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## STATEMENTS

### **A CALL TO SOLIDARITY: A PASTORAL STATEMENT ON CATHOLIC SOCIAL TEACHING AND AFFIRMATIVE ACTION**

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#### INTRODUCTION

The Second Vatican Council called us to a new insight: "The joys and the hopes, the griefs and the anxieties of the [people] of this age, especially those who are poor or in any way afflicted, these are the joys and hopes, the griefs and anxieties of the followers of Christ."<sup>1</sup>

Today as we survey the many issues that dominate public attention, the future of affirmative action seems destined to be at the center of debate in the 1996 election year. Affirmative action had its origins with the Civil Rights Act of 1964 which sought to address persistent discrimination against African-Americans in the United States. Affirmative action was initially defined as "'result-oriented procedures' to address the under-representation of minority workers on the payrolls of federal contractors. . ."<sup>2</sup> Soon after, affirmative action protections broadened to include women and then, later, other minorities who had suffered from discriminatory practices. Today, affirmative action programs cover hiring policies, procurement programs, and admissions at colleges and universities.

Efforts to repeal affirmative action measures through the California State Legislature have been unsuccessful to date. In the upcoming months, attempts will be made to place an affirmative action voter initiative on a 1996 ballot. It is imperative that

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\* Archbishop of Los Angeles.

1. SECOND VATICAN COUNCIL, *GAUDIUM ET SPES* para. 1 (1965), *reprinted in CATHOLIC SOCIAL THOUGHT: THE DOCUMENTARY HERITAGE* 166 (David J. O'Brien & Thomas A. Shannon eds., 1992).

2. CALIFORNIA STATE OFFICE OF RESEARCH, *THE STATUS OF AFFIRMATIVE ACTION IN CALIFORNIA* 9 (March 1995). This publication provides helpful information on the history and current status of affirmative action.

moral and ethical principles underpin the national discussion. While others address this issue in political or emotional terms, the Church is specifically concerned about the moral and human dimensions of our choices.

The purpose of this Pastoral Statement is to lift up principles that should help shape the debate on affirmative action. While people of good will may disagree with the application of these principles, we will have accomplished a great deal if this statement assists people to bring our teaching and tradition to bear on this issue in a thoughtful and prayerful way. These principles, then, are offered to all those committed to discerning the human impact of our policy decisions and the moral implications of the choices we make today.

*Catholic Social Thought: Reading the "Signs of the Times"*

At the close of its final session, the Bishops of the Second Vatican Council produced a seminal document of Catholic social thought. In *Gaudium et Spes*, published thirty years ago this December, the Council turned its attention to the role of the Church in the world.

The Bishops wrote that:

. . . the Church has always had the duty of scrutinizing the signs of the times and of interpreting them in the light of the gospel. Thus, in language intelligible to each generation, she can respond to the perennial questions which [we] ask about this present life and the life to come, and about the relationship of the one to the other.<sup>3</sup>

To realize its mission, the Church must be ". . . at once a sign and safeguard of the transcendent character of the human person."<sup>4</sup> The Church is a "sign" by constantly reminding society about each person's intrinsic worth. It is a "safeguard" by actively defending the person against anything that would impede human dignity or compromise human life.

The "character of the human person" begins to be defined in the creation stories of Genesis where we understand that we are created in God's image<sup>5</sup> and, then, in the Gospels where we learn that God becomes human.<sup>6</sup> Together, the creation accounts and the Incarnation form the most compelling affirmation of the worth and dignity of the human person.

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3. GAUDIUM ET SPES, *supra* note 1, at para. 3.

4. GAUDIUM ET SPES, *supra* note 1, at para. 76.

5. Genesis 1:26-27.

6. John 1:9-14.

The obligation to uphold human dignity is not exclusively an ecclesial responsibility but a duty placed on each person as a member of the human family. Love of God and love of neighbor are inseparable from one another.<sup>7</sup> This is reflected in Scripture where the quality of our relationship to God is measured in terms of our social relationships. Our standing with God reflects the degree to which there is justice for the poor, widow, orphan, and alien.<sup>8</sup> We are faithful to God when we are faithful to the demands of our social relationships.

Catholic Church teaching is clear: our personal destiny is linked to the fate of those most vulnerable. The principle of solidarity found throughout social thought impels us to mend social relationships torn apart by sin. By doing so, we remove the obstacles which impair a full union with each other and with God:

Solidarity, therefore, must play its part in the realization of this divine plan, both on the level of individuals and on the level of national and international society. The "evil mechanisms" and "structures of sin". . . can be overcome only through the exercise of the human and Christian solidarity to which the church calls us and which she tirelessly promotes.<sup>9</sup>

Throughout our social teaching, respect for life, defense of human dignity, and solidarity with those most vulnerable emerge as principles by which social policy is scrutinized.<sup>10</sup> Because the person is "fundamentally social" by nature,<sup>11</sup> the Church cannot attend to "spiritual" needs alone. It has a duty to promote moral and just relationships between people and within the institutions we create.

The Church's mission calls it to be concerned with the actual circumstances in which the individual person lives. This demands that the Church interest itself in the social and political arena insofar as policies and institutions impinge on human dignity, touch on questions regarding the sanctity of human life, and effect progress toward genuine solidarity. It is from this tradition that the Church derives its duty to read the "signs of the

7. *Matthew* 22:36-40; *Mark* 12:28-31.

8. *Isaiah* 58:6-12; *Amos* 5:21-24.

9. POPE JOHN PAUL II, *SOLLICITUDO REI SOCIALIS* para. 40.4 (1987), reprinted in *CATHOLIC SOCIAL THOUGHT*, *supra* note 1, at 395.

10. See *GAUDIUM ET SPES*, *supra* note 1; POPE JOHN PAUL II, *REDEMPTOR HOMINIS* (1979), in 5 *THE PAPAL ENCYCLICALS* 245 (Claudia Carlen ed., 1981); POPE JOHN XXIII, *MATER ET MAGISTRA* (1961) in 5 *THE PAPAL ENCYCLICALS*, *supra*, at 59. See also U.S. CATHOLIC CONFERENCE, *A CENTURY OF SOCIAL TEACHING: A COMMON HERITAGE, A CONTINUING CHALLENGE* (November 1990).

11. *SOLLICITUDO REI SOCIALIS*, *supra* note 9, at para. 29.3.

times" and to raise the moral and ethical dimensions of issues that arise in the public arena.

#### PROMOTING SOLIDARITY: PRINCIPLES REGARDING THE FUTURE OF AFFIRMATIVE ACTION

It is within this context, that the following principles based in our Catholic social tradition are put forward as the discussion on affirmative action continues:

##### PRINCIPLE I.

ALTHOUGH PROGRESS HAS BEEN MADE, WE MUST NOT FAIL TO REMEMBER THAT SOCIETAL AND INSTITUTIONAL RACISM AND DISCRIMINATION, AND THEIR EFFECTS, REMAIN DEEPLY WOVEN INTO THE FABRIC OF SOCIETY.

In 1979, the U.S. Bishops considered the status of race relations in our country. In assessing the situation, we made the following observation which still characterizes our current conditions:

We do not deny that changes have been made, that laws have been passed, that policies have been implemented. We do not deny that the ugly external features of racism which marred our society have in part been eliminated. But neither can it be denied that too often what has happened has been only a covering over, not a fundamental change. Today the sense of urgency has yielded to an apparent acceptance of the status quo.<sup>12</sup>

Racism and discrimination initially appear in at least two ways: in personal attitudes and actions; and, in social norms and institutional structures. The effects of these, in turn, become visible in the lives of those who are its victims:

Racism is a sin: a sin that divides the human family, blots out the image of God among specific members of that family, and violates the fundamental human dignity of those called to be children of the same Father.<sup>13</sup>

The social ills manifest in today's society are cumulatively the result of the choices of many individuals. Persistent and pervasive, these problems have integrated themselves into the very fabric of our society so that their

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12. NATIONAL CONFERENCE OF CATHOLIC BISHOPS, BROTHERS AND SISTERS TO US para. 4 (1979).

13. *Id.* at para. 9.

presence and effects are now disguised in the social landscape.

The temptation of the current debate regarding the future of affirmative action is to adopt the view of those who claim that the fight against economic, social, and racial discrimination has been fully successful and who press for the surrender of protections won after a long and bitter battle. Successes we can claim have been real but limited and were achieved only because of vigilance and determination. Only vigilance and determination will ensure that we do not regress.

Every individual has the duty to help eliminate racism and discrimination wherever they are found. The transformation of our society depends upon a fundamental change of heart which works to alter unjust policies and programs.

Churches have a unique role in inspiring a change of heart that, in turn, becomes embodied in the collective actions of individuals. Where social relationships have been severed, we, as members of society, have a responsibility to make them whole again. Forgiveness and restitution must occur for these relationships to be restored. Only a genuine solidarity among all peoples in society can remove every thread of discrimination that remains in the social fabric.

## PRINCIPLE II.

ANY PROPOSAL TO REFORM THE STATUS OF AFFIRMATIVE ACTION POLICIES AND PROGRAMS MUST NOT FAIL TO ADVANCE SOCIETY TOWARD THE ELIMINATION OF DISCRIMINATION AGAINST THOSE WHO HAVE HISTORICALLY AND SYSTEMATICALLY SUFFERED FROM IT.

Within the public debate about the effectiveness and future of affirmative action, we as a society must consider how progress toward the elimination of racism and discrimination would be effected if affirmative action programs and remedies were dismantled or significantly curtailed.

In our 1986 Pastoral Letter, *Economic Justice for All*, the U.S. Bishops recognized that:

[w]here the effects of past discrimination persist, society has the obligation to take positive steps to overcome the legacy of injustice. Judiciously administered affirmative action programs in education and employment can be important expressions of the drive for

solidarity and participation that is at the heart of true justice. Social harm calls for social relief.<sup>14</sup>

The most recent scrutiny of affirmative action has prompted reviews to be undertaken which may produce specific recommendations for affirmative action reform. Proposals to replace race and gender-based affirmative action with merit-based or class/income-based criteria have already been put forward.

Objective and fair-minded evaluations of affirmative action programs must include at least two important moral principles. First, it is essential to acknowledge that continued discrimination by race and gender sadly persists in our society. Second, any attempts to reform affirmative action must retain the elimination of discrimination as their principal goal.

Affirmative action programs were never designed to bring unqualified workers or students into jobs or schools. There are qualified candidates available to those institutions committed to expanding outreach programs. There are qualified applicants for businesses willing to redouble efforts to find those potential employees who will diversify their work force, strengthen their competitive edge,<sup>15</sup> and, ultimately, contribute to the restoration of social relationships severed by past unjust discrimination.

It will be unacceptable to support any proposals that communicate—even implicitly—that further progress toward the elimination of racial discrimination is neither necessary nor possible. Similarly, we cannot allow changes to be made that are based on premises which deny that racial discrimination continues to exist in society today.

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14. NATIONAL CONFERENCE OF CATHOLIC BISHOPS, ECONOMIC JUSTICE FOR ALL: CATHOLIC SOCIAL TEACHING AND THE U. S. ECONOMY para. 73 (November 18, 1986).

15. GLASS CEILING COMM'N, U.S. DEP'T OF LABOR, GOOD FOR BUSINESS: MAKING FULL USE OF THE NATION'S HUMAN CAPITAL (1995):

[T]he world at the top of the corporate hierarchy does not yet look anything like America. . . . As many of the CEO's interviewed by the Commission observed, this state of affairs is not good for business. Corporate leaders recognize that it is necessary for their business that they better reflect the market-place and their customers. . . .

The facts support their contention that diversity is good for business. A 1993 study of the Standard and Poor 500 companies showed that firms that succeed in shattering their own glass ceilings racked up stock-market records that were nearly two and a half times better than otherwise-comparable companies. *Id.* at iv-v.

### PRINCIPLE III.

SOCIETY, INCLUDING GOVERNMENT, HAS A RESPONSIBILITY FOR ELIMINATING THE DISCRIMINATION HISTORICALLY SUFFERED BY CERTAIN GROUPS OF PERSONS AND AN OBLIGATION TO TAKE AN ACTIVE ROLE IN SETTING STANDARDS AND PROVIDING MECHANISMS FOR RELIEF.

While our Catholic social tradition recognizes the responsibility of all members of the human family to actively work in building a moral and just society, government has an indispensable role in promoting the common good.

As for the State, its whole *raison d'être* is the realization of the common good in the temporal order. It cannot, therefore, hold aloof from economic matters.<sup>16</sup>

More recently, the U.S. Catholic Bishops have repeated the assertion that

[T]he teachings of the Church insist that government has a moral function: protecting human rights and securing basic justice for all members of the commonwealth. Society as a whole and in all its diversity is responsible for building up the common good. But it is government's role to guarantee the minimum conditions that make this rich social activity possible, namely, human rights and justice. . . .<sup>17</sup>

When government fails to provide the necessary initiative to combat discrimination, the erosion of the rights and opportunities of those historically excluded from participation in society is all but assured. Even the most cursory survey of U.S. history prior to Civil Rights legislation demonstrates this clearly. The tacit support of government for imbalanced social policies creates a vacuum of leadership in which the rights of all to equal opportunity are jeopardized.

In promoting the common good, government seeks to create a society where human dignity is maintained, human rights and responsibilities are upheld, and solidarity is fostered. Those who have suffered unjustly under past programs are due the restitution of new approaches which eradicate systematic discrimination.

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16. *MATER ET MAGISTRA*, *supra* note 9, at para. 20.

17. *ECONOMIC JUSTICE FOR ALL*, *supra* note 14, at para. 22.



### OUR TASK AHEAD: APPLYING OUR TRADITION AND TEACHINGS

The upcoming months will bring new challenges to California and the nation. As well, each election year holds out the opportunity for change. Each citizen, through their decisions and actions, directly shapes the nature of that change. The cumulative effect of such decisions and actions determines if society will be freed from the inequalities and injustices which stain our past, and other issues which will face us in the months ahead.

Therefore, I would encourage our Catholic parishes, in particular, to consider carefully the issue of affirmative action and other issues which will confront us in the months which lie ahead. In so doing, let us create a new opportunity to rediscover and renew the social mission of our parish communities:

In these challenging days, we believe that the Catholic community needs to be more than ever a source of clear moral vision and effective action. We are called to be the "salt of the earth" and "light of the world" in the words of Scriptures.<sup>18</sup> This task belongs to every believer and every parish. The pursuit of justice and peace is an essential part of what makes a parish Catholic.<sup>19</sup>

In preparing for the upcoming election year, I would encourage parishes to plan:

- EDUCATIONAL SESSIONS OVER THE NEXT EIGHTEEN MONTHS THAT WILL ENABLE PARISH MEMBERS TO REFLECT ON AND DISCUSS THE SUBSTANTIVE ISSUES WE WILL FACE. Affirmative action is one of those important issues. In addition, we should take this opportunity to review the rich social teaching which is constitutive of our faith. By helping to educate our parishioners in the context of our social tradition, we prepare informed citizens who are grounded in the moral and ethical dimensions of the issues we face.
- NON-PARTISAN VOTER REGISTRATION DRIVES THAT REACH INTO OUR PARISHES, SCHOOLS, AND NEIGHBORHOODS AND THAT PROMOTE THE VALUE OF ACTIVE CITIZENSHIP. Because our faith is profoundly social, our tradition calls us to be informed participants in the political process.<sup>20</sup> Registering to vote is one of

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18. *Matthew* 5:13-16.

19. NATIONAL CONFERENCE OF CATHOLIC BISHOPS, COMMUNITIES OF SALT AND LIGHT: REFLECTIONS ON THE SOCIAL MISSION OF THE PARISH 8 (November 17, 1993).

20. See UNITED STATES CATHOLIC CONFERENCE ADMINISTRATIVE BOARD, POLITICAL RESPONSIBILITY: REVITALIZING AMERICAN DEMOCRACY (September 1991).

the most basic opportunities we have to act on our civic responsibilities.

- **NON-PARTISAN GET-OUT-THE-VOTE CAMPAIGNS THAT GET ELIGIBLE VOTERS TO THE POLLS.** Voting on election day is a concrete way of putting our faith into action. Just as we go to church each Sunday to worship and celebrate the Eucharist in our parish communities, we should see the opportunity to vote on election day as an integral part of being a Catholic in the marketplace. We should remind and assist those who are registered to vote in person or by mail.<sup>21</sup>

As parish communities, our mission is to be a leaven for the bettering of society. We do this by providing opportunities for the conversion of ourselves as individuals, as families, and as larger communities. This, in turn, can become the basis for a transformation of our culture away from behaviors of discrimination and bias and towards a more just system of laws and policies which promote the dignity of all.

Today's superabundance of information can be a powerful factor in shaping our consciences. Let us take care that among the many complex facts of the affirmative action policies we debate, that we are sure to consider their moral and ethical dimensions. The success of our decision-making process will depend upon this.

The human impact of our choices must remain uppermost in our debate. As Americans and believers in Christ, we commit ourselves to solidarity with those most vulnerable, marginalized by a society which often tries to ignore its own prejudices. We invite all to join with us in a common and prayerful discernment to seek equitable laws and policies which help to "bring justice to victory" after the example of Christ.<sup>22</sup>

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21. See California Catholic Conference, *Guidelines for Pastors and Parishes on Lobbying and Electioneering*, which contains directives on permissible activity in conducting education, voter registration, and Get-Out-The-Vote campaigns. Copies of this document and most others referred to in this statement are available from the Office of Justice and Peace at (213) 251-3550. Also contact the Office of Justice and Peace for information regarding educational programs and voter registration and outreach projects.

22. *Matthew* 12:20.

