

PURSuing THE PUBLIC INTEREST

What does it mean to pursue the public interest? This idea sits at the heart of the Public Service Act 2020. RODNEY SCOTT, Associate Professor at the University of New South Wales and Kaitohutohu Mātāmua Chief Policy Advisor of Te Kawa Mataaho Public Service Commission, examines different views of this critical idea. (The views expressed here are Rodney's and do not represent the views of Te Kawa Mataaho.)

The public interest is a term used frequently in public administration literature, but without consistent definition. Understanding the concept and then “pursuing” it is made more complicated in times of heightened uncertainty and contested ideals. This article explores six different conceptions of the public interest: normative, abolitionist, majoritarian, pluralist, consensualist, and polis. The existence of these different perspectives suggests that the role of the public servant is to draw from and reconcile each of them when making decisions and providing advice.



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“standard of goodness” by which decisions can be judged. The normative view of public interest is a hypothetical option that best balances the social, economic, cultural, and physical outcomes across the many interests and groups that constitute “the public”. While this view suggests public servants can analyse their way to understanding the public interest, others have questioned whether the public interest, as the standard of goodness, is knowable to public servants.

Abolitionist view

In abolitionist models, the public interest is either unknowable or irrelevant. Glendon Schubert (1957) suggested that the concept of public interest makes “no operational sense” in that it is an abstract and idealised term that is impossible to determine or realise in practice. He sarcastically derided public servants seeking to determine the public interest as “benevolent bureaucrats, who are the guardians of the democratic state”. According to this view, attempts by public servants to determine the public interest and act upon this are at best paternalistic and, at worst, perpetuate the assumptions and biases of the dominant groups in society. In presenting technical analysis, public servants may not be conscious that their analysis is based on assumptions that are particular to a set of values.

Others agree that public servants shouldn't try to judge the public interest, but they disagree with abolitionists on whether the

public interest is a useful concept. Instead, they contend that public servants should seek to understand the public interest as determined by others. In political process models, like those mentioned below, it is less important what the public interest is and more important how we arrive at it.

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Majoritarian view

Majoritarians, like Elmer Schattschneider (1952), argued that representative democracy results in a government that represents the public interest. It is not practical, majoritarians argue, to engage with everybody and try to reconcile their different interests. The best we can do is pick the option that works for most people. Majoritarians believe that the public interest can be determined by asking for a vote on discrete choices or by electing representatives to speak on behalf of the public. Many volumes of political philosophy have been dedicated to exploring the question of when decisions are best made on the basis of technocratic versus populist support.

Pluralist view

Pluralists, like James Madison (1787), are concerned that majority views may place unreasonable burdens on the minority. They assume that organised groups best represent the major interests in society, and these can be aggregated, balanced, or reconciled to reveal the public interest. Pluralists engage in consultation with those who speak on behalf of these groups and aim to aggregate their respective interests to create a single position that is broadly acceptable. To pluralists then, the public interest can be understood as the sum (or average) of whatever stakeholders say it is. Both majoritarians and pluralists accept that different individuals or groups have different self-interests, and these interests are static. Both perspectives result in winners and losers, or compromises that fall somewhere in between.

Consensualist view

The consensualist view of public interest (sometimes called shared values) observes that the public interest is not merely the sum or average of private interests, and further, individual conceptions of interests are not static and may be socially constructed. While majoritarian and pluralist views suggest that the process helps identify the solution that aggregates existing views, the consensualist view suggests that the process may reveal and create new commonality. As citizens interact with the political community, they are shaped by it and move towards a (sometimes vague or fuzzy) public consensus. As Paul Appleby (1952)

describes, “the public interest is never merely the sum of all private interests” and is instead created and revealed by participation.

THE PUBLIC INTEREST IS THE BEST POSSIBLE CHOICE (NORMATIVE VIEW), BUT IS FREQUENTLY UNKNOWABLE AS A TECHNICAL EXERCISE (ABOLITIONIST VIEW).

Polis view

In the polis view of public interest (sometimes called collectivist), the process is the goal. Further, the process of seeking the public interest is part of the constitutive fabric of a society. Societies are built by the process of individuals talking with each other to create and share in a vision for the collective. Rather than seeing citizens as self-interested, Deborah Stone (1997) suggests that sharing, caring, and maintaining relationships are at least as strong in motivating behaviour. According to Stone, pursuing the public interest is about communities trying to achieve something “as communities”. Bob and Janet Denhardt (2015) suggest the search for the public interest is “a journey more than a destination” that aims to create and reveal altruistic citizenship. The Denhardts contend that the activity of “establishing a vision or direction, of defining shared values, is something in which widespread public dialogue and deliberation are central”. It is therefore possible to distinguish between “the public interest” – the ideal choice for public decision making – and “pursuing the public interest” – a process through which individuals work together to identify the society that they want to create and, in doing so, form a community.

Using the different models

These models are often presented as oppositional but are perhaps best understood as complementary perspectives of a complex phenomenon. The public interest is the best possible choice (normative view), but is frequently unknowable as a technical exercise (abolitionist view). It is both the aggregate of individual interests (majoritarian and pluralist views), and also something shared that is created by engaging with each other (consensualist view), and that process strengthens society (polis view).

Nonetheless, these different models may have differing applicability for different kinds of decisions. A normative view might be useful for highly technical decisions where values are less contested, like the scientific assessment that informs (biosecurity) import health standards. The abolitionist view can be a useful counterpoint to remind public servants of the limits of their knowledge and to present this uncertainty in their advice – to acknowledge the situations where the public interest is not easily knowable or where different conclusions can be reached depending on values, biases, or assumptions. In these situations, public servants may turn to political process views: majoritarian, pluralist, consensualist, or polis.

Majoritarian views are perhaps most relevant in questions relating to our democratic system, where the consent of the majority may be a prerequisite to the ongoing social contract between government and citizens. Examples might be the electoral system referenda of 1967, 1990, 1992, 1993, and 2011, as well as the democratic process itself to elect representatives. Pluralist views act as a useful counter to ensure that the needs of the minority are at least considered in the decisions of the majority and are therefore most commonly deployed when policy makers consult with the public. The process of issuing a resource consent illustrates this approach, where affected parties are able to

make submissions on a proposed land use. Consensualist views are useful for those situations where different views need to be accommodated in order to achieve a lasting accord; this was the aim of New Zealand’s Land and Water Forum, and famously, the Nordic model of consensus democracy. The polis view is useful in situations where the aim is to build a stronger and more cohesive society. For example, processes to identify shared national symbols may strengthen social cohesion and national identity.

Selecting the right model

As public servants grapple with how best to support the government to pursue the public interest, they often use the various models above, or others, but may not be conscious of which one they’re using or to what end. (It should be noted that the above models are found in public administration literature, which tends to reflect a Eurocentric perspective, and other epistemologies may be found in other cultures.) This means they may not be selecting the most relevant model for a particular issue or advising ministers on the full range of options available for pursuing the public interest. Robust practice involves consciously wrestling with these models and presenting a range of values, logics, and epistemologies. Public servants should be clear (and humble) about when they are dealing with matters that are knowable versus those that are more value dependent. They should consider when ministers should go with the majority or try to accommodate many stakeholders. They should explore what interests are fixed and which ones might be constructed together, or when a temporary win is more or less important than a lasting peace. Ultimately, public servants need to provide advice on the public interest but also on *pursuing* the public interest – the process through which the public interest is best revealed or constructed.

PUBLIC SERVANTS SHOULD BE CLEAR (AND HUMBLE) ABOUT WHEN THEY ARE DEALING WITH MATTERS THAT ARE KNOWABLE VERSUS THOSE THAT ARE MORE VALUE DEPENDENT.

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Schattschneider, E.E. (1952). *Political parties and the public interest*.

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