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Audience with Members of the “Rosario Livatino” Study Centre

This morning, in the Vatican Apostolic Palace, the Holy Father Francis received in audience the members of the “Rosario Livatino” Study Centre, on the occasion of the National Conference on the theme: “Judiciary in crisis. Paths to rediscover justice”.

The following is the Holy Father’s address to those present:

Address of the Holy Father

Dear brothers and sisters,

I welcome and welcome you and thank the President for his kind words. On May 9, 1993, my predecessor St. John Paul II, shortly before addressing to the “men of the mafia” the memorable and peremptory invitation to conversion in the Valley of the Temples, in Agrigento, had met the parents of a magistrate, Rosario Angelo Livatino, who on September 21, 1990, at the age of 38, had been killed on his way to work in court. On that occasion the Pope called him “martyr to justice and, indirectly, to faith”.

I am pleased to meet today the members of the Study Centre that has chosen his name, and which is holding its annual national conference. Livatino – for whom the diocesan process of beatification was successfully concluded – continues to be an example, above all for those who carry out the demanding and complicated work of the magistrate. When Rosario was killed, almost no one knew him. He worked in a suburban court: he dealt with the seizure and confiscation of property of illegal origin acquired by the mafia. He did so in an unassailable manner, respecting the guarantees of the accused, with great professionalism and with concrete results: for this reason the mafia decided to eliminate him.

Livatino is an example not only for the magistrates, but for all those who work in the field of law: for the consistency between his faith and his commitment to work, and for the relevance of his reflections. In a conference, referring to the question of euthanasia, and taking up the concerns that a lay parliamentarian of the

time had for the introduction of an alleged right to euthanasia, he made this observation: "If the believer's opposition to this law is based on the conviction that human life [...] is a divine gift that it is not lawful for man to suffocate or interrupt, so is the opposition of the non-believer, who is based on the conviction that life is protected by natural law, that no positive right can violate or contradict, since it belongs to the sphere of 'unavailable' goods, that neither individuals nor the community can attack" (Canicatti, 30 April 1986, in *Faith and Law*, edited by the Postulation).

These considerations seem to be far from the sentences that are sometimes pronounced in the courtrooms, in Italy and in many democratic systems on the subject of the right to life. These are pronouncements for which the main interest of a disabled or elderly person would be that of dying and not of being cured; or which - according to a jurisprudence that defines itself as "creative" - invent a "right to die" without any legal basis, and in this way weaken the efforts to alleviate the pain and not abandon to themselves the person who is about to end his existence.

In another conference, Rosario Livatino described the moral status of those called to administer justice as follows: "He is nothing more than an employee of the State to whom the very special task of applying the laws that that society gives itself through its institutions is entrusted". However, a different key to interpreting the role of the magistrate has increasingly been affirmed, according to which the latter, "even though the letter of the law remains identical, may use the one of its meanings that best suits the contingent moment" (Canicatti, 7 April 1984, in *The role of the judge in a changing society*, edited by the Postulation).

Also in this regard, the relevance of Rosario Livatino is surprising, because he grasps the signs of what would have emerged most clearly in the following decades, not only in Italy, that is, the justification of the encroachment of the judge in areas not proper to the role, especially in the areas of so-called "new rights", with judgments that seem to be concerned with fulfilling ever new desires, unencumbered by any objective limit.

The theme you have chosen for today's conference follows in this vein, and calls into question a crisis of the judiciary that is not superficial but rather has deep roots. In this regard too, Livatino demonstrated how the natural virtue of justice demands to be exercised with wisdom and humility, always keeping in mind the "transcendent dignity of man", which refers "to our innate capacity to distinguish good from evil, to that 'compass' deep within our hearts, which God has impressed upon all creation" (Pope Francis, *Address to the European Parliament*, Strasbourg, France, 25 November 2014).

I identify closely with another reflection of Rosario Livatino, when he states: "To decide is to choose [...]; and to choose is one of the most difficult things that man is called to do. And it is precisely in this choice to decide, to decide to order, that the believing magistrate can find a relationship with God. A direct relationship, because doing justice is self-realization, it is prayer, it is self-dedication to God. An indirect relationship, through love for the person judged.[...] And such a task will be all the lighter the more the magistrate will humbly be aware of his own weaknesses, the more he will present himself each time to society willing and inclined to understand the man in front of him and to judge him without the attitude of a superman, but rather with constructive contrition".

In this way, with these convictions, Rosario Livatino left us all a shining example of how faith can be fully expressed in service to the civil community and to its laws; and of how obedience to the Church may be linked with obedience to the State, in particular with the ministry, delicate and important, of ensuring the law is respected and applied.

Dear friends, harmony is the bond between the free men who make up civil society. By your commitment as jurists, you are called to contribute to the construction of this harmony, furthering the reasons for the coherence between anthropological roots, the formulation of principles and the lines of application in daily life.

After Livatino's death, more than one of his notes was found in the margin of an annotation, which at first appeared mysterious: "S.T.D.". Soon it was discovered that it was the acronym that attested to the act of total entrustment that Rosario frequently made to the will of God: S.T.D. are the initials of *sub tutela Dei*. I hope that you may continue in his footsteps, in this school of life and thought. I bless you and, please, do not forget to pray

for me.
