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**THE BIBLICAL EXPANSION OF JUSTICE:
MEMORY AND SUPEREROGATION IN OUR COMMON HOME**

**LA EXPANSIÓN BÍBLICA DE LA JUSTICIA: MEMORIA Y
SUPEREROGACIÓN EN NUESTRA CASA COMÚN**

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Abstract: In this merely exploratory reflection, we look at the *Common Home*, and not only at the natural habitat, because the *Common Home* presents other dimensions, such as history, memory, dignity, that is, it looks at the human person in entirety. Given the vastness of the theme and texts, we focus on LS and the Holy Scriptures to see how they help to build a truly human *Common Home*. To this end, we use three concepts to show how the fundamental role of justice in the construction of this Common Home expands beyond the present: the concepts of memory, justice, and supererogation. The Holy Scriptures shows that justice has effects over time, for it is not reduced to the execution of a sentence. Otherwise, in biblical terms justice is not only the implementation of duty nor just the obedience to a set of rules but expands itself to what goes beyond duty. At that point justice becomes justification.

Keywords: Justice; Expansion; Time; Memory; Supererogation; Justification.

Resumen: En esta reflexión meramente exploratoria, nos fijamos en la Casa Común, y no sólo en el hábitat natural, porque la Casa Común presenta otras dimensiones, como la historia, la memoria, la dignidad, es decir, mira a la persona humana en su totalidad. Dada la amplitud del tema y de los textos, nos centramos en LS y en las Sagradas Escrituras para ver cómo ayudan a construir una Casa Común verdaderamente humana. Para ello, utilizamos tres conceptos para mostrar cómo el papel fundamental de la justicia en la construcción de esta Casa Común se expande más allá del presente: los conceptos de memoria, justicia y supererogación. Las Sagradas Escrituras muestran que la justicia tiene efectos a lo largo del tiempo, pues no se reduce a la ejecución de una sentencia. Por lo demás, en términos bíblicos la justicia no es sólo el cumplimiento del deber ni sólo la obediencia a un conjunto de normas, sino que se expande a lo que va más allá del deber. En ese punto la justicia se convierte en justificación.

Palabras clave: Justicia; Expansión; Tiempo; Memoria; Supererogación; Justificación.

Introduction

In 2015 Pope Francis proposed to us a meditation on ecology seen from the light of faith in his Encyclical Letter *Laudato Sí* (=LS). The pontiff does not reduce his approach to an ecologist-only look, as is frequent in the media. Rather, it integrates it into the broader and richer horizon of integral human ecology, inspired by the gospel and the Catholic Social Teaching (= CST) of its predecessors¹, as it could not fail to be. In the background, what animates it is the concern for the *common home*, the planet, habitat and living conditions, but the *common home* is much larger than the planet and the natural habitat. This theme was taken up in 2020 in two of his texts: the Encyclical *Fratelli Tutti* and the Apostolic Exhortation *Querida Amazonia*.

Although in LS we do not find the concept of supererogation, it will be brought to the fore from the contributions of David Heyd² to help get out of the circle of the reciprocal action of Jacques Derrida³ and the exchange of Marcel Mauss⁴, as an attempt to respond to the aporias to which the two categories (memory and justice) are submitted in various worlds and political organizations of contemporary culture. Even with LS in mind, our perspective will be eminently biblical, for justice in Israel and in the New Testament (NT) extends beyond the present time of the author and the listening reader, and above all beyond space and time. It is, therefore, important to ascertain what the contribution of memory to the biblical process of justification is, as well as to what extent memory contributes to expanding the very concept of justice. Papal reflection and Sacred Scripture challenge to think about the possibility and degree of gratuitousness, to assess the extent to which justice is due or whether it is possible to go beyond duty, of what is right, at the personal level, at community level and at the level of international relations.

¹ Pope Paul VI had warned in 1971 (*Octogesima Adveniens* n°21) against consumerism as a cause of destruction of the authentically human habitat and living conditions, due to the unbridled exploitation of natural resources. In the same sense CA n°38; Benedict XVI, *Caritas in Veritate* n°51; LS n°12; 48; 92; *Querida Amazonia* n° 9-14; 23-25; *Fratelli Tutti*, n°22; 35-36; 44; 122; 125; 222.

² Cf. David Heyd, *Supererogatory Giving*, 157.

³ Cf. Jacques Derrida, *Donner le temps*, 56-58.

⁴ Cf. Marcel Mauss, *Essai sur le don*, 96.

1. The biblical conception of justice

When Sacred Scripture speaks of justice, it understands a bilateral process, the result of an intersubjective relationship between at least two subjects. Justice in Scripture does not solicit the relationship of a subject to a rule or a statute, but above all the relationship with one personal subjective actor; therefore, it supposes an interpersonal relationship. In the Old Testament (OT) it is a relational, bilateral concept⁵, so what is at stake is the relationship to a personal life, to a life story. This is extremely important, in that the biblical conception of justice, assuming an interpersonal relationship, encompasses all dimensions of human life. In this sense, justice in Sacred Scripture is not reduced to the exercise or blind application of the law: it extends to the personal memory and peoples, extends in time retro and prospectively, expands, that is, biblical justice judges the memory of the past and of the future, remembers the past and the future, either to compensate (as far as possible) or in the prevention and creation of just conditions for generations to come. In this way, biblical justice is a justification, a concession of gifts and means for a just existence adjusted to God's plan, and balanced and appropriate to human needs and dignity. In this context,

God is just not because he applies a law blindly, but because he offers a plan, an order, a project for him and in him to relate to us and us to Him. We are therefore within the framework of the relationship and not in the technical domain of the blind application of a code in the legalistic, retaxing, distributive or contractual manner⁶.

It is this biblical conception of justice that is present in the papal reflection of LS and in the CST. Since biblical justice is a gift of gifts, then we also raise the question of its supererogation, that is, whether a just action is due or whether it happens beyond the duty of justice: whether it is or not a supererogation, that is, a merciful action; put it in another way, if justice does not contemplate the possibility of supererogation, whether it contradicts it or not.

The biblical terminology of justice and justification is mainly hereinafter in three Hebrew terms of the OT: the *tzédeq* (justice, as a created order), *tza-ddiq* (the adjective just, justified), and *tzedaqah* (justice, rectitude, righteous

⁵ As it is demonstrated by Pietro Bovati, *Ristabilire la Giustizia*, 149-196.

⁶ José Carlos Carvalho, *Introdução às cartas autor(i)ais de Paulo*, 162.

and correct behaviour: cf. Gen 4; Ps 1; 14; Ex 20; Dt 5-6; Bar 1,15-22; Ez 16; Is 55)⁷. Israel understood that practicing *tzedaqah* was mirroring *tzédeq*, God's harmonious plan for all creation⁸, and in power to do so, was in a just condition (*tzaddiq*). Let us know that biblically we are dealing with a relationship between the Creator and the creature as we speak of righteousness. And if we speak biblically in creation, we also evoke its historical fact, because biblically creation means not only nature in its biodiversity, but rather creation as a gift of the Creator to the creature so that throughout history it enjoys and collaborates in the very progress of the *Common Home* that is created in evolution. So, it is this development that is assessed in LS and CST, asking whether some social, political, and economic projects are fair or not. In trying to answer these questions, LS expands the concept of justice, as the Sacred Scripture does. We will give some examples of this biblical expansion of justice as paradigmatic and inspiring models of justice, memory, and supererogation. But first, it is necessary to compare the various conceptions of justice and how it is thought and proposed in these times of globalization.

2. The expansion of justice

In general terms we can consider that there are four major conceptions of justice: metaphysics (or theological), distributive (promoted already since Aristotle and concerned, above all, with the future), the retributive or penal (concerned, above all, with the past)⁹, and the corrective (which tries to be claimed or implemented by civil rights groups, by international non-government organizations, and by the United Nations). If the former was criticized by modernity, the remaining three have felt difficulties in the current context of globalization, which brought movements of capital, consumer goods, more information, greater movement of people, and ecological changes. Against this backdrop, a universalisation of standards has been tested (see the case of the International Criminal Court), both to remember victims in proven cases of genocide, or to create fair conditions for developing peoples and future generations. However, this last memory is not fully controllable. If, on the one hand, capital savings involve investment options in one area to the detriment of others, if ecological awareness sharpens the need for greater and better

⁷ Cf. Armindo dos Santos Vaz, „Justiça e misericórdia na Bíblia Hebraica”, 222.232.

⁸ Cf. B. Johnson, “tzedeq, tzedaqah, tzaddiq”, 243-264.

⁹ Cf. David Heyd, “Ressentiment and Reconciliation”, 18.

preservation of natural resources due to the effects of pollution, on the other hand, control over one's existence to some degree never ceases to happen (through birth control, demographic planning, genetic engineering over one's own identity through technology). The greater awareness of the consequence of the mistakes of the past that has hit groups and nations always conditions, in some way and to some degree, the options that are now taken in the face of the future. If globalization raises the question of the administration of justice in today's planetary space, on the other hand it forces us to remember the past and the future. In this sense, it expands in time.

One of the social mechanisms for promoting justice in our Western societies is that of the so-called *social contract*. This was the most common model (and is still) to find consensus and to legitimize state authority and the principles of justice in our liberal societies. In this theory, individuals pledge a consensus among themselves, agreeing on minimum and common rules to be able to live in society in an appropriate, fair way. To this end, this consensus (contract) is made based on the natural state (or nature), or based on a specific social group. In the first version either assumes the pacifist optimism of John Locke (1632-1704) against the theory of natural aggressiveness of Thomas Hobbes (1588-1679)¹⁰, or assumes the so-called "original position" proposed by the theory of justice of John Rawls, in which we start from scratch, as if nothing had happened, as if we were no different or there were no traditions¹¹, starting, therefore, in the social contract, from what he calls the current "circumstances of justice"¹². In the second version, the criterion of social organization is the implicit assumption of a given social group, concrete and contemporaneous, that is, the social contract is for a group in a specific period, and to this period is restricted.

However, whatever the model, at least two questions remain to be asked to the social contract as regards the scope of the pursuit of justice, to the extent that the social contract is carried out for and by specific persons. The first

¹⁰ "We must therefore resolve that the original of all great and lasting societies consisted not in the mutual good will men had towards each other, but in the *mutual fear*, they had of each other. The cause of mutual fear consists partly in the natural equality of men, partly in their *mutual will of hurting*" (our italics): Thomas Hobbes. *Philosophical Rudiments concerning Government and society* I.2-3. In *The Collected Works of Thomas Hobbes collected and edited* (London 1841), vol.2, edited by Sir William Molesworth, 6; cf. Thomas Hobbes. *Leviathan or the Matter, Form, and power of a commonwealth Ecclesiastical and civil* (London 1651). In *The Collected Works of Thomas Hobbes collected and edited* (1839), vol.3, edited by Sir William Molesworth, 112.

¹¹ Cf. John Rawls, *A Theory of Justice*, 136-146.

¹² John Rawls, *A Theory of Justice*, 126.

question looks vertically at the social contract and wonders about the extent and identity of the members of a future or past group. The second question asks the social contract horizontally what the current relationship of one group with other groups is, which the relationship of my group with other groups is, in which way they affect me or what my relationship with them is. To answer, it is necessary to consider the problem of non-identity, because not all groups have identity in the social contract made or to be made. This can expand in time conditions of injustice. In fact, the social contract is truly a pact only if it is also an intergenerational pact. However, the social contract does not always recognise the identity of all members of society. At that time, the common good is no longer for everyone when some members are not considered. In practice they have no identity, they don't count. This can happen at the ethnic but also at temporal level, because the social contract is made by the *real* members of the *current* groups, but also by the possible ones that will arise¹³.

These doubts can be exemplified by the current case of environmental pollution (cf. LS n.170) that poses a double problem of justice: who is responsible for the current state of affairs, and what the burden for the future is (will it be bearable or not for generations to come that do not yet exist and cannot take part in current decisions)? In fact, in the context of a complex interdependence of corrective and distributive principles, humanity needs just intergenerational policies (cf. LS n.179) to balance the various relationships at stake over time. However, despite the memory effort, past polluters can no longer act. On the other hand, current decisions affect the future of underdeveloped or developing countries, as they will not have the same resources as past generations did.

The answers to the construction of a healthy and balanced *Common Home* have been varied and sometimes conflicting with time, with memory and with the expansion of justice: some more conservative groups consider that non-identity is not even a problem, so no action becomes necessary, because they assume in a convict manner that technology will be in charge of finding solutions for the future; while this is not the case, at international level quotas are being tested, either according to past criteria, or according to some parameters currently used, or only according to so-called trade market rules.

¹³ Derek Parfit (1942-2017) gives the example of a fourteen-year-old girl who still cannot vote. This impediment does not allow her to participate in decision-making that will affect her own future, so she can be considered as a member with no identity. On the other hand, this same girl, if she postpones a hypothetical or eventual pregnancy, will generate a different child. In this sense, their attitude or action has future consequences. In the same sense David Heyd, "Parfit on the non-identity problem", 4; David Heyd, "Justice and solidarity", 114.

The difficulties of these responses result from the finitude of environmental resources, so global natural resources thus become a problem of justice. Indeed, the randomness of the natural distribution of resources is always a philosophical and social problem: is the natural distribution unfair, unequal (as even in genetic heritage)? Will it be the fruit of chance, mere matter of luck, so should we not suffer for conditions that are not the result of our choice? Having got so far, the problem of not identity is not only individual, but also national and international¹⁴, because the aspirations of some nations were not or are not taken into account¹⁵. Moreover, other obstacles exist: the empirical fact of sovereignty seems today to be the greatest obstruction, because national perception prevents a handover of prerogatives for the construction of the Common Home; there is also no prospect of a single global government, typified at the UN¹⁶, as this would represent the existence of a binding body and supra-sovereign government; the relationship of the individual with the social and political community remains complex; human rights are universal (taking into account the individual as a human being), but the distribution of resources or aid is a matter of cooperation, so we often see that human rights and distribution do not cross borders; we have moved from a resource-based economy to a saving economy of produced resources; on the other hand, economies are now interdependent with each other, which makes it unrealistic to say that each is sovereign or that each state is sovereign independently of the others.

As mentioned, the Rawls' model does not take memory into account. Therefore, it does not deal with the problem of immigration and the distribution of the burdens involved, nor the compensation of the past when necessary. This would cut off intergenerational solidarity and prevent justice from expanding also to the previous time. David Heyd considers that solidarity has been a neglected concept, and that without solidarity the distributive justice just does not work. We respond critically to this observation with the call for attention that CST has made to the decisive role of solidarity at the institutional and international level, and to the fact it has been a category used

¹⁴ Cf. Derek Parfit, "Personal identity and rationality", 228.

¹⁵ In this context, the CST emphasises the fundamental role the United Nations could play at an international level if it assumed its function as a supra-national partner or regulator: cf. LS n°169; *Fratelli Tutti* n°s 173.257; Pope BENEDICT XVI, *Caritas in Veritate*, n°67.

¹⁶ This is the pragmatic thesis of David Heyd, "Global Responsibility", 680, whose perspective classifies the wish of the CST as unenforceable, because it considers that the UN is a body that cannot overlap with states, which care only for their own citizens.

in post-conciliar Christological reflection¹⁷. Moreover, David Heyd does not recognize viability for a global, universal solidarity: for him justice cannot be globalized, because this would be unrealistic and idealistic, so this would only be possible by a universal act of supererogation, which would be impractical or unenforceable. For David Heyd, solidarity with future generations is more problematic because it does not expand beyond the third generation, since, according to this professor at the Hebrew University of Jerusalem, the empirical experience is ambiguous, for we can be careful and be sympathetic to our children, even with future ones – even more than with children in need in the present – and we can also be sympathetic to the children we want or will have – even more than with those who already exist – but whom we do not know and who even live far away; however, this future experience will never be achieved because of all our concerns that are limited in space and time, in both spheres, and always directed to the limits of our time, looking at the children we have raised and of whom we are responsible. Experience shows, according to him, that from the third generation the relationship is diluted.

Despite the realism of this analysis, experience also demonstrates the concern by broader horizons than just the present. Indeed, the categories of ideal, person, dignity, responsibility, accountability, and the place of the other's face open the memory to the future and allow the Ten Commandments to be re-updated in every generation, as the prophets did in biblical times, either in the OT as in the NT. Even if we do not control the future or even if we are not able to define exactly the scope of technological progress, God's biblical promise has been degeographicalized since Abraham (cf. Gen 15,6; Rom 4; 9,25-29), that is, God's *tzédeq* is updated in every time, so that its *tzedaqah* expands to eternity, even to eschatological judgment. Until then, The LS translates for our time and for our descendants the demands of care for the *Common Home*, that is, it teaches us to make a memory of the *tzédeq* of God to build a *tzedaqah* with which he preceded us and with which he will succeed us. And that's to be done every time, always, in every generation, not only in present times.

¹⁷ About this see my work: "A filiação divina como condição transcendental de 'representação'", 98-106, as well as Walter Kasper, *Jesus El Cristo*, 265.277; Walter Kasper, "Solidariedade como marca característica da vida cristã dos nossos dias", 71-80; SRS n°s 9.21.23.26.36.38 (presented as "virtue").39.40.45.46.49; CA n°s 10.15.16.22.23.29.36.41; PP n°s 17.44.48.62.64.65.73.84; GS n°32. Gregorio Guitián, "Sobre la formulación del principio de solidaridad de la Doctrina Social de la Iglesia", 26-39 offers an overview about the influence the concept of solidarity had on social thought from the nineteenth century on, and in recent theology reflected in the twentieth century documents of the CST.

Therefore, we can speak of expansion of justice over time. It concerns the time of our ancestors and of our descendants.

3. The dialogue of LS with Sacred Scripture

Let us then compare the expansion of justice in our globalized world with the biblical conception of justice in the reading made by LS. Without being exhaustive in the search for biblical quotations in LS and being aware that it is not an exegetical commentary on the passages cited, we can, however, retain that the encyclical privileges above all the texts of the genesis accounts of creation, curiously as the recent document of the Biblical Commission does¹⁸, but that LS never cites. Without being a *green* encyclical, and without using this category of expansion, LS addresses the effects of the choices of many of our contemporaries for generations to come, and in this sense reflects on justice over time, for the times of humanity, which is a recollection of what has been bequeathed to us and what we will bequeath or leave.

LS n°2 begins by quoting Rom 8.22 to describe the current environmental ecological situation with the Pauline image of the pains of childbirth: creation is seen as a parturient who moans when she is about to give birth to life. In the same text LS recalls the second account of creation (Gen 2:7) to remember the earthly condition of human nature. Next (LS n°12), contemplates the given beauty of creation, as does the hagiographer in Wis 13,5, to base an ecological look at the world (not an ecologist), which becomes a mirror of a look of the soul, the way we relate to God and to creation, so that ecological problems are placed at the moral level and not only at the level of resource management. Because it is at the level of morality, because it reflects ecology at the human level, it necessarily contemplates the place of memory and justice in human relations between one another and the created world. Therefore, in the second chapter of the encyclical, LS n.65 places the person at the centre, quoting Gen 1,26 as an affirmation of the primacy of human dignity (created in the image and likeness of God), and cites Gen 1,31 to emphasize the beauty and goodness of creation. In paragraph 66, LS quotes Gen 1,28 (“dominate the earth”) and Gen 2,15 (“to cultivate and guard”), showing how these texts were de-contextualized and used to criticize Judeo-Christianity for the exploitation of environmental resources. It does not cease to warn of the hermeneutic subver-

¹⁸ Cf. Pontifical Biblical Commission, «*Che cosa è l'uomo?*» (SI 8,5). The texts of Gen 2,4-7; 2,8-20; 2,21-25; 2,16-17; 3,1-7; 3,8-24 give the motto to the four chapters of this document.

sion that they were targeted by modernity and contemporary culture; the verbs of these verses are verbs of the priestly tradition, although texts of different backgrounds: the first belongs to the exilic priestly tradition and the second to the post-P tradition already quite post-exilic; in the first text humanity appears as the lady of creation, but as administrator; in the second humanity arises with the mission of the Lord's service and cooperation with him, watching over the created. This space (which is also temporal) shows the distance of the Creator to the creature and the limits of the creature, which, as the LS shows, were disregarded in the contemporary relationship of humanity with creation, deeming this relationship unlimited; this is a situation that LS classifies as a degradation of the "originally harmonious relationship between human beings and nature" (LS n°66).

In the following issue, LS develops a theology of the earth by opening the created to its transcendent origin. To this end LS quotes Ps 24,1 ("to the Lord belongs the earth"), the deuteronomistic text of Dt 10:14 ("from the Lord thy God is the earth and all that it contains"), and the priestly text of Lev 25,23 ("No land shall be sold definitively, for the land belongs to Me, and you are only foreigners and my guests"). This theology of the earth is realized in corrective stocks to quell human activity that will naturally produce imbalances: in these circumstances, Israel generates mechanisms that restore God's original justice – its *tzédeq* (the ordering of the created according to God's plan), and *tzedaqah* is concrete life according to that project. Two of these mechanisms are the sabbatical year and the jubilee (cf. Lev 23). This transcendent horizon opens to the memory of the use and settlement of the earth, first of the land of creation and after the land of promise. This opening evokes the earth in the horizon of time and not in the horizon of space, because time surpasses space¹⁹. Therefore, justice can be enforced over time and to redress the elapsed time. The Common Home is, thus, to rebuild inspired by the founding principles, from the common origins, since it was given to all mankind by the Creator God. We are therefore in the context of donation.

In this theology of the earth, which begins canonically to be developed in the priestly texts of the Genesis and historically in deuteronomistic texts, memory will allow the implementation of the original just conditions. In this adjustment, which corrects what human activity unbalances, justice concerns not only the relationship of the believer with God or Israel with God, but also the interpersonal relationship with the brother. In this context, LS n°68 uses

¹⁹ This is one of the major four principles proposed by Pope Francis in 2013 in his Apostolic Exhortation *Evangelii Gaudium*, n°217-237.

the *deuteronomistic code* (Dt 22,4.6: “If you see your brother’s ass or his ox lying on the way, do not swerve from them, but help them rise ... if you find yourself on the way, on top of a tree or on the ground, a nest of birds with chicks, or eggs covered by the mother, you will not catch the mother with the brood”) and the *covenant code* (Ex 23:12: “In this line, the rest of the seventh day is not proposed only for the human being, but «that they may rest thy ox and your ass»”)²⁰ to expand justice in time to all creatures, respecting the origins and the future. Thus, LS recalls that there is no place in Scripture “for a tyrannical anthropocentrism unconcerned for other creatures” (LS n°68). We can consider that the OT in this case makes, like Jesus, a halakah of the third commandment, that is, evaluates and ponders the application of this third commandment, thus showing that the experience of shabbat is not absolute; Jesus will say that the Sabbath is for man and not man for the Sabbath (cf. Mc 2,27). The human creature is created on the last day in the first version of creation, and the good news, the gospel of creation consists in the fact that humanity is created above all other beings. It should be noted that, both in the first genesis report and the second, God only speaks to man and woman, never with animals: God never reduces himself to the level of animals talking to them; God gives animals to serve mankind; humanity is the one that has reduced itself to the level of animals talking to them, putting themselves to their level, being emblematic the conversation with the snake. But the supremacy of humanity is granted in freedom and responsibility; it is not absolute, which delimits the nature of anthropocentrism that these passages inspire, and what explains the criticism made to despotic anthropocentrism. Humanity is the administrator of creation, not the owner nor the lord of creation²¹.

This denunciation is strengthened with the realistic view of the biblical text on the weakness of human condition. Indeed, LS n.71 quotes Gen 6,5 to emphasize the fragility of human nature: “the wickedness of men was great

²⁰ This text is taken up by LS n.237: “The law of weekly rest forbade work on the seventh day, «so that your ox and your donkey may have rest, and the son of your maidservant, and the stranger, may be refreshed» (Ex 23:12). Rest opens our eyes to the larger picture and gives us renewed sensitivity to the rights of others. And so, the day of rest, centred on the Eucharist, sheds its light on the whole week, and motivates us to greater concern for nature and the poor”.

²¹ This is warned by LS n.89: “The created things of this world are not free of ownership: «For they are yours, O Lord, who love the living» (Wis 11,26). This is the basis of our conviction that, as part of the universe, called into being by one Father, all of us are linked by unseen bonds and together form a kind of universal family, a sublime communion which fills us with a sacred, affectionate and humble respect”.

on earth”. This outburst of Jahve himself evokes the ethical-moral factor that underlies destruction and non-ecological behaviour; therefore, then LS quotes the jubilee texts in Israel (Lev 25) that tried to correct (adjust) these situations, although there are doubts whether the jubilee was ever put into practice, for in order to be executed, one has to assume a year of exceptional rains and harvests that would allow the land to be left a whole year to rest for the turnover of the soils; the jubilee was an attempt, placed as a guiding principle, so that everyone would return to have access to the *Common Home*, to the land that is of all, and not only of the most ingenious or only for those who work it; until the jubilee, one way to compensate for the imbalances created by human activity in the *Common Home* was the *sharing of goods*, a measure that is presented as obligatory and not as a supererogatory, the same is to say that it is not beyond what the law commands: “when you will be reaping your lands, you will not reap the ears to the end of the field, and you will not take the fallen ears; ye shall not seek your vineyard, and take not the fallen berries; you will leave them to the poor and to the stranger” (Lev 19,9-10). This care for the most unprotected over the years of harvests is a memory of the future with generations to come, as Joseph did when he was administrator in Egypt (Gen 41,37-57). In this sense, justice expands beyond the present time, to the extent that the just *tzedaqah* now becomes already a mirror of the *tzédeq* of God that is expected to be restores. This develops a certain kind of story.

In the Semitic conception, the perception of history results from a relationship of the creature to the Creator, so, unlike the Hellenic mentality, it does not contemplate the possibility of an ex-nihilo creation. Thus, LS n.73-75 quotes texts of the prophets (Jr 32,17.21; Is 40,28b-29) and the third septenary of the Book of the Apocalypse (cf. Rev 15,3) which transmit the experience of life guided and sustained by God the Creator; these experiences look at creation as God’s creation and not from nothing; now this has consequences for the way we look at our *Common Home*, for this experience directs our gaze to the Lord of the creation that sustains it and to whom we will have to account for the state in which we will leave it to generations to come; this believing gaze transforms this definitive judgment into a judgment of the present and for the present. This is reaffirmed by LS 77: “«The word of the Lord created the heavens» (Ps 33/32,6). In this way it is indicated that the world proceeds not from chaos or chance, but from a decision, which exalts it even more. There is a free option, expressed in the creative word”. Ps 33 is a hymn to God the Creator. If creation is the fruit of a word, it is neither the fruit of nothingness nor chance, but of a free and loving decision, which inscribes it in the mystery, that is, in a personal

relationship. This means that for faith in Israel and for the christian faith, creation is not only the fruit of evolution. Nature is, but creation is the fruit of much more than that: it results from an origin and a purpose. Between the two there is a story to be built. So, it's a gift and a mission. This look draws a memorial construction, which takes back the origins and memory of the future, expanding throughout history the initial and final just conditions.

Following this fundamental distinction between creation and nature, LS n°76 differentiates the integral ecological view of the ecologist view by distinguishing generically and without great conceptual precision between creation and nature: the first is a gift, the second is an object that can be analysed. Thus, nature (which in LS basically corresponds to the environment) is read according to creation. In the light of creation, creatures gain dignity and place in the times of nature, especially the most important of all creatures: humanity. Then, from paragraph 94 onwards, LS begins, always with the help of Scripture, to show the universal destiny of goods, which are for all, without exception, both material and immaterial goods, what, as it could not fail to be, becomes a question of justice and its expansion in time, and not only of its punctual exercise. Here, LS quotes two wisdom texts and another one from the gospels: "The rich and the poor have equal dignity, because «he who made them both was the Lord» (Pr 22,2); «He created the small and the great» (Wis 6,7) and «causes the sun to rise upon the good and the bad» (Mt 5:45). This has practical consequences". Indeed, this common dignity of every human being places nature at the service of creatures and makes the right to private property not overlap with the universal destiny of goods. If this happens, then the role of a corrective justice is fundamental, because if an injustice has been expanded in time, then it is imperative to expand a compensatory justice in which memory will contribute decisively to resetting the original just conditions.

The human being is thus thought of in his dignity, not only in an abstract way, but historically and concretely, that is, in time, in the times of nature, in the times of the world and in the times of collective and individual history. In this line of biblical influx, LS n°95, without indicating the abbreviation of Ex 20,13 (or Dt 5,17), quotes the fifth commandment (thou shall not kill) to show that death is not only biological, but can also be temporal, can expand in time the annihilation of conditions worthy of survival to future generations²². Death can be moral, but it can be also a death of education, of

²² The Johannine tradition takes these arguments in Rev 18 at its critique of a social system on its effects of injustice over time, as well. The city of Babylon represents a social and political organisation which leaves a trace of injustice throughout history, affecting

hope, of future, of friendships, of cultural, of memory, of companies, of social relations, of legal systems, of political regimes. In this case, the gnostic future of the fifth commandment is both a prerogative and a council, as the etymology of the word *torah* (teaching) indicates, which makes it a supererogation (a theme that the encyclical does not address). If, on the one hand, this fifth commandment teaches a minimalist duty not to suppress physical life, on the other hand it also exhorts you to defend life beyond that duty, promoting it in all dimensions. This is what the document of the Pontifical Bible Commission of 2008, *Bible and Morality*, n°31 proposes (but which LS never mentions) when updating the language of the moral code of the OT: “5. Right to life (to be born), respect for life (to grow and die in a natural way), to education”. It is, therefore, an expansion in the time of the duty not to kill and to preserve life throughout history, from its generation to natural death, so that the fifth commandment can be thought of as a moral and supererogatory challenge, opening the possibility of doing everything to promote life and a culture of life, doing more than the duty, exceeding the justice of the pharisees (cf. Mt 5,17-20). It should be noted that this overcoming of the justice of the pharisees it is still called justice by the gospel, which is understood in the framework of the biblical perspective of justice, which in itself contemplates the possibility of the gift, of the gift of just conditions to adjust life to the dignity of the human person and of the created.

With this openness to the unprecedented and surprising possibilities of the future, unlike David Heyd, LS n°100 inserts creation into an eschatological horizon, beyond the present time and beyond nature:

For in him all the fullness of God was pleased to dwell, and through him to reconcile to himself all things, whether on earth or in heaven, making peace by the blood of his cross” (*Col* 1:19-20). This leads us to direct our gaze to the end of time, when the Son will deliver all things to the Father, so that “God may be everything to every one” (*1 Cor* 15:28). Thus, the creatures of this world no longer appear to us under merely natural guise because the risen One is mysteriously holding them to himself and directing them towards fullness as their end.

“Generationen” to come: cf. Ulrike Sals, *Die Biographie der “Hure Babylon”*, 502. Babylon is the icon of an economic organization that produces unevenness that remains over time, expanding justice even more. Therefore, it has consequences at a political level, and it can be classified as a “politische ... Weltuntergang”: *ibidem*, 238.

With the wisdom hymn of the letter to the Colossians and Paul's eschatological reflection, LS points to the definitive and full adjustment on God's part. God promises beyond what is expected, and the category of duty does not apply to God's gratuitousness, since the logic of gratuitous love is not subordinated to duty or to any obligation. But is God's action thought of as supererogatory, he who does not just apply justice only now, but who wants it lived over time?

4. The biblical expansion of justice

According to the testimony of Scripture, respect for fundamental rights presupposes the creation of conditions that guarantee them in the future and respect the past. In this way, biblically justice also extends in time, expands, or as anticipation of this future, or as an attempt to reward in the face of a torn or unjust past. This expansion in time results from a moral effort to implement justice not only in the present. In this way, Sacred Scripture presents justice as a horizon and as a mission, as a gift and as a task.

From a terminological point of view, Scripture presents two expressions that reflect the source of inspiration of just action – God's justification. It is translated with the verb "exceed" (*perisseuein*) and with the expression "the more / so much more" (*pollo malón*). This even teaches Jesus after presenting the magna carta of the kingdom in the Sermon on beatitudes. In the debate against the pharisees, he points to the high measure, he opens justice by expanding it in performance and time: "if your justice does not exceed (*perisseuô* / *abound before* / *surpass* / *overcome* / *out do*) that of the scribes and Pharisees, you will not enter the kingdom of heaven" (Mt 5,20). Paul praises the community of Corinth, because the collection is a *tzedaqah* that mirrors the *tzédeq* of God: "God can make you abound (*perisseûsai*) in all grace, so that, always having, in everything, great sufficiency, you might abound (*perisseûête*) in every good work" (2 Cor 9,8). This means that the just action of the community exceeded expectations, but also that this sharing has prolonged (expanded) in time better conditions for the community itself to be able to achieve and live communion.

Paul uses the two expressions referred to in order to proclaim the (over) abundance of God's grace, whose logic of love is the only plausible in the face of the drama of finitude and sin: "however, it is not the gratuitous gift as the offense; for if, by the offense of one, many have died, much more (*pollo malón*) the grace of God and the gift for the grace of one man, Jesus Christ, were abundant over many" (Rom 5,15); "for if we, when we were enemies,

were reconciled with God through the death of his Son, much more, being already reconciled, we will be saved by his life” (v.10). Paul, with the rhetorical technique of the *qal wahomer*, evidence here, at the beginning of Romans’ second part, the oxymoron paradox of the excess of grace in the face of sin, the excess of God’s life in the face of lack, of life in the face of death. Paul likens the incomparable, because there is no proportionality between the abundance of grace and the power of sin, between the second Adam (Christ) and the first Adam (cf. Rom 5,12-14). This disproportion reveals how God’s action is a justifying intervention, which created and granted means that the human condition could never obtain by itself because of sin and frailty. In this way, the gratuitousness of God’s action has provided adjusted conditions that allow humanity to develop an existence according to God’s *tzédeq*. This justification is not due. First, it’s free. But in any case, it allows us to survive time, allows you to live and enables (because it offers) salvation.

Similarly, prophets were concerned with maintaining justice over time, not just denouncing the injustices of their time. The pastor of Teqoa unmasked the iniquity of the northern authorities (cf. Am 2,6-16) that reduced the poor to slavery: leaders kidnapped the goods of others (v.8) with taxes and fees, making the lives of the people impossible in the mid-8th century b.C. Isaiah did the same in the south, in Judah, revealing the prolongation of conditions of *non-tzedaqah* at the economic level (cf. Is 5). The prophet concretizes criticism not only at that time of the end of that century, showing how the economic system created such mechanisms of injustice that caused the poorest not to survive, neither they nor the generations to come, inexorably affecting their lives. The first prophet writers decrypt the apparent benevolence of the economic system practiced in the temple and palaces of Israel, so that they explain that the economic organization produces in time many injustices that are difficult to overcome, remaining at least the duty to do justice to the poorest and weakest. This obligation begins with the denunciation; then it goes through the reward.

To reactivate God’s *tzédeq*, the prophets then recall the promise of a land for all. In this memory, the prophets remind Israel that one of the great sins is that of not listening to Yahweh’s promise, which led Israel to forget that the earth is God’s gift to all. Memory recalls everyone’s place in the promise of the earth. The theology of the earth enables Israel to go back to the period of exodus to make the people reflect on the gift of a land that has been granted to them, not conquered. To remember this weekly, the people celebrate the shabbat and, every half century, the jubilee. The dullness of existence in society, the routine of political organization in Israel facilitated the dearth of memory of Israel’s origins. This has generated injustices, brought imbalances to the

biblical people over the generations, whose injustices the shabbat and jubilee tried to overcome. Israel has spread (expanded) injustices within its people, and the torah tries to expand justice by imposing rules so that the people do not swerve from the alliance, nor from the *tzédeq* and *tzedaqah* of Yahweh.

At the economic level, biblical tradition shows from the beginning of the genesis tradition that one needs bread and production goods to be able to buy his bread or make his daily bread of ours. Scripture illustrates how the economy is a necessity of life because consumer goods and production goods are needed to secure the future, so this is seen as a just trend: to have certain assets to ensure stability. For Scripture the desire to possess is not then illegitimate. The problem is not seeing the other's face, especially the face of the suffering. This face calls into question the *tzedaqah* in a radical and concrete way, because, in the face of our plutocratic society, injustice forces to refocus the look, is requested the diakonia of the face of the other person²³. Thus, a relationship is established with goods, with the common good, knowing that there is a fair tendency to establish this relationship in a stable and lasting way, because this gives quality to life. This relationship quickly seeks an improvement in the quality of life. Thus, it goes from the simple search for bread to the desire to succulent banquets as a sign of a better quality of life. However, this passage is also made in Israel by the very will of the person. This goes from the simple to the complex, from everyday bread to juicy meals, from water to finer wine, from house to palace, from simple clothing to gala dress. Scripture denounces these signs of opulence as contrary to everyone's right to a life of quality. Scripture itself does not consider it good to be poor or to live miserably, that it is good to be poor and that it is bad to be rich (this is a skewed reading of Sacred Scripture). It is enough to take into account, since the beginning of the biblical cycle of creation, that one of the signs of blessing is precisely the abundance of material goods (estates, lands, offspring, houses). That's why the righteous have his house full of goods. Now, the risk of pharisaism, among others, consists precisely in the reversal of the promise – in making the blessing of the goods dependent of what can be joined or achieved (if I can gather many goods, it is because I am blessed). But the cycle of creation begins an inverse story, the story of a gift, not of an achievement. From Abraham on we are blessed. Paul recalls it when he conjugates the verb in the passive form in Rom 4,3. Israel forgot this when it short-circuited the blessing, or when it continues

²³ Cf. Emmanuel Lévinas, *Ética e Infinito*, 69.81; Emmanuel Lévinas, *Totalité et Infini*, 79.215.

to do so like the sects²⁴. The blessing turns into goods in Lev 26,3-13; Dt 28,1-14; Gen 13,2.6; Ps 112,3. It is not the goods that create the blessing; instead, it is the blessing that makes create the goods. The blessing is given, it is not earned.

Scripture, because of this, does not cease to establish a relationship between the person and the goods, and between the persons through the goods. The denunciation, not only of the prophets, also derives from the misdemeanour of the relationship with goods and from the relationship with the brothers and sisters because of the goods. The goods may or may not be mediation for the relationship with the brothers. The relationship to the property may include or exclude brothers and sisters from the relationship. And when we talk about relationship in Scripture we are not reduced to the purely intimate or individual level, but this relationship has a public impact. On one level or on the other, the relationship constitutes the biblical process of justice, so goods can become factors of injustice whose effects extend over time. In the case of Amos, we find the economic activity denounced in its various aspects and spread in the various activities of human and social life. Amos does not criticize the economy for the economy, but its effects that prolong in time a situation of injustice, injustice that is organized in spaces, but which are commanded by time. Thus, one can understand the critics the Teqoa prophet targeted against luxury (cf. Am 6,1-7), fraudulent trade (cf. 8,4-8), palaces and sumptuous houses (cf. 3,9-12), hoarding properties (cf. 4,1-3; Is 5,8-10; Hab 2,9-14; Miq 2,1-5; Sof 3,1-8).

To obviate this expansion of injustice, and as a corrective of Israel's wishes in 1Sam 8 to have a monarchy equal to that of other peoples, the Deuteronomist tradition developed a set of rules for the king himself (cf. Dt 17,14-20), to which the sovereign must submit for the people to live in justice, so that the monarchical system in Israel may over time live under the sign of justice. These indications and norms addressed to the royal figure itself aimed to keep Israeli society balanced, thus refraining the king's temptation to absolute power, as it is shown by the "constitutional"²⁵ text of Dt 16,18-18,22. Among the

²⁴ Cf. Pasquale Basta, *Abramo in Romani 4*, 54.178; Jean-Noel Aletti. "L'argumentation paulinienne en Rom 9". *Bib* 68 (1987): 41-55; Jean-Noel Aletti. "Israel et la loi selon Rom 9-11. Une image caricaturale ?". *Études* 388 (1998): 499-511.

²⁵ Jean-Marie Carrière, *Théorie du politique dans le Deutéronome*, 49. Israel evolves from the conception of a justice occupied and built with cases (casuistic) to the performance of justice by the state, where the king does not enjoy of an absolute power : cf. Jean-Marie Carrière, *Théorie du politique*, 378.

various rules, the king must: always listen to the law of the Lord, should never forget it; should not squander public resources; cannot exploit his subjects; and, very importantly, he will not have one law for himself and another for the people, but he shall also be subjected to the torah. These are democratic principles of justice, which will allow, if observed, to lengthen throughout the times of Israel's history a righteous life, adjusted to God's just plan (*tzédeq*), since leadership's choices have consequences for the people over the years.

These guidelines are repeated in the wisdom tradition in the period of the of king Hezekiah's deuteronomist reform ²⁶, a tradition that will remember these legal principles when on Pr 28-29 presents a set of admonitions and teachings that the king leaves to his son (future lord) for his people to live in justice, to remain in justice. The king himself will have to be *tzaddîq*. The editor of Pr 28-29 drank from the ancient Egyptian wisdom of Merikara and Amenemhat with a clear concern of *Demotisierung*, that is, of presenting a democratic image of the king or the overlord, trying to reshape a popularization of the royal prerogatives, especially those of wisdom and wealth²⁷. Pr 28-29 consist of an exhibition and transmission of the life experiences of a king, a wise king who knew exactly what was necessary to leave as a fundamental legacy for his son the future king, in order that he might succeed throughout his reign. The topics dealt with are all directly related to the royal ministry and aim at a regency of quality, fair, according to justice, themes that parallel to those of the royal wills and testaments of Ancient Egypt pharaohs. Of the most common themes the author stresses some topics: the law and justice, ultimately founded on God; the connection between, on the one hand, the tranquillity and material prosperity of the country, and, on the other, the attitude towards God; particular concern for the unprotected and the helpless; the relationship between knowledge and ethics; the need for a serious education of the king for the welfare of the kingdom.

These are just a few examples in which Israel reveals that it cared about the survival of justice, was concerned with the expansion of justice in time.

5. The supererogatory expansion of justice

Without going in detail into all the ethical and legal discussion resulting from the theme of supererogation and forgiveness as a realization of it (which

²⁶ Cf. Ricardo Tavares, *Eine königliche Weisheitslehre?*, 259.270.

²⁷ Cf. Ricardo Tavares, *Eine königliche Weisheitslehre?*, 253.281.

goes out of scope of this reflection)²⁸, what we intend to analyse is the possibility of thinking about some examples of the biblical expansion of justice in time as examples of supererogation, or if it is only a question of extending the duty of care in time. In essence it is to assess whether expanding biblically in time justice results from the duty of the law or whether it is something that is beyond the law, whether it can exceed the kantian duty to comply with the law. At the outset, supererogation and justice are not contradictory concepts, because if, in biblical terms, justice is the process of granting means to establish an adequate relationship between at least two subjects, doing something beyond the duty of the law can help precisely to re-establish that relationship, meanwhile either torn or unbalanced. And, contrary to what Derrida suggested²⁹, this can be accomplished without expecting any reward, it can happen in the context of pure gratuitousness, as sacred Scripture shows.

It must be held in account that the concept of supererogation is now in disuse in theological discourse, especially after the anglican critique to the medieval distinction between precepts and evangelical counsels of perfection (the latter considered to be the superior expression of the virtue of Christian morality)³⁰. On the other hand, kantian reflection includes all ethical thinking in the context of duty, denying the possibility of moral fulfilment beyond duty³¹, being left only with the possibility of accepting permitted acts, but “morally indifferent”³². Here we take on the most common conception of “supererogation” – acting beyond duty – and not understood only as all “commendable but not necessary”³³ acts.

In fact, *supererogation* consists in doing more than what is due, going beyond duty. The theology of reformed justification, in its radical soteriological presupposition that the believer has no merit or capacity to participate in salvation because he is a sinner and the sole gratia is what he can save, therefore considers that the believer is unable not only to fulfil what is due, but he is also unable to go beyond what is due, for, if he were, he would be able to save himself out of merit and not by grace. However, this category of *supererogation* received treatment and recognition in the most

²⁸ Take, for example, the debate on the procedural expansion of justice in the context of the discussion on the evidence to be accepted by the jurors: cf. Marcella Alves Nardelli, “A expansão da justiça negociada”, 340-343.

²⁹ Cf. Jacques Derrida, *Donner le temps*, 54.

³⁰ Cf. *STh* I,II Q.107-108; II,II Q.106.

³¹ According to the perspective of David Heyd, “Beyond the call of duty”, 308.

³² David Heyd, “Beyond the call of duty”, 309.

³³ Stefano Biancu, “La misericordia ‘impensabile’”, 58.

recent philosophical ethical discourse and, therefore, we consider the dialogue between the philosophy of justice and the theology of justice to be legitimate and useful, since the concept of justice is not exclusive to biblical or theological discourse. If it wasn't, it's interesting that the corresponding verb is used in the Latin translation of the Vulgate. Indeed,

The Latin etymology of 'supererogation' is paying out more than is due (*super-erogare*), and the term first appears in the Latin version of the New Testament in the parable of the Good Samaritan. Supererogation raises interesting problems both on the meta-ethical level of deontic logic and on the normative level of the justification of moral demands³⁴.

The example of the good Samaritan (cf. Lk 10,25-37) – which sets the tone in LS and, above all, in *Fratelli Tutti* to build social friendship and political charity³⁵ – is a paradigmatic case, because that non-Jew (who had no identity for Judaism) did more than what he was supposed to do according to what the torah commanded to be done in such circumstances. The Pauline Christians of Macedonia did the same: “for in the midst of much trial of tribulation they have expressed abundance (*perisseia*) of joy, and their deep poverty (over) abounded (*eperisseusen*) in great richness of their generosity” (2 Cor 8,2).

They exceeded themselves in communion, they flourished. The good Samaritan was also supererogatory in paying beyond what was necessary, so that that devaluated man on the path could be assisted conveniently and no debt would be left behind. And he didn't demand anything in return. But did he have a moral or religious duty of assistance to help that victim? Certainly, but not in the excessive and totally free way with which he did, because he acted there (*over*) of what the law asks (*erogare*). The Portuguese law in art. 135 of the Penal Code even criminally incriminates those who lack the civic

³⁴ David Heyd, *Supererogation*. In <https://plato.stanford.edu/entries/supererogation/> (checked on the 21-08-2021).

³⁵ “The story of the Good Samaritan is constantly being repeated. We can see this clearly as social and political inertia is turning many parts of our world into a desolate byway, even as domestic and international disputes and the robbing of opportunities are leaving great numbers of the marginalized stranded on the roadside. In his parable, Jesus does not offer alternatives; he does not ask what might have happened had the injured man or the one who helped him yielded to anger or a thirst for revenge. Jesus trusts in the best of the human spirit; with this parable, he encourages us to persevere in love, to restore dignity to the suffering and to build a society worthy of the name” (*Fratelli Tutti* n° 71).

duty to assist a victim. The same does Scripture, but morally, and it is not possible to delimit the boundary between duty and excess, between what is due and gratuitousness. This is done with admonitions or exhortations: “he who despises the poor shall be full of curses” (Pr 28,27b); “he who despises the poor insults his creator” (Pr 17,5a); “if there is a destitute among your brethren, in one of your cities, in the land which the Lord thy God shall give thee, thou shall not harden thy heart, and thou shall not restrain your hand from your brother in need” (Dt 15,7); “do not deny a benefit to those who need it, if it is in your hands to be able to grant it” (Pr 3,27); “may each one look not only at his own interests, but also at those of others” (Flp 2,4); “it won’t cease to exist poor people on earth; therefore, I order you to ‘generously open your hand to your brother, to the indigent, and to the poor in your country’” (Dt 15,11); “do not forget to do good and to share among others, for these are the sacrifices that please God” (Heb 13,16); “heal the sick, raise the dead, cleanse the lepers, cast out the demons; you have received for free, give it free” (Mt 10,8); “I was hungry and you gave me food, I was thirsty and you gave me to drink ...” (Mt 25,35-40)³⁶. Biblically, God also helps the victims and takes care of the weakest (cf. Ps 10,14; 23), and for Paul the love towards the neighbour is the fulfilment of the law (“do not owe nothing to anyone except love for one another, for whoever loves the other fulfils the law”: Rom 13,8). Let us note that these texts do not impose limits beyond which we can talk about supererogation and stop talking about rights, obligations, or duties. They present, like Jesus, the high (*super*) measure of love before which the situation asks for or allows to be done (*erogare*), a high measure that Jesus condenses in the *principle of reciprocity* (“loves others as yourself”: Mt 22,39; cf. Lev 19,18) and in the so-called *golden rule* (“all that

³⁶ The works of mercy listed in Mt 25 are classified not as supererogatory, but as works of mercy by Stefano Biancu, “La misericordia impensabile”, 58. This author separates mercy from supererogation, because he considers that works of mercy are not supererogatory, not because they overcome duty or go beyond obligation, but because, since it is possible not to be performed, they result in meritorious, that is, “nella tradizione cristiana le opere della misericordia non sono semplici buone azioni: qualcosa che sarebbe certo meglio fare, ma che si può anche non fare (in termini tecnici si direbbe: degli atti supererogatori)”. However, this is not the ethical perspective of Mt 25, for these works are not only commendable; rather, they are the criterion of salvation. Moreover, this author ends up in a contradiction: “essa è libera e gratuita, ma anche necessaria. In questo senso, la misericordia rappresenta certamente un ‘massimo’ rispetto al livello ‘minimo’ di attenzione e di rispetto che ci si deve gli uni gli altri nel considerarsi reciprocamente dei fini e non semplicemente dei mezzi: ma è un massimo in qualche modo ‘necessario’”: Stefano Biancu, “La misericordia ‘impensabile’”, 59.

ye therefore want men to do unto you, so do you also to them; for this is the Law and the Prophets”: Mt 7,12). In this sense, we can speak of biblical pericopes that open to the possibility of supererogation, understanding it as the overcoming of minimalist duty. The Samaritan, on the one hand, fulfilled a duty of assistance and observed the duty stipulated by law; but, on the other hand, he did more than what was due because the law itself *challenged him to do so*, opening to him the possibility of building another kingdom beyond the minimalist obligation imposed by the law of duty. LS n°82 cites the gospel to recall the very supererogatory logic of the kingdom, totally contrary to consumerist logic and power:

Yet it would also be mistaken to view other living beings as mere objects subjected to arbitrary human domination. When nature is viewed solely as a source of profit and gain, this has serious consequences for society. This vision of ‘might is right’ has engendered immense inequality, injustice and acts of violence against the majority of humanity, since resources end up in the hands of the first comer or the most powerful: the winner takes all. Completely at odds with this model are the ideals of harmony, justice, fraternity and peace as proposed by Jesus. As he said of the powers of his own age: «You know that the rulers of the Gentiles lord it over them, and their great men exercise authority over them. It shall not be so among you; but whoever would be great among you must be your servant» (Mt 20:25-26).

In fact, *supererogation*, especially in its traditional Catholic version, raises the question of the scope and place of gratuity. This hypothesis was denied by Derrida and Mauss, especially by the first who considers that there is no totally disinterested gratuity, because those who give would always expect something in return, some kind of reward³⁷.

There are cases where this is not the case. Just think of volunteering or the gift of blood totally anonymous, or the uninterested love of parents for their children. The Catholic tradition presents, among others, the cases of martyrs.

Supererogation can thus be thought of at the personal, Community, international and collective level. In fact, it begins by being lived at the level of interpersonal relationships and individual actions:

³⁷ Cf. Jacques Derrida, *Donner le temps*, 18.27.

Going beyond duty is often either motivated by personal affinity to another person or creates such a personal relation. This seems to be the chief source of value of supererogatory action³⁸.

In chapter IV of LS (n.159) this personal duty is extended to intergenerational duty because each generation must remember past generations and future generations, from whom and to whom lives. We are here in the realm of justice over time. If human dignity cannot depend on a referendum and does not depend on the fashions of each time but exceeds every time (and in this sense it is timeless), then each temporal generation is biblically called to establish relationships between generations of other times: previous and subsequent. It is about maintaining “the bi-directional axis of our temporal consciousness, the backward- an forward-looking”³⁹. This requires, as already mentioned, a memory of the past and of the future to restore the *tzédeq* and *tzedaqah* of the created.

A concrete attempt to live the *tzedaqah*, corresponding to the level of relations between peoples, is presented in LS no.171: the purchase of CO₂ emissions to try to mitigate the unfair effects of the development of some people towards others, both in the present and in the future.

Conclusion

It is not possible to establish a clear boundary between duty and gratuity, even if one can speak of a minimalist morality and a maximalist morality, but without closing (Kant-like) the philosophical horizon of duty to gratuity, that is, to the horizon of *supererogation*, saying that *supererogation* is an “indirect duty”⁴⁰. If the Ten Commandments point to a minimalist morality (the minimum below which the law of God is transgressed), the Beatitudes indicate a morality opened to the high measure of the kingdom of Jesus, to supererogation, to do more than the minimum required by law, in essence to overcome the talion law (cf. Lev 24,19-20; Dt 19,21) and to offer the other cheek (cf. Mt 5,38-42) to comply with law, according to Rom 13,8. This *supererogation* is a just action (*tzaddîq*) according to the *tzédeq* of God, and which reminds us of the original creative and redemptive love of God, the

³⁸ David Heyd, *Supererogatory Giving*, 160.

³⁹ David Heyd, “Ressentiment and Reconciliation”, 186.

⁴⁰ David Heyd, “Beyond the call of duty”, 315.

tzedaqah by antonomasia. In this sense, we can speak of *supererogation* as a radical expansion of justice in the image and likeness of God's justifiable action which, as we have seen, is not only punctual or condemning. It's much more than that – it is a saving one.

Biblically, the Sacred Scripture expands our common concept of justice by opening it to the memory of God's times and the generations of the people of Israel, that is, to protology, to history and to eschatology. In doing so, justice is expanding in time. However, it also expands on itself by opening it to supererogation. This is only possible because biblical justice corresponds to justification – to the process by which God grants gifts and means so that human freedom can choose to live an existence adjusted to the just project that he has always idealized for the human condition. In this sense justification is a mercy, it is salvation⁴¹. Without opposing justice to mercy, or duty to grace, Scripture opens to justice, not only to jurisprudence, but to justification and to the overcoming of the duty of the law, to the image and likeness of what God himself does. This is just, according to the human condition created free to be able to love radically, freely, capable of doing more than the least, than duty. The CST also translated this with the concept of *solidarity* (cf. CA n.51), solidarity to the brothers and the peoples among themselves. One of the signs of this solidarity may be the forgiveness of debts. Indeed, debt forgiveness is a supererogatory act⁴²: biblically, besides allowing a new beginning in Israel (cf. Lev 23-25), this forgiveness demonstrates an excess on the part of the creditor, whether individual, group or national. However, in the framework of the theology of the promised land, the biblical texts of the *holiness code* apply the gnomic future and translate the jubilee as a challenge, opening justice in Israel beyond duty, thus opening it to memory and supererogation with the generations to come.

This means that Sacred Scripture does not assume future generations as if their non-identity were “intractable”⁴³, for, even if we cannot fully define these generations to come, our present actions are inexorably reflected in the future, they have consequences beyond the present time. Now, that's not a reason for inactivism or resignation. The common creature condition in the image and likeness of God surpluses nature and time, generating, in turn, an intergenerationality.

⁴¹ In the same sense Stefano Biancu, “La misericordia impensabile”, 59.

⁴² Cf. David Heyd, “Is there a duty to forgive?”, 5-6.

⁴³ Against David Heyd, “The Intractability of the Nonidentity Problem”, 13; David Heyd, “Justice and solidarity”, 118.

Some contemporary ethical and legal thinking restricts this condition in the name of the limits of the social contract that cannot reach more than a normal adult life. This happens because either the dream of universal and universalized justice is rebutted or either one considers that there is no way to remake the past, or even because our world is considered too plural and not everyone thinks the same way, not everyone lives in liberal democratic systems. In this sense, David Heyd opposes Rawls' effort to rehearse and justify universal justice that acclimates intergenerationality⁴⁴, since he considers a universal social contract to be unfeasible, unworkable, and unachievable. Moreover, it strangely denies the possibility of free acts whose effects are for the future, one of which is that of sharing – at whatever level it might be (as in the case of resources):

If God gave the natural world to humanity as a whole for its use, then we all have to share natural resources with each other, but, in the absence of such theological assumption, the fact that we *happen* to live on this planet does not in itself create a motive or reason for sharing. Sharing takes place when we feel special care for others, which arises out of either natural ties or co-operative commitments⁴⁵.

It seems that sharing within the scope of faith is the only possible way, based on theological reasons. The recent CST surpasses this conception because I don't need to have natural ties and commitments of cooperation to share with other generations. Natural bonds can be understood as bonds of transgenerational universal brotherhood, and this will be sufficient to establish this intergenerationality: I commit myself, like Jesus, to humanity, to human nature. After all, Heyd approaches the intergenerational biblical future with the concept of "prospective responsibility"⁴⁶. Although this author considers that we are not responsible for the environment before future generations because we cannot maintain with them a "relationship"⁴⁷, we saw how this relationship is not only present. The reduction of this "relationship" to the present lacks a supratemporal horizon, that is, eschatological. This is the biblical horizon of the expansion of justice to eternity, according

⁴⁴ Cf. David Heyd, "A value or an obligation?", 170; David Heyd, "Global Responsibility", 697.

⁴⁵ David Heyd, "Justice and solidarity", 117.

⁴⁶ David Heyd, "Global Responsibility", 683.

⁴⁷ David Heyd, "Global Responsibility", 681.

to the justification of God, in which one remembers and lives the high measure that goes beyond the ethics of the minimums.

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