

LEGAL EDUCATION AND DEVELOPMENT IN THAILAND

1. INTRODUCTION: THE SCOPE OF THE STUDY AND THE THEORETICAL FOUNDATION OF THE RELATIONSHIP BETWEEN LEGAL EDUCATION AND DEVELOPMENT'

To lawyers in an underdeveloped country, the title "Legal Education and Development" suggested for this conference is a provocative one because it patently indicates that the study should provide significant data in establishing a theoretical and pragmatic relationship between legal education planning and the development process in the country concerned, and in this context, viz., Thailand. It is far from being self-evident that at present in almost every underdeveloped country the proximity between law and development in general is quite remote because the concept of development is rather a new concept or an innovation introduced recently into the established legal system of such countries. Thailand provides no exception to this general rule. However, in the light of her present rate of economic growth which is of a high rate, viz. the projected growth range between nine to eleven per cent a year, the trend towards establishing a proximate relationship between law and development has already been perceived although not quite visible through the eyes of the majority. Therefore, the central theme of this study will place emphasis to a greater extent on the new trend of legal education planning rather than on the description of the existing relationship between law and development at present.

In this study, the "concept of development" is understood to mean the growth of the private sector of the economy mainly involving the establishment of new industries and the expansion, modernization and reorganization of existing ones. The range of activities has included agriculture, mining and extractive industries, manufacturing and processing industries and the import and export trade. The concept of development as aforesaid is a new economic policy introduced in Thailand in 1953 to replace the ineffectual policy of economic development through the initiative of the government sector which presupposes the maximum governmental interference in economic and development affairs. Theoretically, this new economic policy necessarily requires an efficient and a sound construction of the legal infrastructure of the economy to foster and boost rapid development. This new policy looks upon law as a means of economic control and organization and as a means or incentive to stimulate investment in the industrial, agricultural and trading sectors which form the core of development through the private sector initiative. It means that legal

education in Thailand should be oriented to keep in touch with the two fundamental development problems:—

1. to develop manpower (an essential element or core of the economic infrastructure), i.e., to produce adequately trained lawyers well equipped to be able to utilize the existing legal theories to meet social needs; and
2. to forment and cultivate new legal ideas as bases for constructing a sound and an adequate system of legal infrastructure.

It goes without saying that at present the progress in legal education is going on in this direction. Noticeably, in the past five years, curricula in the law courses at Thammasat University, for example, have been under constant revision, and despite some contrary views held in the profession, the present course structure is probably more attuned to public need and to professional practice than ever before. All the law schools in Thailand are trying to implement the policy of developing reasonable teaching libraries and keep collections which will support effective legal research. Many of these developments, which so greatly or immeasurably increase the quality of modern legal education in Thailand, have gone almost unnoticed by the profession.

In this study I shall concentrate on the survey of the following relevant aspects:—

1. The examination of the problem of remoteness of legal education and development. The reason for this is that the modernization of the Thai Legal system and the reception of Western jurisprudence took place in Thailand approximately sixty years before Thailand launched her first National Economic Development plan in 1960.
2. Thailand has built her economy on an inadequate legal infrastructure constructed long before the development plan was implemented.
3. Traditional legal education in Thailand has been primarily based on the tradition of a codified system of law influenced by the so-called "exegetical school" which is sometimes called *Begriffsjurisprudenze* or Jurisprudence of concepts or Mechanical Jurisprudence. On this premise, the survey will reveal that the education based on this theory provides no contribution to development project.
4. New trend in legal education is in perception of legal education planners.
5. The problems involved will be critically examined.

2. DEVELOPMENT THROUGH THE PRIVATE SECTOR INITIATIVE AND THE INADEQUACY OF THE THAI LEGAL SYSTEM:

2.1 *Historical Background*

At the beginning of the century, the economic development in Thailand was very retarded as the Government adopted the policy of development

through the public sector initiative. The private sector had only developed a small manufacturing capacity. The private investors were discouraged due to lack of sufficient infrastructural facilities and other incentives.

During the second world war there appeared to be various reasons to stop the economic development through the government sector. In the government sector, the development of manufacturing and other industries was limited in part by the lack of resources, but a number of other factors continued to retard development of even those few industries for which raw materials were available. Although some government enterprises have operated with a fair degree of success, others have a record of mismanagement, wasteful use of capital, funds, inefficient production, and inadequate accounting. Perhaps the greatest hindrance to government operation is corruption. In a great many transactions between the government and private sectors, one or both of the parties in the transaction has to deal with the problems of pay-offs, in addition to a bid for services, under-quality deliveries, or others of the infinitely varied forms of corruption. For these reasons there is a presumption in favour of private enterprise. The provision of utilities can only be undertaken by the government, however, and we may conclude that it might best concentrate on such activities.

A sharp change in economic policy did occur in 1950's as the government began actively to promote private investment in manufacturing industry. In 1959, the Board of Investment was created and given responsibility for implementing the existing "Act on the Promotion of Industries." Since 1959 investment promotion has been an important influence on industrial investment, and the Board of Investment has played a prominent role in the development of manufacturing industry.

2.2 The General Structure and Policy of the Private Sector.

As the country is being developed through the private sector initiative, a detailed examination of the private sector will enable us to estimate the stage of economic development of the country.

The private sector is made up of a large number of individual, or micro-economic, units, whose economic activities are the production and the sale of commodities and services that are the basic end-product of economic activity. The private sector may, therefore, be divided into the manufacturing industry, the agricultural and the trading sectors. Each sector will be analytically examined below.

2.2.1 The Manufacturing Industry Sector; Past, Present and Future Pattern of Industrial Development:

After World War II, industrial development in Thailand has followed a certain pattern. New industries were first attracted into the area of import

substitution. The substantial reduction in imports during and after the Second World War provided impetus to domestic production of consumer goods where import substitution was easiest to accomplish, such as food, beverage, clothing and footwear. A number of other factors may be attributed to Thailand's past inward-looking approach to industrialization:—

- (I) lack of pressure to produce industrial output for export because of the favourable foreign exchange position and high export earnings from the agricultural sector;
- (II) Inadequate incentive to export and lack of institutional arrangements to promote industrial exports effectively; and
- (III) excessive taxes on production which make the manufacturing costs excessive for international competition.

In theory, the import-substitution process will normally go through two phases. During the first phase, domestic industries expand rapidly to take over the ready-made markets for the imported consumer goods which have been shut out by protection and quantitative restrictions. Sooner or later, this easy phase of import substitution comes to an end and is followed by the difficult phase. Industrial expansion is slowed down, both by the smallness of the domestic markets for further items of import-substitution and by the increasing difficulties of providing enough foreign exchange to pay for the raw materials and inputs required by the newly created industries.

At present the Thai government has reconsidered her policy of import-substitution. It seems likely that an outward-looking policy of export-oriented industries will become the new industrialization strategy of Thailand for the following reasons:—

- (I) The stagnation in exports has contributed greatly to the recent deterioration in Thailand's balance of payments;
- (II) Thailand has a small domestic market but she has abundant natural resources and an increasing supply of labour.
- (III) import-substitution industries requires tariff protection against foreign competition. But excessive protection in the industrial sector as such may run a danger of making the next stage of development more difficult due to higher costs of production permissible in over-protected industry.

Thailand has already made a start in this outward-looking direction. The third Five-Year National Economic Development Plan (1972–1976) sets as one of its main targets the policy of promotion of industrial export. Export-programme under the plan includes:—

- (I) creation of industrial estates;
- (II) construction of new port and other transport facilities for providing efficient handling of imported raw materials and eventually exported

raw materials and manufactured goods.

(III) creation of export-processing zones.

(IV) Tax incentives: The objective of the government is to make export of manufactured goods sufficiently profitable so that a rapid expansion of such exports will be obtained. It is recognised that a more appropriate tax incentive could be devised to assist achievement of this policy.

Recently, the Economic Development Foundation (EDF) of the Philippines submitted a series of papers for study during a recent regional conference in Bangkok to study South East Asia's economy in the seventies. The conference ventured to make predictions of how Thailand's industry will fare. According to the conference, the projected growth in Thailand in manufacturing between 1970-1990 is expected to range between nine to eleven per cent a year. This would require rates of growth of fifteen to twenty per cent per year in rubber, paper, metal products, base metals, non-electric machinery and electric machinery and supplies. Since industrialization has proceeded rapidly the greatest scope for development over the next twenty years lies in intermediate and capital goods. Growth industries are expected to be steel, metal products, machinery, electrical apparatus, appliances and supplies and chemical products over the next twenty years.

2.2.2 The Agricultural Sector:

At present the agricultural sector is the most developed sector of the economy. In the agricultural sector, nearly all of the land that is suitable for cultivation has already been put to use. In 1969, the agricultural sector contributed over thirty-sixty per cent of the GDP at market prices and provides some seventy per cent of total employment. Agriculture supplies about ninety per cent of total merchandise exports.

At present, increasing demand of agricultural outputs is due to the population growth of 3.2% annually. The demand also came from the expanding industrial sector and from the oversea sector. Hence it is imperative to increase the production of agricultural outputs to meet the increasing demand in the future.

Originally, Thailand's agricultural policy represented the conventional approach of raising output mainly by extensive farming. But with the utilization of most of the land suitable for cultivation, some shift has been made toward increasing yield. The policy has shifted since 1960.

The experimentation and discovery of new high yielding varieties are the sole responsibility of the government. New technology is to be developed by the government research facilities and then somehow transmitted to the individual farmers.

The discovery of new varieties of excellent quality, suitable to local conditions is perhaps the starting point of the Green Revolution in

Thailand. The success of the Green Revolution depends largely upon many factors such as the advance in technology, the efficient system of administration and land reform. Land reform is perhaps the most important; the Green Revolution has hastened the need for agrarian reform to deal particularly with tenancy problems, since tenants and share-croppers may not undertake the investments required to adapt the land or pay for the inputs for the new high-yielding varieties unless their tenancy is assured and rent kept from rising substantially.

In 1970, a National Seminar on Land Problems and Policies recommended that the ultimate objective of land reform should be "land to the tiller", and the establishment of owners' operated family farms, which would place the responsibility for land development and efficient cultivation on the present tillers who will be the future owners of the land.

2.2.3 The Trading Sector:

In this context, the trading sector is the market where the industrial and agricultural outputs are sold. In Thailand, Bangkok acts as the main central market for both inland and foreign trade. All commodities produced in the country, after a part is retained for consumption in the producing and neighbouring areas are usually sent to Bangkok for distribution to other consuming areas or for shipment abroad. Bangkok is also the central point for distribution of imported goods to provincial markets. It is estimated that about ninety-five per-cent of all commodities imported into the country passes through the Port of Bangkok. Provincial markets which are usually located within individual municipalities, in turn acts as central points for further distribution to secondary markets in nearby villages. These secondary markets in their turn collect products from local producers and despatch them to provincial markets, or, sometimes, send them directly to Bangkok.

Like the other South-east Asian countries, Thailand has a small domestic market and the problem of market saturation has already been realised in Thailand. The three apparent escape routes from the narrowness of the home market are as follows:

- (I) expansion of domestic market
- (II) export-promotion: Instead of orienting her industrial pattern toward her limited domestic markets, Thailand should orient it toward the export market and should also try to take advantage of the abundant endowment of natural resources. This means that she should make a determined effort to break into the market for manufactured exports during the 1970's.

2.3 The Legal Infrastructure of the Economy

To stimulate private investment in the sector, the government must undertake to create and maintain the economic and legal infrastructures of

the development. In contrast with the economic infrastructure, the legal infrastructure is not adequate to serve the purpose of development.

The existing law of Thailand is basically a codified system of Law based on the civil law tradition. The reception of the civil law tradition in Thailand at the end of the 19th century was partly economic and partly political. Economically speaking, codification on western lines was effected to keep the law in touch with the changing society. Politically speaking, on the analogy of the Meiji law reform in Japan, the codification would free Thailand from the "extraterritoriality clauses" in the treaties which she had concluded with the foreign powers in the reign of King Rama IV of Bangkok. The modernisation of the legal system began with the establishment of the Ministry of Justice in 1892 in the reign of Rama V and culminated in the promulgation of the Penal Code in 1908, of the Civil and Commercial Code between 1924-1935, of the Civil Procedure Code, the Criminal procedure Code and the Law for the Organization of the Court of Justice in 1935.

These Codes form the basic "core" of the Thai legal system, but they are inadequate to form the basic "core" of the legal infrastructure of modern development. To be adequate there must be added the following legal structure:

- (1) The Social Security Law which is yet unknown in Thailand.
- (2) The law governing trade practices, monopolies, unfair competition and industrial property (copyright, patent etc.)
- (3) Law governing control of capital issue.
- (4) Law governing licensing of import of capital goods.
- (5) Law governing the location of industrial enterprises.
- (6) Law governing licensing of factory establishments.
- (7) Law governing control of raw material
- (8) Law governing control of power supply.
- (9) Law governing control of import of technical know-how.
- (10) Company law administration and Anti-trust law.
- (11) Law governing labour and industrial relations.

Recently, some of these laws developed to a certain extent, but most of them have been unknown to Thailand. In practice, the law schools should be consciously concerned with these problems, and their task should be the classification and refinement of these legal principles.

Now we shall come to examine whether legal education in the law schools has in fact provided contribution to national development, and answered to the challenge and needs of the community.

3. THE TRADITIONAL LEGAL EDUCATION IN THAILAND IN PERSPECTIVE:

3.1 *Community needs and the aim of Legal Education*

In theory, there appear to be three alternative approaches to legal

education, viz. the traditional, the theoretical and the balanced approaches. These differing approaches may be explained as follows:—

- (a) The traditional approach: As this approach presupposes that the task of the law schools is to teach “in a practical way” those subjects which in past years have been of importance to the ordinary practitioner, it is sometimes called “Vocational training”. It is well to keep in mind two important things:
 - (i) That vocational aim is a practical one, viz. the training of candidates for the bar; and
 - (ii) That this aim must be achieved within the limited time of three to four years.
- (b) The Theoretical approach: This approach is identical with a jurisprudential approach and thus would compel the law schools to concentrate upon jurisprudential study.
- (c) The “balanced approach”: This approach is based primarily on the theoretical approach but broadened by some measure of interdisciplinary study, social and policy consideration and vocational training. It is based on the conviction that greater insight has shown that better vocational and theoretical results of training are likely to be achieved when the rules of law are thought, *not as self-sufficient entities, but as means of social control.*

In Thailand in the light of the inadequacy of the legal infrastructure for economic development, the law schools should try to maintain a *balanced approach*. Legal education should aim to train law students to know how the legal system functions in aiding or hindering, in controlling or facilitating, the people. Therefore, juristic methods and techniques and new theories of legal research should be the “core” subjects in the Law schools curricula.

However, at present most law schools in Thailand still prefer the traditional approach and have applied it literally and vigorously. This would mean that students would be required to learn in detail a set of rules, facts and procedures (preferably by memorising them) related to a comparatively narrow range of subject. Adherents to this approach are inclined to demand that all law students must be required to study the codes, procedural and substantive, — perhaps leavened for the sake of appearances by a few theoretical and educational subjects. There are two factors that influence this approach:—

- (1) the income-producing factor;
- (2) the influence of the tradition of a codified system of law and the exegetical school

The first factor is the influence of the profession which requires the teaching of law subjects that are the areas which produce income. The second factor, however, has its root in the civil law tradition which requires some further explanation.

In the civil law tradition, following each codification, the exegetical school of law prevailed first. This school conceived the code as complete and adequate without the need of interpretation. This idea is sometimes known as the Jurisprudence of concepts. In Thailand, following the Codification on Western lines, it is the idea of the so-called "exegetical school of law" that has come to dominate the Thai legal thought. This school took pride in the Codes which they regarded as completely containing all the rules of law for the Thai people in the present and in the future. Thus, Thai lawyers developed their concept of law as a pure concept free from ethics, history, economics, politics and sociology. It is indeed a jurisprudence of concepts, a geometrical jurisprudence, which reduces the function of the judge to a geometrician whose duty is to apply the law and not to create a law by way of juristic interpretation. The Judge has to use a literal interpretation and then apply the law. It is to be noted that this practice is further enhanced by the fact that many Thai Judges were educated in England, and found the exegetical method to correspond with the English method of statutory interpretation.

3.2 Institutional Development:

- (a) **THE PRE-CODE ERA:** Before the Reception of Western Jurisprudence, the law in force in Thailand was the Law of the Three Great Seals, a codified customary law, derived from the Hindu Code of Manu. In the reign of Rama IV of Bangkok, the influence of English Law was so great that it was said that where the customary law could not solve legal problems arising at that time, the law of England should be applied in full force and effect. During this period, Thailand had no established law school and it was alleged that vocational training in law, like other fields of training, was the sole responsibility of the temples.

After the establishment of the Ministry of Justice, it was thought that Thailand should prepare her way towards the reception of Western jurisprudence. Prince Rabi of Rajbury, a graduate of Oxford and a son of King Chulalongkorn, believed that the most important factor that would stimulate a progress in law reform was legal education. Under his influence, the first law school was established as a professional guild and legal training was oriented towards the teaching of the customary law and the principles of western jurisprudence. The "core" subjects consisted of Criminal Law, The Law of Contract, the Law of Succession, the law of torts, the Law of Husband and Wife, Practice and Procedure and International Law. Training was through the methods of lecture and text-reading conducted and supervised by Prince Rabi personally. The graduate in law was awarded the degree of "Barrister-at-Law" and could enter on the professional practice immediately.

Before World War I, the law school gave scholarships to brilliant students who went to study at the Inns of Court in London and later became prominent judges and held lectureships at the law school.

During this period, the law school was subject to several reorganizations.

- (b) Post - Code ERA: When the first two books of the Civil and Commercial Code were promulgated in the year 1925, there was a great change in the legal educational institution. Vocational training became the sole responsibility of the Council of Legal Education of the Bar Association of Thailand founded in 1914. The vocational aim was to be achieved within the limited time of three years. However in 1933, the teaching of law became a university function. The Faculty of Law and Political Science of Chulalongkorn University was responsible for this project. But only a year later that Faculty handed over the teaching of law to a newly established university, viz, Thammasat University.

At present there are four institutions of legal education in Thailand:-

- (i) The Faculty of Law, Thammasat University established in 1934. This Faculty provides complete courses for the degrees of LL.B., LL.M., and LL.D.
- (ii) The Faculty of Law, Chulalongkorn University established in 1971. It was developed from a small department of law attached to the Faculty Political Science.
- (iii) The Faculty of Law, Ramkhamhaeng University established in 1971.
- (iv) The Institute of Legal Education of The Bar Association of Thailand. In the year 1948, the Bar resumed its vocational training function and created the Institute of Legal Education to serve this purpose. Successful candidates will be awarded the degree of Barrister-at-Law.

3.3 Law School's Course Structure:

In any discussion about the performance of the law schools in meeting community needs, argument is likely to be centered on the curriculum and how it is established. At Thammasat University as the aim of legal education is still based on the "traditional approach" the curriculum for the LL.B degree is drawn on two types of subjects.

- (1) the "core" or compulsory subjects
- (2) optional subjects

The "core" subjects are provided under the following table.

FIRST YEAR General University Foundation Courses 36 Credits

SECOND YEAR

First Semester

| | | |
|------|----------------------------------|-----------|
| L210 | Civil Law: General Principles | 4 credits |
| L211 | Juristic Act and Contract | 3 credits |
| L212 | Delicts | 3 credits |
| L213 | Obligations | 4 credits |
| L220 | Criminal Law: General Principles | 4 credits |

Second Semester

| | | |
|------|---------------------------------|-----------|
| L214 | Property | 3 credits |
| L221 | Criminal Law: Specific Offenses | 4 credits |
| L231 | Specific Contract II | 3 credits |
| L230 | Specific Contract I | 4 credits |
| L240 | Constitutional Law | 3 credits |

THIRD YEAR

First Semester

| | | |
|------|--|-----------|
| L330 | Corporation and Partnerships | 3 credits |
| L331 | Insurance | 2 credits |
| L333 | Negotiable Instruments | 3 credits |
| L360 | Constitution of the Courts & Judicial System | 1 credits |
| L361 | Civil Procedure | 4 credits |
| L364 | Evidence | 3 credits |
| | Other electives at least | 3 credits |

Second Semester

| | | |
|------|--|-----------|
| L332 | Secured Transaction | 2 credits |
| L350 | Family Law | 3 credits |
| L351 | Succession | 3 credits |
| L362 | Criminal Procedure-Provisional Measures and Execution of Judgements | 3 credits |
| | And other electives at least | 5 credits |

FOURTH YEAR

First Semester

| | | |
|------|--|------------------------|
| L400 | Legal Philosophy | 2 credits |
| L441 | Administrative Law | 3 credits |
| L443 | Labour Law | 3 credits |
| L471 | Public International Law and other electives at least | 3 credits 8 credits |

Second Semester

| | | |
|------|---|-------------------------|
| L401 | Legal Profession | 2 credits |
| L426 | Land Law and Land Reform | 3 credits |
| L460 | Bankruptcy | 2 credits |
| L470 | Private International Law And other electives at least | 2 credits 10 credits |

The followings are optional subjects:

OPTIONAL SUBJECTS FOR THE LL.B.

| | | |
|------|-------------------------------------|-----------|
| L365 | Counsel Practice | 2 credits |
| L366 | Criminal Process | 2 credits |
| L410 | Seminar in Civil Law | 2 credits |
| L411 | Comparative Civil Law | 3 credits |
| L420 | Seminar in Criminal Law | 2 credits |
| L421 | Forensic Medicine | 2 credits |
| L422 | Law Concerning Juvenile Delinquency | 2 credits |
| L423 | Comparative Criminal Law | 3 credits |
| L424 | Military Law | 2 credits |
| L425 | Criminology and Penology | 3 credits |
| L430 | Law of Investment | 2 credits |
| L431 | International Business Transaction | 2 credits |
| L432 | Accounting for Lawyers | 3 credits |
| L433 | Comparative Business Law | 3 credits |
| L434 | Specific Contract III | 3 credits |
| L435 | Financial Legislations | 2 credits |
| L440 | Comparative Administrative Law | 3 credits |
| L442 | Taxation | 3 credits |
| L445 | Industrial Law | 2 credits |
| L446 | Comparative Constitutional Law | 3 credits |
| L451 | Introduction to Public Law | 3 credits |

| | | |
|------|--|-----------|
| L472 | Human Rights | 2 credits |
| L473 | Maritime Law | 3 credits |
| L474 | Selected Problems in International Law | 3 credits |
| L475 | Law of International Organizations | 2 credits |
| L476 | Incorporeal Property | 2 credits |
| L480 | Legal History | 3 credits |
| L490 | Introduction to Roman Law | 3 credits |
| L491 | Introduction to Anglo-American Law | 3 credits |
| L492 | Islamic Law | 3 credits |

In theory, whether the law school's "core subject" approach can be justified depends on the value placed on the optional subjects. It appears to me that these optional subjects are oriented towards the study of comparative law, but to be sufficient it should include the following:

1. Urban Legal Problems
2. Social Security law
3. Consumer Protection
4. Regulation of Business Competition, Industrial and Intellectual Property.
5. Anti-trust Law
6. Regulation of Capital Markets.

These are areas of Law which will provide a substantial contribution to national development.

3.4 Teaching and Assessment Methods: Teaching at the law schools is primarily based on the time-honoured method of formal lectures supplemented by tutorials. A few teachers have been experimenting with the Socratic method but very large classes (often of four to six hundred students) made such experiment difficult.

Assessment was for the most part by a final examination and most questions in the examination papers could be answered on the basis of a sound knowledge of the law School Notes.

3.5 Research: The curriculum of the LL.M. degree offers course-work and research programme for post-graduate students. However the type of research is dogmatic research which does not assist in major law reform in Thailand. The Law school has rarely been supported by funds sufficient to maintain major research work.

4. A NEW TREND IN LEGAL EDUCATION PLANNING: SOCIAL PRESSURE AND A PROGRESS TOWARDS ESTABLISHING THE RELATIONSHIP BETWEEN LEGAL EDUCATION AND DEVELOPMENT

4.1 The Change in course structure for the LL.B. and LL.M. Degrees at Thammasat University

It is self-evident that the "traditional approach" to legal education as

outlined above can provide no substantial contribution to national development. At present, especially at Thammasat University, a transformation in the approach is contemplated and there have been moves to introduce into the law school the "balanced approach" which is believed to be of true permanent value for national development.

In the academic year of 1976, The Thammasat Law school introduced a new model of the undergraduate programme based on a two - degree structure. Students are required to graduate Bachelor of Jurisprudence before proceeding to the LL.B. By arrangement with non - law faculties, the students for the B. Juris are compelled to select non - law subjects for 41 credits as minor sequences; Law subjects for 61 credits will be treated as major Sequence. The "core" subjects are basic principles of law and Jurisprudence. Having graduated for the B. Juris. the students can proceed to the LL.B. degree which will subject them to study the basic parts of the law's discipline.

With respect to the post-graduate programme, the law school has introduced a new model of Master of Laws taught through the comparative method of study. A recent reconsideration of the original model of Master of Laws has revealed the inadequacy of the course to meet the needs of the community because it is specifically designed to impart legal knowledge in positive law in *the practical way* without teaching adequately *the theoretical principles* which are in time of rapid economic and political changes, believed to be the true permanent value in law. As the new National Development Plan requires an efficient and imaginative, construction of an adequate legal infrastructure to boost rapid economic growth, it is humbly suggested that this requires an energetic training of post-graduates in law with particular emphasis both on theoretical and on practical knowledge in law. Thus the new model of Master of Laws is designed to maintain this "balanced approach" and the course offered is oriented towards the training in certain fields of law such as Anti-trust law, Administrative law and Ombudsman, Constitutional Law, Industrial law and Social Security law which are considered essential as basic foundations of the legal infrastructure of an economic system. This programme ensures adequately that in the future creative initiative in law reforming and constructing the legal infrastructure of the economy will definitely come from academic lawyers in the law school.

4.2 A new Trend towards comparative legal research: Formerly, the dogmatic type of research produces no permanent value for national development because its aim is to construe and clarify the existing legal concepts. However, there have been moves towards a research on law reforms and it appears that reforms, aided by law school research, are on the way but, in truth, the surface has barely been scratched.

At present the trend is moving towards Comparative legal research. Formerly the existing methodological uncertainty appears to be due, in part at least, to a lack of clarity with respect to the nature of the comparative method. Now the comparative method is used to determine the social function of law in general. In this sense, comparative law is synonymous with Sociology of Law. Emphasising an inductive method and starting with the data of factual research extending over the laws of all times and peoples, it tries to formulate general statements, about the conditions under which "law" appears as one of the means of social control and regulation. Hence, it considers the relationship between the development of law and such factors as climate, race, geography, religion, philosophy, economic conditions, political organization, etc.

5. PROBLEMS EXAMINED:

5.1 Research Facilities. All law schools have tried to keep reasonable collections which will support effective legal research. Funds available for law libraries have been increased but not enough. In all law libraries, textbooks on foreign laws are inadequate to support advanced legal research.

There are at present four main law libraries in Thailand, viz, law library at Thammasat University (7,500 Vols), Law Library, Chulalongkorn University (7,000 Vols), The Bar Law Library (5,000 vols), and the Central Library of the Ministry of Justice (4,000 Vols).

5.2 The Recruitment Problem: The implementation of the new legal education programme requires an adequately trained personnel. At present all law schools do not have a sufficient number of lecturers who are fully qualified to fulfil our purpose and inevitably we are compelled to have recourse to, independent or part-time lecturers who, having engaged in many other fields of public works, are not ready to devote themselves to purely academic life. Therefore it become apparent that we need to create a class of academic lawyers qualified by higher degrees in law to uphold our project in the future. At present we are pursuing the policy of sending young and brilliant lecturers to study abroad. These people have immense enthusiasm expressed in the forms of criticism and new fermented ideas which have begun to grate on the ears of some more conservative lawyers.

5.3 The problem of communication: It is vital to the success of the programme that there should be co-operation, mutual trust and respect between all concerned with legal education. However, in Thailand in the present day there is a wide gulf between practitioners and legal academics; although there has been a long tradition of some part - time teaching by practitioners in the law school. However the legal profession rarely honours its outstanding academic teachers. Law teachers believe that judges and practitioners are endeavouring to maintain a quite unwarranted position of privilege and superiority. The judges and practitioners believe

that law teachers are too free with their criticism and do not attempt to pay regard to the practitioners' point of view. Furthermore, the effect of all this is that instead of co-operation in the field of legal education there is frequently confrontation and suspicion.

6. CONCLUSION

National development is a complex process involving many relevant aspects. Among these aspects, development of the economic and legal infrastructures of the economy is notable. Development of manpower and construction of the legal infrastructure requires an imaginative planning in legal education. In Thailand, however, this problem is consciously realised by the minority who tried to implement different models of legal education programmes. Apart from these programmes, the Thammasat law school, for example, has tried to create a class of academic lawyers engaging in independent legal researches which can assist in major law reform in Thailand. Experiences in developed countries have shown that independent legal researches in such areas of law as anti-trust law, Legal Aid, Administrative law and Ombudsman, and Consumer protection have led to major reforms in those countries. I sincerely believe that our newly implemented programmes for legal education will offer an opportunity to make the Law school the centre of law reform in Thailand.

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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