

Is Catholic Social Teaching the Same as Individual Contract Theory?

Brian Dijkema
Program Director, *Work and Economics*
Cardus

Charles Baird says that he, along with the papal encyclicals beginning with Leo XIII's *Rerum Novarum*, "unequivocally endorse[s] some form of trade unionism."¹ I would like to test that assertion against what he has written on the subject of trade unions. What evidence is there in Baird's writings for someone who hopes to discern the church's teaching on labor unions? What is there in Baird's written works that will shape someone's opinion, their workplace, and maybe their actual trade unions for unequivocal support of unionism?

I ask this because a review of Baird's work—and here I focus mainly on the theological work done in *Liberating Labor*—shows such a focus on voluntarism, one particular aspect of trade unionism, that it appears to be the *only* thing that matters. It might be more accurate to suggest that he actually only endorses trade unionism equivocally. Even that, however, might be saying too much. For instance, this comes from his website: "Congratulations to the workers at the Chattanooga VW plant for defeating the efforts of the UAW to turn Chattanooga into Detroit. Good jobs are union-free jobs."² *Good jobs are union-free jobs*. This is a long way from an unequivocal endorsement of some form of trade unionism; it is a long way from even equivocal support for any form of trade unionism.

We see this kind of focus on the voluntary aspect of trade unions because large sections of the papal encyclicals that speak about why trade unions were formed, their purpose, why they were needed in the first place, and what they *should* do, are all but ignored in Baird's analysis. In fact, Baird focuses so heavily on voluntarism that, even if one believes trade unions *should* be voluntary associations, one begins to wonder if Baird might not be advocating for a position

that comes under as much scrutiny from the Church as do coercive trade unions. I think he does, and I think he is being dishonest or naïve when he suggests that he is supportive of trade unionism in any form.

I would like to challenge Dr. Baird to differentiate his concept of voluntarism from the type of individualism that comes under severe scrutiny from all of the papal encyclicals and appears to be the dominant ideology of our day. Further, I would like to suggest that if he cannot provide an adequate differentiation then his interpretation of Catholic social teaching might become vulnerable to the very coercion that he rightly maintains is antithetical to human liberty and flourishing.

First, let me clear the air and remove the possibility that my challenge to Dr. Baird will be interpreted as coming from a place of satisfaction with the state of the labor movement in North America. I agree with Lew Daly of the left-wing think-tank Demos:

I believe that widespread indifference and even hostility toward religion among progressives and Democrats in recent years has helped to reinforce certain trends in our political and legal culture that are equally hostile to the goals of organized labor and, indeed, to the very idea of organized labor.³

Trade unions are at their strongest not when they use the coercive powers of the strike or litigation but when they leverage moral force, or what Thomas Aquinas would call *directive power*. This is not to suggest that all use of coercive force by unions is negative; in fact, papal encyclicals are clear about “the positive role of conflict when it takes the form of a ‘struggle for social justice.’”⁴ However it does suggest that unions are at their *most* powerful when, as Daly says, their “religious ideas helped to expose, more than resolve, profound tensions in American liberalism around labor issues generally and the place of unions in particular.” The loss of this wellspring of power for labor has, paradoxically, caused the labor movement to double down on its exercise of other means of power. There is a line to be drawn between the labor movement’s loss of faith and its increased emphasis on the importance of coercive force, as well as its increasing focus on the state as a means of that. Unions are increasingly looking to the state as the source and guarantor of workers’ rights, as indicated by the fact that nine of the top fifteen political donors in the United States in the last thirty years are labor unions.⁵ Leo XIII’s highlighting of the link between atheism and what John Paul II would later call the “mistaken concept of the nature of the person” that results in this faith in the state remains valid.⁶

Second, I want to affirm Baird’s insistence that membership in trade unions should be voluntary. While I will argue below that Catholic social teaching pro-

vides space for difference on what exactly that means, it is fair to say that forced union membership violates what John Paul II describes as the “subjectivity of the individual.”⁷ In other words, it works against the dignity of an individual as a creature of God who is given the ability to exercise their will. Americans, I am sure, are used to hearing this critique, as it is the key talking point in most “right-to-work” debates in the United States. Although, as I will suggest below, this discussion has not taken seriously the whole of Catholic social teaching.

There is, however, another downside to forced membership that is less discussed. Forced membership also violates what John Paul II describes as the “‘subjectivity’ of society.” Following Leo, John Paul II notes that

the social nature of man is not completely fulfilled in the State, but is realized in various intermediary groups, beginning with the family and including economic, social, political and cultural groups *which stem from human nature itself and have their own autonomy*, always with a view to the common good.⁸

The failure to take seriously the voluntary nature of trade unions and other social economic associations harms not only individuals but also harms trade unions themselves that, I want to underscore, *have their own autonomy*. Coercion harms not only individuals but also trade unions.

Furthermore, trade unions have far too often focused exclusively on maximizing an economic return for their members while neglecting to come to terms with the fact that they, alongside employers, form a producing community that in turn exists within a complex web of other communities. While certainly the economic and juridical aspects of trade unions are important parts of a union’s function, too often unions have sacrificed individual creativity and have diminished the elements of judgment that help make work meaningful in favor of clauses in collective agreements that protect and enhance economic return for workers but that simultaneously standardizes workers and forces them to work in ways similar to cogs in a machine.

Associations with Autonomy, or Individual Contract Theory?

Having established my bona fides as a critic of North American trade unionism, I would like to outline what Baird describes as the consequences of his interpretation of the form of labor unionism that he believes the Church endorses. I quote at length to give the full picture:

Each individual worker would be free to choose which, if any, union from which to obtain representation services. Similarly, each union would be free to choose which of these willing workers it would agree to represent. Each union would, then, represent its voluntary members and no one else. No employer would be compelled to bargain with any union, and no union would be compelled to bargain with any employer. If a worker chooses to be represented by a union that is willing to accept the terms of such an association, any employer who wants to bargain for the employees' services would have to bargain with the union chosen by the worker, but any employer would be free to decline to bargain for the services of any worker, whether represented by a union or not. Any individual employer could choose to let his workers decide the question of union representation by majority vote of his employees. As I stated before, there is nothing wrong with the principle of representation itself.... Workers who are willing to go along with that process would accept employment with that employer, and other workers would not. Any employer would be free to decide to hire only union-free labor, or only unionized labor. Workers who are amenable to that arrangement would accept such employment offers, and other workers would not.⁹

To recap: Workers can choose to join a union, or not. Unions can decide to represent workers, or not. Unions would only represent workers who chose them individually, unless the employer (why the employer I do not know) chooses to let his workers decide by majority vote to allow the union exclusive representation, but then, an employer is free to be union-free as well. Unions are not compelled to bargain with any particular employer, but, then, employers are under no obligation to either bargain with the union or any particular worker either. In short, there are no real ties that bind in Baird's concept of unionism, and certainly the state has no role in providing laws that might allow associations any binding strength when they form. The only real power that is exerted by anyone is the individual or the individual employer (which, incidentally may be an individual or a massive public corporation).

Does Baird actually think this will lead to the concord, stability, and peace among workers and employers that Catholic social teaching seems to be after? More pointedly, is the work begun by Leo XIII and continued by Pius XI and then John Paul and Benedict—the vast treasury of Christian social teaching on labor and economics—a sacred simulacrum of liberal contract theory or a pale papal Gestetner of Robert Nozick?

John Paul II notes that *Rerum Novarum* was written as much against “the prevailing political theory of the time [that] sought to promote total economic freedom by appropriate laws, or, conversely, by a deliberate lack of any interven-

tion”—the liberals of the day—as it was against the socialist currents of the time.¹⁰ All papal encyclicals since Leo’s have kept up this double-barreled critique. Is Baird’s concept of trade unions—or of any economic association—different from that criticized by Leo and Church teaching? If so, how? If the response is that it teaches that freedom is to be exercised virtuously whereas liberal and anarchist teaching is indifferent to virtue, what, in a world where economic transactions often involve “force, fraud, and usurious dealing,” stands in the way of protecting workers, many of whom, even in our wealthy age, are “as a rule, weak and unprotected”?¹¹

The implication of the church’s critique of “total economic freedom” is not that the particular type of freedom in question needs restraint per se but that it is not total. It is incomplete unless it is balanced and made whole by other types of freedom as well as being protected by various institutions including mediating institutions such as trade unions. Papal teaching, as Baird notes, unequivocally endorses these and provides a framework by which they are not only to be properly understood but also promoted. If the Church does not allow for associations to reduce the dignity of humans by considering them parts of a whole, neither does it open the door to a reduction of associations to their individual parts. It recognizes that these organizations “stem from human nature and have their own autonomy.” As marriage cannot be reduced to an individual contract neither should economic associations such as trade unions, as Baird seems to suggest. Both of these institutions, to paraphrase Pierpaolo Donati on subsidiarity, should be *enabled* by a variety of other institutions in a way unique to them.¹² Among those institutions is the state. It is for that reason that Leo XIII said this about the fledgling workers associations that Christians were forming—at the same time as, and sometimes in opposition to, the socialist associations—at the time:

The State should watch over these societies of citizens banded together in accordance with their rights, but it should not thrust itself into their peculiar concerns and their organization, for things move and live by the spirit inspiring them, and may be killed by the rough grasp of a hand from without.¹³

It would not seem out of line to suggest that, insofar as trade unions promote the common good by way of protections of workers’ basic rights and enforcement of contracts, and the other tasks I have noted above, trade unionism is worthy of protection by the state. It is worthy of protection and should be protected from other institutions that might crush or dissolve its bonds. This includes protections from those organizations that would prefer not to have to deal with unions and their demands for accountability as well as from the state that would dissolve the bonds that give unions the strength to exercise the functions that the Church

endorses as not only legitimate but also as desirable. This, I think, would differentiate Baird's concept from its liberal and anarchist counterparts.

As John Paul notes in support:

The State has the task of determining the juridical framework within which economic affairs are to be conducted, and thus of safeguarding the prerequisites of a free economy, which presumes a certain equality between the parties, such that one party would not be so powerful as practically to reduce the other to subservience.¹⁴

More pointedly,

This is the place to mention once more the role of trade unions, not only in negotiating contracts, but also as “places” where workers can express themselves. They serve the development of an authentic culture of work and help workers to share in a fully human way in the life of their place of employment. The State must contribute to the achievement of these goals both directly and indirectly. Indirectly and according to the principle of subsidiarity, by creating favourable conditions for the free exercise of economic activity, which will lead to abundant opportunities for employment and sources of wealth. Directly and according to the principle of solidarity, *by defending the weakest, by placing certain limits on the autonomy of the parties who determine working conditions*, and by ensuring in every case the necessary minimum support for the unemployed worker.¹⁵

While it is possible that Baird's framework for trade unionism might be permissible under Catholic social teaching, it does not seem to be the best reflection of what the Church teaches. Again, we can ask: Can Baird describe any positive ways in which the state could support the creation and maintenance of trade unions as is suggested by Catholic social teaching?

A Potentially Unseen Risk

I mentioned at the opening that if Baird's project cannot provide an adequate differentiation, then his interpretation of Catholic social teaching might lend itself vulnerable to the very coercion that he rightly describes as antithetical to human liberty and flourishing.

That risk is outlined by John Paul II. He notes that “the individual today is often suffocated between two poles represented by the State and the marketplace.”¹⁶ The market and the state suffocate individuals because they intentionally truncate and diminish certain aspects of human life; they both work to shape people

in ways that are legible to their respective ends. In the market, the individual “exists only as a producer and consumer of goods” for the state, “as an object of State administration.”¹⁷

James Scott has noted that both “severely bracket ... all variables except those bearing directly” on their goal.¹⁸ Baird’s proposed normative framework for trade unions would deprive unions of any powers or protections under law and leaves us, as individual economic actors, and the state as the enforcer of individual contracts.

Such a concept looks eerily familiar to what Jonathan Chaplin has described, in his critique of liberal regimes, as “an intentional strategy at work to reshape the independent associations of civil society in the uniform image of an ever-expanding set of identical individual rights, imposed with the monopoly power of public authority.”¹⁹ In Baird’s case, it might be accidental, but it is no less a concern.

Scott notes that the problems that arise from “seeing like a state” derive from “a faith that ... was uncritical, unskeptical, and thus unscientifically optimistic about the possibilities for the comprehensive planning of human settlement and production.”²⁰ I suggest that Baird is equally uncritical and unskeptical in his optimism of labor markets where individuals are the only actors to address the concerns of workers and prevent the “homogenization, uniformity, grids, and heroic simplification”²¹ that we see when the state’s power grows.

His model, whereby trade unions are so weakened that all that we have left are individual actors and the state, might in itself increase the power of the state, which his program was intended to avoid. One can presume that this is not his preferred option.

Rather than completely annihilating the structures and laws supporting trade unions in North America in favor of individualism, it might be better to look carefully at small but steady ways whereby we could put both trade unions themselves and the culture of work and economic life in North America at the service of the individual.

Notes

1. Charles W. Baird, *Liberating Labor: A Christian Economist's Case for Voluntary Unionism* (Grand Rapids: Acton Institute, 2002), 2.
2. Accessed July 14, 2014 at <http://www.charlesbaird.info/index.html>.
3. Lew Daly, "The Church of Labor," *Democracy* 22 (Fall 2011). Available at: <http://www.democracyjournal.org/22/the-church-of-labor.php?page=all>.
4. John Paul II, encyclical letter *Centesimus Annus* (May 1, 1991), 4.
5. "Heavy Hitters: Top All-Time Donors, 1989–2014," <https://www.opensecrets.org/orgs/list.php>.
6. John Paul II, *Centesimus Annus*, 13.
7. John Paul II, *Centesimus Annus*, 13.
8. John Paul II, *Centesimus Annus*, 13 (emphasis added).
9. Baird, *Liberating Labor*, 75.
10. John Paul II, *Centesimus Annus*, 4.
11. Leo XIII, encyclical letter *Rerum Novarum* (May 15, 1891), 20.
12. Pierpaolo Donati, "What Does Subsidiarity Mean? The Relational Perspective," *Journal of Markets & Morality* 12, no. 2 (Fall 2009): 211–43.
13. Leo XIII, *Rerum Novarum*, 55.
14. John Paul II, *Centesimus Annus*, 15.
15. John Paul II, *Centesimus Annus*, 15 (emphasis added).
16. John Paul II, *Centesimus Annus*, 49.
17. John Paul II, *Centesimus Annus*, 49.
18. James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1999), 20.
19. Jonathan Chaplin, "Living with Liberalism: Understanding Regimes of Tolerance," *Comment* (December 22, 2006), <http://www.cardus.ca/comment/article/356/living-with-liberalism-understanding-regimes-of-tolerance/>.
20. Scott, *Seeing Like a State*, 4.
21. Scott, *Seeing Like a State*, 8.