

The Catholic Lawyer

Volume 2
Number 3 *Volume 2, July 1956, Number 3*

Article 14

April 2016

The True Purpose of Right-To-Work Laws

Ferdinand Falque

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Catholic Studies Commons](#)

This Reprint is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

THE TRUE PURPOSE OF RIGHT-TO-WORK LAWS*

FERDINAND FALQUE

True Purpose of Right-to-Work Laws

“Right-to-Work” laws, which are in reality anti-compulsion laws, came into existence not with a view to preventing the formation and growth of labor unions, but with a view to protecting workers from exploitation at the hands of labor monopolies. They are of comparatively recent origin; their need being felt long after labor organization had been recognized as necessary and valid. They are an effort to restrict the monopoly power of any union or group of unions over the work of free citizens in a competitive free economy. They grew from the same type of abuse of power on the part of unions as that on the part of capital management in the days before anti-trust laws.

Modern labor unions have made political action one of their main objectives; in fact their objective is to take over government and make government subservient to the will of a few powerful union leaders. Under such conditions compulsory membership in unions would deny to American citizens the exercise of their basic political rights as free men. Once unions possess unrestrained power to compel membership, they can become a power higher than civil government; in fact they will have become the State.

“Right-to-Work” laws, as they have been formulated and enacted in eighteen of the United States seek to protect this fundamental political freedom of American workers by restricting unionism to its true purpose; the organizing of workers to secure their just rights and to share in the benefits of industry.

*Reprinted with permission from the pamphlet published by The Heritage Foundation, Chicago, Illinois.

Father Falque is pastor of Sacred Heart Church, Staples, Minnesota.

Natural Right Not to Join

There can be no question about the moral right of workers to organize into private associations. This is a natural right which government cannot take away or so restrict as to make the right ineffective in practice. The right of private associations is however, not absolute; it can be and should be brought under regulation by law. Therefore government, as the instrument of the State, must protect the freedom of association; that is, it must provide that individuals be protected in their natural right not to join a private association, as well as to join. To deny this freedom by legalized compulsory association would transform a right into an obligation.

Compulsory membership in a union on the part of all workers, therefore, changes the picture entirely, from a moral point of view. It is vain to cite the benefits of higher wages, better working conditions and more effective collective bargaining on the part of unions as an argument against the morality of "Right-to-Work" laws. Labor organizations, themselves, are fruits of freedom. They grew, like our industries, from incentive with a free moral purpose. What is involved is a principle, not the material benefits flowing from association in unions. The principle involved is that a worker is always a person, first. He has the right to work as part of his moral nature which neither the State nor any lesser organization of society can take away from him. To say that he must at times relinquish this personal right to a collectivity because of an economic benefit flowing from collective action is to talk nonsense from a moral point of view. To demand that man, because he is a social being, must relinquish his moral rights to a collectivity

is to manifest a complete unawareness of the most basic of Christian moral concepts, the nature of human acts. Only the free actions of an intelligent agent can become the subject of morality. Man's personal freedom is not something which he owes to society, or something that society must at times disregard for material advantages; but something anterior to society and something upon which all Christian civilized organization must depend.

When we see this we have the proper notion of Christian freedom; when we fail to see it, we deny the very foundation of morality; substituting utilitarianism for ethics. And when we subordinate freedom in this inalienable moral sense to the needs of society, we are advocating materialistic totalitarianism, stark and naked, no matter how filled with uplift our sentiments and purposes may be.

Personal Rights Must Be Protected

Man as man needs society; as a robot he needs only organization and regimentation. His need for society as a social being is his need for association with other free men to develop to the fullest his moral person. He needs family and property to possess his freedom; he needs the community to safeguard and exercise his freedom; he needs the Church to save his soul freely and he needs the State to protect him permanently in his personal rights. Just as there can be no conflict between man as a free person and man as a social being, so there is no conflict between inalienable rights and the claims of the family, the clan, the Church or the State. They all flower and grow out of man's freedom and exist because of it. Christ founded the Church to save the created free entities we

call souls. The founders of this nation established a government and constitution which recognized and protected the freedom of individual men. Both are premised on the query: "What exchange shall a man make for his soul?"

When we clearly understand this, we can begin to appraise the morality or immorality of "Right-to-Work" laws or of any law, for that matter. The proper concept of the common good presupposes freedom of the individual. There is no conflict between individual freedom and the common good in laws of just taxation, the decalogue, draft laws in time of real danger and the requiring of civil and religious oaths. All of these are results of free men associating themselves into a society which like them as individuals, has the right of existence and self-protection.

Unions Are Voluntary Associations

A labor union which is an association of free men can legislate for its membership, and members do no violence to their freedom in abiding by its regulations, unless these are contrary to the natural moral law. But a labor union as a private association has no moral right to compel membership and regulate the rights of members embraced by it against their free will. Not even the perfect society of God's Church was chartered to compel the salvation of souls. The State is a perfect society, and can enforce those things that are necessary for its safety and peace, because God is also its Author. But labor unions are not perfect societies, i.e., societies not dependent upon higher authority such as the Church and State. They can never rise above being voluntary associations of free men. To argue that they must compel

membership to achieve their ends, would be to confess that they have no ends worthy of achievement.

The Church has always loved organization, because organization means concerted brotherhood in pursuing that which is good. But noble and beneficial as are the Church's own organizations, her religious communities, fraternities, orders, there is no place in any of them for compulsion. It is of the essence of their every charter and constitution that they be embraced freely. Is there no significance in this for associations that seek to promote economic and social betterment by means of concerted action? Are not the unions in the true mind of the Church associations of free men? How can the stigma of immorality be hurled at those who advocate freedom above economic utility? The answers will enable us to see the anti-compulsion laws in a truer light.

Fallacious Arguments Advanced

Religious Orders, like labor unions, are voluntary associations of free men, who may want to relinquish some of their freedom for higher purposes. But neither a religious order with its noble objective nor a labor organization with all its zest for the material prosperity of its membership are perfect societies. The religious order comes under the perfect society we call the Church and the labor union comes under both the Church and the State. Their admittedly laudable objectives can never be the basis for forcing membership.

Thus to argue that "Right-to-Work" laws are unethical because union security may not be fully protected by them, is to argue that union's right to compel membership is the same as the State or society's

right to admit only approved practitioners to the licensed professions, such as law and medicine. This argument is completely fallacious. The right to work is more basic and less capable of being appraised than the right to practice medicine or law. The right to work is as basic as the right to breathe and the right to use one's eyesight. Not even a perfect society in the American sense, or the Church in the Christian sense, can deprive individuals of these natural rights without moral violation. What is not permitted these perfect societies, cannot be allowed such an imperfect society as a labor union.

Forced Union Membership Never Morally Justified

Referring to His mission Christ said: "They who take up the sword shall perish by it." Force and Christianity can never be partners even to achieving the noble fruits of the Redemption. Force is only morally justifiable when used to resist force allied to evil. It cannot be strongly enough emphasized that the Church, the perfect society, does not compel membership. God, Himself, does not compel the free conscience of man. The *direct voluntarium* of force rightly used has to be always the releasing of victims of force. Only thus is it justified in all Christian law and practice.

Under Christian social teachings, forced union membership can never be morally justified. We have but to think of the possible consequences to see this even more clearly. Many of the dollars that go from American parishes to support so-called Christian labor experts in Washington are sent by little people and little priests who paint their own churches, cut their own lawns, build their own altars, teach their own children, care for their own sick and

aged, cook dinners and organize festivals. If union monopolies of work could prevent this tomorrow, these parish churches could not maintain themselves. If nursing and teaching unions could demand membership to the exclusion of practicing these professions, what would become of our schools, hospitals, orphanages, staffed by religious who have voluntarily sacrificed their just union wages? If unions, dominated by evil materialism alone, or outright Communist dominated unions, had the monopoly they seek, what would become of Christians who, on principles of conscience, could not join? Once the unions are so legalized that they can control all work in each of their respective fields, what is to become of decent human ambition, incentive, resourcefulness and creative planning? Might not seven brothers want to make tables and offer them for sale buying their own materials and doing their own work for no pay other than a legitimate profit and the job of furnishing others with a good product? Were not Ford and General Motors started by such little associations? Would there be a chance for them to start under union monopoly? Take out all the industries that have so originated under freedom in America, and what jobs will be left? These questions open vistas not often discussed in union newspapers or open to the minds behind union slanted social studies: Are we not in our eagerness to justify material prosperity as collectivists envision it, forgetting our souls and the basic things to our peace?

Name Calling Is Not a Moral Argument

Citizens banding themselves together to vote for laws that would limit unions in

their monopoly efforts are also exhibiting a brotherly concern for one another. To brand them as employer interests and evil capitalists is good name-calling, but it is not valid moral argument. Advocates of "Right-to-Work" laws may be more sincerely interested in the welfare of workers than advocates of union monopoly. It may be that they are less materialistically inclined, but since when has that become un-Christian? Their cause is in the realm of freedom. Workers may be so backward as to prefer to work long hours and live poorly and yet remain free; to work or not to work for their chosen employers, but beyond this they should not be condemned. They may have a Christian theory too, to live by. They may be deluded by the conviction that the things of the spirit give happiness and true welfare and that wages, pensions, leisure, security, spending, inflation and economic planning have not too much to do with the better life. They may just dislike becoming an impersonal part of any plan, such as joining a union. This is a bit individual, but is it perverted and degrading as the union professional would have us all believe? May it not be that as free men and women they would rather seek first the Kingdom of God and His justice, knowing that all these things, and the gadgets too, would be added in time?

Social Action Emanates From Persons

There has been an emphasis, out of proportion to all reason and reality, on the value of collective action in Christian moral writings over recent years. A dialectic has been evolved to justify it theologically, a dialectic with terms, slogans and half truths gleaned for the most part

from the writings of sociologists and educators of a persuasion that is not Christian. This has resulted in many popular misconceptions; such as for example; the notion that the art of worker churches should reflect the factory, that communal participation consists in vocal and vernacular unity of worship, that corporate and cooperative methods justify all objectives. It is just taken for granted that labor unions are the only means of social reconstruction.

We may need the calamities of collectivity to awaken us to the value of persons. Social reform is more personal than social. Only the objectives of ameliorating the ills of society are social. The means and action have to be personal. Christ's grace is given to individual souls. All the sacraments are personal in their efficacy.

There is a great truth behind all this. Social action and reform have to emanate from persons. Everything that relegates persons to a specific place in a collective whole is a natural barrier to social progress in the Christian sense. Single employers who used ruthless methods and force to exploit workers have damaged communities more than an invading army. But single employers who sought our methods of enriching their employees and sharing with them the benefits of industry have also accomplished more for labor reform than all the labor unions combined. In fact, union leaders simply try to emulate such employers.

It is recounted in the life of Saint Pius X, that he changed the industrial face of a city in which he served as pastor by one visit to an industrialist, a non-Christian silk manufacturer. He pleaded with him to remodel his plant so as to furnish light, comfort and a more pleasing environment

to his workers and thus increase his own output and profits. He explained to him that this would enable him to pay higher wages and lighten the hours of toil in his mill. The employer cooperated and the venture was a social reform of no mean material proportions as well as an example to business and industry generally. St. Pius was careful to deal with the employer as a person in a personal way with arguments about the human and personal welfare of the workers as his means and technique.

Thus the future Pope exemplified in an object lesson the teachings of all the modern Pontiffs as regards the social question. It is only when we study the Encyclicals piece-meal in the momentum of modern materialistic liberalism that we come from them with disjointed doctrines about the total dependence of men upon society. Imbued with Hegelian doctrines of collectivity and with cynicism about man and his worth as an individual, it is possible to orientate all the Encyclicals away from their prime purpose. We have but to scan some Christian social writings and pronouncements to realize that the value and importance of the unions loom large on Marxian and Hegelian theories taken for granted, rather than upon their actual accomplishments and objectives in the light of Christian principles. To deny this danger, is to bury one's head like an ostrich.

Could The Attack Be Another Communist Trick?

The Communist aim of dividing Christians on fundamental social and economic issues is partially fulfilled. They have us flinging epithets like "reactionary" and "ultra-conservative," "isolationist" and "laissez-faire" Christians, at all who do not throb with emotion at plans for world reform by spending money, a mechanistic brand of internationalism, and glorification of labor union mergers, syndicates and growth in balance of power.

The uproar about the evils of "Right-to-Work" laws might well be found to have its source in the same Communist and Socialist camps. Christians, too eager to be in step, forget the humble first truths like the fact that every worker is a person first and all persons are workers. The Church sees no classes and therefore cannot favor class legislation. Something so native and intimate to us all as a right to work cannot be bartered because of the fashions of social thought of the moment. Laws that impede unions from gaining a monopoly of our free citizens are not, as the collectivist liberals would have us believe, a threat to the welfare of workers; rather, they are a minimum protection of the worker's individual conscience. All true morality gauged to eternal objectives is on the side of such laws.

