

You made it. Today, you participate—with good reason—in this academic ritual designed to acknowledge your achievements and mark a new phase in your life. It is an honor and a privilege to share this milestone with you today.

Your titles are well-deserved. They are credentials to achieve more as you pursue and embody your potentials. But remember that we are always more than our titles. Our lives are more meaningful when we appreciate our status and titles not as assertions of our individual agenda, but as temporary privileges that should be used to lessen the suffering of others and achieve a better world.

None of us ever succeeded only on our own. We always succeed because of the support, sacrifice, and kindness of others. Many of them you will not even know, or perhaps remember by name. So congratulations are also in order for your loved ones who have been there for you—who have provided you with support, both tangible and intangible, that enabled you to be where you are now. They inspired you with their own narratives. Their confidence is founded on their love for you. Without doubt, their hopes for your future continue. Take time, after these ceremonies, to show your appreciation for them.

To the faculty, research and extension personnel, administrators, and employees of the Ateneo Law School—witness your work. These are the many minds that you have molded. Many of them will surpass us. They will be our pride and joy. I recall many of the emotions that I felt when I sat among you—a member of the faculty and as an administrator. Keep those emotions and cherish them. They fulfill us. They give meaning to our lives.

To all of you—congratulations! And let me add, these will be the students that will pass the best bar ever in 2020 and 2021. Do not fail me.

This milestone in your life should not only be an occasion to celebrate; it should be an occasion to reflect on the uses of the competencies you are seeking to acquire.

Let me start with a favorite apocryphal story about Justice Learned Hand and Justice Oliver Wendell Holmes. After their lunch, Learned Hand gets down from his coach and waves goodbye to his dear friend. While doing so, he shouts, “Do justice!” Justice Holmes, always with the sharp retort, asks his driver to stop long enough for him to reply: “That is not my job. My job is to apply the law.”

The story highlights not only the fundamental philosophical differences of the two jurists, but also the classic differences between the latin “*juris*” and the latin “*lex*”—between justice and law. It is critical to note that what is legal is not necessarily what is just, and the rule of law may not always achieve justice.

But do we have to accept these differences? In distinguishing between these categories, do we necessarily accept that in their evolution, the development of law and the march of justice are parallel and never converging? Is this necessity produced by societal hierarchies and the dominant narratives in our culture a reality that we need to accept if we are to become good

lawyers? Is it not our duty as lawyers to ensure that we do not only do the law but that we do law in the context of achieving justice? And what does this take in order to accomplish it?

Our inability to make the concepts of law and justice converge begins with how we appreciate our role as lawyers.

Some are content with the most basic level of competence—reading the text of the law and jurisprudence as static scientific facts. They may have an inkling that the law and its interpretation changes and they can keep abreast of these changes; however, they will not go beyond knowing why the law changes, why the context of the law is as it is or whether the law as crafted will really redound to achieving its purpose.

This type of lawyer will have the expertise to deploy his or her knowledge of the law and jurisprudence in courts or administrative bodies. The lawyer will have the capacity and capability to operate the system so that it is able to deliver reliefs as close as possible to what the client needs. What the client needs is a given.

The lawyer is professionally agnostic as to the ethical value of the client's needs. For these types of lawyers, the law is treated as a cultural artifact — an object clearly produced by collective human action, a profitable curiosity rather than a tool. For them, it is what is legal that matters, not necessarily what is just.

This is the lawyer referred to in the seminal lecture of Oliver Wendell Holmes in *The Path of the Law*. He referred to him as the "bad man". While practicing in this mode is necessary in many instances, its implicit ethical agnosticism is corrosive of the moral foundation of any practicing lawyer. It sets up our profession to be replaced by artificial intelligence, stripping it of its humanity.

Then there is the critical lawyer. These lawyers may have practiced long enough to know that there is something individually corrosive in a mode of practice that is efficient in producing the client's wishes, but agnostic to the effect of those results on society.

Defense lawyers who represent those who traffic vices or contraband wholesale — and who rely on the paucity of evidence to have them acquitted or protect them from the long arm of the law — will eventually question whether the attorneys' fees they earn, and personally enjoy, are worth the damage produced in society.

The conscience of in-house corporate lawyers whose companies produce goods destructive of people's health — such as tobacco, pesticides, and dangerous chemicals — may also be troubled when they eventually take the time to examine the history of regulatory capture involving their products and the long-term effects on those who become addicted or harmed.

Lawyers who serve authoritarian governments may likewise confront the vicious effects of past deployments of law enforcers who violate the rights of the very people they initially intended to empower.

Or perhaps these critical lawyers are those who join the legal academe and want to go beyond simply teaching the law so that their students can pass the bar examinations. Critical lawyers seek to understand the law not simply as an artifact, but in context. They read books and articles that are rarely required in law school — works that explain the impact of law on society and society on law; the effect of legal transplants; law as part of hegemony; law as language; law and literature; law and the social sciences; and the philosophies that inform various types of legal practice and the various questions of legal theory.

They will have a clearer understanding that law is a human construct — a normative framework that attempts to intercalate prescribed conduct as legitimate. Looking deeper, they will mind that even the most benign norms in our legal order have histories; that they are not intrinsic givens but creations of perceived necessities, forged through the actions of those powerful enough to capture majorities in parliaments or legislatures, or even through the will of an authoritarian.

They will see the legal order as a pastiche of norms created at various epochs, all of which require interpretation by a contemporary court. They may also see various laws as ineffective in producing justice as understood by some of the marginalized communities and identities, but will accept them as the objects or tools that they will have to deploy just because it is what it is. Critical lawyers, by being critical, will see that law and justice are synonymous by necessity. The critical lawyer may perhaps see what Robert Cover discusses in *Violence and the Word*—what he calls an “imagined future reality that has coercive effects”. But being critical does not necessarily mean that the lawyer will be able to do something about it. Our law schools do not equip our students for social change. Neither is the dominant practice of law conducive to a career dedicated to social change.

Karl Marx, in his *Theses on Feuerbach*, once said: “Philosophers have only interpreted the world, in various ways; the point is to change it.” I borrow this to say: critical lawyers have only thought about the role of law to maintain the status quo. The point, however, is to change it.

There is another type of lawyer that this society needs — one who knows, one who understands, but is motivated and courageous enough to do something about it. As graduates of a decent legal academe in a majoritarian country and a post-colonial society, we should understand the law.

As a human construct produced and implemented by politics within a given society, the law — no matter the eloquence of the legal profession or the sophistication of an entire legal order — is always imperfect. Being imperfect, it should always be in constant change, if not toward a just articulation through the interpretation of a hopefully enlightened court.

Paraphrasing the critical legal scholar Duncan Kennedy: law manifests the fault lines between competing interests. It exists with the potential for invocation, but it is never a given; it is always an engine of contestation. Our laws reflect the power struggles in our society. They therefore cannot reflect all the realities of all our peoples, communities, and identities — yet they still penetrate those realities and affect them.

For example, we still call children born out of wedlock “illegitimate,” a label they carry even though the context of their conception was not of their own making. This label makes it easy to

deprive them of rights enjoyed by other biological children. The special crime of violence in an intimate relationship, whether in or out of marriage, protects women — yet unfortunately it is purely heteronormative, blind to genders that do not conform to the dominant binary of male and female. It fails, for instance, to specially address violence in an intimate relationship between men. Same-sex relationships do not enjoy the same potential to be legally recognized as heterosexual ones.

Many advocates see clearly how some genders and identities have been rendered invisible and how rights are fragmented, but full recognition — in administrative agencies and, given the right case, in our courts — remains elusive. Patriarchy is still dominant. It can be seen in the privilege to choose surnames, define affiliation, and decide who has the power to impute filiation. It is as if the mother, in law, is not as much a parent as the father.

Cara y cruz, a gambling game played largely within poorer communities, is absolutely criminally punished; its players have no chance of being legalized through licensed franchises. Meanwhile, the gambling gains of high-rollers — including foreigners prohibited from gambling in their own countries — are not only legitimized but protected through casinos in physical or digital form.

Environmental protection and social benefit remain mere add-ons to the legal requirements of commercial exploitation rather than its overarching considerations. Environmental and social impact statements are treated as additional permits, rather than as decisive exercises to determine whether an activity — one that will continue to burden our already fragile ecosystems — should be undertaken at all.

Ownership, in the form of commercial rights even over natural resources, still dominates our legal order. Rights to land, when entrenched in legal titles, become separate from the real relationship of the holder to the land itself. These rights become protected subjects of commercial transactions. The right to the land becomes different from the right to the trees planted and nurtured on it, different from the water flowing through and irrigating it, different from the minerals and treasures found beneath it. It is as if our law does not contain any concept of an ecosystem or environment.

Intangible properties are unlimited in their creation. Our legal framework still rewards wealth with more wealth. Those with money can invest in conjured instruments — financial products — that earn profit based on privileged perceptions of risk. The financial economy, the one that rewards passive income, has come to dominate our real economies. Workers' wages, on the other hand, have remained stagnant. Even when they grow, they never compete with the exponential rise of investments in the latest derivative of technological stock or mutual fund.

The privilege to own the means of production is not, by law, a privilege given to the workers who make production possible. The owner of capital still autonomously determines to whom to sell portions of ownership in an ongoing business concern — whether through direct sales, stock options, or the stock market. Labor's value cannot compete with the prices offered by rich strangers who wish only to profit from the fluctuating value of a company's stocks. Alienation of workers from their production still exists in a globalized world, never mind our labor laws.

Jurisprudence still offers caricatures of identities: the Moro is violent; the Indigenous person is uneducated; activists are rabble-rousers to be cut out of democratic dialogue. I can go on. You would not be from the Ateneo School of Law if you did not know that poverty and inequality exist, that there is corruption in your government. You would not be from the august halls of your college if you did not see how the existential threat of a pandemic — caused by a zoonotic virus and an immature global health system that has prioritized profits — pushed you into attending graduation through a computer screen.

You would not be a conscious citizen if you were not disturbed by the imminent recession, the severe weather disturbances caused by climate change, and the potential of these disasters to undermine food and water security everywhere. Democracies are being eroded by the surrender to authoritarianism. This is our world in the 21st century.

But to understand is not to change it. To change the status quo will not be easy.

To explain why, let me digress briefly to a minor love guru: Erich Fromm. In *The Art of Loving* — a book I recommend to all who are in a relationship or aching to be in one — Fromm defines love as the sane and most satisfactory response to the fundamental problem of human existence.

For Fromm, love is more than transactional desire. He would scoff at those who claim to be unloved when they say, “I need you,” or worse, “You complete me.” To love is not to privilege what you need. For him, meaningful relationships are those where partners seek to be present for the other. That is, it is more “What do you need?” said, perhaps, in the most eloquent and romantic manner.

This is so because, for him, the fundamental problem of human existence is our separateness. Because we are conscious, we tend to think we are absolute individuals, separate from the communities and societies we live in. This brings about what he calls existential loneliness.

In his other book, *Escape from Freedom*, he explains this by revisiting Isaiah Berlin’s two concepts of freedom: negative and positive freedom — “freedom from” as opposed to “freedom to.” Thus, he says, most people are convinced that as long as they are not overtly forced to do something by an outside power, their decisions are theirs; that if they want something, it is truly they who want it. But this is one of the great illusions we have about ourselves. A great number of our decisions are not really our own, but are suggested to us from the outside. We have succeeded in persuading ourselves that it is we who have made the decision, when in reality we have merely conformed to the expectations of others, driven by fear of isolation and by more direct threats to our life, freedom, and comfort.

Our choices are made for us as much as we make them. The illusion of “freedom from” coercion, from hunger, or from overt dictatorship can become corrosive to our democracy when we fail to acknowledge the massive work we need to do to seek meaning in our lives. Freedom is useless if it is not used for something.

Our separateness is made worse by a false ethic of rugged individual autonomy and the belief in survival without lessening the suffering of others. In its present incarnation, liberalism

emphasizes individual rights exercised independently, outside the context of social values. We insist on our existential loneliness even when, during the worst lockdowns, Grab drivers and delivery riders ensured our survival; when loved ones cooked for us and did our laundry as we labored over our readings for our next class; when poorly paid workers produced the clothes we wear; when health workers and other frontliners risked and sometimes lost their lives so that we could selfishly claim the rights secured by their sacrifice.

Solidarity and community have become as rare as person-to-person, face-to-face conversation, now often replaced by digital screens. “Friends” have become a label on Facebook. “Love interests” are simplified into a like or a swipe on dating apps. A “follower” is no longer a person inspired by you, but a number on social media.

Compassion is a powerful weapon, not only for graduates of the law but for leaders as well. It matters that you learn the complexity of human relationships in their raw, ambiguous, unrehearsed forms. It matters that others are not caricatured as only either good or evil, “us” or “them,” DDS or Dilawan, but as complex human beings, participating in and shaped by existing societies at a particular stage of technology and culture. The one you call your enemy is as complex as you are — also with an evolving self, also wanting to find happiness or meaning, or both, in their life.

All this again highlights a difficulty: the failure of many people in the 21st century to realize the need for conscious, painstaking discipline and perseverance — to seek meaning in their lives, and to work with others. That failure becomes the foundation of many autocratic governments. A sense of entitlement substitutes for responsibility.

The language of rights overwhelms the language of responsibilities — as an individual and as a member of a community. We want information, but we do not have the patience to work through the massive data we have access to. We want instantaneous gratification, which is why we forget that happiness is not bought, processed, or accessed through a click on social media. We want good government, yet we forget that we are very much part of that government, and that governments are made accountable not by a rant on Facebook or Twitter, but by the conscious and organized action of communities. We want to be good lawyers, and we think it is only by landing in the top ten of the bar that we will be so.

Fromm warned that our irresponsibility in making our freedoms meaningful encourages authoritarianism, destructiveness, complicity — or all three. Democracy, even — or perhaps especially — in the age of advanced digital technologies in the 21st century, is in danger of failing us, even as it feeds us constant stimuli.

It is tempting to take refuge in our faith. It is tempting to believe Martin Luther King Jr., who, borrowing from an 1853 collection of sermons by another minister, rhetorically asserted that “the arc of the moral universe is long, but it bends toward justice.” If there is a message you should take away from this commencement speech, I prefer it to be this: that statement is not accurate.

You have to work and struggle to bring about justice. It will not naturally happen. It will not be easy. Let me repeat: you have to work and struggle to bring about justice. It will not be easy. The

dominance of the status quo and the cultural hegemony existing on our planet will not allow the work of justice to simply unfold by itself. There is no moral deliberation in the universe. The universe does not owe you anything. It is larger than us, larger than human beings, larger than this Earth, larger even than the solar system. It is not designed to give you what you want simply because you want it. Certainly, there is no moral universe that will automatically bend toward justice.

We have societies dominated by the rich and powerful who, even in the freest of democracies, have their ways of manufacturing your consent. All you need to do to understand this is to read Noam Chomsky and Edward Herman's *Manufacturing Consent*, or turn to one of the early masters of propaganda, Edward Bernays, in his 1928 work aptly entitled *Propaganda*.

Justice is not the natural result of history. It is not always at the end of any arc. It is not the golden path at the end of a rainbow. That is nonsense. Laws, promises, lofty hopes conjured in universal provisions cannot come about simply through our rote invocations of the basic principles we have learned. Enabling justice, empowering our people, requires that we patiently and critically discover and then deploy collective strategies to make it happen.

Working for justice causes a lot of discomfort. This is easy to see. Those who benefit from the existing status quo will not simply accept change — they will resist. There is always blowback to the good work that you do. There is always blowback to a good ponencia. You will have to know how to stand your ground. You will have to grow the courage to stand your ground.

If you will be the lawyer who stands for upland rural communities, Indigenous peoples, or Moro communities, there will be moments when you will find yourself derided by those in mainstream legal circles. They will deploy strategic lawsuits against public participation — or worse, they will question your loyalty, your motives, even your patriotism.

If you become the lawyer who seeks to find those who have been involuntarily disappeared or summarily executed, be prepared for the frustration of collating the evidence and working with whistleblowers.

If you happen to become a Justice of the Highest Court, seeking to do what you think is right in the right way, expect that the powerful will try to shame you. They will threaten you. They will invent stories and falsehoods about you to bait you into giving them the time of day in various forms of media. They will even attempt to remove you — perhaps by quo warranto or perhaps even through impeachment.

The legal profession has always been a profession for others. It is not about you. Therefore, it is always a profession of sacrifice. We do not exist as lawyers without clients, nor without our ability to be resident in and aware of our culture and our legal infrastructure. It is for others that we should find and hold on to our principles. It is for others that we should seek the courage to do what is right.

There are four things you need to remember to help you overcome the challenges that will come your way.

First, titles are masks. Like everything else in life, they are transient; they are temporary. You will have to give them up someday. And when you do, make sure you did everything meaningful with them, and that you give them up with honor.

Second, enough is good. You do not have to be rich. You do not have to need more than “enough.” Limit your wealth, and if you have more than enough, give. This will be the power against bribery and corruption that you will need within a society of freedom.

Third, know that there are others who suffer more than you do. Whatever shame or suffering you encounter, you are still privileged with some level of power in your society. There are those in our society’s margins who do not have the same privilege. It is always an honor to stand with them. It is always an honor to stand in the line of fire for them.

Fourth, you are not alone. You are never alone in any issue. There are many others, and they will make themselves known. They will show you the kind of patience, perseverance, support, and courage that you will need to display when the time comes.

I know of lawyers who painstakingly scour the countryside, sitting down with farmers and Indigenous communities, talking about rights and working to make those rights real.

I know of advocates who imagine that it is possible to completely eradicate maternal deaths, and who work on educational programs, information campaigns, and access to a full range of reproductive health technologies.

I know of counselors who sit with girls and women — and even battered men — surviving story after story of abuse, while helping to build esteem, pride, and courage to prevent others from becoming victims themselves.

I know of teachers who improvise with the limited resources they have, given the backgrounds of their students. They prepare and execute their teaching plans, attend to the mundane concerns and conflicts of their students, even when they are exhausted.

I know of overseas Filipino workers who daily brave alien cultures and bear the heartbreak of families left behind. I know of the joy and sadness when they come home to find them all grown up — and the pain of realizing what their work has cost them, FaceTime and many other gadgets can never fully replace.

I know of government workers who toil every day and struggle to live through an ethic of integrity. They suffer as they hear of corruption in staggering amounts that they will never see in their lifetimes. They make their government wages fit a lifestyle far less than what they should deserve. They shoulder the concerns of their present, working with fortitude, yet keeping with them the hope of a better future. They will share these concerns with others, perhaps become a movement, perhaps fight a cause, perhaps even file cases with the Supreme Court to find support for their rights — and hope that there is an advocate like one of you, and an advocate like a Justice of the Supreme Court, who will see their rights through.

Perhaps, in some future we will encounter, they will become historical figures themselves — part of the history of the masses that many of us want to see in our lifetimes. Perhaps you can, and will, become part of the history of the masses — part of their struggle and solidarity.

I look at all of you now, and I sense danger.

It is not simply the existence of rights and freedoms that endangers the unjust. It is that you use these rights and freedoms consciously, deliberately, painstakingly, realistically — and with both passion and vision for a better future. That is when being unjust becomes dangerous.

And I sense danger for you too. If you seek justice, you will create powerful enemies. Your lives will become miserable at times. You may learn what it means to sacrifice, and to live with principles thoroughly, down to your bones. But stand fast. Be strong. Come back to this moment and know that many of your batchmates, your professors, your Dean, are doing the same — perhaps even more.

Appreciate your freedoms. Remember the many people who have fought to make those freedoms a reality for you. Make use of them. Make meaningful lives out of them. *Walang magpapalaya sa atin kung hindi tayo mismo. Kung hindi tayo kikilos, sino ang kikilos? Kung hindi ngayon, kailan pa? Kailangan ba tayong mag-atubili o panahon na ba?*

Have faith that, collectively, as we do what is right, at the right time, in the right way, a better, kinder, and more just world is possible.

Serve your people. Be a person for others. Be better than what we have been.

Thank you very much, and again, congratulations to all of you.

This transcript was prepared from a video recording of the ceremony. It may not reflect the verbatim delivery of the speaker. For official quotations, please refer to the video recording.