

FOREWORD

The Philippine Law Journal is a publication, and it is seen primarily as such—printed matter. And apparently, at least in UP Law, there is much prestige that accompanies this publication. It is as if one derives much glory, much kudos in having a hand—however minimal—in the selection, editing, compilation and printing of articles which, more often than not, are not his or hers. Where is the prestige in simply printing something which you did not say? Unless, of course, one has such a low standard for happiness and contentment—in which case, this becomes a purely subjective matter. Or more plausibly, it is that social curiosity of title-fetishism where people are automatically mesmerized by the mere mention of such titles as “attorney,” “UP graduate”, “doctor”, or a “PLJ chair or member”—even in the absence of skills to back them up. There is something inadequate in simply thinking that the PLJ is THE official publication of the UP College of Law.

That is regrettably one-dimensional thinking whereas the universe—that is to say, everything—is multidimensional. Let us then try to add another dimension to this conception; at least, we are better-off working on a two-dimensional reality. The PLJ is not only printed matter; it is not an end (but of course it can be) nor a mere static entity that we produce as a matter of course four times a year. Rather, it is more of a means, a mode, a process. It is that interstice between two events that transforms one to the other: time naught to time one, time one and so on to infinity. It is dynamic rather than static. Why do we say this? It is because we inhabit a normative universe which according to Robert Cover is “a world of right and wrong, of lawful and unlawful, of valid and void.”¹ Everything around us speaks and influences our actions. There is a dynamic space that surrounds us which is constitutive of our very being. The PLJ is not a mere material repository of things already said; it should not be a mere collation of doctrines nor legal ventriloquy only made permanent on paper. The Philippine Law Journal is a MEANS of speaking. It is a publication by means of which we infiltrate the universe of meanings and participate in their production. It is a matter of saying what we want in order to effect something in this world. We use the more general term “effect” rather than “change” because the act of speaking may only be intended (as is usually the case, consciously or unconsciously) to maintain the status quo—however dismal, debilitating or self-defeating—as when speaking is reduced to mere regurgitation of doctrines or dogmas; when recitation is really *re-citation*.

¹ R. Cover, *The Supreme Court 1982 Term – Foreword: Nomos and Narrative*, 97 HARV. L. REV. 4, 4 (1983).

The concept of “betterment” necessitates the idea of change and change requires creativity. But the world is never static. Thus, speaking is fundamentally a creative act. The Philippine Law Journal, as the official publication of the University of the Philippines College of Law and an avenue of legal scholarship, must not lose sight of what is quintessentially the creative aspect of participating in the discursive environment that we’re in. It is an avenue for questioning, criticizing and sometimes undermining well-entrenched legal doctrines and truisms. It is a means by which we evaluate and reevaluate old and new paradigms. Well, the PLJ may also be a way for disillusioned students to escape from doctrinal legal education in the classroom. We asked earlier how can there be prestige in merely selecting, editing and printing somebody else’s work. At least to us, this makes no sense when we see the PLJ as mere printed matter. But under our so-called “two-dimensional analysis” (though it probably involves more dimensions), it makes sense because those acts determine speech; they regulate what we want to say. With this in mind, we present this issue which covers important overlapping concerns of constitutional and international law. We recognize the constitutional and international arena as the broadest discursive space which moulds our very understanding of law. The shifts and transformations in its public dimensions percolate down to the private legal relations of men. Thus we offer this issue knowing that we participated in the creation of discourse through the PLJ. And in here, we find prestige.

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