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PUBLIC GOOD

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Abstract

The idea of public good is usually correlated with happiness, often with its sociological correlative, quality of life. The socio-political approaches referring to public good as quality of life are used in the construction of public policies; namely, in doing public good. Public policies that could be generated by introducing the value of personal development and updating the individual could be correlated to the affirmative action of supporting the individual in the process of self-actualization.

Public good represents a constitutive central value for any administrative practice. Doing public good depends on the meanings this concept takes in different social and temporary contexts. Public good is generally defined as the state of wellbeing of as many citizens as possible, in accordance with their own aspirations and interests. Aggregating the individual's interest in a concept of public good proves to be difficult; theories of public decision proposed in general the rule of the majority, both for democratic reasons and as a result of the consequentional results. In administrative practice, the concept of public good becomes operational as public interest being regulated in normative terms.

Keywords:

public good, public interest, quality of life, constitutive ethical value, public administration, value-centred ethics.

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Introduction

Ever since the days of Aristotle, public good was considered the central purpose of politics and the functioning of the state. The idea of public good evolves to that of public interest and quality of life understood as public welfare, representing elements of the public decision. In this article, we will argue for the opportunity to introduce a perspective based on the theory of communicative action in interpreting public good and in the construction of public policies. We consider public good an ethical value that is constitutive of any administrative system, namely, the kind of value that generates the need for public administration as a social system. In implementing this value in different administrative systems, we operate with a series of values among which are transparency, welfare, public interest, etc.

Public good: An Aristotelian perspective

Aristotle considered sociability as the fundament of the human species. The Man – as Politikon Zoon – is a human being with moral sensibility and the capacity to distinguish right from wrong. The purpose of social life is doing social good and the fundament of sociability is friendship (philia). If good is oriented towards himself, friendship and love are oriented towards someone else. The philosopher from Stagira is the first to introduce the idea of Alterity as an object of accomplishing the political act. For Aristotle, the purpose of politics is to develop friendship, both within a city and between cities (Sandu, 2012a). Achieving the goals of public good is linked to the practice of virtues, especially of wisdom, courage and justice.

The main ideas of Plato and Aristotle's philosophy are aspiring towards public good and equity, duty and aspirations that need to be performed in the process of governance, that we can consider today as constitutive values of public administration precisely because their implementation required the existence of administrative practices and modern systems of administration.

Communicative construction of the idea of public good

Governance has taken various forms over time; those being represented on a scale of exercising personal power and arbitrariety from the most odious dictatorships, to the consolidated democracies of the present. As the attributes of power are more centralized in the hands of the decision makers, and public control and transparency are lower, the dictatorship is less interested in the public good, which is replaced with the vision of the definite class. As the participatory democracy is more stable and the decision-making transparency is

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more effective, the more the public policies will reflect the general idea of public good, gained through democratic consensus. An important characteristic of the democratic regimes, along with transparency in implementing public policies, is represented by the decentralization of exercising power and the transfer of public control of different sectors of public life towards the depoliticized courts and functional bureaucratic systems. The civil services are becoming more and more depoliticized, and, except for the democratically elected administrative bodies, the public service positions are exercised by professional personnel in that field.

Public good cannot result in democratic systems from the unilateral implementation of a single vision, regardless of how much public adhesion it attracts. Public good is the result of a series of negotiations between the existing trends in society, compromise and consensus being the result of the communicative action (Habermas, 2000). Communicative action represents a form of social action first defined by Habermas (2000), aiming to gain consensus by the participation of the communicative actors. The idea of public good is an example of social construction, being the result of negotiation upon the interpretation given by the different communicative actors (Sandu, 2015a; 2015b).

Public good, quality of life and public policies

The idea of public good is usually correlated with happiness and, mostly with its sociological correlative, quality of life. The socio-political approaches which refer to public good as the quality of life are used in the construction of public policies, namely in doing public good. The most relevant ethical theories regarding public good come from the sphere of utilitarian, libertarian and communitarian philosophy.

The utilitarian idea of public good

The utilitarian perspective is the consideration of doing the greatest good for the largest possible number of people. Basically, public good is a summary of individual good at the level of society, so that a society is good when it ensures the welfare, or the premises of expressing it, for as many citizens as possible. The American constitution acknowledges the rights of citizens to search for their own happiness and the state's obligation to provide the legal framework for this happiness to become real (pursuit of happiness).

An administrative system built in order to facilitate citizens with the opportunity of seeking happiness and achieving subjective welfare, in

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accordance with their own values and norms, will have freedom as an operational value. Guaranteeing individual liberties and protecting them through legal and political instruments allows the citizens to pursue their own ideals and live their lives according to their own norms and values.

The ideal of the individual's autonomy within the limits of respecting other's rights is consistent with Kant's categorical imperative, which requires the individual to act so that his own morals might stand as the universal norm. In implementing this principle, the state has the role of arbitrator in exercising liberties, as well as the role of the guarantor of liberty and free and equal access of the citizens to the public resources necessary for fulfilling their own ideals. Liberty takes the negative form of prohibiting the limiting of another's liberty. Liberty takes the negative form of prohibiting others' freedoms. The state is minimal and the less numerous public apparatus is oriented towards applying minimal norms of social coexistence (Crisp, 2006; 2015).

Utilitarian individualism has a hedonistic nature, pleasure and the avoidance of pain being, for Bentham (1996 [1789]), the source motivating the individual's behaviour in searching for their own happiness (Clero, 2011). Since the period of developing utilitarian theories, Thomas Carlyle shows that the simple tracking of animal pleasures as an engine of human behaviour would make hedonism a philosophy of the pig (Crisp, 2015).

A neo-utilitarian interpretation of public good as the accomplishment of needs

Gradually, pleasure and pain is replaced by satisfying needs, from the basic ones such as food, to those related to self-realization (Maslow, 1943) and those referring to spirituality and mission (Dilts, 1996). Fulfilling any of those needs is translated by pleasure, and not satisfying them by pain, so that pleasure and pain are no longer values in themselves but behavioural reactions occurring in the relationship of the individual to their own values, in different stages of the process of self-realization. Self-realization replaces the term "pursuit of happiness" in behavioural theories; therefore, we consider that it is necessary for the construction of a neo-utilitarian perspective that would be based on the self-actualization of the individual. Public policies that would be generated by introducing the value of personal development and update of the individual would be correlated with the affirmative action of supporting the individual in the process of self-actualization.

An example of public policy in the field of public health which may lead to the value of self-actualization of the subject is the "model of chronic care"

(Sandu, 2012b; Oprea, Cojocaru, Sandu and Bulgaru-Iliescu, 2013). This model places the emphasis on a patient's self-care, seen as the expert in the management of their own health conditions.

Public policies based on satisfying the needs of individuals, including superior ones, places the emphasis on civic and political participation of the citizen whose moral agency is being recognized. Dilts' model (1996) includes, along with the level of the environment, behaviour and abilities, a neurological level called the level of ideas, values, convictions, beliefs, principles, rules and motivations that work as conscious structures that direct, in a contextual manner, the reactions and behaviour of the individual.

Public good and functional bureaucracy

In essence, public administration, defined by Weber as functional bureaucracy, should be based entirely upon implementing the administrative decision. Lying at the interference with the citizen, the decision-makers of public policies should take into account these behavioural premises linked to the individual values of the citizens. Public policies aimed at the quality of life should be based only upon objective indicators, such as the standard of living, the daily living, the income per person, etc. (Preoteasa, 2008; Bălțătescu, 2009; Vasile, 2013; Sandu, 2014).

The ethical analysis of public policies as part of *policy research* aims at understanding their content from the perspective of the ethical paradigm that is dominant in the context of the general analysis of social, economic and political forces implicated in developing and implementing different public policies (Baba, 2003). The construction of public policies starting from the perspective of increasing the quality of life should take into account the particular lifestyles of the citizens, as well as different vulnerabilities that individuals and social groups are facing.

Towards an ethical theory of vulnerability

- Starting from the theory of vulnerability in social practice (Cojocaru, 2005), we built an ethical theory on vulnerability and the way in which different types of vulnerability can impact upon public policies. Vulnerability can take different forms, the most significant ones from the perspective of the ethics of public policies being:
- cognitive vulnerability translated by a lack of understanding regarding the meaning of one's own life and welfare, and a lack of knowledge

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regarding the appropriate ways of fulfilling one's own objectives related to quality of life;

- teleological vulnerability which consists of the inadequacy of one's own purposes with the ones generated by the community;
- vulnerability of access which consists of diminishing the chances of access to existing resources in society, that would grant the subject reaching their own objectives referring to the quality of life and social welfare (Cojocaru, 2005).

Different types of vulnerability can be the subject of public policies and of programmes that target public education and awareness, reconstruction of solidarity and public participation, whilst ensuring social equity, especially expressed as the equality of opportunity and treatment. From the perspective of the social determinants of the quality of life, the individual is made vulnerable through factors such as poverty, inadequate housing, the poor quality of services and inequalities and inequities resulting from certain legally unfavourable regulations. Vulnerability, especially when it is not correctly and timely addressed through public policies, may lead to a dependent lifestyle and the social phenomenon of stigmatization, marginalization and social exclusion (Miftode, 2011). Switching the person from the state of vulnerability to that of dependence may jeopardize his/her capacity to pursue their own welfare, the state having the obligation to assist vulnerable persons, which was derived directly from the value of social solidarity, as the constitutive value of assisted practices (Sandu, Caras, 2013).

Public good and the state of welfare

The state's welfare obligations, derived from the value of social solidarity, require exceeding the policies of the minimal state, which only ensure fair access to opportunities existing in the society. Redefining public good by including the state's obligation to ensure the minimal standards of quality of life and assistance to its citizens that cannot provide those standards through personal effort, leads to the idea of the social state. The social state is defined in literature by the terms: providence state, welfare state and the state of social welfare (Carpinschi, 1991; Poede, 2002; Zamfir, 1995). In essence, the welfare state redistributes a part of the existing added value to the level of societies, to the groups and categories of persons that are vulnerable and disadvantaged. The ethical constitutive value of the social state is represented by solidarity and the operational value is justice as in equity in distribution (Rawls, 2012). According to the Constitution, Romania is a social state; therefore, all its public

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policies should take into account the value of justice, social fairness and solidarity. Public good is redefined, keeping the utilitarian dimension as a maximum of good for as many persons as possible, generated by the state's intervention and not by its lack of intervention, as in the model of the minimal policies previously described.

Public good as public interest

Public good becomes public interest. The state of welfare has a central role in the construction of any moral theory, but also of any public policy that might have the achievement of ethical values as a starting point. In order to really talk about the public good, the decision regarding the political perspective must have a collective nature. The theories of social choice (List, 2013) represent a series of models of opinion aggregation, expressed as preferences and beliefs on wellbeing. A first of such a theory proposes the criterion of the majority as a way of deciding upon the collective will. The rule of the majority is based upon democratic principles of collective leadership.

The referendum as practice of identifying public will

The will of the majority, directly expressed through referendum, or indirectly through representatives, also represents the collective decision on that issue of public interest. The Romanian constitutional system allows for two types of referendum, a national and a local one. The national one may question issues related to the whole country, such as fundamental rights and liberties, as well as the issues whose rulings may have a constitutional impact. A political strategy at the limit of constitutionality was introduced by the former President of Romania, Train Basescu, as a consulting referendum. Organizing the referendum regarding the number of Parliament members and the bicameral or unicameral organizing of Parliament rather had the purpose of expressing a political declaration that the intention was for a genuine revision of the political and constitutional Romanian system. The Constitutional Court decided on the compulsory nature of respecting the popular decision in case of any future alteration of the Constitution. The excess of public consultation through referendum, not followed by the inclusion of popular will in the area of constitutional right may lead to the erosion of public trust in the referendum as an instrument of collective decision-making and its legitimacy.

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The deficit of democracy and the delegitimization of public service

A non-legitimate process is suffered by democracy itself, in its participatory form, due to numerous and repeated accusations of corruption, abuse and incompatibility that public workers suffer from. The lack of public confidence in elected ones unfortunately goes beyond the level at which representative democracy is questioned in terms of its legitimacy.

An important issue in the context of collective public decision arises when the components of the decision-making organism suffers from a deficit of democracy (Habermas, 2000). The democratic deficit may occur when the decision-making process is not a chosen one, or, even if it is chosen, it doesn't meet with public trust at legitimate rates. The current administrative decision that public servants often have to make can often be framed in this situation as a lack of democracy. The commissions constituted at the level of public authorities are named on administrative criteria, without being democratically legitimate. The authority of the decision of those committees derives from the authority of the institution which named the committee and in whose name it is called upon to decide.

Public good as collective decision

The theory of collective decision upon the public good and good governance is based upon the principle of majority, not only from the democratic perspective, but also from the exigence of identifying the decision with the maximum probability of being the best in the context and for the subject who is the subject of the decision. Condorcet (1785) shows that in a system in which each decision-maker has an equal, independent vote, the decision of the majority is more likely to be accurate than any of the particular decisions of each member of the committee (List, 2013). In order to reach this opinion, Condorcet (1785) uses the theory of probability. Later on, from this theory will arise a particular one of the rational decision, the theory of games, as well as an entire class of ethical theories based upon the probabilistic calculation of the possible consequences of one or other of the decisions. The consequential theories are based upon the theory of rational decision and the rational administrative act. Public good is the result of a series of calculations, being defined as the most beneficial consequence with the best chances of succeeding by adopting a public decision. Condorcet (1785) points out that the majority's decision can have an irrational nature, even when the individual preferences of the members of that decision-making body are rational.

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Condorcet's example (1785) is connected to a classification of three alternatives: x, y and z, where we assume that the first third of the decision-makers classify them in the order x, y, z, the second third classifies them in the order y, z, x, and the last third, in the order z, x, y. Such a decision is irrational in essence, even if it is based on rational decisions, since it creates a circle of majority of x in front of y; y in front of z and z in front of x, which is logically incorrect, being intransitive (List, 2013).

From the perspective of the ethics of a public servant, this demonstration of Condorcet (1785) shows that public good is rather an aggregation of the individual preferences of the members of the decision-making forum, than the results of a collective rationality.

Another theory of the collective decision which, in our opinion, can be effective in founding the administrative decision, especially in the context of the democratic deficit, is the theory of communicative action (Habermas, 2000), reconsidered from the perspective of theories of a social construction of reality. Habermas (2000) shows that the purpose of communicative action is gaining consensus on the issue in question. Habermas envisages two categories of participants in the communicative action; actors, communicative or moral actors, and passives, moral patients. Moral actors have the obligation to represent the competing points of view and make sure other voices are heard, of those that don't have the moral agency to represent themselves in the decision-making process. The lack of moral agency can be caused by different forms of vulnerability, especially connected to repeated social exclusion (Sandu, Alexa and Ponea, 2012).

The administrative decision based on a consensus of many significant voices represents the postmodern theory of the public decision that takes into account the idea of a socially constructed reality (Berger, Luckman, 2008). There is no such constructionist theory of the public decision. We can outline a few possible meanings of such a theory that are being developed. Of these, the most important frameworks would be those according to which public good is a social construction, a result of the negotiation of meanings that the different communicative actors offer to this concept. In order for the ideas of public good to represent most adequately all the existing voices in a given moment, the process of the public decision should be transparent, not only in the meaning of publishing the decisions and decision projects but rather in order to ensure public participation through affirmative measures.

An interesting theory of the ethical decision regarding welfare is formulated by Arrow (1970) as a social welfare function. He supports the impossibility of aggregating the preferences of two or more individuals when

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there are three or more alternatives (List, 2013). Arrow's theory (1970) shows that the collective decision cannot be seen as an aggregation of the individual options that would rationally satisfy the preferences of the members of the community. The aggregation of the individual opinions cannot underlie the development of policies referring to welfare rather than taking into account other information referring to the welfare of the subjects (Sen, 1982; 1983).

Prescribers of representability in the construction of public policies

Public policies in the area of welfare avoid using the concept of public good as an aggregate of individual options anymore. The collective decision concerns a rule of the majority, but also a mathematical calculation of consequential type. The rule of majority, however, has a series of prescribers to ensure the representability of competing options, insufficiently well expressed by the simple majority. The affirmative right of political, social and economic minorities should be represented not only politically, but also at the level of administrative decision-making courts. The decision doesn't have to necessarily be made in the sense of involving the representatives of those minorities in the decision-making forums, but by affirmative measures to facilitate their participation.

The legal dimension of promoting public interest

Promoting public good is a request formulated in the code of conduct of the public servant (Law no. 7/2004, republished) as a priority of the public interest towards the personal one. It is therefore desirable to promote the value of the integrity of the public servant. The legislator understands that to formulate the principle of the priority of the public interest in an affirmative manner as a positive duty that the servant manifests towards public interest. As we have shown, we consider that the principle of the priority of public interest operationalizes as the ethical constitutive value of any administrative system, namely the public good. Given this constitutive value, the formulation of the principle of public interest takes into account the difficulties previously presented in identifying a unitary vision upon the public good, acceptable in a wider sense in the society. If the value of public good refers to subjective perspectives on the state of good and the quality of life, the concept of general interest can be seen as a construct generated in the process of negotiation upon the meaning of the idea of public good. The general interest gains a suis-generis social reality by its normative formalization (Sandu, 2015a). The process of

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reification of the public good as public interest is represented by a model of deconstruction of the first concept, by its shift from an essentialist paradigm upon society, to a utilitarian one with postmodern and constructionist accents. The operational values in the practice of public administration centred on the priority of public interest (good) are: transparency, honesty, willingness, respecting equal opportunities and equal treatment. All these values can be interpreted as the principles of practice of the public servant. The ethical principles of the practice of the public servant are defined in article 3 of the code of conduct of the public servant, being generally similar to those used in the codes of ethics of the public servant, in force at European level. Precisely since the public interest can be abusively interpreted, article 3 of the code of conduct explicitly formulates the principle of the supremacy of the law, which we should understand as a key for accomplishing the state of right, including as a series of guarantees that the state is asked to offer the citizens, against any abuses or violations of rights, including those coming from public servants. The supremacy of law transforms the arbitrary will of the decision-makers into governance, namely in administration within legal parameters. Ensuring the state of right represents the instrument for transforming the political leader into a manager of the public decision, developed in the limits of the normative frameworks that regulate the fields of activity.

The stated purpose of the code is that of regulating professional conduct by developing certain standards of practice which are meant to defend and transpose into practice a series of ethical values (Sandu, 2015c). Establishing the norms of professional behaviour aims to create a certain adequate professional rapport between public servants and citizens, as well as between the public institutions, the beneficiaries and the administrative action. In this regard, the legislator invokes the need to defend the prestige of the public function of its holders.

Conclusions

In conclusion, public good represents a constitutive value based on each administrative practice. Doing the public good is dependent upon the meanings that this concept takes, in different social and temporary contexts. Public good is generally defined as the state of wellbeing of as many citizens as possible, in accordance with his/her own aspirations and interests. The aggregation of individual interests in a concept of public good is proven to be difficult; the theories of public decisions generally propose the rule of the majority for democratic reasons and as a result of the consequential

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calculations. In administrative practice, the concept of the public good is operationalized as public interest regulated normatively. The principle of the primacy of public interest existing in the code of conduct of public servants in Romania, but also from other similar codes in Europe, and is not only asked to transpose into a normative plan, at the level of the professional deontology, the constitutive value of the public good. Implementing the principle of public interest is undertaken taking account of other operational values, among which are: equity, integrity and transparency. In turn, these values become principles of practice, such as: the principle of administrative transparency, the principle of equal opportunities and of equal treatment, etc.

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