

## *The Concepts of Common Good and Public Interest: From Plato to Biobanking*

KADRI SIMM

### Introduction

The expression “common good” usually conjures up benevolent associations: it is something to be desired, a worthy goal, and it would be a brave person who declared he or she was against the common good. Yet modern times have taught us to be critical and even suspicious of such grand rhetoric, leading us to query what lies behind this ambitious notion, who formulates what it stands for, and how such formulations have been reached. Nowadays the concept of “public interest” is often at the forefront of debate and used in contexts in which a philosopher, or perhaps a preacher, might say “common good.” In fact, discussing common good is impossible without references to its numerous “relatives”—concepts of public interest, common interest, and public good. Some argue that these notions are interchangeable, some say that they overlap to a degree, and some see them as fundamentally different.<sup>1</sup> In the following I hope to shed light on this aspect as well.

The relevance of these notions to our thinking about society and politics is well illustrated by William Zarecor: “It would be perfectly plausible to interpret the history of political theory as a series of attempts to formulate the best possible method of serving the public interest. Considered from this point of view, the various forms of political theory can be explained in terms of varying interpretations of the term ‘public interest.’”<sup>2</sup> Once we descend from this wholly abstract level, however, the associations and connotations grow more confusing. The complex history of the concepts of common good and public interest illustrates very well the fundamental difficulties of defining the idea in any one correct way. It is an idea that contains a lot of expectations, and both positive and negative judgments about its usefulness; its centrality in political and philosophical theory and rhetoric is well established, but it is often also roundly criticized. There is certainly no consensus on the scope and limits of the concept nor often is it even clear what type of phenomenon is at stake—is it an objective, a procedure, or even a myth? Glendon Schubert, who devoted an entire book to the study of the concept of public interest, concluded bleakly that alternative concepts “that offer greater promise of becoming useful tools” should be employed instead.<sup>3</sup>

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Yet disagreement or vagueness regarding a certain concept is in itself no reason for dismissing it. Indeed, a few thousand years of philosophy have demonstrated a necessity for the concept of common good (and subsequently public interest) despite recurrent misgivings about its proper definition, scope, and limits. Could not the very versatility of the concept be considered an advantage and not a disadvantage? Perhaps it is this openness to reinterpretation that has secured the concept its longevity and continued usefulness for thousands of years.

The article proceeds by first focusing on the history of the concepts of common good and public interest. I then use the example of biobanks to investigate the contemporary use of these concepts. Readers of this journal are well aware of the continued employment of the common good and the related concepts in the debates centering on developments in new medical technologies. Most research purports to support the common good, and novel medicosocial infrastructures (e-health projects, biobanks) have been established globally in the name of public interest. Although philosophy might not offer the final word on the correct way of defining or applying the concept, it can still offer crucial insights that help us to reflect on the role and the use of the concept in the current discussions.

### **Antiquity and the Unitary View of the Common Good**

Although the specific term “common good” is not present in the texts of Plato, it is clear throughout his writing that he strongly believed a certain common goal existed in society and in politics. The best political order for Plato was that which promoted social peace in an environment of cooperation and friendship among different social groups, each benefiting from and adding to the common good. In *The Republic* Socrates argues that the greatest social good, the objective of the law-givers’ activity, is the “cohesion and unity” that “result from the common feelings of pleasure and pain which you get when all members of a society are glad or sorry for the same successes and failures.”<sup>4</sup>

For Aristotle, living a good life was not possible in isolation but rather required association with others, with a larger community, and that made it possible to live a full life and pursue happiness. Each and every plant, animal, and human had a purpose in life, and to pursue that purpose was the right and natural thing for them to do. In this teleological view of the world, common good was something as objective and unambiguous as a law of nature.

What about the relationship between the individual good and the common good? Overall, it is fair to say that in antiquity the common good was considered to be of higher value than the individual good, but it was also assumed that in most cases the two coincided.<sup>5</sup>

The tradition of common good as reflected in the works of Plato and, especially, Aristotle was developed further in Christian thought and continues to be central to the faith, especially in Roman Catholicism. Virginia Held has termed these approaches to the common good as unitary theories.<sup>6</sup> These can be summarized as follows:

- 1) Common good is viewed as objective and normative. It is not an object of discussion and debate but rather a law of nature (and of our natures). Like a law of nature, common good is something to be discovered, not invented, and provides a natural or god-given goal for the society and politics within.

- 2) There is no fundamental opposition between the common good and the individual good. All individual goods are contained within a common good. And in cases in which individual good is in conflict with the common, the latter good would take precedence.
- 3) The knowledge of common good lies with good rulers. The only real threat for the common good arises when the rulers (be they philosophers or church leaders) act in their own selfish interests.

The problem with this account, at least for the contemporary liberal, lies in the comprehensive unity of the individual and the common good—the two cannot really be at odds. Underlying the unitary conception is an assumption regarding the existence of true needs and interests that can and should be pursued to the benefit of both an individual and the common good. In the contemporary world, however, we recognize that people do have interests that are at odds with the interests of others, and in many cases these contradictory interests are justifiable. Although it may be that these interests cannot serve the common good, we would at least want to consider them as legitimate.

A contemporary communitarian might take a more positive view of the unitary position, especially when the community in question is a relatively small one. Yet, differently from the philosophers of antiquity, one now has to deal with a well-established discourse of individual rights and interests. The core question here is linked to the extent to which community values are seen to contribute toward the constitution of personal identity and how much individual autonomy or independence from those values is recognized. The stronger the self-identification with the community, the less likely are conflicts between personal and communal interests.

### **The Rise of Public Interest**

Returning to our historical overview, we see that the paternalism involved in the common good tradition, as outlined previously, did not sit well with rising liberal tendencies in early modern Europe. The common good argument was increasingly associated with the selfish, paternalistic, and often vain and unjustified demands of monarchies, and to contest what was essentially seen as exploitation, a concept of public interest was coined in mid-seventeenth-century England.<sup>7</sup>

Although even then it was not meant to denote simply an aggregation of private interests, it did place individuals at the center of a concept that was largely intended to protect material interests. With the advent of the Hobbesian anthropology of the essentially selfish human, private interest became a legitimate motive, and thus the concept gained moral authority.<sup>8</sup> Previously it would have been simply immoral to refer to one's individual interests, and therefore a legitimate conflict with the common good was almost impossible. Hobbes, however, argued that people were selfish; that it was natural to have selfish, individual interests; and that this was not to be considered immoral. Individual interests therefore acquired a legitimacy and positive connotation that they did not enjoy before.

The unitary theories of antiquity and the Middle Ages identified and merged private interests with common ones. In one sense, the developments of modern times have reversed this trend—it is the individual interests that form the basis

for and define the common interests. For example, we all have a variety of interests, some of which coincide with the interests of others. It is these shared interests that are then defined as common, and those interests that are not shared by others remain simply our private interests. This was largely the view of Jean-Jacques Rousseau when he defined his General Will that would legitimate the governance of a state.<sup>9</sup>

In practice it is problematic to identify public interest with such complete overlapping agreement. By considering only shared interests, we leave a lot of important but sometimes conflicting interests out of the equation. There are always those who think or prioritize differently, and indeed why shouldn't they? It is perfectly legitimate to have conflicting interests in any area or subject matter, but by this definition we would effectively have to give up on the idea of finding at least some common ground in significant domains.

Recognition of the fundamental role of individual interests in guiding social and political life also supports another angle on the common good and the public interest, the entirely dismissive kind whereby politics and the organization of social life are seen as a power struggle between conflicting individual interests. Any shared or common interests can only be accidental, and the search for a more fundamental kind of communal goal is fruitless or, worse, simply a rhetorical disguise of a power-seizing exercise.

It is not unusual to hear the common good and public interest denounced nowadays, but as various causes and groups arm themselves with these banners, it is often the case that one disagrees with how a public interest is defined in a particular instance. That is, public interest or common good may appear to be the object of manipulation, but the belief holds that it is still possible to reach a correct definition. It is therefore necessary to distinguish between two positions: the one dismissing the concept as unnecessary and implausible, and the other that merely rejects specific uses of it.

What then is the relationship between the common good and the public interest? I do not think it appropriate to contrast the terms, as there is much that they have in common. Those identifying with the liberal wing may prefer to speak of the public interest, and those inclined to more communitarian thinking may prefer common good.<sup>10</sup> Lawyers and public administration officials are also probably more likely to refer to the public interest rather than the common good. Likewise, public interest tends to be associated with specific practices and policies, whereas common good is reserved for debates encompassing more general, long-term, and fundamental aspects of social life. These, however, are tendencies and not rules, and as long as an attempt is made to clarify the content of this notion, both expressions may be appropriate.

### **The Turmoil of Contemporary Interests: The Example of Biobanking**

In contemporary debates in medicine and related fields, the common good and public interest arguments are often positioned in opposition to the individual-centered ones. For example, the establishment, updating, and utilization of the large, sometimes population-based biobanks are often associated with the rhetoric of advancing the public interest and the argument that these novel sociotechnical infrastructures themselves constitute the common good.<sup>11</sup> These benefits are then frequently juxtaposed with individual-centered values like

autonomy, privacy, and confidentiality. To discuss the specifics of the common good and related rhetoric in medical and research settings, I have chosen to focus on two quite well-known cases in biobanking—the UK Biobank and the Estonian Genome Project.

The UK Biobank has now reached its goal of collecting samples from more than half a million people aged between 40 and 69. Although the main study began in 2007, it was preceded by consultation schemes with experts and vigorous engagement with the public through focus groups, debate panels, inclusion of lay members in various committees, and numerous other methods.<sup>12</sup> The public was at the heart of the biobank's rationale (with the stated purpose being "to benefit the health of the public in the UK and elsewhere"),<sup>13</sup> and the findings were to be placed in the public domain. The concept of the common good in this discourse was replaced with the related notion of the public good. The UK Biobank is a "public good" resource and "will serve as the 'steward' of this precious resource, maintaining and building it for the public good."<sup>14</sup>

The biobank's Ethics and Governance Council commissioned a special report on the concepts of public interest and public good—expressions often used in the context of the UK Biobank.<sup>15</sup> An important argument for undertaking the report referred to the necessity of clarifying these concepts not only as descriptions of the biobank's status or purpose, but also as working principles regulating the governance of the biobank, for example, access policies and management.

In the documents, the public was clearly seen as a separate entity from the participants ("the interests of participants and the public are at the heart of UK Biobank"),<sup>16</sup> and therefore the public interest was obviously perceived as something larger than, or at least different from, the interests of the participants. Crucially, balancing the personal autonomy of the donors and the larger public interest was at the core of the ethical challenges.<sup>17</sup> The authors of the special report rejected the view of public interest as the sum of individual wills and rather adopted a Rawlsian approach in which the public interest "could be located in systems that advocate the generic enjoyment of certain goods, and to which we all have a justifiable (and general) claim."<sup>18</sup> When necessary, "individualistic interests" might be overlooked to guarantee such goods.<sup>19</sup>

Our second example, the Estonian Genome Centre (the EGC), has undergone several changes of status over the past decade, but it is now a research institution belonging to the University of Tartu. The initial ambitious goal to include the genetic data of about a million people (out of a population of 1.3 million) has been considerably downgraded, and the formerly public-private partnership is now a fully publicly owned enterprise. Initially what set the EGC apart from the UK Biobank and other similarly large-scale genetic database projects was the individual-centered rhetoric motivating the participants.<sup>20</sup> Whereas most other large projects at the time stressed the altruistic nature of participation, the EGC (called the Estonian Genome Project [EGP] at the time) hoped to recruit volunteers with the promise of personal feedback on genetic data. In fact, sociological research at the time demonstrated that more than 90 percent of those intending to participate were primarily motivated by the proposed "personal gene card."<sup>21</sup> It is of course impossible to say whether the focus on personal gain instead of more distant and long-term communal benefits was responsible for the slow progress in recruitment, but it is clear that over time public benefits have gained a more central role in EGC's rhetoric. The contribution to the EGC is now worded in the language

of public health and benefits,<sup>22</sup> from endorsing the advancement of research and medicine to more general benefits like spreading awareness of Estonia and supporting its economic growth. There is also a list of personal benefits to be acquired through participation, from improved doctor-patient relationship (data were collected by general practitioners) to the acquisition of positive emotions from being useful to others. Although this needs further research, one could speculate that a more communal and altruistic focus helps to portray such projects as serving the public good rather than the private purposes of participants and investors. This might then have an impact on the motivation of the potential participants and on the establishment of a different kind of trust relationship between the public and the institution.

Another important difference between the two biobanks pertains to the discussion of individual risks. The EGP does not, in fact, mention any potential risks or harms to participants in its brochures.<sup>23</sup> The UK Biobank documentation dwells extensively on the crucial role of consent and trust in the building up and functioning of the bank. Such large ventures can only be successful if the participants are confident that their rights of privacy will be respected. Significantly, however, the values of trust and consent are not solely considered as individual values but are simultaneously conceptualized as public goods.<sup>24</sup> This is similar to the argument that the respect of individual rights is not only in the interest of individuals but can also be considered a public interest. Such a perspective allows for an alternative interpretation of the individual-social dichotomy of opposing interests.

Bearing in mind that the history of the twentieth century has demonstrated the dangers of dismissing individual concerns and rights in pursuit of the supposedly common good, how can we assess the presence and prevalence of certain individual interests within the sphere of public interest? For example, the interest of a person in terms of improved medical care forms part of the public interest in supporting research biobanking. At the same time, the spread of broad consent and even non-consent instead of informed consent in research practices can clearly affect a person's autonomy; thus one's interest in improved healthcare conflicts with one's interest in having control over one's data. Depending on people's value preferences and beliefs (see Roger Strand's article in this volume), the balance of both interests is often difficult to judge, as the arguments frequently rely on likelihood, estimations, fears, wishful thinking, and pure hype.

Thus we are not necessarily always concerned with the conflicts between individual and common interests but with conflicts between two (or more) individual interests, and two or more public interests. People have personal interests that can and do conflict because the values underlying these preferences conflict. Clearly some value conflicts can be more difficult to solve than others, as when we have two very important values at stake. If we have or we believe in a specific absolutist value hierarchy (say, security always trumps autonomy), then solving these dilemmas should not be so difficult. The absolutist frame is extremely inflexible, however, and could sometimes persuade us to draw undesirable conclusions. Moreover, insisting on an absolute value preference system is simply unhelpful in a contemporary world, as it is non-negotiable as regards other value systems and insensitive to context.

The pluralist frame offers an opportunity to view value hierarchies as dynamic.<sup>25</sup> Depending on the context and after weighing of the various interests,

needs, and other relevant information, a decision about the value preferences in a specific case (say, the setup of a biobank) can be made. According to Virginia Held's classification, these preponderance theories are theories in which the content of the public interest is decided by weighing the relevant interests and goods at stake. This is the approach that best captures the mainstream view of the common good and public interest of today. Weighing alternatives and reflecting on the accommodation of various interests while upholding certain fundamental values is a method that has, with some variations, been advocated by many great philosophers from Hobbes and Hume to Rawls. Although the category of preponderance theories is a broad and accommodating one, it clearly differs from the objective and static uniformity of unitary theories and disapproves of the aggregative and overlapping type of public interest theories.

For the sake of legitimacy the procedural aspects of deliberating about what is in the public interest are crucial, and this is often recognized. The means of participating in democratic deliberations are manifold: from the traditional media to social networking sites to targeted public engagement activities and beyond. Although there are concerns regarding the representativeness, efficacy, and accountability of these various processes, they have undoubtedly increased the opportunities for citizen participation. The importance of public participation in legitimizing the UK Biobank was well acknowledged. The EGP applied a more traditional top-down view of "educating" the public about genetics and the database through media programs and articles. In terms of legitimizing the database as a common good, this seemed to be less effective, at least from the perspective of affecting the motivations of the potential donors and influencing subsequent participation rates.

A comparison of the language of those two biobanks reveals that both individual and communal interests have an important role to play in such projects. Whereas the EGP initially promoted personal gains over public ones, over time the latter have earned a more prominent role in the EGP's rhetoric. The UK Biobank highlighted communal benefits and the altruistic nature of participation from the very beginning but has balanced this with a strong commitment to consent procedures and building trust in the institution and its policies.

### **Balancing Risks and Benefits, Private and Public**

What can we conclude from this quick historical excursion and contemporary bioethics debates around common good and public interest? I have argued that determining the content of those notions requires deliberation—we no longer believe in or trust one objective common good, as unitary theorists did. The numerous philosophers described by the preponderance category have offered many ways of solving the difficult question of balancing various risks and benefits. I have no space here to investigate these alternatives in more detail, but I would like to conclude with some general observations regarding the process and content of the common good.

I have argued that pluralism, while allowing for dynamism in the prioritizing of certain values before others, for example, individual human rights as trumping freedom of research, can be a good starting point for debate. Of course, there are conflicting values, for example, public health versus individual privacy concerns in the case of biobanking, and therefore no definition of a public interest or

common good can ever be final. This is not a zero-sum game: there are certain compromises that should never be made, but there is still plenty of room left for decisionmaking. Recognizing that this is not a process of distinguishing correct from incorrect interests, the truth from lies, but a reflection grounded in a specific time and place will, it is to be hoped, give us the courage to state that we are making a moral and political decision when we decide about public interest.

Not simply any debate or discussion will suffice in deliberation. There are approaches that state that all we need is a fair procedure and any result of a debate automatically produces the correct definition for the public interest. This is essentially a formal procedural method offering no guidance on a concept's normative content. One therefore ends up with a descriptive phenomenon, for example, a public interest constituting any interest that the public has. This is problematic to the extent that it often equates the public interest with the view of the majority, and this is not always a good thing. John Dewey said that it is the media's job to interest the public in the public interest, and this definition hints at the more normative content of the concept. Procedural approaches, although signaling a very critical aspect of the common good, are not sufficient in themselves. Be they fundamental human rights in the political sphere or the principles of autonomy and privacy in medical research, there are certain normative values that provide a frame for these debates.

Although these so-called preponderance theories have their problems, I think they are the most useful ones for application in current debates. Idealist unitary theories presume too much and can easily lead to paternalistic or authoritarian approaches. Although a paternalistic outcome is not ruled out in cases of preponderance theories, being aware of the dangers and making efforts to ensure pluralistic debate would still allow for the continued relevance and usefulness of the concept of common good. The difficulties with the concept reflect the difficulties that we as individuals and members of society have in terms of the moral and political choices that we make. This is only natural.

It helps to be reminded by Richard Ashcroft that "public-interest claims need to be considered as political appeals about competing claims and conceptions of justice."<sup>26</sup> That is, there is no one correct public interest independent of time and space; common good is intimately linked to our particular coexistence as political and social beings. No one can claim simply to know what is in the common interest because it only comes into existence and is consequently defined when we voice and debate our concerns and views. Although it may be possible to sketch an a priori outline of a common good in particular cases, these scenarios can only be legitimized through debates with alternative visions.

This is where we part company with the ancient philosophers who trusted the existence of a more permanent and universal common good. Yet we should not throw the baby out with the bathwater: the concepts of common good and public interest retain significance, and they have their proper place and application even today. Once we agree that there is an added value in doing things together, and, as Plato described, once we feel the hurt of the others in our common social body, it would be unthinkable to reject this notion simply because it is vulnerable to exploitation and misuse. Debating what a common good is, be it for purposes of building a railroad or starting a tissue bank, is a manifestation and consolidation of our community's and our own existence.



## Notes

1. The relationship between the interest-based and common good-centered approaches is explored from various perspectives by, for example: Cochran CE. Political science and “the public interest.” *Journal of Politics* 1974;36(2):327–55; MacIntyre A. The privatization of good. *Review of Politics* 1990;52:344–61.
2. Zarecor WD. The public interest and political theory. *Ethics* 1959;69(4):277.
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4. Plato. *Republic*. London: Penguin Books; 2003:462a–b.
5. Aristotle says this about the relationship between the goals of the individual and the state: “For even if the end is the same for a single man and for a state, that of the state seems at all events something greater and more complete whether to attain or to preserve; though it is worthwhile to attain the end merely for one man, it is finer and more godlike to attain it for a nation or for city-states.” Aristotle. *Nicomachean Ethics* [Internet]. The Internet Classics Archive; available at <http://classics.mit.edu/Aristotle/nicomachaen.html>. I.2.1094b7–10 (last accessed 30 Jan 2011).
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14. UK Biobank information leaflet [Internet]; available at <http://www.ukbiobank.ac.uk/docs/Furtherinformationleaflet.pdf> (last accessed 30 Jan 2011).
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16. See note 13, UK Biobank ethics and governance framework.
17. See note 15, Capps, Campbell, Meulen 2008:3.
18. See note 15, Capps, Campbell, Meulen 2008:16.
19. See note 15, Capps, Campbell, Meulen 2008:17.
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21. A nationally representative survey in relation to the EGP and surrounding attitudes was carried out in December 2002. Some research results have been published in Korts K. Introducing gene technology to society. *Trames* 2004;8(1–2):241–53.
22. Information leaflet Sinu panus Eesti Geenivaramu projekti [Internet]. Tartu: Eesti Geenivaramu; available at [http://www.geenivaramu.ee/documents/buklett\\_121104.pdf](http://www.geenivaramu.ee/documents/buklett_121104.pdf) (last accessed 30 Jan 2011).
23. Information leaflets Miks sa võiksid hakata geenidoonori? and Tartu Ülikooli Geenivaramu töötab tervema homse nimel [Internet]. Tartu: Eesti Geenivaramu; available at <http://www.geenivaramu.ee/index.php?id=2> (last accessed 30 Jan 2011).
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