

# RECOVERING THE COMMON GOOD: THE KEY TO A TRULY PROSPEROUS SOCIETY?

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*This article argues that the common good would have much to contribute to political discourse in New Zealand at the present time. Beginning with a definition of the concept, particularly as it has developed within Catholic Social Teaching, the article examines attempts by New Zealand church leaders to introduce it into public debate in recent decades, and concludes that, were the common good to be given serious consideration today, it would both prompt New Zealanders to look critically at their society and consider the purpose of their common life together, and enhance their quality of life individually and communally. The article addresses the charge that promoting the common good might be seen as favouring one (religiously-inspired) notion of 'the good life' over others, and, following Raymond Plant, suggests that, in a pluralist society, a more appropriate starting point for a conversation about such issues would be an exploration of 'social justice'. The article also explores the extent to which markets and governments might promote the common good.*

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## ***I INTRODUCTION***

An often underrated source of commentary on law, politics, economics and ethics is that body of literature known as "Catholic Social Teaching".

While the term, without the capital letters, could conceivably encompass writings from across the two millennia of Catholic history – from St Paul and the early Fathers through the medieval schoolmen to liberation theologians and beyond – the term is generally used to describe the 20 or so encyclicals, statements and letters issued from the Vatican over the last 120 years which represent the authoritative voice of the Catholic Church on social issues. Starting with the encyclical letter of Pope Leo XIII known as *Rerum Novarum*, issued in 1891 and devoted largely to a critique of reforms taking place in the Italy of its day, Catholic Social Teaching has been influential in shaping,

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not only Catholic and Christian thinking on current issues, but, in the form of the principle of "subsidiarity", the working of the European Union.<sup>1</sup>

## **II CATHOLIC SOCIAL TEACHING AND THE COMMON GOOD**

I will return briefly to subsidiarity later, but I want to focus in this article on another core principle found in Catholic Social Teaching, that of the "common good". It would be hard to exaggerate the absolutely central place this concept has within the corpus of Catholic Social Teaching: leading Catholic commentator Paul Valley asserts, for example, that the common good is "at [the] heart" of the core principles which can be identified within the popes' teachings since *Rerum Novarum*,<sup>2</sup> and another influential commentator, Clifford Longley, observes that the common good:<sup>3</sup>

... is the overarching principle rather than the first in order of priority, which is to say that other principles contained within the tradition – subsidiarity, solidarity, the primacy of labour over capital, the right to organize, the preferential option for the poor – have always to be read in the light of the common good, which permeates all of them.

It is not being suggested that the concept originated with recent popes: the common good is arguably to be found in Plato, and within the Christian tradition its roots go back at least as far as John Chrysostom in the fourth century, with St Thomas Aquinas shaping it into the form in which we know it today as he synthesised the thinking of Aristotle and Augustine in the 13th century. It is rather that successive popes since Leo have consistently identified it as the fundamental principle upon which modern society should be grounded, the very *telos* behind all politics, law, business and corporate life. And for sound theological reasons, it might be said; for while, as we have observed, the concept is to be found in the work of the great classical philosophers as well as in the writings of the early church fathers, in Catholic – and indeed, some other Christian – thinking, it is understood as nothing less than an expression or representation of the second great commandment to "love your neighbour as yourself" (Matthew 22:39). As Longley comments, "principles do not come any higher than that", which is why occasionally one may find in Vatican teaching "striking statements that equate the common good with nothing less than God's will on earth, for which Christians pray in the

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1 Treaty of the European Union (Maastricht Treaty) [1992] OJ C191/1 (opened for signature 7 February 1992, entered into force 1 November 1993), art 5.

2 Paul Valley "Introduction" in Paul Valley (ed) *The New Politics: Catholic Social Teaching for the Twenty-First Century* (SCM, London, 1998) 1 at 5.

3 Clifford Longley "Government and the common good" in Nick Spencer and Jonathan Chaplin (eds) *God and Government* (Society for Promoting Christian Knowledge, London, 2009) 159 at 160 ["Government and the common good"].

Lord's Prayer."<sup>4</sup> Perhaps this is also why the Church of England Prayer Book exhorts its users to beseech the Almighty to:<sup>5</sup>

... give wisdom to all in authority; and direct this and every nation in the ways of justice and of peace; that we may honour one another, and seek the common good.

So what exactly is the common good? As one would expect with a concept which has evolved over many centuries, multiple definitions of it may be found, yet it is possible to identify a shared understanding of the term which can inform and stimulate contemporary debate.

At a very basic level we could say that the common good rests on the principle that "there exist some shared or public values which transcend the rights of individuals".<sup>6</sup> The document *Gaudium et Spes*, issued at the end of the Second Vatican Council in December 1965, describes the common good as:<sup>7</sup>

... the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily ... The common good is always oriented towards the progress of persons: "The order of things must be subordinate to the order of persons, and not the other way around".

And in possibly the most recent attempt by the Catholic Church to inject the common good into the heat of a political campaign, the document *The Common Good and the Catholic Church's Social Teaching* issued by the Catholic Bishops' Conference of England and Wales in the run-up to the 1997 general election in the United Kingdom, the bishops observe that the concept implies:<sup>8</sup>

... that every individual, no matter how high or low, has a duty to share in promoting the welfare of the community as well as a right to benefit from that welfare.

Suggesting a close identity between the terms "common" and "all-inclusive", the bishops continue by affirming that:<sup>9</sup>

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4 At 160.

5 Church of England *Common Worship Services and Prayers for the Church of England* (The Archbishop's Council, London, 2000) at 281.

6 Clifford Longley "Structures of Sin and the Free Market: John Paul II on Capitalism" in Paul Vallely (ed) *The New Politics: Catholic Social Teaching for the Twenty-First Century* (SCM, London, 1998) 97 at 99.

7 Second Vatican Council "Pastoral Constitution on the Church in the Modern World – Gaudium et Spes" (7 December 1965) at [26].

8 Catholic Bishops' Conference of England and Wales *The Common Good and the Catholic Church's Social Teaching* (London, 1996) at [70].

9 At [70].

... the common good cannot exclude or exempt any section of the population. If any section of the population is in fact excluded from participation in the life of the community, even at a minimal level, then that is a contradiction to the concept of the common good and calls for rectification.

Another helpful summary appears in the even more recent *Compendium of the Social Doctrine of the Church*, published by the Pontifical Council for Justice and Peace in 2004, s 164 of which states that:<sup>10</sup>

The common good does not consist in the simple sum of the particular goods of each subject of a social entity. Belonging to everyone and to each person, it is and remains "common", because it is indivisible and because only together is it possible to attain it, increase it and safeguard its effectiveness, with regard also to the future.

### **III A CHALLENGE TO INDIVIDUAL FREEDOM?**

Here we begin to see how the common good understands the relationship between the individual and society, and how it stands apart from political liberalism, broadly understood, according to which society exists primarily to maximise the opportunity for each individual's potential to be realised. The common good essentially prevails when, in any given situation, *the good of the individual is subordinated to the good of the wider community*, and it specifically challenges notions of well-being rooted in the *individual* maximisation of freedom and happiness, suggestions that the good life can be enjoyed by a person *irrespective of whether her or his neighbour does too*. It exposes what Chris Marshall of Victoria University of Wellington has recently described as a deficiency of liberalism, namely that it equates liberty to the freedom of private citizens to do as they please so long as they do not violate the freedom of others, and suggests that "such freedom and rationality can flourish independently of any undergirding narrative that is commonly held to be true" – a narrative that "is needed to cultivate moral character and promote hopeful living ... [and] appreciate the deepest meaning of human freedom."<sup>11</sup> Thus, as Nicholas Townsend has put it, behind the concept of the common good is a belief that "the human good is *inherently* and *irreducibly* common." For Townsend, a useful analogy would be "the good of a concert, a football match or a great feast of celebration" which "can exist for anyone only as all participate in the shared action in which they produce and benefit from it simultaneously".<sup>12</sup>

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10 Pontifical Council for Justice and Peace *Compendium of the Social Doctrine of the Church* (Libreria Editrice Vaticana, Vatican City, 2004) at [164].

11 Christopher D Marshall *Compassionate Justice: An Interdisciplinary Dialogue with Two Gospel Parables on Law, Crime, and Restorative Justice* (Cascade Books, Eugene (Oregon), 2012) at 20.

12 Nicholas Townsend "Government and social infrastructure" in Nick Spencer and Jonathan Chaplin (eds) *God and Government* (Society for Promoting Christian Knowledge, London, 2009) 108 at 111.

So, the common good is premised upon an understanding that human flourishing is not complete without what Valleyly calls the "social dimension".<sup>13</sup> It is rooted in an assumption that we are essentially interdependent, that we really *are* our brothers' and sisters' keepers, that we each have a responsibility for the other. As the Catholic Bishops' Conference of England and Wales put it in their 1996 document, "the context most likely to foster human fulfilment for everyone, where each individual can enjoy the benefit of living in an orderly, prosperous and healthy society", is one in which "the obligation of every individual to contribute to the common good of society" has been embraced.<sup>14</sup> And if this begins to suggest that the concept has strayed so far from liberalism as to sound suspiciously like collectivism, according to which each individual's well-being is best guaranteed when the state assumes, on their behalf, power to direct the affairs of the community itself, it does, as we shall see, firmly support the protection of individual human rights and eschew notions of an authoritarian use of power to promote policies which citizens do not endorse.<sup>15</sup>

Yet this notwithstanding, a concern about the potential loss of individual freedom inherent in the concept of the common good has led many – including within the Church – to dismiss it as a worthwhile model for contemporary politics. The late and much respected political theologian David Nicholls argued there were good grounds for suspicion that embracing the common good left the door open for the state to seek to limit the autonomous life of associations;<sup>16</sup> and another leading British public theologian, John Atherton, has expressed a concern that the concept, "with its overtones of undue political interference in economic life and private choices, may no longer be an appropriate concept for Christian social thought."<sup>17</sup> Yet, as Atherton has also noted in a more recent work, it is possible falsely to polarise "self and other interests":<sup>18</sup> as Catholic Social Teaching explicitly affirms, "The human person cannot find fulfilment in himself, that is, apart from the fact that he exists 'with' others and 'for' others."<sup>19</sup>

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13 Paul Valleyly "Towards a New Politics: Catholic Social Teaching in a Pluralist Society" in Paul Valleyly (ed) *The New Politics: Catholic Social Teaching for the Twenty-First Century* (SCM, London, 1998) 148 at 160.

14 Catholic Bishops' Conference of England and Wales, above n 8, at [73].

15 Compare Townsend, above n 12, at 112; Theodore Herr (trans. Pieter Vlieland) *Catholic Social Teaching: A textbook of Christian insights* (New City, London, 1991) at 75.

16 Cited in Pat Logan *A World Transformed: When hopes collapse and faiths collide* (Churches Together in Britain and Ireland, London, 2007) at 123.

17 Cited in Logan, above n 16, at 123.

18 John Atherton *Transforming Capitalism: An Enquiry into Religion and Global Change* (SCM, London, 2008) at 223.

19 Pontifical Council for Justice and Peace, above n 10, at [165].

We shall return to the various criticisms of the common good in due course, but let us now specifically relate our discussion to our context here in New Zealand. Does the concept of the common good have anything to say to us, and if so, what?

#### ***IV NEW ZEALAND SOCIETY EXAMINED***

In the first of their two social justice statements issued in 1993, the *Statement of Intent* published in January, New Zealand church leaders argued forcefully that pursuit of the common good should play a part in the formulation of our country's public policy.<sup>20</sup> Expressing their concern that economic and social policy changes implemented in recent years were having a negative impact on the poor in society, the church leaders noted their "deep concern" that the pain generated by the need to find solutions to our economic problems was not being shared fairly.<sup>21</sup> "Too many people have become marginalised. Despair and anger are common responses", the church leaders wrote, and they suggested in response five principles which they wanted to see guiding the formulation of public policy, including "the imperative of pursuing the common good."<sup>22</sup> In their longer *Social Justice Statement* issued six months later the church leaders again outlined the principles they wished to see informing social policy, including "to live in solidarity with others, aware of our interdependence" and "to seek the wellbeing of all".<sup>23</sup> "A just society", the leaders wrote:<sup>24</sup>

is one in which its members and its structures serve the common good ... For us, the purpose of government is to serve the common good, that is, to secure and protect the dignity of every citizen. Therefore government is to provide conditions where each is enabled to respect the rights of others, and where each can enjoy freedom and fulfilment in the economic, political and cultural life of the nation.

Among the specific principles the church leaders espoused were:<sup>25</sup>

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20 New Zealand Council of Christian Social Services *Church Leaders' Statement of Intent* (NZCCSS, Wellington 1993). It is worth noting that this, and the more substantial *Social Justice Statement*, were thoroughly ecumenical and not exclusively Catholic projects. Ten denominations were involved in all: the Anglican Church; the Apostolic Church; the Associated Churches of Christ; the Baptist Church; the Lutheran Church; the Society of Friends; the Methodist Church; the Presbyterian Church; the Salvation Army; and the Roman Catholic Church.

21 New Zealand Council for Christian Social Services, above n 20, at [2], [3], [12], and [30].

22 New Zealand Council for Christian Social Services, above n 20, at [45]; Jonathan Boston and Alan Cameron (eds) *Voices for Justice: Church, Law and State in New Zealand* (The Dunmore Press, Palmerston North, 1994) at 15.

23 Brian Davis and others "Making Choices: Social Justice for Our Times" (1993) The Social Justice Commission of the Anglican Church of Aotearoa & Polynesia <[www.justice.net.nz](http://www.justice.net.nz)> at [6].

24 At [26].

25 At [3].

... fairness in the distribution of income, wealth and power in our society; fairness in the social, economic and political structures we have created; [and] fairness in the operation of those structures so that they enable all citizens to be active and productive participants in the life of society.

No less importantly the church leaders argued that "a primary focus for our social justice concerns must be the special relationship which exists between Māori and all other New Zealanders".<sup>26</sup> The Treaty of Waitangi, they wrote:<sup>27</sup>

... establishes a covenant relationship between Māori and the Crown and was born out of a concern for just relationships within this land. Though the Treaty has frequently been disregarded by law makers, Māori people have never forgotten it ... If we are to have a just society in this land the place of the Treaty and its potential to shape our future needs to be more widely acknowledged.

Twelve years after this, in the run-up to the 2005 general election, New Zealand church leaders again highlighted the value of considering the common good when discussing, as they put it, "the type of society we want to live in." The leaders argued:<sup>28</sup>

To be robust, our society must offer to everyone support and opportunity, shelter and freedom, resources and vision ... A robust society is one that encourages and values the contribution of all people towards the common good.

Noting also the distinctive anthropology found in the concept of the common good, the leaders affirmed that "the good of the individual and the common good are not opposing poles ... what is best for the individual must include a commitment to the common good".<sup>29</sup>

While undoubtedly our context today is different from that of the early 1990s, and even from that of two elections ago, I suggest that we would still have much to gain today, as individuals, local communities and a society, from a wide-ranging conversation informed by a clear understanding of the common good and the implications of embracing it. And for not dissimilar reasons to those enunciated by the church leaders: first, it would stimulate us to look critically at our society and ask questions about the purpose of our life together and what we expect from government with respect to fulfilling that purpose; and, secondly, it would have the potential to enhance the quality of our lives individually and collectively and enable us better to address a number of the serious challenges we face in our country today.

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26 At [7].

27 At [7]–[8].

28 John Dew and others "Towards a robust society: A statement from national church leaders" (2005) Presbyterian Church of Aotearoa New Zealand <[www.presbyterian.org.nz](http://www.presbyterian.org.nz)>. I am grateful to Rt Rev Dr Graham Redding for alerting me to this document.

29 Dew and others, above n 28.

With respect to the first point, the most basic service that the common good can perform for a democratic community such as ours is to remind it why it elects governments and the criteria according to which it should evaluate how those governments perform. As the Pontifical Council for Justice and Peace affirms in its *Compendium*, echoing a point we noted New Zealand church leaders making in 1993:<sup>30</sup>

... the common good is the reason that ... political authority exists ... To ensure [it], the government of each country has the specific duty to harmonize the different sectoral interests with the requirement of justice.

Political authority, in other words, at whatever level, should be exercised for the *whole* community rather than sectional interests within it. When a ruler or government seeks to privilege the interests of individual sections of the community – for example, those who have provided financial backing for its campaign, or voters whom it thinks it can persuade to vote for it next time – it is falling down in its basic role. Indeed, as Townsend comments, the contrast between these two manifestations of political authority "is none other than the fundamental difference between good and bad government and is as old as Western political thought."<sup>31</sup> Making the point even more directly, Theodore Herr argues that "social institutions, and among them authorities too, have no purpose in themselves apart from the people for whom they have been created."<sup>32</sup>

Is this a starting point for a discussion about the nature of our politics and political institutions in New Zealand – notably Parliament, but also the bodies and processes involved in policy-making and the shaping of law, including the Law Commission, Royal Commissions, Green and White Papers and so on? We have observed a number of commentators who take it as axiomatic that good government is about the promotion of the common good, but is that a consensus view among our politicians, our opinion-formers, and ourselves as citizens? And, if we did agree to accept "pursuit of the common good" as the criterion for good government, how do governments here measure up to it?

It is noteworthy that the vision statements of the main political parties in New Zealand reflect what we might call common good aspirations: the National Party, for example, pledges to seek "a safe, prosperous and successful New Zealand that creates opportunities for all New Zealanders to reach their personal goals and dreams"<sup>33</sup>; for the Labour Party, the natural resources of the country should be managed for the benefit of all, and "in any conflict of interest people are always more

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30 Pontifical Council for Justice and Peace, above n 10, at [168]–[169].

31 Townsend, above n 12, at 112.

32 Herr, above n 15, at 79.

33 National Party "National's Vision for New Zealand" <[www.national.org.nz](http://www.national.org.nz)>.

important than property and the state must ensure a just distribution of wealth";<sup>34</sup> for the Green Party, our economic system should enable "people to meet their needs from the bounty of the earth, within nature's limits" and "participation, justice and quality of life for all" are to be valued over "individual attainment of wealth";<sup>35</sup> and the Māori Party affirms that it "is for all citizens of this country", being founded as "an initiative of Māori, *te kākano i ruia mai i Rangīātea*, for the benefit of all citizens of this land", with policies and practices which "derive from *kaupapa tuku iho* that are values that provide for the wellbeing of all".<sup>36</sup> But is this discussion all too theoretical? Can we really agree on what government in the interests of the common good would look like – and, even if the answer to that is "yes", is such government possible in practice, in the world of *realpolitik*?

At very least, starting such a conversation would enable us to undertake some much needed reflection on the nature of our life together – much needed in the sense that a society which does not periodically reflect upon the question of the end or goal of its common life together should be subject to the same judgment Socrates levelled at individuals who leave their lives unexamined. On one level it is decidedly odd that we do not ask questions of such a fundamental nature about our society: after all, we would hardly consider joining a club or institution about whose purpose or aim we were unclear, or whose leadership evaded such questions or considered them irrelevant! One often hears talk about New Zealanders having pride in their country, and about a distinctive New Zealand culture, yet it is sometimes hard to identify the *core* of such pride or distinctiveness beyond individual historic occasions or specific cultural icons. Perhaps for fear of where it might lead we choose not to encroach into the territory of values, convictions and visions, preferring instead that our leaders focus on maintaining the status quo and do not unnecessarily rock the boat. Yet it is vital in a democracy periodically to address such issues, and not assume that our duty as citizens toward deciding the direction of our country is discharged if we visit the polling booth once every three years. Both Amartya Sen and Michael Sandel have argued in their recent work that public reasoning, more than elections, defines what democracy is about,<sup>37</sup> and the South African theologian John de Gruchy asserts that democracy is both "a *vision* of what society should become, and ... a *system* of government that seeks to enable the realization of that vision within particular

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34 Labour Party "About Us – Principles" <[www.labour.org.nz](http://www.labour.org.nz)>.

35 Green Party of Aotearoa New Zealand "Green Party Vision" <[www.greens.org.nz](http://www.greens.org.nz)>.

36 Māori Party "Constitution" <[www.maoriparty.org](http://www.maoriparty.org)>. It is interesting to note, by way of contrast, that the ACT Party's stated principal object "is to promote an open, progressive and benevolent society in which individual New Zealanders are free to achieve their full potential", and that:

[T]o this end [the Party] upholds the following principles: that individuals are the rightful owners of their own lives and therefore have inherent rights and responsibilities; and that the proper purpose of government is to protect such rights and not to assume such responsibilities.

37 Amartya Sen *The Idea of Justice* (Penguin, London, 2010) at 321–337; Michael Sandel *Justice: What's the right thing to do?* (Farrar, Straus and Giroux, New York, 2009) at Chapter 10.

contexts."<sup>38</sup> The de facto consequence of our reluctance to reason around these deeper issues is that we end up conceiving of society, as Valley has put it, as little more than a space in which groups divided by competing economic interests, or different ethnic and religious backgrounds, or different single interest concerns, press their disparate claims on a state which can find no core of shared values to draw upon in order to adjudicate on these disputes.<sup>39</sup>

Yet it is one thing to argue for an informed debate about a vision for society, and another actually to enable it to happen. How would we even begin such a conversation? One immediate hurdle dissuading secular democracies like ours from embarking on such a venture is the extent to which conceptions of the common good are rooted in the teachings of a religious community; in a pluralist society, it is rightly argued, a wide range of moral and religious beliefs obtain, such that it is inappropriate for one set of beliefs to prevail over others, or for the state to be seen to endorse one conception of the good society over others. This is a question which I shall pick up again in a moment, yet the very point about the common good is that it is not imposed from outside (or above) but emerges from open, inclusive discussion, rooted in a shared conviction that its pursuit is a worthwhile aim and will necessarily involve exploring competing convictions regarding in what it might consist. And it is primarily a *pursuit*, a mode of politics rather than a political end, of which a constituent part will be, as Sandel says, "a more robust public engagement with our moral disagreements", a "politics of moral engagement".<sup>40</sup> It is axiomatic to say that no society will ever agree conclusively regarding in what "the good life" fully consists, but, as Alain de Botton has argued, "a lack of absolute agreement on the good life should not in itself be enough to disqualify us from investigating and promoting the theoretical notion of such a life."<sup>41</sup>

## V *STARTING WITH SOCIAL JUSTICE?*

Let me return to the point about the inappropriateness, not to mention impossibility, of pursuing a shared vision of society in a pluralist society like New Zealand, since this needs to be taken seriously.<sup>42</sup> As the distinguished political philosopher Raymond Plant has written:<sup>43</sup>

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38 John de Gruchy "Democracy" in Adrian Hastings (ed) *The Oxford Companion to Christian Thought* (Oxford University Press, Oxford, 2000) at 157; cited in Richard Harries *Faith in Politics? Rediscovering the Christian Roots of our Political Values* (Darton, Longman & Todd, London, 2010) at 64.

39 Compare Valley "Towards a New Politics: Catholic Social Teaching in a Pluralist Society", above n 13, at 154.

40 Sandel, above n 37, at 268–269. Compare Pontifical Council for Justice and Peace, above n 10, at [170].

41 Alain de Botton *Religion for Atheists: A non-believer's guide to the uses of religion* (Hamish Hamilton, London, 2012) at 83.

42 I do not wish to play down the significance of, for example, the New Zealand Bill of Rights Act 1990, the Human Rights Act 1993 or the *Constitution Conversation / He kaupapa nui te kaupapa ture* – in process at the time of writing – as examples of attempts to find a shared vision for the country; however, what I have in mind here is a somewhat richer discussion about the very *purpose* or *telos* of our shared life together.

... to argue that the common good can consist in a rich, deep and elaborated form of substantive agreement on values and human purposes ... looks both implausible and potentially dangerous in a society marked by moral diversity in which individuals believe strongly that judgments about substantive and, indeed, ultimate values are for them to make by exercising their own judgment.

Plant's suggested way forward is an interesting one, namely a focus on the language of social justice, on a search for those "common needs or basic goods which people have to have in order to ... pursue any conception of the good whatever it might be."<sup>44</sup> Under this approach, recovering the common good becomes less a search for some kind of "substantive common purpose" or "transcendent moral order" than, Plant would argue, identifying:<sup>45</sup>

the range of goods and services, benefits and opportunities which all citizens need to have in order to pursue their conception of the good, whatever it might turn out to be.

This approach certainly appears promising – and social justice was, of course, the theme New Zealand church leaders adopted in their statement of 1993 – though I wonder if it is as far removed, as Plant seems to imply, from the search for an over-arching social vision, not least since the merit of social justice will itself be highly contested in liberal economic cultures such as ours. For Hayek, as he famously argued in the 1970s, social justice is no more than a "mirage",<sup>46</sup> and still today the prevailing political consensus, whether explicitly or implicitly endorsed, is that it is not the responsibility of the state to tinker with the outcomes of a market system in which everyone is freely allowed the opportunity to buy and sell. If some people in a society find themselves without what might be considered the essentials of life, then that is simply a consequence of the various transactions that take place within the market: provided none of these transactions is coerced, the market cannot be said to have produced just or unjust outcomes since it is morally neutral in its operation. We may say that those at the bottom of the heap have suffered bad luck or misfortune, but not injustice, and therefore the appropriate response is individual charity, not state redistribution. Thus, Plant says, while it may seem prudent in some contexts (and we may recognise New Zealand as one such):<sup>47</sup>

... to have a minimal welfare state and transfer payments to meet the needs of these unfortunates, then this implies a minimum safety-net for welfare to prevent destitution, not a welfare state the aim of which is to rectify inequality in the name of a more just distribution of resources and opportunities.

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43 Raymond Plant *Politics, Theology and History* (Cambridge University Press, Cambridge, 2001) at 196–197.

44 At 198.

45 At 198.

46 F A Hayek *The Mirage of Social Justice* (Routledge and Kegan Paul, London, 1976).

47 Plant, above n 43, at 203.

The notion that even a minimal shared understanding of social justice may be attainable also runs up against the philosophically liberal view, articulated perhaps most cogently by John Rawls. For Rawls, it is of the nature of liberal democratic societies that their members do not espouse one normative concept of "the good", only that they provide adequate procedures to enable each to choose from a range of goods and debate their relative value. The important thing for Rawls is that the conditions exist under which a liberal society may properly function: justice may be said to obtain when citizens are free rationally to identify and choose the social goals that are most fitting to them. To move beyond such a "neutral" view of justice, to "fall on the side of the one reasonable and rational good" as leading Christian thinkers like Augustine and Aquinas are prone to do, is to threaten individual freedom. As Sandel summarises Rawls' concern:<sup>48</sup>

A constitution that tries to cultivate good character or to affirm a particular conception of the good life risks imposing on some the values of others. It fails to respect persons as free and independent selves, capable of choosing their ends for themselves.

We are back with the concern identified earlier, that talk of the common good may serve as a Trojan horse to conceal attempts by religious or other actors to impose one particular notion of "the good society" on society at large – notwithstanding that the common good should be understood less as an end in itself than a process involving dialogue and search for consensus. Sandel himself also takes issue with the Rawlsian notion of individualism, arguing that an individual's deliberation about their own good must also involve reflection on the good of the community to which he or she is bound. Hence, aspiring to remain neutral regarding the values upon which a society is grounded, or the ends to which it should be directed, may be mistaken – indeed, "it may not be possible, or even desirable, to deliberate about justice without deliberating about the good life."<sup>49</sup> For Sandel, achieving a just society involves more than securing individual freedom of choice: we have also "to reason together about the meaning of the good life, and to create a public culture hospitable to the disagreements that will inevitably arise."<sup>50</sup> Writing from a Catholic perspective, John Finnis is another author who wants to go beyond Rawls in arguing that the pursuit of the common good and justice requires more than the establishment of certain procedural rules which ensure individual liberty or fair play. For Finnis the community needs to operate together:<sup>51</sup>

[T]o secure the whole ensemble of material and other conditions, including forms of collaboration, that tend to favour, facilitate and foster the realization by each individual of his or her personal development.

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48 Sandel, above n 37, at 242.

49 At 242.

50 At 261.

51 Cited in Nicholas Sagovsky *Christian Tradition and the Practice of Justice* (Society for Promoting Christian Knowledge, London, 2008) at 173.

The challenge, of course, is to move from the abstract to the concrete, to particularise notions of justice within our own liberal democratic and increasingly pluralist context. Doing so will necessarily involve asking questions which will be fundamental and, as such, problematic, yet this does not remove the imperative to begin to ask them and reflect critically on our society, its values and its nature. Could the debate here in New Zealand begin with a basic question about the merit and meaning of social justice, asking whether, as a society, we agree that we have a responsibility toward those among us who lack the means to pursue their conception of the good and expect our government to work to ensure that that lack is remedied; or whether we consider that, both in principle and practice, pursuing social justice is wrong, and that, so long as individuals are free to pursue their own lifestyle and subjective preferences, government has no responsibility other than to ensure that that freedom is maintained. The default position in New Zealand today is toward minimal government interference, but how deep does support for that position lie? Can we meaningfully speak of individual freedom to pursue an individual goal without reference to individual *capacity* so to do? Is there general assent to the view that society has no responsibility toward those who have suffered misfortune at the hands of the market, only to those deemed victims of an intentionally harmful action? How widely are Māori perspectives on the relationship between individual and community understood, the sense that each has "obligations to the wider collective" or that "personal wellbeing depends, both immediately and ultimately, on the wellbeing of the community as a whole"?<sup>52</sup> Recovering the concept of the common good would at least help us to focus on such questions, and I want to return to them, and their implications, briefly towards the end of this article.

## **VI THE NEED FOR CONFSSIONAL CANDOUR**

So far I have argued that we need a debate about the common good, and, echoing Plant, have suggested that it might be less contentious, in a pluralist society, to begin with a focus on social justice. I have also noted Sandel's assertion that, when embarking upon this kind of conversation, we should not fear robust debate about what constitutes the good life. Interestingly, Sandel also asserts that in such a debate citizens should be prepared to engage with their own and others' moral convictions and beliefs: indeed, he writes, "[m]any of the most hotly contested issues of justice and rights can't be debated without taking up controversial moral and religious questions".<sup>53</sup>

This is an important point with respect to public conversation here in New Zealand, where we still feel happier keeping talk about values and beliefs, particularly if grounded in religious

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52 Office for the Community and Voluntary Sector / Tari mō te Rāngai ā-Hapori, ā-Tūao *Mahi aroha: Māori perspectives on volunteering and cultural obligations* (Wellington, 2007) at 1. On the same page one also finds the statement that "volunteering for Māori is based significantly upon the notion of whanaungatanga (kinship) and the benefits, both for individuals and the wider community, derived from contributing to the common good."

53 Sandel, above n 37, at 243

convictions, out of our public life. There are a number of reasons for this which we need not explore now,<sup>54</sup> but while Māori may be less inhibited about using religious language in public – we think of the frequency with which karakia are offered, for example, and our ready understanding of concepts such as tapu and noa – among Pākehā there would appear to be shared conviction that, regardless of its popularity or otherwise at a given time, religion is principally for the *private* not *public* domain<sup>55</sup> and, when speaking publicly, individuals or organisations should refrain from parading too openly any religious convictions they may have.

In so doing, I believe we buy into a particular understanding of secularism – which we might call exclusivist or programmatic – which holds that either religious voices should abstain completely from engaging in debate around serious issues in the public square, or, if they do so engage, should employ language, principles and reasoning which are intelligible to any reasonable person and based on public canons of validity.<sup>56</sup> Premised on the view that democracy and religion are essentially incompatible, this position reflects the same set of assumptions we identified earlier, namely that whenever religious conceptions of "the good" are introduced into the public square, the intent must be to want to privilege them over competing visions. While such fears are hardly groundless – religious voices have not exactly been noted for their lack of stridency and willingness to compromise, historically or in modern times – in a post-Christendom context such voices have recognised more readily their more marginal public status, while also asserting the value their contribution can make to public discourse. Indeed, in recent years opinion among intellectuals, of both a religious and non-religious persuasion, has shifted significantly towards a more inclusivist or procedural model of secularism, according to which all forms of reasoning should be treated with equal respect in the public square and the genuine moral differences people hold recognised. As Yale law professor Stephen Carter argues:<sup>57</sup>

... what is needed is not a requirement that the religiously devout choose a form of dialogue that liberalism accepts, but that liberalism develops a politics that accepts whatever form of dialogue a member of the public offers.

As Jonathan Chaplin has put it, reflecting a position not dissimilar to Sandel's:<sup>58</sup>

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54 I discuss this issue more fully in Andrew Bradstock "Using God-Talk in a Secular Society: Time for a New Conversation on Public Issues?" (2012) 6 *International Journal of Public Theology* 137.

55 This view was expressed officially by the New Zealand Human Rights Commission in their 2010 report *Human Rights in New Zealand Today / Ngā Tika Tangata O Te Motu* <www.hrc.co.nz>.

56 The terms "programmatic" and "procedural" to denote interpretations of secularism are borrowed from Rowan Williams *Faith in the Public Square* (Bloomsbury, London, 2012) especially ch 2, "Secularism, faith and freedom".

57 Stephen Carter *The Culture of Disbelief* (Anchor Books, New York, 1993) at 230; cited in Jonathan Chaplin *Talking God: The Legitimacy of Religious Public Reasoning* (Theos, London, 2008) at 36.

58 Chaplin, above n 57, at 51.

... all of us, whether religiously or secularly motivated, need to reckon with, and indeed encourage, the practice of what might be termed "confessional candour" in political debate. In a culture characterised by clashing religious and secular world views, democratic debate will be stifled and left impoverished if we discourage the articulation of the deeper convictions leading people to take the conflicting policy stances they do.

"This is potentially a noisier and untidier situation than one where everyone agrees what will and will not 'count' as an intervention in public debate", writes Rowan Williams, "but at least it does not seek to conceal or deny difference".<sup>59</sup> I shall return to this theme later when considering how conversion to the idea of the common good might be approached.

## ***VII ENHANCING OUR QUALITY OF LIFE***

A second reason why embracing the common good would have benefits for us here in New Zealand is that it would enhance the quality of our life as individuals and as a community. In arguing this we must exercise due caution since, as we have noted, the common good is not an end in itself (a point made explicit in Catholic Social Teaching)<sup>60</sup> and more a political *orientation* than a political programme; nevertheless, it is important to suggest in what sense it may have practical application, if only to avoid falling foul of Tawney's discomfiting assertion that "to state a principle without its application is irresponsible and unintelligible!"<sup>61</sup> I want to suggest that recovering the common good may serve to challenge our culture in two important respects: politically and economically.

### ***A Changing our Politics?***

In a helpful short essay on rethinking the common good, British commentator Pat Logan identifies what he calls the "conceptual" and "experiential" approaches to the concept and sets out some helpful clues as to how the latter might be approached. Drawing upon the work of the Jesuit thinker Patrick Riordan, Logan suggests that the sort of thinking the common good promotes, with a focus on "the experience of active commonality, of sharing ... provides an essential frame of reference if we hope to tackle the urgent problems of our day"<sup>62</sup> – from criminal justice to corporate governance to the elimination of poverty and so on. "A notion of the common good", Logan writes:<sup>63</sup>

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59 Williams, above n 56, at 27.

60 Pontifical Council for Justice and Peace, above n 10, at [170].

61 Cited in Jonathan Chaplin "Conclusion: Christian political wisdom" in Nick Spencer and Jonathan Chaplin (eds) *God and Government* (Society for Promoting Christian Knowledge, London, 2009) 205 at 209.

62 Logan, above n 16, at 125.

63 At 125.

[G]ives us a language which can take us beyond the notion of politics as simple *bargaining*, where one group's rights and interests are played off against another's, to mature political *argument*, where communication and a common search for good can be pursued.

Logan also responds to the objection that common good language marginalises the role of rights, arguing that in fact it provides:<sup>64</sup>

a framework within which the shape, content and limits of rights and responsibilities can be worked out as well as a way of proceeding when rights conflict, as they often do.

Logan's argument about language is a profound one, highlighting the potential of the common good to change the nature of political discourse within democratic societies by taking us beyond mere advocacy of human rights for their own sake, and deepening our understanding of the interplay between rights and responsibilities. Oliver O'Donovan is another who notes that contemporary political communication has been reduced more or less to "the conflict of competing wills", such that "speech has lost its orientation to deliberation on the common good and has come to serve the assertion of competing interests."<sup>65</sup> Part of the blame for this, O'Donovan suggests, lies at the door of the party political system, which ensures that "all debate is channelled into the service of a conflict between two or more competing constellations of interests" – and it is, he argues, the need to keep party conflict going that closes down genuine debate about the common good whenever it seems likely to surface.<sup>66</sup>

Though, like Logan, he writes in a United Kingdom context, O'Donovan's comments would appear to resonate here in New Zealand, particularly his implied call for more bi-partisanship in politics. To what extent, one wonders, would the level of debate around some of our most serious challenges – alcohol abuse, criminal recidivism, child poverty and so on – be raised, and more attention paid to evidence and expert opinion, were they to be taken out of the party arena and a more consensual approach toward tackling them adopted? How often is policy-making in these areas undertaken with an eye to courting popular opinion rather than on the basis of evidence and expert opinion potentially less in tune with the popular mind but oriented toward more lasting and workable solutions? It is true that the introduction of a mixed-member proportional (MMP) voting system in New Zealand in the 1990s – under which no party has yet achieved a clear majority of seats in the House of Representatives – has made law-making a more consensual process than under the "first past the post" alternative, but it has not eliminated the desirability of courting voters by promulgating populist policies.

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64 At 125.

65 Oliver O'Donovan *The Desire of the Nations: Rediscovering the roots of political theology* (Cambridge University Press, Cambridge, 1996) at 282.

66 At 282–283.

We noted earlier Sandel's appeal for a renewing of political discourse, in his case towards what he calls "a politics of moral engagement".<sup>67</sup> While Sandel argues a different line from both O'Donovan and Logan, he also bemoans the impoverished nature of much contemporary public discussion and is attentive to the need for such discourse to address, with due seriousness, "hard moral questions".<sup>68</sup> In order for this to happen, however, he suggests that a re-orientation among citizens is necessary, away from a focus on purely individual concerns toward the importance of building a common life together. "If a just society requires a strong sense of community", Sandel writes.<sup>69</sup>

[I]t must find a way to cultivate in citizens a concern for the whole, a dedication to the common good. It can't be indifferent to the attitudes and dispositions, the "habits of the heart", that citizens bring to public life. It must find a way to lean against purely privatized notions of the good life, and cultivate civic virtue.

O'Donovan, too, notes that what inspires people to political action is less a concern about wider social issues than defence of their private or sectional interests, and he is pessimistic about the possibility, under present political arrangements, "of achieving any public concern for the common good at all."<sup>70</sup> The Chief Rabbi in the United Kingdom, Jonathan Sacks, also notes how contemporary life is characterised by, among other things:<sup>71</sup>

the fragmentation of culture ... the loss of a sense of continuity with the past and a culture of the individual with no larger loyalties than personal choice and provisional contracts.

What Sandel, O'Donovan and others appear to be arguing is the need for a serious change of mind-set across society if the common good is to gain any traction. They almost tempt us to use the language of conversion when considering how a collective shift from a focus on individual concerns to the common interest might be achieved, and interestingly Longley does speak of the involvement of the conscience in embracing the common good and the need to be converted to it, of that "moment of *metanoia* when the truth really strikes home that we are all responsible for all".<sup>72</sup> What this *metanoia* involves, as Pope John Paul II implied in his 1987 encyclical *Sollicitudo rei socialis*, is a shift, when confronting social issues, from harbouring feelings of pity or a concern to offer a practical response, to a recognition of our solidarity and interdependence one with another. The

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67 Sandel, above n 37, at 268–269.

68 At 268.

69 At 263–264.

70 O'Donovan, above n 65, at 271.

71 Cited in Vallely "Towards a New Politics: Catholic Social Teaching in a Pluralist Society", above n 13, at 151.

72 Longley "Government and the common good", above n 3, at 163.

response to social problems, says John Paul, should not be "a feeling of vague compassion or shallow distress" at others' misfortunes but rather:<sup>73</sup>

A firm and persevering determination to commit oneself to the common good; that is to say, to the good of all and of each individual because we are all really responsible for all.

As the noted United States activist and writer Jim Wallis likes to put it, the change we need to experience is that which moves us beyond wanting to keep up with the Joneses to making sure the Joneses are okay!<sup>74</sup>

For Sandel, while this conversion or change of mind-set, this cultivation of the solidarity and sense of mutual responsibility that a just society requires, may happen through education or experience in the military, it can also be stimulated through good leadership and encouragement from above. He notes with approval an early policy of President Barack Obama which, under the motto "You invest in America, and America invests in you", encouraged students to undertake public service by offering them help with their college tuition in exchange for 100 hours of community work.<sup>75</sup> Nearer to home, in a book published by the Maxim Institute in 2007, Lyn Campbell, President of the New Zealand Baptist Union and a former commissioner with the Families Commission, describes a project in which primary and intermediate schoolchildren in pre-earthquake Christchurch were encouraged to identify issues of concern in their local neighbourhood and prepare cost-effective, creative ideas for submission to their local authority through the usual channels. A number of these ideas were picked up, Campbell reports, and through the process the children "learnt that people are more important than things" and "took significant steps in learning what individuals can collectively do for the 'common good'".<sup>76</sup>

Some foundational narrative for the common good may also be important in helping to convert us to its claims. In a recent essay critiquing the "Big Society", the vision advocated by United Kingdom Prime Minister David Cameron following his election victory in 2010, the academic and commentator Tim Gibson notes that, while its central aim of fostering a society "whose members are principally concerned with the good of one another" is laudable, a major handicap to its gaining traction is a lack of any account given by its promoters as to why, in a society "currently

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73 Pope John Paul II *Sollicitudo rei socialis* (Encyclical Letter, 1987) at [38].

74 Jim Wallis *Rediscovering Values: On Wall Street, Main Street, and Your Street* (Howard Books, New York, 2010) at fly-leaf.

75 Sandel, above n 37, at 264.

76 Lyn Campbell QSM "Where does social justice start?" in Ruth Porter (ed) *Pursuing Social Justice in New Zealand* (Maxim Institute, Auckland, 2007) 11 at 16.

characterized by an attitude of self-interest and individualism", it should be widely embraced.<sup>77</sup> In a world in which, as Alasdair MacIntyre famously argued in *After Virtue*, ideas have been disconnected from the narratives which once gave them meaning, Gibson suggests that calls for a return to the common good – which is essentially what the Big Society amounts to, in the words of its chief intellectual architect, Philip Blond – need to be accompanied by a reminder of the philosophical basis undergirding it.<sup>78</sup> Given that the common good is firmly grounded in Catholic Social Teaching one foundational narrative could be, Gibson suggests, "the Christian narrative of human beings made in the image of a Trinitarian God whose very being is relational".<sup>79</sup>

Given the issues surrounding the articulation of religious visions in New Zealand, noted above, it would clearly be far from straightforward to promulgate the idea of the common good *and* its religious rationale in public here. Yet Gibson is right to highlight the importance of maintaining the integrity of the concept; and, we might add, were the benefits of employing confessional candour in the public square to be accepted here in New Zealand – were we to follow, in Williams' terms, a "procedural" rather than "programmatic" reading of secularism<sup>80</sup> – the task of publicly maintaining that integrity could at least be approached. We should also note that this would not rule out the promotion of other narratives since, as Gibson rightly argues, "the Christian narrative is not the *only* one that could provide a basis for a society ordered around altruism rather than egoism".<sup>81</sup>

### ***B The Operation of the Market***

The subtitle of this article raises the question whether the common good is the key to a truly prosperous society, and as we have already noted, adopting the rhetoric of the common good will certainly lead us to ask searching questions about the operation of markets and how far they serve to build up our common life. In its 1996 statement to which we have referred, the Catholic Bishops' Conference of England and Wales noted how "market forces, when properly regulated in the name of the common good, can be an efficient mechanism for matching resources to needs in a developed society."<sup>82</sup> No other system, the bishops maintained, "has so far shown itself superior in

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77 Tim Gibson "Spirituality and the countryside: a rural perspective on Christian formation and the Big Society" in Alan Smith and Jill Hopkinson (eds) *Faith and the Future of the Countryside: Pastoral and theological perspectives on rural sustainability* (Canterbury Press, London, 2012) 201 at 204.

78 At 204–205; compare Alasdair MacIntyre *After Virtue: A Study in Moral Theory* (Duckworth, London, 1985) at 1–5; Philip Blond *Red Tory: How the Left and Right Have Broken Britain and How We Can Fix It* (Faber & Faber, London, 2010) at 153–154.

79 Gibson, above n 77, at 206.

80 Rowan Williams, Archbishop of Canterbury "Secularism, Faith and Freedom" (Rome Lecture, Pontifical Academy of Social Sciences, Rome, 23 November 2006).

81 At 206.

82 Catholic Bishops' Conference of England and Wales, above n 8, at [78].

encouraging wealth creation and hence in advancing the prosperity of the community, and enabling poverty and hardship to be more generously relieved."<sup>83</sup> Yet when the economy itself becomes the end rather than the means, when the distinction between the market as a "technical economic method" and "a total ideology or worldview" is blurred, individual rather than common interest may prevail.<sup>84</sup> As the bishops put it:<sup>85</sup>

... an economic creed that insists the greater good of society is best served by each individual pursuing his or her own self-interest is likely to find itself encouraging individual selfishness, for the sake of the economy ... A wealthy society, if it is a greedy society, is not a good society.

Of particular concern to the bishops was the need to address the issue of people excluded from society for economic reasons – a reflection of the strong emphasis within Catholic Social Teaching on taking an "option for the poor", and an issue we have briefly touched on in our consideration of the merits of a social justice focus. For the bishops the concept of the common good is undermined when anyone is excluded from participation from life in the community, and "if that exclusion comes about from poverty, even if only 'relative poverty', then that poverty demands attention."<sup>86</sup>

Other commentators on the common good reflect the bishops' concerns regarding the potential of free market economic theory to claim more for itself than is warranted; for Townsend:<sup>87</sup>

... business activity should never be subjected to an *overriding* imperative of maximizing profit. Rather, it can and should be a hard-headed form of love of neighbour, in which the *end* is to supply goods and services – things that are good for and of service to people – and the wholly necessary *means* is making a profit.

"In neoliberal capitalism", Townsend concludes, "ends and means have been mistaken for each other."<sup>88</sup> John Gray also notes how market freedoms should only be a means to an end, that end being individual well-being.<sup>89</sup> Indeed, for Longley it is on account of its identifying a distinction between the market as a tool and as an ideology "that Catholic Social Teaching has an important contribution to make to current thinking on how to make contemporary capitalism a gentler beast."<sup>90</sup>

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83 At [78].

84 At [79].

85 At [79]–[80].

86 At [70]–[71].

87 Townsend, above n 12, at 126.

88 At 126.

89 Cited in Vallely "Towards a New Politics: Catholic Social Teaching in a Pluralist Society", above n 13, at 151.

90 Longley, above n 6, at 107.

Here we might pick up the suggestion raised earlier about social justice as a possible starting point for a conversation about the common good in New Zealand. We noted that the minimum demand of a social justice agenda is that all citizens have the basic goods, services, benefits and opportunities they need in order to pursue their conception of the good – and this brings us explicitly to confront this very question of the means and ends of market activity. Do we have a concept of justice which demands that no one should be excluded from having a stake in society, including those most marginalized from society regardless of how they came into that situation – and which leads us to want to argue that the market should be open to that degree of manipulation necessary in order for it to meet that end; or do we consider the goal of the market simply to be its freedom to operate in a wholly unfettered manner, and view its outcomes not as matters of justice or injustice but the necessary consequences of a morally neutral process?

The assumption under which we appear to operate at present is that the duty of government is primarily to create and sustain the conditions under which we, as citizens, are free to produce and consume as we wish: our notion of the good society, albeit that it may be implicit, is one in which maximum individual freedom is guaranteed, such that government, taking note of the demands we citizens express, enables those demands to be satisfied with minimal interference. Recovering the common good brings into view another vision of society, one in which citizens also take into account those shared moral obligations which make up the bonds of community and which government must also protect. In response, the liberal economist might argue that his or her understanding of the common good is not at odds with the definitions we have been employing, that the unfettered operation of the market is precisely the way to enable people, either as groups or as individuals, to reach their fulfilment more fully and more easily – yet we still have to address the question of whether we can meaningfully talk about people having the freedom to pursue their conception of the good if they lack the basic necessities in order to be able to do it. As Plant has powerfully argued:<sup>91</sup>

If the state is seen as a guarantor of freedom for individuals, then it would be part of the responsibility of the state to secure to individuals the resources and opportunities they need to be *able* to do what they are *free* to do – which might include health, education and a degree of financial security.

For Sandel the growing gap between rich and poor is a further theme which "a new politics of the common good" should address, undermining as it does the "solidarity that democratic citizenship requires".<sup>92</sup> The highly influential research by Richard Wilkinson and Kate Pickett, notably that contained in their 2009 book *The Spirit Level: Why more equal societies almost always do better*,<sup>93</sup>

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91 Plant, above n 43, at 206.

92 Sandel, above n 37, at 266.

93 Richard Wilkinson and Kate Pickett *The Spirit Level: Why more equal societies almost always do better* (Penguin, London, 2009).

explores in considerable detail the adverse social outcomes for societies characterised by a high degree of inequality, and Sandel also notes the social effects of deepening inequality. These, he contends are both fiscal and civic: fiscal in the sense that, as the rich live ever more separate lives from the rest of society, withdrawing from public places and services, the quality of those public services deteriorates as those who no longer use them become unwilling to support them through their taxes; and civic in the sense that what were once public spaces cease to be places where citizens from different walks of life encounter one another. "The hollowing out of the public realm", Sandel concludes, "makes it difficult to cultivate the solidarity and sense of community on which democratic community depends."<sup>94</sup> But there may be a solution, Sandel suggests, and it goes deeper than a mere redistribution of resources in the hope of narrowing inequality. "A politics of the common good", Sandel suggests:<sup>95</sup>

[W]ould take as one of its primary goals the reconstruction of the infrastructure of civic life. Rather than focus on redistribution for the sake of broadening access to private consumption, it would tax the affluent to rebuild public institutions and services so that rich and poor would alike want to take advantage of them.

### **VIII THE ROLE OF GOVERNMENT**

The kind of economic reforms called for by Sandel and other promoters of the common reform raises the question of the role of government in promoting the common good. Clearly government would have a role were there to be a serious drive here to reduce inequality, but common good teaching challenges more broadly the notion that, to use Catholic Social Teaching terminology, "the right ordering of economic life" can "be left to a free competition of forces."<sup>96</sup> Indeed, Catholic Social Teaching is quite explicit in maintaining that, while all members of society have a role, according to their capacity, in attaining and developing the common good, the State has the *responsibility* for attaining it "since the common good is the reason that the political authority exists."<sup>97</sup> Here Catholic teaching poses a further challenge to current orthodoxy regarding the free market and the assumption that, left to its own operations, it can meet the needs and wants of individuals and society. Addressing the question whether, after the collapse of Communism in 1989, capitalism should now be the goal of countries seeking to rebuild their economy and society, John Paul II wrote that:<sup>98</sup>

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94 Sandel, above n 37, at 267.

95 Sandel, above n 37, at 266–267.

96 Pope Pius XI *Quadragesimo Anno* (Encyclical Letter, 1931) at [88].

97 Pontifical Council for Justice and Peace, above n 9, at [167]–[168].

98 Pope John Paul II *Centesimus Annus* (Encyclical Letter, 1991) at [42].

... if by capitalism is meant a system in which freedom in the economic sector is not circumscribed within a strong juridical framework which places it at the service of human freedom in its totality, and which sees it as a particular aspect of that freedom, the core of which is ethical and religious, then the reply is certainly negative.

The New Zealand church leaders expressed similar concerns in their 1993 Social Justice Statement, arguing that, while a "totalitarian approach" by government is clearly to be avoided, so is "the 'free market' approach which places human well-being at the mercy of economic forces alone".<sup>99</sup> While underlining the point that working for the common good is "everybody's concern" and not just government's, the leaders were explicit in affirming that:<sup>100</sup>

... government intervention is wholly justified when it helps other social groups contribute to the common good by directing, urging, restraining and regulating political and economic activity as circumstances require and necessity demands.

So what about today? Does a common good perspective on the market raise pertinent and challenging questions for us here in the New Zealand of the twenty-first century? Does it ask whether, in the face of a demand for more affordable housing, or the rebuild of a city after a disaster, leaving it to the invisible hand of the market will always produce the required outcome? Does it ask whether, when confronted by a choice between the most economically efficient option – say, the sale of a business to an overseas company – and that which would better serve the wider needs of a community – by, say, keeping jobs within the country – our default consideration should always be the economic? Does it challenge us to reflect whether the marketisation of all services always and necessarily leads to better outcomes for all, or whether some should still remain services, paid for from the public purse? Does it ask, in other words, that government take an active role, on our behalf, in seeking to ensure that the market works for specific ends which we agree are socially desirable? And what about the common good in a wider sense: does it challenge us to think afresh about our responsibility to those beyond our immediate community, including those not yet born, in the light of what we know about climate change and the imperative to adopt more sustainable lifestyles and business practices? Again, it is not necessary to be prescriptive here, simply to remind ourselves that the common good acts more as an orientation than a programme, and that recovering it invites an individual and collective *metanoia* toward concern for the other.

All of which is not to say that the common good envisages any return of big government – indeed, as we have noted, its advocates are at pains to stress the responsibility of *all* members of society to promote and work for the common good, not simply politicians and government officials. Often spoken of in the same breath as the common good is the concept of subsidiarity, another core feature of Catholic Social Teaching, which specifically rejects the notion that governments should

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99 Davis and others, above n 23, at [29].

100 At [28] and [30].

look to arrogate power to themselves: indeed, stressing the importance of community initiative, mutual co-operation and de-centralisation, subsidiarity asks of the state that it only undertake those activities which exceed the capacity of individuals or private groups acting independently.<sup>101</sup> As the church leaders put it in 1993, describing the ideal relationship between government and local communities in the search for the common good: "as much freedom as possible, as much intervention as necessary".<sup>102</sup> It is also vital not to see either subsidiarity or the common good in isolation but as complementing each other: thus for example, while subsidiarity requires schools, hospitals and the police to be administered as low-down the chain of decision-making as possible, it does not require such services to be privatized. Indeed, as Longley has put it:<sup>103</sup>

to insist on the withdrawal of 'the state' from health, education or welfare provision, as some of the more extreme proponents of subsidiarity advocate, is not a true application of the principle because it could easily undermine, rather than promote, the common good.

## ***IX CONCLUSION***

I hope I have sketched out the kind of questions a recovery of the common good might raise for us, and why such a recovery could be positive in terms of assisting the task of creating a more just and prosperous society to the benefit of us all. If I have been unspecific with regard to individual policies, this reflects the tone of the documents of Catholic Social Teaching itself which, rather than lay out neat prescriptions, offer a framework for fresh – and I believe creative – thinking about fundamental issues relating to law, justice, government and economics. If the common good is a response to the question, "What is the right relationship between God and government?" then that response is to offer, not firm policy guidelines, but more subtly "a test of policy guidelines", the test being, "Do they serve the common good?"<sup>104</sup>

At root we are talking about different conceptions of what it means to be human, a point made by the New Zealand church leaders in their 2005 statement, *Towards a Robust Society*. Do we primarily see ourselves as autonomous individuals, such that our goal as a society extends no farther than "realizing individual potential, pursuing individual goals, and preserving individual freedom"<sup>105</sup> – which might lead to the conclusion that we really have no common life together at all but exist as a conglomeration of disconnected, isolated individuals "each exercising their individual rights, and whose obligation towards others is largely derived from overlapping areas of self-

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101 The doctrine of subsidiarity is helpfully summarised in Boston and Cameron, above n 22, 37 at 55.

102 Davis and others, above n 22, at [28].

103 Longley "Government and the common good", above n 3, at 167–168.

104 At 161.

105 Dew and others, above n 28.

interest"?<sup>106</sup> Or do we believe that "our humanity is constituted most profoundly by our relationships", that we are "persons in community" whose personal well-being includes reference to the fact of our sharing a common life together?<sup>107</sup> Are we, to borrow a particularly striking metaphor from the late Professor Norman Barry, living in a hotel, devoid of any responsibility to seek a common purpose among us or to care for those unable to enjoy its facilities; or members more of a whānau or family, in which the benefits of our life together are shared and where there is both a degree of common purpose and concern that all members have the opportunity to pursue their own ends?<sup>108</sup>

How far it will be possible to spark a serious and wide-ranging conversation around this theme, to test our appetite to re-think our values and direction as a society and cultivate the "civic virtue" of which Sandel speaks, I do not know: as we have observed, the common good is primarily a moral concept which will require both an individual and collective *metanoia* if it is to be embraced, and in that sense any debate that does emerge will need to engage, among other things, with the rich resources which theology can offer and which I hope we have fleetingly glimpsed in this discussion. But that it is a vital conversation to have I am in no doubt, believing passionately, with the Catholic catechism, that:<sup>109</sup>

A society that wishes and intends to remain at the service of the human being at every level is a society that has the common good – the good of all people and of the whole person – as its primary goal.

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106 Dew and others, above n 28.

107 Dew and others, above n 28.

108 Plant, above n 43, at 215.

109 Pontifical Council for Justice and Peace, above n 10, at [165].

