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Ethics & (and) Economics

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FOREWORD

ETHICS & ECONOMICS

M. KAREN MCCARTAN*

The National Conference of Catholic Bishops has now completed two drafts of the pastoral letter on Catholic social teaching and the United States economy. Both drafts have prompted debate not only within the Catholic community but also among various sectors of our society and even in foreign nations. The purpose of this symposium issue of the *Notre Dame Journal of Law, Ethics & Public Policy* is to present aspects of the debate on the bishops' letter and to provoke further discussion among those economists, policy makers, and business leaders who shape the United States economy as well as among theologians and lay persons who envision an improved social order.

For over sixty years, the Catholic bishops of the United States have addressed public issues in their quest for a just society. The pastoral letter on the economy directly addresses the shortcomings of a capitalist social order and its failure to provide for the disadvantaged in our very fortunate society. The debate on the pastoral letter certainly concerns the content of the letter—the policies espoused, the doctrines exposed—but it also focuses on the pastoral posture of the bishops of the United States. Should church leaders issue statements which presuppose competence in a secular discipline, such as economics? Or is there an ethical dimension to the United States social order and its economy which demands a response from spiritual leaders? In this symposium issue, authors of diverse perspective answer these questions and move on to address the substance of the pastoral letter.

An important contribution to the discussion of the bishops' letter resulted from a forum at the University of Notre Dame in which John Cardinal O'Connor and Joseph Cardinal Bernardin discussed U.S. Catholic social teaching. Cardinal Bernardin opened the forum with a speech on *The Pastoral Constitution on the Church in the Modern World* and its impact

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on the teaching of the U.S. Bishops. After Cardinal Bernardin's presentation, Cardinal O'Connor examined the social ministry of the Church in the post-conciliar era and specifically considered the appropriate pastoral posture of the Church. Characterizing the Catholic Church as a major social force in the modern world, Cardinal O'Connor maintained that responses of a socially active church are essential to its proper ministry. According to Cardinal O'Connor, the Church stands as an advocate for the most vulnerable in society; consequently, the pastoral on the economy seeks to stir a sense of urgency that society offer more to the least advantaged.

In an exploration of the theological dimensions of the American economy, Monsignor Joseph Gremillion, like Cardinal O'Connor, sanctions the "caring and daring" of the Catholic bishops and does not dispute the appropriateness of the Church's pastoral posture. Monsignor Gremillion's essay profiles six theologically significant elements of the American economy and outlines values and norms for judging these six elements. Because of the impact of the economy on *people*, the Church is justified in the mission undertaken in the pastoral letter.

Professor J. Brian Benestad presents the alternative view that policy statements reflect a partisan spirit and are not appropriate for inclusion in episcopal pastoral letters. Benestad's concern is that an extraordinarily socially active Church behaves like any other public interest group and forsakes its effectiveness as mediator and as promoter of peace and justice. Not only does Benestad take issue with the pastoral posture of the bishops, but he also sees serious substantive difficulties in the second draft of the letter. He cites ambiguity as to the letter's purpose, an inadequate consultation process, an overbearing focus on policy and a failure to stress the importance of family, education and virtue.

While Walter Block recognizes some positive elements in the bishops' letter, he criticizes omissions of fact-value, of philosophy and of economics. In his view, the letter's greatest flaw is its failure to recognize the magical, "pure pristine beauty of the marketplace." He chastises the bishops for confusing their letter by couching their demand for wealth redistribution in rights language. Interestingly, Block's criticism of the content of the letter is not matched by criticism of the bishops' pastoral posture. According to Block, "the credentials of the authors are entirely irrelevant to the truth of their product." He praises the bishops for their expression of

indignation at obvious injustice when it would have been less controversial for them to maintain a dignified silence.

Also launching an attack on the substantive virtue of the letter is Walter Williams, a proponent of the capitalist society. Williams highlights the basic features of capitalism and criticizes the bishops' attacks on private property rights.

Professor Charles Wilber, on the other hand, takes issue with economists who advocate a system of private property which is regulated by the forces of market competition and which could degenerate into a jungle where the powerful oppress the weak. Wilber urges a new social consensus on economic policy which could build on three central moral values derived from the bishops' letter—stewardship, jubilee and subsidiarity. These three moral values relate directly to three economic goals—providing for basic human needs, generating freedom of choice and fostering conditions for fellowship.

From the unique perspective of a Latin American, Archbishop Marcos McGrath of Panama finds much that is appealing in the pastoral letter but calls on the bishops to deal more specifically with the relationship between Catholic social teaching and Marxist or capitalist ideologies. Archbishop McGrath addresses the "preferential option for the poor" and its interpretation in Latin America, an interpretation which often calls not for economic and social reconciliation but for revolutionary change. Finally, the Archbishop discusses the international section of the letter and speaks of the increasingly intransigent U.S. resistance to a new international economic order.

In a document prepared for a debate with Michael Novak, Dennis Goulet discusses the Latin American theology of liberation and its explicit condemnation of capitalism. Liberation theologians question the validity of a system which exploits the poor while giving to the rich. Goulet cites historical examples in which the United States has stood as a fierce oppressor—black slavery, the destruction of native Indian communities and the exploitation of immigrant labor. Michael Novak counters Goulet's criticism of the U.S. social order with his article on the liberal society. Novak challenges the liberation theologians who seek to protect human rights but fail to specify the practical institutional means by which to protect and raise up the poor. In Novak's view, the United States has already set up institutions of pluralism to liberate conscience and ideas; it has developed the institution of democracy to liberate men from tyranny; and it has fostered

capitalist and political institutions to liberate men from poverty.

Finally, Judge Richard A. Posner revisits his theory of wealth maximization in this issue. Posner's main scholarly interest has been to expand and test the hypothesis that the common law is best explained as if the judges were trying to maximize wealth. To Posner, wealth maximization provides an ethically attractive norm for social and political choices, such as those made by courts asked to determine whether negligent or strict liability should be the rule for deciding whether an injurer should compensate a victim. Posner explores the affinities of wealth maximization with the individualist political philosophy but recognizes that some applications of individualism are difficult to reconcile with wealth maximization.

The student articles in this symposium apply the teachings of the bishops' letter to practical problems in our economy. Topics range from work and welfare in America, to transboundary air pollution, to the roots of minority poverty in America and factory shutdown legislation. One student has synthesized the teachings of the bishops with those of a critical legal scholar, looking for areas of convergence and similarity in fundamental theory. Gerard Powers maintains that theories of distributive and economic justice are in tension with classical liberal jurisprudence and calls for a new, alternative American Catholic jurisprudence. "Such a jurisprudence will enable the bishops and Catholic laity more coherently and credibly to promote and engage in dialogue concerning the development of legal principles and legislative programs designed to protect economic rights."

This symposium, we hope, emphasizes that any dialogue on economic rights must take place in the moral arena because conflict concerning the proper economic and social structuring of our society raises fundamentally moral questions. If there is economic and social injustice in our society and if it is the responsibility of a moral society to correct injustice so far as humanly possible, may this issue of the *Journal* arouse a "sense of urgency" that we swiftly and effectively accomplish the task.

EDITORS' NOTE: In this issue, the editors of the *Journal* have provided parallel citations to the second draft of the bishops' letter in instances where authors wrote their articles before the release of the second draft and thus cited only the first draft.