

THE COMMON GOOD IN *CARITAS IN VERITATE*

Talk following the Red Mass

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After agreeing to speak for this occasion, I was considering several topics when the Holy Father gave me the answer. On June 29, Pope Benedict issued his third encyclical letter, *Caritas in Veritate*, Charity in Truth, in which he offers an ethical analysis of the global economic crisis. Why should we give any attention to what the Pope is saying to the world on an issue which is basically a political problem and requires technical financial solutions?

Well, first of all, the present economic crisis is not just a political issue; it is a matter with grave consequences that strongly affect the lives of people around the world. The Pope is saying the economy is not morally neutral. While the economy results from political decisions, it has a profound moral dimension.

As Catholics, we have a serious responsibility to heed the teaching of the Pope even when he is not exercising his solemn teaching authority as when he speaks infallibly to define matters of faith and morals. The Pope's teaching in an encyclical letter is his ordinary teaching authority, to which we give the religious submission of mind and will. In other words, we cannot easily dismiss the moral teaching in an encyclical, even though it is not an infallible teaching, because it is an authoritative teaching of the papal magisterium.

It has not been unusual that the Pope's teaching in an encyclical was not easily accepted, especially if it conflicted with one's political beliefs or opinions. There is the well known reaction of William F. Buckley in 1961 to Pope John XXIII encyclical, *Mater et Magistra*, who famously said about the Church, "Mater si—Magistra no". Later he said he was only quoting someone, but it was obvious he didn't agree with the encyclical's teaching.

In a similar way, George Weigel, the well-known neo-conservative writer, reacted to Pope Benedict's *Caritas in Veritate* saying it resembles a duck-billed platypus. I have never heard or read

about such a duck, but I knew it was not a compliment. It seems Weigel is saying the encyclical is an ugly duckling because the Pope relied too much on the Vatican's Council of Justice and Peace which he (Weigel) has severely criticized in the past.

While this encyclical may ruffle some feathers; it has the ordinary teaching authority of the Pope. A Catholic cannot actively dissent from its teaching without some detriment to the religious respect owed to papal teaching.

What I will try to do this evening is to outline the principles which Pope Benedict uses to offer an analysis of the economy, which is the main thrust of the encyclical. The Pope begins the encyclical with an analysis of the words – “*caritas*” (charity), and “*veritas*” (truth). Love and truth are a recurrent theme throughout the letter. Charity is at the heart of the Church's social doctrine (2). It is a love responsive to truth and it obliges us to consider carefully how economic and political choices affect others near and far. “*Without truth*”, the Pope wrote, “*charity degenerates into sentimentality. Truth is a realism which prevents love from evolving into emotionalism which renders it incapable of mature human relationship.*” “*Only in truth*”, the Pope said, “*does charity shine forth, only in truth can charity be authentically lived. Truth is the light that gives meaning and value to charity*” (3). The close link of charity with truth is an authentic expression of humanity and is greatly important to human relations. “*Truth,*” the Pope continued, “*opens and unites the mind in the logic of love, and in the present social and cultural context helps us to understand that the values of Christianity are not merely useful for building a good society, but also for true integral human development*” (4). Later in the encyclical he uses the bond between charity in truth to insist upon the right to life of every person from conception to natural death. He repeated the strong endorsement of his predecessors for labor unions that defend the rights of workers, because man, the Pope said, “*is the focus of all economic and social life and is the primary capital to be safeguarded and valued.*”(25)

The main principles which the Pope relied on are the principles of solidarity, subsidiarity, and the common good. The source of these three principles is the human person. Each of these principles serves the inherent dignity of every human person. Relying on these principles and the manner in which the Pope applied them to globalization and the economic crisis, I will also apply these same principles to three current debates which should concern every Catholic: health care reform; a comprehensive immigration reform and the abolition of the death penalty. So let's begin.

The social doctrine of the Church is based on the dignity of the human person which is found in biblical anthropology and the theology of creation. The human person, created in the image of God and redeemed by the blood of Christ, is the subject of the Church's social teaching. The human person is the first in the order being, and as such along all the paths of his or her existence, from conception to death, a

human person exist. The person predates society and society is not human unless it meets the expectations inscribed by God in the person as a social being. The person is the foundation of all social ethics.

The universe was not created by man. It was given to us by God. The theology of creation affirms that all God created was good and destined to serve the needs of all humans. It affirms that all that exist, both natural resources and goods created by human ingenuity, such as scientific knowledge and techniques, cannot be confiscated by a minority of people or states, but must serve for the progress of all humanity. This biblical teaching underlies the principles of solidarity and justice, principles which are prominent in *Caritas in Veritate*. From an ethical point of view, if the goods of the world were to be considered the absolute property of those who exploit them, access to those same goods by all would be compromised. In other words, every human being has the right of access to the goods of creation by the very virtue of his or her human dignity. This principle does not eliminate necessary mediating factors such as education, economic relations, trade agreements and technology transfers among governments. It only sets the goal which humanity must pursue on the way to globalization in a spirit of justice and solidarity

The Holy Father wanted to emphasize the fact that economic action is not separate from or alien to the cornerstone of our social teaching, such as the centrality of the human person, solidarity, subsidiarity and the common good. We must define the common good because it is a common symbol of Catholic ethics in the social and economic fields. In order for a person to reach fulfillment, he or she needs the web of relations that are established with other people. The human person is at the center of a web formed by concentric circles that are family, workplace, neighbors, the nation and finally the whole of humanity. A person draws from each of these circles the necessary elements for growth and development. What a person cannot obtain by himself but receives from others because of his value and quality as a social being, is the common good.

The essential purpose of all authority in a society is to serve the common good. Education, justice, peace, food, water, health care, employment, security are all part of the common good. Ultimately, the common good is intrinsically bound up with human nature. Pope John XXIII (*Pacem in Terris*) said the common good can be understood as the set of conditions that enable a person to become more and more human (n. 65). The common good is always a human good.

I was curious to know if there was, in common law, the concept of the common good in our social teaching. One of your members directed me to a paper published by the School of Law at the University of Notre Dame. It seems that the only concept in civil law that is comparable to the “common good” in social ethics is “moral responsibility.” The more the religious community has focused on the common good there has been a developing sense of social responsibility in civil law. While the law has

been able to influence life in business, government and local communities, it has not been comfortable with concepts like the common good. Traditionally, law was value neutral, but in our pluralistic society's attention to morality, law's aloofness has been receding and value choices in society have gradually come to be synonyms with legal choices. Law, for example, is becoming more aware that issues of justice and equality are more than questions of fair procedure, but involve value choices and moral commitment for litigants. Civil rights, human rights and economic rights have become common in the courts. Religion's focus on the common good has been parallel by a sense of social responsibility on the part of the law.

Today, federal and state courts accept cases with issues such as health care. In the past, it was taken for granted that health care was a privilege and many were puzzled at the concept that it is a "right". This concept is heard now in legal terminology which is comparable to the idea of common good in religious discourse. (cf. Notre Dame Studies in Law and Contemporary Issues – vol. 111 Finding the Cultural Matrix)

What is the role of solidarity in the pursuit of the common good? In the past, the Church hesitated to use the concept of solidarity because it was branded as a socialist ideology. But the underlying concept of solidarity is that of *philia*, the Aristotelian idea of society as a community of individuals seeking communion. That is how Philadelphia got its name. *Philia* is the feeling of belonging to some group that leads us to love our neighbor. Pope Leo XIII in 1891 introduced the idea of solidarity under the name of friendship in *Rerum Novarum*; 40 years later Pius XI called it "social charity in *Quadragesimo Anno*.

Pope Benedict added his contribution to the idea of solidarity by stating it "*is first and foremost a sense of responsibility on the part of everyone with regard to everyone and therefore cannot be merely delegated to the State*" (n.38). As an example of solidarity on the global level, the Pope said, "*In addition to profit-oriented private enterprise, there must be commercial enterprises based on social ends that are attentive to initiatives which, without rejecting profit, do not see profit as an end in itself.*" (42)

Rooted in the very nature of the human person, who is a social being by nature, the virtue of solidarity must be organized both at the level of society and at the international level. As a principle of political organization, solidarity is a condition for the achievement of the common good.

In *Caritas in Veritate*, Benedict insists upon the mutuality between the principle of solidarity and the principle of subsidiarity. Subsidiarity is a form of assistance to the human person through the autonomy of intermediate bodies. When individuals or groups are unable to accomplish something on their own, assistance is offered by a higher level of society that is designed to achieve their freedom from dependence and their assumption of responsibility that is capable of giving something to others. This principle of subsidiarity is completely oriented to the common good. Subsidiarity, the Pope said, is particularly well suited to managing globalization and directing it to authentic human development.

Subsidiarity and solidarity must always be closely linked so to avoid assistance which does not become paternalistic and demeaning to those in need.

In summary, the social teaching of the Church is rooted in the vision of the human person as created in the image of God, and being social by nature, is destined to promote the common good of society in which, there is the universal destination of goods. This vision comes from biblical revelation.

We are grateful that Benedict XVI has emphasized that economic action is not separate from or alien to the cornerstone of the Church's social teaching: namely, the centrality of the human person, solidarity, subsidiarity and the common good.

It was gratifying to see the Pope speaking on the economy and that he used the same theme which the U.S. Bishops employed in our pastoral letter, "*Economic Justice for All*" published in 1986. At that time, there were voices which denigrated our document as unrealistic and even dangerous, calling it an attack on the free market system and capitalism. It seems it made some nervous because we said the economy is not morally neutral and that it should address three questions: "*what does the economy do for people; what does it do to people; and how do people participate in economic decisions which affect their lives?*"

The core idea of the Pope's newest encyclical is that markets ought to work for man, and not the other way around. He said, "*the primary capital to be safeguarded and valued is man, the human person in his or her integrity. Man is the source, the focus and the aim of all economic and social life*" (25). He continued, "*the conviction that the economy must be autonomous, that it must be shielded from 'influences' of a moral character, has led man to abuse the economic process in a thoroughly destructive way*" (34)

The Holy Father spoke of the positive aspects of globalization while warning of its dangers: "*the process of globalization, suitably understood and directed, opens up the unprecedented possibility of large-scale redistribution of wealth on a worldwide scale; if badly directed, however, they could lead to an increase in poverty and even trigger a global crisis*". (42) And this is what has happened, due to the lack of appropriate regulations.

The same observation the Pope made about the positive or negative effects of globalization, depending on whether it is suitably or badly directed, can be said about the current health care debate. How do the principles Benedict enunciated in his encyclical apply to the debate which has elicited very strong opinions on both sides.

For over 50 years the U.S. Bishops have strongly supported universal health care. The primary reason for this support is that we believe basic health care is a human right which flows from the right to life. If the right to life is foundational for all other human rights, and health care is certainly one of those rights, then we are obliged to promote and defend a health care for all. It is strange and bizarre that Deal

Hudson, the editor of “Catholic Inside”, recently said that health care as a human right is muddled and dangerous. Health care is a common good which should be available to everyone, including the undocumented. Other industrialized countries provide health care for all, including their immigrants. Regrettably, the President has backed away from this, but it is only common sense to provide them with health care too, so the illness or disease they have do not spread to others.

In solidarity with those without adequate health care, we are obliged by the love and truth we owe them, to support legislation which will provide access to primary health care to every resident. If the ones closest to those in need are unable to provide adequate help, then subsidiary help should come from those best able to provide it, whether this be the marketplace or the government, or both.

While the Church insists on universal health care, she does not propose the means to accomplish this. Whether it is a public option or a single payer system, the Church believes that politicians have the responsibility to provide a suitable reform which will guarantee health care that is universal, accessible, just, affordable and accountable. These should be non-negotiable characteristics of a true health care reform. The 46 million American, mostly the poor and vulnerable, without health insurance is not only morally unacceptable in the world’s richest nation, but in itself this poses a serious health problem for all. Texas has the highest number of the uninsured, more than a quarter of our population.

The Church also strongly opposes any legislation which will require federal tax funds for abortions as, the Hyde amendment now prohibits. Charity in truth rules out abortion as health care because abortion is all about terminating human life. It is a private choice which should be funded by private money and not tax dollars.

The U.S. bishops also believe that the cost of health care should be greatly reduced in order to be affordable by ordinary working people. As the president promised, any new legislation must respect the rights of conscience so that no one is compelled to act against conscience in healthcare matters.

We don’t like to talk of rationing health care, but we already have it. Medicaid patients in one state have services not available in Texas; our legislature denied Texas children health care that is available in many other states. If there is scarcity of medicine or medical procedures, will the principle of solidarity that joins us to every member of the human family urge us to be willing to accept less in order that all could access basic health care services?

A good moral criteria in evaluating the health care debate in the light of Pope Benedict’s recent encyclical is the same he uses to evaluate the current economic crisis: does the proposed health care reform in a spirit of solidarity, provide, by subsidiary means, primary health care to the poor and uninsured?

How does *Caritas in Veritate* relate to the immigration debate which also divides our nation? Pope Benedict insists, “every migrant is a human person who, as such, possesses fundamental inalienable rights that must be respected by everyone in every circumstance” (62). Since the time of Pope Pius XII,

the Church has defended the rights of people to migrate in order to provide a better living for their families. This is a human right. Benedict noted, however, that it is difficult to integrate foreign workers into a host country even though they make significant contributions through their labor in their adopted land.

We are witnesses to the Pope's observation. The work the undocumented contribute is a tremendous boost to our economy, especially their critical jobs in agriculture and food production, in the construction and energy industries, as well as in hospitals, hotels and restaurants. If the 12 or 13 million immigrants were to leave, the impact would be devastating to these industries. They represent over a million jobs and in economic terms contribute \$1.7 trillion dollars in annual spending. They not only pay sales taxes, but they contribute to our social security system through the taxes withheld from their salaries, which will never benefit them because of their illegal status. The taxes paid by the undocumented help to stabilize a social security system which we are told is in serious financial trouble. [The Social Security Administration reports that it holds \$420 billion from earnings of immigrants who are not able to claim benefits.] Despite the tremendous contribution they make to our economy, the Pope said, they too often are just considered a commodity or a mere factor of production (62). Well known are employers who often do not pay them and threaten them with deportation if they complain; or some employers pay them meager salaries with no medical benefits.

The Holy Father's call to respect the humanity of immigrants and their unalienable rights in every circumstance flows from the solidarity owed to brothers and sisters who desire work to provide and care for their families. In his first encyclical, "*On Christian Love*", Benedict said the Church "*must not remain on the sidelines in the fight for justice*". It concerns the Church deeply, he said, to promote justice and the demands of "*the common good*". Surely, the common good is at stake when 12-13 million people have made significant economic contributions to the nation, and must live with the constant threat of deportation and separation from their families, because there was practically no legal way to enter the country when they emigrated here. [Very often our industries allure them to come here because their labor is desperately needed.]

The solidarity and the subsidiary help we owe the undocumented is the reason the U. S. Conference of Catholic Bishops have called for a comprehensive immigration reform that will be a true reform which will address all aspects of our nation's immigration system, if it's to be fair to people in real-life situations, and not merely building a wall and enforcement of existing laws.

We believe there must be an effective control of our borders, but also new immigration laws must generously allow for large number of immigrants to come here seeking employment in industries which are critical to our economy and for which there are not sufficient number of U.S. citizens who are willing to accept these jobs.

Immigrants who have been here illegally for a long time and who have no criminal records, should be granted legal status and have a path to citizenship. Some appropriate fine can be imposed for their illegal entry which is the penalty our courts normally impose when there has been a non-criminal violation of our laws. This practice has never been considered amnesty. However, we strongly oppose any deportation which would cause family disruption. [In the coming debate on immigration, we believe that the nation can come together to work towards a more just society that will fix a broken immigration system and serve a nation, built on immigrants, that promises freedom and justice for all.]

Pope Benedict does not address the death penalty in *Caritas in Veritate*, but we can glean from the principles of solidarity and subsidiarity that the common good would require true Christian humanism to support the abolition of capital punishment.

Attorneys, as officers of the law, know better than anyone that our criminal justice system, especially in Texas, is seriously flawed. There are few who doubt that economic, racial and geographic biases still exist in the system. Eyewitness testimony is often unreliable to ascertain the facts; crime labs do make mistakes, and several people have been sent to death row who later were exonerated. Innocent people have been executed for a crime which it was later discovered there was not conclusive evidence of their guilt.

In 2001, the Center for Wrongful Convictions at Northwestern Law School analyzed the cases of 86 death row exonerees. The reason included everything from eyewitness error to false confession to hearsay and questionable circumstantial evidence. Eyewitness misidentification is by far the leading factor in wrongful convictions in Texas.

Wrongful convictions are not only devastating to an innocent person, but it is a threat to public safety because the true perpetrators go uninvestigated and unpunished.

In view of the tremendous problem in the criminal justice system, and the fact that most fair-minded people truly believe that some have been executed for crimes for which they were either innocent or there was insufficient evidence of their guilt; our sense of solidarity with those unjustly convicted, and the subsidiary help that can be given them by a reformed criminal justice system, demands that we oppose capital punishment for the common good of all citizens. It is in the interest of the common good that citizens be secure in knowing that no one is unjustly executed. If capital punishment is abolished, no one can be unjustly executed.

There are practical reasons to oppose capital punishment. Since 1974, in Texas, 406 people have been executed. Tonight as we speak, the State of Texas, in our name, is preparing to execute at midnight, the 17th person this year. This is a statistic in which we lead the nation to our shame. We still have 350 people on death row. It is also a very costly statistic: the “Dallas Morning News” reported two years ago, that a death penalty case costs an average of \$2.3 million, about three times the cost of imprisoning

someone in a single cell for 40 years. A million dollars spent pursuing the execution of one defendant could be more effectively used in crime reduction, additional police officers, or drug rehabilitation programs in our jails and prisons.

Pope John Paul called the death penalty “cruel and unnecessary”: Cruel because we are taking a human life and unnecessary because we now have life without parole as an option to capital punishment, and we have secure prisons to incarcerate dangerous criminals. Today, the teaching of the Church is clear: the need for capital punishment should be very rare, practically non-existent. But today there is not a politician in the country, at least not in Texas, who could be elected on a platform to abolish the death penalty. But the future is not completely hopeless, because college students and young adults increasingly oppose capital punishment. The day will come, sooner I hope than later, that there will be sufficient constituents who will give politicians reasons to promote the common good and vote for the elimination of the death penalty which is not needed to secure proper protection for citizens. That will be a great day of human progress in the United States and especially in Texas.

In the conclusion of his encyclical, Pope Benedict spoke of Christian humanism as a charity that takes its lead from truth as the greatest service in the authentic development of human progress. It is, he said, a joyful task to be accomplished in a spirit of solidarity with our brothers and sisters in the human family. Awareness of God’s love sustains us in the “*laborious and stimulating work for justice and the development of peoples*”. He gives us the strength, the Pope assured us, “*to fight and to suffer for love of the common good, because he is our All, our greatest hope*”.