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Homo ad laborem nascitur et avis ad volatum

Labour: a biblical perspective in the frame of social justice

(prolegomena for a legal study of *work & social justice* in the bible)

by

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Was not the labour problem the same everywhere?

(G. Orwell, *Animal farm*, August 17, 1945)

Man goes forth unto his work and to his labour until the evening.

(Psalms 104,23)

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Foreword

My paper will be a presentation of a very early stage research project about relationship between modern and contemporary concepts of labour law and social justice and their possible biblical roots.

Hic et nunc, it will be resolved in an attempt to answer to a couple of questions.

Granted that - if we now ask ourselves on labour and social justice, it is both because these issues, despite the achievements of the last century, even today, pose us unresolved problems, and on because we live again a crisis of it - the first question is: “*what will never have to say us the Bible in this respect?*”

And the second one will be, even if The Bible would have something to say us on this, why just that title

כִּי־אָדָם לְעֵמָל יוֹלֵד וְיִי־רֵשֶׁץ יִגְבִּיהוּ עוֹף

kî-'ādām l^e'āmāl yûllād ûb^enê-rešep yagbîhû

got from the Vulgata translation of a Job verse

homo ad laborem nascitur et avis ad volatum,

that in English sounds more or less:

yet man is born unto labour, as the sparks fly upward?

Well, instead of one or two answers, it will be easier, for me, answer you by a personal anecdote.

Prolegomena (concepts)

Some years ago, (in frame of a study on flexicurity) I was re-reading *Animal Farm*, the magnificent fable by George Orwell, and when I almost reached the end, I was impressed by the sentence

“Was not the labour problem the same everywhere?”

- so that, it becomes the 1st epigraphs in this paper.

George Orwell eloquently encapsulates the moral of the fable in that phrase. It was pronounced (with specious rhetoric) by the pig Napoleon and was directed at the humans (i.e. his former enemies that, later, would be became his commensal).

In my honest opinion it represents, at archetype level, the same hystory both of what has been the pathway of labour law and of what is likely to be - without an adequate re-thinking of its deepest roots – the parabola of labour law revisited by faith in a new single thought: globalization and its - as G.W. Bush believe - completely free market.

In fact, in the fair tale, under the best auspices of equity, justice

and freedom, the animals transformed the Manor Farm into the Animal Farm.

So, it could be considered as the pathway of labour law in light of its achievements in the last century.

But, at the end of the story, under the guidance of a single thought, they were pejoratively brought back to Manor Farm.

Now, it could be considered as the danger to what the faith in global market and its idols expose the achievements of the last century in the fields of social justice.

These latter idols, for example, I think which was very similar to those which Exodus 5.7-8 tell us. It says: *«You shall no longer supply the people with straw for their brick-making as you have previously done. Let them go and gather straw themselves!*

Yet you shall levy upon them the same quota of bricks as they have previously made. Do not reduce it. They are lazy; that is why they are crying.

And to a *midrash*, (Pirqé de-Rabbi Eliezer 24, by Rabbi Phineas) which says that, in Babel: *«If a man fell and died they paid no heed to him, but if a brick fell they sat down and wept, and said: Woe is us !*

When will another one come its stead?»

Even today, it must not be much different if the reprimand of Pope Francis says *«Men and women are sacrificed to the profit and consumption: it is a culture of the waste»*.

It is remarkable to note, in my opinion, the similarity between such Pope's sentence and another one, older and older, by an atheist former President of Italian Republic: Sandro Pertini. He said: *«Freedom, without social justice, can also be an achievement in vain. Can you consider truly free, a man: who is hungry, who is in poverty, who do not have a job, that is humiliated because he does not know how to keep their children and educate them? This is not a free man!»*

So, is the labour problem the same everywhere ?

Yet, browse the Bible's message on the work, directly on a text that was produced, within more than fourteen centuries, no less than two thousand years ago, within a culture and a world-view in which the work had not the same configuration as it has for us today - with the aim to find the archetypes of problems and of modern themes - it is certainly in contrast with prevailing opinion. If it is not a gamble.

In fact, the common opinion is that the biblical concept of work

and the modern one, are assumed - by reason of diversity of experience of work underlying the two perspectives - as a not useful comparison.

In this sense there are, valid for everyone, some example of remarks.

The first is on slavery; - even whether it should be interpreted in the light of the socio-cultural context of the time, and not in accordance with the conceptions of illuminist about human dignity.

Another one considers that, today, we talk less and less about work in general terms; - that is, without considering the very concrete conditions of carrying out, of content, of professional status and union, of legal and economic relations, of social purpose. All concepts of whose there is not trace in the Bible.

Eventually, according to the opinion accepted by most, it needs to take into account that labour law was born in the late nineteenth century in connection with the production processes delivered by the Industrial Revolution. Its genesis follows the paradigm for which is the main feature of this new production model to generate both socio-economic and legal subordination, whose is different from *status*.

Therefore, keeping this basic assumption, a research that wanted to investigate the origins of the employment, back-links from this period, it seems to stand outside of the legal framework that constitute, generally, its reference system. For the same reason, also the new post-industrial work organisation in the era of globalisation, although for different reasons and yet paradoxical tends to stand outside the natural riverbed of labour law and it tends to breaking free from it. This is the reason because there is current tendency to talk on the labour market law, jobs law, job protections, rather than labour law, employment law and rights of worker.

Nonetheless, in my view, those obstacles and that perspective can change by considering two aspects of the research.

The first one is, precisely, its boundaries. They are constituted by mere "archetypes of modern problems and modern themes"; they ascend, inductively, from the narration of specific cases in the Bible towards the archetypical rules.

The second one, even if not in order of importance, is the following: the Bible, precisely, because does not address the work as a theme in its own right, it addresses the issue of labour as part of hu-

man existence. Thus, the «*Bible, rather than to provide a doctrine of work and work ethic, delivers to man a vocation by accepting that he can get rid of alienation produced by labour as well as idleness. It indicates the path to liberation, not so much **from work**, but **of work**, so that it is at the service of the humanization of man*».

In other words, the biblical perspective, combining work and justice, already reveals a «*social dimension of the work and its being ordered to solidarity*» (L. Manicardi, *Il Lavoro: aspetti biblici*, Monastero di Bose 2007).

However, you can not escape that in every age the concern of law has been, and it always is, to assign protection to whom protection can not give it to them selves.

Well, this situation is an essential common need of labour law in pre-industrial, in industrial and in post-industrial eras. Thus, the basic concerns of labour law in the era of globalisation are not different from those of previous eras. Let's change the superstructure of utilisation / exploitation of labour of others people - and correspondingly the legal structures that govern those- but the structures on which those forms are inserted will not change; - in fact, inside,

deeply inside, the root of all is the human being in one of his/her most qualifying natural phenomena: the labour.

Maybe, that *the labour problem is the same everywhere* is becoming more and more true.

So, in a perspective of narrative analyse, “everywhere” represent a polysemous word, “*where*” acquires a multi-dimensional meaning, but, can “*where*” becomes “*a where*” both spatial and temporal?

Besides, if, as arguably says Robert Cover if «*Law may be viewed as a system of tension or a bridge linking a concept of a reality to an imagined alternative - that is, as a connective between two states of affairs, both of which can be represented in their normative significance, only through the devices of narrative. Thus, one constitutive element of a nomos is the phenomenon George Steiner has labeled "alterity": "the 'other than the case', the counter-factual propositions, images, shapes of will and evasion with, which we charge our mental being and by means of which we build the changing, largely fictive milieu for our somatic and our social existence*» (Cover also quoting Steiner).¹

1 R. Cover Nomos and narrative, HeinOnline -- 97 Harv. L. Rev 4 1983-1984; G. Steiner After Babel (1975)

Hence, if a bridge exist between present and future another one must be exist between past and present, because that past e and this present have, respectively, been their own present and future.

Meanwhile I was ruminating on whether or not these issues could be true I remembered the Psalm that says:

תִּזְרַח הַשֶּׁמֶשׁ יֵאֱסָפוּן וְאֶל־מְעוֹנֹתָם יִרְבְּצוּן:

tizrah haššemeš yē'āsēpûn w^eel-m^e'ônōtām yirbāšûn;

יֵצֵא אָדָם לַפֶּעַל וְלַעֲבֹדָתוֹ עַד־עֶרֶב

yēšē' 'ādām l^epā'ōlô w^ela'ăbōdātô 'ădê-'āreb;

When the sun rises, they get them away and lie down in their dens

Man goes forth unto his work and to his labour until the evening.

And so it became the second epigraph and, at the same time, the answer to the question of the first one.

Prolegomena (structures)

In this verse, the psalmist show us a labour that is co-essential with the life rhythms, as I'll now argue by exam of a parallelism.

The parallelism is: till light there labour, where night there is not labour. The human labour, in such Psalm has been posed as the final

aspect of *ordo naturalis*² and as opening *ordo creations*³. It, i.e. the verse 23rd, is linked between the two *ordinis* by the verse 24th⁴ which following the verse on the labour of the man, praises the works of God and labour of man.

Because labour has considered co-essential with Man, it is not referred to a specify servant or hard job (as could suggest us the duration alongside all the day), but it is referred to labour as dimension and final destination of Man.

In the same time, the differentiation of jobs and crafts, as Gen 4, 17-22 clearly shows, is not alien to such destination of labour.

As Enzo Bianchi remarks, Genesis 4 tell development by narration of Cain's genealogy: meanwhile somebodies remain nomadic and shepherd as Abel (2) and Jabel (20), some-others become or become again sedentary and founder of towns as Cain in verse 17; and others again are musicians as the Jubal's sons (21) or Tubal-cain who is blacksmith (22).

2 (that it describes in the previous verses from the 2nd to the 22nd)

3 (it described in the sequent verses from the 25th to the 30th)

4 [מַדְרַבּוּ מַעֲשֵׂיךָ יְהוָה בְּחָכְמָה עָשִׂיתָ מְלֶאכֶת הָאָרֶץ קִינְיָנֶקָה : (mâ-rabbû ma‘āseykā y^ehwāh kullām b^eḥāk^emāh ‘āsîtā māl^e’āh hā’āreṣ qinyānekā’ O LORD, how manifold are thy works! In wisdom hast thou made them all; the earth is full of thy creatures.)]

Yet, the text does not authorize us to infer that differentiation of jobs implies an «*unequal condition*» as it was its natural consequence (*Rerum Novarum* #17). But the *Rerum Novarum* seems think so differently when it writes «*There naturally exist among mankind manifold differences of the most important kind; people differ in capacity, skill, health, strength; and unequal fortune is a necessary result of unequal condition.*» (*Rerum Novarum* #17)

Nonetheless, Genesis is telling also the degeneration of labours' differentiation; -that is, at embryonic stage, the exasperation of job's dividing. It determines a collision “between jobs”, *id est* between working men. In Genesis 4 the affair of Cain and Abel is emblematic of the fight between peasant class (Cain) who attempts to supplant the nomadic class of shepherd (Abel).

The fight for supremacy goes with differentiation of jobs. It implies also the risk of a progressive degradation of human activities, as demonstrates also the arises, among trades, of prostitution. In such way Gen 4.22 in respect of allusion of name:

נָעִמָּה (na‘āmah) = The Beautiful (E. Bianchi)

Competition for success leads, at the end, to tyranny and oppression of others men. Genesis tell us even this in 4.23-24 about the Lamek's brutal mercilessness⁵.

At structural level the problem of labour, that from mean becomes an end in itself, therefore a commodity, has dealt with Genesis 11, a propose of Babel, which embodies the power founded on exploitation of the (slave) man, *i.e.*, that we today would name not decent work.

In this respect the conclusion of introductory statements of the *Rerum Novarum*, seems (but it really is?) in the same wake.

Where it says «*that a small number of very rich men have been able to lay upon the teeming masses of the labouring poor a yoke little better than that of slavery itself.*»

I agree with Enzo Bianchi when he brilliantly writes: «*Genesis shows us labour not as static activity but becoming, not as individual but social*».

⁵ לַפְּצָעַי וְיָלֵד לְחִבְרָתִי: כִּי שִׁבְעָתַיִם יָקָם-קַיִן וְלָמֶךְ שִׁבְעָיִם וְשִׁבְעָה: לְנִשְׁוֵי עֵדָה וְצִלָּה שָׁמַעַן קוֹלִי נָשִׂי לָמֶךְ הָאִוְנָה אִמְרָתִי כִּי אִישׁ הִרְגָּתִי וְיֹאמַר לָמֶךְ (wayyō'mer lemek l'nāšāyw 'ādāh w'ešillāh š'ma'an qôlî n'šê lemek ha'zēnnāh 'imrātî kî 'iš hāragtî l'piš'î w'yeled l'ḥabbūrātî; kî šib'ātayim yuqqam-qāyin w'lemek šib'im w'šib'āh;) Lamech said to his wives: "Adah and Zillah, hear my voice; wives of Lamech, listen to my utterance: I have killed a man for wounding me, a boy for bruising me. If Cain is avenged sevenfold, then Lamech seventy-sevenfold."

But in this perspective can we say that *Rerum Novarum* is coherent with such social dimension? Or, instead, the greatest concern of it is competition with arising and growing socialism? Is its aim gain favour of working class without lose those of capital, as we can infer reading the opening of the first part according to «*the socialists (wrong), working on the poor man's envy of the rich, are striving to do away with private property, and contend that individual possessions should become the common property of all, to be administered by the State or by municipal bodies*»

Again, is the main problem the social justice or property right? When we read (in Italian edition) «*private property is a natural right*», without no specification, we could think it is revealing. The first issue is not: the social justice is a natural right, but if it is the property rights! In this pattern social justice seems to become a tool to achieve the scope to improve private property of working class, rather than an aim in itself.

I believe that the *Rerum Novarum*, on the one hand, pinpoints the real needs of workers, on the other hand, casts bases for the future misconstructions of labour. It is testified as follow:

a) by the title of 17th paragraph that in Italian version says
«neediness of social inequality and of hard work»;

b) by the philippic against strike it defines *«extremely injurious to trade and to the general interests of the public»;* and

c) an almost anathema against *«associations in which (...) religion will be exposed to peril»* e.g. socialist unions.

Maybe all could be simpler. The oldest Psalm, the 104th, wrote more than 34 centuries ago, considers labour of the Man an attribute of him in the same way as it considers both all natural phenomena and – you consider that we are in the Bible – the works of the God, not a tool to gain a wage just *«to support a frugal and well-behaved wage-earner»*. (*Rereum Novarum*)

It could mean that the fundamental principle “*labour is not a commodity*” (on which the ILO is based and, consequently, the modern labour law and the social law are too) has more ancient roots than both the 1919 Versailles' treaty and 1944 Philadelphia's declaration.

In other words “*labour is not a commodity*” could be the future, according to Cover, described into Psalm 104,23; the oldest biblical

text links the labour of yesterday with that of today (and, maybe also, with that of tomorrow).

Perhaps, “*labour is not a commodity*” could be an ontic attribute of the man, rather than a command of the international law or better “an auspicious” of the soft law; -it could be itself the bridge by Cover plot.

In this perspective, to seek older origins of what seems a conquest of modernity (and just for such reason the “progress” (?) of post-modern would get rid of as legacy of a past which is not more) could be useful to hold down a point – free from any economic model – on requirement that the labour never become a commodity, even if it was the most precious one.

In this sense the quotation of book of Job in the title is emblematic of the ontic face of labour and, in the same time, it is presumptive of the millions of problems to which a such kind of research in the Bible is exposing its reckless author !

Prolegomena (vocabulary)

In fact, on the one hand, the book of Job is one of the deepest consideration on the man (whose work is the matter of this research);

on the other hand, it is representative of one of those of million of problem that affect its author: the translation issue. Indeed, to choose a word instead another in the destination language will be operation neither merely neutral nor merely philological. It will be, in any case, fruit of ideas of translator.

In this respect an Italian words jest says *tradurre è tradire*, that means, more or less, “*translate is betray*”.

So, the Job 5.7 verse:

כִּי־אָדָם לְעֹמֶל יוֹלֵד וְנִי־רֶשֶׁף יִגְבִּיהוּ עוֹף

kî-’ādām l’ēāmāl yûllād ûb^enê-rešep yagbîhû ‘ûp

has been translated in different ways.

These differences represent the different conceptions of the work in various places and times alongside centuries.

The two main relevant words in the verse are

עֹמֶל (‘āmāl) and רֶשֶׁף (rešep).

The translations of which lie within two respective groups:

for עֹמֶל (‘āmāl) are divided between *labour* or *trouble*;⁶

6 In the first group – i.e. עֹמֶל (‘āmāl) as *labour* - we find the Vulgata, the Nova Vulgata (Homo ad laborem nascitur) and, with a little variation, the Interlinear translation of Bibloi software: (People labour bear).

for רֶשֶׁף (rešep) are divided between *bird* or *flame*.⁷

Almost the same division we can find about the second word רֶשֶׁף (rešep). But, in this case, said differences are irrelevant related our scopes.

Doubtless, “*trouble*” represents the better philological choice, whereas “*labour*” represents an approach more hermeneutic. Due the time and subject constraints, of course, we cannot discuss here on the reasons of the one and of the another one.

Nevertheless, the translation mismatches, beyond the source of problems, can be well an hermeneutic resource; - because, indeed, they are signs of how both in an era and in a place the biblical message has been internalized.

In our case, the mismatching translations of עָמַל (‘āṁāl) highlight a strong relationship between work (or labour) and effort, as it clearly emerges in בְּרֵאשִׁית (b^erē’sît) Genesis.

⁷ In the second one – i.e. עָמַל (‘āṁāl) as *trouble* – we find: the King James, the Darby (English), the Basic English Bible, the Webster, the New Revised Standard (both English and Italian), the Revised Standard (both English and Italian), the God's Word Translation, the Italian CEI bible, the Diodati, (Yet man is born unto trouble), the Darby French (Car l'homme est né pour la misère), the Revised Standard Spanish (así el hombre nace para la aflicción), The Luther (sondern der Mensch wird zu Unglück geboren), and the LXX ἀλλὰ ἄνθρωπος γεννᾶται κόπῳ.

In this sense the intimate mean of work is inextricably linked with effort. Tough, regrettably, just that link has been source of many misconstructions in the biblical signified of work.

In this sense, the origin of this, in modern times, can be find in the *Rerum Novarum* where it deals with relation between exertion, i.e. labour, and sin. It attempts, through the link exertion-sin, to give a biblical foundation to the assertion that is valid that in the Bible the work of the man is «*painful expiation for his disobedience*». It quotes Genesis 3. 17 according to KJV translation: «*"Cursed be the earth in thy work; in thy labour thou shalt eat of it all the days of thy life"*».

Even if the successive social encyclicals⁸, in a changed socio-economic and political scenario, link work and social justice stronger , they does not still abandon, like a certain sense of guilty, the relation work equal sin.

On the contrary, I like to observe it exists another way to read between exertion equal work.

As known, the second approach of Genesis 3 to work – the first

⁸ Starting from *Quadragesimo anno* to *Caritas in veritate* through *Mater et magistra*, *Pacem in terris*, *Populorum progressio*, *Octagesima adveniens*, *Laborem excens*, *Sollicitudo rei socialis* and *Centesuimus annus*.

one being that of God creator – is in chapter the third.

In the verse 17 the word

בְּעִצְבוֹן *‘iṣṣābôn* - (hardship, toil, sorrow)

and in the verse 19 the word

זֵיעָת *zē‘at* - (sweat)

are a metalepsis of work.

In fact (17):

בְּעִצְבוֹן תֹּאכַלְנָה כָּל יְמֵי חַיֶּיךָ

b^e‘iṣṣābôn tō’kālennāh kōl y^emē ḥayyeykā

is generally translated as:

«in sorrow shalt thou eat of it all the days of thy life».

And (19)

בְּזֵיעָת אִפֶּיךָ תֹּאכַל לֶחֶם

b^ezē‘at ‘appeykā tō’kal leḥem

is generally translated as:

«by the sweat of your face shall you get bread to eat».

It results that, the metalepsis of Genesis 3, verses 17 and 19, links, inextricably, work and exertion. On the point, Enzo Bianchi (Adamo dove sei? Qiqajon, Bose) vividly remarks: *«the human work*

in always connected with exertion and tiredness; every kind of work entails “thorns also and thistles” that are not, absolutely eliminable: every work demands “sweat”. This is not a pessimistic vision, but it is a realistic one; it invites Man to look at the fruit that remains of his work, notwithstanding thorns and thistles, sweat and exertion».

The work is an ontic attribution of the man, it is not a penalty give him by God.

So that, labour must not be, as it is in the *Rerum Novarum* (#8), neither a means of subsistence for «*those who do not possess the soil*», nor what «*is exchanged for what the land brings forth*», because in this way labour becomes a commodity to exchange with soil.

Labour can be a duty for everyone. But it ought be, as elegantly affirm the art. 4 of Italian Constitution, a duty of everyone, «*according (to his/her) capability and choice, [...] to undertake an activity or a function that will contribute to the material and moral progress of society*»

Work is duty of Man, but its aim, its destination, is the rest:

the שַׁבָּת *shabbat*.

It would be wrong to think at work as result of the guilty; *thorns*

and thistles, sweat and exertion are in every job, each one with its own way; *thorns and thistles, sweat and exertion* are not consequence of the sin, as it has been usually thought in the social doctrine of the Church.

The Lord did not curse neither the work nor

אָדָם *'ādām*

(the Man), but He cursed

הָאָדָמָה *ha'adamah,*

(the soil).

Therefore work is fight, because it is hard as every fight is. But the work and its fruit, nonetheless hard, is a good thing blessed by God.

How it cannot such be, whether

בְּרֵאשִׁית בָּרָא אֱלֹהִים אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ

b^erē'sīt bārā' 'ēlōhîm 'ēt haššāmayîm w^e'ēt hā'āreṣ; (?)

in the beginning God created the heavens and the earth (?)

Besides, God is the first worker of the history. God *saw* [that] *every thing that he had made, and, behold, [it was] very good* (Gen 1.31). If

the fruit of the work is very good also the work produced by Man must be very good aside from its painfulness. The work tires, also the Lord, who *rested on the seventh day from all his work which he had made* (Gen 2.2).

It is true that in this way labour also is death-bearer, it bears always effort, yet it brings in itself even the rest. *«The God of Bible, that works but also ceases to work, affirms that Man does not live only of work, yet also of gratuitousness, of rest, of vacation, of otium, as ancients says. They well knew that the most important and most essential labour for the man is that to become man.* (l. Manicardi)

The rest of שַׁבָּת *shabbat* of worker if on the one hand compensates *thorns and thistles, sweat and exertion*, on the other hand, it is for contemplation of fruit of his own labour.

Hence, biblical שַׁבָּת *shabbat*, therefore, critically evaluates of the contemporary over-evaluation both of efficiency and of production time.⁹

⁹ As also Nietzsche notes - Work and Ennui. — In respect to seeking work for the sake of the pay, almost all men are alike at present in civilised countries ; to all of them work is a means, and not itself the end ; on which account they are not very select in the choice of the work, provided it yields an abundant profit. But still there are rarer men who would rather perish than work without delight in their labour : the fastidious people, difficult to satisfy, whose object is not served by an abundant profit, unless the work itself be the reward of all rewards. Artists and contemplative men of all kinds

How we cannot remember that *«totalitarianism regimes has known an exaltation of frenzied activity, of the heroic endurance of exhausting effort, of social and collective utility of overwork. They produced mythical examples of all this in several Stakanov in the Soviet Union and Adolf Hennecke in the East Germany (L. Manicardi)»*.

Definitively, between a rest and another one, even if the condition of the work is hard, it must not to deprive the worker of his dignity. And in fact, for example, Deuteronomy 5,14 and Exodus 23,12 extend to servants and slaves the mandatory sabbatical rest.

Slaves, servants and hirelings could be considered categories of worker, ahead of their time, that are brought together in law and social weakness; this latter does not allow their to have - due to the their own status - conditions of work that are, literally, humans.

belong to this rare species of human beings ; and also the idlers who spend their life in hunting and travelling, or in love-affairs and adventures. They all seek toil and trouble in so far as these are associated with pleasure, and they want the severest and hardest labour, if it be necessary. In other respects, however, they have a resolute indolence, even should impoverishment, dishonour, and danger to health and life be associated therewith. They are not so much afraid of ennui as of labour without pleasure; indeed they require much ennui, if their work is to succeed with them. For the thinker and for all inventive spirits ennui is the unpleasant "calm" (Friedrich Nietzsche, The joyful wisdom "La gaya scienza" The joyful wisdom, i 79, in The library of Victoria university, Toronto The complete works of Friedrich Nietzsche the first complete and authorised english translation edited by dr Oscar Levy volume ten).

Such assimilation both among so different figures and among such concepts, so far in the times, it is possible resorting to another metaphor, this time takes from Job's book, in which we can find a such kind of architecture.

It is the chapter 7, verses from the 1st -to the 3rd, where, to explain the unexplainable suffering of the just, the author compares that with a well known sufferance of the weakest; - the condition of worker is used exactly as *tertium comparationis* with the suffering of just.

The pericope speaks us in this way:

7.1 הֲלֹא־צָבָא לְאִנּוֹשׁ *עַל־**עַל־אֶרֶץ וְכִימִי שָׁכִיר יָמָיו:

7.2 כְּעֹבֵד יִשְׁאֵף־צֶל וְכַשְׂכִּיר יִקְוֶה פְּעֻלוֹ:

7.3 בֵּן הַנְּחֻלָּתִי לִי יִרְחִי־שָׂוֵא וְלֵילֹת עֲמָל מִנּוֹלִי:

7.1 hălō'-šābā' le'ênôš *'al- **'ălê-'āreš w^ekiymê šākîr yāmāyw;

7.2 k^e'ebed yiš'ap-šēl ûk^ešākîr y^eqawweh pā'ôlô;

7.3 kēn hān^ehaltî lî yarhê-šāw^e' w^elêlôt 'āmāl minnû-lî;

7:1 *Has not man his ordered time of trouble on the earth? and are not his days like the days of a servant working for payment?*

Job 7:2 As a servant desiring the shades of evening, and a (as) work-man looking for his payment:

Job 7:3 So I have for my heritage months of pain to no purpose, and nights of weariness are given to me.

So, if you read the book of Job in light of relation between work and effort which has been above examined, then – reversing the metaphor - you can read here that: to have either shadow or salary is a matter of justice, as well as it is does not allow the suffering of innocent.

Therefore, *shadow* and *salary* represent work conditions intrinsics to a fair work and, hence, such work conditions must be exclusively fair in their time.

In this regard, it will be revealing a

מִצְוָה _ miṣwāh

takes from Dt 24,14-15 according to

¹⁴ לֹא־תַעֲשֶׂק שָׂכִיר עֲנִי וְאַבְיֹן [...] ¹⁴

14: lō'-ta'āšōq śākîr 'ānî w^e'ebyôn [...]

14 You shall not oppress a hired servant who is poor and needy

¹⁵ בְּיוֹמוֹ תִּתֵּן שְׂכָרוֹ וְלֹא־תָבוֹא עָלָיו הַשֶּׁמֶשׁ [...] ¹⁵

15: b^eyômô tittēn ś^ekārô w^elō'-tābô' 'ālāyw haššemeš [...]

15: you shall give him his hire on the day he earns it, before the sun goes down.

To which can be added in Christian canon, *e pluribus*, e.g. Sir 34,
22

φονεύων τὸν πλησίον ὁ ἀφαιρούμενος ἐμβίωσιν, καὶ
ἐκχέων αἷμα ὁ ἀποστερῶν μισθὸν μισθίου.

*He slays his neighbour who deprives him of his living: he sheds
blood who denies the labourer his wages.*

and Letter of James

ἰδοὺ ὁ μισθὸς τῶν ἐργατῶν τῶν ἀμησάντων τὰς
χώρας ὑμῶν ὁ ἀπεστερημένος ἀφ' ὑμῶν κράζει, καὶ αἱ
βοαὶ τῶν θερισάντων εἰς τὰ ὦτα κυρίου Σαβαώθ
εἰσεληλύθασιν.

*Behold, the wages of the labourers who mowed your fields,
which you kept back by fraud, cry out; and the cries of the harvesters
have reached the ears of the Lord of hosts.*

So, according to Robert Cover *mitzvah* «has a general meaning
closer to “incumbent obligation”, that is to be preferred to its «liter-
ally means “commandment”» [...]. It expresses through law the
worth and dignity of each human being, even if these categories are

not closely analogous to “human rights”.

Therefore, taking into account that, related to rights, the biblical structure and modern law have overturned perspective, you can well reckon that the Bible presents quite references to infer the existence in it of the archetypes of asymmetric rules in favour of the weak as is in the contemporary legal system of labour law and social security law.

Therefore, on the one hand, returning now to the book of Job, and linking it with Genesis,

עֲמָל (‘*āmāl*)

can be well read as *labour*.

On the other hand, to do this, I think that, in this kind of research, one needs to enlarge very much vocabulary and structures with regard to all those of them which consider the effort and all subjective conditions of, *lato sensu*, weakness. One should consider as a negation of social justice each attempt to trace back the *different social conditions* as ***a necessary result of unequal conditions***.

One should consider as a negation of social justice each attempt to trace back the rights to fair condition either as a duty of charity or

into a box of *frugal behaving*.

One should consider the social justice as an ontic quality of human being - like an unexpressed tension of solidarity of the Man toward his/her neighbours - rather than as a mere remedy against a presumed *ineluctable human condition of inequality*. This tension - not at all ineluctable (!) - needs to be liberated from the box of *human condition of inequality*.

Definitively, to help to do this I think the Bible can help us a lot.

All critics will be welcomed,

yet comments and suggestions too!

Thanks so much for your attention and patience!