

Professional Ethics in Criminal Justice: Being Ethical When No One Is Looking, by Jay S. Albanese. Boston: Allyn and Bacon, 2006. pp. xix, 172.

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Extremely readable and understandable with practical application, this book is an ideal ethics textbook for undergraduate criminal justice classes. Rather than overwhelm the reader with the myriad theories, which is the common writing mode, the author has chosen to first survey only the three most commonly used ethical perspectives: virtue ethics, formalism, and utilitarianism. Next, the common ethical considerations are presented, criminal justice system component by component. In later chapters, the author introduces theories of moral development and touches on theories beyond the three major perspectives.

Major ethical terms and themes are defined and discussed in the first chapter, "Recognizing Ethical Decisions: Ethics and Critical Thinking." The chapter covers ethical concepts in a straightforward question-and-answer format. Common questions about the study of ethics are included, such as "What are ethics, and what is ethical?" "What is the difference between morals and ethics?" and "Why is critical thinking fundamental to ethics?"

All chapters conclude with critical thinking exercises in applied ethics. An especially useful tool for learning how to make ethical decisions and solve ethical dilemmas, the author carefully explains how to make ethical decisions using the principles of critical thinking in the paragraphs immediately preceding the exercises.

Virtue ethics, or "seeking the good," is the theme of the second chapter. Issues explained are the hierarchy of goods and the ultimate good. Stoicism and hedonism, other approaches to good, are explained in contrast to the virtue ethics of Aristotle. Moral virtue, how to achieve moral virtue, the habit of moral virtue, and how to make ethical decisions using virtue ethics are explained. Critical thinking exercises guide the reader to apply virtue ethics in decision making.

The third chapter deals with formalism by way of the ethical thinking of Emmanuel Kant, or "carrying out obligation and duty." Ethical decision making is illustrated by explaining how to apply the concepts of "the categorical imperative" and "the practical imperative." The chapter closes with a comparison of formalism with virtue ethics. At the end of this chapter, critical thinking exercises guide ethical problem solving through the application of the concepts of formalism.

Determining ethical action by determining the positive or negative consequences, or utilitarianism, is the theme of chapter 4. With utilitarianism, ethical decisions are said to result in the most good or happiness. Albanese shows how this theory, most developed by Jeremy Bentham, depends on the concept of hedonism – that people tend to pursue pleasure and avoid pain. Utilitarianism may be more easily understood when it is called "consequentialism." The author continues with explanations of pain, pleasure, and happiness; discusses criticisms of utilitarianism; and closes the chapter by summarizing and contrasting the three ethical theories. The student is then guided in the application of utilitarianism in the critical thinking exercises that follow chapter 4.

In chapter 5, the author begins the discussions of the application of ethical reasoning to components of the criminal justice system. The development of the concept of crime and

the creation of criminal law are discussed in light of the question “Which behaviors ought to be crimes?” In this chapter, the author takes an aside in explaining Kohlberg’s theory of moral development and its modification for females by Gilligan in her “ethics of caring.”

The police, or “How should the law be enforced?”, is the subject of the sixth chapter. Subtopics include police discretion, investigation and surveillance, stop and frisk, arrest and search, police corruption, interrogation, and lying in court. A short discussion of the value of police codes of ethics ends the chapter. Critical thinking exercises guide the student in applying either virtue ethics, formalism, or utilitarianism in consideration of “suicide by cop,” “abusive speed traps,” and police use of informants.

“How ought a case to be adjudicated?” is the question developed in chapter 7, the court chapter. John Rawls’s theory of justice is introduced in the section “doing justice.” Following, the topics of prosecutor, then defense misconduct, issues at trial, prosecutor discretion, and judicial decisions are developed. A thought-provoking ethics checkup on the topic “justice versus mercy” is inserted midchapter.

In chapter 8, the corrections and punishment chapter, ethical thought is provoked by the question “What should be done with offenders?” Subtopics included are the ethics of punishment, problems of sentencing, corporal punishment, innovative penalties, capital punishment, and life imprisonment. Last, the question “Is life imprisonment more severe than death?” is pondered. Inset as an ethics checkup is a short exercise in applying ethical principles, asking the question “What is the moral permissibility of punishment by electric shock?”

Chapter 9 is a consideration of ethical liability, or “What should be the consequence of unethical conduct?” The burden for proof for liability, blacklisting, and sex offender notification laws are discussed under the heading “Civil Remedies for Ethical Misconduct,” whereas under the subject heading “Individual Misconduct,” ethical tests of our own conduct are suggested, and “right versus right” ethical dilemmas are shown to be the most difficult to bring to closure. Also included is corporate and government misconduct.

The tenth and final chapter entices the reader to consider the future in the question “Will we be more or less ethical (in the future)?” Issues for the future are discussed in four topic areas: First, because not all decisions involve ethics, how are we to recognize decisions that require ethical considerations? Second, as decisions we will make in the future will affect more people, is the ethical bar rising? Third, how do we make ethics more and more a part of our persona? And fourth, “being ethical when no one is looking” is the ideal state of a human’s ethical maturity and constitutes one definition of human integrity.

Appendices A through F contain codes of ethics from various criminal justice agencies, professional organizations, and international agreements. These serve as examples for those wishing to develop new or update old codes of ethics.

All in all, Jay S. Albanese has developed a text that is an excellent survey of tools useful in application to the ethical questions of the criminal justice system. Basic theories are clearly described, and the tools and steps of application are simply explained. The text is a useful and valuable addition to the criminal justice literature.

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