

COINCIDENCE, SYNCHRONICITY OR SYMBIOSIS? CATHOLICISM AND THE WORK OF THE ILO¹

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RESUMEN: En este estudio se analizan las similitudes entre la Enseñanza Social Católica (CST) y los pronunciamientos de la OIT (ILO) partiendo de la hipótesis de que existe un aprendizaje, o se han dejado convencer mutuamente. Se analiza en qué medida se ha producido un vínculo consciente entre lo secular y lo teológico y esta semejanza se deriva de procesos autónomos, que reaccionan de forma independiente a las condiciones en la sociedad, de manera que los paralelismos son coincidencia o responden a una categorización selectiva vinculada, aunque no necesariamente, a

¹ This essay was first prepared in an edited form as the author's Dissertation for the degree of Master of Studies in International Human Rights Law at Oxford University. The author acknowledges with gratitude the guidance of Professor Margaret Bedgood.

conceptos independientes o a respuestas normativas derivadas de las presiones sociales. El paralelismo y la influencia cruzada se revisa en el caso del CST en la Encíclica del Papa León XIII *De Rerum Novarum* (1891) y en el "IHRL from the ILO Preamble of 1919". Se concluye que la sincronización entre CST y la OIT (ILO) durante los últimos cien años se ha revelado como una simbiosis sustantiva.

ABSTRACT: This study tests the assumption that if CST, and the pronouncements of the ILO evidence striking similarities, that each must have learned from or been swayed by the other. It reviews to what extent there has been a conscious link between the secular and the theological, and whether what appears to be synchronicity are on closer examination merely self-contained processes of development, reacting independently of the other to conditions in society, such that perceived parallelisms are coincidence or the selective categorising of linked though not necessarily interdependent concepts or normative responses to societal pressures. The extent of the parallelism and cross-influence is reviewed in the case of CST from the issue of the Papal Encyclical of Pope Leo XIII *De Rerum Novarum* (1891) and of IHRL from the ILO Preamble of 1919. The conclusion drawn is that perceived synchronicity between CST and the ILO during the past hundred years has revealed itself to be substantive symbiosis.

PALABRAS CLAVE: Derechos Humanos; la doctrina social católica; OIT.

KEYWORDS: Human Rights; Catholic Social Teaching; ILO.

1. PREAMBLE

In a time long passed, when our present was his distant future, Pope Leo XIII wrote:

It is not rash to conjecture the future from the past. Age gives way to age, but the events of one century are wonderfully like those of another.²

Is history repeating itself, as history is thought will not do?

Today, the crisis is deepening. Inequality in the world is growing because of the persistence of precarious labour conditions. In the new international scenario the values of work and production have changed. When financial capital rules, it is always the workers' loss, and inequalities are always aggravated.³

Dazu kommen in unserer Gesellschaft sozialdarwinistische Tendenzen; für sie gilt das Recht des Stärkeren und die rücksichtslose Durchsetzung eigener und eigennütziger Interessen. Diejenigen, die nicht mithalten können, geraten leicht unter die Räder und zwischen die Mühlsteine. Vor allem im Zug der Globalisierung der Wirtschaft und die Finanzmärkte sind unkontrollierte entfesselte neokapitalistische Kräfte mächtig geworden, für die Menschen und ganze Völker oft ebarmungslos zum Spielball der eigenen Gier nach Geld geworden sind.⁴

The world of 1931 faced, and that of 2014 faces, challenges which are indistinguishable one from another.

[1931] [I]t is obvious that not only is wealth concentrated in our times but an immense power and despotic economic dictatorship is consolidated in the hands of a few [who act] according to their own arbitrary will and pleasure. (...) This dictatorship is being most forcibly exercised by those who, since they hold the

² Leo XIII, *De rerum novarum* (1891) s 59].

³ Martinez, Worker, Argentina – ILC 2013 20/94.

⁴ KASPER, WALTER KARDINAL, *Barmherzigkeit: Grundbegriff des Evangeliums – Schlüssel christlichen Lebens* (Verlag Herder GmbH, Freiburg, 2012) 24 “In addition social Darwinist leanings are now appearing in our business community; for whom what counts is the right of the stronger and the unheeding implementation of one’s own self-serving interests. Those who cannot keep up simply fall beneath the wheels and between the millstones. Above all, as a consequence of the globalisation of financial markets and of the economy, unregulated and unrestricted neo-capitalist powers have assumed control, for whom individuals and whole peoples are frequently and pitilessly reduced to the status of pawns in their lust for money.” [my translation].

money and completely control it, control credit also, and rule the lending of money. Hence they regulate the flow, so to speak, of the life blood whereby the entire economic system lives, and have so firmly in their grasp the soul, as it were, of economic life that no one can breathe against their will. (...) [A]ll economic life has become tragically hard, inexorable and cruel.”⁵]

[2014] The worship of the golden calf of old has found a new and heartless image of the cult of money and the dictatorship of an economy.’⁶

Does history repeat itself? “Or are its repetitions only penance for those who are incapable of listening to it? (...) Despite deafness and ignorance, the time that was continues to tick inside the time that is.”⁷

2. INTRODUCTION

We see patterns in everything, from stars in the heavens to grains of sand on a beach. It is comforting to perceive order and method where perhaps in reality the random and the chaotic dominate. It is tempting to regard the synchronous as more than merely serendipitous.

2.1. Human Rights and Religion

All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.⁸

When human beings are not visualised in God’s image, then their basic rights may well lose their metaphysical *raison d’être*.⁹

This study does not assert that Catholic Social Teaching (“CST”) is a cure-all. Nor does it argue that the ideas and values upheld by the ILO are not shared in other

⁵ PIUS XI, *Quadragesimo anno* (1931) ss 105, 106, 109.

⁶ Address of POPE FRANCIS to the new non-resident Ambassadors to the Holy See: Kyrgyzstan, Antigua and Barbuda, Luxembourg and Botswana 16 May 2013 <www.vatican.va/holy_father/francesco/speeches/2013/may/documents/papa-francesco_20130516_nuovi-ambasciatori_en.html#> accessed 8 March 2014.

⁷ EDUARDO GALEANO, *Upside Down* (Mark Fried tr, Picador, New York, 1998) 210.

⁸ Declaration of Philadelphia 1944 II(a).

⁹ JEROME SHESTACK, ‘The Philosophic Foundations of Human Rights’ *Human Rights Quarterly* 20 (1998) p206.

religious and philosophical traditions. It is acknowledged that many ideological schools – Christian Democrats, Social Democrats, Humanists, Liberals – have been instrumental in the creation and development of the ILO, as evidenced not least by their contribution to ILO Conference debates since 1919.¹⁰ CST, and rights theory within CST, is a work in progress:¹¹ “Although the idea of rights has figured prominently in Catholic thought since the writing of *Rerum Novarum*, it would be an exaggeration to claim that Catholic social thought contains a finished, comprehensive theory of rights.”¹²¹³

Cold legalism hardens hearts¹⁴. By way of remedy, there is now a resurgent interest in CST on the part of rights theorists.

By laying the foundation for a theory of rights untainted by the shallow, atomistic model of social life that undergirds contemporary rights talk, Catholic social thought can help assure that this idea continues to bear good fruit, that it continues in the new millennium, as it did in the past, to contribute to the improvement of the human condition,¹⁵ which points to the conclusions reached in this essay.

2.2. Assumptions to be tested

This study will test the assumption that if CST and the pronouncements of the International Labour Organisation (“ILO”) evidence striking similarities, that each must have learned from or been swayed by the other. It will review to what extent there has been a conscious link between the secular and the theological, and whether

¹⁰ See generally PECCOUD D (Ed) *Philosophical and spiritual perspectives on Decent Work* (ILO, Geneva, 2004) and *Convergences: decent work and social justice in religious traditions. A Handbook* (ILO, Geneva, 2012) and Section 5.2 n 117 on ecumenism.

¹¹ See generally ROBERT CALDERISI, *Earthly Mission: The Catholic Church and World Development* (Yale University Press, New Haven, 2013) Chapter 3.

¹² KENNETH L GRASSO, ‘Reintegrating Rights: Catholicism, Social Ontology, and Contemporary Rights Discourse’ in Bruce Frohnen and Kenneth Grasso (eds) *Rethinking Rights* (University of Missouri Press, Columbia Missouri, 2009) 204.

¹³ See generally GIORGIO FILIBECK (Ed) *Les droits de l’homme dans l’enseignement de l’Eglise: de Jean XXIII à Jean-Paul II* (Libreria Editrice Vaticana, Cité du Vatican, 1992).

¹⁴ “Human rights – cold rights – do not provide warmth, belonging, fitting, significance, do not exclude need for love, friendship, family, charity, sympathy, devotion, sanctity, or for expiation, atonement, forgiveness.” LOUIS HENKEN ‘Religion, Religions and Human Rights’ in Elizabeth Bucar and Barbara Barnett (Eds) *Does Human Rights Need God?* (William B Eerdmans Publishing Company, Grand Rapids, Michigan, 2005) 154.

¹⁵ GRASSO (n 12) 211.

what appears to be synchronicity are, on closer examination, merely self-contained processes of development, reacting independently of the other to conditions in society, such that perceived parallelisms are coincidence or the selective categorising of linked though not necessarily interdependent concepts or normative responses to societal pressures; mindful ever of the seductive nature of hindsight:

Historiography cannot avoid a degree of backwards projection. The past is a foreign country, its language dead. We read the past from our position in the present and we write history, consciously or unconsciously, with current interests and concerns in mind. Anachronism is not a defect; it is an unavoidable virtue which becomes problematic only when it hides behind a smokescreen of objectivity and detachment.¹⁶

The overlap between CST and IHRL is immense, even when narrowed to the field of labour rights within the context of the ILO. The spectrum of labour rights extends from the right to press for rights (collective bargaining), to rights themselves (conditions in work) and on to post-employment rights (social security) (“the labour-rights spectrum”).

3. METHODOLOGY

The extent of the parallelism and cross-influence is reviewed in the case of CST from the issue of the Papal Encyclical of Pope Leo XIII *De Rerum Novarum* (1891) and of IHRL from the ILO Preamble of 1919.

Parallelism is discerned by comparing the substantive provisions of CST with those of the ILO. To do so:

- CST is synthesised to reflect its evolution and to give its composite form today.
- Declarations and Conventions of the ILO are examined, from the ILO Preamble to the Constitution (1919) to the ILO Declaration on Social Justice for a Fair Globalization (2008).

Cross-influence is discerned by reviewing express references made by the ILO and the Vatican to each other’s endeavours. To do so the study reviews:

¹⁶ COSTAS DOUZINAS, *The End of Human Rights* (Hart Publishing, Oxford, 2000) 376.

- The conscious Catholicism of the ILO and commentary on the work of the ILO made by the Church as expressed in the Records of Proceedings of the ILO Conferences for the years 1919 to 2013.
- The Jesuit presence at the ILO.
- Express references to human rights relating to labour, and to the work of the ILO in particular, in relevant Papal Encyclicals (and other Vatican documentation).

This essay is part of a much larger study which I have undertaken (for the purpose of testing the thesis presented in this essay) of the full labour-rights spectrum. Conscious of the word limit applicable to this essay, yet recognising the need to present my supporting evidence in depth, I have elected to exclude an exposition of collective bargaining and of social security and to focus on conditions in work as being the overarching concern both of the ILO and of the Vatican; and as being the median of the labour-rights spectrum.

4. THE SUBSTANTIVE PROVISIONS – APPARENT PARALLELISM

4.1. The origins, mission and objectives of the ILO as a human rights body

The ILO was born of the Treaty of Versailles 1919 and of the conviction, grounded in “sentiments of justice and humanity”, both that “... universal and lasting peace can be established only if it is based upon social justice” and that appalling labour conditions could give rise to “... unrest so great that the peace and harmony of the world are imperilled.”¹⁷

Cynics have argued that the ILO was merely the negative reaction to burgeoning Communism, yet it has triumphed over the banal political expedient:

The first trend was initially reflected in lofty but significant generalities of the Preamble to the Constitution of the ILO of 1919 ... Thus the international community began dealing with labour issues in an organised and regular manner after World War I, largely for reasons attributable to neither a charity nor an enlightened rationality of governments, but clearly to their fears of further revolutionary unrest which were sweeping over virtually all of Europe at that

¹⁷ Preamble to the Constitution of the ILO (1919).

time. Whatever the historical motives at the outset were, the philosophy of social justice has remained the prime objective of the ILO.¹⁸

Its self-assessment is contained in the Declaration on Fundamental Principles and Rights at Work 1998: "...the ILO is the constitutionally mandated international organisation and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles." A note of caution must however be sounded – the house remains divided on the issue of the ILO's effectiveness:

By far the most active international human rights system has been the ILO convention system.¹⁹

The ILO has done much to convert economic and social rights into relatively precise standards, but it is somewhat marginal in the UN human rights system and its global impact on human rights is limited.²⁰

If the world has changed enormously since World War II, and, in particular, over the last three decades, the sclerotic organized labor movement has been slow to adjust. Creative in its intentions, the ILO was never able to translate its findings and analyses into action.²¹

The ILO states that its mission and objectives are to be:

(...) devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that labour peace is essential to prosperity. Today, the ILO helps advance the creation of decent work and the economic and working conditions that give working people and business people a stake in lasting peace, prosperity and progress. (...) Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.²²

Of the nine General Principles from the ILO Constitution of 1919, seven bear on the labour-rights spectrum:

¹⁸ EIDE A, KRAUSE C AND ROSAS A (Eds) *Economic, Social and Cultural Rights* (2nd Revised edn, Martinus Nijhoff Publishers, The Hague, 2001) 223.

¹⁹ *ibid* 568.

²⁰ MICHAEL FREEMAN, *Human Rights* (2nd edn, Polity Press, Cambridge, 2011) 59.

²¹ MICHELINE ISHAY *The History of Human Rights* (University of California Press, Berkeley, 2008) 263.

²² <www.ilo.org/global/about-the-ilo/mission-and-objectives/lang--en/index.htm> accessed 8 March 2014.

- Labour should not be regarded merely as a commodity or article of commerce.
- The right of association for all lawful purposes by the employed as well as the employers.
- A wage adequate to maintain a reasonable standard of life.
- An eight hour day or a forty-eight hour week.
- A weekly rest of at least twenty-four hours.
- Abolition of child labour and the regulation of the employment of young persons to facilitate education and proper physical development.
- Men and women should receive equal remuneration for work of equal value.

The Declaration concerning the aims and purposes of the ILO (Declaration of Philadelphia) 1944²³ reaffirmed these founding principles:

- Labour is not a commodity
- Freedom of expression and of association are essential to sustained progress
- Poverty anywhere constitutes a danger to prosperity everywhere
- There must be a “war against want”

Universality may be undermined by lack of reach or by lack of unity of approach, a danger evident as not all ILO Conventions are ratified by all Members of the ILO, but such Members

(...) even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organisation, to respect, the promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.²⁴

As the 20th century closed, the fundamental rights elaborated in the 1998 Declaration remained the same: “freedom of association and the effective right to collective bargaining, the elimination of all forms of forced or compulsory labour, the

²³ “which continues to be fully relevant in the twenty-first century” – Declaration on Social Justice for a Fair Globalisation 2008 Preface.

²⁴ Declaration on Fundamental Principles and Rights at Work 1998 part 2.

effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.”²⁵

The contemporary globalisation both of labour problems and of required solutions, with particular reference to the ILO’s Decent Work Agenda²⁶ is recognised in the ILO Declaration on Social Justice for a Fair Globalisation 2008.²⁷

The strategic objectives of the ILO in the early 21st century are “employment, social protection, social dialogue and rights at work” which are “inseparable, interrelated and mutually supportive”²⁸ and the Declaration “... builds on the values and principles embodied in the ILO Constitution and reinforces them to meet the challenges of the 21st century.”²⁹

4.2. Conditions in work

4.2.1. Wages

The ILO’s first steps regarding wages had nothing to do with their adequacy, but with protecting the worker from being paid merely in kind or in the form of promissory notes or coupons, from being paid at irregular intervals and from unwarranted deductions from whatever wage he earned, and from being forced to dispense his wages at his employer’s behest in his employer’s stores. Workers’ wages were to be treated as preferred creditors on any insolvency³⁰ of the employer.³¹ It was twenty years later in 1970 that the concept of a minimum wage came to the fore,³² the

²⁵ as restated in the recitals to the 2008 Declaration (n 24).

²⁶ and see Benedict XVI, *Caritas in Veritate* (2009).

²⁷ “The ILO’s insistence on the necessity for a general climate of civil liberties shows it reaching beyond ‘mere’ labour rights and into broader matters of economic and social rights ... [and] of civil and political rights, thus showing its acceptance (even if only implicitly) of the principle of the indivisibility of all human rights.” . COLIN FENWICK ‘The International Labour Organisation’ in Malcolm Langford (ed) *Social Rights Jurisprudence* (Cambridge University Press, Cambridge, 2008) 598.

²⁸ 2008 Declaration (n 24) Part I.B.

²⁹ *ibid* Preface.

³⁰ as expanded upon in C173.

³¹ C95.

³² C131.

elements of a minimum wage to be the needs of workers and their families taking into account the general level of wages and benefits in the country, and the requirements of economic development.³³ Equal remuneration for men and women workers, for work of equal value, was first advocated in 1951.³⁴

4.2.2. Working conditions

In assessing working conditions the ILO has concerned itself both with the working environment and the nature of the work itself. Environmental awareness began in 1960 and evolved ever greater specificity as health and safety awareness developed.³⁵ Forced labour (ie all work or service which is exacted from any person under the menace of any penalty and for which that person has not offered himself voluntarily) was condemned in 1930³⁶ and further denigrated as a means of disciplining workers for expressing political views or for exploiting them in the name of development in 1957.³⁷ From the perspective of child labour, the minimum age for admission to employment was consolidated in 1973³⁸ having first been the subject of a convention in 1919.³⁹ It took, however, until 1999 for a condemnation of the worst forms⁴⁰ of child labour to be articulated.⁴¹ The need to promote development by means of vocational guidance and vocational training was recognised in 1975.⁴²

³³ C131 Art 3.

³⁴ C100.

³⁵ Protection against ionising radiation (C115), hygiene in commerce and offices (C120), cancer (C139), air pollution, noise and vibration (C148), safety and health (C155 and P155), health services (C161), asbestos (C162), construction (C167), chemicals (C170), prevention of major industrial accidents (C174), mines (C176), agriculture (C184), promotional framework for occupational health and safety (C187).

³⁶ C29.

³⁷ C105.

³⁸ C138.

³⁹ Minimum Age (Industry) Convention 1919, now replaced.

⁴⁰ i.e slavery, prostitution, pornography, drug trafficking or work otherwise physically or morally harmful.

⁴¹ C182.

⁴² C142.

4.3. The Papal Encyclicals and other Vatican documentation

S'il est vrai que tout l'enseignement social de l'Eglise est comme aimanté par le respect de l'homme tel que Dieu l'a créé à son image, il faut cependant veiller à garder aux droits de l'homme leur caractère propre ... Il s'agit d'un grand arbre sur lequel on découvre de plus en plus de branches mais dont les racines plongent dans le mystère de l'homme.⁴³

4.3.1 *The nature of CST and the role of the Church in relation to human rights*

CST forms part of the Magisterial of the Catholic Church, and for the purposes of this study a number of documents issued under the authority of the Church – principally Papal Encyclicals – are analysed. Not all such documents touch upon conditions in work which are the subject of this study.⁴⁴ The wellspring is the, for its time, radical and prescient Papal Encyclical of Pope Leo XIII *De Rerum Novarum* (1891).⁴⁵ A note of caution must however be sounded when analysing such material from a 21st century perspective, with the benefit of over a century's hindsight:

When one compares the social encyclicals written in the century after *Rerum Novarum*, it is possible to discern an evolution in the Church's view on political-economic systems and its postulated social solutions. Such a comparison must be conducted very carefully, however, since the authors of these encyclicals never aspired to write a study that would encompass the whole problem, and this lack of a comprehensive solution inevitable opens the field to deductive and inductive reasoning.⁴⁶

⁴³ ROGER CARDINAL ETCHEGARAY, *Preface* in Filibeck (n 13): 'If it is the case that all the social teaching of the Church is motivated by a respect for man created in God's image, it is nevertheless appropriate to accord to human rights their distinct character. It is like discovering more and more branches of a great tree, whose roots dive deep into the mystery of humanity' (my translation).

⁴⁴ E.g. Paul VI, *Populorum progressio* (1967) deals in broad terms with development issues without touching specifically on labour rights.

⁴⁵ "The appearance of *Rerum Novarum* in 1891 manifested an awakening on the part of the nineteenth-century papacy to the social and religious cataclysm resulting from the Industrial Revolution" ROGER RUSTON, *Human Rights and the Image of God* (SCM Press, London, 2004) 271.

⁴⁶ MACIEJ ZIEBA, *Papal Economics*, (ISI Books, Wilmington, Delaware 2013) 55.

Pope John Paul II in his Encyclical *Sollitudo Rei Socialis* set the parameters:

The church's social doctrine is not a 'third way' between liberal capitalism and Marxist collectivism, nor even a possible alternative to other solutions less radically opposed to one another: rather, it constitutes a category of its own. Nor is it an ideology, but rather the accurate formulation of the results of a careful reflection on the complex realities of human existence, in society and in the international order, in the light of faith and of the Church's Tradition.⁴⁷

As the vocabulary of human rights developed from the mid-20th century onwards and became common currency, the Church began to articulate in human rights terms, having however at all times proclaimed a universality akin to, but predating by centuries, that espoused in the Universal Declaration of Human Rights (1948) and maintaining a pluralist approach.⁴⁸

Though the human rights-analogous aspects of the Encyclicals are often overlooked, "The period from the French Revolution to the Second World War was the dark age of the concept of human rights,"⁴⁹ their effect has been real.⁵⁰ As human rights institutions have developed – and in particular as the ILO has grown in complexity and influence – CST has increasingly interacted with them on a policy level.⁵¹

The Church does not see itself as a human rights institution:

The Church (...) proclaims the rights of man; she acknowledges and greatly esteems the dynamic movements of today by which these rights are everywhere fostered. (...) Christ, to be sure, gave His Church no proper mission in the political, economic or social order. The purpose which He set before her is a religious one. (...) The Church recognises that worthy elements are found in today's social movements, (...). Therefore, let there be no false opposition

⁴⁷ John Paul II, *Sollitudo Rei Socialis* (1987) s 41.

⁴⁸ "Catholic thinking about rights unfolds against the backdrop of a pluralist understanding of the proper organization of social life. In this view, a society is not a collection of atomized individuals, but a *communitatis communitatum*." [a community of communities] GRASSO (n 12) 209.

⁴⁹ FREEMAN (n 20) 37.

⁵⁰ "Even today the authority of this Church doctrine is greater than it seems; for the influence of ideas in the realm of facts, though invisible and not easily measured, is surely of predominant importance." [Pius XI, *Divini redemptoris* (1937) s 37.

⁵¹ see section 5.3.

between professional and social activities on the one part, and religious life on the other.⁵²

Rejecting any accusation that the Church's concern for the condition of workers "Considered superficially... could seem extraneous to the legitimate concern of the Church seen as a religious institution..." Pope John Paul II stated: "...[T]he social doctrine of the Church has once more demonstrated its character as an application of the word of God to people's lives and the life of society, as well as to the earthly realities connected with them, offering 'principles for reflection', 'criteria of judgment' and 'directives for action'."⁵³

In summary, CST "... is about the person – about who we are and why it matters. Beneath, and supporting, the various statements and suggestions regarding specific policy questions is the bedrock of Christian moral anthropology, of the good news about the dignity, vocation and destiny of man."⁵⁴

4.3.2. *Conditions in work*

4.3.2.1. Wages

In social terms, decades ahead of his time, but in theological terms the heir to a long Christian tradition, Pope Leo XIII wrote:

Doubtless, before deciding whether wages are fair, many things have to be considered; but wealthy owners and all masters of labour should be mindful of this – that to exercise pressure upon the indigent and the destitute for the sake of gain, and to gather one's profit out of the need of another, is condemned by all laws, human and divine. To defraud anyone of wages that are his due is a great crime which cries to the avenging anger of Heaven.⁵⁵

He stressed the practical necessities underlying wage negotiations – balancing a worker's ability to accept any wage he chose against his "natural right to procure what is required in order to live"⁵⁶, and concluded (in an age when State intervention in the realm of private contractual arrangements was largely unknown):

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

⁵² Second Vatican Council, *Gaudium et spes* (1965) ss 41,42, 43.

⁵³ *Sollicitudo rei socialis* (n 47) s 8.

⁵⁴ RICHARD GARNETT, quoted in ZIEBA (n 46) 177.

⁵⁵ *De rerum novarum* (n 2) s 20.

⁵⁶ *ibid* s 44.

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.⁵⁷

Forty years later, as the Great Depression was in full spate, Pope Pius XI recognised the need for State intervention in the bargaining process and advocated worker participation in the ownership of the businesses which employed them – “Workers and other employees thus become sharers in ownership or management or participate in some fashion in the profits received,”⁵⁸ and stressed “the social aspect also to be considered in addition to the personal or individual aspect (...) for man’s productive effort cannot yield its fruits (...) unless a social and juridical order watches over the exercise of work (...),”⁵⁹ and argued for the establishment of a minimum wage.⁶⁰

In a changed world twenty years later, the same problems remained, and Pope John XXIII concluded:

[T]he remuneration of work is not something that can be left to the laws of the marketplace; nor should it be a decision left to the will of the more powerful. It must be determined in accordance with justice and equity; which means that workers must be paid a wage which allows them to live a truly human life and to fulfil their family obligations in a worthy manner.⁶¹

Wages should increase as economies expand.⁶² No-one should be excluded from the right to a just wage: “The government should make similarly effective efforts to see that those who are able to work can find employment in keeping with their aptitudes, and that each worker receives a wage in keeping with the laws of justice and equity.”⁶³ In reviewing principles governing socio-economic life as a whole, Pope Paul VI stated: “[R]emuneration for labour is to be such that man may be furnished the means to cultivate worthily his own material, social, cultural and spiritual life and that of his dependents...”.⁶⁴ For Pope John Paul II in the context of wages and other social benefits “The key problem of social ethics (...) is that of *just remuneration*”⁶⁵ for work

⁵⁷ *ibid* s 45.

⁵⁸ *Quadragesimo anno* (n 5) s 65.

⁵⁹ *ibid* s 69.

⁶⁰ *ibid* s 71.

⁶¹ John XXIII, *Mater et magistrata* (1961) s 71.

⁶² *ibid* s 112.

⁶³ John XXIII, *Pacem in terris* (1963) s 64.

⁶⁴ *Gaudium et spes* (n 52) s 67.

⁶⁵ his emphasis.

done. (...) Hence, in every case, a just wage is the concrete means of *verifying the justice*⁶⁶ of the whole socio-economic system and, in any case, of checking that it is functioning justly.”⁶⁷ Recalling that the Church is “the Church of the poor” he noted:

And the ‘poor’ appear under various forms: they appear in various places and at various times; in many cases they appear as a *result of the violation of the dignity of human work*:⁶⁸ either because the opportunities for human work are limited as a result of the scourge of unemployment, or because a low value is put on work and the rights that flow from it, especially the right to a just wage and to the personal security of the worker and his or her family.⁶⁹

4.3.2.2. Working conditions

Pope Leo XIII’s reservations about State interference in matters of private contract did not extend to questions of working conditions:

Whenever the general interest or any particular class suffers, or is threatened with harm, which can in no other way be met or prevented, the public authority must step in to deal with it. (...) It is neither just nor human so to grind men down with excessive labour as to stupefy their minds and wear out their bodies. (...) Daily labour, therefore should be so regulated as not to be protracted over longer hours than strength admits. (...) Finally, the work which is quite suitable for a strong man cannot rightly be required from a woman or a child.⁷⁰

Pope Pius XI excoriated the approach of the “so-called Manchester Liberals”, who advocated “ (...) that all accumulation of capital falls by an absolutely insuperable economic law to the rich, and that by the same law the workers are given over and bound to perpetual want, to the scantiest of livelihoods.”⁷¹ “[T]o abuse the years of childhood and the limited strength of women is grossly wrong.”⁷²

Thirty years later, though reflecting the sensibilities of a slightly earlier period, Pope John XXIII stated:

[I]t is clear that man has a right by the natural law not only to an opportunity to work, but also to go about his work without coercion. To these rights is certainly joined the right to demand working conditions in which

⁶⁶ his emphasis.

⁶⁷ John Paul II, *Laborum exercens* (1981) s 19.

⁶⁸ his emphasis.

⁶⁹ *Laborum exercens* (n 67) s 8.

⁷⁰ *De rerum novarum* (n 2) ss 36, 42.

⁷¹ *Quadragesimo anno* (n 5) s 54.

⁷² *ibid* s 71.

physical health is not endangered, morals are safeguarded, and young people's normal development is not impaired. Women have the right to working conditions in accordance with their requirements and their duties as wives and mothers.⁷³

Pope Paul VI decried "(...) disgraceful working conditions, where men are treated as mere tools for profit, rather than as free and responsible persons"⁷⁴ and the treatment of migrant workers as "mere tools of production."⁷⁵ "It happens too often, however, even in our days, that workers are reduced to the level of being slaves to their work. This is, by no means, justified by the so-called economic laws."⁷⁶

Pope John Paul II emphasised that among workers' rights " (...) there should never be overlooked the right to a working environment and to manufacturing processes which are not harmful to the workers' physical health or to their moral integrity."⁷⁷ He was in 1982 to address the ILO,⁷⁸ a relationship thus established which lasted for the rest of his Pontificate. At the Workers' Jubilee in 2000 he referred to the work of the ILO in this context: "It is ever more necessary, as Mr Juan Somavia⁷⁹ said a short while ago, to establish a global coalition in favour of 'decent work'."⁸⁰

Pope Benedict XVI recalled this greeting and defined "decent" in regard to work:

It means work that expresses the essential dignity of every man and woman in the context of their particular society: work that is freely chosen (...); work that enables the worker to be respected and free from any form of discrimination; work that makes it possible for families to meet their needs and provide schooling for their children, without the children themselves being forced into labour; work that permits the workers to organise themselves freely, and to make their voices heard; work that leaves enough room for rediscovering one's roots at a personal, familial and spiritual level; work that guarantees those who have retired a decent standard of living.⁸¹

⁷³ *Pacem in terris* (n 63) ss 18, 19.

⁷⁴ *Gaudium et spes* (n 52) s 27.

⁷⁵ *ibid* s 66.

⁷⁶ *ibid* s 67.

⁷⁷ *Laborum exercens* (n 67) s 19.

⁷⁸ See section 5.1.

⁷⁹ the then Director General of the ILO.

⁸⁰ Jubilee of Workers, Greeting of Pope John Paul II after Mass, 1 May 2000 www.vatican.va/holy_father/john_paul_ii/speeches/2000/apr-jun/documents/hf_jp-ii_spe_20000501_jub-workers_en.html> accessed 8 March 2014.

⁸¹ *Caritas in veritate* (n 26) s 63.

5. EMPIRICAL ANALYSIS OF CROSS-INFLUENCE

5.1. International Labour Conferences 1919 to 2013 – philosophical interdependence leading to solidarity?

A few weeks ago, in many places, a great anniversary was celebrated, that of the promulgation of the Encyclical De Rerum Novarum by which on 15 May 1891 Pope Leo XIII proclaimed the rights of the workers. He reiterated that wages must be sufficient to allow the worker to live soberly and honestly, authoritatively sketched the essential lines of a peaceful organisation of social reform, and called for structural reforms for the true progress of the workers. Many analogies exist between this high resolve and the principles which are the basis of our international institution..⁸²

This conscious association with CST was present from the first heartbeats of the new ILO in 1919. ILO stalwart Mgr. W H Nolens⁸³ speaking in the context of conditions of work (working hours) drew upon the provisions of De Rerum Novarum, which he said “contributed so considerably and powerfully toward changing public opinion that it may be said to have made contributions which cannot be expressed in mathematical terms”, in supporting calls for workers to “have the necessary time and leisure not only to maintain health, but also to do his duty and exercise his rights as an intelligent, religious, intellectual, moral and social being.”⁸⁴

It was further articulated in 1926 by the Netherlands delegate Mr Serrarens:

The Catholic Church is giving great attention to the conditions of the workers. It is the Church which desires most ardently that all classes should work together to solve social questions. The whole basis of [De Rerum Novarum] is an appeal to governments, employers and workers – that is, to the three groups which are represented in this conference – to improve the lot of the workers. I think the Church has had a very good influence in the sphere of social questions and labour

⁸² Tessier, President of the International Confederation of Christian Trade Unions, ILC 1951 138.

⁸³ Professor of Labour Legislation at Amsterdam University.

⁸⁴ ILC 1919 60.

legislation; but it ought to have a more direct influence on the actual work carried on by this Conference.⁸⁵

By 1926 the sheer scale of the task facing the ILO was becoming apparent, and in his address the Secretary General drew strength from CST:

It is possible that in 1919 the ideal set before us was too high, that the task given to the Organisation may have been too great, perhaps above all possibility of human achievement. [He quotes De Rerum Novarum]: ‘We should all aim high and continue to aim higher, not because we think we can reach the highest, which will never be reached, but in order to ensure that we do not stay on a low level, and that we do at least reach that position which it is humanly possible to reach’.⁸⁶

There remained a realistic appreciation of the necessary separation of the Church from the ILO:

It is not the task of the Church to make propaganda for the conventions adopted by our Conference, but the basis of our organisation, the great principles of justice and charity, the principle of the protection of the dignity of all workers of all nations, of all colours – these we recognise as essentially Christian principles (...).⁸⁷

By 1931 the economic crisis was a source of reflection, and in his speech the President referred to the Encyclical of Pope Pius XI issued that year *Quadragesimo Anno* and endorsed its conclusion that “the reorganisation of the economic system and its reconciliation with the principles of social justice are an absolute necessity.”⁸⁸ This was endorsed by Mr Lambert-Ribot (Employers’ Delegate, France): who urged a collective response to the crisis: “The ideal put before us in that Encyclical is so high and noble that we can all accept it and endeavour to realise it wholeheartedly.”⁸⁹

This was echoed the following year by Mr Heyman (Minister of Industry, Labour and Social Welfare, Belgium): “We find that *Quadragesimo Anno* deals also with

⁸⁵ ILC 1926 83.

⁸⁶ ILC 1926 Volume 1 162.

⁸⁷ Serrarens ILC 1929 150.

⁸⁸ ILC 1931 13.

⁸⁹ ILC 1931 138.

unemployment and it contains, in my opinion, foundations of the future social order.”⁹⁰

ILO president Albert Thomas writing in 1931 was able to confirm that the ILO in its first decade had “received frequent proofs of the sympathy of Catholic organisations in the work they have carried out, the researches they have made and their social propaganda.”⁹¹

On the eve of the Second World War, therefore, it is clear that CST formed part of the warp and weft of the ILO, and, as the quote from Mr Tessier at the start of this section shows, following the conclusion of hostilities and in a very changed Cold War world, a conscious parallelism – by analogy – between the Church and the ILO continued to be openly acknowledged.

Yet throughout the Fifties and Sixties mention of CST at conferences was scant, and generally confined to its relevance in various national contexts. The flame of CST at the ILC was being kept alive by the South Americans, who in 1967 enthusiastically endorsed the development strategies contained in the Encyclical of Pope Paul VI *Populorum Progressio*.^{92 93}

Did the relative silence betoken that the stream of inspiration from the Vatican to the ILO had ceased to flow? Or was it evidence that the ILO was formed in accordance and infused with CST, and that it, having become so, was now one source of inspiration for the Vatican? Had the flow, in fact, not stopped but instead reversed? Was the child the father to the man?

From 1968 there attended each ILC an observer from the Holy See. In his inaugural address Fr. De Ried-Matten commented:

⁹⁰ ILC 1932 133.

⁹¹ ALBERT THOMAS, *The International Labour Organisation: The First Decade* (George Allen & Unwin Limited, London 1931) 360.

⁹² ILC 1967 38, 312, 330 (Argentina), 75 (Dominican Republic), 88 (Colombia), 125 (Brazil).

⁹³ “Latin America’s significant intellectual production supporting human rights is a major reason the region has been called “the forgotten crucible” of universal human rights. Latin American jurisprudence was particularly well-suited to bridging cultural divides in human rights by linking civil and political rights with economic and social rights. This derived from its historical intermarriage of traditional Anglo-American natural rights theories with Catholic and Thomist moral philosophy linked to the injustices of the Spanish conquest.” ROGER NORMAND and SARAH ZAIDI *Human Rights at the UN: the political history of universal justice* (Indiana University Press, Bloomington, 2008) 118.

Our experts and our resources have for a long time been deployed in different parts of the world. (...) In some places they have combined their efforts with those of the ILO and they have in some cases requested the support of the Organisation or, in other cases, have themselves provided support. This form of frank collaboration on the broadest possible basis and without any false calculating spirit is something which the Holy See would like to see established on all possible occasions and in all possible places.⁹⁴

The die was cast, and two Popes were to address the Conference – Pope Paul VI in 1969 (on the occasion of the fiftieth anniversary of the ILO) and Pope John Paul II in 1982 (marking the ninetieth anniversary of *De Rerum Novarum*).

In his address, Pope Paul VI stated definitively that the work of the Church and that of the ILO were inextricably linked, in their common goal of universal peace through social justice, and quoted from “The International Labour Organisation: The First Decade”⁹⁵ in saying that “the great movement which was originated in the Roman Catholic Church by the Encyclical *Rerum Novarum* of 1891 has proved extremely fruitful.” He stressed “the sympathy of the Church towards your organisation, and for the whole world of labour”, “unceasingly manifested” in the Encyclicals *Quadragesimo Anno*, *Mater et Magistrata*, *Gaudium et Spes* and *Populorum Progressio*. “Nor can We omit to mention that (...) almost from the beginning, a priest has always been included among those who constituted, constructed, sustained and served this outstanding institution.” He praised the “modern concept” of work “of which you are the heralds and defenders”:

It is based on a fundamental principle which has been brought out conspicuously by Christianity: in labour, it is man who comes first. (...) An end has been put to the priority of labour over the labourer, to the supremacy of technical and economic necessities over human needs.

He saw the vocation of the ILO as having

(...) a single aim: not money, not power, but the good of man. It is more than an economic concept, it is better than a political concept: it is a moral and human concept which inspires you, namely social justice, to be built up, day by day, freely and of common accord. (...) How then could We not give it Our adherence and Our support?⁹⁶

⁹⁴ ILC 1968 203.

⁹⁵ n 91.

⁹⁶ ILC 1969 77 to 81.

From this point onwards, there is a shift in emphasis, and the cross influence not of CST on the ILO but of the ILO on CST can be discerned through the comments of the various Observers representing the Holy See. The ILO delegates henceforth rarely comment on matters of CST, but the Observers engage in an increasingly technical and pragmatic debate with the Conference, whilst at the same time emphasising the priority of the spiritual and moral mission of the Church.⁹⁷

In his address Pope John Paul II focused on his recently published Encyclical *Laborum exercens* and noted that such texts “were respectfully and favourably received by the ILO, attuned as it always has been, throughout the various historic stages of its existence and its activities, to the varied aspects of all the complex problems associated with human work.” He stressed however the difference between the mission of the Church, “which is primarily and essentially a religious and moral one” and that of the ILO, but confirmed that “... the Church and the Holy See share [the ILO’s] concern for its basic objectives...”. As with his predecessor Pope Paul VI in 1969, Pope John Paul II stressed the interconnection of the Church and the ILO, which he mentioned expressly in *Laborum exercens*:

[I]n efforts to give human labour a truly moral basis – which is consistent with the objective principles of social ethics – the aims of the ILO are very close to those which the Church and the Apostolic See are pursuing in their own sphere with means adapted to their mission. (...) [T]he Church and the Apostolic See take great joy in their excellent co-operation with your Organisation, co-operation which has already lasted for half a century and which culminated in the formal accrediting in 1967 of a permanent observer to the ILO. In this way the Holy See sought to give stable expression to its desire for co-operation and to the lively interest of the Catholic Church in labour problems, stemming from its concern for the true good of man.

The summation of his address is an unqualified, unlimited endorsement of the ILO and its “tremendous record of achievement within its field.”⁹⁸

⁹⁷ Speaking at the ILC in 1971 Rev Fr Riedmatten highlighted the strong similarities between the report of the then Director General of the ILO to the Conference and the provisions of the Apostolic Letter *Octogesima Adveniens* published shortly before the Conference opened, and the striving of each for actions and not mere words: “... it is not enough to recall principles, to affirm intentions and underline glaring injustices and to offer prophetic denunciations: these words will not have real weight unless they are accompanied by an awareness on the part of each one of us, a stronger awareness of his own responsibility and effective action.” ILC 1971 412.

⁹⁸ ILC 1982 21/1 to 21/6.

The feeling of the ILO delegates towards the issues raised in Pope John Paul II's address and towards the significance of the address itself were expressed by Mr Di Giesi (Minister of Labour and Social Welfare, Italy):

This event constitutes undoubtedly and in the truest sense a consecration of the universal vocation of the ILO. Also, as explicitly and significantly outlined in (...) *Laborum exercens*, there can be no doubt that the ILO constitutes today a rallying point for the aspirations which were at the centre of the Pope's message, namely the desire for the balanced development of ethical and social relations and the relations between our respective national economies (...).⁹⁹

This appears to have been a watershed, built on the foundations laid down in his address by Pope Paul VI. At the ILC in 1984 Rev Fr Roch for the Holy See commented:

The activities of the ILO until now ... have indeed been worthy of the praise and interest of all those who attach importance to people, national communities and their harmony with the universal common good. That is why the Holy See, in its spiritual mission, feels solidarity with an effort which is making such a great contribution towards the establishment and development of justice and peace in the human family.¹⁰⁰

This convergence of ideals expressed as "solidarity" must however not be exaggerated. Speaking at the ILC in 1985 Mgr Bertello representing the Holy See, whilst giving unqualified support to the ILO and rejecting any suggestion that his observations "might appear to be no more than abstract principles and a manifestation of superficial solidarity", cautioned:

Naturally the Church has neither the competence nor the means to propose technical solutions in regard to structural change due to economic and technical innovations which over the last few years have thoroughly disturbed the composition and the very nature of manpower. However, (...) the Church feels that an essential part of its mission is to indicate the ethical principles – and that is its specific contribution to the solution of economic problems – according to which such solutions should be contemplated, (...).¹⁰¹

It was noted by Conference delegates (indicative of a growing secularist trend) that in 1991 no formal tribute was paid in Conference to commemorate the centenary

⁹⁹ ILC 1982 23/6.

¹⁰⁰ ILC 1984 25/4.

¹⁰¹ ILC 1985 22/25, 26.

of *De Rerum Novarum*¹⁰² though it and the Encyclical of Pope John Paul II *Centesimum annus* (1991) were highlighted in his address to the Conference by Mgr. Mullor Garcia, the Apostolic Nuncio and Permanent Observer of the Holy See.^{103 104}

Looking outside the confines of the Conference itself however, the ILO did not fail to mark the anniversary, the Jesuit in residence Louis Christiaens SJ drawing strong parallels between the work of the ILO and that of the Vatican in the century since 1891.¹⁰⁵

The ILC in 1992 read out the greeting given by Pope John Paul II at an audience granted to the Governing Body of the ILO on 30 May 1992.¹⁰⁶ Referring to the ILO as an “illustrious Organisation” the Pope continued: “I am pleased that the Organisation pays special attention to the teachings of the Church, and I perceive similarities between its approach and the social doctrine of the Church. Quite recently the colloquium on work, culture and religion highlighted their common interests and concern for modern social issues.”

Commenting on the audience, Mgr Tabet the Apostolic Nuncio and Permanent Observer of the Holy See said: “ (...) the social teaching of the Catholic Church fully coincides with the ILO’s perspective.”¹⁰⁷ At the Conference in 1993 he unreservedly endorsed the conclusions drawn in the ILO Director-General’s Report *Social insurance and social protection*,¹⁰⁸ engaging with the ILO on a technical, almost secular level, and evidencing the growing implementational sophistication of the Church’s contribution to ILO Conference debates. This convergence was further emphasised by Mgr Tauran (Secretary for Relations with States, The Holy See) at the 1994 Conference:

Since 1919, the collaboration between your Organisation and the Holy See has been constant: the numerous messages from the Holy Father, as well as the visits made by Pope Paul VI and John Paul II to the [ILO] show the high esteem in which the Catholic Church holds the fundamental inspiration that lies behind

¹⁰² Mr Marius, representative of the Latin American Central of Workers, ILC 1991 8/14

¹⁰³ ILC 1991 8/16.

¹⁰⁴ Referred to in speeches of delegates from Argentina (8/11), Guatemala (17/10), Paraguay (13/38), Peru (6/21) and the International Federation of Trade Unions of Transport Workers (9/25).

¹⁰⁵ LOUIS CHRISTIAENS, *L’Organisation internationale du Travail et l’encyclique sociale de Jean-Paul II Centesimus annus: Commémoration du centième anniversaire de Rerum novarum* (ILO, Geneva, 1991).

¹⁰⁶ Presenting the Pope with a copy of CHRISTIAENS *ibid*.

¹⁰⁷ ILC 1992 19/11.

¹⁰⁸ ILC 1993 20/8.

the work done by the ILO: improving workers' conditions of life through genuine social dialogue, freedom of association, abolition of child labour and reconciling work with family life. (...) On the eve of the twenty-first century, the ILO must more than ever act as the world's social conscience.¹⁰⁹¹¹⁰

Seemingly mindful however that convergence of principle must fall short of an outright structural merger, he continued:

It is not for the Catholic Church to offer technical solutions to these serious problems, but all the children of the Church... are very much aware now more than ever before, that God expects each one of them to show a spirit of solidarity ... to ensure that selfishness, indifference and sometimes even hate, never have the final say.¹¹¹

From the mid Nineties onwards, virtually the only references at ILO Conferences to CST and to those provisions of the ILO, or to references in the Annual Reports of the Directors-General which corresponded to CST, were to be made by the Observers of the Holy See – in large part, delegates had ceased to make any express connection between the two. Yet, as can be seen from the comments of ILO President Guevara in 2004,¹¹² CST had remained just as much a part of the ILO's DNA as it was when Mr Tessier addressed the ILC Conference in 1951,¹¹³ as the quiet presence for almost ninety years of the Jesuit in residence attests.

¹⁰⁹ ILC 1994 9/8, 9/9.

¹¹⁰ In his opening address to the ILC Conference in 2004 the ILO President, Ray Guevara, echoed this: "[Addressing the Conference in 1969] Pope Paul VI stated (...) that this Organisation was more than an economic conception and better than a political conception and that rather it was a moral and human conception that inspired the establishment of social justice on a day-to-day basis, freely and by mutual agreement (...) fine-tuning and promoting the moral conscience of humanity. I think that, in the twenty-first century, it is our duty and our responsibility, more than ever before, to be this moral conscience that humankind needs so badly." ILC 2004 10/3.

¹¹¹ ILC 1994 9/8, 9/9.

¹¹² n 110.

¹¹³ n 82.

5.2. The Jesuit presence at the ILO¹¹⁴

There has been a Jesuit in residence, on the full time staff of the ILO, since 1926.¹¹⁵ The first director of the ILO, Albert Thomas (a lapsed Catholic himself), was so struck by the eloquence of the Netherlands delegate of the time, the priest Mgr Nolens¹¹⁶ at the opening ILC conference in 1919 that in the succeeding year he researched the social thinking of the Catholic Church. This resonated strongly with him. According to Fr Dominique Peccoud:

Part of the background was that Thomas was afraid that his agency, the ILO, instead of being an international agency producing international law, would be reduced to the role of simply controlling here and there minimum social standards that each country could adopt, but that it would have no power to produce international legal instruments. He thus asked Nolens how he could get in contact with the Vatican State and the Pope. He saw the potential to breathe a new spirit and direction into the ILO.

Meeting in private over a five year period, Albert Thomas and firstly Pope Benedict XV (1914-1922) and then Pope Pius XI (1922-1939) negotiated the appointment of a senior officer to be proposed by the Holy See to the ILO Director General, to serve as a special adviser to the ILO for socio-religious affairs. This arrangement has continued to the present day.

A Protestant opposite number (Georges Thelin) was briefly in post before the Second World War, but when the ILO relocated to Canada in 1940 during the hostilities, he did not go with them, and his post fell into desuetude. After the war, the suggestion was made in 1956 that the post be restored but the Director General refused to create any new posts with religious links (citing the multiplicity of religions by then represented amongst the members of the ILO – Fr Joseph Joblin explains this: “The Director General felt that Catholicism had one clear spokesman, the Pope, and

¹¹⁴ The material in this section is taken in part from *Eighty Years of Jesuit Presence in the International Labour Movement* by JOSEPH JOBLIN, SJ <http://www.sjweb.info/sjs/pjold/pj_show.cfm?PubTextID=1544> and from *A Discussion with Dominique Peccoud*, SJ (Interview conducted on 23 February 2011) <<http://berkeleycenter.georgetown.edu/interviews/a-discussion-with-dominique-peccoud-sj>> accessed 8 March 2014.

¹¹⁵ Fr Andre Arnou 1926-1932, Fr Achille Danset 1933-1936, Fr Albert Le Roy 1936-1955, Fr Joseph Joblin 1956-1981, Fr John Lucal 1981-1986, Fr Louis Christiaens 1987-1995, Fr Dominique Peccoud 1997-2008, and Fr Pierre Martinot-Lagarde 2008 to date.

¹¹⁶ nn 83, 84.

adding one representative from each religion to the Bureau would not be possible.”). The field was thus left clear for the Jesuit in residence.¹¹⁷

In the ILO Declaration on Fundamental Principles and Rights at Work (1998) piloted by Director General Michel Hansenne are the seeds of what his successor as Director General Juan Somavia termed “decent work”, a concept now embodied in the ILO Declaration on Social Justice for a fair Globalization” (2008). The concept of “decent work” is in these same words embodied also in the Encyclical of Pope Benedict XVI *Caritas in Veritate* (2009). This is explained by Fr Dominique Peccoud as being no coincidence. Confirming he was involved in making the links, he comments:

[B]ut more important the convergence of ideas and their articulation reflect the deep convergence, the resonance between the social doctrine of the Church and the foundational principles that underlie the ILO. The influence goes both ways, but to my mind I see a greater weight of influence from the ILO towards the practical issues the Catholic Church deals with in its social doctrine than vice versa. There are active and continuing bilateral relationships between the two.¹¹⁸

5.3. Express references to human rights in general and relating to labour and to the work of the ILO in particular, in relevant Papal Encyclicals (and other Vatican documentation).

The conscious interplay of ideas between the Vatican and the ILO was present from the beginning¹¹⁹ but the shared language of human rights took time to develop

¹¹⁷ Not that this was consciously the death of ecumenism or the handing of a prize to the Vatican. Fr Joseph Joblin comments: “Their job was not to discuss the merits of the various social doctrines but to join efforts to produce concrete results on a commonly recognised objective: the good of the poorest of the poor. From this perspective, the Jesuit at the [ILO] is not there to promulgate the social doctrine of the Church, but to help Christian movements to come together for realising the goal of a progressive social policy.”

¹¹⁸ This was already evident in the first decade of the ILO – “[T]he Catholic hierarchy, faced with the changed and unforeseen conditions of the last few years and the economic conflicts of the War and post-War periods, has applied itself to completing and expanding the traditional teaching on such questions as an adequate wage, social insurance, the intervention of the law, trade unionism and mutual understanding between capital and labour.” THOMAS (n 91) 359 and see generally *ibid* 359-362.

¹¹⁹ See sections 5.1, 5.2.

as the last century progressed. The Church is committed to defend and promote human rights.¹²⁰

Pope Pius XI pinpointed the cross fertilisation as having begun as part of the Versailles peace process following World War One:

Furthermore, after the terrible war, when the statesmen of the leading nations were attempting to restore peace on the basis of a thorough reform of social conditions, did not they, among the norms agreed upon to regulate in accordance with justice and equity the labour of the workers, give sanction to many points that so remarkably coincide with Leo's principles and instructions as to seem consciously taken therefrom,¹²¹ and identified "a new branch of law, wholly unknown to the earlier time, has arisen from this continuous and unwearied labour to protect vigorously the sacred rights of the workers that flow from their dignity as men and as Christians"¹²² with *De Rerum Novarum* as "(...) the Magna Charta upon which all Christian activity in the social field ought to be based, as on a foundation."¹²³ Anticipating future human rights terminology, he urged all public institutions "to conform to the needs of the common good, that is, to the norm of social justice".¹²⁴

Pope John XXIII was the first of the Popes to express himself in human rights terms:

The solidarity which binds all men together as members of a common family makes it impossible for wealthy nations to look with indifference upon the hunger, misery and poverty of other nations whose citizens are unable to enjoy even elementary human rights.¹²⁵

Writing in a world now familiar with the universality of the UDHR he affirmed: "Men, too, are becoming more and more conscious of their rights as human beings, rights which are universal and inviolable (...)"¹²⁶ and that the principles of CST are "of universal application (...) They also take into account the principal characteristics of contemporary society, and are thus acceptable to all."¹²⁷

¹²⁰ John Paul II, *Centesimus annus* (1991) s 22.

¹²¹ *Quadragesimo anno* (n 5) s 22.

¹²² *ibid* s 28.

¹²³ *ibid* s 39.

¹²⁴ *ibid* s 110.

¹²⁵ *Mater et magistrata* (n 61) s 157.

¹²⁶ *ibid* s 211.

¹²⁷ *ibid* s 220.

These rights he set out in *Pacem in terris* – “... an authentic charter of human rights”¹²⁸ –

Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person, that is, his nature is endowed with intelligence and free will. Indeed, precisely because he is a person he has rights and obligations flowing directly and simultaneously from his nature. And as these rights are universal and inviolable so they cannot in any way be surrendered.^{129 130}

“[I]t becomes clear that in the juridical organisation of states in our times the first requisite is that a charter of fundamental human rights be drawn up in clear and precise terms and that it be incorporated in its entirety in the constitution.”¹³¹

The Church is not a human rights institution yet Pope John XXIII was clear on the point: “...a purely theoretical instruction in man’s social and economic obligations is inadequate.”¹³²

It is also demanded by the common good that civil authorities should make earnest efforts to bring about a situation in which individual citizens can easily exercise their rights and fulfil their duties as well. For experience has taught us that, unless these authorities take suitable action with regard to economic, political and cultural matters, inequalities between citizens tend to become more and more widespread, especially in the modern world, and as a result human rights are rendered totally ineffective and the fulfilment of duties is compromised.¹³³

With this in mind, he lauded the UNO and its specialised agencies, and described as “an act of the highest importance” the UDHR and expressly the provisions of the Preamble in which “the recognition and respect of those rights and respective liberties is proclaimed as a goal to be achieved by all peoples and all countries. ... It is therefore our ardent desire that the UNO – in its structure and in

¹²⁸ Roman Synod, *Justicia in mundo* (1971) s 56.

¹²⁹ *Pacem in terris* (n 63) s 9

¹³⁰ “[T]here is a growing awareness of the exalted dignity proper to the human person, since he stands above all things, and his rights and duties are universal and inviolable.” *Gaudium et spes* (n 52) s 26.

¹³¹ *Pacem in terris* (n 63) s 75.

¹³² *Mater et magistrata* (n 61) s 230.

¹³³ *Pacem in terris* (n 63) s 63.

its means – may become ever more equal to the magnitude and nobility of its tasks
... „¹³⁴ ¹³⁵

Pope John Paul II stressed the “entirely positive and creative, educational and meritorious character of a man’s work” as “the basis for the judgments and decisions being made today in its regard in spheres that include human rights, basis evidenced by the international declarations on work and the many labour codes...” and singled out for praise the ILO.¹³⁶ Workers’ right “must be examined in the broad context of human rights as a whole, which are connatural with man”¹³⁷ “The International Organisations have an enormous part to play in this area.”¹³⁸

6. COINCIDENCE, SYNCHRONICITY OR SYMBIOSIS?

When comparing and contrasting the provisions of CST and the jurisprudence of the ILO one finds a striking parallelism but this of itself could be open to a charge that the parallels were merely coincidental reactions to similar societal issues, an expression of core human values¹³⁹ ¹⁴⁰ were it not for the equally striking evidence of cross-influence, a conscious *approchement*, between the ILO and the Vatican.

Though by the 1990’s International Labour Conference delegates may have lost sight of the CST origins, the ILO was itself already indelibly imprinted by that teaching. The ILO continues to acknowledge its own history and to realise that it is itself the embodiment in the secular realm of a transcendent moral imperative in an

¹³⁴ *ibid* ss 142, 145.

¹³⁵ “Let recognition be given to the fact that international order is rooted in the inalienable rights and dignity of the human being. Let the UNDR be ratified by all Governments who have not yet adhered to it, and let it be fully observed by all.” Roman Synod (n 128) s64.

¹³⁶ *Laborum exercens* (n 67) s11.

¹³⁷ *ibid* s 16.

¹³⁸ *ibid* s 18.

¹³⁹ Hebrews 10:16 “This is the covenant I will make with them after that time, says the Lord. I will put my laws in their hearts, and I will write them on their minds.”

¹⁴⁰ “Human rights are not just a doctrine formulated in documents; they rest on a disposition toward other people, a set of convictions about what people are like and how they know right and wrong in the secular world.” LYNN HUNT *Inventing Human Rights* (W W Norton & Co., New York 2007) 27.

age when such transcendence seems otherwise absent.¹⁴¹ It consciously unfolds a moral narrative.¹⁴²

There is nothing that has been proclaimed about human rights in our age ... which cannot be traced to the great Christian religious matrix. Even those in our own day who carry, on a non-religious or even anti-religious basis, the burden of human rights with such evident passion and sincerity ... owe their impulse, knowingly or unknowingly, to the original inspiration of this tradition.¹⁴³

It is essential that, in an age that is often simultaneously sentimental, utilitarian and impatient, we do not allow the language of rights to wander too far from its roots in an acknowledgement of the sacred.¹⁴⁴

This does not connote and does not require a “theological-ideological homogenization” As Henken writes:

Despite abiding differences, convergence, *approchement* of religion and human rights, is not an idle dream but a justifiable hope. It will not include theological-ideological homogenization. Human rights are not, and cannot, be grounded in religious conviction. The human rights ideology is a fully secular and rational ideology whose very promise of success as a universal ideology depends on its secularism and rationality.¹⁴⁵

Human rights exist in the secular world, driven by social, economic and political considerations, not in the divine. Nevertheless, from the perspective adopted by the ILO since its inception, the roots of international labour law are in CST, and, in this field, CST has evolved and expanded not merely in response to the changing condition of workers but also to the pioneering research and development of the ILO.

¹⁴¹ “Legal thinking has abandoned transcendence, has condemned natural law to the history of ideas, has tamed justice and has become an accountancy of rules.” DOUZINAS (n 16) 374.

¹⁴² “The Enlightenment vision – with or without God as its first mover and moral arbiter – no longer convinces: we need reasons to choose one policy or set of policies over another. What we lack is a moral narrative: an internally coherent account that ascribes purpose to our actions in a way that transcends them.” TONY JUDT, *Ill fares the Land* (Allen Lane, London, 2010) 183.

¹⁴³ CHARLES MALIK quoted in CALDERISI (n 11) 66.

¹⁴⁴ ROWAN WILLIAMS, *Faith in the Public Square* (Bloomsbury, London, 2012) 172.

¹⁴⁵ HENKEN (n 14) 153, 154.

CST, far from having latched on late in the day to the concept of human rights or having made it the subject of a disconnected theological discourse, has illuminated and applied to its established principles which have their origin in the Church.¹⁴⁶

It is in the final analysis not a question of contrasting the religious and the secular approaches to the labour issue. As Hunt writes:

Human rights only become meaningful when they gain political content. They are not the rights of humans in a state of nature; they are the rights of humans in society. They are not just human rights as opposed to divine rights (...) they are the rights of humans vis-à-vis each other. They are therefore rights guaranteed in the secular political world (even if they are called 'sacred') (...)¹⁴⁷

It is not that which divides, but that which permeates the two¹⁴⁸ which explains what to a casual observer would be an odd-couple relationship between the Vatican and the ILO.

Perceived synchronicity between CST and the ILO during the past hundred years has revealed itself to be substantive symbiosis.

7. AFTERWORD

Those who conceive of an ideal worthy of the name will work steadily for its realisation even without the stimulus of the hope that it will one day be achieved.¹⁴⁹

Doubtless many a long decade must still elapse, many a compromise, many a struggle and perhaps many a failure be faced, and accepted, before the economic system is finally regulated and organised for the common weal.¹⁵⁰

What unites the ILO and the Vatican is a shared faith in justice and in the inherent dignity of humanity. And it is this faith, shorn of mere hope or seductive optimism, which will in the end triumph.

¹⁴⁶ FILIBECK (n 13) 9.

¹⁴⁷ HUNT (n 140) 21.

¹⁴⁸ Galatians 5:9 "A little yeast works through the whole batch of dough".

¹⁴⁹ THOMAS (n 91) 364.

¹⁵⁰ *ibid* 12.

8. BIBLIOGRAPHY

ILO Instruments (<<http://labordoc.ilo.org>>)

- ILO Preamble to the Constitution 1919
- ILO Declaration of Philadelphia 1944
- ILO Declaration on Fundamental Principles and Rights at Work 1998
- ILO Declaration on Social Justice for a Fair Globalization 2008

ILO Conventions and Protocols (<<http://labordoc.ilo.org>>)

- C14 Weekly (Industry) Convention 1921
- C29 Forced Labour Convention 1930
- C95 Protection of Wages Convention 1949
- C100 Equal Remuneration Convention 1951
- C105 Abolition of Forced Labour Convention 1957
- C115 Radiation Protection Convention 1960
- C120 Hygiene (Commerce and Offices) Convention 1964
- C131 Minimum Wage Fixing Convention 1970
- C138 Minimum Age Convention 1973
- C139 Occupational Cancer Convention 1974
- C142 Human Resources Development Convention 1975
- C148 Working Environment (Air Pollution, Noise and Vibration) Convention 1977
- C155 Occupational Safety and Health Convention 1981
- C161 Occupational Health Services Convention 1985
- C162 Asbestos Convention 1986
- C167 Safety and Health in Construction Convention 1988
- C170 Chemicals Convention 1990
- C173 Protection of Workers' Claims (Employer's Insolvency) Convention 1992
- C174 Prevention of Major Industrial Accidents Convention 1993
- C176 Safety and Health in Mines Convention 1995
- C182 Worst Forms of Child Labour Convention 1999
- C184 Safety and Health in Agriculture Convention 2001
- C187 Promotional Framework for Occupational Safety and Health Convention 2006

- P155 Protocol of 2002 to the Occupational Safety and Health Convention 1981

Proceedings of the International Labour Conference

Sessions 1 to 102 (1919 to 2013)

(<<http://labordoc.ilo.org/search?recid=188744&ln=en>>)

Other IHRL Instruments

- UNDHR 1948

CST Sources (<<http://www.papalencyclicals.net>> and <www.osjspm.org>)

- *De Rerum novarum*, “The Condition of Labour” (1891) Pope Leo XIII
- *Graves de Communi Re*, “On Christian democracy” (1901) Pope Leo XIII
- *Quadragesimo anno*, “After Forty Years” (1931) Pope Pius XI
- *Divini Redemptoris* “On Atheistic Communism” (1937) Pope Pius XI
- *Mater et magistrata*, “Christianity and Social Progress” (1961) Pope John XXIII
- *Pacem in terris*, “Peace on Earth” (1963) Pope John XXIII
- *Gaudium et spes*, “Pastoral Constitution on the Church in the Modern World” (1965), Second Vatican Council
- *Octogesima adveniens*, “A Call to Action on the Eightieth Anniversary of *Rerum novarum*” (1971) (Apostolic Letter) Pope Paul VI
- *Justitia in mundo*, “Justice in the World” (1971), Roman Synod
- *Laborum exercens*, “On Human Work” (1981) Pope John Paul II
- *Sollicitudo rei socialis*, “On Social Concern” (1987) Pope John Paul II
- *Centesimus annus*, “On the Hundredth Anniversary of *Rerum novarum*” (1991) Pope John Paul II
- *Jubilee of Workers* – Greeting after Mass (2000) Pope John Paul II
- *Caritas in veritate*, “Charity in truth” (2009) Pope Benedict XVI

Coincidence, synchronicity or symbiosis? What has been the extent of parallelism...

- *Address of Pope Francis to the new non-resident Ambassadors to the Holy See: Kyrgyzstan, Antigua and Barbuda, Luxembourg and Botswana* (16 May 2013)

Secondary Sources

- Bucar EM and Barnett B (Eds) *Does Human Rights Need God?* (William B Eerdmans Publishing Company, Grand Rapids, Michigan, 2005)
- Calderisi R *Earthly Mission: The Catholic Church and World Development* (Yale University Press, New Haven, 2013)
- Christiaens L *L'Organisation internationale du Travail et l'encyclique sociale de Jean-Paul II Centesimus annus: Commémoration du centième anniversaire de Rerum novarum* (ILO, Geneva, 1991)
- Christiaens L *L'enseignement social de l'Église catholique et le monde du travail: Extraits d'encycliques et de documents sociaux de Rerum novarum à Sollicitudo rei socialis (1891-1991)* (ILO, Geneva, 1991)
- Douzinas C *The End of Human Rights* (Hart Publishing, Oxford, 2000)
- Eide A, Krause C and Rosas A *Economic, Social and Cultural Rights* (2nd revised edition) (Martinus Nijhoff Publishers, The Hague, 2001)
- Filibeck G (Ed) *Les droits de l'homme dans l'enseignement de l'Église: de Jean XXIII à Jean-Paul II* (Libreria Editrice Vaticana, Cite du Vatican, 1992)
- Freeman M *Human Rights 2nd edition* (Polity Press, Cambridge, 2011)
- Frohnen BP and Grasso KL *Rethinking Rights: political and philosophical perspectives* (University of Missouri Press, Columbia Missouri, 2009)
- Galeano E *Upside Down World* (Picador, New York, 1998)
- Hunt L *Inventing human rights: a history* (W W Norton & Co., New York, 2007)
- ILO: *Convergences: decent work and social justice in religious traditions. A Handbook* (ILO, Geneva, 2012)
- Ishay M *The history of human rights: from ancient times to the globalization era* (University of California Press, Berkeley, 2008)
- Judt T *Ill Fares the Land* (Allen Lane, London, 2010)
- Kasper, Walter Cardinal, *Barmherzigkeit: Grundbegriff des Evangeliums – Schlüssel christlichen Lebens* (Verlag Herder GmbH, Freiburg, 2012)
- Langford M (Ed.) *Social Rights Jurisprudence* (Cambridge UP, Cambridge, 2008))
- Normand, R and Zaidi, S *Human Rights at the UN: the political history of universal justice* (Indiana University Press, Bloomington, 2008)

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- Peccoud D (Ed) *Philosophical and spiritual perspectives on Decent Work* (ILO, Geneva, 2004)
- Ruston R *Human Rights and the Image of God* (SCM Press, London, 2004)
- Shestack JJ *The Philosophic Foundations of Human Rights* (Human Rights Quarterly 20 (1998) 201-234)
- Thomas A *The International Labour Organisation: The First Decade* (George Allen & Unwin Limited, London 1931)
- Williams R *Faith in the Public Square* (Bloomsbury, London, 2012)
- Zieba M *Papal Economics: The Catholic Church on Democratic Capitalism, from Rerum Novarum to Caritas in Veritate* (ISI Books, Wilmington, Delaware 2013)

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