

The Institutionalizing of Social Conduct and the New Society in the Philippines (Part II)

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Social conduct — it has been suggested in Part I of this article — is one of crucial factors in community life. All societies aim at “disciplined” conduct among their people, although not necessarily by the same means. Our focus, as the title indicates, is on social conduct that assumes an institutional form, that is, social conduct that becomes subject to some measure of control by public authority. More specifically, we have defined it as a deliberate attempt to integrate human behavior into the framework of national objectives or, to put it differently, as an attempt to use it as an instrument of state policy.

In Part I, our topic has been dealt with from a “philosophic” perspective. It has been first defined in general terms and then related to a variety of factors that give rise to, or have significant bearing on, social conduct. It has also been presented in terms of two contrasting social models and of two contrasting social attitudes. Such models or attitudes do not exhaust the area of social conduct but are only more extreme, more perfect manifestations of it. However, models have utility in that they serve as points of reference against which man’s actual behavior can be measured or by which it can be des-

cribed. Thus, it has been suggested that most societies belong to neither of the two extreme positions. There is a spectrum from one extreme point to another — from social permissiveness to social prohibitiveness — and most societies appear to be located somewhere in between, drawing on both elements. This should not be surprising for social life expresses itself in many peculiar ways, as historical experience indicates.

In Part II of our inquiry into the institutionalizing of social conduct, our focus shifts from the general to the particular: a case study derived from contemporary experience. It is based on the “New Society” in the Philippines and discusses how this new order reacts to problems of social conduct, particularly by deliberate actions to influence its course.

An analysis of the Philippine situation should be more than merely of local interest. It may, indeed, be contended that in many respects the Philippines is by no means an atypical example of most countries in the developing part of the contemporary world. Like them, the country is preoccupied with problems of national identity. Like them, it subscribes to, what Myrdal has called, the “modernization models” of social life, that is, it is deeply concerned with rapid social

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and economic development, and likewise, claims allegiance to democratic ideals and procedures. There appears, thus, an affinity between the Philippines and other developing countries in their general problems and general outlook. This should also imply a degree of affinity in matters of social conduct. If so, the recent study based on the Philippine experience may well throw light on similar problems in other developing countries.

National regeneration

In Part I of this article, the problem of social discipline has been projected as an essentially historical problem. There is no universally applicable theory on this issue. Rather, there are different responses occurring in particular situations inspired by concrete social needs. On this view, the social reforms of Plato and Confucius were but reactions against the social and moral ills of their own times. Likewise, the current preoccupation on the part of the "New Society" in the Philippines with social discipline is rooted in recent Filipino historical experience. It is the result of the moral and political disintegration of the old social order and

it marks an attempt at a new start, at moral and political regeneration.¹

The criticism of the "Old Society" is many-sided. Frequently, it centers on the structural deficiencies inherent in the old political systems. These deficiencies are identified as the oligarchic character of government or society under the old system, the lack of meaningful participation by the people themselves in political decision-making, the personalist approach in the traditional political culture, the practice of political patronage, the widening gap between the poor and the rich classes, the immobility of the old social structure, the widespread social and political graft and corruption, and the disregard for the law and the government. But this criticism also covers other aspects of life such as economic, social and moral. On the economic side, the old system has been charged with failing to solve the nation's problems in the area of economic development and agrarian reform; on the social side, with failing to effectively deal with the problem of poverty and general social welfare; and on the moral side, with tolerating or encouraging self-oriented attitudes or values. In sum, the Old Society has been condemned by its critics as having led to lawlessness and breaking down of public order, as having failed to secure social justice and prosperity for the Filipino common man. On the side of social conduct, the old order has been condemned as having led to socially irresponsible conduct, to bankruptcy of social values.

¹ For the position of the New Society and the subsequent criticism of the old social order, see particularly: Ferdinand E. Marcos, *Today's Revolution: Democracy* (Manila: Ferdinand E. Marcos, 1972) and *Notes on the New Society of the Philippines* (Manila: Marcos Foundation, Inc., 1973) of the subsequent points, such as the criticism of the old social order and the ideology of the New Society in general; see this writer's article "The Place of Political Science in the Philippine 'New Society,'" in the *Philippine Political Science Journal*, Vol. I, No. 1 (June 1974).

In this context, the New Society projects itself as standing for the reformation of the whole fabric of Philippine life. Its leaders claim to advocate radical reforms, not merely in the sense of aiming at correcting the old social evils, but more importantly, in the sense of aiming at restructuring the various aspects of Filipino life, such as the political, social and economic. One of the fundamental reforms, which has direct bearing on our subject, is moral or spiritual reformation or regeneration. Here, the leaders of the New Society call for the radical transformation of the old Filipino habits and attitudes. Here, too, they claim that their aim is a healthier type of society where man behaves in a disciplined, socially responsible way and where man's loyalty is directed to the nation, his thought and actions motivated by the common good.

Ideological dimension

Our age has been called an Age of Ideology. Here, the New Society follows the well-established contemporary practice, particularly in developing countries, of making a deliberate attempt to develop a creditable and appealing ideological position all of its own.²

The statement of ideological objectives or interests should suggest the scope and the limits within which the concern of the New Society with social conduct, particularly with institutionalizing social conduct, is likely to move

and the area where some concrete governmental action in this matter may well be expected. Here, we shall express the ideological position of the New Society in terms of various aspects and we shall relate these aspects to the issue of social conduct.

The first aspect that characterizes the new ideology is the principle of nationalism. Like ideologies of most developing nations, this magic word has become a rallying point for the new Filipino ideology. Accordingly, it projects itself as aiming at "national" regeneration. More broadly, it identifies itself with the quest for greater national unity and solidarity. It professes self-reliance and a new sense of national identity as against former dependence on other nations or powers. In politics, the new nationalist spirit may be said to imply emphasis on co-operation, "a politics of integration," that is, integration for national unity, national consensus, accommodating all the various elements, such as cultural minority groups, into the mainstream of national life, rather than what Duvenger calls "a politics of conflict."³ This new sense of national awareness is expected to affect profoundly the social conduct of Filipino man. This expresses itself in a new type of behavior on the part of the Filipino vis-a-vis his nation or community life. The former social attitudes are said to have led to human self-centeredness and social irresponsibility, hence they are condemned as destructive of social or

² This was perhaps suggested first time in Marcos, *Today's Revolution: Democracy*.

³ Marcos, *Notes on the New Society of the Philippines*, p. 71.

national unity. To the New Society, the goal of national regeneration cannot be achieved without the radical transformation of old attitudes and values in the direction of greater social responsibility, the development of nation-motivated conduct.

The second aspect characterizing the new ideology is the principle of democracy. The New Society pays allegiance to a democratic system of government, to liberal ideas of human freedom and to democratic parliamentary procedures. The restrictions that are a feature of present-day Philippine political life are said to be only temporary measures, introduced to "save" or "protect" democracy from extinction under threats of certain forces undermining its existence. From the point of social conduct, this emphasis in the new ideology on democratic values is of great importance. It sets limits on the possibility of the "intervention" of the New Society with human conduct. It is evident that a liberal democratic theory of politics excludes all attempts at manipulation of social conduct for that would be contrary to its concern for human dignity. Democratic theory is contrary to attempts at universal conformity.⁴ On the new ideology, then, socially desirable conduct should not imply massive identity in people's conduct; rather, this concerns the ultimate motivation behind people's conduct. Here, the new ideology faces a task

that is far from easy, namely, how to allow diversity in human conduct, and at the same time, to make man behave in a socially enlightened way.

The third aspect of the new ideology involves a multifaceted or multi-disciplinary approach to social life. There is a new emphasis on approaching social life in its wholeness, on regarding it as involving an interplay of different forces or aspects. The old approach to life has been condemned by the critics as having been narrowly political, as viewing problems of life essentially in terms of particular political interests. A broader, more interdisciplinary approach to life should throw light on the issue of social conduct in a new perspective. It should be immediately clear that the roots of social morality are many-faceted and that political actions aiming at improving social conduct when undertaken in isolation may do no good. The problem of disciplined social conduct should accordingly be comprehended as of complex origin and should be treated accordingly. One particular remedy is hardly enough.

The fourth aspect involves social and economic development. This aspect is closely connected to the preceding aspect. If all elements — political, social, economic, cultural, etc. — relevant to social life, then no one element can be left out. This presumably implies that government policy should of necessity contain a degree of interventionist element. The state need not interfere directly with private initiative but as the guardian of the general public welfare, it must look

⁴ For a more comprehensive treatment of the relationship between the New Society and democracy, see the writer's article "The Place of Political Science in the Philippine 'New Society'."

beyond the interest of particular men or groups. It cannot disregard such basic social problems as the issue of full employment, population growth, social security, education and general welfare of Filipino people. This great new responsibility of the state can be discharged with success only with some degree of cooperation by the people themselves. Here, the issue of social conduct is said to come in as one effective way of mobilizing the human resources for common social and economic objectives. It is implied that social discipline makes it easier to solve these inevitable problems and to do so without methods of regimentation and without repression of human individuality.

The fifth aspect involves cultural or artistic development. Here, the new ideology presents itself as an advocate of a new cultural or artistic awakening of the nation. This is taken to mean encouraging new modes of artistic creativeness and expression and reviving the old traditional modes, such as in music, the visual arts, drama or literature. One of the aspects of this cultural revival would also be a new emphasis on traditional social values, such as courtesy, gentlemanly conduct, one's concern for the well-being of others. The effect on social conduct of this cultural or artistic development is to strengthen certain social, and presumably good, values or attitudes as well as to inject a new sense of pride in Filipino general achievements and in so doing, to indirectly affect people's behavior in the direction of nation-inspired interests.

The last aspect is the pragmatic and technocratic nature of the new ideological position. Although laying emphasis on nation-oriented conduct and national self-reliance, this position is not narrowly chauvinistic or exclusivist nor hostile to foreign influences. Communication and cooperation with other nations is encouraged and sought. This ideological pragmatism also expresses itself, for instance, in the absence of ideological dogmatism, of a "historicist" theory of Filipino nation (that the nation has some grand historical role to fulfill), and through the importance paid to technocratic attitudes in the management of public affairs. The emphasis in public leadership appears to be less on political virtue than on the orderly and efficient running of the machinery of state. This pragmatic and technocratic outlook may be said to affect also the issue of social conduct in the sense of subjecting the issue to the overwhelming concern with social utility.

The Constitution

The concern of the New Society with social conduct expresses itself in many institutional ways. First, it finds its most general or most fundamental expression in the new Constitution of the Philippines of 1973.⁵ This document not only places the issue of social conduct into the framework of general national objectives but has several specific things to say on this issue.

⁵ For its text, see, for example, José M. Aruego, *The New Philippine Constitution Explained* (Manila: University Book Supply, 1973).

The first general constitutional statement touching on social conduct is the "Declaration of Principles and State Policies" (Article II). This places the conduct of citizens into the wider context of national welfare, asserting the right of every citizen to take his place in the life of the nation equally with others and at the same time, making this a duty to do so. A more specific reference to our issue appears under the heading "Duties and Obligations of Citizens" (Article V). Here the Constitution cites some of the most fundamental duties that every citizen will be expected to fulfill. In sum, respect for national symbols, sharing in common defense, upholding the Constitution and obeying the laws, cooperation with the duly constituted authority, respect for other people's rights, participation in public voting or elections — these are some of the duties which the Constitution imposes on all citizens (Secs. 1 & 4).

The last provision, declaring that:

It shall be the obligation of every citizen qualified to vote to register and cast his vote [Sec. 4]

effectively compels every citizen to discharge his political rights. This is of considerable significance for political thought. It suggests that the New Society as President Marcos puts it, regards itself as a "covenant" of the people, a "commonwealth of men." In democratic theory of politics which the New Society professes, this should in its turn imply the Rousseauian ideas of relative sovereignty of each member

of the state, of universal suffrage and of common responsibility. It is evident that such ideas can become meaningful only when these principles can be realized or exercised. In this sense, obligatory discharge of political rights is intended to turn the democratic process into a more meaningful thing. This rationalization led John Stuart Mill in believing that only by exercising his faculties of choice and intellect and by being able to apply these to social life can man develop himself into a more noble being and a more responsible citizen.

Of direct relevance to the issue of social conduct are the constitutional provisions dealing with education, particularly of the youth. In brief, the Constitution defines in Article XV the role of the new national educational policy to be the training of citizens for responsible citizenship and for development of practical skills. It also subjects all education to the supervision of the state and makes civic training a compulsory feature of all school curricula.

More specifically, it declares that:

All educational institutions shall aim to inculcate love of country, teach the duties of citizenship, and develop moral character, personal discipline and scientific, technological and vocational efficiency [Sec. 5].

In this educational aspect, too, the Constitution, recognizing "the vital role of the youth in national building" promises to "promote their physical, intellectual and social well-being" [Sec. 5].

Among other areas of the Constitution affecting social conduct is the area of military responsibility. Here, military defense is made obligatory on all citizens and is to be borne equally by all able-bodied men and women [Article XV, Sec. 13 (1)]. Another area pertains to cultural life. The promotion of Filipino culture is recognized as an important feature in the formation of national identity. The relevant Article [XV, Sec. 9(2)] declares that "Filipino culture shall be preserved and developed for national identity." Here, too, an emphasis is made on the development of a linguistic national identity. The Constitution provides that "the National Assembly shall take steps toward the development and adoption of a common national language to be known as Filipino" [Article XV, Sec. 3(2)]. Another area has to do with parental responsibility. Thus, the Constitution, asserting the family as a "basic social institution," makes it not only a "natural right" but also a "duty" of parents to rear "the youth for civic efficiency and the development of moral character" (Article II, Sec. 4). Finally, the Constitution concerns itself with the conduct of public officers and employees. Here, it effectively forbids civil servants to indulge in certain practices advantageous to themselves in matters of taxation, such as double compensation, as a source of possible bribery. It declares that:

No elective or appointive public officer or employee shall receive additional or double compensation unless specifically

authorized by law... [and that] No salary or any form of emolument of any public officer or employee, including constitutional officers, shall be exempt from payment of income tax [Article XV, Secs. 5 and 6].

There are many other provisions in the Constitution that touch on the issue of social discipline although in a less direct way. Still they are of relevance to the issue for they affect the over-all spiritual well-being of man which, in turn, will deeply affect human conduct. In effect, these provisions establish certain minimal standards of welfare for all Filipino citizens. They concern such problems as social justice, employment, population policy and economic life. For example, in matters of social justice, the Constitution promises to:

Promote social justice to ensure the dignity, welfare, and security of all the people... [and to] establish, maintain, and ensure adequate social services in the field of education, health, housing, employment, welfare, and social security to guarantee the enjoyment by the people of a decent standard of living [Article II, Secs. 6 and 7].

In matters of employment, it declares full employment and equality in employment to be the right of each citizen (Article II, Sec. 10); elsewhere, it makes the problem of population growth subject to consideration of national interest (Article XV, Sec. 10).

The over-all temper of the new Philippine Constitution on the issue of social conduct may well be gauged by comparing or contrasting this document with the old Philippine Consti-

tion of 1935. These two constitutions contain provisions that are basically identical or similar in content and form. However, the new constitutional document contains certain provisions that are novel.⁶

The main provisions affecting social conduct that are present in the new Constitution and were absent in the old one may be summarized as follows:⁷ prohibition against the appointment of elective officials to any office during their term of office (Article XII, Sec. 4); prohibition against appointment or reappointment of defeated or lame-duck candidates in any office having to do with government [Article XII, Sec. 4(2)]; making graft and corruption in public office a ground for impeachment (Article XIII, Sec. 2); creation of a special court, to be known as *Sandiganbayan*, to deal with offenses committed by public officers or corporations (Article XIII, Sec. 5); creation of the office of the Ombudsman, to be known as *Tanodbayan*, to investigate complaints against public or government offices and to take legal action (Article XIII, Sec. 6); prevention of double or additional compensation and of exemption from the payment of an income tax on the part of public officers or employees (Article XV, Secs. 5 and 6); regulation regarding ownership and management of mass media and regarding control of governing bodies of telecommunication systems limit-

ing these only to citizens of the country [Articles XV, Secs. 7(1) and (2)].

Among other relevant novel provisions are those regarding national educational objectives [Article XV, Sec. 8(4)]; nationalization of ownership of educational institutions [Article XV, Sec. 8(7)]; obligatory creation of scholarships, grants-in-aid or other forms of incentives for gifted citizens (Article XV, Sec. 5); control of population level (Article XV, Sec. 10); and creation of a citizen army (Article XV, Secs. 1 and 2).

These differences on social conduct between the two documents are significant and suggest differences in outlook over the last four decades. In the first place, the current constitutional position reveals a more pervasive concern with people's moral perceptions. It approaches the issue of human behavior from a broader perspective, relating the moral factor more closely to other factors of life such as economic and cultural factors as well as to considerations of general welfare. In the second place, the new position involves a more positive attempt to stimulate society-oriented values or attitudes, to effect a heightened sense of national unity and solidarity. It also marks a bolder attempt to prevent abuses, particularly in the public sector of national life. Lastly, the new position appears to be more openly or self-consciously ideological. It appears to contain an ideological message which the New Society propagates. In this

⁶ *Ibid.*, p. 196.

⁷ The writer follows the summary offered in *ibid.*, pp. 169-214.

ideological sense, social conduct, with its ideas of social health and of disciplined behavior, may be regarded as a valuable instrument for national integration and for eliciting a positive response among Filipino people to current efforts at social and economic development which the New Society advocates.

Education

Public education is perhaps the most extensive and the most penetrating means by which the New Society tries to bring social conduct under a measure of public control by some formal, institutional arrangement. The importance of an appropriate system of education and of a national policy of education has been highlighted in the relevant provisions of the Constitution mentioned in our previous section.

Stated in general terms, the Constitution conceives public education, whether formal or informal as aiming at developing love for one's country among all citizens, developing society-oriented values or attitudes and a sense of public consciousness and responsibility, and preparing the youth for their future responsibilities as productive participants in national development.

Stated more explicitly, the problem of public education is viewed, under the New Society, as essentially a problem of political socialization. This concept, explained in Part I, aims roughly at conditioning man to adopt the right social values or attitudes as

these are defined by public authority, ultimately to make man behave in a socially responsible manner. There are two ways by which the New Society pursues this aim: the first is by way of formal education; the other, by less formal means.

The leaders of the New Society are quite aware of the crucial role of formal education for instituting the New Society. It is not by accident that one of the first Presidential Decrees after the declaration of martial law in the Philippines was concerned with education. This Decree, known as Presidential Decree No. 6-A,⁸ not only states the general goals and objectives of the new national educational policy but also offers "Guiding Principles of the Ten-Year Program" and specific "Education Development Projects." Briefly, the Decree conceives formal education as aiming at training in citizenship, at developing social consciousness and a sense of responsibility in the youth and at gearing the development of the youth to the needs of the nation. Thus, in its "Declaration of Policy," it asserts the education policy of government:

To ensure . . . maximal contribution of the educational system to the following national development goals: To achieve and maintain an accelerating rate of economic development and social process; . . . to strengthen national consciousness and promote desirable cultural values [pp. 77-78]

⁸ See "Presidential Decree No. 6 A," in *Vital Legal Documents in the New Society*, compiled and edited by CBSI Editorial Staff (Manila: Central Book Supply, Inc.), Vol. I. pp. 77-84.

while in the "Statement of Objectives," it declares to aim, among other things, to

(1) attain his [each man's] potential as a human being; (2) enhance the range and quality of individual and group participation in the basic foundations of society; (3) acquire the essential education foundation for his development into a productive and versatile citizen [p. 78].

It is evident that the new national policy under the New Society aims at nothing less than a complete transformation of the entire system of education so as to meet the new national or ideological objectives. Certain institutional measures have then been taken to attain such objectives. Among the major measures are overhauling the old system of education in the direction of a more "practical," technology-inspired curriculum (implying less emphasis on "liberal" educational subjects) and introducing the study of the Constitution as a compulsory subject on all levels of the schooling system as well as other requirements having to do with civic conduct as prerequisite to graduation.

Although less formal means of spreading the message of the right social conduct, these are not any less deliberate. These measures are usually directed to the public at large. Indeed, a separate department of government, the Department of Public Information, has been established to facilitate and strengthen governmental efforts at political socialization by educational means. This Department makes itself

felt in such areas as the revival of Filipino culture and the control of media of public communication.

Educative appeals to citizens take frequently the form of public campaigns. Led by certain popular personalities of public life and widely spread by mass media, such appeals are expected to have a near universal attraction. They are intended to stimulate a new sense of pride in achievement and a sense of shame in the failure to achieve. They may be exemplified by the various campaigns of "discipline," aiming at orderly conduct, or frequent references to a "compassionate society," aiming at developing the sense of community feeling with Filipino fellowmen. On this line, too, traditional virtues such as politeness and gentlemanly conduct have been encouraged.

Two other measures may well be mentioned as a means intended for re-educating the public or simply for leading the misguided public to the path of virtue. These were apparently provoked by certain vices in the old social order that were deemed of sufficient magnitude to deserve a formal presidential treatment. Both strike a pronounced puritanical note. The first measure is a ban on certain motion pictures.⁹ This ban applies not only to pictures that incite subversion or rebellion and glorify criminality, but even to those pictures that are contrary to morals and "which serve no other purpose but to satisfy the market for

⁹ See Letter of Instruction No. 13, S. 1972, *ibid.*, pp. 51-52. The quotation is on p. 51.

violence or pornography." The second measure is a ban on extravagant private and public spending.¹⁰ Here, the President calls upon:

Every resident and citizen of the Philippines . . . to avoid and prevent . . . ostentatious display of wealth, including lavish town fiestas or social gatherings. To this end, they [public officials] are directed to limit town fiestas and other local festivities to one day, which should be as simple and as economical as possible.

Programs, professional organizations

The concern of the New Society with social conduct is all-permeating. As our previous argument has indicated, it touches, in different degrees, on all spheres of social life. It may, indeed, be regarded as integrated into the planning of the New Society for national development. Here, we shall suggest some of the ways in which such an integration is being accomplished. One of such ways is through government-initiated programs; another through certain formal requirements of professional bodies.

An example of the first type of integration is the program of civic action established in 1972 by the Department of Education and Culture for the youth, known as the Youth Civic Action Program (YCAP). This program follows the practice of so many countries concerned with the proper training of their youth for responsible discharge of their duties as citizens. Its

¹⁰ See General Order No. 15, *ibid.*, p. 42. The quotation is on the same page.

purpose is partly practical, partly moral, with the moral lesson being uppermost. On the practical side, the enthusiasm and energies for learning of the youth, traditionally untapped by the state and frequently expressing themselves through politically disturbing activities, are turned to economically or socially productive uses, the youth being kept busy-working. On the moral side, the intention is to exploit the idealism of the youth to open their eyes or minds to the ideal ends of social life. Here, the program is essentially of an educative value. The new experience of working "with the people" or doing something "for the people" would presumably create a measure of spiritual involvement, a sense of community life which should transform the outlook of the youth from narrow self-orientation to community-oriented interests. Thus, a new social bond would be forged among all men and with it, sounder social values and conduct should then develop.

Under this program, students at all levels of the educational system, including universities, are required to render so many hours of "civic work" as pre-requisite to their graduation. The youth are enlisted for diverse activities in such areas as environmental sanitation, beautification and cleanliness. They are also involved in campaigns against over-pricing prime commodities and drug addiction. Among its other activities are projects having to do with the conservation of natural resources, barrio development

schemes, leadership training for mass sports and literacy campaigns to help out-of-school youth develop their potential through functional literacy. Credit is also given for clinical and internship programs of medical and nursing students; field work of students in social work or in approved government departments and civic action work in the Reserved Officers Training Course (ROTC).¹¹

The second type of integration of social conduct into the new ideological orientation takes place in or through professional bodies, not directly managed by the state. We have in mind such bodies that are established under law but are essentially self-regulatory in character. In brief, the ethical objective is to bind the members of such professional bodies by a sound professional ethical conduct so as to elevate their personal and professional selves and to elicit a positive response to the efforts of the New Society conduct.

A fair example of this type is the Integrated Bar of the Philippines. Established by a Presidential Order to radically reform the old system of justice (although prepared as a proposal before the advent of the New Society), this body sets for its general aim "to elevate the standards of the legal profession."¹² This is apparently

¹¹ See the editorial article "Youth involvement" in the *Times Journal* Vol. II, No. 125, February 24, 1974, p. 4.

¹² See "The Integration of the Philippine Bar" in *Are You in Favor of Bar Integration?* (Manila: Bar Integration Center, 1972), particularly p. 5.

intended to eradicate some of the vices that tended to bring the legal profession in disrepute in the old system and to inject an element of "good conduct" among members of the profession. More specifically, the code provides the Bar with legal sanctions to take actions against culprits to accomplish its professional-ethical ends, such as in matters of proper discharge of professional duties and of competence of lawyers. In effect, the Bar has the right or obligation to police its own members. For that purpose it is enjoined, for example, to:

Discharge, fully and properly, its responsibility in disciplining and/or removal of incompetent and unworthy judges and prosecuting officers, [Objective 3];

Prevent the unauthorized practice of law and break up any monopoly of local practice maintained through influence or position [Objective 6];

Enforce rigid ethical standards and promulgate minimum fees schedules [Objective 11].

Even more, the ethical influence of the Bar is conceived as spreading more widely to such areas as legal education of the public and positive response by its members to general national goals. Thus, two of its objectives impose on the members the right or obligation:

Conduct campaigns to educate the people on their legal rights and obligations, on the importance of preventive legal advice, and on the true functions and duties of the Filipino lawyer [Objective 13]; and generate and maintain pervasive and meaningful country-wide involvement of the lawyer population in

the solution of the multi-farious problems that afflict the nation [Objective 14].

A similar pattern of institutionalizing social conduct appears to emerge in two other professional bodies whose establishment was announced recently.¹³ These were two councils composed of the members of relevant professions: one for print media, another for broadcast media. Like the Integrated Bar, they are conceived as essentially self regulatory in character. They replace the former Media Advisory Council and the Bureau of Standards for Mass Media which were under the direct supervision of the government. But, like in our previous example, their new ability to regulate themselves does not exonerate them from public accountability in matters of conduct. So much is clear from the Presidential Decree No. 576 by which they were authorized. Thus, the decree declares, among other things, that "Each regulatory council shall be responsible for the elevation of the ethics and the standards of excellence of mass media in all its phases within each group" (Sec. 3). This presumably means that before they are able to operate as autonomous bodies they have to comply with roughly the same moral and professional requirements as the Integrated Bar does. We may note the blending of purely disciplinary considerations with emphasis on general society-oriented action. It is evident that by making

¹³ See *Sunday Express*, Vol. III, No. 174, October 27, 1974, pp. 1 and 3.

ethical standards part of the constitution and of the actual practice of professional bodies, the New Society hopes not only to inhibit socially adverse conduct in the professions but also to act in an inspirational way, to instill in the minds of professional people ideas consistent with the teachings of the New Society.

The Role of Government

The role of the government in the institutionalizing of social conduct is crucial. To appreciate this role, it is necessary to understand what place the new ideology attributes to government in Filipino national life. In the first place, the government is envisaged as providing leadership and as being the catalyst in the current Filipino "revolution."¹⁴ Secondly, it is envisaged as a strong, not a weak, power. During the present martial law phase, there is, however, an indisputable leader who has in theory near absolute power. Still, a strong executive power is envisaged even under normal conditions of political life in the person of the prime minister into whose hands political authority gravitates under the new Constitution. Thirdly, the government is envisaged as a "constitutional government," that is, as abiding by the laws of the land. Legalism is emphasized as the basis of legitimate government. Even under the present state of

¹⁴ Reference here is to what President Marcos calls "democratic revolution," by which he means a peaceful, people-based change by parliamentary means. This he contrasts with a "Jacobin-type revolution" which is bloody and elitist in spirit. See his *Today's Revolution: Democracy*, pp. 60-64.

martial law, democratic legality is said to prevail. President Marcos has described this condition as "authoritarian constitutionalism," suggesting its basis in the popular constitutional process. Fourthly, the government is envisaged as "centralist" in its orientation, a "government from the center." It is said to be neither above the people like elitist governments nor to follow blindly the people; rather it is somewhere in between, articulating the aspirations of the people in the direction of what it believes to be generally wanted. Lastly, it is envisaged to function in a pragmatic and technocratic way.

Our brief exposition¹⁵ suggests that the New Society regards the government as a positive force whose duty it is to guide the people to the objectives of national development. What is true about the role of the government in general seems to apply also to its role in matters of social conduct. National development to be successful is said to require marshalling all national resources available, both physical and human. On this argument, disciplined social conduct is one of such valuable resources.

The policy of the government under the New Society aiming at attaining a disciplined social conduct takes roughly two forms. The first is the attempt to project the government as one "by vir-

ture." It is not enough that it be a law-and-order government although this is important; rather, it must make itself appealing for its morally exemplary conduct. A certain element of Platonic-Confucian paternalism is perhaps present here intended to make Filipinos respect their government and feel favorably about it. In practice, this is taken to mean a "clean government," free from evils of bribery and corruption, sincerely working for the interest of the people. This also means proper dispensation of justice without favor or prejudice to any party. Furthermore, this is taken to mean a government motivated by "social conscience," by the sense of "social justice." Here, frequent appeals to social justice should establish its moral authority among the people and should heighten its claim upon their allegiance and affection.

The second way by which the government tries to strengthen its hold over social conduct is by deliberate manipulation of it. This may take, for instance, the form of laws or government regulations, by which the Government resorts to compulsory means with the view of directly affecting conduct of all men. Or this may take less direct forms such as government-initiated programs or public campaigns mentioned previously. Or it may, finally, involve government action within the structure of its own service. Thus, public officials may be subject to special training programs whose ultimate objective is more efficiency and more social responsibility among government employees. The latter objective affects,

¹⁵ This exposition of government is based on President Marcos' two works: *Notes on the New Society of the Philippines* and *Today's Revolution: Democracy*.

of course, moral conduct. This is said to imply the inculcation among government employees of such virtues as honesty in the discharge of their duties and courtesy to the public and the eradication of such vices as corruption and bureaucratic arrogance.

Social discipline and freedom

Our exposition has revealed that, for the New Society, social conduct is of utmost importance and that it is manipulated so as to contribute to the ultimate national good as the new ideologies see it. This gives rise to the serious question how such manipulation of human conduct affects the personal freedom of the Filipino man, whether it is compatible with human freedom or with liberal principles which the New Society professes. It may be recalled that on the classical liberal tradition, all interference with individual conduct is regarded with suspicion, the idea being that the less formal control, the better. On the other extreme is rigid regimentation of all individual conduct by the omnipotent state with complete loss of freedom of choice, such as characterizes totalitarian regimes. It remains to be seen how the New Society tries to reconcile these two positions — individual freedom with governmental manipulation.

The presence of certain "collectivist" tendencies in the organization of the New Society cannot, it seems, be denied, which may prove threatening to human freedom. Like Rousseau, the New Society tends to emphasize consensus politics, the "generality" of he

human will rather than its particularly and the superiority of the public interest. There are, however, reasons to believe that the New Society does not mean public control over man's conduct to be total. We have mentioned at least two such reasons in our previous argument. The first is that the alleged commitment of the New Society to liberal and democratic traditions of thought precludes in principle any radical interference with human freedom. The second reason is the pragmatic-technological orientation of the New Society which appears to mitigate the danger of behavioral dogmatism. To these two, we may add two other reasons. The first is the claim made by the leaders of the New Society that today's use by the government of authoritarian methods and of compulsion is only a temporal measure. When conditions of life in the country are "normal" again, they maintain, that martial law administration will cease to operate and normal democratic procedures will follow. It will then be left to the people themselves to decide whether to accept or modify or abolish the new laws regarding social conduct. The second reason is simply that the leaders explicitly deny that a "command society" or a "disciplinarian" type of social life is what the New Society is after.¹⁶ Social disciplinarianism may be justifiable under certain historical conditions but should not become a permanent condition of Filipino life.

¹⁶ For Marcos' discussion on the issue of social discipline, see particularly his *Notes on the New Society of the Philippines*, pp. 69-70.

The relationship between individual freedom and governmental manipulation of social conduct under the New Society may be viewed in a broader, Rousseauian way as a problem that generates the question of how man can live in an organized society and yet may remain at the same time free, unenslaved by society. The answer which the leaders of the New Society appear to offer follows, for the most part, Rousseau's position,¹⁷ with some Aristotelian elements added. In sum, there is no absolute freedom under the human covenant. Freedom is not mere absence of restraint, as Hobbes had it, but is a social concept, implying the presence of law, i.e., freedom is possible only under the law or social conventions. Its essence rests in the notion of equality. This, in turn, expresses itself through absolute non-discrimination and through general participation by all citizens in major community decisions. This is then how individual freedom will be preserved in civil society, by treating every man with fairness and respect due to his person.

Yet, in the New Society, like in Rousseau's philosophy, political freedom by itself is not enough. There is something like "moral freedom" that stands for the community will and is identified with common interest. Here the Aristotelian aspect comes in. Man is essentially a social being and can develop himself fully only through organized social or moral life. Hence,

¹⁷ On Rousseau's problem regarding freedom and his solution, see Part I, section called "Institutional models."

his well-being is intimately connected with the well-being of others, is dependent on the general well-being. Moral freedom consists in acting in a socially disciplined way, in having the common good in mind. It implies society-oriented motivation. Like Rousseau, the New Society in effect rejects the old liberal opposition between freedom and the State. The two necessarily go together, the state being but an instrument to the attaining of freedom, in the sense that it is only through the state that man's natural capacity for his full development becomes realized and that the general good may be attained.

As the leaders of the New Society see it, manipulation of social conduct should not be conceived in purely mechanical terms, as being merely repressive in character. It is meant to serve as an invitation to social goodness as well. Likewise, manipulation *per se* is regarded inadequate for transforming man into a socially responsible being. Following President Marcos,¹⁸ we may draw a useful distinction between "primitive discipline" which is based on fear and punishment and a higher type of discipline based on "self-discipline." Only when man transcends the primitive type of discipline, when he becomes self-disciplined, can he be said to reach socially responsible conduct. This is said to imply acting in the light of the social consequences of one's actions. It involves the voluntary identification by the Filipino man with general values

¹⁸ Marcos, *Notes on the New Society*, p. 70.

and interests just as in Rousseau's philosophy. Viewed from this perspective, current manipulative efforts of the New Society are meant to lead the "misguided" Filipino man to such an identification of interests and values. On this view, a basically healthy instinct on the part of Filipinos is assumed. Thus, social manipulation may be viewed as a means to restore the Filipino to his original goodness. "Art" combined with "nature" is expected to produce the optimal social conduct.

Institutionalization and social life

The issue of social conduct as the two parts article indicate is an issue of great complexity and does not lend itself to easy generalizations. However, a few generalizations can be extracted from our argument which can be guide us in formulating social conduct as an instrument of state policy.

First, there is no universal concept of social conduct due to diversity of social, cultural and political backgrounds of different countries. We should, therefore, deal with each problem of social conduct on its own merit. For example, the problem of social conduct in the Philippines and of its regulation by the New Society should be treated within its own peculiar historical and cultural context. Secondly, the determination of the "right" kind of conduct to institute should be a result of empirical studies of the various factors relevant to social life in the previously-mentioned Montesquieu's manner. In the Philippine context, this should imply fresh and

closer studies of the contemporary social and other problems as well as the study of traditional outlook and beliefs. Thirdly, there should be recognized a closer connection between the ends and the means in formulating such ends. For example, if our ultimate goal is a democratic society based on liberal values, as the New Society claims for the Philippines, then only democratic and liberal not totalitarian means, should be applied. Fourthly tendencies to "easy" institutionalizing of social conduct should be resisted. Unnecessary, untimely or inappropriate attempts to legalize certain modes of conduct may do more harm than good for they may be out of harmony with what is ultimately wanted. This is so because legislation has a momentum all of its own that may lead to results which are in disharmony with general values or feelings of men and so may have distorting effects on human conduct. Instead of relating social values to real sentiments of men, it may effectively separate the two, causing an unwanted division between "appearance" and "reality" in human conduct, which then leads to hypocrisy in actual life. This historical lesson should also be applicable to our Filipino situation. Finally, the argument that the government knows best in matters of control of human conduct must not be accepted uncritically. Undoubtedly, its superior status gives it insight into the state of prevailing social morality, but its ideas on what is to be done about generating more disciplined conduct need not always be wise in

the long run. Here, government actions are frequently defended on grounds of "social utility." Yet, as Mill suggested hundred years ago, what is socially useful is a matter of opinion and opinions change. Alternatively, if social utility is the ultimate criterion, this should be understood in a broad way not in terms of immediate convenience to the party in power. More humility on the part of political reformers appears to be the true mark of political wisdom. Again, this historical experience should not be forgotten in our present Filipino context.

We are now in a position to appreciate the kind of disciplined social conduct that is wanted as conducive to the state of social health all societies are after. It is a kind of conduct that is not based on mere manipulation of man or rigorous social controls for such methods would more likely than not tend to freeze human conduct into thoughtless, conformist ritualist actions where all genuine moral commitments would be lost. A meaningfully moral or disciplined conduct is the kind of conduct that is as much as possible spontaneous in spirit and is reflective of real sentiments and beliefs of man. This should be particularly true in liberal or democratic regimes where the element of individuality or human personality is the critical foundation of the social order.

This places immediate limitations on the extent of state action in matters of social conduct as well as certain responsibilities on the state. It is

clear that the state should not be a mere manipulator of man or a watchdog over human conduct. Rather, its role should be to guide or inspire man in the direction of voluntary restraint such as by setting itself a good moral example and by defining convincing moral goals for social life. This conceivably, can be achieved best when the moral reforms of the state are backed up by material reforms. Only when a measure of balanced development in man's spiritual and material existence will be attained is there likely to be absence of major conflicts which, in turn, should mean less lawlessness, less social disturbances and therefore, less need for laws and regimentation of social conduct.

The mentioned argument appears to apply also to current Filipino experience under the New Society. True special regulations introduced by the government to ensure orderly social conduct may be called for under circumstances of extreme social disintegration (which the politicians refer to as "conditions of national emergency"), but such regulations must not become, so to speak, an end in themselves. If they are to remain of long-term value, a vital contribution to the New Social Order, they must not be merely inhibitive in character. Rather they should be related to the "living reality" of Filipino life and to other than moral efforts, such as to the material uplift of Filipino man. Moreover, they should be the result of mature thought, introduced with reluc-

tance, not wildly, and should be guided by the realistic consideration of what people themselves "can take."

Ultimately, the problem of institutionalizing social conduct in the Philippines, like in other countries, appears to involve a process of interaction, a sort of a "two-way movement," as Graves calls it. There is, on the one side, the New Society with its reformist efforts in the matter of moral conduct and, on the other side, the response to such efforts by Filipinos them-

selves. The moral leadership which the government provides is undoubtedly significant and cannot be underrated, still it is subject by certain limitations, namely, by the response it is capable of eliciting in the hearts of men. It is likely that institutional arrangements of the New Society involving social conduct will have more lasting effects only if they are undertaken in response to certain deep-rooted human needs and if they are within the capacity of Filipinos to handle.