

PHILIPPINE LAW JOURNAL

Vol. XXV

March, 1950

No. 1

To Justice George A. Malcolm—jurist, civil libertarian, educator, exemplary public official, inspirer of the Youth, this issue is affectionately dedicated by those who serve the law.

Education for the Law: Training for Leadership In A Democratic Society.

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What then is education for the law? It is education for leadership in a democratic society, education in the implementation of civil liberties. I use the term civil liberties not in its narrow sense of constitutional rights protecting individuals against state action. Civil liberties mean much more. They embrace political, civil, as well as social and economic rights. Political rights imply the right to participate in the government, and under democratic theory the right to oppose the government in power. Civil rights emphasize the liberty the citizens enjoy to protect themselves against the politically organized community. Social and economic rights on the other hand emphasize the protection that the welfare and well-being of the citizens receive from the government. And democracy presupposes not only majority rule but likewise the assurance of fundamental rights, which in practice means the participation in the power, respect, wealth, skill, welfare, and enlightenment processes. This is so because at the core of all democratic theories is the emphasis of the dignity and the worth of the individual.

To repeat, legal education is concerned with the training for leadership in democracy. Law cannot be regarded at present solely as legal doctrines or as a peculiar set of technical symbols useful in predicting judicial behavior, but rather as the whole of a community's

* This article is based mainly on an address by the author before the Faculty Conference of the University of the Philippines in Baguio, June, 1949. It may not be inappropriate for this issue of the Philippine Law Journal, dedicated to the country's most influential legal educator, Justice George A. Malcolm.

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institutions of government, the sum of all the power decisions of the community. It has more than the primitive functions of maintaining order. It is a positive instrument for promoting and securing all the other basic values of the community like welfare, respect, wealth, skill, and enlightenment. The court is not therefore the only principal and proper instrument of legal control. Other institutions and practices which are already in being but can stand improvement, or which may be created for assuring a wider sharing of such values likewise serve the same purpose.¹

This emphasis on law in terms of a legal order or the regime of adjusting relations and ordering conduct by the systematic and orderly application of force by a politically organized society, and not merely in terms of doctrines or decisions or in terms of the juristic process as the field of the study of the law calls for a clarification of the task of lawyers in society, in our case, a democratic society.

Can it still be said then that a lawyer's sole and chief concern is to promote the interest of his client without thought or regard to the interest of the community at large? Even in United States, where the aristocracy of the legal profession is the corporation lawyers, with their long and faithful service to vested interest at the expense, many are inclined to believe, of community welfare, there is a discernible tendency to stress and emphasize the responsibility of lawyers to the public as a whole. It is a welcome sign that dating from the New Deal days of President Roosevelt promising graduates from the better law schools like Yale, Harvard, Columbia, Michigan, Chicago and a few other law schools prefer community service to private practice in one of the so-called law factories of Wall Street.

In the Philippines, however, the tradition for public service has been much more developed. To speak for our own College of Law alone, from its founding in addition to aiming at sound and thorough acquisition of all the skills needed for competence in practice, it has likewise emphasized the function of leadership in a democratic community. This aspect of legal education is due to the vision and foresight of former Justice George A. Malcolm, its founder and first permanent Dean. And his successors Deans Jorge C. Bocobo and Jose A. Espiritu have carried on this tradition.

The results are known to all. A roll call of the leaders in government of the present era would sound like a roll call of the Alumni of the College of Law in the first twenty years of its establishment. Both as private practitioners and as government men, whether in the executive branch, the legislature, or the Courts, the graduates of our College of Law have been in the front ranks of the profession. There

¹ Cf. McDougal, *Law School of the Future*, 56 *Yale Law Journal*, 1345.

is no occasion, therefore, to cavil at the kind of legal education offered by the College of Law of the University of the Philippines. Nor is there need for an overhauling of its system of instruction.

But it seems to me that a more explicit avowal of its role in training lawyers for policy making and policy advising is called for. A similar trend is found in many American law schools. McDougal and Lasswell of the Yale Law School head this group. To quote from them:

"If legal education in the contemporary world is adequately to serve the needs of a free and productive commonwealth, it must be conscious, efficient, and systematic training for policy-making. The proper function of our law schools is, in short, to contribute to the training of policy-makers for the ever more complete achievement of the democratic values that constitute the professed ends of American polity."²

For this highly delicate and all important function, a lawyer needs certain skills in addition to his mastery of legal doctrines and principles. Such skills may be divided into skills of thought, skills of observation and skills of management. The skills of thought in addition to efficiency in legal technicality must include goal thinking, trend thinking and scientific thinking. Skills of observation whether through intensive procedure whereby the observer devotes himself for a long time to a particular person or situation and uses complex method or through extensive procedure whereby the observer devotes himself briefly to a particular person or situation and uses a simple method are likewise essential. And under present conditions skills of management whether in primary relations dealing with individual persons or in public relations dealing with members of a large group are indispensable to a lawyer in his role as a policy-maker or a policy-adviser.

The College of Law cannot of course escape the obligation to aid the students in the acquisition of such skills. That is its function and its role. It is my belief, however, that the College of Liberal Arts in the preparatory law course can help in the process of skill acquisition, except of course where the command of legal doctrines and principles is involved. That is appropriately for the College of Law, and the College of Law alone.

The education for the law, it must always be remembered, begins before and continues after the four years in the College of Law. What happens after the graduation is not so much the responsibility of the University. Not so with their pre-legal training and their four-year stay in the College of Law. And if the two-year preparatory

² Legal Education and Public Policy, 52 Yale Law Journal, 203.

law course is not sufficient for the purpose, an additional year seems to be indicated.

The more skillful a law student is in the languages, the better he is prepared for the study of the law. And the more thoroughly grounded he is in the social sciences, the easier it would be for him to understand legal rules and principles. Nor would exposure to elementary principles of the physical and biological sciences be a handicap. Equipped with such knowledge, his task in promoting civil liberties for all, in translating democracy from theory to fact, has greater chances of success.

A specialist in all the other branches of knowledge, that of course a lawyer within the span of single lifetime cannot become. But to remain ignorant of the other branches of knowledge specially the social sciences is to run the risk of failure, however technically proficient he might be in his grasp and mastery of the legal syntax.

It is not surprising, therefore, that in some of the leading American Law Schools, the most notable of which is Yale, specialists in other lines serve full time in the law school. Thus Law, Science and Policy is taught both by a professor of law who has distinguished himself in the field of property and a professor whose training has been in the political and social sciences. A noted economist taught, and remarkably well, Constitutional Law. The course in Legal Psychiatry is a joint venture by men eminent in the field as well as by a professor of criminology.

More than that in many of the seminars in addition to the professor handling the course, guest lecturers are usually asked to speak on their respective specialties. Thus in a seminar on Recent Trends in Government, men high in the ranks of the legislative and executive departments, contribute their practical knowledge and skill to the discussion of the important issues of the day.

So that while the present curriculum of the College of Law has not outlived its usefulness and the results of its instruction justify no radical innovations, there must be an increased effort to broaden the cultural and legal background of its students, to increase their awareness of their future role as policy-makers or policy-advisers in a democratic community and to impart some of the added skills useful for implementing civil liberties. And the preparatory law course must start them on the way to the mastery of such skills.

With the law course being given in four years instead of three years as in American Law Schools, it might prolong unduly the period of preparation of prospective lawyers if a four-year preparatory course were required. Even as it is, there are complaints already

that their period of the study of the law is far too long. The plan then of adding an additional year to the two-year preparatory law course may prove to be the least objectionable for all concerned. At present the combined Arts-Law course in seven years has attracted quite a few students. If it could be made compulsory the results might prove to be beneficial for all those desirous of studying law.

That a three-year pre-legal training might drive some students to private schools should not deter us from taking this step. There are enough young men and young women who will want the most thorough and adequate preparation for the law. An understanding on their part of the advantages of an additional year in preparatory law would no doubt make them welcome such a plan. They are the students that we need.

At any rate, it is the aim of this institution in the words of President Gonzalez "to produce valuable citizens or graduates dedicated to public service and the promotion of the common good." And as far as education for the law is concerned that aim can best be attained by a more conscious, efficient and systematic training for lawyers conscious of their role in the implementation of civil liberties and adequate in the fulfillment thereof.

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Civil liberties, as guaranteed by the Constitution, imply the existence of our organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses.

Hughes