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Ethical Dilemmas and the Education of Policymakers

Joel L. Fleishman and Bruce L. Payne

Institute of Society, Ethics, and the Life Sciences, Hastings Center, Hastings-on-Hudson, N. Y., 1980, 76 pp.

This book is written with the firm belief that "the education of public officials can increase the likelihood that they will act more ethically — that they will be more sensitive to the responsibilities they have undertaken, more alert to the consequences of their acts, more careful in observing the laws and rules that regulate conduct" (p. xii). The authors are concerned that ethical issues are central in no more than 10 percent of the public policy curriculum anywhere in this country and that the majority of students has essentially no exposure to self-conscious reflection on ethical issues. They set out, therefore, to analyze why this is so in the first section of their brief monograph. The next two sections consist of recommendations to remedy the current lack of ethical instruction (section II) and to illustrate and discuss ethical problems of policymaking (section III).

The authors see the weakening of moral concern as largely the result of a new emphasis on analytic techniques that encourage a narrowly practical and technological view of policymaking. They mention the stress put on efficiency and on cost-benefit analyses that do not pay sufficient attention to the costs of unethical conduct.

To help remedy the lack of ethical instruction and the decreasing concern with ethical issues, the authors suggest required and elective courses. These courses should help policymakers and policy analysts (1) recognize "quickly the many ethical dilemmas of their work"; (2) develop "skills of ethical analysis"; (3) raise "the level of moral anxiety"; (4) encourage thought about "long-range or fundamental issues of the political order"; and (5) develop "moral character, self-understanding, and a lively sense of personal obligation" (pp. 11-12). They would expect faculty members who teach courses with these aims to have at least one year of graduate work in ethics and at least one year in policy.

The last and longest section (III) of the book is devoted to specific analyses of moral dilemmas and some specific discussion of moral principles and values. Since most policy has the public good as its declared aim, the authors assert that it deserves general scrutiny with respect to its moral dimensions. In addition, however, they see three circumstances that specifically call for ethical analysis: "(1) when the duty of the official is unclear, either because of obligations that conflict, or because of a conflict between an obligation and legitimate self-interest; (2) when the extent to which particular values are embodied in alternative policy options is disputed or insufficiently understood; (3) when the norms or principles guiding policy are themselves unclear or contradictory" (p. 15).

This monograph is Number VIII in a series on the teaching of ethics put out by the Hastings Center. As such, it is part of a laudable effort to stimulate ethical awareness and the teaching of ethics in higher education. The major potential value of the effort by Fleishman and Payne would be to stimulate educators and policymakers to find out a great deal more about ethics and ethical decision-making than is contained in their brief monograph.

There are some serious shortcomings in this monograph. One has to do with the relation between obligation and self-interest. What do the authors mean by "legitimate" self-interest and why would one choose self-interest as a morally justifiable course of action when the pursuit of it violates a moral obligation? One

hopes that the authors consider self-interest "legitimate" when it is in pursuit of a moral duty more weighty than some other moral duty with which it conflicts. However, this is not at all clear. For example, they posit the justifiability of certain lies to protect the privacy of individuals in matters such as adultery. They do not seem to be concerned that the willingness to deceive a spouse and to pursue certain pleasures may themselves be a violation of obligations and the cultivation of a way of life prone to lying under a whole range of circumstances.

Another shortcoming of the present monograph stems from a failure to analyze the concept of "the public good." Is it to be understood in terms of realizing moral principles such as justice, the protection of individual rights, and the moral flourishing of the community, or in terms of realizing non-moral goals such as the general happiness? While they decry narrow utilitarian arguments, they do not explicitly indicate whether they would consider a decision as ethically justified if it maximized the attainment of certain non-moral goods while violating certain strictly moral goods, such as protection of an individual right or telling the truth. These are not inconsequential questions to raise, especially since they treat utility as a principle, separate it from their discussion of justice, and never explicitly recognize that a calculation which maximizes the attainment of certain goods for the greater majority is seen by some as a concept of justice, one which contrasts sharply with the notion of justice that insists on strict equality of basic rights and requires policies to be especially advantageous to the least-advantaged.

While it is praiseworthy that the Fleishman and Payne monograph indulges in moral reasoning, some of it very sensitive and well-informed, some of the most important theoretical issues of ethics are left untidy and open the door to the potential justification of some possibly unwise and immoral policy decisions. One way to state it is that they are much more prone to justify lying because of the looseness of their views of the public good. They say, for example, that "lies will continue to be told, and be approved by many as well" (p. 27). One would think that this approval by many is precisely what a teacher of ethics in policymaking ought to challenge and what courses in ethics are designed to combat.

In the end, therefore, this monograph is only partly successful in encouraging better ethical thinking and conduct. It does raise some good points regarding the costliness of lying and the other moral wrongs explicitly analyzed.

— Arthur J. Dyck
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Birth Control – Why Are They Lying to Women?

Dr. Jose Espinosa

Vantage Press, New York, 1980, 110 pp.

A new ideology surfaced within the medical profession during the 1970's. This ideology is "advocate science" and it allies the medical profession with the advocate journalists, the advocate social scientists and the advocate educators in seeking to establish assent to the values of a contraceptive mentality. This book seeks to shine a light on the dark corners of advocacy to illuminate what has been concealed from the public at large to the detriment of informed consent. The author