

P. Aarne Vesilind's Commentary on "The Final Exam"

Commentary On
The Final Exam

In Western jurisprudence, for a crime to have been committed, both a wrongful act and a perpetrator must be identified. In the case entitled "The Final Exam," only the act is identified, and that only through circumstantial evidence. The professor discovered that two answers were identical. True, it is highly unlikely that two students would have used exactly the same words to respond to a question, but statistically it is still possible. We do not know from the case description exactly how much of the answer was identical. Perhaps it was a single sentence response to a question. If I ask a question, "What are mercaptans?" I can expect at least half of the class to respond with, "Mercaptans are organic compounds containing sulfur." The answers would be identical. Does that mean cheating occurred? In other words, the premise that cheating had indeed occurred may be faulty, and the case should never have proceeded from there.

More important is the fact that even if we believe that a wrongful act had occurred, we do not know who the guilty party is. The cornerstone of our legal system is that one is presumed innocent until proven guilty. In this case, neither party was proven guilty, and both should have been treated as innocent persons. That is, there should have been no penalties, no hearings and none of the other actions that resulted.

The fault for such a miscarriage of justice can be spread around, and there is enough to cover almost everyone. Most guilty, in my mind, is the course instructor, Bell, who should not have penalized the students. Equally guilty is the review committee that should have recognized that guilt had not been established, nor could they prove it in their hearings. The worst behavior of all was on the part of the graduate college dean. (Why is that not a surprise?) The dean not only played an omnipotent god who knew everything, but also meted out justice under the shroud of secrecy, destroying in the process the career of a young person who might well have been totally innocent. Such sanctimonious behavior belonged to ages past when church courts ran inquisitions and extracted confessions by torture. Deans

who behave in this way today should themselves be sentenced to the rack.

In conclusion, this case is an obvious miscarriage of justice, and there is little good to be found in the process or its conclusion. It is a sad commentary on the inability of faculty to behave ethically.