

OUR CONSTITUTION AND THE COMMON GOOD?

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What is the common good? And who cares? Even though the phrase seems less specific and often left undefined, it has been on my mind a lot throughout these many months of our covid-19 pandemic. Ask around, The common good? What is it? You will get a host of vague answers. I ask one of our sons how he would define it and he off handily replied “I guess it means to have the good more common in this world.” I thought it not a bad answer, all though much more needs be said.

We do know this pandemic is certainly something we all have had to face in common and, while hoping for a good outcome, we know that will depend on how we all respond both wisely and unselfishly.

Yes, to have a good outcome we must focus beyond just ourselves. Most of us, I believe, have tried to do the most responsible moral thing: cleanse our hands, keep a safe distance, wear masks, roll up our sleeves, and be vaccinated. That surely is both the rational and loving, common good thing to do.

If not, more will surely die! That is why Professor Robert Prentice, at the Center of Leadership and Ethics, at the University of Texas, clearly warned that “unless someone has an unusual medical condition that would render vaccination contradicted, the short answer is yes, it is unethical to refuse to be vaccinated against Covid-19.” And he adds, to his blunt judgment, “there are several reasons people might choose not to be vaccinated but none of them are good.”

Perhaps, we may feel the Professor is over-stressing right and wrong here, and that is often an error we do; too simply dividing the good from the bad, the sheep from the goats. But I have come to believe that there is a clear moral principle here, and simply stated, it is: Whatever advances the common good is moral.

That is why our President urged our nation that getting vaccinated was a patriotic duty. Why! Because it enhances the common good, of our nation, and decreases the spread of this deadly virus among us.

Clearly, this pandemic has demanded an ethical response that none of us can shy away from, the need to act for the common good if we are able. It's a form of love.

Still, many have said no, claiming fears, or individual freedom, or even because of political party reasons and, so far, they have not been forced. But, quite frankly, mandatory vaccination could have been legally demanded, early on, and still might be.

The moral justification for mandatory enforcement would be as John Stewart Mill, the great champion of personal liberty, long ago put it, “The only purpose for which power can be rightfully exercised over any member of a civilized society against his will, *is to prevent harm to others.*” And it is evident that we may never get on top of covid-19 unless we do make it mandatory, as we have with other contagious diseases and vaccinations. No one has the liberty to do harm.

If we stop to think about it though, all through history, a grave concern for the common good has been advocated as the means to a more just, peaceful, and benevolent society. And none of us can ethically disregard the common good. It’s an old idea that we may have lost but it seems to be especially in jeopardy with our own country today.

Jim Wallis writes in *Sojourners*, “Our politics have become so polarized and increasingly volatile; and our political institutions have lost the public trust. Sadly, Few Americans today would suggest their political leaders are serving the common good.” And, I would add, after our last administration under Trump, nine in every ten Americans say that our country has never felt so divided and sorely exhausted by this polarization.

As for a remedy for our government’s malaise, among other efforts of good will, it is obvious a time to return to a politics driven by a moral commitment to the common good. Why especially? Because the word common means inclusive of all, a good for all, for both sides. It’s a consideration and responsibility for others beyond our responsibility for just ourselves, our own family, our own party, and yes, even beyond our own nation, indeed for the world! We need a more unifying story of “we”, then a “we-versus-them” narrative that divides us from each other.

As Martin Luther King so elegantly reminded us, “In a real sense all life is interrelated. All people are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

Plato and Aristotle spoke of the common good some 2,000 years ago, Plato describing it, “the best political order...a friendship among different social groups, each benefiting *from* and *adding* to the common good” of the whole.

At the same time emerged the story of Cain and Abel, in the opening chapters of the Bible. Cain having killed his brother, Abel, in a fit of jealousy. We read of Cain standing naked before God; God who is demanding: Where is your brother, Abel? And Cain replied with an excuse and a lie. "I don't know, Am I my brother's keeper?" Then comes God's clear judgment: Cain, you do have some responsibility for your brother! Even beyond doing him no harm. Cain would be allowed to live but, because of his evil deed, it was now an empty life.

And throughout the scriptures it was to be made clear, that yes, we all have to give a care for the other. No matter a stranger, or a person's race, a believer or heretic, a friend or enemy. We all our made in God's image; we all count, the ancient scripture proclaims! All events in the Bible that are accounts of vengeance or extermination of others for personal gains are words and deeds without the Spirit of God, the Spirit of life!

And, of course, no one, I believe, would make the word *common* clearer than Jesus. In his Parable of the Good Samaritan, he taught *we are to love our neighbor* - the other in need, yes, no matter who - *as we love our self*. No single parable in all the world has accomplished more community good deeds, more non-prophet hospitals to be built, then has the Good Sam.

In the third century after the spread of Christianity, John Chrysostom wrote: "This is the rule of most perfect Christianity, its most exact definition, its highest point, namely, the seeking of the common good, for nothing can so make a person an imitator of Christ as caring for his neighbors." And Jesus practice what he taught about others, and did so, until he was killed by the self-serving autocrats of his era. There can be no way to serve in his name today, as a disciple or friend, without attempting to love as inclusively for all, as did he.

Of course, some form of 'love thy neighbor as one's self' is found in all the major religions of this world today, embedded in their common Golden Rule.

Here at, Harbor, a congregation of Unitarian-Universal faith, I thought to share a teaching I gleamed from your International website, entitled, just that, *The Common Good*. Essentially it declares, and I quote:

"This means that good-hearted Christians, Jews, Muslims, and people of all traditions cannot simply vote for what is best for themselves as individuals or even what is best for their religion, party, race, or nation alone, but must be concerned for the common good. Or, to put it differently, selfish people of every religion and

tradition vote for self-interest or partisan interest alone, but good people of every religion vote for the common good.”

Yes! Simply put and well said! Understandably, religious institutions who have lost the public trust are those who have miserably failed at serving the common good.

Again, the key to *common*, means universal. It must be a relative good for all. For all of us commoners.

Jean-Jacques Rousseau, the Swiss Philosopher, who greatly affected the birth of our nation, defined the common good as the end goal of any great society. Indeed, our Founders primary mind set as they wrote was that this country’s Constitution’s would enhance and advance the common good of all of us.

They actually made sure to write into its Preamble, that we have committed ourselves to promote the *general welfare* of all our citizens, a phrase that meant the ‘public good’ or the ‘common good’, as opposed to protecting the narrow interest of a section or class of our population.

Yes, our Founders weren’t sure how well their work would pan out, but they were of one mind that the best governing body to get there, was a republic democracy.

Nevertheless, realizing that this was the best they could do, they took pen in hand and wrote, ‘**We** the people in order to form a more perfect Union...’ But they must have somewhat stumbled over the word “We” for they had to realize that what they were proposing was a *limited* “we”, an *almost* common good. For what was proposed was a government mostly empowering the white land ownership class.

They allowed slavery to remain, and were ambivalent about women, leaving them with unequal legal protection and without vote, and continued to leave out any hope for the native indigenous Americans. All of these, they problematically set aside, tabled, because it was all that they could get the majority then to approved.

The Founders did what they were able to do, and looking back it really was extraordinary! For we now know, the Constitution, as an architectural framework for the Common Good prevailed, yes, even with the help of most of those white land owners! And, just look at our history today!

The **We** in the Constitution has now been utterly transformed, including women, people of any race and color, persons of all sexual identities, and even those we tried to exclude, the native indigenous people of America. All equal in value! And all able to vote!

All brought together under the ideal in our Declaration of Independence **that all persons on this earth are created equal**. They all count, or as the religious would say, **are all born in the image of God, the Creator of us all**. And, specifically as to blacks, the most Presidential Saint in our history, Abe Lincoln, said, “Nothing stamped with the Divine Image and Likeness, was sent into the world to be trodden on, degraded, imbruted and harmed by its fellows.” My God! In the USA today, Black lives do matter!

Whatever crises we face today, the **we** in the Constitution is as broad and inclusive as seems possible under law. And it is a joy, not at all to be despaired, and there can be no turning back!

Since we are all commoners now, all we have to do is to work out our equal citizenship, beyond liking and disliking each other, but hopefully agreeing no one should be left out of the common good. At least, we might begin by recognizing the compelling needs that every single one of us commoners inherently have. Alfred North Whitehead, the broadest and wisest mind of the 20th Century, wonderfully described those needs when he wrote, “All living things are characterized by a threefold urge: 1. To live. 2. To live well. And 3. To live better!

Yes, we are all caught up in our own personal evolution of becoming, and we were all meant to flower. But if we don’t realize that all others are worthy of the same needs, and agenda, or we live indifferently to them, smug in our own self-conceit, we will damage the human enterprise, and eventually we will burn up this planet, our only home.

I am sure President Biden believes “that the genius of the founding fathers was their determination that all goods, public and private, reside with the people, and are granted to them by the government through our constitution and laws.” (Country Parson)

And that’s what we have before this country, right now, proposed legislation for the welfare of all. Yes, much like after the Great Depression of the 1930’s, and the New Deal with Roosevelt’s brilliant response. His New Deal saved both our economy and our democracy, till now.

And now our administration has proposed for our country a comparable Better Deal, to Build Back Better for the Common Good of all - again to save and continue our democracy. Some of this program has begun and more to follow. We citizens, primarily through our elected representatives, can only hope that we, no matter

which party we are in, will at least ask ourselves, does this program, enhance the common good of our country or not? And let every citizen vote!

1. It's a question the President must ask each day of his office, but he seems sincerely convinced that they will.
2. But, especially so must the Congress, the House and the Senate, since they clearly are so polarized.

Let them each ask of themselves before voting, not how is this for my party, or even how it will enhance my reelection, but how does this enable the common good for all?

3. And, just as certainly must our third pillar of our government, the Supreme Court!

These nine members first should remember they are judges, representing no party but that of common-sense justice and the Constitution. They might also realize that since they have been elected for life, that they are free to act more courageously beyond the influence of highly paid lobbyists, and other special interest parties, and vote to help the common good to prevail, as our Founders hoped.

Let me add in support some words from the beloved Pope John XXIII. "The common good, he declares, provides the whole reason for the existence of civil society."

In fact, there is a serious debate going on right now among those in the legal professions just how our Supreme Court Judges ought to interpret our Constitution. We all know that rightly or wrongly the Court has moved farther to the right by a 6 to 3 margin. And this may hinder the much-needed progressive legislation going forward to make our country more civil.

That is even why proposed legislation is being considered to add more members to the court to give it wider and more diverse views. Also concerns for more culture diversity of the court's members have been raised. Even though there can be no religious test for the office, nor should they be, the present court has 3 Jewish members and 6 Catholics. Many would like to see the court with a greater variety of ideologies corresponding to the actual diversity of our citizens.

Even, perhaps, as to educational background. It seems a little unbalanced that all the judges are necessarily lawyers, and most all of them are from either Harvard or

Yale, which is the case of the present court, although the newest member is from Notre Dame.

But the wiser thinking of constitutional scholars, I believe, given the very difficult task it is to alter the Constitution, that instead of trying to change the quality of the Court, or its size, a better effort should be made to move it beyond the long dominant view that the constitution's meaning was fixed at the time of the Constitution's enactment. Such a view, which is called an *originalist* interpretation of the Constitution, may have been helpful for a time but our nation has moved way beyond its original size and composure.

After all, the original Constitution left out so many persons: women and blacks and native Americans, all had to be amended in! And even our cherished Bill of Rights, the first ten amendments, were initially left out. They were finally included as were 17 other amendments to the Constitution. And these all helped let the Constitution breathe, and be more alive and embracing of the common good.

In fact, a literal Common Good interpretation of the Constitution has now seriously been advocated by some of our finest legal scholars. If so, it would strengthen the general welfare and human dignity of all in our land.

Such an interpretation would move us beyond the letter of the law with its many cryptic or too restrictive phrases, to acknowledge the expansive spirit behind our laws which meant to advance the common good for all.

But most importantly, and here's the thing! As Bident so often would point out, here's the thing, it would affirm even more strongly that *each individual person is obligated to contribute to the good of our society but also be able to share more fully in those goods!* And that is why we urgently must address the very wide imbalance of wealth in our land. Today 1% of our citizens have more wealth and to continue to profit, than 50% of the bottom wage earners combined! And the gap is widening!

Yes, we need within the common good, a more common wealth as well.!

My goodness! Our new administration, which is at least more honest and transparent than has been others, has a host of caring, just, and practical good projects before us right now. They will not become a reality unless we all work together and finally have the approval of our Supreme Court.

In conclusion, let me remind us that our democracy is being sorely challenged today by those who seem to prefer an authoritarian government. But no matter how

difficult democracy sometimes is, it remains the best government for all the peoples impute, as to what constitutes the common good. Democracy is designed so that we, the people, individually define it for the whole. Our power is with our one vote, and the persuasion of our free voice. We are our own judges and juries!

And as for the goodness part of the common good, which is beyond any simple answer, as is the word, common, let me at least offer Abe Lincoln again who said, “When I do good, I feel good. When I do bad, I feel bad. That’s my religion.”

With that laid on our conscience, I suggest, that each of us, before any action we must take, in these critical days ahead, simply ask, “Will this enhance the common good?”

Yes, let it become like a proverb for us, as simple a guide as “two wrongs don’t make a right”, or like the many Golden rules who summarily plead, “do unto others as you would have them done unto you.” And then vote!

Amen

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