Pan-American Judges' Summit on Social Rights and Franciscan Doctrine

As Aristotle states at the beginning of the Nicomachean Ethics: ‘To say however that the Supreme Good is happiness will probably appear a truism; we still require a more explicit account of what constitutes happiness. Perhaps then we may arrive at this by ascertaining what is man’s work or deed. For the goodness or efficiency of a flute-player or sculptor or craftsman of any sort, and in general of anybody who has some work or business to perform, is thought to reside in that work; and similarly it may be held that the good of man resides in the work of man, if he carries out a special activity which will permit to discern a fulfilled human life’. [1]

Therefore, the most important question from an existential point of view is not only to know what I should do, that is, deontology in the Kantian sense of duty, but how would I like to lead my life to achieve human fulfilment, i.e. happiness for me, for the people connected to me, for my city, for the homeland where I was born or that I chose, for the environment, and before God.

Aristotle confirms that social values such as justice and fairness have much to do with this question when he points out, at the beginning of his *Nicomachean Ethics*, that the goal of happiness is not perfection in solitude – and, I would add, in friendship – but in the context of the City, of the Polis. Politics, in this high sense, is the architectonics of Ethics. Therefore, social values, particularly justice and fairness, as well as policies that aim at the common good, must shape the structure of ethics.

Justice and judges can help us reorganize our social and economic life to uphold the values that

create happiness such as contemplation, prayer, equity, fraternity, friendship, trust, environmental sustainability, and peace. Justice and judges can collaborate to achieve these values, creating the conditions to eradicate poverty, educate everyone, balance the climate, empower women, provide housing, bread, water and health care without exclusion, and ensure integral human development. In short, the theme of happiness must not be separated from that of social justice. In a nutshell, according to Pope Francis, this means providing land, housing and work, symbolised in Spanish by the three Ts, 'Tierra, Techo y Trabajo'.

There can be three levels of justice and fairness, which can be described as follows. From a teleological level, if the aspiration to happiness is the goal, justice and fairness pertain to the good of another, of one's own city or country, and of the international order. At the deontological level of obligation, justice is in some way identified with natural law or positive law as expressed in legislation. Now, justice or fairness at the level of practical wisdom in life is equated with the actual judgment that the judge metes in various situations, whether ordinary or extraordinary, whether of uncertainty or conflict. Like Aristotle, we could also call this judicial act fair or equitable. In this specific case, the act of fairness – supreme object of practical wisdom to which the legal decision refers – finds its strong point in the judicial institution. Is it not the notion of justice that should emerge at the end of a trial? And this final phase – the verdict – is it not the voice of practical wisdom, which declares the law here and now? Without forcing symmetry, we could say that the judge is to justice what the religious and the philosopher are to morality, and the governor – or any other personalized figure of the sovereign power of the people – is to politics. But only in the figure of the judge is justice recognized as the first attribute of a well-ordered society.

There are obviously many problems to solve. There is an ever-increasing tendency to dilute the figure of the judge through pressure. Pope Francis has stated clearly: 'Taking responsibility for one's proper calling also entails feeling free, and acknowledging oneself as such. But free from what? From pressure by governments, private institutions and, of course, those "structures of sin" referred to by my predecessor John Paul II, particularly that "structure of sin" which is organized crime. I know that you experience pressure and face threats in this regard, and that being a judge or prosecutor today means risking one's life. The courage of those who strive to maintain freedom in the exercise of their judicial function ought to be recognized. Lacking such freedom, a nation's judiciary is corrupt and corrupting. We all know how justice is caricatured in these cases, don't we? Justice is blindfolded, but the blindfold keeps falling and covering her mouth'. [2]

In this age of the primacy of markets and plutocratic policies over the social and labour rights of our fellow citizens, the Magisterium and the action of Pope Francis are an excellent source of inspiration to analyse and correct legal practices that are at the basis of legal acts for the sake of the effectiveness of those rights violated or partially assumed by states and private parties.

After the success obtained in the "First Conference on Social Rights and Franciscan Doctrine" that was held on June 4, 2018 at the Faculty of Law of the University of Buenos Aires, which brought

together three hundred magistrates and judicial officials to discuss the legal inspiration ingrained in the fundamental documents of the Magisterium of Pope Francis, we would like to extend and enhance this experience with the Pan American Summit that will take place in the Vatican (Casina Pio IV) on June 3-4, 2019.

The meeting will focus on judges from the three Americas whose competences include the effective implementation of Social, Economic and Cultural Rights (Derechos Sociales, económicos y culturales – DESCS).

The goals of this Summit include how to implement the three Ts (Tierra, Techo, Trabajo – land, housing and work), how to challenge budgetary constraints and exogenous banking or financial controls based on countries' foreign debt, how to overcome political pressures and create a worldwide movement based on the unrestricted defence of social rights.

The Summit program envisages brief papers by the invited magistrates, focused on progress recorded in their specific tasks inspired by the Social Doctrine of the Church or ad hoc proposals for new legal practices in the courts.

The Summit will also serve to consolidate a "Permanent Pan American Board of Judges in Defence of Social Rights" that may, in the future, coordinate efforts in the region to optimize judicial policies centred on the full respect of Social, Economic and Cultural Rights, promoting training, courses, and committees to defend magistrates under pressure, etc.

Pope Francis will speak at the closing and present a special document on the importance of the theme.

The papers will be published by the Pontifical Academy of Social Sciences as a special edition and distributed globally, serving as a theoretical basis for a future world meeting of Judges on Social, Economic and Cultural Rights and Franciscan Doctrine.

Just as in Greece, in Pythagoras' time, great thinkers were called "lovers of wisdom" or philosophers, in the contemporary Christian era, Pope Francis, following Christ, asks Christians to be and call themselves "lovers of justice": "Happy are those who hunger and thirst for justice; happy those who are persecuted for practicing justice; happy are the peacemakers". The reward is worthy of the challenge: "for they will be satisfied; they will be called children of God; they will see God" (cf Mt 5: 6-9).

1 Aristotle, *Nicomachean Ethics*, Book I, chap. 6, 1097 b 20 ff.
2 Statement of the Judges' Summit, Vatican City, 3-4 June 2016, Casina Pio IV.

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