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SOLIDARITY AND THE COMMON GOOD: A PASTORAL RESPONSE TO PROPOSITION 209

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I. INTRODUCTION

In June 1995, I released the pastoral statement “A Call to Solidarity” in which I expressed support for the overall goals of affirmative action programs. In addition, I proposed three principles based in Catholic social teaching to guide discussion on this important social policy issue.

In June 1996, the much debated anti-affirmative action initiative, now officially known as Proposition 209, qualified for the November 5, 1996 ballot. After prayerful study and reflection, I have concluded that, if implemented, Proposition 209 would go counter to the principles I have outlined and the spirit of Catholic social thought which underpins those principles. For this reason, I am announcing my opposition to Proposition 209 and urging California voters to carefully consider the impact of this measure before they cast their vote this November.

II. UNDERSTANDING THE CONTEXT

Affirmative action policies and programs are designed to open opportunities in the work place, in educational institutions, and in public contracting to qualified women and minority candidates.

While the list of direct beneficiaries of affirmative action has expanded since policies were first instituted in the 1970’s, more recently, court decisions at the national level and legislation and executive action at the state level have narrowed the conditions under which affirmative action programs can be applied.

In our 1986 Pastoral Letter on the economy,¹ the Catholic Bishops of the United States wrote 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

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important expressions of the drive for solidarity and participation that is at the heart of true justice. Social harm calls for social relief.  

The obstacles to making solidarity more visible are still formidable today. The seed bed of our policy-making is a culture that values individualism over community and the accumulation of goods over the common good. In the face of this culture, our faith challenges us to transcend this culture of individualism in order to be able to measure the implications of our policy decisions in terms that reach beyond the boundaries of narrow self-interest.

III. RESTATING THE PRINCIPLES: A FRAMEWORK FOR REFLECTION

Therefore, in applying the principles articulated in "A Call to Solidarity" to Proposition 209, I have come to the following conclusions:

1. **PROPOSITION 209 ASSUMES THAT RACIAL DISCRIMINATION AGAINST MINORITIES AND GENDER BIAS AGAINST WOMEN HAVE BEEN SUFFICIENTLY ELIMINATED SO THAT POLICIES, PROGRAMS, AND LEGAL REMEDIES ARE NO LONGER NECESSARY TO KEEP THESE INJUSTICES IN CHECK. THESE ASSUMPTIONS ARE WRONG.**

The rise in the number of hate crimes and the recent epidemic of church burnings are further evidence that the saga of racial injustice in this country is far from over. While these overt and flagrant expressions of racism emanate from a small sector of our population, these actions are, nonetheless, born out of the society for which we are all responsible.

It is clear that racism and discrimination will never be eliminated through legislative means alone. In the end, their eradication will be accomplished only when an individual and social conversion is able to transform the human heart and our social consciousness at the deepest levels. The conversion we seek is a dynamic, ongoing process that changes both attitudes and actions. In the meantime, other steps are necessary to remedy the historical effects of racial intolerance and gender discrimination. Legislation and policies—such as those which reflect the best of affirmative action programs—are the interim measures needed to ensure that certain social ills are contained.

Proposition 209 would prohibit the proactive steps that have been implemented to curtail certain effects of injustice.

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2. *Id.* at para. 73.
2. Proposition 209 would eliminate, not reform, affirmative action. In doing so, the initiative fails to institute any alternative policies to foster progress towards the eradication of discrimination and bias against women and minorities.

Affirmative action programs and policies have had mixed success in creating opportunities in the workplace, in colleges and universities, and in the pool of public contractors. Studies show that while progress has been made, women and minorities still lag behind in wage levels for comparable work and are underrepresented in upper management and executive level positions.

While the success of affirmative action has been limited, these programs still have played an instrumental role in opening opportunities previously unavailable and have prodded our social consciousness to be vigilant against new waves of racial intolerance and gender bias. The wholesale elimination of affirmative action programs—without the institution of alternative remedies—would mark a major setback to our nation's tenuous commitment to creating a discrimination-free society. Proposition 209 is a retreat in this battle.

3. Proposition 209 weakens society's commitment—and, in particular, the commitment of government—to be an active player in the fight against discrimination suffered by women and minorities.

The realization of the common good is the *raison d'être* of the state. The Catholic tradition envisions the common good as those social conditions which enable persons to maximize their gifts and talents through equal access to opportunity. The common good is achieved, in part, by protecting individual rights and removing obstacles which prevent people from fulfilling their responsibilities. To the degree that the common good exists in society, persons are enabled to realize their human potential while becoming full participants in the political and economic life of the community.

Affirmative action has sought to remove some of the institutional obstacles which have hindered opportunities for women and minorities. Where these programs are successful, competition has increased by enlarging the pool of eligible and qualified candidates. Where race and gender were used in the past to exclude certain qualified candidates, affirmative action has sought to use race and gender as positive characteristics for the

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purpose of diversification and inclusion. Affirmative action is not about quotas. It is about valuing diversity.

Our history demonstrates that without legislation and other legal remedies, discrimination will persist. The prolonged and difficult struggles this century by women to win the right to vote and by African-Americans to enact civil rights legislation should be vivid reminders that very often the freedoms and protections which promote human dignity and due every person are not given willingly by society. Once established, we must be ever vigilant to ensure that these freedoms and protections are not slowly eroded away.

Therefore, where individual and private sector initiatives fail to provide adequate relief and when the deleterious effects of these problems persist, government has an obligation to intervene. Market forces and goodwill alone will not remedy the conditions caused by the legacy of racial intolerance.

Legislative and judicial action must not substitute for bringing the collective will of our nation to bear on our most pressing problems but these actions will be necessary in the face of such widespread and deeply rooted systemic injustice.

Proposition 209 is a step backwards. By itself, affirmative action will not be the total answer for the discrimination evident across our nation. It is, however, a positive step towards its containment and elimination. Where deemed necessary, affirmative action should be reformed—not eliminated—to root out abuses and to increase its effectiveness in enabling qualified candidates to compete where they have been traditionally excluded. In this way, the process of conversion will be aided by instilling in society new habits of inclusion and equal opportunity for all of God’s children.

IV. PASTORAL CHALLENGES: EMBODYING SOLIDARITY AND THE COMMON GOOD

As the election season gets under way, voters should demand a more intelligent level of political discourse on the issues we face. In turn, voters have the responsibility to search beyond the prepackaged political messages shaped by polling data and focus groups and marketed to the public as substantive information. Where political campaigns have traded substance for soundbites, we must reclaim the political process and place it within a moral context. Our challenge is to recover the moral principles which will strengthen our nation. A commitment to embodying solidarity and the common good should be at the foundation of those principles.
To make solidarity a living principle, our social policy must reflect a commitment to build stronger relationships between all members of our community. We must overcome those obstacles which have excluded many from full participation in this nation's political, social and economic life. At its heart, affirmative action is about creating access to education and employment—two goals which our nation has always valued and respected.

The common good, in turn, will become more evident as solidarity breaks down the walls of injustice that divide us. As this occurs, the conditions will be created where the human potential of each person is given the opportunity to be realized.

In this respect, our Catholic institutions should be leaders in this endeavor by striving to achieve the diversity which our tradition values so deeply. Our parishes should reflect on how their ministries and parish life help to build strong and meaningful relationships among all members of the local community. We must ask ourselves if the Eucharistic table we set each Sunday is truly one at which all are welcome.

The issues we face each election year are both a challenge and opportunity: a challenge to envision the community we wish to build for ourselves and our children and the opportunity to take positive steps towards its fulfillment.