

Public interest's 'public'
On the nature of associations that have a public interest

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Summary

The public interest and public values imply political societies to be purposive. However, this does not fit well in the dominant approaches of the public interest, where associations and their ends are made up of the individuals that form the association. Taking public values into account seems to presuppose that the public is more than – and comes before – the sum of the individual members. As a consequence this paper inquires whether in order to have public values such a notion of the public is both necessary and possible. Both questions are answered affirmatively. In order for the public interest to be an overriding moral concern, the public must have a specific nature. It must be an institution that shares a wide gamut of concepts and values. Moreover, it is stressed that we should understand modern functioning states according to these lines.

1. Introduction: public values and purposive political life.

Public values seem presuppose a purposive understanding of political life.¹ Bozeman's definition can serve as an illustration to sustain this: "Public values are defined as those values which provide "normative consensus about: (a) the rights, benefits and prerogatives to which citizens should (and should not) be entitled; (b) the obligations of citizens to society, the state, and one another; and (c) the principles upon which governments and policies must be based" (Bozeman, 2007: 13). The three parts of this definition can be rephrased in purposive terms.² Social life has as purpose guaranteeing the rights of citizens (a) and observing obligations citizens owe each other and government (b). Especially the last clause (c) underlines the purposive character of society: there are principles, and thus ends, for framing and assessing public policies.

Concern with public values automatically entailed interest in the concept and theory of public interest theory as well, as this notion gives expression to the idea that political communities have purposes. In this paper, we hold the public interest and public values to be intimately related. The term public interest can be taken either as an abstract ideal or as realized in concrete decisions. The public interest as abstract ideal stands for the comprehensive purpose of an association, often understood as its well-being. We could dissect this abstract ideal into the parts that are constitutive of it: the public values. Public values therefore relate to the public interest as parts to the whole and as instantiations. The public interest as realized in concrete decisions is the application of the abstract ideal to concrete situations. Public values then underwrite both implicitly and explicitly judgments what course of action realizes the public interest best.

Both its concrete realization in decisions and the notion of the overarching purpose is conveyed in Bozeman's definition of the public interest: "In a particular context, the public interest refers to the outcomes best serving the long-run survival and well-being of a social collective, construed as a 'public'" (12). In this definition, the public interest stands for

¹ Public values is relatively recent theme within public administration literature (Bozeman, 2002; Jørgensen & Bozeman, 2007; Schreurs, 2003).

² These purposes are not necessarily the (ultimate) end of that policy; it could influence governmental action as side constraints as well.

the comprehensive purpose of political society, described as here as survival and well-being. What stands out is not only societies having such an overarching purpose (the well-being of 'a social collective'), but that the continuation of this 'public' is considered to be the public interest itself. The collective is an end in itself.

We could therefore observe that the public values project has an emphatic understanding of the 'public', the group of people that has public values and a public interest. A large normative consensus concerning the values (and thus purposes) that should order it characterizes this group. Moreover, the continuation of the group is an end in itself. As a consequence, this group can be best described as a community, instead of a society. Usually the term society for denoting a group of people and their interactions abstains from attributing to the whole of the association a wide gamut of shared ideas, except of recognizing each other as individuals and bearers of rights.³ The notion of community expresses the idea that social life is structured with ideas, including public values, better.

As the public interest and public values seem to entail a purposive or communitarian understanding of social life, both concepts are problematical. The idea of a normative consensus and shared ends goes against the grain of dominant understandings of political life, such as liberal, utilitarian, pluralistic and postmodern accounts, and will inevitable stumble upon skeptical reactions (Spicer, 2001). It is not surprising that public interest theory, a field of political science and public administration, seemed to have come to a hold in the seventies (Bozeman, 2007: 85).⁴

In our view, the recent interest in public values and public interest theory has not much delved into the question how shared purposes can be ingrained in social life. Though the idea of public values is clearly premised upon the idea of purposive social life, it is largely unclear how political societies can have underlying normative structures. Bozeman for example

³ Here, the distinction between society and community of Tönnies rings through. The invention of society as the sphere of right bearing individuals can be retraced to Hegel's understanding of civil society (Hegel, 1991 (1821)).

⁴ For a good overview of the public interest theory in the seventies: Cochran (1974).

clearly distances the public values approach from economic individualism, but does not address the preconditions for an association to have public values.

Therefore, the following questions will be central in this paper: How do we have to conceive of political societies⁵ – a public – so that public values can exist? How do we have to conceive the relationship between the association (the public, the community) and individual? Can we maintain an individualistic perspective or should we start from the public?

In order to work this out, we will first set out how dominant approaches within public administration conceive of the public interest and especially of the public that is the bearer of this interest (§2). The next section presents two ways of understanding the public, the one deriving the public from the individuals that form the public, the other as understanding the public as a practice, which is original or foundational (§3). Then we will inquire whether it indeed makes sense to understand modern political life and the public values that are part of it in this vein (§4). We will conclude with some remarks.

2. The arbitrary public: mainstream accounts of the public interest

How do mainstream approaches within public administration and political science consider the public interest and public values? What understanding of the ‘public’ do they presuppose? We will not endeavor here to give an exhaustive overview of contemporary understandings of the public interest and public values, but limit ourselves to the liberal, utilitarian and pluralist accounts, as these largely set the tone.

In the liberal perspective, the public interest consists in upholding basic individual human rights, such as the right of property, religion, free speech, etc.⁶ Even when the conception of the public interest in many Western societies transcends the strict liberal perspective, they all consider liberal rights as public values, which either as ends or as side constraint affect governmental action.

⁵ The words (political) society, (political) association, community and the state are used in this paper quite loosely as synonyms, denoting the group of people that has a public interest.

⁶ Here, liberalism is understood as a theory of the state and not as a theory of (limited) government.

In the utilitarian perspective, the public interest is taken to be the welfare of a collective, whereby welfare is regarded as preference satisfaction of the collective's individual members.⁷ The public interest is whatever is conducive to the sum of the different individual interests. To put it in utilitarian language, the public interest should be taken as "the greatest good for the greatest number" (Graham, 2004: 128). In this approach, individual interests or preferences constitute the starting point. The public interest therefore concerns the combination or aggregation of the different interests, which can be set rationally as the different individual interests are supposed to be commensurable.

The pluralist perspective is generally skeptical towards the idea of a public interest as the members of a society have conflicting interests. Pluralism does not believe in the utilitarian idea of a rational optimum for different individual interests. The pluralist account of social life does have a long pedigree (e.g. the Federalist) and has dominated much of 20th century American political science (Bartelson, 2001). Now, it is still very present as a consequence of what we could call the 'postmodern condition', in which not only interests compete and clash, but people have fundamentally different ideas of the good life as well (Spicer, 2001); we could say societies have widely varying public values.⁸ As a consequence, pluralism has a strong tendency to consider the public interest merely as a post hoc attribute indicating the outcome of a political process; the winning coalition in the interplay of forces decides. For this reason, the notion of the public interest could better be abolished. Other pluralists however identify the public interest with those

⁷ Here, the notion of utilitarianism should not be taken too strictly confined to a the set of social philosophers (Bentham, Mill). What matters here are their presuppositions, which largely overlap with economic individualism.

⁸ The pluralistic idea of a universe of necessary conflicting values is much older than the postmodern condition. We have argued elsewhere that this view on values largely determined Max Weber's account of bureaucracy (Cf. Tijsterman/ Overeem (2008))

procedures that settle interest conflicts and public values with those that foster the impartial adjudication of different interests.⁹

These three approaches that constitute the 'contemporary condition' are related. Both the utilitarian and pluralist account take individual rights for granted, as they enable individuals and groups to have interests. At the same time, they might be at odds as well. The utilitarian account assumes the commensurability of interests, which allows for rational and authoritative determination of the public interest. The pluralist account takes conflicts between interests not only as more real, but as beneficial as well; a priori accounts of the public interest would suppress social forces. Moreover, both the utilitarian and pluralist account could in principle sacrifice individual rights, either as being conducive for the total sum of individual wants or as a consequence of the predominance of a group within the pluralist arena.

How do these approaches understand the nature of the public which has a shared interest? However, before exploring further the notion of the 'public' of the public interest, we will first seek to pin down how they regard the concept interest (the 'interest' of the public interest). We could according to Brian Barry take towards the (public) interest either a want- or an ideal-regarding perspective (Barry, 1965: 38). In the want-regarding, the word interest refers to the needs or preferences of either individuals or groups. Whatever I want is my interest. Whether this is my 'real' interest, that is whether this is really good for me, transcends this perspective. There are no normative criteria for assessing whether something is really in my interest. Within the ideal-regarding perspective, this indeed can be done. Here, normative criteria, values, are invoked for determining whether something is my interest or not.¹⁰

⁹ Cochran's overview is very much influenced by the pluralists *Zeitgeist*. The two understandings of the public interest that are part of the pluralist frame of mind are being labeled abolitionist and procedural.

¹⁰ This seems to be the distinction between a subjective and an objective account of the public interest. However, this does not have to be the case. The evaluative criteria for the ideal-regarding perspective can be subjective as well. Later on, the question whether there are such criteria in social life can relate it to a specific political community.

Within the contemporary approaches of the public interest, the want-regarding perspective is dominant. Only the liberal account of (public) interest is clearly ideal-regarding. The public (and personal) interest, conceived here as upholding rights, serves as a measure to assess other claims concerning society's or individual's interests. These articulations of interest will be overtrumped when judged to undermine individual right, which as the public interest has overriding concern.

Utilitarianism and pluralism take a want-regarding perspective; the interests of members of society are similar to their wants. Moreover, they take the public interest as being built upon and flowing from the wants of the different members of society. Both approaches largely deny that there are normative criteria, which do not directly flow from the sphere of wants and can assess what really is in the public interest. Thus in this account, the normative criteria to combine the different interests – either utilitarianism's rational aggregation or pluralism's (democratic) procedures – can be constructed from the wants of the members of society. The want-regarding approach towards the public interest refuses to consider political society as a moral community that has intrinsic norms and principles – public values – to assess the different wants. Political life is considered naturalistically. Such an account derives the notion of the public interest of its moral force. We cannot invoke the public interest as an overriding concern for which other concerns have to be made subordinate as it is made up of these interests.¹¹

Next, how do the dominant approaches understand the public, that is the group of people whom the shared interest concerns? Generally, these currents have only limited attention for the nature of the whole. Within the utilitarian perspective, individuals and individual preferences constitute the point of departure. As Bozeman remarks: "the community or 'public' is not real in any meaningful sense and thus cannot properly be said to have any interest or good, apart from the sum of interests of preferences of its distinctive individuals." (Bozeman, 101). This arbitrary status of the public

¹¹ Van Erp has quite convincingly established this to be impossible; the public interest as overarching concern cannot be based upon individual wants (XXX). For weighing the different interests in the name of the public interests, an ideal regarding perspective must be invoked.

applies to pluralism as well. Political society is taken as the arena in which different interests struggle. The interest of the different individuals constitutes the point of departure. These different groups determine the nature of the whole; hardly anything more can be said about it.

The individual human rights of the liberal tradition are universal; these rights are due to every single individual and therefore have a priori status (e.g. Kant's essay 'On the common saying' (2007: 73-76). They are public values, as in this sense the interest or nature of all single individuals that are supposed to form a state are akin. Just as in the other accounts, the public is the consequence of individuals. Whether we take an ideal- or want regarding perspective, the public interest is reducible to the interest of the individual.

However, the individualistic perspective entails problems for the existence of public values and the public interest. In the first place, a wide gamut of public values seems to be impossible, as it is not to be expected that different individuals would hold similar public values. Normative consensus is only to be expected from purposes that are conducive to all individuals of an association, taken apart. There is no place of individuals holding public values that are primarily beneficial to the political community as a whole and only secondary to the individual members.

In the second place, the idea of the public interest seems to require some solidarity. Sometimes, interventions in the name of the public interest might go against the interests of some of the members of the public. Within this account, only public interest that is advantageous of the individual can be explained.¹² This seems to require some sense of solidarity with the community as a whole, which gives the public interest – as the interests of the whole - overriding concern.

In short, understanding the public as the sum of individual members is problematic if we want to take public values and the public interest seriously. Therefore, we should therefore reconsider the notion of the public and inquire

¹² The reason why one would subject to political authority within utilitarianism and pluralism is unexplainable. As politics is considered from the perspective of interest maximalization, it is unexplainable why one agrees with a political authority that cannot always be in your personal advantage (cf. Erp, 1994: chapter 4). Van Erp is translated in English (2000).

in what sense it can be understood as being more than the total sum of the members. In the next section, we will deal with this question.

Before continuing our path, we can summarize the different positions that we have discussed until now and the road that lies before us in the figure below (figure 1), which displays four ways of understanding the public interest (and public values), based on the two distinctions that we have introduced in this section. We can place the utilitarian and pluralist position in position I. The wants of the individual members of society are the basis for common purposes; the public interest can wholly be explained (and in the utilitarian account also determined) in terms of individual wants. In II we can place the liberal account, as the public interest is here a clear measure for assessing other interest claims and wants.¹³

However, modern accounts do not fit in the positions III and IV as these do not think that the public is reducible to the individual members that are part of it. In the next section, we will inquire how we do have to conceive of position IV.¹⁴

Notion of 'public'	Reducible to individuals	Original account of the public
Notion of 'interest'		
Want-regarding perspective	I	III
Ideal-regarding perspective	II	IV

(Figure 1: different approaches of the public interest)

¹³ Moreover, in this position could be placed pluralist account which accept fundamental values that are necessary to deal with different interest. Cf. Hampshire's account of minimal procedural justice (Hampshire, 1989).

¹⁴ The socialist idea of the state would arguably fit position III. Political life flows completely from the sphere of wants. The idea of the public interest as satisfaction of wants is primarily the satisfaction of society as a whole; the whole is taken as point of departure. However, we will not dwell further on this position.

3. Understanding public interest's 'public': the typology of Rehg

The public values project takes social life to be purposive, having (a large?) normative consensus and a comprehensive notion of the public interest (§1).¹⁵ As the previous section made clear, this view does not fit well in the dominant accounts of political society, which take the public as the sum of the individual members. We therefore need to reconsider the nature of political life, especially how do we have to conceive the relation between individuals and the public which as a whole has an interest.

The relation between the individual and community raises ontological questions. What *is* political community? Is it nothing than the aggregation of individuals or does community have original status. This is a question of ontological priority; do communities precede individuals or is it the other way round? This question is important for the understanding of the public interest and values. Are they *primarily* tied to the political community as a whole and only *secondary* to individuals as they partake in the community? Or is the public interest completely reducible to interest of the individuals that make up the group? Which understanding of community and mode of analysis explains the normative consensus best?

These ontological questions entail epistemological (or hermeneutical) ones, which ask how we public values can be known. If public values primarily reside in the community as a whole, then individuals can *only as* members and participants of such a community discern and recognize these values. If however the public values are primarily the values of individuals, this is not necessary the case.

Moreover, the question of the relation between individual and community concerns the issue of solidarity. The public interest in the ideal regarding perspective has overriding concern over other interests and justifies governmental intervention. As a consequence, in the name of the public interest, government might have rightful claims against individuals that go

¹⁵ Bozeman is quite hesitant on this. On the one hand, he criticizes economic individualism as a one-sided account of social life, on the other hand, he does not delve deeply into the nature of political community and remains tied to an individualistic account. He underwrites the normative consensus that characterizes social life by the idea of a social contract (Bozeman, 2007:125). As such, he tries to explain public values from an individualistic perspective.

against their interests. In order to attribute the public interest (and public values) this meaning, is it necessary for individuals to have a sense of belonging to community as a whole (solidarity)? Or can we conceive of a public interest without such an identification?

In order to discuss these questions, we will outline and use Rehg's typology of political associations. Rehg inquires into what it means for a group or association to have a public interest. Instead of the term public interest, he uses the traditional conceptual pair of the common and individual good, which can be read without problems as the public interest and the individual interest. Moreover, he abstracts from the (authoritative context of the) state or the political sphere, thus taking associations in a general sense.

His central question is therefore how a group of people can have a common good, especially what is the relationship between the mode of group association (the nature of 'the public') and the common good (the benefits or goods) that accrue to individuals through that association. Can we understand the common good gained by association *entirely* in terms of the goods of individual members? In other words, is the common good of a group of people always *reducible* to the good of the individual members of the group? He labels those who hold that this *always* to be the case 'individualists' [e.g. **Murphy**], while 'collectivists' believe that *some* goods are "irreducible social." [e.g. **Taylor, MacIntyre**, and he himself]. In that case the common good is a state of affair whose beneficiary is primarily the group as such over and above the individuals that make up the group.

In order to inquire into the 'collectivist' position, Rehg offers an analytic framework for distinguishing two kinds of groups that realize a common good. Both groups form the ends of a continuum (though he does not explain what the intermediary positions would be). On the one end, he distinguishes *voluntary instrumental associations*, for example an investment society. Two features of such an association stand out: (1) The individual participates in an association because of the perception that membership is in his interest; membership is a means to acquire individual goods. (2) As a consequence, the common good of the association is some thing, condition or state of affairs whose goodness consists in the aggregate satisfaction of individual preferences; the common good is decomposable in individual goods

(cf. Rehg, ...). Voluntary instrumental associations therefore exemplify the 'individualist position' that the common good is always reducible to individual goods.

Contra the individualists, Rehg distinguishes groups that have a non-reducible common good as well. *Irreducibly social lifeworld solidarities* are the groups that stand at the other end of the spectrum. In Rehg's typology, teams, such as sport teams or marriages, best exemplify this kind of group, which has three defining features. (1) the common good of excellent teamwork is 'irreducibly social' because it is predicated of and perfects the team as a whole. The common good of a sports team is epitomized in excellent play and winning, which primarily benefits the team as a whole.

(2) The common good is logically prior to the identification of individual excellence; the definition of the individual good is contingent upon the common good. We cannot fully understand individual excellence if we do not grasp the common good of joint excellence. What counts as good play for the individual player is determined by the common good of the group. And the common good of marriage union might determine the individual good of one of the partners. This model reverses the relation between individual and common good of the aggregative or individualist model. There, individual goods have logical priority: one can understand the common good only by beginning with the individual goods that make it up.

(3) The common good conditions the pursuit of the individual good; the common good might overtrump the individual good. Because of the common good, an individual team player might be placed on the sub bench, just as a partner in a marriage cannot strive after every individual good, e.g. an extremely absorbing hobby.

What kind of knowledge and interpretative authority is necessary for identifying the common good of a group? The different understandings of the common good entail different epistemologies as well. For the voluntary instrumental association, the values and concepts that define the common good must be sufficiently commonable (mutually understandable to members) for disparate individuals to see that their self-interests converge. But this commonability does not have to go very deep. Moreover, such associations operate on the pragmatic assumption that that the individual is the

interpretive authority on whether that common good is indeed good for him or her.

For the irreducibly social common goods, this is different. In order to understand the common good that is internal to a practice, the members of the groups should be trained in the standards of the group. The commonability of the concepts and values necessary of appreciating the goods of such practices depends upon a process of cultural transmission that must occur within the group itself. Whereas instrumental associations form on the basis of preexisting understandings of the good, lifeworld solidarities depend on a mutual understanding that individuals can achieve and sustain only by joining the group and taking up its practices.

This typology makes clear that we can understand the public interest and public values (as instantiations of the public interest) in two ways. In the first understanding, the public interest and public values flow from different individual interests and individual accounts of public values. The 'public' or community is not original then, being external to the mind of the different members. As the public interest as purpose of the association flows from the a priori purpose of the different members of a community, it is generally limited.

The dominant contemporary accounts of the public interests have this understanding of the relation between individual and association (cf. §2). The typology helps explaining the problems with the notions of public interest and public values that arise from the individualistic point of departure. From this perspective, it is impossible to understand why different individuals share a wide gamut of public values and have a large amount of normative consensus. Associations are not understood as epistemic communities or practices; they serve ends that are a priori given for the individuals that participate. Moreover, we cannot explain from this individualistic perspective a public interest that is not directly advantageous for individuals.

Regh's typology is open to the possibility of another account of the public interest and public values. In irreducibly social lifeworld solidarities, human association is understood as a practice, to which the public interest and public values are internal. The practice affects how its participants think and which standards they espouse. Such an understanding would offer a solution for those aspects of the public values project that do not sit well in the

individualistic approach. Here, the wide consensus on values flows from the fact that individuals participate in a practice. Just as the members of a music quintet share a lot of notions concerning the goodness of their music (different values are part of the overarching purpose of making good music), this applies for a political community as well. Moreover, the common good of the practice is understood to precede the individual good. This can explain the notion of solidarity.

At the same time, however, it is very much doubtful whether we can indeed understand modern political societies as similar to irreducibly social lifeworlds. In the next paragraph, we will explore this further, following Steinberger's account of political life.

4. Positing the public first: Steinberger's account of social life.

The idea that political society is some kind of practice, having intrinsic public values can be sustained by Steinberger's account of political society (2004). The kernel of his argument is that an ideational structure – a web of beliefs or concepts – underlies political society. Steinberger calls this underlying structure the idea of the *state*. He takes the state as the entirety of political community, and not as government. The state could be understood as synonymous with the body politic, (civil) society, the commonwealth or the republic.¹⁶ As a consequence, we can take Steinberger's idea of the state as the idea of political society.

What does this idea of the state (or political society) mean? The idea of the state consists of the ontological beliefs; it reflects deep-seated notions of how the world really is, notions that are inscribed in the conceptual and linguistic infrastructure of society. Steinberger's idea is that in any functioning society, most members, implicitly or explicitly, to a large extent share in this idea of the state. This larger structure of metaphysical and moral presuppositions constitutes the mental life of individuals.

¹⁶ The dominant modern understanding in which the word state is used as a synonym for government is probably strongly influenced by Marxist theory, which strongly separates state and society, taking the state to be the apparatus of government.

As conceptual apparatus or structure of truth, the idea of the state constitutes the foundation of the way of life – the form – of a political society; the idea of the state orders social life.¹⁷ This understanding is implicit in and underwrites the ways of thinking and acting of individual members of society. As Steinberger states: social life “is deeply informed, shaped and constrained and underwritten (...) by the structure of moral and metaphysical presuppositions in which we operate” (319).

This idea of the state has a purposive nature; it is an intellectual world so as to reflect and promote *the social good*. The most important claims that are part of the theory of the state concern the ultimate purpose of society. According to Steinberger, such a purpose is “fundamental to and at least partly constitutive of the essence of political society” (50). Whatever the differences between thinkers and societies, the achievement of stability and security seems to be the *sine qua non* of political society according to Steinberger. Elsewhere, he states that the purpose is connected with the pursuit of order, peace, unity and human flourishing [ref]. Every functioning society therefore has an implicit notion of the public interest, which is constituted by many different aims – we could say public values. “These aims are themselves thought to be useful in achieving a more generalized array of goals that, in the end always reduce to *broad notions of human flourishing*” [ref].

Steinberger therefore takes the public as point of departure for understanding politics generally and the public interest in particular. Evidently, this idea entails a conception of science that conflicts with methodological individualism: the individual is not the starting point, because people are always within a horizon of understanding; human minds are institutionalized within and by the state.

In order to sustain this idea, a large portion of Steinberger’s argument is devoted to epistemological issues. He there draws on a wide gamut of modern philosophers, which he brings together under the heading of the ‘post-Kantian convergence’. These philosophers share in their understanding of knowledge and social action three aspects that inform and underpin

¹⁷ The idea of the state is therefore the idea of ordered society. Here, the idea of the hylemorphism can be recognized. (Cf. Nieuwenburg, 2003)

Steinberger's project: (1) priority is given to the subject rather than to the object, mind rather than matter, thought rather than thing; (2) individuals are situated firmly within communities of interpretation, which reflect a range of factors: cultural, social-psychological and linguistic; and, (3) a particular conception of human agency is upheld wherein the capacity for systematic thinking – thinking about how things in reality are – is in some sense constitutive of action itself (72).

This account of knowledge, judgment and action is epitomized in the notion of an institution, which is similar to the idea of practice. Institutions are in Steinberger's account embodiments or expressions of the numberless metaphysical or ontological presuppositions upon which their constituent actions and interactions are based (138).¹⁸ Steinberger agrees with Mary Douglas (XXX) that institutions as structures of behavior are primarily ideas. "Institutions provide the theoretical foundation upon which humans coordinate and focus their otherwise unconnected and disorderly interactions with the world of things." (21) Institutions do not only *provide* a certain collective way of understanding, as it commonly acknowledged within the social sciences, but *are* collective ways of understanding the world. Institutions are essentially structures of intelligibility, that is structures of concepts, judgments and beliefs. Rationality is fundamentally institutionalized; individuals are part of 'communities of interpretation'.

This raises the question why would political society or states necessarily be institutions? Why would they be practices that 'come first'? Steinberger claims that any manifestation of social interaction must be institutional, as long as the activity is patterned. Moreover, he endeavors to underpin that we are committed to the proposition that the various institutions of a society compose a larger, all-encompassing institution: the state is the institution of institutions. The state is the political institution that

¹⁸ Institutions bridge the tension between structure and agency. As such, Steinberger mentions similarities between his account of institutions and structuration theory: "every effort to sublimate the opposition between structuralism and interactionism necessarily arrives at some such account of institutions." Structure (like institution) is both the medium and the outcome of conduct. The degree to which structures and institutions are generated by action is the degree to which they are underwritten by meaningful and intelligible truth claims.

organizes and subsumes all others. It is the source of their mutual connection, the foundation and expression of their unity. As such, *“the state is the ultimate embodiment and manifestation of the structure of metaphysical or ontological presupposition upon which its numerous constituent judgments, actions, and institutions are based”* (142).¹⁹ The idea of the state is the systematic structure of ideas on the basis of which the individuals of society seek jointly to control the physical objects that surround them; it concerns among others the resolution of institutional conflicts within society and the scope, the justification and method of political action. The fact that social life has an orderly nature – not characterized by strife, sheer power, but structured conflict resolution – gives good reason for understanding social life as an institution.

Social disagreements, like interest conflicts, can be resolved only with reference to society’s broader view of the nature of things, i.e. the underlying structure of concepts, theories and claims – including public values – that define society itself and that make it possible for its citizens to interact with one another in a coherent, intelligible and productive fashion. (37) The idea of the state therefore encompasses a society’s understanding of how things in the world really are. As a consequence, the idea of the state must be authoritative (in the words of Steinberger absolute, chapter IV). The public interest expresses the overarching purpose that is part of the idea of the state and which is therefore of overriding concern.

Such an authoritative account of the public interest flowing from our shared understanding will go against the grain of modern understanding, which takes diversity of truth beliefs for granted. The notion that beyond this diversity the idea of the state forms an all-encompassing sphere providing a reliable basis of absolute authority seems to be optimistic best, far-fetched worst.

To face such objections, Steinberger therefore mitigates the centrality of conflict and disagreement. Any society is constituted by an underlying and

¹⁹ Put differently: “If we conceive of institutions as ideas or structures of intelligibility, and if we conceive of the state as the institution of institutions, hence nothing less than the orderly and authoritative arrangement of our intellectual world formulated so to reflect and promote the social good.” (36)

widely shared structure of truth. The matters of disagreement are not fundamental, or only selectively and partially so. Moreover, the absolute authority of the state does not presuppose that everything the state or its agents say or do – including the interpretation of the public interest – goes unchallenged. In large part, politics may be best understood as an on-going and unavoidable struggle for the margins. It is the activity by which one formulates and seeks to establish a particular interpretation of what a society's underlying structure of truth implies for public policy (231).

At the same time, Steinberger concedes that there might be fundamental disagreements, which touch the foundations of society. If agreeable and substantive terms of accommodation cannot be discovered in an underlying structure of truth, if mutually intolerable behavior proves to be pervasive and irresolvable, then society would cease to be society in any meaningful sense. Here, failed states come into the picture. These are societies that cannot find an acceptable interpretation of the public, as the underlying structure differs too much. The difference between a functioning, orderly society having an authoritative political state and a stateless society of anarchy and war is almost certainly the difference between two points along a continuum. Any political state is more-or-less orderly, authoritative, its consensus is more-or-less widespread, its idea more-or-less coherent. All states are fragile. The centripetal forces of society, rooted in shared notions of how things really are, invariably operate in perpetual tension with centrifugal forces – ideological differences, conflicts of material interests, and so on – that tend to weaken or unravel the fabric of society.

As a consequence of this understanding, the public interest is not something to be constructed, but to be disclosed.. This is basically what politics is all about: it is “in large part an analysis of the grammar of political society, specifically, an attempt to make explicit our shared assumptions regarding the nature or the state as a structure of intelligibility, as both an expression and an authoritative embodiment of our understanding of how things in the world really are, hence as the foundation for decisions about how the various mechanisms of government can and should be utilized in order to achieve our social goals. It is a search for coherence and agreement regarding the facts and opportunities of communal existence, and this suggests that

political society is both the means and the result of our inquiry” (191). This disclosure and positing of the public interest underpins governmental action. “Wherever the public authority decides either actively to interfere or not, it thereby determines the endeavor itself to be a matter of *public interest*, something to be investigated, analyzed and evaluated in terms of its contribution to the *common good*” (177).

In order to decide on what is in the public interest in a particular case, politics is essential, understood as a series of disputes concerning the nature and meaning of our shared structure of metaphysical presuppositions (260). In any complex society a certain amount of unclarity, confusion and disagreement at the margins is virtually inescapable. The intelligent management of these uncertainties is largely a matter of determining which views are most compatible with the more central uncontroversial features of the larger background. This is the fundamental task of political life. Such decisions manifest themselves often as positive law, or public policies. The upshot is that any particular law or policy is eligible for being criticized on the grounds that it in fact fails to conform satisfactorily to what the idea of the state or the public interest demands.

According to Steinberger, uncovering the idea of the state, including the idea of the public interest and public values we are committed to, helps making better political judgments. At the same time, the idea of the state defies any final or complete grip: the scope and complexity of the theory of the state is staggering and beyond what a single human intelligence can grasp. The state must be understood and must constantly seek to understand itself as an elaborate but fundamentally coherent idea.²⁰ As a consequence, the content of the public interest and its constitutive public values is necessarily open to continuous emendations.

²⁰ “Just as mathematics is a structure of truth claims and an institutionalized practice with which to uncover and explicate such claims, so is the state simultaneously an embodiment of our larger world-view and an on-going meditation on that world-view. The idea of the state is both that the state is an idea of the world and that it is an idea about itself understood as part of that world, an idea of an idea, hence a complex and ever-evolving structure of self-reflection, constantly in search of its own identity as it aims, however imperfectly, to achieve its defining goal: the good health of society and the well-being of its citizens” (192).

5. Concluding remarks

The term public interest can be used in different senses and cannot be limited to publics that have the characteristic of practices (Rehg, 2007) or authoritative institutions (Steinberger). The public interest can simply be the shared interest of minimally two parties, based on the convergence of the ends of both parties.

However, a public interest that has overriding concern over other interests seems to require a public that has solidarity. Moreover, a field of public values that is not limited to some fixed ends but that is more complex and fluid requires a public in which people largely share in the epistemic structure. In those cases, the public must be considered as a practice or institution that comes first; society is a moral community then.²¹

This account in which the public comes first could entail misunderstandings. Does this not mean that human individuality and individual rights will be sacrificed for the good of shared values? Does community not overwhelm the individual? This however is a false distinction. In this account, individual rights can very well be part of the 'idea of the state' and as such an important constitutive aspect of the public interest. The point is that these rights can only become real in a public that takes them to be real; in that sense does the public come first. Tensions between individual rights and other public values that are conducive to the public interest should be weighed against the background of partially shared ideas. By invoking the public interest, we are forced to consider which principles or values are important and how their relation is. The public interest has a 'performative' nature.

This paper leaves undiscussed some important questions, which have to be researched further. In the first place, it has abstracted largely from the role of government. What role do they have in constituting a public? Do publics

²¹ The pragmatic theory of determining the public interest (democratic method modeled upon scientific problem solving) and deliberative democracy fit perfectly in this picture, except that they do not take into account that the possibility of determining the public interest is preconditioned upon the nature of the public (Bozeman, 100-112).

need governments and decision procedures that decide authoritatively what in a concrete case is the public interest?

In the second place, the paper leaves open the question how we have to conceive of 'publics' in practice? Can they only states be public that have public interests which function as overarching concern and have a complex and wide-ranging content? We are inclined to think that this is the case. Of course, different groups – countries and other associations – might have similar public values and overlapping public interests. But the point is that one needs a public community which offers both the epistemic structure as the political institutions for weighing the different values in order to determine legitimacy the public interest.

In the third place, this paper raises the question whether we could reconsider the old idea of the common good. Many authors concerned with the public interest have this wish, though they are not able to do this convincingly (Cochran, 1974; Douglass, 1980). Moreover, the notion of the common good is problematic, either because of its underlying teleological metaphysics and the idea that it is a 'normative' understanding of the public interest, providing norms outside the political life of a society (Cochran and Bozeman as well). The latter difficulty might turn out to be only a imaginative, for it is questionable whether this is a correct understanding of the idea of the common good. Moreover, the approaches of Steinberger and Rehg show that we do not have to confine ourselves to the old metaphysics, while upholding that public has an ingrained normativity and as such comes first.

Literature

Barry, B. (1965). *Political argument*. Berkeley.

Bartelson, J. (2001). *The critique of the state*. Cambridge: Cambridge University Press.

Bozeman, B. (2002). Public value failure: When efficient markets may not do. *Public administration review*, 62(2), 145-161.

Bozeman, B. (2007). *Public values and public interest. Counterbalancing economic individualism*. Washington D.C.: Georgetown University Press.

- Cochran, C. E. (1974). Political science and "the public interest". *The Journal of Politics*, 35(2), 327-355.
- Douglass, B. (1980). The common good and the public interest. *Political Theory*, 8(1), 103-117.
- Erp, H. v. (1994). *Het politiek belang: Over de politieke orde in een pluralistische samenleving*. Amsterdam: Boom.
- Erp, H. v. (2000). *Political reason and interest: A philosophical legitimation of the political order in a pluralistic society*. Aldershot: Ashgate.
- Graham, G. (2004). *Eight theories of ethics*. Oxon: Routledge.
- Hampshire, S. (1989). *Innocence and experience*. Cambridge, Mass.: Harvard University Press.
- Hegel, G. W. F. (1991 (1821)). *Elements of the philosophy of right* (H. B. Nisbet, Trans.). Cambridge: Cambridge University Press.
- Jørgensen, T. B., & Bozeman, B. (2007). Public values: An inventory. *Administration & Society*, 39(3), 354-381.
- Kant, I. (2007). *Political writings* (Reiss, H.R. ed.). Cambridge: Cambridge University Press.
- Nieuwenburg, P. (2003). Public administration and practical reasoning. In M. R. Rutgers (Ed.), *Retracing public administration* (pp. 209-240): JAI press/Elseviers International.
- Rehg, W. (2007). Solidarity and the common good: An analytic framework. *Journal of Social Philosophy*, 38(1), 7-21.
- Schreurs, P. (2003). De nieuwe kleren van de keizer? Waarden en het openbaar bestuur. In G. S. A. Dijkstra, F. M. v. d. Meer & M. R. Rutgers (Eds.), *Het belang van de publieke zaak* (pp. 29-44). Delft: Eburon.
- Spicer, M. W. (2001). *Public administration and the state. A postmodern perspective*. Tuscaloosa: The university of Alabama press.
- Steinberger, P. J. (2004). *The idea of the state*. Cambridge: Cambridge University Press.
- Tijsterman, S. P. O., Patrick. (2008). Escaping the iron cage: Weber and hegel on bureaucracy and freedom. *Administrative Theory & Praxis*, 71-91.