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## Compromise or the Common Good —What Goes First?

### Introduction

There are clear historical indicators that the Founding Fathers of the United States were influenced through various avenues by the natural law tradition traced back to Aquinas' political work in the 1200's, which itself was based on Aristotle's political thought. The Catholic understanding of the natural law was then further developed by Francisco de Vitoria in the early 1500s, and transmitted through the thought of figures such as Grotius, Hooker, Locke and Blackstone in the modern era. In numerous ways this concept was worked into the Constitution of the United States and became an important element in American Jurisprudence. The key feature of the natural law tradition that this paper will focus on is the concept of the common good. Indeed, one finds numerous references to the common good as justification in the development of new laws and public policies in the United States.<sup>1</sup>

However, there has been a clear shift in the way that the concept of the common good is used in American politics today (and

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<sup>1</sup> Brady, 2018; Hancy, 1976; House, 2008; Sedgwick, 2018; Thompson, 2020; and Tomlinson, 2020.

indeed, on the global stage) that has moved away from the traditional understanding of the common good (for example, as still employed in the social thought and moral teaching of the Catholic Church<sup>2</sup>), and the more political use of the term which now reflects a utilitarian notion of “the greater good” which requires parties to compromise in order to achieve solutions workable amongst groups in society with opposing viewpoints. Indeed, today the public and political pressure to compromise is stronger than ever, and continues to grow under the powerful influence of political correctness. However, it will be argued that the only way to ensure a genuine common good understood in the traditional sense is through consensus. The rich meaning of consensus will be explored, clarifying how consensus differs in important ways from compromise. This paper will then argue why the United States and other countries living by democratic ideals ought to use this approach in the development of laws and public policy.

## The Tradition of the Common Good

The traditional understanding holds that the common good is an integral part of the human person’s moral, social, and spiritual life. In its simplest form, the concept is derived from Aristotle’s maxim that the good of the whole is superior to the good of the part.<sup>3</sup> This is because a part cannot exist without the whole, and so the good of each part is subordinate to the common good. Thus, in political society the good of an individual is naturally inferior to the good of the community because the individual depends upon the community. However, in his *Nicomachean Ethics*, Aristotle does note that while the good of the community

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<sup>2</sup> As explained in the *Catechism of the Catholic Church*, Part 3, Section 1, Ch.2, Art.2, and in works such as from Bouchard, 1999, and Sulmasy, 2001.

<sup>3</sup> Aristotle, *Politics*, Book III, Part XVII.

is higher and more noble, it includes the good of the individual—in short, personal good is connected to the common good.<sup>4</sup>

This concept of the common good was further developed by the scholastics, most notably in the work of St. Thomas Aquinas. Drawing upon the basic concept of a common political good in Aristotle, St. Thomas developed the notion of the common good and incorporated it within his philosophical-theological approach. The great achievement of Aquinas in regards to this principle was to expand it beyond the realms of human political life to include the moral and spiritual levels of human existence as well. For Aquinas, God, as the supreme good in reality, represents an objective good that is external to individual things in creation. Thus, there exists in creation a supreme good which surpasses any particular, individual good. Now the achievement of this supreme good for human beings, as rational creatures, is found most fully in the contemplation of God. All human action is directed towards attaining this common, external, absolute end. In terms of our shared, political life, human beings should all work towards this ultimate good together in community.

Building on these foundations, Francisco de Vitoria, O.P., the great Spanish influencer of modern international law, made frequent appeal to the notion of a common good of humanity. However, Vitoria did not simply make use of this principle found in the work of St. Thomas Aquinas, but rather he offered an important contribution to the understanding of the idea of the common good emphasizing that since God is the supreme good of the universe, the common good would then naturally apply beyond individual political communities to the whole world. That is, Vitoria offers a global perspective on the common good—extending this principle to its farthest reaches.

In more recent years, much work has been done to further articulate the concept of the common good and how it can apply to human life in general, but also to our political life in particular. Scholars such as Gilson, Maritain, De Koninck, and more recent-

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<sup>4</sup> Aristotle, *Nicomachean Ethics*, Book I, Ch. 2.

ly Grisez, Finnis, McInerney, and McIntyre have all made important contributions to the contemporary understanding of the common good as developed within the natural law tradition. To summarize, the traditional view would hold:

By common good is to be understood “the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily.” The common good concerns the life of all. It calls for prudence from each, and even more from those who exercise the office of authority.<sup>5</sup>

As such, the common good

is the good human life of the multitude, of a multitude of persons; it is their communion in good living. It is therefore common to both the whole and the parts into which it flows back and which, in turn, mutually benefit from it.<sup>6</sup>

### Shift in Meaning to the “Greater Good”

However, as already noted, this traditional understanding of the common good as a good that all persons share in, has now shifted in common usage. Instead, today when this phrase is used in political discourse it is most commonly applied in a utilitarian manner. For example, in the essay,

The Common Good Under Fire,” Emmert uses a definition of the common good from Wikipedia which says: “The common good is often regarded as a utilitarian ideal, thus representing [...] the greatest possible good for the greatest possible number of individuals.”<sup>7</sup>

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<sup>5</sup> *Catechism of the Catholic Church*, #1906.

<sup>6</sup> Maritain, 1985, 51.

<sup>7</sup> Emmert, 2004, 428.

There are two important points to note here. First, that the commonly used online tool Wikipedia—not normally considered the most reliable source by scholars—states a definition of the common good that is clearly not in keeping with the traditional view elaborated above. But secondly, and perhaps even more importantly, that a scholarly article would cite and use this definition—a sign that the common parlance is becoming accepted as the correct understanding of the common good. Further, if one pays close attention to public and political discourse, it becomes clear that politicians and pundits are clearly leaning towards an understanding of a majority good as representing the common good. Indeed, in a pluralistic society in which it would seem a practical impossibility to get total agreement on most, if any, issues, it is not surprising that “common” would begin to get associated with the “majority” opinion of an issue—as that view represents what most people would want.

But this is where the importance of the concepts—if not the actual words or terms themselves—becomes clear. The danger of the utilitarian perspective, as has been pointed out by many critics of the ethical approach, is that the “greater good” or “majority” view always results in a minority who, in the name of pluralism and working together, must sacrifice their values and beliefs in what is good, in order to satisfy the majority of society. Note that in John Stuart Mill’s specific development of utilitarian ethics, self-sacrifice is essential for promoting the greater good of society. When one is in the minority, one is to give up one’s arguments or claims in the name of the majority view because while each person counts as one, each counts only as one—to paraphrase the utilitarian dictum.

Now, it can be debated whether this “greater good” approach is better suited to political life in a pluralistic society than the traditional concept of the common good laid out earlier, but the two should not be equated as has been happening in current discourse. It is clear that when the “greater good” approach creates a minority that must sacrifice their values and beliefs for the majority, the “good” created here is not truly “common” and does

not truly flow back upon everyone in society. In point of fact, the minority does not benefit, and are called upon in the name of the “greater good” to bear the loss of their values and beliefs. However, through the rhetorical move of co-opting the phrase “common good” in such cases, the impression can be given that even such a personal compromise really is “good” because it helps us live together in our pluralistic society. But this impression is false.

Nevertheless, given the current confusion being caused by co-opting the notion of the common good in this manner, there is a growing tension about how this common good ought to be promoted. Those that reduce the common good to the simple utilitarian ideal of promoting the good of the majority, argue more and more strongly that this can only be achieved through compromise—including compromise of deeply held moral and religious beliefs by some in the body politic.

For example, in a 2018 article titled, “Religious Freedom and the Common Good,” published in the *Loyola University Chicago Law Journal*, Brady argues:

When conflicts arise, all of those involved should work together to seek solutions that avoid or minimize burdens on one another to the greatest extent possible. Each side must carefully consider what it really needs and not insist upon advantages that are not really necessary. The goal should be to reach mutually acceptable compromises whenever possible, and achieving this goal will require an openness to listening and hearing what others have to say, a commitment to dialogue, a willingness to work together in good faith, and a recognition that compromise requires a process of give and take. No one can expect to get everything they want, but each side should be willing to address what is most important to the other.<sup>8</sup>

Brady then applies this call for compromise to issues such as same-sex marriage, the government use of taxpayer funding to

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<sup>8</sup> Brady, 2018, 155.

cover contraception, and the legalization of abortion in some situations. The basic argument here is that a compromise should be achieved in which people who oppose such practices will not be forced to participate directly in them so as to protect individual conscience, but to support the common good—as Brady understands it here—such practices should be legalized and supported by the government when the majority desires them.

Now while there is much to be commended in Brady’s article, and the attempt here to navigate these difficult cultural and political dilemmas is laudable, the conclusion is based on an incorrect understanding of the common good and how it ought to function in a pluralistic society. Those who still employ a traditional understanding would reject key aspects of Brady’s approach, noting that forcing people to compromise their deeply held values and beliefs does not promote a genuine common good—but only a “greater good” that not all can share and enjoy.

### Compromise versus Consensus

Most often today in political discourse there is an emphasis on the need to make compromises in order to adjudicate between different views in our pluralistic culture. However, the term compromise can have different meanings, and so it is necessary to be clear about the conceptual differences behind the manner in which the term is being used.

In common usage people will say that a compromise involves each side in a dispute giving up something they want in order to find a middle ground with their opponent. For example, if one political party in a country thinks we should spend more tax dollars on education than on the military, but another party thinks we cannot cut the military defense too much, they might come to a compromise that makes sure both education and military get money—just not as much as each side would prefer. Or, on a smaller scale, two people who disagree on what type of restaurant to go to might compromise and go to a buffet that would provide

many different types of food to eat. In both cases, neither side gets exactly what they want, but both get some satisfaction. Again, in common usage, this is what most people think of when they hear the word compromise.

However, this is an inadequate understanding of what the term compromise actually entails. Consider the word itself. The English term comes from the Latin word *compromisum*, which literally means “mutual promise” as understood by extension as an agreement to accept an arbiter’s decision on a point of difference. But later usage then included a notion of exposing oneself to risk or danger, or more directly a weakening of one’s reputation, because of the compromise that was granted. It is this later usage that relates to the notion of something becoming weakened when compromised, such as the foundation of a house being compromised by an earthquake, or even a politician becoming compromised because of mis-deeds.<sup>9</sup>

The notion of being weakened by a compromise is important here, as it embodies the actual conceptual point at issue. In a genuine compromise, a person does not just concede or give up on any simple point of what they desired. No—a genuine compromise requires that a person give up something they hold as a core value or belief. In this light, the earlier examples would not represent actual compromises, because neither side had to give up anything. In the one case, the two political rivals still walk away from the table getting something from their deal, and neither side had to betray their value—the one can still hold education in high value while the other can hold military defense as important. Nothing has been weakened or compromised in their positions, even though both may wish to have gotten more out of the deal. In the other case, both people still get to eat, so again nothing is weakened in that arrangement.

Instead, a genuine compromise would involve cases being debated in many countries such as those related to the provision of abortion. For example, here in the United States of America,

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<sup>9</sup> <https://www.etymonline.com/word/compromise>.

those in favor of abortion want it to be legal all the way through pregnancy—and some even call for this to be extended after birth in the case of unsuccessful abortions. Pro-abortion advocates further argue that these abortions should be paid for by the government as a means of promoting women's rights, and more recently that doctors should be required to provide them regardless of personal moral beliefs. Those who oppose abortion argue that it is never morally acceptable because it ends an innocent human life. And so, there are often calls in the political arena to come to some type of compromise on this issue, with both sides giving up something to find a middle ground. This typically takes the form of the pro-abortion side offering to restrict abortion after a certain point, such as viability. It is argued that those who oppose abortion should then compromise here and accept this limit because it will save at least some innocent lives by restricting abortion after the limit. Similar calls for compromise are made in regards to many other divisive issues related to provision of medical treatments or spending of tax dollars that involve opposing moral perspectives, such as with contraception, school curriculums related to sex education, hiring practices for businesses, etc.

However, there are two key problems with this understanding of compromise.

First—note that in the example of legalizing abortion up to a certain point during pregnancy, both sides do not really compromise their values and beliefs and therefore this is not fair or equal. Those who oppose abortion, of course, do give up a core value. Believing that abortion kills an innocent human life, this side is asked to weaken their moral stance by allowing and not opposing the act of abortion prior to the agreed upon limit. To willingly accept this, even in the effort to save some lives after the limit, violates the moral consciences of people in this group, and thereby weakens both character and integrity. However, the limit agreed upon in this case does not have the same impact on the pro-abortion side because they achieve their goal of having abortion legally available. In this case something is “given up,” but only in the technical sense of when an abortion can be procured.

Even granting that for many supporters of abortion, any limit to this practice is considered unfair to women, the act itself is allowed and supported in the community where this occurs, thus the moral stance of this group is not weakened or compromised in the same manner as those being asked to violate their moral beliefs by allowing abortion in the first place. Indeed, when one examines many cases in which a group calls upon another to compromise their views for the greater good, the situation almost never involves both sides giving up core beliefs. Instead, in practice it seems that one group will invoke the idea of compromise as a rhetorical tool to get their opponent to cave in and allow the group asking for a compromise to get what they want. And even when the appearance is given that something is being sacrificed by the group asking for a compromise, what is put forth is rarely a core value or belief of that group. In short, compromise understood in this conceptual manner is often unevenly practiced.

Second—ethics does not require us to compromise our values and beliefs. Therefore, no one should demand that we do so. It is worth noting that what we are really focused on here are not personal preferences, or even different practical judgments about how to achieve certain goals in society. Rather, the matters under consideration here are judgments of conscience. But as Kaczor has noted,

properly informing one's conscience, seeking out answers to important ethical questions and then acting in accordance with these answers is a necessary part of human flourishing and authentic happiness.<sup>10</sup>

As such, matters of conscience must never be taken lightly in any society that professes democratic ideals and in which all members are viewed as equals. Of course, it needs to be emphasized that “following one's conscience” does not simply mean to just do whatever you feel like. Rather, the proper use of con-

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<sup>10</sup> Kaczor, 2023, 11.

science involves a serious two-fold responsibility as one contemplates a decision to act. On the one hand, agents always have a moral obligation to properly inform their conscience; but on the other, once formed agents always have a moral obligation to obey their conscience. And while it is true that people can and do indeed sometimes make mistakes in forming their conscience, the personal responsibility involved here requires that we respect individual decisions of conscience. And when these decisions seem wrong, our common task is to work in mutual respect as we seek the truth together.

In this light, Kaczor has argued that forcing another person to violate their conscience is wrong because,

[...] it is wrong to force another person to do anything, for in doing so, one makes the other person into simply a means to achieve one's own plans, as if that person were a tool or a slave.<sup>11</sup>

But he further observes,

None of us want someone to force us to act against our consciences, so we should accord the same respect to others. [...] forcing someone to act against his or her conscience is not treating the person in accordance with respect for the dignity of that person.<sup>12</sup>

Until recent years, the ideas just expressed were considered uncontroversial in a country like the United States. Living in a pluralistic society, it would be obvious that people will hold different views, and mutual respect required that we not force others to violate their deeply held values and beliefs. Indeed, tolerance for our differences was considered the only just way to live together. But how can we resolve the many political and moral disputes that we face in our world today if we do not invoke compromise?

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<sup>11</sup> Kaczor, 2023, 239.

<sup>12</sup> Kaczor, 2023, 239

Here is where we need to turn to the concept of consensus. Consensus, from the same Latin word, simply means “agreement.” It is further derived from the verb *consentire*, which means to “feel together.”<sup>13</sup> It is important to add this aspect of “togetherness” because that is the crucial conceptual difference between consensus and the earlier discussion of compromise in which one group is being asked to sacrifice in the name of the greater good.

So, what is consensus? It helps to begin by emphasizing what consensus is not. First, consensus is not 100% agreement or unanimity. Given the many differences between human beings, outside of very small groups it may never be possible to get 100% agreement on any issue. Fortunately, this is not necessary to achieve consensus. Further, consensus is not the same as compromise as has been discussed here—although many people will equate these two concepts, and assume that reaching a consensus among different groups will require sacrificing core values and beliefs. Instead, consensus is achieved when all parties in a dispute can accept and live with the decision—as such, a consensus will specifically respect each person’s conscience, integrity, and character. The decision reached may not be everyone’s top choice or preference, but it is one that all parties can accept and recognize as good. This is important, because as was noted, ethics does not require us to sacrifice or violate our conscience.

As an example, consider a patient speaking with doctors about how to treat a cancerous tumor. A surgeon will typically recommend surgery to remove the tumor, while a radiologist would recommend radiation to shrink the tumor, and an oncologist would recommend chemotherapy. All three are medically appropriate ways to treat cancer. However, if scans indicate the tumor is fibrous and spread out in a patient’s tissue—as opposed to a solid mass—surgery would be more difficult and would require taking out a lot of the surrounding tissue in order to make sure to

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<sup>13</sup> <https://www.etymonline.com/word/consensus>.

remove the whole tumor. Such a tumor would also be a challenge for radiation to target easily. Instead, such a tumor would respond best to chemotherapy—even if only initially to reduce its size to give surgery or radiation a better chance of success later. In trying to help the patient, all three doctors could come to a consensus on this point, even if surgeons and radiologists prefer their specific approaches. Further, a patient may desire to have surgery anyway based on personal experiences of other medical issues or the experiences of other family members—and this would still be acceptable because all three treatment options are good.

That is the key point here—consensus is achieved by focusing on various options that can all be objectively recognized as good. Thus, working towards consensus will promote just resolutions to disagreements, and not compromise or weaken one or both parties in a dispute.

Based on this understanding, the initial examples given of politicians debating how to spend tax dollars, or friends deciding where to have a meal together, represent instances of consensus rather than compromise. In the first, both political parties get something, even if it is not everything they might desire—but neither side is required to give up or weaken their stance either. The resulting agreement is thus achieved by working together to achieve something good—even if some concessions are made. But both sides can walk away with their integrity and character intact. The same is the case with the friends. Indeed, as one considers this, it should become clear that the great majority of decisions we make that involve other people are really instances of consensus. No one should ever want to force their friends to do something they really disagreed with—that would seem to be the very opposite of friendship. But in a society that professes to respect all of its members, the same should hold—we should not be trying to force others to violate their consciences, and their deeply held values and beliefs. In many ways, the suggestion is appalling in civil society.

## Conclusion

In response to the question of this presentation—compromise never leads to a genuine common good. It can only ever lead to the good of one side of a dispute at best, and perhaps at times when both sides really do sacrifice important values and beliefs, it would not lead to any genuine good—only an apparent good. Indeed, the more one considers the demands of compromise understood in the strict way presented in this discussion, the more one sees that it requires a person to participate in evil actions—even if indirectly—in the name of promoting the greater good. But ethics and justice never require us to participate in evil. Instead, in a pluralistic society that professes to accept democratic ideals, including mutual respect for all of its members, the only just recourse for addressing differences is through consensus or arriving at decisions that everyone in society can accept and live with in light of personal values and beliefs. In this approach points can be conceded to others in working to reach decisions, and in the case of politics, public policies and laws, as long as these concessions are not violating participant's consciences and integrity. While words and terms may change over time, this conceptual distinction must be remembered and embraced.

How far to extend these points is a matter of further discussion, but at a minimum the following conclusions can be drawn. First, given the important responsibility placed on each member of a society to form personal conscience, society as a whole must respect individual conscience if it wants to embody democratic ideals and equal treatment of all. Second, a hallmark of respecting individual conscience is not forcing a person to violate their duly formed conscience—even indirectly. Third, this would mean that on disputed issues, members of society must never be asked to compromise their values and beliefs in the manner discussed here—that is, people must not be forced to weaken their character and integrity on matters of conscience. And finally, this would mean in a democratic society that truly values all of its members,

the only just approach for making decisions, public policies, and laws is through consensus building in which each person can accept and live with the outcomes, even though such outcomes might not be—and often will not be—every person’s top choice or preference.

Returning to the current situation in the United States, this would mean in practice that while making actions such as abortion, access to contraceptives, or same-sex marriage legal through voting where the majority rules may be accepted at a political level, forcing members of society who object to these actions on moral grounds to make these possible either directly (as in the cases mentioned where some want to force doctors to perform abortions, for example) or indirectly (as is more often the case through using tax dollars to pay for them) is unjust. Any so-called “greater good” achieved through such coercive policies would not create a common good that everyone in America would genuinely share. Further, in a fair and democratic society, open discussion of such issues—something often lacking today due to political correctness and cancel culture—must be allowed so that all members of society can be heard as we come together and work towards consensus on these important issues.

Such a process will, of course, take time. But consensus building is the only way to honor the ideals of democracy and treat all members of society equally. ■

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### SUMMARY

The natural law tradition is firmly rooted in American legislation. A key aspect of this law is the concept of the common good. The author points to a change in the functioning of the common good and its recognition through the phrase „greater good”. The condition for achieving the greater good is a compromise, but it does not allow the implementation of the common good as the best possible solution. By

determining the scope of functioning of compromise and consensus in social life, the author justifies that only consensus is the way to achieve the common good. If the society is really to implement the rules of its political system, which is democracy, it should do so by consensus.

**Keywords:** common good, consensus, greater good, compromise, law, public live

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