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ARTICLES

SUSTAINING THE IMPORT OF LABOR UNIONS: A COMMON GOOD APPROACH

REV. PATRICK FLANAGAN†

INTRODUCTION

Unions have made an incredible contribution to the labor movement. Since their inception, unions have represented the claims of the working class, serving as a forceful catalyst for economic justice and workers' rights. Labor unions have helped workers participate more fully in fair decision making processes associated with their jobs, sought to ensure proper safety measures in the workplace for them, and assisted them in procuring a just living wage and concomitant comprehensive benefits package. For over one hundred years now in America, unions also have assisted in creating and sustaining the middle class.¹

The long-celebrated history of the significant contributions that unions have made to economic justice has not been without detraction. In the course of their existence, unions have had to contend with an array of charges that have challenged their

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efforts and legacy. Accusations of alleged corruption, violence, racism, and sexism occasionally have dogged unions in their outreach to employees.\(^2\)

Over the course of the past year, criticisms of unions and their place in serving America’s workforce and wider economy have increased, hitting acute heights and resulting in widespread rallying and sit-ins at state government capitolos.\(^3\) Elected state governments and union officials have exchanged vitriolic statements about the nature of labor unions. American state governments have sought to limit a labor union’s place in civil society, particularly with respect to collective bargaining rights. This sentiment stems from the belief that “[w]hile private sector wages and benefits have stagnated during the recession, many governments continue to increase compensation for public sector workers.”\(^4\) For instance, in 2011, the Wisconsin governor, Scott Walker challenged state and municipal unions to limit healthcare benefits and long-anticipated pensions, asking the employee to contribute a greater share than historically done.\(^5\)

In an opinion piece written for The Wall Street Journal, Governor Walker took the position that he, along with his supporters, are not seeking to diminish union workers, but rather are “reforming


\(^3\) Strong anti-union rhetoric has mainly come from political candidates running on the Republican ticket. See, e.g., Daniel DiSalvo, *Why the Unions Fight; the Stakes in Wisconsin Are Higher than They Look*, WKLY. STANDARD, Mar. 7, 2011, at 11, 11. With notable victories in the 2010 election, including gaining control of the U.S. House of Representatives, the GOP has taken a strong limited government position and supports legislation that, according to unions, would undermine the American labor force. See id. Some of these issues include free trade agreements and removing the right of government employees to collectively bargain. See Steven Greenhouse, *Unions Fear Rollback of Rights Under Republicans*, N.Y. TIMES, Nov. 2, 2010, at A19, available at http://www.nytimes.com/2010/11/02/us/politics/02labor.html; see also id. (detailing union arguments against the Republican Party). Yet, it must also be noted that the most recent Republican Platform does not in any way oppose unionization. On the contrary, the most recent Republican Platform unequivocally states, “We affirm both the right of individuals to voluntarily participate in labor organizations and bargain collectively and the right of states to enact Right-to-Work laws.” THE COMM. ON ARRANGEMENTS, REPUBLICAN NAT’L COMM., 2008 REPUBLICAN PLATFORM 27 (2008) (discussing the Republican Party’s official position on labor unions), available at http://www.gop.com/2008Platform/2008platform.pdf.


\(^5\) DiSalvo, *supra* note 3.
the way government works, as well as balancing our budget." Notably, Governor Walker believes that "most workers in Wisconsin would love a deal like the one we are proposing." Ohio, Indiana, Michigan, Florida, New Hampshire, Missouri, Pennsylvania, and other states have followed suit. This is in response to unions and their memberships, which have made increasing fiscal demands of civil leadership while elected officials remain committed to the financial cuts they have proposed to rectify the burgeoning debt crises accumulated by the ongoing economic downturn in America.

The magisterium of the Roman Catholic Church ("the Church") have joined leaders of other religious traditions in evaluating this tenuous fiscal situation that has paralyzed public life and resulted in ugly demonstrations. Such a participation in pressing questions of socio-economic welfare is not new for the Church. The Church has a long history of unprecedented support for economic justice and the role labor unions have played in safeguarding economic justice. Specifically, "labor unions are viewed not only as an effective vehicle for the economic well-being of their members, but also as structures that can foster the human development and dignity of workers and that contribute to the common good." The Compendium of the Social Doctrine of the Church claims indefatigably that labor unions "are a positive influence for social order and solidarity, and are therefore an indispensable element of social life." Academics and practitioners have demonstrated how popes in their encyclicals, specifically since the time of the Industrial

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7 Id.
9 Some within the conservative movement have argued for a more robust role for the government in protecting its citizens in terms of providing a social safety net. See Irving Kristol, A Conservative Welfare State, in THE NEOCON READER 143, 145–48 (Irwin Stelzer ed., 2004).
Revolution, have lauded the work of unions as they carefully have guarded the plethora of rights of the worker and sought to promote just and stable working conditions.

This Article seeks to offer an understanding of the Church’s position on labor unions. The Church’s position centers on the common good. In its reflections on labor unions, the Church, through its leaders, regularly has referenced this ancient notion of the common good. For the Church, an ethic of the common good is that which should undergird all union activity and serve as its telos. This Article first attempts to arrive at a definition of the common good, deferring to the definition that the Church officially promulgated at its Second Vatican Council. Then, it examines five encyclicals from the canon of Roman Catholic Social teaching: first to amplify the obvious historical challenges labor faced and then to extrapolate key components of the common good for which unions, in the Church’s estimation, should strive.

I. THE MORAL NOTION OF THE COMMON GOOD

The common good is a term-like “democracy,” “republic,” “freedom,” and “truth”—that people employ so easily in speech and writing yet do not fully understand the precise meaning of the term or its full import. Despite it having served humankind as a critical evaluative tool, its meaning has been articulated in many ways over the course of history. Louis Dupré notes that, “[t]he term common good has been used in so many ways that it would be difficult to find any political thinker, however individualistically oriented, who has not, in one form or another, embraced it.” One could say, in a very elementary way, the common good is anything that a particular group of people hold

12 In the opening to his book, Values in a Time of Upheaval, Pope Benedict XVI states that “[t]he once mythical radiance of the word ‘revolution’ has faded in our day, but far-reaching reforms are demanded and promised all the more insistently.” JOSEPH CARDINAL RATZINGER (POPE BENEDICT XVI), VALUES IN A TIME OF UPEHAVAL 11 (2006). Although an understanding of the common good is needed more than ever, like the use of the word “revolution,” often it is used without fully realizing the vast complexities that such terms encompass. With such a wide range of social justice issues, as well as such a large and fragile human population, the full meaning and scope of the common good can often become overlooked, even ignored. Id.

in common. While this task of isolating a definition, upon first review, may seem quite neat and clear, a further challenge is to determine “whose” common good counts. *Gaudium et Spes* from the Second Vatican Council ("Vatican II") offers a clear and official explanation of the common good.\(^{14}\)

*Gaudium et Spes* was one of the sixteen formal documents promulgated by Vatican II. Vatican II was a watershed event for the Church. This ecumenical gathering of the world’s religious leaders responded to the contemporary challenges of the global community. Space exploration, wider communication, technological advancement, and industrial development—combined with a creeping disregard for traditional structures, increasing questing of authority, and jettisoning of traditional values—marked this pre-Johannine period.

In his issuing of the 1961 apostolic constitution, *Humanae Salutis*,\(^{15}\) Pope John XXIII convoked this twenty-first ecumenical gathering. The constitution initiating this ecclesial meeting appropriately captured the spirit of Vatican II, for the Council sought to respond to humanity’s health in a Cold War era threatened by nuclear arms buildup and mounting individualism challenging human dignity and precipitating Roman Catholicism into diminished stature.\(^{16}\) Realistically, there was a groundswell of movement in all facets of life in the time prior to John XXIII’s

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\(^{14}\) Additionally, *Gaudium et Spes* also takes up the perennial issues of labor and private property in relation to the common good that historically have occupied the papal social encyclicals. See generally PAUL VI, PASTORAL CONSTITUTION *GAUDIUM ET SPES* (1965) [hereinafter *GAUDIUM ET SPES*], available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-Spes_en. Labor, the document eloquently says, "comes immediately from the person, who as it were stamps the things of nature with his seal and subdues them to his will." *Id.* ¶ 67. Through labor, a person is able to support one’s family and oneself as well as participate in perfecting God’s creation through "genuine charity." *Id.* Thus, every person should work faithfully and enjoy the right to work; "society[,] ... according to the circumstances prevailing in it," should "help the citizens to find sufficient employment" and should help them receive sufficient remuneration so that lives of workers and their dependents are enriched. *Id.* Unions serve laborers, representing them in promoting economic enhancement, and offering them “social formation” and work in concert with the endorsement of the common good. *Id.* ¶ 68. They should exist, the Council fathers teach, without the threat of recourse. See *id*.


\(^{16}\) See *id.* ¶¶ 4–5.
election as a "transitional pope." In an effort to be relevant in a quickly evolving world, this elderly pontiff summoned bishops and representative leaders of other faiths to engage in an updating process or "aggiornamento," as it has come to be known, and respond to the "signs of the times."  

Of the library of documents Vatican II issued, Gaudium et Spes was considered by the majority of assembled hierarchy as the most pastoral. Gaudium et Spes, "Joy and Hope" in English, is the Church's constitution on the modern world. In this text, the Church seeks to establish itself as a relevant assessor of and partner in the conversation concerning viable options to improve the human condition and preserve human dignity. The common good is understood in Gaudium et Spes as both the ground and the end of human society for which Christians believe is life with God. The Council fathers truly believed it is, as in all things, God's "marvelous" providential Spirit that "directs the unfolding of time and renews the face of the earth."  

Previous papal documents alluded to the common good and used it as an archetype for a more just assembly of the public and its goods, but in Gaudium et Spes, the Council membership offered a precise definition expanding upon John XXIII's definition in his previous encyclical Mater et Magistra. The common good is "the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment." When the conditions of culture, economy, environment, politics, and other social systems work in concert to offer all people an opportunity to flourish, that is when the common good is in place and at work.

Given its desire to be germane to the pervasive development that has transpired in the global village, Gaudium et Spes admits that historical parochial boundaries were no longer existent, necessitating a broader appreciation of the common good. In Pacem in Terris, another one of John XXIII's earlier encyclicals, the Pope observed this need for expanding the range of concern.

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17 See Gaudium et Spes, supra note 14, ¶ 4.
18 See id. ¶ 2.
19 Id. ¶ 26.
21 Gaudium et Spes, supra note 14, ¶ 26.
when he discussed the "universal common good." 22 The universal common good, Gaudium et Spes notes, "takes on an increasingly universal complexion and consequently involves rights and duties with respect to the whole human race." 23 Any allusion forthwith to the common good must admit "human interdependence" that "grows more tightly drawn and spreads by degrees over the whole world." 24

The common good is a dynamic entity, not a static one. It involves negotiating "the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family," and it must be accounted for in order to establish conditions in which people might lead a "life truly human." 25 "The order of things must be subordinate to the order of persons, and not the other way around." 26 Its motivation "must be founded on truth, built on justice[,] and animated by love[,] in freedom." 27 Rights and corresponding responsibilities must be held in an appropriate balance and, realistically, consistently updated to respond to the changing needs of all. 28 Humanity cannot yield to what Vatican II calls the "misery of ignorance" and must be ever vigilant in working for the common good by working diligently for fundamental decisions to be taken in economic and political affairs, both on the national and international level which will everywhere recognize and satisfy the right of all to a human and social culture in conformity with the dignity of the human person without any discrimination of race, sex, nation, religion or social condition. Therefore it is necessary to provide all with a sufficient quantity of cultural benefits, especially of those which constitute the so-called

23 GAUDIUM ET SPES, supra note 14, ¶ 26 (emphasis added).
24 See id.
25 Id.
27 GAUDIUM ET SPES, supra note 14, ¶ 26.
fundamental culture lest very many be prevented from cooperating in the promotion of the common good in a truly human manner because of illiteracy and a lack of responsible activity.\textsuperscript{29}

Such tasks are profoundly demanding, and their hard challenges to the status quo or personal desires can be too easily abandoned. However, with divine assistance, \textit{Gaudium et Spes} purports, the common good can be realized.

Seeking the common good might be compared to the search for peace. The common good, like peace, is a process, and its demands are “constantly changing as time goes on.”\textsuperscript{30} As in the case of the realization of peace, the establishment of the common good may entail an “improvement in attitudes and abundant changes in society.”\textsuperscript{31} It is a task for every generation and “must be built up ceaselessly... [through] a constant mastering of passions and the vigilance of lawful authority.”\textsuperscript{32}

The vigilance of lawful authority, \textit{Gaudium et Spes} teaches, must be directed toward the common good. It is the State’s \textit{raison d’être} “in which it finds its full justification and significance, and the source of its inherent legitimacy.”\textsuperscript{33} Even given the diversity often found in the political community, the State’s responsibility is “to direct the energies of all citizens toward the common good, not in a mechanical or despotic fashion, but by acting above all as a moral force which appeals to each one’s freedom and sense of responsibility.”\textsuperscript{34} This may involve a political authority’s intervention “in order to bring about favorable conditions which will give more effective help to citizens and groups in their free pursuit of man’s total well being.”\textsuperscript{35}

While the Church places great responsibility upon the State, such political authority must not be exercised recklessly, but always with intent for an “ever broader realization of the common good.”\textsuperscript{36} The State then should always act “within the limits of the moral order and directed toward the common good—

\begin{footnotesize}
\begin{itemize}
\item[(29)] \textit{GAUDIUM ET SPES}, supra note 14, ¶ 60.
\item[(30)] \textit{Id.} ¶ 78.
\item[(31)] \textit{Id.} ¶ 26.
\item[(32)] \textit{Id.} ¶ 78.
\item[(33)] \textit{Id.} ¶ 74.
\item[(34)] \textit{Id.}
\item[(35)] \textit{Id.} ¶ 75.
\item[(36)] \textit{Id.} ¶ 74.
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with a dynamic concept of that good—according to the juridical order legitimately established or due to be established.\textsuperscript{37} What is truly needed in the end to ensure that a political community flourishes—one that promotes the universal common good—is “an inward sense of justice and kindliness, and of service to the common good, and [this functions] by strengthening basic convictions as to the true nature of the political community and the aim, right exercise, and sphere of action of public authority.”\textsuperscript{38}

At times, the Council fathers admit, competent political authority may restrict the exercise of rights for the common good and “citizens are bound in conscience to obey.”\textsuperscript{39} Citizens should resist the temptation to wage challenges to objective governmental moves that are “required for the common good.”\textsuperscript{40} However, “freedom should be restored immediately upon change of circumstances,” and the public authority must resist any devolvement towards “dictatorial systems or totalitarian methods which violate the rights of the person or social groups.”\textsuperscript{41} Should a competent political authority become oppressive and rights compromised, the Church supports actions by citizens. The Church believes citizens have a legitimate right to protest “while keeping within those limits drawn by the natural law and the Gospels.”\textsuperscript{42}

\textit{Gaudium et Spes} emphasizes that the Church’s mission is in concert with the State’s duty to promote and ensure the common good. It seeks to offer encouraging support to those institutions and governments, whatever form they might take, that “grant[ ] recognition to the basic rights of person and family, to the demands of the common good[,] and to the free exercise of her own mission.”\textsuperscript{43} Admittedly, the Church fathers assert that the vision which the Church offers may be at odds with the one others propose. Yet, “through honest discussion, preserving mutual charity and caring above all for the common good,” the common good can be enhanced.\textsuperscript{44}

\textsuperscript{37} \textit{Id.}.
\textsuperscript{38} \textit{Id.} \S 73.
\textsuperscript{39} \textit{Id.} \S\S 74–75.
\textsuperscript{40} \textit{Id.} \S 74.
\textsuperscript{41} \textit{Id.} \S 75.
\textsuperscript{42} \textit{Id.} \S 42.
\textsuperscript{43} \textit{Id.} \S 43.
Christians are exhorted to live responsibly in the "City of Man" with their heart and spirit focused on the abiding "City of God." Christians "are more obliged than ever to measure up to these [earthly] duties, each according to his proper vocation." This, the Council fathers observed, was an increasingly more challenging task in a global culture tending more towards an "individualistic morality" that runs counter to the establishment of the common good. People guided by such a moral system think only of themselves and can, at times, see themselves beyond "social laws and precepts, and do not hesitate to resort to various frauds and deceptions in avoiding just taxes or other debts due to society."

Christians have a "sacred obligation to esteem and observe" the demands of justice and love, all in respect to their "abilities and the needs of others." This, Gaudium et Spes notes, should engender the virtue of solidarity and create a bond of interdependence, whereby there is an attentiveness to fellow citizens and, realistically, of the whole global community. Solidarity is developed by the cultivation of "moral and social virtues" supported by competent civil authorities and with divine grace all in an effort to ensure the common good.

In the end, Gaudium et Spes provides the fullest appreciation of the common good. The document provides the official definition emanating from the Church's pastoral constitution and elaborates as to what comprises the conditions necessary for realizing the common good. As it was at the time of the composition of Gaudium et Spes, so it is now in 2011. There are a number of challenges that militate against the realization of the common good, including a tendency towards individualism and away from solidarity. Any sustainment of the common good involves work and, at times, sacrifices on the part of the citizenry, working in concert with the political community. For the Church, this is enhanced by Christians' relationship with the God of Jesus Christ.

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46 GAUDIUM ET SPES, supra note 14, ¶ 43.
47 Id. ¶ 30.
48 Id.
49 Id.
50 Id. ¶ 26.
51 Id. ¶¶ 30, 65.
After this study of the Church's teaching on the common good as found in *Gaudium et Spes*, the overtures towards the Church's position vis-à-vis labor unions, their membership, their goals, as well as related common goods—such as benefits packages, safe work environments, and guaranteeing rights—should be apparent. In Part II below on Roman Catholic Social Teaching, the connections should become clearer.

II. AN OVERVIEW OF THE HISTORY OF THE ROMAN CATHOLIC CHURCH AND LABOR UNIONS

In his discussion of the concept of natural law, A.P. d'Entrèves noted that function of the common good, the how it is employed, is more important "than the doctrine itself, the issues that lay behind it rather than the controversies about its essence." The same holds forth in any discussion of the common good. This is not to discount the significant value of a definition and, in Part I above, a comprehensive definition was presented from the Church as articulated in *Gaudium et Spes*. In this Part, the function, "the how," of the common good will be discussed through the lens of five papal social encyclicals. First, a word about Roman Catholic social teaching and then a discussion of five labor encyclicals that speak poignantly of the Church's position on labor unions vis-à-vis the common good.

Roman Catholic social teaching ("RCST") built upon Judeo-Christian sacred scriptures and lived tradition, offers considerable insight into the Church's appreciation for labor unions. This appreciation of labor unions is based on the fact that "[t]he Church's social teaching is a rich treasure of wisdom about building a just society and living lives of holiness amidst the challenges of a modern society." Modern RCST, beginning in 1891, can be located both in papal statements as well as documents from the conference of bishops or local bishops themselves. Each of these would have the respective degree of authority from which ecclesial office it is promulgated. There are also some insightful observations and critiques from Catholic labor leaders; however, these would be included in the official

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53 UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, United States Catholic Catechism for Adults 421 (2006) [hereinafter CATECHISM FOR ADULTS].
canon of social doctrine as the aforementioned ones are. Five papal encyclicals will be considered here to understand the Church’s teaching regarding labor unions.

In 1891, Pope Leo XIII issued *Rerum Novarum*, also popularly known by its subtitle “On the Condition of Workers.” In a volatile and quickly evolving economy fueled by philosophical ideas, revolutionary activity, both in politics and industry, and shifting demographics, Leo XIII addressed what forever has become known in the history of RCST as “[the social question],” what he considers “the great question of the future”:

> It is a question in which all should be interested, and each one should contribute his quota towards lessening and removing the difficulties with which it is at present beset. It is particularly desirable that ecclesiastics should be thoroughly conversant with the subject, and that they should take an active part in every discussion and in every movement that looks toward the betterment of the social condition of humanity, and especially the social condition of that major portion which must earn their bread by the sweat of their brow.

Peter Turkson recently called *Rerum Novarum* a “brilliant first chapter of the ongoing book called Catholic Social Teaching which all of us... are still engaged in writing.” Leo XIII sought to tackle the flowering socio-economic injustices where capital was prized over labor, and wealth and the profit produced by the workers’ toil is translated to the coffers of the ever-increasing wealthy class, too often leaving the laborer impoverished and without opportunity for advancement.

In this seminal document on RCST, Leo XIII spearheaded the Roman Catholic Church’s clarion effort to rectify the worker’s plight in the wake of the Industrial Revolution. Leo XIII addressed the horrific plight workers faced, including inadequate pay, long working hours, lack of a full complement of rights, and an array of compromised safety issues. Given this constellation

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of injustices, the Pope taught that humanity has an inherent dignity that should not be compromised by socialism. Moreover, humanity has the right to private property and to form voluntary associations and, consequently, the State has an integral responsibility to safeguard these natural rights. The Pontiff urged Roman Catholics to join labor unions as a legitimate force for transformation of the workplace and their lives, but cautioned, not prevented, members from membership in ones that were compromised by socialist ideologies and atheistic traditions. On unions as well as so many other labor issues, *Rerum Novarum* served as the magna carta for the Church’s political socio-economic teaching and has historically figured prominently in its influential role in market economies.

Subsequent to this pivotal trajectory, successive popes to Leo XIII often have referenced *Rerum Novarum* in their encyclical compositions and radio broadcasts, particularly on anniversary years, as a benchmark to mitigate the political socio-economic

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57 Stephen Schneck, *Rerum Novarum’s 120th Anniversary and the Vital Commitment of the Church to Workers*, CATHOLICS IN ALLIANCE FOR THE COMMON GOOD (May 12, 2011), http://www.catholicsinalliance.org/images/CGF_4-13-11_Schneck.pdf (“American Catholics should be especially proud of this tradition of support for workers’ rights, for defense of the Common Good, and for commitment to solidarity and subsidiarity because our own Cardinal Gibbons, Archbishop of Baltimore from 1877 until his death in 1921, played a key role in both suggesting the encyclical and fleshing out its principal arguments. In 1887, Gibbons was in Rome to receive his red hat. While there he had many agenda items to address with the Holy See. It was during discussions over whether or not the Vatican should condemn the economic theories of Henry George that Gibbons suggested Pope Leo write an encyclical on social issues. More importantly, it was during that same visit that Gibbons pleaded, successfully, for the Vatican not to condemn the Knights of Labor, an early labor union led by a devout Catholic layman, Terence Powderly. At this time, the Church was still wary of secret societies, such as the Free Masons, and Gibbons explained that the reason the Knights of Labor needed to maintain secrecy stemmed not from any anti-clerical agenda, but from the need to protect themselves from the infiltration of their meetings by employers trying to frustrate the union’s efforts. Gibbons understood that the Church’s credibility with its own people was at stake. In a memorial drafted for him by the first rector (president) of The Catholic University of America, John Joseph Keane, Gibbons stated, ‘To lose the heart of the people would be a misfortune for which the friendship of the few rich and powerful would be no compensation.’ The Vatican decided not to condemn the Knights of Labor as a secret society.”)
challenges they faced during their pontificate. This was the case with *Quadragesimo Anno* (1931),<sup>58</sup> *Laborem Exercens* (1981),<sup>59</sup> *Centesimus Annus* (1991),<sup>60</sup> and *Caritas in Veritate* (2009).<sup>61</sup>

Pope Pius XI's *Quadragesimo Anno*, commonly known as "Reconstruction of the Social Order," was written in a very precarious time in history. The positive excitement of the roaring twenties celebrating the relative-calm peace after the "Great War" had given way to the painful demise of the stock market, sending the economy into a tailspin. Many people lost everything they had. Unemployment was so widespread that the prospect for replenishing their financial coffers did not seem to be in the forecast of their lifetimes. The horrors of what has become known as the "Great Depression" could never be underestimated; its effects were legion.

In 1931, Pius XI penned this encyclical to commemorate *Rerum Novarum* and to reflect on its helpfulness for setting the course in economic society. Cooperation among civil and ecclesial authorities had helped the worker advance. In particular, Pius XI noted that unions had become a *sine qua non* in the defense of the worker from the "hands of the powerful"<sup>62</sup> and concurrent labor rights in an era that came to be known as the "Welfare State."<sup>63</sup> Pius XI deemed it a "criminal injustice" on the part of the State where "the natural right to form associations" was stifled.<sup>64</sup> Further, he observed that "some Catholics" also participated in such aforementioned behavior because they considered "associations of this type as if they smacked of a socialistic or revolutionary spirit."<sup>65</sup>

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<sup>62</sup> *QUADRAGESIMO ANNO*, supra note 58, ¶ 30.

<sup>63</sup> *CENTESIMUS ANNUS*, supra note 60, ¶ 48.

<sup>64</sup> *QUADRAGESIMO ANNO*, supra note 58, ¶ 30.

<sup>65</sup> Id.
Now, forty years later and with a debilitating global economy in force, Pius XI, in his own encyclical, indicted the State for its support of unbridled capitalism and totalitarian communism. Humanity's freedom and dignity must never be eclipsed by either an unchecked capitalism or unrestrained communism. Any unchecked favor on the State's part towards capitalism has only contributed to the economic woes of the past four decades. Class struggle has only become more acute and divisive. A communist state, however, was also not Pius XI's solution. It proposed rebellion, jettisoned religious belief, and abolished private property, so central to humanity's development and freedom.

Pius XI sought to refocus the State's role in reconstruction of the social order. The State, as Pius XI understood it, cannot be an uninvolved bystander in the economy, but must engage more fully the at-times tenuous labor and capital relationship. Pius XI proposed the values of solidarity and subsidiarity to counter industrialization-isolated pursuits and encouraged decision making at the lowest level.

The Pontiff was also mindful that while the Church preferred Catholics founding and joining Catholic labor unions, they were "almost forced to join secular labor unions." These secular unions, Pius XI believed, had an obligation to "always profess justice and equity" and never prevent Catholics from attending to the primacy of their consciences and being obedient to the "laws of the Church." Pius XI held bishops accountable for ensuring that when Catholic workers have no other choice, the bishops should approve of their membership, always careful that a given union is not antithetical to the Catholic faith and there are mirror associations to fill in the gaps. These religious associations are charged with moral and religious formation so that Christians might in turn be able to influence unions and their efforts.

Fifty years later, John Paul II tackled the question of work straightforwardly in his encyclical *Laborem Exercens*, "On Human Work." In this encyclical, John Paul II identified work as the heart of Leo XIII's "social question." Unfortunately, at the time of John Paul II's encyclical, unemployment and

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66 *Id.* ¶ 35.
67 *Id.*
68 *LABOREM EXERCENS*, supra note 59.
69 *Id.* § 1.
underemployment rates had soared to levels not previously seen in history. Further, there was an increasing concern for undocumented workers being exploited.

Work, John Paul II acknowledged, is so much a part of humanity's life. It contributes to the building up of God's creation, builds up the individual, and generates a wage. Continuing the tradition of his predecessors, John Paul II sought a more central economic pathway between the extremes of capitalism and Marxism. Private property is subordinated to right of common use.

John Paul II, a man intimately familiar with the Solidarity movement in his native Poland, extolled the right of association in labor or trade unions “for the purpose of defending the vital interests of those employed in the various professions.” In his reflection on unions, he compared them to the “mediaeval guilds of artisans” who migrated towards each other because of the common labor they shared. Unions, John Paul II noted, were born quite differently. Unions emerged not from an eagerness to share in the same craft, but from a zealous desire to right the wrongs of employment conditions and concurrent just rights that had become corrupted by capital concerns over labor, owners' advancement at the expense of workers, particularly at the time of the Industrial Revolution. As John Paul II emphasized, “Their task is to defend the existential interests of workers in all sectors in which their rights are concerned. The experience of history teaches that organizations of this type are an indispensable element of social life, especially in modern industrialized societies.” Having said this, the Pope teaches that unions serve the common good as “a mouthpiece for the struggle for social justice, for the just rights of working people in accordance with their individual professions.”

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70 Id. § 20.
71 Id.
72 Id. Obviously, this does not mean that only industrial workers can set up associations of this type. Representatives of every profession can use them to ensure their own rights. Thus, there are unions of agricultural workers and of white-collar workers; there are also employers' associations. All, as has been said above, are further divided into groups or subgroups according to particular professional specializations.
73 Id.
Such a struggle is normal and inevitable, but should be motivated by a desire to resolve challenges justly. Work is meant to unite people and has that “power to build a community.” Any union’s intentional effort to pit membership against management and owners would be antithetical to its role in securing social justice. Work has a “social power: the power to build a community.” All activity to “secure the rights of workers” should be driven towards enhancing the common good of the whole of society—everything defective in the system of ownership of the means of production or in the way these are managed. Social and socioeconomic life is certainly like a system of “connected vessels[,]” and every social activity directed towards safeguarding the rights of particular groups should adapt itself to this system.

Unions are clearly a “constructive factor of social order and solidarity, and it is impossible to ignore it.” Admittedly, unions are political as they have a “prudent concern for the common good.” John Paul II, however, warned unions not to engage in “politics,” as the term is understood today. Any strong alliances with a political party could eclipse their purpose in serving the common good and the “just rights of workers,” and, in turn, “become an instrument used for other purposes.” In many respects, by aligning themselves with political parties, unions “dishonor the very principles of the rule of law by engaging in a corrupt, symbiotic relationship with lawmakers.”

John Paul II placed great responsibility on unions. The Pope understood their role as educative and training laborers to develop their skills and advance in their professions. This may take the form of a formalized institutional setting, training programs, or courses. “It is always to be hoped that, thanks to

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74 Id.
75 Id.
76 Id.
77 Id.
78 Id. (emphasis omitted).
79 Id. (emphasis omitted).
the work of their unions, workers will not only have more, but above all be more: in other words, that they will realize their humanity more fully in every respect."\textsuperscript{81}

Realistically, there will be moments when unions and management will arrive at standstills in their negotiations. A strike or work stoppage, "a kind of ultimatum to the competent bodies, especially the employers,"\textsuperscript{82} can be legitimately set in motion. However, while a legitimate option, "it must not be abused especially for 'political' purposes."\textsuperscript{83} At the same time, when human services and welfare are at stake because of a lighter or absent workforce, legal venues to provide for the common good must be met or else "paralysis of the whole of socioeconomic life" could transpire which is antithetical to the "requirements of the common good."\textsuperscript{84}

To commemorate the centennial anniversary of \textit{Rerum Novarum}, John Paul II wrote \textit{Centesimus Annus} in 1991.\textsuperscript{85} Much has changed since Leo XIII's composition and even since his earlier \textit{Laborem Exercens}. The Cold War was quickly fading into history as communism had fallen in Eastern Europe; once prominent socialist tyrannies had been toppled. John Paul II understood this as an ample opportunity for reflection on these two ideological systems and their misleading regard for the worker and labor. Labor had become a commodity at the expense of the worker. Former communist leaders only had become the new corporate ones. The "fundamental error of socialism" is that it is based on an atheistic view of humanity instead of a transcendent one; it leads to a "social order without reference to the person's dignity and responsibility."\textsuperscript{86}

The free market, John Paul II noted, "is the most efficient instrument for utilizing resources and effectively responding to [the] needs" of the human person.\textsuperscript{87} While capitalism respects and permits human freedom, John Paul II was quick to warn that a pervasive consumeristic mentality could cripple the capitalist economy. The State has a responsibility to protect these and the other natural human rights, including a just wage,

\begin{flushleft}
\textsuperscript{81} \textit{Laborem Exercens}, supra note 59, § 20.
\textsuperscript{82} Id.
\textsuperscript{83} Id.
\textsuperscript{84} Id.
\textsuperscript{85} \textit{Centesimus Annus}, supra note 60.
\textsuperscript{86} Id. § 13.
\textsuperscript{87} Id. § 34.
\end{flushleft}
workplace safety, a schedule that admits leisure time, and benefits for women and children. The State, the Pontiff amplified, is a means of justice for the poor in its safeguarding the human rights of its citizenry, particularly society's most vulnerable.  

In an effort to move forward, John Paul II extolled the value of private property and the right to form private associations, including labor unions. No State should inhibit this latter right, nor preclude its efforts to "deliver work from the mere condition of 'a commodity', and to guarantee its dignity." Unions play an incredible role in both ensuring the relationship between management and employees and also speaking on behalf of employees in instances where that is not possible. They negotiate contracts, salaries, and benefits, and ensure authentic human development vis-à-vis work.

In the midst of a rather insidious and struggling "post 9/11 economy," Benedict XVI issued the third encyclical of his tenure, Caritas in Veritate, "Charity in Truth." In this 2009 letter, Benedict XVI acknowledged that economics cannot be divorced from ethics. Such a separation has led to "systems of protection and welfare." These systems are "finding it hard and could find it even harder in the future to pursue their goals of true social justice in today's profoundly changed environment." In place of that, Benedict XVI noted that "the principle of gratuitousness" and the "logic of gift" can guide commercial relationships "as an expression of fraternity" and must find their place within normal economic activity. True charity pays attention to more than just rights and duties and expresses itself in solidarity.

Benedict recognized that while the global market has enjoyed incredible success in the area of outsourcing, lower costs of goods, increased purchasing power, and rate of production, there is also greater competition for business among states. The labor market has been compromised in some sense by being "sold to the highest bidder," at times in locales where social

88 Id. ¶ 11.
89 Id. ¶ 19.
90 CARITAS IN VERITATE, supra note 61.
91 Id. ¶ 25.
92 Id.
93 Id. ¶ 34 (emphasis omitted).
94 Id. ¶ 25.
security systems may or may not be in place for the employee. Wealth creation and development have too often been at the expense of the poor. Fundamental human rights and a commitment to solidarity are at stake with these new economic arrangements.

Unions should have the wherewithal to rectify any compromised systems of social security and secure workers' rights. More and more, Benedict XVI observed, unions are facing stiff competition from the labor venues, international institutional power, and budget cuts. The State, "for reasons of economic utility, often limit[s] the freedom or the negotiating capacity of labour unions." Labor unions, which are so critical to the world of work and have been supported consistently by the Church, "should be open to the new perspectives that are emerging in the world of work." There are many more complex issues that unions have to contend with than ever before. "[N]ew forms of cooperation," particularly at the "international level, as well as the local level," are urgently needed. For instance, the Pope admits that engaging solidarity to ensure workers' rights is not easy in traditional forms of unions. In addition to the important relationship between the employer and employee, credence must also be given to the consumer. The consumer, for better or worse, has become the focal point in the post-modern economy. Unions cannot ignore that. Benedict XVI also asks them to turn their gaze beyond their membership to the global community where so many workers experience incredibly unjust labor violations. Their efforts might involve "appropriate [union] initiatives aimed at their countries of origin" and validate their commitment to labor development outside their own purview. In turn, it may lead unions to be greater players in international economic development. Unions then could play a more virtuous role in politics by their paying attention to the more vulnerable.

95 Id.
96 See id. ¶ 36.
97 Id. ¶ 25.
98 Id. ¶ 64.
99 Id. ¶ 25.
100 Id. ¶ 64.
CONCLUSION

In February 2011, Jerome Listecki, president of the Wisconsin Catholic Conference of Bishops and the archbishop of Milwaukee, published a statement regarding worker rights and the role of unions. On behalf of his suffragan bishops, Listecki indicated the Conference’s position in the very volatile economic challenges that the Wisconsin legislature and, he noted, broader society, including the Church, faced. On the one hand, moral obligations towards “legitimate rights of workers” cannot be jettisoned because of the present financial dilemma. At the same time, Listecki noted that not all agenda proposed by laborers or their union representatives is legitimate. There is a larger concern for the common good that trumps some claims proposed. An economy directed toward the common good will then involve sacrifice, but undoubtedly lead to a healthier and more just recovery.

Deference to the common good might be quickly dismissed because of its trite place in speech. The Church, however, has a different appreciation; it offers more substantive grounding and informed resolve. This is the common good to which Listecki appeals. In Gaudium et Spes, the Church concretely defined the common good. An ethic of the common good engenders or, at least, should prompt a more profound respect for all the people. It seeks to uphold the dignity and role of all human persons in pursuit of human flourishing. Responsible, virtuous political authority is critical to ensure that the conditions for the common good will flourish for full human, authentic development.

Throughout the history of RCST, there have been different popes who have used this ethic of the common good to critique and challenge the socio-economic configuration of society. “The central focus of the Church’s social teaching is justice for all,

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102 Id. The Catholic Church in Wisconsin is divided up into five difference dioceses. The dioceses are: the Archdiocese of Milwaukee, the Diocese of Madison, the Diocese of LaCrosse, the Diocese of Green Bay, and the Diocese of Superior. For more details on the hierarchy of the Church in Wisconsin, see About the Wisconsin Catholic Conference, WISCONSIN CATHOLIC CONFERENCE, http://www.wisconsincatholic.org/about_us_home.cfm (last visited Nov. 8, 2011).
especially for the helpless and the poor. It involves the removal of the symptoms and causes of poverty and injustice." The common good has served as the archetype for the arrangement of society or a "normative description of social coherence." It has been important because it has expanded the range of our moral action and sense of responsibilities, both to regulate present behavior and forge a constructed future of hope where all might flourish.

Labor unions have served the cause of the worker nobly since their foundation. The Church, in turn, has supported freedom of workers to unionize. The economy in America and, indeed, many other parts of the world seems to be at a critical moment in its history. It would be unfortunate if the rich, laudatory history of unions were clouded without a regard for the common good. Sustaining the future of strong and meaningful unions depends on their commitment to the common good.

104 CATECHISM FOR ADULTS, supra note 53.


106 In fact, an ethic of the common good includes civil law, in its proper orientation. The common good, as understood in the Roman Catholic tradition, is the end and purpose of law. Civil law makes no sense without being directed toward the realization of the common good. ST. THOMAS AQUINAS, SUMMA THEOLOGICA, pt. I-II, Q. 90, art. 3, in ST. THOMAS AQUINAS ON POLITICS AND ETHICS 44, 45 (Paul E. Sigmund ed. & trans., W. W. Norton & Company 1988).