TEACHING LAW AS A SOCIAL SCIENCE

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I. INTRODUCTION

Before the author was appointed Dean of the U.P. College of Law, University of the Philippines President Jose V. Abueva gave him the rare opportunity to write his philosophy of legal education into the guiding principles of the College as Chairman of the Reorganization Committee of the University of the Philippines Law Complex. After several hearings and meetings, the committee, composed of nine members from the law faculty, the law alumni, the administrative staff, and the students, came up with the following statement of guiding principles which was later approved by the Board of Regents:

> 1. The study and teaching of law must be integrated with the social sciences. It is only thus that law can be viewed as part of the social process, that is, as a system for the making of important decisions by society.
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> 2. Training in the Law Complex must be training in the public interest: it must be a continuous, conscious and systematic effort at policy decision-making, where important values of a democratic society are distributed and shared.
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> 3. The College of Law should aim to train lawyers who are not only superior craftsmen but also socially-conscious leaders who would be more interested in promoting the public interest than in protecting the private property rights of individual clients.
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> 4. To develop the professional skills of students and lawyers, the College of Law should not only impart substantive knowledge but it should also develop the basic working skills necessary for successful law practice, like analytical skills, communication skills, negotiating skills, as well as awareness of their institutional and non-legal environment.
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> 5. In order to enhance training for professional competence, legal education offered by the College of Law should be woven around a sense of purpose, as it is an accepted pedagogical truth that a sense of purpose eases the path of learning. Thus, students of law will more easily master legal

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> doctrines and principles if they see these in relation to a given purpose and as tools for problem-solving, instead of just viewing them as diverse and disoriented rules and doctrines existing in a vacuum.[1]

There was little or no politics in the framing of these guiding principles. There could not have been much opportunity anyway, since the law creating the Law Complex mandates it "to be dedicated to teaching, research, training, information, and legal extension services to ensure a just society. It shall be responsive to the challenges of social change, and shall be relevant to the growing legal and other law related needs of the Filipino people."[2]

II. IS THE CASE METHOD IN LAW STUDY A SCIENCE?

While there was no opposition in theory to the teaching of law as part of the social sciences, the statement flies in the face of reality. It also prescribes a method of teaching that departs radically from the method presently used in the College of Law, which is the case method.

In fact, the structure and content of the law curriculum is hardly different from that employed when the College was first founded in 1911. The teaching method harks back to 1870 when Christopher Langdell of the Harvard Law School introduced the case method of law study.

The philosophy behind the case method is stated by Langdell thus:

> Law considered as a science, consists of certain principles or doctrines . . . the growth of which is to be traced in the main through a series of cases; and much the shortest and the best, if not the only, way of mastering the doctrine effectively is by studying the cases in which it is embodied. But the cases which are useful and necessary for this purpose at the present day bear an exceedingly small proportion to any that have been reported. The vast majority are useless, or worse than useless, for any purpose of systematic study . . . It seems to me, therefore, to be possible to take such a branch of law as Contracts, for example, and without exceeding comparatively moderate limits, to select, classify and arrange all the cases which had contributed in any important degree to the growth, development or establishment of any of its essential doctrines.[3]

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[1]Reorganization Plan of the U.P. Law Complex, approved on the 1021st Meeting of the Board of Regents, 29 May 1989.

[2]PRES. DECREE No. 1856, Dec. 26, 1982.

[3]Langdell, CASES ON THE LAW OF CONTRACTS, INTRODUCTION (1870), quoted in Woordard, *The Limits of Legal Realism*, 54 VA. L.R. 689 (1938).

The Langdellians, eager to jump onto the bandwagon of science that was then starting to become intellectually fashionable, advanced the theory that law study was science, arrived at through the inductive method. "Under this system," wrote one of his disciples", the student must look upon the law as science consisting of a body of principles to be found in adjudged cases, the cases being to him what the specimen is to the geologist".[4]

It was in the United States, from 1870 to about the 1920s, that the science of the law meant the doctrinal analysis of cases on a given subject. Papers on law were treatises analyzing and even critiquing legal principles laid down in leading cases. But at least by 1870 the study of law had latched on to the scientific method, and the law professors shifted their allegiance from mysticism to science.

Before 1870, the study of law was undertaken by a priestly class of scholars and based on a tradition of mysticism. This tradition was derived from the Continental universities in Europe which, in turn, inherited it from the medieval monks. Thus, law study was a ritualistic and mystical exercise which consisted of memorizing codal provisions and laws taught ex cathedral by monkish professors. The relationship between law and religion was emphasized to compel obedience to law through threats of hellfire and brimstone. It is no wonder that one realist professor branded this approach to law as "transcendental nonsense".

The case method is coupled with the so-called "Socratic" dialogue between teacher and student. Here the professor leads the student to elicit the principle from each assigned case by asking the latter about the facts of the case, the position taken by the litigants, the issues before the court, the ruling and the reasoning employed by the judge. A famous professor, George Stigler, had observed that originally, the Socratic method involved a teacher sitting on one end of a log, and talking with a student at the other end. But sometimes it is more productive, according to Stigler, to sit on the student and talk to the log.

Langdell thought very strongly that a law school should become part of a university and not remain a separate institution.

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[4]Keener, CASES ON THE LAW OF QUASI-CONTRACTS, PREFACE, (1888), quoted in Woodard, *id.*.

> [If] printed books are the ultimate sources of all legal knowledge - - if every student who would obtain any mastery of the law as a science must resort to these ultimate sources, and if the only assistance which it is possible for the learner to receive is such as can be afforded by teachers who have travelled the same road before him - - then a university, and a university alone, can afford every possible facility for teaching and learning law.[5]

Note that Langdell's reason for integrating law study into the university has very little to do with the role of law in the social sciences. While his inductive method placed law at par with the other sciences then emerging in the sense that the study of law became part of the grand experiment in education and learning, it has not located law in the company of the more empirical social sciences. For the fact is that Langdell did not for a moment look at law as part of the social sciences. He looked at law as a self-contained and independent discipline, saying that "unless law was a package capable of rational analysis within its own confines it has no business being in the university." It is surprising how an accomplished master of logic like Langdell could have committed this *non sequitor.*

That is why there were skeptics who questioned Langdell's assumptions. Thorstein Veblen, for one, remarked that "law schools belong in the modern university no more than a school of fencing or dancing".[6]

But the objections to the case method in law have nothing to do with the pragmatism of fencing or dancing schools. On the contrary, the method is thought to be too abstract and intellectual, too preoccupied with the search for fundamental principles that would bring stability and certainty to the law, with little or no regard for its actual application in real life. And, of course, it has not departed from the Victorian worldview of the positivists that law, finding its basis in reason, is an independent and self-contained discipline unrelated to the other sciences.

III. WHY APPROACH LAW AS A SOCIAL SCIENCE?

It was the realist movement in law which delivered a significant blow to the case method in the arena of legal education. By the 1930s, the realists had come to realize that reason was not such a reliable guide to moral understanding nor a powerful guide to law. According to realists John Chipman Gray and Justice Holmes, the method isolated cases from their

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[5] Langdell, *Address to students,* Nov. 5, 1986, printed 3 L. QUARTERLY REV. 124-125 (1887), quoted in Woodard, *id.*.

[6] Veblen, HIGHER LEARNING IN AMERICA, 211 (1918).

social and historical context and failed to take into account the factors that caused the evolution of legal principles. The realists considered law as a process of legal observation, comparison, and criticism instead of an exact science of value-free principles. "The life of the law has not been logic; it has been experience," said Justice Holmes.

The thrust of the realist movement, insisting on scientific prediction of how judges would decide, moved law study closer to the social sciences. As Justice Holmes himself said:

> No one will ever have a philosophic mastery over the law who does not habitually consider the forces outside of it which have made it what it is. More than that, he must remember that as it embodies the story of the nation's development through many centuries, the law finds its philosophy not in self-consistency, which it must always fail in so long as it continues to grow, but in history and the nature of human needs. As a branch of anthropology, law is an object of science; the theory of legislation is a scientific study. ...[7]

Furthermore, the case method of study had a very tenuous hold in civil law countries like the Philippines, except possibly in the University of the Philippines, not only because of the incompatibility of the academic approach with a system based primarily on legislation, but also for lack of materials. The expansion of the law as a result of the progressive movement dealt another blow to the case method, with the trend towards codification and the development of administrative law copied from Continental Europe. As observed by A.V. Dicey, Vinerian Professor of Law at Oxford and Langdell's bulldog in England, the social justice movement which emerged at the turn of the century demanded legislation to change the common law so as to solve pressing social problems of society, and each law, in turn, gave rise to a new public opinion, which itself generated stronger demands for more radical legislation.[8]

In the universities of the Western Hemisphere, the social sciences may be going out of fashion. They have lost their interest and evangelical fervor, as Allan Bloom has put it.[9] Where previously the social sciences, such as economics, sociology, anthropology, psychology, and political science, were august and imperial names in the realm of scientific

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[7]Holmes, *Book review on Langdell, Cases on Contracts*, 14 AM. L. REV. 233, 234 (1880), quoted in Woodard, *id.*.

[8]Dicey, LAW AND OPINION IN ENGLAND 5 (1905).

[9]Bloom, THE CLOSING OF THE AMERICAN MIND 189 (1987).

knowledge, they are now pale shadows in the intellectual landscape, eclipsed by the second coming of the physical and natural sciences.

The situation may be slightly different with law, for it was only recently that it has been discovered to be a social science. The stab of enlightenment suddenly hit jurists and law professors so hard that they have been goaded to call law "the Queen of Social Sciences"[10] in a spirit of partisan hyperbole characteristic of lawyers.

One cannot advocate the teaching of law as a social science simply because it is the fad among the law schools in developed countries. It is time for the College of Law to break tradition and deviate from its hidden curriculum of producing an elite professional class catering to the needs of the establishment. The fact remains that in developing countries, especially those that have been colonized by Western powers, laws have been imported wholesale by the colonial powers and thrust upon the subject people. Sometimes, the result is a gaping disparity between life and the law, between reality and rules. The laws that have been imposed by colonial authorities on the native peoples did not suit the latter. This is what happened in the Philippines and in some other countries.

In the Philippines, there is an urgent need to approach law as a social science in view of our colonial past. Law in our country is of course a product of our history. We were colonized for 400 years, and the colonial powers imposed their laws upon us without regard to our customs and traditions as a people. Moreover, our law is written in a foreign language which the majority of our people do not understand. Since we lived under the Spanish rule for 350 years and under American rule for another 50 years, we have to re-examine the roots of our legal culture and see if it accords with the spirit of our people. The laws of any country are the product of its culture and its history; if these are merely imported wholesale into the country, they will not be an effective instrument for social control.

The problem in social reform is proving the basic premises. It is in this area where the tools of the social sciences serve us in good stead, for they give us a good grasp on reality. It is only the methodology of the social sciences which can validate the social and political premises on which we base our conclusion that the law always lags behind social and economic development. If utilized properly, this methodology cuts through the fig

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[10]*See, e.g.*, Bloustein, *Social Responsibility, Public Policy, and the Law School*, 55 NYU L. REV. 385, 416 (1980).

leaf of legal fictions to reveal the revolting realities in the operation of laws. It is through empirical research that we pierce the veil of traditional legal rules to see if the implementation of laws leads to substantial justice or to injustice. It is only the expertise of the social sciences which can strip our jurisprudence of its cherished myths adopted from foreign sources and bring it down to earth in touch with the mores of the people whose behavior it seeks to regulate or control.

Knowing how laws stand in the way of social reform, or how far it has lagged behind economic and political developments, we can propose adjustments to effect social change. If one perceives that "people empowerment" is just an empty shibboleth, one can propose legal reform to afford greater distribution of political power. If one sees the effectiveness of groups against the warlords and vested interests, then knowledge of the law can be harnessed by non-governmental groups to access governmental power or to influence the private business sector.

IV. USING THE TOOLS OF SOCIAL SCIENCE IN LAW

This approach to the law views it as a multi-disciplinary phenomenon - - historical, social, economic, political, religious, psychological and anthropological. This will not, of course, merge the study of law with that of the social sciences, for law does not have the precision of methodology that characterizes the other social sciences. But it will broaden the study of law so that it will not be presented as an independent branch of study. Law will cease to exist in a vacuum, and it will be studied with the best insights that the related behavioral sciences can offer.

This method will also emphasize to the law student the role of law in the social order, its functions of defining interpersonal relationships and of redefining such relationship in the light of social changes, the legal institutions created for such changes, and how society adapts to social change. This will also give the study of the law a double-focus, so that the students will study not only the tools of the law but also its ends. This will underline the study of the values underpinning the legal system and the relationship of the means to the ends. While the study of values will reveal the lack of precision of the legal method, it will shed light on the ends sought to be attained by the law in the "constant tension between stability and change, freedom and security, history and logic, ideal justice and justice

in practice".[11] A professor advocating this approach lists seven central problems which circumscribe the main subject matter of the study of law in relation to the social sciences:

1. The relation between law and social type;
2. The functions of law in society;
3. The modes of operation of law;
4. The creation, development, and evolution of law;
5. Law, culture, and the main social institutions;
6. Law and social change; and
7. Law and law personnel.[12]

This list of problems is comprehensive enough to show how law would relate to the social sciences of anthropology, sociology, political science, psychology, and economics.

These general prescriptions for the marriage of law and the social sciences, although seemingly elementary, are difficult to achieve. First, members of the law faculty will have to acquaint themselves with the tools of the related social sciences, which will take at least a generation of teachers. Second, the law school must expand beyond mere teaching and research and go into outreach and extension services. Its faculty must be endowed with the necessary empirical outlook and experience which they will transmit to their students.

While the social sciences are concerned with the behavior of individuals and groups in society, law is concerned with the control and regulation of human conduct and the promulgation of rules to guide behavior in socially beneficial ways. The approach of the social sciences is thus different from that of law.

For example, the clinical method or even the case method of law teaching focuses on the particulars of a case at hand. On the other hand, the social sciences focus on the statistics of a class of cases which are in some

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[11]CARRINGTON REPORT, Model Law Curriculum 59 (1971).
[12]Dror, *Proglegomenon To a Social Study of Law*, 13 J. OF LEGAL ED. 131 (1960).

important ways similar to a particular case at hand. The law teacher looks at the trees; the social scientist looks at the forest. It is easy to guess who will mistake the trees for the forests. Even someone who does not profess to be a social scientist, Vice-President Joseph Estrada, proved to be more adept in following the advice of Felix Cohen who suggested that legal scholars should use statistical methods in analyzing and predicting judicial behavior.[13] Thus, Vice-President Estrada beat the Supreme Court in uncovering the activities of the "magnificent seven" trial judges in the Makati Regional Trial Court by studying the pattern of judicial decisions in prohibited drug cases and observing the consistency of exonerations of the accused. He saw the big picture because he did not concentrate on the minute details of each case.

The most popular example of the use of social science data is the case of *Brown v. Board of Education.*[14] The issue was complex: Does the segregation of public school children solely on the basis of race deprive them of equal educational opportunities? The U.S. Supreme Court resorted to psychological data and found that (1) there are psychological harms to black schoolchildren in a segregated environment; (2) there are certain intangible factors which produce superior learning environment in integrated schools; and (3) public schools play a critical role in contemporary society.[15]

The use of field experiments in law could demolish legal assumptions which do not hold water, or establish new factual bases for rule-making. For example, we can question the efficacy of the adversarial system as a means of resolving disputes in the Philippines. The field experiment was used in a project on court referral for mediation conducted last year by the College of Law under the leadership of Professor Alfredo F. Tadiar. This project was undertaken to help the judiciary reduce its case backlog, which was 153,002 as of 1991. Two research sites, one urban and one rural, were selected to represent two social settings for the project. Participating courts were selected, mediators were appointed, and litigants were apprised of the experiment. The experiment was conducted by the project staff for about one year to determine the feasibility of mediation as a mode of alternative dispute resolution. Actual mediation proceedings were

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[13]Cohen, *Transcendental Nonsense and the Functional Approach*, 35 COL. L. REV. 809, 833 (1935).

[14]347 U.S. 483 (1954).

[15]Siegel, *Race, Education, and the Equal Protection Clause in the 1990s*, 74 MARQUETTE L. REV. 501 (1991).

conducted regularly by the trained mediators. Of the 236 cases referred for mediation in the provincial project site, 71 were settled, 157 were returned, and 8 were dismissed, showing a success rate of 31.14%. In the urban project site, however, of the 17 cases referred, only 2 cases were settled and 15 returned. The following conclusions were arrived at:

> 1. Mediation is more feasible in the provincial areas than in the urban areas.
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> 2. Litigants usually defer to the mediator's age, rank or status in the community.
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> 3. Retired officials make ideal mediators.
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> 4. Elderly women make good mediators.
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> 5. Money claims and those arising from contracts are most susceptible to mediation.
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> 6. Consensus-building is an important part of the mediation process.

After the experiment, the College proposed to the Supreme Court an amendment to the Rules of Court to provide for mediation of disputes in provincial areas and for the creation of special courts for disposition of money claims and actions based on contracts.

It is always better to test the underlying assumptions of the laws with the standards of the empirical sciences. As two psychologists have noted:

> Traditionally, the behavioral technology of the law is laid down in legislation in civil law countries and in precedents in common law countries . . . Underlying these rules are assumptions of how individuals behave and how their behavior can be regulated. Since these assumptions are about the behavior of individuals, they are available for empirical research and testing . . . Altogether, however, only scattered and isolated assumptions of the law are tested, usually aiming at direct application in the courtroom.[16]

V. EMPIRICISM AND SOCIAL VALUES IN LAW

One cannot, however, be so brash as to advocate the teaching of law completely by social science methods. This cannot be done for two reasons.

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[16]Van Koppen, *et. al.*, LAWYERS ON PSYCHOLOGY AND PSYCHOLOGISTS ON LAW, 8 (1988).

First, the style and form of the current national bar examinations would not permit this, such examinations being a test of the student's knowledge of legal doctrines. Second, it would be inconsistent with the nature of the law itself, which cannot be studied totally free from values and morals. Law is essentially normative, and a study of law delves into policy considerations behind the law. It cannot be limited by the methodology of value-free empiricism in the social sciences, if we define empiricism in the context of morals and politics. Law must go beyond knowledge gathered by the senses; it must be both descriptive and prescriptive. And there are strong pressures for law reform that impinge on law schools, especially on state-supported institutions.

One example is the clinical legal education program. As pointed out by the president of Rutgers University, Professor Edward Bloustein, it was the moral unease of the 1960s and its search for political and social relevance that caused the revival of the clinical legal education program.[17] The palpable objective of the program was to extend the law school's responsibilities to society and to decrease the traditional emphasis on preparing students for corporate practice. With respect to the legal aid clinic of the UP College of Law, its objectives are just as sublime: (1) to provide free legal services to those who cannot afford them; (2) to provide law interns practical experience and learning opportunities from actual handling of problems albeit confined to those faced by the poor; (3) to conscienticize them to the plight of the poor and oppressed sectors in society; (4) to help improve the administration of justice by filing test cases; and (5) to assist in law reform activities.

The clinical method of legal education compels law students to focus on the judicial and administrative process and to apply scientific methods to the making and prediction of decisions. Here the students realize that there is a necessity for objective and external observation of the law, that empirical data could be used to assist in solving legal controversies, and that scientific techniques could be useful decisional methods. Ultimately, the conscienticized student who is exposed to reality will soon realize that the law can be a vehicle for social transformation. This method gives the student a proper understanding of the law in the light of social realities and in the context of the social environment. If he sees the law as laudable in theory but oppressive in practice, he will soon agitate for social change.

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[17]Bloustein, *Social Responsibility, Public Policy, and the Law Schools*, 55 NYU L. REV. 385, 412 (1980).

The interface of the instruments of social science with values is most revealing in law because such instruments may demonstrate the inequity behind seemingly neutral legal constructs. For example, the constitutional ideal of equality is certainly more than a cruel legal fiction in the light of economic realities in our society. As Anatole France once observed, the law, in all its majesty, prohibits the rich and the poor alike to beg on the streets and to sleep under the bridges. We do not even have to use the tools of social science to realize the irony of this delusion. In fact, the studies of social scientists show that in a society based on the principle of legal equality, the bulk of the people actually live under a regime of practical inequality. This is due to four factors working in favor of those who hold economic resources: (1) the different strategic position of the parties; (2) the role of lawyers; (3) the institutional facilities, and (4) the characteristics of the legal rules favoring the `haves'.[18]

There are also intellectual traditions in the social sciences that can operate to stimulate social changes. Since legal training is steeped in the tradition of conservatism, dislike for differing views, and adherence to the status quo, it will hardly initiate social change. "The master's tools will never dismantle the master's house," said Audrey Lorde. The atmosphere of testing as well as experimentation in the social sciences can be an inspiration for questioning in law that will lead to legal reform. "Lawyers have much to learn from social change activists who often work outside the formal legal and political systems to create institutions to address what they think the law ignores," writes a law professor, Martha Minow.[19]

It is not only the methodology of the social sciences that is useful in law but even the concepts developed therein. For instance, if law is viewed in terms of power, then the students will get to know how law is linked to those who hold the levers of power in our society. This "economic interpretation of law", as Dean Pound calls it, sees law in terms of a system of rules imposed on men by the dominant class in a given society for the furtherance of their interests.[20] "So when it comes to the development of a corpus juris the ultimate question is what do the dominant forces of the community want and do they want it hard enough to disregard whatever

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[18]Galanter, WHY THE `HAVES' COME OUT AHEAD, 124-125 (1974).

[19]Minow, *Breaking the Law: Lawyers and Clients in Struggles for Social Change*, 52 U. PITTS. L. REV. 723, 750 (1991).

[20]Pound, AN INTRODUCTION TO PHILOSOPHY OF LAW 29 (1959 ed.).

inhibitions stand in the way," Justice Holmes once wrote to Dr. Wu.[21] Seen in this light, law becomes a legalizing principle for the imposition of the wants of the dominant groups over the subject classes or the rest of society. For the ruling groups possess what Charles Merriam calls "the monopoly of legality" which enables them to utilize governmental systems of power for their own ends. In a mass democracy, the more numerous groups can also utilize law as an instrument to pass laws and codes for their own benefit. But first they must get to see law as an instrument of policy, not as an independent body of rules handed down by divine decrees or by the colonial powers.

VI. SOCIAL SCIENCE OPPORTUNITIES IN THE CURRICULUM

The main obstacle to the introduction of social science courses in the law curriculum in the Philippines is the qualifying bar examinations which are given by the Supreme Court every year. The bar examinations are a test of the student's knowledge of the law in almost all areas, divided into subjects - civil law, political law, international law, criminal law, commercial law, remedial law, taxation, labor law, and legal ethics.

From this doctrinal classification, one can readily see that law is seen as a set of enduring principles and rules existing independently of any social environment. It is seen as a determinate collection of rules divided as to subject, and which the student is expected to memorize and apply offhand if he is confronted with a legal problem.

In view of this requirement of the Supreme Court, all law schools find it irrelevant or unnecessary to include the social study of law in their curricula. The emphasis of the law schools is in the `pure' study of law, underscoring the analysis and application of the internal structure of the hierarchy of rules classified according to subject. This is a serious obstacle to the development of the social study of law.

Nonetheless, the College of Law of the University of the Philippines, has a number of courses which focus on the relationship between law and society, and which utilize the tools of the social sciences.

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[21] Shriver, (ed.) JUSTICE OLIVER WENDELL HOLMES: HIS BOOK NOTICES AND UNCOLLECTED LETTERS AND PAPERS, 187-188 (1936).

REQUIRED COURSES

In their first semester, incoming freshmen are required to take *Legal History* (Law 115), which traces the development of the world's legal systems, including Philippine indigenous law, and emphasizes their relation to the basic legal institutions of the Philippines. The approach is a legal-historical one, illustrated by Von Savigny, Maine, and Allen, on the evolution of the law as a creation of cultural norms in a given society, depending on the familiarity of the professor with this approach. It is also in this area of study where the student will realize the relationship between law and social change.

Legal Method (Law 116) deals with legal analysis, research techniques, rules of legal interpretation, and other aspects of the legal process. The course commences with deductive and inductive science as tools of legal analysis, then takes up the various research techniques, including those from the other social sciences, including use of empirical data, experiments, measurements, and behavioral analysis.

In the second semester, freshmen are required to take *Legal Theory* (Law 117). This course discusses the main schools of jurisprudential thought, with emphasis on the philosophical influences on the varying conceptions of ideal law and natural law, and their impact on law as an instrument of procedural and substantive justice. This subject touches on the social sciences as it discusses the various schools of jurisprudence and the different current of thoughts that gave rise to them, like sociology, anthropology, psychology, history, and political science. The study of jurisprudence cannot be isolated from the social sciences, for these provide the basic ideological framework of the different legal theories.

The Legal Profession (Law 120), is a study of the history, sociology, and development of the legal profession. It also discusses the role of the legal profession in Philippine society, and includes study of the Code of Professional Responsibility for lawyers. Emphasis is placed on the education and orientation of lawyers, their social prestige, their monopoly over judicial and legislative positions, their clientele, their political and other extralegal functions, and the subculture that they have developed.

In the third year, *Medical Jurisprudence* (Law 118), deals with the intersection between law and medicine. It is in this subject where law students become acquainted with the discipline of medical science.

It is in the fourth year that the students take up Law Practicum 1 in the first semester and Law Practicum 2 in the second semester, where they are introduced to clinical legal education as described above. The students, under the direction of a supervisor, run the legal aid clinic and handle actual cases in the courts and in the administrative tribunals and agencies. The courses emphasize not only the different kinds of legal services like interviewing clients, drafting pleadings, trying cases, negotiating, counselling, field observing, but also alternative means of dispute resolutions, like arbitration, mediation, and conciliation. The two clinical education courses count for 8 units.

ELECTIVE COURSES

What have been discussed above are core or mandatory subjects for all students. Some of the elective subjects, which may be taken by the second, third, and fourth year students for a total of 20 units, approach law from a social science viewpoint.

Philippine Indigenous Law (Law 132), is an introduction to legal anthropology with an emphasis on indigenous Philippine custom laws and their relevance to the national legal order. The course also examines how the existing laws of the country affect the ethnic and cultural minorities in the Philippines. In this subject, the student will become aware of the relationship between law and culture and how far law is integrated or dissociated from the native culture. The student will also realize different types of systems of law depending on the different main types of societies.

There is an elective course on *Law and Poverty*, which focuses on the political economy of development and traces continuities in the way power and thus often law and legal institutions have been used by dominant groups to maintain and legitimize economic relations and the allocation of resources. It inquires into how the legal system contributes to conditions which misallocate resources and cause poverty and marginalization of people. The central problems of social justice, differential access to resources, and legal development are studied. The focus of the course is on the question on what legal resources might be provided to help the poor create self-reliant, participatory structures for their own development. A corollary problem is how structural barriers such as language, illiteracy and ignorance of legal procedures and one's basic rights under the Constitution and labor and social legislation, can be minimized so as to diminish differential access to resource allocation.

A course on *Human Rights,* is likewise offered. This course deals with the concept of human rights in different polities, and delves into the three major categories: of personal security, civil and political rights, and basic human needs. In this course, human rights is treated as a legal and social reality, and the constitutional guarantees protecting these rights are examined not only in theory but also in practice with the use of data on human rights violations gathered by non-governmental groups.

VII. CONCLUSION

Legal education must strive to train law students not only as pure legal technicians but also as responsible citizens cognizant of the social, economic and political malaise gripping society at large. As a profession devoted to serving the public interest, a conscious effort must be made to prepare students of law as socially-relevant leaders for both the public and private sectors, whether as policy decision-makers of national standing or as private individuals serving their respective local communities.

The teaching of law as a social science addresses this often overlooked dimension of legal training. Viewing law as part of the larger social firmament enables the young lawyer to meet the pressing needs of his society. For the greater challenge of the lawyer lies outside the courtroom rather than within it, where his legal training may be fully utilized to seek novel solutions responsive to the socio-economic problems plaguing his nation. Thus, a social science approach involves not only a continuing process of advancing societal goals but also a noble affirmation of the lawyer's role as society's guardian of the public interest.

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