

“Common Ground: Reflections from the Tradition of Aquinas”

John W. (Jack) Carlson, Creighton University <jackc@creighton.edu>

For Philosophers in Jesuit Education, "Finding 'Common Ground': Philosophy's Role and Prospects in Disputes Over Public Policy: A Discussion" (Dec 28, 9 - 11 AM), APA-E, Marriott Marquis, Times Square

[1] In his 2009 University of Notre Dame commencement address, President Obama called for a search for common ground regarding divisive public issues such as abortion. Just how he understood the term “common ground,” and how he thought the search in question should be undertaken, has been subject to various interpretations. According to some, the President had in mind no more than a search for “middle” ground—i.e., a concrete position, at the level of policy itself, containing enough of what each faction had proposed as to prove acceptable to all. Now, the fashioning of public policy often does involve compromise and the search for middle ground. But perhaps President Obama was calling for something more than this—as well as something deeper than this. As philosophers, we certainly may hope so. For it has been our discipline’s glory (as well, of course, as its burden) to seek common ground of a more profound sort: viz., wisdom or genuine understanding about ultimate matters, including how we should order our lives together in civil society. Such philosophical common ground is predicated on what we share precisely as humans. In principle, therefore, it can be appreciated by all reflective persons, and it can provide an overall framework for more detailed considerations arising in the development of public policy. Professor Dombrowski reflects on these matters from the standpoint of modern liberal theory, especially as articulated by John Rawls; I do the same from the standpoint of the tradition of St. Thomas Aquinas.

[2] For Aquinas, among other philosophers, the goal of all natural striving is the good. In the specifically human case, this striving is conditioned by our rational nature; that is, at least ideally, we humans seek the good precisely as understood and judged to be good—rather than as responding only to promptings of sensory and emotional desire. Questions arise for speculative thought about how the good as such is to be rationally articulated, about whether there is, in reality, an unqualified or Absolute Good, etc. From the practical point of view, attention turns to what may be called “integral human good.” Such good, fully compatible with and participative of the good as such, constitutes the end of human action. An articulation of integral good will include all things taken to be essential for human fulfillment, as well as relations among them, in terms of both their intrinsic significance and their being more or less basic or pre-requisite for pursuing other goods. For the tradition of Aquinas, such points, in their general features, can be grasped by the rightly ordered practical reason, notwithstanding the historical and cultural variables that characterize human existence in the concrete. The goods in question can be expressed in terms of what St. Thomas called “precepts of natural (moral) law.”

[3] Nowhere is there set down a definitive formulation or an exhaustive list of such precepts. But Aquinas and his followers discuss ones that are “primary” or most general. The most basic good for all beings, including human beings, is existence itself. Thus we recognize the following precept: “We ought, as far as possible and consistent with other, higher goods, to promote and protect individual human life.” Another primary precept relates to goods which are achievable through personal sexual activity, and the family life

that may result. In some respects, such goods are shared with other animal species; but they are elevated in light of our nature as persons. Thus: “We ought to safeguard, and act in accord with, the dignity of our personal sexuality.” Finally, there are goods which derive specifically from our rational and social nature. Thus: “We ought to seek and communicate the truth;” “we ought to promote justice and right order in human relationships;” etc. Any good that in this way is the subject of a primary precept of natural law may never, morally speaking, be directly violated; and goods that are higher in their overall significance for human fulfillment should not be sacrificed for the sake of goods that are lower. More particular or “secondary” precepts, as well as directives for concrete action, are discerned by relating the primary ones to concrete conditions of human life. Here important complications arise. Instantiations of good vary somewhat according to persons and their circumstances; thus an object of human striving that is appropriate for one individual may not be so for another; or it may not be so for the same individual at a different stage of his or her life. Moreover, correct perception of such matters often is difficult to achieve (indeed, there can be “invincible ignorance”), and also is subject to a degree of latitude in light of the resources of human creativity. Finally, in the concrete, not all goods can be maintained equally, even by those who wish to do so. The upshot is that a clear perception of moral principles—as well as a desire and a refined capacity to apply them—should be developed as fully as possible (hence an emphasis on moral virtue, and in particular the virtue of prudence); there is, however, no science of how to act in the particular case.

[4] Many goods of human life are individual goods. Others, by contrast, are common goods, i.e., they are enjoyed by persons precisely as members of communities. A most important type of community—and the one related to today’s session—is civic or civil society. Such a community, ideally, is able to guarantee the necessities of life for all its members. In seeking to do so, it sometimes acts on its own; but it also provides support as needed for smaller communal units such as families. The mechanisms of state—including law and public policy—are developed primarily in order to provide appropriate safeguards for the essential common goods of society. Such goods include matters of justice (distributive, commutative, and legal) and civil rights, as well as, e.g., public order, public safety, and public health. In developing mechanisms for the promotion and preservation of these goods (and also, perhaps, certain individual goods), society—or again the state, as society’s organized political form—often relies on positive inducements; sometimes, however, effective restraints are necessary, in particular ones incorporated in public law. Laws of this type, like other particular injunctions, should reflect and instantiate relevant precepts of natural moral law.

[5] Beyond the caveats noted earlier, others should be recognized, especially in the context of developing public policy. Although, in general, humankind has made progress in appreciating and safeguarding essential goods, societies always face the danger of backsliding, as well as of mistaking mere cultural accretions for points of natural moral law. In part because of a recognition of these points, the tradition of Aquinas, at least in recent iterations (e.g., those by Jacques Maritain and Yves R. Simon), has emphasized the importance of personal freedoms. Indeed, even supposing that a comprehensive, philosophically grounded vision of the good life can be articulated, this will not entail

that citizens should be required by force of law to follow all of its apparent dictates. Only insofar as essential common goods of society are at stake—e.g., the preservation of basic rights and the upholding of public safety or order—should a nation’s policies not favor individuals’ being allowed to live as, in conscience, they see fit. Thus the tradition of Aquinas itself supports a form of political liberalism—one recently termed by Christopher Wolfe “natural law liberalism.” Still, unlike certain other forms of liberalism on offer, the present one is tempered by respect for those goods such that, if they are absent from the lives of persons and the broader society, authentic human fulfillment becomes virtually impossible.

[6] As suggested earlier, this philosophical perspective can provide a framework for discussions of public policy. Let us consider briefly its import for issues about abortion, including public funding for abortion (a prominent issue, of course, in the debates over health care reform). It often is noted that Aquinas himself, who operated with a deficient biological understanding, held that human life does not begin until some time during gestation. Today, however, a philosophically and scientifically informed judgment places the point of origin of individual human life at the time of successful fertilization (in the case of identical twinning, the second life begins at the time twinning occurs, with the new human form, or soul, animating a portion of the matter previously integrated within the original individual). The question that remains is whether individual life, in its nascent but still substantial character, is to be included within the scope of the general precept to protect human life. Contemporary followers of St. Thomas find it difficult to see how anyone cognizant of the relevant ontological and moral matters could answer this question negatively. And even if some reflective people do answer this question negatively, surely public policy should not mandate that citizens who, on the basis of rational considerations, answer it affirmatively must subsidize, even indirectly, the practice of abortion.

[7] By way of conclusion, let us compare and contrast the present perspective on philosophy’s significance for policy formation with that articulated in typical modern liberalisms. Certain goods of public life receive support in both traditions of thought. Civility of discourse and respect for persons certainly are to be included within this group. However, philosophers who follow Aquinas recognize the importance of these goods *not* because they would be freely selected from behind a Rawlsian “veil of ignorance,” but precisely because they are *known* to be ingredient in any successful pursuit of human fulfillment. Moreover, while thinkers of this tradition will be comfortable with the phrase “public reason,” their understanding of such reason, as well as its applications, will have more content (or be “thicker”) than those articulated by modern political liberals. Indeed, to them it will seem that the scope of public reason extends to notions of theoretical philosophy, e.g., “nature,” “end,” and “community”—and thus to what Rawls and his followers refer to as “comprehensive doctrines.” But why, it may be asked, should public reason *not* so extend, as long as it proceeds in light of the caveats noted above? Moreover, should not philosophical common ground be sought in goods definitive of human fulfillment (to the extent that they can be articulated so as to garner public consensus), rather than in the highly restrictive and, it may seem, arbitrary meta-precepts of modern liberal theory?