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Distinguished Lecture

His Eminence Edward Cardinal Egan

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DISTINGUISHED LECTURE

**HIS EMINENCE EDWARD CARDINAL EGAN
INTRODUCED BY: REV. MSGR. GREGORY MUSTACIUOLO**

EDITOR'S NOTE: His Eminence Edward Cardinal Egan delivered the Distinguished Lecture. His introduction by Rev. Msgr. Gregory Mustaciulo, Chancellor of the Archdiocese of New York, was preceded by brief comments from Professor David L. Gregory.

GREGORY: It is my great pleasure to introduce Rev. Msgr. Gregory Mustaciulo, a 1983 graduate of St. John's Law School and a former priest secretary to both the late John Cardinal O'Connor and to Edward Cardinal Egan. Taking the prerogatives of the Conference Chair, I want to briefly say a few words about Cardinal Egan from my personal perspective as a lay person and as a secular lawyer.

Cardinal Egan is really one of the great figures in the modern history of the Church. I first met Cardinal Egan at the Labor Day parade, back when we still had a vibrant Labor Day parade. There was the AFL-CIO, John Sweeney contingent; there was Hillary Clinton's contingent; and, dwarfed in the middle of all that, was the New York Labor Religion Coalition, consisting of my wife, Garris, our son, Davy, and me, with a beautiful banner carried by Rabbi Michael Feinberg and an Episcopal priest. That was it—the five of us were, on that Labor Day many years ago, the New York Labor Religion Coalition. The Cardinal nevertheless stopped the parade. He came down the steps of St. Patrick's Cathedral, shook our hands with great, good cheer, and said a few words of grace and thanks. I would like to think that we made up in quality what we lacked

in quantity—as the Jesuits say, “Not many, but much.” That was my first meeting with Cardinal Egan; he was a great morale booster, certainly for the five of us.

On a related note, I have been in the Catholic Lawyer’s Guild in the Archdiocese of New York for many years. Our home base is Our Saviour Church, with a terrific pastor and Guild chaplain, Msgr. George Rutler. Every first Friday, there is a Mass at 7:45 a.m., followed by an informal but always lively talk in the undercroft coordinated by Robert Crotty and Msgr. Rutler.

I also appreciate the Cardinal as a quintessential “lawyer’s lawyer.” I tell law students, if you think about the Catholic Church’s equivalent of the Chief Justice of the United States, well, that would be Cardinal Egan. He holds a doctorate in canon law from the Pontifical Gregorian University in Rome, *summa cum laude*, and for fourteen years was a Judge of the Roman Rota, the highest court in the Church for civil and criminal litigation, and is now one of the twelve cardinal members of the *Signatura Apostolica*, the highest administrative court of the Church. (Our good friend, Father John Coughlin, O.F.M.—who also has a doctorate in canon law *summa cum laude* from the Gregorian and now teaches at Notre Dame Law School—has just published a widely acclaimed book with Oxford University Press on canon law and the work of the *Apostolic Signatura*.)

In addition, for several years now at the annual Red Mass for the Catholic Lawyers Guild, Cardinal Egan has delivered many magnificent homilies while serving as the Principal Celebrant and offering the Holy Sacrifice at Our Saviour Church. If you want to just hear a lawyer’s lawyer, his Red Mass homilies are really masterpieces: The Cardinal obviously puts all of his resources into

them. I know lawyers who have come to the Red Mass just to hear him speak about the Law, while others have come to appreciate his powerful, astute rhetoric. So, that is my sense of one of the greatest Church figures that has served here in New York over the last quarter century, Cardinal Egan: an extraordinary person. And now a person who knows him far better than I, Msgr. Gregory Mustaciuolo, St. John's Law Class of 1983, will formally introduce Cardinal Egan.

REV. MSGR. MUSTACIUOLO: Good morning.

Yesterday evening when I spoke to the Cardinal, I told him, once again, how delighted I was to be able to introduce him this morning. And he said to me, "Greg, you know how I am; be brief, just tell them the Cardinal is alive, he hasn't died." In some ways, that is very typical of this exceptional, extraordinary priest and bishop and human being who has accomplished so very, very many things for the Lord and his Church over his more than fifty years in the priesthood, but has always been, and continues to be, very humble about it all.

It is an honor and privilege for me to be here with you this morning and an honor for me to be back at my alma mater, St. John's School University School of Law. I thank our president, Donald Harrington; I thank the officials from St. John's University; and I thank Professor Gregory and everyone at the law school for having invited me. It is a privilege, too, because I am able to introduce a very special person—a very special priest, bishop, man, and a good friend, someone for whom I had the distinct privilege of serving ten years as priest-secretary.

Cardinal Egan was born in April, 1932 to Thomas and Genevieve Costello Egan in Oak Park, Illinois. He attended St. Giles Elementary School and

Quigley Preparatory High School Seminary. He received his bachelor's degree from St. Mary of the Lake Seminary in Mundelein in the Archdiocese of Chicago. He was then selected from among the seminarians in Chicago and across the United States to do his seminary work at the Pontifical North American College, the United States' seminary, if you will, in Rome. There, he earned his degree in theology at the Gregorian University.

When he was ordained, he returned to the Archdiocese of Chicago and served as priest-secretary to Albert Cardinal Meyer. A few years later, they returned him back to Rome to serve on the faculty at the North American College, and at the same time he earned a doctorate again from the Gregorian University in canon law with the highest scores and the highest honors. Afterward, the Cardinal returned again to the Archdiocese of Chicago and served—this time—as priest-secretary to Cardinal John Cody and later as the Archdiocese's co-chancellor.

In 1971, he became the youngest priest ever to be appointed a judge of the Sacred Roman Rota—the highest court, the appellate court of the Church. He served there until 1985, when Pope John Paul II named him a bishop and sent him to the Archdiocese of New York as an auxiliary bishop and vicar for education.

In December, 1988, Pope John Paul II tapped him again to be the bishop of the Diocese of Bridgeport, Connecticut. Our time doesn't permit us to talk about all of his accomplishments there, but in 2000 Pope John Paul II appointed him the Archbishop of New York and, in 2001, to the College of Cardinals.

Two years after the Cardinal offered his resignation, Pope Benedict XVI accepted it and he

retired in 2010.¹ In his retirement—if that is a word that one can use with Cardinal Egan, and it is not—he continues to do so very much in terms of lectures and related activity. He also maintains a number of positions at Vatican offices: He continues to serve on the Supreme Tribunal of the Apostolic Signatura, the Congregation for Oriental or Eastern Rite Churches, the Prefecture for the Economic Affairs of the Holy See, the Council of Cardinals for the Organizational and Economic Concerns of the Holy See, and the Pontifical Council for the Family. As a Cardinal, he has served as well on the Pontifical Council on Culture and the Pontifical Commission for the Preservation of the Cultural Goods of the Church, and in 2001 was appointed by Pope John Paul II general secretary of a Vatican Synod on Bishops. Cardinal Egan has also served on a number of civil, academic, and religious boards; and he holds, and continues to receive, a number of honors from universities.

I think I can say that when the Cardinal came to the Archdiocese of New York, the Diocese faced many administrative and financial challenges; but as the Cardinal said, “Greg, we did it right. We put in the right policies, the right procedures, and the right people, and in the relatively brief period of time we had that all under control.” When he retired he left his successor, Archbishop Timothy Dolan, a very sound diocese.

It is not really for the Cardinal’s administrative and financial acuity that we should honor and commend him, but rather, it is for all the pastoral, educational, and charitable initiatives that he has accomplished. During his effective tenure as

¹ The Code of Canon Law requires cardinals who head dicasteries to tender their resignations at seventy five, though it is up to the Pope to consider when actually to accept them. See *CODEX IURIS CANONICI* c.354 (Canon Law Society of America trans., 2003) (1983).

Archbishop of New York, the number of parishioners in the Archdiocese increased by 204,000. The number of students in our elementary and high schools increased by over 15,000. The budget of Catholic Charities more than doubled, enabling Catholic Charities to do twice as much work for the neediest among us. *Catholic New York*, our Archdiocese paper, became the nation's largest. And, the Cardinal launched the *Catholic Channel* on SiriusXM, Satellite Radio™, the first 24/7, nationwide, diocesan radio station.

In each of the initiatives—and that is why it is fitting that he was asked to speak this morning on the Feast of St. Joseph, the Feast of the Patron of Workers—the Cardinal would always ask, “How does this affect the people of God? How does this affect the people we are called to serve?”

The Cardinal always held first and uppermost in his mind the dignity of the human person and the dignity of the human worker. He would always ask, “How does this affect the people in the pews? How does this affect the employees in our parishes and at the Catholic Center? How does this affect our teachers, our principals?”

So on this Feast of the Patron of Workers, it is only fitting that I present to you Cardinal Egan to speak on the theology of the dignity of the worker.

CARDINAL EGAN: My dear friends:

First of all, allow me to thank Professor Gregory and his associates for inviting me to speak with you here today. I count it a distinct honor and look forward to hearing your observations and answering your questions as best I can.

Monsignor Gregory Mustaciuolo and I speak in person or on the telephone almost every day. He has been a wise and devoted friend and guide for eleven years. There is no way that I could thank him sufficiently for all that he has done for me and for the Archdiocese that we served together. Monsignor is on his third Archbishop of New York as secretary, master of ceremonies, and much more. St. John's has every right to be proud of this truly outstanding alumnus.

Permit me also to say a word of heartfelt thanks to the president of this great university, Reverend Donald J. Harrington of the Vincentian Fathers. Father Harrington and St. John's University have been wonderfully helpful and generous to me during my years, both in the Diocese of Bridgeport and in the Archdiocese of New York. I have sent pre-seminarians from both to St. John's for philosophical formation, and the results have always been everything I had hoped they would be. It is a pleasure to express my appreciation here on this occasion.

I am likewise deeply grateful to Dr. David L. Gregory for his very kind introduction. Well do I remember our meeting during the Labor Day Parade in New York many years ago, and I am flattered by his comments on my "Red Mass" homilies. It is a delight to speak to so many members of the legal profession on the occasion of these Masses. The Catholic Lawyers Guild and Father Rutler are immense blessings for the Church and all of Greater New York.

Permit me to add that my mother graduated from the Vincentian Fathers' University in Chicago, De Paul, and I had the privilege of teaching there forty years ago. Thus, for many reasons I feel very much "at home" here at St. John's.

When Dr. Gregory invited me to participate in this conference, he indicated that I would not need a prepared text but should rather speak "from the heart." I am happy to comply with his request. Still, should anyone wish a reference to any of the sources that I might mention in the course of my remarks, please do not hesitate to drop me a note. I will respond immediately.²

My dear friends, I cannot think of a more timely subject than the one that brings us together in this conference. We are all following events in Wisconsin on television night after night, and we know that for a myriad of reasons the rights and dignity of laboring Americans will be a matter of concern, and even conflict, for many years to come. The Wisconsin situation is emblematic of what lies ahead. In that State and others, positions are hardening regarding collective bargaining and the public sector. One side states that it has won certain gains and benefits through collective bargaining and insists that they be maintained and even enhanced. The other side responds that it simply cannot continue to pay for all of this, and the citizenry is inevitably taking sides.

I might note that this is not a new issue. Almost forty years ago, Reverend Robert A. Reicher, a priest of the Archdiocese of Chicago, treated the subject in an article entitled *Collective Bargaining in Nonprofit Institutions in Labor Problems in Christian Perspective*. His analysis is both clear and prescient. You might enjoy reading it.

² In addition, a table of authorities can be found at the end of this lecture.

There is, of course, no simple formula for resolving this particular controversy or any other in the field of labor relations. However, this morning I would like to insist that, in the best of Western philosophical thought and in Revelation as well, there is a basic truth that must be operative in addressing any confrontation between labor and capital, workers and management. If it is not sufficiently taken into account, I would maintain there is little hope that any resolution that is achieved in a labor conflict will be either lasting or worthy. That truth, my friends, is this: The work of a human being must be seen as an altogether unique reality, a reality unlike any other, simply because of what a human being is.

Allow me to be a bit simplistic in making this point. One company provides ten oxen to move a ton of bricks from one place to another, and another provides ten men to do the same. At the conclusion of the undertaking, how much should each company be expected to pay for having had the bricks moved? The outcome was the same. Hence, it would appear, at least at first blush, that the recompense should also be the same. This, however, is altogether mistaken. And the reason, according to the best of Western philosophical thought, is that a human being is uniquely endowed with intellect and will, which place him or her apart from and above all other natural realities. Thus, it is reasoned, his or her work must also be viewed and valued apart from and above that of all other natural realities, which is to say, in keeping with his or her distinct and extraordinary dignity.

Last year the Pontifical Academy of Social Science sponsored a conference in the Vatican entitled "Catholic Social Doctrine and Human Rights." In

several of the papers that were submitted and discussed, the unique pre-eminence of human beings because of what human beings are recognized to be in Western philosophical thought, was emphasized over and over again. For example, the Archbishop of Dijon, The Most Reverend Roland Minnerath, developed the subject in terms of the “natural foundation” of human rights, and Professor Vittorio Possenti of the University of Venice explored it as an expression of classical “natural law theory.” Quite apart from any consideration of a religious kind, both insisted—and other participants in the conference agreed—that the work of a human being must never be seen as anything but uniquely noble and precious simply because of what a human being is.

Nor have the Popes been silent in this regard. For example, in *Quadragesimo Anno*, Pope Pius XI is quite clear. Labor is never a commodity, he tells us, because of every human worker’s unique dignity. Similarly, in *Laborem Exercens*, Blessed John Paul II says the same in somewhat different terms. Never, he maintains, may the human person be seen as “merchandise,” for in visible creation he or she soars above every other reality.

(Forgive me if I add that when I was a seminarian sixty-plus years ago, my old Sociology textbook taught the selfsame lesson. According to Francis J. Haas, in his *Man and Society* published in New York in 1952, the labor of human beings is to be esteemed above all others, fundamentally because “man is endowed with thought and choices.”)

In this presentation my purpose is to focus on what a human being is known to be in Revelation and what this means in how we are to understand and value human work and how we are to approach

determining what is due to laboring men and women as a result of their labors. (The matter is discussed in Chapter Three of the *Compendium of the Social Doctrine of the Church*, which was issued by the Pontifical Council of Justice and Peace in 2004.)

We start with the Hebrew Scriptures. In Genesis we learn that every human being, no matter how unsavory or unattractive he or she might be in the estimate of others, is a reality fashioned “in the image and likeness” of God. Genesis makes the point over and over, for example, in Chapter One: “Let us make man in our own image, in the likeness of ourselves”; “And God created man in the image of Himself”; and “In the image of God He created him,” and in Chapter five: “In the day that God created man, He made him to the likeness of God.” No matter how one reads these words—as history, poetry, or whatever—their meaning can hardly be missed. A human being stands uniquely above all other visible creation. He or she is a patterned after the very Godhead. He or she is, as I like to say, “a mirror held up to Divinity.” Clearly, therefore, his or her labors cannot be matched by or measured by those of any others whatever.

There are few passages in the New Testament that I find as beautiful as the oft-repeated comparison that the Son of God makes between human beings on the one hand and the birds of the air and the lilies of the field on the other, and the powerful and consoling conclusion He draws from it.

He asks us to contemplate the birds of the air that the Heavenly Father willingly feeds and the lilies

of the field that He describes as more wondrously arrayed than "Solomon in all of his glory," and then notes that we, for all of our failings, are "more precious than they." At times poetry says things more tellingly than science or analysis. We and what we achieve are to be esteemed beyond all else in the world, the Lord is telling us; and His message is crystal-clear.

In my judgment, however, no one drives home our point as powerfully as the Apostle Paul in his Epistle to the Philippians. About what Jesus Christ was willing to do for us and our salvation, he had this to say: Though the Savior was divine, He did not think that manifestations of His Godhead were something to which He had to cling. Rather, He "emptied Himself" of all signs of His divinity, became one of us, and died on a cross to free us from our sins and to gain for us an eternity in the embrace of His Father in heaven. Often we are warned not to judge things by their price. Here is an exception. So precious to our God are we and what we do that He allowed Himself to be tortured to death for us. What does this say of the unique dignity of humankind and human work? Again, it would appear that the message is crystal-clear.

No one, I believe, can fail to appreciate what an altogether extraordinary and unique dignity human beings and their labor enjoy if he or she accepts in Faith the narrative of Genesis, the analogies in the Savior's Sermon on the Mount, and Paul's explanation of the Incarnation and its purpose. Still, in the interest of thoroughness, I would observe that in recent times Popes and bishops have added to the discussion by teaching that human work is of singular splendor also

because working men and women are cooperators with the Creator. Pope Leo XIII, for instance, calls them “co-workers in the creative work of God”; and “Gaudium et Spes” of the Second Vatican Council speaks of them as “partners in bringing divine creation to perfection.” Nor should we forget that in the last century similar insights were explored in depth by such theologians as Marie-Dominique Chenu and Peter Schoonenberg, while the poet, Charles Péguy, went so far as to write that “man’s work is a form of prayer.”

All of this, of course, takes us far beyond what I might call a “tit-for-tat” approach to evaluating and recompensing human work. The oxen mentioned above may have made the same delivery as the human beings. But the human beings were human beings, and this is not just *a* factor in determining how their work is to be rewarded. It is *the* factor, the one that overrides every other.

What is happening in Wisconsin, and in a number of other States as well, is unquestionably complex. There are arguments to be made on both sides. All the same, in dealing with conflicts about fitting “recompense” (wages, pensions, healthcare benefits, and such) for work done by an “image of God” for whom a God was willing to die, the dignity of the worker must always be “front and center.” And the same holds true for all other confrontations between workers and management, labor and capital.

Permit me to offer three examples of how this focus on the dignity of humans and their labor works out in practice. First, Genesis not only declares that

we are “images of God.” It goes on to announce that we are also to “increase and multiply.” The outcome is, of course, offspring who require from their parents sustenance, care, education, and much more. This is, of course, highlighted throughout the social encyclicals of the Popes: for example, in *Rerum Novarum* of Pope Leo XIII, n. 46; in *Quadragesimo Anno* of Pope Pius XI, n. 122; in *Pacem in Terris* of Blessed John XXIII, n. 16; and in *Laborem Exercens* of Blessed John Paul II, n. 19. (If you will forgive me, I might add that this was a central theme in the writings of the esteemed Professor of Sociology at the North American College in Rome when I was a seminarian there, Reverend John F. Cronin, S.S., for whose lectures I shall always be deeply grateful.)

What are we to conclude from all of this? The answer is obvious. Before God and society, workers have obligations as regards their children, and their recompense must take this into account. Happily, in most quarters of our nation, this is a widely accepted position, thanks to the celebrated controversy about the “family wage” during the early years of the last century. May it always be so.

A second example of what should emerge from an accurate understanding of the true nature of human work is a bit less generally acknowledged. Allow me to illustrate it with a rather personal story.

When I was a teenage seminarian, I was also studying music in a conservatory in Chicago and in the summer delivering mail in the village in which I lived with my parents and siblings. Each week I had hours of homework to do for harmony and

counterpoint classes. Hence, I would rush into the post office as soon as it opened, organize my mail, and virtually run from house to house delivering it, so that I could end up in a local park to sit and do my homework.

After a week of this, the mail carrier for whom I was “filling in” during his vacation time, came to see me. He was up in years and had a pronounced limp. He had heard of my practice and begged me not to continue it. If I did, he reported, his route would be made longer; and he would not be able to handle it. I had no doubt what I was to do, especially after discussing the matter with my father. I walked the route slowly, ended in the time allotted, and did my homework at night.

Why? Because there was a human being involved, a human being with a human problem. In this instance it was a physical problem. It might have been a psychological or emotional problem, and this would have made no difference. What did make a difference was the dignity of the human being whose work I was temporarily doing. If there had been a question of one of the oxen to which I referred above, I would very likely have taken another course. Under consideration, however, was “an image of God,” whom the Psalmist describes as “a little less than the angels,” and for whom the New Testament teaches the Son of God gave His life on a cross. The action that I needed to take was as plain as plain could be. When humans are at issue, adjustments are to be made as needed—adjustments in recompense and adjustments in assignments and working conditions too.

To illustrate my third, and last, example of what follows from the "human" in human work, allow me to begin with some statistics and then move on to another story.

In February of this year, the State of New York announced that only twenty-three percent of those graduating from public high schools were "ready for college or even the world of work" (their terminology). In confirmation of this, the City University of New York revealed three weeks ago that seventy-six percent of its applicants for the coming academic year failed the entrance examination for the University.

You and I are living in an era in which those who are to support themselves and their dependents by gainful labor must be endowed with certain basic credentials. Among these are the ability to read and write English, a basic understanding of mathematics and science, and a fundamental awareness of the history and culture of the West. Without such credentials they have little to bring to the workplace, are likely to join the ranks of the unemployed, and are clearly candidates for involvement in crime.

To make clear the conclusion that I wish to draw from all of this, I would like to recount a rather sad tale.

Years ago, I was working in the Chancery Office of the Archdiocese of Chicago by day and attending classes for a master's degree in history two evenings a week. During my first semester, a professor from London was offering an excellent seminar on conservative and liberal writers in

nineteenth-century England. He assigned one such author to each of us in the seminar, directing us to write a paper illustrating the author's conservative or liberal views. The author assigned to me was the Duke of Wellington in his reports to the Foreign Minister of Great Britain during the Napoleonic Wars, and the young man who regularly sat next to me in the class was given as his author the poet, Samuel Taylor Coleridge, of the "Rime of the Ancient Mariner" fame.

A week or two after the assignment, the young man told me he could not fathom a line of Coleridge and asked if we might exchange authors. I agreed. The following week he came to the seminar for the last time and told me that he could not understand the Duke of Wellington either. He gave me back the Iron Duke for my paper and asked to see me after class. I met him outside. He thanked me for my kindness and began to cry. Through his tears he whispered that he was teaching history in one of the public high schools of the city.

Do workers, simply in virtue of their humanity, have a right to sustenance for themselves, sustenance for their families, and also "suitable education" for their offspring, to borrow a term from the aforementioned *Laborem Exercens* of Blessed John Paul II? Some may consider this third right to be a bit of a "stretch." In my judgment, to me it is no "stretch" at all.

At the risk of seeming unduly controversial, I share with you some facts which you can find for yourselves in reports of the Regents of the State of New York. More than fifty percent of youngsters in New York City public high schools do not graduate in four years, and well over a third do not

graduate at all. Ninety-eight percent of Catholic high schools youngsters in New York City graduate in four years, and ninety-six percent go on to college or university.

If effective public schools are not available, do parents have a right to such recompense from their work as would make it possible for their children to attend non-public schools that are effective? My answer is "yes," and my position is based on the same thinking that not too many years ago gave us the "family wage." Believe me, I understand only too well the politics of government-run schools in our city and nation. Indeed, I suspect that some here at this conference may be upset by my even suggesting that, whatever the advantages to various powerful groups from the current arrangements in public education, there is at issue here a question of basic human rights. Nor do I believe that a public exploration of the question can be stifled indefinitely.

To end on a less challenging note, I would like to offer a bit of advice about how best to deal with labor-management controversies. If both sides truly want a fair and acceptable resolution, the "locus" of their discussions is often key. Carry them out in the media and the result may well be very much less than ideal. It is far better to get together, talk, and find a way forward, away from the glare of cameras. Reporters and television announcers may be upset and may even retaliate, but so be it. If the controversy is of real consequence, this is a small price to pay for a favorable outcome.

Many years ago, I was called to the office of the senior Mayor Daley of Chicago and asked to join a minister and a rabbi in resolving a conflict between a group of laundry companies and their laundry-truck drivers. We met with representatives of both sides and debated for about an hour the joys of the Chicago White Sox and the sorrows of the Chicago Cubs. The labor dispute never came up. Nonetheless, at the end of the meeting, we went out on to the porch of the building in which we had been meeting to hear the Mayor's PR man thank "these fine religious leaders" for bringing peace to the laundry industry. The "peace," I was later told, had been worked out in a long series of quiet, late-night meetings between the parties, with staff persons from City Hall keeping everyone calm and talking. I have never forgotten the lesson that I unexpectedly gleaned from my laundry "negotiations," and I have strived to live that lesson throughout my years of dealing with controversies of various kinds. I share it with you as a small suggestion from an old Archbishop who has done a lot of "walking-the-walk" with as little public "talking-the-talk" as possible. Klieg lights, I firmly believe, seldom "dispel the darkness."

Thank you for listening, and may the Lord continue to bless you all.

Are we going to have questions?

SIMONS: Yes. We have a question from Jane Sammon, of the Catholic Worker.³

SAMMON: Your Eminence, my question has to do with your remarkable talk that really spanned parts of our

³ Jane Sammon, who spoke on the Conference's panel "Catholic Social Teaching Applied," is Director of the New York Catholic Worker's Mary House in New York City's Bowery neighborhood.

tradition in the West, the Hebrew scripture, the Apostolic writings, and a marvelous end with the chapter from St. Paul. It was beautiful.

My question relates to your mention of education. I understand you are a man of marvelous education, and I understand you speak many languages. What would you say, as both a representative of the Church and as an American citizen, about the fact that so many people are denied such a sterling education because of its burgeoning cost, which burdens primarily the poor and working class and precludes these folks from even trying to get such quality education anymore?

CARDINAL EGAN: Thank you. I know you from the Catholic Worker and welcome you. Let me answer this way. Some weeks ago I was at a luncheon with prominent businessmen from across the nation. At the end of the luncheon our very successful host was asked what is the most important issue facing the nation today? He answered: "The failure of our schools." With evident annoyance, he spoke of government regulations that were making it impossible for his organization to continue the post-graduate training of some of its interns. "Unless we educate well," he said, "this country is never going to be what it needs to be."

I could not agree more. No one is going to "make it" here in our country unless he or she can speak and write English, understands the fundamentals of mathematics and science, and has a basic culture from the study of history and the various social sciences. If we truly yearn to assist the poor, there is one answer: "Educate, and educate well!"

Monsignor Mustaciolo was kind enough to mention that during my years as Archbishop of New York, enrollment in our elementary and secondary schools increased by over 15,000. It

should have increased by 150,000. The statistics that I recited in my address hopefully make this clear. To deny effective education to children who are poor is wrong, wrong, wrong.

My plea is not only about Catholic schools. I say the same about Jewish schools, Lutheran schools, Orthodox schools, and any schools that have proved that they can “do the job.” We need competition—yes, competition—for school dollars, whether in the Bronx, or Queens, or wherever. My grandfather and grandmother got off the ship from Ireland, went to Chicago, got married, and had nine children, seven of whom graduated from college and two whom became medical doctors. How was this achieved? In Catholic elementary and secondary schools, where students were charged a few dollars a month to be well prepared for life in the new nation of their parents.

Many other Americans too came to this country on a ship with no money and little education. Some even came chained to the ship! All deserve as citizens of this land to have an opportunity to see their children given that key to success which is effective education.

SIMONS: The next question will come from Rev. Paul Patrick Flanagan, a member of the faculty at St. John’s.⁴

REV. FLANAGAN: I teach business students here at the university. Regarding your two stories about your time at the post office, as well as your experience of working in Chicago with unions, my students might say your remarks are foolish in two respects: First, they advocate downsizing. They seek efficiency through getting the best personnel for their buck. Second, regarding the reality you

⁴ Father Flanagan made a written contribution to this Volume. See, Patrick Flanagan, *Sustaining the Import of Labor Unions: A Common Good Approach*, 50 J. CATH. LEGAL STUD. 203 (2011).

painted when you distinguished the human workers from the oxen: If a piece of technology can do it better, they might ask, why am I hiring a human person?

How do we reconcile corporations' objectives of streamlining employment and maximizing technological efficiency and your emphasis on the human person?

CARDINAL EGAN: Father, I understand what your students are saying. Capital does have a right to profit. Capital does have a right to work out agreements in its own interest. But capital does not have a right to deal with workers as anything but what they are—human beings with a unique and God-given dignity.

It is true that the machines that replace workers often lead to new ideas, new inventions, and new jobs. Still, in no transition from person to machine, may the well being of the person be ignored—again, because of what a person is.

My story about the laundry-truck drivers was meant to be just a footnote at the end of what I had to say about the dignity of workers. All the same, I repeat that I believe that most labor-management controversies are better handled out of the glare of camera lights, at least in the beginning.

Does any of this help?

REV. FLANAGAN: Yes, it does.

I am thinking about the value of solidarity too, that the corporation has the responsibility to be in solidarity with the worker.

CARDINAL EGAN: I am not sure that I understand your observation. Permit me, however, simply to note

that in any negotiation there are two sides, each striving to protect or enhance its interests. This is not an altogether unhappy situation. It is part of real life. Of course, it is ideal when the two sides sense a mutual solidarity because of their mutual interests or for any other reason; and this is obviously something to be encouraged.

AUDIENCE SPEAKER: My name is Joseph. This is just the most controversial question I can think of. I want to be able to defend my Church, to be an articulate lay person. So, how do I respond to someone who asks me, "Why isn't there a teacher's union in every Catholic school?"

CARDINAL EGAN: I would have no problem with that at all. We have two teachers' unions in the Archdiocese of New York, one for our elementary schools and another for our secondary schools. I believe there is a similar arrangement here in the Diocese of Brooklyn, but I will leave the details about that to Bishop DiMarzio.

There have been controversies over the years between the Archdiocese and the teachers' unions, and they have all been resolved after enthusiastic discussions and even some rather angry complaints in the media. During my four years as Auxiliary Bishop and Vicar for Education of the Archdiocese, there were just two union contracts to be attended to. They were handled quietly, to the satisfaction of both sides, and without undue publicity. Indeed, I am still a good friend of one of the leaders of the two unions of that time. May I add that we in the Archdiocese of New York are also very careful about our relations with the unions of construction workers and others as well. I hope and pray that our record in this regard is one of which the Catholic faithful can be proud.

Sir, was that a worthwhile answer?

AUDIENCE SPEAKER: Yes, thank you very much.

AUDIENCE SPEAKER: When I ask seminarians—who someday will be pastors—“Why aren’t there teachers’ unions in every Catholic school?” they ask, “Who’s going to pay for it?”

CARDINAL EGAN: Who pays for it is the families of the students—fathers, mothers, grandfathers, grandmothers, uncles, aunts, and guardians—and the archdiocese or diocese in which the schools are located. In my years I have spent what some consider an inordinate amount of my time begging for money for our schools. All the same, I make no apology. Give a person an education, and you have given a gift for life. I know of no greater charity.

ORZA⁵: I ask this question on behalf of a lot of people who are not in the room but are friends of mine.

To what degree are you concerned that the conversation about the problems in our schools focuses inevitably on the people who run them—the administrators and teachers—as opposed to the student body—kids coming to school without having eaten, with no books at home, maybe one parent still asleep, maybe one who works nights.

And I wonder if the problem in the schools is not so much the teachers, but the transformation of the student bodies through deterioration of their family support structures and the broader infrastructure students and families once relied on.

In other words, we are trying to assess our school system without regard to the individuals—those human beings that arrive at the schools—and the difficulty of molding those students toward the

⁵ See Gene Orza, Chief Operating Officer, Major League Baseball Players Association, Panel Remarks (Mar. 19, 2011), in Jack Ahern et al., *The Future of Labor Plenary Panel Discussion*, 50 J. CATH. LEGAL STUD. 147 (2011).

outcomes we consider ideal. How concerned are you about this focus? Not on the obstacles that follow students to the schools but on teachers and administrators?

CARDINAL EGAN: I have taught on the university level for over twenty years and know from experience that some groups are better prepared to learn than others, and some groups are not interested in learning at all. Still, I would not agree that students today are needier and less able to learn because of poor family life than were students when my grandparents came to this nation. Read the histories of New York, Chicago, and other urban centers of this nation of ours during the eras of the great immigrations from Europe. Crime, horrendous health conditions, and poverty were everywhere; and somehow the children were taught the essentials and built this nation as a result. I believe that the problems back then were every bit as challenging as the problems we have now. Nonetheless, the nuns in the parochial schools, and the Jewish matrons, and others in the public schools did a magnificent job, and they did it in the face of extraordinary obstacles.

During my years as Archbishop of New York, we had 115 schools in the city that we styled "inner-city schools" because more than sixty percent of the students were living under the poverty line and almost seventy percent were living in homes without fathers. In my talk I told you what these schools are achieving. Now I have given you some idea of the background of the students they are educating. And with that I rest my case.

Some months ago, I was at a dinner during which a rather well-known woman congratulated the Archdiocese on the record of its students but added that our success was easy to explain inasmuch as parochial school students come from excellent

middle-class homes. I felt it best to remain silent, lest I scandalize my fellow dinner guests with what I really wanted to say.

ORZA: The applause notwithstanding, you did say that, in response to my question, problems now are “every bit as challenging” as they were then. That is the phrase I believe I heard.

I understand your feelings. My father had an eleventh-grade education. My mother did not get a high school education until she was fifty. They both spoke paltry English until they were much older.

Even I, as a beneficiary of the public school system in this country, would not say the problems were “every bit as challenging” back then because of the culture out of which those Jewish, Italian, and Irish parents came—basically, a European culture with traditions in which there were books in your house and you were expected to give up a certain amount of time and do certain kinds of chores. Today, we face a different cultural issue.

There are different cultures coming into the school. No one will question that we have become a much more multicultural society, a different cultural unit than the one from which those students came in the 1900s. My parents came over on the boat in 1920—they were from the same neighborhoods as the people you refer to. To say that the cultural units now and then are the same is a little bit untrue.

CARDINAL EGAN: I do not believe that conditions now are the same as they were many years ago. I rather believe that they do not present greater challenges. If you were to look at the streets of New York early in the last century, I believe you would be horrified by what the people were facing then in large

numbers. Nor do I think there were a lot of books in many of the homes at that time. Nonetheless, great teachers in public and parochial schools worked what some today might consider miracles. This is all that I am contending.

ORZA: I cannot tell you how many great teachers there are in the New York public school system as we sit here today. There are hundreds and hundreds of them.

CARDINAL EGAN: I am sure that there are many, and I am no less sure that they are working under very trying conditions.

SIMONS: We have time for one more question.

AUDIENCE SPEAKER: For the record, I am a product of the Catholic school system, from pre-Head Start to high school, and I am a graduate of St. John's Law School where I was on the *Law Review*. I am of Hispanic background.

Now, to change the subject—to bring it back to the labor question—I understand that we, as a society, must invest in human capital. We need to invest in what is known as the critical work force in America by providing adequate recompense, pensions, insurance, and salaries—as we have mentioned.

A small business owner, however, has limitations. And small business employers, as we know, are the true engine of this country's economy, especially in these trying and critical times—and not only in the United States, but globally. What do we do, then, when small business owners cannot afford the cost of this just recompense because of government taxation, because of all the punches that they have

received and continue to receive, and in light of their being one of the largest employers in the world and growing?

How should we resolve this predicament with the proper human recompense you have discussed today?

CARDINAL EGAN: I do not want to stray too far away from the theme assigned me. Also, I do not want to say things in the Diocese of my dear friend, Bishop DiMarzio, that might cause trouble. Let me, therefore, answer you very briefly in this way.

You are, in my judgment, 100% correct. Small business owners are the economic engine of this nation. They must not be taxed out of business. What, therefore, is to be done? I have two answers. First, we need to stop spending untold billions on conflicts all over the world that seem, to most Americans, to make no sense whatever. Second, we must begin as free citizens to demand that government waste is not just curtailed, but stopped. Pick up any of the New York tabloids any day and read what is going on in altogether too many local, state, and federal offices and programs. If things are out of control, it is time that the citizenry take action. As Archbishop of New York, I met with staff for hours every week to be sure that our funds were being directed where they were most needed and that every penny was accounted for. Some have rather bitterly criticized me for being overly insistent in this regard. So be it. We were spending the hard-earned contributions of a great People of Faith, and we were obligated before God to spend it wisely, carefully, and honorably. I join you in your concern for small business owners and somehow feel that this nation might be about to look at all of

this with more objectivity and courage over the months that lie ahead, for all sorts of reasons. This at least is my fervent prayer.

SIMONS: Cardinal Egan, just to wrap thing things up, your sharing with us your theology of work really provides a wonderful foundation for this entire conference, and the Q. and A. provides a wonderful segue into the rest of the conference as we face the challenge of converting that theology into pragmatic solutions for real problems. Cardinal Egan, on behalf of the Law School, Father Harrington, and the entire St. John's University, thank you so much for being with us today.

TABLE OF AUTHORITIES

Editor's Note: The *Journal of Catholic Legal Studies'* editorial staff prepared this Table of Authorities for readers' reference and convenience. Bible references are arranged according to their biblical sequence. Papal documents are arranged alphabetically, by authors' names, and also in order of their appearance in His Eminence's *Distinguished Lecture*. His Eminence Edward Cardinal Egan, Distinguished Lecture at the St. John's University School of Law Theology of Work and the Dignity of Workers Conference (Mar. 19, 2011), in 50 J. CATH. LEGAL STUD. 45 (2011) [hereinafter *Distinguished Lecture*]. Other material—Vatican documents and academic works—are arranged alphabetically, by authors' last names.

BIBLE

<i>Genesis</i> 1:26–27.....	55
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The Psalmist states, “[W]hat is mankind that you are mindful of them, / human beings that you care for them? / You have made them a little lower than the angels / and crowned them with glory and honor.” *Id.* (New International). Many translations employ “God” rather than “angels.” The Hebrew text employs the plural form of *el*, meaning God, *elohim*, which is translated—depending on the version—as “God” or “gods.” *Elohim*, however, also connotes simply, “divine beings” or “heavenly beings,” in other words, “angels,” and its meaning fluctuates throughout the Hebrew text. See Richard J. Clifford, Annotation, in *THE NEW OXFORD ANNOTATED BIBLE: NEW REVISED STANDARD VERSION* 780 (Michael D. Coogan et al. eds., Oxford Univ. Press rev. 4th ed. 2010) (hereinafter *THE NEW OXFORD ANNOTATED BIBLE*). See also David M. Carr, Annotation, in *THE NEW OXFORD ANNOTATED BIBLE*, *supra*, at 12 (noting, in reference to *Genesis* 1:26—“Let us make humankind in our image, according to our likeness”—that the use of the plural *elohim* “probably refers to the divine beings who compose God’s heavenly court”).

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ENCYCLICAL LETTERS

JOHN XXIII, ENCYCLICAL LETTER <i>PACEM IN TERRIS</i> ¶ 16 (1963).....	58
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In the words of the Blessed John XXIII, “The interests of the family . . . must be taken very specially into consideration in social and economic affairs . . .” *Id.*

JOHN PAUL II, ENCYCLICAL LETTER <i>LABOREM EXERCENS</i> (1981).....	57–58, 61
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Laborem Exercens asserts that general rejection of completely unregulated, free-market capitalism of the nineteenth century; the growth of effective workers’ associations; and public authorities’ intervention has mitigated the extent of labor’s being merchandised. The encyclical maintains, however, that the

temptation to regard labor markets purely from the perspective of “materialistic economism” constantly threatens societal regression to nineteenth-century mistreatment of labor. *Id.* ¶ 7; Distinguished Lecture, *supra*, at 54.

In this encyclical on human work, celebrating the ninetieth anniversary of Pope Leo XIII’s *Rerum Novarum*, Blessed John Paul II illustrates the interconnection of human and divine work: “God’s revelation is profoundly marked by the fundamental truth that *man*, created in the image of God, *shares by his work in the activity of the Creator . . .*” *Id.* ¶ 25; Distinguished Lecture, *supra*, at 56–57.

On the subject of workers’ just wages and the family, the Blessed John Paul II writes, “Just remuneration for the work of an adult who is responsible for a family means remuneration which will suffice for establishing and properly maintaining a family and for providing security for its future.” *Id.* ¶ 19; Distinguished Lecture, *supra*, at 58.

John Paul II describes the necessity of proper educational structures to meet the needs of the human and his or her realization in work in the following terms: “The organization of human life in accordance with the many possibilities of labour should be matched by a suitable *system of instruction* and education, aimed first of all at developing mature human beings, but also aimed at preparing people specifically for assuming to good advantage an appropriate place in the vast and socially differentiated world of work.” *Id.* ¶ 18; Distinguished Lecture, *supra*, at 61.

LEO XIII, ENCYCLICAL LETTER

RERUM NOVARUM ¶ 46 (1891) 58

The foundational *Rerum Novarum* states, “If a workman’s wages be sufficient to enable him comfortably to support himself, his wife, and his children, he will find it easy . . . to practice thrift Nature itself would urge him to this.” *Id.*

PIUS XI, ENCYCLICAL LETTER <i>QUADRAGESIMO ANNO</i> (1931)	54, 58
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Quadragesimo Anno states, “Labor . . . is not a mere commodity. On the contrary, the workers’ human dignity in it must be recognized. It therefore cannot be bought and sold like a commodity.” *Id.* ¶ 83; Distinguished Lecture, *supra*, at 54.

Pius XI asserts that Catholic education must serve the end of Catholic social teaching, not the ends of socialism on the one extreme or economic liberalism on the other. *Id.* ¶ 122; Distinguished Lecture, *supra*, at 58.

OTHER VATICAN DOCUMENTS

Mgr. Roland Minnerath, <i>La doctrine sociale de l’Église et les droits subjectifs de la personne</i> , in THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES, CATHOLIC SOCIAL DOCTRINE AND HUMAN RIGHTS: THE PROCEEDINGS OF THE 15TH PLENARY SESSION 49, 55, 58 (Roland Minnerath et al. eds., 2009)	54
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Archbishop Minnerath describes the contemporary de-emphasis on natural law in Catholic human-rights talk and an increasing appeal to scriptural creation claims: “Dans l’enseignement de Jean-Paul II, le fondement invoqué pour les droits humains est de moins en moins la loi naturelle que la qualité de creature ‘à l’image de Dieu’ tirée de la révélation biblique.” *Id.* at 55. Archbishop Minnerath further describes human rights as originating from the human being’s core nature—that is, the human being’s inherent qualities as a creation in God’s image: “Les droits humains inhérents à la personne humaine forment ainsi un noyau intangible. Ce noyau est identique avec l’humain dans l’homme. Il est d’abord énoncé en termes de nature. Les droits humains renvoient à la nature humaine qui les fonde.” *Id.* at 58.

PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH ¶¶ 108–23 (2004)	55
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Vittorio Possenti, *Antropologia cristiana e diritti umani. Diritti e doveri*, in THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES, CATHOLIC SOCIAL DOCTRINE AND HUMAN RIGHTS: THE PROCEEDINGS OF THE 15TH PLENARY SESSION 107, 112–13 (Roland Minnerath et al. eds., 2009) 54

Professor Possenti characterizes human rights and duties as arising from the natural law inscribed in human nature: “A partire dalle inclinazioni fondamentali inscritte nella natura umana, la legge naturale assegna i nostri doveri e diritti.” *Id.*

SECOND VATICAN COUNCIL, PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD *GAUDIUM ET SPES* ¶ 67 (1965)..... 57

OTHER SOURCES

M.D. CHENU, THE THEOLOGY OF WORK: AN EXPLORATION 16–17 (Lilian Soiron trans., Gill & Son 1963)..... 57

For Chenu, man and the universe meet one another in work, and he writes, “[I]n the cosmic unfolding of the divine plan . . . [l]et us see man as collaborator in creation and participant in his evolution.” *Id.*

REV. JOHN F. CRONIN, CATHOLIC SOCIAL PRINCIPLES: THE SOCIAL TEACHING OF THE CATHOLIC CHURCH APPLIED TO AMERICAN ECONOMIC LIFE 28, 725 (1955)..... 58

FRANCIS J. HAAS, MAN AND SOCIETY (Appleton-Century-Crofts 2d ed. 1952)..... 54

Haas spends considerable time on the distinction between the human and the animal in discussing Catholic social teaching on the value of man. Haas calls the soul “the inward, vital principle in man which enables him to live as a human being, to think, to make free choice, and to live eternally.” *Id.* at 8–9. The soul, says Haas, is of divine origin, and that origin accords “every

person . . . the right to exercise the privileges, freedoms, and immunities which flow from the inner being of his soul." *Id.* at 9. Haas then explains the crucial distinction that the soul creates between humans and animals—in the Cardinal's analogy, the cart oxen and the workers: "God endows the human soul at the moment of conception with certain of His own divine powers—to know, to will, and to live eternally—and He withholds these powers from the soul of the animal." *Id.* at 10. This fact "is one of the deepest social significance[: Man] is immeasurably more valuable than [plants and animals, and] he holds a title to the respect of his fellow men [requiring] that others do not use him as property or, in industry, hire him for work at [insufficient] pay . . ." *Id.* at 18, 33.

3 CHARLES PÉGUY, *L'ARGENT*, in *ŒUVRES COMPLÈTES DE CHARLES PÉGUY: 1873–1914*, 314, 391 (1916) 57

In 1913, Péguy wrote a description of workers who insisting to priests that their work was their prayer and their work site their chapel: "[Les ouvriers disaient aux] curés, que travailler c'est prier, et ils ne croyaient pas si bien dire. Tant leur travail était une prière. Et l'atelier était un oratoire." *Id.*

Rev. Robert A. Reicher, *Collective Bargaining in Non-Profit Institutions*, in *LABOR PROBLEMS IN CHRISTIAN PERSPECTIVE* (JOHN HAROLD REDEKOP ED., 1972) 52

As early as 1969 Rev. Reicher addressed similar matters in *Collective Bargaining and Church Related Schools*, 9 NAT'L CATH. EDUC. ASSOC. PAPERS 9 (1969), where he noted that there was already movement by instructors in Catholic educational institutions to improve their working conditions and bargain collectively.

PETER SCHOONENBERG, S.J., *COVENANT AND CREATION* 98–99 (1968) 57

Schoonenberg distinguishes between the value of the creative activity of man, the creature, and God, the creator; but he also correlates them, finding the dignity of man's creative activity in

the free will God endowed him with: “[B]y his creation God gives the creature reality and individuality, independence and personality. . . . God makes the creature act completely as itself, according to its own nature and norm, so that the result [of God’s causation] is truly brought forth by [man’s] very activity.” *Id.*

PETER SCHOONENBERG, S.J., GOD’S WORLD IN THE MAKING (1964) 57

Schoonenberg elaborates on the mutuality between man and God in their respective creative activity: “Man as a maker is an image of God as Creator. God creates out of nothing. Human making also is the production of something and, [so], also out of nothing.” *Id.* at 161. And again, Schoonenberg distinguishes between the value of God’s and man’s creating—even while connecting the two—saying, “Labor is thus both image of and contrast to God’s creative activity, but it is also integrated in the latter.” *Id.* at 162.