

Catholic Social Teaching and the Freedom of Association

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Abstract

Catholic social teaching is widely perceived to support labor organization. This paper will examine freedom of association within papal social teaching, revealing that the Catholic Church's support of labor unions is not central to its teaching; instead, it is one practical application of its concern for free association and the common good. When labor union activity is placed into this context, the Church's endorsement is seen to be conditional and prudential. Catholic social teaching's advocacy of freedom of association, moreover, is expressed in its strong support for mediating institutions more generally. Thus, an overemphasis on Catholic support of unions distorts the teaching by neglecting the role of other institutions.

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I. Introduction

Are Catholicism and free enterprise compatible? How the answer to this question is perceived has been critically important in the history of the West to this point, and it will continue to be so in the foreseeable future. Whereas it is self-evidently a question of interest to Catholics, all serious students of social and economic matters should be aware of its significance. The Catholic Church in the year 2013 is a global institution that claims the allegiance of some 1.2 billion of the world's population. Unique among the world's religious bodies, Catholicism features a centralized authority that, according to the church's self-understanding, teaches definitively on matters of faith and morals to all who embrace the Catholic religion. More concretely, documents emerging from the magisterium (the teaching authority of the church, represented by the pope and the bishops teaching in union with him) enjoy widespread attention and deference from an array of influential opinion leaders, including

clergy, academics, and instructors of religion at all levels, not to mention the attention paid by millions of laypeople and secular and religious media.

One important dimension of the question posed above is the Church's view of organized labor. Catholic social teaching—the doctrine of the Catholic Church as related to social and economic matters—is widely perceived to support labor organization. Although Catholic social teaching does indeed express support for the potential positive effects of labor organization, it does so on the basis of two crucial principles: the freedom of association and the common good. A thorough examination of Catholic social teaching yields a view of labor unions as one among many important institutions that make up a healthy and prosperous society.

II. A Distortion of Catholic Social Teaching on Unions

In 2010, Catholic Scholars for Worker Justice, an organization that describes itself as “an international association of scholars who are committed to Catholic Social Teaching on workers’ rights,” issued a statement titled, “Union Busting is a Mortal Sin.” The statement builds on material gleaned from genuine sources of Catholic social teaching such as the *Compendium of the Social Doctrine* and the *Catechism of the Catholic Church*. It rightly notes that the social teaching declares that unions are “a positive influence for social order and solidarity, and are therefore an indispensable element of social life” (Catholic Scholars, 2010, p. 1). It accurately states that Catholic social teaching insists on the right of workers to organize as a corollary of the right of voluntary association.

But the statement engages in some slippery reasoning and ambiguous language to get from there to its conclusions. “Union busting is a mortal sin,” it asserts, and union busting “refers to the action of any person who seeks to prevent employees from forming a labor union, or who attempts to undermine or destroy an existing union” (Catholic Scholars, 2010, p. 1). So, any person who, for any reason, seeks to prevent the formation of a union or seeks to “undermine” an existing union is committing sin, according to this analysis. This, as will become clear, is an invalid application of Catholic social teaching.

Contrary to the impression left by the Catholic Scholars statement, the documents of Catholic social teaching do not simply endorse unions without qualification. Indeed, Catholic social teaching

condemns unions that exhibit certain qualities, such as those that serve private interest rather than the common good or those that by their stated or implicit aims attack the Church or Church teaching.¹ These examples point to the fact that Catholic social teaching leaves as a matter of conscience the decision as to whether any particular union ought to be joined or supported.

Not only is it theoretically possible that individuals—whether employers, employees, or other parties—might have an obligation to oppose (or “undermine”) union activity, one might easily cite cases in which this has occurred in practice. In the United States, during the Cold War era, many labor priests and Catholic trade unionists—who were stridently “pro-labor” as a general rule—in some instances worked actively to destroy unions that were under the control of Communists (Rosswurm, 2009). In a more contemporary example, Catholics (and others) have sought to withhold dues that would otherwise fund activity to which the individual workers are in conscience opposed (such as supporting pro-abortion political candidates) (Vincent, 2002).²

¹ For example, Pope Leo XIII (1891):

Now, there is a good deal of evidence in favor of the opinion that many of these societies [workers’ associations] are in the hands of secret leaders, and are managed on principles ill-according with Christianity and the public well-being; and that they do their utmost to get within their grasp the whole field of labor, and force working men either to join them or to starve. Under these circumstances Christian working men must do one of two things: either join associations in which their religion will be exposed to peril, or form associations among themselves and unite their forces so as to shake off courageously the yoke of so unrighteous and intolerable an oppression. No one who does not wish to expose man’s chief good to extreme risk will for a moment hesitate to say that the second alternative should by all means be adopted (no. 54).

² The taking up by American labor unions of causes associated with Democratic politics yet seemingly unrelated to worker’s rights (such as abortion) might be seen as an instance of the abuse against which the *Compendium of the Social Doctrine* warns:

Unions do not, however, have the character of “political parties” struggling for power, and they should not be forced to submit to the decisions of political parties nor be too closely linked to them. “In such a situation they easily lose contact with their specific role, which is to secure the just rights of workers within the framework of the common good of the whole of society; instead they become *an instrument used for other purposes?*” (no. 307, quoting John Paul II [1981], no. 20; emphasis in original).

The view that Catholic social teaching unequivocally endorses unions and union activity is thus erroneous.³ Yet there is a subtler and more widely ramifying error of which the misimpression with respect to unions is but a symptom. An emphasis on labor unions as the primary or even exclusive application of Catholic social teaching's right to free association is indicative of a failure to apprehend the significance of the role that voluntary associations play in the Catholic social vision.⁴ That error can be sustained only by plucking from Church documents isolated passages that exhibit support for labor unions and ignoring the rationale for that support. Viewing Catholic social teaching on unions through the wider lens of the context within which Church statements on unions appear both clarifies the Church's teaching on unions and leads to appreciation of the importance of private associations within the Church's social vision.

III. Catholic Social Teaching on Unions and Freedom of Association

The inauguration of what is generally considered the period of “modern Catholic social teaching” occurred with the publication of *Rerum Novarum* by Pope Leo XIII (1891). The latest installment in this series is Pope Benedict XVI's *Caritas in Veritate* (2009). A survey of these documents, along with a few citations from conciliar (Second Vatican Council) and curial (Pontifical Council for Justice and Peace) publications, reveals the outlines of papal teaching concerning unions and the concept of free association.⁵

³ For a treatment of Catholic social teaching and organized labor that pays due attention to the freedom of association, see Baird (2002). The only other scholarly treatment of Catholic social teaching on freedom of association that I could locate is Fleckenstein (2002). Its title notwithstanding, Fleckenstein's article contains no sustained treatment of the right to association; it is instead a summary of Catholic social teaching on labor unions based on papal encyclicals and secondary sources.

⁴ Throughout this article, I use such terms as *voluntary associations* and *mediating institutions* interchangeably to refer to all organized bodies that are not governmental. Strictly speaking, several distinctions should be made: for example, the family is a mediating institution (between individual and state), but it is not a voluntary association in the same way that a fraternal organization is. For the purposes of this treatment, all such institutions can be and are lumped together.

⁵ All of the Church documents cited in the course of this article can be accessed at <http://www.vatican.va>.

A. Leo XIII

For at least two reasons, Leo's *Rerum Novarum* is the most significant work on this subject. First, the letter is the initial social encyclical, in some sense laying the foundation and setting the parameters for subsequent encyclicals. Second, Leo deals more extensively than any other pope with the specific matter of the formation and conduct of what he calls "private societies" (associations). *Rerum's* seminal character is apparent in the fact that most subsequent popes both cite Leo's views on association and add little new material to the discussion. One may reasonably assume that they consider his treatment to be adequate and without need of significant reform.

Leo's discussion is found in numbers 48 to 59. He praises "workingmen's associations," but he does so in the context of all kinds of associations ("private societies," no. 51). He includes in this same category, for example, mutual aid societies, institutions for the welfare of boys and girls, and benevolent foundations for orphans and widows (no. 48), as well as religious congregations and confraternities (no. 53).

For Leo, such associations are a function of the individual initiative of free individuals: "For, to enter into a 'society' of this kind is the natural right of man; and the State has for its office to protect natural rights, not to destroy them; and, if it forbid its citizens to form associations, it contradicts the very principle of its own existence, for both they and it exist in virtue of the like principle, namely, the natural tendency of man to dwell in society" (no. 51).

It is important to understand that Catholic social teaching consistently understands human rights to be qualified rather than absolute. Thus, Leo permits state intervention to prevent associations "for purposes which are evidently bad, unlawful, or dangerous to the State" (no. 52). It is interesting with respect to the issue of labor organization that Leo's qualification of the right to free association explicitly grants government the right to deny association in exceptional circumstances, but there is no mention of the converse, compelling citizens to join associations.⁶

⁶ That Leo's notion of freedom of association was widely noted and accepted in the Catholic world is evinced by the article on the subject that appeared in the *Catholic Encyclopedia* (1907). "The right of voluntary association is, therefore, a natural right," it states. "It is an endowment of man's nature, not a privilege conferred by civil society" (Ryan, 1907).

B. Pius XI

In *Quadragesimo Anno* (1931), Pope Pius XI addresses the economic downturn that had enveloped the world. He posits that one significant factor in economic disorder is the decline of mediating institutions and thus suggests that the problems will be solved by the reinvigoration of these institutions. One of the major dysfunctions of the modern world, in Pius's view, is the bifurcation of society into individuals and the state without a middle term:

Following upon the overthrow and near extinction of that rich social life which was once highly developed through associations of various kinds, there remain virtually only individuals and the State. This is to the great harm of the State itself; for, with a structure of social governance lost, and with the taking over of all the burdens which the wrecked associations once bore, the State has been overwhelmed and crushed by almost infinite tasks and duties (no. 78).

Concern for the health of associations is thus at the center of Pius's encyclical. In fact, it is highly significant that his articulation of one of the key principles of Catholic social teaching, *subsidiarity*, occurs within the context of his endorsement of the role of mediating institutions:

That most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them (no. 79).

Market-oriented critics sometimes criticize Pius for his endorsement of corporatist or syndical economic arrangements.⁷ It is true that he

⁷ Murray Rothbard (2004), for example, bluntly described *Quadragesimo* as “virulently anti-capitalist and, in fact, pro-fascist.”

saw promise in that type of organization and he recommended its utilization. But he is careful to explain the reasons for his recommendation and to qualify it by insisting that its function must remain consistent with the principles already established in Catholic social teaching. For example, he does not abandon Leo's teaching on free association:

Anyone is free to join a syndicate or not, and only within these limits can this kind of syndicate be called free; for syndical dues and special assessments are exacted of absolutely all members of every specified calling or profession, whether they are workers or employers; likewise all are bound by the labor agreements made by the legally recognized syndicate. Nevertheless, it has been officially stated that this legally recognized syndicate does not prevent the existence, without legal status, however, of other associations made up of persons following the same calling (no. 92).

This passage illustrates the dangers of using segments of papal teaching out of context. The suggestion that Pius was favorably disposed toward totalitarian regimes such as German fascism under Hitler or Italian fascism under Mussolini is contradicted by his insistence that membership in corporatist groups must be voluntary (Skillen and McCarthy, 1991, Ch. 9).

C. Gaudium et Spes

One of the major documents to emerge from the Second Vatican Council (1962–1965) was the Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*). The Council Fathers affirmed what was by then a venerable part of the Catholic social tradition:

Among the basic rights of the human person is to be numbered the right of freely founding unions for working people. These should be able truly to represent them and to contribute to the organizing of economic life in the right way. Included is the right of freely taking part in the activity of these unions without risk of reprisal. Through this orderly participation joined to progressive economic and social formation, all will grow day by day in the awareness of their

own function and responsibility, and thus they will be brought to feel that they are comrades in the whole task of economic development and in the attainment of the universal common good according to their capacities and aptitudes (no. 68).

Two important linkages on exhibit in this passage are those between union organization and free association, and between union activity and the common good.

D. John XXIII and Paul VI

John XXIII reiterates Leo's points: "And it is the natural right of the workers to work without hindrance, freely, and on their own initiative within these associations for the achievement of these ends" (*Mater et Magistra*, no. 22). Further: "From the fact that human beings are by nature social, there arises the right of assembly and association. They have also the right to give the societies of which they are members the form they consider most suitable for the aim they have in view, and to act within such societies on their own initiative and on their own responsibility in order to achieve their desired objectives" (*Pacem in Terris*, no. 23). John does not add much to Leo's appraisal, nor does he emphasize the role of associations otherwise as a force of economic importance.

Similarly, Paul VI has little to say on the subject. His major social encyclical, *Populorum Progressio*, is dedicated to international development and does not treat the role of labor unions or freedom of association. In his apostolic letter, *Octogesima Adveniens*, he highlights the importance of associations for cultural purposes (no. 11) and deals briefly with unions. He does not add significantly to the teaching of previous popes, but his account may be the first time that the potentially negative effects of union activity are stressed over the potentially positive effects:

Although for the defense of these rights democratic societies accept today the principle of labor union rights, they are not always open to their exercise. The important role of union organizations must be admitted: their object is the representation of the various categories of workers, their lawful collaboration in the economic advance of society, and the development of the sense of their responsibility for the

realization of the common good. Their activity, however, is not without its difficulties. Here and there the temptation can arise of profiting from a position of force to impose, particularly by strikes—the right to which as a final means of defense remains certainly recognized—conditions which are too burdensome for the overall economy and for the social body, or to desire to obtain in this way demands of a directly political nature. When it is a question of public service, required for the life of an entire nation, it is necessary to be able to assess the limit beyond which the harm caused to society become inadmissible (no. 14).

E. John Paul II

In continuity with previous popes, John Paul II discusses unions within the context of the “right of association” (*Laborem Exercens*, no. 20). He highlights the economic role of associations:

Another task of the State is that of overseeing and directing the exercise of human rights in the economic sector. However, primary responsibility in this area belongs not to the State but to individuals and to the various groups and associations which make up society (*Centesimus Annus*, no. 48).

John Paul’s teaching adds new depth to the tradition by probing the nature of the human being in a way that his predecessors had not.⁸ The following, a lengthy passage on “the fundamental error of socialism,” is instructive because it articulates in humanistic language the basis for a moral defense of freedom of association:

The fundamental error of socialism is anthropological in nature. Socialism considers the individual person simply as an element, a molecule within the social organism, so that the good of the individual is completely subordinated to the functioning of the socio-economic mechanism. Socialism likewise maintains that the good of the individual can be realized without reference to his free choice, to the unique

⁸ This discussion can be seen in the context of the much-remarked “human rights revolution” within the Catholic Church. As far as I am aware, George Weigel (1996) coined the phrase.

and exclusive responsibility which he exercises in the face of good or evil. Man is thus reduced to a series of social relationships, and the concept of the person as the autonomous subject of moral decision disappears, the very subject whose decisions build the social order. From this mistaken conception of the person there arise both a distortion of law, which defines the sphere of the exercise of freedom, and an opposition to private property. A person who is deprived of something he can call “his own,” and of the possibility of earning a living through his own initiative, comes to depend on the social machine and on those who control it. This makes it much more difficult for him to recognize his dignity as a person, and hinders progress towards the building up of an authentic human community.

In contrast, from the Christian vision of the human person there necessarily follows a correct picture of society. According to *Rerum novarum* and the whole social doctrine of the Church, 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 (*Centesimus Annus*, no. 13).

As John Paul indicates in this passage, his teaching can be seen as compatible with that of Leo (and other twentieth-century popes), yet John Paul’s emphasis on “free choice” and “autonomy” are novel elements in the tradition.

F. Compendium of the Social Doctrine of the Church

One other ecclesial document must be considered. In 2005, the Pontifical Council for Justice and Peace released a comprehensive summary of Catholic social teaching. It is useful as a compilation and synopsis of papal and conciliar teaching.

On unions specifically, the *Compendium* affirms the tradition’s support—they are “an indispensable element of social life” (no. 305)—but also describes unions’ role in reference to the aforementioned characteristics of freedom and the common good: “Being first of all instruments of solidarity and justice, unions may

not misuse the tools of contention; because of what they are called to do, they must overcome the temptation of believing that all workers should be union-members, they must be capable of self-regulation and be able to evaluate the consequences that their decisions will have on the common good” (no. 306).

The *Compendium* reiterates the Church’s commitment to human freedom, rooting that freedom in the core principle of Catholic social teaching, human dignity: “Man’s dignity demands that he act according to a knowing and free choice that is personally motivated and prompted from within, neither under blind internal impulse nor by mere external pressure” (no. 135).

Focusing on the role of freedom of association within Catholic social teaching reveals that the dominant interpretation of the relationship between Church teaching and labor unions is mistaken. Catholic social teaching’s support of labor unions is not central to the teaching; instead, it is one practical application of its concern for free association and the common good—in other words, the good of individuals and of society as a whole. When labor union activity is placed into this context, Catholic social teaching’s endorsement is seen to be conditional and prudential.

Catholic social teaching’s advocacy of freedom of association, moreover, is expressed in its strong support for mediating institutions in general. These include the institutions of “civil society”—“the sum of relationships and resources, cultural and associative, that are relatively independent from the political sphere and the economic sector” (*Compendium*, no. 417)—as well as families, churches, and businesses. The *Compendium* places particular emphasis on the family, insisting on the protection of these basic units of society and extending the principle of free association to them: “In virtue of this principle [subsidiarity], public authorities may not take away from the family tasks which it can accomplish well by itself or in free association with other families” (no. 214).

IV. Catholic Social Teaching on Unions and Freedom of Association in Summary

Taking Catholic social teaching as a unified whole, its view on unions and association can be boiled down to a few key points:

1. Freedom of association is a natural human right.
2. The ability to form labor unions is one application of that right.

3. Unions are one of many forms of association through which human beings pursue the good.
4. Although associations may be formed for specific purposes, they must be ordered to the common good.

V. The Role of Mediating Institutions in Catholic Social Teaching

As the forgoing discussion has already suggested, non-governmental institutions play a critical role in the vision articulated by Catholic social teaching. It is reasonable, indeed, to conclude that they play an indispensable role in realizing this vision. This is not the place to build a comprehensive argument for that position, but its basic outline can be adumbrated.

In the view of Catholic social teaching, promotion of the common good is the chief aim of social life. By the common good, it means “the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily” (*Compendium*, no. 164, citing *Gaudium et Spes*). Specifically, the demands of the common good concern

the commitment to peace, the organization of the State’s powers, a sound juridical system, the protection of the environment, and the provision of essential services to all, some of which are at the same time human rights: food, housing, work, education, and access to culture, transportation, basic health care, the freedom of communication and expression, and the protection of religious freedom (*Compendium*, no. 166).

The Church claims that the state has a necessary and indispensable role in this process, but it also insists that government’s subsuming of functions not properly its own is a constant threat that must be resisted (see Pius XI’s quotation on *subsidiarity* above).

In brief, the Church propounds a fairly extensive set of obligations that must be met under its concept of the common good, yet it simultaneously warns against the drawbacks of the “Social Assistance State,” which, in John Paul’s words, “by intervening directly and depriving society of its responsibility...leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by

concern for serving their clients, and which are accompanied by an enormous increase in spending” (*Centesimus Annus*, no. 48). Benedict XVI affirms the inherent limitations of government with respect to realizing the aims laid out by Catholic social teaching: “There is no ordering of the State so just that it can eliminate the need for a service of love” (*Deus Caritas Est*, no. 28b). Stipulating a limited state, how can the demands of justice and charity possibly be met? The only feasible answer lies in a vigorous and diverse array of mediating institutions—free associations.

In this way, the Church’s endorsement of freedom of association goes beyond its explicit enunciation of the basic right to associate. By implication, associations are an indispensable segment of any just and prosperous society.

This discussion can be incarnated practically by examining historical evidence. Beito (2000) has done the service of recounting the activity of private associations in the United States after 1890. He has demonstrated conclusively that, long before the New Deal, there was a vast network of social assistance available to needy Americans. A small part of it was governmental, but the rest was private. These social welfare organizations were diverse and myriad. Some charity was “hierarchical relief,” which was characterized by large, bureaucratic, formalized institutions, whose funding often came from sources outside the communities of the recipients. “Reciprocal relief,” in contrast, was decentralized, spontaneous, and informal. It included personal, informal giving, local church assistance, and fraternal organization benefits.

As Beito observes, charity recipients strongly preferred reciprocal relief, and the size of that sector dwarfed the others. By nature, statistics on informal relief are hard to come by, but a small 1905 study in New York City found it to be virtually ubiquitous among low-income families. Reciprocal associations were especially numerous among disadvantaged groups such as blacks and recent immigrants.

The situation in early twentieth-century America reflects nicely the ideal described by Catholic social teaching. Assistance was predominantly local; it bolstered rather than attenuated communal and family bonds; it promoted virtuous habits rather than creating perverse incentives; it was motivated by genuine concern and mutuality rather than political utility; and it frequently displayed an explicitly religious dimension.

The purpose of this digression into American history is to suggest that (a) the Catholic social vision is not merely a theoretical construct but is amenable to being practically implemented and (b) mediating institutions are the means by which to achieve this implementation.

A full picture of Catholic social teaching belies the notion that union support, in and of itself, is a key feature of that teaching. Instead, the Church's affirmation of organized labor is more accurately seen as a function of its defense of the right of association and its promotion of the common good. Labor unions are therefore consistent with Catholic social teaching only insofar as they reflect those two principles.

That labor unions do in fact sometimes fail to act in accord with these principles has already been indicated by examples offered above (Communism and abortion). Consider another, contemporary instance. Under a rule enacted by the administration of Governor Jennifer Granholm in Michigan, home-based care providers who receive government subsidies were declared *de facto* state employees. Under Michigan law, such employees must belong to a union (there was a secretive union election that saw 20 percent of eligible "employees" vote). Such caretakers were predominantly involved in childcare, but the rule also covered those who care for the disabled. An investigation revealed that, over the course of five years, the Service Employees International Union (SEIU) collected \$28 million in dues from such "home health care workers"—including parents of the disabled (Spencer, 2011).⁹

The dues collected from these caretakers, 80 percent of whom did not vote to join the union, do not affect their wages or working conditions, will not benefit them in times of sickness or unemployment, and will not assist them in disputes with their "employer." They will, however, aid the election campaigns of lawmakers whom the SEIU deems to be friendly to its interests. Determining how such an arrangement serves the principles or aims of Catholic social teaching is, to say the least, a challenge. It is reasonable to argue that to withhold support from or even to oppose such measures is consistent with the moral norms advanced by Catholic social teaching.

⁹ An excellent treatment of the history of union privileges in American law is Moreno (2008).

VI. Conclusion

To understand fully Catholic social teaching's view of organized labor is to see it in the context of the tradition's defense of all of the "societies" within society. Catholic social teaching envisions a social order that, far from being reduced to the dichotomy of individual and state, is comprised of a rich variety of institutions, voluntary and involuntary (families, churches, charities, businesses, fraternal organizations), that all pursue particular ends harmoniously within the overarching common pursuit of the common good. This understanding posits a role for unions, to be sure, but that role is one among others in the drama of social and economic life. Unqualified advocacy for this or that actor neglects the important roles of the others.

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