

Just War and the Common Good

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WARS SOMETIMES begin from private quarrels, but under any sound framework of moral evaluation they must be properly recognized to be public matters and not just private conflicts. From this it follows that the proper criteria for the moral evaluation of any type of warfare must include (among many other considerations) the moral principles relevant for assessing the activity of authorities. The ethical analysis of the conduct of any authority must, in turn, include consideration of their governance vis-à-vis the common good, for the service of the common good is an essential part of their office.¹ In a given case there may be strong efforts made to portray a particular war or its constituent acts as private matters that are of concern only to the parties engaged in this warfare. This is sometimes done in the hope of circumventing proper constraints against war on the basis of the moral considerations attendant on its public character. But, however strong such efforts may be, wars are never private matters. As any soldier knows, the difference between raw violence and the legitimate use of force comes precisely from the moral constraints that arise from considerations of justice and the common good that authorities are charged with protecting under both civil and international law. Thus, to the list of topics that are usually treated when considering questions that pertain to just war (for example, a just cause, proper authority, right intention, reasonable hope for success, proportionality), it is only right to add the common good.

¹ I have tried to argue this point elsewhere, esp. in “Why Authority is Such a Troubling Idea” in *A Moral Enterprise: Politics, Reason, and the Human Good: Essays in Honor of Francis Canavan*, edited by Robert P. Hunt and Kenneth Grasso (Wilmington, DE: Intercollegiate Studies Institute, 2002), pp. 107–25.

I believe that this point about considerations of the common good is of particular relevance nowadays for assessing, for instance, the actions of terrorist groups who have conducted their warfare under the protection of rogue states. The moral evaluation of the activities of such organizations must be conducted in a way that acknowledges the truly public nature of the warfare that they are carrying on, however surreptitiously. Reference to the public character of warfare and to the standard of the common good is equally necessary for assessing the rationalizations sometime employed in favor of pre-emptive and unilateral action against those terrorist groups. This consideration seems especially relevant for analyzing the justifications that are typically offered by pragmatists and “political realists” when they have been unable to generate cooperation from other states under international law and have decided to act alone. Warfare is a public matter, and not a private one. Although armed conflicts within a nation are not the focus of this essay, this sort of consideration would be equally relevant for assessing the arguments of factions in a civil war as well as those of vigilante groups within a nation, arguments that might be offered by those who have decided to take matters into their own hands when they have grown impatient with the failures of civil authority to bring about justice on some pressing issue or case. Warfare—domestic or international—is never a private matter. It is always a public matter, and thus it must be regarded as subject to the principles of morality that are operative when we deal with things that are public and that affect the various communities that are involved. My point here is simply to identify the rhetoric that tries to effect a moral re-assignment of some actual war to the sphere of a private quarrel sphere as only that—rhetoric. There is need to resist such rhetoric and to appreciate the public character of genuine warfare as truly public.

Because war is a public matter that involves the decisions and conduct of authorities responsible for the communities they govern, moral deliberation about the justice of war should scrutinize the actions of the civil authorities precisely as those actions bear on the good of the community. As a general point in the background of the argument here, authority should not be confused with the power that is at the disposal of an authority for the proper execution of the duties of any such office. Rather, there are morally legitimate and morally illegitimate uses of power by an authority, and these differences of moral legitimacy allow us to distinguish both authoritarian abuse of power and wimpish cowardice in neglecting to use power from morally praiseworthy exercise of the powers entrusted to an authority.² One crucial aspect of any effort to distinguish between power

² See Yves Simon, *A General Theory of Authority* (Notre Dame, IN: University of Notre Dame Press, 1980).

and authority is that an authority's use of its power must always be measured against the genuine good of the community affected by the actions of that authority. Precisely as responsible for the welfare of those affected by any deliberate public action or inaction, civil authorities have ethical obligations not only to their own immediate communities and jurisdictions but also to the community of peoples and nations that are also affected by their decisions. Admittedly, it may sometimes be difficult to identify the precise range of the relevant community beyond a nation's borders. But there is something clearly amiss in any effort to circumscribe the responsibilities of an authority so narrowly as to avoid considering the common good of the community of nations, however fractious or dysfunctional that community may be at any given moment in history.

It is actually this concern with the common good, adequately considered, that provides a crucial aspect of the relevant context for handling questions about just cause that is traditionally one of the criteria for assessing the morality of any war. In considering the relationship between some course of action that is being considered or undertaken by a given authority and the common good that such an authority is charged to promote, there is need to evaluate not only whether there is some grave wrong that needs to be rectified but also whether there is proportionality (e.g., how much suffering, damage, economic disruption, and so on) that will be brought about by the rectificatory efforts. We have to consider whether a given wrong that diplomacy and negotiation are proving insufficient to address ought to be tolerated or whether there ought to be some use of force to correct the injustice, despite the foreseeable damage and destruction that warfare will likely bring. It is, of course, morally indispensable for the authority to establish that there really has been some grave injustice that the proposed war will seek to remedy. Otherwise, the claim of a particular war to be a just war could not be sustained at all. But the consideration of just cause, narrowly considered, is not enough. Questions about the common good need also to be included. To say this is not to deny that there will be operative within a given situation many forms of self-interest and many elements of private desire that may be able to be detected within the intentions of those who urge war-making. As one of my theology professors used to say, "I never met a motive that wasn't mixed." My point here is, however, not to propose that only an unrealistic standard of purity of intention could ever possibly permit a war to be regarded as just. Rather, my contention is that, when dealing with the question of right intention, there is (in addition to considerations of a private or restricted range) an irreducibly important role for the notion of the common good in any review of the case being made for undertaking warfare.

This essay assumes without further investigation the traditional criteria for just war. In order to advance our considerations of the importance of including the concept of the common good as part of a sound just war theory, I will examine the notion of the common good as it appears in prototypical attempts at the justification of warfare, for the term is less clear than it might seem. In preparation for this examination, I will offer a kind of typology of usages for the concept of the common good in order to promote greater clarity about the ways in which we should understand the place of the common good in just war theory.

I. Plural Ways of Conceiving the Common Good

Thus far I have simply noted the presence of various considerations about the common good in some of the types of argument that could be offered for the justice of warfare, and I have recommended that we resist a deformation of the standard theory, either by liberal politics or by amoral political realists. But it is not enough simply to invoke the notion of the common good, as if that were an unproblematic notion. It strikes me that part of the larger problem here is that there are great differences of opinion on how to understand the concept of the common good, and that constructing at least a kind of typology may be helpful.

What makes the notion of a typology particular attractive is the fact that considerably different approaches have been taken toward the idea of the common good, even among thinkers who share in the same general tradition of respect for the common good as part of an integrated moral analysis of topics in the social order, such as thinkers in the tradition of scholastic philosophy and in the tradition of Catholic moral theology, with its great respect for the teaching authority of the Church. They may well agree in principle about the central role that the common good should play in social analysis and in the moral evaluation of political affairs, and yet they appear to have quite different notions of the common good. It seems to me that much of the scholarly literature on the common good has been devoted to the notion of the common good in social and economic matters. It is my hope that some of these considerations about the common good in that sphere of thought may well have some bearing on the idea of the common good in regard to war and peace.

For some, the idea of the common good is the sum-total of individual goods. For others, the idea of the common good refers not primarily to goods that are capable of being possessed exclusively by this individual or that but to goods of the social order that exist only when they are available in common. The former position generally recognizes the need for certain common goods but tends to think of them as largely instru-

mental in character, whereas the latter tends to emphasize common goods as substantive in nature. In addition to the debate over whether the common good should be conceived in terms of substantive or instrumental goods, there has also been considerable debate over whether or the idea of the common good should involve religious reference. This question arises not only because of such political questions as the non-establishment of religion and the relations of church and state but also because of deep-seated theoretical questions about the ultimate ground of moral claims about goodness and obligation. Interestingly, where explicit reference to religious questions in the articulation of the common good is avoided for political purposes in secular society, there is often still a reference to ideas that have their roots in religious insights. One sees this, for example, in references to values that transcend individual goods such as human dignity, an idea that arises from the religious claim that all human beings are made in the image of God but that has increasingly been treated as if it were something self-evident rather than as having a religious foundation. Let us survey some of these approaches, beginning with those who adopt the language of the common good and concluding with those who are more skeptical of the idea.

Neoconservative thinkers like Michael Novak, for instance, often hold that the common good is generally well served by a system of free-enterprise capitalism, with as much freedom for individual agents as possible, particularly in the field of business and commerce. This sort of position tends to envision the common good as a sum-total of individual goods while stressing the need for certain conditions to be in place so as to make possible the pursuit of such goods by individuals. The free market and an efficient system for providing for the administration of justice are then regarded as common goods, but largely instrumental in character. By contrast, communitarian thinkers like David Hollenbach, S.J., tend to champion the preferability of central planning and political direction in economic processes.³ The stress here is on the common welfare of the individuals who make up a community, with special protection for those unable to compete as well as others can in the free market; proponents of this idea often tend to portray what had traditionally been called social charity for the underprivileged as a requirement of justice rather than of charity, presumably to convey a sense that society has a moral obligation

³ See David Hollenbach, S.J., *The Common Good and Christian Ethics* (New York: Cambridge University Press, 2002). Michael Novak, *Free Persons and the Common Good* (Lanham, MD: Madison Books, 1989). Hollenbach was personally involved in drafting the 1986 letter from the American Bishops' Conference, entitled *Economic Justice for All*, and Novak commented on some of the early drafts of this document.

to provide for this assistance as part of the common good. In partial disagreement with both of these figures is a thinker like Alasdair MacIntyre, who argues that (aside from the immediately local level) no such thing as a free market really exists and that the aridity of politics at the national level makes government intervention blind to considerations of what is really good and really bad for human beings.⁴

One of the fundamental points of division among theorists of the common good turns on the inclusion or exclusion of a religious reference in their ways of understanding the term. The utilitarian idea of the greatest good for the greatest number (in its original form or in any of its contemporary variants) is an example of a concept of the common good (admittedly, in a very broad sense of the term) that contains no particular reference to religion. Catholic theorists, often operating with the universal categories of natural law theory, regularly presume that the very notion of the common good is a notion ultimately rooted in the divine will and yet accessible to anyone, independently of one's stance on the question of the truth claims of any particular religion. Hence, proponents of the traditional notion of the natural moral law tend to see versions of the idea of the common good in many other positions (for example, in ancient philosophy). Yet it is only fair to note that non-Catholic thinkers (even the group of secular Aristotelians whose thought is so popular today and whose philosophical realism is considerable) tend to hear the notion of "the common good" as having a Catholic accent. Although they are not as inclined to use the term "common good" (perhaps because of this "Catholic accent"), they seem to me to have various surrogate terms for the same thing (e.g., the "national interest," the "common welfare" or the "interests of humanity").

Seen from the viewpoint of a relatively inclusivist conception of the common good, figures from ancient philosophy such as Aristotle and Cicero offer a view of this concept that is based on the intrinsically political and social nature of human existence, even when their views neither deny nor affirm the reality of a personal God or of divine revelation. The appropriation of ancient thought about the common good by such

⁴ For the purposes of articulating this typology, let me make use of some distinctions offered by Arthur Madigan in a recent address for the Jesuit Philosophical Association. His remarks are particularly astute in helping common good theories articulate some of the challenges to the very concept of the common good thrown up by philosophical individualism and political liberalism. Arthur Madigan, S.J., "Common Good and Common Goods: A Preliminary Study," in *Proceedings of the Jesuit Philosophical Association* (Bronx, NY: Jesuit Philosophical Association, 2005), 21–40.

Christian thinkers as Augustine and Aquinas puts the idea of the common good into a highly specific theological context, replete with such factors as God's self-manifestation, the Torah, the gift of grace, original sin, redemption by Christ, and eternal beatitude with God as the goal of human life.⁵ Without in any way undermining or disregarding the notion that earthly society and political communities have a common good, these thinkers regard the civil or earthly common good to be inferior and subject to the higher form of the common good that is associated with genuine morality, true religion, and life in union with God. This is true not only of Augustine's remarks on the relation of the Two Cities in such works as *De Civitate Dei* and his letters on the Donatist question.⁶ It is also true of Aquinas's reflections on law and politics in the treatise on natural law and virtue in the *Summa* and in his commentary on Aristotle's *Politics*.⁷ One sees interesting contemporary adaptations of their insights in the recent encyclical letters of Pope Benedict XVI, *Deus Caritas Est* and *Caritas in Veritate*, both of which invoke the notions of the common good, the Two Cities, and the relations of peace and justice. These encyclicals make a sustained effort to distinguish between what may be expected in the temporal realm from civil authorities, and what cannot rightfully be expected from that quarter but must be sought by the cultivation of charity and hence what must be regularly a subject of exhortation by spiritual authorities.⁸

The view of the common good that seems to be prevalent in pluralist Western democracies, however, is neither that of ancient philosophy nor that of explicitly Christian visions of the social order, but an interesting amalgam that adopts certain elements from each of them, rejects others, and adapts what it has borrowed, with a distinctive version of its own as the result. It is frequently the practice of such polities neither to affirm nor to deny any particular theological commitments but rather to pass over religious doctrines—even those pertaining to the social order—

⁵ Two recent studies that are very helpful at this point are the following: Mary Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (New York: Cambridge University Press, 2006), and M. S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford: Clarendon Press, 1999).

⁶ See esp. *De Civitate Dei*, XIX. Also helpful here is the article "Common Good" by Raymond Canning in *Augustine through the Ages: An Encyclopedia*, ed. Allan D. Fitzgerald, O.S.A. (Grand Rapids, MI: William B. Eerdmans, 1999), 219–22.

⁷ Thomas Aquinas, *Summa theologiae* I–II, qq. 90–97 and *Commentary on Aristotle's Politics*, trans. Richard J. Regan, S.J. (Indianapolis, IN: Hackett, 2007), esp. Bk. III.

⁸ Pope Benedict XVI, *Deus Caritas Est*, "God is Love," encyclical letter issued on 25 December 2005, esp. §25–30, and *Caritas in Veritate*, "Charity in Truth," encyclical letter issued on 7 July 2009, esp. Ch. 5.

as if they were merely private concerns and to prefer the promotion of procedural views of fair process to substantive visions of the good. The reason, of course, is that substantive commitments are divisive and risky for pluralist polities. And yet the resulting view of the common good is often presented as rooted in certain ideals about the dignity of the human person and the equality of all who are recognized as persons. This view generally presumes that the concepts of dignity and equality will appeal to reasonable people of good will. As a moral ideal, it tends to be presented in concert with certain expectations about the wrong of doing harm to others and of interfering with their liberty as well as certain presumptions about the duty to do well by one's neighbors and one's community, even where this view is silent about choices that involve self-harm and about policies that privilege the principle of autonomy over substantive visions of the human good.

Despite its obvious parallels with the Christian vision of human dignity as rooted in seeing the human being as made in God's image, this vision does not ground these expectations in any theological claim. If anything, it takes these standards as somehow self-evident, and it prefers to talk of natural rights and of human rights rather than of natural law or divine law. Whereas Christianity would insist that the highest common good of humanity is ultimately union with God, the ethic of pluralist democracies would allow individuals or groups to believe in that possibility (and hence would allow these individuals and groups to use it as their motivation for their participation in pluralist societies). But the pluralist ethic would not insist on the truth of this claim about union with God and would offer its own vision of the common good and the social order independently of any religious consideration of the matter. Interestingly, the ecclesial use of philosophical categories has regularly adjusted for this trend in secular thought on the social order by embracing personalism and a rhetoric of rights alongside (but never as a complete replacement for) natural law theory.⁹

One sees a rights-based approach taken increasingly in ecclesiastical documents issued by the Catholic Church. But whether or not a rights-based approach by the Church to questions about the common good is a sound strategy remains to be seen. For centuries the typical reliance of Catholic argumentation on natural law had no recourse to rights talk; the advent of personalism has increased the tendency to use rights talk and to include the promotion of human rights within the obligation to

⁹ See my essay, "The Use of Philosophical Principles in Catholic Social Thought: The Case of *Gaudium et Spes*," *The Journal of Catholic Legal Studies* (St. John's University Law Review), 45/2 (2007): 277–92.

promote the common good.¹⁰ But on such crucial questions as the defense of the right to life, personalism invariably yields to questions about human nature, for personalists divide on the question of substantive or functional definitions of personhood, and the functionalist definitions do not provide adequate protection for the vulnerable.

In the minds of some, the ecclesial decision to use personalist grounds of argumentation may risk giving undue privileges to the argument patterns preferred by those who actually deny God and who would forbid or restrict religion. Strictly speaking, however, the secular democracies of modern times that have been inspired by a vision of the intrinsic dignity of the human person as a reason for giving due consideration to the common good actually tend to be relatively resilient in resisting doctrinaire atheism and attempts to persecute religion. It may well be that they recognize that this sort of policy would sap the strength of the whole polity by disenfranchising a large portion of the society that the authority is trying to keep united and prosperous. Some forces within pluralist democracies might well prefer to restrain religious opinions from influencing public policy and to prevent people with strong religious commitments from running social institutions on the basis of those religious principles, but in pluralist democracies the possibility for resisting such trends is also present. What is required is that those with a religious viewpoint have to learn how to state the reasons for their case in the ways appropriate to the secular arena, even though they also have religious reasons for these positions that they think more important.

It seems to me that these approaches to the idea of the common good are actually quite different from one another. Understanding their differences from one another helps one to grasp the point that the idea of appeal to the common good is not quite as simple and unproblematic as it is usually taken to be. In contrast to proponents of the common good, individualists deny the validity of the very notion of the common good and do so in a way that provides a challenge to what common good theorists take for granted. Some theorists argue on this basis that there is no obligation to do anything unless it is in one's own best interests to do it. A classic statement of this sort of view can be found in Ayn Rand's 1935 attack on the notion of the common good in her essay "What Is Capitalism?" Perhaps her main position (the defense of selfishness) could from a Christian point of view be rather easily dismissed, but there are interesting things to learn about how to think well about the common good from a consideration of her position:

¹⁰ See also Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York: Free Press, 1991).

The “common good” (or “the public interest”) is an undefined and undefinable concept: there is no such entity as “the tribe” or “the public”; the tribe (or the public or society) is only a number of individual men. Nothing can be good for the tribe as such; “good” and “value” pertain only to a living organism—to an individual living organism—not to a disembodied aggregate of relationships.

“The common good” is a meaningless concept, unless taken literally, in which case its only possible meaning is: the sum of the good of *all* the individual men involved. But in that case, the concept is meaningless as a moral criterion: it leaves open the question of what is the good of individual men and how does one determine it.

It is not, however, in its literal meaning that that concept is generally used. It is accepted precisely for its elastic, undefinable, mystical character which serves, not as a moral guide, but as an escape from morality. Since the good is not applicable to the disembodied, it becomes a moral blank check for those who attempt to embody it.

When “the common good” of a society is regarded as something apart from and superior to the individual good of its members, it means that the good of *some* men takes precedence over the good of others, with those others consigned to the status of sacrificial animals. It is tacitly assumed, in such cases, that “the common good” means “the good of the *majority*” as against the minority or the individual. Observe the significant fact that that assumption is tacit: even the most collectivized mentalities seem to sense the impossibility of justifying it morally. But “the good of the majority,” too, is only a pretense and a delusion: since, in fact, the violation of an individual’s rights means the abrogation of all rights, it delivers the helpless majority into the power of any gang that proclaims itself to be “the voice of society” and proceeds to rule by means of physical force, until deposed by another gang employing the same means.¹¹

Among other things, her argument—that only the benefits that the agent receives justify a decision to perform a given action—does not preclude acting on behalf of common goods; it simply requires that one show that pursuing the common good is also in the interest of the individual agent. Coordinated with her position on the justification for action is her counsel that individuals should assume that their interests are more than likely to be in conflict with the interests of others. But to the extent that one becomes convinced that this assumption of likely conflict could actually imperil the pursuit of one’s own interests (for example, in the forms of international commerce that peace among nations is usually designed to promote), then even someone with Rand’s position would presumably need to be convinced that cooperative activity in the inter-

¹¹ Ayn Rand, “What Is Capitalism?” in *Capitalism: The Unknown Ideal*, 20–21.

est of others and of the community (such as being an honest player in the economic marketplace, promoting the observance of international law, and the rectification of injustices) are in one's own interests. These observations do not permit us to claim that the goods of self-interest and common goods have to overlap, and thus a proponent of the common good has to make the case and not simply to assume it.

Yet another important aspect of Rand's attack is the worry over the possibility of abusing the rights of individuals in the name of the common good. This is, of course, a fair question. One way in which to respond here would be to agree that natural rights do put certain limits on what can be done under the rubric of the common good, and thus a vibrant doctrine of natural rights can work to resist abuses in the name of the common good. Another approach, however, would be to urge that natural rights are themselves part of the common good properly considered and that any arguments alleged to rest on the common good that would infringe on genuine personal rights must actually have involved some error in understanding the common good. In the absence of a substantive theory of human nature and the human good, there seems to me to be a quite intractable philosophical problem here, however, in the lack of any clear and reliable way to ascertain which alleged rights are basic and natural, and which are not. Despite the obvious rhetorical advantages of rights-based ethical arguments in the contemporary moral situation, I remain inclined to think that a natural-law based ethics is better suited in general as well as better fitted for dealing with questions of the common good.

Individualists sometimes make their case by insisting that every action is the action of an individual and that any talk of common good is just a way to sum up the total of individual goods. Arguing in this way, they reduce common action (what we might call cooperation or concerted action for the common good) to be merely a variation on individual action. For instance, Ludwig von Mises holds: "The We is always the result of a summing up which puts together two or more Egos."¹² In this scenario, it is not surprising that the common good is understood merely as the sum total of the goods of individuals:

Society is concerted action, cooperation. Society is the outcome of conscious and purposeful behavior. This does not mean that individuals have concluded contracts by virtue of which they have founded human society. The actions which have brought about social cooperation and

¹² Ludwig von Mises, *Human Action: A Treatise on Economics* (Chicago: Regnery, 1963), 44.

daily bring it about anew do not aim at anything else than cooperation and coadjuvancy with others for the attainment of definite singular ends. The total complex of the mutual relations created by such concerted actions is called society. . . .

Individual man is born into a socially organized environment. In this sense alone we may accept the saying that society is, logically or historically, antecedent to the individual. In every other sense this dictum is either empty or nonsensical. The individual lives and acts within society. But society is nothing but the combination of individuals for cooperative effort. It exists nowhere else but in the actions of individual men. It is a delusion to search for it outside the actions of individuals. To speak of a society's autonomous and independent existence, of its life, its soul, and its actions is a metaphor which can easily lead to crass errors.¹³

When every authentic good is viewed as some good of some individuals, the term "common good" is thereby reduced to some sort of shorthand term for taking in aggregate or collectively the goods of individuals. Even though I do not think that this sort of reduction is the right approach, it is important to understand this position. While proponents of individualism might be willing to agree that there are various goods that belong commonly to groups of one sort or another (whether local communities, nations, social classes, etc.), it would be misleading to think that for them such terms mean anything other than that those goods are really the goods of the individual members of those groups. It is not that individualists reject talk of the common good, but they allow such talk only as a kind of abbreviation for the sum total of individual goods of some set of individuals.

How might one respond to such a view? As Arthur Madigan suggests,¹⁴ one option here would be to affirm that every authentic good is a good for individuals and then to grant the point that alleged common goods are thus the goods of individuals taken in aggregate even while urging that this admission does not alter any essential about common good claims. If, however, some of the most important candidates for the term "common good" go beyond being mere sum-totals, then the objection has to be met more strongly. Many of the worthy candidates for the common good in just war theory seem to me to be precisely of this sort, including peace, justice in international relations, and the rectifications of injustice.

Alasdair McIntyre employs this sort of strategy when he proposes various counterexamples as a way to respond quite directly to the individualist reduction of the common good to the sum-total of private goods. He

¹³ *Ibid.*, 143.

¹⁴ Madigan, "Common Good and Common Goods," 24.

begins by conceding the possibility of reduction of the common good to the sum-total of individual goods in some cases—a valuable reminder, I think, about the need for care in our use of the term “common good,” so that we do not use it carelessly to describe those goods that really are only the sum-total of individual goods that individualists like to cite:

there are cases in which the common good of an association is no more than the summing of the goods pursued by individuals as members of that association, just because the association itself is no more than an instrument employed by those individuals to achieve their individual ends. So it is, for example, with an investment club, by means of which individuals are able to avail themselves of investment opportunities requiring capital sums larger than any one of them possesses.¹⁵

He then adduces a number of cases where this sort of reductionism does not work and argues that there are some goods that cannot be adequately described as the sum-totals of individual goods:

There are also, however, kinds of association such that the good of the association cannot be constructed out of what were the goods of its individual members, antecedently to and independently of their membership in it. In these cases the good of the whole cannot be arrived at by summing the goods of the parts. Such are those goods not only achieved by means of cooperative activity and shared understanding of their significance, but in key part constituted by cooperative activity and shared understanding of their significance, goods such as the excellence in cooperative activity achieved by fishing crews and by string quartets, by farming households and by teams of research scientists. Excellence in activity is of course often a means to goods other than and beyond that excellence, goods of types as various as the production of food and the making of reputations. But it is central to our understanding of a wide range of practices that excellence in the relevant kinds of activity is recognized as among the goods internal to these practices.¹⁶

One might well associate with MacIntyre's approach the views offered by Charles Taylor. In Taylor's article “Irreducibly Social Goods” he argues that some goods are necessarily common, such as culture and society, in order to generate other goods that are otherwise not possible, such as friendship and honest communication, in that one needs mutual understanding for these personal and interpersonal goods to be possible:

¹⁵ Alasdair MacIntyre, “Politics, Philosophy and the Common Good,” in *The MacIntyre Reader*, ed. Kelvin Knight (Notre Dame, IN: University of Notre Dame Press, 1998), 239–40.

¹⁶ *Ibid.*, 240.

To say that a certain kind of self-giving heroism is good, or a certain quality of aesthetic experience, must be to judge the cultures in which this kind of heroism and that kind of experience are conceivable as good cultures. If such virtue and experience are worth cultivating, then the cultures have to be worth fostering, not as contingent instruments, but for themselves.¹⁷

What is evident from the way in which philosophers like MacIntyre and Taylor present their full case is that common goods (when the term is used in the proper sense) are goods that are genuinely advantageous to a specifiable community as a whole, in some way that can be articulated as a genuine contribution to that community. Presumably there are various types of common goods, including the morality of the community, the culture of the community, the political order of the community, the economic system of the community, and so on.

In reviewing the approach taken by MacIntyre and Taylor, Madigan makes an astute comment that is highly relevant to the fact that there are plural common goods (and not just a single “common good”) that need to be considered in light of the pluralistic nature of modern secular democracies when he observes:

[N]ot all common goods are necessarily obligatory. If we have successfully defended the reality of common goods against methodological individualism, it still requires a separate argument to show that someone is obliged to pursue this or that common good. Showing that a certain good is an irreducibly common or social good does not show that anyone is obliged to promote it. Even to show that a certain common good is essential to the existence or continuance of a certain community does not show that the members of that community are obliged to promote it. They may have no such obligation, or they may even be under conflicting obligations to promote other common goods in the context of other communities.

This observation pertains in a special way to the set of theological versions of the common good mentioned above. Christian moralists, for instance, have good theological reason for holding that all human beings have a duty to promote various common goods. The secular accounts that are associated with modern pluralist democracies often assume this point in their talk about promoting human rights, but they are rarely articulate about the precise reasons. It would seem only fair, in my opinion, to push this point, for to do so might well disclose better the full

¹⁷ Charles Taylor, “Irreducibly Social Goods,” *Philosophical Arguments* (Cambridge: Harvard University Press, 1995), 137.

range of cases that human rights ought to cover. I have in mind here the modern disputes over personal identity and its implication for the right to life of the unborn, the defective, and the senile; indeed, clarity about the real basis of the right would make more clear that the basis is not functional rationality but membership in the human race, and thus would better secure protection for the more vulnerable among us.¹⁸

But some of the items that need to be included on one's list of common goods, and particularly those relevant to just war theory, are not in this category, for they are said only about the whole community—I think here of peace among nations and just relations between nations, including the rectification of serious injustices. The obligation to pursue such a good is primarily an obligation incumbent upon the authority who has been entrusted with decisions about the use of military and other force and who has been charged with protecting the security of the community and with promoting peaceful and just relations with other communities.

II. Considering the Common Good in Just War Claims

For establishing the validity of any claim about the justice of a given war, it will be appropriate to include a consideration of the common good. But to do this requires having a sound way in which to distinguish between legitimate and illegitimate senses of the common good. The mere fact that an attempted justification uses terminology like “common good” or “common welfare” is no more a guarantee of moral propriety than is the mere use of “just war theory,” and some visions of the common good are likely to be too thin for this purpose. In pluralist politics there may well be resistance to certain definitions of the common good that require substantive commitments about human nature, but these thicker visions of human nature and the common good often seem crucial for generating the sacrifices that just war entails.

A reliable account of just war theory clearly needs to avoid the deformations of the tradition that some pacifist movements have tried to impose on the theory in recent decades, as well as to resist the efforts of some apologists for a kind of “political realism” that would treat just war theory as merely a sentimental anachronism. More rigorous thinking on these matters will try to escape falling into the mistakes of presumptive pacifism and of amoral political realism. Just war thinking will necessarily involve questions of proportionality. But it should never be confined to some casuistry based on a consequentialist moral methodology. In casuistry of this sort, one tends to try somehow to determine an

¹⁸ I have tried to argue this point elsewhere, e.g., in “The Status of Personalism in Catholic Moral Thinking Today,” *The Dunwoodie Review* 32 (2009): 241–59.

“acceptable” amount of “violence” that one may tolerate in the service of national self-interest or some other envisioned common good, taken in the sense of a communal benefit of one nation over against other nations. But this sort of casuistry does not yet involve proper evaluation of the moral legitimacy of going to war for the sake of that benefit.

A presumptively pacifist version of the just war criteria risks taking the wrong starting point for proper moral analysis of these questions by assuming that war is intrinsically wrong. But this is a faulty starting point, for it begs the very question at issue. Related to this position is the tendency to regard war as at best a shameful and embarrassing but nevertheless “necessary evil” that is extremely hard ever to justify except in rare cases and very limited circumstances, perhaps on the basis of some comparison of consequences. The moralizing character of this approach can even risk undermining the war effort by its hand-wringing and its exaggerated forms of guilt-feeling. Advocates of *Realpolitik*, on the other hand, often try to envision warfare as something that takes place outside the realm of moral reasoning, as if in some sphere where the only real factors are “necessity” and “national self-interest.” Moral reasoning is then treated either as a distraction from the real business of pragmatic governance or as a hopeless nicety from the past, as if statesmanship were independent of morals and as if morality were reducible to public approval.

The classic view of just war does neither of these things. For reasons directly related to the concern of statesmanship with the common good, the classic view regards war as a legitimate element within the sphere of statesmanship. In some cases going to war may even be a moral duty despite the hardships that doing so will entail, while in others cases it is something permissible even when regretted, and in some cases it is entirely forbidden. The appropriate assessment of whether undertaking war is legitimate, or even morally required, comes primarily from the statesman’s concerns with the common good that is the particular responsibility of the authority. In this view of things, war as such is seen neither as intrinsically wrong nor as independent of the moral evaluations that we employ for personal virtue and for interpersonal relations. The decision to go to war is a political decision, and political decisions necessarily fall within the domain of morality precisely because they are examples of genuinely human actions. Anything that is the result of free and informed decisions by human beings is a legitimate subject for moral evaluation, and thus the conduct of politics, war-making, and statesmanship are all subject to moral evaluation, especially when the human agents responsible for them are the authorities in a given society who by virtue of their office have not only the duty of concern for the common good

but also the prerogative for making the decisions about going to war and about conducting a war.

The traditional view of just war sees that there are situations in which first and foremost there is a pressing duty to resist and stop evil (in response to the events of 9/11, for instance). To grant this point is to grant that there are circumstances in which pursuing a choice to go to war is morally obligatory. Unless one were to determine that military response would have no or very little chance of success, deciding not to go to war in such a case would be wrong. To say this still leaves much to be decided about exactly how to pursue the required warfare.

The situation of an unprovoked attack, for instance, requires a proportionate response—the authority is obliged to provide a defense of the innocent and to promote at the very least the restoration of that minimal sort of peace that is required for good order in international affairs. Terror (whether by groups hiding within rogue states or by the bullying of national powers) needs to be answered, or else the common good of one's own nation will be threatened and possibly injured. With such duties recognized as possibly in play in any given case that one might need to consider, the traditional set of just war criteria offers a disciplined means by which to determine precisely what sort of military force is ethically legitimate and proportionate to the morally praiseworthy end of rectifying the injustice and defending the innocent. Restrained as a leader might want to be in having his country bear up nobly and without making any military response for as long as possible, even when facing certain kinds of provocations, the leader would fail in the duty incumbent on authority to look out for the common good of the nation that had been entrusted to his care if a reluctance to go to war meant accepting profound injustices, say, in the name of appeasement. One can readily think of various examples in recent world history in which there were failures of this sort by those in authority (e.g., the appeasement policies of Prime Minister Chamberlain with regard to Hitler). It is at least possible that checking Hitler earlier on might have resulted in a less bloody war.

The question here, in many respects, is the question about the appropriate starting point for deliberation about whether a given war is just or not. Properly understood, a just war involves a decision by proper authority about the employment of military force for truly worthy public goals (such as making an appropriate response to unprovoked or unjustified attack). There is a duty to protect the common good that is incumbent on those who are charged by their office with protecting the security of their charges. It is not a justification of the use of any amount of force by that authority for simply any goals, or by private persons who happen to

have power at their disposal. The morally proper use of armed force is not simply an act of violence; it is a disciplined use of force—force being considered as something that can be used morally or immorally, depending on who is commanding its use, why it is being used, for what goals, and in what manner.

The pacifist presumption that invoking the just war doctrine somehow presumes that warfare is in principle or at least most of the time something morally wrong uses a starting point that begs the question and then tends to confuse all cases of force with violence. There tends to be great stress—sometimes unreasonable stress—on ensuring that all possible recourse to other means have been exhausted. Admittedly, just war theory does require that authorities must truly have tried recourse to the various means of conflict-resolution other than warfare that are at hand. But I think that this condition has to be taken to mean all realistic opportunities, not all logical possibilities, lest this condition be abused by parties with a calculated interest in paralyzing effective action so as to make it impossible for proper authority to do its duty. Again, examples come rather easily to hand, for example, in abuse of this condition by dishonest appeals to the United Nations that were covert forms of delaying tactics rather than genuine efforts at finding alternatives to war.

Rather, the starting point for moral deliberation in this matter should be with assessing the situation relative to the duty of legitimate authority to labor for various sorts of common good, and especially to protect the security of those under its charge, even when doing so means some risk to the lives or the popularity or the fortunes of the persons holding office. The necessary effort here to understand the moral responsibilities of authority would need to ascertain in the practical order the proper range of common goods as well as of morally praiseworthy political goods. The examination of questions about the moral legitimacy of possible means that might be used within warfare would also require a separate examination of the sort that the just war theory can provide by proper use of its *in bello* principles and criteria. To consider questions of just war apart from serious treatment of the common good is to risk confusion. To presume the moral illegitimacy of all war, for instance, is to confuse force and violence and to treat questions about proportionality as if they were the only focus, rather than to respect the difference between these questions and questions about legitimate authority, authentically just cause, and right motivation, let alone the conditional factors such as reasonable likelihood of success, and the exhaustion of other forms of recourse.