

## Editor's Note

This issue of the *Public Policy Journal* explores the larger issues implicated in technical debates hitherto internal to legal and academic circles.

In *The Scandal of the Speaking Judge: Decision-Making As Performance*, Florin T. Hilbay breaks away from the dominant and preferred image of the power of the courts. That judicial power is neutral and value-free is a myth, he argues, one that has been exploded in scholarly and learned circles abroad. Yet why is it so entrenched in the Filipino popular and legal imagination? Professor Hilbay confronts the ideological and historical reasons for its persistence and provides us with the theoretical framework and language that will allow the courts to make substantive moral and social choices with more candor but without any less legitimacy. Professor Hilbay teaches constitutional law and jurisprudence at the University of the Philippines.

In *The Rhetoric of Accountability on GMA's SONAs (2001-2005)*, Professor Gene S. Navera examines the various roles of the constitutionally mandated State of the Nation Address. It can serve as the "podium for the Chief Executive ... to explain where she wants to bring the country" and to highlight her achievements. But it can also serve as a "face-saving or reputation-restoring act," an exercise in "image-making." The author admirably marshals the various theories on rhetoric and applies them in practice, that is, by studying the actual rhetoric deployed through each of President Arroyo's SONAs from 2001 to 2005. To do this, he situates each SONA in its historical context and asks how the speech recasts the image not just of the President but of the people she has sworn to serve. Professor Navera teaches speech communications at the Humanities Department, College of Arts and Sciences, U.P. Los Baños.

In *The Child Witness and the Law: The Truth (And Nothing But)*, the authors explain why traditional legal approaches fail to serve the sexually-abused child and why lawyers need to enlist the other social science disciplines in these proceedings. Focusing on this most morally, ethically and emotionally wrenching of crimes, the authors call for child-sensitive ways to elicit the truth from the

victim, typically the only witness to a crime usually committed in private. The usual direct- and cross-examination of the witness only traumatize the child even more, and sadly, fail even their most basic function, which is to get the witness to tell the whole truth. The authors examine the legal doctrines and propose concrete measures to enhance truth-telling and minimize the inner pain, e.g., testimonial aids like anatomically correct dolls and “live-link television” that allows the child to testify without having to face the accused. Authors Elita Joy G. Pinga and Anna Victoria M. Veloso are both young lawyers and recent graduates of the U.P. College of Law.

In *Say It Isn't Sex: The Politics of Sex Education in the Philippines*, Carolina S. Ruiz-Austria looks at the resistance to sex education in schools, especially given the all-encompassing influence in the Philippines of the Roman Catholic Church and its clergy. The resistance is expressed through highly sophisticated, at times subtle, arguments that reshape the debate. First, it shifts sex education away from the *public* sphere, where the state may carry out public policy, and into the *private* sphere, where this choice is then reserved to the personal preferences of the parents. Even in the public sphere, sex education has been advanced through what the author laments as the neo-Malthusian paradigm, which sees sex education as an imperative of population control and poverty alleviation. Rather, the author argues, sex education must teach reproductive rights as a form of human rights, and foster an enabling environment where these rights may be enjoyed. Professor Austria teaches gender law at the University of the Philippines.

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