# Intervention of the Holy Father Francis at the Pan-American Judges' Summit on Social Rights and Franciscan Doctrine

Ladies and Gentlemen, it is cause for joy and also hope to meet you at this Summit where you have arranged an occasion that is not limited to just yourselves, but that also evokes the work you perform jointly with lawyers, consultants, prosecutors, defence attorneys and officials, as well as your populations with the desire and sincere quest to guarantee that justice and, particularly, social justice, may extend to everyone. Your noble and onerous mission requires devoting yourselves to the service of justice and the common good with the constant calling to ensure that the rights of the people, especially those of the most vulnerable, be respected and guaranteed. In this way, you help guarantee that States do not relinquish their most sublime and primary function: to assume responsibility for the common good of their people. Experience has shown us that, as John XXIII observed, "in the modern world especially, political, economic and cultural inequities among citizens become more and more widespread when public authorities fail to take appropriate action in these spheres. And the consequence is that human rights and duties are thus rendered totally ineffective" (Encyclical Letter *Pacem in Terris*, 63).

I praise the initiative of this meeting, as well that of last year in the city of Buenos Aires in which more than 300 magistrates and judiciary officials discussed Social Rights in the light of *Evangelii Gaudium, Laudato Si'*, and the Discourse to the World Meeting of Popular Movements in Santa Cruz de la Sierra. From that emerged an interesting array of proposals for the development of the mission that is in your hands. This reminds us of the importance and, why not, the need to fully confront the problems that your societies are experiencing and which, as we know, canot simply

be resolved by isolated acts or by the voluntary action of a person or of a country, but rather which require the creation of a new climate; that is, of a culture characterized by shared and courageous leadership that is able to involve other people and other groups so that they may bear fruit in significant historical events (cf. Apostolic Exhortation *Evangelii Gaudium*, 223), capable of opening pathways to current and future generations, sowing the conditions to overcome the dynamic of exclusion and segregation, so that iniquity does not have the last word (cf. Encyclical Letter *Laudato Si'*, 53, 164). Our populations demand this type of initiative that can help to abandon every passive or spectator attitude, as if present and future history should be determined or recounted by others.

We are experiencing a historical period of change in which our peoples' soul is at stake. A time of crisis — the Chinese character for crisis symbolizes risks, dangers and opportunities; it is ambivalent, and this is very wise — a time of crisis in which a paradox is occurring: on the one hand there is an excellent regulatory development, and on the other, a deterioration of the actual enjoyment of globally enshrined rights. It is like the beginning of nominalisms; they always begin this way. Moreover, each time and with greater frequency, societies are adopting de facto anomic forms, especially with respect to laws that regulate Social Rights, and they do so with varied argumentation. This anomie, for example, is based on lack of balance, on the impossibility of generalizing benefits or on their programmatic rather than their operative nature. I am concerned to note that voices are being raised, especially from some "doctrinaires" who try to "explain" that Social Rights are now "old", outmoded and have nothing to offer our societies. In this way, they confirm economic and social policies that lead our people into the acceptance and justification of inequality and unworthiness. Injustice and the lack of tangible and concrete opportunities behind so much analysis that is incapable of stepping into the feet of another — and I say feet, not shoes, because in many cases these people do not have them — is also a way of generating violence: silent, but in any case violent. Excessive nominalistic, secessionist regulation always results in violence.

"We live nowadays in immense cities that show off proudly, even arrogantly, how modern they are". Cities — that are proud of their technological and digital revolution — "offer wellbeing and innumerable pleasures for a happy minority, housing is denied to thousands of our neighbours, our brothers and sisters including children, who are called elegant names such as 'street people' or 'without fixed abode' or 'urban camper'. Isn't it curious how euphemisms abound in the world of injustices! A person, a segregated person, a person set apart, a person who suffers misery or hunger: such a one is 'urban camper'. It is an elegant expression, isn't it? You should be on the lookout — I might be wrong in some cases; but in general, what lurks behind each euphemism is a crime" (*World Meeting of Popular Movements*, 28 October 2014). It seems that constitutional guarantees and ratified international Treaties do not have universal value in practice.

"Naturalized social injustice" — that is, as something natural, and therefore invisible — which we recognize only when "some people are making noise on the streets" and are quickly labeled as

dangerous and problematic — winds up silencing a history of postponements and neglect. Allow me to say this: this is one of the greatest obstacles faced by the social pact and which debilitates the democratic system. In order for a political and economic system to develop healthily, it needs to guarantee that democracy does not exist in name only, but that it can also be shaped into concrete actions that safeguard the dignity of all its inhabitants, according to the mind-set of the common good, in an appeal to solidarity and a preferential option for the poor (cf. Encyclical Letter *Laudato Si'*, 158). This requires the efforts of the highest authorities and, naturally, of judicial powers, in order to bridge the gap between legal recognition and its practice. There is no democracy with hunger, nor justice in inequity.

How often the nominal equality of many of our statements and actions does nothing but disguise and reproduce real and underlying inequality, revealing that we are faced with a potentially artificial order. The paper economy, the democracy of words and the concentrated multimedia can create a bubble that influences all views and options from dawn to dusk (cf. Roberto Andrés Gallardo, *Derechos sociales y doctrina franciscana*, 14). An artificial order that virtually expresses equality but which in practice expands and increases the rationale and structures of exclusion-expulsion because it prevents contact and a real commitment with the other. It prevents concreteness or assuming responsibility for the concrete.

Not everyone begins from the same point when they think of social order. This challenges us and forces us to think about new paths to ensure that equality before the law does not degenerate into a propensity for injustice. In a virtual world of changes and fragmentation — we are in the virtual age — Social Rights cannot simply be exhortatory or nominal designations, but rather a beacon and a compass for the journey because "the health of a society's institutions has consequences for the environment and the quality of human life" (*Laudato Si'*, 142).

We are called to provide lucid diagnosis and decision-making ability in response to conflict; we are called to not allow ourselves to be overcome by inertia or by a sterile attitude such as that of those who see it, deny it or nullify it and continue on as if nothing had happened. They wash their hands of it in order to continue their usual life. Others get so involved in the conflict that they remain prisoners of it, losing horizons and projecting their confusion and dissatisfaction onto institutions. The invitation is to face conflict head on, suffer through it and resolve it by transforming it into "the link in the chain of a new process" (cf. *Evangelii Gaudium*, 227).

In confronting conflict, it seems clear that we have an obligation along with our brothers and sisters to make Social Rights operational, by committing ourselves to seek to dismantle all the arguments against their implementation, and this by means of the application or of the creation of legislation capable of lifting people up by recognizing their dignity. The regulatory vacuum, of adequate legislation as well as its poor accessibility and implementation, sets in motion vicious circles that deprive people and families of the guarantees necessary for their development and wellbeing. These vacuums are generators of corruption and their primary and principle victims are

the poor and the environment.

We know that the law is not merely legislation or regulations, but also a procedure that shapes obligations, that in a certain sense, transforms them into ‘makers’ of rights each time they come face-to-face with people and reality. And this is an invitation to mobilize the collective judicial imagination with the aim of rethinking institutions and confronting the new social realities we are experiencing (cf. Horacio Corti, *Derechos sociales y doctrina franciscana,* 106). In this sense, it is very important that the people who appear in your offices and at your desks feel that you have arrived there before them, that you were the first to arrive, that you know them and that you understand them in their particular situations, but above all that, in their full citizenship and their potential, you recognize them as agents of change and transformation. Let us never lose sight of the fact that in the first place, the popular sectors are not a problem but rather an active part of the face of our communities and nations. They have every right to participate in the search for and in the construction of inclusive solutions. “Political and institutional frameworks do not exist simply to avoid bad practice, but also to promote best practice, to stimulate creativity in seeking new solutions and to encourage individual or group initiatives” (*Laudato Si’*, 177).

It is important to ensure that from the very beginning of professional training, legal practitioners can make real contact with the realities that they will one day serve, getting to know them first-hand and understanding the injustices against which they will one day have to act. It is also necessary to identify all the means and mechanisms so that young people from situations of exclusion or marginalization can educate themselves in such a way as to be able to take the necessary lead. Much has been said for them; now we must also listen to them and give them a voice during these encounters. The implicit leitmotif of every judicial-social paternalism comes to mind: all *for* the people but nothing *with* the people. Such measures will allow us to establish a culture of encounter because “we do not love concepts or ideas.... Commitment, true commitment, is born of the love of men and women, of children and the elderly, of peoples and communities … of names and faces which fill our hearts” (*World Meeting of Popular Movements*, Santa Cruz de la Sierra, 9 July 2015).

I take this opportunity to meet you to express to you my concern about a new form of exogenous intervention in the political scenarios of countries through the misuse of legal procedures and judicial classification. In addition to putting countries’ democracies in serious danger, *lawfare* is generally used to undermine emerging political processes and to tend toward the systematic violation of Social Rights. In order to guarantee the institutional quality of States, it is fundamental to detect and neutralize these types of practices which stem from improper judicial activity in combination with parallel multimedia operations. I will not linger on this point but we are all familiar with pre-judgment in the media.

This reminds us that in many cases, the defence or prioritization of Social Rights over other types of interests will lead you to clash against not only an unjust system, but also a mighty

communications system of the powers that be which will often distort the scope of your decisions, cast doubt on your honesty and also on your rectitude. They can even put you on trial. It is an asymmetrical and erosive battle in which, in order to win, you must maintain not only strength but also creativity and sufficient elasticity. How often judges — both men and women — have to face in isolation walls of defamation and dishonour, if not slander!

Certainly great integrity is required to overcome these. “Blessed are those who are persecuted for righteousness’ sake, for theirs is the kingdom of heaven”, Jesus said (Mt 5:10). In this regard, I am happy that one of the objectives of this meeting is the establishment of a Permanent Pan-American Board of Judges in Defence of Social Rights, which has among its objectives overcoming the isolation of the judiciary by offering mutual support and assistance in order to revitalize the practice of your mission. True wisdom is not acquired by a mere accumulation of data — this is ‘encyclopediaism’ — an accumulation which leads to overload and confusion in a kind of environmental pollution, but rather, by reflection, dialogue and generous encounter among people, that adult and healthy discussion that enables us all to grow (cf. *Laudato Si’*, 47).

In 2015, I told the members of Popular Movements: you have “an essential role, not only by making demands and lodging protests, but even more basically by being creative. You are social poets: creators of work, builders of housing, producers of food, above all for people left behind by the world market”. (*World Meeting of Popular Movements*, Santa Cruz de la Sierra, 9 July 2015). Esteemed magistrates, you have an essential role; allow me to tell you that you too are poets, you are social poets when you are not afraid to “be protagonists in the transformation of the justice system based on values, justice and the primacy of the dignity of every human being” (Nicolás Vargas, *Derechos humanos y doctrina franciscana*, 230), above any other type of interest or justification.

I would like to conclude by saying to you: “Blessed are those who hunger and thirst for righteousness; blessed are the peacemakers” (Mt 5:6, 9). Thank you.

© Sun Jun 08 19:59:35 CEST 2025 - The Pontifical Academy of Social Sciences