

THE D'ARCY LECTURES 2021: COMMON GOOD: Theological, Philosophical, and Political Aspects

Lecture Seven: Politics and Law – The Limits of Bounded Rationality

I There are three sets of questions about the common good:

1. Is it both singular and plural and how are these related?
2. If it is many kinds of things what common factor means they can all be given the same label?
3. Is there some normativity about common goods and if so, where does it come from?

II Aquinas's Summa Theologiae, I-II, Qq 90-97 on LAW.

Note: 1. Aquinas's intellectualism, 2. the complexity of the material, 3. the different disciplines involved, and 4. the use of analogy.

His definition of law: 'it is nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.' (ST I-II q90 a4)

Analogy: illustrated in this chart of cases of law discussed by Aquinas. Add PROMULGATION

	AUTHORITY	COMMUNITY	LAW	COMMON GOOD
ETERNAL	Creator	All created beings	Divine Wisdom	God
NATURAL	Creator	Humanity	Light of reason	Fulfilment
HUMAN	Civil Authorities	Political Community	Human Law	Peace, security
DIVINE	God revealed OT	People of God	OT: Decalogue	Beatitude
	and NT	Church	NT: law of love	Life in Resurrection

Aquinas understands legal validity to bind the consciences of addressees. If the conditions for just law are met, then human laws are binding. They include the law's **purpose**, its **author**, and its **form**.

Human made law should NOT attempt to command acts of all the virtues (96,3) and should NOT attempt to prohibit all vices and vicious acts (96,2).

Prohibit those actions, which, if tolerated, would make social life impossible, such as murder, theft. Thomas's lawmakers would focus on the viability of the city, the maintenance of human society.

Note the accordion-like changing of perspectives: a city's common good is a means (necessary, not sufficient) to the more extensive common good of humankind, especially as revealed in divine law.

III Answering the Questions

1. Bounded rationality: acknowledging self-imposed limitations

2. Who acts, acts for some good; cooperation always for a good in common
Confusion re COMMONS, and PUBLIC GOODS: when are they also common goods?

3. Normativity and its sources: note relation of Command and Reason

First Practical Principle: 'that good is to be sought and done, evil to be avoided'. (94,2)

Nature of the good for humans, corresponding to natural inclinations: libido, drive.

Two forces of law: directive (reason), coercive (command). Negative injunctions: avoid harm.

MacIntyre's reconstruction of Natural Law: conditions for rational enquiry.

Alasdair MacIntyre, 'Intractable Moral Disagreements' in Lawrence S. Cunningham, (ed.), *Intractable Disputes about the Natural Law. Alasdair MacIntyre and Critics* (Notre Dame Ind.: UND Press, 2009).
Patrick Riordan, *Global Ethics and Global Common Goods* (London: Bloomsbury, 2015).