

VIEWS ON LEGAL EDUCATION

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I am happy to be able to come this morning, even if this is not the same building we used to have 20 years ago when I started my law school work, and I am doubly happy because at this time, even if it was not so then, the College of Law is, in more senses than one, the University of the Philippines.

This has given me a chance to meet once again a good number of the members of your distinguished Faculty; I have missed many faces—but there are two or three that are very vivid in my memory—that of Prof. (now Ambassador) Regala whose presence in class was so overpowering that a student leader, unable to answer a difficult question literally collapsed and to all appearances, lost consciousness, but conveniently woke up when he realized he was being brought by the professor himself to the Philippine General Hospital, that of Prof. Mariano de Joya (who later became Justice of the Supreme Court and is now in the active practice of law), and from whom we learned, among other things, that the three most troublesome clients he ever had were a young lady who desperately wanted to be married, a married woman who desperately wanted a divorce, and an old maid who didn't know what she wanted.

I also remember the Practice Court under the late Justice Villareal, and the long hours of trial practice and argumentation we had in his class. He was a calm judge, and presided over the sessions with complete poise and equanimity. When one counsel accused the other of being a dirty shyster, and the other attorney sharply charged the first with being a cheat and a liar, he was the kind of judge that would say "Come, come, my young friends . . . let the case proceed now that the distinguished attorneys have identified each other."

There comes a time in the life of almost every student of law when he begins to wonder whether he is pursuing the right course and, more importantly, whether it is worth all the hours of study, effort and sweat.

I distinctly remember the months before December 8, 1941 when the talk and rumors of war became a chilling, deadening reality. The German army had overrun almost all Europe; the light of liberty and equality seemed to have long ago been snuffed out with the fall of France. The war seemed so near—the Japanese were advancing steadily into the interior of China, and there was an oppressive, haunting fear that its forces were converging just within earshot.

We, the students of law in 1941, could not see the relevance of law to the entire world picture. Why talk of what pleadings to file, the motions to submit and within what time, when the new world

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that was about to emerge had no use for them? Why study the rules of succession when there may be nothing to succeed to—there was such danger that everything man possesses including himself would be engulfed and swept away in that unrelenting wave of violence? The concepts of state, sovereignty, and independence sounded meaningless and even impertinent.

So many had been called to the colors and our ranks were thinning out. Those who had joined the army were, we felt, more realistic. They knew what was coming and they were preparing for it. There was much debate among us, then. Even as we pored over our law books—many of them written by our own professors—a gripping sense of futility and irrelevance descended upon us. In a world about to be blown to bits, some of us asked, what are all these rules and concepts and doctrines for?

And when, one early December morning, we woke up to find that war was here at last, in the surprise raid of Pearl Harbor and the declaration of war issued by the United States, in the bombing of Clark Field and the approach of the Japanese Navy from the north, our deepest fears were confirmed. Classes were suspended, and the law books which had been the mute witnesses of our diligence—and in many cases our lack of diligence—were discarded. It seemed to be a release from the hold of law and a preparation for a regime of absence of law.

But, as in Europe and in many parts of the world, the regime of lawlessness and brutality, stirred men and women to their very depths. In towns and cities, under the effective hold of the enemy, or in the mountain fastnesses where the youth of the land dreamed the dreams of Jose Rizal and fought the fights of Andres Bonifacio, everyone raised questions concerning his place in the order of things. Surely, when this nightmare is all over, they kept assuring themselves, they would walk with dignity and respect among the other peoples of the world, maintaining a society where men are free and where justice is their noblest aspiration.

Many of these young men, imbued with high ideals, have gone to law schools and finished what they thought was a preparation for leadership. Some of them are in the practice of law now, others are in the government service, but one thing seems to be obvious: if they had a clear perception of the function of law during the darkest days of the occupation they seem to have lost it now. Many have become cynical as they came face to face with reality. They belong to the crowd who complain of the inefficient—sometimes corrupt—administration of justice, the hopelessly cumbrous nature of legal proceedings, and the overly technical methods and processes of the law.

This attitude has not in the least affected the present crop of students. If statistics are correct, never has the enrollment in law schools, particularly the private schools, been as great as this year. One of the current explanations is that many are taking advantage of this period before 1960 when the Supreme Court resolution—requiring an A.B. degree for admission into a law school—begins to take effect.

There is something pathetic and distressing in such an explanation. It may be that almost everyone wants to get into the law school without having to go through an extensive, through-going liberal education which the Supreme Court feels would give students a well-rounded training in the sciences and the humanities.

Another explanation is that the popularity of the law course is attributable to the fact that we have in the Philippines, if not a government of laws, at the very least, a government of lawyers. Positions of leadership in the legislative, executive and judicial branches of the government are in the hands of men of the law profession.

Whatever the explanation we in the law schools have a tremendous responsibility.

When you witness, on the one hand, the great number of students in the law schools—full of hope and faith in the future—and on the other hand, the law graduates, frankly skeptical of the role of law in the scheme of things and wedded to the belief that it is not what you know but whom you know that really matters in the end, we in the law schools must face up to a challenge and begin to ask if there is anything that has gone wrong and where.

At the conference of judges and jurists held recently, the point was brought out, in connection with proposals for the improvement of the administration of justice, that the need was not for better laws—inasmuch as we have so many of them—but for better lawyers and better judges. The inarticulate assumption is that the best laws serve no useful purpose in the hands of undesirable judges and barristers.

But to whom shall we turn for better lawyers and judges? We can go farther back, but our immediate focal point are the law schools of the country. If conditions have deteriorated, if the freedom and justice these young men have yearned for and fought for have become meaningless terms in the routine business of day-to-day trials and hearings, if cynicism and lack of faith among those who become familiar with judicial administration have reared their ugly heads, the remedy must be found somewhere in the process of instructing those who have decided to embrace the ministry of justice. We who are moulding the minds and hearts of those who will occupy the bench and lead the bar of tomorrow feel something can be done—and now.

May it not be suggested that in our own time and probably now there has been an insufficient training in the humanities and sciences among the law students, and that there has been an unusual stress on the material rewards that law training is supposed to bring?

Perhaps we would do well to tell our students to read their lawbooks thoroughly, but at the same time never to confine themselves to legal literature. As one writer states, a man who confines himself to lawbooks is like a farmer who persists in planting the same soil with the same crop; exhaustion, barrenness and unprofitableness are the results in each case. And so I would say: read generously and widely—in the humanities and in the sciences.

In the realms of the humanities, a student learns that Man achieves his full development when, transcending his animal passions and instincts, he considers his own nature and destiny, studies the world around him, thrills to the wonder of all creation and the majesty of the universe and slowly, if falteringly, erects a hierarchy of enduring values to guide him in relation to his fellowmen. History gives him a sense of detachment and enables him to look, with understanding and humor, at his own foibles and errors; literature relieves him from the tragedy of his own mistakes and lifts him up from the deep valley of his own loneliness and self-centered isolation to the heights of compassion and understanding; philosophy subjects him to the discipline of rigorous analysis, elevates his thoughts and makes him whole. Incursion into the natural sciences whets his curiosity, quickens the inquiring, investigative spirit, liberates him from the fear of uncomprehended forces, compels him to be precise and exacting in his approach and initiates him into the disinterested, objective methods of science.

The real danger is that in the headlong plunge into the law course, the student may miss the entire point of his stay in college. Law in the sense of rules and techniques becomes nothing but a meaningless set of propositions without the background so necessary to infuse law with direction and purpose.

How can a law student appreciate the import of constitutional freedoms—the freedom of thought and speech, the freedom of press and assembly—when he has not been stirred to the depths by the history of Man's struggle to be free? And when we see how many are willing to suppress, in the name of freedom, the thoughts we hate with every inch of our being, how little do we realize the tragic truth that the real danger in the 'isms that we abhor is that we might, in the heat of the battle, adopt the very methods we deplore and thereby be the enemy's most zealous converts?

In the law schools, we teach the student the rules that govern persons and domestic relations, the prescriptions with reference to the uses of property, the multitude of relations which he may enter into with his fellowmen, but of what use are all these unless he has been instructed in the study and analysis of human behaviour? We teach him the rules that should bind Man in relation to his kind, but of what use are these unless he knows the nature and purposes of society and his place in the ordering of human wants and desires? We teach him the rules that regulate the procedure of the courts which his forebears have erected to arbitrate human disputes, but of what use are these unless he can evaluate and appraise these techniques in the light of Man's endless search for justice? We teach him the rules that bind nations in their relations with one another, but of what use are these unless he can understand why the individual is the seat of warring, conflicting desires and anxieties, and why in a society of conflict-ridden individuals it is not easy to translate the dream of world peace into a meaningful reality? We teach him the rules that regulate the relations between labor and capital, but of what use are these unless he has some kind of an insight into the economic assumptions that underlie a free society of free men?

We teach him the principles and doctrines of political law based on the overriding premise that freedom without order spells chaos and that order without freedom is nothing less than tyranny, but of what use are these if, without background in the edifying traditions of civility and bereft of appreciation of a law higher than all man-made laws, he merely embodies the kind of confusion and disorder which induces masses of men to escape from the responsibilities of freedom and submit to any form of authority, however absolute and uncontrolled, if only to have some semblance of order?

And so, if I were permitted to make a statement of preferences, I would like to have law students who have, and continue to improve upon, the basic skills of communication, who can express their thoughts clearly and logically and—as I am wont to say in class—in Christian English. The skillful and precise use of language can never be overstressed—the only consequence of failure in this area is to expose the law graduate who goes into practice “to the mercy of his own disordered thoughts and the eloquence of his opponents.”

I would like to have students who have had some training in rational methods of investigation and research. Instruction in philosophy and logic, and perhaps some acquaintanceship with the methods and processes of science will provide that kind of discipline.

I would also like to have students who have spent some time reflecting on the basic issues of existence, the nature and destiny of man and his aspirations to achieve a better life. It is in this area where man begins to examine himself—a grain of dust, true enough, but possessed of a mind that can survey the immensity of the whole universe and consider the wonder, the beauty and the orderliness of all creation. It is in this realm where the greatest minds have speculated on what is just, right, and true—beyond the prescriptions of the laws of their time, beyond the reach of mass ignorance and beyond the control of despotic rulers.

Having this kind of students, we the professors—about whom you have certainly your own statement of preferences—cannot help teaching law and producing lawyers in the grand manner. Definitions, distinctions and enumerations—yes, we shall have them, too—but each one of them will be subjected to ruthless scrutiny, in the light of Man's quest for basic social values—respect and dignity, knowledge and enlightenment, and a more equitable distribution of wealth.

We shall then have students who will look at law in context—not as isolated technical rules nor as a mass of sterile precedents—but as a vital, indispensable element of rational life in a civilized society. These are the students who, witnessing the corruption that at times infects the administration of the law and the cumbersome technicalities that obstruct Man's search for justice, will not resign themselves to grumbling and depression of spirit, but will suggest workable alternatives and work—alone, if necessary—so that something is done to correct present evils.

These are the students who will not pose the same old questions, anticipating the same old, ready-fashioned answers. They are the students who know that new questions have to be asked again and again, even if no ready-made answers are available. These are the students who will have the breadth of outlook, the range of vision, the generosity of spirit and the sharpened sensitivity to the needs of their fellow-men which a purposeful education generates. They are the students who will realize that intensive specialization—whether in corporation law or in international law, in civil law or remedial law—can be meaningful only within the framework of the good life in a free society.

As I said elsewhere, probably those in the law schools may in the future be treated to the rare sight of students who attend classes less for the degree that is awarded than for the enduring satisfaction they will get in being part of a great tradition—students who will be imbued with the inquiring spirit, not yielding to the popular demands of the hour, but preferring to examine alternatives in the isolated company of men who act only on the basis of all available facts. Endowed with this spirit, they will look at rules of law not as ends in themselves but as instruments of social control, testing each one in the light of reason and experience and against the long-range objective of a progressively fair distribution of the material goods of society. They will express themselves clearly and logically, but always aware that the best of phrases may obscure the truth and that the most logically-contrived thesis may not be validated by concrete experience. Knowing the meaning of freedom and conscious of its responsibilities, they will not surrender freedom merely to achieve what passes for order. For they will see, with more clarity and perceptiveness than our generation, that each individual has a vital stake in the preservation and development of a well-ordered society where respect for the intrinsic worth and dignity of the human personality is its first article of faith.

And so to the young men and women who have decided to take the law course and finish it, I would like to pass on in modified form the words of one distinguished statesman:

At the beginning of your beginnings, do not begin the study of law unless you see a certainty of misery if you do not. Unless you are convinced that you would rather work, toil, nay, slave for years to secure recognition in the law, than to be honored and enriched in some other occupation, do not enter this ministry of supreme ardor.

And above all things, do not enter it if you expect to practice law principally for the purpose of making money. It is not a money-making profession. The same effort, acumen and enthusiasm spent in almost any other occupation will bring you financial returns tremendously out of proportion to your most successful compensation in the law, measured by mere money. The money-making conception of the law profession is not only erroneous, but ruinous; for you must remember to begin with, that you have made a vow to the greatest of all sciences, the science of justice, and the greatest of all arts, the art of adjusting the rights of men.

Think daily of the nobility and dignity of the ministry of law. Remember the great men that have adorned it and established the pillars of its glory. They were gentlemen, men of learning, of breeding, of honor as delicate as a woman's blush.

Keep in mind the lords of the law. Resolve each morning when you awake that, to the utmost of your effort, you will strive to be one of them—in learning full and thorough, in courtesy delicate, in courage fearless, in character spotless, in all things and at all seasons the true knight of Justice.