John B. Dilworth's Commentary on "Boundary Between Professional Engineering Society and State Licensing Board"

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Roughly, my general view is that it is very beneficial to us as a society, and hence ethically desirable or even obligatory, that we should ensure that social interests or roles (such as being a businessperson, friend, landowner, or a state representative) are maintained or made to be as compatible as possible with each other, so that 'friction' or 'conflict' between roles or interest-groups is minimized.

From this point of view, problems of 'conflict of interest' in which one person has several social roles involving different interests (e.g., as a friend versus as a business associate) turn out to be morally problematic not because of supposed 'conflicts' of those interests, but rather because of the high degree of moral temptation present in such situations. The proper social solution to such problems is appropriate regulations designed to legally enforce standard morality. On this view, there are no special moral circumstances associated with supposed 'conflicts of interest' which could excuse or exonerate those who act in a biassed manner.

In the case of supposed conflicts of interest of social or political entities such as states or townships, I argue that such conflicts cannot occur at all. Hence of course there are no moral problems resulting from such 'conflicts'.

The present case suggests another, perhaps harder kind of challenge to my general view. It raises the question of apparent 'conflicts of interest' in which the supposed 'conflicts' could be between a person's 'self-interest' and some social interests.

For example, in the current case Brian Simpson expresses a concern that if members of the State Board accept hospitality from NWSPE (lodging, meals etc.)

having some substantial value, their behavior would be "inappropriate". At least one of his specific concerns here seems to be that since individual members would get personal benefits from the hospitality, there would be at least the appearance that their actions as Board members might be compromised by this. Is there some conflict of personal versus social interests which could cause or explain why members could be morally compromised (or appear to be) in such a situation?

On my account of social interests, they are about the commitment, stake or value which some entity (a person, a political unit, etc.) attaches to or associates with some object or activity. This account would (so far) be generally accepted, and is broad enough to cover both legal and more general interests (in friendship, business associations, etc.).

However, note that nothing in this account rules out the possibility that the objects or activities of an interest are centered round one particular person. Then a 'self-interest' would simply be the special case when a person has the interest, and the same person is involved in the objects or activities associated with the interest. I propose that we accept this natural consequence of our initial definition, and hence regard it as a defining interests generally rather than specifically social (as opposed to individual) interests.

Admittedly, the term 'self-interest' is often used in ways which seem to make it a very different kind of thing from more impersonal or social interests. However, that can be explained. Such talk about a person's 'self-interest' is not about any particular self-directed interest the person may have, but rather about some kind of overall evaluation of the full range of a person's self-directed interests.

In this sense, a person's 'self-interest' is not one of their interests (since it is rather a sum or resultant of specific interests), and hence it cannot conflict with other interests or social responsibilities. So in our search for conflicts of interests between individual and social interests, we must be sure to use specific interests in each case.

Another common mistake about social versus self-directed interests is to assume that it is possible to exhaustively divide all interests into one category or the other. This encourages a view of 'conflicts of interest' in which the basic problem is seen as a conflict of selfish, personal interests on the one hand with social or moral interests on the other. However, it is easy to show that many interests involve both self-

directed and other-directed elements, so that this account must be over-simplified.

For example, if person A has an interest in being friendly with someone B, this has an other-directed element (the other person B), but A's interest itself is richer than that. In order to adequately play the role of being a friend, person A must (of course) himself act in a friendly manner toward B, and so A's interest must be self-directed as well as other-directed.

The above example is a case where a social interest can be shown to have a self-directed element. Some personal interests can just as easily be shown to have an other-directed or social element. For example, suppose person A signs up for a course on public speaking because she has a selfish, personal interest in being able to speak well in public (she may believe that such a skill would improve her promotion prospects, for instance). Whether A likes it or not, she will succeed with her selfish interest only to the extent that she is able to actually speak well in public, i.e., perform that social role at least adequately (to the satisfaction of her audiences). Hence her interest is inherently other-directed (or social) as well as self-directed.

What these points suggest overall is that there is nothing special about apparent conflicts of selfish versus social interests; each kind of interest is structurally similar, and we cannot even assume that the selfish/social contrast is theoretically fundamental because there are 'mixed' cases with elements of both.

However, it might be thought that some fundamental selfish/social distinction could still be made. For example, the idea of the intended beneficiary of an interest might be introduced: A intends to benefit herself in the example above, and any benefits to her audiences are unintended by her. Since it is her interest, she gets to decide whether it is 'really' selfish or social by her intentions. (Note that, even with this addition, it is still possible to have 'mixed' cases, in which the owners of interests intend to benefit both themselves and other people involved in their interests.)

Certainly one's intentions, and one's own reasons for doing things, are important in the discussion of interests. However, they are more closely tied up with interests than the above account suggests. It is not as if, for any interest, one could have that interest plus any intentions whatever which one might choose to have. Instead, the having of an interest is itself a kind of commitment or way of thinking about or relating to things, which already reflects or contains the main outlines of one's

intentions toward the objects of the interest.

For example, consider the case of person A above. If she really is taking public speaking courses just to enhance her promotion chances, perhaps we should say that strictly, she does not have an interest in public speaking, but instead only an interest in getting promoted? This would make clear that public speaking is pursued by her only as a means to the end of getting promoted, and not for its own sake. This more insightful or explicit account of her interests (which takes account of her reasoning and intentions in explaining why she wants to learn public speaking) also leaves no room for additional intentions to distinguish selfish versus social 'versions' of her interest.

However, we should not over-emphasize the similarities and connections between intentions and interests. Interests are grounded in real connections in the world, while intentions are merely mental attitudes, which can be much more variable and quirky. For example, a speaker with an interest in public speaking may have intentions to speak in public as an integral part of that interest. But she may or may not intend to inform her audience of anything in the course of doing so. (That part purely depends on how she thinks of her interest.)

On the other hand, if she does indeed have an interest in public speaking, then she does have an interest in an activity which will inform her audience of something, as a result of her speaking. In other words, having or acquiring an interest involves taking on tasks or responsibilities which are integrally associated with the normal causal connections of real events and activities. In fact, it is this 'reality-oriented' aspect of interests which gives point to our whole discussion of conflicts of interest. We really would have moral problems if interests did conflict in a serious way.

Let us now follow our own advice above, and use as a possible example of conflict of individual versus social interests a case where each interest is clear and specific. My strategy will be to describe a scenario in which the interests definitely do seem to conflict, but then to show that a person could have the same interests without them conflicting with each other.

It will follow that such interests do not necessarily have to conflict, and so it must be other factors (such as the moral attitudes of the person having the interests) which determine whether there is a conflict or not. But then we are explaining why there is a conflict in terms of problems in a person's moral attitudes, which is just the

opposite of the conventional view (according to which it is the inherent conflict of the interests themselves which explains why the person's behavior is morally problematic.)

For example, suppose that a State Board member X in the case really would enjoy hospitality at the resort (food, sightseeing...) to such an extent that he would do almost anything to get other invitations in future years from the NWSPE. Perhaps then if a case for review involving a NWSPE member Y came up, X would allow himself to be influenced by his desire for future hospitality, and rule in Y's favor whether Y deserves it or not. Is this not a case where X's individual interest in 'good living' is in conflict with his interest or role as an impartial State Board member?

My claim is that there are two possible answers to the question, depending on our interpretation of the interests in question. First, if we think of X's individual interest in its most specific form, as X's current interest in X himself receiving hospitality etc, then it may well be true that it conflicts with X's current role as a Board Member.

However, if we concentrate on the interests themselves, as possessed by anyone rather than on them as possessed by X (so that the individual interest is describable as of the type 'a person's individual interest in he himself receiving hospitality, etc.'), it seems clear that someone could easily possess both attitudes without any conflict. It is a normal fact of everyday life that some people are very fond of free hospitality, and that some are virtually morally incorruptible. There is no inherent connection whatsoever between great enjoyment of free food on the one hand and impartial decision-making on the other, and only morally corrupt or 'sleazy' people would allow themselves to adopt their interests in such a form that they could result in conflicts in this way.

Thus in such a case of conflict, it is the moral corruption or failure of a particular person at some stage in their life which explains why there is a conflict in interests. It is not some inherent conflict in the interests themselves which explains why there is something morally problematic about the situation of any persons who have the interests in question.

This analysis fits in closely with my general account of apparent conflicts of interest as morally problematic only because of the moral temptation involved. The case selected above is one in which the person has already given in to temptation. So even in this extreme case, when there is some actual conflict, it turns out that it is a

mere symptom of an underlying moral problem about the person.

An analogy might be useful: just as interests don't have to clash, but may do so if adopted by bad people, so also spatio-temporal locations of cars don't have to clash, but may do so if driven by bad drivers (in an accident, the cars occupy the same spatio-temporal region for a while). We explain why the locations of two cars clash by appealing to facts about the drivers (bad driver, drunk...); the crash itself is a mere symptom of the underlying driving problems of (at least one of) the drivers. The pattern of explanation is the same in each case.

In order to further demonstrate the validity of the above analysis of a conflict of interest, let us look at an even more extreme case. Suppose that it is not just hospitality, but some powerful, addictive drug which is being used to influence the decisions of State Board members. Suppose that it is so powerful that, once taken, anyone will develop an overpowering need for more of the same substance.

In such a case, the personal interest of each member in obtaining the drug might in every case conflict with their interest in rendering impartial judgements for the State Board. In other words, the interests would always conflict, and the need for the drug would override impartiality, whatever the individual moral scruples of the Board members happen to be. What should we say about such cases?

Note that here, if anywhere, the conventional view ought to work, according to which there are unavoidable conflicts of interest, which explain why people are morally compromised in such situations. However, the problem is that the only means of guaranteeing that the interests will always conflict in this way is to bring in an extreme form of causal determination. Far from being morally compromised in such a situation, Board members have instead become innocent victims of a dangerous drug which completely removes their power of choice. They are not responsible for failing to act impartially, and hence cannot be morally blamed for their actions in the situation at all.

There is another, deeper problem with this extreme example. I would argue that in order to acquire an interest as one's own, one must intentionally or deliberately choose or accept whatever is involved in the interest (only thus could it become or remain 'your' interest). But in the case of an addictive drug, there is no such preliminary (or ongoing) deliberative process. Hence strictly we should deny that anyone could have an interest in obtaining such a drug (they merely have an

overwhelming need for it). If this is accepted, the extreme example falls apart, because we no longer have a conflict of interests at all.

In conclusion, let me return to a main part of my original claim (in my GOLFING commentary) that interests are normative in the sense that we ought to structure them in such a way as to avoid or minimize inherent conflicts between them. We have just seen an extreme example of such a conflict: if we allow (for the sake of argument) that drug addiction could generate an 'interest' in ingesting a drug, then clearly it is ethically imperative that we find effective ways of preventing this 'interest' from conflicting with all kinds of social interests and roles to which addicts may also be committed.

In such an extreme case, the only effective methods available may involve an outright suppression of the harmful interest (i.e., outlawing of the manufacture, sale or possession of the drug involved). Notice that here again, it is not the conflict of interests itself which generates the problems or explains anything; instead it is the specific problems within a specific interest (here, that the acceptance of the interest rapidly becomes involuntary and overwhelming) which explains why there would be a conflict, and why it may be necessary to use forceful means to suppress or prevent such conflicts.