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# **POPE BENEDICT XVI, (PRESIDENT?) RON BROWN, AND WORKERS' RIGHTS**

DAVID L. GREGORY\*

## **I. PRESIDENT BROWN? THE PRELUDE THAT MIGHT HAVE BEEN**

So, I digress at the beginning of this Essay. What else is new, my students may say. Imagine: If the plane carrying President William Jefferson Clinton's then-Secretary of Commerce had not crashed on April 3, 1996 in Croatia, killing all aboard, I posit that Commerce Secretary Brown would today be the President of the United States. And, in a continuing series of "firsts," Ron Brown was the first African-American Chair of the Democratic National Committee, 1989-1992, and led the Democrats to the two-term Clinton victories commencing in 1992.

Imagine: The charismatic, gracious, dignified, cordial Commerce Secretary (not Senator Lieberman) becomes the Vice Presidential candidate on the Democratic ticket led by Al Gore in the summer of 2000. If anyone could have saved Presidential candidate Al Gore from Al Gore, it may very well have been Ron Brown. I doubt that then-Vice Presidential candidate Cheney would have had an easy time with Ron Brown in the Vice-Presidential debate. In fact, I suspect that Vice President Cheney would have more than met his match in Ron Brown.

Imagine: The Gore/Brown ticket wins by a solid margin in 2000; no hanging chads, no re-re-recounts, no United States Supreme Court deciding who would be President of the United States.

Imagine: Perhaps no 9/11; or, perhaps Osama Bin Laden and his entourage captured at Tora Bora, tried, sentenced, and executed. On 9/11, it was Ron Brown's home town, New York City, which was attacked.

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Perhaps, further, no second war on, and invasion of, Iraq after Bin Laden was captured at Tora Bora.

Imagine: In 2004, the incumbent Gore-Brown Democratic ticket easily defeats the McCain-Cheney/Gingrich/Limbaugh/Palin Republican ticket. President Gore successfully completes his second term and heartily endorses Vice President Brown as the Democratic candidate for President of the United States in 2008. As this essay of what might-have-been is written in mid-January, 2010, this year's Rev Dr. Martin Luther King, Jr. national holiday could well have marked the beginning of the second year of the first term of President Brown and Vice President Joe Biden. Biden, what, you-can't-be-more creative or imaginative than that? Well, there has to be some continuity, some thread into the contemporary unreal unreality. Vice President Biden seems an interesting thread of the imagined and the real, in almost any political context.

And, what of national health care? Oh, we have had that in good working order since the first days of the Gore Presidency, thanks in large part to the remarkable mediating and consensus building talents of then-Vice President Brown; next stop, Israel and Palestine—if any human can solve the seemingly insoluble, it just may have been Vice President, and now President, Ron Brown.

The economy, after the Great Recession of 2008? The economy under President Brown is flourishing, with 3 percent unemployment and broad prosperity (see, for example, national health care enacted in the Gore administration). The world is at relative peace.

But, you say, Ron Brown would be too old to be President in 2008. Not so, as we remember another President Ron—Reagan. If he had lived, President Ronald H. Brown would have been sixty-eight years on August 1, 2009, fittingly enough, just prior to the Democratic Convention that would have successfully acclaimed the two-term Vice President as the Democratic party's nominee for the Presidency of the United States.

Every great leader plans succession. In President Brown's cabinet there are two terrific young African-Americans to watch as possible future Presidents—Cory Booker, the former Mayor of Newark, is the Secretary of Housing and Urban Development, and, many say, the most interesting and enigmatic figure in the next generation— and certainly the most gifted rhetorician—the former U.S. Senator from Illinois, Barak Hussein Obama.

## II. RETURN TO REALITY

Ron Brown, for many reasons, exemplifies the enlightened social justice

leadership that reaffirms why I remain a life-long Democrat. To be sure, no one is infallible, and this short essay is not a hagiography of Ron Brown. The deep scar on the 1992 Democratic Convention was inflicted by the party leadership denying the hard-scrabble FDR-esque pro-life Governor Casey, of Pennsylvania the opportunity to speak at the Convention, a wound that haunts the Democrats through the current great debates surrounding health care legislation. As Chair of the DNC in 1992, Ron Brown surely bears some of the responsibility for that ill-advised censorship of the pro-life Governor Casey at the Convention. This tragic state of affairs also explains, to large degree, why I am often an exquisitely disaffected Democrat.

As Commerce Secretary, Ron Brown was not the Clinton administration's primary spokesperson on labor and employment issues, especially given the peripatetic Labor Secretary Robert Reich, and, subsequently, Alexis Herman. It was Ron Brown, however, as Rev. Jesse Jackson's close advisor and Convention manager in the 1988 Presidential campaign who unequivocally reaffirmed the historic, traditional alliances of labor and the Democratic Party. It was Rev. Jackson in the 1988 primary campaign for the Democratic nomination, well before other major Democratic leaders, such as Messrs. Gore and Clinton, who first enthusiastically marched on picket lines with unionized workers all over the nation. Rev. Jackson was a veteran of picket line solidarity, going back to his early days as a protégé of the Rev. Dr. Martin Luther King, Jr. Having Ron Brown among Rev. Jackson's inner circle of advisors in the 1988 Democratic Presidential primary campaign certainly helped the Democratic party counter the powerful anti-labor imagery of President Reagan crushing the air traffic controllers' strike at the beginning of that decade.

So, the above musings about what might have been lead me to this brief descriptive synopsis of one of my continuing projects for more than twenty years, examining the contributions of Catholic social teaching to enhance workers' rights.<sup>1</sup>

<sup>1</sup> I authored the first comprehensive law review articles ever published on Catholic social teaching on labor, on Dorothy Day and the Catholic Worker movement, and on Blessed Frederic Ozanam, the founder of the St. Vincent de Paul Society. See, e.g.: *Catholic Labor Theory and the Transformation of Work*, 45 WASH. & LEE L. REV. 119-157 (1988); *Catholic Social Teaching on Work*, 49 LAB. L.J. 912 (1998); *Dorothy Day's Lessons for the Transformation of Work*, 14 HOFSTRA LAB. L.J., 57 (1996); *Dorothy Day, Workers' Rights and Catholic Authenticity*, 26 FORDHAM URB. L.J. 1371 (1999); *Blessed Frederic Ozanam: Building the Good Society*, 3 ST. THOMAS L.J. 21 (2005).

### III. CATHOLIC SOCIAL TEACHING ON WORKERS' RIGHTS: A (VERY) BRIEF SYNOPSIS

The Catholic Church is the world's most eloquent and consistent voice for the rights of all workers, because Jesus is the paradigmatic worker. For most of His adult life, Jesus was a carpenter, a blue collar skilled tradesman. He learned carpentry from St. Joseph the Worker, no doubt a master carpenter. In His public ministry, Jesus was Priest, Prophet, and King, engaged in, for the most part, white collar intellectual work. He is the ultimate health care professional, drawing all to Himself. The Gospels are replete with images of Jesus working as healer, with many of his parables drawn from the world of work that He knew so very well. One of the most beautifully evocative and direct of Jesus' call to discipleship with Him is: COME TO ME ALL YOU WHO LABOR AND ARE BURDENED, AND I WILL GIVE YOU REST. TAKE UP MY YOKE, AND LEARN FROM ME, FOR I AM MEEK AND HUMBLE OF HEART, AND YOU SHALL HAVE YOUR REST, FOR MY YOKE IS EASY AND MY BURDEN LIGHT.<sup>2</sup> More than a century of powerful labor encyclicals elucidate these truths, beginning with Pope Leo XIII's *Rerum Novarum* promulgated in 1891.

### IV. CARITAS IN VERITATE—THE GREATEST OF THE LABOR ENCYCLICALS?

Pope Benedict XVI issued the most recent of the social encyclicals on June 29, 2009, the Solemnity of the Apostles Sts. Peter and Paul. *Caritas in Veritate* (Charity in Truth) may well be the most unequivocally supportive of workers' and labor unions' rights of all of the many labor encyclicals. Benedict expressly states "that labour unions . . . have always been encouraged and supported by the Church."<sup>3</sup> He builds on the work of Vatican II and on the wonderful labor encyclicals of Pope John Paul II, especially *Laborem Exercens*, issued on the Solemnity of the Exaltation of the Holy Cross on September 14, 1981, and he reminds the world of the important contributions of Pope Paul VI to the Church's social teaching on the rights of workers.

Pope Benedict centers his profound meditation on labor in his assessment of the foundational principle of the common good.

<sup>2</sup> *Matthew* 11:28-30.

<sup>3</sup> Benedict XVI, Encyclical Letter, *Caritas in Veritate* 64 (2009).

To love someone is to desire that person's good and to take effective steps to secure it. Besides the good of the individual, there is a good that is linked to living in society: the common good. It is the good of "all of us", made up of individuals, families and intermediate groups who together constitute society. It is a good that is sought not for its own sake, but for the people who belong to the social community and who can only really and effectively pursue their good within it.<sup>4</sup>

Labor unions are one of the most important of these intermediating avenues. The myriad of the challenges posed to the social order and the common good are especially daunting today in the wake of the global economic deterioration. Pope Benedict comments:

Through the combination of social and economic change, *trade union organizations* experience greater difficulty in carrying out their task of representing the interests of workers, partly because Governments, for reasons of economic utility, often limit the freedom or the negotiating capacity of labour unions. Hence traditional networks of solidarity have more and more obstacles to overcome.<sup>5</sup>

Pope Benedict XVI expressly invites labor unions, employees, and employers into the shared enterprise of critically assessing consumerism, materialism, and globalism both within, and, especially beyond, the geographical bounds of their particular nation-state. The focus throughout *Caritas in Veritate* is the social thread of the preferential option for the poor. The Holy Father asserts that the Church's social teaching "allows unions to identify civil society as the proper setting for their necessary activity of defending and promoting labor, especially on behalf of exploited and unrepresented workers, whose woeful condition is often ignored by the distracted eye of society."<sup>6</sup>

Pope Leo XIII in *Rerum Novarum* emphasized that capital is the means in service of human needs. The human being, not capital, is superior as an end. To neglect or to distort this calculus results in the pernicious and immoral subordination of human beings to capital, and leads to unbridled, ruthless materialism.

The Catholic Church has always urged the appropriate moral calculus, with capital as a necessary and important means in the service of human beings. The international legal regime must effect and enhance

<sup>4</sup> *Id.* at 7.

<sup>5</sup> *Id.* at 25 (emphasis in original).

<sup>6</sup> *Id.* at 64.

fundamental human dignity, in which workers' rights are a critically important component. The moral voice of the Catholic Church is an eloquent instrument in this transformative process.

The right to unionize is a fundamental human and civil right. In the international legal regime, major Conventions Numbers 87 and 98 of the International Labor Organization protect workers' rights to associate freely, and to organize and to bargain collectively with their employers.

And, not coincidentally, the great labor rights themes of the Papal encyclicals also call for creativity, ingenuity, and innovation in economic development, especially as these initiatives may relieve the plight of the poor, a special focus of St. John's University and of our Ronald H. Brown Center for Civil Rights and Economic Development.

In 1967, Pope Paul VI addressed "the great theme of the development of peoples with the splendour of truth and the gentle light of Christ's charity."<sup>7</sup> In his most recent encyclical, *Caritas in Veritate*, Pope Benedict XVI centrally situates the profound contributions of Pope Paul VI to the magnificent body of Catholic social teaching. *Populorum Progressio* "repeatedly underlines the *urgent need for reform* and in the face of great problems of injustice in the development of peoples, it calls for courageous action to be taken without delay."<sup>8</sup>

Pope Benedict first assesses the current state of the world economic order, with charity as the primary counterposition to greed. He states:

Profit is useful if it serves as a means towards an end that provides a sense both of how to produce it and how to make good use of it. Once profit becomes the exclusive goal, if it is produced by improper means and without the common good as its ultimate end, it risks destroying wealth and creating poverty.<sup>9</sup>

He warns that even though "[t]he world's wealth is growing in absolute terms, inequalities are on the increase . . . . In rich countries, new sectors of society are succumbing to poverty and new forms of poverty are emerging."<sup>10</sup> He observes:

Corruption and illegality are unfortunately evident in the conduct of the economic and political class in rich countries, both old and new, as well as in poor ones. Among those who sometimes fail to respect the human rights of workers are large

<sup>7</sup> *Id.* at 8.

<sup>8</sup> Benedict XVI, *supra* note 3, at 20 (emphasis in original).

<sup>9</sup> *Id.* at 21.

<sup>10</sup> *Id.* at 22 (emphasis in original).

multinational companies as well as local producers.<sup>11</sup>

Especially in difficult economic times, this can be a very difficult and elusive balance to achieve and to fairly maintain. Social justice imperatives often come into tension with the capitalist political economy's imperative to maximize profit. Pope Benedict commented on this balancing dynamic:

Consequently, the market has prompted new forms of competition between States as they seek to attract foreign businesses to set up production centres, by means of a variety of instruments, including favourable fiscal regimes and deregulation of the labour market.<sup>12</sup>

A ready application may be via the Social Security System. Pope Benedict commented:

These processes have led to a *downsizing of social security systems* as the price to be paid for seeking greater competitive advantage in the global market, with consequent grave danger for the rights of workers, for fundamental human rights and for the solidarity associated with the traditional forms of the social State.<sup>13</sup>

The Church has a longstanding affinity for the "living" wage. The living wage is integral to the "right of every worker to receive wages sufficient to provide for a family."<sup>14</sup> The living wage "takes priority over any claim of the owners to profits."<sup>15</sup> The Church has always supported the right of a worker to provide for his family and to live with dignity and security.

Pope Benedict urges a global consciousness on the part of labor unions, transcending parochial protectionism.

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 25.

<sup>13</sup> *Id.* (emphasis in original).

<sup>14</sup> William P. Quigley, *The Living Wage and Catholic Social Teaching*, AM.: NAT'L CATH. WKLY., Aug. 28, 2006, available at [http://www.americamagazine.org/content/article.cfm?article\\_id=4928](http://www.americamagazine.org/content/article.cfm?article_id=4928).

<sup>15</sup> *Id.*



obstacles to overcome.<sup>16</sup>

Pope Benedict, as others before him, recognizes “the urgent need for new forms of cooperation at the international level, as well as the local level.”<sup>17</sup> The labor unions themselves must be open to change. Pope Benedict comments:

While reflecting on the theme of work, it is appropriate to recall how important it is that *labour unions*—which have always been encouraged and supported by the Church—should be open to the new perspectives that are emerging in the world of work.<sup>18</sup>

The labor unions must change their mission to reflect one of charity for the greater good, certainly including but by no means limited to, the labor unions’ organized membership.

Pope Benedict states:

The global context in which work takes place also demands that national labour unions, which tend to limit themselves to defending the interests of their registered members, should turn their attention to those outside their membership, and in particular to workers in developing countries where social rights are often violated. The protection of these workers, partly achieved through appropriate initiatives aimed at their countries of origin, will enable trade unions to demonstrate the authentic ethical and cultural motivations that made it possible for them, in a different social and labour context, to play a decisive role in development.<sup>19</sup>

The Catholic Church’s eloquent and long-standing social teaching on the rights of all workers continues to be a beacon of jurisprudential and practical hope, transcending the often crabbed and hostile policies of particular nation-states toward the rights of workers to unionize.

*Caritas in Veritate* could not come at a more propitious time in human history. It may very well be the greatest of the Church’s labor encyclicals. All encyclicals are profound, rich documents, made more so when the author is Benedict XVI. Obviously, he is a world-class theologian. He is, I am convinced, also a mystic, as anyone reading the first several pages of his book on Jesus must quickly appreciate. In the contemporary era of the

<sup>16</sup> Benedict XVI, *supra* note 3, at 25 (emphasis in original).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 64 (emphasis in original).

<sup>19</sup> *Id.*

global cyber workplace, the social teaching of the Catholic Church remains the timeless, and most timely, beacon for fundamental human dignity. Who better to teach the Church's Truth in this age than a mystic?

Pope Benedict XVI and Ronald H. Brown share an interesting appreciation for infusing the world as it is with the transformative ideals of social justice, striving for the world as it ought to become.

