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# Labor Law for 1.1 Billion People: How Canon Law, and Catholic Social Justice Principles Can Give a Third Way

*(A talk given by Fr. Sinclair Oubre, J.C.L. to the Social Science Division of the Special Libraries Association on June 14, 2010 at their Annual Convention in New Orleans, LA.)*

I want to thank Larry Guthrie for inviting me to be with you. I am truly honored to be able to share with you something that is very important to me, and has been embraced in certain sectors, and can significantly change the status quo in an area that engages so many of us, for so much of our lives.

As I begin this talk, I am filled with a certain amount of anxiety. Over the last 10 years, the moral authority of the Catholic Church has suffered tremendously. In many forums, just to say that one is from the Catholic Church, and to express a moral opinion will bring about either closed minds, or hostile responses. The body language, and the looks send the message, “What audacity you have! With all the mess you have been involved with, you are going to now try to tell me something?”

I, therefore, offer the following reflections with a spirit of humility, and a hope that they will be of some value for you. I guess, if I can take the verse from Joan Baez out of context, “Take what you need, and leave the rest . . . ”

Beginning in 1776, with the publishing of *The Wealth of Nations*, Adam Smith articulated the new vision of work, and how it should be organized. A fundamental principle for Smith was that as the individual pursues his or her self interests, the needs of society would be met.

In Book 2, Chapter 2 of *Wealth of Nations*, Smith writes:

“As every individual, therefore, endeavors as much as he can both to employ his capital in the support of domestic industry, and so to direct that industry that its produce may be of the greatest value; every individual necessarily labours to render the annual revenue of the society as great as he can. He generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it . . . By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it.”

The ideas that Smith initially articulated eventually manifested themselves in the ideology of the new industrial class. As they became the dominate political force in Europe and North America, labor law

reflected its values and principles. First, there seems to be a blending of an old idea with a new one. In the new industrial facilities, the feudal idea of the master/servant relationship was maintained, but it was now joined with the idea of independent workers freely entering into agreements with their employers over wages and working conditions.

Under the classic master/servant relationship there was an uneven, but nonetheless mutual responsibility between each party. Under the new capitalist structure, the superior/inferior structure remained, but mutual responsibility was stripped out. In its place was the charade of two parties freely negotiating wages and working conditions. In this new regime, wages no longer had any tie to the responsibility of the master for his servant, but wages were set at what the employer and the worker freely agreed.

Adam Smith's idea of individual freedom to pursue one's own interests is not possible if there is not simultaneously an acknowledgment by society and the state that a person has an almost absolute right over his or her property.

The emphasis on individual freedom and the individual's dominant right over private property leads to a society where there is almost no space for the common good. American labor law is so different from those that are in Europe because our country was being formed at the same time as Adam Smith's ideas were becoming the new ideology of the elite.

However, by the middle of the 19<sup>th</sup> century a backlash was growing based on the principles of Karl Marx and Fredric Engels. With the October Revolution in 1917, the Bolsheviks and their successors, spent most of the next 75 years trying to make real the principles of these 19th-century visionaries.

Without going into depth, there are some fundamental principles that form what could be called Marxist labor law. First among these was the idea of class struggle. As Marx says in the first line of chapter one of *The Communist Manifesto*: "The history of all hitherto existing society is the history of class struggles." These class struggles would never come to an end until there was eventual victory of the working class over the owners of the means of production.

That victory would eventually lead to a "workers' state" or a "workers' democracy." This new state would usher in a time where private property would disappear. In its place, property would be held communally. With the loss of private property and the end of class struggle, Marx believed that the worker would discover a new freedom because of his participation in direct democracy through worker councils. However, the reality is what we have seen in the Soviet Union, China, Albania and Cuba, the worker became a servant of the workers' party, and in reality lost the ability to act or live in a manner that was not in line with the wishes of the workers' party.

Beginning in 1891, a third way was articulated in what today seems to be a strange location. That year, Pope Leo XIII issued the social encyclical *Rerum Novarum (On the Condition of the Worker)*. It was specifically written to offer a third way to the false teachings of capitalism and Marxism.

Pope Leo writes in paragraphs 3 & 4:

“The mischief has been increased by rapacious usury, which, although more than once condemned by the Church, is nevertheless, under a different guise, but with like injustice, still practiced by covetous and grasping men. To this must be added that the hiring of labor and the conduct of trade are concentrated in the hands of comparatively few; so that a small number of very rich men have been able to lay upon the teeming masses of the laboring poor a yoke little better than that of slavery itself . . . 4. To remedy these wrongs the socialists, working on the poor man's envy of the rich, are striving to do away with private property, and contend that individual possessions should become the common property of all, to be administered by the State or by municipal bodies.”

What Pope Leo XIII began in 1891, has become an ongoing tradition followed by Popes Pius XI, John XIII, Paul VI, John Paul II, and Benedict XVI. Within the writings of these popes, one finds a tradition of a third way that balances individual rights with individual duties, and private property with the common good. In addition, it challenges the idea of class struggle with human solidarity. It challenges remuneration set by the market with a just wage set by the skills and responsibilities of the person. It challenges the radical centralization of Marxism, or the radical decentralization of capitalism with governance based on subsidiarity, and it challenges the idea of individual workers negotiating with the owners of production with the recognition of the natural right of workers to join together in workers associations, and engage their employers in collective bargaining.

Let me take a moment to expand these themes.

**Rights & Duties:** The reason that one has natural and civil rights is because one also has natural and civil duties. The reason that one has the natural right to private property is that he or she has a natural duty to care for themselves and their families. The reason that one has the civil right to vote is because one has a civil duty to obey the just commands of his or her government.

Pope John XXIII explained the result of the separation of rights and duties in his 1963 encyclical, *Pacem in Terris*:

“The natural rights with which we have been dealing are inseparably connected, in the very person who is their subject, with just as many respective duties; and rights as well as duties find their source, their sustenance and their inviolability in the natural law which grants or enjoins them.

“Those, therefore, who claim their own rights, yet altogether forget or neglect to carry out their respective duties, are people who build with one hand and destroy with the other. Since men are social by nature they are meant to live with others and to work for one another's welfare.

A well-ordered human society requires that men recognize and observe their mutual rights and duties. It also demands that each contribute generously to the establishment of a civic order in which rights and duties are more sincerely and effectively acknowledged and fulfilled.

It is not enough, for example, to acknowledge and respect every man's right to the means of subsistence if we do not strive to the best of our ability for a sufficient supply of what is necessary for his sustenance.” (Paragraph #28-32)

**Common Good:** The idea that one can use his or her gifts and talents only for one’s own pleasure or success is anathema. The idea that one is such a victim of life, that one does not have any gifts or talents to offer to promote themselves or others, is also anathema. Each person has a duty to promote the up building of one’s own life and community in spite of one’s status or skills.

The Second Vatican Council defined common good in its 1961 pastoral constitution, *Guadium et Spes* as:

“It is imperative that no one . . . would indulge in a merely individualistic morality. The best way to fulfill one's obligations of justice and love is to contribute to the common good according to one's means and the needs of others, and also to promote and help public and private organizations devoted to bettering the conditions of life.” (Paragraph 30)

**Solidarity:** We are tempted to see the other person, community or nation as the other, different from ourselves, or only an instrument to be used to promote our needs or goals. However, such a vision is profoundly shortsighted, and fails to recognize that bond that we all have with each other.

This bond of solidarity is described by Pope John Paul II in his encyclical *Sollicitudo Rei Socialis* in 1987:

“(Solidarity) is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say, to the good of all and of each individual, because we are all really responsible for all.” (Paragraph #38)

To deny the bond of solidarity, or to fracture that bond is to introduce evil or sin into the relationship between people. Pope John Paul II states in that same encyclical:

“A world divided into blocs, in which instead of solidarity, imperialism and exploitation hold sway, can only be a world structured in sin. Those structures of sin are rooted in sins committed by individual persons, who introduced these structures and reenforced them again and again. One can blame selfishness, shortsightedness, mistaken political decisions, and imprudent economic decisions; at the root of the evils that afflict the world there is -- in one way or another -- sin.” (Paragraph #36)

**Just Wage:** A just wage is not set by the market, it is not a minimum wage or a subsistence wage that only guarantees that the worker will be able to come back to work the next day. Rather, it is a modest income that allows the worker and his or her family to live a modest life.

Pope Leo XIII stressed this in *Rerum Novarum*. An employer does grave injustice when he or she forces a worker to accept conditions that are far below what is necessary to live a life of dignity:

“Let the working man and the employer make free agreements, and in particular let them agree freely as to the wages. Nevertheless, there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man. Namely, that wages ought not to be insufficient to support a frugal and well-behaved wage-earner. If through necessity or fear of a worse evil the workman accepts harder conditions because an employer or contractor will afford him no better, he is made the victim of force and injustice.” (Paragraph #45)

Seventy years later, *Guadium et Spes* expressed the concept of the just wage in a positive manner:

“Finally, remuneration for labor is to be such that people may be furnished the means to cultivate worthily their own material, social, cultural, and spiritual life and that of their dependents, in view of the function and productiveness of each one, the conditions of the factory or workshop, and the common good.” (Paragraph #67)

**Subsidiarity:** Subsidiarity is a very simple concept, but one that often is reputed by the left and the right. Where the political right argues that the least government possible is the best, and the political left argues for ever more precise regulations, subsidiarity stresses that there should be sufficient government, established on the proper level to carry out the task of promoting the common good. If something can be done on the familial or local level, then it should be. If it can only be done on a national or international level, then that is where it should be done.

Pope Pius XI introduced this concept in his encyclical, *Quadragesimo Anno*. He states:

“Still, that most weighty principle . . . 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.” (Paragraph #79)

**Natural Right to Join Unions:** This right is established in 1891, but it is drawn together and fully expressed at Vatican II in *Guadium et Spes*:

“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.”  
(Paragraph #68)

However, this right to form unions, and participate in collective bargaining is not just something to improve the workers’ conditions, but unions are seen as an indispensable element in social life. Pope John Paul II noted in *Laborem Exercens* that:

“To secure these rights, the workers need the right to association in labor or trade unions. These organizations should reflect the particular character of each work or profession . . . History teaches us that organizations of this type are an indispensable element in social life, especially in industrialized societies. This does not mean that only industrial workers can form these associations. Every profession can use them: agricultural workers, white-collar workers, and employers . . . Even if people unite to secure their rights as workers, their unions remain constructive factors of social order and solidarity, impossible to overlook.” (Paragraph #20)

## **Part II: Real Manifestations of these Principles**

One can say that it is all well and good to promote these concepts, but if they do not find real, concrete expressions, then they are just utopian discussions like Plato’s *Republic*, or Thomas More’s *Utopia*. Though it would be a gross overstatement to claim that these values are turning the world on its head like Mary says in Luke’s Gospel:

“He has shown might with his arm, dispersed the arrogant of mind and heart. He has thrown down the rulers from their thrones but lifted up the lowly. The hungry he has filled with good things; the rich he has sent away empty.” (Luke 1:51-53)

Nonetheless, there are real places where these values are being put into action. The first place I want to note is Vatican City.

In the early 1960's, a reporter asked Pope John XXIII how many people work at the Vatican. After a thoughtful pause, he responded, “Oh, about half, I think.” The real answer to the question is about 3,000. Two thousand are lay employees, and about one thousand are clergy and religious men and women.

From 1891 until 1993, the Catholic Church issued a number of teachings on the natural right of workers to organize into unions, but did not recognize a union among its own workers until 1993. However as early as 1979, Pope John Paul II recognized that the Association of Vatican Employees, also known in English as the Association of Vatican Lay Dependents (ADLV), played a “. . . alid collaborative function. . . .

In his 1982 Apostolic Letter *Apostolica Sede*, Pope John Paul II noted that the Association of Vatican Lay Employees:

1. Performed a collaborative function;
2. Promoted a spirit of concern and justice;
3. Is an initiative in conformity with the Church's social teaching.

The Association of Vatican Lay Employees was founded in 1979, to participate in negotiations with Vatican officials over issues of wages and working conditions. A June 4, 1982 Anchorage Daily News article reported that the ADLV was threatening a strike. Again on February 7, 1985, UPI reported the break down in negotiations between Vatican officials and the ADLV, and the potential for a strike. However, in neither case did a strike occur. However, in 1988, ADLV did strike the different offices and departments of the Vatican.

One can ask why, after such a long time, did Pope John Paul II move from an informal negotiating role with ADLV to recognizing the union as the exclusive bargaining agent for Vatican Lay employees. I think the pope's decision is directly related to his own work experience. Where his predecessors had moved through the Catholic seminary training program, Pope John Paul II had worked as a laborer during World War II.

In a June 9, 1979-homily in Mogila, Poland, and speaking of himself in the third person, the pope said:

“The Pope has no fear of men of work. They have always been particularly close to him. He has come from their midst. He has come from the quarries of Zakrzowek, from the Solvay furnaces in Borek Falecki, and then from Nowa Huta. Through all these surroundings, through his own experience of work, I make bold to say that the Pope learned the Gospel anew. He noticed and became convinced that the problems being raised today about human labour are deeply engraved in the Gospel, that they cannot be fully solved without the Gospel.” ([www.vatican.va](http://www.vatican.va))

I believe that this change from theoretically approaching the question of labor, to reflecting on one's own experience, moved Pope John Paul II to instruct Vatican officials to officially recognize the ADLV in 1993.

In 1988, the Holy See established the Labor Office of the Apostolic See as part of the reorganization of the Roman Curia. Article #36 of the Apostolic Constitution *Pastor Bonus*, explicitly establishes the new labor office. However, the principles by which it was to work were sketched out in the 1982 Apostolic Letter *Apostolica Sedes*. In it, Pope John Paul II states that the Holy See should “conform itself” to the principle truths of the Gospel of Labor. These principle truths are laid out in his 1981 encyclical, *Laborem Exercens*.

First, the value of human work is not primarily the kind of work being done, but the fact that the one who is doing it is a person.

Second, work is "for man" and not man "for work."

Third, the sort of work done is judged above all by the measure of the dignity of the subject of work, that is to say the person, the individual who carries it out.

Fourth, work does not possess a definitive meaning in itself. The human person is the purpose of the work, whatever work that is done.

These principles form the basis on which the labor office should view employees. In addition to the practical administration of 3,000 employees, the labor office “. . . is to promote and preserve a work community among the various levels of staff of the Apostolic See, especially the lay people. The spirit of this community should be characteristic of all who have been called to the privilege and responsibility of serving the Petrine ministry.” (*Pastor bonus, Appendix II The Collaborators of the Apostolic See as a Work Community*)

I will not try to argue that these very high principles and values are always adhered to, or that there exists a perfect community where these principles and values govern every office and every employee. What I will argue, though, is that by beginning with these values, instead of values based on merit, employment at will, and remuneration set by the market, the labor-management relationships will be different from the start.

We do not have time to go into it now, but the distributist model that is used in the Spanish cooperative of Mondragon, or in the basic principles of many community-based credit unions have been inspired by these same Catholic principles.

### **Part III: The Canon Law that Promotes These Principles**

The history of Christianity is balance between the free movement of the Holy Spirit among the followers of Jesus, and the need to regulate the life of that same community “. . . in order to be able to give to each one what is his due (right) according to justice,”<sup>1</sup>

We find the source for a number of laws within the Bible itself. For instance, the rights of Gentiles within what was then a predominately Jewish faith community was regulated by the rules of the Council of Jerusalem.

“The apostles and the presbyters, your brothers, to the brothers in Antioch, Syria, and Cilicia of Gentile origin: greetings. Since we have heard that some of our number (who went out) without any mandate from us have upset you with their teachings and disturbed your peace of mind, we have with one accord decided to choose representatives and to send them to you along with our beloved Barnabas and Paul, who have dedicated their lives to the name of our Lord Jesus Christ. So we are sending Judas and Silas who will also convey this same message by word of mouth: 'It is the decision of the holy Spirit and

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<sup>1</sup>Martin De Agar, Joseph T., *A Handbook on Canon Law*, (Wilson & Lafleur Limitee, Montreal, Canada, 1999) 16.

of us not to place on you any burden beyond these necessities, namely, to abstain from meat sacrificed to idols, from blood, from meats of strangled animals, and from unlawful marriage. If you keep free of these, you will be doing what is right. Farewell.” (Acts 15: 23-29)

The laws on the indissolubility of marriage is based on Jesus’ command in the Gospel of Mark:

“For this reason a man shall leave his father and mother (and be joined to his wife), and the two shall become one flesh.’ So they are no longer two but one flesh. Therefore what God has joined together, no human being must separate.” (Mark 10: 7-9)

A second source for canon law is found in the apostolic tradition of the Church. That is, as the apostles and leaders of the Church, who had been with Jesus and heard his teachings, were faced with new challenges, they applied what Jesus had said to these new situations. The ancient text called the *Didache* is a good example of this. Written between 70 A.D. and 120 A.D., it regulates what one must do to be baptized, who can approach the altar, and how to respond to those who are not teaching the orthodox faith.

A third source for law has been the ecumenical councils. These have arisen when the Church was confronted with major questions or challenges that threatened the harmony and unity of the Church. A good example of a council that not only responded to doctrinal issues, but became a source for canon law was the Council of Trent from 1545-1563. It not only responded to rise of Protestantism in Northern Europe and Great Britain, but it also laid out new requirements in seminary studies, liturgy and church structures.

The Second Vatican Council, called by Pope John XXIII in 1959, and met over four sessions from 1962-1965, became its theological basis for the present Code of Canon Law. As noted in the promulgating decree *Sacrae Disciplinae Leges*:

“(The Code) fully corresponds to the nature of the Church, especially as it is proposed by the teaching of the Second Vatican Council in general, and in a particular way by its ecclesiological teaching. Indeed, in a certain sense, this new Code could be understood as a great effort to translate this same doctrine, that is, the conciliar ecclesiology, into canonical language.”

The Code of Canon Law for the Latin-Rite Catholic Church consists of 1752 canons, divided into seven books. These books are General Norms, The People of God, The Teaching Function of the Church, The Sanctifying Function of the Church, The Temporal Goods of the Church, Sanctions in the Church, and Process (Trials).

The Code of Canon Law is not the only law in the Church. For instance there are two universal codes, the Code of Canon Law for the Latin Church, and the Code of Canons of the Eastern Churches. The first regulates the life of what is often referred to as the Roman Catholic Church. While the second regulates

the life of the other 22 autonomous churches in union with the Bishop of Rome.

There are also special statutes and norms that regulate different offices of the Holy See, laws that regulate liturgy and sacraments, laws that regulate extraordinary apostolates like the Apostleship of the Sea, or laws that respond to an extraordinary problem like *Sacramentorum sanctitatis tutela*, which reserves to the Congregation of the Doctrine of Faith the trials of clerics who have been accused of sexual abuse of a minor.

Finally, the Code of Canon Law allows for some civil laws to be observed as canon law. Canon 22 states:

“Civil laws to which the law of the Church yields are to be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless canon law provides otherwise.”

This may sound rather strange, but it makes sense when one reflects on the global nature of the Church, the significant cultural differences of its members, and the familiarity that those members would have with their own civil law. This “baptizing” of civil law becomes clear when we consider contract law. Instead of promulgating contract laws that are either so broad that they cover everyone, and every land, or so precise that they fill volumes, the ecclesial legislator chose to cover property contract issues with canon 1290:

“The general and particular provisions which the civil law in a territory has established for contracts and their disposition are to be observed with the same effects in canon law insofar as the matters are subject to the power of governance of the Church unless the provisions are contrary to divine law or canon law provides otherwise . . . ”

By and large, canon law regulates labor issues according to this principle of baptizing the relevant civil laws. The nine labor law canons can be divided into four groups:

1. Right to Decent Remuneration for Lay Person (canon 230 §2)
2. Just administration of goods (canons 1286, 1284, and 1290)
3. Right of association (canon 215)
4. Removal from office (canons 192-195)

Canon 230 §2 states:

“Without prejudice to the prescript of can. 230, §1 and with the prescripts of civil law having been observed, lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided.”

One can see the concept of the just wage coming forth in this canon. Remuneration is not to be set at the “market rate,” or according to one’s “merit,” but at a level that provides decently for the lay persons needs, and those of his or her family. These wages would respect civil law requirements as well as the right to social provisions such as health, disability , and retirement insurance.<sup>2</sup>

This right which all lay persons possess, is restated as the duty of those who administer Church goods. These duties are enunciated in canons 1286, 1284, and 1290.

Canon 1286 is a prescriptive law that imposes obligations on all administrators of church goods. It states:

“Administrators of goods: 1° in the employment of workers are to observe meticulously also the civil laws concerning labor and social policy, according to the principles handed on by the Church; 2° are to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependents.”

Canon 1284 is a long canon that calls upon the administrator to fulfill his or her duties with “. . . the diligence of a good householder.” In regards to labor issues, this would mean that the administrator would pay the employee on time, that the pay would be accurately calculated, that social security, insurance and pension deductions would be paid on time and in full, and observe all pertinent civil laws so that no damage comes to the Church from their nonobservance.

Canon 1290 is the contract canon that was quoted above. Where a layperson has an employment contract, then the Church administrator must follow the pertinent civil contract law, unless it somehow is contrary to divine law, or that canon law provides otherwise.

The third type of canonical labor law is the canon on the right of association, canon 215. This canon is located in Book II: The People of God, under the title of “Obligations and rights of All the Christian Faithful.” It states:

“The Christian faithful are at liberty freely to found and direct associations for purposes of charity or piety or for the promotion of the Christian vocation in the world and to hold meetings for the common pursuit of these purposes.”

This right would include the right to form worker associations, professional organizations and trade unions. This canon codifies the right to association that Pope Leo XIII recognized as a natural right of all people in 1891, and specifically codifies the right of people to form unions, since these organizations have consistently been praised by the popes as promoting justice, the common good, and the Christian vocation in the world.

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<sup>2</sup>Beal, John P., *New commentary on the Code of Canon Law*, (Paulist Press, New York, N.Y./Mahway, N.J., 2000) 302.

Because of two Supreme Court cases, the 1979 NLRB v. Catholic Bishop and the 1980 NLRB v. Yeshiva University, the ability of many church employees to be covered by the National Labor Relations Act is gravely restricted. This has meant that workers in many Catholic institutions, if they are engaged in an organizing drive, are not covered by the National Labor Relations Act or the NLRB. The exclusion of church workers from the NLRA is a seminar in itself, and we may have time during the question and answer period to investigate it more thoroughly. However, even though the National Labor Relations Act may not cover church employees, the moral obligation to adhere to the civil law, attend to the canon on free association, and to adhere to the moral teaching of the right of workers to join unions still apply.

Finally, there are no canons that deal with the firing of a church employee. However, canons 192-195 apply to the removal of a person from a canonical office. These canons can be used by analogy as guiding principles for the termination of an employee. These principles are:

1. A person cannot be removed from office except for a grave cause, or according to the law. (Canon 193 §1 & §2)
2. If a person is removed from office by a decree of the competent authority which provides the person's support, the competent authority is to take care that the support is provided for a suitable period unless other provision is made.

Taking these canons as a guide to human resource management, then we can see that the Code of Canon Law:

1. Rejects the idea of "at-will" employees. Once hired, the employee has some right to the job they have. If they need to be dismissed, it must be for grave cause. Grave Cause is not precisely defined in the code. However, some of the things that a grave cause must be judged against are equity, the good of souls, the common good, and the importance of the job.<sup>3</sup>
2. Requires the administrator to be concerned for the support of the person for a suitable period after he or she is legitimately dismissed.

#### **Part IV: Challenges**

As can be seen, with only a few canons, a strong theological tradition, and the careful use of civil law, canon law can offer a vision that is not based on the old models of Karl Marx or Adam Smith. However, before we all leave here in a utopian euphoria, the Church is only a little further along in building the world according to its moral values, than the communists are in building the proletarian paradise, or the capitalists in meeting the needs of all people by the invisible hand of the market.

Certainly the biggest challenge we have is our own limitedness and pettiness. Whether we speak in

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<sup>3</sup>Ibid, 226.

religious language, and call it “sin,” or in ethical language, and call it vice, graft and corruption, the result is the same. As St. Paul says in Romans 7:15, “What I do, I do not understand. For I do not do what I want, but I do what I hate.”

Our world is full of St. Paul’s contradiction. The child of an immigrant who wants to close the door on the new immigrants, the labor leader who doesn’t negotiate in good faith with his or her own employees, the defense attorney who doesn’t defend his or her client. In all these cases, the person knows what he or she should do, but chooses to do otherwise. When we think back on the civil rights struggles in the U.S., Rev. King did not teach people that discrimination or racism was wrong. He reminded them that what they were doing was contrary to their most sacred principles, and that they could not be authentic until they lived what they believed.

As a priest in the Catholic Church, I have to constantly remind myself of what I believe, and then struggle to make sure that my own selfishness, greed, insecurity or evil does not overwhelm me. It is a daily struggle. If I struggle with this, someone who is really committed to social justice, is it any surprise that the larger church community has not yet gotten this right?

The second challenge is to envision what a world based on solidarity, common good, subsidiarity and community really looks like. Plato describes the difficulty of seeing with new eyes in his *Allegory of the Cave*. Though the protagonist learns that what he thought was real was only shadows on a wall, he is unable to convince the other prisoners of the truth. Plato deftly recognizes that to change the human mind is a dangerous thing. He concludes the allegory by asking: “And if (the prisoners) were somehow able to get their hands on and kill the man who attempts to release and lead up, wouldn't they kill him?”

When we have spent our whole life thinking that the market or class struggle is the only way, anyone who intimates that there may be a third way is considered either crazy, or a subversive.

In conclusion, even though canon law is directed to the regulations of activities within the Catholic Church, and the handful of canons that regulate labor law are for those who are employees or have offices in the Church, nonetheless, the 1.1 billion Catholics should not be ignorant of these canons, nor marginalize them to the religious corner of their lives. Instead, they should study the principles, incorporate the values, and struggle to live them in their personal lives. It boggles the imagination to think what the world would look like if 1.1 billion people shoved aside their assumptions, and in their place lived the values of these canons.