

THE IDEA OF COMMON GOOD IN NEW NATURAL LAW THEORY

IDEA OBECNÉHO DOBRA V NOVÉ TEORII PŘIROZENÉHO PRÁVA

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<https://doi.org/10.33542/SIC2020-1-05>

ABSTRACT

The article deals with the concept of common good in New Natural Law theory in the conception of its main representative John Finnis. At the beginning it concentrates on the description of common good and its importance in the context of the meaning of human existence. This has clear parallels with the description of common good in current catholic social teaching and it draws significantly from the teaching of St. Thomas Aquinas. The article continues with some critical views on Finnis's description and alternative natural law theory of common good. The importance of the concept of common good in New Natural Law theory is analyzed at the end of the article.

ABSTRAKT

Článek se věnuje analýze konceptu obecného dobra v učení Nové teorie přirozeného práva v pojetí jejího hlavního představitele Johna Finnise. Na začátku se zabývá vymezením obecného dobra a jeho významu v souvislosti se smyslem lidské existence. To má jasné paralely s popisem obecného dobra v současném katolickém sociálním učení a významně čerpá z učení Tomáše Akvinského. Na to navazuje ukázka několika kritických pohledů na Finnisovo pojetí a zároveň alternativní přirozenoprávní teorie obecného dobra. V závěru je pak pojednáno o významu konceptu obecného dobra v učení Nové teorie přirozeného práva.

I. INTRODUCTION

In the frames of thinking about the idea of the common good in the conception of New Natural Law theory we can focus on three main questions. The first explores the very content of the concept of common good in the doctrine of this legal philosophical school. It is also possible to ask whether such a concept of common good is in accordance with the doctrine of St. Thomas Aquinas. Finally, the third question seeks to justify possible deviations from the thomistic tradition. The following paragraphs should attempt to find answers to these questions.

II. FINNIS'S DEFINITION OF THE COMMON GOOD

Finnis's definition of the common good begins with an explanation of the concept of communion, which is a form of unifying relationship between human beings.¹ While Finnis represents the existence of diverse dimensions of unity in the human community, such as unity between persons, which is a function of their common physical and biological characteristics, his particular interest is focused on the relationship between persons that arises through joint action.²

¹ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 136.

² *Ibid.*, p. 137.

The community exists in this respect where there is coordination of the activities of persons over time with a view to a common objective.³ Finnis notes that there are different forms of community of varying degrees of intensity – from business associations (in which participants have private objectives, but have a common interest in the pursuit of certain conditions that facilitate the pursuit of their respective objectives) to that of friendship (in which the collaboration of each person is at least partly for the sake of the other person, and the common objective is the mutual realization of individual goals).⁴ All such forms of community are characterized by sharing some goals among the members of the community, explaining their ongoing cooperation.⁵

Finnis suggests that the common good denotes the common goal of the members of the community. He describes the common good as a set of conditions that allow members of the community to achieve a reasonable goal or to reasonably realize the values for which they have reason to cooperate (positively or negatively) within the community. Finnis notes that this term of common good is associated with two other meanings – first, that fundamental values are good for all human beings, and second, that each of the fundamental values is in itself a form of common good in that each good can be accomplished in an infinite number of ways and an unlimited number of persons.⁶

According to Finnis, the promotion of the common good of the community is a requirement of practical reason to guide individuals to pursue fundamental values. Since each of the fundamental values is equally good for all members of society, the pursuit of fundamental values by an individual cannot be done in a way that takes into account only personal gain; rather, they must be considerate of the ideal of integral human fulfillment.⁷ The demand for the promotion of the common good is a reworking of the master principle of morality (which means that all human choices should be open to integral human fulfillment) because it is human behavior in the context of social life and any aspirations for fundamental values are relevant which depends on joint cooperation.⁸

In formulating this concept of common good, Finnis draws on Aristotle's writings on the nature and purpose of the community and refers to a treatise by St. Thomas Aquinas on the common good in the *Summa Theologiae*.⁹ His definition bears clear parallels to the description of the common good found in contemporary Catholic social teaching, most notably seen in the document *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World) issued in 1965.¹⁰ Finnis's characteristic of the common good also resembles the definition of John Rawls, who describes the common good as certain general conditions that are equally advantageous for everyone in the sense.¹¹ While Rawls's definition emphasizes the generality of the benefit provided by the conditions in question, Finnis's definition differs in that the conditions representing the common good are prerequisites for fulfilling human life.

Two aspects of Finnis's description of the common good can be emphasized. First, the description is clearly instrumental – according to him, the common good facilitates the prosperity

³ Ibid., p. 152.

⁴ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 139.

⁵ Ibid., p. 153.

⁶ Ibid., p. 155.

⁷ Ibid., p. 451.

⁸ Ibid., p. 456.

⁹ Ibid., p. 160.

¹⁰ Article 26 – „Because of the increasingly close interdependence – which is gradually extending to the entire world, we are today witnessing an extension of the role of the common good, which is the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily. The resulting rights and obligations are consequently the concern of the entire human race. Every group must take into account the needs and legitimate aspirations of every other group, and even those of the human family as a whole.“ - <https://www.cctwincities.org/wp-content/uploads/2015/10/Gaudium-et-Spes-Pastoral-Constitution-on-the-Church-in-the-Modern-World.pdf>.

¹¹ RAWLS, J. *A Theory of Justice*. Cambridge: Harvard University Press, 1971, p. 246.

of members of society in all possible forms. Finnis says that this understanding of the common good does not imply that all members of the community must have the same goals, only that there is a set of conditions that must exist in terms of people's ability to achieve their goals.¹² However, it should be noted that Finnis strictly resists the interpretation of the common good by strictly instrumental concepts and recognizes that the common good involves the natural prosperity of the community as a whole, and not just the specific prosperity of individuals or groups within that community.¹³

Second, Finnis's description of the common good is in itself a description of the importance of cooperation among community members. The common good is the reason for the collaboration of the people forming the community – this cooperation is necessary because of the shared goal of realizing and maintaining the conditions that enable individuals and groups within the community to pursue goals that enable the fulfillment of human life.¹⁴

There are two other terms that are important for Finnis's description of the common good. The first is complete community. This term has its origin in classical thinking, most often associated with Aristotle and the Greek polis. According to Finnis, the need for complete community arises from the inability of other forms of community (including family and friends) to ensure all aspects of human prosperity. For Finnis, the concept of a complete community is fundamentally linked to the question of the common good, as it aims to ensure a set of material and other conditions that will support the personal development of each individual.¹⁵

The second important term is the principle of subsidiarity. This principle, which was given its first formal expression in Catholic social teaching in the early twentieth century (Encyclical of pope Pius XI *Quadragesimo Anno* of 15 May 1931), means that what individuals can do on their own initiative and at their own initiative is not to be taken from their hands and transferred to society. Equally, it is against justice when it translates into larger and higher communities what they can and do well in smaller and lower communities.¹⁶

Finnis applies the principle of subsidiarity to emphasize that the common good cannot be properly achieved where opportunities for individual initiatives are fully replaced by joint actions.¹⁷ This can certainly be seen as a critique of the communist concept of society. Therefore, it is important for those who run states to keep in mind that the more perfectly this principle of subsidiarity is maintained, the better the individual groups are grouped into a hierarchical system, the stronger the social authority and the influence of the state and the better and happier state.¹⁸

Since he first defined his concept of common good, Finnis has developed a more sophisticated concept of common good within a complex society, through an analysis of those writings

¹² FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 156.

¹³ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 459.

¹⁴ DUKE, G. Finnis on the Authority of Law and the Common Good. *Legal Theory*, Vol. 19, 2013, p. 48.

¹⁵ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 148.

¹⁶ Article 79 – „As history abundantly proves, it is true that on account of changed conditions many things which were done by small associations in former times cannot be done now save by large associations. Still, that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them.“ - http://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html.

¹⁷ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 168.

¹⁸ Article 80 – „The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands. Therefore, those in power should be sure that the more perfectly a graduated order is kept among the various associations, in observance of the principle of "subsidiary function," the stronger social authority and effectiveness will be the happier and more prosperous the condition of the State.“ – http://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html.

by St. Thomas Aquinas dealing with the function of state authorities and law. It assumes that, according to Aquinas, there is a common good that is specific to the political community and is called the public good.¹⁹

The special political common good differs from the private good of individuals and families in the political community and consists of interpersonal good, namely justice and peace. The importance of the public good is that it provides support for the pursuit and realization of private good.²⁰

Finnis refuses to interpret Aquinas in the sense that the political general good is confused with the general virtue (the full fulfillment of the lives of all members of the political community), suggesting that political authority and law should aim at achieving full virtue for all members of the community.²¹ Instead, Finnis argues that the public good should be understood as limited and instrumental, and the task of the government is to preserve justice and peace (conditions that individuals and families cannot adequately safeguard on their own) so that members of the community can live a virtuous life.²²

III. SUBSTANTIAL CRITICISM OF FINNIS'S CONCEPT

The new conception of the common good was the subject of a number of comments and criticisms. Finnis's concept of the common good was questioned mainly because of the way in which he describes the relationship between individuals and society. It was also criticized for its instrumental nature, the relationship between good and realization of virtue, and the role of state authority and law in connection with this realization.

American professor of theology Ernest Fortin argued that Finnis's conception of the common good rejects the idea that people are united in a shared commitment to a common goal. Fortin argues that, according to Finnis, human beings are not part of the community, but atoms that are friendly to others and often need them, yet they can freely organize their life or life plans, provided they do not interfere with the freedom of others. According to Fortin, this represents a departure from the perception of people in the concept of St. Thomas Aquinas as part of a complete community to which individual people are perceived as imperfect to perfection.²³

Finnis's description of the political common good has proven controversial, especially because he claims to accurately reflect Aquinas's own understanding of the concept. While Finnis argues that Aquinas's public welfare is instrumental towards the private good of individuals and families, some argue that for Aquinas, the political common good lies in the virtuous life of the political community and its shared happiness.²⁴

Other authors suggest that Aquinas clearly states that people have a natural inclination to live in political society and can achieve life fulfillment through participation in the political community, and in this respect the political community must be understood as a matter of course rather than as a tool for private values.²⁵ While Finnis argues that the role of political authority and law is merely to provide the justice and peace necessary for people to realize a good life themselves, other thinkers argue that for Aquinas the primary purpose of government and law is to guide people to virtue.

According to American professor of philosophy (and dean of Thomas Aquinas College) John Goyette Thomas Aquinas sees the importance of human law not only in limiting human behavior, but also in helping those who have the capacity to grow in virtue by specifying the

¹⁹ FINNIS, J. *Aquinas: Moral, Political, and Legal Theory*. Oxford: Oxford University Press, 1998, p. 226.

²⁰ FINNIS, J. *Aquinas: Moral, Political, and Legal Theory*. Oxford: Oxford University Press, 1998, p. 237.

²¹ *Ibid.*, p. 222.

²² *Ibid.*, p. 231.

²³ FORTIN, E. The New Rights Theory and the Natural Law. *The Review of Politics*, Vol. 44, No. 4, 1982, p. 598.

²⁴ GOYETTE, J. On the Transcendence of the Political Common Good: Aquinas versus the New Natural Law Theory. *National Catholic Bioethics Quarterly*, Vol. 13, No. 1, 2013, p. 138.

²⁵ DEWAN, L. St. Thomas, John Finnis, and the Political Good. *The Thomist*, Vol. 64, No. 3, 2000, p. 368.

requirements of natural law. The ultimate goal of the law is to guide people to a virtuous life, peacekeeping is only one intermediate step.²⁶

Finnis argues that, in addition to defining the common good as a set of conditions that facilitate the prosperity of the members of society, the common good can also be properly understood as the prosperity of the community as a whole, as a universal common good.²⁷ As long as Finnis acknowledges that there is a sense in which integral human fulfillment is truly common, and that man's full bloom occurs in part despite self-realization, it is probably wrong to say that Finnis's understanding of the common good is based on characterizing people as atoms.

However, it is true that although Finnis considers people to be part of a complete community, it does not consider that this community is a precondition for participating in the basic good. According to him, individuals and families directly participate in fundamental values. The importance of a complete community as complete refers to its ability to provide individuals and groups within the community with all the conditions and resources necessary for them to realize core values.²⁸

Finnis confirmed that individuals have a fundamental area of freedom and responsibility for realizing virtue within the fundamental values, and in this respect neither the political community nor the authorities can replace the responsibility of individuals and families for their own life fulfillment.²⁹

IV. AGGREGATIVE CONCEPTION OF THE COMMON GOOD

American natural law theorist (and Georgetown University professor) Mark Murphy, offers an aggregative conception of the common good, which he describes as that state of affairs in which all the members of a political community are fully flourishing.³⁰ The aggregative concept is based on the assumption that the state in which human life flourishes is the fundamental reason for political action in the relevant political community.

According to Murphy, the state of affairs in which more than one person prospers is an even stronger reason for political action, since it encompasses the good of all these persons and therefore involves more than good than in a situation in which only one person prospers. The ideal of an aggregative common good represents a logical extension of this argument about the common good and encompasses the good of all members of the political community.³¹

In some respects, Murphy's concept of common well-being is not radically different from Finnis's. In describing a situation in which all persons are fully prosperous, the aggregative common good mirrors the ideal of the integral fulfillment of man, which Finnis describes as the main objective of the first principle of morality. The demand for the promotion of the common good was described by Finnis as a specification of this main moral principle.³²

It should also be noted that both theoreticians do not perceive the full flourishing of persons as an achievable goal, but rather as an ideal to guide human aspiration for fundamental values. However, an important difference can be noted in Murphy's and Finnis's own characteristics of the common good. According to Finnis, the common good is the way to the integral fulfillment of man; the common good is described as a set of conditions that facilitate this ideal. Murphy characterizes Finnis's description of the common good as instrumental. To him, the aggregative common good is a state in which all members of the political community fully prosper;

²⁶ GOYETTE, J. On the Transcendence of the Political Common Good: Aquinas versus the New Natural Law Theory. *National Catholic Bioethics Quarterly*, Vol. 13, No. 1, 2013, p. 141.

²⁷ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 459.

²⁸ FINNIS, J. *Aquinas: Moral, Political, and Legal Theory*. Oxford: Oxford University Press, 1998, p. 244.

²⁹ *Ibid.*, p. 236.

³⁰ MURPHY, M. *Natural Law in Jurisprudence and Politics*. Cambridge: Cambridge University Press, 2006, p. 61.

³¹ *Ibid.*, p. 63.

³² FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 451.

Murphy's conception therefore identifies the common good with the ideal of integral human fulfillment.³³

Murphy argues that the aggregative concept of the common good is superior to the instrumental concept, because in relation to the explanation of devotion to the common good, the instrumental concept ultimately depends on the aggregative concept to achieve its normative coherence. According to Murphy, explanation of why people are obliged to promote the common good of their community, as described by Finnis as a requirement of practical reason, cannot be found in the concept of common good itself, because practical rationality is not driven solely by considerations of instrumental good.³⁴

The requirement to promote the common good only makes sense if it can relate to an internal good for which the general good is instrumental. For Murphy, this means taking into account the full flowering of people in society, as described in his aggregative concept. Murphy further argues that the instrumental conception of the common good is not truly general, since the instrumental common good is evaluated by each person as a means of achieving their own goal. This implies that people are not really involved in the realization of the common goal, but are interested in the aspect of the common good that is good for an individual. Murphy argues that instrumental common good can be truly general only if it is related to the goal of fully realizing the prosperity of all persons in the society, a state described in the concept of aggregative common good.³⁵

Finnis affirmed the sense that the common good can be understood in terms of the desirable flourishing of the community; as such, his concept of general well-being is not exclusively instrumentalist. But to the extent that Finnis's description of the common good is truly instrumental in nature, the essence of Murphy's criticism remains relevant.

As we have seen, Finnis describes the common good as a common goal, a justification for the cooperation of people in society. The common goal is to create conditions that facilitate the prosperity of members of society; all these persons must have this set of conditions at their disposal as a prerequisite for further personal development. The aim is therefore common in the sense that it is shared and has a common meaning for members in relation to their individual prosperity. Therefore, it does not seem that the aggregative concept of common good adds to the authentic generality of Finnis's common good.

One can also consider Murphy's argument concerning the normative power of the common good. Murphy argues that the instrumental concept fails to explain why people are required to promote the common good. It emphasizes that practical reason is guided only by reference to the inner values against which the other values are only instrumental.³⁶ He further submits that the aggregative common good is capable of exerting normative influence in relation to practical reason, since it is itself characterized as an intrinsic value which consists of the development of all persons within all fundamental values.

However, it is not clear that recognizing the fundamental nature of intrinsic values as a guide to human behavior reduces the importance of instrumental values in the process of practical reasoning. As Finnis notes, practical reasoning is a process that responds to the directive nature of objectives in the form of fundamental values and essentially involves determining the correlation of these objectives as well as the means to implement them.³⁷ It confirms that instrumental values have a normative meaning for practical thinking. Instrumental values themselves are a reason for action, as they are a means to realize fundamental values.

³³ MURPHY, M. *Natural Law in Jurisprudence and Politics*. Cambridge: Cambridge University Press, 2006, p. 65.

³⁴ MURPHY, M. *Natural Law in Jurisprudence and Politics*. Cambridge: Cambridge University Press, 2006, p. 67.

³⁵ *Ibid.*, p. 68.

³⁶ *Ibid.*, p. 69.

³⁷ FINNIS, J. Foundations of Practical Reason Revisited. *The American Journal of Jurisprudence*, Volume 50, Issue 1, 2005, p. 120.

These arguments testify to the strength of Finnis's concept of the common good and can be considered more appropriate than the aggregative concept. The characterization of the common good as a set of conditions that facilitate the attainment of fundamental values, rather than as a condition that itself indicates the full development of people, allows a better consideration of the importance of instrumental values in relation to human fulfillment and practical thinking.

This conclusion can be illustrated by the value that is present in national security. National security is not in itself a fundamental value, but has obvious implications for the ability of members of society to implement different life plans. Murphy's characteristics of the common good leave little room to emphasize the importance of national security as an instrumental good. This concept describes the situation in which all persons in society develop fully, without recognizing the conditional nature of this development and the factors necessary to realize the anticipated state of affairs.

By contrast, in the Finnis's conditional concept, protecting members of society from internal or external threats can be appreciated for their contribution to creating an environment in which people are able to realize fundamental values, and can thus easily be described as an important part of the common good promoted for human welfare.

V. THE ROLE OF THE COMMON GOOD IN NEW NATURAL LAW THEORY

John Finnis interprets the notion of authority, rights and duties in terms of their relationship to safeguarding the general good of the political community. It further characterizes justice and human rights as fundamental aspects of the content of the common good and asserts that the authority of law depends on the extent to which the law and political authority support the common good.³⁸

New Natural Law theory explains authority as the need for society as a whole to achieve the common good. According to Finnis, life in a political society is characterized by the need to coordinate the various interests of individuals and groups and to solve coordination problems that usually require the choice of concrete actions from a range of sensible options.³⁹ Finnis therefore claims that the basis of authority is the ability to support the general good of society by addressing its coordination problems. The importance of authority to the common good is essential to the ruler's ability to convince members of society of the reasons for compliance.⁴⁰

According to Finnis, the focal point of the law is the rules laid down by a certain authority for a particular society and aimed at sensible solutions to coordination problems in the interest of the common good.⁴¹ The law is therefore also characterized in terms of its purpose, namely the promotion of the common good of society. The characteristics of the legal order are also in themselves relevant to the realization of the common good. As Finnis explains, the rule of law (which states that laws should be effective in the future, clear, published and relatively stable) brings greater clarity and predictability for interpersonal relationships and protects individuals from certain forms of abuse by the authority in society. At the same time, this increases the ability of individuals to channel their lives as they see fit.⁴²

Finnis argues that the legal commitment is based on the principle that the common good requires community members to comply with the legal provisions established as authoritative solutions to society's coordination problems.⁴³ It thus combines the characteristics of a legal obligation with its explanation of authority, both terms being explained with reference to the needs of the common good. The New Natural Law theory further asserts that due to its rela-

³⁸ CROWE, J. *Natural Law Theories*. *Philosophy Compass*, Vol. 11, Issue 2, 2016, p. 97.

³⁹ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 232.

⁴⁰ *Ibid.*, p. 246.

⁴¹ *Ibid.*, p. 276.

⁴² *Ibid.*, p. 270.

⁴³ *Ibid.*, p. 315.

tionship to the promotion of the common good, a legal obligation is essentially a moral obligation. According to Finnis, the comprehensive coordination and regulation of social life for the common good, which is enforced by law, can only be successfully achieved if community members take their legal obligations so seriously that they take precedence over any other personal goal or preference.⁴⁴

Finally, the New Natural Law theory also asserts that the authority of rulers and the rule of law depend fundamentally on whether these rulers and rules support the common good, in particular by respecting the principles of justice and human rights. Finnis describes justice as a relational concept that deals with the specification of the rights and obligations of persons and the determination of the appropriate balance in interpersonal relationships.⁴⁵

According to Finnis, the requirements of justice are the consequence of the requirement of common sense, which states that persons should support the common good of their community.⁴⁶ These requirements are principles that must be generally respected in order for community members to realize their life goals without unduly interfering with others. This can be described as the common formation of the content of the common good, which is part of conditions facilitating individual prosperity.

Furthermore, the New Natural Law theory identifies human rights as a concrete expression of the requirements of justice, as they specify more aspects of individual well-being to be respected by others in the context of social life. The protection of human rights is a fundamental dimension of the common good.⁴⁷ Since authority is premised upon the opportunity it provides for promoting the common good, it is fundamentally deficient where it is exercised in a manner contrary to the common good.

According to the New Natural Law theory, the prerequisite for authority is the opportunity it provides in promoting the common good. Social authority has a fundamental problem if it is exercised in a way that is contrary to the common good. With a focus on legal rules, Finnis states that the presumed moral authority of laws is compromised when laws are unfair – for example, if laws promote private benefits, provide for an unfair distribution of benefits and obligations between different individuals or violate individual human rights.⁴⁸

The New Natural Law theory further argues that where laws are not intended to promote the common good, this has negative consequences for the moral obligation to observe them – Finnis suggests that unjust laws do not in themselves create a moral obligation to observe them, although they may remain formally binding.⁴⁹

VI. CONCLUSION

Finnis argues that the common good allows members of society to pursue the goals that underlie their fulfilled lives. However, this characteristic of the common good was criticized for a simplistic view of the relationship between individuals and the communities to which they belong. Obviously, most of the controversy over Finnis's description of the political common good stems from a mismatch between Finnis and his critics about the correct interpretation of Thomas Aquinas's writings. Some of Aquinas's texts are prone to different interpretations and passages can be found that clearly support the arguments of both Finnis and his critics. However, Finnis's approach to describing the common good agrees with his overall understanding of the autonomy and responsibility of persons in relation to the goal of human prosperity.

⁴⁴ Ibid., p. 319.

⁴⁵ FINNIS, J. *Natural Law and Natural Rights*. Oxford: Oxford University Press, 1980, p. 161.

⁴⁶ Ibid., p. 164.

⁴⁷ Ibid., p. 218.

⁴⁸ Ibid., p. 352.

⁴⁹ Ibid., p. 359.

The various criticisms of Finnis's conception of the common good do not deny the main idea that there are certain conditions that are necessary for the realization of fundamental values. This view remains convincing regardless of whether life in the political community is characterized as internal or instrumental good, or whether political authority is constructed as an entity with a partial or universal role in relation to the development of human virtues. Finnis's characteristics of the common good are important for the way in which he speaks of the unpredictability of human prosperity and the importance of community member's cooperation in ensuring conditions that enable the overall well-being of society.

KEY WORDS

Natural law, common good, instrumental concept, aggregation concept

KLÍČOVÁ SLOVA

Přirozené právo, obecné dobro, instrumentální koncepce, agregační koncepce

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