

THE RELEVANT RECTO*

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Throughout practically all his adult life, Recto was a practising lawyer. His colleagues in the legal profession have their own favorite stories which illustrate his astuteness as a trial lawyer, the incisiveness and stylistic elegance of his legal briefs, the thoroughness and depth he invariably demonstrated in dissenting legal questions, of course, or the benefit of his clients. It used to be said that by simply appearing in court, he had already won half the battle for his client, so unnerving was his presence to his opponent and to the judge himself. Needless to say, such an appearance in court cost his clients a pretty penny indeed.

But it is to Recto's great credit that his validity for our times arises not out of his legal brilliance but from utterances on matters other than law. In fact, law was a limiting factor to his development because like many lawyers, he viewed law more as a system than a process. Law as a system is generally conservative: it is a mechanism of social control, an expression of an ideal, orderly, stable society as conceived and enforced by the dominant sectors of society who propagate the myth of its majestic impartiality while actively fashioning it to serve their interests. As such, it reinforces the prevailing order and restricts the arena of action by which this order may be challenged by the forces it oppresses. Law and justice, therefore, are far from synonymous in a society where almost all the levels of power are held by a wealthy few. Most lawyers come from the ranks of those who can afford a legal education, and eventually serve the interests of those who can afford to pay them. And these lawyers make most of our laws.

Our own particular history has imbued our legal system with another dimension: it is an enduring legacy of colonial rule. Recto was in a sense a prisoner of a jurisprudence which originated as a colonial instrument of subjugation. Legal education during his time was a copy of the American model; legal problems were defined through reference to American sources, leading to a blind application of foreign concepts to national realities.

No other document better illustrates the colonial nature of the Philippine legal system than the 1935 Constitution which Recto himself fathered. This fundamental law was written and adopted in accordance with the wishes of the United States, and had to be approved by the American president. It was reflective of the subservient nature of colonial politics and

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embodied in numerous provisions the natural tendency of colonial politicians to imitate what is American. As Recto himself later pointed out:

Our Constitution was frankly an imitation of the American charter. Many of the delegates were products of an American system of education and consequently were obsessed with the sincere belief that democracy could be defined only in American terms. (*Making of a Filipino*, p. 135)

Recto was a lawyer shaped in the colonial mold. Being of the elite, he soon became adept at playing the elite's game. Like many lawyers of his day, he responded to the irresistible call of power play and entered the world of colonial politics. In 1919, he was elected as a *Democrata* representative to the Philippine Assembly, a convenient facade of local autonomy, a debating society perpetually engaged in protracted bickerings over questions of supremacy and patronage. He immediately became the minority floor leader who dutifully fulfilled the role of conventional fiscalizer and critic, not of colonial rule, but of the party in power. Actually, at least by the 1930's, he already had a fairly clear perception of the ill effects on the country of the close collaboration between Filipino officials and the American colonial administrators. This passage from his first major speech as a minority Senator reveals the nature of this collaboration as he saw it:

The important aspect of this combination to which you have given the gentle name of "cooperation", because of the benefits that the system gives you, is not, then, other than the patronage, or the appointments, since only in this and in the approval of your share in the pork barrel although not in the fundamental matters, the representative of the sovereign country cooperates with you through illimitable concessions. The counterpart, which is onerous to the country, consists in that, in exchange for those vain gifts, you approve all legislations which he is pleased to demand from you, from those laws which go beyond the limit set by the organic act on the powers of the governor-general and convert the legislature into a mere agency of the executive power, like the perpetual martial law that gives Malacañang its advisers, to those measures which at bottom tend to transfer to big capitalist organizations huge portions of our lands, as in those amendments which in an unfortunate hour you introduced into our corporation and public land laws. [*Gobernaremos como debemos, no como queremos*, August 26, 1931]

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Regarding your dealings with the sovereign power of the future political status of the Islands, it was a friend of yours, an adviser and protector, who in statements made a year ago before the Committee on Insular Affairs of Congress — and you know that I refer to Secretary of State Stimson — who revealed that such dealings, which are supposed to be kept in your arsenal of state secrets, involved the acceptance on your part of compromise which are, in their spirit and in their letter, opposed to the clear and precise terms of the popular mandate.

But this was still Recto, the ambitious politician. He knew that ultimately his own political future was in the hands of those who held the levers of power: the Nacionalista Party and the American governor-general.

Like most self-serving politicians, he could easily shift from one role to another. Seeing that the *Partido Democrata* under which he was elected Senator in 1931 was a hopeless party because it had no patronage, no pork barrel and few national leaders, he pragmatically engineered its dissolution and virtually deserted to the party in power. As a Senator, he became known as Quezon's henchman and apologist, "the minority in power within the majority." Recto's economic fortunes visibly improved because of the big clients, both foreign and local, which Quezon obligingly provided his law office. In 1935, as mentioned earlier, he presided over the framing of a colonial constitution. As a fitting reward for his efforts, he was appointed justice of the Supreme Court, then every lawyer's cherished dream.

Recto's record during and after the war showed that he was merely reacting to events for personal motives: to ensure his political survival or to redeem his injured pride. During the Japanese occupation, Recto had joined the puppet government like most of his colleagues in politics. He was arrested by the U.S. Armed Forces in 1945 on charges of collaboration and was imprisoned in Iwahig and later in Muntinglupa, an ordeal which he never forgot nor forgave. This was probably a decisive factor in his later development: had he not been humiliated, stigmatized, and shabbily treated by the Americans, he might have taken a different course. His anti-American sentiments during the early post-war years were immature and reined in by prudence because his collaboration case was still pending. When the question of parity rights for American investors was being heatedly debated, Recto was conspicuously silent. He categorically came out against the parity amendment only when it was already time for him to fight Magsaysay. In fact, earlier in the game, he supported Magsaysay against Quirino for personal and partisan motives, even though he knew that the former was the American boy. Ironically, Magsaysay's shameless devotion to his imperialist masters became the last and strongest catalyst to Recto's growing nationalism.

It has been ten years since the publication of my biography of Recto wherein I tried to show Recto as a developing Filipino who at the time of his death had to a great extent effected his own decolonization although he never completely transcended his *ilustrado* origins. I concluded that his articulations in some areas were inadequate and even erroneous; these, however, do not make him irrelevant. On the other hand, by choosing to speak on "The Relevant Recto" I do not mean to imply that he is totally relevant.

Much as I admired the man, my admiration was for Recto, the developing Filipino. I would consider it a grave disservice to him and to our people to start a Recto cult and set him up as some latter-day Rizal, the fountainhead of all wisdom and the reference point for all time. Certainly, some of his teachings remain relevant today and perhaps for some time to come but I expect and hope that the future will render them irrelevant.

But Recto himself will not become irrelevant if he is viewed within a correct historical perspective. The fact that his ideas and actions were valid for a specific historical stage makes him valid within the overall framework of Philippine history.

History is in part a record of the various contributions of men towards the emancipation of a people; anyone who has played an important role in this struggle for emancipation has claimed for himself the stature of relevance for all time. This is how we must view Recto today. He was a colonial politician trying to be a real, decolonized Filipino. His life experience shows that for particular periods, there are specific historical tasks premised on the people's level of consciousness. In his mature years, he propounded ideas that expressed the discontent of the majority and exposed the injustice of the colonial situation. He was conscious of the fact that the historical stage called for education, for the exposure of iniquities, and he tried to test the limits of the established system in the hope of stimulating national reawakening. However, he did not go as far as to say, or found no compelling reason to categorically state, that after the national struggle for emancipation, there must be a social struggle for justice and equity for all.

His approach was limited, his legal limitations having been compounded by his *ilustrado* origins. But in one sense, his approach was bold for the period: he dared to utter anti-imperialist ideas when the times were still unsafe for them. Many say that Recto was ahead of his times. This is not true. This is the view of those who are just beginning to get acquainted with the reality of world and national affairs. I say that Recto was one mind that was alert to the operations of imperialism although he did not fully understand it. I have even said that he was behind the times in many respects. It is those who quote him or plagiarize him now who are behind the times; for they cite Recto to explain situations that existed during his time but which already have been radically altered as a result of the new developments that have evolved out of the creativity of imperialism. Some still anchor their anti-colonial protests on the view that the Philippines remains a classic colony serving primarily as a source of raw materials and a dumping ground for finished products of the colonial power. They fail to consider the strategic shift to neocolonial industrialization, whereby the global corporations have converted our country into an export platform, and have utilized our cheap labor, our abundant raw materials and even our scarce credit resources in churning out semi-manufactured products for the world market. This confuses not a few who, seeing evidences of growing industrialization regard these as gains to be welcomed. This is one area where Recto's ideas were and are completely on target. During the days of import substitution, he was correct in exposing the assembly plants and in advocating nationalist industrialization. His arguments on this score are

most valid today when the global corporations are spearheading a neo-colonial industrialization for their own benefit. I quote:

I need not stress the point that when I speak of industrialization, I mean nationalist industrialization, that is, the industrialization of our economy, the Filipino economy, not merely the industrialization of the Philippines in a territorial sense. As I once pointed out in a Senate speech, foreign direct investments, as distinguished from foreign loans, not only will channel the nation's wealth into foreign hands, but will fail to promote the industrialization of the Filipino economy because it will not help in the formation of Filipino capital... ("Industrialization, the Only Cure for our Economic and Social Ills," June 24, 1955).

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When I advocate industrialization, I do not have in mind, as certain supposed economic saviors of the country do, only an industrialization incidental to a general concept of economic development based on a rural economy. This concept is diametrically opposed to the views I have espoused during the last five years. I advocate a real industrialization program, not one where industry would occupy a minor place in an economy still devoted to the production of raw materials for export, not a plan where industry is merely concerned with the assembly of parts or the bottling or packaging of imported products. I advocate an industrialization which would include heavy industry and from which would emanate progress in all directions, including the agricultural sector of our country. (*Nationalism and Industrialization*, July 30, 1957).

Recto's position on the US bases is still instructive, because the provisions of the RP-US Agreement on the matter have remained basically unchanged, except for a few cosmetic concessions to national pride such as the flying of the Philippine flag and the designation of Filipino commanders. Recto's perceptions of the real effects of our military agreements with the United States could have been written yesterday:

* * * not only were the bases unnecessary for our protection, they were in fact derogatory to our sovereignty. It was the Bases Agreement together with the Military Assistance Agreement, more than the Bell Trade Agreement and the Quirino-Foster Agreement, that revealed American's true concept of Philippine independence. Because of those two agreements, America was able to maintain her military power in and over the Philippines, under the declared purpose in the Bases Agreement of "insuring the territorial integrity of the Philippines, the mutual protection of the Philippines and the United States of America, and the maintenance of peace in the Pacific," but in reality for the promotion and protection of America's economic interests in this region. We all know that the strongest arm of power is the military. Once military protection is accepted, the national security and the political and economic independence of the protected state are *ipso facto* given away. This may sound unpleasant but it is naked truth. Our people are entitled to know the truth, and they can only get it from one of their own. There is no national security without national freedom and complete independence, for, in the words of Professor Lasswell of Yale: "The distinctive meaning of national security is freedom from foreign dictation." The sad fate of one who accepts the military protection of another is that he has no one to protect him from his protector. ("American Bases and National Freedom and Security," October 29, 1956)

Recto's demands in connection with the bases were proper for his time as well as now, as can be gleaned from the following quotation:

If the Agreement, therefore, far from insuring, violates the territorial integrity of the Philippines and derogates from the national sovereignty, if it no longer affords protection to the Philippines but, on the contrary, exposes her to attacks of such annihilating consequences as those known in modern warfare, and if it does not serve to maintain the peace but rather the "balance of terror" in the Pacific, the Agreement should either be amended in order to serve its avowed purpose in terms compatible with our sovereignty and territorial integrity and present world conditions, or it should be abrogated completely. No other solution seems decently possible. (*Ibid*)

The current preoccupation with the question of civil liberties brings to mind Recto's own articulations on this subject. We should note that like today's articulators, Recto spoke most frequently on this question from the standpoint of an oppositionist — that is to say, as the voice of the "outs" excoriating the "ins." But despite the narrow political motivations of his utterances, some of these bear repeating because they have an uncanny contemporary relevance. Let me quote a few samples:

Is it then true that we are a democratic country in the accepted meaning of the word? In answering this question, we come face to face with a strange paradox of our democracy. The government seems to have discovered the secret of what we may call a democratic dictatorship. We are allowed to enjoy the appearances of democracy while its substance is stealthily being sucked away, and thus we are the happiest of serfs because we do not realize that we are serfs and believe ourselves to be free. (*The Paradoxes of Our Democracy*, September 25, 1953.)

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Are we ready to defend the freedom of speech of those with whom we disagree, of those whose concepts of society and political authority we violently detest? Are we disposed and willing to maintain the purity of suffrage even at the price of an adverse popular verdict? (*The Future of the Constitution*, February 8, 1953.)

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Let it be granted that we enjoy freedom of speech to a greater measure perhaps than many other nations in the world. Let it be granted that our press are truly the freest in our history with their daily exposes of graft, corruption, and oppression, and even personal failings of high government officials. But what is the purpose and justification of this freedom? For freedom of speech means more than freedom to criticize. It must have a purpose; it must serve some end; it is not an end itself. Such a purpose can be no other than to enable us to govern ourselves wisely and well, expressing our grievances that they may be redressed, and our desires for justice, peace, order, and prosperity, that they may be satisfied. (*The Paradoxes of Our Democracy*, September 25, 1953.)

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When we look at the superficial freedoms that we are allowed to enjoy, let us not be deceived and lulled into complacency. We may enjoy freedom of conscience and freedom of worship to such an extent that our political leaders may proclaim from the steps of the altar the divine sponsorship

of their mundane ambitions. We may enjoy freedom from voluntary servitude, freedom from self-incrimination, freedom from unreasonable searches and seizures, privacy of communication and correspondence, and the right to assemble and petition, although we may not be heard, or if heard, not listened to. We may enjoy freedom of speech and freedom of the press, freedom to say what we think and to write as we please. We may even have the writ of habeas corpus restored and again enjoy freedom from arbitrary arrest. But unless we have the greatest of all freedoms, the freedom to which these others are contributory streams, the freedom to rule ourselves by the free choice of our rulers as a representative democracy, then indeed we have nothing. We have means without an end, we have the accessories without the principal. If we cannot freely choose the public servants that will run our government, then we hold all these other freedoms on sufferance, which amounts to not having them at all. (*Ibid.*)

Although he speaks here of civil liberties in a limited sense — these are quotes from the early 1950's — there is already an incipient idea that civil liberties should be exercised for a purpose, that they are meaningless abstractions if their use is not premised on a definite direction. To his credit, it must be recalled that he was speaking at a time when the forces of reaction had silenced most of the critics of our neocolonial society, when mass organizations had been repressed and ultimately destroyed. We should recognize our debt to Recto for continuing almost single-handedly the struggle for freedom when cold war psychosis had taken control of the minds of people.

Today, for many oppositionists, the main criticism against martial law is the lack of civil liberties. The demand for their restoration is a legitimate one. But it is time to go beyond mere restoration; we must expand the horizons of our concept of civil liberties. To do this we must first acknowledge the limitations of the present demand and of its articulators. Before the imposition of martial law, consciousness of civil liberties was limited to a tiny sector of the population. In fact, some of the present articulators of civil liberties were apathetic to the warnings issued by civil libertarians regarding the various infringements of people's civil rights. They became acutely conscious of suppression only when the freedoms they took for granted were taken away from them.

But legitimate as the demand is today, I am afraid that many of its exponents, like the *ilustrados* of old, are struggling for their own limited interests and only pay lip service to those elements of the populations who have not enjoyed civil liberties under various historical periods. For even during the times when civil liberties were supposed to be regnant, only the upper and middle classes really enjoyed the boons of these liberties. While the present day articulators are demanding the return of freedom of the press, of speech, and of assembly, the popular classes never did enjoy these rights to the full. As a matter of fact, some of the present defenders of civil liberties could be counted among those who were either unsympathetic

to the plight of the masses or who were fearful of their organizations. Today their demands include the masses because this is standard for minorities seeking to universalize their goals and also because they feel that an aroused people could give strength to their cause. But their main thrust still appears to be the restoration of those freedoms which only they used to enjoy and these are freedoms which they feel can be used to air their grievances but not necessarily the age-old grievances of the vast majority. The right to organize is something that they advocate but some of them would be the first to shudder at the growing strength of mass organizations. These were the organizations that they considered subversive and inimical to the public good when during pre-martial law days members of the working class became militant. It is possible that once they succeed in the restoration of their freedoms, they will again exhibit the old suspicions and the same biased attitudes against mass organizations. I fervently hope that my own suspicions are unfounded and that their martial law experiences have taught them the correct lessons.

Civil liberties becomes a truly legitimate demand when the masses are allowed to organize and to participate effectively in the solution of social and economic problems. Otherwise, civil liberties as presently conceived will remain a narrow bourgeois right — a field of contention between the ins and the outs. Above all, the concept, if it is to have real relevance in our time must encompass the basic freedom of governing ourselves without dictation or interference from external powers or their international agencies.

In sum, I believe we should orient our demand beyond mere restoration, we should expand the concept of civil liberties into a real people's demand for the freedom to organize and to involve themselves meaningfully in the shaping of our society. And we should expand the concept of freedom to include freedom from national oppression by external forces; economic, political and military. The demand for an essentially bourgeois right will then be transformed into a demand for mass rights and national freedom. These are the demands of mass nationalism today.

Recto's signal contribution to his people was his espousal of the nationalist cause. We have a number of lessons to learn both positive and negative, from the way he conducted his nationalist crusade. We have been hearing recently calls to unity emanating from the administration, and a favorable response from a leader of the opposition. But so far, nowhere in the dialogue does one find as one of the bases for unity a joint undertaking to confront the problem of foreign economic domination. Recto's behavior under similar circumstances is instructive. When he finally reconciled with Garcia after running against him in 1957, he did so without compromising his basic nationalist principles. In fact, the understanding was that he would support all the nationalist policies of Garcia, particularly Filipino First, but would be free to criticize other policies if he deemed them inimical to the nationalist cause. Thus, he continued his tirade on American

bases and iniquitous treaties. Even in 1959, when he finally secured an accommodation for Tañada in the senatorial slate of the Nacionalista Party, he did so on the understanding that the nationalist thesis would be projected during the campaign. His was a principled unity.

The main negative lesson from Recto's nationalist crusade is his lack of interest in organization. His crusade was practically a one-man show. His future plans, had he returned from that fateful trip to Europe, included a national lecture tour and possibly a national newspaper. Clearly, he conceived his task to be one of education and exposure. Still an *ilustrado*, he did not think in terms of actively involving the people in an organized nationalist movement. This was unfortunate, because he could have been a rallying point for diverse sectors to concretize their respective demands within a nationalist framework. Because he himself clearly projected the fundamental goal of nationalism — the liberation of the country from foreign domination — unity under his leadership would have been principled unity. There may have been sectoral differences but the common denominator would have been clear.

There was a hiatus between Recto's death and the reactivation of nationalism dramatized by the youth movement. However, this reawakening gave rise to certain trends, among them the heavy influence of foreign models which resulted in an overestimation of the level of popular consciousness and insufficient understanding of the particularities of Philippine reality. Recto was discarded and nationalism suffered a decline.

Today, given the blatant manifestations of foreign domination, we observe a renewed interest in the tenets of nationalism. In fact, with political parties including nationalism in their party platforms, nationalists now run the risk of becoming respectable through a form of cooptation. It is once more important to recall the cornerstone of Recto's nationalism, and I refer here to the nationalism of his last years. That cornerstone was the recognition of the need to identify and confront the principal agents of national oppression.

Nationalism Today

Nationalism, as espoused by Recto and enriched by others of similar persuasion is a necessity especially for a country like the Philippines where the development of the concept of nationhood has been truncated and distorted by colonialism and neocolonialism. It is necessary as a defense against continued exploitation of our material and human resources by imperialism now hiding behind a respectable corporate mask. Nationalism in the era of the global corporations must be buttressed by economic goals in contrast to the nationalism being propagated by certain circles which emphasize the cultural aspect in order to conceal the anti-nationalist policies inherent in a pattern of industrialization dominated by foreign capital.

Recto himself warned against these false nationalists in these words:

Today, the prime problem of the nationalist is how to enlighten those Filipinos who fail to recognize the root cause of their predicament, how to make them understand that they are the victims of their own distorted ideas, planted and nurtured in their minds by subtle colonialistic methods.

The task is made more difficult by the emergence in our midst of different types of so-called nationalists who stand in the vanguard of this movement while blunting, distorting, perhaps destroying it. First, there are the *barong tagalog* nationalists who deal in superficialities. The sum total of their nationalism consists in singing the national anthem in the national language, reciting the sophomoric piece "I am a Filipino" (by Romulo), and wearing the national costume. Then there are the "internationalist" nationalists, who would rather sacrifice nationalist advances in the political and economic fields than dare touch a hair on the head of one foreigner who must be granted national "parity" in the name of "special relationship," in exchange for a military protection of dubious value, at whatever cost to us, Filipinos, in sovereignty, national dignity and physical survival. Finally, there are the hypocritical nationalists who mouth nationalist slogans but have no intention of living up to them, or who actually use these slogans to camouflage their active undermining of nationalist objectives, because to them there are authorities superior to the Republic and laws superior to the Constitution. (*Nationalism and our Historic Past*, February 27, 1960)

In aiming potshots at so-called "internationalist" nationalists, Recto never meant to imply that nationalism and internationalism were incompatible. He saw that nationalism in its extreme form can degenerate into chauvinism, a regressive tendency characterized by "a narrow view of country and people such that the viewer intentionally refuses to see defects, however blatant they are, while seeing only, magnified and exaggerated sometimes, the good points." This could be a very dangerous tendency in powerful nations, as proven by Germany and Japan during the last war, because it could justify expansionist wars of aggression for the sake of greater national glory.

Recto instead advocated a broad concept of nationalism. He believed that nationalism, if extended in an enlightened way, can result in sound internationalism. He said:

Thus, when we say that the Filipinos should patronize their own in the economic, political, social and cultural fields, it does not mean exclusion of their neighbors. It merely means a self-cultivation which translates itself into self-dependence and consequent self-respect. Expanding the idea would be expressing regional self-cultivation, self-dependence and self-respect. The terms do not overlap nor are they inimical; they constitute a continuing idea, or ideal, of growth and development in the concept of country, region and world, to produce in the minds and hearts of people, world attitudes, which have the right values. (*The Challenge of Independence*, July 3, 1952).

Thus, we can say that Recto presaged the call to national and collective self-reliance so frequently heard in Third World forums. He distinguished true internationalism from false internationalism which is synonymous to the subordination of our vital national interests. According to him, "Internationalism is not just another name for imperialism, and it cannot justify our willing reversion to the status of a colony." (*Our Lingering Colonial Complex*, June 24, 1951).

Recto's pronouncements are still valid today when a false kind of internationalism is being propagated by the advanced nations at the sacrifice of our own identity and economic sovereignty. This internationalism, or more properly "transnationalism," consigns Third World countries like the Philippines to the status of efficient cogs within the global capitalist machine operated for the benefit of the transnational corporations of the imperialist states. The catchword here is "interdependence," which ironically fosters greater dependence on the part of the less developed nations.

It is clear that internationalism in the field of political and cultural endeavors cannot truly serve the interests of world brotherhood and peace if economically majority of the world's peoples are under the heels of the aggressive transnationalism of the advanced states. In order to restore the vigor of internationalism as a factor in cultural and political understanding, it should be premised on national as well as collective struggle against exploitative economic relations. In conjunction with other peoples similarly situated, we need to redress the imbalance in world distribution of wealth by the pursuit of a nationalism that will invest in ourselves mastery of our resources. Our nationalism will in the long run contribute to a fruitful cooperative relationship between and among nations. In this way we enrich our culture by a more discriminating absorption of progressive influences through the prism of our nationalism instead of indiscriminately assimilating all sorts of influences which are imposed by economically dominant cultures in furtherance of their material interest.

For all his limitations, Recto was among the first important articulators of the anti-imperialist thesis. But we must remember that Recto himself became completely committed to nationalism as anti-imperialism only when he had renounced all personal ambition. Then there were no more vacillations, no more adjustments and accommodations for temporary, personal gains. For this reason we should examine closely the credentials of those who now seek to lead any nationalist movement. The anti-imperialist "crusade" can be brought to a successful conclusion and nationalist goals can be realized only by an unwavering force: the masses of the people and those who, while not being of them, are wholly committed to their aspirations. Politicians and other privileged sectors of society, including lawyers, may be involved but they are invariably delimited by their own specific goals — public office, material interests, personal ambitions. It is only the

masses who at a certain stage of the historical process can transform many of these elements or isolate them as enemies of the people.

This is not to say, however, that lawyers or lawyers-to-be are a hopeless lot whose thought processes must be thoroughly overhauled before they can play a progressive role in social change. Meaningful participation in the nationalist movement is not an all-or-nothing proposition which necessitates an outright, uncompromising rejection of the legal profession as an instrument of class oppression. We must all work within our area of competence, and in the case of lawyers, they still have to be in the business of lawyering, which I must hasten to add, is distinct from making a business out of it. However, they must be conscious of the limitations of the law and seek to expand its democratic aspects. They must be an active force for change within the legal system, criticizing its colonial moorings, initiating legal innovations, and reworking old doctrines in order that the law may be extended to serve the interests of the people. This takes considerable creativity and craftsmanship, and presumes that those who choose to undertake it are of necessity good lawyers.

It is of course idealistic to think that meaningful social change can be ushered in solely by reforming the legal system. Law cannot completely serve the interests of justice as long as the prevailing social reality is not totally transformed. Such a transformation can only be accomplished by a broad social movement of which lawyers are only a small part. In fact, it may be useful to add here that lawyers cannot make any real headway by themselves alone. They must interact with other forces in their effort to democratize the law. They must actively defend and support the people in their struggle for a wider arena of free expression and collective action. All in all, they must help strengthen the forces of progress at every historical stage, not only as good lawyers performing in a new way the traditional functions of their profession in the interest of the people, but also as intellectual activists capable of examining and explaining social reality to a wider audience in the interest of social change.

In his later years, Recto chose to follow the latter path and this is what future generations will remember him for. It is up to you who are gathered here to build a "counter-jurisprudence" that would not only strip the law of its colonial complex but would also make justice available to the masses of our people who have so far been deprived of it.