

**...AND JUSTICE FOR ALL.
LEGAL INTERPRETATION ON DEMOCRATIC VALUES**

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ABSTRACT: *The democratic ideal of justice for all is challenged in the contemporary world by the conflicting nature of the values that Law is called to defend. The accelerated rhythm of social change causes law to fall behind life, and over-regulation is not the solution to create a "living justice". It is the responsibility of judges to adapt Law to the changing needs of society, and in the continental legal tradition these judges apply the law, but do not create it.*

In this paper, we argue that this traditional view of the judge's role is outdated and that we must acknowledge the increasingly interpretative role of the courts. History has proven that laws can be unjust and even criminal, but the principles and values of the Law are perennial. When law contradicts Justice, it is the judge's duty to make use of his own moral sense and interpret law extensively in accordance with the situation and the idea of Justice.

Meanwhile, as a guardian of the "living justice", the judge has a huge social responsibility that goes far beyond mere legal (disciplinary, civil and criminal) liability. Consequently, it is imperative that we take additional precautionary measures in the appointment and the evaluation of judges. In our opinion, this is the kind of public matter we should debate, rather than the one regarding the magistrates' liability. After all, when we speak of liability, the malicious act has already been done. It is preferable to focus on preventing injustice and other social illnesses and to build a society that is healthy, adaptable and ready to face the challenges of the future.

This is the only way to continue to aspire to the ideal of justice for all, and manage to harmonize so many contradictory democratic values, such as freedom and responsibility, unity and diversity, citizens' liberties and public security. The coexistence of values can only be the result of a continuous interpretive effort that excludes any a priori suppression of some of the values in favour of others.

KEYWORDS: *justice; legal interpretation; democratic values; social change*

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