

John B. Dilworth's Commentary on "Conflict of Interest Serving on a Government Committee"

Commentary On
Conflict of Interest Serving on a Government Committee

My discussion of this case will extend the general approach to conflicts of interest which I initially presented in my commentaries on the golfing and the last resort? cases. From this point of view, problems of 'conflict of interest' in which one person has several roles involving different interests (in the present case, for example, David Parkinson is both a solid waste expert and a member of a County Planning Committee) are generally problematic not because of supposed 'conflicts' of those interests, but rather because of the amount of moral temptation present, or assumed to be present, in such situations.

An important difference for ethics and public policy arising from this distinction is that no easy, automatic solution is available in apparent 'conflict' cases, if one accepts my view. On this view, someone's apparent conflict is no sure evidence that he or she did anything wrong, or even that he should remove himself from the situation (by resigning, etc.). The 'conflict' may merely be evidence that he could have been tempted (since tempting factors existed), even if in fact he did not give in to temptation (in which case his status or judgement were not compromised).

It is tempting for us to try to simplify such cases by saying, in effect, that if there is even the appearance of a conflict of interest in some public position held by X, then X should be forced to resolve the conflict by resigning, dropping one of his interests, etc. In some cases this seems a legitimate point, and in the present case where over 100 of the 500 citizens of Barker Township are apparently concerned about possible conflicts in the cases of Matthews and Parkinson, then the 'appearance' of conflict is politically visible and divisive enough that perhaps there should be a re-election for the positions held by Matthews and Parkinson.

However, we all have to be concerned that the 'appearance' of conflict in some situations may be artificially generated as a political or social ploy. In the present case, clearly residents of Barker Township don't want a landfill sited in their township, so it seems likely that their 'landfill defense' teams will produce as reasons anything they think will 'play' well in the newspapers or the courts. The 'conflict of interest' charges would almost certainly never have been raised in the present case if Barker Township hadn't been targeted for landfill development. There has to be something more to the idea of the 'appearance' of a conflict than simply that some people claim or allege there is a conflict, because such people could have highly biased or even malicious reasons for their claims.

A more familiar kind of case in which accusations of conflicts of interest might inappropriately or maliciously be raised concerns issues such as the rights of gay (homosexual) people to hold jobs. Militant anti-gay groups have tried to have gay people removed from various jobs such as teaching positions, on the ground that there is a conflict between their interest in finding sexual partners and their interest in properly carrying out their professional responsibilities.

This kind of case well illustrates my point that conflicts of interests do not by themselves produce moral or legal problems, because of course no-one would suggest that heterosexual teachers should be banned from teaching because of their own conflicts of interest in similar situations. In other words, some conflicts (or potential conflicts) are so pervasive as to be almost part of 'the human condition', yet they cause moral problems only if people 'give in' to the temptations they provide.

Finally, note that a special factor in the present case is that both Matthews and Parkinson needed to have, by requirements of state law, the kind of interests (one had to be a solid waste industry representative, and the other an expert in solid waste) which led to the apparent conflicts. On my view of conflicts, this is unproblematic, because the advantages in having expert opinions available on a committee generally outweigh the risk that office-holders will succumb to temptation and misuse their positions. Knowledge and experience are important assets in public service, and we are liable to lose both if we pursue too zealously the removal or restriction of candidates who might have (or be alleged to have) personal conflicts of interests.