

Article

Public Interests and the Legitimation of Global Governance Actors

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Abstract

Notions of public interests or common goods present a major reference point for the legitimation of global governance and global governors, yet they are rarely subject to closer analysis. After highlighting how a connection to public interests plays a shared pivotal role in legitimating public and private global governance actors alike, this article suggests an expanded understanding of public interests as consisting of a substantive element, an individual interest-based element, and a procedural element. This allows us to study how public interests are framed, affected, disputed, and shaped in global governance, and how global governors are (de)legitimized with certain notions of public interests. It sheds light on how individual interests form public interests (without reducing the former to the latter or vice versa), how apparently neutral, technocratic, or expert-driven ideas of public interests are a matter of (global) politics, and how all the elements of public interests are imbued with power inequalities. The expanded concept of public interests is based on an integration of the governance literature on input, throughput, and output legitimacy with moralist, empiricist, and procedural models from political philosophy. Ultimately, in explicating the often implicit yet formative notion of public interests in global governance, this article argues that the legitimation of global governors does not only depend on whether or not they cater to public interests. Rather, the question is how they frame and affect the substantive, individual interest-based, and procedural elements of public interests, thereby constructing publics in global politics.

Keywords

global governance; international organizations; legitimacy; private authority; public authority; public interest

Issue

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1. Introduction

Notions of public interests present a major reference point for the legitimation of global governance and global governance actors. After all, global governance—in spite of its different manifestations and approaches—is supposed to be “solving specific denationalized problems or providing transnational common goods” (Zürn, 2013, p. 408). Even if that purpose is not fulfilled, it is the justification for governance that transcends government by including a variety of actors, forms, and levels. In short, public interests legitimize global governance and act as a widely shared reference point for studies of global governors’ normative and empirical legitimacy as performers of global politics.

Despite this prominence, the notion of public interests is rarely a matter of closer analysis in global gover-

nance studies. There are good reasons for this gap, some of which spring from the elusiveness of a concept whose “content is fluid” (Steffek, 2015, p. 274). However, this engenders a vague usage of the notion of public interests, making it either meaningless as an empty signifier or normatively predetermining its meanings. This, as Hurd (2019, p. 718) argues, prevents international relations scholars from questioning “the political content of legitimacy” and the substantive effects of global governance, as it suggests global governance is either apolitical or “inherently desirable” (Hurd, 2019, p. 727).

Against this background, this conceptual article focuses on notions of public interests as the pursuit of (supposedly) shared aims by a group of actors as one of the ways in which publics are constructed and contested in global politics (Mende & Müller, 2023), which is the focus of this thematic issue. The article proposes

an expanded concept of public interests consisting of three elements: substantive, individual interest-based, and procedural. This allows us to study how public interests (or synonyms) are framed, affected, disputed, and shaped in global governance, and how global governors are (de)legitimized with which notions of public interests. It sheds light on how individual interests form public interests (without reducing the former to the latter or vice versa), how apparently neutral, technocratic, or expert-driven ideas of public interests are a matter of (global) politics, and how all the elements of public interests are imbued with power inequalities. In sum, the article provides a better grasp of the notion of public interests without simply normatively prescribing one particular understanding. This does not preclude normative discussions but opens them up for reflection (cf. Mende, 2021). Neither does this article make any arguments regarding the success or failure of references to public interests. Instead, it proposes a conceptual frame that invites further empirical research and normative reflections on the meanings and functions of public interests for the construction and contestation of publics in global politics.

The article proceeds with a short overview of how public interests are defined in the literature (Section 2) and then highlights the role of public interests in the legitimation of global governors (Section 3). Next, it introduces the two strands of literature that form the foundation for the expanded concept of public interests: the triad of input, throughput, and output legitimacy from governance studies (Section 4); and moralist, empiricist, and procedural models of public interests from political philosophy (Section 5). Combining both strands, the article conceptualizes public interests as consisting of a substantive, an individual interest-based, and a procedural element, and discusses these with examples from the Covid-19 pandemic (Section 6). The concluding section outlines more general applications of the expanded notion of public interests for studying the legitimacy and the contestation of global governors.

2. The Notion of Public Interests

The notion of public interests appears in the form of different terms such as common interest, commonweal, the good of society, the greater good, common goods, or public goods. These terms sometimes overlap, sometimes indicate different nuances, or are used synonymously. Irrespective of what the concept is called, it engages scholars of international relations, law, economics (and other disciplines) alike. In economics, the term “common good” denotes goods that are non-rival in consumption and non-excludable. Understandings of global public goods or global commons are based on (while extending) that definition (Kaul, 2016). In other disciplines, the term is detached from its narrow economic definition. Classical legal scholars see law “as intrinsically reasoned and also purposive, ordered to

the common good of the whole polity and that of mankind” (Vermeule, 2022, p. 3). Jurists hope to “know the public interest ‘when they see it’” but nevertheless “project their cultural roots, ideological convictions, and political circumstances into its meaning” (Bezemek & Dumbrovský, 2021, pp. 3, 11). International relations scholars describe public interests as pivotal for the legitimacy of government and governance. Sometimes it is connected to fundamental norms such as peace, freedom, and human rights, or sectors such as health and security; at other times, it is used as an undefined normative point of reference. Generally, the notion’s “vagueness, combined with its extensive range, explains the concept’s success just as it is responsible for its failings” (Bezemek & Dumbrovský, 2021, p. 3).

This article uses “public interests” as an umbrella term and in the plural to underline the heterogeneous nature of public interests and goods. Its main focus does not lie on a narrow notion of interests. Rather, it uses “interests” interchangeably with “goods” (in the non-economic sense) and thereby frees interests from their rationalist and pre-given usage, emphasizing their normative, dynamic, and contested meanings instead (cf. Kratochwil, 1982). Public interests present a pivotal point of reference used to (de)legitimize global governors. Accordingly, its definition and framing are highly contested. Contestations involve competing definitions of public interests which legitimize some things as being in the public interest and delegitimize others as purely in the individual interest. This article suggests acknowledging the relevance of both public and individual interests to gain an expanded understanding of public interests and adds a procedural element that interconnects the two.

3. Public Interests in Legitimizing Global Governance

In global governance, the notion of public interests has two functions. First, it lies at the very heart of defining global governance. Global governance is commonly understood as the regulation of a “public problem....A problem is public when the participating actors need to claim to act in the name of a collective interest or the common good” (Zürn et al., 2010, p. 2). The publicness of the problem to be regulated distinguishes global governance from the regulation of purely private matters. Not every regulation is, therefore, a part of global governance. Rather, we only speak of global governance when an element of publicness is involved. Given the pivotal role of non-state governance actors and private forms of governance, that element of publicness is not tied to the status of governance actors but rather to the goods or interests affected (Mende, 2022). However, what comes to be defined as public or private is dynamic, context-dependent, and a matter of political decisions and contestation.

A second and closely related point is that the reference to public interests is supposed to legitimize governance and governors beyond the democratic context

of states. In the latter, democratic mechanisms are supposed to ensure that states act in the interest of their constituency—that is, in the public interest. This is the very core of states’ political authority as *public* actors. Private actors in global governance lack such mechanisms. For this reason, they rely on other forms of legitimation. The governance literature notes various sources of legitimation, including expertise, morals, accountability, efficiency, resources, or social behavior (Joachim, 2007; Keohane, 2006; Voss, 2013). This article argues that different governance actors, with their different sources of legitimation, share a common characteristic that makes them governance actors in the first place: a connection to public interests. This article defines “connection” both as a discursive reference to public interests for the purpose of legitimation and as the effects of an actor’s behavior on public interests beyond mere discursive claims (cf. Mende, 2022).

Private businesses, for example, even if they do not claim to, perform public roles with far-reaching effects on public interests, such as providing public infrastructure or shaping norms and values (Hofferberth & Lambach, 2022). On the other hand, civil society actors are perceived as legitimate and indispensable global governors because they are supposed to “represent the ‘public interest’ or the ‘common good’ rather than private interests” (Risse, 2013, p. 434). In spite of the heterogeneous intentions of NGOs and their effects on public interests (Steffek & Hahn, 2010), they are seen as “private in form, public in purpose” (Reinalda, 2001). Similarly, public-private partnerships are defined by their pursuing “public policy objectives (as opposed to public bads or exclusively private goods)” (Pattberg et al., 2012, p. 3).

International organizations, too, are supposed “to fulfil tasks in the global public interest [which] can roughly be described as not in the private, personal, or profit interest” (Golia & Peters, 2022, p. 28). The United Nations was established to safeguard “the common interest” (UN Charter, 1945, Preamble). Non-majoritarian organs, technocrats, and experts are also perceived to serve the “public interests of a transnational community” (Steffek, 2021, p. 13). Remarkably, an orientation towards public interests also forms a defining criterion for international organizations that have been privatized (Golia & Peters, 2022, p. 28). Generally, the legitimacy of international institutions is commonly based on the assumption that they are acting “in the public interest” (Delbrück, 1997).

In sum, these different governance actors’ power to regulate and perform governance functions is or strives to be legitimate via how they refer to or affect public interests. Similar to how the domestic political authority of states is tied to public interests, the private authority of non-state actors (Cutler et al., 1999) and the international political authority of international organizations (Hooghe et al., 2017) are connected to public interests. This distinguishes their governance authority to regulate issues referring to or affecting public interests from purely private forms of regulation, power, or force

(Mende, 2022). This does not mean, however, that they necessarily fulfill public interests. It also does not mean that no other interests are legitimately involved, “as governance means policy-making between actors representing different public and non-public interests” (Benz & Papadopoulos, 2006, p. 290). It does mean that the notion of public interests plays a pivotal role in defining and legitimating global governors.

4. Input, Output, and Throughput Legitimacy

This section elaborates on the first of the two strands that form the basis for the expanded concept of public interests, namely the triad of input, output, and throughput legitimacy (cf. Table 1). The governance literature broadly conceptualizes the legitimacy of global governors to regulate governance issues and solve problems with Scharpf’s (2000) “almost canonical view” (Steffek, 2015, p. 266) of input and output legitimacy. This section expands this conceptualization with Schmidt’s category of throughput legitimacy (Schmidt, 2020) and integrates Steffek’s (2015) emphasis on the normative meaning of output legitimacy.

Scharpf’s (2000, p. 103) starting point for the discussion of input and output legitimacy in the EU is the democratic legitimacy of governments to govern: their “governing authority.” By now, the concepts of input, output, and throughput legitimacy have grown to refer to governance actors more generally, thereby mirroring, complementing, or substituting democratic mechanisms in global politics (Brühl & Rittberger, 2001). This is because the concept of a state’s *governing authority* is translated to the *governance authority* of governors other than states.

Input legitimacy captures Abraham Lincoln’s bon mot of “government by the people” [which] implies that collectively binding decisions should originate from...the constituency in question” (Scharpf, 2000, p. 103). Input legitimacy thus ensures that constituencies (however indirectly or representatively) govern themselves. It provides the basis for a governance actor to assert authority over a constituency and to expect compliance based on some kind of consent by that constituency. Input legitimacy is derived from mechanisms that trace the will of constituencies. These are often connected to majoritarian institutions (Hix, 2008) or interest-group presentations (Kohler-Koch, 2010; Schmidt, 2013, p. 7). In global governance, input legitimacy usually denotes “participation and consent” (Brühl & Rittberger, 2001, p. 22). Discussing the problems of consensual and majority mechanisms, Scharpf (2000, p. 104) indicates the challenge of finding the will of constituencies that reconciles their “divergent preferences and interests.”

Throughput legitimacy, as Schmidt (2013, p. 3) refers to Lincoln’s notion, denotes government “with the people,” focusing “on what goes on inside the ‘black box’ of...governance, in the space between the political input and the policy output...Throughput is process-oriented, and based on the interactions—

institutional and constructive—of all actors engaged in...governance.” Thus, throughput legitimacy entails what others sometimes subsume under the input dimension but more clearly distinguishes procedures from the input by constituencies.

Notably, a predecessor of such a mid-notion already looms in Scharpf’s discussion. When he is concerned that a simple majority-based input hurts the quality of the output (e.g., the protection of minorities), he asserts that the Habermasian “ideal of ‘deliberative democracy’ may also be understood as a concept that forms a *bridge between* input- and output-oriented legitimating arguments by insisting on specific input procedures that will favor qualitatively acceptable outputs” (Scharpf, 2000, p. 104, emphasis added). Against this background, throughput legitimacy is not only an empirical category capturing the procedures within a governance institution but also safeguards their normative quality, usually measured against deliberative values, including “accountability, transparency, inclusiveness and openness” (Schmidt, 2013, p. 6; Schmidt & Wood, 2019).

Output legitimacy denotes “government for the people’ [which] implies that collectively binding decisions should serve the common interest of the constituency” (Scharpf, 2000, p. 103). The emphasis on problem-solving capacities, Steffek (2015, p. 267) argues, has dominantly framed the output legitimacy of governance actors, thereby establishing an empirical rather than normative notion of output legitimacy. He argues in favor of re-integrating a normative public interest element in order to discuss the “quality of the output” (Steffek, 2015, p. 267). Hence, the question is not only whether problems are being solved efficiently and effectively. Rather, such assessments always entail a normative point of reference: concerning what or for whom which problems are solved efficiently.

This normative element of public interests is visible in studies of EU institutions (in which the concepts of input, output, and throughput legitimacy matured) that link EU output legitimacy to non-majoritarian institutions, which are supposed to guard the public interest (Majone, 1998), but also to some kind of common values (Schmidt, 2013, p. 6; Steffek, 2015, p. 271). What these approaches have in common is that they distinguish individual interests, even in their majority, from something else, something like a common or public interest, in order to safeguard a qualitative output.

To sum up, output legitimacy is supposed to cater to some kind of values or interests above the individual level, input legitimacy is concerned with the individuals who are supposed to be the subject of such public interests, and throughput legitimacy is concerned with how to translate that input into a certain output.

5. The Common Good Versus Individual Interests

The previous section illustrates that in input, output, and throughput legitimacy, notions of public interests

play a prominent role but remain elusive. This section, therefore, introduces political and philosophical models of public interests. These provide the second strand that the expanded concept of public interests draws on (cf. Table 1).

The notion of public interests dates back thousands of years to Ancient Greek philosophy and has stayed alive in political philosophy ever since, touching as it does on a question that lies at the heart of politics: How can a political order (or an actor upholding such an order) be legitimized vis-à-vis its constituencies, even though—and because—it may also restrict its constituencies? In other words, how can individual and public interests be reconciled? This section introduces these debates in the form of three ideal-typical models. For moralistic models, individual interests only play a subordinate role, if any. On the opposite side are empiricist models that deny the existence of any greater good beyond individual interests. In between moralistic and empiricist models, a plurality of models interconnects normative (common) and empirical (individual) elements in differing constellations (cf. Bitonti, 2019; Held, 1970; Mansbridge, 2013). Most prominent among them are deliberative models focused on procedures (cf. Mattli & Woods, 2009, pp. 13–14).

Moralistic models pursue a strong and normatively laden idea of public interests, claiming to represent a common good that is supposed to be right and good for all. This article, therefore, reserves the term common good for moralistic models (while “public interests” serves as an umbrella term for all the different notions). Notions of a common good are prominent in the early writings of political philosophy, most notably in Aristotle and Plato, but they also recur in more recent approaches. Despite their differences, they share the assumption that something that is good for everyone can be identified and justified. While moralistic models do not necessarily or intentionally disregard individual interests, they presume that, as the common good is supposed to be good for all, it cannot conflict with true individual interests. Therefore, individual interests conflicting with or deviating from the common good are either rejected as wrong or disregarded. This is justified in two closely related ways. First, moralistic models suggest that a certain actor (e.g., a government, a class of philosophers, the Crown, or the church) has the authority “to define the particular content of that good and also to educate the citizenry as to its meaning” (Douglass, 1980, p. 105). This is based on the assumption that said actor knows better what is in the common interest, i.e., what is good for all. Second, that actor knows what is good for all not because of its own arbitrary and individual interests but based on a “greater wisdom” (Douglass, 1980, p. 106), which is validated by a universal moral system (Held, 1970, p. 45). The idea(l) is that this moral system prevents misuse and despotism. Philosophers such as Plato and Aristotle base their approaches on the assumption that all humans seek good. Accordingly, even the rulers have to abstain from their own individual interests. This, however, actually

contributes to their true individual interests because, as Held (1970, pp. 140–141) analyses, Plato holds that “men do seek the good, and...it is in their true interests to do so,” just as Aristotle (in a more open version) assumes that “all men do all their acts with a view to achieving something which is, in their view, a good.”

Empiricist models take issue with the strong normative assumptions of moralistic models. In response, they over-emphasize the empirical counterpart formed by individual interests. In order to identify individual interests in a broader context, empiricist approaches—in their different versions—suggest aggregating individual interests, counting them and composing majorities, following the most powerful voices, or applying some form of calculation. Some of these approaches deny any possibility of a greater good or a superior public interest (cf. Bitonti, 2019, p. 4). Bentham’s utilitarianism is representative of empiricist models (Mansbridge, 2013, p. 7): “The interest of the community then is, what?—The sum of the interests of the several members who compose it” (Bentham, 1780/2009, p. 3), or at least of its majority. So is Hobbes’ dictum that a government should solely serve individual interests and private property (Douglass, 1980, p. 107), and his assumption that these align with the interest of a public order which guarantees the preservation of individual interests and private property. Empiricist models reappear, e.g., in accounts of democratic pluralism (Stout, 1943) or in the focus on consumers rather than citizens and the assumption “that the accumulation of the narrowly defined self-interest of many individuals can adequately approximate the public interest” (DeLeon & Denhardt, 2000, p. 89).

Deliberative models focus on the processes and procedures via which a public interest comes to be defined. They pay different attention to normative notions or individual interests, respectively. Those emphasizing the former argue that even in free deliberations, the participants need to have an idea of the public interest that the deliberation is supposed to arrive at, i.e., an idea that is independent of such deliberation (O’Flynn, 2011). The latter criticize deliberative models for repudiating individual interests; they demand that not only public but also individual interests (however contained by fairness) be taken more seriously in deliberative models (Mansbridge et al., 2010). In addition, the different models share the normative yardsticks for deliberation coined by Habermas (1992), most notably free and equal conditions, fairness, and transparency of public debate. Hence deliberative models integrate notions from moralist and empiricist models (with different weights) since they

describe normative conditions for discourse. Its results, however, are not moralistically predefined but open to what empirical deliberation brings about.

6. The Expanded Concept of Public Interests in Global Governance

In order to make the implicit assumptions in global governance approaches explicit and to interconnect the three separate models of the relation between individual and public interests instead of juxtaposing them, this section links the two strands of literature, i.e., the moralistic, empiricist, and deliberative models with input, output, and throughput legitimacy. On this basis, it expands understandings of public interests as consisting of three elements: a substantive, an individual interest-based, and a procedural element (cf. Table 1).

6.1. The Substantive Element

The substantive element of public interests is analytically the most demanding, as it goes beyond a purely empirical description (as in “current global norms entail...”) or a mere normative demand (as in “global norms should entail...”). Mirroring the normative reference points for output legitimacy, it resembles notions of the common good from moralistic models. Such underlying normative assumptions have not simply disappeared from global governance studies. Most visibly, they appear in concepts of good governance (e.g., Dingwerth et al., 2020; Pantzerhielm et al., 2020), in discourse about the protection of climate and environment (Lane, 2012), and in theories on fundamental norms that perceive norms such as human rights, the rule of law, democracy, and fundamental freedom as globally valid (Wiener, 2008, pp. 66–67). Even though the organization and application of fundamental norms are framed as a matter of contestation, the core of fundamental norms constitutes a normative yardstick that is not simply subjugated to diverging individual interests. Rather, it represents an idea of something that is supposed to be good for all—just as moralist models assume and output legitimacy strives for.

Furthermore, normative assumptions also appear in empirical notions of output legitimacy, as in rational bureaucracy and technocracy (Steffek, 2021) or in studies of the empirical legitimacy of global governance institutions (cf. Hurd, 2019, p. 718). The major difference to straightforward normative approaches is that these perspectives appear or claim to be neutral. There are good reasons for this claim, most importantly the danger

Table 1. The three elements of public interests in global governance.

Global governance studies	Political philosophy	Public interests in global governance
Output legitimacy	Moralist models	Substantive element
Input legitimacy	Empiricist models	Individual interests-based element
Throughput legitimacy	Deliberative models	Procedural element

of paternalism or moral rigidity from moralist models. However, apparently neutral perspectives may carry normative assumptions implicitly. For instance, they determine in relation to whom and to which yardstick an output is regarded as effective, they presuppose that the legitimacy of global governance institutions is “inherently desirable” (Hurd, 2019, p. 727), and expert-driven institutions are perceived to be “driven by a concern for the general welfare (rather than special interests)” (Hibbing & Theiss-Morse, 2002, p. 9; see also Steffek, 2021, p. 3), as “advanced by technical experts acting on their sense of the public interest, not by interest groups or elected officials” (Birkland, 1998, p. 67)—very much akin to the expertise of the Crown or philosophers in earlier moralist models.

Remarkably, given their appearance of neutrality, non-majoritarian and expert-driven institutions are even perceived as policies without publics (May, 1991) or as apolitical. In contrast, the expanded concept of public interests highlights that the substantive element does represent a public element as a matter of politics (and thus as a matter of power and contestation). It does so by highlighting the plurality and contestedness of substantive elements and how they relate to individual interests and the procedural element.

In sum, the substantive element of public interests helps disclose the normative assumptions underlying global governance approaches, including apparently neutral perspectives, as it makes implicit normative assumptions explicit. At the same time, the element of individual interests underlines the limits of a singularized substantive element. This highlights how concepts of a superior perspective on what is good give rise to arbitrariness, paternalism, and moral rigidity, “not least of all because historically it has seemed so open to manipulation by unscrupulous elites” (O’Flynn, 2011, p. 259). A moralist view of the common good makes it too easy to override individual interests and needs and demand individual sacrifices for the greater good. At the same time, there are good reasons for sticking to norms such as human rights, fundamental freedoms, or the protection of vulnerable groups against majority decisions. These reasons include the history of these norms’ violations and the exclusion of certain groups of people from enjoying them (Mende, 2021). Reasons are also based on the normative (or moral or substantive) assumption that freedom is somehow better than the lack of freedom, however differently it may be interpreted and embedded (Adorno, 2006).

Hence the substantive element of public interests illustrates the normative dimensions of global governance, most particularly in its output, and how it can neither be reduced nor disregard individual interests.

6.2. *The Element of Individual Interests*

The element of individual interests most clearly relates to the concept of input legitimacy. It takes into account the

empirical will of the constituency of governance authority. In classic constellations, it is determined by aggregation, i.e., by voting and counting, thereby accumulating the myriad of single individual interests as a basis for political decisions.

In global politics, however, the challenge arises that the constituencies of governance authorities are not necessarily identical to those affected (Eriksen & Sending, 2013; Keohane, 2006). This challenge has given rise to discussions about transforming democratic mechanisms globally, which tackle the difficulty of representing the will(s) of those affected by global politics (Anderson, 2002). From this perspective, the plurality and even discrepancy of different interests is not a concern. Instead, “democracy holds an absence of unity at its heart” (Näsström, 2010, p. 213). This makes taking individual interests into account an indispensable element of identifying public interests in global governance. This holds on both the domestic and the global level, only that for the latter the question prevails whom to count, how, and in which forum, whether, e.g., in a global parliament or the classic model of states representing their publics in international organizations.

In addition, the element of individual interests may also designate non-aggregated individual interests. This takes into account that global governance is:

A relation of power...within the context of social contestation over who wins and who loses. It is neither apolitical nor neutral among outcomes nor an inherently progressive contribution to social order. Global governance, just like governance in any context, entails a world of nuance, trade-offs, distributional fights, and tragic choices. (Hurd, 2019, p. 728)

Given inequalities in power, resources, and access, or simply mechanisms other than the counting of majorities, individual interests may be formed by other, more singularized individual interests—what global governance studies refer to as private interests or particular interests.

Eriksen and Sending (2013), however, detach such individual interests from public interests. They argue that “all actors in global governance networks are particularistic” (Eriksen & Sending, 2013, p. 230) due to their lack of accountability to those affected by their actions. For them, public interests can only result from deliberation in the public sphere. As this is lacking on the global level, they argue, references to global public interests, while claiming to present “something universally good” are really exclusive and unrepresentative, serving to “legitimize particularistic forms of global governance rather than representing a move towards greater universalization” (Eriksen & Sending, 2013, p. 232). This resembles the empiricist model’s assumption that there are no public interests but only aggregated individual interests. In contrast, the expanded concept of public interest acknowledges that “public and private interests cannot

be fully understood if they are conceived as separate” (Mahoney et al., 2009, p. 1034). It does not reduce public interests to individual interests nor the procedural element, as Eriksen and Sending demand. Rather, it perceives individual interests as one of three elements that, taken together, constitute public interests.

The individual interests-based element thereby provides an indispensable counterweight to purely procedural models as well as to moralistic views that singularize the substantive element. At the same time, the substantive and the procedural element illuminate the limits of singularizing individual interests or input legitimacy, in turn. This is important because, as the discussion of empiricist models illustrates, they distill public interests purely from existing, empirically given interests of individual actors. One of their major shortcomings is that here “the public interest may never be with the losing side” (Held, 1970, p. 43; see also Mansbridge, 2013, p. 10). Rather, they give an advantage to individual interests from dominant groups (in terms of resources, votes, or power). This leads to a neglect of the (individual) interests of those who are disadvantaged, underprivileged, excluded, or enslaved, as well as of a (normative) interest in a more just society, i.e., the substantive element of public interests.

In sum, the element of individual interests takes the concrete wills of individuals (involved actors, constituencies, and the affected) into account. In addition, discerning aggregate and non-aggregate utterances of individual interests apprehend the various manifestations of power and inequalities in global governance, both between global governors and in relation to the governed.

6.3. The Procedural Element

The procedural element of public interests mirrors the throughput legitimacy in global governance, thereby shedding light on the black box between the input and output of global politics. It denotes the translation between individual interests and the results of political decision-making that are supposed to be in the public interest. However, it does not imply a causal relationship. Rather, in addition to forming a bridge between them, the procedural element also affects the other two elements of public interests. Most visibly, concerning the element of individual interests, the questions of whom to count, how, and whom to include in the “common” instigate discussions about a public sphere of deliberation. While the procedural element cannot substitute the element of individual interests, it multiplies the possibilities of identifying these interests. Moreover, the procedural element is interlinked with the substantive element, as the deliberative demands for fairness, transparency, etc., establish normative (i.e., substantive) yardsticks. Integrating both empirical and normative elements, the procedural element of public interests thereby reconciles the limits of singularizing each, while contributing to their strengths. This again emphasizes the interconnect-

edness between all three elements as well as the equal importance of each, even though their concrete forms and content may vary.

6.4. Public Interests in Regulating the Pandemic

While this conceptual article does not have the space to engage in extensive empirical investigation, it illustrates its argument with examples from the Covid-19 pandemic. The pandemic’s regulative measures included prevention, containment, and control aimed at safeguarding vulnerable individuals and the population against the virus—partly against their individual wishes. This is the logic of the common good, also inherent in many other laws and governance measures, where the public interest may outweigh individual interests. At the same time, this tension between public and (certain) individual interests is highly contested, including protests against Covid-19 measures and court decisions retrospectively declaring some of those measures unconstitutional.

Thus speaking about a public raises the question of who defines which interests or goods as public. Who is included—and who is excluded—in defining public interests and in building the targeted public? During the pandemic, public interests were framed in different, sometimes competing ways, as in public health, freedom of movement, the maintenance of public infrastructure, or decent working and living conditions, to name just a few. While these may have been framed as common goods, it is not sufficient to discuss their governance solely in terms of output or the substantive element of public interests—neither for global governors aiming to cater to public interests nor for studies of these governors’ (lack of) legitimacy.

In addition, the individual interests-based element sheds light on, e.g., the governed who felt their individual wishes and preferences were being restricted as they did not share or understand (or perhaps even believe in) a common good. This may have been the case because they valued their own interests above anybody else’s because neoliberal ideas have overemphasized individual over common interests for decades, because they suspected public interests of actually representing others’ individual interests, or because they were so deprived that they did not (perceive to) benefit from a common good (I set aside conspiracist and extremist motivations, which are in need of further explanation).

Besides the individual interests of the governed, the expanded notion of public interests allows us to study individual interests on the side of governors as well. This highlights how governors strive to frame notions of public interests by implementing their own interests, for instance, in restricting access to vaccination via patenting but still arguing with reference to the greater good. It highlights the power inequalities in the ways different actors succeed or fail to imbue the notion of public interests with their own interests. It also demonstrates that the individual interests of global governors, while

sometimes damaging, can, at other times, benefit the substantive element of public interests, e.g., when a company aims to profit from a new vaccine, thereby helping to contain the pandemic. Public interests, then, are imbued with individual interests but cannot simply be reduced to them. They constitute something else, either substantive or imagined, consensual or contested, but in any case, a certain manifestation of publics that guide (global) politics.

For all these reasons, defining and protecting the substantive element of public interests, and reconciling it with individual interests, must be a matter of broad deliberation that includes a plurality of individual interests and voices. The procedural element of public interests illustrates how pandemic regulations could have considered this necessity. This includes transparency regarding the development of Covid-19 measures and decisions, and communicating the trial and error associated with new challenges, thereby not only communicating the substantive element of public interests but also opening it up for deliberation (even in time-sensitive matters that do not allow for extensive processes of collecting input). It includes local dialogue processes, inclusion, and cooperation with the potential to strengthen responsibility and solidarity among individuals (including for other parts of society and public interests). Measures of international and global cooperation (Ioannidis, 2020) and their deliberation could even set an example for the solidarity and responsibility that individuals are asked to exhibit on a local level, which illustrates how the procedural element can shape the element of individual interests, thus affecting the substantive element.

In sum, the pandemic amplified the continuous tension between public and individual interests. This tension cannot simply be dissolved in favor of one of the two sides but needs to be upheld in order to balance and reconcile the two. In that regard, the pandemic is neither exceptional nor different from other issue areas of global governance (or government). Rather, this tension is inherent to all democracies as well as other political regimes and forms of regulation that rely on some kind of legitimacy and recognition (as opposed to pure force).

7. Conclusion

This conceptual article investigates the elements of public interests in global governance. It underlines the strong connection of public *and* private global governors to public interests, and it suggests understanding public interests as comprising of a substantive, individual interest-based, and procedural element. This grounds public interests (in the plural) not solely on notions of a common good (however defined); it also integrates individual interests (of governors and governed) as well as procedural mechanisms into an expanded concept of public interests. This forms a basis for further research. Specifically, it can contribute to tackling current challenges in global governance studies in five regards.

First, the concept allows us to trace the relation between public and individual interests that global governors may pursue concomitantly. Accordingly, instead of ascribing, e.g., the pursuit of only public interests to civil society actors, or the pursuit of only private interests to business actors, the expanded concept illustrates how governance actors pursue and affect different interests at the same time. It helps investigate the relative emphasis of each element, the subjects of individual interests, and the (power) inequalities between different individual and public interests in global governance relations.

Second, the concept also allows us to study how the meanings of public interests are affected by the ways that global governors refer to them. This underlines the fact that the content and definition of public interests are not pre-given and thus not just a matter of tailored tools for identifying them in a positivist manner. Rather, the ways that global governors make use of understandings of public interests touch the essence of what constitutes public interests in the first place, even before assessing how public interests might be weakened or strengthened by certain global politics (which surely is another important area of research).

Third, the concept provides further differentiation for empirical studies on the legitimacy beliefs of various publics (including the governed), shedding light on which element of public interests is given which weight and associated with which content. Studying the ways in which specific global governors are perceived or expected to deliver which element of public interests provides a basis for better understanding their legitimacy (or the lack thereof) in the eyes of the governed. It also allows further insight into which type of actor is seen to provide which element of public interests in particular and how this element is connected to the other two.

Fourth, the concept allows us to identify the specific element(s) that contestations of global governors address. This may even enable the development of tailored responses to crises of global governance institutions. Responses can then focus on substantive, procedural, or individual interests-based elements, respectively, while at the same time taking repercussions on the other elements (due to their interconnection) into account.

Finally, the expanded concept helps identify the merits and challenges of transferring democratic mechanisms onto a global level. On a normative reading, the concept highlights the need to preserve the three elements that mark democracy on a domestic level: a common good that goes beyond individual or majority wills, the importance of counting individual voices, and the procedural design of decision- and policy-making processes. This also illuminates the challenges of delineating public interests in global politics and the extent to which each of its elements can or cannot be fulfilled.

In sum, the legitimacy of global governors does not only depend on whether they cater to public interests but rather how they frame and affect the substantive, individual interest-based, and procedural elements

of public interests. Ultimately, in explicating the often implicit yet formative notion of public interests in global governance, this article addresses the question of how and with what effects global governance relates to and affects public interests. It thus provides a basis for studying the (in)ability of global governance actors to contribute to public interests in a truly global manner.

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