

## THE COMMON GOOD AND THE PRIVATE GOOD

### *A Strange Dichotomy*

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It can be argued that apart from the bifurcation of ‘is’ (*Sein*) and ‘ought’ (*Sollen*), one of the most overstated and misleading dichotomies of modern political, legal and ethical thought is the opposition of common and private good. I must admit this is a large claim. In addition, in the present paper I shall give only a very short and sketchy explanation of it. In doing so I will rely mainly on Péter Takács’ classic study on the common good,<sup>1</sup> and on the critique of ‘atomist’ ontology and methodological individualism formulated by such eminent communitarian political philosophers as Charles Taylor and Alasdair MacIntyre. Thirdly, with some reservations, I will also draw on the conceptual framework offered by Fred D. Miller’s analysis of Aristotle’s *Politics*.<sup>2</sup>

### 1. The Moderns

Charles Taylor described ‘atomism’ as “a vision of society as in some sense constituted by individuals” for the fulfilment of primarily individual ends, or as a class of political doctrines “which try to defend in some sense the priority of the individual and his rights over society, or which present a purely instrumental view

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<sup>1</sup> Cf. TAKÁCS, Péter: A közjó. In: BÁNRÉVY, Gábor – JOBBÁGYI, Gábor – VARGA, Csaba (eds.): *Iustum, aequum, salutare: Emlékkönyv Zlinszky János tiszteletére: Festschrift in Honour of Professor János Zlinszky*. Budapest, PPKE JÁK, 1998. 269–276. A German version of the study: Péter TAKÁCS: Der Begriff des Gemeinwohls. In: Péter CSERNE – István H. SZILÁGYI – Miklós KÖNCZÖL – Máté PAKSY – Péter TAKÁCS – Szilárd TATTAY (eds.): *Theatrum Legale Mundi: Symbola Cs. Varga Oblata*. Budapest, Szent István Társulat, 2007. 527–537.

<sup>2</sup> Cf. Fred D. MILLER: *Nature, Justice, and Rights in Aristotle’s Politics*. Oxford, Clarendon Press, 1995. Ch. 6.

of society”.<sup>3</sup> In this perspective, all goods are – at least “in the last analysis”, “in the last resort” – individual.<sup>4</sup>

From the communitarian point of view, the cause of the “malaise of modernity” resides to a considerable extent in the fact that it has serious difficulties in grasping the original, genuine meaning and significance of the concept of common good.<sup>5</sup> The roots of the problem can be traced back to modern natural law theorists who, as Otto von Gierke has shown in his pioneering work, had a tendency to simultaneously exalt state sovereignty and the freedom and rights of the individual.<sup>6</sup> The most graphic illustration of this ambivalence is undoubtedly the *Leviathan* of Thomas Hobbes. This seventeenth-century heir of late medieval nominalism, while justifying royal absolutism, clearly rejected any idea of *summum bonum* (highest good), thus breaking with the long tradition of Aristotelian ‘eudaimonism’, and founded the state entirely on self-interest and fear.<sup>7</sup> John Locke, on the contrary, readily accommodated the notion of common good. Nevertheless, taking a similar individualist – albeit antiabsolutist – view of political society, he conceived it as “the good of every particular Member of that Society”, i.e., as the sum of individual goods.<sup>8</sup>

The strict dichotomy between public and private good was forged when later modern thinkers made a painstaking attempt to redefine and reassert the idea of common good in terms of will and interest. Paradoxically, even though proceeding from the individual, the modern counterparts of the classical idea of public good, the Rousseauian concept of *volonté générale* and the utilitarian notion of ‘public interest’ both tend to supersede and neglect the individual’s will, interest and rights.<sup>9</sup> For Rousseau, the chief aim of the social contract was “to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.”<sup>10</sup> This markedly individualist

<sup>3</sup> Charles TAYLOR: Atomism. In: IDEM: *Philosophy and the Human Sciences: Philosophical Papers 2*. Cambridge, Cambridge University Press, 1985. 187–210 at 187. Taylor offered a slightly different definition of atomist ontology in his essay: Cross-Purposes: The Liberal-Communitarian Debate. In: IDEM: *Philosophical Arguments*. Cambridge (Mass.), Harvard University Press, 1997. 181–203 at 181. [henceforth: TAYLOR (1997a)]

<sup>4</sup> Charles TAYLOR: Irreducibly Social Goods. In: IDEM: *Philosophical Arguments*, op. cit. 127–145 at 128–129. [henceforth: TAYLOR (1997b)]

<sup>5</sup> Cf. Charles TAYLOR: *The Malaise of Modernity*. Concord (Ont.), Anansi, 1991.

<sup>6</sup> Cf. Otto von GIERKE: *Natural Law and the Theory of Society, 1500 to 1800*. Trans. by Ernest BARKER. Cambridge, University Press, 1958.

<sup>7</sup> Thomas HOBBS: *Leviathan*. Ed. by Richard TUCK. Cambridge, Cambridge University Press, 1996. Ch. 11, 70: “there is no such *Finis ultimus*, (utmost ayme,) nor *Summum Bonum*, (greatest Good,) as is spoken of in the Books of the Old Morall Philosophers.”

<sup>8</sup> John LOCKE: *Two Treatises of Government*. Ed. by Peter LASLETT. Cambridge, Cambridge University Press, 1988. Bk. 1, ch. 9, § 92, 210.

<sup>9</sup> TAKÁCS (1998) op. cit. 274–275.

<sup>10</sup> Jean-Jacques ROUSSEAU: *The Social Contract*. In: IDEM: *The Social Contract and Discourses*. Trans. by G. D. H. COLE. London, Dent, 1923. 1–123. Bk. 1, ch. 6, 14.

approach notwithstanding, the ‘general will’, as understood by Rousseau, has become a common scarecrow against the idea of public good. This can be easily explained by the fact that it has virtually nothing to do with the actual will of either the individual or the people, still it “is always right and tends to the public advantage”;<sup>11</sup> and, accordingly, “whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free”.<sup>12</sup> Moreover, Rousseau emphatically insisted that each individual should be perfectly independent of other individuals, but at the same time totally dependent on the state, “as the strength of the State can alone secure the liberty of its members.”<sup>13</sup>

Bentham, as is well known, identified the common interest with “the greatest happiness of the greatest number”. He considered the axiom of utility maximization as “the measure of right and wrong”,<sup>14</sup> and described individual ‘good’ or ‘happiness’ as the predominance of pleasure over pain: “Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do.”<sup>15</sup> Bentham believed it to be possible to quantify happiness, and hence regarded ‘public interest’ as the simple aggregate of the interests of individuals, having no separate quality from individual utility.<sup>16</sup> However, this is not the sole problem with Bentham’s theory. The utilitarian calculus does not take into account the differences between persons. Consequently, it is indifferent as to how public goods are distributed among the members of society, and can thus permit the sacrifice of the goods or the limitation of the fundamental rights of certain individuals for the sake of general welfare.<sup>17</sup>

So the fruits that Rousseau’s and Bentham’s efforts have borne are more bitter than sweet, discrediting rather than legitimating the notion of the common good. After these antecedents, it is no surprise that contemporary political thought returned to a more clearly individualist approach. The final outcome is that, for the most part, the dichotomy between the public and private good is transcended by reducing the common good to the sum of individual goods. As a consequence, the public good inevitably loses its separate quality. A perfect exemplification of this tendency is the political philosophy of John Rawls, who presupposed an irreducible pluralism

<sup>11</sup> Ibid., bk. 2, ch. 3, 25.

<sup>12</sup> Ibid., bk. 1, ch. 7, 18.

<sup>13</sup> Ibid., bk. 2, ch. 12, 48.

<sup>14</sup> Jeremy BENTHAM: *A Fragment on Government*. In: *The Works of Jeremy Bentham*. Vol. 1. Ed. by John BOWRING. Edinburgh, Tait, 1838. 221–295. Preface to the First Edition, 227.

<sup>15</sup> Jeremy BENTHAM: *An Introduction to the Principles of Morals and Legislation*. In: BENTHAM op. cit. 1–154. Ch. 1, 1.

<sup>16</sup> See e.g. Jeremy BENTHAM: *Principles of the Civil Code*. In: BENTHAM op. cit. 297–364. Pt. 1, ch. 15, 321: “This public interest which you personify, is only an abstract term: it represents only the mass of the interests of individuals.”

<sup>17</sup> TAKÁCS (1998) op. cit. 275.

of conceptions of the good life, and therefore gave priority to procedural justice and right over the good.<sup>18</sup>

## 2. The Ancients

Now it is time to examine and analyse the original – ancient and medieval – Aristotelian understanding of the common good. First of all, it is important to stress that the question whether to use the terms ‘will’ and ‘interest’ or the word ‘good’ is much more than a *lis de verbis*; it has real theoretical relevance. Although both Aristotle and Thomas Aquinas used the phrase ‘common good’ (*koinon agathon, bonum commune*) interchangeably with the expression ‘common advantage’ (*koinon sympheron, utilitas communis*), the primary concept of Aristotelian ethics is that of the ‘good’. Besides the fundamental significance of the fact that, in contrast to the diversity of connotations of the words ‘will’, ‘interest’, ‘benefit’, ‘utility’, etc., the notion of human ‘good’ self-evidently implies moral rightness, it also inherently involves some sort of dialectic between the good of the community and the individual’s good, which seems to be an organic element of the theory of common good.

At the beginning of the *Nicomachean Ethics*, Aristotle declared politics to be the “highest master science” on the ground that “even if the good is the same for an individual as for a city, that of the city is obviously a greater and more complete thing to obtain and preserve. For while the good of an individual is a desirable thing, what is good for a people or for cities is a nobler and more godlike thing.”<sup>19</sup> This argument combines what might otherwise be seen as mutually exclusive alternatives: the statement that the common good is the same as the individual good, and the principle that the common good is superior to the individual good.<sup>20</sup> In asserting that happiness is the same for a single human being and for the entire polis, Aristotle meant that it is the *same in kind*, that is, the same standard should be used in evaluating whether an individual human being or a community of human beings is happy: the life of virtue.<sup>21</sup> On the other hand, Aristotle maintained that the common good of the city is not only quantitatively but also *qualitatively different* from the individual good of one person, for “the state is by nature clearly prior to the family and to the individual, since the whole is of necessity prior to the part”.<sup>22</sup>

<sup>18</sup> JOHN RAWLS: *A Theory of Justice*. Cambridge (Mass.), Harvard University Press, 1971. Pt. 1, ch. 1, § 6, 31–32.

<sup>19</sup> ARISTOTLE: *Nicomachean Ethics*. Ed. and trans. by Roger CRISP. Cambridge, Cambridge University Press, 2004. Bk. 1, ch. 2, 1094b, 4. [henceforth: *NE*]

<sup>20</sup> MATTHEW S. KEMPSHALL: *The Common Good in Late Medieval Political Thought*. Oxford, Clarendon Press, 1999. 26.

<sup>21</sup> MILLER op. cit. 213–214.

<sup>22</sup> ARISTOTLE: *The Politics*. Trans. by Benjamin JOWETT. In: ARISTOTLE: *The Politics and The Constitution of Athens*. Ed. by Stephen EVERSON. Cambridge, Cambridge University Press, 1996. 9–207. Bk. 1, ch. 2, 1253a, 14. [henceforth: *Pol.*] For a similar argument in Thomas Aquinas, see *Summa Theologiae* IIaIIae 58, art. 7, ad 2.

If we approach Aristotle's above assertions and their implications from the perspective of metaphysics, we can arrive at the conclusion that probably it is more than a pure coincidence that the most influential theories of common good have been developed on the philosophical basis of moderate realism. At least it is sure that a coherent doctrine of common good must find a place on the spectrum of metaphysical views somewhere between extreme realism or holism and extreme nominalism or atomism. Let us see this in detail.

An extreme nominalist or atomist conception of society bases political and social cooperation exclusively on self-interest. Consequently, it acknowledges only 'convergent goods', e.g. public safety, which are manifestations of collective instrumental action. These goods are merely convergent, because the fact that they are secured collectively does not in itself render them 'common' in the strict sense: "It has nothing to do with what makes them goods. Security as a valued end is always security for A, and for B, and for C. It is in no wise a different good, let alone a more valued one, because it is in fact ensured collectively."<sup>23</sup> The notion of common good makes sense only if we accept the existence of 'irreducibly social goods', which are not "decomposable into" or "reducible to" individual goods. The examples given by Taylor are language, culture, positive liberty as 'participatory self-rule', 'frank and equal relations', and so on.<sup>24</sup>

Arguably, a meaningful concept of common good requires not only the rejection of extreme atomism but also the accentuation of civic or political friendship, which Aristotle called "the greatest good of states".<sup>25</sup> The Stagirite professed a thoroughly social view of human fulfilment. As Alasdair MacIntyre has pointed out, he thought that human beings cannot achieve their proper end but within the polis, and he believed that "a community whose shared aim is the realization of the human good presupposes of course a wide range of agreement in that community on goods and virtues" and necessitates a special bond between citizens.<sup>26</sup> As Aristotle himself put it: "Friendship seems also to hold cities together, and lawgivers to care more about it than about justice; for concord seems to be something like friendship, and this is what they aim at most of all, while taking special pains to eliminate civil conflict as something hostile."<sup>27</sup>

Fred D. Miller has argued that the Aristotelian concept of common good rests upon a "moderate-individualistic" understanding of society.<sup>28</sup> This view does not seem convincing. Nevertheless, it may be true that certain moderate forms of individualism are not incompatible with the notion of the common good; e.g. one

<sup>23</sup> TAYLOR (1997a) op. cit. 191.

<sup>24</sup> Cf. TAYLOR (1997b) op. cit.

<sup>25</sup> *Pol.*, bk. 2, ch. 4, 1262b, 34.

<sup>26</sup> Alasdair MACINTYRE: *After Virtue: A Study in Moral Theory*. Notre Dame (Ind.), University of Notre Dame Press, 1981. 146.

<sup>27</sup> *NE*, bk. 8, ch. 1, 1155a, 144.

<sup>28</sup> MILLER op. cit. 204–205., 211–224.

that holds that the individual's good and perfection includes other-regarding virtuous activities and hence requires participation in the political community.<sup>29</sup>

A coherent concept of common good also excludes an extreme version of holism, as represented, for instance, by the idealism of Plato or Hegel, considering the state as the ultimate end of the individual, who exists for the sake of the whole. In reality, good citizens are supposed to like the community they belong to because the goal at which it aims – virtuous activity – is the ultimate good at which human beings should aim.<sup>30</sup> As it is well known, Aristotle overtly and vehemently opposed Plato's theory of the ideal state, especially the communistic tendencies inherent in it. In addition, he gave a criticism of the Platonist doctrine that there is a single form of Good, thereby allowing some degree of pluralism and a certain diversity of goods: “Unity there should be, both of the family and of the state, but in some respects only. For there is a point at which a state may attain such a degree of unity as to be no longer a state, or at which, without actually ceasing to exist, it will become an inferior state, like harmony passing into unison, or rhythm which has been reduced to a single foot.”<sup>31</sup> In this way, the moderate holist conception of the common good avoids the total subordination of the individual to the state, and regards the good of the community as including the good of its individual members.

To be sure, it is a standard thesis of the classical doctrine of common good that in case of conflict the good of the community should take precedence over that of the individual. As Cicero famously formulated this principle: “salus populi suprema lex esto.”<sup>32</sup> Nevertheless, in the ancient and medieval Aristotelian way of thinking the common and the individual good were seen as typically existing in harmony with one another rather than in a state of conflict.<sup>33</sup> For in the final analysis, these are but two different aspects or levels of the same good, and the boundary between the two is far from being impermeable. Thus in this perspective the public good constitutes, on the one hand, the indispensable condition of the attainment of private good, and on the other hand, the good of the community presupposes that of the individual.<sup>34</sup> Political goodness depends ultimately upon what is good for the individual members of the state: it can attain happiness and the good life only because, and to the extent that, its citizens are happy and live well.<sup>35</sup> In order to illustrate this point, I quote here three relevant and revealing passages from three different representatives of the Aristotelian tradition. The first is Aristotle himself, followed by the statements of two scholastic Aristotelians, Thomas Aquinas and Francisco Suárez:

<sup>29</sup> Ibid., 200., 205.

<sup>30</sup> Richard KRAUT: *Aristotle: Political Philosophy*. Oxford, Oxford University Press, 2002. 353.

<sup>31</sup> *Pol.*, bk. 2, ch. 5, 1263b, 37.

<sup>32</sup> Marcus Tullius CICERO: *De legibus*. Ed. by Konrat Ziegler. Heidelberg, Kerle, 1950. Bk. 3, ch. 3, sect. 8, 91.

<sup>33</sup> Brian TIERNEY: *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150–1625*. Atlanta, Scholars, 1997. 313.

<sup>34</sup> TAKÁCS (1998) op. cit. 271–272.

<sup>35</sup> MILLER op. cit. 197.

“Everyone approves of and praises those who take special trouble to act nobly. And if everyone strives for what is noble and strains to do the noblest actions, everything will be as it should be for the common interest, and individually each will have the greatest goods, since such is virtue. So the good person should be a self-lover, since he will help himself as well as benefit others by doing noble acts”.<sup>36</sup>

“Since therefore every man is a part of the State, it is impossible for any man to be good unless he is well adjusted to the common good; nor can the whole of anything be properly composed unless its parts are well adjusted to it. Hence it is impossible for the common good of the State to be secured unless the citizens are virtuous”.<sup>37</sup>

“[T]he good of private individuals [...] forms a part of the common good, when the former is not of a nature to exclude the latter good; being rather such that it is a necessary requisite in individuals [...] in order that the common good may result from this good enjoyed by private persons.”<sup>38</sup>

### 3. Conclusion

I think the texts cited above clearly show the harmonious relationship and interdependence of public and private good in Aristotelian political and legal thought. In the preceding parts of the paper, I have tried to present, albeit in a sketchy and tentative manner, the ontological and conceptual presuppositions and premises which underlie the classical theory of the common good. If these theoretical preconditions can be fulfilled, as I believe they can, then the strict dichotomy between the good of the community and the individual’s good proves to be no more than an unjustified prejudice.

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<sup>36</sup> *NE*, bk. 9, ch. 8, 1169a, 176.

<sup>37</sup> Thomas AQUINAS: *Summa Theologiae* IaIIae 92: The effects of law. In: IDEM: *Political Writings*. Ed. and trans. by Robert W. DYSON. Cambridge, Cambridge University Press, 2002. 95–101. Art. 1, ad 3, 98.

<sup>38</sup> FRANCISCO SUÁREZ: *On Laws and God the Lawgiver*. In: *Selections from Three Works of Francisco Suárez, S.J.* Vol. 2. Trans. Gwladys L. Williams et al. Oxford, Clarendon Press, 1944. 1–646. Bk. 1, ch. 7, sect. 3, 91.

