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Common Good and Self-Interest in Medieval and Early Modern Philosophy

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The New Synthese Historical Library

Texts and Studies in the History of Philosophy

Volume 78

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Heikki Haara • Juhana Toivanen
Editors

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 Springer

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ISSN 1879-8578

ISSN 2352-2585 (electronic)

The New Synthese Historical Library

ISBN 978-3-031-55303-5

ISBN 978-3-031-55304-2 (eBook)

<https://doi.org/10.1007/978-3-031-55304-2>

The research for this book was funded by the Academy of Finland and the Finnish Cultural Foundation.

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To Simo

Acknowledgements

We would like to dedicate this volume to the memory of Simo Knuutila, who was not only an important mentor to both of us but also to several generations of philosophers and intellectual historians in Finland and elsewhere. He was, among other things, an endless source of ideas, which he generously shared with his younger colleagues. He got easily excited about new problems and perspectives in the history of philosophy, but unlike many of us, he did not just get excited because of the novelty of the issue for him. Rather, his excitement seemed to be based on a conviction that there is something relevant in the given topic that is worth studying in more detail. He used to ask what we have been working on, and after listening carefully he said: “You could take a look at *P*”, where *P* was, for instance, an author, a section in an original source, or a philosophical (or theological) notion. Usually he was right: the connection of *P* to our interests was not obvious, but it became clear after we took the suggestion seriously and worked on *P* for some time.

The origins of the present volume are in one of Simo’s suggestions; he saw that even though the history of the notion of the common good has been discussed in scholarship, there is still plenty of philosophical work to do. He proposed that we edit a volume that brings together international experts on medieval and early modern philosophical conceptions of the common good. The volume would shed new light to historical views while avoiding the unhelpful rigidity of dividing historical discussions into discrete eras. Our purpose was to map out some central strategies for understanding the relationship between the common good and self-interest, which were developed in history but remain relevant to moral and political philosophy today. Chapters in this volume originated in an academic workshop *The Common Good and the Emergence of Self-Interest in Medieval and Early Modern Practical Philosophy* that was postponed due to the Covid pandemic and finally organised online in 2021. It provided a platform for the authors to share their research findings and encouraged intellectual exchange. Participants of the workshop offered viewpoints that enriched the discussion and provided different angles on the topic.

We are deeply thankful to all authors for their contributions, excellent cooperation, and endless patience during the whole process. Special thanks to Ritva Palmén who helped with organising the workshop. A great many people have commented on the general vision of the volume as well as individual papers over the past years – we are thankful for all of them. Throughout the process of editing the volume, we have been lucky to benefit from the work of several exceptional people: Sini Tiihonen assisted in formatting the manuscript and references, Miika Tucker carefully edited the language; Mikke Tiainen compiled the name index; and the editor of the book series at Springer, Miira Tuominen, was tremendously encouraging about the project during its long gestation. Her perceptive comments, scholarly advice, and generous use of her time that greatly exceed what one might expect from a series editor was momentous for our work. We also owe thanks to two anonymous readers for their comments.

We are grateful to the Academy of Finland, the Finnish Cultural Foundation, and the Kone Foundation for generous financial support that made this volume possible. During the writing and editing process, Heikki was a visiting fellow in the Helsinki Collegium for Advanced Studies and a member in the Academy of Finland research project *At the Frontiers of Humanity: Extreme Necessity in the History of Ethics, Law and Politics, 300–1600*. Juhana's work took place in the framework of the Academy of Finland research project *Vicious, Antisocial, and Sinful*, which investigates the social and political dimension of moral vices from the medieval to the early modern period. It has been a pleasure to work in these stimulating research communities. The funding of the Academy of Finland to Juhana's research project *Transforming the Political Animal* allowed us to make the volume accessible to researchers all over the world by covering the open access fees.

Finally, we would like to express our gratitude to friends and colleagues at the universities of Helsinki and Jyväskylä as well as to our families for their support and love.

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Abbreviations

<i>Body Politic</i>	Christine de Pizan, <i>The Book of the Body Politic</i>
<i>BR</i>	The rule of St Benedict
<i>City of Ladies</i>	Christine de Pizan, <i>The Book of the City of Ladies</i>
<i>Civ.</i>	Augustine, <i>De civitate Dei</i>
<i>DCp</i>	Thomas Hobbes, <i>De corpore</i>
<i>DCv</i>	Thomas Hobbes, <i>De cive</i>
<i>de An.</i>	Aristotle, <i>De anima</i>
<i>De moneta</i>	Nicole Oresme, <i>De moneta</i>
<i>De regimine</i>	James of Viterbo, <i>De regimine Christiano</i>
<i>De sacr.</i>	Hugh of St Victor, <i>De sacramentis Christiane fidei</i>
<i>Defender</i>	Marsilius of Padua, <i>The Defender of Peace</i>
<i>DH</i>	Thomas Hobbes, <i>De homine</i>
<i>Dialectica</i>	Peter Abelard, <i>Dialectica</i>
<i>Dialogus</i>	William of Ockham, <i>Dialogus</i>
<i>DIP</i>	Hugo Grotius, <i>De iure praedae</i>
<i>DLN</i>	Richard Cumberland, <i>De legibus naturae</i>
<i>EE</i>	Aristotle, <i>Eudemian Ethics</i>
<i>EL</i>	Thomas Hobbes, <i>The Elements of Law</i>
<i>EN</i>	Aristotle, <i>Nicomachean Ethics</i>
<i>IPB</i>	Hugo Grotius, <i>De iure et bello</i>
<i>In Sent.</i>	Albert the Great, <i>Commentarii in Sententiarum</i>
<i>JNG</i>	Samuel Pufendorf, <i>De jure naturae et gentium</i>
<i>Laws and Governance</i>	John Fortescue, <i>On the Laws and Governance of England</i>
<i>L</i>	Thomas Hobbes, <i>Leviathan</i>
<i>LL</i>	Thomas Hobbes, <i>Leviathan</i> (Latin version)
<i>Octo quaestiones</i>	William of Ockham, <i>Octo quaestiones de potestate papae</i>
<i>OHC</i>	Samuel Pufendorf, <i>De officio hominis et civis</i>
<i>Ord.</i>	John Duns Scotus, <i>Ordinatio</i>
<i>Pol.</i>	Aristotle, <i>Politics</i>
<i>Policraticus</i>	John of Salisbury, <i>Policraticus</i>

<i>Politica</i>	Johannes Althusius, <i>Politica methodice digesta atque exemplis sacris & profanes illustrate</i>
<i>QPol.</i>	Nicholas of Vaudémont, <i>Quaestiones super octo libros Politicorum Aristotelis</i>
<i>Qu. disp. de caritate</i>	Thomas Aquinas, <i>Quaestiones disputatae de caritate</i>
<i>Sent. EN</i>	Thomas Aquinas, <i>Sententia libri Ethicorum</i>
<i>Sent. Pol.</i>	Thomas Aquinas, <i>Sententia libri Politicorum</i>
<i>Spir. amic.</i>	Aelred of Rievaulx, <i>De spiritali amicitia</i>
<i>ST</i>	Thomas Aquinas, <i>Summa theologiae</i>
<i>Treasures</i>	Brunetto Latini, <i>The Book of Treasures</i>
<i>Treasury</i>	Christine de Pizan, <i>The Treasury of the City of Ladies</i>

Chapter 1

Introduction: On the Conflict Between Common Good and Individual Good



Juhana Toivanen and Heikki Haara

The notion of the common good and its relation to the good of an individual human being has been a recurrent and contested topic throughout the history of western philosophy, and it has played a prominent normative role in contemporary political theory and practice. In general terms, the common good signifies the good that is somehow shared or mutual among individuals, and it is often contrasted with self-interest that refers to things that are subjectively valuable to an individual agent. However, this opposition is rather simplistic. It overlooks the complexity of the notion of the common good, and it takes for granted that what is good for an individual at least occasionally conflicts with what is good for other people and the various communities in which she lives. The wealth of historical discussions concerning these conceptions is bound to make us think twice before accepting such a simple view of their relationship. To this effect, the purpose of the present volume is to analyse the relation and potential conflict, but also the compatibility, between the common good and self-interest (or individual good) in medieval and early modern philosophy. The starting point is that these two have not always been considered to be in real or potential conflict.

Qualifications will follow, but the basic story is that ancient ethics is based on the fundamental assumption that the good of an individual coincides with goodness that is common to all rational and social/political creatures. This assumption, commonly considered to be the cornerstone of what is known as ‘eudaemonist ethics’ (from Greek *eudaimonía*), entails that there is no conflict between individual happiness and the demands of a virtuous life. One is always better off by acting virtuously,

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which presupposes setting aside one's narrow self-interest, doing what is rationally and objectively good and thus also furthering the common good. In ancient (and later in medieval) moral philosophy, 'the good' was understood as objectively valuable and as capable of undermining any apparent conflict between self-interest and the common good.¹ However, as the basic story goes, at some point in the history of moral philosophy, a distinct type of good – the moral good – emerged, and it came to be seen as separate from the good of the individual. The task of morality was redirected to limit individuals, who mainly strive for their private interests in opposition to the common good and the interests of others.²

Early modern natural law jurisprudence in particular conceived morality predominantly as a matter of moral duties and only derivatively about virtues. This is one of the reasons why early modern philosophy has often been credited (or blamed) for parting ways with ancient eudaemonism especially in its Aristotelian guise. Although the extent to which the rejection of Aristotle's principles was carried out may be debatable, it is clear that many early modern thinkers paid lip service to the possibility that the good of an individual can be – and often is – in real conflict with the requirements of morality. The compatibility, or even identity, of the individual good and the common good was replaced by the idea that individuals' endeavour to further their self-interested aims must be checked against the moral good and limited when these two are incompatible.

A parallel development can be seen in the domain of political philosophy. The ancient approach was to assume that the political community promotes a universal vision of the good life associated with man's natural telos. A virtuous life can only be realised in an ideal political community.³ The close connection between the well-being of citizens, understood in terms of virtuous action, and the well-being of the community as a whole (a prosperous and happy city is populated by virtuous people) entailed that there be no real conflict, or even real tension, between the common good and the good of the individual: the good of the whole necessarily includes the good of the parts that form the whole. However, at some point in the history of political thought, an individualistic conception of the good life came to play a more prominent role. Alongside the challenges to the Aristotelian and other forms of political naturalism, the role of the political community changed: now its main task was to ensure that human beings could pursue their individual ends without threatening the common peace and safety. In this picture, the common good characteristically consists of a legal order that provides individuals certain rights or liberties, and the political community is considered as an artificial institution that provides a juridical space for the pursuit of the material well-being of citizens.⁴

¹ See, e.g., Annas 1993; Annas 2017; Long 2004.

² For an interpretation of early modern ethical anti-egoism, see Irwin 2008, 118–20; for qualifications, see Rutherford 2012.

³ See, e.g., *Pol.* 1.2, 1252b28–29 and *EN* 2.1, 1103a29–b6 (ed. Barnes 1984).

⁴ See, e.g., Harvey 2006.

There is some truth to this general story, and the extremes are easy to recognise in the big picture: it is almost trivial to state that there are clear differences between ancient and early modern practical philosophy. However, the story also contains several controversial aspects, and especially when we turn to the details of historical discussions, the picture becomes far more complex. Self-regarding psychology does not necessarily divert individuals from the requirements of morality: it may be understood in such a way that it motivates them to promote the common good.⁵ Likewise, the idea that members of a political community have an obligation to care about the common good, understood as the good of the whole that transcends but also encompasses the good of individuals, was a consistent theme in medieval and early modern philosophy. From this perspective, caring for the good of the whole does not automatically entail neglecting one's own good. The distinction between private and common dimensions of political life played a crucial and continuous role in this reflection.

The present volume adopts the view that important developments took place already in the Middle Ages and that these developments paved the way for early modern positions. This history is not merely shaped by radical ruptures but also by notable continuities. To mention two clear examples, we may note the persistence of the question whether a person should sacrifice their own good for the sake of morality or for the common good⁶ and whether the authoritative power of natural law is related to the good of the political community or to the good that is shared by all members of the community.⁷ The present book aims to show that it is possible to elucidate the notion of the common good and its relation to self-interest (or the good of the individual) in one historical period in light of another.

This aim comes with a methodological challenge: how can specific argumentative patterns from various historical contexts be analysed in comparable forms? One obvious problem that besets any attempt to write a history of the relation between the common good and self-interest is that the terminology is not historically fixed, and even when the terms are shared by different authors, their meanings may vary. The concepts of the 'common good', 'individual good', 'self-interest' and their many cognates resist being pinned down in any definitional formula, and therefore it is essential to analyse the precise meaning and use of these key terms in each historical and philosophical context. This endeavour immediately leads to several questions. We may ask, for instance, whether the common good is understood distributively as the good of each individual, collectively as the good of the whole, as some kind of aggregate of individual goods or as something else. We may also ask what 'the whole' is that is relevant for the notion of the common good: is it family, city, state, religious community or even humankind as a whole? Equally demanding questions arise in relation to the good of the individual, the complexity of which is

⁵The moral rehabilitation of self-love as a motivational source of morality in the early modern period made room for constructive and positive treatments of self-love; see Maurer 2019.

⁶Crisp 2019.

⁷See Murphy 2010, 61–90.

already reflected in the terminology. The connotations of ‘private good’, ‘self-interest’, ‘good of/for an individual’ differ from each other, and the precise meaning of each of these expressions is a matter of philosophical investigation.⁸ This is not a problem merely in the study of the history of philosophy. For some historical authors, such as Niccolò Machiavelli (d. 1527), the semantic ambiguity of the concept of the common good constrained its usage as an underlying principle of their moral and political theories.⁹

It is not the task of this introduction to settle all these complex questions, let alone to argue that there is a single core meaning that unites historical discussions. The authors of the chapters below use the terminology that best fits the topic and material that they examine, and we are convinced that the resulting diversity of viewpoints is beneficial for elucidating the complexity of these notions rather than being a source of confusion. At any rate, the problem concerning the relation between the common and the individual good is not perennial in the sense that it remains the same throughout history. It is evident that the intellectual, political and cultural contexts in which these terms have been used in the past vary, and this should make us sceptical of any decontextualized analysis. Instead of an ahistorical reading, we propose to use the notions of the common good and individual good as heuristic tools that can be used to analyse discussions that are connected on a deeper level: the historical developments in western moral and political philosophy can be seen as stages of a continuous but highly complex philosophical tradition. The notions of the common good and individual good/self-interest play a role in these discussions, but the common elements and differences that we may find in them must be evaluated against the more complex contextual background.

This is precisely what the present volume aims to do. The analysis of the relation between the common and the individual good is a philosophical and a historical matter that requires an analysis of the historical discussions on their own terms but that also benefits from asking questions that the original texts do not ask.¹⁰ It is necessary to engage the details of historical discussions with a methodology that is at the same time historically sensitive and philosophically rigorous. For instance, the terminology referring to common good has also always been employed rhetorically, both to legitimise and criticise the conduct of sovereigns and their representatives. That is, “the common good” has functioned as an evaluative conceptual tool in moral and political practice.¹¹ It is important to keep this historical aspect in mind and advocate for historical and textual sensitivity to various contextual issues and remain open to the possibility that there are radical breaks within the tradition – both intentional and tacit. Yet, at the same time, it is vital to analyse historical ideas

⁸A pioneering study on the various meanings of goodness is von Wright 1963. He doubts whether collective entities (family, state) can truly be said to have life and thus what he calls the “good of” (von Wright 1963, 50–51).

⁹Hanasz 2010.

¹⁰See Knuuttila 1996; Knuuttila 2003.

¹¹The most notable example is Cicero, whose writings on the common good were used in various contexts of medieval and early modern thought. See Nederman 2020, 90–95; Miller 2009.

in argumentative terms. Only then we can properly situate specific historical formulations of the common good in their intellectual contexts and analyse their contribution to long-term developments.

Keeping this methodology in mind, we suggest that understanding why, how, and when a radical distinction between the common and the individual good emerges – or, from another perspective, ‘moral good’ appears as a distinct type of good – is possible only if we have a clear grasp of what it takes for these two to be separate. Whether or not a particular discussion or theory distinguishes the common good and the individual good can be assessed only if we have at least a preliminary conception of (1) what the common good means in the context of that discussion, (2) what the good of an individual consists of in the same context, and (3) what the necessary and sufficient conditions are for a real and meaningful distinction between the two. These are complex philosophical questions that we do not pretend to solve in this introduction, but certain general considerations may be helpful when approaching the contributions to the present volume – contributions that offer insights into various stages of historical discussions concerning these questions.

The first remark is almost trivial, but perhaps worth stating anyway: a terminological distinction between the common good and the individual good is a necessary but not sufficient condition for a real distinction between the two. Philosophers must be able to talk about the relation between the common and individual good, and for that they need words. However, possessing and using different terms – “common good” and “self-interest”, for instance – is not sufficient for any real and relevant distinction between the concepts. This condition has been met from the very beginning of western philosophical inquiry. Both Plato and Aristotle speak about the common and individual good even though they seemingly reject the possibility of their real separation.¹² Keeping this condition in mind is, nevertheless, important because it helps us avoid an obvious pitfall: the simple fact that a philosopher uses these terms does not by itself mean that there is a real conceptual and practical distinction between these notions.

A more substantial condition is the rejection of a strong metaphysical unity between the common and the individual good.¹³ A Platonist strand in the history of philosophy is to consider the good as fundamentally one, so that all that is good is good because it ultimately stems from the Form of the Good. Any theory that accepts this metaphysical unity of the good, or something akin to it, obviously lacks the means (and the motivation) to consider the common and the individual good as embodying a real distinction. This idea was already criticised by Aristotle, but much of the subsequent history can nevertheless be read from the perspective of this issue on metaphysical unity. The principles of identity and inclusion – that is, principles according to which the individual good is either identical with or included in the

¹²See, e.g., Aristotle, *Nicomachean Ethics*, ed. Barnes 1984 (hereafter *EN*) 1.2, 1094b7–11 (ed. Barnes 1984); Plato, *Republic* 5.462c–e (trans. Reeve 2004).

¹³As Kempshall (1999) demonstrates, the concept of metaphysical unity was alive and well in the Middle Ages, although it was by no means the only relevant perspective in medieval discussions.

common good – continue to be relevant well into the Middle Ages and beyond, although they also face criticism on several fronts.¹⁴

Yet another condition can be called epistemological: it is easy for us in the twenty-first century to think that something is particularly good for us as individuals while being harmful to the common good, however the latter is construed (e.g., as the good of the community or in terms of the interest of others). However, this impression can be explained away as a mistake. It may seem to us that, say, money and fame are good things for an individual to have, but it can be argued (perhaps plausibly) that the apparent goodness of riches and reputation are based on a misunderstanding. If we just understood what our real good is, we would realise that it is not, and cannot be, opposed to the common good. To truly separate the common and the individual good, this epistemological solution must be rejected: the apparent difference between these two types of good cannot be just an intellectual mistake.

Finally, it may be worth noting that the distinction between the common and the individual good can be approached from a normative perspective. As long as eudaemonist ethics has face value, it is not easy to come by a substantial difference between the two types of good. As already mentioned, eudaemonist virtue ethics is based on the view that morally virtuous behaviour constitutes perfection and the highest happiness of the agent. Supposing that virtuous action tends to further the good of other people and the various communities to which they belong (ultimately, humankind as a whole, and if environmental virtue ethics is accepted, the good of other living beings and even of the natural environment), the happiness of the individual lines up with the common good. This connection may not be a necessary one, but it is deeply entrenched in eudaemonist ethics. To establish a real distinction between the two types of good, one needs to embrace a version of eudaemonism in which virtuous action is not directly related to, or does not depend on, the notion of the common good that all individuals naturally share. Another option is simply to reject eudaemonism and defend a version of morality in which acting morally well requires at least occasionally giving up one's own good in favour of the common good. And finally, the real distinction can emerge if one adopts a non-moral view of the common good, holding that we may have an obligation to act against the common good of a given community. This may happen, for instance, if one identifies common good with economic well-being and points out that in some cases we should do something that is not economically beneficial – or that acting (viciously) for the sake of one's self-interest furthers the common good.

It should be emphasised that despite these general considerations, the purpose of the present volume is not to offer definite criteria for identifying historical theories that distinguish the common good and the individual good or self-interest. In our view, there is no single moment in history when the distinction emerges. Rather, it is a result of a gradual shift that happens at a different pace in different contexts.

¹⁴ *EN* 1.6, 1096a23–b28 (ed. Barnes 1984); Kempshall 1999; Osborne 2005, 69–112. In the early modern period, unity between the common and the individual good was supported by Richard Cumberland, who argued that the individual good is part of the common good (Parkin 1999, 97–105).

Due to this, our guiding hypotheses are that (1) the distinction develops during the medieval and early modern periods, (2) it appears in different guises in different contexts, and (3) it has important repercussions for philosophical discussions in the field of practical philosophy – both ethics and politics. Although we have suggested above that there are several ways in which the common and individual good can be distanced from each other – terminological, metaphysical, epistemological, and normative – we propose these only as general guidelines and possible perspectives that can be adopted when approaching historical texts. The chapters in this volume pertain to ancient, medieval, and early modern discussions, and they identify crucial developments that together contribute to the general story about the way we understand the good in relation to ourselves, to other individuals, and to the communities in which we live. As such, they deepen our understanding of the complex ways in which the common and individual good (in their many guises) have been related to each other in the western philosophical tradition.

Before moving on to a more detailed description of the contents of this volume, we want to emphasise one more thing. Although radical changes in the general approach to ethics, political philosophy, and moral psychology take place in the period that is commonly subsumed under the rubric of “from the Middle Ages to the early modern era”,¹⁵ it is surprisingly difficult to find theories that embrace a clear and explicit separation of the common good and the individual good. For instance, in late medieval Aristotelianism, the concept of *bonum commune* (the common good) signified the connection between the goodness of the community and the goodness of the universe, while the Augustinian understanding of the promotion of *communis utilitas* (common utility) denoted the connection between material advantage and goodness.¹⁶ While these two notions offered two rival conceptual alternatives, they both implied an intimate connection between the individual and common good. Thomas Hobbes (1588–1679) radically challenged Aristotle’s influential idea that humans are naturally social creatures, which he understood in the sense that their teleological nature leads separate individuals to a shared vision of a good life that facilitates communal life.¹⁷ At the same time, Hobbes also held the view that the good that is common to all (in his case peace) is compatible with and necessary for the good of each and every individual.¹⁸ Again, we can see how the precise meaning of the key terms and the views concerning the mechanism that explains the connection between the common and individual good change, but the

¹⁵To be sure, the transition from medieval to early modern philosophy is neither a simple nor unified development, and nowadays the view that it constituted an intellectual revolution is commonly rejected. See, e.g., Leijenhorst 2002; Pasnau 2011; Pickavé and Shapiro 2012.

¹⁶Kempshall, 1999, 24.

¹⁷For an analysis on the complex relationship between Hobbes’s and Aristotle’s political theory and their disagreement on the essence of politics, see Gooding and Hoekstra 2019.

¹⁸It should be mentioned that Hobbes is not alone in considering that peace is one of the most important aspects of the common good. Just to mention two other examples, Marsilius of Padua (d. 1342/43) and Francisco Suárez (d. 1617) emphasise it as well (see, e.g., Moreno-Riaño and Nederman 2012; Pace 2012).

basic idea that one's own good is not radically distinct from the good of other people and of the community retains its value: act morally well, and everyone, including you, is better off.

Due to various contextual issues that influence historical discussions on practical philosophy, our purpose is not to tell a teleological story about a progress nor to evaluate past ideas from the perspective of the present. Rather, our aim is to provide fresh approaches to conceptions of the common good during the so-called formative period of modernity. However, clarifying historical views will make visible the differences and similarities between contemporary theories and those defended in the past, and we submit that understanding the historical developments behind our own ways of thinking, and making philosophical sense of these ways, is necessary for understanding the world in which we live.¹⁹

Moreover, we would like to propose that the present volume may have contemporary relevance in an additional way. Namely, it seems to us that the common good – be it the good of a city, a nation-state, humankind, or just an aggregate in which the good of other people plays a role – is often understood to be opposed to people's self-interest in some radical way in today's individualistic western societies. We may have a moral duty (or something akin to it) to limit our own good for the sake of the interests of other people and for the good of the various communities we live in, but we would be better off if we could avoid limiting ourselves in that way. In current political philosophy, issues relevant to the common good are often discussed in the context of an opposition between liberalism and communitarianism. Liberal theorists have argued that if there is such a thing as “the common good”, it is politically loaded and fundamentally partial. In such a picture, the concept of the common good has been conceived predominantly in terms of individual liberties, as a legal order that secures citizens' rights to act in accordance with their own interests and needs.²⁰ It has also been noted that the notion of the common good has sometimes been used in ways that do not even mean to include everyone's own good. Instead, states have regularly employed a collectivist vision of society that demands extreme sacrifices from their citizens. Moreover, the concept of the common good is often seen as a way to maintain a hierarchical social order in the form of male dominance and female subordination and to prevent marginalized groups from attaining their own individual or group interests.²¹ Today this grim characterisation of the common good perhaps applies best to neoliberal individualism, and this is not the place to explicate why it may be problematic. Rather, we want to underline that the opposing view – call it communitarianism – appears equally problematic if it holds that there is a straightforward connection between the good of the

¹⁹Connections between contemporary and historical perspectives are developed, e.g., in Bloomfield, ed. 2008. See also Keys 2006.

²⁰Rawls 1971, 243. For a defence of the role of the common good in contemporary politics and in criticism towards liberal individualism, see, e.g., Etzioni 2004.

²¹Despite their limited understanding of humanity, the philosophical ideas of past thinkers can be used for emancipatory purposes in contemporary politics (DeCrane 2004).

political community, understood as a collective entity, and of each and every individual living in that community.

Understanding the historic-philosophical developments that contribute to our difficulty in reconciling these two perspectives may allow us to attain a better grasp of the reasons *why* it is difficult. This may encourage us to nurture a degree of scepticism towards our current moral and political commitments. The consolidation of a shared understanding of the relation between the common and individual good is especially difficult in our current individualistic societies that have deep social and political cleavages.²² However, we hope that the chapters in this volume provide conceptual tools for practical reasoning among the members of contemporary societies. While politics could be understood as a pursuit of the common good, we do not suggest that it is the task of moral and political philosophy to determine a single common good that can be shared by everyone.²³ It just seems to us that the blunt and often unproductive opposition between liberal individualism and communitarianism does not capture the historical discussions properly. Thus, there is the possibility, however remote, that by investigating historical developments we may be able to overcome the sharp opposition between two equally problematic extremes and to reconsider the relation between the common good and self-interest from perspectives that may be somewhat alien today but that might also prove to be useful in the future. Renewed attention to historical ideas could serve as an intellectual resource for addressing the problem of how to connect the good of the community with the wellbeing of its members in a more just and functional way.

1.1 Contents in Brief

The present volume focuses on some of the most relevant medieval and early modern discussions, as well as their ancient backgrounds, that are crucial for understanding the dynamic between the common and the individual good. It goes without saying that the selection of authors and theories leaves gaps to be filled by future studies, but the thirteen chapters that constitute this book analyse many crucial aspects of the social, moral, and political dimensions of human life from the perspective of the uneasy relation between the common and individual good. Some chapters focus on broader developments that span several authors over the centuries and recognise long-term developments, and others address various stages in history by opening new perspectives on canonical figures or by investigating the works of lesser known but historically significant authors. The chapters are organised into a rough chronological order for the sake of convenience. The chronological division is certainly somewhat problematic because it may conceal important philosophical connections and overlaps between chapters that are grouped under different parts.

²² See Macintyre 1998.

²³ In this we agree with Sluga 2014.

To ease this problem and highlight the connections, we have added cross-references that allow the reader to follow a certain theme from one chapter to another, even when the chapters are not adjacent.

PART ONE takes up the task of looking at the how the complex relationship between the common and individual good was conceived in ancient and medieval philosophy. In the opening chapter, CALVIN NORMORE offers a broad overview of an important development in moral philosophy. He evaluates the writings of moral philosophers from antiquity to the late-medieval period and asks whether there might be various kinds of genuine good that are in real conflict with each other. Normore argues that the central question in the history of moral philosophy is how to resolve the tension between perspectival and objective notions of goodness, that is, between self-interest and the demands of morality. ANTHONY CELANO provides a nuanced interpretation of Aristotle's treatment of the relation between the individual good and the common good in the context of his accompanying ideas of human happiness, practical wisdom, and contemplative and political virtue. Celano maintains that Aristotle does not offer a definite solution to the problem in what sense the common good should be understood as being superior in relation to individual happiness. Instead, he thinks that it is up to a practically wise person to choose the best course of action in order to attain human goodness. For this reason, the relation between the common good and the individual good is open to multiple interpretations. Celano continues his analysis by showing how medieval authors, such as Thomas Aquinas (1225–1274), interpreted Aristotle's concept of the common good. RITVA PALMÉN's chapter focuses on the Augustinian idea of the order of charity, which entails that the individual good and the common good participate in the same highest good that derives ultimately from God. She analyses how twelfth century monastic authors dealt with the concept of love/charity (*caritas, amor*), the dynamic between altruism and egoism, and the problems that individual needs, both emotional and physical, pose for shared religious life. We learn how monastic authors attempted to explain the apparent conflicts between the common and individual good by referring to the sinful state of human beings and how they proposed means for maintaining balance in communal life. IACOPO COSTA continues with the theme of charity by drawing attention to the influence of Aristotle's conception of politics as the means to the ultimate end of human beings, that is, happiness. He investigates the conception of charity found in two highly influential Dominican theologians of the thirteenth century, namely Albert the Great (c. 1200–1280) and Thomas Aquinas. Their texts that are devoted to this theological virtue demonstrate to what extent the true good of the human being can only be understood by taking into consideration the social and political dimensions of human lives. The individual good can only be achieved if the faithful put their own personal interest behind the love of God and the love of their neighbour.

The chapters in PART TWO consider how the relationship between the individual good and the common good was theorized in late medieval philosophy. CARY NEDERMAN's chapter explores how a wide array of medieval thinkers from the mid-twelfth to the end of the fifteenth century considered the pragmatic issues related to how the material self-interest of individuals coincided with the augmentation of

public wealth within the community. By focusing on discussions in which the common good was conceptualised in terms of pragmatic economic considerations, Nederman shows that medieval thinkers held a shared understanding that the pursuit of material self-interest is advantageous for the common good. As a result, the government's duty was to protect private advantage in order to promote public wealth. This view is surprisingly close to the one Adam Smith defended several centuries later, and thus Nederman's chapter poses a challenge to the view that political economy was a particular narrative that only emerged in the early modern period. NICOLAS FAUCHER explores John Duns Scotus' (1265/66–1308) view about the notion of the common good or the good of the community. Most notably, Scotus produced a short biblical genealogy of private property as it was known and practiced in the societies of his time: it was instituted in answer to the Fall to ensure that humans would interact peacefully and that each of them had what they needed to survive. This goal is the general definition of the common good itself, which is obtained by making all goods private and by having a wise ruler to arbitrate all conflicts. ROBERTO LAMBERTINI's contribution investigates the use of the expression *bonum commune* (the common good) in the mature political works by William of Ockham (1285–1347). The chapter focuses on the various ways in which Ockham uses this expression in his political theory and argues that *bonum commune* functions as a conceptual device that aims to relativise the conclusions of normative political theory. Lambertini suggests that, according to Ockham, safeguarding the common good may require a solution that deviates from the ideal constitutional form in certain situations. JUHANA TOIVANEN focuses on how a lesser known thirteenth century Parisian author Nicholas of Vaudémont (fl. 1370s) understood the tension between the common and individual good when dealing with the problems of self-sacrifice and capital punishment in his commentary on Aristotle's *Politics*. Toivanen argues that Vaudémont's view is innovative as it opens the possibility of a theoretical fracture in the compatibility of the common and individual good, which had been a central feature in Aristotelian eudaemonist ethics.

The chapters in PART THREE turn our attention to early modern philosophers and how they reflected on the relationship between the good of the individual and community. While the moral and political concerns that underlie their arguments were obviously not the same as in medieval philosophy, early modern theories of the common good show notable commonalities and continuities with their earlier counterparts and can be fruitfully considered alongside medieval discussion. JUKKA RUOKANEN begins the section by analysing Johannes Althusius' (1563–1638) depiction of a reciprocal and harmonious society in which the individual and common good align through the division of labour and jurisdiction between different individuals and various types and levels of communities. Ruokanen focuses on the potential conflicts between the individual and common good and argues that their alignment is the result of successful politics and that it is not a guaranteed state of affairs. LAETITIA RAMELET explores the interactions between individual and common utility within Hugo Grotius' (1583–1645) theory of the state. Grotius famously argued that while human beings are naturally sociable creatures, they voluntarily establish the state for the sake of their individual utility. As a result, the utility of the

state may prevail over their individual rights. Ramelet analyses how Grotius deals with the balance between individual and common utility (*utilitas*) in his *De jure belli ac pacis* by attempting to demonstrate the correspondence between self-interest and obedience to the state. ALEXANDRA CHADWICK's chapter considers the extent to which the individual and the common good are compatible within Thomas Hobbes's philosophy. She argues that according to Hobbes's theory, real individual goods are compatible with real common goods. Moreover, this compatibility ensures the stability and prosperity of the commonwealth. Real politics nevertheless requires defusing potential conflicts between individual goods and the common good in a different way, namely, by encouraging citizens to accept the sovereign's judgement of what is "good". Chadwick traces the theoretical compatibility between real individual goods and the good of the commonwealth in Hobbes's thought and shows how the preservation of a Hobbesian political community relies not only on citizens accepting the sovereign's judgement, but also on the sovereign's ability to see the real common good. HEIKKI HAARA focuses on how Richard Cumberland (1631–1718) and Samuel Pufendorf (1632–1694) dealt with the conflict between self-interest and the common good. Both thinkers replied to Hobbes by attempting to demonstrate that natural law imposes binding moral obligations to promote the common good instead of functioning as a means for individual self-preservation. At the same time, they maintained that self-interest is the most effective motivational force for the promotion of the common good and that it leads people to take the benefit of others into account. In this sense, Cumberland's and Pufendorf's treatments of self-interest as a source of actions that take others into consideration anticipate the eighteenth-century explanations of the socio-psychological mechanisms that lead to the promotion of the common good. The final chapter, by COLIN HEYDT, provides a taxonomy of early modern modes of relating self-interest and the common good by exploring Protestant natural law theory, republicanism, utilitarianism and the social thought of Adam Smith (1723–1790) and other authors of the Scottish Enlightenment. By paying special attention to Scottish innovations, Heydt demonstrates how their systemic and social approach to the common good de-emphasises the psychology, character and intentions of individuals, and concentrates on social dynamics instead. This development altered the nature of political theorising by shifting its emphasis from jurisprudence towards modern social science. Heydt argues that the Scottish social theory of the common good offers some of the best and most systematic conceptual resources for considering the relation of the individual and community in present-day industrial states.

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Part I
Ancient and Medieval Philosophical and
Theological Views

Chapter 2

Honestum to Goodness



Calvin G. Normore

2.1 Introduction¹

This chapter traces a strand in the history of the debate about the unity of the Good and suggests that it was in this strand of the history that Morality became separated from Ethics and there emerged the view that to be a morally good agent, I must forego aiming directly at some of what are nevertheless genuine goods for me and aim at an impersonal or a common good instead.

Ethics, as I propose to understand it here, concerns how to live well in the sense of achieving what is good for me. On the other hand, Morality, as understood here, aims at achieving a Good that can be identified without any reference to me and that on some accounts is identified with a public good from which each benefits from the pursuit of that good by others and to which each contributes by their own pursuit of it.² On this understanding of Morality, the description under which the rational moral agent acts is not “to achieve my own good”, though they may hope that

¹Much of the material presented in this chapter has been worked and reworked for some 40 years, and along the way I have incurred more intellectual debt and received more intellectual help than I can reference or even recall. I am, however, particularly indebted to Juhana Toivanen, whose comments on an earlier draft of this chapter not only improved its presentation but forced me to clarify the moral of the story that the paper tells.

²See, e.g., Gauthier 1967, 461–462: “Morality is a system of principles such that it is advantageous for everyone if everyone accepts and acts on it, yet acting on the system of principles requires that some persons perform disadvantageous acts.”

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sufficiently broad adherence to the morality in question will yield or facilitate their own good. Ethics and Morality thus understood seem concerned with different goods and invite the question whether these goods can conflict.

Can the existence of one good interfere with the existence of another? We often seem to choose between goods for ourselves, and we often seem to choose between a good for ourselves and a good for another. However, there is a long tradition that claims that this appearance is deceptive – that there is no plurality of real goods and hence that any apparent need to make such choices merely shows that we do not really understand the options we face. Let me call the thesis that no true goods can ever conflict the “Principle of the Compatibility of Goods”, PCG for short.

Here is an argument for the PCG: Suppose that although one may seem to desire whatever appears to be good, one really desires only what is really good. Suppose that informed choice is only between items one really desires. Suppose there is just one item which is truly good and suppose it is neither rival nor excludable. Then the appearance that true goods might conflict, or that one might have to choose between them, is deceptive, and the PCG is true.

2.2 Ancient Views: Plato, Aristotle, Epicurus, and the Stoics

What are we to make of the argument just sketched for the PCG? Leaving aside the relation between desire and apparent desire, let us focus on the good. For Plato, the Good is unitary.³ Moreover, he insists that nothing outside one’s soul can harm one’s soul.⁴ It would seem then that my participation in the Good cannot exclude or rival yours. Hence, if participation in the Good is my good, and my good is what is good for me and is what I desire, then it would seem that my good can never conflict with any other. Moreover, although there may be different ways one might come to participate in the Good, these ways are not themselves goods, and so our choice between them is not a choice between goods but merely between ways to achieve the Good.

For Plato, participation in the Form of the Good comes in degrees, and one can aspire to a higher degree of it, but Plato’s Form of the Good has no more essential connection with you or with me than with anything else in the realm of souls – and perhaps nothing more to do with souls than with anything else in the realm of Becoming. This is a focus of Aristotle’s famous criticism of it in the first book of the *Nicomachean Ethics*.⁵ On Aristotle’s view, “good”, like “being” and “one”, is an

³ Gerson 1984.

⁴ Aristotle, *Nicomachean Ethics* (hereafter *EN*), 1.6 (trans. Ross 1991 [the references to Aristotle are to the edition by Barnes 1991]), against *Republic* 353d3–354a7 (ed. Cooper and Hutchinson 1997). See Anthony Celano’s chapter in the present volume.

⁵ In a much earlier draft of some of this material (presented as the Henri Renard Lecture at Creighton University in 2008), I claimed at this point that “There Aristotle argues that there is no such thing as *the good* as such.” Thanks to Stephen Menn, I now realize that this is false. Aristotle identified the Good with *nous*, which he claims to be both divine and to be an unmoved mover. I

equivocal term (*pros hen*) and “good” is equivocal not only across the categories but also across species. The good of the goose need not be the good of the moose. In particular, Aristotle identifies a good of humans, which he calls *eudaimonia*, and he regards this as intrinsically most pleasant for us and sets out in his works on ethics to identify it more precisely. He concludes that it is the exercise of the highest human functions over a complete life, thereby inviting the question whether it is a composite of several items, each of which might be regarded as good and the proportions of which might vary from human to human and with the circumstances. Gavin Lawrence has argued, convincingly in my view, that Aristotle thinks that fulfilling the *ergon*, or proper function of a human – exercising one’s rational capacities appropriately – is the good of a human and is, non-instrumentally, what is good for a human. Thus, for each of us, what is good for us is such exercise over a complete life.⁶

We have, on Aristotle’s view, two kinds of rational capacity, theoretical and practical, and he suggests that the highest human good is the exercise of our theoretical reason by contemplation. However, he considers also whether it might be truly good to exercise one’s practical reason by statecraft.⁷ He seems not to settle whether these might conflict. Statecraft is intimately connected with involvement in one’s community, and Aristotle hints that contemplating too is best done with friends.⁸ He also considers the good of another entity, the *polis*, and suggests that its good may be higher than an individual citizen’s good, and he suggests that the good of a citizen (*qua* citizen) may not be that of the human who is that citizen.⁹ However, to the best of my knowledge, he never considers whether the proper exercise of either practical or theoretical reason by one human, and so the good of, or for, that human, might conflict either with such exercise by other humans or with the goods of and for non-humans. He seems to take the PCG for granted.

Aristotle’s division of Plato’s Good into the good of this kind and the good of that raises a possibility that cannot arise within the Platonic conception – the possibility that the good of one species may not be the good of another, and that in the extreme case what constitutes (not merely what contributes to) the flourishing of one kind may be the undoing of the flourishing of another. We are still far from the modern concern that one individual of a kind may flourish only at the expense of others of that kind, but a frame in which such concerns could arise is now available.

However, these concerns did not arise at once. Lurking in the background of Peri-Platonic thought is an issue that becomes overt in Epicureanism – that of egoism. Plato’s Socrates has it that we seek the good, and that we are both the better and the better off for participating in it. What he seems less clear about is whether we seek the Good because it is *the* Good or because it is *our* good.

apologize to my audience on that occasion. Cf. Menn 1992. How *the good* is related to the various specific goods remains an issue, however.

⁶ Lawrence 2009.

⁷ *EN* 10.7–8 (trans. Ross 1991).

⁸ *EN* 9.9, 1169b16–22; *EN* 10.7, 1177a33–35 (trans. Ross 1991).

⁹ Respectively, *EN* 1.2 (1094b8–11 [trans. Ross 1991]) and *Pol.* 3.4 (1276b16–1277a13 [trans. Jowett 1991]).

Aristotle contends that we each seek our own good – which is the human good – and that it is intrinsically pleasant (though not good in virtue of being pleasant). He seems also to think that the human good is intimately connected with the good of our community (the *polis*), but he leaves obscure whether the good of the *polis* is our good or instrumental to it. In the next generation, Epicurus claimed that the Good is Pleasure (*hedoné*), by which he seems to have meant what he called “static pleasure”, the state of satisfied desire, but he also seems not to have denied that what he called “kinetic pleasures” – associated with the satisfying of desires rather than their having been satisfied – are also pleasant.¹⁰ Moreover, while he contrasts the short-sighted satisfaction of desires with the long-term balance of pleasure over pain, he seems not to have distinguished real and apparent desires.

The consideration of pleasure brings one more factor into play. If there is anything that we are inclined to think of as perspectival, it is sensation. I can empathize with your pain, we are inclined to think, but I cannot literally feel it. Suppose now that you have your hand on a hot stove and are feeling pain.¹¹ You have a reason to move your hand – the pain gives you a reason. Does the pain give me the same reason to move your hand?¹² One of the things at stake in this example is whether whatever reason there is for moving your hand from the hot stove is perspectival – so that it can be your reason without being mine – or whether it is objective, in the sense that it is (other things being equal) a reason for any agent to act.

For Epicurus and his followers, the good seems clearly to be perspectival (in the sense just introduced) and agent-related. On this view, it is contingent whether the good of one human or animal conflicts with that of another.

Although Epicureanism was popular in antiquity, it seems also to have been often regarded as not quite respectable. This was precisely because it was considered egoistic. Although Epicurus insisted that consideration of the good of others was a part of one’s own good, his doctrine seemed to require that this was because of its positive effects on one’s own pleasure (which, being perspectival, could not be another’s) and so on one’s own good.

¹⁰Diogenes Laertius, quoting Epicurus’s *On Choice*: “Peace of mind and freedom from pain are pleasures which imply a state of rest; joy and delight are seen to consist in motion and activity” (10.136; trans. Hicks 1925, 661). Cf. Mitsis 1988 for an extended discussion.

¹¹This example is Thomas Nagel’s; see Nagel 1970.

¹²I might, of course, have a reason to move your hand. I might recognize that you have a strong interest in having your hand moved, and I might myself have an interest – out of sympathy, let us say – to move your hand. But suppose you are so peculiar that although you recognize that you are in pain, you simply are not motivated by this perception to move your hand. Do I have an independent reason to move your hand – perhaps just to eliminate a pain from the world? Pain is an extreme example, so let me take another case. Suppose you are an innocent person whom both you and I know to be innocent, and suppose you are about to be punished, unjustly as we both think. You might have a reason to try to avoid the punishment – it is you who will be treated unjustly. Do I have the same reason to have you avoid the punishment? That is, is your reason for avoiding the punishment that it is unjust, or that it is unjust to *you* rather than someone else? If the former, it is a reason I might have too; if the latter, it is not.

The other major Hellenistic philosophical school, Stoicism, took a different tack. For the Stoics, the Good was Virtue. Their view seems to have been that the good was in the first instance the good for rational nature as such. Since on their view the universe as a whole was a rational being – as was each adult human – one might have thought that there would have been ample conceptual space for raising the question whether the good of the universe was the good of each human being. However, since it was in some sense the same rational nature that animated both the universe and each individual human being, that space was illusory. The Stoics were providentialists, believing that everything that happened was in accord with the best possible rational order. For the Stoics, only that was good which would under no circumstances harm. They concluded that living completely in accord with nature – that is, in accord with the rational providential order of the universe – was what was *kalon* and that this was the only good. The Stoics were happy to admit that the precise contents of the life in accord with nature was usually unknown to a limited being such as the human, and their view was that in that case we ought to select that for which we had a natural impulse – such items being what they called “preferred” (*proēgmena*). What was preferable might be instrumental in becoming good but was not in itself *kalon*.

2.3 Conflicting Goods: *Honestum* and *Utile*

The next and crucial step in my story is the separation of different and possibly conflicting goods. Cicero translates *kalon* as *honestum*, and he treats many of the items that the Stoics considered preferred (*proēgmena*) as goods (*bona*). Like most of the ancient schools, he asserts that nature has implanted in us a desire for self-preservation and for what is useful for it – what is advantageous or useful (*utile*). He recognizes all these as different sorts of goods, rather than as *the* good and what is instrumental for it, and he treats the issue of potential conflict between them as that of a conflict between goods. Cicero raises this possibility in his critique of the Stoic identification of the Good with Virtue alone,¹³ and therefore in the Latin tradition after Cicero, there was precedent for seeing a possibility of conflict not only between different species or individuals but between two sorts of good for an individual.

Meanwhile, within the Platonic tradition, Aristotle’s arguments against a single form of the Good were largely ignored. The Platonic view that there was such a Form, and that it was indeed a Master form, was given new impetus by a late antique identification of the form of the Good with the Demiurge of the *Timaeus*. This idea that Goodness itself was also the fashioner of the Universe was taken up by Christianity very early and suggested identifying the Form of the Good (as we see it in late Platonism) with the Christian God. It is this identification that we find clearly in Boethius’ *Consolation of Philosophy*. Boethius follows Plato in arguing

¹³ See, e.g., Cicero, *Academica II (Lucullus)*, XLIV (trans. Rackham 1967, 643).

that every substance is good because of its participation in Goodness – that is, on his view, in God. He draws the conclusions that for a human to become better is to participate more in God and therefore to be more divine; and that to become worse is to participate less in God and come closer to being a “mere” animal.¹⁴ In Boethius’ conception, each kind has a degree of Goodness or a range of such degrees. When humans become better, what they are doing is changing their metaphysical status – they are rising on the great chain of being – and as they become worse, they sink.

Furthermore, Boethius takes up the Platonic theme that what we really desire is what is really good, and that if what we think we desire, tyrannical power, say, is not really good, then in getting it we are removed ever further from being as we really want to be. In Boethius’ view, becoming worse is becoming more subhuman, and becoming better is becoming more divine. How could one not want that, and how could getting it not be what is good for one?¹⁵

2.4 The Early Medieval Development of Incommensurable Forms of Goodness

The next major step in this narrative may have been taken already by Augustine, but it was certainly taken by Anselm of Canterbury (d. 1109). It is to recognize the *honestum* and the *utile* as two incommensurable forms of goodness and at the same time to identify the *honestum* with the Platonic and Boethian idea of goodness and the *utile* with the Aristotelian notion of eudaimonia (translated as *beatitudo*). Anselm does this in the context of developing an account of how two agents who are superbly cognitively and affectively endowed and without any prior history could, when presented with the same alternatives, choose differently, and in particular how the one who is, if anything, the better endowed chooses badly and sins while the other does not.¹⁶

Anselm begins by supposing that at least each living created substance has an innate God-given will (*voluntas*) or affection of the will (*affectio voluntatis*) to seek its own fulfilment – to seek what is advantageous or useful for it. All rational substances (humans and angels) are also created with another will – a will for justice, which is the keeping of uprightness for its own sake. As the *utile* is related to the will for happiness (*beatitudo*), so the *honestum* is to the will to keep justice for its

¹⁴Boethius, *Consolation of Philosophy* 4.3 (ed. O’Donnell 2022).

¹⁵How indeed? In an office at UCLA, there was once a poster that read “Anything don’t mean a thing if it ain’t the thing you want”. Is it possible to want (really want) not to be more divine but more bestial – and if it is not possible, why not?

¹⁶There are several dialogues in which Anselm explores this theme. The terminology of two differently oriented “wills” (*voluntates*) is introduced in *On the Fall of the Devil* (*De casu diaboli*) and *On Freedom of Decision* (*De libertate arbitrii*). It disappears in favor of the terminology of two “affections” (*affectiones*) of the will in *On the Harmony of God’s Foreknowledge, Predestination, and Grace with Free Will* (*De concordia*).

own sake. Anselm's concern is to explain how a creature, which has received everything that it has from an all-good God, is able to sin. His explanation is that because a rational creature has these two fundamental wills, even the most cognitively perfect but finite creature may face a situation in which the two wills seem to conflict. That is, there could seem to be a situation in which a rational creature could seek to increase its own happiness only at the price of being unjust.

Anselm focuses on the case of the Fall of Satan. He imagines angels – purely rational creatures without the passions of the flesh – who face a situation in which it seems to them that they could be happier if only they did something that is incompatible with remaining upright. They realize that they might be punished were they to act unjustly, but they also believe, reasonably, that given God's mercy they might not. The risk is not unreasonable. Some of them, Satan and his cohort, act on their will to happiness and so abandon justice; others act on their will to justice and so restrain their will to happiness. As Anselm imagines the situation, those who sought their happiness at the expense of justice are indeed punished, justly punished, and therefore they not only fail to get the happiness they sought but they lose whatever happiness they already had. Those who sought to remain just even at the expense of their own happiness are justly rewarded with the happiness which they forewent and are confirmed in the justice they preserved.¹⁷

There are two aspects of Anselm's picture to which I especially want to draw attention. The first is his account of justice as keeping uprightness for its own sake. Anselm quite consciously insists that what is essential to keeping justice is the sake for which it is kept. I cannot, on his view, be just for the sake of avoiding hellfire or, more generally, for the sake of my own happiness, as an Epicurean or even an Aristotelian might think. Were I to perform actions (even upright actions) for the sake of my happiness, I would not be keeping justice.

The second feature that I wish to make salient is Anselm's insistence that seeking one's own happiness and keeping justice can be (and indeed, as given by God, are) ultimate motives for the action of rational creatures. We have just seen that on his account, one cannot be just for the sake of happiness. By contrast, one can be happy for the sake of justice – that is, one can be happy because that is what uprightness requires, but Anselm seems to think that one cannot be happy unless one also wants to be happy. This 'wanting to be happy' need not be an ultimate motive, but it can be. As I read Anselm, to take the motive for happiness as ultimate is precisely to sin – indeed, it may be the only way to sin. If I am right about this, we now have a stark contrast between two ultimate ways of approaching the world practically.

Anselm sharply distinguishes between (1) one's own happiness and (2) justice as ultimate motives, and he defines justice as keeping the uprightness of the will for its own sake. However, he has little to say about what uprightness of will consists of. He suggests that acting justly involves acting in accord with God's will but, again, has little to say about what that involves. When we turn to the generation after him,

¹⁷For references, see footnote 2 in Toivanen's chapter in this volume.

we find quite a bit of attention being devoted to what exactly constitutes uprightness of will. One particularly striking picture is that proposed by Peter Abelard (1079–1142).

Abelard is very sensitive to the logic of the word “good” (*bonum*). At the end of the first book of his *Dialogue of a Philosopher with a Christian*, where the Christian and the Philosopher seem to have just about arrived at a consensus, Abelard has the Christian say that when it is used adjectively (as in “a good horse” or “a good thief”), the word *bonum* has its signification affected by the noun to which it is attached. Thus, to be a good human is not the same thing as to be a good thief, even if it is the same thing that is human and a thief. The Christian points out that we apply the term *bonum* both to things (*res*) and to various sorts of what he calls “non-things” – such as statuses (like being a human), what he calls *dicta* (that is, the significates of that-clauses), and to actions – and we apply it rather differently in these different cases. We could say, for example, that it is bad that there exists a good thief, and that it is good that there be bad things.

Abelard has the Christian say that good humans are good “because of their morals” and that is a matter of their intentions.¹⁸ To be a good human is to have good intentions. I have suggested elsewhere that this account of moral goodness introduces a difficulty.¹⁹ On Abelard’s view, the moral goodness or badness of an action derives from the intention with which it is performed, but an intention is an intention to perform an action. If the moral value of an intention does not derive from the value of the act, which it is an intention to perform, then from what does it derive? Our deeds are morally good if they proceed from morally good intentions. Our intentions are morally good if they are intentions to do what we believe to be, and what in fact is, pleasing to God. But if something is pleasing to God only if it is morally good, then we seem to have a small and vicious circle. Abelard escapes the circle (1) by adopting the Stoic criterion for a good as that which under no circumstance can interfere with the being of anything and (2) by accepting the PCG.²⁰ These taken together give us a test independent of our intentions and so of what constitutes morality. Non-moral goods are items that necessarily can coexist together. God, the Supreme Good, always and necessarily acts for the non-moral (or as I shall call it *metaphysical*) best on Abelard’s view. For a human to act well is for it to intend to do what it believes is pleasing to God, that is, for it to intend to bring about a situation (an *eventus rei* in Abelard’s terminology) which it believes is part of this metaphysically perfect world. For an action to be morally good, it must both follow from a morally good intention in this sense and objectively be a cause of an aspect of this metaphysically perfect world. Metaphysical perfection is specifiable independently of intentions.

¹⁸Abelard 1995, para 396.

¹⁹Normore 2004.

²⁰For example, in his *Dialectica* he writes: “veritas autem veritati non est adversa. Non enim sicut falsum falso vel malum malo contrarium potest reperiri, ita verum vero vel bonum bono potest adversari, sed omnia sibi bona consona sunt et convenientia” (*Dialectica*, ed. De Rijk 1970, 469.19–20).

By now, the forest may be disappearing behind the trees, so let me rehearse what I take to have argued so far. Goodness in the Platonic tradition is unitary, and no distinction is drawn between what is good in itself and what is good for a particular being. Aristotle begins to draw this distinction by distinguishing the goods of (and so for) different species. He is happy enough to say that there is a sense in which the Prime Mover is the best thing, and he is happy enough to use that fact in figuring out what is good for a human, but he thinks that the good of and for a human is not Goodness itself but a state of peculiarly human flourishing. He seems to think that this flourishing does not interfere with the flourishing of other beings but does not argue that point. In the Stoic tradition, a distinction gets made between what is good in itself and what is to be preferred in making a choice but not good in itself, and Cicero canonizes it in the distinction between the *honestum* and the *utile*.²¹ Anselm suggests that the *utile* is to be understood as what is sought for the sake of one's own *beatitudo* or flourishing, while the *honestum* is what is sought for the sake of justice – that is, for the sake of keeping the uprightness of the will for its own sake. Abelard develops this last idea, arguing that to act well is to intend an action because it is the morally right action to intend – that is, because it is the action that will fit into the best of all metaphysically possible worlds.²²

Notice that at this point the idea that what we should seek as our good is our own happiness has disappeared from view. Abelard and Anselm do think that we will be happy if we act well, but they are adamant that acting well is never aiming at one's own happiness. Indeed, on both accounts, to act for the ultimate sake of one's own happiness is sinful.

The idea that morality reduces to ethics as the study of what will make one flourish or be happy returns, of course, with the recovery of Aristotle's *Nicomachean Ethics*, and it is worked out in a particularly rich and subtle form by Thomas Aquinas (1225–1274), in whose work the *bonum honestum* appears as a virtue conducive to union with God and hence to happiness. Aquinas, however, accepts the PCG, and for him it is incompatible with the nature of God and simply impossible that one's own happiness ever be incompatible with the happiness of others. Thus, he never has to confront the question of what to do if it did. Henry of Ghent (d. 1293) does confront that question and concludes that if that situation were to arise, one should choose one's own happiness even at the cost of the eternal damnation of everyone else.²³ Over the following half-century, the English Franciscans, explicitly heirs of

²¹ Cicero, *On Moral Ends* (ed. Annas 2004).

²² Although Abelard is in many ways a Stoic (see Normore 2004), he does not identify the moral Good with virtue or anything else dispositional but rather with consent (Stoic assent?) and intention.

²³ Henry writes: "If, however, each good is spiritual, in that case one should rather procure his own personal good, because anyone ought to will for himself a small amount of the good of grace or glory on account of its eternal perseverance rather than the greatest amount of good for the neighbor, just as one ought to will to be saved alone and that all the rest be condemned rather than the opposite" (Henry of Ghent, *Quodlibet* 9, q. 19 [ed. Teske 2005]). Henry's astonishing claim was brought to my attention by Prof. Mikko Yrjönsuuri.

Anselm and, I suspect, implicitly of Abelard and the Stoics as well, develop Anselm's idea that there are two affections of the will – one for happiness and one for justice – and they combine it with a theory of love to produce a picture according to which finite rational agents, that is, humans and angels, are motivated both by self-love and by love of what is metaphysically good for its own sake. Since in this tradition, God is thought of as an infinitely metaphysically good thing, this duality can be rephrased as one of self-love and love of God, where love of God is partially operationalized as willingness to obey God's commands.

In "Modern Moral Philosophy", one of the most influential works of recent moral philosophy, Elizabeth Anscombe argued that the idea of morality as a system of rules to be obeyed not only arose as a morality of divine command but depended essentially upon it for its justification and should be abandoned. Alasdair MacIntyre agreed with her.²⁴ This seems to me, however, not to get the history quite right. It is true that as the influence of the tradition in which I have located Anselm and Abelard develops, the role of God's will expands. John Duns Scotus (d. 1308), for example, thinks that the motivation to love metaphysical goodness plus the fact that God is an infinitely good thing, while everything else is finite, entail that one should love everything else for the sake of God.²⁵ He draws the further conclusion that love is manifested in obedience, and he reasons from the infinite gap between God and creatures that God is not required by his own love of metaphysical goodness to love anything but Himself. Thus, where it is our behaviour with respect to ourselves and each other that is concerned, God is not constrained to require our obedience to one set of commands rather than another. From this, Scotus draws the further conclusion that what is morally required of us is not only contingent but may well vary over time and place. Having at most one spouse is required of us but was not required of Abraham, for example.

However, it would be a mistake to suppose that we have in Scotus, or later in William Ockham (1285–1347), a divine command morality as it is often understood nowadays. According to such a contemporary conception of a divine command morality, what is moral is what God commands – and so far Scotus and Ockham would agree – but the contemporary conception does not offer any further basis for the requirement to obey God's commands, and here Scotus and Ockham would disagree. They, like Abelard, would insist that what we ought to do is to love metaphysical goodness. It is because they maintain that God is the metaphysically best thing that they hold we are to love (and so obey) God.²⁶

What I suggest is the lesson to be learned from the history I have barely sketched is that once it is recognized that choosing one's own good is at least intensionally different from choosing what is objectively best, the PCG is thrown into doubt. Then, as Anselm's Satan supposed, there may be real tension between one's own

²⁴Anscombe 1958; MacIntyre 1981.

²⁵Scotus, *Ordinatio* 2, q. 6.2, in Wolter 1986.

²⁶For Ockham's agreement with Scotus on this point, see Ockham, *Scriptum in librum primum Sententiarum*, dist. 1, q. 3–4 (ed. Gal and Braun 1967); and Ockham, *Quodlibeta septem* 3.14 (ed. Wey 1980, 253–57).

good and the metaphysically or objectively best. If so, the form this tension takes depends upon what is the good for oneself and what is the objectively or metaphysically best. To think that the good of one's neighbour is as important as the good of one's self because a metaphysically best God commands it is not to think that the good of one's community or the human species is more choiceworthy because it is what is most valuable in itself.

Most modern moral theorists no longer believe in the great chain of being – at least not in its upper reaches – and to them, the Franciscan development of the motivation to love what is metaphysically good for its own sake into a motivation to obey a code that a God formulates and reveals no longer seems plausible. Still, the fundamental thought that morality is concerned not with my own interest but with what is valuable in itself remains and is the ground of the intuitions to which we appeal when we attempt to work out moral theories. It is plausible to think that what is most valuable in itself is what we identify with the common good, and if we have trouble finding common ground on which to settle our moral disputes, it is not because our moral concepts no longer have the backing of the theologically infused metaphysics in which they grew but because we do not agree metaphysically and so not about what is the common good. We do not agree about what things there are, or about how to rank their metaphysical value. Some think only persons have metaphysical value and deserve respect, while all the rest is bare extension. Others see the non-personal world as nature – rich and variegated and commanding our love and respect. Our moral disagreements are due to our metaphysical disagreements. We can and should aim for metaphysical consensus in part because, if morality is the practical reflection of our fallible capacity to appreciate what there is for its own sake and not merely in relation to ourselves, our metaphysical disagreements will have moral consequences.

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Chapter 3

Interpreting Aristotle’s Concept of the Common Good



Anthony J. Celano

3.1 Introduction

A definitive interpretation of many important concepts in Aristotle’s philosophy has eluded his commentators for more than two thousand years. Among the most disputed passages in the *corpus* are those that consider the meaning of happiness, goodness, practical wisdom, human nature and virtue. Aristotle’s treatment of moral issues has produced a number of conflicting explanations, such as the ‘dominant/inclusive theory’ of *eudaimonia*, the rights of the individual and the duties to the state, the defence of slavery, and the priority of the common good over individual happiness.¹

The common good, the topic of this and other chapters in the present volume, has recently generated a number of works that often provide different explanations of this idea and its relation to individual goodness. Divergent opinions on Aristotle’s notion of the common good are not merely a recent phenomenon but existed also among ancient and medieval commentators, as other contributions to this volume demonstrate. Louis Dupré acknowledges the ambiguity associated with the term ‘common good’: “the term common good has been used in so many ways that it would be difficult to find any political thinker, however individualistically oriented, who has not, in one form or another embraced it.”²

What follows here considers the question of the superiority of the common good over individual happiness in light of Aristotle’s discussions on human happiness, practical wisdom, and contemplative and political virtue. The many conflicting

¹For the last topic see Murphy 2001, 133.

²Dupré 1993, 687.

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explanations of these doctrines are the result of Aristotle’s method of providing only general principles and a broad outline of moral concepts, such as the nature of virtue, the process of moral choice and the analysis of moral weakness. That there may never be a consensus on the exact meaning of many of Aristotle’s ideas may not be a weakness in his work but rather a strength, which he himself had envisaged, since he allows the practically wise person to determine the best course of action in order to attain human goodness.

3.2 A Single Universal Good

There is a number of difficulties in determining the precise meaning and significance of Aristotle’s phrase common good (*koinon agathon*). In his refutation of Plato’s concept of a single universal good, Aristotle concludes his critique as follows: “Clearly it <the good> will not be something common, universal and one, since it would thereby not be predicated in all categories, but only in one alone.”³ In the *Ethics*, Aristotle clearly rejects the existence of one separate common good.⁴ Aristotle argues that the word “good” can be said of in many ways, depending on whether it refers to substance, quality, God, or intelligence, and it is not limited to one being that is “goodness as such”.⁵ After enumerating a number of difficulties associated with the Platonic form of a common good in the *Eudemean Ethics*, Aristotle concludes “such then are the difficulties indicating that the absolute good (*auto ti agathon*) does not exist – and that it is of no use for political science.”⁶ Even if such a good were to exist, Aristotle clearly rejects it as the good sought in *Ethics* and *Politics*: “It is manifest, therefore, that the Absolute Good we are looking for is not the Form of good, nor yet the good as universal [...]”⁷

As we shall see, Aristotle’s medieval commentators understood this passage not as a rejection of a separate good but rather as Aristotle’s conviction that such a being is not relevant to ethical enquiry. Christopher Shields observes that Thomas Aquinas understood the critique of Plato to represent a rejection of a univocal notion of a supreme good and not as a denial of the existence of a highest good, “which is the source of goodness for all other good things, a source in the sense that lesser goods qualify as good precisely because they somehow depend for their goodness upon the highest good”.⁸ This reading can be supported by Aristotle’s assertion in the

³Aristotle, *Nicomachean Ethics* (hereafter *EN*), 1.6, 1096a28–29 (ed. Bywater 1894; trans. Ross 1980, with minor changes).

⁴*EN* 1.6, 1096a27–28 (ed. Bywater 1894; trans. Ross 1980 with minor changes): δῆλον ὡς οὐκ ἂν εἴη κοινόν τι καθόλου καὶ ἓν.

⁵Segvic 2004, 158; Shields 2010, 185–99.

⁶Aristotle, *Eudemean Ethics* (hereafter *EE*), 1.8, 1218a17–34 (ed. Susemihl 1884; trans. Rackham 1980).

⁷*EE* 1.8, 1218b7–8 (ed. Susemihl 1884; trans. Rackham 1980 with minor changes).

⁸Shields 2015, 87. See also Segvic 2004, 151–76.

Metaphysics where he seems to accept the existence of a separate good: “And that science is supreme, and superior to the subsidiary, which knows for what end each action is to be done; *i.e. the good for each, and generally the supreme good in all of nature.*”⁹

3.3 The Common Good for Human Beings

The role of the first being as a common object of human speculation, while significant, is certainly not the usual interpretation of the common good. The more usual reading of the term considers it in relation to the individual good and as the collective goal of benefitting an entire community. Its appearance in Aristotle's works has helped to invigorate the discussions of many modern moral philosophers, who emphasize the importance of the common good in the production and maintenance of a just society.¹⁰ Mark Murphy comments on the importance of the topic and the difficulties in interpretation as follows:

The differences among natural law views on the character of the common good are not trivial: they concern such deep issues as whether the common good should be understood as an intrinsic or an instrumental good, and whether the common good should be understood in relation to the good of individuals of that community or solely in relation to the good of the community as a whole. If one aims to develop a natural law account of the political order, then, one cannot remain neutral with respect to the various natural law understandings of the common good, for these various understandings are almost certain to yield differing conclusions on the source, functions, and limits of political authority.¹¹

Almost everyone in the academic profession has experienced the disparate demands between the common good and the individual good in that a choice is needed between the requirements of teaching and administration (common good) and the desire to engage in research and writing (individual good). The dichotomy between individual and common goodness may not always appear so stark as often believed since the discoveries of an individual researcher in medicine may ultimately benefit an entire community. The difference in motivation, however, is important because one may argue, like Aristotle, that the good for the city is nobler than that of the individual.¹² He also claims, as we shall see, that the good for the individual and the state are identical, and the good life for citizens is the primary goal for all.¹³ The identity of the good for the community and the individual contributes to the

⁹ Aristotle, *Metaphysics*, 1.1, 982b4–10 (ed. Ross 1924; my translation, emphasis added): τοῦτο δ' ἐστὶ τὰγαθὸν ἐκάστου, ὅλως δὲ τὸ ἄριστον ἐν τῇ φύσει πάση. See also *ibid.*, 12.10, 1075a11–15.

¹⁰ For a consideration of some modern interpretations of Aristotle's concept of the common good, see Duke 2016, 227–50; and Murphy 2001.

¹¹ Murphy 2001, 133.

¹² *EN* 1.2, 1094b7–10 (ed. Bywater 1894); and *Pol.* 1.13, 1260b14–15 (ed. Ross 1957; trans. Barker 1995). Throughout this work I have used Barker's translation with some minor changes.

¹³ *Pol.* 7.2, 1324a5; 1324b30–32; and 7.15, 1334a11–13 (ed. Ross 1957).

difficulty in determining the primary motivation for moral and political virtue in Aristotle's view.

The term 'common good' (*koinon agathon*) and related concepts, such as common benefit (*koinon sumpheron*) and common advantage (*koinon lusiteloun*), do not appear very often in Aristotle's political and ethical treatises. The understanding of the common good in the political sense differs substantially from its meaning as a metaphysical concept discussed above. The common good in this sense provides a foundation for the construction and maintenance of a just society. While some are reluctant to accept such an idea because of its abuse by totalitarian regimes, some modern defenders argue that the quest for common goodness need not lead to an abrogation of the rights of individuals.¹⁴

The correct constitutions, no matter what form they take, must govern according to this common interest; otherwise they deviate from the desired end in favour of the interest of the few.¹⁵ A noteworthy feature in the *Politics* is the implication that the common interest, while essential to good government, differs from the common good of the state. Even if the ideas of good (*agathon*), advantage (*sumpheron*), and benefit (*lusiteloun*) are related, one must examine whether they are truly identical in meaning, as some commentators, like Donald Morrison, have assumed: "Aristotle's two main expressions for 'the common good' are *to koinon agathon* and *to koinēi sumpheron*. Aristotle uses them interchangeably."¹⁶ Despite this assertion, Morrison later admits in the same article that "When Aristotle uses the term 'the common good' [...] he never presents an explicit answer" to its meaning.¹⁷ Morrison offers four possible meanings of the common good: (1) it may designate the happiness of all citizens; (2) it may mean the good condition of shared activities; (3) it may signify the happiness of all citizens as an interrelated, inseparable whole; (4) or it may designate the happiness of the city.¹⁸ Other scholars, like Mark Hoipkemier, inject a further note of caution when examining the two terms 'common good' and 'common interest'. He observes that the "word choice may not be decisive, but certainly Aristotle's reliance on 'common advantage' troubles any easy equation of it with the human good".¹⁹

Aristotle clearly understands the common good in the political sense to be happiness, as he indicates a number of times.²⁰ This identification of the goal of politics as happiness does not resolve questions that arise from the concept of the common good. Aristotle seems first to indicate the identity of the common good and common

¹⁴ See the discussion in the article by Murphy 2001.

¹⁵ *Pol.* 3.7, 1279a27–31 (ed. Ross 1957).

¹⁶ Morrison 2013, 127.

¹⁷ Morrison 2013, 182.

¹⁸ Morrison 2013, 182–88.

¹⁹ Hoipkemier 2018, 552.

²⁰ *EN* 1.4, 1095a15–20 (ed. Bywater 1894): τί ἐστὶν οὗ λέγομεν τὴν πολιτικὴν ἐπίεσθαι καὶ τί τὸ ἀκρότατον πάντων τῶν πρακτῶν ἀγαθῶν. ὀνόματι μὲν οὖν σχεδὸν ὑπὸ τῶν πλείστων ὁμολογεῖται: τὴν γὰρ εὐδαιμονίαν καὶ οἱ πολλοὶ καὶ οἱ χαρίεντες λέγουσιν, τὸ δ' εὖ ζῆν καὶ τὸ εὖ πράττειν ταῦτον ὑπολαμβάνουσι Cf. *Pol.* 7.1, 1323b40–1324a2, and 7.8, 1328a35–38 (ed. Ross 1957).

benefit. Then he implies a distinction between the two terms. In the *Politics*, Aristotle claims that the end of politics is the greatest good. The good in the political field is justice, but Aristotle qualifies the designation of justice as the political good by declaring it to be the common benefit: “The good in the sphere of politics is justice; and justice consists in what tends to promote the common interest.”²¹ This passage, however, has convinced at least one modern scholar that justice is the common good.²² One should reiterate, however, that the qualification of justice is a common benefit, which seems to imply a difference between the common good and justice.²³

All political communities are formed and maintained for the benefit of their members, and justice is that which best promotes what is beneficial to all.²⁴ Again, there is some confusion concerning justice and the common good. Does Aristotle wish to make justice the supreme political good even though he has already claimed it to be happiness?²⁵ *Eudaimonia* and justice are not coextensive terms, and so justice is either an element of political goodness or a means to it. In *Politics*, after discussions on justice, various institutions of a common social life, and friendship,

²¹ ἔστι δὲ τὸ πολιτικὸν ἀγαθὸν τὸ δίκαιον, τοῦτο δ' ἔστι τὸ κοινῇ συμφέρον (*Pol.* 3.12, 1282b15–17, trans. Barker 1995, emphasis added).

²² Hoipkemieer 2018, 547–74.

²³ George Duke seems to maintain a distinction between Aristotle's concept of the common good and that of the common advantage, and he refers to justice primarily as a common advantage only. He views a closer association between the two concepts in the works of Thomas Aquinas: “The normative dependence of such arguments on the common good is perhaps most clearly seen in the political and legal thought of Aristotle and Aquinas. Aristotle's identification of the common advantage with justice (*Pol.* 1279a18 and 1282b7–18) explains the central normative role it plays in his theory of constitutions (*politeiai*) and law. What differentiates correct from deviant constitutions for Aristotle is their conformity with the common advantage (*Pol.* 1279a17–21; cf. Aquinas, *Sententia Politic.* 3.1.6 n. 2). If a constitution serves the rulers or sectional interests, rather than the good of the community as a whole, then it is defective. Given the normative dependence of laws upon constitutions for Aristotle (*Pol.* 1274b37), the common advantage thus plays the central normative role in the assessment of the correctness or defectiveness of laws by transitivity. Aquinas' famous definition of law from the treatise on law in *Summa Theologiae* (1265–1274) – that law is an ordinance of reason for the common good (*rationis ordinatio ad bonum commune*) made by the person who has care of the community and promulgated – explicitly identifies the essence of law in terms of the common good as end. (*ST* I-II, 90,4)” (Duke 2016, 236). Later in the same article, Duke again identifies the common good with justice in the *Summa theologiae* of Thomas Aquinas: “This definition appeals to the traditional Thomistic identification of the common good with justice (the proper ordering of social relations) and peace (the absence of strife and discord). Aquinas notes in this context that law which is for the common good directs individual citizens to be virtuous to the extent necessary to ensure that justice and peace are maintained. *S.th.* I-II, 96,3” (Duke 2016, 241). Whether Thomas does read Aristotle's concept of the common good to be identical with justice or indeed whether such an identity represents the intention of Aristotle is beyond the scope of this paper. What is clear is the difficulty in providing a precise explanation of Aristotle's position.

²⁴ *EN* 8.9, 1160a9–22 (ed. Bywater 1894).

²⁵ Morrison (2013, 190) expresses the relation as follows: “In several places Aristotle identifies the common good and justice or anyway ‘a kind of justice’.” He claims further that justice promotes happiness and its parts for the *polis*. He seems, like many commentators, to find difficulty in stating definitively whether justice is identical to the common good or an important part in its production.

Aristotle concludes that such institutions are means to the good life or happiness.²⁶ All human institutions have a common interest in promoting the good life for all collectively and individually.²⁷ Justice certainly is an essential element of a good state, but its exact relation to the common good is never clearly resolved.

At times Aristotle seems to indicate that justice and friendship constitute the common good. After the identification of the common good with happiness, the conclusion that justice and friendship comprise happiness may be justified. In *Nicomachean Ethics*, Aristotle suggests that justice and friendship contribute to the common interest or the common advantage of the state,²⁸ but despite some modern translations of *to koinēi sumpheron* as the common good, Aristotle does not normally use the word *agathon* in reference to justice or friendship. He prefers the term ‘benefit’ or ‘advantage’ to describe justice, as he does in *Rhetoric*.²⁹ Again, expectations that he would define the exact nature of the common good are left unfulfilled. We may ask whether Aristotle considers justice and friendship to be the common political good or merely means to attaining it. He certainly considers the relation between the common interest of citizens and happiness for all when he says that people are brought together by *to koinēi sumpheron*, according to which they have a share of the good life.³⁰ His common mode of expression is to designate justice and friendship as a common advantage (*koinon lusiteloun*), which is certainly a good but not the supreme political good.

In *Nicomachean Ethics* 1.4, 1095a14–20, Aristotle again establishes the goal of politics to be the supreme good that is attainable by action. He quickly adds that almost everyone agrees that this goal is happiness, which is living well or doing well (τὸ δ’ εὖ ζῆν καὶ τὸ εὖ πράττειν). This definition, as Aristotle admits, is rather general and requires further refinement. He clarifies his concept of happiness further when he defines *eudaimonia* as follows: “The human good turns out to be an activity of the soul in accordance with virtue.”³¹ Aristotle, however, is not content with his clearest expression of the human good, and he quickly adds the qualifying phrase, “and if there are more than one virtue, in accordance with the best and most complete”.³² This addendum has led to an enduring debate as to the exact meaning of Aristotelian *eudaimonia*. Some consider the human good to consist in *theoria* and that every other human action is directed to the attainment of theoretical excellence. This “dominant” theory of happiness was accepted by most medieval commentators

²⁶ *Pol.* 3.9, 1280b38–40 (ed. Ross 1957): ἡ γὰρ τοῦ συζῆν προαίρεσις φιλία. τέλος μὲν οὖν πόλεως τὸ εὖ ζῆν, ταῦτα δὲ τοῦ τέλους χάρις.

²⁷ *Pol.* 3.6, 1278b23–26 (ed. Ross 1957).

²⁸ Respectively, *EN* 5.1, 1129b11–15 and 8.9, 1160a9–30 (ed. Bywater 1894).

²⁹ καθ’ αὐτὸ αἰρετόν ἐστιν. καὶ τὸ δίκαιον: συμφέρον γὰρ τι κοινῇ ἐστιν (*Rhetoric* 1.6, 1362b27–28 [ed. Ross 1959; trans. Freese 1926]).

³⁰ *Pol.* 3.6, 1278b23–25 (ed. Ross 1957).

³¹ ἀνθρώπινον ἀγαθὸν ψυχῆς ἐνέργεια γίνεται κατ’ ἀρετὴν (*EN* 1.7, 1098a15–16 [trans. Ross 1980]). See also *EN* 1.13, 1102e5–6.

³² εἰ δὲ πλείους αἱ ἀρεταί, κατὰ τὴν ἀρίστην καὶ τελειοτάτην (*EN* 1.7, 1098a16–17 [trans. Ross 1980]).

on *Nicomachean Ethics*. They were influenced by Albertus Magnus (c. 1200–1280), who argued that the lesser type of political happiness created favourable conditions for human beings to attain the higher form of contemplative happiness. Thomas Aquinas (1225–1274) and Boethius of Dacia (fl. 1270s), however, understood happiness to consist of a combination of moral and intellectual virtues, which is currently known as the “inclusive” concept of happiness. My intention here is not to resolve the question but to remark that it is perhaps wiser to highlight Aristotle's common practice in practical philosophy to leave a topic open to interpretation.³³ Julia Annas comments that, “What Aristotle says about virtue and happiness [...] is tempted [...] in both of two conflicting directions. [...] If we find what he says unsatisfactory, it is because we think that ethical theory, even of Aristotle's kind, must take sides in a way that Aristotle does not.”³⁴ These comments are equally applicable to Aristotle's political theory.

As is well known, in book ten of *Nicomachean Ethics*, Aristotle defines happiness as an activity in accordance with the highest virtue of the supreme human power that allows contemplation of what is divine and noble.³⁵ The solitary philosopher can contemplate truth since the contemplative is self-sufficient and independent of external demands. Here Aristotle relegates practical virtues to political and military pursuits that are inferior to intellectual activity, but he seems to retreat from an unconditional acceptance of the life of contemplation as the essence of *eudaimonia* since he quickly adds that this type of life is too high for a human being. One cannot live entirely according to *nous*, which is the divine element within the soul.³⁶ Aristotle then, in a most passionate statement, warns against heeding the advice of those who encourage mortals to be content with worldly things. One should strive to make oneself immortal and strain mightily to live according to the divine element within the soul. The life of supreme reason is the best and happiest.³⁷

Aristotle does not dismiss the life of political and moral virtue since it constitutes a secondary type of happiness, which is specifically human in contrast to the divine activity of *theoria*.³⁸ Aristotle seems to vacillate between two notions of happiness again when he expresses his admiration for the perfect contemplative existence of divine beings: “Divine activity, which exceeds all others in beatitude, must be contemplative; concerning human activities, therefore what is most like this must be the nature of happiness.”³⁹ He succinctly concludes that happiness must be a form of contemplation.⁴⁰ One might assume that Aristotle has ended all doubt about the

³³ For a short survey of the two interpretations of happiness, see Celano 2016, 2–3. For a fuller discussion of the question, see Lear 2004.

³⁴ Annas 1999, 50.

³⁵ *EN* 10.7, 1177a11–20 (ed. Bywater 1894).

³⁶ *EN* 10.7, 1177b4–32 (ed. Bywater 1894).

³⁷ *EN* 10.7, 1177b27–1178a7 (ed. Bywater 1894).

³⁸ *EN* 10.8, 1178a8–12 (ed. Bywater 1894).

³⁹ *EN* 10.8, 1178b20–25 (trans. Ross 1980).

⁴⁰ *EN* 10.8, 1178b3–31 (ed. Bywater 1894).

meaning of happiness and that it must be the exercise of the supreme faculty of the soul. However, he does not end the discussion here, and he quickly adds that human beings need external goods to survive. He concludes the discussion on happiness in book one with a reference to Solon, who described the *eudaimon* as one moderately equipped with external goods but who has performed the noblest of acts and lived temperately.⁴¹ In *Politics*, Aristotle provides a similar definition of happiness: “The best life for individuals and for cities commonly is the life of virtue with sufficient means for partaking in virtuous activities.”⁴² In neither work does Aristotle provide any further information about the way in which one might choose between possible conflicts in the two ways of living. He has noted earlier that a career in politics might keep the politician from engaging in theoretical contemplation, but he does not offer any method to resolve possible competing demands.

Whatever Aristotle’s final determination of the meaning of human goodness may be, he closes the discussions on the topic in both *Nicomachean Ethics* and *Politics* with references to Solon’s pronouncement on its nature. In both works, Aristotle presents the three elements that contribute to a good life (external goods, intellectual and moral virtues) but refrains from any clarification of their relative value. Although he is consistent in his description of the supreme human good, he remains unclear about its exact constitution. The similar descriptions of happiness do not clarify the question of the superiority of one life over another. If there should be a conflict between the demands of civic and theoretical pursuits, he provides no method for resolution.⁴³

3.4 The Political Common Good

A similar discussion on the two lives of virtue within the state appears in *Politics*. The best constitution under which citizens may live is that which promotes happiness. But even those who agree that the good life is that which is lived in accordance with virtue ask whether this life is political and practical or rather theoretical and free from external concerns.⁴⁴ Aristotle admits that the active life is best both for the state and for individuals, but the active life and active thoughts need not be limited to what is achieved through action. Speculation and contemplation, which aim at nothing beyond themselves, are certainly worthy of the designation of practice or action (*prattēin*).⁴⁵ Aristotle again gives no indication of the relation of the life of

⁴¹ *EN* 10.8, 1179a8–12 (ed. Bywater 1894).

⁴² *Pol.* 7.1, 1323b40–1324a2 (trans. Barker 1995).

⁴³ For a discussion of the role of external goods in the attainment of happiness, see *Pol.* 7.1, 1323b1–35 (ed. Ross 1957).

⁴⁴ *Pol.* 7.2, 1324a22–28 (ed. Ross 1957).

⁴⁵ *Pol.* 7.3, 1325b14–22, and 1325a31–35 (ed. Ross 1957).

political virtue to that of intellectual virtue.⁴⁶ He merely offers a variation of the Solonic formula, which appeared in *Nicomachean Ethics*. What is sufficient for his purpose is to describe the best life for the state and for individuals as the life of virtue with sufficient means to exercise it.⁴⁷ This shorter version of his final determination in *Nicomachean Ethics* on the nature of happiness does little to answer the questions regarding possible conflicts within the two types of lives. There certainly are times when the demands of daily life intrude upon the solitary exercise of contemplation. If the common good is nobler for the state, how can the contemplative contribute to its attainment?

The preferred mode of identifying the common good (*agathon koinon*) in both *Nicomachean Ethics* and *Politics* is its definition as happiness (*eudaimonia*). The city, which is a community of similar people, has as its goal the best life possible, which consists of the exercise of virtue: "Since happiness is the highest <good>, it is the exercise, and a complete practice of virtue."⁴⁸ Aristotle often repeats his assertion that the common good for the state and for individuals is identical: "It remains to discuss whether happiness of the city is the same as that of the individual, or different. The answer is clear: all are agreed that they are the same."⁴⁹ Later in *Politics*, he reaches the same conclusion: "Since it appears the end for human beings is the same end (*telos*) individually and collectively, the standard (*horos*) for the best man is the same as that for the best city."⁵⁰ Both the city and the individuals can be considered wise, courageous, and just since cities reflect the characters of their citizens. A good state looks to nurture these virtues within the entire community.⁵¹ When it is successful, it achieves its end, happiness, collectively.⁵² On the other hand, both an individual and a city may lack discipline and consequently goodness.⁵³

The designation of a city as *eudaimon* may seem odd to us at first reading, and likewise to identify the happiness of a state with that of individuals seems strained.⁵⁴ This identification has led to various attempts to understand Aristotle's meaning

⁴⁶For the resolutions of Albertus Magnus and Thomas Aquinas to this question, see Kempshall 1999, 106–7.

⁴⁷*Pol.* 7.1, 1323b40–1324a2 (ed. Ross 1957).

⁴⁸ἡ δὲ πόλις κοινωνία τις ἐστὶ τῶν ὁμοίων, ἕνεκεν δὲ ζωῆς τῆς ἐνδεχομένης ἀρίστης. ἐπεὶ δ' ἐστὶν εὐδαιμονία τὸ ἄριστον, αὕτη δὲ ἀρετῆς ἐνέργεια καὶ χρῆσις τις τέλειος (*Pol.* 7.8, 1328a35–38 [ed. Ross 1957; trans. Barker 1995]).

⁴⁹πότερον δὲ τὴν εὐδαιμονίαν τὴν αὐτὴν εἶναι φατέον ἐνός τε ἐκάστου τῶν ἀνθρώπων καὶ πόλεως ἢ μὴ τὴν αὐτὴν, λοιπὸν ἐστὶν εἰπεῖν. φανερόν δὲ καὶ τοῦτο. πάντες γὰρ ἂν ὁμολογήσειαν εἶναι τὴν αὐτὴν (*Pol.* 7.2, 1324a5–8 [ed. Ross 1957; trans. Barker 1995]).

⁵⁰ἐπεὶ δὲ τὸ αὐτὸ τέλος εἶναι φαίνεται καὶ κοιῆ καὶ ἰδίᾳ τοῖς ἀνθρώποις, καὶ τὸν αὐτὸν ὄρον ἀναγκαῖον εἶναι τῷ τε ἀρίστῳ ἀνδρὶ καὶ τῇ ἀρίστῃ πολιτείᾳ (*Pol.* 7.15, 1334a11–14 [ed. Ross 1957; trans. Barker 1995]).

⁵¹*Pol.* 7.1, 1323b29–35, and 1288a36–41 (ed. Ross 1957).

⁵²*Pol.* 7.1, 1323b29–36 (ed. Ross 1957).

⁵³*Pol.* 5.9, 1310a18–19 (ed. Ross 1957): εἴπερ γὰρ ἔστιν ἐφ' ἐνός ἀκρασία, ἔστι καὶ ἐπὶ πόλεως.

⁵⁴*Pol.* 7.8, 1328a35–38, 1334a11–14, and 7.1, 1323b29–36 (ed. Ross 1957).

precisely. George Duke offers three interpretations of the meaning of the collective common good: (1) an instrumental concept according to which the political common good is subordinate and instrumental to the realization of basic common goods, such as knowledge, friendship, etc.; (2) the aggregative common good that consists in the realization of some set of the individual good that results in individual flourishing; (3) the distinctive common good that produces a state of affairs that is the good of the community as a whole.⁵⁵ Each of these interpretations has its defenders, and again Aristotle does not specify any of these particular ideas. What he does assert is the superiority of the common good over the individual: “for even if the good is the same for an individual and for the city, that of the city seems to be greater and more complete [...]. To secure the good for one person is worthwhile, but to secure it for a nation or cities is better and more divine.”⁵⁶ What is not clear is whether Aristotle deems the common good of the city to be qualitatively better than that of an individual or merely quantitatively better in that a greater number enjoy the good life.⁵⁷

The identification of the common good with the individual good does not imply that the good citizen and the good person are necessarily the same.⁵⁸ Aristotle certainly envisages a situation in which one lives in an unjust or corrupt state. If this is the case, then a citizen in such a city who follows unjust laws and corrupt customs can be viewed as a good citizen but a bad person. The indulgence in the practices of an evil city would prevent the citizen from attaining happiness, which consists in activities according to virtue. Only in a good political community can the good person and the good citizen be considered the same.⁵⁹ Even in such a city only the statesmen are truly good, probably because they are the ones who can fully exercise practical wisdom.⁶⁰

⁵⁵ Duke 2016, 228–32.

⁵⁶ τὸ ταύτης τέλος περιέχεται ἂν τὰ τῶν ἄλλων, ὥστε τοῦτ' ἂν εἴη τὰνθρώπινον ἀγαθόν. εἰ γὰρ καὶ ταῦτόν ἐστιν ἐνὶ καὶ πόλει, μεῖζόν γε καὶ τελειότερον τὸ τῆς πόλεως φαίνεται καὶ λαβεῖν καὶ σώζειν: ἀγαπῆτόν μὲν γὰρ καὶ ἐνὶ μόνῳ, κάλλιον δὲ καὶ θεϊότερον ἔθνεϊ καὶ πόλεσιν (*EN* 1.2, 1094b7–11 [ed. Bywater 1894; trans. Ross 1980]).

⁵⁷ Aristotle, *Rhetoric* 1.7, 1363b15–21 (trans. Freese 1926): “It follows, then, that a greater number of goods is a greater good than one or than a smaller number, if that one or that smaller number is included in the count; for then the larger number surpasses the smaller, and the smaller quantity is surpassed as being contained in the larger.” For the opinions of Albertus Magnus and Thomas Aquinas on the relation of the individual to the common good, see Kempshall 1996, 493–510 and section 3.6 below.

⁵⁸ In fact, *Politics* 3.4 makes it clear that they are not identical.

⁵⁹ *Pol.* 3.5, 1278b1–4 (ed. Ross 1957).

⁶⁰ *Pol.* 3.6, 1278b5–8 (ed. Ross 1957). David Keyt (2007, 220) calls Aristotle’s discussion of the virtue of a good man and the virtue of an upright citizen “convoluted”. See also Develin 1973, 71–79; Collins 2004, 57–58.

3.5 The Individual and the Common Good

The distinction between a good person and a good citizen raises the questions whether the common good of the city and the individual good may conflict and how to resolve such differences. In a corrupt society, should one choose to become a good person and abandon civic duties? Even in a good community, the needs and the desires of an individual are not necessarily in harmony with the general welfare of the community. Just as there is no explicit resolution to the possible contrary demands of the contemplative and active life in Aristotle's *Ethics*, there is no discussion of competing claims of common and individual goodness in the *Politics*. Despite the claim that the welfare of the community is greater and more complete than that of the individual, Aristotle refrains from any discussion of competing ends, nor does he advise a good person in an evil state to break its laws. The questions concerning contemplative and active happiness in *Nicomachean Ethics* find parallels in the discussion of the common and individual good in *Politics*. In both works, Aristotle is silent about potential inconsistencies between common and individual goodness, but his modern commentators are not. Donald Morrison asks what Aristotle would say about cases in which demands of general justice and particular justice conflict. He concludes that "in certain cases general justice may demand that we harm the innocent while particular justice demand that we spare them."⁶¹ Susan Collins makes a similar comment on the tension within moral virtue itself; that is, between its orientation towards the common good and its requirements as an independent end. She sees a recognition of this conflict in Aristotle's discussion of justice whereby the education of the citizen with a view to the community may not be the same as that of a plain good man.⁶² She concludes that Aristotle conceded that the two ends of a morally serious person cannot be reconciled.⁶³ Even if Aristotle were to grant that there might be tensions between the individual and common good, he seems untroubled by them. Richard Robinson observes that "Aristotle's difficulty appears to be different from any of ours. We often worry whether the State's orders conflict with our conscience, or whether our duty to the State conflicts with our duty to our family [...]. None of these questions occurs to Aristotle."⁶⁴

Robinson would have been safer to say these questions did not trouble Aristotle, although they may have occurred to him. These problems, however, would be overcome by the person of practical wisdom who would know which course to follow. The *phronimos* realizes that no one virtuous activity has precedence over another. The practically wise person weighs all factors and makes the right decision. Aristotle's inconsistencies, obscurities and seeming contradictions concerning theoretical and practical actions and the individual and common good are likely intentional since human life with its varied choices is inconsistent and contradictory. Aristotle would no

⁶¹ Morrison 2013, 192–93.

⁶² *EN* 5.2, 1130b25–29 (ed. Bywater 1894).

⁶³ Collins 2004, 57–58.

⁶⁴ Robinson 1995, 14, cited by Keyt 2007, 221.

more advise one course over another than would Sartre, who refrained from advising a student whose desire to fight against the invaders conflicted with his duty to care for an ailing mother. Whereas Sartre emphasizes the freedom of choice, Aristotle concentrated on the wisdom that informs the choice. The choice is not directed to an unattainable ideal of moral and political excellence, but practical wisdom is the virtue which directs choices to goods that lie within the agent's ability.⁶⁵

Aristotle acknowledges that those who agree that the virtuous life is most desirable still may disagree about whether that life is active or contemplative. A proper resolution requires people of wisdom to decide the question. The wise have long accepted that either the contemplative or the political life is worthy of choice by those who seek goodness. Aristotle considers the question to be of great importance but does not resolve it in favour of one type of life over the other. He merely indicates that there is further disagreement about how the effects of ruling over others contribute to the disagreement about the best possible life. He concludes that those who wish to be good, either collectively or individually, must astutely aim at an exalted standard.⁶⁶ Again, modern commentators point out the complexity of motivation in Aristotle's moral and political thought. Susan Collins points out Aristotle's priority of individual goodness over altruism.⁶⁷ Whatever Aristotle's own final understanding of the nature of the common good may be, Ronald Terchek and David Moore conclude that for Aristotle, "the best politics is fluid and negotiable".⁶⁸ Despite the critical remarks of Terchek and Moore, Thomas Smith is correct in his assessment that "the common good requires [...] people to pursue practical wisdom (*phronesis*) rather than reputation and power. [...] When <*phronesis* is> directed to politics, it is called political wisdom."⁶⁹ Smith's formulation should perhaps be expressed more strongly in that the common good as well as the individual good require an exercise of practical wisdom that can attain not a perfect ideal but rather one that a person of wisdom and a just state can reasonably achieve.

The precise meaning and scope of practical wisdom has long eluded its commentators despite Aristotle's lengthy treatment of it in book six of *Nicomachean Ethics*. He provides a few examples of how it functions, but none of these is specifically moral. His two examples of the exercise of *phronesis* refer to non-moral practical choices: (1) that light meats are healthy and (2) that stagnant water is not.⁷⁰ Aristotle seems to have deliberately avoided any examples of moral reasoning in his examples of practical wisdom, most likely preferring to allow the wise to make their own decisions. We must ask ourselves whether Aristotle, the inventor of logic with its emphasis on precision in language, would not have noticed the different definitions and descriptions of central moral and political concepts in the very same works. Almost all his commentators cite his admonition to refrain from seeking

⁶⁵ *Pol.* 4.11, 1295a26–31 (ed. Ross 1957).

⁶⁶ *Pol.* 7.2, 1324a18–b4 (ed. Ross 1957).

⁶⁷ Collins 2004, 49.

⁶⁸ Terchek and Moore 2000, 907.

⁶⁹ Smith 1999, 632.

⁷⁰ Respectively, *EN* 7.3, 1147a4–8, and *EN* 6.8, 1142a22–24 (ed. Bywater 1894).

certainty and exactitude in practical science⁷¹ but then immediately attempt to provide absolute and exact interpretations of the texts. They can only fail because Aristotle rejects such responses. As the master of those who know, he realizes that the best method of teaching is to allow students ultimately to develop their own wisdom through experience and reflection. Those who remain his students must be content with general guidelines for proper action and recognize those who are the best practitioners of moral action.

3.6 Some Medieval Interpretations and Modern Criticisms

Medieval interpreters of Aristotle tried to remain faithful to the intention of the author, but at times they exploited the inconsistency and vagueness of certain works to construct responses that were compatible with their religious ideals. Robert Kilwardby (c. 1215–1279), in an early Latin commentary on *Nicomachean Ethics*, views Aristotle's critique of Plato in a manner that becomes common in the works of later medieval authors. He does not consider Aristotle to have rejected the common good but rather the common definition of goodness.⁷² The opinion that identifies the separate good and the cause of all goodness as happiness is partially true according to Kilwardby.⁷³ A careful distinction within the notion of goodness is needed to support this conclusion since all Christians accept the goal of all humanity to be union with the first cause and the supreme good.

Concerning the human created good, however, about which Aristotle speaks, the separate good is not happiness. Here Kilwardby is careful to retain the theological notion of the separate good as the ultimate human end, but he dismisses a metaphysical discussion of its nature as irrelevant to the explication of the text of *Nicomachean Ethics*. Kilwardby argues that knowledge of the supreme good is needed to complete the human desire for complete intellectual knowledge. The separate good is relevant to ethics as the ultimate object of human contemplation. Like Aristotle, he compares the directive force of cognition of the good to an archer's awareness of a target.⁷⁴ One must know the goal in any pertinent art or discipline in order to decide on a proper course of action.⁷⁵ The directive force of knowing the good orders every subsequent action in its pursuit. Another commentator of this era

⁷¹ *EN* 1.3, 1094b12–18 (ed. Bywater 1894).

⁷² “Si aliquid bonum per se dicatur univoce specialibus bonis erit ratio eius una communis dicitur de eis [...]” (Robert Kilwardby, *Commentary on the Ethics of Aristotle*, ed. Celano 2022, 131).

⁷³ “Deinde dat opinionem in parte falsam, dicens quod quidam existimaverunt summum bonum esse aliquid separatum ab hiis existens, aliquid per se quod est causa bonitatis in omnibus istis, scilicet causam primam [...]” (Kilwardby, *Commentary on the Ethics*, ed. Celano 2022, 119–20).

⁷⁴ See *EN* 1.2, 1094a24–27 (ed. Bywater 1894).

⁷⁵ “Secunda ratio est talis: sicut cognitio signi dirigit sagitantem ad recte sagitandum, similiter cognitio summi boni dirigit operantem ad bene operandum, et ad ipsum consequendum. Et si ita est, necessaria est eius cognitio ut sciatur quid sit et ad quam disciplinam vel artem pertineat” (Kilwardby, *Commentary on the Ethics*, ed. Celano 2022, 111).

(the so-called pseudo-Peckham) emphasizes more emphatically the idea that the separate good is indeed relevant to ethics. For pseudo-Peckham, that which all things seek seems to be the supreme first good since it must be the good in itself and the source of all subsequent goodness. Everything that exists desires that by which it maintains and preserves its own existence. For this commentator, only the first cause can be the universal object of desire.⁷⁶ As such, it becomes an important element in moral philosophy.

Thomas Aquinas' reading of the text of Aristotle influences his own idea of the common good as God toward which all human beings strive. Thomas argues that Aristotle only disproves Plato's position that human happiness consists in a certain common idea of the good and that he does not reject the existence of the common good.⁷⁷ Thomas further explains Aristotle's text by reference to *Metaphysics* in which Aristotle posits a certain good that is separate from the entire universe or one that is merely the order within the elements. He concludes that the separate good is thought of in both senses.⁷⁸ In *Metaphysics*, Aristotle does not refer to the supreme being or God as the common good, but Thomas understands the discussion here of the separate good to include the idea of the common good: "It is evident that any natural thing [...] is ordered to the common good (*ad bonum commune*) according to its proper natural action."⁷⁹

Thomas uses Aristotle's analogy to the proper functioning of a household to explain further the concept of common goodness in that the master aims at the common good for all. Like Kilwardby, Thomas also employs Aristotle's analogy in book twelve of *Metaphysics* to support his analysis of the notion of a separate common good. Thomas contends that Aristotle did not intend to disprove Plato's opinion about the existence of one separate good upon which all other goods depend. According to Thomas, Aristotle made this conclusion clear in *Metaphysics*, where he posits a certain good that is separate from the whole universe to which the entirety of creation is ordered, as an army is directed to the good of its leader. Aristotle merely disproves Plato's conception insofar as he concluded that this separate good is a certain idea common to all other good.⁸⁰ Despite Aristotle's dismissal of the

⁷⁶"Secundo queritur quid est illud bonum quod omnia appetunt et quod hoc sit summum bonum, sive prima causa videtur. Quia nichil est finis omnis appetitus nisi quod se ipso bonum est [...] et a quo omnia alia habent quod sunt bona. Nichil autem est huiusmodi nisi summum bonum sive prima causa. Item omne quod est appetit illud per quod tenetur et confirmetur in esse [...]" (Pseudo-Peckham, *Questiones in Ethicam novam et veterem*, MS Florence, Naz. conv. soppr. G 4.853, fol. 3vb).

⁷⁷Thomas Aquinas, *Sententia libri Ethicorum* (hereafter *Sent. EN*), 1.6: "[...] improbat positionem Platonis dicentem quod felicitas hominis consistat in quodam communi idea boni" (ed. Gauthier 1969, 22b77–79).

⁷⁸*Metaphysics*, 12.10, 1075a11–15 (ed. Ross 1924); Thomas Aquinas, *In duodecim libros Metaphysicorum Aristotelis expositio* (ed. Spiazzi 1950), 12.4.5, and 12.12.9–10.

⁷⁹"Manifestum est enim quod unaqueque res naturalis [...] ordinatur ad bonum commune, secundum suam actionem debitam naturalem" (*In duodecim libros Metaphysicorum*, 12.12.10 [ed. Spiazzi 1950]).

⁸⁰*Sent. EN* 1.6 (ed. Gauthier 1969, 22b83–96).

relevance of common goodness as unattainable and impractical,⁸¹ Thomas finds evidence in Aristotle's moral and political works for maintaining the importance of goodness in human endeavours. According to Michael Sherwin, "Thomas Aquinas calls God the common good and end for rational creatures, but also a person's enjoyment of God, the ultimate common good."⁸²

Thomas' attribution of a separate common good to Aristotle despite the latter's expressed denial of its existence in *Nicomachean Ethics* does not necessarily misrepresent Aristotelian philosophy. Aristotle provides no explicit statement in *Nicomachean Ethics* or *Politics* that God is the common good for all, but he does so in *Eudemian Ethics*:

For God is not a ruler in the sense of issuing commands, but is the end as a means to which wisdom (*phronesis*) commands [...] Therefore, whatever mode or choosing and of acquiring good things by nature [...] will best promote contemplation of God, that is the best mode, and that standard is the finest.⁸³

As is often the case, Thomas Aquinas's understanding of Aristotle's intention is a valid reading of difficult and disputed texts.

Albertus Magnus resolves the difficult question of the relation between the individual moral good and the common political good by distinguishing two types of good: *bonum honestum* and *bonum utile*. In his excellent study of the common good in medieval thought, Matthew Kempshall explains Albertus's solution: "Albertus' solution [...] is to distinguish between the two meanings of *melius* which are produced by the two meanings of goodness – more honourable (*honorabilius*) and more useful (*utilius*). In the first sense of good, contemplative happiness is 'better', whereas, in the second sense, it is political happiness."⁸⁴ Kempshall describes how Albertus goes on to explain Aristotle's designation of political goodness as 'more divine' in book one of *Nicomachean Ethics* as that which is more similar to God in bestowing goodness on his creatures. Contemplative happiness, however, is more divine in its greater similitude to the divine act of understanding.⁸⁵

Thomas employs a similar approach in clarifying Aristotle's doctrine of the relation between communal political goodness and the individual contemplative good. Thomas differentiates the political active end or good from the individual contemplative end by distinguishing their value (*dignitas*) from their usefulness (*utilitas*). The active life, which concerns the well-being of one's fellow citizens, is more useful than the contemplative life. The contemplative life, however, is more worthy (*dignior*) because *dignitas* indicates one's good for one's own sake, unlike utility, which indicates one's good *propter aliud* (for the sake of others). Only in the second

⁸¹ *EN* 1.6, 1096b31 (ed. Bywater 1894): εἰ γὰρ καὶ ἔστιν ἕν τι τὸ κοινῇ κατηγορούμενον ἀγαθὸν ἢ χωριστὸν αὐτό τι καθ' αὐτό, δῆλον ὡς οὐκ ἂν εἶη πρακτὸν οὐδὲ κτητὸν ἀνθρώπῳ.

⁸² Sherwin 1993, 312. See also Eschmann 1944, 79; Shields 2015, 109n48; and Crofts 1993, 165.

⁸³ *EE* 8.3, 1249b17–24 (ed. Susemihl 1884).

⁸⁴ Kempshall 1999, 67.

⁸⁵ Kempshall 1999, 67, and 342.

sense can the active life be considered more beneficial than the individual contemplative life.⁸⁶

Aristotle's identification of moral and practical goodness with the judgments of wise and good people (in *EN* 1130a30–35) allows for the variety and flexibility of interpreting ideal practice. Practical wisdom must always account for principles that vary since ethics and politics do not produce scientific necessity.⁸⁷ This approach in Aristotle's works permits a variety of interpretations, and his commentators often view his ideas in light of their own conclusions. Thomas Aquinas, for example, when considering the question of the possibility of the soul's beatitude after death in commentary on *Nicomachean Ethics*, claims that Aristotle never denied the possibility but rather refrained from determining the problem because it transcends every rational process.⁸⁸ Aristotle's practice of determining questions with reservations and qualifications is even more pronounced in his works on practical philosophy and continues to cause different interpretations among his expositors.

Aristotle's method has allowed modern scholars to question the efforts of medieval authors to determine Aristotle's responses to problems about human goodness, happiness, the contemplative and active lives, and the nature of common and individual goodness. One example of modern criticism of medieval authors concerns their understanding of the common good. Mark Hoipkemieer writes that "Medieval Aristotelians could build intricate, analogical theories of common good that pointed to virtue, cosmic order and God, precisely because of the polyvalence of 'good' in 'common good'."⁸⁹ Not without some justification, David Hollenbach considers Thomas Aquinas to be in "full agreement with this stringently theological understanding of the common good. For Thomas, the full common good is God's own self."⁹⁰ Despite their departure from a strict interpretation of Aristotle's words, the medieval authors remain, however, well within the spirit of Aristotle's practical thought, and the answers they provide reflect the method of moral experimentation

⁸⁶ Thomas Aquinas, *Scriptum super libros Sententiarum Magistri Petri Lombardi* (ed. Mandonnet and Moos 1929), 3.35.1, a. 4, q. 1. See Kempshall, 1999, 106–7.

⁸⁷ *EN* 6.5, 1140a32–b3 (ed. Bywater 1894).

⁸⁸ "Loquitur enim in hoc libro Philosophus de felicitate qualis in hac vita potest haberi, nam felicitas alterius vitae omnem investigationem rationis excedit" (*Sent. EN* 1.9 [ed. Gauthier 1969, 32b162–65]). See also *ibid.*, 1.17, 62a57–60; *ibid.* 63b142–47; and *Scriptum super libros Sententiarum* d. 49, q. 1, art. 2, sol. 4 (ed. Mandonnet and Moos 1929): "Non negamus tamen quin aliqua beatitudinis participatio in hac vita esse possit, secundum quod homo est perfectus in bonis rationis speculativae principaliter, et practicae secundario; et de hac felicitate Philosophus in lib. *Ethic.* determinat; aliam, quae est post hanc vitam, nec asserens nec negans."

⁸⁹ Hoipkemieer 2018, 551. Kempshall observes that the scholastic reading of Aristotle contains "a fundamental difference in emphasis, even a discrepancy, between two definitions of the common good of the human community." Kempshall 1999, 342. Kempshall shows throughout his work how Aristotle's ideas on individual and common goodness produced different interpretations by medieval authors.

⁹⁰ Hollenbach 1989, 81.

advocated in his philosophy. That their answers differ in many aspects is hardly surprising as they reason from general principles based not on absolute universal ideals but on the conclusions from individual experiences. Aristotle would acknowledge their efforts as consistent with his recognition of the complexities and difficulties on the nature of goodness, whether it be for individuals or the community.

Not every doctrine in the works of Aristotle is open to multiple interpretations, but for certain important concepts in practical philosophy, such as the relation between individual and common goodness, the role of moral and theoretical virtue in the production of human happiness, and the precise nature of practical wisdom, there are sufficient grounds for different interpretations of Aristotle's meaning and intent. The work of commentators from antiquity to the present, including those discussed in this volume, demonstrate the continued relevance of Aristotle's contribution to practical philosophy despite the different conclusions. That there may never be a consensus on the exact meaning of many of his ideas may not be a weakness in his work but rather a strength that he himself had envisaged.

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Chapter 4

Medieval Monastic Ideas of the Compatibility Between the Individual and the Common Good



Ritva Palmén

4.1 Introduction

This chapter explores twelfth-century monastic moral philosophy and theology in terms of the compatibility between the individual and the common good.¹ The main presumption is that monastic texts and consequential religious practices rested on ethical views, which relied on eudaemonist principles, that is, on the ideas that (1) the virtuous agent's good is maximized and (2) the good of an individual unites with the good of the community. Even though the goodness and the unity of people self-evidently converge in this model, theologians of the time articulated and argued variously about the nature of this association and how to achieve it. They also recognized and explained the possibility of apparent conflicts between the common good and individual good by referring to the sinful state of mankind, proposing means for maintaining balance in communal life.

The standard theological justification for the compatibility model of the individual and common good in the Middle Ages comes from the Augustinian notion of *ordo caritatis/amoris*, the order of charity, which means that the individual good and common good participate in the same ultimate good that derives from God. Famously formulated in Augustine's *De civitate Dei*, true virtue is a rightly ordered love in which God is loved above all things.² While all goods have the same source,

¹By monasticism I refer to the medieval religious communal way of life (*vita communis*) and culture generally understood, recognizing institutional and regional differences between different groups of people.

²Augustine of Hippo, *De civitate Dei* (hereafter *Civ.*), 15.22: "Virtutis ordo est amoris" (ed. Dombart and Kalb, 1955, 488); cf. Augustine, *De doctrina christiana* 1.27.28 (ed. Martin

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the common good is higher on the scale of goodness than the individual good, demanding that one love the common good above the individual good. In religious communal life, this means that the individual should be ready to abandon individual good for the sake of the common good because a higher object calls for greater love.³

However, both the idea of the order of charity and the theory of the common good were open to different interpretations. First, the meaning of the order of charity attracted several different understandings.⁴ Second, as Matthew Kempshall has shown, medieval authors did not use or understand the notion of the common good uniformly. In strict terms, it referred to peace and harmony, resulting from the correctly ordered love between individuals and oriented towards a virtuous life, happiness and God. In the loose sense, however, the common good represented “the qualified agreement of wills”, that is, a compromise constituting the best possible remedy against the terrible consequences of sinful human behaviour in an imperfect society. This kind of “common good” referred to a material utility of peace and stability or just to the common things that can belong to more than one person.⁵ Hence in medieval texts, the common good does not refer necessarily to the metaphysical common good, that is, God and the ultimate source of all beings, but it may also mean a more limited welfare of the community. This distinction between ways of understanding the common good and how it is justified is a central structuring principle in my analysis. The diversity of discussions analysed in this chapter shows the different understandings of the common good and illustrates the variety of theoretical approaches to reasoning on the compatibility of the common good and individual good.

I will focus on twelfth-century theories of the common good and individual good, exploring how the prevailing ethical paradigms of the common good and order of love were adapted in a pre-scholastic setting dominated by flourishing monastic thinking and culture. I wish to demonstrate that medieval intellectuals were sensitive towards the different Augustinian understandings of the order of charity and the common good, which they fitted into their own models and ideas of social life. Moreover, they also utilised a variety of Classical and patristic materials. In terms of philosophical materials, the twelfth century is exceptional. Some of Aristotle’s logical works were available, but most of his central philosophical texts, such as *On the Soul*, *Physics*, *Metaphysics*, *Politics* and *Nicomachean Ethics* were still unknown in the Latin West. Only a few of Plato’s texts were available, such as the partial translation of *Timaeus*. Platonist philosophy dominated through the texts of Augustine and other Christian theologians, who were mostly heirs of

1962, 22), where morally good conduct is defined as ordered love for appropriate goods. Thomas Osborne (2005, 21) has argued that the Augustinian order of love is the driving force behind medieval ethical theories.

³The literature on the idea of the common good and individual good in Classical and medieval sources is abundant. See, especially, Eschmann 1943, 123–65; Kempshall 1999, 2018.

⁴Probably the most famous articulation of the order of charity can be found in Thomas Aquinas’s works, see his *Summa theologiae* 2–2.26 (ed. Caramello 1948–50).

⁵Kempshall 2018, 19–27. For the background to this distinction, see Augustine’s *Civ.* 19.21–24 (ed. Dombart and Kalb 1955, 687–96).

Neoplatonism.⁶ Stoic ideas were widely spread through Ciceronian and Senecan sources, and twelfth-century thinkers readily assimilated the Stoic idea of virtue as the highest good into Christian theology.⁷ This unique combination of texts and ideas at the height of monastic theology just before the Aristotelian reception and the commentary literature provides important background for later discussions of the common good and individual good.

Surveying a selection of medieval texts created in the monasteries allows the examination of the emerging interest in the relation between the individual and the common good as well as their different interpretations. Notions like ‘the order of love’ directly addressed the compatibility between the common good and the individual good. However, rather than constructing a concise theory, theologians also typically commented on related themes such as the problem of achieving the common good, common utility, self-interest, self-love, or individual needs as part of their overall practical and theoretical deliberations on the Christian life. In the following, I systematically deliberate these scattered but original developments that contribute to later theoretical analyses of the common good and individual good.

I first briefly discuss, in section two, the monastic rules for communal life and the moral psychological and theological foundation of the quest for the common and individual good. Next, in section three, I examine Peter Abelard’s (1079–1142) idea of the classical philosophers’ guild as an exemplary community and prefiguration of Christian monastic lifestyle. In section four, I examine Hugh of St Victor’s (1096–1141) perspective on communal life through his idea of ethics as part of liberal arts as well as his theory of self-interested love, and I conclude by briefly referring to Aelred of Rievaulx’s (1110–1167) account of types of friendship. In addition to the common good and individual good, I comment on the monastic discussions on love (*caritas, amor*), the issue of altruism vs. egoism, and the problem that individual needs, both emotional and physical, pose in shared religious life.

4.2 The Rules of Communal Life: Shared Ownership, Individual Needs

While many early Christians thought solitude was the only way to devote one’s life to God and prepare the soul for eternal beatitude, several theologians sought to place the individual in a community. Augustine of Hippo, among others, acknowledged people’s fundamentally social nature, thinking that individual perfection interacts with the perfection of the community.⁸ Psalm 132 (133) expresses the

⁶For the twelfth-century literature and reception history of classical sources, see, e.g., Leclercq 1961, 112–50.

⁷Many patristic authors, including Tertullian and Ambrose, had assimilated Stoic ethical principles, facilitating the direct use of Cicero’s and Seneca’s texts during the twelfth century (Lapidge 1988, 81–112).

⁸Van Geest 2020, 132.

ethos of the communal life: “Behold how good and pleasant it is when brothers dwell in unity.”⁹ Such pleasant dwelling in the community is not easily attainable, however, because it requires strong individual commitment and striving for common goals. Moreover, monastic practical philosophy arises from the idea that balancing and moderation of one’s conduct is essential not only for individual salvation but also for the well-being of the whole community. Seen in communal terms, good is equal to peace, concord and unity, both internal and external, which enable moral perfection and virtuous behaviour. Unsurprisingly, Christian monasticism faces an intriguing dilemma between the aspirations of an individual Christian seeking personal salvation and the rules and objectives of the communal life aiming to sustain shared standards of living: How exactly do the well-being and happiness of an individual and his community interconnect? Should individuals focus on caring for their own souls or for the well-being of the community? How do the requirements of communal life meet individual needs?

Underlying every monastic rule and ethical theory is the theological idea of fallen humankind that is unable to transcend self-love without grace. Without God’s help, people are unable to love God, their neighbours and the common good of all more than themselves. Individual moral flaws hurt not only oneself, but they can also seriously damage the community and its search for the good of the whole community. Moral recklessness in the religious community is dangerous, especially when unruliness emerges in the individual pursuit of personal glory at the expense of community demands. Consequently, several medieval monastic texts consider pride to be the original vice and the most terrible enemy of the common good.

The inevitable disturbances of shared life and the requirement to cherish inner and outer peace created a need for formal and informal guidelines for religious communities. From late Antiquity onwards, the ideal monastic communal life was strictly ordered and moderated by religious rules (*regulae*), establishing the plan of life and discipline under which religious individuals lived in order to grow in Christian perfection and perform the works proper to their community. Augustine wrote his short but influential rule around the year 400.¹⁰ Augustine admonishes people who have gathered to live together peacefully in the house of God, sharing the Christian life and religious doctrines. The rule emphasises communal aspects of life, welfare and religious observance, but recognizes the differences between people from various socio-economic backgrounds. This dual aspect appears in rules that require all things to be common and shared according to individual needs. Hence, the first line of the rule of Saint Augustine demonstrates the order of love (*ordo caritatis*) working in a monastic context: “Before all things, dearly beloved

⁹Trans. English Standard Version. The early Christians used the Septuagint numbering of Psalms, reproducing them in the Latin Vulgate as well. However, modern editions tend to use the Hebrew numbering, which differs from the Septuagint and the Vulgate, whereas Catholics and Orthodox often recourse to the Septuagint numbering. Psalm 132 in the Septuagint numbering = Psalm 133 in the Hebrew numbering.

¹⁰Van Geest 2020, 127–54. For the history of the Augustinian rule, the discussion about the authorship of the parts of the rule and the complicated reception history, see Lawless 1987, 65–72.

brothers, love God and then your neighbour, because those were the first commandments given to us.”¹¹ From the outset, however, it becomes equally clear that monastic life and its guiding principles cannot neglect the fact that members of the community and their needs differ. Hence the rule continues:

Let food and clothing be distributed by your prior to each of you, but not equally because you are not all equally robust, but rather to each as each has need. Thus you read in the Acts of the Apostles that they held all things in common and distribution was made to each as each needed.¹²

The more encompassing sixth-century rule of Saint Benedict utilizes and expands the rule of Saint Augustine and includes material from John Cassian and other desert fathers who were keener to stress isolation and private meditation. The influential and widespread rule of Saint Benedict integrated elements that emphasised individual eremitic ideals such as isolation from the communal life with a more communitarian attitude, which it derived from Augustine’s writings.¹³ The Benedictine rule presents the three main classical monastic virtues of obedience, silence, and humility, all of which support the hierarchical social system of cloistered life and diminish the use of individual deliberation.¹⁴ The rule promises that by practising these virtues, members of the community can combat pride and its subspecies, the main enemies of the Christian life. The master vice is pride, which means exalting oneself above others. The extreme communitarian ideal is manifest in rule number 33, which includes the rejection of personal ownership, stating that the monks are allowed to have neither their bodies nor their wills in their own power.¹⁵ Rejecting personal property is an external sign of inner submission to the community. In general, the rule of Saint Benedict considers it rational to pursue everlasting and pure happiness in heaven instead of desiring a plenitude of goods, bodily pleasures or earthly happiness. However, it also reiterates that monks have individual needs, which entails the unequal distribution of goods, also found in the rule of Saint Augustine.¹⁶

While monastic rules were considered essential guides for a communal way of living, it is surprising how marginal references to the theory of community and social life were, allowing various theoretical speculations about how the common good and individual good align. The lack of a strong theory of communal life, the difficulty of giving exact guidelines for each situation and the elusiveness of the rules themselves indicate that giving detailed practical instructions and examples

¹¹ Augustine, *Ordo Monasterii* 1, *Regula sancti Augustini* 1 (ed. Verheijen 1967a, 148).

¹² Augustine, *Regula tertia uel Praeceptum, Regula sancti Augustini* 1 (ed. Verheijen 1967b, 418).

¹³ See Adalbert de Vogüé’s characterization of the rule (1972, 39): “Le grand mérite de Benoît a été sans doute de réunir ces deux courants cénobitiques, l’un plus individuel, qui lui venait d’Égypte à travers Cassien et le Maître, l’autre, plus communautaire, qui découlait de Augustin.”

¹⁴ Benedict of Nursia, *La règle*, ch. 5–7 (ed. de Vogüé 1972, 464–91).

¹⁵ Benedict of Nursia, *La règle*, ch. 33 (ed. de Vogüé 1972, 562).

¹⁶ Benedict of Nursia, *La règle*, ch. 34 (ed. de Vogüé 1972, 564).

built on the compatibility model of the common good and individual good was a considerable challenge.¹⁷

To illustrate the theory and praxis of twelfth-century moral philosophy and theology, I will next proceed to individual authors. The topics of discussion include the possible compatibility of the common good and individual good in (1) the distribution of justice and jurisprudence, (2) our natural inclination to self-love, and (3) the need for exclusive relationships within the community. These topics represent diverse perspectives on the same dilemma of reconciling seemingly disparate individual interests with those of the community.

4.3 Peter Abelard: The Perfect Community, Self-Knowledge, and Self-Love

Peter Abelard was a famous twelfth-century intellectual who was known for his theory of universals, Trinitarian theology and moral philosophy. His writings demonstrate his substantial knowledge of Classical texts and ideas, including philosophical discussions concerning the common and individual good. Abelard's personal career involved a combination of freelance teaching and living in hermitages as well as four abbeys: Saint-Denis, Saint-Médard, Saint-Gildas and Cluny. While several of his treatises focus on logical issues, he also wrote works tailored for religious people. As David Luscombe has convincingly argued, Abelard insisted that people have an instinct for monastic life, which appeared in the pre-Christian settings of Jewish people and even among the Gentiles. Plato, Socrates, Seneca, and John the Baptist equally illustrate the universal drive towards religious isolation from the world and the framework of monasticism. Abelard criticised the reformed monks of his time harshly, but he hailed the idea of an eremitical life, seeing good monks as philosophers who focused on the contemplation of wisdom. The private and communal life converge in Abelard's works since the solitary life can be best practised in the monastic social life. His practical approach to monastic life was best articulated in his guidance for feminine monasticism designed for the abbey of Paraclete, founded by Abelard's partner Heloise.¹⁸

In his *Theologica Christiana*, Abelard construes an original political theory that addresses virtuous religious life in the community. He comments on Plato's ideas in

¹⁷As Anthony Celano argues in his chapter in this volume, Aristotle's method was also to provide only general moral principles. The lack of exactitude in Aristotle's ideas can be seen as a strength, allowing the practically wise person to determine the best course of action in order to attain human goodness.

¹⁸For Abelard's ideas of monastic life, see Luscombe 2018a, 289–300, b, 283–88. As pointed out by Giles Constable (1998, 136–37), the concept of solitude was spiritualized during the twelfth century, and solitude was often referred to as solitude of the mind, not of the body. For a discussion of the possibility of eremitical life in solitude and the importance of a community of others, see Toivanen 2021, e.g., 311–28.

Republic, familiar to him through the partial translation of *Timaeus*. At the beginning of the cosmological treatise, Socrates mentions the prominent discussion of the perfect state in *Republic*, repeating some of its tenets. This short textual reference led Abelard to maintain that Plato's treatise on the ideal state advocated a rule that promoted the common good of the community and shared ownership of property.¹⁹

Even if Abelard could not accept some of Plato's ideas in *Republic*, he generally speaks highly of the communal lifestyle of ancient philosophers. Unlike Plato, Abelard found the perfect city not to be an impossible ideal but a real exemplification of the ancient philosophers' standard of living. While Abelard was aware of Augustine's negative attitude towards the idea of a virtuous and true republic among pagans, he believed that the pagan city-states that Plato described could be communities united by law and common utility. Then, exploiting Cicero's writings, and his virtue theory in particular, Abelard proposes how a philosophers' state builds on justice, courage, and temperance.²⁰

Abelard presents several sophisticated examinations of ancient philosophy, but he also has practical issues of current social life in mind. The philosophers' city-state has its contemporary counterpart in medieval monasteries. Abelard claims that the communities of ancient philosophers prefigured Christian communal life manifested in cloisters. Remarkably, he notes that the monastic life has failed to follow its ancient model of philosopher communities, monks of his time being drawn into carelessness.²¹ As John Marenbon suggests, the changes in Abelard's immediate surroundings may have affected the way he describes and commends communal life, both in ancient and in his own twelfth-century contexts. Abelard's own experiences of religious social life were multifarious. While he joined the eager company of students and philosophers in Paris, he also had some unfavourable experiences of communal life later, perhaps affecting his subsequent views. These experiences may explain why he often praises the political virtues of the philosophers, like justice, but later recommends following their supreme abilities of abstinence and solitary living.²²

Abelard's analysis of the ideal community and justice is noteworthy in terms of the Ciceronian idea of the common good. Abelard knew Cicero's definition of justice in his *De inventione*, which claims that justice gives each man what is due to him provided that the common good is preserved. He interprets the dictum 'common good' strictly by asserting that everything should be distributed with the sole

¹⁹Abelard, *Theologia Christiana* 2.46–48 (ed. Buytaert 1969, 150–51). For Abelard's ideas, see Marenbon 1997, 304–10; Luscombe 1992, 47–48.

²⁰Abelard, *Theologia Christiana* 2.46–48; 2.58–60 (ed. Buytaert 1969, 150–51, 155–56). See the discussion in Marenbon 1997, 305–6; Luscombe 1992, 47–48. In fact, Augustine's *De civitate Dei* presents two different notions of the republic: first, since Rome had sunken into moral corruption, it never possessed justice nor did it exist as a true republic second, Rome can be seen as a republic after all if one defines a republic as an assembly of rational creatures bound by a common agreement as to the objects of their love (*Civ.* 19.21–24 [ed. Dombart and Kalb 1955, 687–96]).

²¹Abelard, *Theologia Christiana* 2.45 (ed. Buytaert 1969, 150).

²²Marenbon 1997, 307.

object of the common safety of the city. In his *Collationes*, a fictional dialogue between a Philosopher, a Jew, and a Christian, Abelard repeats Cicero's idea of justice, but he emphasizes the qualification of justice that recalls the preservation of common utility. The Philosopher of *Collationes* states:

For it often happens that, when we give someone [...] his due on account of his merits, what we do for one individual brings common harm. Therefore, in order to prevent the part being put before the whole, the individual before the community, to the definition [of justice] there is added "provided that the common utility is preserved". We should do all things so that we each seek not our own, but the common good, and provide for the public welfare rather than that of our families and live not for ourselves but our fatherland.²³

Even though Abelard speaks through the Philosopher's voice (that is, one of the characters of the dialogue), he clearly advocates the importance of the common good and diminishes the role of individual needs and interests.

A very different example of what is good for a community and what is good for an individual and the roles they play in a theory of justice can be found in *Scito te ipsum* or *Ethica*, where Abelard presents his well-known deliberation about the difference between external deeds and intentions. He claims that the actual intention of the agent makes their deeds either morally sound or flawed, whereas the external deeds per se are morally indifferent. However, a judge should not try to evaluate whether an accused person really had an evil intention (e.g., contempt for God) or whether they actually sinned when they committed a crime, but the judge should judge according to the external actions of the accused.²⁴ Astonishingly, even if it is clear that the person did not know that they had sinned, and the judge knows that the accused person did not have bad intentions (and thus their action was not morally wrong), the accused should be punished anyway if that serves the good of the community. Abelard's example concerns a mother who accidentally smothers her baby in her sleep. Even though the mother did nothing wrong and wanted to keep her baby warm, she should be punished in order to warn other mothers.²⁵

Abelard claims that according to the human system of justice, it may sometimes be just to punish an agent who we strongly believe had no evil intentions. Punishments are practicalities of the government for ensuring what is useful for the community since they prevent public injuries.²⁶ Abelard's argument hails the importance of what is good for the secular society despite the fact that it seems to completely override the individual good of the mother. This extreme example challenges the possible compatibility of the individual good and the common good in terms of justice. However, Abelard does not take the judge's decision to pose an ethical problem. His own solution is more theological than philosophical:

²³Abelard, *Collationes* 118 (ed. and trans. Marenbon and Orlandi 2003, 134).

²⁴Abelard, *Scito te ipsum*, 1.17 (ed. Ilgner 2001, 18). For Abelard's theory of intentions, see, e.g., King 1995, 213–31; Marenbon 1997, 211–323.

²⁵*Scito te ipsum* 1.24 (ed. Ilgner 2001, 25–26).

²⁶*Scito te ipsum* 1.28 (ed. Ilgner 2001, 29).

before the eyes of God, the mother is innocent because of her pure intentions.²⁷ As Peter King has remarked, Abelard revises the Stoic equation of virtue with happiness by allowing for the moral role played by God and the afterlife, both of which are constituent elements of the supreme good.²⁸ As regards the afterlife, the mother's individual good aligns perfectly with the common good. Only God has the right to pass the Final Judgement, and He has access to internal mental states. In this sense, morally right action is not opposed to the individual good after all, and morality is in one's self-interest as well. Nevertheless, the example raises difficult questions about the loss of bodily life and freedom and their goodness since the mother's conviction and loss of freedom does not contribute to her final beatitude in any way. Would it be better for her to both be acquitted by the judge and get to heaven later?

In understanding Abelard's reasoning, it is important to note that he frequently identifies justice with true love (*caritas*), not only in people but even with God. To be righteous is to love God for His own sake not because of fear of punishment or hope for a future reward. Someone who obeys God's laws for these reasons cannot be said to truly love God because they are only concerned with their own good.²⁹ Abelard claims that true love has an altruistic intention, whereas false love is selfish cupidity. By adopting and remodelling his predecessors' ideas, he claims that true charity always requires more than one person and is thus reciprocal. In his *Theologia scholarium*, Abelard posits that love is good will (*uoluntas*) towards another for their own sake (*bona erga alterum propter ipsum uoluntas*).³⁰ While Abelard's definition is based on Cicero's characterisation of friendship in *De inventione*, Abelard makes an important omission. Cicero wrote that friendship is a "will for good things for someone whom one loves, for his own sake, with the same will on his part [toward oneself]",³¹ stressing the reciprocity between human relations. Abelard bases his definition of friendship and love on ideal altruism instead. His idea is clear: the will that constitutes love is one "by which we choose [to act] so that what happens to [another] is what we believe is for his good, and we desire this for his sake rather than for our own".³²

Abelard's sometimes extreme arguments about the role of intentions in our behaviour and moral conduct, his emphasis on the common good and altruism as well as his ideas of the perfect community become even more fascinating when we consider his personal life, particularly his difficult relations with other theologians and members of the religious and intellectual communities. He himself quarrelled

²⁷ *Scito te ipsum* 1.28 (ed. Ilgner 2001, 29).

²⁸ King 1995, 229.

²⁹ See Williams 2004, 261.

³⁰ Abelard, *Theologia scholarium* 1.3–8 (ed. Buytaert and Mews 1987, 319–21). See the discussion and the references in Marenbon 1997, 288–89.

³¹ Cicero, *De inventione* 2.55.166 (ed. Hubbell 1949, 332).

³² Abelard, *Theologia scholarium* 1.3: "[...] uoluntas, qua uidelicet optamus ut eo modo se habeat quo se habere bonum ei esse credimus, et hoc eius potius quam nostri causa desideramus" (ed. Buytaert and Mews 1987, 319). See Marenbon 1997, 289.

with several communities, and his monastic career provoked many reservations. He even asked for permission to live as a monk wherever he chose.³³ One of the most provocative and original intellectuals of medieval times still believed that the good of the community, both in the metaphysical and secular spheres of utility, should always come first.

4.4 Hugh of St Victor: The Ethics of Self-Interest

I now turn to another famous twelfth-century Parisian author, Hugh of St Victor (d. 1141).³⁴ As master in the school of St Victor, he developed an educational program and pedagogical theories, taught liberal arts and wrote systematizations of theological questions and spiritual issues.³⁵ The monastery of St Victor followed the Augustinian rule but was also influenced by the Benedictine rule. Using their own guide for daily monastic life, *Liber ordinis*, and its commentaries, the Victorines established their original form of cloistered lifestyle within the immediate vicinity of the vibrant city centre of Paris. Unlike Abelard, Hugh devoted his whole life to serving his community. Hugh's original *De institutione novitiorum*, which teaches the basic social conventions and monastic behaviour to novices, makes this monastic thinking and lifestyle clear. Communal peace and love are primary, but Hugh also acknowledges the differentiation between ranks and social hierarchies, advising novices to practise discretion in distinguishing people and their merits in relation to love, age, and office.³⁶

The following examples concerning the common good, individual good and self-interest demonstrate both the variety of Hugh's literary production and the scope of his intellectual vitality. In particular, his *Didascalicon* includes numerous snippets of classical teaching, further re-formulated to suit the pedagogical needs of the monastery of St Victor. Hugh's analysis of the seven liberal arts regarded ethics as the part of practical philosophy that lies between the study of logic and theoretical philosophy.³⁷ Once students finished their basic courses in logic, they should

³³Luscombe 2018b, 285.

³⁴For the differences and similarities between Hugh and Abelard, see, e.g., Luscombe 1969, 183–97; Stammberger 2002, 65–92.

³⁵While Hugh builds on Augustine's thought, his original interpretation of the possibility of self-interest as a constitutive element of love is thought-provoking, and it influenced Peter Lombard profoundly (Osborne 2005, 23).

³⁶Hugh of St Victor, *De institutione novitiorum* 5 (ed. Feiss and Sicard 1997, 28ff.); see the paraphrase and analysis in Juliet Mousseau 2018, 67.

³⁷Hugh of St Victor, *Didascalicon* 2: "Theorica interpraetatur speculativa; practica, activa, quam alio nomine ethicam, id est moralem dicunt, eo quod mores in bona actione consistent" (ed. Buttner 1939, 24).

continue to study practical philosophy, which has three subdivisions: solitary, private, and public or, as he explains later, ethics, economics, and politics.³⁸

Hugh explains that the solitary aspect of practical philosophy (that is, ethics) refers to the ethical conduct of an individual and focuses on how individuals should exercise care for themselves. They should not allow anything in life that will not bring joy or anything that will cause regret. The private aspect of practical philosophy, economics, in turn includes the householder's tasks. Representing the broadest framework of practical philosophy, politics sees to public matters, serving welfare through its concern for provisions, its balancing of justice, and observance of moderation. Hence, ethics concern individuals, economics households, and politics the governors of states.³⁹ Even though this discussion concerns the division of arts and their brief definitions, it is striking that Hugh describes ethics as a solitary exercise in caring for oneself, even feelings of joy, as the opposite to public care, which manages public tasks. It is certainly possible that individual interests are in complete unison with public interests and utility, but Hugh omits this aspect in his definitions of three ethical subdivisions.

Hugh's *Didascalicon* includes another discussion of the common good and individual good. A few pages after his previous example, he lists the seven mechanical arts (that is, manufacturing fabric, armaments, etc.) as an appendix to his detailed account of the liberal arts. The third mechanical art is navigation (*naugatio*), by which Hugh clearly understands navigation for the sake of commerce with distant cities.⁴⁰ Here we find Hugh's short but highly relevant comment on the common good and how it relates to activities like purchasing, selling and exchanging domestic and foreign goods. Hugh describes the essence of commerce as an attempt to enter unknown places of the earth and to learn unknown languages to carry on humankind's trade. He claims that the pursuit of commerce reconciles nations, calms wars and strengthens peace, all of which promote the common good. Commerce commutes the private good of individuals to the common benefit of all. Again, the common good and individual good seem compatible with each other, yet in an exceptional way. Foreshadowing pre-capitalist theories, Hugh presents the pursuit of individual profit as a commendable act in terms of the common good.⁴¹

³⁸ Hugh of St Victor, *Didascalicon* 2: "Practica diuiditur in solitariam, priuatam et publicam; uel aliter, in ethicam, economicam et politicam; uel aliter, in moralem et dispensatiuum et ciuilem. Una est solitaria, ethica et moralis; una rursus, priuata, economica et dispensatiua. eadem que publica, politica atque ciuilis. [...] solitaria igitur est que sui curam gerens cunctis sese erigit, exornat auget que uirtutibus, nihil in uita admittens quo non gaudeat, nihil faciens penitendum" (ed. Buttner 1939, 37).

³⁹ As noted by Taylor (1991, 205), these definitions derive most likely from Isidore's *Etymologiae* 2.24.16, col. 142 (ed. Lindsay 1911; trans. Barney et al. 2006, 80).

⁴⁰ For medieval economic theories and their relation to the common good, see Cary Nederman's chapter in this volume.

⁴¹ Hugh of St Victor, *Didascalicon* 2: "Naugatio continet omnem in emendis, uendendis, mutandis, domesticis siue peregrinis mercibus negotiationem. [...] hec secreta mundi penetrat, litora inuisa adit, deserta horrida lustrat, et cum barbaris nationibus et linguis incognitis commercia humanitatis exercet. Huius studium gentes conciliat, bella sedat, pacem firmat, et priuata bona ad communem usum omnium immutat" (ed. Buttner 1939, 41).

Both of these examples from *Didascalicon* presuppose an important differentiation between the common good as a virtue and as material utility (*communis utilitas*), a distinction that became prominent through a readaptation of Aristotle's *Nicomachean Ethics* during the thirteenth century. For Hugh and his followers, the common good does not always necessarily mean a metaphysical common good, but the more limited and material welfare of the community.⁴²

In addition to practical life and its moral deliberations, as well as references to trade, Hugh also offers a theological analysis of the potential for self-interest and individual good in his systematic works, and he continues to explore the topic in his spiritual treatises as well. Due to the paradigm shift, he focuses on the metaphysical (or theological) common good without explicitly referring to utility or the common secular good. Drawing from Augustine's theory of the order of charity, Hugh addresses in detail the basic problem in medieval theories of love: the proper relationship between the love of oneself, the love of another person and the love of God. The main questions are (1) whether people naturally love God more than they love themselves, and (2) whether it is possible to combine self-love with the love of others. These questions directly rise from the idea of the compatibility of the common good and individual good since the goal of the common good seems to entail disinterested love where one disregards one's own good in loving others. The emphasis of the common good seems to require that the individual willingly sacrifices their own good and happiness for others. Moreover, such disinterested love is, by definition, egalitarian as it overlooks the differences between individuals. How does this model account for the individual needs, characteristics features, and abilities of each member of a given community?

Hugh answers this challenge by developing an original theory of love that emphasizes the natural propensity to seek one's own good while connecting it to the idea that the individual finds the greatest good in God. In the twelfth-century context, love for God ("charity", *caritas*) was generally thought to be selfless and altruistic. Hugh's theory partly contests this standard idea. In his theological treatise *On the Sacraments*, he explains that there is no need to command human beings to love themselves since they do so naturally by loving both their flesh and their soul – they did this even before the Fall. While the soul should be loved more, one is not able to hate oneself, and by the affection of nature (*per naturae affectum*), one loves the flesh as well.⁴³ Moreover, it is within one's self-interest to tend spontaneously toward the good of God. Hugh elucidates how self-love, the love of one's neighbour

⁴² See Kempshall 2018, 19–27.

⁴³ Hugh of St Victor, *De sacramentis Christiane fidei* (hereafter *De sacr.*), 2.13.7: "Hoc siquidem naturae insitum erat, ut se odire non posset; secundum quam, nemo carnem suam odio habuit (Ephes. V); cujus commodum qui naturae insitus est appetitus inseparabiliter diligit, et quod adversum est illi, semper detestatur et fugit" (ed. Migne 1880, col. 531C). For the physical or natural theory of love vs. the ecstatic form of love, which sees the opposition between the love of self and the love of God, see Rousselot 2001. Dominique Poirel (1997, 211–24, and 218–23) has contested this straightforward interpretation, noting that Hugh's treatises should be read in their own contexts and that Hugh speaks of the limitation of self-love as well.

and the love of God intermingle: first, the love directed to other people is based on the principle of self-love; second, if one loves the good, one wants God to oneself:

For if one loves one's neighbour as oneself, how does one love one's neighbour when one does not love oneself? [...] Thus one should first love oneself well so that afterwards, according to oneself, one may love one's neighbour well also [...] you should not love the whole world against your own soul [...]. The order of love is not such that man loves his neighbour before himself. Love your neighbour as yourself [...]. One desires the good first indeed for oneself, then for another. For one does not love another as oneself, unless one first loves oneself [...]. For one owes nothing to one's neighbour except after that and according to that which one owes to oneself.⁴⁴

The emphasis on self-love expands to a discussion of corporeal goods and their distribution. Hugh claims that corporeal goods can sometimes be possessed by one person only and cannot be passed to another. The individual is not obliged to expend anything on his neighbour, which is due without necessity. If someone cannot provide for themselves and for their neighbour at the same time, they should take care of themselves first.⁴⁵

Hugh admits that the emphasis on self-love introduces a theological problem that needs to be carefully investigated, namely, the question of the primacy of the salvation of one's own soul in comparison to the souls of others. Someone could claim that the greater good must be loved more and, accordingly, that the greater good is that two people should be saved rather than one. However, the Bible's command to love one's neighbour as oneself does not mean that a person should love every single person as much as themselves and two or three or four others more than themselves. Hugh argues that the greater good for the person themselves must be loved more by them since loving their own true good first is innate in human beings (*insitum est*), and only after this are they able to love the good of their neighbour. Since the love of one's own good comes before loving others, it is not possible for a person to simultaneously both hate oneself and love others.⁴⁶

The difficulty in Hugh's theory of love is its assumption that humans are inclined to love God as naturally and directly as they tend towards their own good. Moreover, this argumentation might lead directly to the assumption that Hugh argues for an egocentric model of love. However, Hugh suggests that the individual should order and moderate self-love in a way that they do not violate the initial principle of self-love, which pursues the good for one's own self. For instance, if someone performs iniquity, they hate themselves or do not love themselves enough, failing to love God and their neighbour as well. One has a duty to first love oneself, but it extends to the duty to love others and God.⁴⁷

⁴⁴ Hugh of St Victor, *De sacr.* 2.13.10 (ed. Migne 1880, cols 537–38).

⁴⁵ Hugh of St Victor, *De sacr.* 2.13.10 (ed. Migne 1880, cols 537–38).

⁴⁶ Hugh of St Victor, *De sacr.* 2.13.10: "Quod autem majus bonum mihi est, a me plus diligendum est, quia mihi primum insitum est ut diligam bonum meum, illud maxime, quod verum est bonum; et post illud et secundum illud diligam bonum proximi mei. Secundum me et post me, aliquid illi debeo, ante me vel contra me nihil" (ed. Migne 1880, col 539AB).

⁴⁷ Hugh of St Victor, *De sacr.* 2.13.11 (ed. Migne 1880, col 540 BC).

Whereas Abelard explicitly referred to Cicero and Stoic ideas, Hugh's theoretical background here, and in *Didascalicon*, is also strikingly similar to the Stoic *oikeiōsis* principle, defined by Julia Annas as the tendency that people have both towards developing self-concern and towards developing other-concern.⁴⁸ While Hugh does not explicitly mention the concept of *oikeiōsis* or its Latin translations (*commendatio*, *conciliatio*), the idea is still similar. This theory posits that individuals have a natural tendency for self-preservation, which gradually develops through practice into a care for others as the individual's reason grows. Virtuous people tend to preserve themselves and then others, rationally considering their actions. The Stoic theory of natural affinity towards oneself and its extension to others is concomitant with the Christian idea of *caritas*. Both Greek and Latin patristic authors knew and exploited Cicero's treatises that develop the theory of *oikeiōsis* and its applications in societal life, reformulating the theory in the Christian framework.⁴⁹ Moreover, during the twelfth century, authors knew Cicero's *De officiis* and fragments from his other texts as well.⁵⁰ As Cary Nederman has recently argued, while twelfth-century authors were prone to accommodate Cicero's texts to their own needs, his texts remained highly useful and an easily accessible resource.⁵¹ In his *De finibus bonorum et malorum*, Cicero writes:

[...] a living creature feels an attachment for itself, and an impulse to preserve itself and to feel affection towards its own constitution and for those things which tend to preserve that constitution [...]. This leads to the conclusion that it is love of self which supplies the primary impulse to action.⁵²

De officiis repeats this idea but places more emphasis on the individual's obligations towards themselves, their families and society at large.⁵³ Ilaria Ramelli has noted that Christian reception history of *oikeiōsis* is mostly modelled on Stoic doctrine, which emphasizes people's orientation to the social sphere. In patristic sources, the appropriation process takes a distinctly Christian form in which concern for others prevails over self-interest, whereas Cicero had argued that it is natural and morally acceptable to be self-interested and to pursue one's own intentions if one acts within the limits of justice.⁵⁴ Irene O'Daly, in turn, in considering the theory of *oikeiōsis* in John of Salisbury's writings, notes both the direct and indirect presence of Cicero's

⁴⁸ Annas 1994, 263. For a thorough study of the notion of *oikeiōsis* in Stoic thought, see Engberg-Pedersen 1990.

⁴⁹ Ramelli 2014, 116–17. For the idea of *oikeiōsis* in Nemesius of Emesa, see Dusenbury 2021, 33–43. For Stoicism in medieval intellectual history, see Verbeke 1983, 55–59.

⁵⁰ For the Ciceronian undertones and the idea of “ascetic ciceronianism” in Hugh's treatises, *De institutione* in particular, see Jaeger 1994, 264–67. For the reception history of Cicero's texts during the twelfth century, see Olsen 1989, 25–26. *De Officiis* was widely circulated, whereas there were only a few extant copies of *De finibus* available.

⁵¹ Nederman 2020, 41.

⁵² Cicero, *De finibus* 3.5.16 (ed. Reynolds 1988). See the detailed analysis of Cicero's account in Engberg-Pedersen 1990, 66–71, 80–82, and 125.

⁵³ Cicero, *De officiis* 1.11, (ed. Winterbottom 1994, 6); *ibid.*, 12.

⁵⁴ Ramelli 2014, 116–17.

views on familiarization and duties in the twelfth-century milieu.⁵⁵ However, the direct and indirect influence of Stoic *oikeiōsis* theory on Hugh and his contemporaries still needs more research.

In addition to discussing the self-interested nature of love, Hugh acknowledges the basic human desire to be exclusively and personally loved. This can be seen as an extension of self-interest in human relationships. In the community of others, inevitably, this desire presents a dilemma. Hugh's small treatise on love, *De arrha animae* ("Soliloquy on the Betrothal-Gift of the Soul"), unravels Hugh's interest in the topic.⁵⁶ He speculates about the different ranks of ordered love and formulates questions about the possibility of the limited nature of love, contesting some of the conventional premises about the compatibility of the common good and individual good in the medieval context.⁵⁷

The genre of Hugh's treatise, an inner dialogue between the Soul and the Self, provides an opportunity to explore individual aspirations explicitly. The Soul asks difficult and delicate questions, whereas the Self offers answers and guidance. While the Soul of the dialogue is generally insecure and in need of love, the Self is a wise teacher who provides advice and consolation for the Soul. The Self speaks on behalf of natural human sociability, orientation toward participation in communal life, and the primacy of the common good. The Soul, meanwhile, is more interested in private good, confessing that it desires to be uniquely loved and individually noticed. This does not mean that the Soul is not aware and does not understand how, in creation, everyone has received common love and gifts, sharing them with other people and even with beasts. These common goods, perceptible in the visible world, are granted to all creatures. They include supplies, food, drink, light, warmth, the changing seasons and other pleasurable things. The problem is that these common goods do not include qualities that would inflame the Soul to love the giver of the gift individually.⁵⁸

This rather eccentric dialogue permits Hugh to test the compatibility model and pose difficult questions, such as why would one love God individually if one was not loved the same in return?⁵⁹ Moreover, the context allows Hugh to make critical comments about the quality of communal life. The Soul is worried that in a community with others, it might lose its uniqueness and be contaminated by the bad or unwanted qualities of people that it comes into contact with. As the Soul notes, a community of people also includes criminals and unclean people.⁶⁰

The erudite Self defends the principle of common good by answering that even the lives of the wicked contribute to the good of the whole, challenging good people

⁵⁵ O'Daly 2018, 92–116.

⁵⁶ For the manuscript transmission and dating of the *Soliloquy*, see Poirel 1997, 212–15, and 226–83.

⁵⁷ For a more detailed analysis of *De arrha*, see Palmén 2020, 167–85.

⁵⁸ Hugh of St Victor, *De arrha*, ll. 361–66 [the numbers refer to lines] (ed. Feiss and Sicard 1997, 250).

⁵⁹ Hugh of St Victor, *De arrha*, ll. 208–20 (ed. Feiss and Sicard 1997, 240).

⁶⁰ Hugh of St Victor, *De arrha*, ll. 269–73 (ed. Feiss and Sicard 1997, 244).

to seek the greater good, because by seeing their failures, the good learn to love virtue more passionately.⁶¹ The Self also comforts the Soul by reminding it that the unique, personal, and most intimate love is available to it in a special community of others. This special community consists of other Christians or of the brethren of the religious community. However, the Soul's reply shows how this kind of love is unsatisfying without a personal experiential response.⁶² While the treatise ends somewhat flatly with the peaceful reconciliation of the Soul and the Self, the text as a whole demonstrates how profoundly Hugh understood the human being's individual quest for love and the natural tendency of a self-interested disposition. This inclination should manifest itself by having the right kind of affection towards oneself and the recognition of one's own dignity since only then can one avoid loving things that are beneath oneself and deleterious.⁶³ This idea is further supported by the anthropological premise that advocates turning to one's inner depths and pursuing knowledge of oneself with the aim of restoring one's lost image and likeness of God.

Hugh's near contemporary Cistercian Aelred of Rievaulx presented an interesting parallel discussion on unique relationships. By utilising Cicero, as well as Ambrose's discussions on friendship, he argued persuasively for exclusive friendships within a religious community.⁶⁴ The ongoing question in Aelred's treatises *De spiritali amicitia* (*On Spiritual Friendship*) and *De speculo caritate* (*The Mirror of Charity*) is the paradox of maintaining the elements of personal and communal interests in social relationships. Even more than Hugh, Aelred considers people to be inherently social creatures; in fact, all creation forms loving and supporting communities. Even irrational animals and insensible things, such as trees or stones, need to share life with their kind.⁶⁵ Nature has implanted in the human heart the desire for friendship and love.⁶⁶

In *De spiritali amicitia*, Aelred introduces his idea of three types of friendship. The first is carnal friendship, the second is worldly or interested friendship that begins with the affection of gratitude, and the third is the only true friendship, which is spiritual.⁶⁷ The inclination towards another person is natural and inevitable by itself, but consent to carnal love is a matter of moral responsibility.⁶⁸ While true

⁶¹ Hugh of St Victor, *De arrha*, ll. 277–85 (ed. Feiss and Sicard 1997, 244).

⁶² Hugh of St Victor, *De arrha*, ll. 349–52 (ed. Feiss and Sicard 1997, 248).

⁶³ Hugh of St Victor, *De arrha*, ll. 106–12 (ed. Feiss and Sicard 1997, 232).

⁶⁴ Aelred of Rievaulx, *Spiritual Friendship*, 43 (trans. Dutton 2010). The discussion on Aelred's life and his ideas of friendship is extensive: see, e.g., Burton 2020; McGuire 2010; Boquet 2009, 307–23; Haseldine 2011, 349–94.

⁶⁵ *De spiritali amicitia* (hereafter *Spir. amic.*), 1.54–55 (ed. Hoste 1971b, 298); *Dialogus de Anima* 1.17–18 (ed. Talbot 1971c, 690–91); *Dialogue on the Soul*, 43–44 (trans. Talbot 1981). Sommerfeld 2017, 100. Cf. Cicero's *De amicitia*, 8.27–28; 9.29; and 21.81 (ed. Simbeck 1971, 138–40, 140, and 188).

⁶⁶ Aelred of Rievaulx, *Spir. amic.* 1.57–58 (ed. Hoste 1971b, 298–99).

⁶⁷ Aelred of Rievaulx, *Spir. amic.* 1.38 (ed. Hoste 1971b, 295).

⁶⁸ Aelred of Rievaulx, *De speculo caritate* 3.15.38 (ed. Hoste 1971a, 122–23).

friendship is based on attachment, it requires rationality, moral perfection and support from virtues.⁶⁹ Quoting Cicero's definition, Aelred writes that true friendship is agreement in things human and divine, with good will and charity.⁷⁰ Love, the origin of friendship, develops either from nature or from duty, from reason alone or affection alone, or from both together (i.e. reason and affection). People are bound together by a natural affection as when parents love their children. The love of our enemies, in turn, does not stem from a spontaneous inclination but from reason and the constraint of the commandment.⁷¹

Aelred's Christian interpretation is that mutual human friendship leads to union with Christ, which culminates in eternal beatitude. Friendship is a part of God's creative plan. Experimenting with the Augustinian idea of the order of love, he proposes a new order that emphasizes self-love: first love of self, then of one's neighbour, and finally of God. These loves interconnect and necessitate each other, and together they bring perfection (*simul omnes perficiuntur*).⁷² Remarkably, these steps are indispensable for one's own happiness, not for the well-being of the other. Here Aelred proposes the idea that Hugh suggests in his *De arrha*: one desires a lover or a friend in order to satisfy one's own longing and need for individual love. Aelred argues that the love of oneself makes one love one's friends and that friendship is ultimately the love of self.

If you do not love yourself, how can you love another? For from the likeness of the love with which you are personally dear to yourself, you ought to direct your love for your neighbour.⁷³

This is that great and wonderful happiness we await. God himself acts to channel so much friendship and charity between himself and the creatures he sustains, and between the classes and orders he distinguishes, and between each and every one he elects, that in this way each one may love another as himself. By this means each may rejoice over his own happiness as he rejoices over his neighbor's. Thus the bliss of all individually is the bliss of all collectively, and the sum of all individual beatitudes is the beatitude of all together.⁷⁴

Aelred declares that in loving God, we are concerned with ourselves. In the mutual love of friendship, however, people must have concern for each other's interests. Aelred's idea of self-interest and its role in communal life is an original contribution, a new understanding of ordered love directed to three objects like concentric circles: the self, one's neighbour, and God. The first circle is the love of self,

⁶⁹Aelred of Rievaulx, *Spir. amic.* 2.57 (ed. Hoste 1971b, 313).

⁷⁰Aelred of Rievaulx, *Spir. amic.* 1.11; 1.29; and 1.46 (ed. Hoste 1971b, 291, 294, and 297). Cf. Cicero's *De amicitia* 6.20: "Est enim amicitia nihil aliud nisi omnium divinarum humanarumque rerum cum benevolentia et caritate consensio" (ed. Simbeck 1971, 130).

⁷¹Aelred of Rievaulx, *Spir. amic.* 3.2: "Amor autem aut ex natura, aut ex officio, aut ex ratione sola, aut ex solo affectu, aut ex utroque simul procedit" (ed. Hoste 1971b, 317).

⁷²Aelred of Rievaulx, *De speculo caritate* 3.2.5: "[...] hi tres amores et ab invicem concipiuntur, et ab invicem nutriuntur, et ab invicem accenduntur, porro simul omnes perficiuntur" (ed. Hoste 1971a, 107). See Rosenwein 2016, 5.

⁷³Aelred of Rievaulx, *Spir. amic.* 3.128 (ed. Hoste 1971b, 348).

⁷⁴Aelred of Rievaulx, *Spir. amic.* 3.79 (ed. Hoste 1971b, 333).

leading then to the love of one's neighbour, until love reaches its apotheosis in mystical participation in God. The theoretical background implies, as does Hugh, the principles of the Stoic *oikeiōsis* doctrine, which maintains that the individual is always by nature inclined to do what is appropriate, only gradually coming to care for the interests of others as if her own. A person has a primary sense of duty towards oneself, from which the duties extend to other people. The process of appropriation begins at birth as an impulse to self-preservation, but it expands to include family members, one's own community and country, and ideally the rest of humankind.⁷⁵

However, Aelred argues that God has implanted his own love of unity and society into the first humans as a desire for friendship. God wanted peace to guide all his creatures and society to unite them: He left no class of creatures isolated but linked each in a kind of society.⁷⁶ Withdrawal from social relations and from friendship is inhuman and unnatural:

Those who claim that their lives should be such as to console no one and to be a burden or the occasion of grief to no one, who derive no joy from others' success and inflict no bitterness on others with their own perversity, I would call not human beings but beasts. They have only one goal: neither to love nor to be loved by anyone.⁷⁷

Aelred contends that Adam and Eve's friendship and special bond demonstrates how nature teaches that all are equal and that neither superior nor inferior exist among people. After the Fall, however, private gain replaced the common good, after which avarice and envy corrupted friendship and charity by introducing contentions and rivalries.⁷⁸ Still, the need for social bonds has remained, and the community, as Aelred understands it in the everyday encounters with people, begins with personal friendships.⁷⁹ These friendships are exclusive bonds between individuals, and they entail a careful process during which the candidates for friendship are first chosen, then tested, and finally given admission to intimate and true friendship.⁸⁰ However, true friendship involves more than reciprocal self-interest, namely, union or communion with the third good of the shared common good in God.⁸¹

While Aelred speaks enthusiastically in favour of exclusive friendship between two individuals, he also recognizes that they may sometimes challenge the overall dynamic of the community and the common good. By exploiting Cicero's text, he specifies that there are different views about the limits on the lengths to which friendship should go. One view is that the individual should favour a friend over

⁷⁵ See the discussion above around notes 48–55.

⁷⁶ Aelred of Rievaulx, *Spir. amic.* 1.53 (ed. Hoste 1971b, 298–99).

⁷⁷ Aelred of Rievaulx, *Spir. amic.* 2.52 (ed. Hoste 1971b, 312).

⁷⁸ Aelred of Rievaulx, *Spir. amic.* 1.57–58 (ed. Hoste 1971b, 299).

⁷⁹ Dutton 2017, 256.

⁸⁰ Aelred of Rievaulx, *Spir. amic.* 3.8 (ed. Hoste 1971b, 319).

⁸¹ Cf. Anselm's different position in Sweeney 2012, 48–54.

loyalty and integrity and over either the common or the private good. Another is to think that loyalty should be excluded, but nothing else.⁸² If a friend harms other community members who should be equally loved, he should be chastised. In his *De speculo caritate*, Aelred writes that the love of friendship should not outweigh religion, loyalty, the love of fellow citizens or the safety of the people.⁸³ If the interests of private friendship and the common good conflict, the common good should always prevail. In *De spiritali amicitia*, Aelred gives straightforward advice:

But if he proves a menace to his father, his country, his fellow citizens, dependents, or friends, you must immediately sever the bond of familiarity and not prefer the love of one person to the love of many.⁸⁴

We should be very careful, however, not to let tender affection hinder the opportunities for greater good, by unwillingness either to send away or to burden those who are especially fond of us when it is clear that by doing so we could hope for a greater good. But well-ordered friendship is this, that reason should so rule affection that we respect not what the sweetness of friends suggests but what the common good demands.⁸⁵

4.5 Conclusion

While the twelfth century monastic paradigm exemplifies in many ways a well-balanced fusion of the good of an individual and the common good, the sources also reveal emerging concerns for potential conflicts between them and an urge to resolve such tension. In a context guided by strict rules of communal life, religious people needed to know how to prioritize the common good in social life without undercutting or alienating the recognized needs of individuals.

The different ways to understand the common good and individual good in the medieval context immediately challenge the interpretations of the sources. Obviously, the Christian framework of *caritas* and its permutations are essential for understanding medieval monastic theories of the good of an individual with respect to the good of the community. A more complex and theoretically interesting picture emerges, however, when we consider the Classical ideas of humanity, such as the dignity of an individual, and Stoic views of justice and *oikeiōsis*, which markedly impacted medieval theories. These two parallel strands of thought combined to create original explanations of human sociability, suggesting how communal life should be ordered. In addition to these partly overlapping schemes, medieval texts also reveal the paradigm of material common utility and safety without mentioning

⁸²Aelred of Rievaulx, *Spir. amic.* 2.29 (ed. Hoste 1971b, 308); Cicero, *De amicitia* 17.61 (ed. Simbeck 1971, 170); Cf. *ibid.*, 18.65 (ed. Simbeck 1971, 174–76).

⁸³Aelred of Rievaulx, *Spir. amic.* 3.46 (ed. Hoste 1971b, 326).

⁸⁴Aelred of Rievaulx, *Spir. amic.* 3.58 (ed. Hoste 1971b, 328).

⁸⁵Aelred of Rievaulx, *Spir. amic.* 3.118 (ed. Hoste 1971b, 345). Cf. Cicero, *De amicitia* 20.75 (ed. Simbeck 1971, 182–84).

metaphysical or theological structures of reality directly. These complex notions were intertwined in twelfth-century discussions, and they variously manifested in ethical theories, theological systematizations, and the theory of emotions.

Peter Abelard and Hugh of St Victor, two prominent twelfth-century scholars who lived in religious communities, advanced ethical theorizing related to the compatibility of the the good of an individual and the good of a community. While Abelard's and Hugh's ideas of the common and individual good share the basic parameters of the Christian faith and the order of charity, it seems that Abelard is keener to emphasize the common good, both in the metaphysical as well as in the secular sense, above the individual good. Twelfth-century sources also reveal a growing concern for the individual good, self-interest, and the need for private relations with others. Hugh's idea that love can be individual and yet common represents a novel articulation that differs from standard views, which ask the individual to be satisfied with a communal and more general love and fail to recognize the human basic need for unique love. He stresses the importance of self-love and of self-interest in both communal life and in relation to God. For him, self-love is essential to all true love, and one ultimately finds personal good in the love of other people and God. Aelred of Rievaulx's examination of the types of friendship constitutes another attempt to reconcile self-interest, exclusive relationships, and communal life.

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Chapter 5

Albert the Great and Thomas Aquinas on Charity and the Common Good



Iacopo Costa

5.1 Introduction: The Place of the Common Good in Medieval Philosophy and Theology

The relationship between the individual good and the common good is one of the most important topics in medieval theology, ethics, and politics.¹ It is obviously impossible to give a full presentation of this topic in a short paper. Instead, I will present some aspects of this complex issue that should mark out the way for a study of the relationship between the good of the individual and the good of the community in the late Middle Ages, in particular by taking into account the theological point of view.²

To understand the relation between the common and the individual good in medieval theology, it is crucial to focus on the theological virtue of love, or charity, and its relation to politics. The point I am going to make is the following: Albert the Great (ca. 1200–1280) and Thomas Aquinas (ca. 1225–1274) seem to think that it is impossible to understand and define the good of the individual without at the same time understanding and defining the good of the community (in particular of the Church, that is to say, the community constituted by the faithful). Indeed, the individual good is a true authentic good only if the moral subject accomplishes his or her own good by accomplishing the good of others.

¹ The volume by Kempshall 1999 is a classical study on this topic.

² A more extensive investigation would be desirable since the same conclusions would surely be found in other authors of the same period.

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H. Haara, J. Toivanen (eds.), *Common Good and Self-Interest in Medieval and Early Modern Philosophy*, The New Synthese Historical Library 78,
https://doi.org/10.1007/978-3-031-55304-2_5

Selfish actions are therefore anti-social actions, and the only way the subject can do his or her own good is to do the good of the community first. The birth of the concept of self-interest is one of the fundamental topics of this collection of essays: whether or not it is appropriate to talk about self-interest for the Middle Ages, it seems clear to me that the authors that I examine here would endorse the idea that the individual can accomplish his own good only by including the good of others in his actions.

Before going to the subject-matter of this chapter, there is an important aspect of medieval discussions that should be understood, namely, we will observe, in the texts and authors considered here, a profound exchange between philosophy and theology. By this exchange, I mean that certain fundamental structures of Aristotelian politics and ethics sustain and enrich medieval theological reflection on charity, which is the theological virtue considered to be the highest of the virtues, especially on the grounds of Saint Paul (1 Cor. 13:1–13). More precisely, philosophy lends theology the concept of “architectonic disposition” (taken from book one of *Nicomachean Ethics*: 1094a1–b11) – that is, a disposition that submits to its own end the end of inferior dispositions, which it regulates and directs.³ At least from the time of Albert the Great’s commentary on Peter Lombard’s *Sentences*, which was the most important theological textbook in use in the thirteenth century, it is impossible to grasp the nature of charity without considering the contribution of the Aristotelian conceptions of the common good and of politics.

In order to see the deep exchange between theology and philosophy, the main sources to take into account are the treatises dedicated to the theological virtue of charity, which appeared in the commentaries of the *Sentences*. Of course, interesting material can also be found in other kinds of texts: a comprehensive survey should take into account the commentaries on *Politics*, on *Nicomachean Ethics*, and other political treatises such as Dante’s *Monarchia* or Marsilius of Padua’s *Defensor pacis*; nevertheless, even the narrower scope of the present chapter allows us to grasp the core of the problem that I have proposed to study.

³To give an example, the art of music regulates and directs the art of the lute-maker, since the only end of the art of the lute-maker is to serve the art of music. See Aristotle, *Nicomachean Ethics* 1.1, 1094a6–16 (trans. Irwin 1999): “Since there are many actions, crafts, and sciences, the ends turn out to be many as well; for health is the end of medicine, a boat of boat building, victor of generalship, and wealth of household management. But some of these pursuits are subordinate to some one capacity; for instance, bridle making and every other science producing equipment for horses are subordinate to horsemanship, while this and every action in warfare are, in turn, subordinate to generalship, and in the same way other pursuits are subordinate to further ones. In all such cases, then, the ends of the ruling sciences are more choiceworthy than all the ends subordinate to them, since the lower ends are also pursued for the sake of the higher.”

5.2 Politics as Architectonic Disposition in Aristotle's *Nicomachean Ethics*

Aristotle's teleological conception of human activity is crucial for understanding the function that he assigns to politics.⁴ This same teleological conception explains part of the reflections that medieval theologians devoted to charity as a supreme virtue. To understand this issue, one of the fundamental texts of the Aristotelian corpus is the first chapter of book one of the *Nicomachean Ethics* (1094a1–b11). Here Aristotle establishes the superiority of politics over other dispositions by virtue of the fact that its object is the ultimate end, that is, the excellence of the human being.

Regarding the role of politics, we can state the following: first, politics has as its object the ultimate end of human life, that is, happiness or excellence (*aretē*). Second, it subordinates all the dispositions that have as their object intermediate ends:

It [the best good] seems proper to the most controlling science – the highest ruling science. And this appears characteristic of political science. For it is the one that prescribes which of the sciences ought to be studied in cities, and which ones each class in the city should learn, and how far; indeed we see that even the most honoured capacities – generalship, household management, and rhetoric, for instance – are subordinate to it. And since it uses the other sciences concerned with action, and moreover legislates what must be done and what avoided, its end will include the ends of the other sciences, and so this will be the human good.⁵

The ends of the various arts and techniques are means that allow the political community to prosper and remain in the best condition. But this implies that politicians, or legislators, establish to what extent these arts and techniques should be cultivated and developed (in the same way that, today, politics are regulated by laws and by decisions of production, e.g., of weapons). This does not mean that politics should determine the objects and processes of other disciplines, but it should limit their exercise on the basis of their utility for the common good.

Moreover, if politics enjoys this special condition with respect to the other sciences, dispositions, and capacities, it is because of the fact that its object is the common good, that is, the good of the political community:

For even if the good is the same for a city as for an individual, still the good of the city is apparently a greater and more complete good to acquire and preserve. For while it is satisfactory to acquire and preserve the good even for an individual, it is finer and more divine to acquire and preserve it for a people and for cities. And so, since our line of inquiry seeks these [goods, for an individual and for a community], it is a sort of political science.⁶

⁴For a discussion on this topic, see Anthony Celano's chapter in this volume.

⁵EN 1.2, 1094a26–b7 (trans. Irwin 1999).

⁶EN 1.2, 1094b7–11.

This passage is essential for understanding the theory of charity in Albert the Great and Thomas Aquinas. As we shall see, in fact, the two Dominican theologians will have recourse to a reasoning similar to that of Aristotle, but they will replace political prudence – which is, according to them, the part of Aristotle’s practical intelligence (*phronēsis*) which pertains to the good of the political community – with charity.⁷ In so doing, they obtain two consequences worthy of attention: first, they subordinate the whole of the virtues and of moral science to charity, that is to say, to an infused disposition that is received through grace.⁸ Second, they identify the human end with a supernatural end – the love of God and love of one’s neighbour inspired by God (that is, supernatural friendship) – and with the good of a community that is not, like the political community according to Aristotle, a natural community, but the good of the Church and the faithful.

5.3 Politics and the ‘Ontology of Charity’

Charity has both a theological and a political nature. It is, in fact, a supernatural form of friendship that regulates human love for God and for one’s own neighbour. More precisely, because it enables human beings to love God, it also enables them to love their neighbour.⁹ In general, the acquisition of the cardinal virtues and the infusion of the theological virtues is a remedy for the effects of original sin: indeed, concupiscence (*concupiscentia*) prevents the peaceful cohabitation of men and constitutes an obstacle to the constitution of fair and happy communities. Charity thus allows the constitution of a society based on supernatural ground. The idea that charity has this political function goes back to Augustine, who referred explicitly to charity as a social disposition, as he speaks of social charity (*caritas socialis*):

These two loves – of which one is holy, the other unclean, one social, the other private, one taking thought for the common good because of the companionship in the upper regions, the other putting even what is common at its own personal disposal because of its lordly arrogance [...].¹⁰

In the thirteenth century, we witness the formation of what we can call an “ontology of charity”, by which I mean the psychic structure in virtue of which all the

⁷For Albert’s and Aquinas’ views on political prudence, see, e.g., Lambertini 2007.

⁸According to Catholic theology, the infused virtues, unlike the virtues acquired through study and exercise, are given by the grace of the Holy Spirit; the virtues are infused to allow the human being to reach the supernatural end, which is beyond his reach.

⁹For a discussion on the order of charity in earlier medieval literature, see Ritva Palmén’s chapter in this volume, and Osborne 2005.

¹⁰See, for instance, Augustine, *De Genesi ad Litteram Libri Duodecim* 11.15 (ed. Agaësse and Solignac 2001, 2:260; trans. Hill 2002, 439): “Hi duo amores – quorum alter sanctus est, alter inmundus, alter socialis, alter priuatus, alter communi utilitati consulens propter supernam societatem, alter etiam rem communem in potestatem propriam redigens propter adrogantem dominationem [...]”

dispositions and actions of the faithful are subject to the end of charity. This subordination designates an ontological character, insofar as charity transmits its form to the other dispositions. As we shall see, Albert the Great and Thomas Aquinas strive to understand the formal relationship that binds the faithful with God and their neighbour.

In the following two sections, I present certain aspects of the theory of charity found in Albert the Great and Thomas Aquinas. Due to the theological importance of charity, both authors devoted numerous texts to it, and therefore a selection has been necessary. However, their central ideas can be seen in the works discussed here. For Albert, I rely on the commentary on Peter Lombard's *Sentences* (written around the middle of the 1240s), and for Aquinas, I rely on the *Quaestio disputata de caritate* (1271–1272).¹¹ The joint study of these two authors will show that, in spite of differences in the argumentation and the demonstration of their theses, they agree on the fundamental theses concerning the relationship between politics and charity.

5.4 Albert the Great

Charity is the subject of distinction 27 of book three of Albert's commentary on the *Sentences*. Albert explains the nature of charity in the light of the Aristotelian theory of the good as final cause. However, the Dominican master proposes a much-altered version of Aristotle's theory. In fact, Albert includes love among the specific activities of the human being, activities whose realisation contribute to the perfection of his being and achieve his happiness. According to Albert, Aristotle theorised the principle of loving a self-sufficient good. However, even though philosophers (that is, those who grasp the truth by their natural intellect, without the gracious help of revelation) know that God is the sovereign good, they have not been able to theorise the gratuitous love of God. In other words: God is an object of love, and thus a source of happiness; philosophers love him as a source of good for themselves, not gratuitously.¹² Here, Albert opposes two types of love of the good: a love of the good

¹¹To my knowledge, there is no comprehensive study on the theory of charity according to Albert; for Aquinas, one can refer to Sherwin 2005.

¹²Albert the Great, *In Sent.* 3.27 (ed. Borgnet 1894, 509): “[...] natura numquam sufficit, nec sufficit ad actum charitatis: sed ad actum amoris naturalis homini sufficit natura ante peccatum potentius, et post peccatum minus potenter. Quis autem amor ille sit, bene determinat Philosophus in I Ethicorum, ubi probat, quod sicut unicuique inest proprium opus et actus, ita et homini secundum quod homo: et quod hoc opus non quaeritur in ipso secundum vegetabilem et sensibilem, sed secundum rationalem: hoc autem est eligere et diligere super omnia id quod per se et non in relatione ad alterum est bonum: et hoc ipse quidem probat esse felicitatem. Et verum est, quod est felicitas increata, quae est summum bonum propter se tantum quaesitum, et non alicujus alterius gratia. Si tamen quaereretur a Philosophis, Utrum hoc quaeritur quia bonum, vel quia sibi bonum? inveniretur, quod quaereretur hoc, quia bonum homini. Aliud enim bonum ab ipsis Philosophis non est quaesitum, nisi bonum homini secundum civilem vitam. Charitas autem non sic quaerit bonum,

as a source of one's own happiness (*bonum sibi* or *bonum homini*) and a love of the good in itself (*bonum* without further specification). Only the first is accessible to philosophers, while the second is accessible to the faithful. The gratuitous love of the highest good is the act of charity.

According to Albert, we can therefore affirm that the natural love of the good, the one that the philosophers have known and that men can practice even without knowing the truth of the Christian Revelation, is always a "selfish" form of love. It allows individuals to love a good only when it is a source of happiness for the one who loves it.

Following an ancient tradition, which likely originated from the Ambrosiaster (an anonymous author of the end of the fourth century whose works have long been attributed to Ambrose) and Jerome, and which was carried on by Augustine, Albert refers to charity as the "mother of virtues" (*mater uirtutum*). Albert seeks to determine what precisely it means that charity is the mother of virtues. According to him, the expression means that charity is in some way the most final of the virtues and that the acts of the other theological and cardinal virtues depend on it. Moreover, charity is the "motor of the virtues" (*motor uirtutum*) since by its affective energy it sets in motion every other virtuous disposition.¹³ The most important point is: charity is the "form of the virtues" (*forma uirtutum*).

The authors of Albert's time devote many reflections to this point: how to understand the fact that charity is the form of the virtues. I will limit myself to the essential. Albert attributes to charity the same function that Aristotle attributes to what medieval authors called political prudence, that is, an architectonic function. There is therefore a structural analogy between politics and charity, and it can almost be said that charity is a supernatural form of politics: just as political prudence, as a disposition, allows the realisation of the common good and the individual good, so

sed quod potius absolute bonum est, et causa boni: nec ininitur illi propter rationem, quia probat hoc ratio, quod oppositum est, sed quia illud bonum efficit talem dilectionem: unde cum dicitur, Diligere Deum propter se, et super omnia, est actus charitatis ly *propter se*, non dicit ibi causam unam tantum, sed tres, scilicet quae est ut objectum, et quae est ut efficiens, et quae est ut finis: et in prima et ultima potuit convenire Angelo et homini in primo statu secundum opinionem quorumdam, sed non quoad medium: quia efficit hoc in eis ratio."

¹³Albert the Great, *In Sent.* 3.27 (ed. Borgnet 1894, 511): "[...] charitas non habet in se actus aliarum ut habitus, ex quo vel cuius partibus elicantur illi actus: sed habet eas ut motor non proximus et conjunctus motori, sed potius ut motor motoris ad actum: amor enim Dei omnes virtutes movet ad actum. Si enim quaeratur, Quare patiens est patiens? respondebit propter amorem Dei, volens assignare causam moventem patientiam suam ad opus. Et si quaeratur, Quare sperans sperat? respondebit iterum propter amorem Dei, volens assignare causam eandem. Et ideo charitas bene est motor universalis virtutum ad actum, sed non est universalis virtus: motor enim universalis uno modo etiam habet motum proprium quo distinguitur ab aliis, et habet alio modo motum quem influit motoribus aliis ad movendum, propter quam influentiam dicitur motus universalis, ut patet in motoribus orbium, ubi primus motor movet motum divinum, et influit in omnes alios ut desideratum desideranti motum unicuique, quo movet etiam motu proprio quilibet, eo quod quilibet inferior quaerit sibi assimilari in causando universum esse per motum proprium quantum potest. Et sic est de charitate respectu virtutum: et ideo attribuuntur ei opera aliarum virtutum [...]"

charity, as a virtue, allows the realisation of the supernatural common good and the individual good.

In the political field, where a technical skill is at the service of other [skills], we see that, just as horsemanship moves the art of making bridles, so that the bridle is adapted to the horse, hence there is one form of the bridle that depends on the art of making bridles, and another [form] by which one applies that form to the horse; in a similar way, it seems to me that charity does not give any virtue its specific being, nor does it give it the being of grace: indeed, according to my judgment, charity is not grace but a part of it, just like any other virtue; but [charity] gives [to virtue] the form of an efficient, of an ultimate motor, so that virtue acts by love and liberality: and [charity] gives it the form of order, that is, the form which orders it not to the proximate end, but to the ultimate end; [end] which is not the object of a single act, but of all acts, and such an end is God, so that virtue may serve the sovereign good which is God; and in the third place gives him union with [God]. Indeed, it is one thing to direct to the ultimate end, and it is another to reach it: it would be impossible to reach it, if there were not love in every virtue: without love, the particular virtues can reach their own ends: thus, the art of making bridles, in the absence of the art of horsemanship which gives it form, would reach only the form of the bridle, and would not reach the ulterior end that the military art or the art of horsemanship could reach.¹⁴

In this text, Albert does not mention Aristotle's *Nicomachean Ethics*, but he clearly alludes to it when he mentions the architectonic function of the higher arts in relation to the lower or subordinate arts.¹⁵ The importance of this theoretical position should not be underestimated: subordinating all the cardinal and theological virtues to charity means subordinating the whole of practical science, including ethics, household economics, and politics, to it. In other words, (Aristotelian) practical philosophy loses its autonomy and becomes subject to charity. I will come back to this point in my conclusions.

Let us look at the details of Albert's position. Medieval authors in general approach virtues through the Aristotelian distinction between matter and form, and they suggest that virtuous acts have their corresponding forms that make them virtuous. However, Albert does not think that charity gives the other virtues their own forms: these forms are only those of the virtues themselves. For example, the acts of courage have their form only through the virtue of courage, but if the act of any virtue is performed by someone who also possesses the virtue of charity, then

¹⁴ Albert the Great, *In Sent.* 3.27 (ed. Borgnet 1894, 515): "Videmus etiam in civilibus, in quibus una mechanica virtus est sub aliis: sicut equestris movet fraenorum factricem ad hoc quod fiat fraenorum competens equo: et ideo una est forma fraeni quae est ab illa qua est fraenorum factrix, et alia docet applicare equo formam illam. Similiter charitas (ut mihi videtur) nulli virtuti dat esse proprium in specie virtutis, nec dat esse gratiae: quia, meo iudicio, charitas non est gratia, sed pars ejus, sicut et alia virtus: sed dat ei speciem efficientis, moventis generaliter, ut scilicet ex amore et liberaliter fiat: et dat ei formam ordinis, id est, ordinantem non ad finem proximum, sed ultimum: qui non intenditur uno actu, sed omnibus, et ille est Deus, ut fiat propter summum bonum quod Deus est: et dat ei tertio conjunctionem cum illo. Aliud enim est ordinare in finem ultimum, at aliud contingere illum: non enim contingeret nisi aliquid amoris esset in qualibet virtute: quia cuilibet virtuti speciali si sine amore sit, sufficit contingere proprium finem: sicut etiam fraenorum fa[c]trici si sit sine equestri formante ipsam, sufficeret consequi formam fraeni, et non intenderet ulterius qualiter valeret militari vel equestri."

¹⁵ *EN* 1.1. For the terminology, I was inspired by T. Irwin's translation.

charity adds three formal elements to that act. First, the form of the ultimate mover: indeed, the love of God, which is the act of charity, can impel to perform acts of other virtues, for example, courage. Second, the order: thanks to charity, the acts of the other virtues are ordered to a higher end, namely the love of God. Thus, thanks to charity, other virtues go beyond their immediate end to reach a higher end. Third, charity confers on every virtue the capacity to join with the ultimate end, that is God. Any virtue can indeed reach its own end by itself, but accompanied by charity, due to the love that charity spreads, any virtue can reach its own end and also join to the end of charity.

This last point is extremely important for understanding the role of charity in relation to the common good. It shows that, according to Albert, the common good and the good of the individual, the interest of the individual and that of the community of which he is a member, are no longer distinct in the ideal of charity since charity is the love of God and love of neighbour and, as such, it unites the community of the faithful. The most important point is that charity, as the love of God and neighbour, is the principal cause of the merit of the faithful.¹⁶ This means that the faithful obtains the salvation of his soul only through the gratuitous love of God and of the other. Thus, Albert describes a paradoxical situation in which the surest way for the moral agent to pursue his own interest is to put the other's interest before his own. In fact, the love of charity differs from selfish love since in charity, the love of God and of one's neighbour is the only motor of the action. In other words, what counts is not the action itself with its consequences but the psychological conditions according to which the action is performed.

5.5 Thomas Aquinas

Thomas Aquinas' views on charity converge with those of his teacher, Albert the Great. However, his analysis is more careful to make the ontology of charity conform to Aristotelian psychology. As I have already said, the most important text for understanding Aquinas' position is his disputed question on charity (the *Quaestio disputata de caritate*, which he held in Paris at the end of his second teaching period, that is, 1271–1272). Attentive, as Albert, to the traditions of late antiquity, Aquinas sets out to offer a metaphysically loaded demonstration that charity is the form, the end, the motor and the root (*forma, finis, motor, radix*) of other virtues.¹⁷

Aquinas analyses charity in the light of Aristotelian teleology and, in particular, in the light of the principle according to which the final cause of an act defines and

¹⁶This is a position that Albert states repeatedly. See, for example, *In Sent.* 3.27 (ed. Borgnet 1894, 509): “Cujuscumque actus est meritorius vitae aeternae, est virtus: sed charitatis praecipue est actus meritorius vitae aeternae: ergo caritas est virtus.”

¹⁷Thomas Aquinas, *Quaestiones disputatae de caritate* 2, resp. (ed. Deronne and Costa, forthcoming; hereafter *Qu. disp. de caritate*). I quote the text from the edition currently being prepared by the Leonine Commission. I thank Father Adriano Oliva OP for allowing me to use it in this chapter.

constitutes the form of the same act. As a result, the ultimate will be the most capable of providing the form to the acts that depend on it. Thus, for instance, a person who fornicates to make a profit is, to use medieval categorisation, materially an intemperate, as he or she fornicates, but formally an unfair person because he or she fornicates in order to make an illegal profit.¹⁸ The concept of ‘end’ is in fact identical to the concept of ‘good’.¹⁹ Therefore, the virtue that has as its object the greatest good also has as its object the ultimate end. This virtue is charity, which has as its object the ultimate end and the greatest good, that is God. Consequently, it provides the form to the other moral and theological virtues:

[...] charity is the form, the motor, and the root of the virtues. To understand this point, we must know that we judge dispositions by acts [...] in voluntary acts, the formal element comes from the final cause [...] the form of the will is its object, that is, the good and the final cause, just as the intelligible is the form of the intellect. It follows that the final cause constitutes the formal element of the act of the will. Consequently, the same kind of act, if it aims at one end, has the form of virtue, and if it aims at another end, it has the form of vice, as it appears in the case of the one who gives alms for God or for vain glory [...]. It is evident that the act of all the other virtues is subordinated to the proper end of charity, which is its object, namely the sovereign good [...]. Therefore, it is evident that in the acts of all the virtues the formal element comes from charity, and for this reason it is called the form of the virtues.²⁰

Two points should be stressed. First, Aquinas asserts that charity is the form of the moral virtues. Moral virtues have as their object the created good, which is less perfect than the uncreated good, and they are therefore subordinate to the form of

¹⁸ *EN* 5.2, 1130a24–28.

¹⁹ See Aristotle, *Metaphysics* 3.2 (ed. Barnes 1984).

²⁰ *Qu. disp. de caritate* 2 (ed. Deronne and Costa, [forthcoming](#)): “Responsio. Dicendum quod caritas est forma uirtutum, motor et radix. Ad cuius euidentiam sciendum est quod de habitibus oportet nos secundum actus iudicare. Vnde quando id quod est unius habitus est ut formale in actu alterius habitus, oportet quod unus habitus se habeat ad alium ut forma. In omnibus autem actibus uoluntariis id quod est ex parte finis est formale, quod ideo est quia unusquisque actus formam et speciem recipit secundum formam agentis, ut calefactio secundum calorem. Forma autem uoluntatis est obiectum ipsius, quod est bonum et finis, sicut intelligibile est forma intellectus. Vnde oportet quod id quod est ex parte finis sit formale in actu uoluntatis. Vnde idem specie actus, secundum quod ordinatur ad unum finem, cadit sub forma uirtutis, et secundum quod ordinatur ad alium finem cadit sub forma uitii, ut patet de eo qui dat eleemosynam uel propter Deum uel propter inanem gloriam. Actus etiam unius uitii, secundum quod ordinatur ad finem alterius uitii, recipit formam eius, utpote qui furatur ut fornicetur, materialiter quidem fur est, formaliter uero intemperatus. Manifestum est autem quod actus omnium aliarum uirtutum ordinatur ad finem proprium caritatis, quod est eius obiectum, scilicet summum bonum. Et de uirtutibus quidem moralibus manifestum est, nam huiusmodi uirtutes sunt circa quedam bona creata que ordinantur ad bonum increatum sicut ad ultimum finem. Set de uirtutibus aliis theologicis idem manifestum est. Nam ens increatum est quidem obiectum fidei ut uerum, quod in quantum est appetibile habet rationem boni, et sic tendit fides in ipsum in quantum est appetibile, cum nullus credat nisi uolens. Spei autem obiectum, licet sit ens increatum, in quantum est bonum tamen dependet ab obiecto caritatis: est enim bonum obiectum spei in quantum est desiderabile et consequibile: nullus enim desiderat consequi aliquod bonum nisi propter hoc quod amat ipsum. Vnde manifestum est quod in actibus omnium uirtutum est formale id quod est ex parte caritatis, et pro tanto dicitur forma omnium uirtutum.”

charity. Second, charity is a form of the other two theological virtues (faith and hope). In fact, even though these two virtues have God as their object – God is the object of faith insofar as he is the truth (*ueritas*) and the object of hope insofar as the union with him is a future good that is possible to obtain but arduous (*arduus*)²¹ – nevertheless the fact that God is the greatest good, and therefore an object of reasonable desire, is included in the object of faith and hope: the desire to know God as true (act of faith) and as arduous (act of hope) depends on the desire to unite with God as the highest good (act of charity).

Again Aquinas establishes the political nature of charity, that is, the relationship between this disposition and the common good, on the basis of ontological considerations. God and one's neighbour do not differ formally as objects of love, that is, as objects of the will: in both cases, the act of the will is an act of love that is aimed to a good. However, the love of God is the reason why we love our neighbour since we love our neighbour because God is in him or her. Thus, through charity, we love God in Himself and our neighbour in God.²² This means that charity is the disposition that establishes the unity of the community. This idea concerns only the community of the faithful even though Aquinas conceives the possibility of a natural love of the community based on the natural disposition to love individuals of the same species. It is therefore necessary to distinguish between the love of one's neighbour, insofar as it is founded in God, and the natural love of one's neighbour, insofar as it is founded in the resemblance between the individuals of the human species. This means that, according to Aquinas, Aristotle was able to conceive a form of general friendship between individual human beings, but, unlike charity, this friendship is not founded in God but in the neighbour himself.²³

I have argued above that Albert the Great subordinates all the other virtues to charity. We find, in Aquinas, a very similar position. Charity is indeed an “architectonic” disposition that uses the perfections of the other virtues to accomplish its own perfection. Like Albert, Aquinas also uses the first chapter of book one of the *Nicomachean Ethics* to ground this doctrine, and like Albert, he reaches thus to make of charity a kind of supernatural political disposition. When an act depends on several principles and these principles are hierarchically ordered, Aquinas assumes on the one hand that the perfection of the act requires the perfection of all the principles, and on the other that the lower principles be subordinated to the highest principle. Thus, since the highest principle in human acts is the one that has the final end as its object the most, that is charity, Aquinas concludes:

²¹ This idea reflects Aquinas' definition of hope. for a discussion, see, e.g., Wawrykow 2012.

²² *Qu. disp. de caritate* 4 (ed. Deronne and Costa, forthcoming): “[...] caritas diligit Deum ratione sui ipsius et ratione eius diligit omnes alios in quantum ordinantur ad Deum. Vnde quodammodo Deum diligit in omnibus proximis: sic enim proximus caritate diligitur, quia in eo est Deus uel ut in eo sit Deus.”

²³ *Qu. Disp. de caritate* 4 (ed. Deronne and Costa, forthcoming): “Vnde manifestum est quod idem <est> habitum caritatis quo Deum et proximum diligimus. Set si diligeremus proximum ratione sui ipsius, et non ratione Dei, hoc ad aliam dilectionem pertineret, puta ad dilectionem naturalem uel politicam uel ad aliquam aliarum quas Philosophus tangit in VIII Ethicorum.”

Charity is therefore a different disposition from those which have the means as their object, and yet the [disposition] which has the end as its object is more principal and architectonic with respect to those which have the means as their object, like medicine with respect to the art of pharmacy and the military art with respect to horsemanship. It is therefore evident that charity is a special virtue distinct from the other virtues, but it is principal and mover with respect to them.²⁴

As it appears clearly, Aquinas takes from Aristotle the model of architectonic disposition and is inspired by the *Nicomachean Ethics* for the example of military art and horsemanship. This model allows him to provide an interpretation of the theological notion of charity that explains the connection between the common and the individual good.

Lastly, Aquinas' view converges with that of Albert the Great as far as merit (*meritum*) is concerned. Aquinas often stresses the link between charity, grace, and merit. Merit, which is the fruit of acts of charity and thus implies grace, gives the faithful access to heavenly rewards, namely to the beatific vision of God.²⁵ The faithful can thus obtain their ultimate good only through the realization of the common good and this in a particular form, that is, by putting the love of God and of the other before their own private interests.

5.6 Conclusion

As mentioned at the beginning of this chapter, a comprehensive investigation of the relationship between the individual and the common good in medieval philosophy and theology would have to take into account a considerable number of texts and authors. Nevertheless, the small choice of texts and authors that I have presented here allows me to make some general remarks.

First, it is useful to distinguish practical contents from psychological structures. Thus, the object of the virtues that enable the realisation of the supernatural end is not the same as that of Aristotle's virtues. However, if we look at psychological structures, we must recognise that Albert the Great and Thomas Aquinas have adapted (or tried to adapt) Aristotelian finalism to a system of final causes that Aristotle had not taken into account: indeed, it is a matter of supernatural causality and a realisation through love.

²⁴ *Qu. disp. de caritate* 5 (ed. Deronne and Costa, [forthcoming](#)): "Est < ergo caritas > alia ab hiis que ordinantur ad ea. que sunt ad finem, licet illa que ordinatur ad finem sit principalior et architectonica respectu earum que ordinantur in ea. que sunt ad finem, sicut medicinalis respectu pigmentarie et militaris respectu equestris. Vnde manifestum fit quod necesse est caritatem esse quandam uirtutem specialem distinctam ab aliis uirtutibus, set principalem et motiuam respectu earum."

²⁵ Among the many texts that could be quoted, see *Qu. disp. de caritate* 13 (ed. Deronne and Costa, [forthcoming](#)): "Quicumque autem habet caritatem habet meritum uite eterne: Dominus enim dilectori suo promittit manifestationem sui ipsius, in quo uita eterna consistit."

Second, the importance of another aspect must be stressed, namely the insistence on the gratuity of acts of charity. Acts of charity are a source of merit because they are free, that is, they are perfectly free. They are chosen and carried out by a subject who is capable of going beyond the satisfaction of his own interests and to place himself at the service of God and of his neighbours. This aspect cannot be underestimated for the development of modern moral philosophies, especially those based on the concept of duty and on the frustration of individual inclinations (e.g., Kant's practical philosophy).

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Part II
Common and Individual Good in Late
Medieval Thought

Chapter 6

Convergences of Private Self-Interest and the Common Good in Medieval Europe: An Overview of Economic Theories, c. 1150–c. 1500



Cary J. Nederman

6.1 Introduction

In modern liberal political discourse, the phrase “common good” is entirely anathema except perhaps as a short-hand designation for the sum total of individual interests. Anything more smacks of holistic foundationalism that grates against the value pluralism that liberal thinkers of all stripes embrace.¹ The priority of individuals renders the common good in any strong sense a threat to their dignity and autonomy.

By contrast, the idea of the common good permeated political thought throughout the European Middle Ages. Many years ago, I. Th. Eschmann documented 30 or so Latin words he identified in scholastic writings that convey the concept.² Addressing specifically the philosophy of Thomas Aquinas, but enunciating a precept broadly applicable during the Middle Ages, Matthew Kempshall points to the subsumption of the individual to the community on moral grounds: “The more moral goodness is stressed, the more the common good of the political community is said to include the individual human being and the more the reservation of a private sphere of activity for the individual effectively disappears.”³ This might not entail the complete obliteration of the personal realm, but it certainly seems to confine it to a narrowly constrained sphere. Even if we acknowledge that these generalizations admit of occasional minor exceptions, the impression left by John

¹For a brief overview of various relevant liberal perspectives on the common good, see Keys 2006, 29–56.

²Eschmann 1943, 142–65.

³Kempshall 1999, 128.

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Rawls's insistence on the "authoritarian" nature of medieval Christianity and its consequent denial of individual liberty remains a steadfast mainstay of contemporary intellectual historiography.⁴

Drawing a stark contrast between the common good and private self-interest ill-comports, however, with the on-the-ground realities of the Middle Ages. Between the twelfth and fifteenth centuries, European economic life underwent a dramatic transformation. The historical threshold crossed after 1100 may be characterized by three key factors. First, market relations became a central feature of the social structures of the Latin Middle Ages, generating what Robert Lopez many years ago proclaimed to be a "commercial revolution".⁵ Among the tokens of this revolution were the increased circulation of coinage, the expansion of long-distance trade, the formation of national markets, the emergence of systems of credit and banking, and the rising prominence of cities. Second, the period witnessed an expansion of technological development and improved productivity without precedent in Europe, running parallel to patterns of demographic growth and the extension of arable land. Agricultural management yielded levels of fertility (and wealth) that were previously unimaginable.⁶ Finally, political and legal institutions capable of regulating and directing economic resources on a larger scale appeared rapidly after 1100. Government – whether in the form of kings and other territorial lords or of urban communes – received recognition as an important agent of economic administration and also as a beneficiary (through taxes, customs, and duties) of a vigorous economy.⁷ Although the emergence of these phenomena was by no means uniform or unilateral, Europe in 1600 was a very different place economically – and also politically, legally, and socially – than it had been 500 years earlier.

Such burgeoning economic circumstances might seem ripe for a backlash on the part of Christian moralists adopting a traditional viewpoint that the common good, spiritual as well as temporal, would be undermined by a newly enriched society. Grasping for personal profit would corrupt the priorities of moral virtue and piety that must guide the *Respublica Christiana*. Private interest in material improvement that impeded the salvation of souls ought to be discouraged at every turn.

Certainly, this position was widely disseminated. Canon lawyers expressed deep concern about the spiritual consequences of economic enterprise. Wherever the self-interested pursuit of private profit was deemed to endanger Christians' focus on the heavenly life to come, canonists sought to legislate economic intercourse.⁸ Likewise, theologians and preachers, reacting to the currents of economic change, expressed similar concerns. They devoted considerable effort to advocating for the control of usury and attendant impermissible practices on the grounds that these

⁴Rawls 1992, xxiv.

⁵Lopez 1976. See also Day 1987; Spufford 2002.

⁶Classic studies include Duby 1974; and Ovitt 1987.

⁷Bonney 1995, 1–160; Reynolds 1997, 39–66, 155–339.

⁸Langholm 1979, 1983.

constituted threats to the supernatural beatitude of those who engaged in them. Such teachings enjoyed wide currency among preachers, as revealed by a number of extant sermons that echo the prohibitions on identical bases.⁹ Moreover, princes were proffered advice concerning the fiscal management of their realms – including taxation and coinage – always with an eye to the impact of public conduct on personal salvation.¹⁰ The gist of the message was that the common good – both earthly and immortal – of Christians was profoundly imperiled by the pursuit of economic enterprise for the sake of private gain.

Whatever the complaints of canon lawyers, theologians, and preachers, however, it is a broad and inaccurate caricature to maintain that medieval thinkers were monolithically and implacably opposed to self-interest as an affront to virtue and piety and thus deleterious to the common good. In the present chapter, I identify the emergence of an approach to the study of economic questions during the European Middle Ages that we might term “political economy”. By political economy, I mean, most generally, the investigation of the “wealth of nations” as a pursuit that is worthy in itself. Adam Smith (1723–1790) defined political economy broadly in *The Wealth of Nations* as comprising “two distinct objects; first, to provide a plentiful revenue or subsistence for the people [...] and secondly, to supply the state or commonwealth with a revenue sufficient for the publick services”.¹¹ Political economy, thus understood, “is policy oriented and hence political, designed to make recommendations for governmental action in respect to economic matters. It is concerned with the functions of state and government, conceived of either positively or negatively, in contributing to the wealth of nations”.¹² Political economy encompasses all issues raised by the relationship between the private accumulation of wealth and the public good, touching on topics ranging from taxation and government regulation of the economy to the promotion of economic opportunity within the marketplace. Its avowed purpose is to pinpoint policies most likely to encourage the greatest wealth among community members and to offer practical advice for its realization. In sum, the desire for material improvement need not conflict with – indeed, it enhances – the common good.

The origins of political economy are conventionally associated with the work of the French physiocrats and especially with Smith. Indeed, John Pocock reproves those who would apply the term “political economy” to designate any economic theory prior to the eighteenth century.¹³ Pocock’s admonition notwithstanding, I propose that political economy was not the invention of the early modern period at all. Rather, the Middle Ages witnessed the emergence of economic theories of public life of precisely the sort that meet all the criteria just stated. That is, one may find

⁹ Baldwin 1970, 1:261–311.

¹⁰ Baldwin 1970, 1:228–51.

¹¹ Adam Smith, *An Inquiry into the Wealth of Nations* (ed. Campbell and Skinner 1976), book 4, Introduction, 1.

¹² Wood 1994, 252–53n1.

¹³ Pocock 1990, 131.

a discernible strain in medieval thought that emphasized the worthiness of ensuring a satisfactory arrangement of economic goods primarily for the sake of meeting the physical, temporal needs of individuals of all classes and orders. On this terrain may be located the primordial well-spring of political economy and of an economic approach to politics.

In this chapter, I support these general claims by surveying an array of authors and texts (presented in chronological order), stretching from the middle of the twelfth century to the end of the fifteenth. Some of the thinkers examined are churchmen (John of Salisbury, James of Viterbo), some are connected to government (Brunetto Latini, Christine de Pizan, John Fortescue), and some are academics (Marsiglio of Padua, Nicole Oresme). The discourses they employ are extremely divergent, and the conclusions they reach are often discordant. Nevertheless, all of them may plausibly be counted among contributors to the development of political economy during the Middle Ages, inasmuch as they bring together elements of the interplay between economics and politics.

6.2 John of Salisbury

John of Salisbury (1115/20–1180), an English churchman and philosopher, is best known for his *Policraticus* (completed in 1159), a philosophically pragmatic, wide-ranging meditation on the good life. Of importance here are the discussions contained therein of the body politic and of the government's role in promoting its economic well-being. While earlier classical and Christian authors had reviled the mechanical arts (i.e., the production of goods) as demeaning and incompatible with wisdom and civic virtue, the 1100s witnessed the appearance of a definite strand of philosophical thought that acknowledged the honourable and uplifting effects of human labour on both social order and individual character. In the *Policraticus*, John of Salisbury articulates this appreciation by integrating the mechanical arts into his famous metaphor of the body politic: he compares the ruler to the head, the senate (counselors) to the heart, the judges and proconsuls to the senses, the hands and arms to tax collectors and soldiers, the royal household servants to the flanks, the fiscal officers to the stomach and intestines, and, notably, the peasants and artisans to the feet.¹⁴ (Because John analogizes the clergy to the soul, their economic role is limited to encouraging the king to rule in accordance with Christian virtue.) John then details the duties associated with these functions, each of which is deemed necessary for a healthy political community. He explains how these tasks stand in a necessary relation to the whole, stressing the reciprocal character of the well-ordered body.

¹⁴ John of Salisbury, *Policraticus: Of the Frivolities of Courtiers and the Footprints of Philosophers* (trans. Nederman 1990; hereafter *Policraticus*), 5.2.

John grounds his inclusive deployment of the organic metaphor by reference to the natural order, wherein many parts constitute a whole. He thus embraces the participation of all social classes in the life of the community, including

[...] the feet who discharge the humbler offices [...] the husbandmen, [...] the many species of cloth-making and the mechanical arts, which work in wood, iron, bronze, and the different metals; also the menial occupations, and the manifold forms of making a livelihood [...] all of which [...] are yet in the highest degree useful and advantageous to the corporate whole of the community.¹⁵

For John, peasants and artisans must be accounted as part of the political community because “it is they who raise, sustain, and move forward the weight of the entire body. Take away the support of the feet from the strongest body, and it cannot move forward by its own power [...]”.¹⁶ Inasmuch as the practitioners of the mechanical arts confer dignity, not to mention material well-being, upon society, they deserve to be accorded a full place in it. The naturalism that supports John’s inclusive vision of community involves a profound normative dimension to the regulation of social order, including economic practice. Simply stated, nature has licensed the production and circulation of goods – the fruits of the mechanical arts – but only for the advantage of all the individual members of the communal body. The pointed omission of the merchant class from John’s ideal political body reflects his preference for a wholesale (direct) economy and his concomitant disdain for retail (indirect) enterprise (as well as for purely financial transactions).

At the same time, however, John accepts the realities of the monetized economy and of commerce that had taken root in Europe, particularly with regard to the role of government. He recognizes that the king’s interests are best served when the property of subjects is protected and their wealth augmented. This conclusion derives from the communal and reciprocal structure of property holding posited in the *Policraticus*: neither king nor subjects are true owners of their goods in the modern sense, that is, as individual, private, and independent proprietors. The king is merely a steward who “will not therefore regard as his own the wealth of which he has custody for the account of others, nor will he treat as private the property of the fisc, which is acknowledged to be public”.¹⁷ Hence, the royal charge is to respect and defend the rights and liberties of his subjects, such that “each receives on the basis of his worth the resources of nature and the product of his own labor and industry”.¹⁸ When every person possesses what nature has determined that he deserves, according to his contribution to the whole, justice is done and the health and welfare of the body are preserved.

¹⁵ *Policraticus* 6.2 (trans. Nederman 1990).

¹⁶ *Policraticus* 5.2 (trans. Nederman 1990).

¹⁷ *Policraticus* 4.5 (trans. Nederman 1990).

¹⁸ *Policraticus* 1.3 (trans. Nederman 1990).

John also realizes that the king's position requires him to possess wealth adequate to his many vitally important tasks.¹⁹ His income is to be cheerfully provided by his subjects to meet his needs, since the members of the body require the protection that he uniquely provides. In this regard, the principle of reciprocity ensures that the ruler who defends his realm will have the resources at hand to perform his proper functions. Just as the king is a fiscal steward, so too

the provincials are like tenants by *superfices* – that is, their land is not their own, hence neither are the buildings and other improvements on it – and when the advantage of the ruling power requires, they are not so much owners of their possessions as mere custodians. But if there is no such pressure of necessity, then the goods of the provincials are their own [...].²⁰

For the very reason, then, that the king must depend for his own income upon the economic health of his people, he must carefully guard against their maltreatment by magistrates. When the king fails to control his agents, he injures his own well-being by exhausting “the whole strength of the republic”, as well as eventually succumbing to poverty and rendering himself hateful to his subjects.²¹ Thus, in John's conception, the reciprocal nature of the political community entails a reciprocal economic duty of care and distribution.

6.3 Brunetto Latini

Li Livres dou Tresor (*The Books of Treasure*) by Brunetto Latini (1220–1294), completed c. 1265, is a long and eclectic work that was widely read and adapted throughout the Middle Ages. Knitted together out of a diverse array of source materials, the topics covered include speculative wisdom, religion, human history and the natural world, ethics, and, most important for present concerns, the art of government. Latini himself was a Florentine civil servant who was driven to exile in France amid the cutthroat conflicts of the era. Given his background, his effusive praise for public affairs is perhaps not so surprising: “Politics [...] without doubt is the highest wisdom and most noble profession that there is among men, for it teaches us to govern others [...] according to reason and justice”.²² The “art of government” holds this special and vaunted place because, Latini contends, the main goal of politics must be to support and promote the peaceful flourishing of the disparate arts and trades that exist within a community. In Latini's view, the diversity of human arts constitutes a crucial foundation for communal life.²³ He observes that both the

¹⁹ *Policraticus* 4.5 (trans. Nederman 1990).

²⁰ *Policraticus* 6.1 (trans. Nederman 1990).

²¹ *Policraticus* 6.1 (trans. Nederman 1990).

²² Brunetto Latini, *The Book of Treasures* (trans. Barrette and Baldwin 1993; hereafter *Treasures*), 1.4.5.

²³ *Treasures* 2.50.1 (trans. Barrette and Baldwin 1993).

natural inclination of men toward association and the common weal of citizens in a community require the production and exchange of myriad goods that aid in the material well-being of all. "If a man needs something another person has, he receives it and gives him his reward and his payment according to the quality of the thing", Latini insists.²⁴

Latini's paradigm of social order is consequently a fully functioning free and open market in which commercial activity facilitates the material benefit of all. Notice in this connection the extent to which he valorizes occupations that had customarily been reviled as demeaning, such as manual labourers ("mechanics") and merchants. The rights of citizenship accrue by virtue of the contributions made to the physical improvement of the community.²⁵ The universal desire for profit cements the communal order: "There is a common thing that is loved, through which they arrange and confirm their business, and that is gold and silver."²⁶ Seeking one's self-interest is neither inherently antithetical to citizenship for Latini, nor is it necessarily destructive of the public welfare. Indeed, he appears to define the communal advantage at least partially in terms of expanding personal gain.

Yet Latini is by no means unmindful of the potentially deleterious effects of the pursuit of private advantage. He asserts that "if to obtain gain we are willing to despoil and use force against another, it follows that the company of men, which is according to nature, is dissolved".²⁷ The greatest threat to communal order, somewhat ironically, stems from the very diversity of human capacities that makes civic life necessary and profitable. Since human beings possess divergent interests and pursue them in ways that may come into conflict, the great benefit that accrues to them when they share and cooperate always remains under threat. Latini accordingly stresses the need for a principle of justice to mediate between individuals who, left to their own devices, would injure one another. Without the mediating force of justice in economic intercourse, individuals who stand to profit from mutual service may nevertheless be tempted to cheat, steal, or otherwise take advantage of others and thus to destroy the bonds of social and political community.

Latini locates one source of justice, broadly speaking, in the self-regulatory functioning of the market itself, by means of the balancing he claims is performed by the medium of money.²⁸ He acknowledges, however, that commercial intercourse must be supplemented by a statutory system enforced by an efficient executor.²⁹ The origin of government, as of money, stems primarily from abuse on the part of otherwise unregulated proprietors, those who, motivated by "evil desires", committed "evil deeds which went unpunished", as a consequence of which "a governor was chosen

²⁴ *Treasures* 2.29.2 (trans. Barrette and Baldwin 1993).

²⁵ *Treasures* 2.5.2 (trans. Barrette and Baldwin 1993).

²⁶ *Treasures* 2.44.18 (trans. Barrette and Baldwin 1993).

²⁷ *Treasures* 2.22.4 (trans. Barrette and Baldwin 1993).

²⁸ See, e.g., *Treasures* 2.38.6 (trans. Barrette and Baldwin 1993).

²⁹ *Treasures* 3.75.1 (trans. Barrette and Baldwin 1993).

for the people with several duties”.³⁰ Principal among a magistrate’s duties are to “watch over the common good, [...] maintain both outsiders and insiders, and [...] respect the property and persons of all people in such a way that justice would not decrease in our city”.³¹ Thus, the justice of a magistrate’s administration coordinates directly with the prosperity of the civic body.³²

In addition to the government’s law enforcement function, the *Tresor* enumerates various economic management duties of public officials that stem from the government’s direct effects on the productive and commercial condition of the populace. Not only must the ruler exercise care that the public treasury is not squandered,³³ as chief financial officer, he is also broadly charged with ensuring the maintenance of

the rights of the commune, the taxes, jurisdictions, lordships, castles, cities, houses, courts, officials, public squares, highways, roads [...] in such a way that the honor and profit of the city are not diminished, but rather they should increase and grow better in time.³⁴

This equation of just government with sound fiscal management runs throughout Latini’s advice about the responsibilities of rulership. Toward this end, Latini offers numerous quite specific suggestions concerning communal facilities, infrastructure, and taxation.³⁵ The tools of public administration were beginning to emerge within the pages of medieval books advising rulers.

6.4 James of Viterbo

James of Viterbo (c. 1255–1308) flourished as a student, and then teacher, at Paris, probably as a protégé of the Augustinian friar Giles of Rome, who himself studied under Thomas Aquinas. Ultimately, James received preferment to the archbishoprics of Benevento and then Naples. His sole contribution to political thought, *De regimine Christiano*, was composed in the context of the conflict between Pope Boniface VIII and King Philip IV of France regarding the nature and extent of papal power. This quite lengthy work – it runs to 327 pages in the modern critical edition – represents one of the better-known attempts to justify the pope’s plenitude of power, the phrase employed to describe his absolute dominion over all temporalities (including property as well as political jurisdiction). *De regimine* is divided into two main sections. The first posits a careful analogy between the ordering of the Christian Church and that of an earthly kingdom. The second part, of far greater length, focuses on the character of power within the Church as well as the relationship between the spiritual and secular spheres.

³⁰ *Treasures* 3.77.1 (trans. Barrette and Baldwin 1993).

³¹ *Treasures* 3.77.1 (trans. Barrette and Baldwin 1993).

³² *Treasures* 2.29.3 (trans. Barrette and Baldwin 1993).

³³ *Treasures* 3.99.1–2 (trans. Barrette and Baldwin 1993).

³⁴ *Treasures* 3.99.3 (trans. Barrette and Baldwin 1993).

³⁵ *Treasures* 3.97–99 (trans. Barrette and Baldwin 1993).

At the beginning of Part one, James appeals to the classification of the natural forms of human association such as families, cities, and kingdoms, ultimately concluding that humans possess a strong inclination to come together that is driven by mutual recognition of how social order improves their physical conditions: “Man is by nature a social animal (*animale sociale*), and lives in multitudes, because this arises from natural necessity, inasmuch as one man cannot live adequately by himself, but needs to be helped by another.”³⁶ In order to grasp why James opens *De regimine* with such an adamant insistence on communal naturalism, we must have some sense of his overarching approach to the defence of papalism, ironic though this may seem. On the one hand, James recurrently proposes parallels between the proper organization of temporal and spiritual forms of government. In particular, he maintains that both kings and popes rule over multitudes of people, who nevertheless collectively constitute communities, whether designated by the words “kingdom” or “Church”.³⁷ On the other hand, James insists upon an important disanalogy between the two, inasmuch as royal authority rests purely upon nature, whereas papal power derives from grace. “The Church”, he says, “is not a community of nature, however, but of grace, [...] having been called and brought together by God through grace.”³⁸ One consequence of this bifurcation is that some aspects of temporal social and political life are entirely unique to each, while other dimensions pertain to the Church and its system of government.

As medieval thinkers insisted, nature is ultimately God’s creation, but James consistently treats the human, natural world according to two standards: one by the direct divine authorization instantiated by the Church, the other by the efforts of men, reflecting their sociable nature, the maintenance of which constitutes the reason that temporal government is instituted. He concludes that “among men, therefore, to whom it is more natural to live in society than any animal, is there a natural inclination toward the institution of government; and government of this kind is said to exist by human law, which arises from nature”.³⁹ Government for James thus “perfects the inclination of nature; and so it is called a human and natural power”.⁴⁰ Several elements of this view need to be highlighted. Consistent with the point discussed above, organized political life is not natural per se in the strict Aristotelian sense that man is a political animal. Rather, earthly government is authorized in order to preserve the social disposition that is imbedded within human beings.

In the human multitude also there should be something by which the multitude may be ruled, especially because man is naturally a social and communal animal. For society and community would not be preserved but scattered if there were not someone having the care of the common good of the multitude and of the society.⁴¹

³⁶ James of Viterbo, *De regimine Christiano* (ed. Dyson 2009; hereafter *De regimine*), 8–9, 32–33. References to this version will be both to the Latin text and the facing English translation.

³⁷ *De regimine*, ed. Dyson 2009, 12–17.

³⁸ *De regimine*, ed. Dyson 2009, 12–13.

³⁹ *De regimine*, ed. Dyson 2009, 130–31.

⁴⁰ *De regimine*, ed. Dyson 2009, 130–31.

⁴¹ *De regimine*, ed. Dyson 2009, 314–15.

Government depends upon the conscious “cooperation of natural inclination and institution; for it was introduced among men by human law, which arises from nature”.⁴² So James envisions the foundation of government to be human in origination, yet consonant with the natural orientation inherent in mankind to live socially.

If men are at their core social beings, however, why would political rule become necessary at all? He answers that every human being possesses reason and intellect, by means of which he is capable of accessing natural law and of acting in accordance with it: “That which is natural is common to all who have a share in nature”, Gentiles and Jews no less than Christians.⁴³ Unfortunately, however, men’s application of their rational capacities does not occur evenly. Rather, many (perhaps most) men are frail; they refrain from employing their reason and are instead overwhelmed by their passions.

Because of the ignorance that is in human nature, reason alone is not sufficient for the government of man; and hence it is expedient that the society of men (*hominum societas*), as being in many respects not sufficient to govern themselves, should be ruled and directed by some person or persons more vigorous than others in intellectual prudence. Moreover, because of human malice, men do evil deeds and injure one another, and so it is expedient for some to be the rulers of others, by whom men may be restrained from wickedness.⁴⁴

James’s argument may be broken down as follows: (1) human beings possess the power of reason, which in principle permits them to live socially in the absence of government; (2) men are, however, impeded in the full utilization of their latent rational powers because they succumb to their self-love and desire for personal (material) advantage; (3) political authority is brought into existence in order to support and reinforce the sociability that is intrinsic to mankind but threatened by the failure to apply reason. Politics is not natural in and of itself. At the same time, the emergence of government is wholly consistent with human nature.

The foundation of earthly rulership thus converges with the very purpose of communal life for James, namely, the maintenance of the individual interests of those in its charge.

The good which is sought in each community is sufficient provision for this life. Every community is instituted for the sake of this good, because one man cannot by himself provide himself with a commodious way of life without the help of other men. [...] For the greater the extent to which many men are united with one another, the more able they are to provide for themselves the means of life by mutual aid.⁴⁵

Any role whatsoever for the king as promoter of moral virtue and/or spiritual salvation – a claim that was a hallmark of medieval political philosophy in general – is unequivocally dismissed by James. At best, he admits that inasmuch as “external goods serve the virtuous life as instruments, it pertains to the king to procure and

⁴² *De regimine*, ed. Dyson 2009, 304–5.

⁴³ *De regimine*, ed. Dyson 2009, 130–31.

⁴⁴ *De regimine*, ed. Dyson 2009, 314–15.

⁴⁵ *De regimine*, ed. Dyson 2009, 10–11.

provide for the people a sufficiency of such goods as are necessary to this life".⁴⁶ As a consequence, *De regimine* posits a strict division between the goals of temporal government and those of the Church, in such a manner that the most the former can contribute to the latter is the preservation of physical and material injury and the prevention of peace as an aide to the clergy's performance of its holy duties.⁴⁷

Since James's naturalism upholds the principle that temporal political authority is instituted by men, rather than conferred directly by God, he arrives at the conclusion that a ruler's position must be assigned by means of the active assent of those over whom he exercises power. In his view, "someone achieves rulership rightly when he is appointed by the agreement and common consent of the multitude".⁴⁸ This position runs throughout *De regimine*. When temporal political authority is conferred upon some person in a "natural" manner, this occurs solely as the result of the voluntary determination made by the human beings who will obey him.⁴⁹ The attribution of the foundation of earthly rulership to human choice converges with the very purpose of communal life for James, namely, the maintenance of the corporeal welfare of those in its charge. For this very reason, the authorization of the rulership of the "natural" social order may and should be left to the multitude who willingly submits to it. Their own legitimate interests are at stake. There is no antagonism or tension for James between the common good served by government, on the one hand, and the material advantage sought by – and indeed necessary to the survival of – individual humans, on the other.

6.5 Marsiglio of Padua

The ideological antithesis of James of Viterbo may be found in the *Defensor pacis* (*Defender of Peace*), composed by Marsiglio (or Marsilius) of Padua (1275/80–1342/43), which became one of the most incendiary and condemned texts of its age, primarily for its concerted attack on the powers claimed on behalf of the pope. Prefacing this controversial long portion ("Dictio II") of the treatise is a much shorter discourse on the origins and nature of civil government. In some ways, Marsiglio's theory resembles that of James, though the former derived his position from a quite different premise. Marsiglio contends that human beings are invariably driven to realize their own good: "Everyone is prone to pursue one's own advantage and to avoid what is disadvantageous."⁵⁰ Marsiglio judges this to be a natural condition, rather than a vice, of temporal life that follows directly from the principle of self-preservation. Since we are enjoined by nature to preserve our material existence,

⁴⁶ *De regimine*, ed. Dyson 2009, 150–51.

⁴⁷ *De regimine*, ed. Dyson 2009, 152–53.

⁴⁸ *De regimine*, ed. Dyson 2009, 316–17.

⁴⁹ See *De regimine*, ed. Dyson 2009, 134–35, 144–45.

⁵⁰ Marsilius of Padua, *The Defender of Peace* (trans. Gewirth 2000; hereafter *Defender*), 2.8.9.

Marsiglio insists that “no one knowingly harms or wills injustice to oneself”.⁵¹ There is no moral content to the postulation of self-interest. Men are not inherently vicious or evil, they are merely driven by their natural instinct to survive.

If humans lived in isolation and their activities were entirely self-directed, it would be unnecessary to set limits on behaviour, since each person is best qualified to determine what is required for self-preservation. But Marsiglio recognizes that the self-interest of individuals is achieved most fully and “naturally” under conditions of human cooperation in the context of an ordered and organized community. Marsiglio holds that “human beings came together in the civil community in order to pursue advantage and a sufficient life and to avoid the opposite”.⁵² What he terms the “perfected community” emerges along with the differentiation of the functions (defined by the various arts created by humankind) necessary for a materially sufficient existence.⁵³ “Yet since these arts cannot be exercised except by a large number of people through their association with one another”, he remarks, “it was necessary for human beings to assemble together to obtain advantage from them and to avoid disadvantage”.⁵⁴ Social engagement thus arises naturally from the human imperative to assure one’s own survival.

Marsiglio’s perfected community, based on the differentiation of function, is nothing short of a fully developed commercial society. Such a “perfected” civil association requires

the mutual association of citizens, their intercommunication of their functions with one another, their mutual aid and assistance and, in general, the power, unimpeded from without, of exercising their particular and common functions, and also the participation in common benefits and burdens according to the measure appropriate to each.⁵⁵

Marsiglio specifies these functions in terms of the occupations necessary to maintain the community’s physical well-being: farmers, merchants, craftsmen, and warriors.⁵⁶ All of these occupations are necessary, and none are to be denigrated. Citizenship is consequently conferred on a strictly functional basis, judged according to the usefulness of various activities for meeting material needs. What is especially distinctive of such a civil society is that each person within it may profit individually, while all benefit together, except that “disputes and quarrels” unregulated by “a norm of justice” may arise.⁵⁷ Marsiglio fears that, without the existence of some authority to uphold the peace according to a fair standard of behaviour, the community will crumble.

⁵¹ *Defender* 1.12.8 (trans. Gewirth 2000).

⁵² *Defender* 1.12.7 (trans. Gewirth 2000).

⁵³ *Defender* 1.3.2–5 (trans. Gewirth 2000).

⁵⁴ *Defender* 1.4.3 (trans. Gewirth 2000).

⁵⁵ *Defender* 1.19.2 (trans. Gewirth 2000).

⁵⁶ *Defender* 1.5.6–9 (trans. Gewirth 2000).

⁵⁷ *Defender* 1.4.4 (trans. Gewirth 2000).

Marsiglio proposes an ingenious solution to bridge the potential conflict between individual and communal advantage. First, all whose interests are served or affected by a community must be conceded full membership in it and must consent to the conditions of association (i.e., law and rulership). Second, having so consented, all such citizens are absolutely bound to obey the law and the determinations made by rulers in accordance with it. The *Defensor pacis* holds that the legitimacy of both laws and their enforcers depends wholly upon their “voluntary” character, that is, the extent to which those citizens who are subject to their jurisdiction have publicly and overtly consented to their authority.⁵⁸ For Marsiglio, this involves an extensive privilege on the part of each individual citizen to examine prospective laws and rulers. In the *Defensor pacis*, he details a method to express such approval or disapproval. “The common utility of all is better noticed by the whole community because no one knowingly harms himself”, he observes. “Anyone can look to see whether a proposed law leans toward the advantage of one or a few citizens more than the rest of the community and can protest loudly in opposition.”⁵⁹ By aggregating these individual determinations, Marsiglio provides a plausible solution to the problem of acknowledging a common interest that does not violate the fundamental principle of self-interest.⁶⁰ Thus, the government and legal system will necessarily always serve to bolster the commercially based system of exchange required for people to live a “sufficient life”.

6.6 Nicole Oresme

Among the earliest medieval tracts to concentrate explicitly on a specific economic topic was a work titled *Tractatus de origine et natura, jure et mutationibus monetarum*, better known as *De moneta* (*On Money*), composed in the late 1350s by Nicole Oresme (1320/25–1382), a University of Paris-trained philosopher, theologian, and churchman who was closely associated with the French royal court. Oresme probably wrote this treatise in the context of an ongoing debate concerning the further debasement of the French coinage, a procedure from which the crown had profited for many years. *De moneta* made a powerful case in favour of the stabilization of the value of money over the royal temptation to raise revenue through reminting or coin clipping. However, *De moneta* should not be read simply as a contribution to technical economics. Rather, Oresme expressly states that the work has two purposes: to identify the underlying political nature of the problem of currency manipulation, and to advise his countrymen in a pragmatic fashion about a matter of public policy. His specialized economic analysis is prefatory to his effort to bring economic concerns to bear on the duties of rulers and the needs of their subjects.

⁵⁸ *Defender* 1.9.5 (trans. Gewirth 2000); *ibid.*, 1.12.3.

⁵⁹ *Defender* 1.12.5 (trans. Gewirth 2000).

⁶⁰ *Defender* 1.12.5 (trans. Gewirth 2000).

Central to this project is Oresme's contention that money "is well-suited for intercourse among a large number of human beings and the use of it is good in itself".⁶¹ Economic enterprise makes key contributions to the public welfare, which is the intended purpose of exchange relations. Since, for Oresme, trade and commerce markedly impact any community, he insists that the enabling medium of money must be common property, rather than owned by the ruler. Oresme stresses this principle throughout *De moneta*. Although the ruler is assigned responsibility for the actual minting and regulating of the money supply, he does so as an executive agent of the community, deputed to realize the public good of sound currency and equitable exchange. The dominant theme of Oresme's treatise is the communal ownership, and thus ultimate control, of money. From this precept follows the advice of *De moneta* about the debasement of coinage as a political phenomenon. Since the community requires money in order to engage in a full range of economic activities, and hence to promote the good of its individual members, the very idea that a ruler would exert private control over coinage is excluded from the start. As a result, the crown is strictly prohibited from manipulating the coinage in order to profit itself or its intimates.

Implicit in the ascription of money's ownership to the community is an economic conception of proper governance. Oresme employs the traditional distinction between "true kingship" and "tyranny" in explicating the difference between well-ordered and evil government.⁶² Unlike his predecessors, Oresme's examples of just and unjust rule are invariably couched in terms of the economic impact of a government's actions. In explaining why manipulation of the value of currency by a ruler is unjust, he draws an analogy to political interference in agricultural markets: "It would be like fixing a price for all the grain in his kingdom, buying it, and selling it again at a higher price. Everyone can clearly see that this would be an unjust exaction and indeed tyranny."⁶³ The value of the economic goods within a community can only be established in the first instance by voluntary exchanges among individuals. Tyranny thus occurs when legitimate economic choices are countermanded for the self-interest of those who hold political power. By contrast, good government or kingship has a decidedly economic overtone: The king reigns, one might say, not in order to make people "better" in a moral sense, but instead to make them "better off". Consequently, royal judgements about public policy ought to rest on determinations about the economic welfare of the community. The government that supports and enhances the material advantage of its subjects is counted by Oresme as good.

Oresme highlights the fact that currency debasement is nonconsensual and therefore constitutes an act of force committed by the ruler upon the community. The volitional standard, one of the hallmarks of just economic exchange, disappears in the manipulation of currency, rendering the king-community relation an unequal

⁶¹ Nicole Oresme, *De moneta* (ed. Johnson 1956; hereafter *De moneta*), 5.

⁶² *De moneta*, ed. Johnson 1956, 42.

⁶³ *De moneta*, ed. Johnson 1956, 16.

and coercive one. The community becomes instead “enslaved” economically to the private interest of its government as well as impoverished to the extent that “the amount of the ruler’s profit is necessarily the same as the community’s loss”.⁶⁴ Debasement precipitates the economic decline of the republic in a number of ways, which Oresme describes in careful detail, based on his observations of events that “have lately been seen to occur in the kingdom of France”.⁶⁵ First, an unstable currency is ruinous for all manner of trade. Imports cease since “merchants *ceteris paribus* prefer to travel to those locales in which they may obtain good and certain money”. In similar fashion, “the business of internal commerce in such a kingdom is disturbed and impeded by such changes” of currency, while fixed incomes are thrown into flux and “cannot be properly and justly valued and taxed”. Moreover, debased currency destroys the system of credit upon which commercial activity relies. In sum, inasmuch as “merchants and everything else mentioned are either necessary or extremely useful to human nature”, alterations of coinage “are prejudicial and harmful to the whole civil community”.⁶⁶ Monetary manipulation has a debilitating effect upon the good order of the community. Oresme even darkly hints that the ruler who introduces the many evils associated with monetary manipulation endangers his dynastic hold on the kingdom. Referring explicitly to the situation in his own nation, Oresme observes that the “free hearts of Frenchmen” will not stand to have economic slavery thrust upon them; and the French royal house, “bereft of its ancient virtue, will without doubt forfeit the kingdom”.⁶⁷ Debasement is ultimately no less dangerous to the king than to his subjects.

6.7 Christine de Pizan

Christine de Pizan (1364–c. 1430), a French poet-author and Valois court intimate, should be counted among the most prolific political authors in medieval Europe. Among her many such treatises, the best-known are *Le Livre de la Cité des Dames* (*The Book of the City of Ladies*), *Le Livre des Trois Vertus* (*The Book of the Three Virtues*), and *Le Livre de Corps de Policie* (*The Book of the Body Politic*), all composed in the first decade of the fifteenth century. Writing from the self-identified perspective of a non-noble émigré widow who had become learned in French-language as well as (probably) Latin texts, she demonstrates considerable acquaintance with classical as well medieval sources.⁶⁸ Christine confidently critiques contemporary mores and practices and formulates pragmatic advice for a range of situations and persons. In particular, her writings display both sensitivity to the

⁶⁴ *De moneta*, ed. Johnson 1956, 24, 30.

⁶⁵ *De moneta*, ed. Johnson 1956, 30.

⁶⁶ *De moneta*, ed. Johnson 1956, 33.

⁶⁷ *De moneta*, ed. Johnson 1956, 46–47.

⁶⁸ Willard 1984.

financial pressures facing Europe's monarchic governments and deep concern for the needs of the larger populace, including women, city-dwellers, and the poor. The fulcrum on which she balanced these potentially competing interests is her insistence on an inescapably reciprocal relationship between the French people and the royal regime.

Christine approached the social complexity that characterized the late medieval landscape from the conventional model of the organic metaphor. As had some of her predecessors, Christine's theory of the body politic incorporated an inclusive, reciprocal, and interdependent conception of community.

Just as the human body is not whole, but defective and deformed, when it lacks any of its members, so the body politic cannot be perfect, whole, or healthy if all the estates of which we speak are not well joined and united together. Thus, they can aid and help each other, each exercising its own office, which diverse offices ought to serve only for the conservation of the whole community, just as [with] the members of the body.⁶⁹

For Christine, communal order ensues when the health of the entire public unit is preserved through the mutual coordination of the tasks necessary for its existence.⁷⁰ To despise any of the members, or to reduce any to a state of servitude, constitutes an attack on the well-being of the whole.

Christine extends medieval precedents by imputing to the discussion concerning the body politic a noticeably secular orientation. Unlike her source, John of Salisbury's *Policraticus*, the clergy in Christine's model are not the body's "soul", but simply one of the three branches of the common people.⁷¹ Thus, for example, Christine expects the king, when necessary, to correct the errant "prelate, priest, or cleric".⁷² Because Christine conceives of the king as the ordainer and regulator of *all* estates within the realm, the church does not exercise supremacy over the temporal sphere. The overtly secular bearing of Christine's body politic informs her discussion of economic issues. Christine's insistence on the importance of all members' physical well-being and material improvement motivates her mandate that the ruler must orient his policies toward "increas[ing] and multiply[ing] the virtue, strength, power, and *wealth* of his country".⁷³ This explicit articulation of an economic goal as among government's central aims is unique. Accordingly, Christine promotes the general societal acquisition and accumulation of wealth – although not conspicuous consumption – as a worthy pursuit, and she recognizes government's crucial role in its achievement.

Christine's strikingly economic conception of community and governance is especially evident in the detailed attention she pays to the lives of merchants, artisans, and laborers, as well as to their relations with the king. Not only does Christine argue that men of commerce are not to be disdained, she insists that without "the

⁶⁹ Christine de Pizan, *The Book of the Body Politic* (trans. Forhan 1994; hereafter *Body Politic*), 90.

⁷⁰ *Body Politic*, trans. Forhan 1994, 91.

⁷¹ *Body Politic*, trans. Forhan 1994, 19, 95–99.

⁷² *Body Politic*, trans. Forhan 1994, 14.

⁷³ *Body Politic*, trans. Forhan 1994, 39; emphasis mine.

merchant class [...] neither the estate of kings and princes nor even the polities of cities and countries could exist. [...] By the[ir] industry [...] all kinds of people are provided for without having to make everything themselves.”⁷⁴ A nation can only reap the rewards of increased labour efficiencies when there is “trade and an abundance of merchants”.⁷⁵ In an archetypical example of organic reciprocity, Christine holds that all classes benefit when commercial society is encouraged to flourish.

Christine likewise praises craftsmen and peasants, without whose labour “the republic [...] could not sustain itself”.⁷⁶ Because the goods produced and activities performed by such workers are necessary for meeting quotidian human needs, their contribution must be accorded value. While judgements may be made about how well individuals perform in their diverse offices, no office that contributes to the community’s material welfare may be demeaned or disdained. The prince, therefore, must maintain and enhance the economic condition of the realm, oversee the efficient coordination of all necessary tasks, and protect against financial force and fraud. These central duties entail that the ruler first be familiar with the myriad activities necessary to the realm and “ought to hear sometimes about the common people, labourers, and merchants, how they make their profit”.⁷⁷ Thus will the prince, fully appreciating the contributions of the lower orders, govern knowledgeably and competently.

Most importantly, the king must understand how his own policies impact the economic conditions of his realm. Poorly compensated soldiers, Christine explains, “pillage and despoil the country”, exacerbating the economic hardships of the rural poor, whereas well-paid troops bolster the rural economy by purchasing “everything that they needed economically and plentifully”.⁷⁸ Similarly, royal taxation policies ought to be “reasonable”, to affect rich and poor equitably, and to not “gnaw [...] poor commoners [...] to the bone”.⁷⁹ Christine’s conclusion, that wise “princes would rather be poor in a rich country, than to be rich and have plenty in a poor country”, is less a moral principle and more an economic doctrine that naturally follows from an organic conception of communal interdependence.⁸⁰

Christine’s thought extends to the inclusion of women in the realm’s economic and socio-political life. Her distinctive adaptation of Cicero’s account of social origination (found in his *De inventione* 1.1–3) provides the justification for women’s visibility in Christine’s body politic. In her telling, Ceres and Isis “taught [the people] to build cities and towns”,⁸¹ within which women developed most of the arts

⁷⁴ *Body Politic*, trans. Forhan 1994, 103, 104; see also Christine de Pizan, *The Treasury of the City of Ladies* (trans. Cannon Willard 1989; hereafter *Treasury*), 196.

⁷⁵ *Body Politic*, trans. Forhan 1994, 104.

⁷⁶ *Body Politic*, trans. Forhan 1994, 105.

⁷⁷ *Body Politic*, trans. Forhan 1994, 10.

⁷⁸ *Body Politic*, trans. Forhan 1994, 17.

⁷⁹ *Body Politic*, trans. Forhan 1994, 19.

⁸⁰ *Body Politic*, trans. Forhan 1994, 22.

⁸¹ Christine de Pizan, *The Book of the City of Ladies* (trans. Richards 1982; hereafter *City of Ladies*), 76.

and civilized forms of behaviour, including weaving, olive oil extraction, cart construction, metal working, cultivation, tool-making, and gardening.⁸² Without women's innovations and contributions, Christine asserts, humanity would have remained in a "bestial" state. Those who believe that mankind would be better off in this primitive condition blaspheme against the God-given skills and abilities that Ceres and Isis first discovered.

Moreover, women of all estates, Christine maintains, have the necessary (perhaps even unique) capabilities to contribute to the tasks associated with the maintenance of earthly well-being. While Christine surely knew Aristotle's argument for the exclusion of women from public life, which was a mainstay of medieval political literature, she challenged this claim directly, envisioning, for example, the princess as a sort of ombudsperson.⁸³ Construed in organic terms, the princess furthers bodily inter-communication by serving as a mediating force between king and populace.⁸⁴ Toward this end, she must occasionally meet with burghers, merchants, and artisans in order to facilitate "love and good will", thereby strengthening public order and unity. Christine also recognizes that women of the commercial and labouring classes face special burdens. She warns merchants' wives, for example, to "avoid ostentation" in dress, as such conspicuous display "can cause new taxes for their husbands".⁸⁵ Christine's close attention to the complex intersections of gender and social class manifests in pragmatic counsel to women of various stations, aimed at sustaining a harmonious and cooperative body politic. Just as merchants, artisans, and the poor each have a legitimate and important role within Christine's organic system, so, too, are women integral at all levels.

6.8 Sir John Fortescue

The fifteenth-century English jurist and legal theorist Sir John Fortescue (c. 1394–1479) is something of an enigma in the history of Western political thought: He has been viewed both as a culmination of medieval trends and as a forerunner of modern developments. In a series of legal-political treatises composed in the 1460s and 1470s, Fortescue used as his intellectual framework two categories of constitutional regime that he appropriated from scholasticism: *dominium regale* (royal lordship, or the rule of a single man according to his own will) and *dominium politicum* (political lordship, namely, a mixed constitution based on consensual law and the sharing of power – in sum, a republic). Fortescue's innovation was a proposed synthesis of these systems into a single, superior, and all-embracing form of government, namely, *dominium regale et politicum*. This type of hybrid regime,

⁸² *City of Ladies*, trans. Richards 1982, 73–77.

⁸³ *Treasury*, trans. Cannon Willard 1989, 84–87.

⁸⁴ *Treasury*, trans. Cannon Willard 1989, 85.

⁸⁵ *Treasury*, trans. Cannon Willard 1989, 6.

in Fortescue's view, is no mere theoretical construct. Rather, it is embodied by the English constitution. In his two major works, *De laudibus legum Anglie (In Praise of the Laws of England)* (1468–1471) and *The Governance of England* (1471), Fortescue sets out a detailed argument for the superiority of *dominium regale et politicum*. He emphasizes throughout that there are clear and tangible economic benefits for those who are governed by a mixed political and royal system.

Fortescue posits a direct connection between regime type and the physical welfare of the people. In *The Governance of England*, he demonstrates the failings of royal government, as contrasted with a mixture of royal and political systems, by comparing the circumstances of France with those of England. Because the French royal regime taxes subjects arbitrarily and heavily, its populace lives “in the most extreme poverty and misery, and yet they dwell in one of the most fertile realms of the world”.⁸⁶ After describing in great detail the abysmal diet, clothing, and working conditions of the French people, Fortescue lays the blame squarely on the royal system of rule through which France is governed.⁸⁷ Just as the purely royal king causes such poverty, so he must constantly be on his guard, lest his subjects muster the courage to rise up and oppose him, contributing to the general instability of the realm.⁸⁸

The contrast Fortescue offers of England, with its “mixed” royal and political system, is striking:

This land is ruled under a better law; and therefore the people are not in such penury, nor thereby hurt in their persons, but they are wealthy and have all things necessary to the sustentance of nature. Wherefore, they are mighty and able to resist the adversaries of this realm [...]. Lo, this is the fruit of ‘political and royal law,’ under which we live.⁸⁹

The major reason for this, says Fortescue, is that the English king is restrained in his ability to lay claim to the goods of subjects, should he ever desire to do so. The royal and political ruler takes it as integral to his office not to drain income away from his subjects into his own coffers, but to enact policies that enhance the wealth of the entire nation. “It is the king’s honor”, Fortescue remarks, “and also his duty, to make his realm rich; and it is a dishonor when he has but a poor realm. Yet it would be a much greater dishonor, if he found his realm rich, and then made it poor.”⁹⁰

In turn, the material satisfaction enjoyed by subjects that arises from royal and political rule acts as an assurance of public order. Inhabitants who enjoy physical well-being are, in Fortescue's estimation, more willing and able to fight for their realm; they are less likely to engage in rebellious and seditious activities; and they possess the resources, not to mention the good will, to subsidize the government in times of particular need.

⁸⁶ John Fortescue, *On the Laws and Governance of England* (ed. Lockwood 1997; hereafter *Laws and Governance*). 88, 89.

⁸⁷ *Laws and Governance*, ed. Lockwood 1997, 89–92.

⁸⁸ *Laws and Governance*, ed. Lockwood 1997, 88, 110–11.

⁸⁹ *Laws and Governance*, ed. Lockwood 1997, 90.

⁹⁰ *Laws and Governance*, ed. Lockwood 1997, 109.

Fortescue's view, in short, seems to be that the public bearing of the governed is strictly determined by the measurable impact of government upon their private benefit: If they are content with their physical lot, they will gladly subject themselves to the king and will perform their roles; but, if their ruler adopts policies that impoverish them, they will express their displeasure directly and violently. "The greatest safety, truly, and also the most honor that may come to the king is that his realm should be rich in every estate", Fortescue observes.⁹¹ The material benefits that accrue to those who submit to *dominium regale et politicum* are also underscored by Fortescue in *De laudibus legum Anglie*. Again, he stresses the economic misery that results from the royal regime of France. By contrast, the English king, who rules royally and politically, can in no way impose "tallages, subsidies, or any other burdens whatsoever on his subjects, nor change their laws, nor make new ones, without the concession and assent of his whole realm expressed in his parliament".⁹² Thus, the English people harvest the fruits of the earth in all their abundance, without fear of confiscation. Because it is by their own consent that subjects of a royal and political king are ruled, they cannot be involuntarily denied their goods and abused in their persons.

On Fortescue's account, the immediate result of such government renders England a sort of earthly Garden of Paradise.⁹³ As in *The Governance of England*, the criteria employed by Fortescue to judge the impact of regime type on citizens are fundamentally economic and physical. Individuals are satisfied to leave the conduct of the daily affairs of government to the king and his ministers, so long as their material well-being is not imperiled. In turn, as private persons, they are encouraged (indeed, expected) to contribute to the public good by seeking their personal advantage in economic activity. Thus, a nation that possesses large numbers of merchants engaging in commerce is one, Fortescue insists, that has been truly blessed by God.⁹⁴

6.9 Conclusion

It should be evident that very few generalizations concerning public management of the economy, and its consequences for the relation between the common good and self-interest, may be drawn from the texts I have surveyed. Some authors relied on a form of the organic analogy to construct their positions, others a concept of self-government, still others a theory of natural order – or some combination thereof. A couple of broad observations, however, seem apt.

First, the theorists whom I have examined here share the view that the pursuit of self-interest in a material sense poses no threat to the common good as they understand it. In fact, they adopt the opposite view that the well-being of individuals contributes to the public welfare. Moreover, the proper role of government is to

⁹¹ *Laws and Governance*, ed. Lockwood 1997, 109.

⁹² *Laws and Governance*, ed. Lockwood 1997, 52.

⁹³ *Laws and Governance*, ed. Lockwood 1997, 52–53.

⁹⁴ *Laws and Governance*, ed. Lockwood 1997, 75.

provide the conditions to encourage and protect the quest for economic gain on account of its promotion of the common good. A community may be adjudged well-governed when the lot of its members improve. I do not mean to suggest that considerations of virtue and piety are entirely set aside, as we have seen. Concepts of justice, for example, continue to be invoked by many of the thinkers whose ideas have been scrutinized in the foregoing. But justice loses its purely moral overtones in favour of a more capacious understanding that involves the economic interactions between private persons aimed at their mutual advantage. The narrow moralism of canon lawyers, theologians and preachers discussed at the beginning of this chapter meets with a wide range of criticisms, some overt, some implicit.

A second feature that we find among these otherwise diverse medieval political economists involves a commitment to some form of limitation on the powers of government that correlate to the material interests of members of the community. Some version of consent was perhaps the most often invoked means to accomplish this end. Without exception, however, deep fears were expressed about any political system in which leaders, administrators, or judges could act with impunity. From John of Salisbury to John Fortescue, the best sort of government required its officials to be constrained in some fashion in the exercise of their ability to engage in economic extraction – such as taxation or corruption – in order to line their own pockets. Of course, the two Johns proposed radically different ways of achieving this goal – the former through the control of magistrates as a function of the king’s duty to serve God, the latter as a result of the specific responsibilities that uniquely pertained to parliamentary institutions. Without any such mechanisms, however, the “natural” pursual of material interests that benefits the entire community is disturbed, if not entirely destroyed.

The ideas that communal goods are not inherently antithetical to private ones and that governmental conduct is subject to fixed limits vis-à-vis individuals are not insubstantial contributions to the history of Western thought. In my estimation, both are outgrowths of the effort by medieval political economists to redefine the common good in such a fashion that individual interests could be accommodated into a larger vision of social and political order. This ties into a theme that the historian Joel Kaye has highlighted, namely, the fourteenth-century emphasis among some scholastic authors on harmony and balance as integral economic and political concepts.⁹⁵ From my perspective, Kaye’s interpretation is far too constrained, inasmuch as he confines it to a small number of schoolmen working in a narrow timeframe (although he does include Oresme among the figures he investigates). But Kaye affirms one key aspect of the convergence of political and economic factors during the Middle Ages, namely, how the common good need not – ought not – be understood as the mortal enemy of the material interests of members of the community. Precisely this conclusion encapsulates the primary goal of medieval political economists from the mid-twelfth until the late fifteenth centuries. If for no other reason, the theorists surveyed in this chapter who pioneered economic ideas during the European Middle Ages merit our serious consideration.

⁹⁵ Kaye 2014.

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Chapter 7

Common Goods and the Common Good in John Duns Scotus



Nicolas Faucher

7.1 Introduction

The present chapter bears on the link between common goods and the common good in John Duns Scotus (d. 1308), a Franciscan theologian and philosopher famous for the many innovative philosophical and theological views that he put forward and for being one of the most authoritative thinkers of the Franciscan order since its beginning of the fourteenth century.¹ He did not write any systematic work on politics nor on economic questions, but many insights can be gathered from his theological works.²

The adjective “common” applied to the noun “good” rarely appears in Scotus’ moral and political writings outside of the question how best to organise the ownership of goods.³ In fact, in the sense of the good of the community, the term “common good” never does appear. There are equivalent expressions, however, as will be seen in the texts quoted below: the good of the commonwealth or of the state, the public good, the well-being of the community, and others. It so happens that, in dealing with the subject of common and private ownership, the Franciscan sketches

¹For Scotus’ life and work, see Williams 2003, 1–14; Vos 2006, 13–147.

²The relevant texts have been gathered, translated into English, and studied by Allan B. Wolter in John Duns Scotus, *Political and Economic Philosophy* (ed. Wolter 2001). More recently, Thomas Williams has proposed a translation of these texts (see the next footnote). Though Wolter and Williams reflect on the origins of private property, they do not discuss it, as I do, in relation to the common good and common goods.

³The texts that I quote come from John Duns Scotus’ *Ordinatio*. I quote from John Duns Scotus, *Selected Writings on Ethics* (ed. and trans. Williams 2017), and id., *Political and Economic Philosophy* (ed. and trans. Wolter 2001).

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an idea of the good of the commonwealth that is applicable outside of this question and can be examined to see how the defence of the public good may or may not interfere with the preservation of individual goods and interests.

The present chapter argues that something can be said about his view and analyses the link between the concept of the common good and the nature of common goods. Now, this is not something Scotus deals with at length, but we can nevertheless situate his view within the history of the question. In his work on the common good in late medieval philosophy, Matthew Kempshall distinguishes between two main senses of the common good of the city: the life of virtue, as permitted by life in a political community, and the mere utility of this community, taken as the peace and prosperity of its members, without regard for the kind of moral existence that this utility allows for. According to Kempshall, one of the relevant criteria that one can use to distinguish between medieval authors is whether they put an emphasis on the former or the latter sense.⁴

Now, Scotus very rarely uses the term utility, but given the chance, he would apparently tend to position himself in the second camp, that of authors who identify the common good with utility, as I will show.

In order to understand Scotus' view on the common good and common goods, I deal with the topic in five stages. In section two, I show how Scotus explains that all goods before the Fall were possessed in common and to what end this common ownership was intended. Then, in section three, I explain how he justifies the privatization, so to speak, of all goods after the Fall, which was meant to achieve exactly the same end, the same kind of common good. Third, I show how this privatization came about, that is, in which general way it is determined what belongs to whom and how this is connected with seeking the common good (section four). Fourth, I examine a number of examples of ways to administer property rights. They show that, even though the only kind of legitimate property, according to Scotus, seems to be private property, this does not entail that the ruler has no right to interfere or to make decisions that go or seem to go against the individual interests of private owners (section five). Finally, in section six, I briefly indicate how spiritual goods, and God in particular, seem to be the only goods that may remain common inasmuch as they ought not, and indeed cannot be appropriated.

7.2 Common Goods Before the Fall

Scotus is very clear about the reality of property before the Fall when no human law was instated and no conflict existed for the possession or use of goods. At that time, human beings were morally perfect and found it easy to know and act according to the natural law immanent in the world created by God. There was no private property, but all things that could be owned or used were common to all. To show this,

⁴Kempshall 1999, 339–40.

Scotus relies on a number of authorities, mainly Augustine, by grounding his view on the tradition of Canon Law as represented by Gratian and his commentators.⁵ But he also presents arguments that justify this situation in the state of grace, relying on reason rather than authority. This gives him an opportunity to implicitly bring out what should be expected, in his view, from any property regime:

There is a twofold reason for this: First, according to right reason the use of things ought to belong to human beings in a way that conduces to peaceful dealings in society and to meeting people's needs. And in the state of innocence having the use of things in common was more efficacious for these purposes than private property, since at that time no one would have laid claim to what someone else needed, and it would not have been necessary for anyone to wrest what he needed from another by violence. Rather, each person would claim whatever he came across first for his own need. Also, in that way there would have been a greater abundance to meet everyone's needs than if one person's use of something were forestalled because someone else had appropriated that thing for himself.⁶

Right reason (i.e., reason as it is correctly applied to moral or practical reflection) prescribes that goods be owned and used in such a way that (1) human society be at peace and (2) the people's needs be met. In the state of innocence, there are two reasons why these two goals are best fulfilled through common property.

The first reason is that, in that state, human beings are inherently virtuous. They have not sinned and are not fallen: therefore, they have clear and complete moral knowledge and find it perfectly natural to act according to that moral knowledge. Thus, there is no need to institute boundaries between human beings and their goods since mutual respect will prevent all from abusing anyone or anything. This in turn implies that human creatures will be at peace with each other because no one will attempt to deprive another of what he or she needs.

The second reason is that it is more practical to let everyone take whatever they need at any given place and time. If they had to preoccupy themselves with who owns what, they would have to delay the satisfaction of their needs, and so everyone's needs would be met less efficiently.

Together, these reasons form the general formula of the common good that applies also after the Fall: what is good for the commonwealth is that relations

⁵“According to the natural law or the divine law there was no private property in the state of innocence; rather, at that time all things were common. This is proved from the words of the *Decretum*, part 1, distinction 8, chap. 1: ‘By the natural law all things are common to all.’ Cited in support of this is Augustine, *Tractates on the Gospel of John*, tractate 6, n. 25: ‘By what law do you claim the estates of the Church? By divine law or by human law? We have divine law in the divine Scripture, human law in the laws of the king. From what source does each person possess what he possesses? Is it not by human will? For by divine law *The earth is the Lord's, and the fullness thereof*. Therefore, it is by human law that one says, ‘This house is mine,’ ‘This estate is mine,’ ‘This slave is mine.’ And in the same passage he says, ‘Take away the emperor's law, and who dares to say, ‘This estate is mine’?’ And a bit later, ‘It is through the king's laws that possessions are owned.’ And in 12, question 1, *Dilectissimis*, ‘The use of all the things there are in this world ought to be common to all’” (*Ordinatio* 4, d. 15, q. 2 [ed. Williams 2017, 272–73; hereafter *Ord.*]). For the legal background of this discussion, especially coming from Canon law, see, e.g., Pennington 2008, 227–53.

⁶*Ord.* 4.15.2 (ed. Williams 2017, 273).

between human beings be peaceful and that their needs be satisfied. Before the Fall, the highly moral character of humans is what justified the common ownership and use of goods without external restriction, because humans will naturally restrain themselves in such a way that they will be peaceful and will find their needs met. Although this general normative formula also applies after the Fall, the concrete situation is radically different, indeed diametrically opposed, since human beings have lost easy access to their moral compass.

7.3 Private Goods After the Fall, for the Common Good

According to Scotus, after the Fall, the emergence of vice in social life requires the revocation of the common ownership of all goods, because covetousness and violence threaten both peace and the satisfaction of everyone's needs since the strong appropriate more than they need from the weak through brutality.⁷ If no one can claim that certain goods that are necessary for the satisfaction of their needs belong to them, then a violent man may, without legitimate opposition, wrest something he does not need from someone who needs it,⁸ which means that (1) society will no longer be at peace and (2) everyone's needs will cease to be met. Instituting private property simply means forbidding the strong from threatening collective peace and granting the weak the right to keep what they need to survive.⁹

This is not to say that having all things in common would necessarily lead to universal strife and famine. Scotus acknowledges that a human community, even a community made up of people "of weak character", that is, who are prone to succumbing to their worse tendencies, could live without constant conflict. Nevertheless, in such communities, those who are of weak character would constantly attempt to take possession for themselves of the goods that are held in common, and tension would constantly ensue, which would find no peaceful resolution without a clear demarcation between what each member of the community owns. Living in a community of this sort might not always lead to widespread violence, we can assume, but would surely make communal life painful.¹⁰ Thus, though human beings could

⁷ See *Ord.* 4.15.2 (ed. Williams 2017, 273).

⁸ As far as I know, Scotus does not deal with the case in which one person would appropriate something they need from another person who also needs it.

⁹ As a consequence, for Scotus, ownership and, more generally, any kind of human dominium does not come directly from God but from human nature as it is after the Fall. On this subject, see, e.g., Robinson 2014, 656–82, which contains other relevant references.

¹⁰ "An example will serve to make this distinction clear. Assuming the principle of positive law that people ought to live together peaceably in a community or state, it does not necessarily follow that everyone therefore ought to have private property, or property distinct from the property of others. For there could still be peace in communal life even if people held all things in common. Not even if we assume that those who are living together in community are of weak character does it follow necessarily that they ought to have private property. Nonetheless, private property for people of weak character is highly consonant with getting along peaceably. For people of weak

live together in a political community with common ownership as their rule, they would not live well.

As such, both because of the threat of violence and because of this constant tension, Scotus calls private property “consonant” with human nature. This means that we cannot logically conclude from what we know of our nature that private property is an absolutely necessary law within human communities, but we can conclude that it is the law that best fits human beings as they are after the Fall.

This view should not be surprising: a Franciscan like Scotus could scarcely defend any other position. How else could he explain that monastic communities, whose members are surely not all of perfect character, are viable? It can be surmised that the very strict principles that frame the existence of the regular clergy are precisely designed, in Scotus’ opinion, to offset the sinful tendencies of some monks, or at least to strongly hinder their expression. The vows taken by monks and the strict rules of behaviour and expression that they must adhere to on pain of punishment or exclusion serve this objective.

Scotus gives a specific example of this general view, namely, the common possession of women. He reprises Aristotle’s criticism of Plato’s view and argues that women should not be possessed in common because if they were, we can assume, the strongest would appropriate all of them and leave none for the others.

Scotus also thinks that it would be unreasonable in any community to copulate indiscriminately.¹¹ He does not explain why exactly, but we can conjecture that there is at least one reason for this: there would be no way to know who begat whom, which would make it difficult for paternal authority to exert itself. But paternal authority, as we shall see shortly, is one of the most important ways to make a society consent to its own laws.

Interestingly, the Franciscan’s treatment of this matter gives him the opportunity to produce an unexpected defence of divorce that shows his commitment to upholding peace within the human community. Surely the indissolubility of marriage is a good thing, but should conjugal life take a turn for the worst and the life of the wife be at risk, then the marriage must be dissolved because uxoricide would lead to tensions within the community as the wife’s family would attempt to get revenge. It would also imperil the couple’s children since the father would die either by the hand of his wife’s avengers or from the lawful punishment for his crime, and the children would be left with no one to care for them and educate them.¹² Again, not

character care more for their own goods than for goods held in common, and they would prefer that common goods be entrusted to their own possession rather than shared with the community and those who look out for the community’s well-being; and thus strife and disorder would arise” (*Ord.* 3.37, q. un. [ed. Williams 2017, 254]).

¹¹“And that is why Aristotle in *Politics* II [1261a4–12] is right to criticize the polity of Socrates, who wanted all wives to be in common. For in the state of fallen nature what Aristotle himself proposes is much better, namely, that a determinate person shall have a determinate spouse. And indiscriminate copulation of male and female would be contrary to reason in every state” (*Ord.* 4.26, q. un. [ed. Williams 2017, 299]).

¹²“Now uxoricide is a greater evil than the good of indissolubility, since uxoricide is a harm to the murdered wife and a grave wrongdoing on the part of the one who murders her. It would also be an

only peace but also paternal authority would be threatened because of the father's death.

This goes to show that private property, applied to women or otherwise, is not a miracle cure for society's ills: it also needs to be reasonably managed and, if need be, revoked for the good of the commonwealth to be preserved. Now that I have dealt with these well-known bases of Scotus' view of ownership, the question, of course, is who should manage it and by what right.

7.4 How the Privatization of Goods Comes About for the Common Good

John Duns Scotus determines that the institution of private property was a product of positive law by a process of elimination, which begins with the following principle that comes from Canon law. All legal precepts derive either from divine law (legal norms that are instituted by God), natural law (legal norms that can be derived from the nature of things, and especially of human beings), or positive law (legal norms that are instituted by human beings).¹³

Based on several quotes drawn from Augustine, Scotus argues that private property cannot have been instituted by God. It cannot pertain to natural law either, for Scotus seems to hold that natural law is unchangeable and cannot at one point in history obligate to something and obligate to the opposite at a later point in time.¹⁴ Therefore, since natural law did prescribe that property be common to all before the Fall, it cannot now prescribe that it should be private. This leaves us with a single option: private property pertains to positive or human law, whose necessity results from the absence of divine or natural law on the matter. The Franciscan suggests that once it is instituted by positive law, the way in which private property is distributed may be derived from the nature of things. But he harbours no certainty on the matter and does not seem to deem it all that important. In the end, he thinks it best to say that "the first division of goods into private property was made by some positive law".¹⁵

evil to the commonwealth as a whole because it would be an occasion of perpetual disharmony and strife on account of the anger of the wife's parents against her killer. And families would be constantly torn apart, since after the man is killed either by his adversaries or by the law, that family and the children's upbringing would be destroyed" (*Ord.* 4.33.3 [ed. Williams 2017, 314]).

¹³On the diverse laws according to Scotus and on natural law in particular, see Möhle 2003, 312–31. See also Cross 2012, 175–97.

¹⁴On this widely discussed question in scholarship, see, e.g., Prentice 1967, 259–92.

¹⁵"That nothing was made private by divine law is proved by the passage of Augustine quoted above, 'By what law,' etc. That nothing was made private by the natural law seems probable

Now, how do positive laws come about and what makes them just? Duns Scotus' answer is quite clear: a positive law is introduced by a legislator, and a legislator can legitimately introduce one provided (1) they are prudent, that is, that they follow right reason in making the law, and (2) they hold authority, that is, that the community of human beings they are a part of be bound by their law.¹⁶

When it comes to the second condition, Scotus recognizes two acceptable sources of legal authority. One is biological: a father always exercises authority over his descendants, whether or not they form a community located in a certain place at a certain time. Therefore, whenever a father prudently institutes a law for his descendants, then this law is just. The other form of legal authority derives from common agreement and concerns not the members of a family but those who live together as a community. Indeed, they may deem it necessary to entrust someone with the duty of governing their community, that is, of making laws and enforcing them. Now, the members of the community may agree that they, as a collective, will make and enforce the law, or they could decide that a certain individual is better fit for the task. If so, they may decide that this individual's successor will be chosen as this individual was, by common consent, or agree that this individual's biological heir will be the successor:

Paternal authority has to do with natural descent, even if [the members of the family are] not living together in civil society. Political authority has to do with those who live together, no matter if they are not connected with one another by any kinship or closeness. For example, if certain unrelated persons should come together to build a city and dwell in it, and they see that they cannot be well-governed without some authority, they could agree among themselves to entrust the community either to one person or to the community itself – and if to one person, then either to him alone (and then his successor would be chosen in the same way that he was) or to him and all his heirs. And both kinds of political authority are just, because someone can justly submit himself either to one person or to the community in things that are not contrary to the law of God and in which he can be better directed by the one to whom he submits than he can by himself.¹⁷

because it does not seem that the natural law determines to opposites, and in the state of innocence it determined that all things were to be held in common. Someone might perhaps say that the proposition in the *Institutions*, 'On the distinction of property,' *Ferae, bestiae* – 'What belongs to no one is granted to the one who has it in his possession' – belongs to the natural law. But even granting that this proposition should occur to one as probable and obvious as soon as one had apprehended naturally that things are to be made private, it is still more reasonable to say that it does not belong to the natural law, but rather to positive law. From this it follows that the first division of goods into private property was made by some positive law" (*Ord.* 4.15.2 [ed. Williams 2017, 274]).

¹⁶"Let this, then, be the fourth conclusion: a just positive law requires prudence and authority in the legislator: prudence, so that he dictates in accordance with right reason what ought to be instituted for the community; and authority, because 'law' is said from 'binding' (*lex dicitur a ligando*), and a judgment on the part of a prudent man does not bind either the community or an individual if the prudent man is not in charge of anyone" (*Ord.* 4.15.2 [Williams 2017, 274]). For Scotus' view on right reason (or prudence), see, e.g., Ingham 1996, 551–71.

¹⁷*Ord.* 4.15.2 (ed. Williams 2017, 275).

In any case, regardless of whoever holds this political authority and however it is passed on, what matters is that it rests on the collective agreement of the members of the community. These members have decided at one point that positive law is required for the welfare of all and designated a political authority to promulgate and uphold it.

From these two kinds of authority, biological or paternal on the one hand, legal or political on the other, Scotus derives two possible scenarios by which private property became law:

And this is how it likely came about. After the flood, either Noah divided the lands among his sons, and each was to possess his own land either for himself or for his children and heirs, or else they agreed among themselves to divide the lands, as we read about Abraham and Lot in Genesis 13:8–9. For Abraham let Lot choose which part he wanted, and Abraham took what was left. Alternatively, a law was promulgated by the father, or by someone chosen by them as ruler, or [by someone chosen] by the community, to whom the community itself entrusted that authority. This law was, or could have been, that things not in anyone's possession at that time would belong to whoever first took possession of them; and then afterward they scattered over the face of the earth, and one person took possession of one tract of land and another took possession of another.¹⁸

After the Flood, when the Earth was renewed and no one remained on it save for Noah and his family, one of two things happened: either the Earth was divided into territories to be respectively owned by Noah and his sons, or a law was promulgated according to which anyone who came across a piece of land and took possession of it would be deemed its rightful owner. Whichever decision was taken, Scotus remains open as to what kind of authority took it: Noah may have used his paternal authority to impose it, or the community (presumably Noah and his sons) may simply have agreed upon the decision.

Two things are quite interesting and worth noting here: first, it seems that the Franciscan thinks that even when paternal authority can be exercised upon a family, it does not need to be so, and the father may act as just another member of the community on equal footing with the others. Second, it appears that a particular social unit can sometimes be considered both a family (all of its members descend from the same father) and a community (all of its members live together), depending on one's perspective. Consequently, it may legitimately submit to the different kinds of authority that correspond to these different kinds of social unit. For instance, a given family may be ruled by its head because he holds paternal authority or because he holds political authority by virtue of the decision of all the members of the family. On the other hand, provided the family head refrains from using his paternal authority, the family may collectively designate another of its members as a political leader.

Now that we know why Scotus believes that the private ownership of all goods is required for the common good and how it could have been justly promulgated, let us examine a few examples of how an authority may make just decisions regarding privately owned goods in order to preserve the common good. What is at stake is what is just when it comes to the transfer of ownership, whose necessity seems to

¹⁸ *Ord.* 4.15.2 (ed. Williams 2017, 275).

arise as soon as every good is privately owned. Indeed, when everything is privately owned, there is no guarantee that the needs of everyone will be satisfied or that the desires of everyone will be met to such an extent that there will be no strife. When such circumstances arise, appealing to authority becomes justified in the eyes of Scotus.

7.5 Managing Private Goods for the Common Good

In order to understand how the preservation of the common good can in some cases overrule private ownership, one must first pay attention to the types of justice involved regarding the transfer of owned goods.¹⁹ This depends first on the kind of goods one considers. Scotus distinguishes between intrinsic and extrinsic goods. Intrinsic goods are those that are needed to sustain life, and extrinsic goods are those that are not. What happens when someone exchanges a good with one's neighbour? If the shared good is extrinsic, then the justice one ought to follow is commutative justice: when a good is given, one of equal value must be given in return. If, however, the shared good is intrinsic, then the kind of justice to be followed is either what Scotus terms "just dominion" or "just subordination".²⁰

What Scotus means by this is not entirely clear. Let us determine what an intrinsic good is. It seems that, by contrast with extrinsic goods, it is defined as a good that pertains "to the sustaining of human life" and is "necessary for common life". The sustaining of human life may be understood to refer to individual survival. In this sense, intrinsic goods are essentials, and it is clear that every member of a community must own what is essential to them. Otherwise, the members of the community, or at least one of them, will not have their needs met, and the common good will be in jeopardy: hence the reason why essentials are "necessary for common life".

In another sense, one may consider that what is at stake is the sustaining of collective human life. In this sense, intrinsic goods are things whose ownership and possession by a given citizen are required for peace to be preserved and for everyone's needs to be met. This second sense subsumes the first so that, in all cases, 'intrinsic goods' refer to things whose ownership and possession by certain citizens is required in the interest of the common good. Therefore, when it comes to intrinsic

¹⁹ For Scotus' views on economy, see Langholm 1992, 406ff.

²⁰ "If [...] one shares something else with one's neighbor, one will share either extrinsic goods or intrinsic goods that pertain to the sustaining of human life. We speak of 'commutative justice' with respect to the extrinsic goods that human beings need to share, and this is frequently called 'justice' inasmuch as it involves sharing something that makes [the exchanging parties] equal. But if one shares with one's neighbor something necessary for common life, this will be either authority, which belongs to the ruler – this species of justice has no name, but it could be called 'rulership' or 'just dominion' – or just subordination, which is called 'obedience'" (*Ord.* 3.34, q. un. [ed. Williams 2017, 216–17]).

goods, justice requires that whoever receives ownership of such goods receives it according to what is good for the community and not in exchange for goods of equal value. Since the legislator is the one who determines what ought to be done for the good of the community, they must attribute intrinsic goods prudently – that is, by “just dominion” – and the members of the community must acquiesce to this attribution – that is, by “just subordination”. Let us call this sort of justice, by which one decides and another obeys justly, “authoritative justice”.

Let us now turn back to Scotus’ foundational principles: private ownership of all goods is consonant with the preservation of the good of the commonwealth. Such ownership, however, does not always abide by the same rules when it comes to its transfer: extrinsic goods must be transferred following commutative justice while intrinsic goods must be transferred following authoritative justice. Surely, in some cases, disagreement could arise over which goods are intrinsic and which are extrinsic. But even regarding goods whose nature is clear, doubt or conflict may arise because what is partially unjust – to deprive someone of a good they should receive according to commutative or authoritative justice – may be “publicly” just – that is, good for the commonwealth.²¹

In other terms, there are some goods, the extrinsic ones, that should be exchanged according to individual commutative justice (each person must receive something equal to what they give), and there are some goods, the intrinsic ones, that should be exchanged according to individual authoritative justice (each person must receive enough goods to ensure their survival and, if need be, such goods can be taken from others who have more than enough without compensation). Beyond these individual or partial justices, there is public justice, which I understand to be the justice according to which individuals may suffer injustice for the greater good (one may be deprived of what they are owed according to commutative justice or of what they need according to authoritative justice, provided this serves to ensure that the community as a whole continues to be peaceful and all of its other members get what they need).

Scotus gives us several examples of such cases that allow us to understand what measure of power political authority held over owned goods in the Franciscan’s view, even when all goods are privately owned.

Scotus first concerns himself with whether restitution is just in specific cases. Here, restitution simply refers to giving back a certain good that was unjustly taken from someone. In an example of restitution that we will shortly examine, the Franciscan supposes that the good that must be returned is a sword. Let us illustrate all cases of restitution mentioned by Scotus by supposing that they refer to a sword.

²¹“I say that in political matters the legislator is intrinsically concerned with what is unqualifiedly just, which is what is just in terms of the public good, but in a certain respect he is concerned with these partial justices, though always in proportion to what is just in terms of the public good. And for that reason, it is just in certain instances not to observe just laws concerning those partial justices – namely, when observing them would be detrimental to public justice, that is, to the well-being of the republic” (*Ord.* 4.46.1 [ed. Wolter 2001, 326]).

The first case²² is the following: Paul stole Peter's sword. By all rights, he should give it back. Peter, however, is a mediocre swordsman, while Paul is an excellent one. The country needs to be defended, and Paul's own sword is being repaired. In such a situation, Paul should keep the sword: it is a partial injustice done to Peter but it is publicly just because it preserves the peace of the country more efficiently. Here and in the examples that follow, I do not believe the matter to be linked to the difference between intrinsic and extrinsic goods: Scotus never says that Paul needs the sword as opposed to just wanting it. He simply says that it is better for everyone for the sword to be in competent hands, not that it is necessary.

Now let us suppose again that Paul stole Peter's sword. Peter is still not much good in a fight, and Paul remains a superb warrior. However, in this case, Paul's sword is not broken, nor is it any less sharp than Peter's. Peter's sword simply is more beautiful and expensive, and possessing it allows Paul to appear wealthier than he really is. In such a case, even though Paul is still more important than Peter for the commonwealth, it is unjust for him to keep the sword because possessing it only serves to bolster his reputation and increase his standing, which does not make him any more useful than he would be otherwise for the commonwealth. In other words, being useful to the state does not constitute a free pass to unjustly take anything from anyone: in order for a partial injustice to be permitted, it must be shown to contribute to public justice, not simply to a defender of public justice. This is Scotus' second case.²³

The third case is different. What is at stake is not simply the comparison between what would be just for a given individual and what would be publicly just. The question is whether Peter's sword, which was unjustly taken, should be given back to him while he is running amok in a state of fury. Surely not giving the sword back would be partially unjust inasmuch as it is rightfully his, and it would be publicly just inasmuch as it would prevent him from assaulting others and threatening the peace of the community. It would also be damaging to him, not only because he could hurt himself with the weapon but because it would put him in a situation where he would hurt the commonwealth, generating all sorts of negative

²²“Also, according to Bk. 1 of the *Ethics* it is said that the common good is more divine and is to be preferred to the particular good. But it is possible that restitution made to Peter would be damaging to Paul who is restoring it, and in this regard it would be more damaging to the state, namely because Paul is more necessary to the country than Peter is; therefore in this case one is not bound to restitution” (*Ord.* 4.15.2 [ed. Wolter 2001, 27]).

²³“As for the other argument, if the person of greater necessity to the state, who keeps another's property, is in dire necessity and the other person to whom it is owed is in like straits, then the argument would seem to have some validity. The answer to such a case is to be found in the reply to the next argument. But if what is unjustly detained by a person of great importance to the state is not needed in any unqualified sense, but is only necessary to preserve his lofty reputation, I claim it is not licit for anyone to retain his solemn status by holding the property of others, nor is his standing by not making restitution of such value to the state as to outweigh its own fidelity and communal justice” (*Ord.* 4.15.2 [ed. Wolter 2001, 77]).

repercussions for him.²⁴ In this case, I understand Scotus to mean that not giving the sword back would be individually unjust, according to commutative justice, but publicly as well as individually just according to authoritative justice because it is just to prevent one's neighbour from harming themselves. Indeed, even if the common good were not at stake here, preventing Paul from hurting himself would be more than enough of a reason to withhold his sword from him.

Beyond restitution, Scotus also concerns himself with the transfer of ownership when it does not involve the explicit consent of the owner. This is what happens when the ownership of an abandoned property is granted to a member of the community: since it is abandoned, its owner is not here to accept the transfer. Nevertheless, Scotus tells us, the property should be transferred for the sake of peace, presumably because leaving something of value unattended would create feelings of bitterness and greed. The implicit consent of any member of the community to such a transfer, even when they are absent, should be assumed provided the transfer is made according to a just law.²⁵

Finally, it seems that Scotus believes that true altruistic actions can be performed for the common good, such as accepting to abandon one's own life in its favour.²⁶ This highlights the value of the common good over individual good²⁷ inasmuch as Scotus clearly states that such a sacrifice is not made for the sake of the good morality of the agent but purely for the survival of the commonwealth. Thus, all personal desires and needs, even rightful ones, and all individual justices that one may aspire to are renounced in favour of public justice and the good of the commonwealth.

²⁴“Also, restitution must be made in favor of him to whom it belongs; therefore it is not to be made when it results in damage to him, nor also when it results in damage to the state; the restitution of a sword to one who is furious, however, would be damaging to him to whom it was restored, because he would use it badly and do damage to the state, for he would destroy the peace of the city; therefore, etc. And one could argue that the same would hold good whenever restitution would entail damage either to the one to whom restitution is due or to the state” (*Ord.* 4.15.2 [ed. Wolter 2001, 27]).

²⁵“It is just for a legislator to establish that which is necessary for the peaceful coexistence of his subjects. But for the peaceful coexistence of citizens it is necessary that the ownership of abandoned property be transferred to the occupant by way of prescription and ownership acquired through use” (*Ord.* 4.15.2 [ed. Wolter 2001, 37]). “Another reason this appears to be probable is that if an individual could transfer his ownership to another, then the community as a whole could transfer the ownership of anything pertaining to the community to anyone. For I assume the consent of everyone to be included in the making of the community. Hence, the community has this consent offered already, as it were; and inasmuch as each person consents to the just laws passed by the community or the ruler, the community can transfer the ownership to anyone by means of a just law” (*Ord.* 4.15.2 [ed. Wolter 2001, 39]).

²⁶“Against this: If for the sake of preserving the safety and well-being of X I will that Y not exist, I unqualifiedly love X more than Y. Now a courageous person of the sort we're describing wills for the sake of the well-being of the commonwealth that both he and his act of virtue not exist. Therefore, he unqualifiedly loves the common good, which he wills to be preserved, more than himself or his act of virtue; it is not to save himself or his act of virtue that he faces death, but to save the commonwealth” (*Ord.* 3.27, q. un. [ed. Williams 2017, 171]).

²⁷ See Sondag 1999, 75–88.

7.6 The Only Goods that Remain Common After the Fall: Spiritual Goods

Finally, we can briefly note that in Scotus' mind, only one kind of good is still commonly owned: spiritual goods. However, it may be that Scotus uses the term common good equivocally, as his examples indicate. He gives two instances of this type of good: the infused habitus of charity (presumably this works for other habitus as well, at least those of hope and faith) and God himself, whom it would be vicious to want to keep for oneself since that would go against one's duty to love one's neighbour and thus prevent them from partaking in God's bounty.

And this is clearly the case as far as the habit is concerned, because this habit, which by its nature is not private but common, is apt to incline one to love God non privately; and thus a private act of love that destroys love of neighbor cannot in any way be an act of that habit. This fact evinces the great perfection of this habit, because even if acquired envy could be greater, in terms of its intensity in eliciting acts, than infused charity of a modest degree, this habit – because it is ordinate and perfect in the genus of appetitive habits – cannot have to do with God otherwise than as the universal good who should be loved in common with others. Consequently, it cannot be the principle of any act that involves both love of God and the contrary of love of neighbor.²⁸

One may argue that such goods differ fundamentally from the ordinary, material goods that I have discussed above because it is not in the power of a person to share such goods: I can neither give my habitus to someone else, nor can I give them God. Furthermore, common ownership should not be understood when it comes to God or habitus in the same way as when it comes to material goods: while material goods are always limited, in terms of quantity as well as accessibility, immaterial goods are not: God can be enjoyed by an unlimited number of creatures equally, and these creatures may partake of God's gifts, the supernatural habitus, equally (supernatural habitus should not be conceived of as natural habitus that are particular to individual persons: they are that by which one partakes in a certain way of God's nature and identical in all men).

To make sense of this, however, we might surmise that what Scotus refers to here is pure jealousy: not wanting one to partake of the same goods as I have not because I would have less of them or because it would diminish my enjoyment of them but because of a disordered pride that leads me to want to be the only one to enjoy them.

²⁸ *Ord.* 3.28, q. un. [ed. Williams 2017, 181]. See also: “The proof of what is assumed in this argument is evident from what I said in commenting on distinction 28 of Book III, where it was proved in two ways that the perfect love of God and rightly ordered love cannot be possessive, in the sense of appropriating [the loved object to oneself]. The first reason was that loving a common good as a good to be appropriated to oneself is disordered; the second was that if someone is unwilling for the one he loves to be loved by others, his love is disordered and imperfect. It follows, therefore, that in order for God to be loved perfectly and in a rightly ordered way, those who love God ought to will that their neighbors love God. And in willing this for their neighbors, they are loving their neighbors: it is in fact only in this way that one loves one's neighbor through charity [...]” (*Ord.* 3.37, q. un. [ed. Williams 2017, 255]). For the centrality of ‘charity’ in earlier medieval discussions, see the chapters by Iacopo Costa and Ritva Palmén in this volume.

Though it would not be in my direct power to share these goods with others, or deprive others of them, still I would do everything I could to discourage them from partaking in God's nature or enjoying the love of God.

It remains that such goods, dissimilar though they may be from ordinary, material goods, can and ought to be owned in common since such common ownership does not threaten the public good. Indeed, everyone can have as much as they need of them and have neither a reason nor the means to attempt to wrest them from others violently.

7.7 Conclusion

This brief foray into John Duns Scotus' view of the common good shows that, in his mind, common good can be defined as peace among a given community whose every member's basic needs are met. While this was attainable through the common ownership of goods before the Fall, given the morality of all involved, it generally cannot be so after the Fall. Human beings have become vicious, and legal boundaries need to be created so that everyone receives what they need to live, and the strong are not left to take everything from the weak, which would be a state of perpetual war. Private property, as administered by a just authority, is therefore the way to preserve the common good of the community. This is not to say that everyone has the final say regarding the goods they own no matter the circumstances. In fact, though political authority will not make private goods common, it has a great deal of power when it comes to redistributing goods, to such an extent that, in many cases, it is actually just to commit a private injustice if it is for the good of all. In the end, the only kind of good that can and must be owned in common is spiritual good, goods whose possession does not deprive anyone else, given that they can be equally possessed by all. This does not foster unrest since these goods are accessible to all.

Scotus thus appears as a champion of private property who nevertheless leaves a great deal of power in the hands of the state, provided it acts prudently. Such a balance makes Scotus' contribution to political philosophy a nuanced and adaptable one.

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Chapter 8

Old Wine in New Wineskins: William Ockham and the Common Good in Context



Roberto Lambertini

8.1 Introduction

A decade ago, Elodie Lecuppre-Desjardin and Anne-Laure Van Bruaene edited a volume bearing the title *De Bono Communi: The Discourse and Practice of the Common Good in the European City (13th–16th c.)*. Their interesting introduction, where the editors try to draw some unifying conclusions from the rich material gathered in the collective volume, contains a remark that I would like to endorse: “The Common Good is a semantic chameleon.”¹ Lecuppre-Desjardin and Van Bruaene are first and foremost urban historians. Through the papers collected in the book *De bono communi*, they emphasize that the “Common Good” discourse can take various meanings according to the context of the sources. An appeal to the *bonum commune* can be used by a ruler to justify his authoritarian decisions or by his subjects, or by a part thereof, to set limits to the arbitrariness of the prince. An historian of the Italian communes has recently argued in favour of a specific historical context for the diffusion of the appeal to *bonum commune* in sources related to civic governments. According to his conclusions, “the common good” has been for a long time the political “slogan” of the *popolo* (that is, mainly craftsmen and merchants organized in guilds) against the magnates, who were accused of being the sole cause of the division of their city because their conflicting groups disrupted the internal peace of the *commune* with their never-ending hostilities.²

¹Lecuppre-Desjardin and Van Bruaene, eds. 2010, 3.

²Zorzi 2010.

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H. Haara, J. Toivanen (eds.), *Common Good and Self-Interest in Medieval and Early Modern Philosophy*, The New Synthese Historical Library 78, https://doi.org/10.1007/978-3-031-55304-2_8

Moreover, Francesco Bruni's *La città divisa* has shown that for many authors and preachers (especially Observant Franciscans), the common good is tightly linked to the denunciation of factions.³ In a broader perspective, Paolo Prodi has remarked that the appeal to the *bonum commune* is not the expression of a society that is pervaded by a sense of unity, as the romantic image of the Middle Ages indulged to think, but on the contrary, it is a reaction to the perception of growing pluralism. To the plurality of the (sometimes conflicting) *bona*, some authors reacted by pointing to the existence of a *bonum* that is common to the whole.⁴ Nevertheless, as Walter Prevenier writes, the "Common Good discourse" can be conservative, defending consolidated interests in each community, or progressive, aiming for change.⁵

If this is the case for political history, the situation is not substantially different for the history of political thought. Recently, E. Igor Mineo proposed to distinguish between at least two senses of *bonum commune* in the fourteenth century: one with more theological implications, the other with reference to material well-being. As champions of these different interpretations, he presents Remigio de' Girolami (d. 1319/20) and Marsilius of Padua (d. 1342).⁶ Despite such efforts, the wide diffusion of the "common good" discourse has its counterpart in its sometimes frustrating vagueness. For this reason, instead of investigating the "common good" discourse in itself, it is more promising to study its relation to a specific aspect, for example – as it is the case for the present volume – the relationship between the "common good" and self-interest, or the individual good.

Matthew Kempshall's ground-breaking monograph shows how fruitful such an approach can be. Kempshall, however, does not deal in depth with authors who wrote after Remigio de' Girolami. His treatment of William of Ockham (d. 1347/8) is limited to a few pages in his conclusion.⁷ Nonetheless, the English theologian is an interesting case-study because according to a traditional historiographical trend, Ockham has been interpreted as a champion of "individualism". Historians of political thought such as Georges de Lagarde and Michael Wilks have in fact argued that Ockham's metaphysics also influenced his approach to political philosophy in a decisive way. According to de Lagarde, he would have been a "forerunner" of modernity. This interpretation has already been criticised with good arguments, and the discussion does not need to be resumed here.⁸ Still, it is worthwhile to show that by examining the issue from the viewpoint of the "common good" as well, one can reach results that are at variance with de Lagarde's interpretation.

Ockham is widely acknowledged as one of the most interesting thinkers of the later Middle Ages, especially for his contributions to logic, semantics, ontology, and

³ Bruni 2003.

⁴ Prodi 2009, 67–68.

⁵ Prevenier 2010.

⁶ Mineo 2011; id., 2014; Mineo et al. 2016.

⁷ Kempshall 1999, 359–61.

⁸ For an excellent review of the debates, see Shogimen 2007, 10–31.

philosophical theology.⁹ His contribution to medieval political thought derives from the second part of his life and intellectual activity. While in Avignon, he came in closer contact with the leadership of his own Order and eventually joined Michael of Cesena and a small but influential group of Franciscans who rebelled against pope John XXII in 1328, accusing him of heresy because of the stance he had taken regarding the poverty of Christ and his Apostles. The story has been told many times by excellent specialists, and there is no need to repeat it here.¹⁰ It is sufficient to recall that Ockham's political and ecclesiological debates began from his defence of the Franciscan theory of Apostolic poverty. His first contribution to political thought is in fact a detailed, almost word for word confutation of John XXII's bull *Quia vir reprobus* of 1329: the so-called *Work of Ninety Days* (c. 1332).¹¹ In this polemical work, Ockham develops his own account of the origins of ownership and dominion among humans after the anthropological changes brought about by the Original Sin.¹² Over time, Ockham, who had found a safe haven at the court of emperor Louis (known as the Bavarian) in Munich,¹³ focused his attention more and more on issues that played key roles in medieval political debates: the extension and limits of papal authority, the nature and role of temporal political institutions, particularly of the Empire, and the controversial relationship between temporal and spiritual powers. The *Dialogus* was planned by Ockham as a comprehensive account of the ecclesiological and political controversies of his time, structured as a dialogue between a Disciple and a Master. Usually, the Disciple raises the issues, poses questions, and occasionally makes comments, while the Master patiently presents different positions, listing arguments in favour and against them. This ambitious project was never brought to completion. We possess the first part, which deals with different aspects of the problem of heresy (including papal heresy) and which was finished by 1334. The second part was probably never written.

Around 1340, Ockham started working on the third part of the *Dialogus*, which contains what Arthur Stephen McGrade has called his “most systematic contribution to political theory”.¹⁴ It is divided into two treatises (both remained unfinished), the first dealing with the Church and papal power, and the second devoted to the Empire.¹⁵ The *Octo quaestiones de potestate papae* were written between 1340 and

⁹For an overview, see Spade 2006.

¹⁰I refer only to Nold 2003. For a different approach, which exhibits more understanding for the Franciscan rebels, see Wittneben 2003; and for a survey of the controversy, see Mäkinen 2001, 143–73.

¹¹Lambertini 2020.

¹²For this issue, see in particular Robinson 2013.

¹³For an overview, see Lambertini 2012.

¹⁴McGrade 1995, xxxvi.

¹⁵William of Ockham, *Dialogus*, Part 3, tract. 1 (ed. Kilcullen et al. 2011), 103–353; William of Ockham, *Dialogus*, Part 3, tract. 2 (ed. Heinen and Ubl 2019). These printed editions, together with an English translation and essays that introduce the reader to this masterpiece of medieval political thought, are also available online (see bibliography).

1342 in response to a list of eight questions handed to Ockham in all likelihood by archbishop Baldwin of Trier.¹⁶ In this work, Ockham discusses, for example, whether the highest spiritual and temporal powers can belong to the same person and whether supreme temporal authority derives directly from God or not. The *Octo quaestiones* and the *Dialogus* (part three) represent, so to speak, the ripest stage of Ockham's political thought. For this reason, in the present chapter, I will rely on both. To borrow another expression of McGrade's, the *Octo quaestiones* and the *Dialogus* are "impersonal".¹⁷ Comparing different possible positions and arguing in favour or against them, Ockham in fact never explicitly declares which opinion he holds, limiting himself to formulating the arguments in favour of different solutions. Although for a specialist, it is not difficult to recognize Ockham's personal stance, the method he adopts allows for a more detailed and, in according to his intention, a more "objective" treatment of the issues at stake.¹⁸

John Kilcullen has written: "That government is for the sake of the common good is the leading idea of Ockham's political philosophy."¹⁹ As we will see, this is true, although to the best of my knowledge, Ockham never feels a need to define the common good. He apparently takes for granted that his readers understand what he is speaking about. Instead of trying to reconstruct the meaning of this expression from scattered remarks, it seems to me that it is more promising and more adequate to Ockham's approach to concentrate on his usage of the expression *bonum commune*.

In the following, I first show an example of Ockham's usage of "the common good" as a criterion in the classification of different constitutions. Such usage goes back to an established tradition, while sections three and especially four deal with functions of the common good that are more peculiar to him. The common good as a limit to the power of secular rulers and also to papal *plenitudo potestatis*, which is the object of section three. Section four is tightly connected to one of the main tenets of Ockham's political thought. As John Kilcullen puts it: "Rules are needed, but since no humanly made rules can guarantee the common good in all the multifarious cases that will arise, individuals must be prepared on occasion to act without the rules or against the rules."²⁰ What is usually the best institutional form can prove to be inadequate to safeguard the common good in a peculiar situation: therefore, political theory can allow for exceptional cases that require exceptional solutions. It seems to me that in Ockham's political works, the common good functions as a "conceptual device" that relativizes the conclusions of philosophical analysis in the

¹⁶William of Ockham, *Octo quaestiones de potestate papae* (ed. Offler 1974; hereafter *Octo quaestiones*); an almost complete English translation by Jonathan Robison is available online (see bibliography). For further discussion, see Flüeler 2004.

¹⁷McGrade 1995, xxxvii.

¹⁸Jürgen Miethke defines Ockham's approach as "objektivierende Methode", and discusses different approaches to the identification of Ockham's own position (Miethke 1970, 430–44).

¹⁹Kilcullen 1999; see also Shogimen 2017, 335–55.

²⁰Kilcullen 1999.

field of political theory. The last part argues that the originality of Ockham's contribution lies more in the usage of the common good than in the way he conceives of it. Although he is a supporter of the idea of the natural liberty of human beings, he never renounces the traditional principle that the common good is superior to private good. In this sense, the title of the present chapter uses the metaphor of old wine (the concept of the common good) and new wineskins (its usage as a "relativizing conceptual device").

8.2 The Common Good: A Criterion for Classifying Constitutions

The four books of *Dialogus* 3.1 deal with the power of the pope and the clergy. In book one, Ockham argues that the papal fullness of power finds its limits in what he calls "evangelical liberty". The main issue of book two is the best constitutional form of the Church. The English Franciscan approaches this problem by resorting to Aristotle's *Nicomachean Ethics* and *Politics*, applying Aristotelian political concepts and arguments to the Church. Ockham's preference for monarchy does not exclude that in some circumstances it can be necessary for the common good of the whole of Christendom to adopt an aristocratic constitution, that is, a sort of "plurality of popes". This position seems to question the shared belief that Christ invested Peter with power over the whole Church. Books three and four deal with this question in a critical confrontation with Marsilius, who in the *Defensor pacis* had denied that Peter's primacy had any foundation in the Holy Scriptures or in the definitions of the Ecumenical Councils. Ockham concludes that Christ did *de facto* invest Peter with power over the whole Church, an historical truth that does not exclude a constitutional change in the Church, in case of necessity.²¹

A relatively well studied section of the *Dialogus* 3, in which Ockham makes intensive use of *bonum commune*, is treatise one, book two, chapters 3–8, where the Master is invited by the Disciple to explain some basic terms of Aristotle's *Politics* that could sound obscure to experts in law and those who have not studied moral philosophy. With a happy choice, Jürgen Miethke dubbed these chapters of the *Dialogus* "basic concepts of Aristotelian politics" ("Grundbegriffe der aristotelischen Politik").²² When it comes to the distinction between the different kinds of constitutions, Ockham's choice is all but surprising. According to John Kilcullen's translation:

Every government is either ordered chiefly to the common good or benefit (i.e. the good of the ruler or rulers and of the subjects) or not ordered to the common good. If it is ordered to

²¹ For an excellent recent overview of *Dialogus* 3.1, see Miethke 2015.

²² See William of Ockham, *Texte zur politischen Theorie*, ed. Miethke 1995, 135.

the common good the regime is tempered and right; if it is not ordered to the common good the regime is defective and perverted.²³

Some lines later, the criterion is applied to “royal government”:

Such government differs from tyrannical rule because it exists for the common good, whereas tyrannical rule does not exist for the common good.²⁴

In the following chapter, Ockham deals with aristocracy:

The second kind of temperate, right, and just constitution is called aristocracy, namely that in which some few men, and the best, rule for the common good of the multitude, and not for their own good.²⁵

There is no need to continue listing further examples of the same kind since Ockham is following here the tradition of the mediaeval reception of the *Politics*, which had established itself mainly in the second half of the thirteenth century. Both Thomas Aquinas’ commentary on Aristotle’s *Politics* and its continuation by Peter of Auvergne employ *bonum commune* with regard to the classification of constitutions,²⁶ although William of Moerbeke, in translating from Greek, had chosen “commune confers”.²⁷ As we might expect from a Master providing his Pupil with an elementary introduction to the key-terms of Aristotelian political philosophy, Ockham is treading a familiar path: being ordered or not to the “common good” is the litmus test to establish whether a given constitution is “tempered and right” or not. One would look in vain for an analysis of the concept of the common good. To give just one example, Ockham finds it necessary to explain what “politeuma” means in Aristotle’s *Politics*. Referring tacitly to Peter of Auvergne’s commentary in this part of the *Dialogus*, the Master says that according to some interpreters, this Greek word can signify “the imposition of the order of the constitution”, secondarily the

²³“Omnis enim principatus aut ordinatur principaliter ad bonum seu conferens commune, bonum scilicet principantis vel principancium et eciam subiectorum, aut non ordinatur ad bonum commune. Si ordinetur ad bonum commune, sic est principatus temperatus et rectus. Si non ordinetur ad bonum commune est principatus viciatus et transgressus” (*Dialogus* 3.1.2.6 [ed. Kilcullen et al. 2011, 176]). The English translation is by J. Kilcullen, in William of Ockham, *A Letter to the Friars Minor*, ed. McGrade and Kilcullen 1995, 138.

²⁴“Talis autem principatus differt a principatu tyrannico, quia ille est propter bonum commune; principatus autem tyrannicus non est propter bonum commune” (*Dialogus* 3.1.2.6 [ed. Kilcullen et al. 2011, 176–77; trans. Kilcullen 1995, 139]).

²⁵“Secunda species policie temperate et recte atque iuste vocatur ‘aristocracia’, in qua scilicet aliqui pauci viri et optimi principantur propter bonum commune multitudinis et non propter bonum proprium” (*Dialogus* 3.1.2.7 [ed. Kilcullen et al. 2011, 179; trans. Kilcullen 1995, 142]).

²⁶“[...] illa uero politia in qua pauci principantur propter bonum commune, plures tamen uno, vocatur aristocratia [...]” (Thomas Aquinas, *Sent. Pol.* 3.6, A204 [ed. 1971]); “Si autem unus principetur uel multi uel pauci propter bonum vel conferens commune, tales politias necessarium est esse recta; sed quando unus principatur uel multi uel pauci non propter bonum commune [...]” (Peter of Auvergne, *Scriptum super III-VIII libros Politicorum Aristotelis* 3.6 [ed. Lanza 2021, 47]).

²⁷A critical text of Moerbeke’s translation (books 3–8), established by Lidia Lanza, is now available in Peter of Auvergne, *Scriptum* (ed. Lanza 2021); for the passage mentioned in the text, *ibid.*, 45 (Bekker 1279a22–37).

“imposer of it”, and thirdly the constitution itself.²⁸ While devoting so much attention to the meaning of a rather unusual foreign word (*politeuma*), Ockham does not offer any deeper scrutiny of the signification of a key concept such as the “common good”, not to speak of a discussion about the means of establishing what the “common good” is for a given political community. Ockham really seems to take its meaning for granted. The reader finds only dispersed remarks: for example, the punishment of evildoers and the safety of subjects are tightly connected to the common good.²⁹ The same holds true for the possibility of electing a ruler when needed, lest the existence itself of the community is put in jeopardy.³⁰ According to Matthew Kempshall, “Ockham understands the common good not as the life of virtue, but as the social necessity of peace and tranquillity”.³¹ Kempshall’s claim is correct, especially in the context of the opposition he himself establishes between authors who understand *bonum commune* as a fulfilment of human ethical potential and those, such as Marsilius or Ockham, who support a “minimalist” interpretation of the common good. This does not entail, however, that Ockham explicitly defines *bonum commune* in such terms: this is rather the result of Kempshall’s own analysis.³²

8.3 The Common Good as a Limit to Power

A second function performed by *bonum commune* in Ockham’s political writings is to put limits on the exercise of power by authorities. According to Ockham’s account in his *Breviloquium* (most probably written shortly before 1342), political authority is a consequence of the original sin: to counter the anthropological change brought

²⁸“Principans autem in civitate aliquando vocatur ab Aristotele ‘policernia’. Policernia autem secundum quosdam tres habet significaciones” (*Dialogus* 3.1.2.6, [ed. Kilcullen et al. 2011, 176]). “The ruler in a city Aristotle sometimes calls the policernia. Policernia has, according to some, three meanings” (trans. Kilcullen 1995, 137–38). I take the renderings of the possible meanings of *politeuma* from Kilcullen’s translations. Although Ockham’s Latin text has the reading *policernia*, it seems rather obvious that it is a scribal error for *politeuma*. See Lambertini 1992, 207–24. Peter of Auvergne’s text, to which Ockham refers, is Peter of Auvergne, *Scriptum*, ed. Lanza 2021, 40–41.

²⁹“[...] ita imperator, quia est supra iura positiva et non est super equitatem naturalem, si in exercendo iusticiam non vult ex causa infligere penam statutam in iure, tenetur de necessitate infligere penam ‘equitate servata’, secundum quod bonum commune et salutem subditorum bonorum precipue viderit postulare [...]” (*Dialogus* 3.2.1.16 [ed. Heinen and Ubl 2019, 277]); “[...] so, because the emperor is above positive laws and is not above natural equity, if in doing justice he does not wish, for a reason, to inflict the penalty enacted in the law, he is obliged of necessity to inflict a penalty ‘preserving equity according to what he sees that the common good and the safety of subjects (and especially of the good) demand’” (trans. Kilcullen 1995, 277). See also text at footnote 57 below.

³⁰“[...] in periculum et detrimentum boni communis, tota Christianitas sine potestate et iure eligendi summum pontificem remaneret” (*Dialogus* 3.1.1.17 [ed. Kilcullen et al. 2011, 159]).

³¹Kempshall 1999, 360.

³²It is no coincidence that Kempshall does not cite any precise passage of Ockham’s works as proof of his claims.

about by the Fall, God granted to humankind (not only to Christian believers) the power of designating rulers. Different forms of government derive from this original capacity and are therefore the result of human initiative.³³ In an ordinary situation, subjects are bound to obey a legitimate sovereign, but his power is not unlimited: they are not his slaves because every human being enjoys what Ockham calls *dignitas humana* (“human dignity”), by which he means that every human being intrinsically possesses a status that must be respected.³⁴

Dialogus 3.2 offers, in several places, evidence of the fact that the common good sets limits to the power of a legitimate ruler. In this last, unfinished part of *Dialogus*, Ockham discusses first whether it is beneficial for humankind to be ruled by one secular monarch, that is, by a universal emperor (book one). Book two investigates the extension and limits of imperial power, and book three, which is only a fragment, tackles the thorny question of the possibility, for an emperor, to intervene in spiritual matters.³⁵ The Master explains to the Pupil that even in the most powerful form of royal government, which is not bound by laws, the monarch has a fullness of power but only “in respect of things relating to the common good”.³⁶ In several cases, the common good imposes a limit on the ruler. For example, the emperor, although he is above positive laws, is not allowed to punish a crime according to his discretion if his decision can harm the common good.³⁷ Again, the civil law maxim “what has pleased the king has the force of law”, which medieval authors knew from collections of the Roman law,³⁸ is interpreted by Ockham restricting its scope to decisions which are not in contrast with the common good.³⁹ A similar limitation

³³William of Ockham, *Breviloquium de principatu tyrannico* 3.8 (ed. Offler 1997, 180–81); for commentary, see Lambertini 2004, 141–63, in particular 155–59.

³⁴See Miethke 2007, 293–95.

³⁵See especially chapter six (title: The Defence of Human Freedom) in Shogimen 2007, 232–61; for an overview of *Dialogus* 3.2, see Miethke 2020, 53–75.

³⁶“Talis rex potest dici habere plenitudinem potestatis, respectu scilicet eorum que bonum commune respiciunt non privatum” (*Dialogus* 3.1.2.6 [ed. Kilcullen et al. 2011, 176; trans. Kilcullen 1995, 139]).

³⁷“ita imperator, quia est supra iura positiva et non est super equitatem naturalem, si in exercendo iusticiam non vult ex causa infligere penam statutam in iure, tenetur de necessitate infligere penam ‘equitate servata’, secundum quod bonum commune et salutem subditorum bonorum precipue viderit postulare” (*Dialogus* 3.2.1.16 [ed. Heinen and Ubl 2019, 64]); “[...] so, because the emperor is above positive laws and is not above natural equity, if in doing justice he does not wish, for a reason, to inflict the penalty enacted in the law, he is obliged of necessity to inflict a penalty preserving equity according to what he sees that the common good and the safety of subjects (and especially of the good) demand” (trans. Kilcullen 1995, 277).

³⁸This maxim, attributed to the Roman jurist Ulpianus, is inserted in the *Digesta* 1.4.1 (ed. Mommsen and Krüger 1870, 14).

³⁹“Magister: Ad illam dicitur quod illud quod placet principi, scilicet imperatori, rationabiliter et iuste propter bonum commune legis habet vigorem quando hoc explicat manifeste. Si autem aliquid sibi placet non propter bonum commune sed privatum non propter hoc legis habet vigorem scilicet iuste sed inique et iniuste” (*Dialogus* 3.2.2.28 [ed. Heinen and Ubl 2019, 212]); trans. John Scott, in the online edition of *Dialogus*: “In response to that it is said that ‘what pleases a prince’,

is imposed on the principle “error principis facit ius” (mistake by the prince makes a law); strictly speaking, this brocard is not contained in civil law texts, but circulated widely in Ockham’s time.⁴⁰ At any rate, according to the English theologian, the maxim is valid only if the error made by the prince does not conflict with *bonum commune*.⁴¹ Ockham summarizes his position on this matter when the Master claims that human society (*societas humana*) is obliged by what he calls a general agreement (*pactum generale*) to obey rulers (and in this specific case, the emperor), but only if what they order is in accordance with the common good:

It thinks that the general agreement of human society is to obey kings in those matters which pertain to the common good. And so human society is under an obligation to obey the emperor generally in those matters which profit the common benefit, but not in other matters about which it does not doubt that they do not profit the common good.⁴²

Ockham’s usage of the “common good” to circumscribe the exercise of power by the sovereign is not peculiar to him. One of the most famous examples is Godfrey of Fontaines, who, in his *quodlibeta* dating to the mid-90s of the thirteenth century, has recourse to *bonum commune* in order to set limits to both royal and papal power. Kempshall has dealt persuasively with this aspect of Godfrey’s contribution to the common good discourse.⁴³ Still, as seen above, the English Franciscan is more systematic in his appeal to the common good to avoid an “absolutistic” interpretation of legitimate secular power. He is in fact persuaded that a monarchy differs substantially not only from tyrannical rule, where the ruler acts in favour of his own private good, but also from despotic rule, where the *dominus* treats his subjects as slaves:

that is the emperor, reasonably and justly because of the common good ‘has the force of law’ when he makes it known clearly. If, however, something pleases him not because of the common good but because of some private good, it does not have on that account the force of law, namely it is not just, but wicked and unjust.” There exists a rich literature on this ancient maxim: see, e.g., Rigaudière 1987, 427–51; Pennington 2007, 157–211.

⁴⁰ See William of Ockham, *Das Recht von Kaiser und Reich*, II, ed. Miethke 2020, 459–61, footnote 409.

⁴¹ “Dicitur quod error principis probabilis ius facit ita ut alii teneantur obedire nisi constet eis quod error principis est contra ius divinum vel naturale vel contra bonum commune. Alius error principis non facit ius” (*Dialogus* 3.2.2.28 [ed. Heinen and Ubl 2019, 213]); trans. Scott (see footnote 39): “It says that a reasonable mistake by a prince makes law in the sense that others are bound to obey unless they are certain that the prince’s mistake is against divine or natural law or against the common good. A different sort of mistake by the prince does not make law.”

⁴² “Hoc sentit quod generale pactum est societatis humane obtemperare regibus suis in hiis que spectant ad bonum commune. Et ideo obligata est societas humana ad obediendum generaliter imperatori in hiis que ad utilitatem communem proficiunt, non in aliis in quibus non dubitat quod nequaquam bono communi proficiunt” (*Dialogus* 3.2.2.28 [ed. Heinen and Ubl 2019, 214]); trans. Scott (see footnote 39). This passage contains an implicit quotation from Augustine, through the *Decretum Gratiani*: see William of Ockham, *Das Recht von Kaiser und Reich*, II, ed. Miethke 2020, 473.

⁴³ Kempshall 1999, 255–58; on Godfrey’s *quodlibeta*, see Marmurszstein 2006, 345–402.

For in a despotic regime the ruler has so great a lordship that he can use his slaves and any other property whatever that belongs to his rulership of this kind not only for the sake of common good but also for his own good, as long as he attempts nothing contrary to divine or natural law; but the ruler in the royal government mentioned above can use subjects and their property however he pleases for the common good but cannot use them however he pleases for his own good, and they are therefore not his slaves but enjoy natural liberty.⁴⁴

8.4 The Common Good as a “Conceptual Device”

As anticipated in the introduction of the present chapter, Ockham resorts to the “common good” (1) to distinguish tempered constitutions from defective ones, (2) to set limits on the exercise of legitimate power also in the context of right constitutions, and (3) to draw some conclusions based on his political theory, which is dependent on the contingent situation. For example, safeguarding the “common good” differentiates monarchy from tyranny, draws the boundaries of the action of a legitimate monarch, and can be the main reason to transform a monarchy into an aristocracy if this change is made necessary by a peculiar historical context. According to the *Venerabilis Inceptor* (as Ockham was later called), although it is possible to put forward convincing arguments (*rationes*) in favour of the superiority of monarchy above other forms of government, such superiority cannot be considered absolute. Ockham claims it to be dependent on circumstances because they can change the way in which “the common good” is attainable. A telling example is contained in *Dialogus* III, treatise 1, book 2.⁴⁵ As mentioned above, the context of this passage is where the English Franciscan argues in favour of the possibility of a plurality of popes. This bold claim has understandably attracted the attention of scholars.⁴⁶ For the present purpose, however, the argumentative way in which Ockham corroborates this claim is more relevant. His point of departure is a comparison between monarchy and aristocracy, partly inspired by Aristotle’s discussion in book three of *Politics*. On request of the Pupil, the Master formulates arguments and counterarguments. Chapter two consists of a long list of *rationes* that attempt to prove that it is not beneficial for the Church to have only one head. The first *ratio* is based on an argument put forward by Aristotle, according to which it is unjust that

⁴⁴ “[...] in principatu despotico principans habet tantum dominium quod potest uti servis suis et bonis aliis quibuscumque que ad suum pertinent principatum talem, non solum propter bonum commune sed etiam propter bonum proprium, dummodo contra legem divinam vel naturalem nichil attemptet; sed principans in principatu regali predicto potest uti subiectis et bonis eorum qualitercumque sibi placet propter bonum commune, sed non potest uti eis ut sibi placet propter bonum proprium, et ideo sibi non sunt servi sed naturali libertate gaudent” (*Dialogus* 3.1.2.6 [ed. Kilcullen et al. 2011, 177; trans. Kilcullen 1995, 139]).

⁴⁵ See above, footnote 25.

⁴⁶ Tabacco 1949; Shogimen 2007, 183–86.

when many are equal in virtue, only one of them rules over the others. The answer of the Master can be read in chapter 15:

To the argument by which Aristotle seems to prove absolutely and without distinction or qualification that it is unjust that some should rule his similar and equals because equal office and rank is due to equals in virtue, it is answered that when it can come about suitably and usefully that office and rank is given to equals, then this should be done, and Aristotle is speaking with reference to this case. But when it is not possible or not useful or less useful, especially to the common good [...] then, without any injustice, indeed justly [...] someone can be promoted in rank and offices over his similar and equals.⁴⁷

As a matter of fact, along these lines the Master is using the appeal to the common good to weaken arguments that would potentially be in favour of a plurality of popes. If accepted, Aristotle's argument would lead to the conclusion that when there are several people in a community who are equal in virtue, aristocracy is the best constitutional form. Ockham, however, does not maintain that in every case in which there are several members of the Church who are equally apt to take charge, it should be ruled by more than one pope. He concedes that in many cases, it is better for the common good of the Church to have only one head even in the presence of more people who are equal in virtue. Nevertheless, there can be situations in which it would be detrimental to the common good of the Church to elect only one person as supreme authority. Only in this latter case should Christians choose more than one pope.⁴⁸

⁴⁷“Ad rationem vero Aristotelis, qua absolute et sine distincione vel modificacione probare videtur quod iniustum est quod aliquis sibi similibus et equalibus principetur quia equalibus secundum virtutem debetur equalis honor et dignitas, respondetur quod quando convenienter et utiliter fieri potest ut equalibus equalis honor et dignitas tribuatur, hoc faciendum est, in quo casu loquitur Aristoteles; tamen quando non est possibile aut non est utile vel est minus utile, presertim communi bono [...] tunc absque omni iniusticia, immo iuste, [...] aliquis quoad dignitatem et honores potest similibus et equalibus sibi preferri” (*Dialogus* 3.1.2.15 [ed. Kilcullen et al. 2011, 189; trans. Kilcullen 1995, 155]).

⁴⁸“Ergo si principatus unius summi pontificis tendit ad noxam, scilicet ad amorem dominandi seu tyrannice principandi, vel eciam ad scisma periculosum inter Christianos (si videlicet maior et potencior temporaliter aut equalis pars Christianorum nullo modo vult sustinere principatum unius summi pontificis, et tamen vult sustinere principatum aristocraticum multorum simul regencium quorum quilibet sit summus pontifex, quemadmodum aliquando fuerunt simul plures imperatores et aliquando in eadem causa sunt plures iudices equalem potestatem habentes), tollendus est, saltem ad tempus, principatus unius regali principatui similis, et instituendus est, saltem quousque predicta mala seu pericula et consimilia cessent, aristocraticus principatus” (*Dialogus* 3.1.2.20 [ed. Kilcullen et al. 2011, 206]); “Therefore, if rule by one highest pontiff tends toward harm, i.e., toward love of dominating or ruling tyrannically, or even to a dangerous schism among Christians. That is, if a greater and temporarily more powerful, or equal, part of Christians will in no way tolerate the rule of one highest pontiff and yet will tolerate the aristocratic rule of many ruling at the same time, each of whom is highest pontiff. As sometimes there have been several emperors at the same time, and sometimes there are several judges with equal power in the same case – the rule of the one, similar to royal government, should be abolished at least for the time, and an aristocratic regime should be established, at least until those evils or dangers and other like them cease” (trans. Kilcullen 1995, 174–75).

A similar argument can be found in Ockham's *Eight questions on the Power of the Pope*, known as *Octo quaestiones*.⁴⁹ In question three, he discusses whether by Christ's institution it pertains to the pope and the Roman Church to entrust the emperor and other secular rulers temporal jurisdictions, which otherwise they may not exercise.⁵⁰ The formulation of the question is rather complicated, but it is not difficult to imagine that Ockham's answer is "no", although in the text itself, it is left open for the reasons already mentioned above. Ockham is in fact a prominent defender of secular autonomy vis-à-vis curial supporters of papal fullness of powers. In chapter one, Ockham has developed an argument to the contrary that concludes in the following way:

It remains, therefore, that no community is best ordered unless it is under one head upon whom the jurisdiction of all others depend. But the totality of mortals is a community of persons able to have communion with one another, in which many are prone to discord and dispute; therefore, it is not best ordered unless it is under one head upon whom all the jurisdiction of all other depends. But that one head cannot and should not be anyone but the highest pontiff.⁵¹

This is a common way in which Ockham's curial adversaries argue. According to them, the reason why the emperor cannot be the supreme head is that a secular ruler, even a supreme one, cannot be entrusted with decisions concerning faith because he could be an infidel or a pagan. Therefore, if the best-ordered community needs unity, this can be guaranteed only by the supreme leader of the Christian church.

In chapter nine, Ockham phrases a counterargument (which we know to be his own)⁵² along the following lines: the end of the best regime is to secure the attainment of the common good. Every feature of the regime that is compatible with the attainment of the common good is therefore admissible. Ockham continues:

It does not conflict with the best regime but is compatible with it, if the jurisdiction or power of some person or of persons within the community does not at all depend upon the supreme ruler of the community or was not established by him, provided no one who does wrong in that community is thereby able to escape just and due punishment. For something that does

⁴⁹For a brief introduction to question three of the *Octo Quaestiones*, see McGrade 1995, xxxi–xxxiv.

⁵⁰"Utrum papa et Romana ecclesia ex institutione Christi habeat quod committat imperatori et aliis principibus saecularibus iurisdictiones temporales, et ipsi alias non habeat exercere" (*Octo Quaestiones*, q. 3.1 [ed. Offler 1974, 95]).

⁵¹"Restat ergo quod nulla communitas est optime ordinata nisi uni capiti subsit, a quo iurisdictione omnium aliorum dependeat. Universitas autem mortalium est communitas quaedam valentium communionem habere ad invicem ... ergo non est optime ordinata nisi uni capiti subsit, a quo omnis iurisdictione quorumcumque aliorum dependeat. Sed ille unus non potest nec debet esse alius quam pontifex summus" (*Octo Quaestiones*, q. 3.1 [ed. Offler 1974, 98–99; trans. Kilcullen 1995, 307]).

⁵²The identification is based on the fact that the opinion supported with this argument is presented by Ockham as appealing to the opposition *regulariter/causaliter*. The systematic use of this opposition is typical of Ockham's position in other political writings which are not "impersonal" (see Kilcullen 1999).

not detract from the common good, though it somewhat reduces the honour or power of the ruler, does not seem to conflict with the best regime, since whoever exercises the best rule is obliged not to seek his own power or honour but the common good and the good of others.⁵³

This passage does not reveal so much because Ockham admits that the certainty of punishment of wrongdoers is a constituent of the common good. Rather, it is because of the role the concept of the “common good” plays here. The common good functions as a sort of “device” that enables Ockham to justify modifications of the best regime in theory, making it dependent on the attainment of its proper end. In this case, his objection allows him to argue in favour of a community in which not every jurisdiction depends on one single head. He acknowledges an autonomous secular sphere, provided that the attainment of the common good is not hindered. In the unfortunate event that the secular power fails in its duties, the ecclesiastics are “occasionally” authorised to intervene. The distinction between what is preferable “regularly” and what can be right “occasionally”, due to the circumstances, is in fact a *Leitmotiv* of Ockham’s political thought and was recognized as such. In his *Defensor minor*, Marsilius of Padua criticises his fellow refugee on this point too, dismissing Ockham’s distinction *regulariter/in casu* as “rhetorical statements”.⁵⁴

Ockham does not try to describe the contents of the “common good”. Most probably, this is because he is persuaded that human affairs are extremely contingent. Therefore, a definition of *bonum commune* cannot be given once and for all. Rather, the “common good” plays an important role in his contribution to political discourse as a “conceptual device”, which allows him to relativize even his own conclusions. One could remark that he is not alone in adopting such argumentative strategies. Just to mention one example, Augustine of Ancona (c. 1241–1328), in his staunch defence of papal fullness of power, justifies, in the name of the common good, a subversion of the usual procedure concerning fraternal correction in the case of papal heresy.⁵⁵ Still, Ockham’s recourse to the “common good” stands out because it is much more systematic and consistent in its application to matters such as Church constitution, which authors like Augustine of Ancona considered immutable.

Moreover, specialists have remarked that Ockham insists on the right/duty of every individual Christian to resist anyone who menaced the common good of the

⁵³ “[...] optimo principatui non repugnat, sed est compossibile sibi, aliquam iurisdictionem seu potestatem alicuius vel aliquorum existentis vel existentium de communitate illa a summo principe eiusdem communitatis minime dependere seu non institui ab eodem, dummodo per hoc nullus delinquens in eadem communitate iustam et debitam effugere valeat ultionem. Nam illud, quod non derogate bono communi, licet aliquid de honore vel potestate diminuat principantis, non videtur optimo principatui repugnare, cum ille, qui optimo fungitur principatu, non potestatem propriam vel honorem, sed bonum commune et aliorum quaerere teneatur” (*Octo Quaestiones*, q. 3.9 [ed. Offer 1974, 110–11; trans. Kilcullen 1995, 320]).

⁵⁴ “sermo rhetoricus” (Marsilius of Padua, *Defensor minor* 2.6 [ed. Jeudy and Quillet 1979, 180; trans. Nederman 1993, 5]). A first thorough investigation of the passages of the *Defensor minor* where Marsilius implicitly attacks Ockham is Dolcini 1988, 269–89; 398–411.

⁵⁵ Augustinus of Ancona, *Summa de ecclesiastica potestate* (ed. 1584), q. 7, art. 3, 66; see Saak 2002, 743–73.

Church. As Takashi Shogimen happily puts it, “Ockham does not envisage the individual’s service to common good as a matter of consent. It is a matter of contestability”.⁵⁶ The *Venerabilis Inceptor* advocates the right of resistance of every Christian, even of women and children, when the common good of the Church is in jeopardy. Needless to say, a scenario in which the pope falls into heresy is the most serious menace to the whole Church. Therefore, the appeal to the “common good” can perform a further function in Ockham’s political thought. It is not only fundamental in individuating the best political solution in each situation, but it is also the main justification for resistance.

Ockham’s insistence on the right of every individual to defend the common good, even against a vast majority that can endanger it, should not lead us to the conclusion that the English Franciscan is here opposing individual good and the common good. The coincidence of right and duty in this case makes it difficult to claim that the individual Christian who resists a heretical pope is acting to safeguard her or his own self-interest. On the contrary, it seems that she/he has the duty to defend a good that is common to all faithful, even at risk of her/his personal safety. Individual good is ordained to the common good.

A further passage taken from *Dialogus* is revealing:

It belongs to natural liberty that no one can use free persons for the user’s advantage, but it is not contrary to natural liberty that someone should use free persons reasonably for the sake of common good, since everyone is obliged to prefer common to private good.⁵⁷

Ockham’s use of the “common good” in this passage is once again that of a “device” that suspends – so to speak – the ordinary state of affairs: the natural liberty of the subjects is limited by the needs of the common good.

8.5 Conclusion

In conclusion, it seems that a rather conventional idea of the common good and its relationship to individual good (the old Wine) is used by Ockham with some originality (the new Wineskins). Focusing on the usage of the expression, it is possible to assess that the “common good” can be, rather obviously, a means of distinguishing right constitutional forms from corrupt ones (part 2). Safeguarding the common good can restrict the range of a sovereign’s actions even in exercising his legitimate power (part 3). Less obviously, the common good can function as a “relativizing device” (part 4), so that what is regularly the best solution can be *in casu* temporarily put aside for the sake of the common good in a specific situation.

⁵⁶ Shogimen 2007, 259.

⁵⁷ “Quia ad naturalem libertatem spectat ut nullus possit uti liberis propter voluntatem utentis, sed non est contra naturalem libertatem ut quis rationabiliter utatur liberis ad bonum commune, cum quilibet teneatur bonum commune preferre privato” (*Dialogus* 3.1.2.6 [ed. Kilcullen et al. 2011, 177; trans. Kilcullen 1995, 139]).

Reading Ockham's pages on the subject, one cannot avoid the question of who is entitled to establish what is beneficial to the common good in each situation because (especially from the perspective of present-day radical relativism) Ockham's position seems to leave the possibility open to arbitrariness or – even worse – to resemble some theories of the “state of exception”.⁵⁸ As a matter of fact, Ockham never attributes the right of defining the common good to any person or institution. Every human being can be mistaken, regardless of the office held. Moreover, in Ockham's “minimalist” interpretation of the infallibility (or indefectibility, for that matter) of the universal Church, no institution, not even the Council, is preserved from the risk of falling into error.⁵⁹ On the other hand, Ockham firmly believes in the possibility of discovering truth by means of rational discussion: this attitude (maybe too optimistic) clearly inspires the method he adopts in his “impersonal” works. According to him, “political truth” exists and has an objective dimension, and it is open to what Ockham calls *recta ratio*. Despite his reputation as an individualist thinker, for the English Franciscan, the critical examination of arguments can reach results that are valid for every rational being.⁶⁰ This persuasion goes hand in hand with Ockham's idea that natural liberty is not opposed to the common good and must in certain circumstances give way to it. When he legitimizes the resistance of small groups or even of a single individual, he does not do so because they defend their own private good but because they struggle for the common good that is in danger by the majority.⁶¹ For this reason, while recognizing that Ockham's usages of the “common good” cannot be wholly reduced to earlier, more traditional positions, it does not seem adequate to see in Ockham's political writings the beginning of that gradual shift that eventually resulted in a sort of divorce between the common good and individual good.

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⁵⁸ See Vinx 2019.

⁵⁹ Ockham's doctrine of infallibility has been the object of lively scholarly debate; I refer here only to Kilcullen 1991, 387–409.

⁶⁰ There are interesting insights on this issue in Coleman 1999, 35–64.

⁶¹ On this tenet of Ockham's political thought, see Miethke 1991, 89–100; Miethke 2004, 209–226 available only online: https://www.scielo.cl/scielo.php?script=sci_abstract&pid=S0718-090X2004000100009&lng=en&nrm=iso&tlng=en

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Chapter 9

Is Socrates Permitted to Kill Plato?



Juhana Toivanen

9.1 Introduction

Aristotelian eudaemonist ethics rejects the idea that there might be a real conflict between the common good and the happiness of an individual moral agent. Human beings aim for their own good, but what is truly good for them is virtue, understood as an overall perfection of their human nature. Virtuous action is the all-things-considered best choice in a given situation: it constitutes the good of the moral agent and also brings about good to other people and to the community as a whole – that is, it promotes the common good. In this way, from the perspective of the moral agent, the common good and the good of an individual are united via virtue, and if there seems to be a conflict between the common good and the individual good, it is only apparent and results from a misunderstanding of what truly is best for the individual.¹

The theoretical starting point of the present chapter is that a real conflict between the common good and individual good entails that there are cases in which this unity via virtue is broken. This fracture can come about at least in two ways:

1. virtuous action requires self-denial, that is, setting one's individual good aside; or
2. virtuous action perfects the agent but does not necessarily promote the common good.

¹ See, e.g., Aristotle, *Nicomachean Ethics* (trans. Ross 2009; hereafter *EN*), 1.2, 1094b8–11; *EN* 9.8, 1169a5–15; Annas 2017, 265–80. A clear example of this line of thought in medieval literature is Thomas Aquinas, *Sent. EN* 9.9., 532a108–b121 (ed. 1969).

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The first case is rather simple in the sense that it manifests a radical departure from the eudaemonist presupposition that individual perfection and happiness are constituted by acting in accordance with virtue. One should act virtuously, but acting virtuously requires, at least in some cases, putting the common good (the good of the community as a whole, or the good of other individuals) above one's own good. By contrast, the main thrust of the second option is that the connection between virtuous action and the common good is broken in such a way that either virtue does not always entail the common good or at least aiming for the common good is not a necessary condition for action to be virtuous.

As Anthony Celano points out above (chapter three), Aristotle's view concerning the relation between the common good and individual good leaves plenty of room for interpretation. Medieval philosophers took up the task of providing a coherent account of this relation in the context of moral psychology and ethics, but in doing so, they addressed various questions that are not directly related to Aristotle (e.g., the idea that true happiness consists of beatitude in the afterlife and the centrality of divine and natural law in ethics). In effect, they presented interpretations that build upon the general eudaemonist framework but also pave the way for a more radical departure from it.² The main purpose of the present chapter is to approach this general development via a case study of a lesser-known fourteenth-century author, Nicolas of Vaudémont. I argue that his theory entails a possible fracture in the unity of the common and individual good because he admits that there are cases in which a private person is not obliged to act for the common good and claims that action that fails to further the common good may in some cases count as virtuous action; that is, he accepts, with qualifications, position (2) mentioned above. In addition, I suggest that even though Nicholas does not advance position (1), his analysis opens up a theoretical possibility for a conflict between what is good for the individual and what is required by true morality.

Nicolas of Vaudémont was a late fourteenth-century master of arts from Paris.³ Following the typical medieval practice of doing philosophy by writing commentaries on Aristotle's works, he composed, sometime in the 1370s, a question-commentary on Aristotle's *Politics*.⁴ Although his analysis of the relation between

²Particularly important contexts are (1) Anselm of Canterbury's moral psychology in his *De casu diaboli* and *De concordia*, which was later developed by John Duns Scotus, and (2) the late thirteenth-century discussion concerning self-sacrifice. See, e.g., Brower 2004; Irwin 2008; Kane 1981; King, 2011; Normore 2002; Osborne 2005, 15–23, 174–206; Toste 2012.

³For biographical information on Nicholas, see Flüeler 1992, 1:132–68; Courtenay 2004.

⁴Nicolas de Vaudémont (pseudo-Johannes Buridanus), *Questiones super octo libros Politicorum*, reprint of the Paris 1513 edition (Frankfurt: Minerva, 1969) (= *E*₂). The dating is suggested by Courtenay 2004, 164–65. When quoting Nicholas' commentary, I mainly use MS Paris, BNF, NAL 1130, fol. 2r–219r (= *P*), which I compare to the 1513 edition and to two other manuscripts: Vatican, BAV, Vat. lat. 2167, fol. 1ra–139vb (= *V*); and Sevilla, Biblioteca Colombina, cod. 7.7.10, fol. 1ra–177vb (= *Se*). The variant readings are given only when I deviate from the reading of *P*; the variants are in {curly brackets}, and they refer to the preceding word unless stated otherwise. The references include the folio numbers of MSS used and those of the 1513 edition in square brackets for convenience. The work is hereafter abbreviated as *QPol*.

the common and individual good draws heavily from Henry of Ghent (d. 1293), Gerald Odonis (d. 1349), and John Buridan (d. ca. 1358),⁵ there are two contextual reasons to focus on Nicholas' commentary. First, unlike many of his contemporaries, he raises the question concerning the relation between the common and individual good in a commentary on *Politics*, which gives him a certain freedom in relation to what Aristotle argues in *Nicomachean Ethics*, as we shall see below. Second, his commentary was rather popular: it is extant in seven manuscripts, and it was printed three times in the sixteenth and seventeenth centuries (two of these printings bear the name of John Buridan, and this attribution may have contributed to its popularity⁶). Thus, Nicholas' commentary transmits some of the main ideas from earlier discussions to posterity.

However, the main reason to focus on Nicholas is that although his originality may be questioned due to his tendency to draw arguments from earlier authors, he advances a position that is, to the best of my knowledge, original within the medieval Aristotelian framework: he suggests that the contents of virtuous behaviour vary depending on the fundamental presuppositions of one's ethical theory and that Aristotelian ethics recognises cases in which virtuous action does not entail furthering the common good. Moreover, he emphasises the difference between public persons whose task is to secure the common good (of the community) and private persons who do not need to pay similar attention to it. A detailed analysis of Nicholas' view reveals that the unity of the common and the individual good was challenged in the context of late fourteenth-century Aristotelian practical philosophy.

After a brief contextualisation of Nicholas' discussion against its Aristotelian and medieval background in section two, I explain Nicholas' rather complicated view concerning the relation between the common and individual good in section three. I argue that his view entails at least the theoretical possibility that virtuous action does not necessarily further the common good. Finally, section four raises the question posed in the title of this chapter: Are there cases in which Socrates is allowed to kill Plato? And what does this discipulicide tell us about the relation between the common and the individual good?

9.2 The Common Good or Individual Good?

Nicholas' commentary includes several questions that operate with the notion of the common good and relate it to the good of an individual. Here, I focus on the two most important ones: Should the common good be preferred over the private or particular good, and is the ruler allowed to kill vicious people or evildoers?⁷ The

⁵Toste 2012, 416.

⁶The false attribution is discussed in Flüeler 1992, 1:150–55.

⁷“Utrum bonum commune sit praefendum bono privato seu particulari” (*QPol.* 1.1, fol. 6r *P* [1ra]); and “Utrum principi licitum sit occidere homines vitiosos sive malefactores” (*QPol.* 3.10, fol. 74r *P* [38va]).

first question in particular lays down the main principles of Nicholas' view, and although he puts forth several important qualifications, the gist of his answer is negative. His initial arguments take up two central themes that are in tension with each other. On the one hand, taking care of one's own good – both material goods and virtue/happiness – is what people in fact do, and this is in accordance with the natural law and the order of love. On the other hand, the common good is better and more noble, lovable, useful, divine, and inclusive than the private good, and it should thus be preferred over the private good.⁸

After setting the scene, Nicholas appeals to two divisions of ancient origin (trumpeted by Aristotle and Cicero, among others; see Calvin Normore's chapter above). The first is that "the good" itself may mean different things, namely, things that are either pleasurable, useful, or belong to the moral good (*honestum*). Although Nicholas will use this division later, he points out that in some cases it is only conceptual, as moral virtue is both useful, pleasant, and *honestum*.⁹ The second division is between different kinds of good that can be attributed to human beings: external goods, such as property and friends; bodily goods, such as health and beauty; and goods of the soul, that is, knowledge and virtues.

At this point one might expect that Nicholas is advancing a traditional view that the common good should be preferred over external and bodily goods and that moral virtue in fact promotes the common good – or even that promoting the common good is a necessary condition for being virtuous. Indeed, this order is proper when the common good and virtue happen to coincide.¹⁰ But when Nicholas addresses the relation between moral good and the common good, he rejects the primacy of the latter:

The first conclusion is that the private moral good (*bonum privatum honestum*), like one's own virtue or happiness, must be preferred to any common good. This is proved, for a virtuous human being loves the common good mainly due to his own virtue, and therefore he loves more his own virtue. [...] Second proof: according to the right reason, each human being should choose his own moral good (that is, one's own well-being) without qualification more than anything else, save God; therefore etc. The consequence is clear, and the antecedent is certain because otherwise he would desire his own imperfection.¹¹

⁸Nicholas refers to Aristotle's *Politics* (hereafter *Pol.*) 1.2 and *Nicomachean Ethics* 1.2 (1094b7–10). For a discussion on the order of love in the political context, see Kempshall 1999, 293–315 and *passim*; Osborne 2005, esp. 87–150; Knuutila 2016, 22–29.

⁹See, e.g., *EN* 2.3, 1104b30–35 (trans. Ross 2009); Cicero, *De officiis* 3.9–13 (trans. Miller 1968).

¹⁰Usually when Nicholas claims that the common good should be placed above the individual good, the opposition seems to be between (1) virtuously promoting the common good and (2) viciously aiming for bodily and external goods (see, e.g., *QPol.* 3.20; 5.1; 5.21; and 8.13 [44vb, 68rb, 83rb, and 107vb]). Admittedly, some passages defy this interpretation and suggest that he may not offer a completely coherent picture: "Probatur, quia bonum commune praefertendum est bono privato, loquendo non solum de honesto bono sed etiam {s.e.} *V E₂*; immo loquendo *P* de bono fortunae et corporali" (*QPol.* 3.16, fol. 81v *P* [48va *V*; ed. 1513, 42rb–va]).

¹¹"Prima conclusio est: bonum privatum honestum – ut virtus sive {*V*; *om. P E₂*} felicitas propria – cuiilibet bono communi est praefertendum. Probatur, nam homo virtuosus diligit bonum commune principaliter propter propriam virtutem; ergo magis diligit propriam; ergo etc. [...] Secundo sic {s.s.} *V*; secunda conclusio *P*; secundo probatur *E₂*: quilibet homo debet magis eligere secundum

This claim is clearly related to the well-documented debate concerning self-love, love of God, and self-sacrifice for the sake of the community, which dates back at least to the end of the thirteenth century. Of the two major participants in the debate, Henry of Ghent and Godfrey of Fontaines (d. 1306/9), Nicholas sides with the former. Henry had argued that self-love surpasses love of the common good and that while human beings should love the common good, they should do so mainly because that makes them virtuous and happy in the eudaemonist sense of the word. One's own virtue is higher in the order of love than the common good.¹²

We shall see below that Nicholas departs from Henry's view in a significant way, but let us first focus on the suggestion that moral good is private. It may sound odd, especially to a modern reader, but Nicholas repeats it explicitly several times in the course of his work. He writes, for instance, that "happiness and virtues are private and particular goods".¹³ Although he does not explain this point in any detail, I take him to mean that virtues are perfections of the human soul, and thus they belong to the agent and make her good, happy, and prosperous. This is something the agent should, according to right reason, value more than she values the common good. In this way, Nicholas remains strongly within the eudaemonist framework. Human beings ought to act virtuously for the sake of their own perfection: it is good for the agent to be brave, honest, compassionate, and so forth. The common good just happens to be one target of virtue in the sense that when one acts virtuously, one usually does things that promote the common good. However, one does not act bravely, honestly, and compassionately for the sake of the common good but for the sake of one's individual good, which one loves more than the common good.

To be sure, this order applies only to moral goodness (*honestum*) as the other types of good (external and bodily) should be valued less than the common good. The order of one's preferences should be (1) private moral good, (2) common good, and (3) external and bodily good, because doing what is good for the community is more virtuous than securing one's own wealth and health:

For such a person [scil. one who flees when justly condemned by a judge] would break the order of justice and prefer private non-moral good to common and moral good, because the moral and common good is that evildoers get punished. [...] Likewise, it is said that it is better to suffer every evil than to do dishonourable deeds, also if there were no life after the present one.¹⁴

rectam rationem suum proprium bonum honestum, scilicet salutem propriam, simpliciter quam quodcumque aliud citra Deum; ergo etc. Patet consequentia et antecedens apparet, quia alias appeteret suam imperfectionem" (*QPol.* 1.1, fol. 6v–7r *P* [1va *V*; ed. 1513, 1va]).

¹²This debate is well documented; see, e.g., Coleman 2006; Kempshall 1999, 157–234; id. 2018; Knuutila 2016; Marenbon 2019; Osborne 2005, 119–28, 138–50; Posti 2022; and Toste 2012.

¹³"[...] felicitas et virtutes sunt bona privata et particularia" (*QPol.* 1.1, fol. 6r *P* [1ra]).

¹⁴"Tertio: nam talis frangeret ordinem iustitiae et praeferret bonum privatum non honestum bono communi et honesto, quia bonum honestum et commune est quod malefici moriantur. [...] Item, dicetur ad hoc quod melius est omnia mala pati quam aliquod turpe committere, etiam si [e.s.] *Se*; si *P* non esset vita post istam vitam" (*QPol.* 3.16, fol. 81v *P* [57va *Se*; ed. 1513, 42va]).

However, the reason for placing external and bodily goods below the common good is that this order follows the general principle that private good should be preferred more than anything else. One should value the common good because it is the virtuous thing to do and it is thus within one's private good. Therefore, even though one and the same action realises one's private moral good and the common good – that is, a virtuous act is usually good both for the individual and for the community – at the level of the reasons for action, there is a clear difference. In this way, Nicholas acknowledges that the common good is preferable in a qualified sense, but the overall tone of his answer leans heavily to the side of the individual good.

A careful reader may have noticed the qualification “usually” that I have used above when suggesting that according to Nicholas, one should act so as to promote the common good. The reason for using this qualification is that although in most cases the common good is the content of virtuous action – by this I mean that the concrete action that manifests virtue also happens to promote the common good – the connection between virtue and the common good is not a necessary one. There are exceptional cases.

One such exception becomes apparent when we realise that Nicholas repeatedly states that taking care of the common good is not actually everyone's responsibility. The ruler of the political community is the only one who should systematically place the common good over his individual good and lay down claims for preferring his private good in temporal matters¹⁵:

[...] when comparing the partial private good to the partial common good, one's own good is to be preferred by those, who do not rule the community. [...] Those who] rule the community must sometimes neglect their own good and do what is good for the community.¹⁶

The background of this rather radical suggestion is a division that Nicolas makes between the “total common good”, “partial common good”, “total private good”, and “partial private good”. Unfortunately, he does not explain what he means by these notions, and we can only make educated guesses as to their precise meaning and scope. My current hypothesis is that the term “common good” is here taken in a distributive sense, that is, each of us has a part of the total common good as we are parts of the whole. The total common good includes the good of all individual members of the community, while the partial common good is partial precisely because it excludes the good of some individuals: the partial common good is the good of other parts and members of the community but not me.¹⁷ If this is on the right track, then in the case of a conflict between individual good and the common good that does not include the good of an individual, one should aim for one's own

¹⁵This theme remains central also in early modern theories: see the chapters by Alexandra Chadwick and Heikki Haara in this volume.

¹⁶“[...] comparando bonum privatum partiale ad bonum commune partiale, bonum proprium est praefendum ab illo, qui non habet politiam regere. [...] habent regere politiam debent negligere proprium bonum quandoque et facere bonum commune [...]” (*QPol.* 1.1, fol. 7r P [1va]). See also *QPol.* 6.1, fol. 161v–62r P [86va–b], where Nicholas argues that it is not always a sin to choose a lesser good instead of a greater good (such as the common good).

¹⁷I thank Matthew Kempshall for suggesting this reading.

good – unless one happens to be the ruler, in which case one must neglect one’s own good for the sake of the community.

The interpretative difficulty is partially constituted by the fact that, to the best of my knowledge, Nicholas never properly spells out what the exact relation between the common and the individual good is. Several earlier authors, such as Thomas Aquinas and Albert the Great, thought that the individual good is somehow metaphysically identical with the common good.¹⁸ This strong identity remained a contested issue well into the early modern period – Thomas Hobbes, for one, rejected it while (as Heikki Haara shows in chapter thirteen) Richard Cumberland subscribed to it. Nicholas does not, however, focus on the metaphysical unity but on individual happiness, understood as virtuous activity, and one gets the impression that although promoting the common good is usually virtuous (and harming it is usually vicious¹⁹), the common good is but an object of virtue: the good that results for the community is distinct from the virtue of the agent.²⁰ Moreover, on some occasions he seems to imply that the common good should be understood strictly in terms of utility. For instance, he explains that the good of the political community comes in three kinds: material goods, the well-being of the rulers, and political happiness – which he equates with tranquility, peace, and harmony.²¹ There are no traces of a robust metaphysical notion of the common good that would necessarily include the good of each and every member of the community.

On the basis of the foregoing, it seems that private persons do not need to place even their external and bodily goods below the common good. Nicholas’ position in this regard is quite unclear because his theoretical commitments do not seem to allow for this, and yet he repeats the point several times. An illustrative case is his reply to a counterargument that if the common good should be preferred over the individual good, then one should be ready to give up one’s possessions for the sake of the community (which seems unreasonably harsh, according to the argument). Nicholas replies that those who are responsible for governing the community indeed must give up their treasures, but “if one is not governing the political community and is not a prince, then one does not need to give anything”.²² Although the extent to which Nicholas is willing to accept this view is uncertain, it is significant that he proposes such a strong demarcation line at the very beginning of his commentary.

¹⁸ Kempshall 1999, 29–52, 79–83; see also Osborne 2005, 69–112.

¹⁹ “Modo quaestio intelligitur de malefatore cuius vitium nocet toti reipublicae” (*QPol.* 3.10, fol. 74v P [38vb]; see also *ibid.*, 5.1 [ed. 1513, fol. 6rb]).

²⁰ Note that Nicholas nevertheless accepts the idea that individual humans are parts of the community; see *QPol.* 3.10, third supposition (ed. 1513, fol. 38vb).

²¹ *QPol.* 1.1 (ed. 1513, 1rb). See also footnote 46 below. None of these ideas were completely new in the late fourteenth century; see Kempshall 1999, 54–75 and *passim*.

²² “[...] vel talis est princeps civitatis vel quia habet regere civitatem – si sic, tunc tenetur dare thesaurum; si non habet regere civitatem nec est princeps, non tenetur dare quicquam” (*QPol.* 1.1, fol. 8v P [2va]). See also: “[...] praeferentes bonum commune, quidam sunt cives qui non habent regere in politia; alii sunt qui habent politiam regere, et debent tales bonum proprium negligere et bonum commune praeferre, si conti<n> gerit” (*ibid.*, 6v P [1va]); but cf. *ibid.*, 8.3 (ed. 1513, 112rb).

Here we see how the context matters: it is arguably more natural to distinguish between the ruler and the subjects in relation to the common good in a commentary on *Politics* than it would be in a work that is directly related to Aristotle's ethics.

9.3 Self-Sacrifice

The suggestion that there is a difference between the ruler and non-ruling members of the community is not the only way Nicholas draws a gap between virtuous action and the common good. Another exception, also familiar from the debate between Henry of Ghent and Godfrey of Fontaines, is related to Aristotle's (and Cicero's) statement that a virtuous person is ready to die for the community. Aristotle's view is that there are situations in which one should sacrifice one's life because a noble death is better than any other thing that humans generally consider as good: by sacrificing one's life, one chooses what really is good. It is the virtuous thing to do, and as such it promotes both the happiness of the agent and the common good of the community.²³

This claim puzzled medieval authors, and they gave several highly nuanced accounts of how it could be the case. Thomas Aquinas explained that one chooses a greater good (virtue) instead of lesser goods (money, honours), while for instance Henry of Ghent suggested that Aristotle's example, when applied to a person who enjoys theoretical happiness, must be understood as a situation where one chooses the lesser of two evils (death vs. vice).²⁴ However, the immediate background of Nicholas' view is in the works of Gerald Odonis and John Buridan. As Marco Toste has shown, both of them accept that self-sacrifice makes sense only when one has hope for the afterlife. However, their answers differ if we suppose that there is no life after this one. Odonis argues that in this case, one should not sacrifice one's life for the sake of the common good, while Buridan follows the Aristotelian path and claims that self-sacrifice is virtuous and thus constitutes perfection of human nature. However, ultimately these two philosophers agree that according to Aristotle, one should sacrifice one's life: Odonis just happens to think that Aristotle implicitly believes in the afterlife.²⁵

²³ *EN* 9.8, 1169a18–33 (trans. Ross 2009); see also *EN* 3.6, 1115a24–b6; *EN* 4.3, 1124b7–10. For Cicero and his influence on Henry, see Nederman 2020, 32–35, 87–91.

²⁴ Respectively, *Sent. EN* 9.9, 532b132–48 (ed. 1969); and Henry of Ghent, *Quodlibet* 12.13 (ed. and trans. McGrade et al. 2001, 261–65). See Kempshall 1999, 170–78; and Fioravanti 2002. Note that Henry's view concerning a person who enjoys practical happiness is more straightforwardly Aristotelian: the agent chooses a greater good (Henry of Ghent, *Quodlibet* 12.13 [ed. and trans. McGrade et al. 2001, 263]).

²⁵ Toste 2012, 407–13; see also Marenbon 2019, 339–42. For Odonis' and Buridan's arguments, see Geraldus Odonis, *Expositio cum quaestionibus super libros ethicorum Aristotelis* (ed. 1500), 4.9, fol. 61va–b; John Buridan, *Quaestiones in decem libros Ethicorum Aristotelis ad Nicomachum* (ed. 1637), 3.18, 221–25.

As many others before him, Nicolas gives two answers to the question whether it is acceptable to flee instead of defending the community at the risk of one's life:²⁶ one that is based on the supposition that there is an afterlife, and another that he calls the "Philosopher's opinion" (*opinio propria Philosophi*). In other words, he gives one answer that is based on how things actually are according to Christian theology and another that follows the principles of Aristotelian philosophy.

In the first case, the answer is rather straightforward: a Christian who believes in the afterlife should defend the commonwealth. The good of the soul, moral virtue, is greater than bodily good, and a good Christian prefers to suffer every other evil over committing a sin.²⁷ Fleeing from the defense of the community counts as a sin, while defending it is a virtue, and therefore one should be ready to sacrifice one's non-moral goods, including one's life, for the community. However, Nicholas considers this as an exceptional case that applies only if there is no other way to save the Christian community.²⁸ If the defender sees that it is possible to save the community without putting his life at risk, he should save his life. In both cases, the defender acts virtuously, but the circumstances alter the content of the virtuous course of action.²⁹ In both cases, the agent chooses something that is good for him. Dying for a greater cause is a virtuous thing to do and thus greater than the bodily good of life, but when it is possible to save the community by some other means, fleeing is the virtuous (magnanimous³⁰) thing to do, and it also preserves the bodily good of life.

The answer to the second case is more complex. It is based on the presupposition that there is no afterlife, which Nicholas takes to be Aristotle's view ("the Philosopher posited only meritorious happiness"³¹). There are two possibilities: (1) either death seems certain, and the defender has no hope of survival if he keeps rank; or (2) the defender has hope that he may survive as a prisoner of war. If death does not seem

²⁶It is notable that Nicholas seems to hold that the question concerning self-sacrifice pertains only to one who "is actually ruling and defending the republic" ("utrum in aliquo casu homo licite a defensione rei publicae posset cessare fugiendo, et hoc si ipse sit actu regens et defendens rem publicam [et hoc...publicam] om. P)" (*QPol.* 1.1, fol. 8r P [2rb Se; 2rb V; ed. 1513, 2ra]). Although MS P omits this qualification, V Se and E₂ testify to it, and it is in line with the limitation we saw above, namely that securing the common good is primarily the task of the ruler.

²⁷This idea comes from Augustine, *De libero arbitrio* 3.6–8 (ed. Green 1970, 285–89). See Kempshall 1999, 170.

²⁸He begins his answer by stating that "in aliquo casu non est licitum" to flee (*QPol.* 1.1, fol. 8r P [2ra]).

²⁹Nicholas does not explicitly state whether the evaluation of the situation is subjective rather than objective. He systematically uses expressions such as "the just person sees", "someone sees", "he sees and has hope", which suggest the former, but it is also possible that he presupposes a fully rational agent who has all the relevant information, and that the subjective evaluation is objectively true as well.

³⁰Nicholas refers to *EN* 4.3, 1124b5–10 in this connection.

³¹"Philosophus non posuit nisi meritoriam felicitatem" (*QPol.* 1.1, fol. 8r P [2rb]). This term refers to happiness in this life, in contrast to *felicitas praemiatoria*, happiness in the afterlife; see *ibid.*, 1.14 (ed. 1513, fol. 22vb); Costa 2002, 85–88.

imminent, the defender is not permitted to flee because that would be cowardly. But in the former case, when there is no hope of survival, fleeing is licit. The core of Nicholas' argument, which is heavily indebted to Odonis,³² is as follows:

To anticipate <death> is not happiness or a part of happiness [...] because there can be no happiness without life, and he [viz. the defender] dies. Moreover, happiness is pleasurable, and this [viz. dying] is unpleasant. Moreover, this death does not lead to anything else. Second, it is proved: virtue ought not be against a manifest natural inclination but rather its perfection; but not fleeing is against natural inclination; therefore etc. [...] It follows from this that courage, which is a moral virtue, does not incline to the anticipation of death if there is no life after this one. It is thus clear that it is a lesser evil to flee than to persist.³³

Nicholas holds that life is necessary for happiness, and if there is no afterlife, self-sacrifice makes no sense. No doubt, this is an intuitively acceptable position, but it is notable that he presents it as Aristotle's view. It surely does not look like that: in particular, there are no traces of Aristotle's claim that a noble death is better than a shameful life (in *EN* 9.8). Life simply is better than no life.

The very end of the previous quotation seems to indicate that the agent is in a tragic situation where he must choose between two evils (*à la* Henry), but in fact, Nicholas entertains a more radical idea that fleeing is the virtuous thing to do in this situation. This line of thought is visible especially in his reply to a counterargument that by fleeing, the agent prefers a non-moral individual good over the common good and thus violates the correct order of love, according to which only moral good (*bonum honestum*) should be placed above the common good. Nicholas disagrees and claims that the one who flees

would not only prefer non-moral private good but he would also prefer moral good. Or it is understood, following the adversary, that private good other than moral good should not be preferred to the common good – barring corporeal death.³⁴

³²Toste 2012, 407–12; Geraldus Odonis, *Sententia et expositio* (ed. 1500), 4.9, fol. 61vb.

³³“[...] expectare <mortem> non est felicitas nec pars felicitates [...] quia felicitas non est sine vita, et ipse moretur. Item, ipsa felicitas est delectabilis et hoc est tristabile. Item, ista mors ad nihil ulterius ordinatur; ergo {et ipse ... ergo} *V*; *om. P E₂*. Secundo probatur: virtus non debet esse contra manifestam inclinationem naturae, sed potius perfectio eius; sed non fugere est contra inclinationem naturae; igitur etc. [...] Ex isto sequitur quod fortitudo quae est virtus moralis non inclinatur ad expectationem mortis, si non ponatur vita post mortem. Patet: minus malum est fugere quam perseverare” (*QPol.* 1.1, fol. 8v *P* [2va *V*; ed. 1513, 2rb]). The idea of a lesser evil is mentioned also in *in oppositum* (ed. 1513, fol. 2ra): “if one sees that death is imminent, it is licit to flee (*minus malum*)”. See also *ibid.*, 1.14, fol. 44v *P* [22ra]: “[...] loquendo pure moraliter secundum dictamen rectae rationis, fortis moralis pro bono reipublicae debet mortem expectare in trepide antequam fugiat.”

³⁴“[...] non solum praeferret bonum privatum aliud ab honesto, immo etiam bonum honestum praeferret {privatum...praeferret} *V*. Vel intelligitur secundum adversarium quod bonum privatum aliud a bono honesto non est praeferendum bono communi, citra mortem corporalem” (*QPol.* 1.1, fol. 8v *P* [2vb *Se*; 2va *V*; ed. 1513, 2rb]). The crucial part of this passage follows the reading of MS *V* (confirmed by *Se* and *E₂*) instead of the garble of *P*, which reads: “non solum praeferret bonum honestum proprium privatum sed bonum commune praeferret immo honestum”.

Here we have two ways to undercut the counterargument. The first solution is that in this situation fleeing does not violate the proper order of goods (moral, common, bodily, external) because it counts as a virtuous action. After all, the virtue of fortitude does not require sacrificing one's life for the sake of the common good (unless there is an afterlife),³⁵ and although Nicholas does not properly explain how preserving one's life is a moral good in this situation, he clearly thinks it is.

The other solution is that even though life is only a bodily good, preserving it is an exception to the rule that only moral good may be preferred over the common good. This suggestion leaves open whether the order "virtue – life – common good" is the order of *virtuous* action – that is, whether the two resolutions are alternatives or complementary. However, it is of some importance that Nicholas acknowledges earlier in the same question that self-preservation is a natural inclination that follows natural law: "no-one is permitted to act against the natural law; but failing to avoid death when it is possible to avoid it is against the natural law".³⁶ By connecting these two ideas, it is possible to read Nicholas as stating that preserving one's life by fleeing the battle is the virtuous course of action according to the second solution as well.

Although Nicholas' arguments are taken from Odonis, his position differs from both Odonis and Buridan (but it is not necessarily without a precedent³⁷). He agrees with Odonis that one should not sacrifice one's life for the sake of other people or the common good without the hope for the afterlife, but he also accepts Buridan's interpretation that Aristotle did not believe in the afterlife. Despite their differences, Odonis and Buridan acknowledge that according to Aristotelian ethics, one should be ready to sacrifice one's life: Buridan defends this conclusion because that is what Aristotle thinks, and Odonis reaches the same conclusion by arguing that Aristotle believes in the afterlife. In Nicholas' view, Aristotle's theory entails that fleeing is virtuous, and thus he breaks with the tradition that firmly held that there is no "double truth": Henry of Ghent, Godfrey of Fontaines, Geraldus Odonis, and John Buridan all think that what applies to a believer must apply to an Aristotelian who

³⁵"[...] fortitudo quae est virtus moralis non inclinatur ad expectationem mortis, si non ponatur vita post mortem {fortitudo...mortem] *Se V; om. P*]" (*QPol.* 1.1, fol. 8v P [2vb *Se*; 2va *V*; ed. 1513, 2rb]).

³⁶"Nullus potest licite facere contra legem naturae; sed non evitare mortem ubi potest evitare est contra legem naturae {sed...naturae] *VE₂; om. P* (homoioteleuton?)" (*QPol.* 1.1, fol. 7r P [1vb *V*; ed. 1513, 1vb]). Although this argument is *in oppositum*, Nicholas accepts it (ibid., *conclusio secunda* [ed. 1513, fol. 1vb–2ra]). He repeats the idea that aiming to preserve one's life is in accordance with the natural law in *QPol.* 3.8 (ed. 1513, 37ra–b).

³⁷John of Legnano (c. 1320–1383), who was a doctor of canon and civil law in Bologna, discusses the issue in his *Tractatus de bello* (dated to 1360). Legnano's analysis appears to be influenced by Buridan: he repeats the two mortalist positions concerning self-sacrifice that Buridan discusses in his work – one that is Odonis' and the other Buridan's own – and he sides with Odonis *without* saying anything about Aristotle as an implicit believer in the afterlife. Thus, he implies that it is virtuous to flee in this case. See John of Legnano, *Tractatus de bello, de represaliis et de duello* (ed. Holland, trans. Brierly 1917), cap. 28, 109–10 (Latin), 251–52 (English). For the dating and biography, see Holland 1917, x–xxi. I thank Mikko Posti for pointing out the importance of this text to me.

follows natural reason,³⁸ but Nicholas maintains that this is not the case. This difference is nuanced, not the least because Nicholas does not think that the Aristotelian theory is true, but as I shall argue below, it is nevertheless important.³⁹

The crucial difference between the believer and the Aristotelian is that belief in the afterlife alters one's normative evaluation in a radical way. In effect, the conception of true happiness is different: it requires life in one form or another, but one who believes in happiness in the afterlife (beatitude) does not give the same weight to this life as one who does not believe in it and accepts only eudaimonistic happiness in the form of a virtuous life. Also, the contents of the virtuous action are different. Nicholas thinks that for the Aristotelian eudaimonist, self-sacrifice is not virtuous because Aristotelian ethics encourages one to flee instead of standing and dying. By contrast, sacrificing oneself for the common good is virtuous for the believer if there is no other way to save the community. Nicholas does not of course think that the Aristotelian gets things right, but the theoretical difference is nevertheless significant, especially as Nicholas defends the idea that ignorance may, at least in some cases, remove moral culpability – that is, the intention of the agent is morally relevant.⁴⁰ Thus, he may even imply that the ignorant Aristotelian eudaimonist *is* virtuous when he flees, and not only that there is a respectable moral theory that states that the agent is virtuous when he flees. However, this is a complex matter that would require a detailed analysis of Nicholas' moral psychology, and it cannot be properly dealt with in the present context.

Be that as it may, there is also a common element between the two cases: both the believer and the non-believer act virtuously and for their own good, and the common good is not the most crucial element in their considerations. Nicholas' understanding of Aristotelian eudaimonism leads him to posit a case in which virtuous action does not promote the common good: without belief in the afterlife, it is virtuous to secure one's own life even at the expense of the good of the community and the common good.

As I suggested in the introduction, a real conflict between the common and individual good presupposes that there are cases in which either (1) virtuous action requires setting one's individual good aside, or (2) virtuous action does not promote the common good. Applying this suggestion to the case at hand entails that either dying for the community is virtuous but not good for the individual, or fleeing is virtuous even though it does not contribute to the common good. Now, consider the case of the Aristotelian: by keeping rank, he would promote the common good, but

³⁸For Henry and Godfrey, see Kempshall 1999, 171–73, 211–14; Marenbon 2019, 335–39; Henry of Ghent, *Quodlibet* 12.13 (ed. and trans. McGrade et al. 2001, 261); Godfrey of Fontaines, *Quodlibet* 10.6 (ed. and trans. McGrade 2001, 275, 283–84). For Odonis and Buridan, see footnote 25 above.

³⁹Here again the context may have influenced Nicholas' analysis. Had he asked this question in relation to *EN* 9.8, he might have had difficulties in explaining how the argument fits Aristotle's view. However, because he raises the issue in a commentary on *Politics*, he can more easily defend an interpretation that does not explain how the crucial passage in *EN* 9.8 should be understood.

⁴⁰*QPol.* 5.7 (ed. 1513, fol. 71va–72rb): *ibid.*, 5.15, fol. 78va–79rb.

his individual good calls for self-preservation. What is crucial is that the traditional way of overcoming this apparent conflict – appealing to virtue – does not apply in Nicholas’ interpretation of Aristotelian eudaimonism. So, when the situation is analysed purely on philosophical grounds, we have a clear case of position (2): virtuous action does not promote the common good.

The case of the believer is more traditional. If there is no other way to save the community, he should keep rank. He prefers a greater good in the afterlife to a lesser good, survival in this life. In doing this, he in fact promotes both his own good and the common good – the same action actualises both goods, and virtue accounts for the unity. Yet, Nicholas’ view is that also the believer should always aim for his individual good (virtue), but when defending the common good of a Christian community, the content of a virtuous action happens to be the preservation of the common good. Thus, we may conclude that in Nicholas’ analysis, it is actually the believer who comes close to Aristotle’s description of the virtuous person who sacrifices his life for the sake of the community (in *EN* 9.8) – with the obvious difference that Nicholas’ believer is motivated by the prospect of the afterlife, and with the less obvious difference that Nicholas approaches the question with a more pronounced distinction between the common and the individual good than what Aristotle had.

9.4 Killing Plato

We are finally in a position to turn to the question raised in the title of the present chapter: Is Socrates permitted to kill Plato? This discipulicide is not just a rhetorical device from my pen as it stems from an illustration that Nicholas uses when tackling a traditional moral problem that concerns capital punishment.⁴¹ Medieval authors were torn between two clusters of ideas. On the one hand, they accepted the idea that killing is an intrinsically evil act, which was familiar to them not only from the sixth commandment of the Decalogue (“Thou shalt not kill”) but also, for instance, from *Nicomachean Ethics* 2.6.⁴² On the other hand, there were several commonly accepted exceptions to the prohibition of killing. One such case is self-defense, which was not only a traditional theme but also one that continued to be highly relevant for moral and political theories well into the early modern period.⁴³ Moreover, killing another person was considered licit also when the common good is at stake, as in the case of capital punishment and just war.⁴⁴ The core idea is that the common good may justify actions that were otherwise considered morally

⁴¹ It should be noted that the question is not related to the historical people. In medieval philosophical literature, the names Socrates and Plato were used as placeholders for unspecified individuals.

⁴² *QPol.* 3.10 (ed. 1513, fol. 38va); *EN* 2.6, 1107a9–15 (trans. Ross 2009).

⁴³ See, e.g., Sreedhar 2008, 785–97; Haara 2020, 93–99. Nicholas places some restrictions on killing others for self-defense in *QPol.* 3.15 (the common good plays a central role).

⁴⁴ For a justification of killing in the context of a just war, see Russell 1975.

wrong. Thus, Nicholas' question concerning Socrates and Plato must be understood in light of the more general philosophical question concerning the relation between the common and individual good. A simple denial of killing is not enough as the question is more complicated.

One of the most important aspects of Nicholas' analysis is that he places a strong emphasis on the social status of the agent: Socrates is a private person, so he is never allowed to kill another private person, Plato. Only the ruler of the political community may use capital punishment, and there are certain limitations for him as well. The reason or motivation for killing is relevant as the ruler's personal feelings should not be involved, but also the notion of the common good plays a central role: if Plato sins but does not harm the common good (he is *malus in corde*), the ruler is not permitted to punish him.⁴⁵ Punishments serve a social role, not a moral one, and the purpose of political power is the advantage (*utilitas*) of the community.⁴⁶ Here the terminological choice that Nicholas makes is again significant as it shows that he understands the common good in terms of utility instead of more robust moral good.

These limitations notwithstanding, the ruler holds the right to use capital punishment. Here Nicholas turns to traditional arguments. He points out that human beings are parts of the community and ordered to the whole, much like the parts of the human body are to the body as a whole.⁴⁷ Since the task of the ruler is to secure the well-being of the whole, he may remove parts that are detrimental to the whole: "it is permitted to cut off a rotten part so that the whole body is not ruined".⁴⁸ In addition to this traditional justification of capital punishment that is based on upholding the common good, Nicholas justifies the killing of an individual by appealing to a change in the status of a wrongdoer:

A human being who sins, withdraws himself from the order of reason and by consequence recedes from human well-being and dignity, and falls into brutish servitude. This presupposition is evident because one is not called a human being according to the sensitive part and sensuality, but according to the rational part that operates according to right reason. As a corollary, it follows that as it is permissible to kill brute <animals> for human use, so it is

⁴⁵"[...] in politica aliquis potest esse dupliciter malus vel vitiosus: uno modo quod vitium suum noceat toti communitati; alio modo quod suum vitium sibi solum noceat, ut quod aliqui sunt mali in corde" (*QPol.* 3.10, fol. 74v P [38vb]).

⁴⁶"[...] tota intentio principalitatis {V E₂; principaliter P} in principatu civili vel politico debet versari principaliter circa utilitatem reipublicae et communitatis" (*QPol.* 3.10, fol. 74v P [44rb V; ed. 1513, 38vb]); "[...] tota intentio principis debet esse circa utilitatem communitatis" (ibid., fol. 75r P [38vb–39ra]).

⁴⁷"[...] quaelibet persona privata ordinatur ad totam communitatem sicut pars ad totum" (*QPol.* 3.10, fol. 74v P [38vb]). Cf. *de An.* 2.1, 412b17–22 (trans. Shields 2016); *Pol.* 1.2, 1253a18–24 (trans. Reeve 1998).

⁴⁸"Ideo licitum est partem putridam in corpore abscindere ne totum corpus pereat" (*QPol.* 3.10, fol. 74v P [38vb]).

permissible to kill brutish humans for human advantage. For, in a moral sense, they are animals with respect to their souls.⁴⁹

This idea resembles Aristotle's discussion of the brutish humans in book seven of *Nicomachean Ethics*, but the picture that Nicholas presents is in many ways different to the one we find in Aristotle.⁵⁰ First and foremost, here we have a sinner and not someone whose nature is completely corrupted. Such dehumanisation of wrongdoers is alarming to a modern ear, but it allows Nicholas to remove any doubt concerning the killing. There are no moral limitations for the ruler of the community, who is responsible for the realisation of the common good, to take the life of a wrongdoer.

By contrast, even though the wrongdoer places himself outside morality (indeed, outside humanity), the prohibition that a private person is not allowed to kill another private person still holds. Nicholas explains that.

those things belong to any private person, which concern the advantage of the community without injuring or causing harm to other private persons; and if it were the opposite, it is not permitted.⁵¹

Although this remark resembles classical formulations of the limits of negative liberty – everything that does not harm others is permitted – Nicholas is not proposing a universal rule for human action but rather setting limits for actions that aim for the common good. Acting for the sake of the common good is usually permissible and recommended. However, the situation changes if the action harms other individuals, and thus killing a wrongdoer is not something private persons may do. One reason for this limitation is that two private persons are equal in the sense that one is not set above the other; another is that one should never perform evil deeds to achieve good results, not even for the sake of the common good. The end does not justify the

⁴⁹“[...] homo in peccando ab ordine rationis recedit et per consequens ab humana salute et dignitate decedit, et in bestialem servitutem incidit. Patet suppositio, quia aliquis non dicitur homo secundum partem sensualem et secundum sensualitatem sed secundum partem rationalem operantem secundum rectam rationem. Correlarie sequitur quod sicut licitum est occidere propter usum hominum bruta <animalia> {E₂; om. P V}, ita licitum est occidere propter utilitatem hominum homines brutales, quia animo sunt bestiae, moraliter loquendo” (*QPol.* 3.10, fol. 74v P [ed. 1513, 38vb]; see also *Ad 2*, fol. 39rb).

⁵⁰*EN* 7.5, 1148b15–1149a21 (trans. Ross 2009); see also *Pol.* 1.2, 1253a27–33 (trans. Reeve 1998). The idea that sinners act irrationally and are like animals was made, e.g., by Thomas Aquinas (although he speaks of “human *dignity*”); see *ST* 2–2.64.2 (ed. Caramello 1948–50). Nicholas may also have in mind Aristotle's part/whole argument (*Pol.* 1.2, 1253a18–24 [trans. Reeve 1998]), according to which a human being who is not a part of the political community is not really a human; thus, just as it is good for the whole body to remove an injured eye to save the whole body, similarly there is no moral problem in killing someone who has ceased to be a human being.

⁵¹“[...] quilibet personae privatae pertinet illud quod respicit utilitatem rei publicae sine nocumento et laesione alicuius personae privatae; si oppositum fuerit, non est licitum” (*QPol.* 3.18, fol. 75r P [39ra]).

means.⁵² Private persons are allowed to kill animals for food but, apparently, they are not allowed to cause harm to other people even if these have made themselves beastlike. Nicholas does not explain why a beastlike wrongdoer still retains the right of not being harmed by other private persons, but it is notable that the principle that one is allowed to promote the common good only if that does not harm other individuals reveals that the relation between the common and individual good cannot be understood in terms of inclusion. If individual good were unproblematically included in the common good, it would be impossible to further the latter while violating the former.

After making these moves, Nicholas is in a position to answer the question: Socrates is *not* permitted to kill Plato. But there is one exception:

However, one may argue against the foregoing view: Socrates sees that Plato wants to cause something bad for the whole community, namely to betray or destroy it; and if Socrates cannot find the ruler, then it is permissible for Socrates to kill Plato. I respond that in this case Socrates probably is permitted to kill Plato. And in this case, he does the killing not as a private person but as a public one.⁵³

If Plato is doing something that harms the common good, thereby placing himself on par with nonhuman animals, and the ruler is nowhere to be found, Socrates ceases to be a private person, and he may act in the capacity of the ruler for the time being. Here, preserving the common good is an aim that gives rise to a complex reinterpretation of the normative situation, and killing another person becomes licit. But when these conditions are not met, we have another case in which acting for the common good is not virtuous for a private person. Even if Plato is about to act against the common good, Socrates must refrain from killing him because that is the virtuous course of action for him, presuming that the ruler takes care of saving the community from Plato's malice. Virtuous actions do not usually go against the common good, understood as the utility of the community; it is only when one sins that one harms the common good. But this does not go both ways: aiming for the common good might in some cases be against one's own good, understood in terms of virtue. Removing the rotten part is good for the community, but Nicholas thinks that if a private person went about killing wrongdoers, he would be harming another individual and thus doing an evil deed to reach a good aim, and that would not be good for him.⁵⁴ Killing Plato would be good for the community, but Socrates is not

⁵² *QPol.* 3.10 (ed. 1513, fol. 39ra). It should be noted that Nicholas distinguishes acts that are bad in themselves from ones that are bad because they are forbidden by law. The latter may be occasionally done for the sake of the common good because the intention of the lawgiver is not to prohibit acts when failing to do them reduces the common good. See *QPol.* 1.1 (ed. 1513, fol. 1b).

⁵³ "Sed contra hoc aliquis diceret: nam videat Sor quod Plato vult et procurat malum toti communitati scilicet ipsam prodere vel comburere; et si Sor non potest principem invenire, tunc licitum est Sorti Platonem interficere. Respondetur probabiliter quod in illo casu licitum est Sorti interficere Platonem. Et in illo casu hoc non facit tanquam persona privato {om. P} sed ut persona communis" (*QPol.* 3.10, fol. 75r P [39ra]).

⁵⁴ Nicholas argues that killing another person is illicit precisely because it is an evil act (*actus malus*) – except when the person has done harm to the common good, thus falling from humanity, and capital punishment is imposed by the ruler (*QPol.* 3.10 [ed. 1513, fol. 38va–39rb]; esp. *Quod non 2, Conclusio responsiva*, and *Ad 2*).

allowed to do that because in this situation he should aim for his own good, virtue, instead of the common good.

Nicholas' argumentation concerning Socrates and Plato accentuates that there is a clear conceptual difference between the common good and the private good. Considering the common good is a distinct horizon, which directly concerns only the one who has been given the task to take care of it. As a matter of fact, the private good of the wrongdoer (Plato) overrules any considerations of the common good: the point about "negative liberty" shows that private persons should not place the common good above the private good of a sinner. Plato obviously should not have started terrorising the community, but when he did, there are several conditions that must be met before he can be killed in the name of the common good.

9.5 Conclusion

Nicholas' analysis of the relation between the common good and the good of an individual is highly complex, and the views he defends in different contexts may not form a coherent theory. However, he is quite consistent in suggesting that virtuous action does not always and necessarily promote the common good and that aiming for the common good is not always virtuous – which is the latter of the two possible ways in which the common and individual good may be separated from each other as mentioned in the introduction of this chapter. In this sense, Nicholas suggests a position in which the connection between morality and the common good is shaky, to say the least.

As we have seen, one of the clearest cases in which this connection is questioned is Nicholas' analysis of self-sacrifice for the common good. He claims that if we consider the question "Whether one should sacrifice one's life for the sake of the common good?" from a purely philosophical perspective, without presuming an afterlife, the answer is no. By arguing that belief in the afterlife makes a difference, Nicholas suggests that there are two different conceptions of morality, two distinct and incommensurable criteria for judging whether certain action is morally virtuous.

Although Nicholas does not treat the matter in these terms, the distinction between Aristotelian eudaemonism and true morality (which is here the Christian one) opens the door for a theoretical possibility to analyse the situation as a conflict between morality and the good of an individual – which is the first way to separate the common and individual good suggested above. In Nicholas' view, an Aristotelian eudaemonist strives for his individual good, but judging from the perspective of true morality, he should act for the common good and sacrifice himself. The crucial point is that the eudaemonist is not portrayed as someone who misunderstands what is the all-things-considered best choice for him in that situation. His mistake is on a higher level and appears only when we pit the two moral theories against each other. According to Nicholas, fleeing is good for the eudaemonist if individual good is considered without theological grounding; but if the situation is viewed from the perspective of Christian ethics, the eudaemonist fails to do what is morally right.

Following this line of thought, we may speculate about a possible development – which, I emphasise, we do not find in Nicholas’ work. This development involves three steps: first, accepting the idea that the individual good consists of securing one’s life; second, the idea that true morality requires sacrificing one’s life for the common good remains valid; third, rejecting the eudaemonist element of the latter view, that virtuous action is rewarded in the afterlife. It follows that morality becomes a matter of self-denial: the eudaemonist framework is replaced by a view that calls for limiting one’s self-interested aims in light of moral considerations that do not directly contribute to one’s own good. Whether this kind of development takes place in the subsequent history of moral philosophy is a question that goes beyond the scope of this chapter; but it clearly is a philosophical possibility.

The reason why I mention this hypothetical development is that medieval discussions – such as the one we see in Nicholas of Vaudémont – introduce new ways to understand the relation between the common and the individual good. The historical lesson we learn is that late medieval philosophers were deeply puzzled by this relation and considered it worthy of detailed philosophical scrutiny. Even though their departure from Aristotelian eudaemonism may not be obvious at first glance, they made several theoretical divisions and offered conceptual tools for a more detailed analysis of the relation, thus laying the ground for an explicit rejection of the eudaemonist framework.⁵⁵

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⁵⁵This study was funded by the Academy of Finland.

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Part III
Common and Individual Good in Early
Modern Philosophy

Chapter 10

Alignment of the Individual and Common Good in the Political Theory of Johannes Althusius



Jukka Ruokanen

10.1 Introduction

This chapter analyses the relationship between the common and individual good in *Politica Methodice Digesta, Atque Exemplis Sacris et Profanis Illustrata* (1614),¹ which is a book written by the German Calvinist jurist, rector, and civil servant Johannes Althusius (1563–1638). Althusius is hailed as one of the leading reformed political thinkers of the early modern period, and a vigorous defendant of the local autonomies of the old plural order of guilds, estates, and cities against the rising sovereignty of the territorial state, advocated by Jean Bodin (1530–1596) and later by Thomas Hobbes (1588–1679). Being on the wrong side of history, so to speak, made Althusius' work controversial – while *Politica* was widely read in its time, it was also despised by many. Famous contemporary critics of Althusius include, among others, Henning Arnisaeus (1570–1636).² In this chapter, we will find grounds to think of Althusius as a defendant of the plurality of communities, but I suspect that the reasons for possible antipathy will be different now than 400 years ago. For it is not his views on the rights of the associated people and the possibility of deposing, even executing, a ruler appointed by God that now sends shivers down

¹ 1614 is the publishing year of the third edition of *Politica*, which was preceded by a substantially different first edition of 1603 and the second edition of 1610.

² I base these facts on Grabill 2013, xix–xxiv, and Henreckson 2019, 127–28. For introductions to Althusius' life and context, see, e.g., Friedrich's introduction to *Politica* 1932, xxiii–xcix; Carney's introduction to the English translation of *Politica* 1995, ix–xxix; Hueglin 1999; and Witte 2007, 143–207.

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the spine but his views on the extent of political control that is needed to lead people to their individual and common good.

The basic relation between the common and individual good in Althusius' theory is laid out in section two, followed by a short discussion concerning the terms 'common good' and 'individual good' in the context of *Politica*. The basic proposition is that the common and individual good are intimately connected in Althusius' theory. Section 10.2.1 deals with the plurality of communities. It will be shown that despite the multitude of communities, there emerges no serious challenge to the unity of the common and individual good. Instead, different communities and their members form a harmonious society in which different parts are in reciprocal relationships with each other. Section 10.2.2 in turn pays attention to the normative conditions of social life. Harmonious and reciprocal social life and the parallel alignment of the individual and common good do not happen automatically but require the observation of various norms. Section three moves on to analyze, case by case (Sects. 10.3.1 and 10.3.4), selected conflict situations in a society envisaged by Althusius. These involve, in some way or another, a conflict between the common and individual good of a member, part, or individual subject of a commonwealth. In the concluding section four, the various findings from section three will be summarized and discussed to specify what the alignment of the common and individual good in fact requires.

10.2 Harmony Between the Individual and Common Good

The relationship between the common and individual good seems quite straightforward. According to Althusius, human beings are by their corrupted nature incapable of satisfying their various needs in solitude.³ In order to live well, and indeed to live at all, they need the help of others.⁴ Thus, a community (*consociatio*) is established to engage in mutual communication (*communicatio*), or sharing, to provide for the needs of all.⁵ Instead of sharing ideas, *communicatio* mainly involves sharing things (*res*), works (*operae*), and right (*jus*), but also charity (*charitas*), benevolence (*benevolentia*), help (*auxilium*), and advice (*consilium*), for instance.⁶ In mutual life, each contributes according to his or her calling from God, that is, according to his or her natural abilities and learned skills.⁷ As a result of various works and

³Althusius, *Politica*, chapter 1, sections 3–4 (ed. 1981). The notion of corrupted human nature is visible in Althusius' rector speech *De utilitate, necessitate et antiquitate scholarum*, printed as an appendix to *Politica* (Friedrich 1932, lxx–lxxi; Koch 2009, 82).

⁴*Politica*, ch. 1.4 (ed. 1981).

⁵*Politica*, ch. 1.2, 1.7, and 1.22 (ed. 1981).

⁶See, e.g., *Politica*, ch. 1.4, 1.7–10, and 1.33–34 (ed. 1981); *ibid.*, 4.8; 6.35; 21.24. See also Povero 2010, 142, who has made a categorization of different objects of sharing.

⁷*Politica*, ch. 1.26–27 (ed. 1981); *ibid.*, 7.13–15, 7.19–25; 8.48; 20.7.

contributions, each receives what they were initially lacking as individuals.⁸ The outcome of this development is an active, reciprocal life between the members of a community.⁹ As Althusius himself writes:

Thus the needs of body and soul, and the seeds of virtue implanted in our souls, drew dispersed men together into one place. These causes have built villages, established cities, founded academic institutions, and united by civil unity and society a diversity of farmers, craftsmen, laborers, builders, soldiers, merchants, learned and unlearned men and so many members of the same body. Consequently, while some persons provided for others, and some received from others what they themselves lacked, all came together into a certain public body that we call the commonwealth, and by mutual aid devoted themselves to the general good and welfare of this body.¹⁰

According to this statement, social life seems to emerge simply to provide for the needs of individuals. Reflecting the vein of thought that the editors of this volume identify as “ancient”, Althusius holds that the good of a human being, his or her aim, is sought and obtained in social life.¹¹ This is supported by the comparison between the aim of human beings, which is “holy, just, comfortable, and happy symbiosis, a life lacking nothing either necessary or useful”,¹² and the aim of politics, which is “the enjoyment of comfortable, useful, and happy life, and of common welfare [...]”. The end is also the conservation of human society, which aims at having a life in which it is possible to worship God quietly and without error.¹³ Both definitions include similar terms and involve secular and religious elements. Indeed, for Althusius, the aim of social life – or “symbiotic life” in his terminology – is to provide the needs of both the body and the soul, which refer to material needs and security on the one hand, and to education and religion on the other hand.¹⁴ While education covers the training of reason and skills, it also covers knowledge of God, morals, and true religion, which are essential since social life is not established solely for well-being in this earthly life but also in order to live a life that is pleasing

⁸ *Politica*, ch. 1.27, and 1.33 (ed. 1981).

⁹ For Althusius’ preference of active life, see *Politica*, ch. 1.24–28 (ed. 1981). For a more thorough analysis of the origin of society see, e.g., Koch 2005, 61–63, 69–70, 154–57; and ead. 2009, 82.

¹⁰ *Politica*, ch. 1.27 (trans. Carney 1995, 23); “Corporis itaque & animi necessitatis atque virtutum semina animis nostris insita, homines dispersos & dissipatos in unum locum contraxerunt. Hae causae aedificaverunt vicus, construxerunt civitates, fundarunt Academiae, multorum agricolarum, artificum, fabrorum, architectorum, militum, mercatorum, doctorum atque indoctorum varietatem, tanquam totidem ejusdem corporis membra, unitate & societate civili copularunt, ut dum alii aliis suggererent, alii ab aliis quod ipsi desiderabant, sumerent, omnes pariter in publicum quoddam corpus (quam Remp. vocamus) coalescerent & mutuis auxiliis in generale corporis illius bonum & salutem intenderent [...]” (*Politica*, ch. 1.27 [ed. 1981]).

¹¹ See the introduction to this volume.

¹² “Homini politici symbiotici finis est sancta, justa, commoda & felix symbiosis, & vita nulla re necessaria vel utili indigens” (*Politica*, ch. 1.3 [ed. 1981]).

¹³ “Finis politicae, est usus vitae commodae, utilis, & felicitatis, atque salutis communis; [...] Finis quoque est conservatio humanae societatis, cujus finis est, habere vitam, in qua possis sine errore & quiete Deo inservire [...]” (*Politica*, ch. 1.30 [ed. 1981]).

¹⁴ *Politica*, ch. 1.14–17 (ed. 1981).

to God in the hope of salvation and eternal life.¹⁵ Yet, the discussion about the “general good and welfare of this body” in the quote above¹⁶ as well as the discussion about the “conservation of human society” as an aim of politics suggest that, in addition to the needs of the body and soul, there is also concern for the continued existence of the established community and society.¹⁷

As the account above shows, ‘the common good’ – or the common or public utility (*utilitas*), benefit (*commodum*), and welfare (*salus*), of which Althusius himself generally writes about – is a multi-dimensional notion.¹⁸ It includes at least two discernible aspects: (1) teleological, referring to the aim or purpose of social life/community/society, which were just shown to connect directly to the aim of human beings; and (2) concrete, referring to the *communicatio*, that is, the sharing of things, works, and rights. These relate to each other in the way that *communicatio* provides the means to the common aim(s). This straightforward relation is complicated first by the fact that the community takes an instrumental role in the pursuit of the aim of human beings as the framework for *communicatio*: it is a means to an end (or ends). However, when the ‘common good’ is extended to include the ‘good of the community’, the aim is not simply to satisfy the needs of the body and soul of individuals but also to preserve the community, as noted. Hence, the community is also an end in itself. Consequently, the common good involves multiple aims, which *communicatio* can be made to serve. Another complication arises from the fact that Althusius discusses various kinds of communities, and consequently, his model of society includes a multitude of communities with more or less separate aims, sharing, and existence. It follows that the network of means and ends is expanded further. Both of these complications in determining the common good are discussed in what follows since they give reason to doubt the smooth consolidation of the individual and common good.

Now if ‘the common good’ is a complicated notion, ‘individual good’ and ‘self-interest’ are outright problematic in Althusius’ theory. The individuality or singularity of the good of an individual does not, in fact, truly exist in Althusius’ theory because the good for an individual is ultimately to achieve the general aim of human beings – rather than some specific individual aim – which in turn is common to all human beings and hence, in a sense, the common good. This aim is the mentioned “holy, just, comfortable, and happy symbiosis, a life lacking nothing either necessary or useful”. There is of course something of the individuality present even in Althusius’ theory since not every human being is the same and they clearly have different strengths and skills to utilize and roles to play in society. In a word, they

¹⁵ *Politica*, ch. 1.15 (ed. 1981). See also *ibid.*, 18.25; 11.38–39; and 28.33–35. For this double aim of life, see also Koch 2005, 154–55.

¹⁶ See footnote 13.

¹⁷ The aim of conserving the associated body, or community, becomes explicit in further chapters of *Politica*. See, e.g., ch. 11.1 (ed. 1981).

¹⁸ The term *bonum commune* appears only occasionally in *Politica*. See, e.g., *Politica*, ch. 11.21 (ed. 1981); *ibid.*, 21.32.

have their own *vocatio*.¹⁹ The point is rather that while the differences between human beings are in this sense recognized – and play a major part in the origin of social life and in the operation of communities and the broader society – social life is built with an eye for what is shared: the common aim and the means to achieve it. Consequently, the success of a community, and social life in general, is measured in relation to the attainment of the shared aim and not by the achievement of the possible individual aims of individual human beings, which play only a supporting role. Indeed, Althusius' society is not a liberal society of individuals seeking self-interest in the manner of John Locke (1632–1704).²⁰ For example, the *vocatio* of a human being is not really his or her free choice but planned by God and regulated by the ruler.²¹ What is made to matter for individuals is whether or not they achieve the general aim of all human beings, and not whether they are free to pursue their particular interests. Regardless of this entanglement of the individual and common good, the sense in which I will track the individual good and self-interest here is through the utility, benefit, and welfare of an individual human being(s), or some member(s), or part(s) of a community or broader society. What is sought after is the possibility of demarcation and conflict between the good for individuals (and members or parts) and the good for a community (or the whole).

10.2.1 *The Plurality of Communities and the Reciprocity Between Them*

One of the defining features of Althusius' understanding of society is that it involves a plurality of communities. He discusses different types of *consociationes*, starting from private communities, including the family and guild (*collegium*), and proceeding to public communities, such as cities, provinces, and commonwealths. The sequence of treatment reflects Althusius' conviction that society develops starting from the family – as the seedbed of rest – and culminates in the commonwealth.²² This opens an interesting prospect that there might be many common goods rather than just one, if the 'common good' is understood as the 'good of the community'. However, this is not quite what happens.

It is true that we can discern different aims or purposes between communities as well as differences in their scope and quality of *communicatio*. Private communities are established by individual human beings through a special covenant (*pactum*) to share among themselves something special (*quid peculiare*) according to their circumstances and way of life, that is, according to what is useful and necessary for

¹⁹ See, e.g., Odermatt's (2009, 204–6, 210) and Malandrino's (2010, 344–48) remarks concerning *vocatio* in *Politica*.

²⁰ Hueglin 1999, 92, 160.

²¹ Odermatt 2009, 204–6.

²² *Politica*, ch. 2.14 (ed. 1981); *ibid.*, 3.42; 39.84.

private symbiotic life.²³ Private communities are divided into natural (conjugal, kinship, and household relationships) and voluntary (various *collegia consociationes*).²⁴ The conjugal relationship is established to produce offspring and to avoid fornication, while the other natural relationships extend mutual care among relatives and housemates.²⁵ The purpose and *communicatio* of a *collegium* are determined by its members, wherefore there is a whole range of different *collegia* for different purposes.²⁶ Usually, they are established by the heads of households of the same trade and occupation for their mutual benefit.²⁷ In particular, the *collegia* of magistrates serve, however, the benefit of the broader society since magistrates in general are not allowed to advance their own private benefit, but they use public jurisdiction (*jus potestatis*) to give rules for the other *collegia*.²⁸

Nonetheless, the given plurality of aims and the division of society into many private communities that serve the benefit of their own members does not lead to a true plurality of the good of communities nor to competition or conflict between communities. As has been pointed out in the literature, the result is instead reciprocity, or subsidiarity, between communities, where they all serve the same overall purpose of social life but do it by providing different useful and necessary things for this aim.²⁹ This is particularly clear in the transition from private to public communities. For example, some households – through their internal organizations of private things, work, and rights – produce agricultural goods, others produce craftworks, and yet others engage in commerce.³⁰ United in a city, they can share and exchange with each other the useful and necessary fruits of their labour and benefit from the public goods and works of the community – individually as well as collectively.³¹ They do so under the shared law and right of the community, the guidance and direction of the magistrate, and the protection provided by the city guards, walls, and other measures of defence.³²

The peculiar fact that there are several types of public communities rather than just one does not lead to conflict either. Again, we can discern some traces of a division of labour among the first level of public communities which do not only cover cities in a narrow sense of urban community, but also smaller rural communities such as villages and towns, for example.³³ The inhabitants of the latter carry out

²³ *Politica*, ch. 2.2 (ed. 1981).

²⁴ *Politica*, ch. 2.13–14; 4.1–3 (ed. 1981).

²⁵ *Politica*, ch. 2.37–39 (ed. 1981); *ibid.*, 3.34; 3.37–40; 38.107.

²⁶ *Politica*, ch. 4.1 and 4.24 (ed. 1981).

²⁷ *Politica*, ch. 4.3–4 (ed. 1981).

²⁸ *Politica*, ch. 4.24 (ed. 1981); *ibid.*, 18.6–7; 18.40–42; 19.35. See also footnote 59.

²⁹ On ‘subsidiarity’ see, e.g., Hueglin 1999, 152–68; and Scattola 2002. For a detailed analysis of the character, role, and relationship of different community types, see especially Hügin (a.k.a. Hueglin) 1991.

³⁰ *Politica*, ch. 2.15–36 (ed. 1981).

³¹ *Politica*, ch. 6.28–38 (ed. 1981).

³² *Politica*, ch. 5.43–44 (ed. 1981); *ibid.*, 6.30, 6.34, and 6.39–48.

³³ *Politica*, ch. 5.28–48 (ed. 1981).

agricultural activities, whereas the inhabitants of urban communities engage in manual labour (*functiones mechanicae*) and scholarly studies (*studia*³⁴). In the end, it is the urban community that unites the various villages under one law and thus enables the *communicatio* between rural and urban populations³⁵ These urban communities in turn vary in size and status, reflecting a more or less extensive sphere of *communicatio*.³⁶

A similar division of labour is not formally discernible between *civitas*, *provincia*, and *respublica* as they all show a rounded concern for the good of the body and soul of their people and use similar means to achieve these.³⁷ Furthermore, possible conflicts between levels of public communities are minimized in Althusius' schema, in which the cities and provinces are the members of the commonwealth and, as a collective, the sovereign of the realm.³⁸ As the holders of supreme power, the members collegially determine the rights and laws of the commonwealth, the scope of its *communicatio*, and the mandate of its ruler (*summus magistratus*).³⁹ According to Thomas Hueglin (a.k.a. Hüglin), who emphasizes the importance of representation and collegial decision-making procedure in Althusius' theory, cities and provinces retain jurisdiction in their own matters, while the level of commonwealth establishes a sort of framework of law and justice for the various sub-groups to operate in.⁴⁰ Following Hueglin and others who underscore the relative autonomy of the sub-groups and division of jurisdiction between the public communities, we can conceive that Althusius recognizes the existence of different interests among them – and, as Hueglin argues, skilfully manages those interests with his federal model for society – but even so, no difference in the ultimate aim emerges.⁴¹

Be that as it may, the reason for associating further in higher-level *consociationes* seems to be to increase self-sufficiency. When explaining, at the end of *Politica*, the relationship between different community types and levels, as well as the natural progression of communities from the family to the city, Althusius states somewhat

³⁴ *Politica*, ch. 5.28, 5.29, and 5.40 (ed. 1981).

³⁵ *Politica*, ch. 5.41 (ed. 1981).

³⁶ *Politica*, ch. 6.1–12 (ed. 1981). See also Hüglin 1991, 108–10.

³⁷ There are clearly differences between these association levels, as, e.g., Hueglin (1991, 1999) and Scattola (2002) have pointed out, but I find no clear difference in purpose among them. Moreover, the *communicatio* – although of different scope and related powers, as well as differently systematized by Althusius on different levels – concerns similar matters like public goods (*bona*), private and public affairs (*negotium*), security and defence, punishments and rewards, taxes and other contributions, commercial activity, weights and measures, language, and money. To see this, compare the relevant sections in *Politica*, ch. 6.17–43 (ed. 1981) on city, ch. 7.12–15, 7.26–29, and 7.57–64 on province, and chapters 9–17 on commonwealth (see esp. 10.10–12, and 11.4). The only clear element that occurs solely on the level of commonwealth is the granting of privileges and titles (chapter 15). Of course, none of this means that, for example, different provinces could not *de facto* produce different things that are then shared through trade within the commonwealth.

³⁸ *Politica*, ch. 9.6, 9.18, and 9.25 (ed. 1981).

³⁹ *Politica*, ch. 9.1; 9.7; 18.10; 19.1–8; and 19.14 (ed. 1981).

⁴⁰ Hüglin, 1991, 121–22, 130–33; Hueglin 1999, 147–48, 158–59.

⁴¹ For Hueglin's view see, e.g., 1999, 130, 158–60, 165–67.

cryptically that “these symbiotic communities can survive without the province or commonwealth, but until they are joined in symbiotic body of province or commonwealth, they are deprived of many benefits and necessary supports of life”.⁴² It seems then that communal life is possible without higher levels of public communities, but provinces and the commonwealth still bring about many useful and necessary things for social life. Hence, self-sufficiency is a continuum and ever-expanding phenomenon rather than something that is conclusively achieved on a certain level of association. Even the commonwealth is not in every respect self-sufficient because the goods (*bona*) of the associated body can be increased by forming confederations.⁴³ Their purpose is either limited to mutual defence or extended to the creation of a new body with a new sphere of shared right, on account of which inhabitants engage in commercial activities in confederated realms.⁴⁴ Beyond these few remarks on confederations, and on the usefulness of trade and merchants for cultivating goodwill between different areas and peoples, Althusius is not really dealing with international relationships like his contemporary and adversary Hugo Grotius was.⁴⁵ However, *Politica* includes a lengthy discussion on arms and war, and hence Althusius acknowledges that international relations can be hostile, that is, non-reciprocal.⁴⁶

10.2.2 *The Normative Framework of Sharing*

The reciprocal life between the members of a community requires the sharing of right (*jus*) in order to succeed. The *lex consociationis et symbiosis*, or *jus symbioticum*, as Althusius calls shared right, is essential for the other aspects of *communicatio* since it serves to direct and govern social life and prescribes the reason and manner of sharing between members of the community.⁴⁷ In other words, social life in general, and particularly the reciprocal character that Althusius attributes to it, does not happen just in any way but within certain normative bounds and with active directing and governance.

The laws of a particular community stipulate the way the community is to be ruled and concern the specific way and extent of *communicatio* in that community.⁴⁸ These “proper laws” (*propriae leges*) of the communities are based on natural and

⁴²“Atque hae consociationes symbioticae, tanquam primae per se subsistere possunt etiam sine provincia, vel regno, quamvis, donec in corpus consociatum universale symbioticum provinciae, vel Reipubl. regnive non conjungantur, multis commodis & necessariis vitae subsidiis destituantur” (*Politica*, ch. 39.84 [ed. 1981]).

⁴³*Politica*, ch. 17.24 (ed. 1981).

⁴⁴For confederations, see *Politica*, ch. 17.25–41; 31.75–77 (ed. 1981).

⁴⁵*Politica*, ch. 2.35 (ed. 1981). On Grotius, see Laetitia Ramelet’s chapter in this volume.

⁴⁶*Politica*, ch. 34 and 35 (ed. 1981).

⁴⁷*Politica*, ch. 1.10 (ed. 1981).

⁴⁸*Politica*, ch. 1.19–21 (ed. 1981).

divine laws that are fully compatible and substantially manifested in the Decalogue.⁴⁹ The latter is relevant because it gives the guidelines for living piously towards God (the first table of the Decalogue) and justly towards fellow human beings (the second table).⁵⁰ Whereas the precepts of the first table explain the duties towards God, the precepts of the second explain the duties in human relations, that is, between superiors and inferiors and between neighbours.⁵¹ The proper way of treating people includes respect for life, honour, and the property of one's neighbour.⁵² The precepts tell us what belongs to me, what to you, and what to God according to natural/divine justice. In a sense, they set the just and inviolable limits for sharing and governance but also positive duties to act and live in a certain way in relation to God and other people.⁵³

The directing and governing function of social life, which is a part of the *jus symbioticum*, has a general aspect that is common to all communities. It states that in every community, some people rule and others submit according to their different abilities and worth.⁵⁴ In the context of arguing for the naturalness of ruling, Althusius writes, for example, that "it is very useful for the individual who cannot provide for himself to be helped and preserved by the other; and that is said to be the better which is self-sufficient and can help others [...]".⁵⁵ Leader(s)⁵⁶ are needed because people are not capable of leading themselves, and an attempt to do so would only lead to continuous discord and the dissolution of society.⁵⁷ Besides the *communicatio*, there is a need for *administratio* that sees to the fulfilment of the former.⁵⁸ However, Althusius repeatedly stresses that the authority of the leader(s) is given only for the good (that is, welfare, utility, or benefit) of the community – for the "utility and welfare of the subjects individually and collectively".⁵⁹

⁴⁹ *Politica*, ch. 21.19ff. (ed. 1981). For the different types of laws, see, e.g., van Eikeme Hommes 1988; De Vries and Nitschke 2004; and Witte 2007, 156–69.

⁵⁰ *Politica*, ch. 21.18, and 21.22–29 (ed. 1981); see also *ibid.*, 21.41.

⁵¹ *Politica*, ch. 21.24–27 (ed. 1981).

⁵² *Politica*, ch. 21.27 (ed. 1981). See also *ibid.*, 7.9–10 and 11.5–7.

⁵³ Odermatt (2009, 209–10) notes in fact that religious commandments become social obligations for Althusius.

⁵⁴ *Politica*, ch. 1.11 (ed. 1981); *ibid.*, 1.34–37.

⁵⁵ "[...] Utile enim est maxime singulis, quae sibi sufficere nequeunt, ab alio juvari, & conservari, & id melius dicitur, quod & sibi sufficit, & aliis prodesse potest [...]" (*Politica*, ch. 1.34 [ed. 1981]). The section is part of a rather lengthy citation of Petrus Gregorius' *De Republica* (see Carney's footnote 32 in *Politica*, ch. 1.34 [trans. Carney 1995, 26]).

⁵⁶ Called as *praefectus*, *rector*, *director*, *gubernator*, *curator*, *administrator*, *imperans*.

⁵⁷ *Politica*, ch. 1.11–12 and 1.34–38 (ed. 1981). See also, e.g., *ibid.*, 18.16–17.

⁵⁸ Althusius typically first discusses the subject matter from the point of view of *communicatio* and then turns to *administratio*. For analyses of the *administratio*, see especially Ingravalle 2010a, b; and Overeem 2014.

⁵⁹ "[...] dirigit & gubernat vitae socialis negotia ad obtemperantium singulorum, vel universorum utilitatem [...] imperet ad singulorum & universorum utilitatem & salutem" (*Politica*, ch. 1.34 [ed. 1981]). For the ideas mentioned in this paragraph, see also, e.g., *Politica*, ch. 1.8 and 1.13 (ed.

The last remarks involve three important points. First, the quoted section suggests that the good of the community can be understood in two ways: as referring either to the utility of individuals or to the utility of the collective or the whole. A concrete example can shed some light on this difference. In his discussion concerning the city (*civitas*), Althusius divides public goods into two categories that are based on Roman law.⁶⁰ In the first place, public goods are such that individual members or citizens can use them for their own utility insofar as their use of these goods does not hinder others from using them.⁶¹ Althusius gives a long list of such goods, including, for example, forests, pastures, fishponds, rivers, roads, temples, schools, and various other public places and buildings.⁶² The second category of public goods refers to things owned by the community (*universitas*), which are not for the benefit of individuals but for everyone collectively.⁶³ These include, for example, tax revenues, storehouses, armouries, and other common stocks, as well as pastures, and ore mines.⁶⁴ While the complete lists of both categories of public goods overlap in kind, there remains the difference that public goods are either for the direct utility of individuals or for the utility of the whole community, for its defence, for example.

The second important point relates to the role of leaders. While Althusius makes it quite clear that the magistrates should advance the good of the people and not their own, it is significant that the care for the good of the community is given to the magistrates. Within their mandate – the jurisdiction given by the members of the community – the magistrates have the responsibility and power to determine what the utility, benefit, and welfare of the subject individually and collectively require.⁶⁵ Although the decision-making is often collegial, involving the members of the community – and takes place on various levels of exercising their own jurisdiction – in practice, the leader enforces on the individuals the way of life that is compatible with the purpose of the community that the members have agreed to.⁶⁶ When we keep in mind that ultimately this purpose pertains to the good of both the body and soul, this creates a setting in which the individual is subject to his superiors when it comes to the attainment of his aim, the “holy, just, comfortable, and happy symbiosis, a life lacking nothing either necessary or useful”.

1981); *ibid.*, 5.22; 8.52; 9.25; 9.1; 18.1; 18.7; 18.32; 18.40; 19.1; 19.10; 19.35; 19.37; 24.43–44. These sections often involve reference to Augustine or Aquinas.

⁶⁰ See also *Politica*, ch. 17.15, where Althusius introduces two further senses of public good.

⁶¹ *Politica*, ch. 6.18 and 6.22 (ed. 1981).

⁶² *Politica*, ch. 6.19–21 (ed. 1981).

⁶³ *Politica*, ch. 6.24–25 (ed. 1981).

⁶⁴ *Politica*, ch. 6.24–25 (ed. 1981).

⁶⁵ Ingravalle (2010b, 293) points out how the theory of the mandate contract (which Althusius utilizes) requires that the agent (the ruler) is free to choose the suitable means to ensure the *utilitas* and *commoditas* of the principal (the people). However, see also footnote 89.

⁶⁶ For the collegial decision making, see, e.g., *Politica*, ch. 17.56–60 (ed. 1981); *ibid.*, 27.42ff.; and ch. 33 *in toto*. For the relationship between the leaders and the people, see, e.g., *ibid.*, 18.7–11, and 18.14–15. Ingravalle (2010b, 299) notes that through the various *councilia* and *comitia*, the public administrators are accountable to the people.

Significantly, the introduction of the magistrate has also a bearing on the relationship between the individual good and the good of the community or the whole. As Francesco Ingravalle has noted,⁶⁷ Althusius posits the care for the wellbeing of the whole (commonwealth) before the care for a member (or part of that commonwealth):

Just as a good physician tends first the whole body, draws out bad fluids from it, and then applies special remedies to the sick limb; so also the administrator of the commonwealth first tends the whole body, then its members, and employs different remedies for them.⁶⁸

When we add here that human beings in general tend to prefer private benefits (*privata commoda*) over public utility (*publica utilitas*), the role of the magistrate is further emphasized as the one who looks after the common good in the sense of the good of the whole.⁶⁹

The final point has to do with the possibility of discord and the dissolution of society. Althusius consistently underscores the importance of harmony (*harmonia*), concord (*concordia*), and agreement (*consensio*) between members of a community.⁷⁰ He writes that *consensio* prevails when members' "heart and soul are one, willing, doing, and refusing the same for the common benefit".⁷¹ Since he also states that "without agreement and mutual concord there can be no community and friendship",⁷² the consensus among the members of a community is crucial for its existence and ability to advance the common benefit.⁷³ While leader(s) have an important function to facilitate harmonious life, the aspiration for consensus involves agreement between members.⁷⁴ Consequently, there seems to be little room for substantial disagreement between the members. Even though there is no theoretical possibility of disagreeing on the ultimate aim of politics and human beings – since only one is presented – there is clearly the possibility of disagreeing on the means to achieve this aim. This suggests that at least in practice, the alignment of the good of the members and the common good is a condition rather than a fact of mutual life in a community – the harmony and consensus between the members is not a certainty but something that needs to be actively sought after.⁷⁵

⁶⁷Ingravalle 2010a, 117–18.

⁶⁸"Ut enim bonus medicus totum corpus primum curat, ex eoque malos humores educit, & deinde aegrum membrum, cui remedia specialia applicat: ita & Reip. administrator, primum corpus totum Reip. deinde illius membra curat, & diversa remedia illis adhibet" (*Politica*, ch. 37.79 [ed. 1981]).

⁶⁹*Politica*, ch. 11.1 (ed. 1981); *ibid.*, 21.3; 23.34; 31.3.

⁷⁰See Lazzarino Del Grosso 2010 for a thorough analysis of the importance of concord and harmony for Althusius.

⁷¹"Consensio est, qua conjunctorum symbioticorum anima & cor unum est, idem volens, agens, nolens, ad communem conjunctorum utilitatem." (*Politica*, ch. 2.8 [ed. 1981]).

⁷²"Sine hac consensione & mutua concordia nulla omnino societas & amicitia consistere potest. Matth.c.12.v.25" (*Politica*, ch. 2.9 (ed. 1981)).

⁷³See also Scattola 2002, 354, 357–58; and Lazzarino Del Grosso 2010, 165–66.

⁷⁴Lazzarino Del Grosso 2010, 167–69.

⁷⁵Hueglin's (1999, 127–28, 158–59, 166–67, 182) federalist interpretation of *Politica* is built on the fact that agreement is achieved only in some matters, and the rest are left to the discretion of the members (communities).

The need to live the right way is further illustrated with certain familiar maxims that Althusius endorses. We can find in his theory the Calvinist notion that working means to work for the welfare of others and for the glory of God.⁷⁶ Referring to the Apostle Paul, Althusius gives the instruction to prioritize the benefit of one's neighbour above one's own, even to the extent of sacrificing one's own right for the greater benefit of another.⁷⁷ This can be seen as charity, which the Decalogue teaches and without which social life, or *symbiosis*, is not possible.⁷⁸ Similarly, while it was stated previously that human beings tend to prefer their own benefit above public utility, there is no question that it should be the opposite when living in a community.⁷⁹ As a consequence, it is justified to deviate from normal bounds and to sacrifice private good for the public good in emergency situations, for example, by paying extra taxes or relinquishing private property for the commonwealth.⁸⁰ With all these remarks, we can see how Althusius' model for social life as *symbiosis* characterized by reciprocity is supported by – if not entirely built on – the moral requirement to act charitably and to fulfil duties towards God and fellow human beings.

The findings thus far can be summarized by noting that the individual and common good do not coincide necessarily or automatically, but only within a certain conception of social life and its conditions: there needs to be (1) an agreement and consensus between the members of the community (2) to live together (3) and share what is necessary and useful for social life, (4) according to the laws they themselves established (5) in accordance with the natural and divine law – especially in accordance with the duties of the Decalogue – (6) and under the guidance and administration of the leader of the community, (7) who acts for the good of the community, (8) which involves the good of the body and soul of the subjects (9) and requires acting for the benefit of one's neighbour and for the glory and honour of God.

While these are all general requirements for social life, many of them are also conditions for the alignment of the individual and common good. As we will soon see, disparities between the individual and common good can be found in situations where some of the mentioned conditions are lacking or threatened, such as in disagreement, unlawfulness, immorality, and failures in leadership and the duty to do one's part.

⁷⁶ See, e.g., *Politica*, ch. 11.1 (ed. 1981). See also Odermatt's (2009) analysis of (protestant) ethical notions in Althusius' theory.

⁷⁷ *Politica*, ch. 1.22 (ed. 1981).

⁷⁸ On the role of charity, see, e.g., *Politica*, ch. 11–12 (ed. 1995); and *Politica*, ch. 6.28 and 6.35 (ed. 1981); *ibid.*, 21.27–28.

⁷⁹ See, e.g., *Politica*, ch. 6.28 (ed. 1981); *ibid.*, 15.13; 21.26. See also Mastellone 2010, 391.

⁸⁰ See, e.g., *Politica*, ch. 15.13 (ed. 1981); *ibid.*, 37.115.

10.3 Conflicts Between the Individual and Common Good

Although the previous discussion has underscored the reciprocal and harmonious character of social life, conflict nevertheless creeps in even in Althusius' society. This is due to the normative nature of social life. To achieve the common aim, which is the good of the members and the preservation of the community, life in communities must be lived in a certain way rather than just anyway. For this to happen, the role of the magistrate is critical since it is the magistrate's duty to administer the life of the subjects for their good individually and as a whole. Consequently, the possible conflicts between the individual good and the common good, or the good of the community, are to be found in conflicts between a ruler and the commonwealth, or between a ruler and a member, part, or individual subject of the commonwealth.

10.3.1 *Tyrant Against the Common Good*

Perhaps the most obvious place to find conflicts in Althusius' design for society is his (in)famous discussion on tyranny.⁸¹ In Althusius' words, "tyranny is opposed to right and just administration",⁸² and the tyrant is one who "obstinately, violating the faith and sanctity of oath, begins to tear down and dissolve the bonds and foundations of associated body of the commonwealth".⁸³ The idea is roughly that the tyrannical ruler is overstepping or abusing his mandate to govern, which has been bestowed upon him by the members, and this in turn threatens the very existence of the commonwealth. For Althusius, it is essential that the ruler is bound by the laws of the commonwealth and by the collective will of its members.⁸⁴ Towards the end of his discussion on tyranny, Althusius writes that the welfare of the commonwealth is the highest law.⁸⁵

Althusius divides tyranny into two main categories. The first concerns the overthrow and destruction of the fundamental laws of the commonwealth. These fundamental laws refer simply to "certain treaties by which many cities and provinces unite and agree to hold and defend one and the same commonwealth by common works, advice, and help".⁸⁶ Althusius states that it is tyrannical for a ruler to violate,

⁸¹ For a short account of Althusius' view on tyranny and their context, see Quaglioni 2010.

⁸² "Tyrannis igitur est justae & rectae administrationi contraria [...]" (*Politica*, ch. 38.1 [ed. 1981]).

⁸³ "Tyrannus igitur est, qui obstinate, violata fide & religione jurisjurandi, vincula & fundamenta consociati corporis Reip. convellere & dissolvere incipit" (*Politica*, ch. 38.3 [ed. 1981]).

⁸⁴ See particularly the discussion in *Politica*, ch. 9.13–27, and 19.1–18 (ed. 1981).

⁸⁵ *Politica*, ch. 38.101 (ed. 1981).

⁸⁶ "Est autem haec fundamentalis lex, nihil aliud, quam pacta quaedam, sub quibus plures civitates & provinciae coerunt & consenserunt in unam eandemque Rempubl. habendam & defendendam communi opera, consilio & auxilio" (*Politica*, ch. 19.49 [ed. 1981]).

change, or remove fundamental laws, especially those that concern true religion.⁸⁷ In addition, he considers it tyranny when a ruler does not remain loyal to the associated body, disregards the sanctity of oath, and destroys the orders and estates of the realm or prevents them from performing their duties.⁸⁸ These definitions make it clear that what is under attack here is the established order of society and the way of life that the members of the commonwealth have agreed to. The violations of fundamental laws are basically violations of the collective agreement of the members. This agreement does not determine the aim of human beings, which is given, but involves consent to mutual life and to *communication* to achieve that aim.⁸⁹

The second kind of tyranny consists of the administration of things (*res*) and activities (*negotium*) of the associated body contrary to piety and justice.⁹⁰ Althusius further divides this into general and specific, in which the latter – on which we will focus – is against some part (*pars*) or section (*caput*) of administration.⁹¹ Some cases of specific tyranny involve actions that can be interpreted as being contrary to the good of the souls of individuals, like the attempt to deprive one or more members of the commonwealth from the true religion (Calvinism) and force idolatry on them, or the spoiling of morals either by setting up inns and brothels or by abolishing and neglecting places of virtue and piety like schools.⁹² Other cases relate more to the good of the body, which is endangered by neglecting the defence against violence and injustice, and by encouraging division, rivalries and disagreements, for instance.⁹³ A special type of tyranny involves the elimination and hindrance of trade and hence of the necessary means for sustaining life and the community.⁹⁴ Althusius further condemns as tyranny the draining of subjects by immoderate taxes, contributions, and services.⁹⁵

While the previous examples show the neglect of, interference in, or assault on the good of individuals, there is little indication of the anticipated rift between the individual and common good. In this respect, cases concerning public goods yield more interesting results. These include situations in which the ruler misuses public goods for his private desire (*libido privata*), luxury, and illicit amusements, or sells villages, towns, cities, and provinces and thus separates them from the commonwealth.⁹⁶ It is also tyranny “to pull down public goods to build up the tyrant’s private

⁸⁷ *Politica*, ch. 38.6 (ed. 1981).

⁸⁸ *Politica*, ch. 38.7 (ed. 1981).

⁸⁹ Members also consider what the utility and benefit of the commonwealth demands in the general council of the commonwealth (*Politica*, ch. 17.56 [ed. 1981]). See also footnotes 65 and 66.

⁹⁰ *Politica*, ch. 38.5 (ed. 1981).

⁹¹ *Politica*, ch. 38.8 and 38.10 (ed. 1981).

⁹² *Politica*, ch. 38.11–12 (ed. 1981).

⁹³ *Politica*, ch. 38.14–17 (ed. 1981).

⁹⁴ *Politica*, ch. 38.18. For the importance of trade, see, e.g., *ibid.*, 2.34–35 and 11.6–7.

⁹⁵ *Politica*, ch. 38.19 (ed. 1981). See also *ibid.*, 38.25.

⁹⁶ *Politica*, ch. 38.21 (ed. 1981). See also *ibid.*, 38.47–53.

property, and thereby deprive many in order to enrich just a few".⁹⁷ In these situations, the wrongdoing is in using what was meant for the good of the people, either individually or collectively, for the individual or private good of the ruler. Consequently, the private good of the ruler is not to be equated with the common good or the good of the community – the ruler is there to serve the good of his people, not himself.⁹⁸ However, this does not mean that the good of the commonwealth would not also involve the good of the ruler in the sense that he has sufficient resources to appear splendid and magnificent, for instance.⁹⁹ Instead, there is an attempt to demarcate between the acceptable and unacceptable – as in useless or immoderate – spending of public funds (*pecunia publica*), which is also reflected in Althusius' view that it is tyranny to use the realm's things (*res regni*) for prohibited purposes or to wastefully use the goods of the realm (*bona regni*) to its public ruin.¹⁰⁰

The given examples draw a distinction between the person, will, and good of the ruler and those of the commonwealth or the people. Althusius' discussion on tyranny also includes a situation that shows a division between the parts of the commonwealth. Usually, remedies for tyranny involve more or less severe measures against the tyrannical ruler that range from reproach to deposition.¹⁰¹ However, Althusius holds that a part of the realm can in fact leave the remaining body (1) if the public and manifest welfare of the part recommends it, or (2) if the fundamental laws are not observed by the magistrate, or (3) if the true worship and obvious command of God clearly requires it.¹⁰² Here we have, then, direct (1) as well as indirect (2 and 3) references to the good of the part that now stands as separate from the whole.

Nevertheless, Althusius' discussion does not quite allow us to infer that these cases (1, 2, 3) undoubtedly represent a conflict between the good of a part and the good of the rest – or between the good of a member community and the good of the commonwealth – because there is no explicit reference to the good of the remaining body. Instead, it is quite clear that the leaving part has a just cause and that it does what is good by leaving, while on the contrary, the situation for the rest does not seem good either before or after the separation since the remaining body suffers from tyranny: in case (2), it suffers from the violation of the fundamental laws (the agreements of the members); and in case (3), it suffers from the inability to practice the one and only true religion, that is, from the inability to seek the good of the soul. The only unclarity in this respect involves the first situation (1). It is not certain whether the welfare of the remaining body is affected by the leaving of one part to seek welfare for itself. Keeping in mind, however, that welfare, utility, and benefit

⁹⁷“Quae publica diruit, ut sua privata aedificet, qua multis adimit, ut paucos locupletet” (*Politica*, ch. 38.22 [ed. 1981]).

⁹⁸See also Mastellone 2010, 392.

⁹⁹See *Politica*, ch. 37.3 ff., especially §10–22 (ed. 1981).

¹⁰⁰*Politica*, ch. 37.4–8 and 38.23 (ed. 1981).

¹⁰¹*Politica*, ch. 38.58–62 (ed. 1981).

¹⁰²*Politica*, ch. 38.76 (ed. 1981).

are served by extending *communicatio*, it seems unlikely that the reduction of the whole through one part leaving would be good for the rest. However, this is not entirely impossible because Althusius also holds that a medium-sized commonwealth is better than a great or small one.¹⁰³

10.3.2 *Concern for the Unity of the Commonwealth*

For the rest of the chapter, the nature of the conflicts dealt with will be different from the previous examples. From now on the ruler is right and justified in correcting his subjects because he is acting within his mandate and hence working by default for the good of his subjects individually and collectively. These conflict situations are relevant insofar as (1) doing something wrong has a connection to seeking self-interest, which the ruler seeks to curb by his mandate; and (2) they reveal something new about the actual content of the common good and its relation to the good of individuals, members, or the people in general.

Concerning the second aspect, it is revealing that Althusius devotes a whole chapter to the conservation of public concord and tranquillity, which boils down to maintaining the unity of the commonwealth against factions and seditions that can arise from numerous causes.¹⁰⁴ While Althusius thinks that in every dispute, faction, and sedition, there are (eventually) two parties, one of which defends the law and justice of the community against all who act unjustly, nowhere in this context does he explicitly treat the defiant party as having a just cause to pursue something truly good.¹⁰⁵ Instead, the point of view is that of the magistrate who works to prevent the people (*populus*) from degenerating into a crowd (*multitude, turba*).¹⁰⁶ In fact, here and elsewhere within the discussion on administration – and particularly on political prudence – we can discern clear influences from the notion of the ‘reason of state’, which seems to place the continued existence and order of the commonwealth as a major, if not the primary, concern of the ruler.¹⁰⁷ Consequently, the possibility of a conflict emerges between the actions of the ruler, who is concerned with unity, and the interests of the people (or a part of them, or an individual).

Althusius’ discussion on the causes of factions is less than flattering to humans in general since factions arise from private and public hatreds between different families or from ambition, disagreement, discord, enmities, rivalries, and bad

¹⁰³ *Politica*, ch. 10.11 (ed. 1981).

¹⁰⁴ *Politica*, ch. 31.1–3 (ed. 1981).

¹⁰⁵ *Politica*, ch. 31.4 and 31.7 (ed. 1981).

¹⁰⁶ See Ingravalle’s insightful analysis of *populus* in Althusius’ theory. He argues that the people are at the same time a well-ordered symbiotic community (*consociatio symbiotica*) and a *tuba, coetus*, and *vulgus*, and for this reason, they need *directio* and *regimen* to align with the *communicatio* (Ingravalle 2010b, 300).

¹⁰⁷ Carney’s introduction to *Politica* (trans. Carney 1995), xxv–xxvi. See also Lazzarino Del Grosso (2010, 167–68) for the role of the supreme magistrate in conserving unity.

suspicious.¹⁰⁸ While we could perhaps interpret ambition and rivalry as something related to pursuing one's own advantage, it is still clear that they are negative things that disturb the peace and tranquillity of the commonwealth.¹⁰⁹ Yet, some of the causes for sedition include reasons that are more difficult to categorize as simply bad or unjustified. Althusius mentions, for example, scarcity and excessive or unusual taxation and oppression imposed for unnecessary expenses.¹¹⁰ As these come close to one of the cases of tyranny, it gives reason to think that perhaps not all causes for sedition are necessarily condemnable. Instead, the action itself – turning against the ruler without following the proper procedure for countering tyranny – is what makes it bad.

The second interesting feature of this discussion is that Althusius – like Plato to whom he refers, among others – also considers excessive wealth (*divitiae*) and poverty as causes of sedition since (1) wealth leads to self-indulgence, indolence, a desire (*desiderium*) for new things, and unrest, and since (2) poverty also begets a desire (*cupiditas*) for new things, as well as many crimes and disgraces.¹¹¹ I will come back to the effects of wealth and poverty below, but it should be noted that Althusius also mentions the idleness of subjects that results from too much happiness, satiety, and indulgence, as a cause for sedition.¹¹² Moreover, elsewhere he writes that when people are in need, they are submissive and humble towards those from whom they expect help, but as soon as they feel that they are doing well, and especially when they have an abundance of wealth, they strive for freedom and try to shake off the yoke of their superiors.¹¹³ These remarks remarkably suggest that if and when the common good or the good of the community is understood to include the unity of the commonwealth and the stability of the government, the material welfare of the subjects, if it is excessive, is in fact not compatible with the good of the community.¹¹⁴ This creates an interesting contrast with the discussion on tyranny, where a part could leave the rest if its welfare required it. While there the ruler had clearly failed to preserve the unity of the commonwealth and the (adequate)

¹⁰⁸ *Politica*, ch. 31.8 (ed. 1981).

¹⁰⁹ See also *Politica*, ch. 31.18 and 31.22 (ed. 1981).

¹¹⁰ *Politica*, ch. 31.13–14; 31.16; and 31.49 (ed. 1981).

¹¹¹ *Politica*, ch. 31.16 and 31.23 (ed. 1981).

¹¹² *Politica*, ch. 31.23 (ed. 1981).

¹¹³ *Politica*, ch. 23.22 (ed. 1981). See also *ibid.*, 31.24.

¹¹⁴ Hueglin (1999, 159–60) argues that Althusius remains rooted in a tradition that sees the world in terms of scarce resources, so that someone's gain comes at the expense of others. Based on this we could also think that excessive wealth means excess for some (likely for the ruling class) but scarcity for the rest, and thus, the ultimate problem could rather be (too great) inequality than excessive riches in general. However, Hueglin notes that in Althusius' schema, society is organised so that participants are willing to share voluntarily – indeed throughout his reading, Hueglin emphasises the importance of subsidiarity and solidarity for Althusius.

welfare of the people, here he is still trying – and possibly succeeding, when employing the various measures for subduing sedition¹¹⁵ – to achieve both.

Finally, the pursuit for the good of the soul can be a cause of sedition in the sense that different opinions concerning religion can lead to schisms, sects, and secession.¹¹⁶ This does not relativize religion since, according to Althusius, there is only one true religion. However, if the true religion is not the only one practiced in the commonwealth, and if the ruler cannot remove discrepancy in religion without danger to the commonwealth, he should tolerate the dissidents for the sake of public peace.¹¹⁷ The good of the soul of the people has then to yield to peace and unity of the commonwealth. However, even here the question is not about completely disregarding the pursuit of the good of the soul since peace means the survival of the commonwealth and hence the Church within it.¹¹⁸ This is even advantageous for the rest of the commonwealth since Althusius holds that the existence of some true believers in the commonwealth brings the favour of God for the whole realm, or at least shelters it from God's wrath.¹¹⁹

10.3.3 *The Exclusion of Some Work from Society*

As we have seen, individuals contribute to the common good – or to the good of others and to their own good – with their individual skills and strengths, according to their calling from God. This happens under the direction and guidance of the ruler and his administration since they regulate work so that professions that are important for the community are taken care of and not too many individuals are dedicated to one profession.¹²⁰ The result is a mutual life in which various useful and necessary tasks complement each other. According to Althusius, the general precondition for the usefulness and necessity of activities (*negotium*) is that they are directed to the welfare (*salus*) of the body and soul.¹²¹ Odermatt observes that Althusius bases the ethical value of every activity on two standards: whether it glorifies and honours God and whether it is useful for the symbiosis. Consequently, in accordance with the earlier observations concerning the normative character of social life, we can note that the usefulness of an activity for an individual does not suffice for its

¹¹⁵ Althusius (*Politica*, ch. 31.28–69 [ed. 1981]) gives a long list of measures which include, for example, more and less severe suppression of dissidents but also endeavour to counter poverty and shortage.

¹¹⁶ *Politica*, ch. 31.20 (ed. 1981).

¹¹⁷ *Politica*, ch. 28.65–66 (ed. 1981).

¹¹⁸ *Politica*, ch. 28.66 (ed. 1981).

¹¹⁹ *Politica*, ch. 28.8–9 (ed. 1981).

¹²⁰ Odermatt 2009, 204–5.

¹²¹ *Politica*, ch. 7.14 and 7.16–25 (ed. 1981).

positive evaluation.¹²² Althusius' discussion of craft activities that are bad, or are considered to be so, will serve to illustrate his evaluation of activities.¹²³

To begin with, Althusius states that some professions quite literally involve dirty work (*sordidus*), such as charcoal makers, blacksmiths, and carpenters, but this observation does not entail any kind of ethical evaluation.¹²⁴ Some work is ignoble (*illiberalis*) and hateful to people, like the work of custom and tax collectors, money-lenders, and money changers, but it is difficult to see how these disliked professions would be useless or unnecessary: taxes, for instance, are gathered for the necessity and utility of the commonwealth.¹²⁵ Yet, Althusius also includes in this category peddlers, counterfeiters, retailers, and others who profit from falsehoods and untruths, which suggests that – at least in some cases – there is also an ethical principle at work.¹²⁶ Moreover, some activities are vile and servile because they serve less useful or, in the opinion of men, less honourable needs.¹²⁷ These include, for example, pig dealers, gatekeepers, barbers, muleteers, millworkers, butchers, innkeepers, etc., which again do not seem to be useless or unnecessary but are presumably shunned for their low social standing. More to the point are works that serve pleasure instead of necessity (*voluptuariis & minus necessariis usibus inseruiunt*), such as the profession of brocade weavers, gladiators, athletes, beast fighters, mime artists, show dancers, actors, comedians, jesters, etc. We can presuppose that many people enjoy the products of these works, but Althusius denounces them for their lesser usefulness for the symbiosis and due to his protestant morals, which call for the abstinence of luxuries and self-indulgence.¹²⁸ Finally, Althusius mentions that impious or altogether peculiar arts (*artes impiae vel prosus curiosae*), which are harmful to the moral purity of the people or useless for human life, cannot be tolerated in the commonwealth at all.¹²⁹ Unfortunately, he does not give any examples of these.¹³⁰

Setting aside the obvious multidimensionality of evaluations of the 'badness' of some craftworks, we can still see that the usefulness and necessity of activities are set in a continuous rather than a binary scale. Some works are simply deemed less

¹²² Odermatt 2009, 203.

¹²³ For an extensive analysis of the ethical dimension of works and offices, see Odermatt 2009. She notes (211–14), for example, that while Althusius has a positive regard for merchants and especially peasants, his attitude towards craftworkers is more ambivalent.

¹²⁴ *Politica*, ch. 2.29 (ed. 1981).

¹²⁵ *Politica*, ch. 2.30 (ed. 1981); *ibid.*, 11.25.

¹²⁶ *Politica*, ch. 2.30 (ed. 1981).

¹²⁷ *Politica*, ch. 2.31 (ed. 1981). See also *ibid.*, §32.

¹²⁸ Odermatt (2009, 210) claims that Althusius criticizes activities that have to do with luxury and entertainment because they create a temptation to violate the commandments of the Decalogue and endanger the symbiosis.

¹²⁹ *Politica*, ch. 2.33 (ed. 1981).

¹³⁰ See, however, *Politica*, ch. 7.33–39 (ed. 1981), where Althusius, discussing public offices (and people suitable to hold them), gives various examples of harmful people. These include, for example, orators and malicious, selfish, and ambitious people.

useful and necessary than others, but this does not entail their complete uselessness, while it is connected to their lower social valuation. Nevertheless, moral concerns and utter (social) uselessness do exclude some activities from the common life all together. This underlines the fact that not every kind of activity is compatible – and some, like the professions related to pleasure, are uncomfortably compatible – with the ideal of mutual life in which the different professions serve reciprocally the utility, benefit, and welfare of all the members, and consequently the common good.¹³¹ Concerning the individual's point of view, Althusius writes that if a person is suitable for more than one vocation, he should choose the best one (*optima*), which Odermatt takes to refer to the ethically highest one that leads to the glory of God.¹³² The possibility that someone's inclinations and abilities would be directed only to morally unacceptable activities, is not addressed.

10.3.4 *Censorship of Immoderate Behaviour*

The evaluation of the usefulness and morality of activities is further relevant for us to the extent that it includes situations that can at least broadly be conceived as conflicts between self-interest and the good of the community, but which can also be conceived as conflicts between self-interest and individual good. In this context, it is quite difficult to consider the pursuit of one's own benefit as the pursuit of individual good because the 'goodness' of one's behaviour is so intimately tied to the right way of living. As is claimed in several chapters of this volume, there is no conflict between the two genuine 'goods', that is, between the individual and common good. Rather, the conflict is between the bad behaviour of an individual and the requirement to act in a way that is objectively good, that is, piously toward God and justly toward neighbours, which includes being useful to the community.

In this respect, Althusius' discussion of censorship (*censura*) is revealing.¹³³ Censorship is the investigation and reproach of those habits (*mores*) and luxuries (*luxus*) that are not hindered or punished by laws, but which however corrupt the souls of the subjects or uselessly consume their goods.¹³⁴ Censorship also corrects what is not yet worthy of punishment but, if neglected or disregarded, can become

¹³¹ Odermatt (2009, 203) writes that in addition to those who act in an ethically questionable fashion – like thieves and those who refuse to work or who work in immoral professions – also those who devote their life to contemplation and whose work serves mostly their own subsistence are excluded from the symbiosis.

¹³² *Politica*, ch. 7.22 (ed. 1981); Odermatt 2009, 204.

¹³³ *Censura* is the main topic of chapter 30, while the functions of censors also come up elsewhere, like in connection to the provincial administration (ch. 8) and to the religious administration of the commonwealth (ch. 18). Here, I concentrate on what we might call the secular or political functions of censorship and leave the religious functions mostly aside (see, however footnote 151). For more thorough expositions of Althusius' views on *censura*, see, e.g., Biachin 2010; Koch 2009.

¹³⁴ *Politica*, ch. 30.1 (ed. 1981).

a cause of many and great evils and, if little by little omitted, can pull the Commonwealth out by the root.¹³⁵ What is relevant here is, first, that bad behaviour is taken to be detrimental for the inner state of a person, for his or her soul, and hence it is contrary to the good of the soul. Althusius' discussion also reveals a concern for the good of the body since the useless consummation of goods (*bona*) is also condemned. However, bad morals are not bad only because they are bad for the person themselves. There is also a certain interpersonal dimension present since censors should investigate the vices that “do not appear in court [...] but nevertheless offend the eyes of pious and good citizens and merit, to make an example, a most serious reprimand [...]”.¹³⁶

Furthermore, it is noteworthy that bad behaviour can be detrimental for the commonwealth if it is allowed to spread. Elsewhere, when explaining the negative effects of too-great-a population and power of the commonwealth, Althusius writes that “power leads to wealth (*divitiae*), wealth to pleasures (*voluptates*), and pleasure to all vices”, and he infers that “when the power of commonwealth is increased, its fortitude and virtue are diminished”,¹³⁷ which ultimately results in the downfall of the commonwealth.¹³⁸ Thus, there seems to be an intimate connection between the behaviour of individuals and the success of the commonwealth. Both affect each other: bad behaviour and luxury are bad for the commonwealth, and the power and wealth of the commonwealth beget vices in its citizens.

The key to understanding the badness of behaviour is immoderation, which seems to characterize many vices as well as the badness of excessive power and wealth. Althusius gives several examples of bad morals, such as wantonness, lust, drunkenness, abuse (*jurgium*), errors, schisms, heresies, and perjury.¹³⁹ He also mentions prohibited or limited things, such as obscene and infamous books, shameful and dishonest speeches, singing, games, dancing, and feasts.¹⁴⁰ While these examples make up a bit of a mixed bag including both secular and religious wrongs, Althusius also writes that the good and saintly (*sanctus*) morals of the commonwealth are plagued and corrupted by two evils, namely the public pleasure of luxury and immoderate licentiousness, as well as “praising the amassing of money by whatever means, as if it would be an honourable pursuit”.¹⁴¹ What these evils have

¹³⁵ *Politica*, ch. 30.2 (ed. 1981).

¹³⁶ “Inquisitio censurae fit in vitia illa, quae in iudicium defectu accusatoris, vel denunciatoris non veniunt, & tamen oculos piorum & bonorum civium offendunt & merentur, propter exemplum, maxime seriam reprehensionem & notationem, quamvis a poena abstineri possit” (*Politica*, ch. 30.5 [ed. 1981]).

¹³⁷ “Potentia quoque parit divitias, divitiae parit voluptates, voluptas parit omnia vitia: & quando crescit potentia Reipub, minuitur fortitudo & virtus” (*Politica*, ch. 9.10 [ed. 1981]).

¹³⁸ *Politica*, ch. 9.10–11 (ed. 1981). See also *ibid.*, 30.16–17.

¹³⁹ *Politica*, ch. 30.6 (ed. 1981).

¹⁴⁰ *Politica*, ch. 30.9 (ed. 1981).

¹⁴¹ “Bonorum itaque & sanctorum morum Reip. duae sunt deterrimae pestes & corruptelae, nimirum publica luxur voluptatisque immoderatae licentia, & pecuniae quocunque pacto congerendae laudatum, tanquam rei honestae, stadium” (*Politica*, ch. 30.7 [ed. 1981]).

in common is that they pertain to having or desiring something too much. While they are seemingly secular rather than religious, they are connected to the good of the soul because “he is not dear to God, to whom wealth is dear”.¹⁴² In any case, the lack of restraint gives a reason for censorship, which Althusius describes, citing Cicero, as a teacher of sense, of shame and moderation.¹⁴³

Wealth and money (*pecunia*) are particularly interesting examples because they are clearly both good and bad.¹⁴⁴ On the one hand, since wealth can lead to vices and “money is the nurse and mother of all luxuries and the greatest curse”,¹⁴⁵ wealth and money are clearly negative things. On the other hand – and in addition to the fact that material well-being is an integral part of self-sufficiency – Althusius also acknowledges that wealthy subjects are useful for the commonwealth and the magistrate. He writes that “the ruler’s most certain treasure is in the coffers of his subjects”.¹⁴⁶ In other words, wealthy subjects are a good thing as they can contribute to taxes to make up the public goods (*res/bona publica*) of the community, which are used in turn for the utility and necessity of the commonwealth.¹⁴⁷ For “everything is for sale for a coin, whether one desires allies or soldiers, or to destroy enemies or cities”.¹⁴⁸ This apparent contradiction is overcome by moderating the desire for money. Crucially, this moderation is a public matter as it is the task of censorship to “remove the too excessive pursuit for money [...], limit greed, interest, gnawing usury, and filthy gain”¹⁴⁹ and to forbid extravagance and “determine the end and manner of spending”.¹⁵⁰

The lesson is that to serve both ends of the social life – the good of the soul as well as the good of the body – and to secure the commonwealth, the desire for earthly pleasures needs to be restrained.¹⁵¹ This is not all, however. The task of

¹⁴² “[...] Deo non carus, cui carae sunt opes [...]” (*Politica*, ch. 30.17 [ed. 1981]).

¹⁴³ *Politica*, ch. 30.2 (ed. 1981). See also *ibid.*, §5.

¹⁴⁴ Besides money, luxury can manifest in housing, feasting, and clothing: *Politica*, ch. 30.15 and 30.20–23 (ed. 1981). For the connection of wealth and money to common good, see Cary Nederman’s chapter in this volume.

¹⁴⁵ “Pecuniae, quae nutritrix & mater omnis luxus est & maxima perniciosa [...]” (*Politica*, ch. 30.17 [ed. 1981]).

¹⁴⁶ “Sane thesaurus principis certissimus in subditorum oculis [...]” (*Politica*, ch. 30.18 [ed. 1981]).

¹⁴⁷ See, e.g., *Politica*, ch. 11.25; 17.15; 17.19; 30.18; 32.1; 32.13; 37.81 (ed. 1981).

¹⁴⁸ “Omnia enim venalia numis, sive socios, sive milites habere cupias, sive hostes, aut urbes perdere” (*Politica*, ch. 25.17 [ed. 1981]). See also *ibid.*, 24.29.

¹⁴⁹ “[...] Itaque censor nimium pecuniae studium tollet, aut, quoad res feret, minuet, avaritiam coërcet, & foenus & usuras rodentes & quaestus sordidos, [...]” (*Politica*, ch. 30.17 [ed. 1981]).

¹⁵⁰ “[...] denique profusiones vetabit, & finem atque modum sumptuum statuet [...]” (*Politica*, ch. 30.17 [ed. 1981]).

¹⁵¹ Heresies, schisms, atheism, etc. are to be disposed of rather than restrained in the commonwealth, although members of religions other than the true one can be tolerated to a certain extent (see *Politica*, ch. 28.50–72 [ed. 1981]; *ibid.*, 30.15 and §24–28). Also, it should be kept in mind that the good of the soul does not consist only, or even mainly, of the moderation of earthly desires, but it requires the true religion that leads to salvation. Faith itself is a gift from God and cannot be coerced, but it is the duty of the supreme magistrate to cultivate and protect the true religion (*ibid.*,

ensorship is also to encourage the pursuit of wealth if wealth is lacking. Too much wealth is not only detrimental to the commonwealth, but so also is too much poverty.¹⁵² As Biachin and Odermatt have noted, idleness is not approved.¹⁵³ Those who can work, like wandering, healthy, and vigorous beggars, should be either made to work or banished from the community to prevent them from benefiting from the achievements of the diligent and from consuming things acquired by the labour of others.¹⁵⁴ Consequently, common welfare requires that the desire for earthly things needs to be carefully managed by a public authority.

10.4 Conclusions

There is no denying that Althusius' political theory embodies a clear emphasis on the reciprocity of life in society. However, harmonious mutual life is by no means a certainty since conflicts do arise and need to be dealt with. Significantly, many conflicts involve some sort of clash between the common good and the good of a member, part, or individual, which ideally should align with each other. In certain cases, conflicts also emerge between what individuals desire and what is objectively good for them and/or for the commonwealth.

Closer examination reveals first that the common good or the good of the commonwealth cannot be equated with the private good of the ruler. This connects to the ideal that the power of the ruler is given only for the welfare of the subjects and not for the ruler's own benefit. A ruler who neglects to care for, or even acts contrary to, the welfare of the commonwealth is a tyrant who can be resisted and ultimately deposed in due process. It is also possible for a part to leave the existing whole if the welfare of the part so requires. The points concerning tyranny reveal that a harmonious and reciprocal society and the alignment between the common and individual good are possible only if the power of the ruler is checked with effective measures.

When acting within his jurisdiction, however, the ruler and the broader administration have the power to guide and lead their subjects towards their good. Besides the good of the bodies and souls of his subjects, the ruler is also responsible for the concord between the subjects and the unity of the commonwealth. Thus, divisions that threatened the established order(s) are not tolerated, not even when the reason for sedition is reminiscent of a justified cause for resisting a tyrant, such as

28.63–65). In relation to this, there are different roles for the ecclesiastical administration (discussed in chapter 28) and censorship. The censors, for example, monitor that people attend religious meetings and the Lord's supper, that they practice piety are ready for holy days and feasts. The censors also keep an eye on possible religious errors (*ibid.*, 30.15).

¹⁵² *Politica*, ch. 30.16 and 30.19 (ed. 1981).

¹⁵³ *Politica*, ch. 30.10 (ed. 1981); Biachin 2010, 127–28; Odermatt 2009, 215.

¹⁵⁴ *Politica*, ch. 30.13 and 30.27 (ed. 1981). See also *ibid.*, 37.83 ff. on the obligation to care and protect those who cannot work.

excessive burdens and scarcity. Even more strikingly, Althusius also considers excessive wealth, happiness, satiety etc. as causes for turmoil and hence harmful for the commonwealth. Besides the affliction of excessive material well-being, he also recognizes the dangers of religious strife and recommends religious toleration for the sake of peace. Consequently, the concern for the unity of the commonwealth sets limits for the pursuit of the good of both the body and the soul. This makes perfect sense when we keep in mind that the disintegration of the commonwealth would reduce the all-important *communicatio* and consequently hinder the pursuit of the good of the body and soul.

We have also learned that reciprocal life does not mean an all-inclusive social life. All activities are evaluated from the point of view of their usefulness to one's fellow human beings and to the broader society, as well as from the point of view of morality and their connection to glorifying and honouring God. While different works have different values, exclusion is only due to immorality and the complete uselessness of an activity. It is relevant that this evaluation is detached from an individual's self-interest and is instead subject to an outward judgment of worth – to the good that the activity of an individual can bring in relation to God and for fellow human beings. Clearly, Althusius' ideal society is not a place for self-interest seeking individuals.

Finally, Althusius' discussion on censorship reveals how far into an individual's private life the power of the ruler and his administration is extended. To serve both the good of the body and soul of the subjects, their behaviour must be quite carefully managed by the public authority. They cannot be trusted to attain individual good on their own since they are prone to vices. Besides being detrimental for the good of the body and soul of the individual, vices also threaten the good of the community. The ambivalent role of wealth and money reveals how the pursuit of material welfare needs to be managed, but this time to serve the good of the soul rather than the unity of the commonwealth. What is sought after is enough, but not too much, emphasis on the pursuit of material welfare. In other words, both luxury and scarcity are to be avoided. Here, the functionality of a reciprocal society is again shown to rely on outward control rather than on the natural needs and attributes of the people or on the religious duty to participate, which is nevertheless ideologically important. However, this control is not arbitrary or limitless since laws, justice, and the collective will of the members bind the ruler and the administration. That said, subjugation to the right way of living and to its relatively far-reaching enforcements seems to be the price to pay for the alignment of the individual and common good in Althusius' theory.

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Chapter 11

Individual and Common Utility Within Grotius's Theory of the State



Laetitia Ramelet

11.1 Introduction

This chapter investigates the interactions between individual and common utility within Hugo Grotius's theory of the state. According to his masterpiece *De Iure Belli ac Pacis*, human beings are by nature sociable and in need of a community. However, it is for the sake of personal utility that they create or join a state. Thereby, individuals consent to grant the state rights that may take precedence over their own whenever necessary for the community's essential needs.¹ As I hope to show, this process proves to be particularly interesting for the reflection on the relation between the individual and common good as it both places the individual's interest at the very foundation of the state and allows for restrictions to it for the sake of common utility. This is enabled by Grotius's juridical conception of the state as a voluntary association, which largely relies on the notions of contract and society, which is notably inspired by the Roman law concept of *societas*. This association is equipped with rights of its own to fulfil the main functions attributed to it by its members (protection from violence and injury). What the state needs to perform these functions then determines the concessions that subjects must make for the common good. Ultimately, natural law also constitutes an essential component of these common good requirements: associative obligations rest upon the natural obligation of promise keeping, which constitutes a condition for the flourishing of any society. Seen from his broader perspective, the value of the Grotian state reaches beyond the personal utility that gives rise to them, due to their significant contribution to a harmonious life in community, in keeping with our sociable and rational nature.

¹On this process, see Brett 2002, 47; Tuck 1993, 175–76.

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Some terminological remarks are in order at the outset. In general, Grotius speaks of a common *utilitas* even though he also refers to the notion of *bonum commune* without explicitly differentiating between the two.² We often find contrasts between individual and common utility (or good), and private and public utility (or good), even though Grotius likes to bring out their intertwinement. When it comes to the weighting of the two, the concept of subjective rights also intervenes – a concept that Grotius is widely considered to have placed a distinctive emphasis upon, thus encouraging a focus on the individual in early modern political theories.³

This chapter concentrates on *De Iure Belli ac Pacis*, which had a massive influence after its first publication in 1625 and contains a wealth of material on our topic. As a complement, we will also look into Grotius's early work *De Iure Praedae* (although it was not published entirely until 1868, aside from its famous chapter *De Mare Liberum*, which came out in 1609).⁴ Other works will be mentioned when necessary. Given the interest of the volume in the evolution of the notions of the individual and common good over time, I will also refer to the many ancient sources adduced by Grotius – often quite loosely – to consolidate his arguments in order to trace inflowing legacies. My analysis starts with Grotius's theory of the state in *De Iure Praedae* (Sect. 11.2) before presenting his theory of the state in *De Iure Belli ac Pacis*, with an emphasis on individual utility as the original drive for the state's institution (Sect. 11.3) and the structure of the interactions between individual and common utility within the state (Sect. 11.4). After that, I take a closer look at *De Iure Belli ac Pacis*'s passages on the right to resist (Sect. 11.5) and the right to leave one's state (Sect. 11.6), where Grotius makes numerous assertions on the imbrications of individual and common utility. Throughout the analysis, I will also highlight his recurrent endeavours to demonstrate the congruence of the individual and common good against appearances to the contrary.

11.2 *De Iure Praedae*

According to *De Iure Praedae*, humans are free by nature, and states arise from their consent.⁵ At first, political communities were created to contain the numerous individuals of “corrupt nature”,⁶ who posed a threat to human society: those who attacked and stole from others or failed to observe the fundamental prescriptions of natural law.⁷ The increase of human population also favoured the institution of

²On the long-standing affinities between the terms ‘the common good’ and ‘common utility’ in medieval political thought, see Kempshall 1999, 10–16, and 348–50.

³See, e.g., Haakonssen 1985, 240; Iurlaro 2021, 243–58.

⁴Van Ittersum 2006, xiii–xxvii.

⁵Hugo Grotius, *Commentary on the Law of Prize and Booty* (= *De Iure Praedae*, hereafter *DIP*), trans. Williams, ed. van Ittersum 2006, 33–34.

⁶*DIP* (ed. van Ittersum 2006), 35.

⁷*DIP* (ed. van Ittersum 2006), 35. See also *ibid.*, 41.

states as did the need for a division of labour and, quite crucially, for impartial authorities to settle disputes. For these specific purposes, the future members of a state gathered to institute “a smaller” society (*minor societas*) than the larger, natural society of humankind that “links all men as a whole”.⁸ This seems to echo the Ciceronian notion of the society of humankind, which comprises several “degrees of fellowship among men”: according to Cicero too, the bonds of the state would be much “narrower” than those of the “vast fellowship of the human race”, although the former do not attenuate the latter.⁹ In a Grotian state, the entanglement of individual goods engenders a productive climate of mutual concern:

For it is a fact (as Pliny so graphically points out) that when universal goods (*bonis omnium*) are separately distributed, each man's ills (*mala*) pertain to him individually, whereas, when those goods are brought together and intermingled, individual ills cease to be the concern of any one person and the goods of all pertain to all (*singulorum mala ad neminem, ad omnes omnium bona pertinent*).¹⁰

In this vein, a state proceeds from “a general agreement for the sake of the common good (*boni communis*)” and forms a “considerable group sufficing for self-protection through mutual aid, and for equal acquisition of the necessities of life”.¹¹

So far, the common good appears to consist of the securing of goods that all individuals seek for themselves and that largely relate to basic practical needs, but Grotius goes on to expose more demanding requirements for the state's members. These requirements rest upon the state's founding agreement and its aim for the *bonum commune*. Importantly, this common good goes beyond the good of the individual members and targets the good of the whole (*unius*) – although this also comprises “one's own” good.¹² Therefore, citizens should not only avoid harming their fellow citizens, but they should also “protect” them, “both as a whole (*universos*) and as individuals (*singulos*)”.¹³ Likewise, instead of solely abstaining from theft, they should also “contribute individually both that which is necessary to other individuals (*singulis*) and that which is necessary to the whole (*universis*)”.¹⁴ This thus encompasses more than the first natural laws enunciated in *De Iure Praedae*, which were valid before the institution of states but which were restricted to the prohibition of injury, theft and promise breaking as well as to the permissibility of punishment.¹⁵ At this point, Grotius had also claimed that self-love and the related inclination to self-interest are

⁸ *DIP* (ed. van Ittersum 2006), 35–36.

⁹ Cicero, *On Duties* 1.53–57 (ed. Griffin and Atkins 1991, 23–24); see Schaffner 2015, 114.

¹⁰ *DIP* (ed. van Ittersum 2006), 35–36. The reference to Pliny is to *Panegyricus* (trans. Radice 1969), §32, 393: “Divide a common property, and each individual must bear his own loss; but where everything is jointly held, no one suffers personal loss and all share in the common wealth.” This passage seeks to demonstrate the benefits of Roman rule for the – allegedly arrogant – province of Egypt and to remind it of its obligation to pay its taxes.

¹¹ *DIP* (ed. van Ittersum 2006), 36.

¹² *DIP* (ed. van Ittersum 2006), 38.

¹³ *DIP* (ed. van Ittersum 2006), 37.

¹⁴ *DIP* (ed. van Ittersum 2006), 37.

¹⁵ *DIP* (ed. van Ittersum 2006), 27–29.

natural and God-willed features of all human beings,¹⁶ and yet while nature allows the prioritization of one's own good over others', life within a state may sometimes impose the weighting of the good of individuals (*bono singulorum*) against "the good of all" (*bono omnium*).¹⁷ Grotius then hastens to add that the good of all actually "includes the good of individuals as well".¹⁸ This lack of opposition between the two is fundamental to him, but it is also possibly contentious, which may well explain his numerous metaphors and references to Ancient sources to corroborate it. In sum, "the cargo cannot be saved unless the ship is preserved".¹⁹

The next question at stake is how far the private good (*bonum privatum*) is subjected to the public good (*publico*). One particularly illuminating quotation is a speech by Pericles in which he pleads for the interrelatedness of the individual and common good in spite of their seeming conflicts. According to Pericles, a state that thrives "as a whole" would be more useful (*prodesse*) to its citizens than a state in which private utility (*privatis utilitatibus*) would "flourish" while the whole "is falling into ruin":

For even he whose personal fortunes are well invested, must nevertheless perish if his country is destroyed; while on the other hand, if some individual within a prosperous state is not particularly fortunate, he is still far more likely to be preserved unharmed through the latter.²⁰

Similarly, "betraying the public interest" is no means to "protect" one's own, whereas a harmonious state can guarantee "private property" (a warning encountered in Livy).²¹ These passages highlight the mutual dependency of individual and collective interests and bring out an incentive for citizens to act accordingly.

¹⁶ *DIP* (ed. van Ittersum 2006), 21–23.

¹⁷ *DIP* (ed. van Ittersum 2006), 38. On the naturalness of self-love, Grotius quotes Aristotle's *Nicomachean Ethics* 9.8, 1168a–69b (I am using the translation of Rowe 2002). In fact, this passage asks whether we should love ourselves or others the most, and it concludes that good persons tend to put others first but thereby opt for the finest thing for themselves as it increases their own excellence.

¹⁸ *DIP* (ed. van Ittersum 2006), 38.

¹⁹ *DIP* (ed. van Ittersum 2006), 38. Grotius notably invokes Plato's *Republic*, where the founders of the state are portrayed as "partners" who work in association to better fulfil their needs (Plato, *Republic*, 369C [ed. Henderson 2003, 149]). Grotius also refers to Hierocles in an unreferenced quote: "That which is public (*publicum*) should not be separated from that which is private (*privato*) [...]. For whatever is beneficial for one's country [as a whole] is likewise of common [advantage] to the various parts thereof" (*DIP* [ed. van Ittersum 2006], 38).

²⁰ *DIP* (ed. van Ittersum 2006), 39. This speech, as reported by Thucydides, sought to contain the Athenians' resentment of Pericles' strategy in the second year of the war after suffering heavy losses and a plague. In the same paragraph, see also: "in consternation at the afflictions of your households you are neglecting the salvation of the community" (Thucydides, *The Peloponnesian War* 2.60 [trans. Lattimore 1998]).

²¹ This quote is taken from Livy's chronicle of the Second Punic War, from a speech by consul Laevinus that is intended to rally troops and financial means among a crowd that objects to sacrificing their lives and goods for the war. Laevinus implored the other consuls to be the very first to support the war in order to persuade the rest of the people to follow (Livy, *History of Rome* 26.36 [ed. Yardley 2020, 135]).

As for citizens' obligation to abide by the state's decisions, it is grounded upon their own consent to the state.²² A state's law (*lex*) constitutes "the will of all" as a result from its founding agreement.²³ And whoever has (expressly or tacitly) declared their will to set up or join a state has to stick to this resolve. In virtue of the rule of faith (*regula fidei*), "[w]hat each individual has indicated to be his will, that is law with respect to him".²⁴ This is also reflected in the "old saying" *volenti non fit injuria* ("no injury is committed against a person who is willing").²⁵ In an analogy between the will of the individual and that of the whole, "[w]hatever the commonwealth has indicated to be its will, that is law (*ius*) in regard to the whole body of citizens".²⁶

11.3 *De Iure Belli ac Pacis*' Utility-Based Conception of the State

Although *De Iure Belli ac Pacis* does not give as detailed an account of the emergence of states as *De Iure Praedae*, it retains its main elements, such as their voluntary origin and the tension between subordination and natural liberty. Liberty is now defined as a rightful power over oneself (*potestas in se*), including the "Right which a Man has to his own".²⁷ Like in *De Iure Praedae*, the principal causes for the institution of states are the indispensability of impartial courts as well as the prevention of violence and injustice.²⁸ A noteworthy difference is that *De Iure Praedae* integrates the question of the relations between the individual and common good directly in its theory of the state, whereas *De Iure Belli ac Pacis* discusses it across different passages. Furthermore, *De Iure Belli ac Pacis* places a stronger emphasis on the moral significance of sociability (which becomes the "source" of natural law) than does *De Iure Praedae*.²⁹ *De Iure Belli ac Pacis* also aims to construct a

²² *DIP* (ed. van Ittersum 2006), 39–40; see also *ibid.*, 137.

²³ *DIP* (ed. van Ittersum 2006), 40.

²⁴ *DIP* (ed. van Ittersum 2006), 34.

²⁵ *DIP* (ed. van Ittersum 2006), 34, quoting *Nicomachean Ethics* 5.11, 1138a5–15 (trans. Rowe 2002) and the *Digest* 39.3.9 (ed. 1998).

²⁶ Historically, individuals first indicated their will "in the formal acceptance of pacts", but later a "tacit indication" of this will came to be sufficient to attach oneself (*aggregaret*) to an already existing state; *DIP* (ed. van Ittersum 2006), 43.

²⁷ Hugo Grotius, *The Rights of War and Peace (De Iure Belli ac Pacis, hereafter IBP)*, book 1, ch. 1, §5 (ed. Tuck, trans. Morrice 2005). See also *ibid.*, 2.17.2: "A Man's Life is his own by Nature (not indeed to destroy, but to preserve it) and so is his Body, his Limbs, his Reputation, his Honour, and his Actions".

²⁸ *IBP* 1.3.1, and 1.4.7 (ed. Tuck 2005).

²⁹ *IBP*, Prolegomena §6–9 (ed. Tuck 2005). On Grotian sociability (and the contrast between *IBP* and *DIP*), see, e.g., Shaver 1996, 27–47; Brooke 2008, 25–50; and Blom 2015, 589–604.

comprehensive theory of the laws of war, while *De Iure Praedae* notably serves the defence of the Dutch East India Company's seizure of a Portuguese ship overseas.³⁰

The Prolegomena of *De Iure Belli ac Pacis* reiterate that the source of a state's authority lies in its subjects' consent:

Again, since the fulfilling of Covenants belongs to the Law of Nature, (for it was necessary there should be some Means of obliging Men among themselves, and we cannot conceive any other more conformable to Nature) from this very Foundation Civil Laws were derived. For those who had incorporated themselves into any Society (*coetui*), or subjected themselves to any one Man, or Number of Men, had either expressly, or from the Nature of the Thing must be understood to have tacitly promised, that they would submit to whatever either the greater part of the Society, or those on whom the Sovereign Power had been conferred, had ordained.³¹

This suggests two scenarios: that of an association and that of subjection.³² In the case of an association, citizens agree to form a political society and thereby promise to obey the community's majority (that may then decide to establish authorities over the community). Note that Grotius holds that the rule of majority is an evident and natural principle for any society, as it would make no sense for a "greater Number" to be "governed by a less".³³ Alternatively, in the case of subjection, citizens submit directly to a sovereign ("one Man, or Number of Men") and promise him obedience. Later in *De Iure Belli ac Pacis*, Grotius lists many possible contractual arrangements among rulers and citizens, which include various divisions of power between them and range from partial to absolute submission to the sovereign.³⁴

Right after this point, Grotius affirms a distinction between natural and civil law, which is of significant importance for our matter. The normative force of natural law is first and foremost grounded in our rational and sociable nature and not in its utility for us – even though Grotius is keen to emphasise the benefits of its observance.³⁵ Importantly, this sociability does not necessarily call for the establishment of political societies, which is not a prescription of natural law. By contrast, states clearly proceed from utility:

³⁰ See van Ittersum 2006.

³¹ *IBP*, Prolegomena §16 (ed. Tuck 2005).

³² This is in keeping with Grotius's general statement that the right to rule over people that stems from consent may be "derived either from Association (*consociatione*) or Subjection (*subiectione*)" (*IBP* [ed. Tuck 2005], 2.5.8).

³³ *IBP* 2.5.17 (ed. Tuck 2005). A different view on a majority rule can be found in Grotius's *De Imperio*, which was written between *DIP* and *IBP*. See *De imperio summarum potestatum circa sacra*, ed. van Dam 2001, 4.6, where he speaks of a "law of nature" according to which "every part as a part (*partem omnem*) is arranged for the good of the whole (*ad bonum totius*)."

³⁴ *IBP* 1.3.8–17 (ed. Tuck 2005).

³⁵ "But to the Law of Nature Profit is annexed (*utilitas accedit*): For the Author of Nature was pleased, that every Man in particular should be weak of himself, and in Want of many Things necessary for living commodiously, to the End we might more eagerly affect Society [...]" (*IBP*, Prolegomena §17 [ed. Tuck 2005]).

[...] for the Mother of Natural Law is human Nature itself, which, though even the Necessity of our Circumstances should not require it, would of itself create in us a mutual Desire of Society [...]. Whereas of the Civil Law Profit (*utilitatis*) was the Occasion (*occasionem*); for that entering into Society, or that Subjection which we spoke of, began first for the Sake of some Advantage (*utilitatem*). And besides, those who prescribe Laws to others, usually have, or ought to have, Regard to some Profit (*utilitatem*) therein.³⁶

The utility expected from the state should provide an incentive to follow its laws for the sake of our long-term interests and that of our descendants, even when this appears to be detrimental to our most immediate goals:

For as he that violates the Laws of his Country for the Sake of some present Advantage to himself (*utilitatis praesentis causa*), thereby saps the Foundation of his own perpetual Interest (*perpetuae utilitates*), and at the same Time that of his Posterity [...].³⁷

Later, Grotius defines the state as a “compleat Body (*coetus perfectus*) of free Persons (*liberorum hominum*), associated together (*causa sociatus*) to enjoy peaceably their Rights (*iuris fruendi*), and for their common Benefit (*communis utilitatis*)”.³⁸ This confirms Grotius's emphasis on utility, and also makes the preservation of rights an essential purpose of the state. Interestingly for our inquiry, this conception of the state dispenses with explicit mentions of other common goods to be pursued, such as happiness or virtue, or of the common obligations of obedience to God.³⁹ Rather, it concentrates on the concurrence of individual subjects' intentions, needs and expectations as a basis for their consent and the obligations that flow from it.

The reference to utility stands in accordance with Grotius's contractual conception of the state.⁴⁰ In Grotius's own words, it lies in “the Nature of a Contract” to aim for the *utilitas* of the parties involved and to engender among them “a nearer Society” (*proprior societas*) than that of all human beings.⁴¹ This is similar to his Ciceronian view of the state as a narrower society than the broad one of humankind in *De Iure Praedae*, and it also highlights the close connection between contract and *societas* in this context. While the original Roman law concept of *societas* refers to an association created for a definite purpose (typically a commercial one⁴²), Grotius understands *societas* more broadly as “any form of human association that expresses

³⁶ *IBP*, Prolegomena §17 (ed. Tuck 2005).

³⁷ *IBP*, Prolegomena §18 (ed. Tuck 2005). By analogy, “that People which violate the Laws of Nature and Nations, break down the Bulwarks of their future Happiness and Tranquillity”.

³⁸ *IBP* 1.1.14 (ed. Tuck 2005). On this definition, see Straumann 2015, 196–200.

³⁹ See *IBP* 1.4.7 (ed. Tuck 2005), where Grotius specifies that humans did not create states “by any special Command from GOD, but of their own free Will, out of a Sense of the Inability of separate Families to repel Violence”, a choice then “approved” by God.

⁴⁰ Grunert 2005, 134. See also Harvey 2006, 32–33.

⁴¹ *IBP* 2.12.9.1 (ed. Tuck 2005).

⁴² Malmendier 2013, 6304. On the Grotian state as a *societas*, see also Terrel 2001, 104–7 and Bernardi 2007, 124–30. On Marsilius of Padua's views on the state as an association, see also Cary Nederman's Chap. 6 in this volume.

shared interests and effective co-ordination”.⁴³ The affinity with Cicero remains, and he tends to conceive of *societas* as a “relationship between individuals sharing a common project or a common way of life”.⁴⁴ For Grotius, we would be “in Want of many Things necessary for living commodiously”⁴⁵ without human societies. Utility is the primary purpose of societies, so that “every one should quietly enjoy his own, with the Help, and by the united Force of the whole Community”.⁴⁶ Thus, while our natural inclinations to sociability and utility are two distinct things, they are by no means diametrically opposed.

As we will see below, the utility derived by citizens from the state acts as an important measure to find a balance between the individual and common good. This being said, utility is not the only way Grotius conceives of the relationships among members of the state. To account for the continuity of a political society despite changes to its members’ identities over time, he alludes to the notion of a constitutive spirit, or disposition (*spiritum unum, hexis*),⁴⁷ which he gleaned from Plutarch, Seneca and Aristotle among others. This spirit consists of “a full and compleat Association (*consociatio plena & perfecta*) for a political Life (*vitae civilis*)”, combining its members into “an artificial body”, with its sovereign acting as a cohesive force (*cohaeret*).⁴⁸ As for the relation between sovereign and community, Grotius deploys a visual metaphor according to which the community is akin to a body and its rulers to its eye.⁴⁹ As Knud Haakonssen has argued, the message here is that “sovereignty is not a power that rulers have over subjects, but one that they exercise on behalf of the corporate body”.⁵⁰ *De Iure Belli ac Pacis* allows considerable latitude as to the way this power may be organised, as “there are several Ways of Living, some better than others, and every one may choose which he pleases of all those Sorts”.⁵¹ The extent of the sovereign’s right is ultimately determined “by the Extent of the Will of those who conferred it upon him”.⁵²

⁴³ Blom and Somos 2020, 572.

⁴⁴ This goes “from a business partnership between two people to civic society to the fellowship of the whole human race” (Griffin and Atkins 1991, xlvi).

⁴⁵ *IBP*, Prolegomena §17 (ed. Tuck 2005).

⁴⁶ *IBP* 1.2.1 (ed. Tuck 2005).

⁴⁷ Brett 2002, 48–50. See also Lee 2011, 379–80.

⁴⁸ *IBP* 2.9.3 (ed. Tuck 2005).

⁴⁹ *IBP* 1.3.7 (ed. Tuck 2005).

⁵⁰ Haakonssen 1985, 244.

⁵¹ *IBP* 1.3.8 (ed. Tuck 2005).

⁵² *IBP* 1.3.8 (ed. Tuck 2005). See Brett 2020, 619–45. Grotius had advanced a much less liberal conception of sovereignty in *De Imperio*, which aimed to demonstrate the state’s authority over church matters. There, *summa potestas* was equated with “a person or body having authority over the people, and subject only to the authority of God Himself” (ibid., 1.2.2; see Blom 2020, 27–31).

11.4 On the Balance Between the Individual and Common Good in *De Iure Belli ac Pacis*

I now turn to the way the interactions between the individual and common good, or utility, operate in *De Iure Belli ac Pacis*. By characterising the state as an association, Grotius establishes its authority upon firmer ground than a fluctuating conjunction of individual interests. The following statement is quite revealing in this respect:

The Union of many Heads of Families into one People or State, gives such a Body of Men the greatest Power over its Members (*ius corpori in partes*), because this is the most perfect of all Societies (*perfectissima societas*): Nor is there any outward Act done by any Person, which does not either by itself, or by some Circumstances or other, refer to this Society.⁵³

When subjects establish or join a political community, they agree to transfer to it rights that will subsequently come to prevail over their individual rights.⁵⁴ As a result, the community acquires an “eminent and superior” right over its members and their goods to achieve the common good (*boni communis*).⁵⁵ As we will see in the examples below, this juridical structure provides the framework in which the balance of the individual and common good is articulated when confrontations of rights arise. If the community’s rights reach beyond its members’, this is a direct consequence of their own initial consent, which means that everyone’s will is taken into account at this foundational stage. Later on, however, this may occasionally come at the cost of individual interests even though subjects initially entered into this arrangement on self-interested terms. Grotius’s task is hence to show that there is no discrepancy here.

A first and quite classical illustration of the problem relates to private property and taxes. For Grotius, the community may rightfully dispose of its members’ property when this is useful for the whole: A sovereign has “a greater Right (*dominion*)” to his subjects’ possessions than they do, if this is required by the common good (*ad bonum commune*).⁵⁶ Taxes comprise “that eminent Dominion (*dominion*) which a State has over its Subjects, and their Goods, for the public Use (*ad usum publicum*)”.⁵⁷ Furthermore, a sovereign is entitled to requisite a subject’s property for the sake of public utility. However, some compensation should be given, provided sufficient common resources are available.⁵⁸ Indeed, just as it would run against justice to simply take from someone “without a sufficient Reason”, a sovereign would violate citizens’ rights if he dispensed with his obligation “to make Restitution, and to

⁵³ *IBP* 2.5.23 (ed. Tuck 2005).

⁵⁴ See, e.g., *IBP* 1.3.8, and 1.3.17 (ed. Tuck 2005).

⁵⁵ *IBP* 1.1.6 (ed. Tuck 2005).

⁵⁶ *IBP* 1.1.14.1 (ed. Tuck 2005).

⁵⁷ *IBP* 1.3.6 (ed. Tuck 2005).

⁵⁸ *IBP* 2.14.7 (ed. Tuck 2005).

repair the Damage”.⁵⁹ Subjects’ property rights are thus not completely absorbed by the community’s. Nevertheless, Grotius concludes that these rights must be under the sovereign’s “Dominion” when this is necessitated by the *utilitas publica*.⁶⁰

In what follows, I turn to Grotius’s passages on subjects’ rights to resist and leave the state in *De Iure Belli ac Pacis*, which abound with reflections on the respective weight of the individual and common good. In these tense contexts, he is keen to recall the long-term interests of individuals in enjoying the justice and safety provided by the state. However, the key standard becomes what Grotius considers the state to need in order to perform the functions for which its subjects instituted it in the first place. In this vein, he often resorts to a means-to-an-end argument: If individuals grant authority to the state and attribute it certain tasks, then by derivation, they also grant it the right to the means necessary to this end.⁶¹

11.5 On the Right of Resistance

De Iure Belli ac Pacis’s chapter on resistance asks whether individual subjects may rightfully engage in warlike conduct against their rulers. Due to its many subtleties, Grotius’s position has later been interpreted both as a condemnation and as a justification of resistance.⁶² This being said, in spite of a general suspicion towards resistance, Grotius was a fervent supporter of the Dutch revolt against Habsburg rule.⁶³ One of the essential ideas of this chapter is that the extent of a people’s right to disobey, oppose or even rebel against its sovereign depends upon the terms of a state’s founding contract. Indeed, some contracts bind rulers to the observance of certain laws or stipulate a certain division of power between rulers and the ruled and foresee sanctions by the people (which may even go up to the death penalty, as in Sparta’s example).⁶⁴ However, in the absence of specific contractual dispositions, Grotius holds resistance to be prohibited, at least in principle. The main argument becomes that if resistance were licit, a state could not serve its primary purpose, namely the maintenance of peace and order:

⁵⁹ *IBP* 2.14.7 (ed. Tuck 2005).

⁶⁰ *IBP* 2.14.7 (ed. Tuck 2005). On the sovereign’s entitlement to his subjects’ property in times of necessity, see also *ibid.*, 1.1.14.1; on the priority of a subject’s debts to the state over his debts to other subjects, see *ibid.*, 2.4.12; and 2.6.13 on the sovereign’s right to mortgage or alienate portions of the state’s patrimony (unless this is forbidden by the state’s founding contract).

⁶¹ On this sort of argument, see *IBP* 3.1.2 (ed. Tuck 2005), which also concerns the lawfulness of self-defence, and *ibid.*, 2.14.11.2 on the power of a king’s contract to oblige his successor: “For in Morals, he who gives the End, gives all Things that conduce to the End”.

⁶² On Grotius and the right of resistance, see Barducci 2017; Recknagel 2010, 214–20; and Baumgold 2010, 30–35.

⁶³ Barducci 2017, 49–51.

⁶⁴ *IBP* 1.4.8 (ed. Tuck 2005).

Indeed all Men have naturally a Right to secure themselves from Injuries by Resistance (*ius resistendi*), as we said before. But civil Society (*civili civitate*) being instituted for the Preservation of Peace (*tranquillitatem*), there immediately arises a superior Right (*ius maius*) in the State over us and ours, so far as is necessary for that End (*ad finem illud necessarium*). Therefore the State has a Power to prohibit the unlimited Use of that Right (*ius resistendi*) towards every other Person, for maintaining public Peace and good Order (*publicae pacis & ordinis causa*), which doubtless it does, since otherwise it cannot obtain the End proposed; for if that promiscuous Right of Resistance should be allowed, there would be no longer a State, but a Multitude without Union [...].⁶⁵

Thus, the natural right of self-defence must be subject to conditions that preserve public tranquillity, in line with the state's mission: "[a]uthority could not be maintained, if it were lawful to resist".⁶⁶ As he turns to the Scriptures for confirmation, Grotius comments freely on St Paul's injunction not to resist the powers that be,⁶⁷ which proves particularly instructive for our concern. In Grotius's reading, St Paul not only appeals to divine commands but also to utility. The "general End" of St Paul's injunction is public tranquillity, which comprises each individual's tranquillity.⁶⁸ On this basis, Grotius points to intimate links between the interests of individuals, communities and rulers. *Tranquillitas publica* qualifies as a good (*bonum*) that subjects "receive from the sovereign Powers", thus giving them good reason not to endanger it (as "no Body ever wished ill to himself (*sibi male*)").⁶⁹ Conversely, the sovereign would do well to strive for peace as his own felicity (*felicitas*) "depends" upon his subjects'.⁷⁰ The "rare" case of a sovereign who acts against public tranquillity would not make a sufficient case for the permissibility of resistance.⁷¹ This is because a law should only take into account "that which generally happens" and cannot accommodate each particular circumstance: rather, "it is enough, if it be beneficial in general, and to the greater Part".⁷² Note that this is a distinct argument from the ones we have encountered so far as it targets the large number of interests to be served by the state: Given that laws must be able to cover very diverse situations equally, they can only be expected to get most cases right.

Then comes a series of citations that confirm the close ties between individual and state utility as well as the importance of subjects' awareness of these, like in *De Iure Praedae*. One novelty is the reference to Plato's *Laws*, according to which "the Bond of States, is the Care of the public Good (*quod commune*

⁶⁵ *IBP* 1.4.2 (ed. Tuck 2005).

⁶⁶ *IBP* 1.4.2 (ed. Tuck 2005).

⁶⁷ Rom. 13:1–7.

⁶⁸ *IBP* 1.4.4 (ed. Tuck 2005).

⁶⁹ *IBP* 1.4.4 (ed. Tuck 2005). On a more spiritual note, Grotius replies to objections that it would not be *utile* to put up with the abuses of authority that "such a Patience shall not lose its Reward" (in the afterlife, presumably).

⁷⁰ *IBP* 1.4.4 (ed. Tuck 2005).

⁷¹ *IBP* 1.4.4 (ed. Tuck 2005).

⁷² *IBP* 1.4.4 (ed. Tuck 2005).

est”, as opposed to concerns restricted to one’s own individual good (*quod singulorum*).⁷³ Moreover, as Iamblichus puts it, private and public utility cannot be taken to diverge, the former being “included” in the latter: “for as in the natural Body, so in the political, the Preservation of the Parts depends on that of the Whole”.⁷⁴

After this general plea against resistance, Grotius nonetheless admits certain exceptions. An important one is the individual right to resist one’s authorities in the “extreme necessity” of an imminent death threat.⁷⁵ For Grotius, it seems unlikely that the founders of a state initially agreed not to defend their lives at all:

But this Law [of non-resistance] seems to depend upon the Intention of those who first entered into civil Society (*a voluntate eorum, qui se primum in societatem civilem conso-ciant*), from whom the Power of Sovereigns is originally derived. Suppose then they had been asked, Whether they pretended to impose on all Citizens the hard Necessity of dying, rather than to take up Arms in any Case, to defend themselves against the higher Powers; I do not know, whether they would have answered in the affirmative. [...] they would have declared that one ought not to bear with every Thing, unless the Resistance would infallibly occasion great Disturbance in the State, or prove the Destruction of many Innocents. For what Charity (*caritas*) recommends in such a Case to be done, may, I doubt not, be prescribed by a human Law.⁷⁶

As we have seen, the protection from violence is one of the purposes that subjects assign to the state as they submit to it. It is therefore aberrant to suppose that subjects have relinquished their natural right to self-defence in favour of the community. In this case, the most essential utility that grounds individuals’ subjection to the state (i.e., the protection of their life) resurges as a limit to their loyalty. Nevertheless, Grotius’s mention of the peril of a “great disturbance in the state” as a potential restriction to this instance of the right to resist still evokes a regard for the common good. Yet this is now considered from the perspective of what the state’s founders “would have declared”. This brings us back to the commitments that gave rise to the state and suggests that these are strong enough to preclude self-defence when the state’s survival is at stake. In such cases, it seems that the obligation no longer proceeds from the individual utility from which the state originates, but rather from the moral significance of the subjects’ voluntary commitment as they join it.

Subsequent to this point, Grotius mentions two other exceptions to the general prohibition of resistance: when a ruler renounces or alienates sovereignty without the population’s consent, or when he behaves as its “Enemy” (which comes down to

⁷³ Plato, *Laws*, 874e–875d (ed. Jowett 2006, 213). “[T]herefore it concerns both the State and private Men, to prefer the Interest of the public to that of particular Persons (*quare & publice & privatim utilius est, ut publica magis quam privata curentur*)” (Grotius’s quote, 1.4.4). In the *Laws*, this passage asks about “cases of justifiable homicide”, and in this context, pleads for the necessity of laws, without which human life “would be as bad as that of the most savage beast”.

⁷⁴ *IBP* 1.4.4 (ed. Tuck 2005); the quote is unreferenced.

⁷⁵ *IBP* 1.4.7 (ed. Tuck 2005).

⁷⁶ *IBP* 1.4.7 (ed. Tuck 2005).

a renunciation of sovereignty).⁷⁷ Lastly, when it comes to the legitimacy of resistance against an usurper, the decision would not belong to individuals; the whole community, as an association, should deliberate and act as one.⁷⁸

11.6 On the Right to Leave One's State

Grotius's discussion of subjects' right to exit their state "without obtaining Leave" is located in his chapter on the acquisition of rights over persons. It addresses what natural law requires if states do not come up with specific regulations (such as the Muscovites' prohibition to leave).⁷⁹ In his view, states cannot easily allow the departure of large groups, because the exodus of large groups would present a risk for the survival of the states and hence be at odds with the very purpose of the state:

That we ought not to go out in Troops or large Companies, is sufficiently evident from the End and Design of Civil Society (*civilis societas*), which could not subsist if such a Permission were granted; and in Things of a moral Nature, what is necessary to obtain the End (*ex necessitate finis*) has the Force of a Law.⁸⁰

However, the question of individuals' exit is markedly different: "it is one Thing to draw Water out of a River, and another to divert the Course of a Part of that River".⁸¹ Here, Grotius appeals to the individual's natural liberty to settle in the state of their choice. He refers to the *Digest* as well as to Cicero's *Pro Balbo*, according to which the possibility "of Not staying in any State against his own Inclinations" would lie at the very "Foundation of Liberty".⁸² This accords with Grotius's views on the consensual foundations of political communities. However, in the example of the right to leave, the value of this foundational liberty only seems to subsist within the confines of public interest. Grotius makes an analogy to a disposition of Roman law that relates to the "Dissolutions of private Societies (*privatis societatibus*)": a "natural Rule of Equity" would prohibit a society's members from leaving "if the Interest of the Society requires he should stay in it (*si societatis intersit*)".⁸³ Thus, according to the *Digest*, "[a] Regard is commonly had to the Interest of the Society, and not merely to the particular Interest of any of its Members (*non id quod privatim interest unius ex sociis servari solet, sed quod societati expedit*)".⁸⁴

⁷⁷ *IBP* 1.4.11 (ed. Tuck 2005).

⁷⁸ *IBP* 1.4.19.2 (ed. Tuck 2005): "Therefore private Persons must not set up for Judges in such an Affair, that concerns the whole Body of the People." See also *ibid.*, 1.4.20.

⁷⁹ *IBP* 2.5.24 (ed. Tuck 2005).

⁸⁰ *IBP* 2.5.24 (ed. Tuck 2005).

⁸¹ *IBP* 2.5.24 (ed. Tuck 2005).

⁸² *IBP* 2.5.24 (ed. Tuck 2005); Cicero. *Pro Balbo*, 13 (trans. Gardner 1958, 665). In this passage, Cicero actually speaks of the liberty of keeping or parting with one's right of citizenship (*civitas*).

⁸³ *IBP* 2.5.24 (ed. Tuck 2005). On this analogy, see Tiessler-Marenda 2002, 209.

⁸⁴ *IBP* 2.5.24 (ed. Tuck 2005).

There are two scenarios in which it would be against the interest (*intererit*) of the state to simply allow its subjects to leave without compensation: “great public debt” and the imminent resolve to go to war. In such situations the sovereign counts on the help of their subjects.⁸⁵ In the case of debt, subjects should pay their share before leaving. In the case of war, they must find someone to replace them on the front. Grotius thus leaves open the possibility of departure, but only if one is able to contribute by other means before leaving. Otherwise, the state’s interest comes first. The case of war reminds us of the subjects’ presumed commitment not to resist the state’s lethal force in the risk of a “great Disturbance in the State” (Sect. 11.5). Here as well, the obligation for the community’s members to risk their very lives on the battlefield seems to be derived from their initial consent rather than from the long-term utility they may expect from the state. Taken together, these two points bring out an aspect of Grotius’s theory that was less salient in his utility-based definition of the state: the associative bonds at the root of the state have a high, intrinsic moral value, and the obligations attached to these hold even in cases of considerable financial loss or danger. I will come back to this point in the conclusion.

Finally, Grotius concludes that the right to leave should be granted in the absence of such major obstacles: “it is to be presumed that Nations leave to every one the Liberty of quitting the State, because from this Privilege they themselves may reap no less an Advantage (*commodi*) by the Number of Strangers they receive in their Turn”.⁸⁶ This reaffirms the value of individual liberty, but still attaches it to the state’s interest in being able to welcome foreigners in its jurisdiction. As Annabel Brett points out, this view is related to Grotius’s general endeavour to encourage legal provisions that are favourable to free trade.⁸⁷

11.7 Concluding Remarks

If we summarize Grotius’s positions for purely analytical purposes, two conceptions of the common good emerge. When it comes to the definition of the state as an association for the common good, we are dealing with a sum of individual goods that are pursued by all subjects alike (a peaceful environment and the respect of one’s rights). This evokes a merely aggregative conception of the common good. However, the state’s structure then brings us closer to what Murphy calls a “distinctive” common good, namely “the good of the community as a whole”.⁸⁸ This is

⁸⁵ *IBP* 2.5.24 (ed. Tuck 2005). For a discussion on the duty to defend one’s state, see Juhana Toivanen’s and Alexandra Chadwick’s chapters in this volume.

⁸⁶ *IBP* 2.5.24 (ed. Tuck 2005).

⁸⁷ Brett 2011, 187.

⁸⁸ See Murphy 2006, 62–63. See also Mansbridge (2013, 6–9) on “aggregative meanings” of the common good, including what is “(1) good for everyone and (2) good for most”, and “unitary meanings” comprising “what would be good for the enterprise to which a group of individuals belong, rather than for the individuals in that enterprise”.

reflected in his view of the state as an association endowed with rights superior to those of its members, which guarantees its ability to defend subjects' interests over time, and hence a motivation to maintain it.⁸⁹ In general, the community's claims over its members spring from the tasks its members entrusted to it when they joined it with a view to further their own utility. For Grotius, the constraints of compliance with the state's commands do not actually conflict with subjects' individual goods, as these are best preserved by the state itself. However, his appeal to numerous eloquent writers to strengthen this point exemplifies his awareness that this may be far from obvious at times. It is not coincidental that the longest discussions in *De Iure Belli ac Pacis* revolve around what the common good demands in crucial matters as the rights to resist and to leave the state. Grotius sides with the community when its long-term subsistence is under pressure, except when the subject's life is at imminent risk. Such life-and-death situations make it difficult for him to argue that subjects should contribute to the community's effort for the sake of their own interest in the long run. In Grotius's theory, the source of the obligation to obey the state authority resides in the subjects' commitment when joining the state. This does not only exemplify Grotius's deference towards subjects' consent but also a very demanding conception of the obligations that arises from it, which highlights another important component of his theory for our concern: the considerable moral weight of consensual obligations and of associative ties of the state as a *societas*. Grotius hopes that these moral ties provide a sufficient basis for the requirements of the common good when individual utility is no longer in sight. Hence, states may need to rely on something more than individual utility in its most immediate sense to subsist, even though this does not evidently flow from Grotius's definition of them.

This last point gives us occasion to consider these findings from a broader perspective and situate them within Grotius's theory of natural law. The obligatory force of natural law is not predicated on utility, but on a higher principle, namely our natural sociability. Human beings are not only inclined to pursue their own interests, but they are also born with a rational desire to live in community with their fellows, the well-known *appetitus societatis* that would also hold if "the Necessity of our Circumstances should not require it".⁹⁰ The fundamental precepts of natural law comprise what is indispensable for the subsistence of any society: the prohibition of stealing, the obligation to give back to others what belongs to them, to keep one's promises and to compensate for offences done to others, as well as the permissibility of appropriate punishment.⁹¹ Promissory fidelity is a natural law of particular importance for our study, as it provides the grounds for subjects' obligation to obey the state once they consent to enter into it:

⁸⁹This does not preclude an approach that settles with what appears to be the interest of the larger number of subjects, if this is what is conducive to the good of the society as a whole. This point only makes a quick appearance in Grotius's account of majority rule and perhaps also in his statement that laws do not need to be correct principles in all possible cases, but only most.

⁹⁰*IBP*, Prolegomena §17 (ed. Tuck 2005).

⁹¹*IBP*, Prolegomena §8 (ed. Tuck 2005).

And the Mother of Civil Law is that very Obligation which arises from Consent, which deriving its Force from the Law of Nature, Nature may be called as it were, the Great Grandmother of this Law also.⁹²

This obligation proves critical to furnish a robust foundation to the state.⁹³ It is in virtue of subjects' founding promise of obedience that they must obey the state's laws and authority and remain loyal to the community even when in danger. While Grotius does not dwell on the political aspect of promise keeping as much as Hobbes later will, he insists on many occasions that promises create strong obligations and that promissory fidelity is essential to the thriving of human societies.⁹⁴ This brings me to my conclusion. On the Grotian model, even though people establish states for the sake of their own utility, they thereby incur obligations that have a much broader moral scope than their personal utility. Indeed, the force of consensual obligations is anchored in a natural law that aims for no less than the survival and flourishing of human society as a whole in conformity to human nature and divine will. In relation to this, even though Grotius does not make the institution of the state a requirement of the natural law (in spite of his mention that "Equity and natural Reason, advise us to submit" to courts⁹⁵), his conception of states suggests that they are a convenient way to promote a harmonious life in community as facilitators of peace and justice. In this sense, we may consider the moral value of Grotian states to encompass more than their expected individual utility. Unlike Hobbes after him, Grotius does not warn us that no sophisticated or meaningful human activity would be possible without the safety provided by the state.⁹⁶ Neither does he go as far as his admirer Pufendorf's claim that God and His natural law ordained the institution of states as "Instruments and Means of improving and enforcing the Law of Nature", which ultimately aims for the preservation of the whole of humankind.⁹⁷ Moral improvement is not the explicit purpose of Grotian states. However, they certainly provide conditions that encourage the fulfilment of our sociable nature, which is the source of natural law. In this respect, there is a noteworthy parallel between Grotius's theory of natural law (which is not rooted in individual utility but is no less conducive to it) and his account of the state, whose main purpose is to convey individual utility while enabling a more sociable life in its noblest sense. This illustrates, once again, Grotius's persistent effort to demonstrate the convergence of the individual and common good.

⁹² *IBP*, Prolegomena §17 (ed. Tuck 2005).

⁹³ See Brett 2002, 40–41, and Straumann 2021, 164. *IBP* 2.5.23 (ed. Tuck 2005).

⁹⁴ See Ramelet 2019, 123–45.

⁹⁵ *IBP* 1.3.1 (ed. Tuck 2005).

⁹⁶ Thomas Hobbes, *Leviathan*, ch. 13 (ed. Malcolm 2012, 192). See Alexandra Chadwick's chapter in this volume.

⁹⁷ Samuel Pufendorf, *Of the Law of Nature and Nations: Eight Books* (ed. and transl. Lichfield et al. 1710, reprint 1944), 7.3.2. For their helpful suggestions, I am most grateful to this volume's editors Heikki Haara and Juhana Toivanen, as well as Sonia Boussange, two anonymous referees, and the participants of the workshop *The Common Good and the Emergence of Self-Interest in Medieval and Early Modern Philosophy* (2021).

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Laetitia Ramelet's research investigates the concept of political consent in early modern and contemporary political philosophy. Publications related to this volume's topic include "Pufendorf's solution to the puzzle of consent and natural law" (*History of Political Thought*), "Political consent, promissory fidelity and right transfers in Grotius" (*Grotiana*) and "Hobbes and the indirect workings of political consent" (*Hobbes Studies*). During her PhD, she worked at the Centre of Public Law of the University of Lausanne and made research stays at the Universities of Halle-Wittenberg and Amsterdam. She then obtained a fellowship Science and Politics at the Swiss Parliament and is now working as a research collaborator at the Foundation for Technology Assessment TA-SWISS, a Centre of Excellence of the Swiss Academies of Arts and Sciences.

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Chapter 12

The Compatibility of Individual and Common Good in Hobbes’s Philosophy



Alexandra Chadwick

12.1 Introduction

If what is good for oneself and what is good for the political community conflict, which should take precedence? Some might deny that such a conflict exists: it is only an apparent tension that results from a mistake about what is really good for the individual. This, I take it, is widely understood to be the dominant position in ancient and medieval moral philosophy.¹ The question of Thomas Hobbes’s (1588–1679) stance on the matter is an interesting one to explore for at least two reasons. First, Hobbes is known for breaking away from ancient and medieval ideas of moral goodness, and he explicitly rejects the views of the “old Morall Philosophers”.² Second, different elements of Hobbes’s philosophy suggest different relationships between individual and common good. On the one hand, we

¹ See the contributions in parts one and two of this volume.

² *Leviathan*, chapter 9, 150 [47]. See also, e.g., *Leviathan*, chapter 15, 242 [80]; *De cive* ‘Epistle Dedicatory’ [7]; *De cive* 3.32. For a recent exploration of Hobbes’s innovations in moral philosophy, see Olsthoorn 2020, 243. By contrast, for a reading of Hobbes as a traditional virtue ethicist, see David Boonin-Vail 1994. Henceforth the references to Hobbes’s texts are given in the following forms: *DCv* = *De cive* (ed. Warrender 1983; the English translation is *On the Citizen*, ed. Tuck, trans. Silverthorne 1998); *DCp* = *De corpore* (ed. Molesworth 1839a); *DH* = *De homine* (ed. Molesworth 1839b; the English translation is *Man and Citizen*, ed. Gert 1991); *EL* = *The Elements of Law* (ed. Tönnies 2007); *L* = *Leviathan* (ed. Malcolm 2012), chapter number and page number (for ease of reference in other editions, the page numbers of the 1651 edition follow in square brackets); *LL* = the Latin *Leviathan*, included in the Malcolm edition.

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can see Hobbes as an example of a figure in the history of philosophy who prioritises individual good in his moral and political philosophy: he grounds the political community in each individual's desire for "some *Good to Himselfe*".³ On the other hand, the aim of Hobbes's civil philosophy is to persuade citizens to prioritise the maintenance of the commonwealth over the pursuit of individual advantage. Indeed, since his strategy is usually to argue that there is no real benefit to be gained by actions that are bad for the political community – as is the case, for example, with his treatment of disobedience to the law motivated by a desire for salvation – one might wonder if Hobbes also denies that individual and common good conflict, when both are correctly understood. This chapter investigates the extent to which the latter position can be attributed to Hobbes.

12.2 Apparent Conflict Between Individual and Common Good in *Leviathan*

Two well-known passages in *Leviathan* (1651; Latin edition 1668⁴) suggest that, for Hobbes, individual and common good certainly can conflict. Consider first a passage in which he explains why creatures such as "Bees, and Ants" do not need political power in order to "live sociably one with another". Hobbes asserts that:

amongst these creatures, the Common good [*bonum Publicum*] differeth not from the Private [*bonum Privatum*]; and being by nature enclined to their private, they procure thereby the common benefit [*bonum Commune*] [...] the agreement of these creatures is Naturall; that of men, is by Covenant only, which is Artificiall: and therefore it is no wonder if there be somewhat else required (beside Covenant) to make their Agreement constant and lasting, which is a Common Power, to keep them in awe, and to direct their actions to the Common Benefit [*bonum commune*].⁵

For some creatures, then, there is a natural equivalence between common and private good, but this is not the case for humans: human societies require the establishment of a sovereign authority in order to work towards the common good.

The second passage can be found in chapter 19 of *Leviathan*. When comparing monarchy with aristocracy and democracy, Hobbes addresses the potential for conflict between the private good of a monarch or a member of a sovereign assembly, and the good of the commonwealth:

And though he be carefull in his politique Person to procure the common interest; yet he is more, or no lesse carefull to procure the private good of himselfe, his family, kindred and friends [& *quanquam in Persona sua Politica, Civitati studeat, non tamen ideo ad rem*

³L 14 (ed. Malcolm 2012, 202 [66]).

⁴The Latin *Leviathan* is a translation by Hobbes, which also includes a number of changes to the English edition.

⁵L 17 (ed. Malcolm 2012, 258–61 [86–87]). Compare *EL* 1.19.5 (ed. Tönnies 2007) and *DCv* 5.5 (ed. Tuck 1998; Warrender 1983). In *DCv*, in place of the claim that the common power directs actions to the *bonum commune*, we read that it "gives[s] the security required for the practice of *natural justice* [iustitiae naturalis]".

familiarum suam, & cognatorum, & amicorum minus respicere]; and for the most part, if the publique interest [*Bonum Publicum*] chance to crosse the private [*privatum*], he prefers the private: for the Passions of men, are commonly more potent than their Reason. From whence it follows, that where the publique and private interest [*Bonum Publicum & Privatum*] are most closely united, there is the publique [*Bonum Publicum*] most advanced.

Hobbes then argues in favour of monarchy by claiming that in such a regime “the private interest is the same with the public [*In Monarchia autem Bonum Publicum & Privatum idem est*]”: a “rich”, “glorious”, and “secure” monarch needs subjects who are not “poore”, or “contemptible”, or “weak”.⁶

Two features of these passages require exploration. The first is the variety of terminology used in English and Latin: Hobbes refers to “common good”, but also “common benefit”, “common interest”, and “publique interest”, in contrast to a “private good” and a “private interest”. The second is the implicit idea – which, I shall suggest, is present in both passages – that the conflict between “private” and “common” good in human societies is only an apparent conflict, since it results from mistaken conceptions of where one’s real good lies.

The term “common good” is not frequently used in Hobbes’s work, making it difficult to draw firm conclusions about how he uses it and related terminology.⁷ Nevertheless, the first passage suggests that Hobbes uses “common good” and “common benefit” as equivalents, translated by *bonum publicum* and *bonum commune* respectively.⁸ In the second passage, Hobbes opposes “common” or “publique interest” with both “private good” and “private interest”. “Publique interest” is translated by *bonum publicum*, which suggests that Hobbes did not intend public interest here as a distinct concept from common good.⁹ Although the Latin similarly uses *bonum privatum* to translate both “private good” and “private interest”, it is significant that in English Hobbes chose to equate the private good of the monarch that can “cross” the common good with a private *interest*, since the term carried negative connotations, implying a personal bias or a desire that follows a transient passion rather than reason.¹⁰ As Hobbes writes, the monarch will likely prefer the

⁶L 19 (ed. Malcolm 2012, 288–89 [95–96]).

⁷In *Leviathan*, “common good” appears only three times: at L 17, 24, and 33 (ed. Malcolm 2012, 258 [86], 388 [128], and 606 [206], respectively). There are four uses of “common benefit”, four of “publique good”, and two of “common interest”.

⁸A more direct translation of “common benefit” would be *utilitas commune*, and indeed this is the term Hobbes uses to translate “common benefit” earlier on the same page (L 17 [ed. Malcolm 2012, 258–59]: “expedient for the common benefit”). A passage in *The Elements* could suggest that Hobbes does, at least on one occasion, draw a distinction between “common good” and “common benefit”, such that the former refers to the good pursued by a commonwealth, and the latter to the end pursued by subordinate bodies (EL 1.19.9 [ed. Tönnies 2007]). Cf. Sect. 12.4 below.

⁹“Common Interest” appears once more in *Leviathan*, translated by *res communis* (L 22 [ed. Malcolm 2012, 359–61 [118]]), and “publique interest” does not occur again. Neither term appears in *The Elements*. The language of “interest” arose in sixteenth and seventeenth-century vernacular languages and is a distinctive feature of *Leviathan*: see Karstadt 2016, 105–28.

¹⁰See Karstadt 2016, 115–19. Hence, as Karstadt writes, it would “be wrong to equate self-preservation with self-interest” for Hobbes” (Karstadt 2016, 113).

private over the public interest because the “Passions of men, are commonly more potent than their Reason”. In preferring the private interest, Hobbes implies, the monarch is not acting rationally. Since the private good in this example is desired against reason, then we might doubt whether it is really good at all.

If it is indeed the case that, for Hobbes, what is really good for an individual coincides with that which it is rational for it to desire, then the second passage does not identify a case of conflict between individual and common good after all, but rather a conflict between the monarch’s apparent and real good. In the same way, the first passage turns out not to present a conflict between what is really good for an individual and the common good. Recall that Hobbes suggests that, in the case of bees and ants, the agreement of the common and private good is “natural”, whereas humans require political power to “direct their actions to the Common Benefit”. Hobbes consistently claims that political power is a remedy for the precariousness of human rationality, understood particularly in terms of our tendency to be distracted by our immediate desires rather than focusing on the longer-term consequences of our actions. If humans could be relied upon to think long-term, there would be no need for the sovereign’s sword to keep us “in awe”. Therefore the common benefit to which we are directed in the commonwealth is that good which, when we think rationally, we acknowledge as our own. As Hobbes puts it:

all men are by nature provided of notable multiplying glasses, (that is their Passions and Self-love,) through which, every little payment appeareth a great grievance; but are destitute of those prospective glasses, (namely Morall and Civill Science,) to see a farre off the miseries that hang over them, and cannot without such payments be avoyded.¹¹

For this reason, Hobbesian humans need the commonwealth in order to realise their own real good. This thought would be familiar to many of Hobbes’s predecessors. In order to make the case for its presence in Hobbes’s work, and consider its Hobbesian flavour, we first need to examine in more detail his account of “good” and its relationship to “reason”.

12.3 Goods, Real and Apparent

In *The Elements of Law* (1640), Hobbes explains that the term “good” is used in the following way:

Every man [...] calleth that which pleaseth, and is delightful to himself, GOOD; and that EVIL which displeaseth him.¹²

Since, for Hobbes, when something pleases us we are said to have an “appetite” or desire for it, and when something displeases us we are said to have an “aversion” to it, this statement in *The Elements* is equivalent to his later claim in *Leviathan*:

¹¹ L 18 (ed. Malcolm 2012, 282 [94]).

¹² EL 1.7.3 (ed. Tönnies 2007).

whatsoever is the object of any mans Appetite or Desire; that is it, which he for his part calleth *Good*: And the object of his Hate, and Aversion, *Evill*.¹³

In both works, Hobbes emphasises that there is no such thing as “simply and absolutely” good, “nor any common Rule of Good and evill, to be taken from the nature of the objects [of appetite or aversion] themselves; but from the Person of the man (where there is no Commonwealth;) or, (in a Commonwealth,) from the Person that representeth it”.¹⁴ The denial of any inherent property of goodness in the world means that good is always good *for* some desiring creature. “[E]ven the goodness which we attribute to God Almighty”, Hobbes writes in *The Elements*, “is his goodness to us”.¹⁵

This account of the good is backed up with a particular bodily account of desire formation. All desires are generated by impacts on “vital motion”.¹⁶ We learn that Appetites or aversions arise when the vital motion is “help[ed]” or “hinder[ed]” by an object.¹⁷ That object can either be present – as in the case of the warmth from a fire causing pleasure on a cold day – or imagined, as when stories about the fires of hell cause fear. In both cases, the object has a positive or negative effect on the motion of the body, causing us to desire or to fear it.¹⁸ Because human bodies differ, says Hobbes, appetites (and therefore ideas of “good”) are highly variable: “every man differeth from other in constitution” so “they differ also one from another concerning the common distinction of good and evil”.¹⁹ But this variability of appetites does not mean that there are no goods shared by all humans. Since human bodies have features in common, there are desires that all human beings will have if their appetites are not distorted by passion, and hence there are objects that all humans rightly call good. Those who consider this aspect of Hobbes's theory sometimes refer to it as an “Aristotelian” element of his philosophy.²⁰ Regardless of whether this label is appropriate, it is clear that Hobbes does not actually think that “whatsoever” a man desires is *correctly* called good: some things that humans desire are real goods, some are not.

When Hobbes specifies some of the things that are good for all humans, he begins with self-preservation, the *bonum primum* that has been “arranged by nature”, as he puts it in *De homine* (1658):

¹³ L 6 (ed. Malcolm 2012, 80 [24]).

¹⁴ L 6 (ed. Malcolm 2012, 80–82 [24]). See also EL 1.7.3 (ed. Tönnies 2007).

¹⁵ EL 1.7.3 (ed. Tönnies 2007).

¹⁶ Vital motion is identified in later work with the circulation of the blood (*DCp* 25.12 [ed. Gert 1991; Molesworth 1839a]), but Hobbes is happy to leave the anatomical details to others.

¹⁷ EL 1.7.1 (ed. Tönnies 2007); L 6 (ed. Malcolm 2012, 82 [25]).

¹⁸ For an account of how Hobbes understands imagination to shape our desires, which includes the example of fires of hell, see Douglass 2014, 126–47.

¹⁹ EL 1.7.3 (ed. Tönnies 2007). See also L 6 (ed. Malcolm 2012, 80 [24]).

²⁰ For example, Hampton 1992, 339.

Now the first of the goods for each is self-preservation [*Bonorum autem primum est sua cuique conservatio*]. For it has been arranged by nature that all desire that things go well for themselves [*Natura enim comparatum est, ut cupiant omnes sibi bene esse*]. In order for them to have the capacity for this, it is necessary to desire life [*vita*], health [*santitas*], and further, insofar as it can be done, security of future time [*securitas futuri temporis*].²¹

Note that this passage suggests Hobbes's notion of self-preservation does not refer simply to staying alive since the desire for life, along with health and security, are presented as necessary means to the end of conserving oneself. The significance of this is apparent in Hobbes's treatment of martyrdom (i.e. the forfeiting of one's life by disobeying one's sovereign on religious grounds). Martyrs, according to Hobbes, desire salvation, and "anyone in his right mind [*mentis compos*]" would desire this.²² Where martyrs go wrong, in Hobbes's account, is in thinking that martyrdom is the necessary means to achieve salvation. In almost all cases, it is not.²³ Therefore, although a would-be martyr sees martyrdom as good, they are (almost always) mistaken.

For Hobbes, all human motives are desires (or their opposite, aversions), and desires and aversions can also be called "passions".²⁴ Two things follow from this. First, reason cannot be a separate motivational force within human minds. Second, there are grounds for saying that within Hobbesian terminology, human beings always act on passions. While Hobbes sometimes uses the traditional opposition between reason and passion to refer to different motives (as in the passage from *Leviathan* chapter 19, quoted in section two above), the distinction is more accurately captured by the terms rational and irrational desires.²⁵ Rational desires are aimed at objects likely to be conducive to an agent's conservation; irrational desires are aimed at objects that are not likely to be conducive to an agent's conservation.

We can refer to the object of a rational desire as a real good, and the object of an irrational desire as an apparent good.²⁶ Although Hobbes makes little use of the terms real and apparent good, further justification for applying them to his philosophy in the way outlined above can be found in the following definition from *De homine*:

²¹ *DH* 11.6 (ed. Gert 1991).

²² *DCv* 18.14 (ed. Tuck 1998).

²³ See, for example, *L* 42 (ed. Malcolm 2012, 784–88 [271–73]). On Hobbes's arguments against martyrdom, see Chadwick 2018.

²⁴ Chapter six of *Leviathan* (ed. Malcolm 2012, 78 [23]) includes an investigation of "the Interiour Beginnings of Voluntary Motions, commonly called the PASSIONS".

²⁵ These terms are not Hobbes's own. Hobbes reserves "irrational" to refer to the lack of any capacity for ratiocination, such as in the case of "irrationall creatures" (for example, *L* 17 [ed. Malcolm 2012, 260]). *L* 16 (ed. Malcolm 2012, 248) refers to "Children, Fooles, and Mad-men that have no use of reason" and "Irrational" is the accompanying marginal note). We might perhaps instead speak of a desire that is "against reason" (*contra Ratio*), following *L* 6 (ed. Malcolm 2012, 92–93 [28]), for example.

²⁶ Hence I agree with Bernard Gert that, for Hobbes, "a real good is not merely that which one desires but that which is rationally desired", but I disagree with his claim that Hobbesian reason has "its own goal". See Gert 2010, 53, 72.

[G]ood (like evil) is divided into *verum* and *apparens* [...] [I]nexperienced men [*homines imperiti*] that do not look closely enough at the long-term consequences of things, accept what appears to be good, not seeing the evil annexed to it; afterwards they experience damage. And this is what is meant by those who distinguish good and evil as *verum* and *apparens*.²⁷

The process of thinking ahead to the consequences of acting on our desires is what Hobbes calls deliberation.²⁸ If, when we deliberate, we “do not look closely enough at the long-term consequences of things”, we end up pursuing only an “apparent good”. Better informed deliberation would have revealed to us that the object of our desire was not really good at all as it has undesirable consequences. At first glance, this formulation of real and apparent good seems only to apply to cases in which something seems pleasant in the moment but has ill effects in the longer term. Think of drinking too much wine: it might appear good at the time, but only if one ignores the long-term effects. The case of martyrdom is different since by choosing to accept hideous punishments for the sake of salvation, martyrs certainly were focusing on the long term. However, I suggest that it is in keeping with Hobbes's arguments to extend the definition of apparent good to include not only cases in which we are inattentive to the long-term consequences of things but also those in which we reason incorrectly about what the consequences will be. Martyrs, Hobbes thinks, are mistaken about what God requires of them – they do not realise that salvation requires obedience to a sovereign – and they are mistaken about human nature: they believe, for example, that individual conscience has access to God's law.²⁹ These mistakes can be remedied through correct reasoning (in short, the reasoning Hobbes sets out in his philosophy), hence martyrdom is only an apparent good.

One might object that the passage above speaks of “inexperienced men” [*homines imperiti*] who fail to see the *bonum verum*, suggesting that it is experience, rather than reason, that reveals one's real good. However, the use of *imperiti* is consistent with Hobbes's particular understanding of reason as an acquired skill that requires practice. Consider the following passage from *Leviathan*. After discussing a number of mental abilities that fall under the umbrella of “imagination”, Hobbes writes:

There is no other act of mans mind, that I can remember, naturally planted in him, so, as to need no other thing, to the exercise of it, but to be born a man, and live with the use of his five Senses. Those other Faculties, of which I shall speak by and by, and which seem proper to man onely, are acquired, and encreased by study and industry; and of most men learned by instruction, and discipline; and proceed all from the invention of Words, and Speech.³⁰

²⁷ *DH* 11.5 (ed. Gert 1991).

²⁸ *L* 7 (ed. Malcolm 2012, 98 [30]).

²⁹ For details and textual references, see Chadwick 2018.

³⁰ *L* 3 (ed. Malcolm 2012, 44–47 [11]).

Reason is one such faculty that is “proper to man onely”, developed through “study and industry”, “instruction, and discipline”. It seems clear that men who lack this training are *imperiti* (unskilled, inexperienced). Indeed, in the Latin *Leviathan*, Hobbes uses *imperiti* to translate his “unpractised men” in the following passage:

as in Arithmetique, unpractised men [*imperiti*] must, and Professors themselves may often erre, and cast up false; so also in any other subject of Reasoning, the ablest, most attentive, and most practised men, may deceive themselves, and inferre false Conclusions.³¹

Thus, it is in keeping with Hobbes’s understanding of reason to state that the inexperienced man’s desire for an apparent good is irrational, whereas desires for real goods are rational. A person who reasons correctly about the long-term consequences of their actions desires only real goods.

Hobbes seeks to convince his readers that uniting into a commonwealth is a real good for all individuals. Life, health and security are necessary means to self-preservation and therefore real goods. Security for human beings requires peace, which is only possible in a commonwealth. Peace, then, is a real individual good for all humans who reason correctly about the best means to conserve themselves.³²

12.4 Common Good

Having considered the distinction between real and apparent individual goods, I turn now to develop an account of Hobbes’s notion of “common good”. It is in *De homine* that Hobbes gets closest to a definition:

There can be a common good [*bonum commune*], and it can rightly be said of something, it is *commonly a good*, that is, useful to many, or good for the commonwealth [*multis utile, vel civitate bonum*]. At times one can also speak of a good for everyone [*omnibus bonum*], like health.³³

We have here, then, three concepts. The first two – that which is “useful to many” and that which is “good for the commonwealth” – can both “rightly” be called common goods. The third – that which is “good for everyone”, appears to be something different: as the example of health suggests, these are ends desired by all individuals

³¹ L 5 (ed. Malcolm 2012, 66–67 [18]).

³² According to Jean Hampton 1992, 336, Hobbes thinks peace is “actually perceived by all men as a good”. This is based on Hobbes’s remark in chapter 15 of *Leviathan* that “all men agree on this, that Peace is Good”. However, the agreement Hobbes refers to here is not an empirical fact (that all men always perceive peace as good). Instead, as is clear from the full quotation – “*And consequently all men agree on this, that Peace is Good*” (L 15 [ed. Malcolm 2012, 242 [80]], my emphasis) – acknowledging the goodness of peace is the logical consequence that follows from the premises of Hobbes’s moral philosophy, which he has recapped in the same paragraph. It is by accepting Hobbes’s argument (which he describes as “the true and onely Moral Philosophy”) that all men would regard peace as a good. A man who embarks on war in the name of religion, for example, will not call peace good if war is the price of his salvation.

³³ DH 11.4 (ed. Gert 1991).

regardless of social circumstances. In other words, they are goods that relate only to individual bodies rather than collectives. The distinction between that which is useful to many and that which is good for the commonwealth is drawn according to the kind of collective in question. We saw earlier that Hobbes uses *bonum commune* and *bonum publicum* as equivalents. However, this equivalence is only applicable when the *bonum commune* under discussion is a “good for the commonwealth”, given that the “publique”, for Hobbes, pertains to the state. The other kind of common good cannot be understood as a public good since it refers to the commonly desired end of a non-state association.

As an example of the latter, consider the following passage from *De cive*, which refers to the common good of a group that exists in the absence of a state:

[A]n *accord* [*consensio*] between several parties, i.e. an association [*societas*] formed only for mutual aid, does not afford to the parties to the accord or association the security which we are looking for, to practise, in their relations with each other, the *laws of nature* [...] (An *accord* of several persons [...] consists only in their all directing their actions to the same end and to a *common good* [*bonum commune*].) But something more is needed, an element of fear, to prevent an accord on peace and mutual assistance for a *common good* from collapsing in discord when a *private good* [*bonum suum*] subsequently comes into conflict with the *common good*.³⁴

We might imagine that the common good of such an association (i.e. the end desired by all members) is to protect an area of land on which the members live or to raid the supplies of a neighbouring territory. Due to the dynamics of Hobbes's state of nature – which foster mutual fear and preemptive strikes – such temporary alliances cannot provide long-term stability, and hence one's own conservation might be better served by betraying or abandoning the alliance.³⁵ Unlike when we considered common/public good in section two, in these cases one's own (real) good can conflict with a common good.

To make the case that real individual and common good do not conflict for Hobbes, then, we should demonstrate a lack of conflict between what is good for the individual and what is “good for the commonwealth”.³⁶ We know that real individual goods are objects of an individual's rational desires. Similarly, common goods are objects of the desires of the sovereign who, according to Hobbes's political

³⁴ *DCv* 5.4 (ed. Tuck 1998).

³⁵ See, for example, *L* 13 (ed. Malcolm 2012, 190 [61]): “And from this diffidence of one another, there is no way for any man to secure himselfe, so reasonable, as Anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men, being necessary to a mans conservation, it ought to be allowed him.”

³⁶ From now on, I use “common good” only to refer to “good for the commonwealth”, i.e., the “publique good”.

theory, “beareth the person” of the commonwealth.³⁷ As we saw in an earlier quotation from *Leviathan*, the “Person that representeth” the commonwealth decides “the common Rule of Good and Evill”.³⁸ And even more clearly later in *Leviathan*, Hobbes writes that “Not the Appetite of Private men, but the Law, which is the Will and Appetite of the State is the measure [of public good]”.³⁹

Here Hobbes seems to be at his most radical. Whereas previous thinkers held that the common good provided the normative foundation for political practice, Hobbes appears to have things the other way round: what is good for the state gives content to the concept of the common good.⁴⁰ Yet the difference becomes much less clear when we consider that, just as there are real goods for the individual, there may be real goods for the commonwealth. If so, then even for Hobbes there is a standard of common good that abides independently of the desires of the holder of sovereign power.

How then are “real common goods” to be established? If we recall that “the first of the goods for each is self-preservation” in the case of individual human bodies, then, drawing on the analogy Hobbes makes between the natural body of man and the artificial body of the state, we can say that the first good of the commonwealth is also to preserve itself.⁴¹ From this, it follows that the things that are found, after reasoned deliberation, to be conducive to the preservation of the commonwealth are real common goods. Several commentators have identified peace as a common good, and sometimes specifically as a “real” common good, in Hobbes theory.⁴² Whether peace is best characterised as one of those goods that is conducive to the preservation of the commonwealth, or as the very preservation of the commonwealth itself – the “first of the goods” – is debatable. According to Hobbes, “the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.”⁴³ This condition is different from a mere “Cessation of Armes”.⁴⁴ Since peace is only to be found, for Hobbes, when humans are united into a commonwealth, the preservation of the commonwealth is the preservation of peace.

For Hobbes, peace is achieved by conduct that conforms with the laws of nature. As he puts it in the Latin *Leviathan*: “it cannot be denied that the necessary means to peace are good. And those means are *Justice, Gratitude, Modesty, Equity, & the rest of the Laws of Nature*”.⁴⁵ It is the sovereign, of course, who provides the

³⁷ L 16 (ed. Malcolm 2012, 248 [82]).

³⁸ L 6 (ed. Malcolm 2012, 82 [24]).

³⁹ L 46 (ed. Malcolm 2012, 1090 [376]). The phrase ‘Publique Good’ appears in the marginal gloss of the relevant passage.

⁴⁰ I am grateful to Heikki Haara for suggestions on this point.

⁴¹ L, “The Introduction” (ed. Malcolm 2012, 16 [1]).

⁴² See, for example, Hampton 1992, 336.

⁴³ L 13 (ed. Malcolm 2012, 192 [62]).

⁴⁴ L 18 (ed. Malcolm 2012, 273 [91]).

⁴⁵ LL 15 (ed. Malcolm 2012, 243).

authoritative interpretation of these laws within a commonwealth: subjects possess no right of private judgement of good and evil.⁴⁶ However, if we acknowledge peace as the common good, to which those laws are means, then it remains the case that there are things that are conducive to peace and things that are not, and only those that are conducive to peace are real goods.

It should further be acknowledged that the absence of war, according to Hobbes, brings more than mere security. In a commonwealth, we live not only “securely [*secure*]” but also “happily [*beate*], and elegantly [*ornate*]”.⁴⁷ The picture that Hobbes paints of life in a commonwealth compared to a state of nature (and indeed the picture on the title page of the 1642 *De cive*) makes this clear. The advantages of civil society are expressed in Hobbes's account of what is lacking in a state of nature:

there is no place for Industry; because the fruit thereof is uncertain; and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters.⁴⁸

Life inside a commonwealth, by contrast, is a distinctively human life: that is, one in which life is elevated beyond such a “brutish” state of existence through the collective development and exercise of human abilities. As Hobbes writes in *De homine*, “though among certain animals there are seeming polities, these are not of sufficiently great moment for living well [*bene vivendum*]”.⁴⁹

When viewed from this angle, life in the Hobbesian commonwealth takes on a familiar Aristotelian flavour: political society exists for the sake of a distinctively human good life. Certainly, this aspect is not always emphasised by Hobbes. Further, unlike Aristotle, Hobbes does not grant virtue any intrinsic, non-instrumental value in the good life.⁵⁰ But it does mean that the commonwealth is not merely a necessary evil to which the rational Hobbesian individual must consent in order to be left alone to achieve his own good. Instead, it enables the attainment of goods that require human cooperation, thus strengthening the rational desire to maintain the commonwealth and weakening the irrational desire for dominion over others.⁵¹

⁴⁶ See particularly *L* 18 and 29 (ed. Malcolm 2012, 270 [90], and 502 [168]).

⁴⁷ *DH* 10.3 (ed. Gert 1991).

⁴⁸ *L* 13 (ed. Malcolm 2012, 192 [62]).

⁴⁹ *DH* 10.3 (ed. Gert 1991).

⁵⁰ Krom 2011, 89–90. Krom, however, goes too far in claiming that the rational Hobbesian citizen merely needs to have a reputation for virtue (i.e., for action in accordance with the laws of nature), rather than actually acting virtuously. If Hobbesian agents rationally desire the benefits of society that I have outlined, they have reason to desire the maintenance of that society.

⁵¹ For Hobbes, those who seek dominion over others rather than uniting into a commonwealth are irrational because they are “vainly glorious, and hope for precedency and superiority above their fellows, not only when they are equal in power, but also when they are inferior” (*EL* 1.14.3 [ed. Tönnies 2007]). In other words, they fail to acknowledge that no human is sufficiently powerful to

12.5 The Compatibility of Real Individual Good with Real Common Good

The laws of nature, then, as the means to peace – which brings not only the possibility of a long life but also the benefits of human cooperation that make that life worth living – are real goods for both the individual and the commonwealth. At this fundamental theoretical level, there is no conflict between real individual and common good, between what is good for the individual and what is good for the state. This is reflected in Hobbes’s descriptions of the laws of nature both as means to peace, and as means to preserving one’s life.⁵² S. A. Lloyd makes a compelling case for understanding the Hobbesian laws of nature as rules that secure the common good.⁵³ On Lloyd’s reading, however, the laws fulfil this function *rather than* securing “the self-interest (including self-preservative interest) of the agent who follows them”.⁵⁴ This is because “Many agents in Hobbes’s world stand to fare better by destabilizing the peace than by adhering to the Laws of Nature that promote it”: examples include “men ambitious of military command or other office, potent or popular men whom others will protect” and “religious zealots”.⁵⁵ However, the desires of such individuals would not, on Hobbes’s account, be rational, and therefore the objects they call good cannot be real goods. Those who want to make their fortune or reputation by war, and those who rely on the current goodwill of others are thinking short-term: they lack the “prospective glasses [...] to see a farre off the miseries that hang over them” (temporary alliances cannot be relied upon for long-term safety, for example). As for the religious zealots, as discussed above, at best they needlessly risk or give up their earthly life out of a mistaken opinion of what God requires of them, and at worst they forfeit salvation by violating what is, for Hobbes, a fundamental requirement of (Christian) faith: obedience to the sovereign’s law.

Hence Hobbes’s laws of nature unite what is really good for the individual with the good of the commonwealth. Nevertheless, Hobbes does acknowledge situations

be able to ensure their safety against others. See also *DCv* 1.4 (ed. Tuck 1998; Warrender 1983); *L* 13 (ed. Malcolm 2012, 188–90 [60–61]).

⁵² See, for example *EL* 1.15.1 (ed. Tönnies 2007): “There can therefore be no other law of nature than reason, nor no other precepts of NATURAL LAW, than those which declare unto us the ways of peace, where the same may be obtained, and of defence where it may not”; *DCv* 2.1 (ed. Tuck 1998): “The *Natural law* therefore (to define it) is the Dictate of right reason about what should be done or not done for the longest possible preservation of life and limb”; *L* 14 (ed. Malcolm 2012, 198 [64]): “A LAW OF NATURE [...] is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may best be preserved”; *LL* 14 (ed. Malcolm 2012, 199): “A LAW OF NATURE [...] is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do that, which will seem to him to tend to his disadvantage” (the translation is Malcolm’s).

⁵³ Lloyd 2009, chapter 3

⁵⁴ Lloyd 2009, 114. Here I take it that, for Lloyd, individual “self-interest” is the same as “good for an individual” (cf. section two above on the term “interest”).

⁵⁵ Lloyd 2009, 121.

in which the two goods diverge. However, this divergence does not amount to a true conflict between individual and common good. This is because, in Hobbes's view, nothing that is really good for the individual – that is, no action in accordance with a rational desire – can be bad for the commonwealth. Only irrational desires, whether on the part of the individual or the sovereign, are a threat to the preservation of the state.

Consider the following example. According to Hobbes, no one is obliged by natural law to refrain from defending himself against “Death, Wounds, and Imprisonment”, nor to “accuse ones selfe, without assurance of pardon”, since to do so would not serve the end of one's preservation.⁵⁶ Since natural laws are “dictates of Reason”, an action that is not against natural law is not against reason.⁵⁷ Hence, the criminal's desire to avoid life-threatening punishment is rational, but it does not align with the rational desire of the sovereign to enforce obedience to the law. Nevertheless, this is not a case in which the individual good conflicts with the common good because the existence of the commonwealth is not threatened by the resistance of the person concerned. Hobbes notes that prisoners are escorted by guards, so the law will nevertheless be upheld.

If, however, sufficient numbers of citizens are inclined to rally to the prisoner's cause, or if sufficient numbers are condemned and thus desire to resist, then such cases might indeed become a threat to order. This is one reason why religious disagreement was a particular concern for Hobbes since it provided a cause behind which many citizens were prepared to rally. Since religiously motivated disobedience is (almost) never rational, according to Hobbes's understanding, then the conflict is between an irrational desire and the common good. In other cases, if such large numbers of citizens were condemned by the sovereign's laws that their own resistance or the resistance of their supporters would threaten the peace, then it calls into question whether the law itself was directed towards the common good: if not, the conflict would be between rational individual desires and an irrational desire of the sovereign. In neither case, then, is there conflict between real individual and real common good.

Hobbes proceeds to give a further example, which arguably draws on a broader conception of the *bonum primum* than the mere preservation of one's own life: one is not obliged to accuse those by “whose Condemnation a man falls into misery; as of a Father, Wife, or Benefactor”.⁵⁸ Yet the maintenance of the commonwealth surely requires honesty and vigilance amongst the citizens. In this case, we must also conclude that the lack of obligation to bring about the punishment of those close to oneself is understood to be insufficient to threaten the commonwealth.

In *De cive*, Hobbes provides a different example of a case in which one's real good is not served by obedience to the sovereign's laws. He writes that a man is not

⁵⁶ *L* 14 (ed. Malcolm 2012, 214 [69–70]).

⁵⁷ *L* 14 and 15 (ed. Malcolm 2012, 198 [64], and 242 [80]).

⁵⁸ *L* 14 (ed. Malcolm 2012, 214–15 [70]). *LL* replaces “Benefactor” with “other kith and kin [*aliquae Necessarii*]”.

“obliged to kill a parent, whether innocent or guilty and rightly condemned; since there are others who will do it, if ordered to do so, and a son may prefer to die rather than live in infamy and loathing”.⁵⁹ Clearly the same justification applies here: there are other executioners, the commonwealth will not suffer, so it is not necessary that the son perform the act.⁶⁰ What is curious about this example is the explanation of why “a son may prefer to die”: it is specifically that death is preferable to living “in infamy and loathing”. Here once again it is the goal of living well rather than merely staying alive that determines which actions are considered rational. In particular, the importance of social cooperation to achieving the good life is stressed: to commit patricide would place one outside human society. However, a society’s conception of honour can change, and indeed can be moulded by the sovereign, as Hobbes acknowledges when discussing the practice of duelling.⁶¹ In the example of patricide, then, we must assume that the revulsion or disapproval felt towards the perpetrator is considered by Hobbes to be a feature of human nature, which as such cannot be altered. This explanation opens the door to the possibility that there are other commands that subjects could rationally choose to die for rather than perform. However, Hobbes does not pursue this.

In short, what seems essential to Hobbes’s view of the relationship between the individual and common good is the idea that no rational appetite can endanger the commonwealth. It is appetites that are against reason – such as the desire for martyrdom, or the vainglory that leads a person to seek military honours rather than preserve peace – that threaten civil order. In the three examples discussed so far, individuals have been morally free to pursue their real good (even though their chances of attaining it are slim). However, in another example, Hobbes raises a case in which an individual is obliged to sacrifice his life for the good of the commonwealth. This is the case of the soldier who is obliged to fight even if his own death seems likely, unless he is instructed to flee by his superior officer:

he that inrowlth himselfe a Souldier, or taketh imprest mony [...] is obliged, not onely to go to battell, but also not to run from it, without his Captaines leave.⁶²

How can the individual and common good be compatible in such a case?⁶³ That there are citizens prepared to sacrifice their lives in battle is necessary for the common good (the preservation of the commonwealth). This sacrifice, however, would

⁵⁹ *DCV* 6.13 (ed. Tuck 1998).

⁶⁰ See also *L* 21 (ed. Malcolm 2012, 338 [112]).

⁶¹ *L* 10 (ed. Malcolm 2012, 142 [45]).

⁶² *L* 21 (ed. Malcolm 2012, 338–40 [112]). See also “A Review and Conclusion”, 1134 [390–91]. This obligation lasts only as long as the power he is fighting for “keeps the field”: if the commonwealth falls, “a Souldier also may seek his Protection wheresoever he has most hope to have it; and may lawfully submit himself to his new Master”. For a discussion of Hobbes’s arguments concerning fighting for the commonwealth across his works, see Baumgold 1983, 43–64.

⁶³ On the readiness to die for one’s community in Aristotle and medieval authors, see section three of Juhana Toivanen’s chapter in this volume.

seem to be at odds with the individual's real good, and thus to require an irrational desire on the part of the soldier.

According to Michael P. Krom, this means that a Hobbesian commonwealth must implicitly rely on "generous prideful men" who are willing to sacrifice themselves for their commonwealth, even though these men must, according to Hobbes's theory, be characterised as "irrational". The result, for Krom, is a theory that builds peace on the "rational self-interest" of the majority of men but needs "generous souls who put the interests of the commonwealth above their own" if that peace is to be protected. Hobbes cannot appeal to these "generous souls" in the language of instrumental rationality, but he writes his political theory for the majority of men who are not capable of such noble actions, Krom argues.⁶⁴ Such a reading suggests that Hobbes, despite himself, must ultimately agree with Cicero's exposition in *De finibus* of the Stoic view that "a preparedness to die for one's country is so laudable" because "it is right and proper that we love our homeland more than our very selves", whilst simultaneously presenting this position to be irrational.⁶⁵

It would appear that there are three options in response to this problem. First, the compatibility of real individual good with the common good in Hobbes's theory fails when it comes to soldiers since in their case, the real good of preserving oneself threatens the survival of the commonwealth. Second (Krom's preferred route), the whole account of real goods that Hobbes has given is not to be understood as part of a genuine moral theory but rather as a rhetorical strategy aimed at convincing immoral men to act peacefully as much as they are able, while the true morality remains more like that of a Roman Stoic. Third, there is some way, consistent with Hobbesian premises, in which the sacrifice of the soldier can be understood to represent their real good.

One possible candidate for the third option can be taken from the example in *De cive* in which one might prefer death to living in "infamy and loathing".⁶⁶ Perhaps the soldier, who has "taken away the excuse of a timorous nature" by enrolling in the military, would, if he deserted, face so much condemnation and mistrust even if he survived that death would be preferable.

It is worth noting that because Hobbes's view, compared with that of a morality that praises self-sacrifice, must – if accepted – seriously limit the numbers of citizens willing to sacrifice their lives when commanded by the sovereign, it must likewise limit the bellicosity of the sovereign, who can no longer rely on legions of men willing to sacrifice themselves. Given the rational interest that all have in peace, this for Hobbes must be no bad thing.

⁶⁴ Krom 2011, 99–101.

⁶⁵ Cicero, *De finibus* 3.64 (*On Moral Ends*, ed. Annas, trans. Woolf 2004).

⁶⁶ I am grateful to Juhana Toivanen for discussion on this point.

12.6 Conclusion: Real Goods and Real Politics

The condition in which there is no conflict between the individual and common good – the condition in which laws are directed to the real good of the commonwealth, and citizens see where their own real good lies – is an ideal condition, not a real political scenario for Hobbes, at least not one that has existed so far. Hobbes thinks there is no human body without the desire for self-preservation, and in a similar way, there can be no commonwealth (no political body) without a sovereign who desires peace. But commonwealths may be led by *homines imperiti*, who do not understand what is conducive to peace, that is, who do not see the real common good. And citizens often do not understand their own real good. Undoubtedly, Hobbes is much more concerned with the latter issue than the former. He sometimes even seems to show an optimism, or even naivety, about the possible desires of a sovereign, as in the case where he tells his readers that, no “Infidel King” would be “so unreasonable” as to “put to death, or to persecute” a subject who “thinketh himself bound to obey the Laws of that Infidel King”.⁶⁷

Nevertheless, tracing the compatibility between real individual and real common good in Hobbes’s philosophy is worthwhile for drawing attention to how, within his theory as in those that went before, the ability of sovereigns to see the real good for the commonwealth is a fundamental part of a functioning political community. Although Hobbesian citizens, accepting his position that there is no absolute good to be found in the nature of things, have reason to accept the sovereign’s law as the “common rule of good and evil”, this cannot be pushed too far. The freedom that Hobbes allows to individuals to follow their real good suggests that the commonwealth is undermined not only by the irrational desires of subjects, but also by the irrational desires of sovereigns. Hence the most stable, the most well-functioning, Hobbesian political community is one in which the citizens pursue real individual goods, and the sovereign’s laws are directed to real common goods.

To return to the question with which we began: if what is good for oneself and what is good for the political community conflict, which should take precedence? Hobbes’s theory, I have argued, suggests that the choice is a false one. First, in an ideal world, there is no conflict between these goods since the real goods of both individuals and commonwealths converge in the laws of nature, which are the means both to the preservation of the individual and of the state. Even cases such as that of the criminal – where a real individual good does not threaten the good of the commonwealth but is nevertheless threatened by it – would not arise since criminality itself is a product of irrationality (either on the part of the person subject to the law, or the lawmaker). Then, in the real world, where human rationality is fallible, Hobbes argues that individuals should ultimately accept the sovereign’s definition of what is good, and in this way, what is “good for oneself” gains content only through what is good for the commonwealth. However, this latter method of uniting individual with common good has limits, which Hobbes acknowledges. Subjects cannot be pushed too far into calling good that which is obviously contrary to their real good of preserving themselves, nor

⁶⁷ L 43 (ed. Malcolm 2012, 954 [331]).

to the stated aim of the commonwealth to enable us to live peacefully and well. Hence, the ideal framework of compatibility between real individual and common good is important for Hobbesian sovereigns to keep in mind: that commonwealth is best preserved which deviates from it least.⁶⁸

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⁶⁸For comments on a draft of this chapter, I would like to thank Adrian Blau, Deborah Baumgold, Johan Olsthoorn, and the editors of this volume.

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Chapter 13

Self-Interest as a Source of the Common Good in Post-Hobbesian Natural Law



Heikki Haara

13.1 Introduction

Seventeenth-century natural law should not be seen as a unified theory but rather as a series of attempts to employ a shared vocabulary in order to justify what were often quite dissimilar theories of morality and politics. Early modern Scholastic and Neo-Stoic natural law theories were largely based on the idea that the precepts of natural law could be rationally derived by reflecting on the rational and social elements of human nature. In this picture, the purpose of natural law was to complete or perfect human nature. Thomas Hobbes radically challenged these assumptions by rejecting the teleological account of human nature and upholding a hedonistic and subjectivist account of good and evil.¹ Hobbes argued that natural law could not promulgate a moral vision of the good life that all people naturally share. Despite his acknowledgement of the huge variations in human desire, Hobbes maintained that all properly functioning humans rationally strive towards self-preservation. It was therefore possible to construct binding moral obligations only with a reference to the value of self-preservation.

In *De cive* (1642), Hobbes defines natural law as “the Dictate of right reason about what should be done or not done for the longest possible preservation of life and limb”.² Natural law enjoins people to seek peaceful relations with others when it is safe to do so and to prohibit several vices, such as cruelty and ingratitude. Since

¹For a recent analyses of Hobbes’s conception of the good, see especially Olsthoorn 2020, 241–66; Abizadeh 2018, 139–80; and Alexandra Chadwick’s chapter in this volume.

²Thomas Hobbes, *On Citizen* (ed. and trans. Tuck and Silverthorne 1997), 33.

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in a state of nature there are no sanctions that could assure compliance with law, natural laws are merely “theorems of reason” that oblige human beings only in “the internal court”.³ The upshot is that natural law instructs people to institute the sovereign state as a necessary means to realise the good that is common to all and peace, and it instructs to hold fast to the state’s authority once it is established. Natural law had to be made obligatory by the civil sovereign, directly by adding civil sanctions and indirectly by providing the conditions of peace and security that make practising natural law morally required.

Hobbes’s reduction of the precepts of natural law to the necessary conditions for individual self-preservation and social utility could not be ignored in England and continental Europe.⁴ For many of his contemporaries, it appeared that Hobbes denounced the long-standing tradition of natural jurisprudence by arguing that the purpose of natural law was merely the realisation of the self-interest of the agent rather than to offer binding moral instructions for the promotion of the common good. This chapter explores how Hobbes’s two immediate critics, Richard Cumberland in his *De legibus naturae* (1672)⁵ and Samuel Pufendorf in his *De jure naturae et gentium* (1672/1684)⁶ and its abridged textbook version *De officio hominis et civis* (1673),⁷ dealt with the question of a potential conflict raised by Hobbes between the common good and self-interest. Like Hobbes, both of them were writing in an idiom of Protestant natural jurisprudence that dominated European political thought in the seventeenth century and had a lasting impact into the eighteenth-century.

While Cumberland’s *De legibus* has often been seen as a full-blown attempt to refute Hobbes’s view on natural law, Pufendorf’s relationship to Hobbes is more complex and open to diverse interpretations. Pufendorf explicitly shared many aspects of Hobbes’s civil science and self-regarding anthropology. Most evidently, he embraced Hobbes’s intention to employ the language of natural law as a socially useful means to achieve peace and political stability in large-scale societies. After the polemical controversy that erupted after the publication of *De jure* in 1672, Pufendorf attempted to distance his natural law theory from that of Hobbes by

³There is a complex scholarly debate on how fundamentally Hobbes departed from natural law tradition and whether Hobbes understood natural laws as the precepts of prudence that appeal to people’s self-interest as divine commands or as moral imperatives of non-instrumental reason, see Hoekstra 2003, 111–20; Lloyd 2016, 264–91.

⁴For the reception of Hobbes’s ideas in England and Germany, see Parkin 2010 and Dreitzel 2012, 255–89, respectively.

⁵The references are given in the following forms: *DLN* = *De legibus naturae* (1672 edition); the English translation is *A Treatise of the Laws of Nature* (trans. Maxwell, ed. Parkin 2005).

⁶The references are given in the following forms: *JNG* = *De jure naturae et gentium* (ed. Böhlting 1998); the English translations are *The Political Writings of Samuel Pufendorf* (trans. Seidler, ed. Carr 1994) and *On the Law of Nature and Nations* (trans. Oldfather and Oldfather 1934). When a passage quoted is an addition to the second edition of *JNG*, this is indicated in the footnote.

⁷The references are given in the following forms: *OHC* = *De officio hominis et civis* (ed. Hartung 1999); the English translation is *On the Duty of Man and Citizen* (trans. Silverthorne, ed. Tully 1991).

adding 40 references to Cumberland's *De legibus* into the second edition of *De jure* (1684). Like Cumberland, Pufendorf employed the competing labels of "Epicurean" and "Stoic" when attempting to write the alternative model of natural law to that of Hobbes, arguing that *De jure* was largely consistent with Cumberland's Stoicism since both works shared an intention to refute Hobbes's Epicureanism.⁸

Scholars have viewed Pufendorf's engagement with Cumberland through different lenses. Fiammetta Palladini has argued that Pufendorf's references to Cumberland in the second edition of *De jure* were meant to cover his deep-seated intellectual debt of Hobbes. They flowed from "a sort of retrospective self-delusion" that led him "to convince himself that Cumberland's system and his own were perfectly equivalent"⁹ and "contaminate the original physiognomy of Pufendorf's thought".¹⁰ On the contrary, Jon Parkin has argued that Pufendorf's *De jure* was "remarkably similar to Cumberland's treatise". In particular, Pufendorf found that Cumberland's anti-Hobbesian critique was a useful way of strengthening his own position that individuals are not obligated to natural law merely through their self-interest. Cumberland and Pufendorf both attempted "to understand the process by which the individual comes to identify their own good with that of the social unit".¹¹

In this chapter, I maintain that it is important to acknowledge not only notable similarities but also fundamental differences between Pufendorf's and Cumberland's natural jurisprudence. The second section shows that Cumberland and Pufendorf agree that pursuing the common good as prescribed by natural law takes priority over self-interest as an end since natural law imposes moral duties that are common to the welfare of humankind as a whole. Section three argues that the most significant difference between Cumberland and Pufendorf is predicated on their treatment of (human) nature. While Cumberland's theory of human nature is perfective, Pufendorf rejects the teleological account of human nature. Cumberland is committed to this idea because our nature contains objectively perfectible faculties. Since the private good is inherently a part of the common good, a conflict between the common good and the private good is not possible. In a marked contrast, Pufendorf rejects the idea that the purpose of moral good is to perfect human nature, arguing that the requirements of morality could conflict with the private good of individuals. Section four focuses on Cumberland's and Pufendorf's descriptive explanations of how people actually come to promote the common good. Both authors reasoned that self-interest as a source of motivation for action is not merely detrimental to morality and social cooperation. It is self-interest that motivates people to take into account the advantage of others and that leads them to promote the common good.

⁸Samuel Pufendorf, *Specimen Controversarium* (ed. Palladini 2002), 1.6–7. See Hochstrasser 2000, 69–71.

⁹Palladini 2019, 150.

¹⁰Palladini 2019, 185.

¹¹Parkin 1999, 206–7.

13.2 Self-Preservation and Moral Obligation

Unlike Hobbes and many others, Cumberland and Pufendorf do not provide a full list of natural laws. Instead, they uphold that all duties of natural law stem from a single moral principle. Cumberland's natural law theory is built around the concept of the common good (*bonum commune*), and Pufendorf structures his natural law theory around the principle of sociality (*socialitas*) that is necessary for the wellbeing (*salus*) of humankind. Hobbes's works appeared to explain the obligation to natural law through the rational calculation of self-interest since true reasoning about what furthers one's own self-preservation and welfare establishes the dictates of natural law. While Cumberland and Pufendorf approved the Hobbesian premise that subjects of natural law are predominantly self-interested by nature, both claimed that people are not obliged to follow natural law predominantly with a reference to the value of self-preservation.

Today, Cumberland has often been interpreted as taking the first steps towards utilitarianism because of his idea that the aim of natural law is to ensure the maximisation of happiness.¹² It should be noted, however, that Cumberland's central effort was to offer a moral theory that could strengthen the link between divine obligation and natural law in order to validate the content of natural law and its obligatory force. Cumberland employs the scientific evidence of his time in order to show that the empirical analysis of human nature and moral behaviour could demonstrate the content of natural law.¹³ It was thus possible to learn the content of the eternal principles of natural law and God's intentions through experience. *De legibus* offers several different formulations about the central principle of natural law. The fundamental idea is that since individuals are naturally bound by the common good, they ought to act benevolently to achieve the happiness of all. Natural law "points out possible action of a rational agent, which will chiefly promote the Common good, and by which only the entire happiness of particular persons can be obtained".¹⁴

Even though Cumberland believes that humans are by nature self-regarding creatures and that each individual "necessarily seeks his own greatest happiness", he maintains that an individual happiness should not "be the entire and adequate end of anyone". Rather, an individual well-being necessarily relies on "the benevolence of God and of other men". Therefore, "it is impossible, that he who considers the nature of rational beings, should desire that they should assist us, expect their own self-preservation were at the same time taken care of; and, therefore, he cannot propose to himself his own happiness, separately from that of others, as his

¹²For a recent interpretation of Cumberland as utilitarianist, see Crisp 2019, 42–48. For an interpretation that highlights the anti-utilitarian aspects of Cumberland's theory, see Irwin 2008, 227–29.

¹³*DLN* 1.17 (ed. 1672). For an illuminating analysis of the intellectual and political contexts of Cumberland's natural law theory, see Parkin 1999, 17–96.

¹⁴*DLN* 5.1 (ed. 1672; trans. Maxwell 2005, 496). For the comparison of different versions of Cumberland's definition of natural law, see Kirk 1987, 79; Parkin 1999, 108.

adequate end”.¹⁵ The important point to be extracted from the above passage is that we cannot expect others to assist our preservation without being willing to help them in turn.

What is more, Cumberland argues that the proper understanding of self-preservation suggests that an objective moral science is possible. Self-preservation is an essential incentive to acquire ethical knowledge from nature since without the desire for self-preservation, people could not know the content of natural law or act in conformity with it.¹⁶ Individuals cannot conceptualise the right of self-preservation without forming the concept of the common good. The right of self-preservation is inconceivable before it is known “that this will contribute to the common good”.¹⁷ The common good refers to the good that is common to all rational creatures, including God, not to the good of an individual to the exclusion of others. Cumberland thus believes that self-interested human beings come under obligation to promote the common good by perceiving that benevolent actions have naturally good consequences for their own happiness and by recognizing that their private good is a part of the common good that human beings share with God.¹⁸

Unlike Cumberland, Pufendorf does not endorse the premise that God and humans are parts of the same moral community. The obligatory content of natural law cannot be thus derived from the common good that is somehow shared between God and human beings. Like Cumberland, however, he underlines that demonstrative knowledge about morality must be acquired empirically.¹⁹ In Pufendorf’s view, the content of natural law norms can be demonstrated by reflecting “man’s nature, condition, and inclinations” as well as considering “other things external to man, especially those capable of benefiting and harming him in some way”.²⁰ While a man “is very well suited for the promotion of mutual advantages”, he is also “often malicious, insolent, easily annoyed, and both ready and able to inflict harm”. People are thus in need of a moral law that ought to guide their actions. The most fundamental natural law principle enjoins that an individual “must, in as much as he can, cultivate and maintain peaceable sociality (*socialitas*)”.²¹ The moral imperative to cultivate sociability provides grounding for all other moral and political duties, which “may be said to be no more than subsumptions under this general law”.²²

¹⁵ *DLN* 5.28 (ed. 1672; trans. Maxwell 2005, 556).

¹⁶ *DLN* 5.40 (ed. 1672).

¹⁷ *DLN* 1.23 (ed. 1672; trans. Maxwell 2005, 327).

¹⁸ *DLN* 1.4 (ed. 1672); *ibid.*, 2.3.

¹⁹ *JNG* 1.2.3 (ed. Böhling 1998).

²⁰ *JNG* 2.3.14 (ed. Böhling 1998; trans. Seidler 1994, 151).

²¹ *JNG* 2.3.15 (ed. Böhling 1998; trans. Seidler 1994, 151–52).

²² *OHC* 1.3.9 (ed. Hartung 1999; trans. Silverthorne 1991, 36).

Although God is absolutely free to impose whatever moral rules he wishes, Pufendorf believed that God is not an arbitrary despot but wished for the well-being of humankind. Right reason can demonstrate that natural law is useful, that is, it promotes the self-preservation and wellbeing of humankind.²³ Moreover, the norms of natural law are not merely advantageous to humankind but for individual utility as well. Referring to book one of Cicero's *De officiis*, Pufendorf draws a distinction between short-term utility, which centres "upon the advantages that are for the most part immediate and fleeting and little concerned with the future", and long-term utility, "which not only examines what lies before its very feet, but also weighs the future consequences". Actions in conformity with natural law are "not only reputable (*honestae*), that is, they tend to maintain and increase a man's honour, esteem and dignity, but they are also useful (*utiles*), that is, they procure some advantage reward for a man and contribute to his happiness".²⁴ The content of natural law is rationally derivable and binding on us *qua* the precept of prudence, independent of an obligation to so follow these precepts. Pufendorf, however, makes it clear that natural laws are not principles of practical reason that merely appeal to people's self-interest. Even without the sense of natural law, reason would enable people to act "more expeditiously and adroitly than a beast". However, without reference to a law, it would be impossible for a human being to find moral value in one's actions "as for a man born blind to judge between the colours".²⁵

Hobbes's denial of man's natural sociability set the terms for Pufendorf's natural law theory. The cultivation of sociability is a moral norm that ought to guide the actions of self-loving and naturally antisociable beings. For Pufendorf, however, reasoning about what furthers one's own self-preservation and welfare does not in itself establish the content of natural law.²⁶ Pufendorf understood the desire for self-preservation as an important starting point for reflection on the content of natural law, but he denied that there are immediate normative connections between the facts of human nature and the content of natural law.²⁷ If man's moral relationship to God's commands is removed, "it appears that a man is obliged only through

²³ *JNG* 1.6.4 (ed. Böhling 1998).

²⁴ *JNG* 2.3.10 (ed. Böhling 1998).

²⁵ *JNG* 1.2.6 (ed. Böhling 1998; trans. Oldfather and Oldfather 1934, 28). Translation modified.

²⁶ According to Fiammetta Palladini's (2019) interpretation, Pufendorf followed Hobbes by deducing the norms of natural law from the requirements of individual self-preservation and utility. Palladini's Hobbist reading of *De jure* (originally published in Italian in 1990) is still scholarly orthodoxy for many. See especially Hunter 2019b, 933–52. My interpretation on the role of the inclination to self-preservation in Pufendorf's natural law theory largely follows Kari Saastamoinen (2019), who has argued that Pufendorf did not deduce natural law from the requirements of individual self-preservation.

²⁷ While Pufendorf draws a conceptual distinction between natural inclinations and the content of natural law, he is attentive to the coercive role of the inclination for self-preservation when he articulates the actual scope of the duty under natural law to preserve oneself in various social contexts. See Haara 2020, 87–108.

sensitive instinct, and since this does not have the force of law, whatever is opposed to it should not be accounted as a sin”.²⁸

For Pufendorf, the cultivation and maintenance of sociability is a divinely imposed moral imperative that benefits the wellbeing (*salus*) of humankind as a whole, not merely the self-preservation of individual beings. The duty to take care of oneself belongs to the duties towards oneself that derive from one’s obligation to cultivate peaceable sociability. This includes the duty to take care of one’s body and stay alive in order to fulfil the duties of sociability that are imposed by natural law. The crucial point here is that people ought to take into account their own well-being insofar that their well-being impacts the conditions of sociability. People are obligated to care for themselves since “the social relation, for which the man was created, cannot be exercised and preserved to good advantage unless every man improves and preserves himself to the best of his ability”. If an individual harms himself, “he works an injury, not, indeed, on himself but on God, his Creator, and on the human race”.²⁹

I have so far argued that both Cumberland and Pufendorf endorse the premise that it is not conceivable to formulate binding obligations of natural law merely with reference to the value of self-preservation. The common good is not reducible to what is subjectively good for individuals. Both intended to show that divinely imposed natural law obliges us to act from the perspective of the common good already in a state of nature. Hobbes’s theory appeared to undercut the idea that there could be effective moral obligations prior to civil laws. In *De Cive* 3.33, Hobbes had claimed that natural laws can be seen as divine law insofar as these precepts are buttressed in scripture.³⁰ Without the civil sovereign, however, who has the right to command others, natural laws are not laws, properly speaking, since they were not backed up with effective sanctions against those who do not act in conformity with natural law. To validate that the obligation to promote the common good was, properly speaking, a law independently from the decrees of the civil sovereign, Cumberland argued that it was important to identify the sanctions annexed to the law.

In Cumberland’s view, the sanctions and rewards in a temporary world are clues ordered by God that point out that the common good forms an encompassing model for practical reasoning among human beings. Cumberland’s purpose was not to downplay the significance of the punishments and rewards in the afterlife. Rather, he sought to demonstrate that the natural world provides sanctions and rewards that are compatible with the voluntaristic understanding of natural law.³¹ According to Cumberland, a law “is a practical proposition concerning the preservation of the

²⁸ *JNG* 2.4.19 (ed. Böhling 1998; trans. Oldfather and Oldfather 1934, 261), 2nd edition. See also *ibid.*, 1.6.7.

²⁹ *JNG* 2.4.16 (ed. Böhling 1998; trans. Oldfather and Oldfather 1934, 256).

³⁰ Hobbes, *On Citizen*, 3.22 (ed. and trans. Tuck and Silverthorne 1997, 56).

³¹ Parkin 1999, 107–8.

common good, guarded by the sanctions of rewards and punishments”.³² He does not claim that rewards and punishments as a natural consequence of good or evil actions are causes of moral obligation per se. Rather, they should be seen as “a necessary disposition in the subject, without which the laws and penalties for the law would be of no force to induce men to the performance of their duty”.³³

While Cumberland believed that it was possible to demonstrate this-worldly rewards and punishments that God had ordained for the compliance of natural law, Pufendorf excluded the demonstration of divinely imposed rewards and punishments in the afterlife and in this life from the discipline of natural law. The main reason for his exclusion of divine punishments in the afterlife is that the immortality of the soul cannot be securely demonstrated through reason alone. As a result, he was forced to defend himself against the accusations of the merger between Hobbism and atheism.³⁴ Moreover, Pufendorf admits that, while it is highly probable that God punishes wicked individuals in the temporal life in some way, it is not impossible to demonstrate through reason alone what kind of rewards and punishments await those who resist the commands of natural law. On the one hand, the penitence of conscience and the loss of security “that is the lot of wicked men, do not always seem to equal the greatness of their offences”.³⁵ On the other hand, God’s retaliation “tends to proceed at a slow pace”, which gives malicious individuals a chance to explain the consequences of their actions by other causes.³⁶

Pufendorf’s refusal to rely on demonstrative divine punishments and rewards has led some commentators to argue that Pufendorf fails to move beyond Hobbes’s theory of obligation that requires the command of a civil superior.³⁷ It should be noted, however, that Pufendorf states that “an obligation is properly introduced into a man’s mind by a superior, that is by someone who has not only the strength (*potestas*) to threaten some evil against those who resist him, but also legitimate reasons allowing him to demand that our freedom be restricted at his discretion”. As a result, moral obligation contains a dual motivation: (1) the reference for a superior’s legitimate reasons for imposing obligation and (2) the fear of sanctions.³⁸ The crucial point here is that the fear of God’s strength to punish in accordance with legitimate reasons for reverence will give rise to an obligation to obey natural law. While Pufendorf argues that in the discipline of natural law we cannot securely identify the actual content of God’s punishment through reason alone, he does not claim anywhere that God does not have *potestas* (power) to punish wrongdoers and that we

³² *DLN* 5.35 (ed. 1672; trans. Maxwell 2005, 247).

³³ *DLN* 5.22 (ed. 1672; trans. Maxwell 2005, 544).

³⁴ *OHC*, *praefatio* (ed. Hartung 1999). This is the reason why, for instance, Leibniz criticised Pufendorf and his disciple Christian Thomasius as “Epicureans”. See Ahnert 2009, 33–54.

³⁵ *JNG* 2.3.21 (ed. Böhling 1998; trans. Oldfather and Oldfather 1934, 224).

³⁶ *OHC* 2.5.9 (ed. Hartung 1999; trans. Silverthorne 1991, 134).

³⁷ Hunter 2019a, xv.

³⁸ *JNG* 1.6.9 (ed. Böhling 1998; trans. 1994, 125).

should not rationally fear God's freedom and capacity to inflict punishments.³⁹ On the contrary, there is ample textual evidence that indicates that the natural theological belief of God's potential ability to punish wrongdoers in some way and the fear of punishment are indispensable for Pufendorf's theory of natural law.⁴⁰

13.3 Natural Good and Moral Good

The previous section demonstrated that the question of a divinely imposed moral obligation to promote the common good lies at the heart of Cumberland's and Pufendorf's theories of natural law. Nevertheless, the major difference between the two authors is that Cumberland's theory of moral obligation is more naturalistic than Pufendorf's strict voluntarism. The reason for this is a significant difference between their accounts of normativity and teleology in human nature. Cumberland's theory of human nature is perfective. Citing 2.2 of Aristotle's *Politics*, he maintains that the natural good preserves, enlarges and perfects nature.⁴¹ In contrast, Pufendorf is not concerned with the perfection of human nature and rejects a teleological account of it. By highlighting the moral gulf between God and human beings, Pufendorf focuses on the anthropology of postlapsarian humans and sets aside the question of human nature in its perfective form. Whilst both defend the idea that the objective conception of natural goodness is not dependent on subjective desires, they hold conflicting views about how the natural good relates to moral good.⁴²

Because of Pufendorf's rejection of the teleological and perfective account of human nature, his understanding of human nature differs markedly from Cumberland's ethical naturalism. Cumberland has a tendency to argue, against Hobbes, that humans are naturally sociable animals, just like other animals, and that they can therefore naturally form social communities.⁴³ In contrast, Pufendorf largely follows Hobbes by highlighting the disparity between human and animal nature.⁴⁴ Pufendorf argues that human beings are naturally antisocial animals.⁴⁵ For instance, this difference is manifest in their treatment of the desire for glory. Hobbes had claimed, in chapter 17 of *Leviathan*, that unlike bees and ants, people are "in competition for honour and dignity", which is a root cause of social discord among

³⁹I thank Kari Saastamoinen for making this point.

⁴⁰See *JNG* 2.3.21; *JNG* 2.4.3; *JNG* 2.4.4 (ed. Böhling 1998); *OHC* 1.3.11; *OHC* 1.3.13 (ed. Hartung 1999).

⁴¹*DLN* 3.1 (ed. 1672; trans. Maxwell 2005, 462).

⁴²For natural goodness and moral goodness in Cumberland, see especially Irwin 2008, 222–29. For Pufendorf's treatment of the distinction between the natural good and moral good, see Schneewind 1987, 128–30.

⁴³*DLN* 2.22 (ed. 1672).

⁴⁴See especially *JNG* 2.1 (ed. Böhling 1998); *JNG* 7.1.

⁴⁵*JNG* 7.1.4 (ed. Böhling 1998).

men.⁴⁶ Against Hobbes, Cumberland argues that in a natural state, the promotion of the common good deserves true honour, which in turn motivates people to maintain peace.⁴⁷ For Hobbes, in the case of animals, there was no distinction between the private good and the common good since among ants and bees, “the Common good differeth not from the Private; being by nature inclined to their private, they procure thereby the common benefit. But man, whose Joy, consisteth in comparing himselfe with other men, can relish nothing but what is eminent”.⁴⁸ Cumberland points out that this claim exemplifies that Hobbes himself acknowledged, conceptually, the existence of the common good outside civil society. Moreover, Cumberland insists, against Hobbes, that people can satisfy their natural wants and needs without comparing themselves to others.⁴⁹ In turn, Hobbes’s emphasis on the desire for glory had an enormous influence on how Pufendorf dealt with the conflict between the private good and the common good in civil societies. This led him to argue that unlike in the case of other animals that do not compare themselves with others, among humans “there is a struggle for honour and dignity”, which is a central cause of “envy, rivalry and hatred”.⁵⁰

The major difference here is that Cumberland’s moral philosophy is grounded on the idea that since people are naturally social animals, the promotion of the common good is part of humankind’s natural end. Pufendorf, in turn, understands sociability as a moral imperative for restraining antisocial tendencies that obstruct the promotion of the common good. For Cumberland, through the rational examination of the natural world and of human nature, people can recognize that the pursuit of the common good results in the fulfilment and perfection of humans. Cumberland thus believes that the proper understanding of the nature of good could be used to defend the traditional idea that the content of natural law is embedded in the intrinsic features of human nature. Against Hobbes, Cumberland argues that natural laws are objectively grounded in the nature of things rather than on changing and uncertain opinions about pleasure and happiness.⁵¹ Moral good is incomprehensible without natural goodness, which can be deduced “from the very nature of things, and is altogether unchangeable, whilst nature remains unchanged”.⁵² The natural good is an objective category, not a matter of subjective opinion since its content can be determined with reference to its natural effects.⁵³ There is no genuine conflict between the common good and private good, and if there seems to be a conflict, the criterion of “the nature of things” is always available for making objective judgments about disagreements.

⁴⁶Thomas Hobbes, *Leviathan*, ed. Malcolm 2012, 258.

⁴⁷*DLN* 2.22 (ed. 1672).

⁴⁸Hobbes, *Leviathan*, ed. Malcolm 2012, 258.

⁴⁹*DLN* 2.22 (ed. 1672).

⁵⁰*JNG* 7.2.4 (ed. Böhling 1998).

⁵¹*DLN* 3.3 (ed. 1672).

⁵²*DLN* 8.1 (ed. 1672; trans. Maxwell 2005, 685).

⁵³*DLN* 3.2 (ed. 1672).

Pufendorf introduces the notion of “the nature of things” only in the 1684 edition of *De jure*. He refers approvingly to 1.10 of Cumberland’s *De legibus* as a sound criticism of “Hobbes’s errors on the nature of good”. Pufendorf denies that good can be considered in an absolute way as some previous philosophers have done. Not every existing entity can be considered as good. Rather, we should “consider something good only insofar as it has a bearing on others and is understood to be good for or on behalf of someone”. In this statement, Pufendorf rejects the metaphysical idea that goodness and being are equated. Furthermore, he refutes the Stoic notion of *summum bonum*, that is, the idea of the greatest good in life at which all human action is directed as an end in itself. At the same time, against Hobbes, Pufendorf insists that natural goodness is an objective category that does not rely on variable and often mistaken individual desires and opinions.⁵⁴

Pufendorf presents his definition of the natural good in the context of his theory of the will. In this textual context, the differentiation of the concept of the natural good from self-interested pleasure-seeking is targeted against Hobbes. In contrast to Hobbes’s treatment of desires in *De homine* 1.1.2, Pufendorf disengages volition from desire.⁵⁵ For Pufendorf, individuals “love and seek anything whatever insofar as they understand it to have a relation to their advantage, preservation and perfection”. Nevertheless, he stresses that this natural inclination of the will does not mean that we should abandon the objective idea of a natural good. Natural goodness cannot be conceptualised only as a relative for those individuals who strive for it separately from the good of others because the “sociality and conjunction of men” are advantageous for everyone. The general notion of the good does not depend on either the opinion of each person in the state of natural freedom or on the opinion of the supreme sovereign in the civil state.⁵⁶ The central idea here is that because the objective notion of the natural good is always embedded in social relationships, it is impossible to define natural goodness merely through subjective desires.

Cumberland’s and Pufendorf’s different conceptions of human nature have implications to their treatment of the common good. Cumberland maintains that since human nature contains intrinsic moral ends, what is naturally good for individuals is inherently a part of the common good. The purpose of a civil society is to perfect human moral nature. Civil society is happy when each of its members have perfected their minds and bodies.⁵⁷ On the contrary, Pufendorf follows Hobbes by rejecting the longstanding idea of human nature as teleological. He employs the concept of natural good in a decidedly non-moral sense, arguing that morality is conceptually independent from nature.⁵⁸ Pufendorf thus maintains that to provide social and political stability, actions in accordance with natural law may not bring

⁵⁴ *JNG* 1.4.1 (ed. Böhling 1998; trans. 1994, 113), 2nd edition.

⁵⁵ *JNG* 1.4.2 (ed. Böhling 1998).

⁵⁶ *JNG* 1.4.1 (ed. Böhling 1998; trans. 1994, 114), 2nd edition. See also *ibid.*, 8.1.5.

⁵⁷ *DLN* 5.9 (ed. 1672).

⁵⁸ This was not obviously an easy solution. For a recent interpretation of how Pufendorf dealt with the dichotomy between nature and morality, see Dawson 2020, 528–58.

any natural good for individuals. This is most evident in civil societies where an individual “must take into account the good of a society, which often seems to be in conflict with the good of individuals”.⁵⁹ Context-dependent and historically changing requirements of sociability largely determine the actual content of the common good in civil societies rather than intrinsic features of human nature.

13.4 Self-Interest as a Motivational Source of the Common Good

Despite Pufendorf’s and Cumberland’s significantly differing views on how moral norms can be derived from human nature, both broadly reaffirm the Hobbesian premise that humans predominantly act from self-interest. What is more, they could agree that self-interest and the common good are, in a sense, diametrically opposed but complementary. There are grounds for saying that, for both authors, reason is not an effective motivational force without the direction of self-interested desires. When offering psychological explanations of how people motivate themselves to promote the common good, Cumberland and Pufendorf both acknowledge the fundamental role of self-interest in human actions and portray other-regarding actions as a function of self-interest.

Cumberland’s theory of human motivation is multivalent. On the one hand, he argues that people are fundamentally self-interested creatures who are “determined by some sort of natural necessity” to chase the good and avoid evil.⁶⁰ Care for one’s own happiness is presumed to be stronger in humans than benevolent affections.⁶¹ Cumberland is critical towards Hobbes’s idea that people seek society because of the fear of death and Epicurus’s description of pleasure as the absence of mental and physical pain. Actions that are said to be motivated by the fear of death and pain should instead be understood to proceed from “the love of life and riches”. Nevertheless, Cumberland maintains that self-love is not a morally corrupt motivation as such but is directed towards a positive good that nature requires.⁶² Cumberland thus argues that although the desires for self-preservation and self-perfection are not causes of moral obligations, they have “some place among the motives to good actions”.⁶³ On the other hand, one can find passages in which Cumberland suggests that benevolent affections are not uncommon among humans. For instance, humans (such as other animals) naturally nourish and care for their offspring without taking

⁵⁹ *OHC* 2.5.4 (ed. Hartung 1999; trans. Silverthorne 1991, 132). For instance, the duty to cultivate sociability, which is required for the survival of humankind as a whole, may override an individual’s natural right to defend one’s body and life in civil societies (JNG 7.8.5 [ed. Böhling 1998]).

⁶⁰ *DLN* 5.27 (ed. 1672).

⁶¹ *DLN* 5.28 (ed. 1672).

⁶² *DLN* 5.40 (ed. 1672).

⁶³ *DLN* 5.22 (ed. 1672; trans. Maxwell 2005, 544).

into consideration their own individual self-preservation. The exercise of parenthood is instinctual.⁶⁴ Benevolent actions constitute the central part of our happiness since our good is directly dependent on the good of others. Yet, people do not act benevolently merely on the basis of rational reflection, but also affectively.⁶⁵

In general, Cumberland acknowledges that self-interest is the most fundamental motivational disposition in human nature. Furthermore, in his theory there is a causal or natural connection between self-interest and benevolence. The private good of individuals and the common good necessarily coincide. He argues that all rational creatures necessarily drive towards the common good through the recognition that other people serve their self-preservation in an analogous manner as they do. The obligation to cultivate the common good does not mean that one should neglect the care of individual advantage. Instead, the care of the common good motivates individuals “to preserve and perfect all their own powers and perfections, because they are the only means by which he can attain that End”.⁶⁶ People cannot be motivated to endorse their own happiness separately from the common good. The common good takes a priority over self-interest because individuals’ own interest will be best served by serving the common good.

In a manner that resonates with the Stoic notion of *oikeiōsis*, Cumberland argues that the natural impulse for self-preservation is the basis for appropriate acts to care for others. Self-interest will naturally extend to the interest of others. The extension happens naturally in the sense in which nature means the ideal. Accordingly, “we are determin’d by some sort of natural necessity, to pursue Good foreseen, especially the Greatest; and to avoid Evils”. People are motivated to promote the common good when they recognize that their happiness “naturally depends upon the pursuit of the common good of all rational agents”.⁶⁷ Cumberland intends to demonstrate that people naturally progress from self-love to benevolence, that is, being predominantly concerned about their own happiness to the desire to promote the wellbeing of all rational beings.⁶⁸ According to Cumberland’s Stoic providentialism, God has providentially ordered the world for the benefit of the whole and made sure that the promotion of the common good is compatible with individual utility.⁶⁹ An enlightened self-interest leads us to promote the good of others since individuals cannot achieve their own happiness without others. The only realistic way to get benefits from others is to obtain their good-will by practising other-regarding actions. Since it is impossible to coerce others to cooperate, “the only method we

⁶⁴ See e.g., *DLN* 5.9 (ed. 1672).

⁶⁵ *DLN* 5.4 (ed. 1672).

⁶⁶ *DLN* 5.17 (ed. 1672; trans. Maxwell 2005, 533).

⁶⁷ *DLN* 5.27 (ed. 1672; trans. Maxwell 2005, 554).

⁶⁸ Schneewind 1998, 107–9.

⁶⁹ For Cumberland’s Stoicism, see Hill and Blazejak 2021, 37–38.

have left is to obtain this end, is to procure their good will by making a tender to them of our service, and by faithful performance”.⁷⁰

Pufendorf has very little to say about other-regarding or benevolent inclinations for the simple reason that he thought that people are predominantly motivated by their self-interest and often by the desire to insult and hurt others. Yet, it should be noted that he acknowledges the existence of non-self-interested motivations.⁷¹ For instance, it is conceivable that people are motivated by pity or kindness.⁷² Pufendorf also notes that when an individual notices that an injury is done to others, this “should always solicit their sympathy or aid, and the infliction of injury an injury their disapproval”, even though they are impartial in the matter.⁷³ Moreover, people may have other-regarding affections within families.⁷⁴ While Pufendorf does not reject the possibility of altruism, there is no textual evidence to support the idea that other-regarding inclinations could provide an effective motivational underpinning for the promotion of sociability. While there are some individuals who may act altruistically, not everyone is willing to help others “out of humanity or charity alone, without a well-founded hope of receiving an equivalent in return”.⁷⁵ In this sense, Pufendorf’s theory of human nature is close to that of Hobbes, who did not deny that people might have some local benevolent affections but maintained that other-regarding affections do not play a foundational role in moral philosophy.

When reflecting on man’s natural inclinations, Pufendorf argues that postlapsarian human beings are hardwired to love themselves. He explains:

It must be also noted here, however, that in setting forth man’s condition we have given priority to self-love not because one should always prefer oneself to everyone else or assess everything in terms of one’s own interest, proposing this to oneself (insofar as it has been separated from others’ advantage) as one’s highest goal; but because man, being naturally aware of his own existence before that of others, naturally loves himself before he cares for them. Besides, the task of caring for myself belongs more properly to me than anyone else. For even if we set our sights upon the common good (*bonum commune*), since I too am part of humankind whose preservation should be of some concern, the distinct and special care of myself can surely rest on no one else as much as it does on me.⁷⁶

In this passage, Pufendorf first intends to clarify that he has prioritised self-love (*amor sui*) over other-regarding inclinations since it is a basic human necessity and not a matter of individual choice. Nevertheless, this does not mean that people should separate their own interest from that of others. The reason for this is that people’s duty and correlative right to take care of themselves is a part of the foundational obligation of the wellbeing and preservation of humankind as a whole.

⁷⁰ *DLN* 1.21 (ed. 1672; trans. Maxwell 2005, 100).

⁷¹ For instance, Arild Saether (2017, 68) has argued that Pufendorf denies the possibility that people are able to act altruistically.

⁷² *JNG* 3.3.15 (ed. Böhling 1998).

⁷³ *JNG* 2.5.5 (ed. Böhling 1998).

⁷⁴ *JNG* 6.2.11 (ed. Böhling 1998).

⁷⁵ *JNG* 3.4.1 (ed. Böhling 1998; trans. 1994, 166).

⁷⁶ *JNG* 2.3.14 (ed. Böhling 1998; trans. 1994, 151), 2nd edition.

Second, Pufendorf maintains that self-care is a moral responsibility that individuals cannot delegate to others. Third, he argues that even if people aim to promote the common good, they are required to take care of themselves since it is a part of the larger duty of the self-preservation of humankind.

Pufendorf accepts Hobbes's idea that prior to the establishment of the state, people lived in a natural liberty that entailed a right to do whatever they thought was necessary for their self-preservation. Nevertheless, he simultaneously underlines that Hobbes himself did not mean that the right of self-preservation is unrestricted, arguing that each normal adult "can at least understand that he has no need for an unlimited right to everything, merely in order to preserve himself".⁷⁷ Pufendorf posits himself as a careful commentator of Hobbes and attempts to salvage aspects of Hobbes's theory that had been unfairly disputed by his many critics. According to Pufendorf's interpretation, the reason why neo-Aristotelians, such as Hermann Conring, had presented Hobbes's theory in an ominous light was their one-sided analysis of 1.2 of *De cive*.⁷⁸ Pufendorf claims that Hobbes's critics had erroneously accused Hobbes of arguing that because self-interest and glory are the basis of human motivation, every kind of society is contrary to nature. Instead, Pufendorf notes approvingly that "Hobbes's rather clever deduction of natural laws solely from the care of one's own welfare" does "clearly establish that it is conducive to men's welfare that they lead their life according to those dictates of reason".⁷⁹

However, as we have seen in the first section, Pufendorf insists that natural law cannot be deduced from individual self-interest and that an individual's duty and right of self-preservation is always restricted by natural law. Moreover, unlike Hobbes, he thinks that one is morally obligated to help others even if one cannot be expected to be reciprocated with charitable deeds in turn. The idea that people do not have an unrestricted licence to act based on their self-preservation was obviously Cumberland's central argument as well.⁸⁰ Echoing Cumberland, Pufendorf stresses that people cannot secure their well-being unless they observe the laws of sociability. Self-interest and the desire for self-preservation do not exclude sociable actions. Rather, the care of one's own safety enjoins that people act in conformity with the laws of sociability. However, unlike Cumberland, Pufendorf's aim here is not to refute but to reformulate Hobbes's account of the state of nature. Pufendorf thought that it is understandable why Hobbes's theory was criticised, but he sought to prove that most of it is based on misreading. Pufendorf thus portrays himself as someone who has bothered to carefully read what Hobbes had written in *De cive* and appropriately understood what he meant.⁸¹

⁷⁷ *JNG* 2.2.3 (ed. Böhling 1998; trans. Oldfather and Oldfather 1934, 161), 2nd edition.

⁷⁸ In his *De civili prudentiae* (ed. 1662), Conring criticised Hobbes for his emphasis on self-preservation and the war-like condition of the state of nature. See Dreitzel 2012, 259–60.

⁷⁹ *JNG* 2.3.16 (ed. Böhling 1998; trans. 1994, 153), 2nd edition.

⁸⁰ *DLN* 1.27 (ed. 1672).

⁸¹ See also *JNG, praefatio* (ed. Böhling 1998), 2nd edition; *ibid.*, 7.17.

In order to make the contentious Hobbesian self-regarding psychology more satisfactory for his contemporaries, Pufendorf underlines, echoing Cumberland, that “one who has his own self-preservation and welfare at heart cannot renounce the care of others”.⁸² Since humans naturally expect that others pay back their good deeds and “when this does not happen they put aside the spirit of beneficence, surely no sane person can set his own self-preservation as a goal for himself in such a way as to divest himself of all regard for others”. It is the case that the “more rationally a person loves himself the more he will see that others love him”.⁸³ Self-love and care of others are by no means diametrically opposed but complementary. Self-love “is by no means repugnant to the social nature of men, provided the harmony of society is not disturbed through that love”.⁸⁴

The idea that rational self-interest will lead people to co-operation and the promotion of the common good forms an important similarity between Cumberland’s and Pufendorf’s theories of natural law.⁸⁵ Both authors employed this argument when providing further evidence that the state of nature was not a state of war. At the same time, Pufendorf is much more sceptical than Cumberland that an average moral agent could be capable of leading their actions by rational self-interest and could prioritise their long term-term benefits over short term utility. Pufendorf paints a much more pessimistic picture about the possibilities of moral development through the exercise of rational self-love, arguing that the multitude have a very limited capacity for impulse control and that they motivate their actions “by the rash impulse of their passions in whatever direction their lust or the appearance of false utility drives them”.⁸⁶ The force of rational self-interest is not the key source of motivation for the promotion of the common good.⁸⁷

For Pufendorf, however, self-interest is susceptible to moulding through the processes of habituation and socialisation since people can appreciate the utility of natural law in their everyday life.⁸⁸ Because people’s capacity to act on the basis of rational self-love is very limited, it is necessary to socialise self-interested individuals into sociable and other-regarding practices that lead them towards peaceful forms of social interaction. The sovereign is obligated to make sure that citizens adopt the norms of sociability through habituation.⁸⁹ Accordingly, the most beneficial outcome of civil societies is that “men become accustomed in them to live a decent civil life”.⁹⁰ Self-interest can be harnessed for the common good in civil societies.

⁸² *JNG* 2.3.16 (ed. Böhling 1998; trans. 1994, 153). Pufendorf refers to the same idea by citing 1.4. of Cumberland’s *De legibus* in *JNG* 2.3.15 (2nd edition).

⁸³ *JNG* 2.3.16 (ed. Böhling 1998; trans. 1994, 153).

⁸⁴ *JNG* 2.3.18 (ed. Böhling 1998; trans. 1994, 154).

⁸⁵ See Parkin 1999, 100–101.

⁸⁶ *JNG* 7.1.10 (ed. Böhling 1998; trans. 1994, 208).

⁸⁷ *JNG* 6.3.2 (ed. Böhling 1998); *ibid.*, 3.2.8.

⁸⁸ *JNG* 2.3.7 (ed. Böhling 1998).

⁸⁹ *JNG* 7.9.4 (ed. Böhling 1998). On how self-love is suspect to habituation and socialization in Pufendorf’s theory, see Haara 2018, 99–136.

⁹⁰ *JNG* 7.1.4 (ed. Böhling 1998; trans. 1994, 205).

13.5 Conclusion

This chapter has shown that Cumberland and Pufendorf worked with and against Hobbes's controversial views of human nature and natural law. Most notably, both accepted Hobbes's premise that people are primarily self-interested creatures. They attempted to demonstrate that the empirical analysis of human nature and the rest of the natural world could prove that the natural law obligated people to act from the perspective of the common good rather than function as the means for narrow self-interest. For Cumberland, the search for the common good is a non-competitive moral end that is shared by all rational beings. In turn, Pufendorf upholds that the common good does not rely on the intrinsic purposes of nature but on instrumental precepts that enable humans to secure sociality and political stability in a large-scale society. While Pufendorf maintains that the obligation to act from a perspective of the common good is often naturally good for individuals, the duty to cultivate sociability takes priority over the consideration of one's individual utility.

Cumberland and Pufendorf agree that self-interested desires are not contrary to natural law but serve as the main motor for the promotion of the common good. When explaining how people are motivated to promote the common good, both argue that the only effective reasons for people to motivate their actions are those that appeal to self-interest. The promotion of the common good is the most effective way of promoting one's own good since only by endorsing the good of others may self-interested individuals realise that they can more effectively serve their own good. The central difference is that whereas Cumberland thinks that self-interest necessarily and naturally leads to mutual benevolence, Pufendorf maintains that only if self-interest is properly guided by social norms and habituated by political governance will it benefit the common good. Rather than offering an account of individual moral development, he offers a social explanation of the development of sociability by acknowledging that social practices habituate self-interested individuals to obey moral norms and promote the common good.

Francis Hutcheson criticised Cumberland and Pufendorf for their attempts to derive the principle of natural law from a single principle (the common good or sociability) and to explain the sense of obligation to natural law as a result of the rational pursuit of one's self-interest.⁹¹ Hutcheson argued that "Pufendorf and most recent authors teach the doctrine of human nature which had been that of Epicureans, that self-love (*philautia*) alone, or the desire of each man for his own pleasure or advantage, is the spring of all actions ... even those that seem most kindly".⁹² In Hutcheson's view, self-love should work together with natural benevolence to promote sociability. Subsequent Scottish philosophers, such as David Hume and Adam Smith, began to explicate moral psychological processes that give rise to sociable behaviour without returning to Hutcheson's idea that people naturally feel pleasure

⁹¹ Francis Hutcheson, *An Inquiry Concerning Beauty, Order, Harmony, Design*, ed. Kivy 1973, 52.

⁹² Francis Hutcheson, *The Logic, Metaphysics and the Natural Sociability of Mankind*, ed. Moore and Silverthorne 2013, 202.

when behaving sociably. In this sense, Cumberland's and Pufendorf's treatments of self-interest as a source of other-regarding actions – though on different philosophical foundations – points forward to the eighteenth-century explanations of the socio-psychological mechanisms that lead to the promotion of the common good.

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Chapter 14

Self-Interest and the Common Good in Early Modern Philosophy



Colin Heydt

14.1 Introduction

Before I examine eighteenth-century discussions on the relationship between self-interest and the common good, I want to take some time to reflect on some assumptions at work here. Are we sure this distinction between the common good and self-interest has an origin?

Another way to frame this question is to compare the self-interest/common good distinction to things that do and do not have origins in human history. Forks have an origin. So do baseball, farming, stirrups, and monogamy. There are human groups that engaged in those practices and had those technologies and human groups that did not. One can tell a meaningful story about when, how, and why they were adopted or rejected. Alternatively, gender relations do not have an origin among *homo sapiens*. Nor does fire use or friendship. Histories of those practices and technologies focus on changes over time and across cultures.

Do we have examples of societies in which the distinction of the common good and self-interest is *not* present? Perhaps the distinction between self-interest and the common good is universal in human communities. A good case is clearly available for self-interest being universal. It has been a widely held view that individuals act in response to their self-interest. We have no good reasons for thinking that paleolithic or Bronze age humans did not possess coherent self-identities and accompanying conceptions of their own interests as distinguished from the interests of others.

Is the concept of a common good universal too? If what we mean by “common good” is an objective demand that stands against self-interest or subjective desire, then it would be universal. After all, if a young boy in New Guinea aims for initiation into a men’s house, for example, he surely understands that his desire to avoid

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H. Haara, J. Toivanen (eds.), *Common Good and Self-Interest in Medieval and Early Modern Philosophy*, The New Synthese Historical Library 78,

https://doi.org/10.1007/978-3-031-55304-2_14

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the trials of initiation is irrelevant to whether he can succeed. That is, he appreciates that there is subjective desire (e.g., an interest in avoiding pain) and objective demand (e.g., the requirements of successfully navigating the rituals of initiation). Is not the distinction between self-interest and the common good just a sub-type of the universal distinction between subjective desire and objective demand? If so, why should we think it has an origin among human beings?

But the common good ultimately appears more specific and less universal than an objective demand. The reasons for thinking so are linguistic and social. First, as authors in this collection note, there are histories for the terms expressing the concepts of the common good and self-interest.¹ That earlier eras did not have terms for concepts like the common good does not mean, of course, that they lacked the concepts. The advent of a term, however, indicates that something meaningful is likely happening.

In addition to evidence from written language, we have reasons that originate in social structure for thinking that the distinction between self-interest and the common good may very well have an origin. The common good attaches to a subset of relations of self and group – it is not present in every such relation. In particular, the common good as an objective demand on individuals within a group requires a conception of community as something beyond the individuals within it. The community as something greater than an aggregate of individuals and their interests. Here's one suggestion for what that might mean: when a community moves beyond something like the “Dunbar number” – that is, beyond an intimate community (roughly 150 people) in which all the members know each other – it becomes an abstraction.² The community is now something that we can begin thinking of as having its own good and as something that makes demands upon us. The distinction between self-interest and the common good does have an origin, then, because a community beyond intimacy has an origin.

Now that we have cleared some ground, let us build upon it. In this chapter, I taxonomize early modern modes of relating self-interest and the common good. I discuss Protestant natural law theory, republicanism, utilitarianism, and – my main focus – Scottish social thought from Adam Smith and others. My aim is twofold. First, historically, I lay out the conceptual field for the early modern relation of self-interest and the common good while giving special attention to Scottish innovations. Second, from a philosophical perspective, I argue that the Scottish theory of the common good offers some of the best conceptual resources for considering the relation of individual and community in present-day large, industrial nation-states and empires. More specifically, I claim that the Scots developed a concept of the common good that is (1) more social and economic than its alternatives, (2) more systemic and less dependent on the psychology and intentions of individuals, and (3) less tied to thick notions of community (including the state) and more amenable to multi-ethnic, global empire. I conclude by bringing out the significance of these claims for our thinking about self-interest, the common good, and community.

¹ See, for example, Anthony Celano's and Roberto Lambertini's chapters in this volume.

² Dunbar 1998, 178–90.

14.2 Protestant Natural Law

Cicero's famous statement from *De Legibus* that *Salus populi suprema lex esto* ("The safety of the people should be the supreme law") played an oversized role in early modern political theory and argument. The French, for example, cited "necessity" or the safety of the people as the ground for an alliance with the Lutheran Swedes during the Thirty Years War. The public good justified Charles I's ship money and his seizure of private property independently of parliament's agreement.³

Invocations of the common good in the early modern period served both to justify and criticize conduct by a sovereign and a sovereign's representatives. That is, the common good functioned as an evaluative concept and rhetorical device. Politically active members of the ruling oligarchy marshalled the common good to judge alliances or dissent or violence or speech by claiming that those acts harmed or served the common good.

In this period, the Protestant natural law tradition of political thought established by Hugo Grotius, Samuel Pufendorf, Thomas Hobbes, and others dominated conventional philosophical thought in the universities and informal scholarly communities.⁴ It also put the common good at the heart of natural law, but only in an attenuated sense of it. Pufendorf, who may have been the most influential of all of them, characterized the fundamental law of nature as "That every man ought, as much as in him lies, to preserve and promote society: That is, the Welfare of Mankind".⁵ In other words, humans are under the obligation of sociability. Pufendorf's idea of sociability, however, does not express an Aristotelian demand that we realize our social nature because we are not, in fact, naturally social. Rather, humans are incorrigibly passionate, grasping, and prone to antagonism. The obligation to sociability is simply the obligation to live peaceably with our neighbours. When Pufendorf talks about the public welfare or the common good, he means little more than achieving peace and stability, though what the sovereign could do to promote peace (e.g., enforce religious conformity, restrict speech) was much greater than what liberal societies today permit.

In the political realm, the main actor is the sovereign rather than the citizens. The main obligation of the sovereign is to make the public good the supreme law.⁶ But again, the "public good" here is thin, amounting to little more than security and the conditions that make it possible (e.g., religious intolerance). If the sovereign fails in this basic duty of ensuring the public good, then leading members of the state can consider whether this justifies replacing the sovereign.

Pufendorf's voice was part of a chorus. For example, Gershom Carmichael, the first professor of moral philosophy at Glasgow and key figure in the advent of the Scottish enlightenment, wrote a commentary on Pufendorf and catalogued our

³Miller 1994.

⁴See Heydt 2018.

⁵Pufendorf, *The Whole Duty of Man, According to the Law of Nature* (ed. Saunders and Hunter 2003), 56.

⁶Pufendorf, *The Whole Duty of Man* (ed. Saunders and Hunter 2003), 215.

duties and rights. He asserted that the first obligation to others is that “each man should promote, so far as he is able, the common good of the whole human race and, so far as it may be consistent with the common good, the particular good of individuals”. The second obligation is that “each man should pursue every man’s interest but especially his own, provided he does no harm to anyone”.⁷

In both Pufendorf’s and Carmichael’s thought (and it would be easy to produce other examples), the central feature of social and political life is the potential for conflict between individuals and their interests. That conflict needs amelioration. Political theory details the jurisprudential structure of right and duty that should condition and cushion social relationships. Political agents – especially the sovereign but also members of the political elite – should direct themselves to serve the common good by limiting that conflict. That social life is unnatural and that our self-interested moral psychology promotes conflict were widely shared stances among the natural lawyers in this tradition.

The Protestant Natural Law tradition built the state out of its component parts – families and individuals. Its moral psychology tended towards the simple and hedonistic. Its great question: how can one create a unity from constituents that often repelled one another and did not naturally act in concert? Its answer: via the sovereign managing and motivating the state’s subjects. The common good is achieved through the catalysis of the sovereign. As an enzyme brings substrates together and orients them so they can generate more complex molecules that make life possible, so too the sovereign brings subjects together to synthesize the state and create the conditions for a flourishing civil society, even if subjects would not create either on their own. In so doing, the sovereign makes a community and promotes the common good of safety and stability that enables the self-interested subjects to build houses, plant fields, and have children without fear.

14.3 Republicanism

John Pocock influentially argued decades ago that the natural jurisprudential tradition had been overemphasized in histories of early modern political thought. He contended instead that “the central question in Anglophone political theory” from 1688–1776 and beyond was not the jurisprudential one about the respective rights and duties of sovereigns and subjects, but “whether a regime founded on patronage, public debt, and professionalization of the armed forces did not corrupt both governors and governed”.⁸ This expresses the republican or “civic humanist” emphasis on the threat of corruption. That is, the polis breaks apart as its citizens eschew the public good and pursue their own interests in wealth, luxury, and power. The great opponent of corruption is virtue – in particular, the virtue of subordinating self-interest to the common good.

⁷ Gershom Carmichael, *The Writings* (ed. Moore and Silverthorne 2002), 213.

⁸ Pocock 1976, 48.

Rousseau's account of the Spartan mother at the beginning of *Emile* serves as a paradigm of this style of republican virtue. When the mother nervously asks a helot how the battle has gone, he sympathetically bears the terrible tidings: all five of her sons have been killed. "That's not what I asked you!" she replies. The helot corrects himself and tells her Sparta has been victorious. The mother goes to the temple to give thanks.⁹ Other memorable expressions of this ethos come from the most famous French paintings of the period, particularly those from David. "The Lictors bring to Brutus the bodies of his sons" and "The Oath of the Horatii" both employ Roman republican models of public-spiritedness and the willingness to sacrifice one's own life and the lives of one's intimates to serve the state.¹⁰ While David's Roman paintings offered French viewers mirrors from the past, his "The Death of Marat" reverses the temporal direction. The depiction of Marat's body hearkens to the sacrifice of Jesus. What greater instance of the subordination of self-interest to the common good can there be than the crucifixion? And as Jesus gave himself for our sakes, Marat has given himself to France.

In Britain, republican themes were taken up by Country Whig thinkers and controversialists like John Toland, Andrew Fletcher, Charles Davenant, John Trenchard, Thomas Gordon, and, perhaps most famously, Lord Bolingbroke. They warned of the dangers of corruption as reflected in professional standing armies, the monied interests and the national debt that paid for foreign wars. They worried about the loss of public virtue and the weakening of the landed interests that could act as a check on executive power. Their works discuss citizenship (especially as partaking in both ruling and being ruled), humans as political animals, and the importance of virtue for the state – particularly the virtues of frugality and of acting for the public good at the expense of the private. Machiavelli and Harrington were widely cited in these contexts, along with a variety of ancient thinkers and examples (e.g., the Roman and Spartan republics).¹¹

But perhaps the best way to see republicanism manifest in early modern Britain is via the work of the third Earl of Shaftesbury. While Shaftesbury has cosmopolitan Stoic tendencies that should prevent us from naively calling him a republican theorist, he nevertheless created a moral and psychological framework that republican theorists (e.g., other Country Whigs) eagerly modified and embraced and that provided a clear alternative to the jurisprudential tradition.¹²

Shaftesbury is a key figure in the development of eighteenth century British moral philosophy – his main work, *Characteristicks of Men, Manners, Opinions, Times*, triggered both admiration and strong critical response.¹³ Though Shaftesbury's ties to Locke were extraordinarily close (Shaftesbury's grandfather had been Locke's great patron, and the young Shaftesbury had been Locke's pupil), his work

⁹ Jean-Jacques Rousseau, *Emile* (trans. Bloom 1979), 40.

¹⁰ On the theme of self-sacrifice for the common good, see Juhana Toivanen's chapter in this volume.

¹¹ The classic discussion is in Pocock 1975, see especially chapters 13 and 14.

¹² The following paragraphs on Shaftesbury draw from Heydt 2018, 48–50.

¹³ For one distinguished history of eighteenth-century morals that puts Shaftesbury at its heart, see Rivers 2000.

develops in reaction to what one finds in Locke, Hobbes, and Pufendorf – and to jurisprudential approaches to morality more generally. In criticizing Locke and putting forth a virtue theory, Shaftesbury wanted to defend the naturalness of morality and to refocus attention on agents (and the system of which they are a part) over acts.¹⁴ The naturalness of morality expresses itself in Shaftesbury’s views on human nature, which differ strongly from Locke’s. Three claims have special relevance for our discussion.

First, we can act from affections that are not self-interested. For Shaftesbury, the neo-Epicurean idea that humans only act in pursuit of pleasure and avoidance of pain degrades humanity and collapses religion and morality into prudence. Our capacity to act disinterestedly undergirds republican claims about the individual’s relation to the common good. Indeed, this disinterestedness constitutes political virtue in which the citizen – like the Spartan mother – puts aside her interests for the sake of the polis.

Second, contra the jurisprudential tradition, aspirations for the culture of the self extend well beyond sociability and self-management.¹⁵ Instead, Shaftesbury is inspired by ancient Stoicism and Cambridge Platonism to assert that we are capable of moral self-governance and of making ourselves beautiful and virtuous. We make ourselves virtuous in a way akin to how an artist makes a beautiful work of art. We must attend to the overall economy of our social affections and self-directed affections such that we become good for the system(s) of which we are a part. When we do that, our actions and affections achieve a “Beauty and Comeliness”, to which the human heart “cannot possibly remain neutral”.¹⁶

Finally, Shaftesbury’s break from a law-based morality is manifested in his claims that evaluations of character underlay evaluations of actions. The rightness of an act is not determined by the conformity of that act to a law, irrespective of the motive (e.g., self-interest) that secures the conformity, but ultimately by the affection from which the act arises. So, “[w]hatsoever is done thro’ any unequal Affection, is *iniquous*, *wicked*, and *wrong*. If the Affection be equal, sound, and good [...] this must necessarily constitute what we call *Equity* and *Right* in any Action”.¹⁷ Whether the affections are good or bad in individual cases depends on their relation to the good of the system(s) of which we are a part. Good affections promote an objective harmony in the system.

¹⁴ See, for instance, Shaftesbury’s attack on Locke’s Hobbesian principle that “Morality, Justice, [and] Equity, depend only on Law and Will” (Shaftesbury, *Several Letters Written by a Noble Lord to a Young Man at the University* [ed. 1716], 40).

¹⁵ For a fuller account of Pufendorf’s views on cultivating passions, see Haara 2016, 423–44. Haara defends a somewhat less pessimistic account than what one finds here of Pufendorf’s views on education.

¹⁶ Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times*, 2.17 (ed. den Uyl 1985).

¹⁷ Shaftesbury, *Characteristicks*, 2.18 (ed. den Uyl 1985). It is also interesting to note that there are no references to duty, obligation, or (moral) natural laws in the *Characteristicks*.

As Shaftesbury's response to Locke on human nature clearly shows, the republican tradition rejects the atomist premise of the natural law thinkers. On the republican account, the whole is prior to the part, the polis is prior to the citizen, and the common good is prior to the good of the individual. The republican polis provides its citizens with the opportunity to realize their essential humanity as social and political animals (i.e., human as *zōon politikon*). But the polis needs more from its citizens than the fear, prudence, and self-management of Hobbesian and Pufendorffian subjects. It requires virtue. In particular, the disinterested virtue of subordinating one's interests to the good of the homeland, up to and including the sacrifice of one's life.

14.4 Utilitarianism

While it thoroughly rejected natural law, utilitarianism nevertheless remained closer to some of the premises of Protestant natural law and of Lockean thought than it did to republican ideas. Utilitarianism had a thicker conception of the common good than natural lawyers and transformed the common good into the standard of the greatest happiness. In so doing, it changed the common good into a cosmopolitan norm, independent from nation states, shared language, culture, nationality, and ethnicity. It also reduces "good" to pleasure and the absence of pain. It is, in that philosophical sense, a hedonist theory. Finally, utilitarianism asserts the ultimate harmony between self-interest and public happiness. Eighteenth-century utilitarians in Britain explain the potential lack of conflict between the happiness of individuals and the general happiness either in religious or non-religious terms. I will give an account of both views.

The "Anglican utilitarians", who include John Gay, John Brown, Soame Jenyns, Edmund Law, Abraham Tucker, Thomas Rutherford, and William Paley, developed their views at Cambridge and were strongly influenced by Locke.¹⁸ They defend the thesis that actions are right or wrong depending on whether God has willed them, and since Anglican utilitarians are theological optimists, God's benevolent nature and creation indicate that he "could have no other Design in creating Mankind than their Happiness".¹⁹ God's will, in other words, is that we act so that we promote the happiness of our fellow humans.²⁰

Following Locke, the Anglican utilitarians defend a hedonistic and associationist moral psychology in which we act always in pursuit of our self-interest. Though immediate self-interest and the public happiness can oppose one another (e.g., in

¹⁸The only Cambridge exception was Tucker, who was educated at Oxford.

¹⁹John Gay, *Preliminary Dissertation Concerning the Fundamental Principle of Virtue or Morality*, ed. Crimmins 1998, 38.

²⁰Heydt 2014, 15–33.

cases where the common good demands self-sacrifice), God's providence eliminates any ultimate conflict between self-interest and the common good because the person who sacrifices himself or herself for the common good will get rewarded after death. That is, God ensures that what is in the public good never truly conflicts with my self-interest. As John Brown put it, the "moral Government of God" will "at length produce a perfect Coincidence between [...] virtuous Conduct and the Happiness of every individual".²¹ "Virtuous conduct" here simply means the conformity of action and affection to the public good and the motive to virtuous conduct is the immediate feeling or prospect of "private Happiness".²² In other words, self-interest properly understood motivates virtuous action (i.e., action that promotes the general happiness).

God's providence eliminates the possibility of moral tragedy – that my own interest could conflict with what is best for the general happiness. For this reason, God is necessary for morality according to the Anglican utilitarians. Without God and an afterlife, there is no guarantee that my own interest will be best served by promoting the public happiness. Then one is left to either deny that virtue is in all cases obligatory or contend that the "Good of Mankind is a sufficient Obligation". "But how can the Good of Mankind", asks Gay, "be any Obligation to me, when perhaps in particular Cases, such as laying down my Life, or the like, it is contrary to my Happiness?"²³

For utilitarians such as Bentham and James Mill that omit God from their theories, it is the human legislator's job to coordinate the interests of individuals and of the public. As Bentham describes it, the "business of government is to promote the happiness of the society, by punishing and rewarding".²⁴ Government has little to do with improving citizens. All it can do is manage and organize the behaviour of individuals through direct legislation (e.g., criminal law and sanction) and through indirect legislation (e.g., an administrative state that incentivizes some behaviours over others). In his *Principles of Penal Law*, Bentham compares finding a "useful balance" among the passions to the successful use of dykes to irrigate land. He concludes by contending that "the art of constructing dykes consists in not directly opposing the violence of the current, which would carry away every obstacle placed directly in its front".²⁵

With the proper institutions and incentives established, passions will be productively channelled through the mechanism of self-interest. This embracing of institutional organization and rationalization gets its energy from the early utilitarian

²¹ John Brown, *On the Motives to Virtue, and the Necessity of Religious Principle*, ed. Crimmins 1998, 88.

²² John Brown, *On the Motives to Virtue*, ed. Crimmins 1998, 74.

²³ John Gay, *Preliminary Dissertation*, ed. Crimmins 1998, 40.

²⁴ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, 1.7.1 (ed. Burns and Hart 1996).

²⁵ Jeremy Bentham, *The Works of Jeremy Bentham*, ed. Bowring 1962, 1:539.

acceptance of self-interest as sufficiently dominating human psychology so that all analysis of group interactions, not simply in economics but also in politics and morality, should be elucidated in terms of it. Explaining moral life scientifically required this approach, as they had learned from Helvetius and Locke. The accusation that utilitarianism embodied cold, calculating economic thinking has its source, in good measure, from the promotion of this thesis. There is scarcely any discussion of inculcating virtue in the citizenry because the self-interest of citizens is, contra republicans, always the basis of conduct. There is little interest shown in interiority at all – the external expression of interiority in action is what matters. A smoothly functioning municipal law (determined according to utilitarian principles, naturally) leads to prosperity and to ever-increasing civilization.²⁶

In sum, the Anglican and secular utilitarian traditions in Britain deemphasize the state in favour of the cosmopolis while retaining a hedonistic moral psychology (though one that is less Augustinian, more optimistic, and less needful of coercion for social life to be possible than what one finds in Pufendorf). The utilitarian common good is an aggregation of the good of individuals rather than the good of a determinate community. I owe no more to my countryman than to another human. Impartiality trumps provincial feeling.

This utilitarian approach revolutionizes the ideas of the common and the community in “common good”. Bentham puts the claim bluntly and clearly, as per usual:

The interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost. When it has a meaning, it is this. The community is a fictitious body, composed of the individual persons who are considered as constituting as it were its members. The interest of the community then is, what? – the sum of the interests of the several members who compose it.²⁷

On this deflationary account, the “common” in “common good” now means nothing other than the capacity to experience pleasure and pain. The “community” even extends beyond humanity to all sentient beings. But simple sentience is insufficient as a basis of nation, cooperative action, or loyalty. Being a citizen of a cosmopolis does not satisfy political and social appetites.

²⁶For a very helpful discussion of “mechanical” political and social theories in British thought of the eighteenth and nineteenth centuries, see Collini et al. 1983. In a treatment of Hume’s and Smith’s assumption that in politics one ought to consider every man a knave who has no other end in mind but his own self-interest, the authors suggest: “The assumption that, by and large, self-interest rules collective behaviour in political as well as economic settings entailed giving greater emphasis to impersonal institutional machinery as a means of checking, balancing, and harnessing self-interest and containing its more destructive results” (ibid., 30–31).

²⁷Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, 1.4 (ed. Burns and Hart 1996).

14.5 Scottish Thought

Up to this point, we have seen early modern accounts that emphasize the conflict between self-interest and the common good while presenting different answers for resolving that conflict: the sovereign, the virtue of citizens, and the clever management of the technocrat. The importance of community for each type of theory differs. The natural law sovereign attempts to build and defend a coherent state. The small republican polis faces external threats, while the bigger, wealthier republic must ward against internal threats of corruption. The utilitarian concerns himself with the cosmopolis, and the local community remains something to manage and tolerate in order to achieve aggregate happiness. Finally, we have seen different accounts of the common good. For the utilitarian, it is the happiness of all sentient beings, and the “common” here is simply the capacity to feel pleasure and pain. For the natural lawyer, security constitutes the most fundamental part of the common good – the pessimistic psychology of the natural lawyers allows for little else. The republican emphasizes the shared and robust nature of the community and the public good, while setting a high bar for the disinterested virtue and conduct of citizens required to support them.

There are two key elements to the Scottish account of the common good as elaborated by Ferguson, Smith, Millar, and others. First, economic prosperity becomes a component of the common good.²⁸ This innovation expands the community that can share a good from the polis or state to the empire. Second, the doctrine of spontaneous order emphasizes mechanisms for fostering the common good that are social and systemic more than psychological. Let us examine each of these key elements in more detail, starting with the relation between the common good, mercantilism, and empire.

It has often been noted that the Scottish Enlightenment developed in a province of empire. After the 1707 Act of Union, Scottish political life and many of its political luminaries migrated to London from Edinburgh. By its sheer size, cultural and economic capital, London established the systole and diastole of life throughout the British Isles and, to a lesser extent, throughout the limbs and extremities of the far-flung empire. Hume, Kames, Ferguson, Smith, and Millar spent most of their working lives in secondary and tertiary cities. This ‘province in an empire’ context combines with the developing sophisticated analyses of social institutions and organizations to open up new horizons for the relation of self-interest and common good. What kind of community is possible within an empire? Further, given that community, how does an individual’s self-interest relate to the public good?

These kinds of questions took on special urgency with the unrest in the American colonies. In the very first “fact” submitted to a “candid world” justifying the American colonies independence from Great Britain, King George III is charged with refusing assent to laws “the most wholesome and necessary for the public

²⁸For an account of medieval economic theories and the common good, see Cary Nederman’s chapter in this volume.

good". Adam Smith sympathized with the colonists and saw that the mercantilist system guiding the practice of the British empire was meant to take advantage of the colonies rather than contribute to their public good. The colonies were being exploited by design. The whole mercantilist system depended on exploitation – of slaves, of native peoples, of colonists – and it extended across the globe.

One key component of economic growth in Smith's analysis is that trade and the division of labour are mutually beneficial. Smith reveals that the exploitative practices of mercantilism, particularly the practices of the centre against the periphery, are self-defeating. Mercantilists mistakenly understood trade as asymmetrically beneficial, that is, as almost always favouring the side that received money rather than the side that received goods or services. This stems from another error – mercantilists overemphasized the importance of gold and silver for the wealth of a nation. These doctrines led mercantilists to favour policies such as tariffs, minimizing national debt, maximizing exports and minimizing imports, and colonization that serves to increase the imperial centre's supply of hard currency. Mercantilist ideas thereby inject animosity into relations among nations and among parts of an empire. Where, for instance, can one find a common good between a colony and an imperial centre when trade always has a winner and a loser?

Smith's view of a nation's wealth as the value of the goods it produces enables both sides of a transaction to contribute to the community's well-being. Through the division of labour, a nation's wealth grows. While the benefits of that growing wealth are unevenly distributed – sometimes grotesquely so – the basic needs of citizens get met with more regularity. Moreover, there are many indirect ways in which wealth binds citizens together. For instance, as Pocock describes the Financial Revolution (1688–1756), the Bank of England and national debt were "a series of devices for encouraging the large or small investor to lend capital to the state, investing in its future political stability and strengthening this by the act of investment itself".²⁹ Rather than linking the citizen to the state via service in a militia, the modern nation state emphasizes the bonds of debt and credit.

To summarize this point: Smith brings economic welfare more centrally into the idea of the common good and provides a new causal story that shows how economic prosperity arises – a story that undermines the basis for mercantilism and provides a new ground for conceiving of the common good of diverse peoples, such as those in the British empire. Though the Scots were generally anti-imperialistic – often vehemently – they nevertheless articulate goods that can tie an empire together.

The second key element of the Scottish analysis of the common good is that the mechanism whereby a community achieves that good is fundamentally social. The common good is not, contra the republican view, a product of the virtue of individual citizens, who, like the Spartan mother, subordinate self-interest to the good of the polis. Nor is the common good the successful realization of a wise legislator's plan as Benthamite utilitarianism supposes. Rather, it arises spontaneously through the self-interested actions of many individuals that are coordinated – not by a plan

²⁹Pocock 1975, 425.

or by an individual designer, but by various signals sent from each to each. This is a novel development in conceiving the relation between self-interest and the common good. It treats the common good as resulting from the dynamics of a system of self-interested conduct. It is a new model of the common good that developed along with the new field of political economy and what we would call the social sciences more broadly.

The most obvious predecessor and influence on the development of Scottish ideas about spontaneous order is Mandeville. Mandeville's controversial claim that private vices often produce public benefits scandalized many in the early eighteenth century. Mandeville's idea was as follows. Humans naturally prefer their own good to the good of others and virtue requires self-denial. Humans are not naturally sociable or virtuous.

The Chief Thing, therefore, which Lawgivers and other wise Men, that have laboured for the Establishment of Society, have endeavour'd, has been to make the People they were to govern, believe, that it was more beneficial for every Body to conquer than indulge his Appetites, and much better to mind the Publick than what seem'd his private Interest.³⁰

How can lawgivers get citizens to prefer the public interest over self-interest? The only way is to show them "an Equivalent to be enjoy'd as a Reward for the Violence, which [...] they of necessity must commit upon themselves".³¹ The reward for this self-directed violence is praise and honour, and the penalty associated with ignoring the public good is contempt and shame (this solution is akin to Gay's use of associationism to account for the ability of individuals to act in accordance with the utilitarian criterion of the public good). With the use of these tools, legislators make a creature that is ill-suited for social life into one that is "useful" and "tractable".³² This is the process of civilization where "Man [...] is become a Disciplin'd Creature, that can find his own Ends in Labouring for others, and where under one Head or other Form of Government each Member is render'd Subservient to the Whole".³³ Through the "Witchcraft of Flattery" and the threat of punishment, the politician engineers a citizenry that can live peacefully together. As this account of getting self-interest to discipline itself shows, Mandeville shares with Pufendorf, Locke, and other natural lawyers a pessimistic psychology.

While self-interest can be redirected to promote occasional self-sacrifice and consideration of the common good, Mandeville emphasizes that the extent of this redirection is limited. Mandeville's great insight, however, is the claim that we do not need individual virtue and self-abnegation to promote the public interest. His anti-republican, anti-Country party doctrine is that virtue weakens and vice strengthens the state. Virtues rarely "employ any Hands, and therefore they may render a

³⁰ Bernard Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:42.

³¹ Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:42.

³² Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:47.

³³ Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:347.

small Nation Good, but they can never make a Great one”.³⁴ The pursuit of some kinds of vice – such as vanity, covetousness, and ambition – ends up promoting the public good. While famously attacking Shaftesbury (“A Search into the Nature of Society”), Mandeville notes that the “nature of Society” is such that it is “not the Good and Amiable, but the Bad and Hateful Qualities of Man, his Imperfections and the want of Excellencies which [...] are the first Causes that made Man sociable”.³⁵ Even more provocatively, he states that

Evil in this World, Moral as well as Natural, is the grand Principle that makes us sociable Creatures, the solid Basis, the Life and Support of all Trades and Employments without Exception: That there we must look for the true Origin of all Arts and Sciences, and the Moment Evil ceases, the Society must be spoiled, if not totally dissolved.³⁶

Through their vices, the “sensual Courtier”, “Fickle Strumpet”, “haughty Dutchess”, and “profuse Rake” all provide “an honest Livelihood to the vast Multitudes of working poor”.³⁷ The summary of Mandeville’s message is that “Private Vices by the dexterous Management of a skilful Politician may be turned into Publick Benefits”.³⁸ His witty broadside articulated the governing ideas of many of the hard-nosed, Court-allied citizens in the century.

In Mandeville, then, we see the seeds of the Scottish doctrine wrapped in an insightfully puckish (or shockingly decadent) theory. In his *An Essay on the History of Civil Society*, Adam Ferguson was one of the first to develop the core of Mandeville’s ideas into the doctrine of spontaneous order. As Ferguson famously expressed the idea (in a wording later used by Hayek in a paper title), the institutions or “establishments” of civil society are the “result of human action, but not the execution of any human design”.³⁹ Cotton markets, English syntax, norms for getting on and off an elevator or subway car – all of these are examples of institutions that arise spontaneously from the undirected actions of individuals. These individuals rely on signals such as prices and confused looks to regulate those actions. But there is no central legislative body or designer that manages the system.

Influenced by Butler, Hutcheson, Hume and others, Smith rejected Mandeville’s hedonistic moral psychology. But while he emphasized the immorality of Mandeville’s psychology and moral theory, it is clear that he and other Scots took a great deal from Mandeville’s analysis of social and political life – particularly

³⁴Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:367.

³⁵Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:344.

³⁶Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:369.

³⁷Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:355.

³⁸Mandeville, *The Fable of the Bees*, ed. Kaye 1988, 1:369. A crucial change in Mandeville’s doctrine of private vices that serve the public benefit appears to have occurred between the publication of volume one and volume two of *The Fable of the Bees*. He stops talking about the machinations of politicians as important for the link between vice and benefit. In the second volume, the benefit arises without the intervention or design of a legislator.

³⁹Adam Ferguson, *An Essay on the History of Civil Society*, ed. Oz-Salzberger 1995, 119.

concerning the relation of self-interest and the common good. The most famous expression of a Mandevillian moment comes from Smith's use of the phrase "invisible hand". In the *Wealth of Nations*, he notes that merchants, by pursuing their own interests and trying to maximize the value of their work and capital, end up promoting markets and thereby the "publick interest" as much or more than they would have if they had explicitly worked for the common good. Unlike in the case of the Spartan mother, the merchant promotes the common good even though he is indifferent to it. Whether he has good intentions or possesses virtue is largely immaterial to his capacity to produce benefits for the public. It also does not matter whether he shares a sense of community with others. They need not have the same heroes or a shared history or even speak a shared language. By simply working for his own self-interest, the merchant serves others' interests. Admittedly, it is 'self-interest, public benefits' rather than 'private vice, public benefits,' but the parallels are important.

In Smith's other use of the phrase "invisible hand" in his *Theory of Moral Sentiments*, he describes a "proud and unfeeling landlord" who "in imagination consumes himself the whole harvest that grows" upon the fields, but who nevertheless through the economic stimulation that his consumption triggers, ends up dividing with the poor "nearly the same distribution of the necessities of life, which would have been made if the earth had been divided into equal portions". The landlord does not intend this distribution. He does not aim for beneficence, nor does he know that he is advancing the "interest of the society". He is only intending his "own conveniency".⁴⁰

This way of thinking about the common good and self-interest was part of a larger shift towards systems over individuals in social and political thought. With the financial revolution, the growth of national debt and systems of credit, the growing importance and sophistication of monetary and fiscal policy, the size and expense of standing armies, the advent of factories and the birth of the Industrial Revolution, the nature of politics and government changed significantly over the course of the eighteenth century. This put pressure on theorizing about politics. At the end of our period, this was reflected in the reconsideration of political jurisprudence and its importance for moral philosophy. While the American and French Revolutions kept the relations of magistrate and subject in the foreground for a time, philosophers acknowledged that Pufendorian ideas were not capturing essential features of the exercise of political authority. In particular, they recognized that some of the key features of political life had little to do with relations between individuals, like that between magistrate and subject. Rather, the state – and its common good – was becoming larger, more impersonal, and more concerned with systemic economic issues. This is the transition from the Protestant Natural Law tradition of political jurisprudence to what Foucault called the "science of government". Ferguson, Smith, Millar, and other Scots most clearly express this change.

⁴⁰Adam Smith, *The Theory of Moral Sentiments*, ed. Raphael and Macfie 1985, 184–85.

14.6 Concluding Reflections

We have surveyed the most notable early modern philosophical theories on the common good, self-interest, and their relations. What can we take away from this survey? In conclusion, I highlight three points.

First, among the theorists we have examined, there are profound differences concerning the content of the common good – differences that express distinct ideas about political communities. What kinds of goods do members of a community share that leaders should foster? The natural lawyers, many of whom lived through religious and civil wars, emphasized the blessings of peace and stability. Utilitarians identified pleasure and the absence of pain as the good that humans held in common. Political communities were simply instruments for promoting that common good. Republicanism developed from the Greek and Italian polis and expressed a richer idea of the community and the citizenry that holds that community together. The common good for the republic is based on sacrifice, history, and cultural tradition. Scottish theorists foregrounded material prosperity in the content of the common good, analysed the causes of economic growth, and thereby made it easier to think of a common good that an empire can share.

These differences regarding self-interest and the common good raise numerous questions. For instance, how robust must common goods be for a community to coalesce around them and be maintained by them? Is security and prosperity enough? Or does the political community require less rational and more ideological bases of allegiance to keep itself together? How much does the nation need to access the unconscious of its citizens through symbol, imagery, and story, for example? Does community membership typically require shared heroes and villains? Is a common story the most important common good – a story that tells what it means to be Romanian or Dutch or a New Yorker? Of the early modern accounts that we have surveyed, only republicanism takes seriously the a-rational or irrational bases of community and the common good. Unsurprisingly, perhaps, the paradigmatic republican community is small.

Second, the Scots – and especially Smith – identify new relations between self-interest and the common good and analyze them as mediated by systems and organizations. This makes their theory particularly relevant for considering the common good and its relation to self-interest in the context of the modern industrial state, where systems such as markets and bureaucratic organizations such as the firm and the government determine large swaths of people's lives. This systemic and social approach to the common good deemphasizes individuals and their psychologies, characters, and intentions and concentrates instead on social dynamics. For good and ill, it shifts the focus from individuals to the interactions of individuals and the coordination of their activities (e.g., via market signals).

This attention on systems and organizations rather than on individuals also changed the nature of political theorizing. It led to a move away from jurisprudence towards modern social science. This manifests among the social theory of the Scots and develops into present-day economics and sociology.

Finally, if Scottish thinkers reveal the social dynamics that underlie the relations of individuals to communities, then we might also wonder if the social nature of the “self” in “self-interest” has been sufficiently appreciated. How and in what cases does the individual actually relate to the community as an individual, rather than as a member of a group – family, caste, clan, class, religion, political faction?

The early modern theorists often acknowledge that social identities frequently trump our identities as individuals in our interactions with the community. The clearest example of prioritizing the group over the individual in early modern political thought arises in the very constitution of the state. On Locke’s account, for instance, “Conjugal Society” is the “first Society”, and political society is not a voluntary agreement among individuals but a voluntary agreement among heads of families. So too for Pufendorf. And as Carmichael puts it, “Because husbands are the heads of their families, civil societies are usually constituted by such heads of families not *vice versa*. The prerogatives of husbands are therefore older than civil societies”.⁴¹ The majority of a nation’s subjects on this account did not relate to the community as individuals in the realm of politics.

Children and women also had restrictions in property ownership and employment and could only act economically via the male head of the family. Even more generally, rights and obligations vis-à-vis the community were often determined by group membership (e.g., guild, clan, class, religion) rather than through individual identity. This highlights the problem of how to model the normative elements that are most important in political and social discourse.

We began by thinking about the concept of the common good and asking what kinds of histories we can write about it. We end, then, with the issue of what kind of meaningful interactions an individual has with a community rather than with intermediate groups and organizations. That is, we end by raising the question of how useful the distinction between self-interest and the common good continues to be given the constitution of self and community in the modern industrial state.

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