new initiative of OHC’s award-winning *Oklahoma* HUMANITIES magazine. We’ve added a page to our website where you’ll find (beginning with our Summer 2012 issue) discussion questions developed by our magazine authors, plus digital and print resources for exploration. It’s your source for **EXTRA!** ordinary information beyond what you read in our magazine.

Use **EXTRA!** materials to “read more” or host a community conversation. If you’re a teacher, you can download and print magazine articles and resources that encourage students to think critically about issues and ideas—beyond the classroom. All past issues of *Oklahoma* HUMANITIES magazine are posted online. Visit our website today and include **EXTRA!** in your conversations and explorations.

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# Lottery Night

By Kim Stafford

*Kim Stafford's father, poet William Stafford, was a conscientious objector during World War II, and was interned in labor camps in Arkansas and California. This essay recounts the author's own experience with the draft during the Vietnam War.*

**W**hen my brother Bret was in elementary school, he composed a set of maps and letters made to look like archival pages from the Civil War. These include a letter from Robert E. Lee to Abe Lincoln, which concludes, "I am doing some plans for attack right now. How I wish the war had never started." And a letter of surrender from Lee to Ulysses S. Grant, which concludes, "P.S. You're a fine man." From an early age, he took a great interest in the possibilities of choosing friendship over war. In his mind, he could traverse the vast distance between the two.

Remember those days of the draft and Vietnam: the power of the U.S. government as Old Testament Abraham, willing to sacrifice his sons? The draft sought young men for sacrifice in jungle war. When you looked at a military recruitment poster, you didn't need to be on drugs to see the death's head behind that scowl of the old man aiming his finger at the heart: "Uncle Sam Wants You!" If you read the fine print, there was an option out:

"Conscientious Objector: You are opposed on moral or religious grounds to participation in war in any form. You will need to prove the sincerity of your beliefs."

The Draft Board sent each eligible young man a Selective Service card. This little scrap of paper was to be carried at all times, and treated with tremendous respect. According to the notice accompanying my card, I was informed that if I altered the card in any way, I could get up to five years in prison, or a fine up to \$10,000, or both. In those days, that was more than the cost of a college degree, and took longer. These figures we could understand. But for a slip of paper?

I have a copy of a document my brother gave me, based on a student poll at Berkeley: "Out of those who will not go in if drafted 60% will leave the country, and 31% will go to jail."

Against this backdrop, on the night of December 1, 1969, the U.S. government held a televised lottery to determine which young men should go to the killing fields in Vietnam. My brother was living with half a dozen friends in an old house on East 12th. That house was the place to be for a dark kind of party, and clearly the place to be for this one.

Anyone alive in those days may remember the surreal drama of U.S. congressman Alex Pirnie reaching into a cage to pull out the first of 366 numbered balls (leap-year birthdays got no slack). In his heavy black, mad-scientist glasses, he looked at the ceiling, to assure us he wasn't hand-picking a favorite.

No one in the room was visibly breathing. Bret, Chuck, Bill, Brian, Roger, Jake, and me. The options were on the table: if you got a low number, you went to Nam, to prison, or to Canada. Or, as Bret reminded everyone, you could apply for C.O. status.

"Yeah, yeah, Stafford. Easy for you. Your dad was one. You might get it, but I'm a lousy atheist. No chance."

"Shhh. He's picking. . . ."

I don't remember who got what number, besides the fact that my brother and I had numbers considered high enough by all prophecies we heard to escape the call. We were not in reach of the draft that year. The others, each found some way to step aside—student deferment, followed by deft maneuvers available to the college grad. Bret did apply for C.O. status, conscientious objector. On his ride in the special army bus from Eugene to Portland, the young men with him got so rowdy—chanting, swearing, swaying—that the driver pulled over and refused to go on. Bret didn't get to Portland until after dark, but he was there to face the board on Warner Milne Road in Oregon City the next morning. (The name of that road, somehow, is a knife in my memory, never to be forgotten.) They really worked him over, called him a coward, said that just because his daddy got off didn't mean he had a free ride. But Bret stood firm, and in the end, with a lot of grumbling, they gave him C.O. status.

When I came of age, I registered for the draft, in October 1967. My draft card, which I was to carry with me at all times, specifies that I am five feet, nine inches tall, I weigh 145 pounds, and I can be identified by a two-inch curved scar in my left palm (the result of a tricycle accident at age three). I remember thinking, *They need to know about that scar so they can identify my body on some battlefield.*

When my turn came, I filled out my C.O. application in a feverish all-nighter, making wild intuitive guesses about the doctrines of the Brethren Church where our mother's father had preached, and in the morning sent in the form. Then I went for draft counseling to my old minister, Reverend Jim. He was working at a small church in Tigard then, and he welcomed me warmly. I told him about Bret's harrowing passage on Warner Milne Road.

"That's tough," he said. "But I've heard it can be like that." When I asked for his support in preparing for my own showdown with the Draft Board,

he was eager to help. I showed him a copy of my application, and without hesitation he began to tear my reasoning apart. Had I ever really thought about these things, he asked, or was I just assuming I had a pass because my father had a pass, and now my brother, if barely? What about someone attacking my house—was I serious that I wouldn't pick up a gun to defend myself? What kind of love was that?

"If someone put a gun to your brother's head," he said, "would you just stand idly by? Don't you love him? Doesn't love require action? Just because Jesus said the meek shall inherit the earth, does that mean you can chicken out on those you love? What is love, anyway, if it's not the courage to fight for what you love?"

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## The options were on the table: if you got a low number, you went to Nam, to prison, or to Canada.

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This went on for a good hour. I broke into a sweat, looked down at what I had written on the form.

"Don't look at that form," he said. "Look inside. I'm not interested in what your grandpa thought. What your daddy thought. I need to know what you think. Let's hear it. Or you know what? I want you to go home and think about all this. Come back here in a week and you'd better have some things figured out, or you're in trouble."

Deeply discouraged, I went back to Eugene, talked for the first time with my brother in detail about these matters. He asked hard questions, too. And I had to start from scratch.

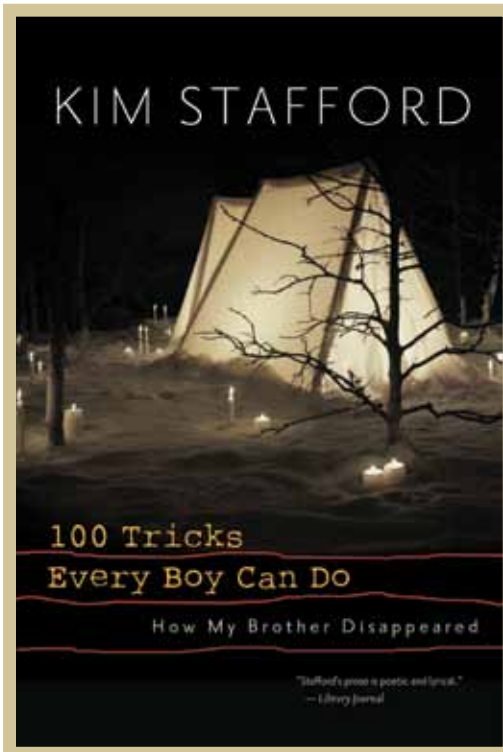
The next week, when I sat down with Reverend Jim, I tried to explain another way to do this life than war.

"I don't know what I would do if someone threatened my brother," I said, "or anyone I love—or anyone, really. I probably would take up a weapon if that happened. Even a club. Anything. I'd get as crazy as the next guy if something like that came down. But that's not where we are with this. We are attacking a far country. We are bringing danger to them. Their response is to take up weapons to defend themselves. I can't stop that. The president isn't going to listen to me. But that's not really the point here. The point is that the draft is asking me if I—one person, this one person—will take up a gun and follow orders to go kill someone in Vietnam. And my answer to that question is no. I don't believe that's the best action, ever. Not just this war. No war. For me, no war, ever, anywhere."

I carried on like this, and he let me. I found holes in my own thinking, sometimes, and had to circle back. My conversation with my brother, and then this conversation, were the first times I had really considered



Kim Stafford



*Draft Lottery* (page 26). Congressman Alexander Pirnie reaching into a container of draft numbers (center) as others look on, including retiring Selective Service Director Lt. General Lewis Blaine Hershey (*left*) and Deputy Director Col. Daniel O. Omer (*right*) at the Selective Service Headquarters during the nationwide draft lottery. Photo by Marion S. Trikosko, Dec. 1, 1969. Library of Congress, LC-DIG-ds-01312

the far-reaching implications of one person's action, or inaction. It had all been abstract before. Now it was about deciding, in the face of a skeptic, what I had to do. I fought my way through all the questions he threw at me.

Finally, Revered Jim's face softened. "Okay," he said. "That's enough. You probably won't convince anyone on the Draft Board that you are right, but you can show them that your beliefs are your own. They can either ask the taxpayers to fund your time in prison, or they can follow the law and grant you C.O. status. I suspect that's what they'll do."

I got up to go, and he said, "I'm sorry I was so hard on you in our first meeting. I had to do that. I had to be the Draft Board, and really attack. I hope you can see that was an expression of my respect for you, my love for you and your family."

"I only wish," I said, "my brother had come first to you."

When I appeared before my Draft Board, I was raring for a fight. But to my disappointment, the four men behind the table muttered quietly among themselves, and then one of them said, "You're C.O., kid. We're done. You can tell the next man in the lobby he's up."

I still have that card, marked for full conscientious objector status, signed by Frank Belcher, member of the local board. After my long preparation, this dénouement was a drop. But I stepped outside the building and realized a subtle gray fog—my fear of my government's power—had burned away. I was free.

Years later, I found a poem my brother had written in those days. Eventually, he would go to Canada, even though he had been granted C.O. status. He did not feel right being in a country that made war. But in the poem, he dealt with the problem as our father might have—seeing the situation by the liberal half-light of the imagination:

The Pentagon self-consciously  
slinks below ground

And arises a starfish on some  
sunny beach

To be gazed at in Wonderment  
by a curious child.

He was the curious child, but he was a soldier, too. He took his orders from some interior general our childhood had made inside his mind. "All the little sputniks," his poem says, "are alone." 🐼

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Kim Stafford is the founding director of the Northwest Writing Institute at Lewis & Clark College in Portland, Oregon. He has authored a dozen books of poetry and prose, including *The Muses Among Us: Eloquent Listening and Other Pleasures of the Writer's Craft* (University of Georgia Press). "Lottery Night" is from his memoir, *100 Tricks Every Boy Can Do: How My Brother Disappeared*, new this month from Trinity University Press. For more on Kim's father, William Stafford, see *Down in My Heart: Peace Witness in Wartime* by William Stafford; *Every War Has Two Losers: William Stafford on Peace and War*, ed. Kim Stafford; and *Early Morning: Remembering My Father, William Stafford* (Graywolf Press) by Kim Stafford.

## CALENDAR

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## FESTIVAL

Much Ado About Words:

A Festival of Literary Proportions

October 10, 9 a.m.-2 p.m.

Southwestern Oklahoma State University,

Sayre Campus

Info: 580/928-5533



The festival features readings by western Oklahoma authors and lectures from scholars on the historical and cultural aspects of Oklahoma literature. Beginning at 6 p.m., community writers can share their work at an open mic session at The Brick, a local coffee shop. Events are free and open to the public.

## CONFERENCE

Five Tribes Story Conference

September 21 & 22, 9 a.m.-9 p.m. daily

Bacone College

2299 Old Bacone Rd., Muskogee

Info: 918/683-1701



*Author Tim Tingle*

Five Tribes Story Conference explores the folklore, oral traditions, scholarship, and literature of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Tribes. Featured author Dr. Robert J. Conley is a member of the United Keetoowah Band of the Cherokees. A registration fee applies. Evening concerts are free and open to the public.

## FESTIVAL

Charlie Adams Day Festival

September 8, 10 a.m.-3 p.m.

Kay County Courthouse Lawn,

Newkirk

Info: 580/362-2377



*Entertainers Stephanie and Pake*

Pharmacist Charlie Adams arrived in Newkirk in 1899 and his "Good Luck Liniment" is still made and sold there. The annual Charlie Adams Day Festival honors Adams, the history of Newkirk, and pioneers who settled the area. Events include musical entertainment, storytelling, and demonstrations such as blacksmithing, basket weaving, and Dutch oven cooking. Events are free and open to the public.



## OKLAHOMA HUMANITIES AWARDS

### SAVE THE DATE!

2013 Oklahoma Humanities Awards

March 28<sup>th</sup>, 6:30 p.m., Tickets \$85

Information: Call OHC at (405) 235-0280

Event Location: Oklahoma History Center, OKC

Local organizations across the state are providing wonderful opportunities for cultural education and conversation. The Oklahoma Humanities Awards recognize that important work. The 2013 awardees will be announced soon and include individuals, organizations, and projects that have contributed to the understanding of the humanities in Oklahoma.



*End Notes from the Editor*  
*Carla Walker*

*I consider it a personal coup that we bring you the writing of Kim Stafford in this issue.*

For a year I gently prodded Kim (drip ... drip ... drip ...) until he agreed to write for us. I first read his work in the pages of *Oregon Humanities* magazine, a beautiful essay called “Résumé of Failures” (read it at: [www.oregonhumanities.org](http://www.oregonhumanities.org)). At the time that I read Kim’s essay, I was researching his father, poet William Stafford, and found that Kim is the founding director of the Northwest Writing Institute, as well as literary executor of his father’s archives, at Lewis & Clark College, Portland, Oregon. Kim is a prolific and talented writer across several genres, including poetry, essay, short fiction, and song writing. It is indeed an honor that Kim and Trinity University Press allowed us to print an essay from his just-published book.

Now, back to my research on William Stafford. It was my turn to host our office book group—a loose term because we deviate from books for the occasional art exhibit or guided film discussion with a scholar that we bribe with the promise of a free lunch (no honoraria, just lunch). In five years of quarterly meetings we ventured nowhere near poetry, a genre equally loved and despised by our spirited group. Oh, alright, I am the *only* one of seven people that wanted anything to do with verse, rhymed or otherwise. There was near mutiny when I announced our discussion topic, but I was determined to change their minds.

As I told my colleagues, Bill Stafford’s writing is some of the most accessible (down-to-earth, meaningful) I have ever read. And I’ve read a lot. As an Oregon state poet laureate and U.S. Poet Laureate, he gained millions of readers who share my admiration. His poetry needs no introduction; it is utterly readable. But to fully appreciate the subtleties of Stafford’s writing, to understand how *much* he says in a few, brief lines, you must know something of the man (explore his life and poetry at: [www.williamstaffordarchives.org](http://www.williamstaffordarchives.org)). Suffice it to say that he was a person in whose company you could spend a comfortable afternoon. Of course I’m imagining this because Stafford died before I discovered his work. Though we never met, I have spent years studying his quiet wisdom. As a reader and a writer, his are the lines on which I lean. By knowing his work I know that he was a teacher, a man of conscience, and a bit of a philosopher.

To those who are familiar with Stafford’s work, the following poem is classic. It will be studied in literature and philosophy classes for decades to come. I think you’ll find it fitting for this issue on “Ethics.” In these eighteen lines, we see the weight of the world in one man’s moment of hesitation. Given the same circumstances, what would *you* do?

Traveling through the Dark

Traveling through the dark I found a deer  
dead on the edge of the Wilson River road.  
It is usually best to roll them into the canyon:  
that road is narrow; to swerve might make more dead.

By glow of the tail-light I stumbled back of the car  
and stood by the heap, a doe, a recent killing;  
she had stiffened already, almost cold.  
I dragged her off; she was large in the belly.

My fingers touching her side brought me the reason—  
her side was warm; her fawn lay there waiting,  
alive, still, never to be born.  
Beside that mountain road I hesitated.

The car aimed ahead its lowered parking lights;  
under the hood purred the steady engine.  
I stood in the glare of the warm exhaust turning red;  
around our group I could hear the wilderness listen.

I thought hard for us all—my only swerving—,  
then pushed her over the edge into the river.

—William Stafford

*From The Way It Is: New & Selected Poems (Graywolf Press, 1998).  
Reprinted by permission of the Estate of William Stafford*



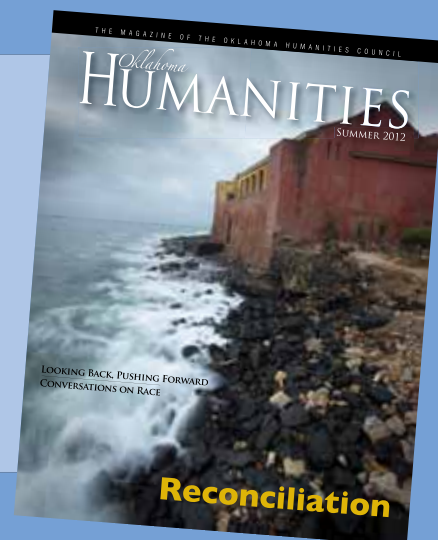
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# Oklahoma HUMANITIES

THE MAGAZINE OF THE OKLAHOMA HUMANITIES COUNCIL



## EXTRA!

### **The Good, The Bad, and The Moral Imagination** By Scott Davidson | Published Fall 2012, Vol. V, Issue No. 3

#### For Discussion

1. What benefits does government provide to the individual? Do we as individuals owe the government something in return for those benefits?
2. Think of a situation where the needs of your family or friends might conflict with the dictates of the law or society as a whole. How would you resolve the dilemma? What would take precedence: the personal good, the interpersonal good, or the public good?
3. What ethics are valued in your community? Have you seen changes in those ethics over time?
4. Read Plato's dialogue, "Crito," in its entirety [see link below]. Crito offers several compelling reasons for Socrates to escape from jail. Which of those arguments do you think are valid?
5. Do you believe that Socrates should have escaped from prison? Why or why not?

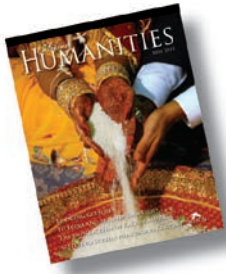
#### Further Reading

- Martin Luther King, Jr., "Letter from Birmingham City Jail"
  - Hugo Adam Bedau, ed., *Civil Disobedience in Focus*
  - James Rachels, *The Elements of Moral Philosophy*
  - Michael Sandel, *Justice: What's the Right Thing to Do?*
  - Henry David Thoreau, "Civil Disobedience"
- EDSITEment ([www.edsitement.neh.gov](http://www.edsitement.neh.gov)) has selected excerpts from "Civil Disobedience" and discussion questions to guide readers through Thoreau's arguments. Located online at: <http://edsitement.neh.gov/launchpad-henry-david-thoreaus-essay-civil-disobedience>

#### Resource Links

- EDSITEment ([www.edsitement.neh.gov](http://www.edsitement.neh.gov)): "Socrates and the Law: Argument in an Athenian Jail" – Lesson plans and links to the text of Plato's "Crito."  
<http://edsitement.neh.gov/lesson-plan/socrates-and-law-argument-athenian-jail#sect-introduction>
- Justice with Michael Sandel  
Watch video sessions of Harvard University's famed "Justice" course with professor Michael Sandel. Discussions include questions of justice, equality, democracy, and citizenship.  
(<http://www.justiceharvard.org/>)
- PLATO (Philosophy Learning and Teaching Organization) – Links to videos, radio podcasts, and readings on philosophy, ethics, and issues. (<http://plato-apa.org/>)
- Stanford Encyclopedia of Philosophy – Search for information on philosophers and articles on philosophy and ethics. (<http://plato.stanford.edu/>)
- Episteme Links – Links to philosophy resources (<http://www.epistemelinks.com/>)

Resources are compiled by the author(s) and editorial staff. Any views, findings, conclusions, or recommendations expressed in these materials do not necessarily represent those of the National Endowment for the Humanities or the Oklahoma Humanities Council, its Board of Trustees, staff, or donors.



# Oklahoma HUMANITIES

THE MAGAZINE OF THE OKLAHOMA HUMANITIES COUNCIL



## EXTRA!

### **Truth and Consequences: A Lesson in Ethics** By Philip Patterson | Published Fall 2012, Vol. V, Issue No. 3

#### For Discussion

1. If it were your decision, how would you solve the problem involving the Christmas charity? The Texas television station chose to end the charity drive. Before making that decision, should they have weighed the consequences to the charities that were expecting donations? Did the station have a responsibility to inform viewers of the deceptions in videos that had already aired? How much responsibility should the station bear for not fact checking the videos before they aired them?
2. The PR agency employed two kinds of deception: staged video and exaggerated stories. Would your judgment or solution to the dilemma change if the agency engaged in only one of those deceptions? Is one tactic more deceptive than the other?
3. Of the philosophers and theories mentioned in the article, which one fits most closely to your own personal ethics and how you weigh moral questions? Justify your answer.
4. Examine an issue with which your community or school is grappling using the ethical theories presented in the article. Which outcome is best for the good of the “social contract”? What does “duty” prescribe? Which outcome results in “the greatest good for the greatest number”? What would the outcome be if it were possible to employ the “veil of ignorance”?

#### Further Reading

- Philip Patterson and Lee Wilkins, *Media Ethics: Issues and Cases*
- Thomas Nagle, *What Does It All Mean? A Very Short Introduction to Philosophy*

#### Resource Links

- “Role of Public Relations in the Alar Scare” – A case study and discussion questions (<http://highered.mcgraw-hill.com/sites/dl/free/007288259x/151122/roleofpublicrelations.pdf>)
- Justice with Michael Sandel – Watch video sessions of Harvard University’s famed “Justice” course with professor Michael Sandel. Discussions include questions of justice, equality, democracy, and citizenship. (<http://www.justiceharvard.org/>)
- PLATO (Philosophy Learning and Teaching Organization) – Links to videos, radio podcasts, and readings on philosophy, ethics, and issues. (<http://plato-apa.org/>)
- Stanford Encyclopedia of Philosophy – Search for information on philosophers and articles on philosophy and ethics. (<http://plato.stanford.edu/>)
- Episteme Links – Links to philosophy resources (<http://www.epistemelinks.com/>)

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## EXTRA!

### Some Moral Perils of Criminal Law

By Arthur G. LeFrancois | Published Fall 2012, Vol. V, Issue No. 3

#### For Discussion

1. Discuss the three murder cases outlined in the article. Do you agree with their rankings as first-degree or second-degree murder? What are the differences between morality required by religion and morality required by law?
2. What are the benefits and consequences of regulating morals as a society and as a State?
3. Slavery, bans on racially-mixed marriages, and barring women from voting were once legal practices that have been overturned. Are there criminal behaviors presently that we should legalize? What are the benefits or consequences of legalization?
4. Discuss the issue of self-defense. Did the article change your mind about “Stand Your Ground” laws, the use of deadly force, or the duty to retreat?
5. What behaviors do you think should be criminalized and how would you rank the sentencing of such crimes?

#### Reading and Resource Links

- Facts on the Oklahoma Prison System – Oklahoma Department of Corrections  
[http://www.doc.state.ok.us/newsroom/publications/did\\_you\\_know.htm](http://www.doc.state.ok.us/newsroom/publications/did_you_know.htm)
- “Women in Prison: Why Oklahoma Leads the Nation” – Oklahoma Watch: Nonprofit, investigative reporting on women and crime in the state of Oklahoma.  
<http://oklahomawatch.org/project.php?pid=1>
- “Murder: An Overview” – Legal Information Institute, Cornell University Law School. Definitions and information, including the Pennsylvania Method of Classifying Murder.  
[http://www.law.cornell.edu/wex/murder#related\\_topics](http://www.law.cornell.edu/wex/murder#related_topics)
- “Exploring Constitutional Law” – Website by Doug Linder (University of Missouri-Kansas City Law School) explores issues and controversies linked to the U.S. Constitution. Includes the full texts of Supreme Court decisions in *Bowers v. Hardwick*, 1986, and *Lawrence v. Texas*, 2003.  
<http://edsitement.neh.gov/websites/exploring-constitutional-law>
- Henry David Thoreau, “Civil Disobedience.” EDSITEment ([www.edsitement.neh.gov](http://www.edsitement.neh.gov)) has selected excerpts from “Civil Disobedience” and discussion questions to guide readers through Thoreau’s arguments. <http://edsitement.neh.gov/launchpad-henry-david-thoreaus-essay-civil-disobedience>
- “Stonewall Uprising” – PBS, *American Experience*: Film describes the 1969 riots in New York City that marked a major turning point in the modern gay civil rights movement. Includes a discussion guide. <http://www.pbs.org/wgbh/americanexperience/films/stonewall/player/>

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## EXTRA!

### **Are You In or Out? The Process of Integrity** By Daryl Koehn | Published Fall 2012, Vol. V, Issue No. 3

#### For Discussion

1. What is your personal definition of integrity—honesty, compassion, fairness, generosity, honor? What influences your idea of integrity—family values, religious ideals, community expectations?
2. If a company's goods and services cause harm (i.e., pollution, addiction, obesity), does that company lack integrity?
3. The author raised the issue of public harm, that some corporations are held accountable for public harm and some are not. Can you think of examples of products that carry warnings? Where should we draw the line for corporate accountability?
4. What aspects of integrity do we expect from individuals, corporations, government, social or religious groups? Do we have different expectations for these different entities? Give examples of how each entity can exhibit integrity.
5. Can two people have opinions they believe are based in integrity, yet disagree? How do we resolve conflicts when opposing parties are convinced they are acting with integrity?

#### Further Reading

- Stephen L. Carter, *Integrity* (HarperPerennial, 1997). An online excerpt mentions several scenarios that demonstrate the competing aspects of integrity. (<http://stephencarterbooks.com/books/nonfiction/integrity>)
- Henry David Thoreau, "Civil Disobedience." EDSITEMent ([www.edsitement.neh.gov](http://www.edsitement.neh.gov)) has selected excerpts from "Civil Disobedience" and discussion questions to guide readers through Thoreau's arguments. <http://edsitement.neh.gov/launchpad-henry-david-thoreaus-essay-civil-disobedience>

#### Resource Links

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