THE LAW TEACHER IN HIS SOCIAL AND HISTORICAL SETTING: A CASE STUDY OF SRI LANKA

I

The purpose of this paper is to provide a profile of the law teacher in Sri Lanka. What was his role and status within the legal/intellectual community? What were his craft techniques? What was his relationship with his students, the profession, other academics? What contribution did he make towards the development of indigenous legal literature and tradition of legal thought? What is his potential role in the reform of legal education?

None of these questions lend themselves to easy answers. The role conceptions and functions of law teachers differ considerably in the various institutional settings within which they operate. Apart from the constraints imposed by the institutions themselves, the law teacher is subject to other changing political and social pressures in legal education. The profile of the law teacher in Sri Lanka is, therefore, multi-dimensional and time specific. It is necessary to examine separately, the discreet elements before one can fully develop a composite picture of the law teacher in Sri Lanka. Such a portrait would facilitate a better appreciation of the potential contribution that law teachers may make towards legal education and development.

II

Any analysis of the sociology of law teachers in Sri Lanka must be mindful that legal education in Sri Lanka has been institutionalised for more than one hundred and forty years. The law teacher of today, therefore, belongs to a long historical tradition and in some areas, the continuities are more pronounced than the discontinuities between the law teacher of the middle of the nineteenth century and that of today. For these reasons it would not be unprofitable to briefly review the history of the law teacher in Sri Lanka. Such a review would illuminate the nature and extent of control which the legal profession has exercised over legal education in this country.

Since the early beginnings of the legal profession at the turn of the Nineteenth century, the education and training of law professionals was the responsibility of the Supreme Court. Under the Charter of Justice in 1833, the Supreme Court had power to admit and enrol advocates and proctors of good reputation, competence, knowledge and ability. The examinations were in most instances personally conducted or supervised

by the Justices of the Supreme Court. In the case of advocates, in addition to a knowledge of English Law and Roman-Dutch law, they were required to be proficient in "the classical attainments and the general principles of a liberal education." The proctor students had to be familiar with the rules of procedure in the courts and 'the usages of the part of the country in which they intended to practice'.

Over the latter half of the 19th century, the existing system of examinations and training became formalised and underwent important changes. Firstly, law students, were prohibited from pursuing any trade or business during their period of training. Secondly, students were required to undergo a two to three year period of tutelage in the chambers of a senior lawyer. It is, thus, evident that the early law teachers were professional lawyers who were required to instruct their students on the principles of the common law and the procedure of the Courts. They were also required to train their apprentices in the skills of draftsmanship and other aspects of court craft and professional practice.

The model was that of 'professional self-regulation' and corresponded closely to the system of apprenticeship in professional guilds and other trades. The professional lawyer was referred to as the 'Master' and the student as a Clerk. A substantial fee was paid for the instruction and a certificate from the Master was a pre-requisite to admission to the profession.

Some of the earlier records and biographies of practitioners provide interesting insights into the teacher-student relationships in the latter half of the 19th century. Sir P. Ramanathan wrote of his Master, then Attorney-General, Sir Richard Morgan – "He taught me not merely the law but all the principles that a Jurist should know." Sir Richard, he added had an extensive library which included an almost complete set of the English Reports, Treatises and even the reports of the American Courts. The library also contained books on legal theory and on politics, economics and related topics. The apprentices were trained to research legal problems and the applications of legal principles to particular cases. Their training included draftsmanship and the ability to express oneself with clarity and precision.

This experience may not have been typical as we shall note later. A number of students were not able to secure proper instructions from their Masters and were dissatisfied with the apprentice system.

The traditional elite groups, who were the principal officials and feudal aristocracy recognized the importance of the new opportunity structures which lay open in the professions in trade and commerce. They used their bases of power and influence to acquire Western education. The system of apprenticeship that prevailed in the Nineteenth century provided a further avenue for the traditional elite to gain entry into the professions. The role of legal education in the process of elite formation in the Nineteenth

century was to consolidate the elite status in the influence of such elite groups.

The apprentice system in this context re-enforced the elitist and closed character of the legal profession. Given the class origin of the 'Master' and the 'apprentice', the legal profession assumed a central status in the legal-ideological landscape. Legal education was viewed as the vehicle through which the values of an anglicized legal and political order were to be instilled into the indigenous elite. The emphasis accordingly, was not limited to the acquisition of skills, but included an education in the classics and the liberal humanities. The period of tutelage was further directed towards socializing the apprentice in the values, traditions and the folk ways of a learned profession.

What conceptions of law were shared and fostered by the law teacher in the colonial environment? On the one hand, law enjoyed a specific and crucial function in a colonial society as ensuring the minimal social conditions for the efficient exploitation of the economic resources of the colony. On the other hand, its overt instrumental role in advancing the economic interests of the colonial overlords needed to be obscured. With the result one needed a conception of law which would foster the economic and political interests of the colonial rulers without endangering the legitimacy of Colonialism itself. The conception of law that consequently emerged in these conditions was one that extolled the autonomy and the universality of law as a distinct instrument of social control. Law was, therefore, not considered culturally specific but embodying the eternal wisdom of the ages on how human conduct should be regulated. These theories romanticized the majesty of the law and the institutions of justice and reiterated their continuity through successive civilizations. The mixed legal inheritance, Roman-Dutch and English, accentuated these tendencies and the law teachers of this period delighted in reminding students of their rich legal legacy constituting the systematized jurisprudence of the world.

These conceptions while influencing the modes of thought and the content of instruction, had a negative effect on the capacity of the lawyers to institute change. The efforts of both the teacher and the bar were directed towards maintaining the conceptual symmetry and consistency of the law, rather than adapting the rules to meet the needs of a changing society. This tradition of legal education generated lawyers skilled in discovering rules and concepts buried in obscure tomes, but with little capacity to innovate and to advance the existing legal frontiers. The law teacher in colonial Ceylon discouraged if not prevented the emergence of a more instrumental conception of the law.

III

We have already noted that the experience of students with the apprentice system was not uniform. There were many who were dissatisfied with the system and agitated for the establishment of a permanent institution for the provision of legal education. In response to these pressures, a Council of Legal Education was established in 1874. Consequently, the Ceylon Law College was founded and located in a permanent building proximate to the law courts in Hulftsdorp. This physical proximity to the courts had an important bearing on the type of law teachers who were recruited to the Law College. The rules of the Council of Legal Education stipulated that Lecturer and Examiners should be in most instances in active practice. This in effect meant that the law teachers would necessarily have to be part-time and be required to give a practical orientation to their teaching. Two other distinctive features relating to the functions of the Law College teacher need to be emphasised here. Firstly the Law College made a sharp distinction between teacher and examiner, and ensured that the former never examined in the subjects he taught. The 'rationale' of this rule was partly to ensure that teachers covered the entirety of a prescribed syllabus, and partly to ensure that the examination system was objective and impersonal. Secondly, the law teacher was not represented in the Council of Legal Education, and consequently had no direct voice on decisions relating to the type, method and scope of legal instruction. Although the Principal of Law College attended most Council meetings, he was present as a Registrar and not as a Member of the Council. The Council itself was composed of Supreme Court Justices and leading Queens Counsel, who were generally conservative in their outlook and had little feel for the problems and needs of teachers or students.

Given these constraints, the law teaching in the Law College was not a very exciting or challenging assignment. He had very little choice on what he should teach or on how he should teach. There was little scope for innovation or imagination in pedagogic techniques. Despite these negative attributes, in the first half of the twentieth century, there was considerable prestige attached to a lectureship at the Law College. The remuneration offered for the lectures and examiners was attractive particularly to the junior bar. Lectureship further offered opportunities for establishing useful professional contacts between members of a bifurcated profession. These considerations balanced the negative aspects, and encouraged several bright and ambitious young lawyers to seek such lectureships.

The constraints on the law teacher were further reflected in the quality and content of the legal instruction that he was able to provide. The lecture room constituted the principal if not exclusive arena within which the Law College lecturer functioned. The technique of teaching was unfailingly the magisterial lecture which was hastily delivered by a young

practitioner impatient to return to his briefs and his clients. There was rarely any discussion within the classroom, and the lecture hour was almost exclusively devoted to the dictation of a note. As a leading Lawyer once observed "the only difference between a lecturer and a student in law was that the former wrote his notes at home, while the latter writes it in the lecture hall."

Various devices were adopted even to dispense with the need to attend lectures. Lecture notes delivered during a particular year were mechanically reproduced and sold to students of subsequent years. Class room attendance was thus reduced to a meaningless ritual. The examination system ensure that a student could succeed, and even do well, if he confined himself to the cyclostyled note. Those teachers who had a different conception of their role and endeavoured to experiment with the case method, suffered a decline in class room attendance. The expectations of the students had become so settled that they reacted negatively to any innovation in pedagogy which may have the effect of imposing new demands on them. Students were particularly hostile to any scheme which may envisage long hours of reading or preparation outside the class room.

Outside the class room, there was very little academic activity. Students generally maintained an interest in debating and other oratorical competitions. An 'expatriate law teacher' aroused some interest in a student legal aid programme but with his departure interest soon waned. A student law review was irregularly published, but the quality of the contributions were uneven. The law teacher played only a peripheral role in these activities, and there was very little informal contact between teacher and student. This was not, however, universally true. There were no doubt some law teachers had a genuine interest in the education of these students, and endeavoured to develop a close personal relationship with some of them. These infrequent informal contacts would perhaps have been more influential than the 'impersonal class room' in shaping the legal outlook of students.

Dissatisfaction with the existing system of legal education was widespread, and was eloquently given expression to by Sir Anton Bertram. In 1923, he drew attention to the high percentage of failures and the lack of effective supervision and direction. There was no personal contact between the student and the teacher and the Law College was no more than a collection of lecture rooms and examination halls, with no corporate life conducive to intellectual development. He accordingly advocated the establishment of a Faculty of Law within the University.

The proposal, however, to establish a separate law faculty met with some resistance. The Council of Legal Education was unhappy with proposals which would tend to dilute its control over admission to the profession. However, in 1947, the Law College supported the establishment of a department of Law in the University and the Council

contributed a sum of Rs. 50,000 towards the endowment of a Chair of Law. It further provided recognition to the University degree and exempted holders of that degree from several subjects at the Law College examinations.

IV

As we turn to University Law Teachers, it may be convenient to categorize their historical development into three decades, viz. the early beginnings; the decade of the new mandarins; and the decade of crisis and decline. The first Professor of Law in the newly established Department of Law was Sir Francis Soertsz, the then senior puisne judge, both a distinguised scholar and lawyer. In addition, both permanent and visiting lecturers were recruited from the existing staff of the Law College. These Lecturers had good academic records and were representative of the highest talent in the legal profession. Then the Vice-Chancellor of the University added to the lustre of the Law Department by teaching Constitutional Law. Although there were some element of continuity as regards personnel between the staff of the Law Faculty and that of the Law College, the role conceptions of the law teacher in the new University environment were radically different. He was firstly mindful that he would be providing legal instruction to a highly select group of full time law students, who would in the future play a crucial role in the legal development in the country. Secondly the residential University isolated from the distractions of urban life, offered an ideal environment for building an active intellectual community. Thirdly, the University was endowed with an excellent Law Library which made it possible for both teacher and student to study the development of legal principles both in their historical and comparative setting.

Given these role conceptions, the Lecturers in the Law Faculty instituted important pedagogic changes. The syllabuses and the courses remained substantially the same but important changes were affected in both the teaching technique and the examination system. In both respects, a conscious effort was made to imitate what was perceived to be the "Oxbridge model". As regards lectures, this in effect meant that the class room would be devoted to the elucidation of legal principles while the student was encouraged to follow their detailed applications by reading the relevant case law in the University Library. This represented an important shift from the Law College model. The class room no longer became the central arena of legal education and its place was taken by the University Library. The students soon recognized that the class note was no more than a bare skeleton and that success at examinations requried long hours of reading and research in the Library. In this system, the student learned very quickly how the resources of a Law Library may be utilised, and accorded high priority to the reading of Law reports and the

periodicals of several national jurisdictions including Ceylon, South Africa, England and India. This training was valuable to the extent that it encouraged self reliance and resort to the original sources of the law. On the other hand, it abandoned the average or below average student to a multitude of case law with little guidance on decisional analysis.

The examination system too was more directed towards testing a student's ability to apply legal principles to solution of problems, than testing his capacity to reproduce large chunks of lecture notes. This objective was, however, partly defeated by the decision to test students in nine subjects in a single examination. Later attempts to institute open book examinations were defeated by the more orthodox members of the faculty.

In view of the high staff-student ratio, the relationship between student and teacher was much less formal and impersonal than that in the Law College. But there was severe competition amongst the brighter students for good grades and this rivalry tended to strain the relationship within the student community. On the whole, despite the limitations in the teaching method adopted by the law teachers, the first decade of the Department's history could be said to be relatively successful beginning where the foundations were laid for the development of an academic legal community.

The next decade witnessed the emergence of a new breed of law teachers. Many of these persons were themselves products of the University legal education and had excellent academic credentials. They were intelligent and articulate and had the self-assuredness of their elite social backgrounds. They had obtained their post-graduate qualifications at Oxbridge, and occupied a prominent slot in the social and intellectual hierarchy. They were the new mandarins of the legal community. Some of them enjoyed direct access to important policy makers and endeavoured through their public pronouncements and private advice to influence national policy on constitutional and legal issues. Despite the high intellectual calibre of the faculty during this decade, the law students derived little benefit from them. Although some of them evinced interest in improving the standards of legal education, they made little positive contribution towards this endeavour.

The reason for this was the aggressive pursuit of their personal careers, and the consequential down-grading of all other activities which were unrelated to this pursuit. The desire to elbow out colleagues for academic promotions and other kinds of rewards, resulted in a higher priority being accorded to scholarship and the neglect of class room teaching. Both teaching and examinations were soon viewed as tedious inconveniences distracting them from the goals of scholarly advancement. Class room lectures were dull and uninspiring and in some instances were reduced to dictation sessions with little dialogue between student and teacher.

Moreover, in-fighting and professional rivalry within the Law School Faculty seriously affected the cohesiveness of the academic legal community. The tensions and factions within the Faculty were reproduced within the student body and encouraged a few to believe that the cultivation of individual lecturers could be equally rewarding at examinations as rigorous preparation. These tensions and the University decision to change the media of legal instruction propelled the Department of Law into a state of crisis.

As we enter the third decade in the history of the Department we find a substantial drain of the senior teaching staff from the University into other spheres of professional life. Some joined the public sector in senior executive positions while a few obtained international legal appointments. The remainder obtained teaching positions within the country and abroad. There are a number of factors which contributed towards this internal and external brain drain. Firstly, as we have noted, many law teachers were distressed by the atmosphere of personal intrigue and animosity which poisoned the intellectual climate within the Department. The pressure for academic publications and other regards led to charges and countercharges of plagiarism. Faculty meetings were dead-locked by struggle between opposing factions and the Department's (soon elevated into a Faculty) ability to initiate any educational reforms became severely limited. Secondly, many law teachers were apprehensive of the change in the media of legal instruction and believed that the demands of teaching in a new linguistic medium would seriously affect their scholarly output. Thirdly, some believed that the expansion in the intake into the Law Faculty would result in a dilution in the quality of Law student and that consequently, teaching would prove less intellectually challenging. Dissatisfaction with the modest monetary compensation may have to take some part in the decisions of few teachers to quit, but this factor would have been much less significant if a University career was able to offer other forms of non-monetary compensations.

The successive resignations of several senior law teachers posed severe problems of staffing and recruitment. Many of these teachers through years of experience and specialised training had acquired an expertise in several substantive areas of the law and were difficult to replace. Besides, these resignations took place at a time when there was an unprecedented demand for a three-fold expansion in the teaching 'cadre', to accommodate law teaching in three different media. The young law graduate who had obtained a good first degree and acquired post-graduate qualifications found the opportunity structure within the legal profession much more attractive relative to a University career. In the past, law teachers were able to overcome the poor remuneration they received by supplementing their salaries with personal income. The fiscal and re-

distributive policies of recent years had, however, an adverse impact on the affluent classes and the more traditional sources of personal income soon dried up.

These factors compelled the Law Department to modify the standards of recruitment that it had maintained during the first two decades. It was no longer possible to limit recruitment to those who had a 'first or good second' class degree and many were recruited who had mere pass degrees and some who did not even have University degrees to teach in Sinhala and Tamil. The new breed of law teachers that were recruited during this period were drawn from a much more diverse cross section of the legal community. Almost all of them had obtained their entire legal education within Sri Lanka and were effectively bilingual. Their interests were much more varied and they were less handicapped by externally induced pre-conceptions about the nature of law or legal education.

The changes in the media of instructing and the emergence of a new generation of indigenously rooted law teachers presented a unique opportunity for a reappraisal of the goals and objectives of legal education. But this opportunity was not grasped and no meaningful changes were introduced.

On the other hand, the energies of these teachers was devoted to the problems of translation of lectures which had hitherto been delivered in the English medium. The preparation of lecture notes soon become an obsession and assumed a much higher priority over other academic activities. Moreover, the Sinhala and Tamil medium students were handicapped by the non-availability of textbooks, reports and other library resources. They, therefore, became heavily if not exclusively dependent on the lecture notes delivered by their lecturers. The central arena of legal instruction once again shifted from the Library to the classroom, and all other academic activities soon became subordinate to the mechanical exercise of dictation and recording.

These developments soon had their impact on the quality of legal education. Curriculum changes were effected to facilitate the process of linguistic transition. These changes took the form of a reduction in a number of papers the students were required to sit at the First in Laws Examination. A few subjects such as Administrative Law and Evidence were transferred from the list of courses for the first to the final examinations. As a senior law teacher complained bitterly at a recent seminar: "after three decades, the only improvement in the curriculum and syllabus took the form of change in the description of topics from the 'law of bastards' to read the 'law of illegitimates'.

V

It would be appropriate to consider at this stage, the role of the University law teacher in developing an indigenous legal literature. Undoubtedly one

of the first steps in such an exercise would be to survey literature needs of different client groups within the profession. For almost a century, the state had subsidized and been responsible for the publication of statutes, subsidiary legislation and the reports of the Supreme Court. A few private practitioners had periodically published digests and indexes which did not, however, adequately satisfy the needs of the profession. Both the University and the Law College published law reviews which were well received. But these publications appeared irregularly and have now become extinct.

The complexities of the inherited and indigenous system of law applicable in Sri Lanka have generated demands for doctrinal text books and treatises on different branches of the law. But it has been frequently stated "that the available text books on law of Ceylon are quite inadequate for the needs of Judges and practitioners, and in a few countries could, law students and their teachers more justifiably complain that 'taught law is tough law' ". In fact, Judges have complained that the absence of appropriate text books and treatises has resulted in the misapplication of legal principles and distorted the development of the common law of Ceylon. Basnayake C.J. observed 'The existence of well annotated treatises on the law of defamation in England and America is a great inducement for lawyers and judges almost instinctly to resort to them for the solution of problems which should be solved according to the principles of the Roman-Dutch Law. . .But (this) tendency should be resisted.'

To what extent was the University law teacher able to meet these needs? As we have noted during the first decade, the early law teachers in the University were concerned with establishing the legitimacy of law as discipline within a University environment. Publications did not at that time become the principle criteria for promotions. Although a few law teachers did contribute an occasional article on esoteric aspects of the Roman-Dutch law in some of the local University journals, these contributions did not have a significant impact on the legal literature in Sri Lanka.

During the second decade, the new mandarins of the law department looked towards international legal periodicals and western publishing houses to establish their scholarly credentials. They were, therefore, unconcerned with the needs of the indigenous legal community and concentrated on writings which would seem acceptable by the academic standards of Oxbridge. Despite the outpouring of articles, monographs, and books, very few of them addressed legal problems of immediate relevance to the practitioner and the students.

During the third decade with the massive increase in the number of external law students registered for the University degree there was an expanding commercial market for text books on the laws of Ceylon. Most

of these text books grew out of lecture notes delivered in the Faculty or Law College and were primarily directed towards meeting the requirements of University examinations. They also had in view the legal practitioners in this country. But the latter looked upon text books not so much for their discussion of legal principles but as 'ready reckoners' from which the relevant case law on a problem could be quickly extracted. The attempt to meet these two opposing requirements of the student and the practitioner often resulted in these text books not satisfying the needs of either group. On the one hand, the text book proved too difficult for the under-graduate law student and on the other hand, the practitioner found the discussion too abstract, and unrelated to his professional needs.

But largely as a result of the enterprise of one Lecturer, text books were published in most of the subjects on which students were examined in University. But the desire of local publishers to take advantage of a growing student market, and eagerness with which law teachers allowed commercial considerations to influence their work distorted the development of an indigenous legal literature. As we shall note, fundamental transformation had taken place in the legal system which called for a new type of contextual literature.

More recently, there has been fundamental transformation in the character of the legal system which had pre-supposed a different social and economic order. The general principles of English and Roman-Dutch Law which governed most legal relations has been replaced by statutory law. The State through regulatory laws also sought to intervene in and control the development of different sectors of the private economy. New legal frameworks such as the public corporation, the co-operative and the collective have emerged to facilitate state participation in the industrial, plantation and agricultural sectors. The social welfare functions of the State also resulted in the increasing use of law as an instrument by which land, housing, food and other essential commodities were allocated and redistributed within society. These changes in the normatic component of the legal system gave rise to corresponding changes in legal institutions. The establishment of Conciliation Boards in effect diverted a large number of civil and some criminal disputes from the Courts to these Boards. Similarly disputes involving the implementation of redistributive and regulatory laws were taken away from the courts and vested in new tribunals such as the Rent Board, the Land Reform Compensation Board, the Agricultural Tribunal and the Labour Tribunal.

These fundamental transformations had important implications for the legal profession and legal education. They called for a contextual literature which clarify the social and economic implications of recent legal changes. But the civilian tradition within the Law Faculty was hostile to such an approach. It emphasized conceptual symmetry and the systematic elucidation of legal principles. The positivist legal tradition within the

University had such a tenacious hold on Ceylonese legal scholars for more than two decades that it discouraged teaching and research in the more socially relevant areas of the law with the result that the scholarship of the University even on subjects such as Legal History was entirely doctrinal in its approach and no attempt was made to integrate social and economic perspectives. Such scholarship tended to re-enforce and perpetuate a positivist approach to legal education which was insensitive and unresponsive to the developmental needs of the country. With the result fundamental transformation in the legal system made little impression on the type of literature that was developed within the University.

VI

We must next turn to the law teacher in private colleges and law centres, which prepare students for the external examinations of the University. A discussion of this problem must take place against the backdrop of a massive increase in the number of students registered for external law examinations. The external law students, according to a recent estimate, number, about 2,500, and in view of their potential impact on the legal profession may outstrip the importance of the Law College and the Law Faculty (which have an annual intake of 150 and 50 respectively). While both educationalists and law professionals have expressed concern about the growth of external law student, very little systematic work has been done on this problem.

The external law student phenomenon must be viewed in the context of criticism that University legal education has been the exclusive preserve of 'upper class' students. Available statistics seem to indicate that law, like other professional faculties tended to attract students from the more affluent families with incomes of at least Rs.400 per mensem (see table 1). Moreover, law students are concentrated in the more developed regions (such as the Western and Northern Provinces – see table 2) and secure their secondary education in private schools or urban based government schools (see table 3). This stands in sharp contrast with that of the Liberal Arts faculty where the students were largely drawn from the poorer homes and from rural schools which lacked proper educational facilities.

The External Law Examinations provided an opportunity for a much wider cross section of students to secure a law degree and to thereby gain admission to the legal profession. When the media of legal instruction was English, the numbers registering for external degrees was relatively small. But with the switch to the national languages, there was a flood of students who sought the external law degree. They were for the most part employed as clerks, stenographers and administrative functionaries in the public and private sector. Many of them were the discards of inequitable educational systens and viewed the external law degree as a new avenue of social mobility. But there were many others such as Members of

Table 1

Family Income of University Entrants in 1967 by Field of Study

Monthly Income	Arts	Science	Law	Medicine	Agriculture and Vet. Science	Engineering
Rs. 0 - Rs. 49/-	429	15	4	1	1	9
Rs. 50/- - Rs. 99/-	462	37	21	5	3	8
Rs. 100/- - Rs. 149/-	191	24	9	4	3	8
Rs. 150/- - Rs. 199/-	165	33	13	9	4	7
Rs. 200/- - Rs. 249/-	87	20	11	5	1	3
Rs. 250/- - Rs. 299/-	80	31	11	10	1	9
Rs. 300/- - Rs. 349/-	32	22	10	7	0	5
Rs. 350/- - Rs. 399/-	43	27	4	16	3	4
Rs. 400/- - Rs. 499/-	80	58	13	24	4	17
Rs. 500/- and above	133	215	67	103	5	40
Not replied	166	75	23	35	2	15
TOTAL	1868	558	186	219	27	125

Source: Report of the Committee on the Reorganisation of Higher Education, June, 1971.

Table 2

Types of Schools attended by University Entrants of 1967 by Field of Study

Course of Study	M.V. %	M.M.V. %	Other Govt. Schools %	Private Schools %	Pirivenas %	Private %
From the total	35.6	9.8	22.3	7.7	8.6	16
Arts	98.1	83.5	58.7	29	99	67.4
Law	–	0.4	1.8	4.4	0.5	0.5
Science	1.2	7.2	16.2	16	0.5	10
Medicine	0.3	2.1	16.1	32.6	–	15.7
Agriculture & Vet. Science	–	1.7	1.7	0.5	–	3.4
Engineering	0.2	5.1	12.4	17.6	–	2.6

Source: Report of the Committee on the Reorganisation of Higher Education, June 1971.

Table 3

Provincial origin of University entrants in different fields of study for the period 1966–1970 together with population distribution figures.

Field of study	Total No. Admitted	Provincial origin of students								
		WP	CP	NP	NCP	SP	EP	Sab. P.	Uva P.	NWP
Science	1,869	920	164	333	11	224	49	78	25	65
Architecture	30	12	1	11	–	2	2	--	2	–
Medicine	1,164	618	59	345	-	83	27	10	4	18
Dentistry	139	72	9	37	1	11	3	2	–	4
Engineering	751	270	58	284	2	73	23	8	9	24
Agriculture	165	41	12	63	2	25	3	6	4	9
Vet. Science	100	42	4	43	–	3	–	2	–	6
Science Group Total										
Total	4,218	1,975	307	1,116	16	421	107	106	44	126
Percentage	100.0	46.8	7.3	26.5	0.4	10.0	2.5	2.5	1.0	3.0
Arts	13,167	3,959	1,689	728	301	3,076	184	1,382	331	1,517
Law	188	119	12	20	1	11	5	4	4	12
GRAND TOTAL	17,573	6,053	2,008	1,864	318	3,508	296	1,492	279	1,655
Percentage	100.0	34.5	11.4	10.6	1.8	19.9	1.7	8.5	2.2	9.4
Population Distribution %	100.0	26.8	16.0	7.9	3.7	13.5	5.2	10.6	6.2	10.9

Source: Report of the Committee on the Reorganisation of Higher Education, June, 1971.

Parliament, jesuit priests, buddhist monks and police officers who did not necessarily belong to the above category. Their reasons for seeking a legal education in the later years of their life were more complex. One of the factors which may have influenced this decision was that Law College exemptions in effect enabled a person to enter the legal profession without being required to follow classes at either the Law College or the University. This enabled persons who were otherwise employed to continue their legal studies without interrupting their employment.

Some external law students joined a private College or law centre which conducted classes for their examinations. These institutions found that they required less resources, such as library, personnel and equipment to prepare students for law (as opposed to science) examinations. But the majority of externals were students without teachers and depended almost entirely on private study.

The law teacher in these institutions had to work within constraints which were entirely different from those which were operative within the University. His meetings with the students were limited to a few hours on a week-end. The time available to an external law student was extremely limited and had to be exclusively devoted to activities which were of direct relevance to his examinations. Moreover, these students were indifferent to a teacher's individual exposition on a particular aspect of the law and were interested only in his ability to reproduce the views of his counterparts within the University. The effectiveness of the teacher depended not so much on his knowledge of the law but in his access to the 'thinking' within the University. The external law teacher was no more than the conduit pipe through which the students could reach his university examiners. With the result, these institutions concentrated in obtaining the most recent university notes and making them available to the student. The notes were either dictated during the lectures or cyclostyled and distributed in advance to the students. Some institutions adopted the novel method of utilising tape recording.

The external law student reacted negatively to any attempts to utilise the class room hour for discussions or tutorials, and was insistent that a comprehensive note should be available to him at the end of his class. It is thus evident that the law teacher in these institutions had no discretion on what aspects of a topic he should emphasise or on how he should teach them. Law teaching at these institutions was not intellectually rewarding, and was consequently unattractive to the more imaginative graduates.

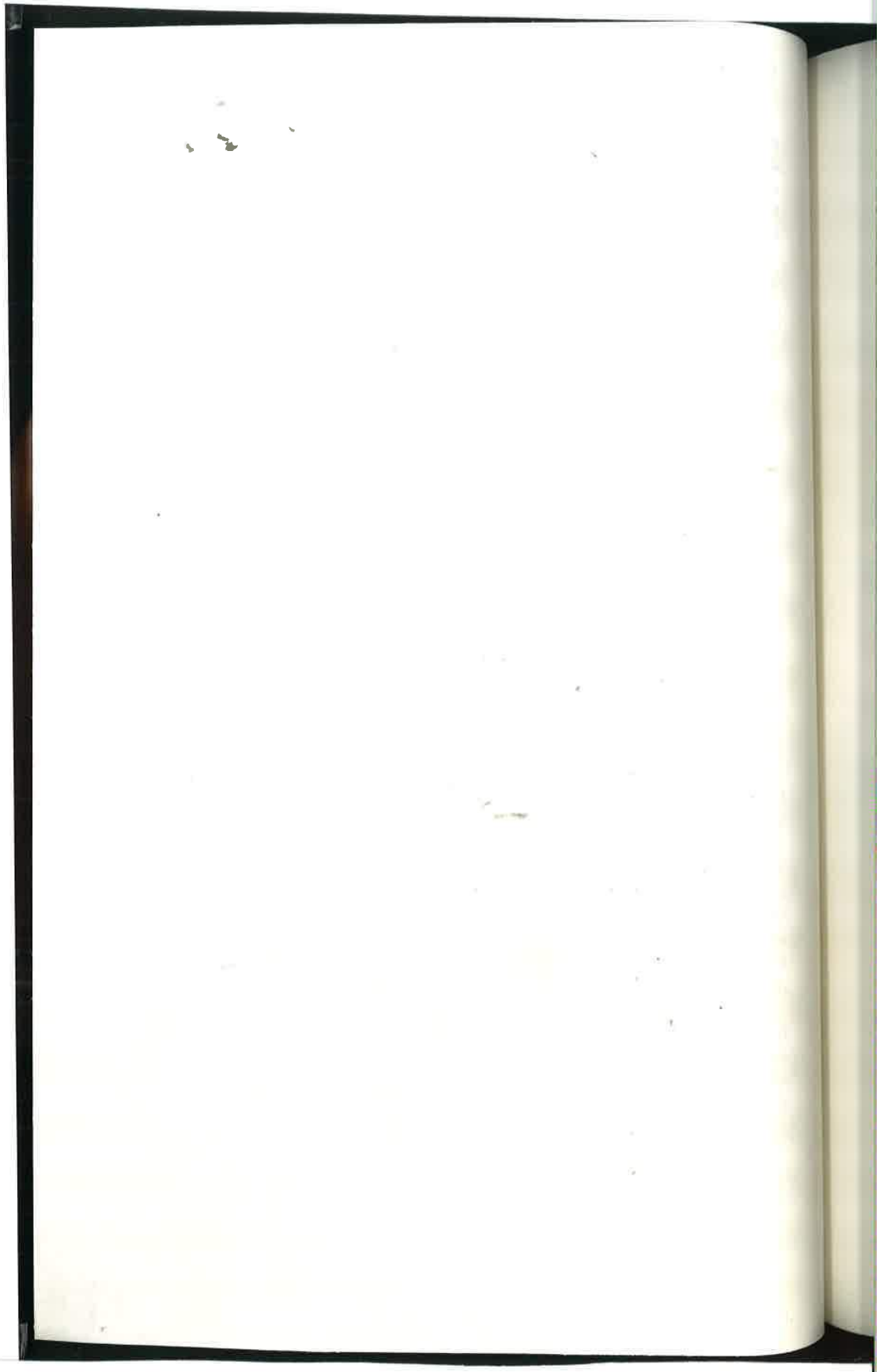
The quality of legal instruction that the external law student received at these centres was mediocre. These students' knowledge of the law was superficial and limited to their lecture note. They had no access to the resources of a well equipped law library, and even if a few gained access to some private law collection, they had little time or inclination to study a

problem in depth. They acquired little capacity for legal analysis and had difficulty in expressing themselves on paper. With the result, the failure rate at external examinations was extremely high. It is thus evident that the law teacher in the external institutes was not able to make any significant contribution towards the intellectual development of this students. Many feared that unless some immediate steps were taken to improve the quality of legal instruction for such students, there was danger that the professional standards of the bar may decline.

In concluding this survey, it is clear that the law teacher in Sri Lanka, could be indicted on a number of counts. Firstly, the law teacher has not addressed the future roles that lawyers may be called upon to perform in changing Sri Lanka. This would involve an evaluation of the impact of socialization of the economy and the consequent moves towards deprofessionalisation on the future of the legal profession. This in turn should have precipitated a reappraisal of the goals and objectives of legal education and the initiation of the structural and pedagogic changes which would enable the law schools to more effectively service the future needs to be directed towards the development of an indigenous legal literature and a tradition of legal scholarship more appropriate to the needs of a developing society. The agenda for reform and research is self-evident but the law teacher has hitherto shown little capacity to face this challenge.

Although the law teacher can be faulted on many grounds, it should be recognised that he works within a number of constraints over which he has no control. The view has gained currency that major policy decisions on the future of profession and of legal education are essentially political in character and cannot be left to professional teachers. Any intervention by the law teacher in such debates may make him vulnerable to charges of political partisanship. Moreover, law teachers may have difficulty in predicting the future pattern of economic development in the country. Such uncertainties are inevitable in a polity where the major political parties are committed to strategies of development which differ in several important respects. But despite these and unless the law teacher faces up to his responsibilities, the initiative in the reform of legal education may be entirely taken away from him.

Neelan Tiruchelvam



EDUCATIONAL PLANNING: SOME REGIONAL PERSPECTIVES

APPROACHES TO EDUCATIONAL PLANNING[1]

The process of nation-wide educational planning is extremely complex, and not all of its aspects lend themselves to quantitative analysis or to the methodology followed in forecasting techniques. Nevertheless, a beginning has been made in educational model-building for planning purposes. One such attempt projects manpower requirements according to the forecasts of economic growth over a period of time, thus giving rise to the school of planning based on what is now known as the manpower requirements approach. A second school, using the rate of return to investment, represents the alternative approach of cost-benefit analysis in educational planning. A third school, drawing on both of these approaches and introducing new variables with a bearing on the quality of education, is now emerging in form of linear-programming models.

In the *manpower requirements model* an attempt is made, on the one hand, to derive the required educational output from a set of economic-growth projections and, on the other, to identify the variables that affect the required output of each segment of education. The educational output requirements are based on the forecasts of economic growth and sectoral distribution of output and employment in a given future year. The sectoral distribution of employment is then broken up through a series of computations into a distribution of the labour force by occupation and by level of education. These estimates and the data on the existing stock of educated manpower, less loss due to death, retirement, resignation, and other reasons, are used in drawing up a plan of educational development to produce the future manpower requirements. One of the advantages of the manpower requirements approach consists in its circumventing a problem, encountered in the rate-of-return approach, in estimating shadow prices for the use of resources for which there are no valid market prices.

An important assumption implicit in this method is that adequate data are available, on the demand side, relating to the number of persons required in the economy in each occupation for a given future year, the present number of persons in each occupation, the annual number of withdrawals from each occupation due to death, retirement, or movement

[1]This section has been based largely on Muhammad Shamsul Huq, *Education, Manpower and Development in South and Southeast Asia*, Praeger Publishers, 1975, Ch. 5, M. Blaug, 'Approaches to Educational Planning', *Economic Journal*, June 1967, & Tore Thonstad, *Education and Manpower, Theoretical Models and Empirical Applications*, Oliver and Boyd, 1969.