

FOREWORD

THE PHILIPPINE LAW JOURNAL AND THE DEVELOPMENT OF LAW*

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The progress of our nation depends to a large extent on the competence and character of its legal institutions. The judiciary and the legal profession not only inform our collective intelligence, but more importantly provide a deep sense of closure to issues that are at once personal and national in scope and relevance. These legal institutions must be able to respond to the exigencies of the present time with a profound understanding of history, a clear view of the future and an unwavering commitment to democratic ideals.

The PLJ, as an integral part of the academic bar, shares in the informative and transformative roles of the judiciary and the legal profession. Since its establishment in 1914, the PLJ has provided a distinctive and uninhibited space for the development and evolution of legal principles, theories and conceptions. It further serves as an intellectual check on the judicial process through the analysis and evaluation of court rulings and issuances. To further strengthen these legal institutions, the PLJ should continue to contribute to the development of the law by encouraging the publication of articles that offer new and unique insights on problems that traditionally confront legal thinking. Legal discourse best serves the ends of the law by allowing alternative propositions to permeate conventional thought. Only by subjecting these propositions to the rigors of the marketplace can we test their cogency and acceptability.¹

There is an ever-present recognition “that new times and new manners may call for new standards and new rules.”² The judiciary and the

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¹ *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., *dissenting*).

² BENJAMIN CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS* 88 (1921).

legal profession, which are by nature conservative institutions, will look to the PLJ for new developments in legal thought. The fourth issue of the PLJ's 86th volume, with the theme *Novel Approaches to Traditional Legal Dilemmas*, is a meaningful step towards the enrichment of legal discourse. I am confident that the PLJ will continue to cultivate its distinctive and uninhibited space with a view to strengthening the judiciary and the legal profession.

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