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FOUR BASIC NOTIONS OF THE COMMON GOOD

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INTRODUCTION

I am delighted to be here among lawyers—it is a rare opportunity for a physician. I am very grateful to John Coughlin, my brother, for asking me to think about the common good. I told him that I never think about the common good and in trying to get me to be a better Franciscan he asked me to do so. I think it flows well from what Professor Harper just spoke to us about.

I am going to talk about different ways of thinking about this term common good. The term is frequently tossed about these days, both inside and outside Catholic circles. The term “common good” has a lot of different kinds of meanings and they are not always clearly distinguished. I would like to try to bring a little more conceptual clarity by describing four basic notions of the common good. Each is going to have two subtypes; this makes it a little complex. Then I am going to say what part or parts I believe the Catholic notion of the common good to be. Finally, I am going to test my account of the common good by analyzing the case of assisted suicide to see if what I have come up with supports the traditional Aristotelian argument that one reason that suicide is wrong is that it is a sin against the common good.

I use the terms the aggregative common good, the common common good, the supersessive common good, and the integral common good to describe four different ways I think the word or phrase “common good” is used.

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I. THE AGGREGATIVE COMMON GOOD

The aggregative common good is the common good that is the aggregate sum of all the goods of all the individuals in the social unit. There are two versions of this. There is a sentimentalist version and a utilitarian version. The sentimentalist version describes the early moral sentiment theorists such as Francis Hutcheson. He coined the phrase, "the greatest good for the greatest number."¹ It is aggregative because it sums up the individual goods, but it has some rather significant conceptual and moral problems. It makes no reference to the distribution of the bad. That is one of the problems in saying "the greatest good for the greatest number."

Utilitarians had a different way of talking about the aggregative common good in a radically egalitarian notion. Bentham points out the good of each count for one and none for more than one.² For Mills, the Greatest Happiness Principle takes the happiness and unhappiness and sums it over the social unit.³ Again, there is aggregation because there is a balancing of the good and the bad.

As Professor Harper also pointed out, the aggregative sense of the common good is a popular way to think about it in our western world today, especially among economists and policy experts who are steeped in cost-effective analysis. As MacIntyre pointed out, this has the "argumentative form of utilitarianism."⁴ A lot of people think about the aggregate effect of good and bad in a unit.

II. THE COMMON COMMON GOOD

Next, we sometimes hear or read about the common good as the common common good. Scholars sometimes use the phrase, "common good," to refer to goods we hold in common. There are two subtypes to the common common good: the possessive

¹ See MORAL PHILOSOPHY FROM MONTAIGNE TO KANT: AN ANTHOLOGY, 505 (J.B. Schneewind ed., 1990) (The actual phrase is "the greatest happiness for the greatest number").

² See *id.* at 460-502.

³ See JAMES V. MCGLYNN & JULES J. TONER, MODERN ETHICAL THEORIES 53-60 (1962).

⁴ See Alasdair MacIntyre, "Utilitarianism and Cost-Benefit Analysis: An Essay on the Release of Moral Philosophy to Bureaucratic Theory, in ETHICAL THEORY AND BUSINESS 266-87 (Tom L. Beauchamp & Norman E. Bowie eds., 1983); see also ALASDAIR MCINTYRE, AFTER VIRTUE: A STUDY IN MORAL THEORY (1984).

common common good and the teleological common common good.

The possessive common common good is the way a scholar refers to the possessions we hold in common. It is the things we hold in common: air, water, and space. For instance, Finnis would talk about this as a type of common good as the amount of happiness or goodness in the world that we would hold in common.⁵ Garrett Hardin, in his famous essay, *The Tragedy of the Commons*, talks about the common good in this way.⁶

The teleological common common good is the way scholars refer to the common good as those goods towards which each of us aims. For Aquinas this teleological common common good is to know the truth about God and to live in community. That is the good we have in common. It is that towards which we all aim. For Finnis and Grisez this consists of a list, the basic list of common basic human goods.⁷ These are the things each of us, as humans, have in common, and toward which we aim.

The possessive common common good, however, finds a place in almost everybody's moral theory. Its scope, whether it be large or small, depends upon other elements in that theory. But, the idea of the teleological common common good is especially problematic for liberal theorists who begin by denying that it is possible to have a common common good towards which each of us absolutely aims. This is because the teleological common common good weighs upon their morals.

III. THE SUPERSESSIVE COMMON GOOD

The third notion of the common good of which one sometimes hears is the supersessive common good. The supersessive common good is common good that is believed to override all of the individuals who constitute the community. It takes on a life of its own. There are two subtypes of the supersessive common good, a factional type and a Hegelian type.

The factional type includes those systems in which some

⁵ See JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHTS* (1980).

⁶ See Garrett Hardin, *The Tragedy of the Commons*, reprinted in *MANAGING THE COMMONS* 16–30 (Garrett Hardin & John Baden eds. 1977).

⁷ See FINNIS, *supra* note 5, at 85–91. Finnis states these “basic forms of good for us” include: “life,” “play,” “knowledge,” “aesthetic experience,” “friendship,” “practical reasonableness,” and “religion.” *Id.*; see also GERMAIN GRISEZ & RUSSELL SHAW, *BEYOND THE NEW MORALITY: THE RESPONSIBILITIES OF FREEDOM* 42–53 (1974).

portion of the population takes on the role of representing the common good, often through the State. This State may be in the form of a monarchy, an oligarchy, or a junta. Its rule may be benign or malignant. It may take the form of *L'état c'est moi*.⁸ So the supersessive common good is self-pleasing. It states "I am the king" or more familiarly, "what's good for business is good for America." The individual good of a few people becomes the common good of all.

In Hegelian thought there is the view that the State supersedes the interests of the individuals. The interests of the individuals are synthetically and systematically subsumed into the State. Their spirit is made concrete in the State and is susceptible to distortion and manipulation. There is the constant danger of collapsing to totalitarianism, which is not popular in the western world.

IV. THE INTEGRAL COMMON GOOD

The fourth notion of the common good is the integral common good. This is the kind of good that comes explicitly from mutual human interaction and cannot be divided into equally aggregative parts. There are two types of integral common good: a conditional integral common good and a constitutive integral common good.

The conditional integral common good is a good that comes from mutual association. Finnis describes it as "a set of conditions which enables the members of the community to attain for themselves reasonable objectives, or to realize reasonably for themselves the value(s), for the sake of which they have reason to collaborate with each other (positively and/or negatively) in a community."⁹ In other words, there is a common good that is a set of conditions which allows members of society to come together, but only for the purpose of each individual to flourish.

The constitutive common good refers to those more robust notions of the common good that hold that being in a community of relationships with other human beings is itself a good. Therefore, being in a relationship, being part of the community, being part of each other is itself a good. It is a good that either

⁸ Dictionnaire Jurodique I, Français-Anglais (1953).

⁹ FINNIS, *supra* note 5, at 155.

partly or completely desires what is the good for me. This means that part of my good is the good of the community of us in this room. I think this is the most traditional sense of the common good. This is what Aristotle meant when he said man or people are political animals. St. Thomas said every man or every one of us is part of the community, so that we belong to the community in virtue of what we are. The relationship of being in the community is the value of the constitutive common good.

V. CLASSIFYING PHILOSOPHERS' NOTIONS OF COMMON GOOD

We observe similarities and differences when we classify philosophers using this set of notions of the common good. For instance, the utilitarians all employ the notion of the aggregative common good. Many of them also employ the teleological common common good. According to Mill everybody is already prescribed to aim at happiness. Bentham thought everyone's goal was pleasure. Today, however, most utilitarians deny that there is really a common common good.

A liberal such as Rawls would scoff at the teleological common common good. He would accept the conditional integral common good. He believed we come together only on the condition that it helps us with our own projects.¹⁰ There is no good out there that we have in common. The common good is simply that set of conditions that allows us to live by our own lights and to finish our own projects.

A natural law thinker like Finnis has a strong notion of the teleological common common good. This is evident in those basic human goods we talked about; friendship, religion and life. He also holds a more restrained notion of the conditional integral common good, just like the liberal thinkers. For Finnis it is that set of conditions that help each of us to realize the common good that is ours.

A communitarian like Michael Sandel would have a different view. He holds a stronger notion of the integral common good: the constitutive integral common good. Sandel states, "community describes not just what they have as human beings but also what they are, not a relationship they choose, as

¹⁰ See JOHN RAWLS, *A THEORY OF JUSTICE* 19–24 (rev. ed., Harvard Univ. Press 1999) (1971); see also JOHN RAWLS, *COLLECTED PAPERS* 242–45 (Samuel Freeman ed., 1999).

in voluntary association, but an attachment they discover, not merely an attribute but a constituent of their identity."¹¹

Therefore, being in community in the constitutive integral sense of the common good is part of the new communitarianism. Communitarians, however, like liberals, are agnostics about a teleological common good. Thus, while they believe being together is itself a good, they cannot say exactly what it is we are suppose to do once we are together.

The Catholic tradition, which has Aristotelian-Thomistic roots, affirms both the teleological common good and the constitutive integral common good. Thus, the good for each of us is specified, and part of the good for each of us is being in relation to the community. Yet there is a goal towards which each of us moves, which runs afoul of both the new communitarians and liberals in its deliberate and definitive specification of the good for each.

Although that is a lot to sort out, it helps to be able to figure out where people are at when they throw around the phrase, the "common good," around in ways that are very different from the way others use the phrase. And, mixing and matching different interpretations of the "common good," one can show how things work.

VI. THE COMMON GOOD AND SUICIDE

I now want to discuss the more challenging question posed by Professor Harper: does the adoption of the new natural law theorist view of the common good in place of the more classical Catholic notion of the common good make any difference? Does it make a difference whether you take this strong integral sense of the common good in a constitutive way or whether you take it in the more conditional way that Finnis does? To illustrate that, I want to discuss suicide.

I do not know how many of you know Thomas of Aquinas' arguments about why suicide is wrong. There are basically three arguments: it is unnatural, ungrateful and anti-social.¹² It is unnatural because it is a sin against nature because being and goodness are co-extensive in St. Thomas' metaphysical schema.

¹¹ MICHAEL J. SANDEL, *Justice and the Good*, reprinted in LIBERALISM AND THE LIMITS OF JUSTICE 150 (1988).

¹² ST. THOMAS AQUINAS, *SUMMA THEOLOGICA* (1273)

Nature builds a survival instinct in everyone and a rational creature cannot overcome that instinct without behaving irrationally. Suicide is also an act of ingratitude towards God. God gave us life as a gift.

St. Thomas' belief that suicide is anti-social is based on the notion that it is a sin against the common good. If you kill yourself, it's a sin against the common good. There is support for this belief in Aristotle's *Nicomachean Ethics*.¹³

What does Finnis say about suicide? Interestingly, Finnis does not say much about suicide. If you look in the index of *Natural Law and Natural Rights* you are directed to "see murder"¹⁴ and then there is one footnote about suicide.¹⁵

Can Finnis' view of the common good claim that suicide is a sin against the common good? If he is a proponent of the conditional integral common good, which believes in association for one's individual purpose, I do not think he can, if he is to remain consistent to this view.

If I am in excruciating pain and I am not flourishing in a community, I can opt out of the association with the community. The common good no longer serves its conditional purpose of helping me to flourish; therefore, suicide is not an offense against the common good. I do not think Finnis would say suicide is wrong because it is anti-social. I do not believe Finnis is a fan of suicide, as I am sure Professor Harper would know.

Finnis would say, well, the purpose of the association, the common good of the society, is to help me to flourish as an individual. If I do not recognize life as a basic good, then I am not flourishing as a human being and the community cannot support me in my decision not to commit suicide. This collapses into an argument against suicide based on the teleological common good. Suicide is wrong because it is not good for any human being.

That is a variation on St. Thomas' first argument against suicide because it is unnatural. I think Finnis would say suicide is "unnatural" because it is unreasonable.

St. Thomas, Aristotle and Catholic social thinking can say suicide is wrong because it is an act against the teleological common good because they hold that being in a relationship is a

¹³ ARISTOTLE, *NICOMACHEAN ETHICS* (Martin Oswald trans., 1962).

¹⁴ See FINNIS, *supra* note 5, at 424.

¹⁵ See *id.* at 229.

good in itself. So if I kill myself, I have directly harmed the common good, I have directly harmed my relationship with God. They also hold that we all have the common common good.

A new communitarian like Sandel might also hold that suicide is wrong on the grounds that it is anti-social, not that it is unnatural. He is an agnostic about the teleological common common good. He cannot say that being alive is a good for everybody because it is up to us to individually choose what is good for us. He would say that he strongly believes in relationships.

These will probably not answer Professor Harper's question. These diverse thoughts come to the same conclusion using different notions of the common good. He might ask whether it matters. Since they employ different reasons, perhaps there will be cases in which these theories diverge and I am simply not clever enough to figure out what they are.

This leads to more questions. Is the common good actually identical with my own good? Is it merely part of my own good? Does it simply mean that I have to overcome my usual petty jealousies and actually rejoice when a colleague writes an interesting paper I wish I had written and consider her success part of my own? Does a constitutive notion of the integral common good not lean dangerously toward the supersessive common good?

These and a lot of other interesting questions, I think, could be fruitfully debated. But I hope at least this classification may help bring some clarification to this very difficult notion of the common good and help us answer some of the questions that I posed. There is a lot at stake in how we answer them.