

Constructing A Catholic Public: Constitutive Rhetoric in US Catholic Labor Politics

John Noble

The 1979 Supreme Court case *National Labor Relations Board v. Catholic Bishop of Chicago*, in which the court ruled that the National Labor Relations Board did not have legal jurisdiction over Catholic high schools and their employees, was a watershed moment for labor politics and the Roman Catholic Church in the United States. Focusing on the unionization of church teachers, this case was foundational in the formation of contemporary Catholic labor politics. Both pro- and anti-unionization Catholic individuals and institutions utilize this case and Catholic documents on labor and education to make their respective arguments about the effects of state-sanctioned unionization on the Catholic Church. Because of its implications for Catholic labor, this case provides a wealth of discourse to interrogate regarding rhetorical construction of Catholic identity.

After this case, pro- and anti-union Catholics framed their ideas about Catholic response to unionization by utilizing constitutive rhetoric. Many rhetorical scholars, including Maurice Charland, have used the idea of constitutive rhetoric to draw attention to the creation of imagined and political communities through discourse. This paper examines how the pro-union Catholic Scholars for Worker Justice and the anti-NLRB Cardinal Newman Society use constitutive rhetoric to construct a “Roman Catholic” identity friendly to their perspective in their respective documents *Union Busting is a Mortal Sin* and *The NLRB’s Assault on Religious Liberty*. I will engage discourse surrounding this case to argue that constitutive rhetoric and its construction of imagined church/state communities both play a key role in shaping political realities.

This project's primary focus is the effect of the Supreme Court case *National Labor Relations Board v. Catholic Bishop of Chicago*. This case, which was argued in 1979 and decided in 1980, dealt with a number of issues concerning labor politics and Catholicism in the United States. Although a number of issues were addressed in this case, the central issue at stake was the jurisdiction of the National Labor Relations Board, as instituted in the National Labor Relations Act of 1935.

In 1935, after a series of agencies instituted to mediate labor disputes between employees and employers were determined to have an "enforcement problem", Senator Robert F. Wagner "introduced the National Labor Relations Act in the Senate."¹ This act "gave employees the right, under Section 7, to form and join unions, and it obligated employers to bargain collectively with unions selected by a majority of the employees in an appropriate bargaining unit."²

Although the NLRA created the NLRB as an enforcement entity to ensure employers would respect and bargain with workers' unions, it was challenged in a number of arenas, both political and judicial, in the decades that followed. Several Supreme Court cases determined exemptions to the NLRB's jurisdiction that led the court to this case. The original NLRA, as well as these cases, determined three major exemptions to NLRB jurisdiction ahead of 1979: government employees, employees of institutions that employ only agricultural workers, and employers subject to the Railway Labor Act.³

¹ "The 1935 passage of the Wagner Act," National Labor Relations Board, accessed December 14, 2016, <https://www.nlr.gov/who-we-are/our-history/1935-passage-wagner-act>

² "Wagner Act"

³ "Frequently Asked Questions," National Labor Relations Board, accessed December 14, 2016, <https://www.nlr.gov/resources/faq/nlr#t38n3208>

At the time of this Supreme Court case, the National Labor Relations Board had a complex history with religious and non-profit institutions. Just eight years earlier, in 1971, due to “an increased involvement in commerce by educational institutions,” the NLRB reversed an earlier decision stating that they “would not exercise jurisdiction over nonprofit, educational institutions.”⁴ This reversal led to the Board’s “assert[ing] jurisdiction over all private, nonprofit, educational institutions with gross annual revenues that meet its jurisdictional requirements *whether they are secular or religious*”⁵ (emphasis added). In another dispute with a Roman Catholic archdiocese, the NLRB announced that it would assert jurisdiction over religious schools “only when they are completely religious, not just religiously associated.”⁶ These decisions, and the NLRB’s complex and contentious relationship with private and religious schools, leads us to the incident surrounding the 1979 Supreme Court case.

Preceding this case, Catholic schools across the country saw unionization efforts by many of their teachers. The schools involved in this case were located in the Indiana diocese of Fort Wayne-South Bend and the Illinois archdiocese of Chicago. Teachers unionizing in these dioceses included employees of five Catholic high schools in Fort Wayne-South Bend and teachers at two minor seminaries, Quigley North and Quigley South, in Chicago⁷. A minor seminary, in the Roman Catholic tradition, is “a...seminary giving all or part of high school and junior college training with emphasis on preparing

⁴ “NATIONAL LABOR RELATIONS BOARD, Petitioner, v. The CATHOLIC BISHOP OF CHICAGO et al,” Legal Information Institute, accessed December 14, 2016, <https://www.law.cornell.edu/supremecourt/text/440/490#writing-type-16-BRENNANWHITEMARSHALLBLACKMUN>

⁵ “National Labor”

⁶ “National Labor”

⁷ “National Labor”

candidates for a major seminary.”⁸ These schools, while distinctly Catholic, were not considered “completely religious” by the NLRB for a number of reasons. This distinction is crucial, since the NLRB at this time only sought jurisdiction over institutions they deemed *partially* religious in their mission. The Quigley schools admitted high school boys with an “inclination toward the priesthood,” having recently relaxed their earlier practice of fast-tracking Catholic boys directly into the seminary. The five schools in Fort-Wayne South Bend were open to all students, but taught Catholic theology. These schools were operated by a private corporation called *Catholic Bishop of Chicago*, and the Diocese of Fort Wayne-South Bend, respectively.⁹

When teachers from each of these schools unionized, they sought representation with the National Labor Relations Board, which accepted their request. This action had serious consequences for the unions and their employers. Most significantly, it placed all seven schools directly under the jurisdiction of the NLRB.¹⁰ This meant that schools could face legal action if it was found they violated terms of the National Labor Relations Act as it relates to unionization.

The NLRB ruled that schools in both dioceses fell under their jurisdiction and reiterated its earlier “policy...to decline jurisdiction over religiously sponsored organizations ‘only when they are completely religious, not just religiously associated.’”¹¹ They then ordered election of union representatives. School administrators in both dioceses pushed back against this decision, arguing that the First Amendment categorized this act by the

⁸ “Definition of Minor Seminary,” Merriam-Webster, accessed December 14, 2016, <https://www.merriam-webster.com/dictionary/minor%20seminary>

⁹ “National Labor”

¹⁰ “Frequently Asked Questions”

¹¹ “National Labor”

NLRB as a violation of free exercise. This pushback eventually turned into an appellate court case, where the Seventh Circuit ruled that the NLRB *did not* have jurisdiction over these schools. The continuing appeals process eventually brought this case to the highest court in the land.

In a 5-4 decision, the Supreme Court affirmed the decision of the lower court, arguing:

(a) There would be a significant risk of infringement of the Religion Clauses of the First Amendment if the Act conferred jurisdiction over church-operated schools.

(b) Neither the language of the statute nor its legislative history discloses any affirmative intention by Congress that church-operated schools be within the NLRB's jurisdiction, and, absent a clear expression of Congress' intent to bring teachers of church-operated schools within the NLRB's jurisdiction, the Court will not construe the Act in such a way as would call for the resolution of difficult and sensitive First Amendment questions.¹²

It is important to note here that this Supreme Court Case *did not prevent Catholic schoolteachers from forming unions*. Unions had already been formed in several Catholic institutions, backed and inspired by Catholic social teaching.¹³ This decision simply affirmed that the NLRB did not have jurisdiction and enforcement power over lay (non-clergy) teachers in religiously affiliated Catholic schools. Therefore, it gave Catholic school administrators and diocesan officials the ability to refuse negotiation with unions or ban the formation of unions in their institutions without fear of reprisal or punishment from the United States government.

Cardinal John Cody, the leading cleric in the Archdiocese of Chicago, was well known for his desire to stomp out the influence of left-leaning clergy and ecclesial movements in

¹² "National Labor"

¹³ United States Conference of Catholic Bishops, "Forming Consciences for Faithful Citizenship," *United States Conference of Catholic Bishops*, 2007, 23.

his archdiocese¹⁴. When the NLRB initially ruled that they had jurisdiction over Catholic schools, he “wrote all priests in the diocese: ‘The ruling raises serious questions regarding the intrusion of the government into the internal affairs of seminaries which are among the most sensitive of institutions.’”¹⁵

Cody’s response to the National Labor Relations Board’s ruling rhetorically constituted the Archdiocese of Chicago (then the largest archdiocese in the nation) as a helpless and “sensitive” institution, threatened by a powerful and overreaching US government. In presenting the archdiocese in such a way, Cody also constructed a narrative about the broader US hierarchy and its relationship with federal labor enforcement.

At the same time that Cody was constructing resistance to NLRB jurisdiction as a Catholic moral imperative, Catholic schoolteachers across the country were engaging Catholic identity in a very different way. Catholic schoolteachers from the Association of Catholic Teachers went on strike and picketed Cardinal Krol of Philadelphia in the mid-1960s for refusing to meet with them to discuss unionization contracts.¹⁶ As part of these actions, union activists used signs referencing Catholic teaching on a just wage and fair working conditions.

In one photo of a union picket, two signs that appeal to Catholic identity and authority are visible. These signs read “Practice what is preached: JUST WAGE” and “Rerum

¹⁴ Jack Houston, “Activist Msgr. Egan Back In Tailor-made Saddle,” *Chicago Tribune*, August 15, 1986.

¹⁵ James Strong, “Catholic Union Vote Planned,” *Chicago Tribune*, August 15, 1986

¹⁶ “A Brief History Of the Association,” Association of Catholic Teachers, accessed December 14, 2016, <https://www.act1776.com/?pid=214>

Novarum demands Social Justice. So does ACT [Association of Catholic Teachers].”¹⁷ Both of these signs reference Pope Leo XIII’s 1891 document *Rerum Novarum (On the Rights and Duties of Capital and Labor)*. This document attempts to outline a center-left, third-way Catholic economic model that is grounded in neither socialism nor unregulated capitalism. However, the most important part of this document that has consequences for ACT is the fact that *Rerum Novarum* fully embraces and argues for the necessity of worker’s unions.

The signs displayed at the picket of Cardinal Krol’s office, as well as national discourse from Catholic labor unions like ACT, present and utilize Catholic identity in a manner very different from Cardinal Cody’s letter to Chicago priests. While Cody presents the US Catholic hierarchy as a meek organization under attack by federal forces of secularization and unionization, ACT presents members of the US Catholic hierarchy like Cardinal Krol as unresponsive and unaccountable to the hierarchical authority of the Church. This authority is expressed in the papacy and papal documents on labor and unionization. In Cody’s example, the federal government is abusing the Church, while ACT presents cardinals and bishops as hypocritical abusers of workers, unwilling to listen to their own tradition’s teaching on labor.

Cardinal Cody’s presentation of the NLRB as an overreaching state and ACT’s appeal to papal authority find their roots in contentious conversations about Catholic unionization, perhaps most prominently presented in the Supreme Court case *National Labor Relations Board v. Catholic Bishop of Chicago*. I would argue that each attempted to constitute a Catholic public amicable to their political position. This act of identity

¹⁷ “Members of the Association of Catholic Teachers Picketing Outside of Cardinal Krol’s Office,” *Robert & Theresa Halvey Photograph Collection, Philadelphia Archdiocesan Historical Research Center*

construction certainly did not begin with these groups and individuals, and later sections of this paper will prove that it did not end with them. However, to understand why rhetoric that constitutes a Catholic public has any influence at all, the next section of this paper will turn to the theoretical groundings of constitutive rhetoric as explored by two rhetorical theorists. These two theorists, Maurice Charland and Nathaniel Cordova, examine not only the significance of constitutive rhetoric, but also the ways that religious (specifically Roman Catholic) discourse carries a particular power and political sway.

In his 1987 work *Constitutive Rhetoric: The Case of The Peuple Québécois*, rhetorical scholar Maurice Charland builds on Kenneth Burke's argument that identification, not persuasion, is the "key term of the rhetorical process"¹⁸. He attempts to explain how discourse, especially rhetorics of citizenship and group identity, create, maintain, and form collective identity through a process he calls "constitutive rhetoric". He does so by examining the movement for Quebec's independence from Canada in 1980.

Charland argues that the movement for Quebec's sovereignty is predicated upon the construction of a collective identity or "people [people]"¹⁹. Importantly, however, the construction of "Québécois" identity was not intrinsically related to a pro- or anti-sovereignty position. Charland explains that both sides of this contentious argument used the nature, will, and discursive being of the "people" to justify their respective arguments. He argues that "supporters and opponents of Quebec sovereignty both seek to justify their

¹⁸ Charland, Maurice. "CONSTITUTIVE RHETORIC: THE CASE OF THE PEUPLE QUÉBÉCOIS." *Quarterly Journal Of Speech* 73, no. 2 (May 1987): 133. *Communication & Mass Media Complete*, EBSCOhost (accessed December 15, 2016).

¹⁹ Charland, "Constitutive Rhetoric", 136

position on the basis of what they assert is a will intrinsic to their version of the *people's* very being”²⁰.

Perhaps Charland’s most interesting argument centers on the contentiousness of the term “Québécois”, and the diverse political and identity groups who use the term. Those arguing for and against Quebec sovereignty have distinct arguments about the Québécois and its legitimacy or illegitimacy as a concept. He points out that arguments about the existence of this group are contentious, with opponents of sovereignty insisting on a number of diverse arguments. Some insist that no “people Québécois” with a distinct identity exist and that the terminology “Québécois” should apply to only residents of Québec City. These individuals insist that to use the term for this particular politicized consciousness perpetuates a “semantic fraud.”²¹

Charland’s argument that has the most direct application to the construction of US Catholic identity speaks in no uncertain terms about the political nature of identity construction. He insists that Quebec’s government, in its development of a collective “Québécois” identity, did not simply engage in narrative trickery. He argues that rhetorical constructions of identity, built and maintained through narrative, “‘make real’ coherent subjects”²². Rhetorical “embodied subject[s]”, engaged in concrete, ongoing, and material political action, “experience and act in a textualized world”²³.

Finally, Charland argues that constitutive rhetoric not only creates subjects, but also that the collective subjectivity that flows from rhetoric’s constitutive capabilities has ongoing political and rhetorical effects that shape and determine material and rhetorical

²⁰ Charland, “Constitutive Rhetoric,” 136

²¹ Charland, “Constitutive Rhetoric,” 136

²² Charland, “Constitutive Rhetoric,” 138

²³ Charland, “Constitutive Rhetoric,” 142

realities. He summarizes his own argument with two insistences about rhetoric and subjectivity that are in line with this ongoing shaping and building. He argues not only that “discourse has eminently political and practical effects”²⁴ in the building of group identity, but also that the resulting groups reproduce a significant discourse. “[U]ltimately,” Charland argues that “the position one embodies as a subject is a rhetorical effect.”²⁵

Building upon Charland’s groundbreaking work in identifying the effect and power of constitutive rhetoric, Nathaniel Cordova’s essay *The Constitutive Force of the Catecismo Del Pueblo* examines how the religious and political documents of a Puerto Rican political party were used to constitute political identity. Focusing primarily on the Popular Democratic Party’s left-wing election campaign from 1938-1940, Cordova examines a central document of the party: the Catecismo del Pueblo. He argues that this document, which outlined the central mission and ideas of the party, served as a constitutive force, a catechism, and a political covenant.²⁶

Cordova’s arguments about the constitutive nature of the Catecismo rely heavily on Charland’s arguments about the establishment of group subjectivity in the service of material political change. It is the examination of the document as catechism and covenant that this paper will focus on. The word catechism [or *catecismo*] evoked the notion of a covenant because, in the context of Christianity, “catechisms are repositories of the faith, with doctrine laid out for abiding by the will of God.”²⁷ By explaining the significance that a

²⁴ Charland, “Constitutive Rhetoric,” 148

²⁵ Charland, “Constitutive Rhetoric,” 148

²⁶ Cordova, Nathaniel I. “The constitutive force of the Catecismo del Pueblo in Puerto Rico’s popular democratic party campaign of 1938-1940.” *Quarterly Journal Of Speech* 90, no. 2 (May 2004): 212-233. *Communication & Mass Media Complete*, EBSCOhost (accessed December 15, 2016).

²⁷ Cordova, “*Constitutive Force*,” 218

catechetical text grounded in a covenantal relationship would have for Catholic political subjects in Puerto Rico, Cordova demonstrates the constitutive power of Roman Catholic religious documents that build political collectives, parties, and institutions.

Finally, Cordova argues that much of the Catecismo's power was in the fact that a catechism was a "recognized social form that enabled the PPD to originate and sustain a community of believers."²⁸ He also outlines the importance of the *covenantal* nature of the Catecismo, which allowed party leaders to build and solidify relationships with the *jibaros*, or mountain-dwelling peasants, of Puerto Rico. It was the religious nature of a covenantal rhetoric that allowed this bond to be constituted in a strong and lasting way. In comparing voting for the party with the sacred obligation to God intrinsic to a covenant, the PPD "exploited the notion of covenant as an observance of a historic commitment that all 'men of Christian faith' must uphold."²⁹ Cordova argues that "exhorting the *jibaros* to vote for the PPD linked salvation to their actions as political agents,"³⁰ creating a strong rhetorical relationship between Catholic identity, eternal life, and political action.

Having engaged the relationship between the NLRB and Catholic employers, the significance of constitutive rhetoric, and the specific ways that Roman Catholic rhetoric constitutes and maintains political identities, this section will now bring into conversation two contemporary documents on Catholic identity and labor. These documents use the history of Catholic institutions and the NLRB, prominently demonstrated in the 1979 Supreme Court case, to constitute a pro-union and anti-NLRB perspective, respectively.

²⁸ Cordova, "Constitutive Force," 219

²⁹ Cordova, "Constitutive Force," 216

³⁰ Cordova, "Constitutive Force," 216

The Cardinal Newman Society is a conservative Catholic organization founded to, in their own words, “promote and defend faithful Catholic education.”³¹ Since 1993, this organization has been a forceful presence for traditionalist Catholic education at the university level. It has placed itself front and center in debates at Catholic universities and colleges surrounding contraception, LGBTQ advocacy, and many other pressing issues in the contemporary church and world.³²

The Cardinal Newman Society draws the heart of its mission from Pope John Paul II’s 1990 document *Ex Corde Ecclesiae*³³, which outlined his view of Catholic universities as witnesses of the faith in an increasingly secular society. This document presents the Catholic university as oppositional to “cultures marked by secularism”³⁴. It reinforces the importance of these universities taking on a distinctly Catholic character, a talking point that has been echoed by the Cardinal Newman Society.

The Cardinal Newman Society, which is well connected to several right-wing members of the US Roman Catholic hierarchy³⁵, sees many issues at Catholic universities as threats to the authentic practice and belief of Catholicism. These include, but are not

³¹ “Mission,” Cardinal Newman Society, accessed December 14, 2016, <https://cardinalnewmansociety.org/about/mission/>

³² “Administration Silent as University-Sponsored Paper Endorses Assisted Suicide, Abortion, Gay Marriage, Contraception,” Cardinal Newman Society, accessed December 14, 2016, <https://cardinalnewmansociety.org/administration-silent-as-university-sponsored-paper-endorses-assisted-suicide-abortion-gay-marriage-contraception/>

³³ “Mission”

³⁴ John Paul II, *Ex Corde Ecclesiae*, Apostolic Constitution Of The Supreme Pontiff John Paul II On Catholic universities, Vatican Web site, August 15, 1990, http://w2.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae.html

³⁵ “Cardinal Burke, Archbishop Cordileone Headline Newman Society Events at ‘Sacra Liturgia USA’,” Cardinal Newman Society accessed December 14, 2016 cardinalnewmansociety.org/cardinal-burke-archbishop-cordileone-headline-newman-society-events-at-sacra-liturgia-usa/

limited to, transgender inclusion,³⁶ recognition of faculty same-sex marriages,³⁷ the availability of contraception,³⁸ and university affiliations with Planned Parenthood.³⁹ However, one of the most recent issues they have taken on is the role of the National Labor Relations Board, specifically the repercussions of *NLRB v. Catholic Bishop of Chicago*.

The Cardinal Newman Society appears to take no stance on the legitimacy or necessity of Catholic labor unions. However, it is diametrically opposed to the current workings of the National Labor Relations Board. CNS celebrates the decision in *NLRB v. Catholic Bishop*, but it sees danger in the NLRB's ongoing attempts to unionize faculty at Catholic universities. In a report on the NLRB's actions at Catholic universities, the Cardinal Newman Society argues that the NLRB's mission is "forcing [Catholic] institutions to recognize faculty unions despite the potential interference."⁴⁰ The Society goes on to argue that NLRB jurisdiction over Catholic university faculty unions interferes "with [Catholic universities'] ability to enforce their religious missions—a violation of religious liberty under the First Amendment to the U.S. Constitution."⁴¹ The Cardinal Newman Society

³⁶ "Transgender Teachers in Catholic Schools?", Cardinal Newman Society accessed April 14, 2017 <https://cardinalnewmansociety.org/transgender-teachers-catholic-schools/>

³⁷ "Theology Chairman's Same-Sex Wedding Begins 'Flood' of Challenges to Catholic Identity", Cardinal Newman Society accessed April 14, 2017 <https://cardinalnewmansociety.org/theology-chairmans-same-sex-wedding-begins-flood-of-challenges-to-catholic-identity/>

³⁸ "Georgetown to Cover Contraception, Sandra Fluke Declares Victory", Cardinal Newman Society accessed April 14, 2017 <https://cardinalnewmansociety.org/georgetown-to-cover-contraception-sandra-fluke-declares-victory/>

³⁹ "Newman Society Report Reveals Planned Parenthood Ties to Catholic Colleges," Cardinal Newman Society, accessed April 14, 2017, <https://cardinalnewmansociety.org/newman-society-report-reveals-planned-parenthood-ties-to-catholic-colleges/>

⁴⁰ "The NLRB's Assault on Religious Liberty," Cardinal Newman Society, accessed December 14, 2016, <https://cardinalnewmansociety.org/nlrbs-assault-religious-liberty/>

⁴¹ "NLRB's Assault"

argues that the requirements to be considered a bona fide Catholic university are outlined in *Ex Corde Ecclesiae*.⁴²

The Cardinal Newman Society appeals to both US constitutional authority and Catholic hierarchical authority in their attempt to rhetorically construct a Catholic public in line with their values. In this construction, the Catholic Church, as lived out through the Catholic university, is presented as under attack and continually victimized by secular federal overreach. This construction directly mirrors Cardinal John Cody's framing of the relationship between the NLRB and the US Roman Catholic Church in the 1970s.⁴³

The Cardinal Newman Society's deeply political construction of identity is grounded in both individual rights and communal faith. Catholic identity finds its grounding in the authority of papal documents, in this case *Ex Corde Ecclesiae*. US Catholics are also called to engage with their national identity in the protection of their First Amendment right to religious freedom. These identity markers are the common artifacts that bind US Catholics together, similar to the language and cultural commonalities⁴⁴ that hold together the collective identity of Charland's Québécois.

Catholic Scholars for Worker Justice is an organization of Catholic scholars dedicated to pro-union activism in the church and academy, whose purpose is as follows:

To engage in scholarly research and publication on Catholic Social Teaching as it applies to workers' rights and social responsibilities. To work with all parties to recognize the right of workers to freely join a union of their choosing without fear of reprisal from any party. To insure that workers' rights are respected in union organizing campaigns at all institutions and corporations. To stand in solidarity with workers on every continent who may be shunned, or fired, or jailed, or tortured, or

⁴² "NLRB's Assault"

⁴³ "Catholic Union Vote Planned"

⁴⁴ "Constitutive Rhetoric," Charland, 135

even killed for the advocacy of social justice and the right to organize.⁴⁵

In their May 1, 2010 open statement *Union Busting is a Mortal Sin*, released on the Feast of St. Joseph the Worker,⁴⁶ members of Catholic Scholars for Worker Justice attempt to construct Catholic identity and practice in a manner very different from the Cardinal Newman Society. This document uses sources from Jewish and Christian scripture, as well as Roman Catholic documents on labor, to argue that the act of union busting, which they define as “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”⁴⁷ constitutes mortal sin.

Union Busting is a Mortal Sin follows many of the same appeals to hierarchical authority that the Philadelphia Association of Catholic Teachers used in their 1970s strike against Cardinal Krol. Like the ACT strike, *Union Busting is a Mortal Sin* appeals to *Rerum Novarum*. Unlike the mid-1960s Philadelphia strike, this contemporary document also engages the 1992 *Compendium of the Catechism of the Catholic Church’s* assertion that “labor unions ‘are a positive influence for social order and solidarity, and are therefore an indispensable element of social life.’”⁴⁸ Arguing that “Catholic Social Doctrine is forthright and unambiguous on [the positive contributions of] labor unions”⁴⁹, this document appeals to “constitutive forces” in line with Cordova’s analysis by appealing to both scripture and

⁴⁵ “About CSWJ,” Catholic Scholars for Worker Justice, accessed December 15, 2016, <http://www.catholicscholarsforworkerjustice.org/about.html>

⁴⁶ “Union Busting is a Mortal Sin”, Catholic Scholars for Worker Justice, accessed December 15, 2016, <http://www.catholicscholarsforworkerjustice.org/UNION%20BUSTING%20IS%20A%20MORTAL%20SIN-1%20May%202010.pdf>

⁴⁷ “Union Busting”, Catholic Scholars for Worker Justice,

⁴⁸ “Union Busting”, Catholic Scholars for Worker Justice, 2

⁴⁹ “Union Busting”, Catholic Scholars for Worker Justice, 1

tradition. This is especially significant because, just as Cordova's *catecismo* is recognized by an engaged Catholic laity, so too is the importance of Scripture and Tradition in the history of the Church.⁵⁰ This paper has already discussed how CSWJ uses *Rerum Novarum* (Tradition), and will now examine the document's use of Scripture through the Ten Commandments.

Union Busting is a Mortal Sin uses the Ten Commandments to argue that union busting violates the first, fifth, and seventh commandments. The first commandment, "you shall have no other gods before me" is violated by union busters when they reject what the document calls the "Divine law" that mandates the right to unionize.⁵¹ When employers deny the right to unionize, they then deny God's law and, by extension, deny God. The fifth commandment, "you shall not murder", is used to argue that union-busters cause "spiritual death" of workers by "injur[ing] social solidarity and diminish[ing] the universal common good."⁵² Finally, this document argues that union busting violates the seventh commandment, "you shall not steal",⁵³ by stealing wealth, wages, and secure working conditions from workers.

Just as the accusation of commandment breaking is a serious one in Catholic circles, so too is the idea that union busting is a mortal sin. In the Roman Catholic Church, mortal sin is, if "not redeemed by repentance and God's forgiveness," cause for "exclusion from

⁵⁰ Monsignor J. Brian Bransfield, "Bible at Core of Catholic Beliefs", *United States Conference of Catholic Bishops*, accessed April 14, 2017

⁵¹ "Union Busting," Catholic Scholars for Worker Justice, 2-3

⁵² "Union Busting," Catholic Scholars for Worker Justice, 3

⁵³ "Union Busting," Catholic Scholars for Worker Justice, 4

Christ's kingdom and the eternal death of hell"⁵⁴. Just as the Puerto Rican PPD's rhetoric attempted to constitute a voting public through appeals to religious identity, this document attempts to argue for the seriousness of labor politics by making it clear that those who do not support unionization face not only political consequences, but also the consequence of eternal damnation. *Union Busting is a Mortal Sin* insists that to avoid eternal damnation, those who have participated in union busting must confess their sins, engaging a sacramental form (confession of sin to a priest) recognizable to Catholics around the world.⁵⁵

Nathaniel Cordova argued that the Popular Democratic Party "exploited the notion of covenant as an observance of a historic commitment that all 'men of Christian faith' must uphold".⁵⁶ "Union-Busting is a Mortal Sin" can be seen here as standing in the rhetorical tradition of the PPD's constitutive Catholic rhetoric. In the 1930s, the PPD's rhetoric constructed a Catholic public where political action was a covenantal responsibility. In 2010, CSWJ's rhetoric constructed a similar public where "2000 years of Catholic teaching on social justice and peace, and the roots of that teaching in the Hebrew Scriptures, including the Ten Commandments"⁵⁷ create a similar political obligation to support unions.

Both pro-union and anti-union Catholic organizations and institutions of the past and present have attempted to rhetorically constitute an active political public friendly to their political views. They have attempted this constitution by building on the complex history of Catholic labor, especially the Supreme Court case *NLRB v. Catholic Bishop of*

⁵⁴ "Catechism of the Catholic Church: Part Three, Section One, Chapter One, Article Eight: Mercy and Sin," accessed December 15, 2016, http://www.vatican.va/archive/ccc_css/archive/catechism/p3s1c1a8.htm

⁵⁵ "Union Busting," Catholic Scholars for Worker Justice, 5

⁵⁶ Cordova, "Constitutive Force," 216

⁵⁷ "Union Busting" Catholic Scholars for Worker Justice, 1

Chicago. Far from being simply an issue for Catholic individuals and institutions, these rhetorical exercises have deep material consequences for all people in the United States, as well as workers around the world living under capitalism.

The Roman Catholic Church has significant political influence in the extremely globally powerful United States government. The Catholic bloc was largely considered a significant factor in the 2016 election, with contentious conversations about Catholic mobilization and values abounding, especially in light of WikiLeaks revealing Hillary Clinton's connections to several left-leaning Catholic organizations⁵⁸. President Trump also assembled a team of Catholic Coalition of Advisors⁵⁹ during his campaign and even released a statement directly targeting conservative Catholic leaders⁶⁰.

There are 1.2 billion Catholics globally⁶¹, making up the second largest religious group after Islam. Catholics make up 20.8% of the United States population⁶², and they are overrepresented in Congress, with Catholics making up 33.1% of the voting body

⁵⁸ Sarah Pulliam Bailey. *"WikiLeaks emails appear to show Clinton spokeswoman joking about Catholics and evangelicals"* The Washington Post, October 13, 2016. Accessed December 15, 2016. https://www.washingtonpost.com/news/acts-of-faith/wp/2016/10/12/wikileaks-emails-show-clinton-spokeswoman-joking-about-catholics-and-evangelicals/?utm_term=.018142fda31d

⁵⁹ Thomas Fitzgerald. *"Trump names heavyweight group of Catholic Advisors"* The Philadelphia Inquirer, September 23, 2016. Accessed December 15, 2016. http://www.philly.com/philly/blogs/big_tent/Trump-names-heavyweight-group-of-Catholic-advisers.html

⁶⁰ CNA/EWTN News *"Read Donald Trump's letter to Catholic Leaders"* Catholic News Agency. October 6, 2016. Accessed December 15, 2016. <http://www.catholicnewsagency.com/news/read-donald-trumps-letter-to-catholic-leaders-88473/>

⁶¹ "How many Roman Catholics are there in the world?" BBC, accessed December 14, 2016, <http://www.bbc.com/news/world-21443313>

⁶² Pew Research Center, "Religious Landscape Study," accessed December 15, 2016. <http://www.pewforum.org/religious-landscape-study/>

(increasing significantly from 12% in 1961).⁶³ Nancy Pelosi⁶⁴ and Paul Ryan,⁶⁵ the minority leader and Speaker of the House in the United States House of Representatives, are both outspoken Catholics.

According to 2016 statistics from the Center for Applied Research in the Apostolate, there are 17,233 parishes, 5,266 elementary schools, 1,212 Catholic secondary schools, 549 Catholic hospitals, and 221 Catholic colleges and universities in the United States alone.⁶⁶ Given the church's institutional property holdings and vast number of employees, the way it engages labor politics has a deep and lasting effect on workers around the country and world. Coupling this reality with the Roman Catholic Church's global and national political heft makes Charland's insistence on the material consequences of a rhetorically constituted public clear.

The 1979 Supreme Court Case *NLRB v. Catholic Bishop of Chicago* was a watershed moment for US Catholic labor politics. Powerful pro-union and anti-union Catholic organizations, institutions, and individuals have used the fallout from this case to argue for their respective positions. In their arguments, they have attempted to utilize religious, national, and constitutional frameworks to rhetorically create, maintain, and shape a

⁶³ W. Scott Young "The Religious Makeup of the 115th Congress" The Washington Times. January 3, 2017, accessed April 14, 2017. <http://www.washingtontimes.com/news/2017/jan/3/religious-makeup-of-115th-congress/>

⁶⁴ Jennifer Steinhauer "In Pelosi, Strong Catholic Faith and Abortion Rights Coexist" New York Times. September 21, 2015, accessed December 15, 2016. <http://www.nytimes.com/2015/09/22/us/politics/in-pelosi-strong-catholic-faith-and-abortion-rights-coexist.html>

⁶⁵ Peter Nicholas and Mark Peters "Ryan's Catholic Roots Reach Deep" The Wall Street Journal. August 17, 2012, accessed December 15, 2016. <http://www.wsj.com/articles/SB10000872396390444233104577595400789196454>

⁶⁶ "Frequently Requested Church Statistics" Center for Applied Research in the Apostolate, accessed December 14, 2016, <http://cara.georgetown.edu/frequently-requested-church-statistics/>

Catholic public. The discourse following this campaign has had, and will continue to have, what Maurice Charland calls “eminently political and practical effects”⁶⁷ on the material realities of global politics and labor. Far from being a discursive exercise contained within the walls of the Catholic church, Roman Catholic discourse about labor has shaped the world we live in, and will likely continue to do so for decades to come.

⁶⁷ Charland, “Constitutive Rhetoric,” 148