

THE RIGHT TO EMPLOYMENT

- A THEOLOGICAL PERSPECTIVE

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BACKGROUND

During the past three decades, the theology of work has evolved significantly. The discussions moved from concerns about work as drudgery, as an enslavement, as the fruit of human sinfulness and as a means of liberation (Chenu 1963:10). The critique covered at once the discussions on the dignity of human work and the debasing forms of human work. The critique attacked the excessive exploitation of labour by capital, extolled the collective awakening of the worker movement and advocated the humanization of both work and the workplace.

There was much emphasis on the purpose of work as going beyond production and individual sustenance. The purpose of work was to serve humanity. Serious attempts have also been made to give theological grounding to the mission of human work. Concerns with exploitation, excessive profits, the debating aspects of labour etc. have regrettably ignored to the large extent the plight of those who are not engaged in work.

Theology of work has revolved around those who work, those who have ironically become privileged, the labour aristocrat, given the reality of the 7 million unemployed in South Africa. The unemployed are voiceless, unorganized, marginalized and are often seen as a threat to organized labour. They are the poor of the poor and for all that theology of work professes to be, it appears that its concern should include a serious consideration of those who have been thrown out or debarred from participating in the economic system.

THEOLOGY OF WORK

In order to conduct a theological reflection on the right to employment, we need to examine our presupposed theology of work. In making a presentation of the theology of work we will equally present a theological reflection on the right to employment. Attempts at creating a theology of work, have traditionally been based on biblical texts that refer to work. This method has not always been satisfactory precisely because there are few texts that refer to work. Besides, our understanding of work has evolved significantly since the writing of the biblical texts. A suggestion for a new approach has been made by Misolav Volf in his book entitled the Work in Spirit towards a Theological Work. He suggests a theological framework which would determine the meaning of individual biblical texts on work (Volk 1991: 68-87). The proposed theological framework that will serve as the basis of a theology of work is the concept of the new creation. Christian life, argues Volf, is life in the Spirit of the new creation. God's Spirit informs and determines both spiritual and secular activities of Christians. This includes human work.

At the core of the concept of the new creation is the belief in the intrinsic value of all creation and the belief that the world will be eschatologically transformed rather than apocalyptically destroyed. If continuity between this world and the next is assumed, then "the results of the cumulative work of human beings have intrinsic value and gain ultimaded significance, for they are related to the eschatological new creation" (Volf 1991:91). The noble products of human work will be "cleansed from impurity, perfected and transfigured to become part of God's new creation". Continuity between the present world and the future world, argues Volf, is an inspiration, an incentive to become involved in a contribution to the human project, a contribution, albeit broken, to God's new creation. Volf argues strongly that the significance of human work and therefore the basis of a theology of work depends on the New Testament eschatology. The meaning of work is rooted in the intrinsic value of creation which will be eschatologically transformed.

THE SPIRIT AS ENABLER TO WORK

The new creation is brought about by the work of God's Spirit. It is also the spirit that endows all human beings with gifts. These gifts (charisma) are related to specific functions to which God calls each and every Christian. The theology of charisma therefore becomes the basis for theology of work. The meaning of charismatic, according to Volf, should include both the extraordinary (spectacular) and the ordinary. It is the Spirit of God that "calls, endows and empowers Christians to work in their various vocations" (Volf 1991:131). All work that embodies the new creation is inspired by God's Spirit. The Spirit inspires all work. Volf argues that "people work, not primarily because it is their duty to work, but because they experience the inspiration and enabling of God's Spirit and can do God's will from the heart" (Volf 1991:125). Volf's argument sounds a bit far-fetched. People do not always work because of inspiration. They also feel a sense of obligation, of duty and therefore a responsibility for the welfare of their fellow human beings.

UNEMPLOYMENT: A SUPPRESSION OF TALENTS

Using Volf's theology as our point of departure, human beings are enabled by the Spirit to work and consequently to contribute towards the new creation. Acquisition of new charisma of their development is for most people made possible through employment. Employment therefore offers space where charisma flourish, where the gifts of the Spirit become evident. Through employment, human beings contribute towards their own advancement and toward human progress.

Unemployment on the other hand is the denial or absence of space for most people, where they can develop new talents. Their contribution towards their own growth and to the advancement of the human project is drastically curtailed. Since the unemployed do not work, they are unable to make a significant contribution (through work) towards the new creation. The contribution, if any at all, remains minimal. They are unable to create products that can satisfy their own needs and the need of others. It is this activity of creating products, though not exclusively, that constitutes the

"building blocks" of the new creation. Denial of work or the right to employment, contradicts the outpouring of the Spirit and effectively negates the creation of a new earth.

Employment facilitates a free play between human beings and the Spirit of God. While employment is not the only arena where the Spirit manifests itself, our logic compels us to argue that ultimately the very role of the Spirit becomes suppressed (but not denied) when the space or environment where talents, given by the Spirit are denied growth.

WORK AS COOPERATION WITH GOD

Employment offers human beings the opportunity to cooperate with God; God's Spirit calls people to carry out certain tasks which ultimately contribute towards the new creation. Human beings are therefore partners with God in the accomplishment of the human project and in the building of an ecologically sound environment. It is this partnership that constitutes a right to work. The unemployed are by and large denied this partnership and consequently the right to work. They are reduced to inactive observers rather than active participants. Their inactivity denies them the role of active collaborators with God. When people are employed and, therefore work, God's Spirit is manifested in them either fully or partly. God works through them. When they are unemployed, and also not engaged in any other form of work, the work of God through them is barely visible. Through earthly work, human beings cooperate with God. The denial of earthly work, of a productive activity, negates cooperation or reduces it to a minimum. It is therefore clear that work and therefore employment is central to Christian life. The unemployed are inexonerably pushed to the margins of Christian life and of society in being denied the opportunity to live a Christian life that shows an abundance of the gifts of the spirit and a close cooperation with God through employment.

UNEMPLOYMENT: TARNISHING GOD'S IMAGE

Men and women have been created in God's image. God created them in his image so that they can have dominion over nature and subdue the earth. Created in god's image therefore human beings are God's dialogue - partners (Mc Fadyen 1990:19). They are also co-creators with God. Human beings fulfil God's intention through work and therefore largely through employment. Through their work, men and women "correspond to the creative God" (Moltmann 1984:51). It is clear from this text that work, therefore employment, is a fundamental aspect of human beings and it reflects God's image. The right to work is engraved in God's plan for human beings. The more men and women are engaged in human activity, in work, in making a contribution towards their own growth and development and the advance of the human race, the more the contours of God's image are reflected on human beings. Kleinsig in his Valuing Life, writes that it was Clement of Alexandria who interpreted the image of God as "a capacity for rational and moral virtue, which, if appropriately exercised, would result in an increasing likeness to God" (Kleinsig 1991:127). We would argue that this increasing likeness to God is enhanced through the work of human beings.

The second Vatican council in its document, Gaudim et Spes 34 has this to say: "Individual and collective activity, that monumental effort of man through the centuries to improve the circumstances of the world, presents no problem to Christian considered in itself, it corresponds to God's plan ... all this holds good for our daily work. When men and women provide for themselves and their families in such a way as to be of service to the community as well, they can rightly look upon their work as a prolongation of the work of the Creator, a service to their fellowmen, and their personal contribution to the fulfilment in history of the divine plan" (Illanes 1980:12). Long period of unemployment means that men and women are unable to fulfil God's intention. They are unable to harness nature; they are unable to fulfil God's plan in human history. They are ultimately hampered from creatively extending the work of the Creator. Since it is through work that God's image lights up on the faces of human beings and engraves itself on the nature of human beings, long stretches of unemployment

obfuscates God's image and distorts human nature. Unemployment largely constitutes a denial of God's image and negation of God's plan. The contribution of human beings in the ongoing work of creation is simply slowed down through inactivity, or denial of work. God has chosen human partners in the unfolding of his work. It is this choice that endows human beings with the right to perfect and advance God's work. Human beings enjoy the "unique characteristic of likeness to God". This further enhances their right to participation through employment.

THE CO-NATURALITY OF RIGHT TO WORK

Pope John Paul in his encyclical Laborem Exercens, states that "Man must work both because the Creator has commanded it and because of his own humanity, which requires work in order to be maintained and developed" (Laborem Exercens 1981 no. 16). Man must work for his family and for his community. The right to work is seen as being conatural with human beings. Human beings, argues John Paul further, are heirs to the work of generations and share in the building of the future for those who will succeed them. "All this constitutes the moral obligation to work" (Laborem Exercens no. 16). Human beings therefore, have a right to work, to employment, in order to fulfil their obligation, their duty. Through work, human beings respond to God's command and to their own sense of responsibility.

WORK AS A BLESSING AND NOT A CURSE

The majority of the million unemployed black people inhabit the squalid squatter camps on the peripheries of the South African cities. They are unwanted people who are seen as a threat to the standards of living of their white neighbours and indeed of their more settled black neighbours. South Africa is reaping the fruits of the apartheid system that considered the unemployed people as redundant and prevented them from seeking employment in the urban areas and simply curtailed their movements to the rural areas where employment was unavailable. For the unemployed, in the seamless squatter camps, work is not a curse. It may be drudgery. It may be toil. For them it is certainly a blessing for which they deeply yearn. These are people who are in need of the

basic necessities of life - food, medicine shelter and clothing.

To the unemployed, the community of the poor amongst the poor, work is not a necessary evil but a desirable means in order to exist. The meaning of work, writes Haughey, "resides in workers' interpretation of their work" (Haughey 1989:14). For the jobless, work redeems, work liberates, work gives life. Unemployment threatens their very existence. For them work "is a basic aspect of the purpose of life itself" (Volf 1991:197). To put it differently, human creativity "belongs to the essence of the human being..." (Cochrane and West 1991:29). The lack of employment creates for the jobless a sub-human existence. Work gives them dignity and self respect. It affords them an opportunity to develop their personalities and to become subjects of their own history. Human beings have a right to live as human beings and not as sub-human beings. Access to employment enables them to realize the gift of the Spirit. The right to life therefore goes by and large hand in hand with the right to employment. The right to employment, for those who have been persecuted by the myriad of the apartheid laws - that virtually denied them a normal human existence, is fundamental. For job-seekers, the right to employment is the cornerstone of all the other human rights. The right to vote and the freedom of movement do not mean much when one's children go hungry to bed. Human rights compliment one another, but for the unemployed, the right to employment remains fundamental.

NEED TO FOCUS ON THE UNEMPLOYED

Theology of work has hitherto been preoccupied with the right of the workers to a virtual exclusion of the unemployed. There has been perhaps an inordinate emphasis on unionization and collective bargaining. The formation and evolution of unions and their federations have dominated the labour scene since the days of the Riekert and Wiehahn commissions. So too the campaigns for the rights of union members. Unions have been concerned with co-policy making and questions of co-ownership. They have equally been concerned about the political rights of the majority of the people in South Africa and indeed vigorously advocated for the dissolution of the apartheid system, the creation of a constituent assembly and the drafting of a new constitution. But the rights of

the unemployed have never dominated their agendas. There are cases where the unemployed have attempted to gain employment when workers were on strike. This has in some cases led to the hostility between the workers and the unemployed. In the recent past, for example, newspapers had headlines such as "6 000 strikers sacked at Toyota's Durban plants" (Star 7/7/92) or "Transvaal Provincial Administration sacks 5 000 workers" (Star 1/7/92). This generates envy among the unemployed. They are prevented by the "dismissed workers" from replacing them in order to compel management to accede to the demands of the striking workers. This naturally creates a conflict situation among the employed and the unemployed. The employed do not wish to lose their jobs and therefore see the place of employment as their "protected territory" against the hordes of the unemployed who seek employment irrespective of the squabbles about wage increase or conditions of service. As the economy worsens, in the face of threats of industrial actions, mass boycotts, the spiralling costs of consumer goods, the unemployed have increasingly become desperate and alienated from the values of a society that has turned its back on them.

The physical division between the "squatter camps" and the township houses exacerbates the already existing deep divisions within the South African society. Though the unemployed cut across the "two communities", the former community represent a community of people whose mobility was formerly restricted by the vagrancy laws. The division between the employed and the jobless has had the effect of further battering the myth that the black people are a homogeneous group. (Ideological divisions and the resultant violence within the black community have already shown that the divisions are real). Among the employed and the unemployed, there is a cultural distance. There is a further division among the jobless. There are those who desperately seek employment and those with strong parasitical tendencies who are really not interested in exerting themselves. Leo Howe describes this as the double aspect of cultural distancing: "individuals attempt to create distance and difference between themselves and others deemed lower in the moral hierarchy with whom they fear being confused, at the same time they seek to nullify a presumed moral gap between themselves and a different set of others considered

morally superior and with whom they want to be associated" (Howe 1990:17). This cultural distancing is brought about precisely because it is "through work ... that a man earns his living and thereby claims reciprocity in relation to society and independence in relation to his peers ... a status in relation to his family, community, the economy and the policy.... Because of its positive values the work role tends towards a kind of a moral imperative. Work becomes something one should do, something that is morally praiseworthy because of costs involved" (Howe 1990:17).

Chronic unemployment militates against the Christian values of community and self respect. It gnaws away at the very foundations of family and society. Long term unemployment is in conflict with the Pauline injunction that in the Christian community there is neither male nor female, neither freeman nor slave. It erodes the belief in the outpouring of the Spirit that creates and sustains community. It negates in human beings the unique characteristic of likeness to God, the very basis of the right to employment. The right to a livelihood, to family and to community presupposes the right to employment. Unemployment puts human existence at stake and yet human beings have "a primary duty to opt for being", for life and not death (Jonas 1984:38). Work and therefore employment is instrumental in bonding a family community and society.

EMPLOYMENT, THE BASIS OF PEACE AND STABILITY

The negative effects of unemployment equally point to the moral imperative of work. Unemployment destroys families. It exposes people to abject poverty and psychological distress, to feelings of guilt and shame (Grint 1991:41). It isolates the jobless and bars them from social participation. It undermines their feelings of self-worth (Nolan 1988:52-56). It denies them the right to contribute to culture and to civilization. Finally, it exposes them to crime. The current spiral of violence with the black community in South Africa cannot be attributable exclusively to political divisions between the Inkatha Freedom Party and the African National Congress nor is it exclusively attributable to the warring taxi industry; it is also due to the fact that thousands have nowhere to turn to in order to survive but to crime in order to meet their physical human needs.

Crime and socio-political instability are abetted by the absence of employment. The new government will not be in position to restore peace and stability unless the question of unemployment is addressed as a matter of urgency. Peace and stability therefore will depend to a large extent, not only on the new constitution nor on the broadening of democracy, but also on ensuring that the right work is equally enshrined in the constitution and implemented accordingly.

IMPLEMENTING THE RIGHT TO EMPLOYMENT

Within the Catholic tradition, the right to work has been underlined by various church document e.g. Gaudium et Spes of Vatican 11 (no 67) "supports every person's duty to labour faithfully and also his right to work" and John Paul indirectly in his Laborem Exercens (no 16) states that "while work is an obligation ... it is also a source of rights on the part of the worker". It is one thing to make a moral proclamation, or even enshrine the right to employment in a document of the Bill of Rights, it is another to implement the right to employment. It is equally not sufficient to say that ultimately it is the responsibility of the state to implement the right to employment.

David Hollenbach points out that the right to food, housing, health care et cetera is in contrast to the civil political rights such as freedom of religion, freedom of expression, due processes of law et cetera. With regard to the latter rights, judicial action can be taken to prevent people from interfering with the right of others. With regard to the former it is complex because "the implementing institutions are not so fully developed" and because we do not have clear and convincing ideas on "how to bring them into existence in fully functional form" (Houck and Williams 1984:120). Hollenbach refers to the U.S. context. But their dilemma equally holds true for South Africa.

Some human rights advocates assert that "the idea of rights implies entitlement on the part of the holder ... to be translated into and confirmed as a legal entitlement in the legal order of a political society" (Villa-Vicencio 1992:157). The right to work, we submit, should also be a claim, an entitlement. It should not be subsumed

under the right to life but ought to be highlighted in its own right. The dilemma still remains whether the socio-economic rights (including the right to work) should be legally enforceable as is the case with the political rights. Most arguments favour non-legal enforcement of socio-economic rights. Such an enforcement would depend on the adequacy of resources. But such resources, it is argued, are simply not enough. Human rights, it is suggested, should be restricted to those that are legally enforceable; otherwise enforcing unrealistic human rights would only serve to undermine all rights (Villa-Vicencio 1992: 187-192).

The fact of the matter is that political rights are transgressed daily in spite of their entrenchment in the statute books. South Africa has had a sordid record of human rights violations under the Nationalist Party rule. This record has worsened enormously on the eve of the birth of a new South Africa, with violence claiming peoples lives almost daily and the culprits are in most cases never brought to court (Amnesty International 1992:2). There ought to be a willingness to entrench the right to work in the statute books so that government, the private sector, the unions and other public institutions begin to understand their responsibilities differently in the light of the socio-economic rights. To label socio-economic rights as mere "moral imperatives" or "ideal directives" without any obligation on the part of government and other relevant institutions makes any discussion on human rights a dangerously misleading exercise at the expense of the poor (Villa-Vicencio 1992:188). Society must take responsibility for its citizens. It must endeavour to enable them to participate fully in the human project. Legislation is likely to assist in encouraging those responsible to set up implementing mechanism and incentives.

WORK AND JUSTICE

The Pastoral letter of the American Bishops on "Catholic Social Teaching and the U.S. Economy", has this to say: "We must make it possible as a nation for everyone who is seeking a job to find employment within reasonable amount of time. Our emphasis in this goal is based on the conviction that human work has a special dignity and is a key to achieving justice in society". They further declare that employment is "a basic right which protects the

freedom of all to participate in the economic life of society" (Pastoral letter on Catholic Social Teaching and the U.S. Economy nos 136,137). The principle of justice requires that all persons should be enabled to participate in the life of their community. Employment contributes to the participation of persons in the life of society and in ensuring its well-being by generating wealth. Furthermore, justice demands respect for the dignity of the jobless. Employment therefore contributes to the dignity of the persons and their recognition and participation in society. In order for justice to be seen to be done, it is critical to set up institutions that will implement both socio-economic, civil and political rights.

The responsibility of implementing justice in the context of the right to employment ought to fall on both the state and the private sector. John Paul in his Laborem Exercens states that capital "is the result of the heritage of human labour" (no 12). Capital is united to labour. Capital must therefore be used to serve the unemployed by creating not only employment but institutional mechanisms that ensures the creation of employment. Capital accumulated by unions could also be utilized to include the creation of new employment opportunities. On a long term basis, unless the issues of literacy, career orientated education, the provision of skills, training and retraining of personnel are also addressed in relation to the question of employment, structural unemployment is likely to persist. These issues must be jointly addressed by the private sector, manpower departments and the unions (Howe & Le Roux 1992:129, Everett D and Sisulu S 1992:63). On the other hand the economy is not likely to flourish given the current political stalemate between the government and the African National Congress. Unemployment is not a problem that belongs to the jobless individuals. It is a problem of society and needs primarily to be addressed at that level.

The problem of unemployment is obviously a complex issue. But from a theological perspective the jobless have a right to work. This is consistent with God' intention for human beings. Simple justice demands that they too participate in work so that they be able to fulfil their basic physical needs and be part of society. As it is, the texture of the South African society is paper thin. It tears away at the slightest pressure. Employment for most people would

ensure the prospect of peace and development. Theologies of work, human rights and liberation must address the plight of the 7 million unemployed in the context of the changing South Africa. After all these theologies are intended to be at the service of the poor. The unemployment in South Africa today, constitute the "poorest of the poor".

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