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LIBERTY AND UNION SECURITY

JACQUES ARCHAMBAULT

Trade union security rests entirely on trade union liberty. Accordingly many define trade union liberty as "freedom for an employer or an employee to join or not to join whatever union he pleases". There you have a fine piece of pseudo philosophy, but sociologically speaking the definition is false, for it flies in the face of the facts.

Liberty in itself is not an absolute for it presupposes a free adherence. The conscious or unconscious upholders of economic liberalism declare: "If I am free to join, I am free not to join". This dialectical theorizing has a semblance of truth, but social reality doesn't accommodate itself to such logic.

As far as unions are concerned, it can be stated that the principle of liberty operates only in a positive sense, i.e. that it is there only to protect the exercise of a right and to insist upon the exercise of a duty.

Actually the idea of trade union liberty must take account of the general principle that "in the present state of things, trade unions are morally necessary".¹ If experience proves that today trade unionism is a moral necessity, then it is a moral necessity to join a trade union, either management or labour, to accomplish the social objectives at present demanded by christian social philosophy. So it cannot be a question of defining union freedom as "the right not to belong" to this union or that, because union membership is more than a fundamental right it is a moral obligation, an imperative social duty.

The morality of an act is determined not only by the end pursued but by the circumstances. That is why prudence is necessary. Circumstances become principles of action. So circumstances can require that a certain order of things be set up. Liberty will always remain a relative principle, but the application, the use of the principle of trade union liberty can acquire at any one moment the character of an obligation.

To get itself recognized and accepted by all at the present hour unionism, by its very nature, must use not only juridical but also psychological

means. Union security clauses embody these two categories of means: they constitute a means for a given union to compel concrete and juridical recognition by a given employer; further, they are a psychological means for the union to proclaim itself, to establish itself before public opinion as well as before the employer and the workers themselves. The trade union movement is a mass movement, so it must use "mass" means to promote its cause, without infringing upon the rights of others.

Now this is no restraint of the individual liberty of the worker, as many pretend. Every social group needs a framework for its life and growth; the twentieth century individual must develop within determined social formulas. The closed shop, the union shop, the Rand formula — these are not properly speaking a matter of "believe or die" but they are a matter of "believe and live". United we stand, divided we fall. If we don't hang together we'll hang separately.

The personality of the individual is safeguarded by the very elasticity of union policy and its accord with common usefulness. Add to this the fact that the employers' or employees' union is a means to distribute benefits and to contribute to the social welfare of the employer and the employee; from all points of view it is an institution for the common good.

Union liberty and union security are therefore intimately connected. In themselves they are both relative notions, but when considered in regard to present circumstances, the former becoming a norm of action in the positive sense and the latter appearing as a master element of the social edifice, they become principles absolute and fundamental and both are essential to the realization of the common good of society as a whole. Hence it is clearly of importance to have a correct and realistic conception of these ideas. Our theoretical positions should be based on the study of social principles and phenomena, let us not forget. This led the International Labour Conference at San Francisco to conclude that "the right to organize or not to organize cannot be taken on the same footing".²

(1) Letter of the Sacred Congregation of the Council to Mgr Liénart, June 5, 1929.

(2) 27th. session of the Conference of the CCCL, general president's verbal report, p. 39.